

POLICING RACIST CRIME AND VIOLENCE

A Comparative Analysis

Prepared by Dr Robin Oakley
on behalf of the EUMC

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Country specific data and information contained in this report were provided by the National Focal Points of the RAcism and XEnophobia Network (RAXEN). This report is provided for information purposes only and does not constitute legal advice or a legal opinion.

Foreword

Racist violence and crime continue to be a significant problem in twenty-first century Europe. This comparative report, which is based on the EUMC's 'Rapid Response' data collection mechanism, provides an overview of some of the challenges facing police forces if they are to effectively respond to racist crime in the EU. Together with the EUMC's report on 'Racist Violence in the EU15' (April 2005), the report presents a critical reading of policing responses. A picture of partial or non-existent responses to racially motivated crime is offered, which reveals how ill-equipped most police forces are to deal with racist crime.

From police training on how to record racist crime through to police cooperation with relevant NGOs, most Member States lack anything other than localised and limited initiatives when it comes to the policing of racist crime and violence. Where 'good practices' exist they often touch on generic training in the area of 'multiculturalism', racism and discrimination, rather than on the specific subject of policing responses to racist crime. It is apparent from the report's findings that there is a real need for comprehensive training programmes to be put in place across Europe, which can provide a coordinated response to policing in this area.

At a basic level, the report makes it clear that police forces are not recording crime as 'racially motivated', other than those crimes that are specifically pre-defined as 'racist' or 'antisemitic'. Because of this, police data does not reveal the 'true' extent of racist crime, and individual investigations often fail to pick up on the 'racist' element in many crimes. In response, as the report suggests, EU-wide legislation is needed that requires the police to record 'racial motivation' for subsequent investigations and for the analysis of police statistics. As long as data on racially motivated crimes is made anonymous for research purposes, EU rules on data protection should not be compromised. More accurate recording of racially motivated crime will provide the police with the evidence they need to effectively tackle the problem.

In sum, the report provides a 'snapshot' introduction to some of the issues confronting the policing of racist crime and violence in the EU25. As the report is the result of a 'Rapid Response' exercise, where the EUMC's National Focal Points were given an initial fourteen day period in which to respond to a research questionnaire, it is likely to contain results that need updating. To this end, the EUMC welcomes responses from Member States' police forces that present us with evidence of new initiatives and 'good practices' that address some of the gaps identified in the report. In this regard the report can be viewed as a 'work in progress', as the EUMC will continue to monitor policing practices and data collection in the EU with respect to racist crime and violence.

Beate Winkler,
Director

Executive Summary

BACKGROUND AND PURPOSE

In October 2004 the EUMC distributed a short questionnaire on ‘policing racist crime and violence’ to each of its National Focal Points (NFPs) in the twenty five Member States. The questionnaire was developed as a method to collect data and information quickly and over a short period of time (a ‘Rapid Response’) with the aim of providing a ‘snapshot’ overview of the situation in each Member State with respect to policing responses to racist crime. NFPs were requested to respond to the questionnaire within fourteen days, and the results of their findings have been written up in this comparative report.

The report follows the EUMC’s publication, in April 2005, of a comprehensive comparative report on ‘Racist Violence in the EU15’, which compares and critiques official data collection on racist violence in the EU for the years 2001-2004. Together, both reports present a critical picture of criminal justice and, hence, State responses to racist violence. This report is intended to stimulate debate, highlight examples of ‘good practice’, and suggest areas that need improving with respect to policing responses to racist crime and violence.

KEY FINDINGS

The research results focus on five broad areas in relation to the policing of racist crime and violence in the EU: (1) police recording practices for racist crimes; (2) responsibility for establishing racial motivation; (3) police responses to victims of racist crimes; (4) training provision for the police to effectively respond to racist crimes; and (5) police engagement with civil society.

The report’s main finding, with respect to each of the above areas, is namely:

- In the majority of Member States police responses to racist crime and violence require further development to make them effective.

The report also finds the following:

- Approaches to policing racist crime and violence differ widely between Member States, which partly reflects differences in legal systems, resulting in a lack of consistency and comparability between policing practices.
- A handful of Member States identified examples of ‘good practice’, but most policing initiatives do not provide a comprehensive response to racist violence. Typically, examples of local initiatives exist, but these tend to focus on ‘multiculturalism’ and ‘racism’ rather than on the specific subject of racist crime and violence or racism within the police.

- The United Kingdom appears to have developed the most comprehensive and systematic approach to policing racist crime and violence. Initiatives are promoted at policy level as an integral part of policing a multi-ethnic society. Some of these still need to be monitored to ensure that they are followed up in practice.
- Police forces in France, Germany and Sweden have demonstrated a serious commitment to address issues of racist crime and violence, although their focus and/or range of activities can still be extended.
- The majority of Member States have no provision for recording crimes as ‘racially motivated’, other than specific crimes that have been pre-designated as ‘racist’. Because of this, the extent of ‘racially motivated’ crime is difficult to gauge.
- Information made available suggests that the police record the ethnicity of victims and offenders in two Member States (although information on nationality or citizenship status is sometimes recorded). As a result, police statistics are unable to present (anonymous) overviews of patterns and trends in racist crime according to victims’ and offenders’ ethnicity.
- Provision for the needs of victims of racist crime in most Member States still needs to be strengthened. Good examples can be found in the UK and Sweden where the police appear to routinely provide victims with support, while general victim support services are able to provide specialist assistance in Portugal and the UK.
- Only a third of Member States identify the need for specialist police training on racist crime and violence. And in only five Member States was some kind of specialist provision clearly in place.
- Police engagement with civil society, in an effort to combat racist crime and violence, can still be further developed. Only one Member State appears to systematically encourage reporting of racist incidents, while in five there is evidence that the police regularly engage with NGOs to develop effective responses to racist crime.

CONCLUSION

Without the public’s willingness to report crime and cooperate with the police, police-led intelligence gathering could not begin to identify and effectively respond to the bulk of ‘everyday’ crime. In this regard, racially motivated crime is no different from other crimes because the police are reliant on the public’s willingness to report incidents. If the public doubts the police’s ability to effectively respond to racist crime, then these crimes will go unreported and will not be brought to justice. Given this scenario, this comparative report on policing racist crime and violence reveals the extent to which the police in the majority of EU Member States still need to establish or strengthen procedures and methods to respond effectively to racist crime and violence.

In an effort to strengthen policing responses to racist crime and violence in the EU, a number of initiatives need to be developed at the level of individual Member States and more broadly at the level of the EU.

Member States that are lagging behind in the development of policing responses to racist crime and violence can learn lessons from those States that have established a comprehensive or, at least, a partial response in this area.

At a general level, individual Member States should re-examine and address the need for the following:

- An adequate legal and public policy framework to empower the police to effectively tackle racist crime.
- A public commitment by police leaders to take seriously and combat the problem of racist crime.
- A requirement that the police initially record as ‘racially motivated’ any crime that they, a victim or witness consider to be racially motivated, so that any subsequent investigation can consider ‘racial motivation’ as a possible factor.
- Provision for ‘racially motivated’ crime to be recorded, so that it is identifiable as a specific crime category and available for (anonymous) statistical analysis.
- Clear procedural and practical guidance should be issued to the police about how to effectively respond to crime with a suspected racist element. Emphasis should be given to prioritising victims’ needs.
- Police should receive initial and in-service training on the nature and significance of racially-motivated crime, the role of the police in combating it, and appropriate procedures to be followed. Representatives from NGOs should be involved in police training.
- Individual police officers should be appointed at the regional or local level, with support from a specialist unit at national level, to tackle racist crime. These specialist officers should receive additional training.
- In partnership with NGOs and community groups, the police should encourage and facilitate reporting of racist crime.

At the level of the EU, consideration should be given to the following:

- In-depth research is needed that can explore the precise nature of policing responses to racist crime and violence, and its victims, in the EU25.
- There is a pressing need for a comparative victim survey to be conducted in EU Member States. This would provide an alternative measurement of the extent and nature of racist crime, in addition to official police statistics.
- EU-wide legislation should require Member States to have effective laws in place to combat racist crime. This legislation would require the police to record racially-motivated crimes for purposes of anonymous statistical analysis.
- An EU-funded programme involving all the relevant agencies and the European Commission designed to support police forces to respond effectively to racist crime. A similar funding programme is needed to support the development of NGO capabilities, in cooperation with police, in this area.

- A series of international conferences and seminars are needed, with the remit to exchange experiences and identify good practices in policing responses to racist crime.

Finally, the development of policing initiatives in the above areas should not be undertaken in isolation. Joint actions or project coordination should be sought with relevant international governmental organisations, such as the OSCE or the Council of Europe, that have relevant experience in this area.

Without the public's willingness to report and the police's ability to record racially-motivated incidents, and without coordination of international policing efforts against racist crime, little progress will be made towards effectively combating racist crime and violence. If coordinated action at the level of individual Member States and the EU is not forthcoming, victims of racist crime will receive the message that their experiences of victimisation are not taken seriously and that the police are either unable or unwilling to assist them.

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1. THE SURVEY: CONTEXT, OBJECTIVES, METHODOLOGY

The European Monitoring Centre on Racism and Xenophobia (EUMC) is an agency of the European Union based in Vienna. Within its work programme, one of its objectives is to coordinate and develop the activities of the European Racism and Xenophobia Information Network (RAXEN). The RAXEN network of National Focal Points collects, comments on, reviews and submits to the EUMC data on racism and xenophobia in the 25 EU Member States.

Within this framework, the EUMC commissioned in October 2004 the twenty-five National Focal Points (NFPs) of its RAXEN network to submit data and information quickly and over a short period of time ‘a Rapid Response’ on the subject of “Policing Racist Crime and Violence”. The NFPs had previously provided the EUMC with information regarding the incidence of racist crime and violence and the legal framework for dealing with it in the (then) fifteen Member States. The present survey aimed to supplement this by collecting information regarding actual police practices and responses regarding the investigation of racist crime, the support offered to victims, and the involvement of civil society organisations.

The survey was conducted by means of a simple questionnaire (see ANNEXE 2 for full list of questions). Given the nature of a ‘Rapid Response’, which is to present a ‘snapshot’ overview of information related to a particular theme, NFPs were asked to complete and return the questionnaire within fourteen days. The comparative analysis is therefore based on the data and information made available within this timeframe although many NFPs were already well-informed about the issues addressed in the questionnaire.

The survey produced a substantial amount of information which is summarised and analysed in the subsequent chapters of this report. It has provided the first systematic overview of the nature and extent of the response by police to racist crime and violence across EU Member States. The results are a valuable resource for the further development of policing policy and practice in combating racism and xenophobia in Europe, and provide the basis for a series of recommendations (see Chapter 8).

Certain wording of questions and terminology should be noted. For example, the term ‘racist crime’ has different connotations in different Member States, according to the different legal frameworks in place. In some countries, racial discrimination is an offence under criminal law while in others it is a civil matter. And in some instances, survey respondents did not make a clear distinction between acts of racism (e.g. incitement of racial hatred) as crimes, and other criminal acts that might involve an element of racial motivation.

It is therefore important to understand that the data contained in this report reflects what the NFPs were able to compile and record on the questionnaire in the circumstances and the time available. Further research is necessary if a more detailed and comprehensive picture of the current state of police responses across Europe is to be generated.

Throughout this report (unless otherwise indicated), the terms ‘racism’ and ‘racial motivation’ are used in a general and inclusive sense, to refer to differences between groups on grounds not only of physical characteristics but also of culture, ethnicity, religion and national identity. This is in order to be able to encompass all the various conceptual frameworks to be found at legal and policy level across EU Member States. The terms should also be understood to encompass conceptual frameworks formulated in terms of ‘extremism’, ‘political motivation’ and ‘discrimination’ where ‘racism’ and ‘racial motivation’ are addressed within such contexts.

The findings of the survey are set out in the following sections which cover five major themes: police recording practices; responsibility for establishing racial motivation; police response to victims; police training provision; police engagement with civil society. In each section, the responses of Member States are identified, illustrated and compared. A small number of examples that constitute potential ‘good practice’, or that are in other ways interesting or instructive, are also presented in greater detail in ‘text-boxes’. When presenting illustrations and examples, the text of the replies by NFPs to the questionnaires has been followed verbatim so far as possible, with only minimal editing.

2. POLICE RECORDING PRACTICES

The initial questions asked in the survey focused on the recording by police of crime as ‘racially motivated’. NFPs were asked to provide information on:

- Whether police officially record if a crime is racially motivated
- Whether they are issued with instructions on how to determine this
- Whether the ethnicity/nationality of victims/offenders is recorded

2.1. POLICE RECORDING PRACTICE

In their responses to the survey questionnaire, some NFPs interpreted the term ‘racially motivated’ to refer to the specific crimes of racism within their country’s criminal law, while others clearly understood it to refer to the situation in which racial motivation was (or would be) treated as an additional dimension or aggravating factor in crime generally.

According to the responses to the survey, in twenty-three of the twenty-five states of the EU police officially record racial motivation of crimes in one or both of the above senses, at least in some manner. In the two remaining countries, it was merely stated on the questionnaire that crimes that are racially motivated are not recorded separately by police, without any reference to specifically racist crimes. In one of these (Cyprus) it was noted that there is a plan for such recording to begin in 2005 (though no further information is forthcoming about whether this plan has been put into practice).

Of the twenty-three states in which racial motivation was stated to be recorded, in twelve it appeared to be recorded only in relation to specific crimes of racism (see Table 1). In ten countries the replies from NFPs indicated that racial motivation was also recorded as an additional or aggravating factor. In a further country (Belgium), a pilot project to test a potential recording method had been carried out, but this had not yet been implemented nationally at the time of the Rapid Response reporting.

| TABLE 1 | |
|---|---|
| POLICE ONLY RECORD RACIAL MOTIVATION FOR SPECIFIC CRIMES OF RACISM | Czech, Estonia, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovenia |
| POLICE ALSO RECORD RACIAL MOTIVATION AS A FACTOR IN CRIME GENERALLY | Austria, Belgium(?), Denmark, Finland, France, Germany, Ireland, Slovakia, Spain, Sweden, UK |
| POLICE DO NOT RECORD RACIAL MOTIVATION | Cyprus (?), Greece (?) |

Although NFPs were not asked on the questionnaire to provide details of the law relating to racism, many did so. Examples of such laws include those on incitement to racial hatred, publication of racist material, and threats against or defamation of particular groups. In some countries (e.g. Luxembourg and the Netherlands) the law on discrimination also forms part of the criminal rather than civil law, and is thus the responsibility of the police.

Several NFPs pointed out that where the offences fall under specific laws on racism, police should record such ‘racially-motivated’ incidents routinely just as they would any other type of offence under the criminal law. However, it was also commented that, where standard crime report forms do not include a general category for ‘racial motivation’, this supplementary aspect is liable to become lost.

- In **Latvia**, for example, in general police do not record crimes as motivated by race, ethnicity or religion. Police believe such crimes are not topical for Latvia and there is no need to create such a system of records. Police only record separately crimes that fall under a specific article of the criminal law which prohibits discrimination and incitement to hatred with regard to particular racial or ethnic groups.
- In **Spain**, by contrast, it was stated that the law considers racial or anti-Semitic or any other sort of discriminatory motivation to be an aggravation to a crime, and so it must be specified in the crime report. The National Police have a specialist group on crimes with racist or xenophobic connotations.

Where racial motivation was reported to be recorded as an aggravating factor in crime generally, some NFPs indicated how this was done. Some provided the definitions or classification schemes used. In some cases it appeared to be discretionary for police to add such information to their normal crime report form, while in one country (the UK) a specific form was used.

- In **Sweden**, the police have a computerised reporting system (RAR) where all crimes are reported. There is no specific code designating crimes that are racially motivated. However, it is possible for local police to make their own notes about crimes in RAR, and if there is suspicion of racial motivation this should be noted, as it could influence the sentencing.

- In **Ireland**, the definition of a ‘racist incident’ used by the police is based on the Lawrence Inquiry in the UK. It is any incident which is perceived to be racially motivated by the victim, a member of the Gardaí (police), a witness to the incident, or a person acting on behalf of the victim.

In **Germany**, ‘Racially’ motivated crimes have been registered as such since 1992 by the police and within the departments of State Security within the State Offices of Criminal Investigation (*Landeskriminalämter*) (LKAs) and the Federal Office of Criminal Investigation (*Bundeskriminalamt*) (BKA) using the registration system, the *Criminal Investigation Registration Service - State Security* (KPMD-S) or, since 01.01.2001, the *Criminal Investigation Registration Service - Politically Motivated Criminality* (KPMD-PMK). Since 1 July, 1993, anti-Semitic criminal acts have also been registered by the police in a differentiated manner.

Under the KPMD-S registration system, which focused on ‘extremism’, the registration of a crime as xenophobic or anti-Semitic within the state security statistics was based on the assumption that the perpetrator "has the intention of disturbing fundamental democratic principles of the state". This came to be seen as deficient in registering the extent and the victims of extreme right-wing, anti-Semitic and xenophobic attacks.

Since 2001, under the KPMD-PMK system, the central registration criterion is the ‘politically motivated criminal act’, independent of whether this was evaluated as extremist or not. “Criminal acts are considered politically motivated particularly if the circumstances of the crime or the attitude of the perpetrator imply that the crime was directed against a person because of his or her political opinion, nationality, ethnicity, race, skin colour, religion, ideology, origin, sexual orientation, disability or because of his or her outward appearance or social status”. The new system offers, on the one hand, the opportunity to clearly categorise crimes by right-wing perpetrators which were either insufficiently or not at all portrayed since extremist crimes only represent a fraction of the PMK. On the other hand, it permits a differentiated registration of the characteristics of perpetrators, crimes and victims.

Within the **United Kingdom**, racially motivated crimes in England and Wales have been separately recorded by the police since 1986. The racial group of victims is recorded by the police on a ‘Racial Incident Form’ which notes whether an incident may be racially or religiously motivated. The aims of the racial incident form are: to facilitate recording processes, to encourage third-party reporting and multi-agency co-operation, and to ensure minimum standards of information. There are also codes to highlight whether an incident had racist, Islamophobic or anti-Semitic elements.

Following the recommendation of the Stephen Lawrence Inquiry Report in 1999, the definition of a racist incident used by all police forces and other agencies is: “A racist incident is any incident which is perceived to be racist by the victim or any

other person.” By adopting this definition it is intended to improve the initial identification of racist incidents, and to reduce the degree of under-reporting. The incident does not need to be a crime in order to be recorded.

The UK government introduced new offences under the 1998 Crime and Disorder Act which required racism to be treated as an aggravating factor in crimes of violence against the person, and which provided for higher sentences. This law was amended in 2001 to enable religion also to be treated as an aggravating factor.

In **Finland**, the classification used to denote a racist motive in the annual police reports on racist crime is a five-fold category system. This system is more detailed than the simple *yes* or *no* options used by the police to record a racist motivation in the report of an offence. The five categories are:

- 1) *Yes*-category: a racist motive is clearly expressed in crimes classified into this category. The aggressors, for example, used racist slogans while perpetrating the crime. Crimes are also classified into this category, if the victim thinks that the crime was perpetrated against him/her, because of his/her ethnic background. Moreover, such crimes where the victim is of ethnic minority and aggressor can be positively identified as a skinhead are also classified into this category.
- 2) *Most likely*-category: the only difference with the above category is that the motive is deduced from the evidence pertaining to the case - i.e. the motive is not self-evident.
- 3) *Possibly*-category: a crime which has been committed without a notable racist motive is classified as belonging to this category. In Finland, a typical crime of this kind is an assault in a restaurant without a clear reason. If a person of minority background has been a victim of the above kind of acts several times, the crime should be classified as possibly racist. Furthermore, the criminal report should be classified as possibly racist, if cars with foreign licence plates have been damaged.
- 4) *Do not know*-category: the information pertaining to the case evidence is insufficient to discover the possible motive. Typical crimes of this category are damages to property, which have been perpetrated at night and where the suspect is unknown.
- 5) *Not racist*-category: these crimes are definitely not racially motivated. Typically, these involve cases of domestic violence, collateral damage or accidental victimisation of a member of a minority group.

In addition, a number of NFPs provided information on whether statistics of racist crimes and violence are compiled on the basis of police records and whether these statistics are made publicly available, of which the following are examples:

- In **Austria**, data are forwarded to the Federal Agency for State Protection and Counter-Terrorism, which analyses the data and publishes it annually.

- In **Denmark**, only complaints relating to hate speech (section 266b of the Danish Penal Code) are specifically recorded as ‘racist’ crimes by the police. However, the police are required to report all criminal incidents with a suspected racial or religious motivation to the Security Intelligence Service, so that it can identify signs of organised criminal activity in this field. The number of reported incidents is published by the Security Intelligence Service in its Annual Report.
- In **Finland**, the Ministry of Interior has published annual reports since 2000 which bring together the statistics for all racially-motivated crime.
- In **Ireland**, statistics for racially-motivated incidents are compiled through the Gardai PULSE system.
- In **Sweden**, at local level there is a special contact police officer who is trained to deal with hate crimes. The local police authority has the responsibility of reporting to the Swedish National Police Board about hate crimes that have been committed.
- In the **UK**, police are required to submit statistics on racist incidents to the Home Office, which publishes them as part of an annual statistical report on racial issues in the criminal justice system.

In **France**, statistical data on racism have been collected since 1978 by the Central Board of the security branch of the French police force of the Ministry of the Interior (*“Direction Centrale des Renseignements Généraux”*, DCRG). Such collection aims at giving the government information on racist phenomena, and also on their evolutions, in order to prevent social unrest. The method used thus remains empirical, as it consists in gathering all the data that can be identified by the regional departments of the DCRG all across France, from attacks (which can kill people) to racist graffiti. In addition to such data, which can also be press articles, the regional departments may themselves investigate. Anti-Semitic acts are also counted.

This information is ranked in two categories which testify to the fact that the data collection is not intended to be exhaustive:

- acts that have serious consequences (for example, assault resulting in bodily harm or otherwise judged serious), are defined as “actions”;
- acts that were not particularly prejudicial (such as insults), which are defined as “threats” (*“voies de fait et menaces”*.)

Racist acts, texts and remarks are deemed criminal offences under the terms of French criminal law or other specific laws. Attacks of a racist nature on property and persons have only been specifically charged as such since the passing of law No. 2003-88 of February 3, 2003 intended to impose tougher sentences on racist offences in particular. This law was supplemented by law No. 2004-204 of March 9, 2004 which adapted the judicial system to developments in criminality. The notion of aggravating circumstances of racism is set forth in article 132-76 of the Code of criminal law.

A number of NFPs commented that the level of recording by police of racially motivated incidents under-estimated the actual scale of such incidents. The main reasons given by NFPs were (a) the unwillingness of victims, especially from minority communities, to report such incidents, and (b) that the police did not consider or recognise the racial dimension and characterise motivation in this way.

- In **Denmark**, the Annual Report of the Danish Security Intelligence Service (2003, published in December 2004) indicates that it is aware that there may be some reservation among ethnic minorities to report incidents of racist victimisation, on the basis that their reports will not be taken seriously. In response, the Report adds that the Security Intelligence Service will work towards improving the system for reporting racist incidents.
- In **Finland**, police officers have been educated about the importance of this matter, but there is evidence that recording of racist motives in reports of a criminal offence may not be meticulously done. In 2002, for example, police officers had recorded 119 cases with a clear racist motive. Researchers though found 233 cases with a clear racist motive when they scrutinised the police reports for the purpose of annual reporting.
- In **Hungary**, the low levels of registration under the various specific racially-motivated crimes were attributed to law enforcement agents, as well as prosecutors and courts, being very reluctant to recognise racial motivation in violent and non-violent crimes committed against Roma. The focus of police leadership was aimed at the higher criminality rate and cultural specificity of the Roma rather than on racist crime and violence which was seen as marginal.
- In **Poland**, there are a variety of articles in the Criminal Code under which racially-motivated acts can be prosecuted. However, according to NGOs, especially those active on behalf of Roma, police often classify racially-motivated crimes as ‘hooligan pranks’.
- In **Slovakia**, the reasons given for under-recording were that: (a) victims were afraid to report such crimes to the police, e.g. because of fear of reprisals; (b) victims do not believe the police will deal with the incidents swiftly or effectively, or simply don’t trust the police in general; and (c) police do not address the dimension of racial motive, or simply classify the offences as civil disturbances.

2.2. PROVISION OF INSTRUCTIONS

In eight of the 25 countries police were stated to have been provided with instructions on how to determine whether a crime is racially motivated, and in a further seven this appeared to have happened to a partial extent or such instructions were being planned or prepared. In the remaining nine countries there did not appear to be instructions of any kind relevant to the issue of racial motivation. Such guidance was particularly lacking among ‘new’ Member States. (See Table 2).

| TABLE 2 | | |
|---|---|--|
| INSTRUCTIONS PROVIDED | PARTIAL PROVISION | NO INSTRUCTIONS |
| Denmark, Germany, Finland, Ireland, Netherlands, Slovakia, Sweden, United Kingdom | Austria, Belgium, Estonia, France, Italy, Luxembourg, Spain | Cyprus, Czech, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Slovenia |

The instructions took various forms, of which the following are examples:

- In **Slovakia**, a Guidance Manual on recognising, investigating and documenting crimes motivated by racism or extremism has been issued.
- In **Denmark**, a circular was issued to all police districts providing instructions on how to determine whether a crime has been racially motivated.
- The **Dutch** police are issued with guidelines from the head of the public prosecutors office on how to deal with ‘discriminatory motivated crime’.
- In **Cyprus** no such instructions currently exist. Nevertheless, in the proposed Action Plan there is reference to the development of specific guidelines on recording racially motivated incidents.

In **Finland**, the Ministry of the Interior issued a code of conduct to the police in March 1997 providing that a racist motive should be recorded in reports of an offence.

The instructions included in the code of conduct issued by the Ministry of the Interior to the police provide that a racist motive should be recorded when *a member of a minority group* has been a victim of a crime either mainly or partly, because his/her race, colour, nationality or ethnic background is different from that of the aggressor. The racist motive of a crime may either be straightforwardly affirmed by the victim or witnesses or alternatively be deduced by the police from the case evidence. Furthermore, the instruction states that in uncertain cases the crime should be recorded as racially motivated.

The NFP reports that a serious flaw in the instructions is that they do not define crimes or acts of violence as racially motivated in such cases where a member of the minority group perpetrates a crime on a member of the majority group. In Finland, for example, this means that an individual Sámi, Roma, or immigrant may never – by definition – commit a racially motivated crime or act of violence against a member of the majority population. This situation has not officially been rectified, but a representative of the Ministry of Interior’s Police Department has indicated to the Finnish NFP that the police also record a racist motive for certain crimes and acts of violence committed against the majority population.

In **Denmark**, in 1992 the Chief Superintendent of the Danish Security Intelligence Service (PET), sent a circular to all police districts in Denmark stating that all

criminal incidents **against foreigners** (including arson, vandalism, violence, etc) with a suspected **racist motive** must be reported to PET. It is important to note that the local police need only suspect a racist motive to warrant PET's notification. In 2001 this duty to report incidents to PET was extended to include all criminal incidents with a suspected racist or religious motive **irrespective of the victims' ethnic origin**. This extended notification duty was set out in a letter from the national police commissioner to local police districts, which provided guidelines to ensure that notifications to PET are warranted.

Section 5 of the guidelines specifically gives the police instructions on how to determine whether a crime is racially motivated. It is stated that the decision should be based on the overall evaluation of all the available information. Importance should among other things, be attached to the offender's message in connection to the criminal matter i.e. direct expressions about the racist motive,; verbal expressions regarding the victims race, skin color, religious belief, national or ethnic origin; graffiti, stickers or other written statements etc. used in connection with the criminal act; exclamations or slogans used in demonstrations or other actions which imply violations of the law; other circumstances in connection to the planning or execution of the criminal act. Importance should also be attached to the victim i.e. the victim's concept of the criminal act; objects of the attack that due to their special character must be especially at risk of racist/religious motivated attacks, this can for example be immigrant associations, refugees and their places of accommodation, religious communities or religious symbols.

In **Slovakia**, the „Manual for Revelation, Clarification and Documentation of Crimes Motivated by Racial, Ethnical and Other Hatred or Crimes Committed by Extremist Groups“, Part 2 – Legal Regulation of Racially Motivated Proceedings, describes racially motivated crimes, including their interpretation. Expressions of racial violence and solicitation of racial hatred are sanctioned by particular clauses of the Penal Code. When investigating racially motivated crimes, much attention is paid to the speed, legality and quality of investigation. In such cases, investigators closely co-operate with the supervising prosecutor who is by virtue of law obliged to supervise the legality in pre-trial proceedings. In spite of all these provisions, according to the NFP, there is often unwillingness to qualify crimes as racially motivated crimes, especially at lower levels of the Police Force.

In **Sweden** the government has commissioned the National Police Board to work out strategies to guarantee that its personnel acquire the relevant knowledge about hate crime and to be sensitive to the groups or persons who become victims of these types of crime. Furthermore, the government has stressed the need for education to counteract prejudice within the police force and to improve their methods of solving these types of crime.

There are central guidelines about how the local police should work specifically to determine hate crimes. Each police authority has, however, developed its own

specific strategies based on its unique perspective and experience. For instance, the police are better prepared in places where they have for a long time had problems with racist activities and other hate crimes. At some police stations the personnel work with so called measure cards, a card that contains instructions about how to act.

In 2001, the Office of the Prosecutor and Swedish National Police Board carried out a joint inspection concerning racist crime. The evaluating protocol revealed some guiding principles. Among them were that at the reporting of a crime the police should be thorough, sensitive as to the possible motive, and secure evidence at an early stage. The protocol also declares that a case involving racial motivation shall be given high priority.

2.3. RECORDING OF ETHNICITY/NATIONALITY

The survey aimed to establish, among Member States, whether when registering racist crimes the police recorded the ethnicity and/or nationality (citizenship) of victims and/or offenders.

In twenty-two countries it was indicated that ‘nationality’ was recorded and in two instances ‘ethnicity’ was recorded (with one country indicating that both ethnicity and nationality are recorded). In two countries neither nationality nor ethnicity was recorded. (See Table 3).

| ETHNICITY RECORDED | NATIONALITY RECORDED | NEITHER RECORDED |
|---------------------------|--|------------------|
| Lithuania, United Kingdom | Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden | Greece, Hungary |

Where ethnicity was not recorded, the reason often given was that this would be prohibited under the country’s constitution or laws. However, for several countries it was stated that ethnicity may be recorded by police unofficially or at their discretion.

Where nationality was recorded, in some cases this was only for the victim, and sometimes only for the offender.

Where nationality was stated to be recorded, it was not always clear whether the term referred to citizenship or to nationality in the sense of ‘national minority’, i.e.

ethnicity. In most cases it appeared that ‘nationality’ was taken to mean ‘citizenship status’. In some countries the classification used was stated to be simply ‘citizen’ or ‘foreigner’.

The following examples illustrate the variation in practices found in EU Member States:

- In **Belgium**, police are obliged to record the nationality of victim and perpetrator. Other personal details may be included in the description of persons in a report if relevant. A person’s origin may only be registered if they consent.
- In **Denmark** the only categories used are ‘Danish’ and ‘Foreign’.
- In **Finland** the nationality of both victims and offenders is recorded. Ethnicity is not directly recorded, as this is prohibited by law, but it can be largely inferred from ‘country of birth’.
- In **France** the notion of ‘ethnicity’ is considered illegal under the constitution. The nationality of victims and offenders may be recorded, but this is not done systematically.
- In **Germany** the collection of ethnic data is prohibited, for historical reasons linked to misuse under Nazism; however, the victim’s ethnicity can (in theory) be registered if the victim specifically agrees to this and where such information is particularly relevant to the crime (the information remains subject to strict data protection). The nationality of victims has been registered systematically since the introduction of the new registration system (KPMDD-PMK) in 2001.
- In **Latvia** there has been provision for recording ethnicity/nationality in procedural documents in criminal investigation but in May 2004 the State Police issued a circular prohibiting this. However, the nationality of both victim and offender is recorded.
- In **Lithuania**, both citizenship and nationality (in the sense of ethnicity) are recorded for victims and offenders.
- In **Luxembourg**, recording of ethnic or racial origin is prohibited under law. The nationality of victims is recorded, and also of offenders where known. If not known, victims are asked to give a description of physical appearance, including categories of geographical origin.
- In **The Netherlands**, nationality is recorded for both victim and offender (also country of birth and residence). Ethnicity is only recorded if included in a victim’s or offender’s statement and is relevant to the case.
- In **Portugal** the nationality of the offender is recorded if/when caught. The nationality of the victim is also recorded, but ethnicity not officially.
- In **Sweden**, police do not routinely record the ethnicity or nationality of a victim. However, the computerised recording system asks whether the offender is Swedish or not, and the ethnicity of the victim may also be entered at the discretion of the police if it is of significance in describing a crime.
- In the **UK**, the ‘ethnicity’ of both victim and offender is recorded by police, using a wide range of sub-categories.

3. RESPONSIBILITY FOR ESTABLISHING RACIAL MOTIVATION

The survey aimed to identify who is responsible, within EU Member States, for establishing whether or not a potentially criminal act had in fact involved racial motivation. For example, is it the victim who must prove racial motivation, or the alleged offender who must disprove it? Or is it neither of these, and instead the police or prosecutor's office, given that they are responsible for the investigation of alleged crimes? More specifically, can the police on their own decide whether or not a crime involves racial motivation?

The responses by the NFPs to these questions appeared at first sight to suggest much variation across the EU. For example, ten NFPs indicated that it was primarily the responsibility of the victim to prove racial motivation, or (as in one case) that of the offender to disprove it. The remaining fifteen indicated that it was the responsibility of the police and/or prosecuting authorities. Likewise in seventeen countries it was said that the police could decide the matter for themselves, and in eight that they could not do so.

A closer reading of the information provided by NFPs in response to the survey suggested that these differences were more apparent than real, and that the actual position is at once more simple and more complicated. In some instances the differences in response appear to reflect real differences in perceptions and procedures at the national level, although in others they may have resulted from a degree of ambiguity in the original survey question.

First of all, it seemed clear that despite these apparent differences, the fundamental position as regards responsibility for establishing racial motivation in the case of potentially criminal cases is the same everywhere. This responsibility lies with the police and prosecutors, with the final decision being a matter for the courts.

The complication arises from differences firstly in the perception of the relative importance of the victim's role and that of the investigating authorities, and secondly from differences between Member States in how such incidents are recorded and investigated.

Several NFPs in their responses to the questionnaire placed strong emphasis on the role of the victim in establishing racial motivation. They did so on the grounds that it is for victims to come forward (a) to report incidents so that the police are aware they have taken place, and (b) to provide evidence that police and prosecutors can use in preparing a case for presentation in court. This suggests that in some countries, despite the formal legal responsibility of the police and prosecutors in the matter, there is a practical or moral perception that – at least on the issue of

‘racial motivation’ – it is up to the victim to press for the issue to be addressed, and to show that racial motivation was present.

This contrasts strongly with the position described in some of the countries where the responsibility was stated to lie firmly with the police and prosecutor - especially those countries which had introduced clear reporting and recording mechanisms. In these instances, although the role of the victim in reporting incidents and providing evidence is seen as important, it is the responsibility of the police in particular that is recognised as crucial. Being alert themselves for the possibility of racial motivation (including where the victim might not have perceived it), and being active in encouraging victims (and also other persons who could act as witnesses) to come forward, were both identified as an important part of the police responsibility.

As several NFPs stated, deciding whether an incident is racially motivated is not ultimately a matter for the police themselves: it is a matter for the prosecutors and for the courts in the last instance. Indeed, the relation between police and prosecutors in the investigation of crime is a matter which varies considerably between different member states, and so the relative responsibility for the registration and investigation of racial motivation in crime will vary accordingly.

However, the key stage at which the police have an exclusive responsibility is at the stage of initial recording and description of potentially racially-motivated crime. Thus, although they do not make ultimate decisions on the matter, the police everywhere are ‘gatekeepers’ (sometimes in consultation with, or subject to direction from prosecutors) for whether criminal incidents will be subsequently recorded and then investigated as racially-motivated. Whether and how effectively this is done will determine whether the element of racial motivation can be presented in court as an ‘aggravating factor’ for purposes of sentencing.

As was made clear by several of the respondents, it is in this procedural aspect that police have a crucial responsibility to decide whether or not an incident should be classified as ‘racially motivated’. This crucial role was highlighted in the responses by the NFPs for Belgium and Sweden:

“Police officers do not have the right to evaluate the recorded offence. They only write up the fact on the basis of which the public prosecutor has to decide over the nature of the crime. However, when making the report of the offence, the police officer needs to qualify the offence. S/he has to attribute at least one code to the offence. Examples of offences that figure in this list are insult, beating, arson, ... but also racism and xenophobia. This implies that the police officers, to some extent, determine whether a crime can be recognised as ‘racially motivated’.” **(Belgium)**

“A police investigator shall always be observant that a crime can be of racist or xenophobic nature. If the police officer suspects that the crime is racially motivated, the case should be given a high priority and a prosecutor shall lead the investigation. It is of paramount importance that the police are observant at

an early stage of the investigation. If it is suspected that there is racist element or other hate crime motivation involved, it has to be specifically pointed out. If the racial motivation is not noticed early in the investigation there is a risk that the prosecutor also will not notice it.” (Sweden)

4. POLICE RESPONSE TO VICTIMS

The survey explored what police in EU Member States do to help to ensure that victims of racist crime and violence receive support. Specifically, NFPs were asked to report on:

- Whether the police themselves are able to offer support to victims
- Whether police are able to refer victims to specialist support services that can address their needs

4.1. POLICE SUPPORT TO VICTIMS

In twenty of the twenty-five EU Member States, it was reported that police are not able to offer support themselves to victims of racist crime and violence. In five countries it was reported that police are able to offer some form of specific support to such victims, but only in two of these (Sweden and UK) did there appear to be a national policy that police should provide a service of this kind.

- In **Spain**, the police in Catalunya have their own group of psychologists who specialise in supporting victims of racial violence and racist crimes.
- In **Germany**, victim protection and support are seen generally as important duties of the police in all federal states, but in only a few police authorities is there an explicit orientation to victims of crimes motivated by xenophobia or anti-semitism. In Brandenburg, for example, the information brochure ‘Police Victim Protection’ includes a special focus on dealing with victims of xenophobia.
- In **Ireland**, all police are trained to provide support to victims in accordance with the ‘Victims Charter’ but this makes no specific reference to racist crime. However, it was stated that the national ‘Racial and Intercultural Office’ and local ‘Ethnic Liaison Officers’ can provide specialist support.

Several NFPs indicated that even the general idea of provision of support for victims was a relatively new concept, especially in ‘new’ Member States. However, it was also stated that the lack of provision of advice and support from the police for victims of racist crime was a cause of unwillingness to report or act as witnesses to such incidents, due particularly to fears about security.

In the **United Kingdom**, the Association of Chief Police Officers advocates that as part of race relations training police officers need to gain an understanding of suitable victim support mechanisms for racially or religiously aggravated incidents, including using help of interpreters or family. The approach adopted by the London Metropolitan Police Service reflects the general approach of UK forces regarding initial support: “The initial actions taken by staff and the subsequent recording of that investigation are of paramount importance. It is emphasised that staff must investigate the allegation as far as possible and provide immediate support for the victim, not just record the crime.”

Several forces maintain an advice line for victims of racially or religiously aggravated incidents. For example, the West Midlands Police operate a Racial Incident Helpline in six ethnic minority group languages, as well as English, a service which can be used in cases relating to both racially and religiously aggravated crime, crimes against asylum seekers, disabled people, refugees, Romany people, Irish travellers and any other vulnerable groups.

In Northern Ireland a Police Minority Liaison Officer is available in every police district to provide advice, assistance and support to every victim of racial incidents. Telephone and face-to-face interpretation services are also available twenty-four hours a day to assist victims.

In **Sweden**, the police provide support in various ways to victims of racist and other hate crimes. Normally the police only meet the victim when the crime is reported. Therefore it is important that this moment is used properly.

On the one hand, the police offer information consisting of the rights of the victim, the public authorities or organisations they should turn to, the possibilities to receive compensation for loss and injuries, and continuing information about the progress of the case to reduce the stress for the victim.

On the other hand, the police also provide protection if a person feels that he would be exposed to bodily harm. Other crime prevention measures can be taken, practical measures such as helping to change daily routines, changing of apartment locks, obtaining of secret phone numbers or finding ways of filtering incoming phone calls.

Furthermore, the police can help victims to get in touch with the social services, different victim services or other NGOs, working with victims of crime.

4.2. SPECIALIST VICTIM SUPPORT SERVICES

In no country did the survey identify the existence of a distinct ‘specialist victim support service’ to which police could refer victims of racist crime and violence. Most replies to the survey indicated the existence of a national victim support service that offered support to victims of all kinds of crime, and then made clear that this service did not have any specialist capability with regard to racist crime. However, in three countries (Portugal, Spain and the UK) it was stated that the national victim support service was able to provide specialist assistance for victims of racist crime. In some countries, and particularly among ‘new’ Member States, national provision of victim support services does not yet appear to exist, although some provision in areas such as counselling and legal advice is offered by local NGOs.

The following examples from the survey point to some possible ways forward for the provision of specialist services:

- The **Portuguese** Association of Victim Support (APAV) is trained to help in these situations. The APAV has established a joint project with the High Commission for Immigration and Ethnic Minorities which plans to form partnerships with the police and provide support to victims of racist crime and violence.
- Victim Support **UK** is able to provide specialist emotional support, information and practical help to victims of racially and religiously aggravated incidents.
- In **Finland**, a working group consisting of various NGOs, city representatives and the Office of the Ombudsman for Minorities applied for funding to provide specialist training on this subject to the Finnish Victim Support Service (and other actors). However, the request for funding was turned down by the government.
- In **The Netherlands** it was stated that the police are obliged by law to refer victims to ‘Victim Aid’, whereas local ‘Anti-Discrimination Bureaus’ are better placed to provide support for victims of discrimination.

5. POLICE TRAINING PROVISION

NFPs were asked to provide information about the provision of training for the police to help them to deal with racist crime and violence. Specifically, they were asked to provide information about the following:

- Whether this had been identified as an area requiring specialist training
- What specialist training programmes on this subject exist
- Whether such training addresses ‘repeat victimisation’
- Whether awareness training on racism more generally in society and in the police is provided

5.1. IDENTIFICATION OF TRAINING NEED

In nine countries the need for specialist training appeared to have been firmly identified. In another seven countries the position was mixed or unclear, and in nine it was stated that the need had not been identified. Several of the ‘new’ Member States were among those where the need had been recognised (See Table 4).

| NEED IDENTIFIED | PARTIAL RECOGNITION | NO NEED IDENTIFIED |
|---|--|--|
| Belgium, Cyprus, Estonia, Germany, Greece, Poland, Slovakia, Sweden, United Kingdom | Austria, Finland, France, Hungary, Ireland, Netherlands, Spain | Czech Republic, Denmark, Italy, Latvia, Lithuania, Luxembourg, Malta, Portugal, Slovenia |

Where the need had been identified, the main factors appeared to have been increased concern relating to incidents, or the introduction of new legislation or recording procedures. Where the need had not been identified, in most cases it was stated that the police and other authorities saw no need for such training due to the rarity or absence of such incidents. This view was encountered even where there were positive initiatives to improve relations between police and minorities generally.

- In **Cyprus** the police have identified training as an area in need of development. There is increasing awareness about this matter as a result of various seminars, which in turn is reflected in the targets proposed for the police Action Plan.
- In the **Czech Republic**, in 2003 the Government approved a ‘National Strategy for the Activities of the Czech Police towards Ethnic and National Minorities’, which included provision for training, combating discrimination, and recruitment of minority staff. However, the training of police on racial

motivated crime is not considered a priority of the current security and prevention strategy of the Czech Police.

- In **Finland**, a representative of the Ministry of Interior's Police Department stated to the NFP that specialist training was not required as they are well informed about dealing with such crimes as a result of their basic training. However, according to the NFP, research on police attitudes to minorities and on levels of under-recording of racist crime indicates that such specialist training is needed.
- In **France**, the Higher Police Academy does not provide any specific training in this field, from which the NFP concluded that the specialist need had not been identified. However, it was noted that other police training schools do provide sessions on this and related subjects.
- In **Greece**, the police have identified the need for specialist training on identifying racial motivation, but authorisation for its implementation has not yet been given by the government.
- In **Hungary**, racially-motivated crime is primarily an issue related to Roma. However, according to the NFP, police training focuses on Roma criminality and cultural characteristics rather than racist crime and violence against Roma.
- In **Latvia** (as in Luxembourg, Malta, Slovenia and the Basque region of Spain) it was stated that there is not considered to be a need for specialist training on this subject as there are few incidents of racist crime and violence.
- In **Poland** the need for specialised training has been identified by the authorities, especially in relation to the need to improve the security of Roma, who are most often the victims of such violence and who complain about the inadequacy of the police response.
- In **Sweden**, in 1994 a clause was included in the Penal Code to allow stronger sentences for hate crimes. In 2000 the government made it obligatory for all criminal justice authorities to ensure all employees have good knowledge on this subject.
- In the **UK**, there is a long history of training on race and diversity issues generally for police staff, and by 2002 over £10 million had been invested in such training in England and Wales alone.

In **Germany**, the requirement for specialist police training in this field has been clearly acknowledged at political level, as illustrated by the following statement of commitment. In a resolution passed on 24 November 2000 by the State Ministers of the Interior, it states: "The Conference of the Ministers of the Interior attaches great importance to the subject of 'tackling right-wing extremism' in the initial and further training programmes of all career groups of the police force at regional and national level. The initial and further training programmes are continuously being adapted to the developments in this area".

5.2. PROVISION OF SPECIALIST TRAINING

Specialist training programmes on dealing with racist crime and violence were clearly identified as existing in five countries. In nine other countries there were indications that such issues were addressed, but usually within the context of more general training and without any specialised focus. In eleven countries the subject of racist crime and violence did not appear to be addressed at all in police training (see Table 5).

| SPECIALIST TRAINING PROVIDED | SOME LIMITED PROVISION, OR PLANNED | NO PROVISION |
|--|--|---|
| Belgium, Germany, Slovakia, Sweden, United Kingdom | Austria, Denmark, Finland, France, Ireland, Luxembourg, Netherlands, Poland, Spain | Cyprus, Czech Republic, Estonia, Greece, Hungary, Italy, Latvia, Lithuania, Malta, Portugal, Slovenia |

Where such training had been provided, in some cases it consisted of ‘stand alone’ courses designed for particular groups of officers, either on a national basis or within a particular region or city (either as a local initiative or as a ‘pilot project’). In other cases the training had been, or was in process of being, integrated as a specific component into initial or other more general training for all police.

A concern expressed by several NFPs was the lack of publicly accessible information about the training provision for police on these topics. A further concern was over the effectiveness of the training. For example, a pilot study of the registration of racist incidents in Belgium indicated a limited knowledge of the provisions of the law on racism and discrimination among police, leading the NFP to recommend a thorough evaluation of existing training on this issue.

- In **Austria** there are no specialist programmes, but a number of different training initiatives have been introduced on issues relating to human rights and multiculturalism, which include the topic of racist crime and violence.
- In **Finland**, the basic police training curriculum includes components on tolerance and the fight against racism and racist crime.
- In **France**, in-service training does not currently include such topics, but following a recent increase in racist acts a specialist training programme for police on combating racist crime has been ordered. As yet the programme has not been established.
- In **Luxembourg**, in-service training for police has included some lectures about police contact with racist offenders and victims.
- In **Slovakia**, several training courses have been conducted, both within the framework of general training and in the form of specially focused seminars and meetings.
- In **Spain**, the NFP provides different examples of training provision; for example, while the Basque police do not consider that racist crime and violence

is an area requiring specialist training, the Catalan police has indicated that these issues are considered at every level of training.

- In **Sweden**, in the last few years, all three police academies have introduced training on discrimination and hate crime, either in special courses or in general training. In 2001 only one in four police officers working with hate crimes investigations in the local police organisations had received any special training relating to hate crimes. One of the intentions with special contact officers in every police authority is that they should provide additional training for personnel.
- In the **UK**, an ‘integrated learning approach’ has been adopted, through which all race and diversity issues will be integrated into mainstream police training by the end of 2005.

In **Germany**, specialist training measures in the context of racist and right-wing extremist offences have been or are being conducted in various ways:

1. With the introduction of the new **KPMD-PMK registration system** on 1 January 2001, training courses were held concerning the use of this new registration system.
2. Police **special units** were set up with regard to investigating supposed right-wing extremist offences and racially motivated crime. These special police units took part in specialist training programmes to prepare them for their tasks of investigating, securing evidence, and documentation in the case of right-wing extremist, racist crimes.
3. **Dealing with victims** of (racist) crime and violence has been recognised by some police headquarters and regional Ministries of the Interior (e.g. Brandenburg) as an important field of further training for all police officers. In some cases relevant courses of further training are conducted *internally* by the victim protection representatives in the police force themselves (e.g. in North Rhine-Westphalia, Berlin or in Saarland); in other cases *central* training courses also take place (e.g. in Thuringia). In Leipzig the Advice Centre for Victims of Right-wing Extremist Violence (*Beratungsstelle für Opfer rechtsextremistischer Gewalt*) holds training courses for trainee police officers and for police officers in further training among others. These courses pursue the aim of “sensitising the participants to the victim situation, informing about the psycho-social and legal situation in connection with right-wing extremist offences, and trying to enlist support for the victims”.
4. Throughout the country subjects such as **racism and extremism** are an “integral element of initial and further training”. The “Joint Further Training Programme for Preventative Measures against Extremism and Violence” (2004) conducted by various Thuringian ministries can be cited as an example here. This programme includes a block of subjects dealing with “recognising racism and extremism and adopting a position”. The Hessian police force, too, offers seminars on the subject of right-wing extremism. In the studies at the Police Officers’ Academy in Münster the subjects of effective protection against and efficient pursuit of extremist and racist offences are on the training

syllabus for the second year of study (including the practical workshop “Violence from the right-wing/racism”).

In **Belgium**, training focusing directly on racist crime and violence is included within broader training for police on discrimination and multiculturalism. As regards the formal police school education programme, an eight-hour module on the topic of racist violence is scheduled that has to be taken up by any police officer. In addition, special attention is given the anti-racism law and the anti-discrimination law and their implication for the day-to-day police work.

At the local level, a good practice regarding this issue is the four-day training session on ‘managing diversity’ developed by the Diversity service of the **Antwerp** police. In the first part of the programme special attention is given to the implications of the anti-racism law and the anti-discrimination law for day-to-day police work. In addition, issues of perception and prejudices towards ‘the other’ are discussed. The second, more practical, part of the programme discusses concrete cases of racist violence and crimes. Next to these debates and depending on the needs and characteristics of the trainees, meetings between them and representatives of advocacy organisation in the field or trips to culturally diverse neighbourhoods are organised. The courses are limited to sixteen participants and the Diversity service of the Antwerp police aims to train all its police officers within a reasonable time frame.

In **Poland** the authorities have identified racist crime and violence as an issue particularly affecting Roma. As part of the *Pilot government program for the Roma community in the Małopolska Voivodship for the years 2001-2003*, two trainings were provided to police officers from a few communities of the Małopolska Voivodship where the Roma live by a psychologist from the Voivodship Police Headquarters in Krakow. The goal was to increase the police officers’ awareness of the specifics of Roma culture and communities and make them aware of the danger of discriminatory treatment of the Roma. Police trainings have been included in the national government *Program for the Roma Community in Poland* that began in 2004.

The issue of broader police training, i.e. including issues of other minority groups subjected to racist violence and crimes, emerged in relation to the implementation of programs aimed at combating discrimination, the *National Action Plan Against Racial Discrimination, Xenophobia and Related Intolerance* and *The Community Action Program to Combat Discrimination* in Poland. Issues of racist crime and violence are currently being implemented into police training programs. A one-day training focusing on racism and related crimes has been developed, to be conducted in 2005, as part of professional training for field police officers. Moreover, work is ongoing to introduce contents that inform the police about how to deal with racist crime and violence, racist offenders and victims of racism as part of classes on police professional ethics, human rights and victims’ rights.

5.3. REPEAT VICTIMISATION

The potential for racist crime and violence to involve instances of ‘repeat victimisation’ appeared only to be directly addressed in police training in one country (UK). In a second (Sweden) the phenomenon of repeat victimisation in hate crimes had been recognised, and continuous threat and risk assessment concerning vulnerable groups has been pointed out as an important strategy to prevent racial and other hate crimes.

Many of the responses to the question on this subject did not respond explicitly to the term ‘repeat victimisation’, and this suggests that this is not an established concept in some countries or that its relevance to racist crime and violence is poorly understood.

In the **United Kingdom**, the phenomenon of ‘repeat victimisation’ is now explicitly recognised as a key feature of racial and other forms of hate crime, and is therefore addressed in training and in police responses generally.

The policy principles of the Association of Chief Police Officers for dealing with racial incidents propose that police forces “take effective measures to deal with repeat victimisation and incident prevention” as part of a comprehensive framework for “community and race relations”. ACPO also advocates that forces note the following: “Much racial harassment involves repeat victimisation. Systems should be established to ensure that links can be made between different incidents in the context of the wider monitoring systems which are capable of identifying overall patterns and trends.” Most UK forces have a Repeat Victimisation Strategy in place, and are expected to develop policies to deal with repeat victimisation in partnership with other local agencies and community groups.

In Northern Ireland, training on the response to hate crime, including repeat victimisation, is delivered to all student officers in the Police College. Training that takes account of ACPO policy and guidance is provided to substantive officers by District Trainers. In Scotland, the Scottish Executive has published some good practice examples of the police coordinating multi-agency schemes to reduce repeat victimisation in racially or religiously aggravated cases.

5.4. TRAINING ON RACISM GENERALLY

More general training on awareness of racism in society in general or in the police organisation itself was reported to be provided for police in eight countries. In a further ten countries it was indicated that some kind of provision or initiative had taken place, but in these instances it did not appear to be systematic or extensive in scale. In the remaining seven countries, it was reported that no such training had been introduced. In six countries it was made explicit that such training included a focus on the racism in the police (see Table 6).

| TABLE 6 | | |
|---|--|--|
| TRAINING ON RACISM PROVIDED | SOME LIMITED PROVISION, OR PLANNED/UNCLEAR | NO PROVISION |
| Austria, Belgium, Czech Republic, Hungary, Ireland, Spain, Sweden, United Kingdom | Cyprus, Denmark, Estonia, Germany, Finland, Italy, Netherlands, Poland, Portugal, Slovenia | France, Greece, Latvia, Lithuania, Luxembourg, Malta, Slovakia |

Where this more general training was reported, it often appeared to focus either on discrimination issues or on multicultural (or ‘intercultural’) awareness and skills. In several countries such training seemed to be focused primarily or exclusively on relations between police and Roma communities. Concern was expressed, e.g. in the case of Hungary, that such training was focused more on Roma offenders rather than tackling prejudice and discrimination.

Many of the examples provided were local-level initiatives in areas with a multi-ethnic population, rather than national police training programmes. In several instances (e.g. Italy, Denmark) they were initiatives developed by NGOs, which despite being successful do not appear to have been subsequently sustained or mainstreamed into police policy and practice.

- In **Austria**, several different specialist training programmes on awareness-raising, intercultural communication and conflict management have been undertaken at national and local levels. A special focus on human rights has been included in pre-service and in-service training in 2004-5, and the topic of racism is included in this.
- In **Belgium**, training is provided on implementing the laws on racism and discrimination. At the request of police schools, the Belgium NFP provides police training that addresses the issue of racism within the police. However, data on complaints received by the NFP indicates that more training is needed in this area. The Ministry of the Interior foresees new training courses for recording racist crime and violence.
- In the **Czech Republic**, training on these issues is provided within the framework of the Government’s National Strategy for the Activities of the Czech Police towards Ethnic and National Minorities, which includes the objective of eliminating discrimination by the police.

- In **Denmark**, in 1998/9 an EU sponsored training programme (NAPAP) was established by NGOs with the police, aimed at improving police understanding of, and relations with, ethnic minorities. However, this training does not appear to have been continued.
- In **Estonia**, it was stated that these topics are covered in general police training, along with training on human rights. Also the Security Police had provided lectures on the topic of racism.
- In **France**, racism is dealt with in training in general terms. It was stated that racism in the police is considered too sensitive an issue to be dealt with directly in the police academies and training centres.
- In **Hungary**, police training encompasses racism in general and racism as a police issue. Anti-discrimination and conflict resolution are incorporated into all levels of police training, which also includes courses of Roma cultural studies.
- In **Ireland**, training provided by the Gardaí Racial and Intercultural Office deals with both racism in general and racism in the police specifically.
- In **Italy**, no national framework of provision exists. However, in 1997-99, a racism awareness training programme was run in the Emilia-Romagna region as part of the EU-funded NAPAP Programme. A follow-up national 'training the trainers' programme was launched, but not systematically implemented. More recently, another EU programme produced in 2004 a training manual for police, but this too appears to receive limited use.
- In the **Netherlands**, police training deals with discrimination in general, focusing on all grounds of discrimination in the Dutch penal code.
- In **Poland**, following a PHARE twinning programme, and in the context of government's National Action Plan Against Discrimination, activities are being introduced in 2005-6 to include discrimination issues generally into police training curricula. In 2001-3, training focused specifically on relations between police and Roma as part of the pilot government programme for the Roma community in the Malopolska Voivodship.
- In **Slovenia**, human rights training provides a general framework. Some specific programmes have been introduced covering issues such stereotyping and discrimination, particularly for officers working in areas with a Roma population.
- In **Spain**, both national and regional police have taken initiatives in this area. In Catalunya, the police cooperate with the UNESCO Centre and the Regional Government to offer training modules on racism and multicultural issues.
- In **Sweden**, the police academies aim to provide an understanding of the causes of racism and hate crime: training covers issues such as prejudice, immigration, and ethnic relations, and requires students to reflect on their own attitudes and the challenges of policing a multi-cultural society. The special contact officer in every police authority also works with these issues among police employees.

In **Germany**, general police training covers the topics of xenophobia and racism under the subject 'political science'. In addition, several training programmes at local and State level focus on extremism and xenophobia. However, racism is not a

central topic in police training.

From **Germany**, three local initiatives focusing on intercultural awareness within the police service were reported:

1. In **Frankfurt/Main**, the city's Office for Multicultural Affairs (AMKA) coordinates the project "Police and Migrants in Dialogue" (*Polizei und Migrant/innen im Dialog*) the aim of which is "to establish better understanding between migrants and the police and to reduce the reservations they may have towards each other". Police officers are thereby trained in dealing with ethnic diversity; the subjects of the eight teaching units for the participating police officers are, amongst others, xenophobia and racism, right-wing extremism and discrimination.
2. At the Police College in **Brandenburg**, regular seminars lasting several days have been conducted since 1999 on "awareness and increasing intercultural competence" by means of which "the active competence of the police in dealing with migrants" is to be improved and prejudices against migrants are to be reduced. In 2001, the subject "Intercultural Competence" (including measures to prevent discrimination) was integrated into police training as a regular subject. Since 2004, four "intercultural trainers" have been employed at the college.
3. A similar subject is incorporated in the initial and further training programmes for **Berlin** police forces in the State Police College. This program aims at developing intercultural competences and awareness not only by giving information on minorities and their culture, but also by excursions (e.g. to mosques) and talks with representative of ethnic minorities.

An example from **Finland**, which demonstrates the results that can be achieved with little effort, is the training and discussion session at the Vantaa police station, organised within the framework of the European Commission co-funded JOIN-project. The general aim of the JOIN sub-project in Vantaa was to help immigrants to live in Vantaa and to prevent both discrimination and their exclusion from society.

The participants in the training were both police officers and members of different ethnic minority groups. The diverse set of presentations ranged from a lecture on political history of Somalia to Russian culture. In the feedback discussion, the police officers admitted that much of their prejudices had been worn off due to hearing the ethnic minorities teach about themselves and talk about issues from their own perspective. In the words of one of the project workers: "Discussion is a powerful way to wipe away prejudices. Often immigrants ask the police questions, but police alike have questions for immigrants. We train the police about the different cultural customs, and this prevents discrimination. The trust has been built both ways."

6. POLICE ENGAGEMENT WITH CIVIL SOCIETY

Finally, NFPs provided information about how police in the 25 EU Member States engage with civil society when responding to racist crime and violence. The following issues were covered:

- Whether police promote the reporting of racist crimes, especially by minority groups
- Whether police work with minority NGOs and communities on these issues
- Whether information about police initiatives is publicly available
- Whether police make available information about victim satisfaction in such cases

6.1. PROMOTING REPORTING OF RACIST CRIMES

Only one country appears to have a systematic approach to promoting the reporting of racist crime and violence, particularly by minorities. However, in nine others there were some specific initiatives or else more general frameworks within which this objective could be achieved. In the remaining 15 countries there were no policies or mechanisms related to this purpose (see Table 7.)

| GENERAL PROMOTION OF REPORTING | SPECIFIC INITIATIVES | DO NOT PROMOTE REPORTING |
|--------------------------------|---|--|
| United Kingdom | Belgium, Czech Republic, Finland, Germany, Ireland, Portugal, Slovakia, Spain, Sweden | Austria, Cyprus, Denmark, Estonia, France, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovenia |

Mechanisms cited for promoting reporting of racist crime included local-level meetings, production of written documentation, use of websites and mass media, provision of special email addresses and telephone hotlines, and working with community organisations and other agencies.

- In the **Czech Republic**, a current priority is to combat misuse of the internet for extremism: a special email address enables citizens to report racist web-pages.
- In **Finland**, the Police Department of the Ministry of the Interior produced and published, in tandem with the Finnish League for Human Rights, a ‘Guide to Victims of Crime’. This guide offers step-by-step instructions about the

procedure for reporting an offence to the police. It also instructs victims to inform the police when the perpetrator acted with a racist motive.

- In **Germany**, reporting of racist and extremist crime is encouraged by a variety of measures mostly at state police level, including telephone hotlines, internet appeals, and email reporting centres. There has been a particular focus on racism/extremism on the internet. The Federal Border Police established a telephone hotline to report incidents in railway stations and on trains.
- In **France**, it was stated that no attempt is made by the police to encourage the representatives of associations of vulnerable social groups to increase the number of complaints filed. This is because of the French republican principle prohibiting public services from granting special treatment to certain users in view of their origins, cultural group, religious beliefs or nationality.
- In **Ireland**, the Gardaí Racial and Intercultural Office is involved in activities aimed at increasing reporting of racist incidents. They have produced a booklet for minority ethnic communities explaining the role of the police force. Community groups are encouraged to report incidents to local Gardaí and are encouraged to seek assistance of the Gardaí Racial and Intercultural Office.

In the **United Kingdom**, the police encourage all members of the public to report crimes; minority groups are also encouraged to report racially motivated or other hate crime. The national Inspectorate has encouraged the police to “increase community awareness in relation to racially motivated incidents” and also to “reduce the fear associated with this type of incident and to increase the confidence of victims and minority groups in the police response to racially motivated incidents.” Moreover, the Report of the Stephen Lawrence Inquiry recommended that “all possible steps” should be taken by the police to set up third party reporting sites in partnership with other agencies; a recommendation which most police forces have tried to implement.

In Northern Ireland, following a number of incidents in South Belfast the police leafleted 29,000 homes, with the assistance of a local paper, promoting the reporting of racial incidents and information on incidents through Crime Stoppers. The police have also engaged with local Health Trusts during orientation training for Indian and Filipino nurses to provide assistance, information and to address concerns and fears associated with racial incidents.

6.2. WORKING WITH MINORITY NGOS/COMMUNITIES

There were clear indications from the survey that in five countries police worked regularly with minority communities and NGOs to develop responses to racist crime and violence. In a further sixteen countries, there appeared to be some element of cooperation, although its extent was limited or unclear, or it was not specifically focused on combating racist crime and violence. In the remaining four countries there was reported to be no cooperation between the police and minority communities or NGOs (see Table 8).

| TABLE 8 | | |
|--|--|--|
| WORK ROUTINELY WITH ETHNIC MINORITIES / NGOs | SPECIFIC INITIATIVES | NOT WORK WITH ETHNIC MINORITIES / NGOs |
| Belgium, France, Ireland, Slovakia, United Kingdom | Austria, Cyprus, Czech Republic, Denmark, Germany, Luxembourg, Finland, Hungary, Italy, Latvia, Spain, Netherlands, Poland, Portugal, Slovenia, Sweden | Estonia, Greece, Lithuania, Malta |

In some countries, such as the UK, Ireland and the Netherlands, the police appoint officers at local level to act as community liaison officers, who can build relationships with local minority communities and associations. In a number of countries, such as France, the Netherlands, Hungary and Germany, the police work particularly with anti-racism and human rights NGOs, which have the capacity to provide legal advice and to assist victims in bringing cases to court.

The following examples illustrate the various types of contact and cooperation, although in some cases the activities were not focused specifically on racist crime and violence.

- In **Cyprus** a National Working Group against Discrimination has been established, which is composed of representatives from various religious groups and the Cyprus police (there is no information as to whether this group includes Turkish Cypriots).
- The **Dutch** police cooperate with NGOs on data-gathering on racial violence as part of a project 'Monitoring Racism and the Extreme Right'.
- In **Austria**, the police have cooperated with NGOs in a variety of multi-cultural training seminars.
- In **Italy**, the police cooperated with NGOs and community associations in preparing a training manual for the police which included guidance on responding to racist violence.
- In **Belgium**, there are many different examples of local cooperation between police and civil society regarding the issue of racist crime and violence (e.g. Antwerp, Liege, Gent).
- In the **Czech Republic** there are several examples of cooperation at the local level, particularly with community associations in the region of Ostrava.
- In **Denmark**, contact forums involving police and NGOs/ethnic organisations have been established in Copenhagen and Odense.
- In **Hungary** the police have a well-developed network of cooperation with NGOs and minority organisations, e.g. with the Hungarian Helsinki Committee and other NGOs on legal aid and training, and the Roma Self-Governments for links with Roma communities.
- In **Ireland**, Ethnic Liaison Officers are appointed to every police station to act as focal points and to liaise with different ethnic communities.
- In **Luxembourg** young police officers do receive some specialist training from NGOs working with asylum seekers and refugees.

- In **The Netherlands**, all regional police services have Community Liaison Officers, and in many regions there is a close working relationship between Anti-Discrimination Bureaus and the police. At national level, the police cooperate with the National Bureau for Discrimination.
- In **Portugal** the police have informal contacts with several NGOs and minority groups to work on racist crime and violence and help improve local community relations.
- In **Slovakia**, police are required to establish regional committees to combat extremist and racially-motivated crime, and these should include representatives of NGOs dealing with racism and human rights.
- In **Slovenia**, police are required by law to cooperate with community bodies in order to promote public safety: a study of consultative bodies in regions with Roma populations showed mixed results.
- In **Spain**, the police in Catalunya work through Community Relations Offices to make contact with immigrants' organisations to inform them about law and procedures relating to racist crime.
- In **Sweden**, the government and the Swedish National Police Board have pointed to the need for cooperation between the police and minority groups as an important strategy for combating hate crime. Councils for Crime Prevention have recently been set up in many parts of Sweden and can establish cooperation with local communities to combat racist and other forms of hate crime.
- In the **UK**, ethnic minority communities are involved in police training, with great variation in practice, and in Northern Ireland an Independent Advisory group has been set up to assist the police response to racial incidents.

In **Germany**, the **national catalogue of measures** against right-wing extremist, racist and anti-Semitic crime, which was brought into force in 1992 and whose continuation was approved by the Conference of Ministers of the Interior in November 2000, provides for an intensification of the "co-operation with local authorities, schools, youth social work institutions, associations and other institutions (network against violence)".

These national guidelines are implemented in many different ways at **State and local level**; especially in the field of prevention there are diverse forms of co-operation. In Bavaria, for example, the police, schools and youth authorities work closely together to "recognise in good time and take steps against" developments in the field of right-wing extremism."

An example of co-operation with NGOs at **local level** is the Leipzig police and the special investigation unit of Saxony's LKA, Soko Rex, which work together with the Advice Office for Victims of Right-wing Extremist Violence to improve assistance to victims. Until 2003, specific **training and information courses** regarding the situation of victims of right-wing crime were held for trainee police officers and police officers in further training.

In Greifswald a victim protection working group was set up in November 2002

which is made up of representatives of municipal authorities, the judiciary, NGOs, the police and others. This working group is currently working out the “**Greifswald victim protection model**”, which expressly offers support to, among others victims of right-wing violence.

In **Finland**, an example of successful co-operation project between the police and ethnic minority groups is the Contact Police Project set up in the city of Tampere in 1999. The most important objectives of the project were: to lower the threshold of contacting the police by building up a mutual contact system, to offer information on police and the tasks included in police work to ethnic minorities, and to enhance trust of ethnic groups to local police.

The key idea of the project was to appoint a specific contact officer at local police station for ethnic minority groups in Tampere. The contact police officers were given personalised training by the Immigrants Office of the city of Tampere. A wide range of ethnic minority associations co-operate in the project and have their own contact police officer.

As a result of this project the police in Tampere have started participating in different networks of both public authorities and NGO's. The project has made it possible to build up a communication channel through which it has been easier to approach the members of the group, when problems have come up among youngsters or when there has been a need to contact a specific ethnic group. At the same time it is now easier for immigrants to contact the police, as they have a police officer at the police station with whom they are acquainted and can talk to.

In **Poland**, police have worked with representatives from the Roma minority to develop responses to racist crime and violence. In 2003, the Prevention Section of the Voivodship Police Headquarters in Krakow in cooperation with the Institute of Sociology at the Jagiellonian University and representatives of Roma Community conducted research of the scale of threats against and perception of security by that minority. The goal of this activity was analysis of the situation and improvement of cooperation between police and the Roma. To that end, informational flyers were disseminated to the Roma along with training materials to the police entitled *The Roma in Poland. Outline of the history of customs* as well as the *Polish-Romani Pocket Dictionary*.

Activities to bring about closer cooperation between the police and representatives of the Roma minority have also been undertaken on the initiative of local authorities. An example is the *Program of Trainings for Roma Organizers, Police, and Employees of Local Administration in the Dolny Śląsk Region*. The program included six trainings organized in five localities, and one of its most important goals was to improve security by enhancing the sensitivity of police to racist crimes and to build greater confidence of the Roma in law enforcement agencies. The broad discussion concerning the particular problems of Roma community

presented a favourable occasion for all of the participants to exchange important information about issues concerning this group. In every training, the local police chief declared his willingness to meet and discuss any problem with Roma representatives in the future. There was a formal declaration in two localities that those police precinct headquarters will be open exclusively for Roma at particular hours once a week for a few hours.

In **France**, the police and gendarmes work regularly and in a variety of ways with a large number of anti-racism or human rights NGOs with local branches or representation, particularly the CRIF (*Conseil Représentatif des Institutions Juives de France* – Council of Jewish institutions in France) in the case of anti-Semitism. However, this form of cooperation depends on the legal skills of the NGOs and not the fact that they may be representative of populations particularly exposed to racist violence, especially foreigners or persons of foreign extraction. The police do not therefore recognize these associations as being representative of vulnerable groups but as partners that assist them with their mission and who are specialised in the catering for and follow-up of victims of racist crimes or acts.

6.3. PUBLICISING POLICE INITIATIVES

In five countries clear measures were reported to have been taken to publicise police initiatives and guidelines for working with victims of racist crime and violence. In five other countries, more limited steps appeared to have been taken in this direction. In the remaining 15 countries no action of this kind had been taken by police (see Table 9).

| TABLE 9 | | |
|---|---|---|
| GENERAL MEASURES | SPECIFIC ACTIONS | NO MEASURES |
| Denmark, Spain, Ireland, Sweden, United Kingdom | Belgium, Czech Republic, Germany, Netherlands, Slovakia | Austria, Cyprus, Estonia, Finland, France, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Slovenia |

Examples of methods used included the following:

- In the **Czech Republic**, some information about government initiatives is available on government websites.
- In **Germany**, in some states information is available as part of more general guidelines about how police deal with victims of crime, or form ‘victim protection officers’ in police organisations.
- In **Ireland**, booklets for both minorities and police have been published, and information is also contained in the annual report of the police.

- In **The Netherlands**, local initiatives, usually in cooperation with anti-discrimination bureaus and local government, are published in local media.
- In **Spain**, information is available through local organisations and police websites.
- In the **UK**, information is made available through government and other national reports.

In **Sweden**, on the police internet site (www.polisen.se) there is a great deal of information about the police's work with racist and other hate crime. The information includes reports as well as guidelines. From this website there are also links to every police authority. Some of the websites have a distinct headline, marked hate crime, where there is information on what a victim of racist or other hate crimes can do.

In 2002, the Swedish Integration Board launched a website called *Sweden against racism*. This web site (www.sverigemotrasism.nu) is a knowledge bank on issues related to racism and discrimination and contains information about different methods and experiences in the work against racism, xenophobia and ethnic discrimination. It also contains addresses and phone numbers to the public authorities that are working with these issues as well as information about the work of the different authorities.

6.4. ASSESSING VICTIM SATISFACTION

Only for four countries (Ireland, Germany, Spain, UK) was it stated that police have collected and made publicly available data concerning the satisfaction of victims of racist crime and violence with the treatment they have received. Only in the case of Ireland was such data collected at national level. In the remaining twenty-one countries, NFPs made it clear that there was no such provision – either because the police did not obtain data on public satisfaction with their services, or because where they did, no special attention has so far been paid to this particular type or aspect of crime.

- In the **UK**, several police forces make this data available, for example via their websites, but there is no UK-wide enforced policy for police to publish such data.
- In **Spain**, the police in Catalunya informed the NFP that they gathered such data through Local Security Bureaus or Community Relations Offices.

In **Ireland**, the Gardaí Síochána has published a public attitude survey. The survey includes sections on overall satisfaction with the police service. Though these questions are not addressed specifically at minority ethnic groups.

The 2002 survey included questions on racist incidents, though given the selection

of the sample from the electoral register the number of reported victims of racist incidents was not expected to be large. The survey found that, some 200 respondents (2%) answered that they had ever been subjected to a racist incident, 22 (11%) of whom said they reported the incident. Of those who has experienced racist incidents the main reasons for not reporting were that it was not serious enough, that the Gardaí could not do anything about or that they would not do anything.

In **Germany**, although numerous police authorities gather information on the satisfaction of their “customers” via **complaints offices**, in some cases also online (e.g. in Brandenburg), there are no publicly accessible data on this subject.

One exception is the project “Perpetrator/victim constellations and interactions in the field of racist, right-wing extremist and anti-Semitic violence” which offers further information about the experiences of victims of racist crimes with the police. In the context of this **project conducted by the LKA NRW**, police investigation files and qualitative interviews with victims and perpetrators were analysed, during which the victims’ subjective experiences with the police and the judiciary were also examined. Concerning victim satisfaction with the police treatment in such cases this project comes to the conclusion that those victims report of both positive and negative experiences regarding police reaction and treatment. As the main reasons for complaints the police officers’ “punctuality and reliability” are mentioned.

7. SUMMARY AND CONCLUSIONS

Especially since the beginning of the 1990s, reports produced by the European Union and the Council of Europe have drawn attention to the scale and serious implications of racist and xenophobic crime and violence across Europe. The nature and importance of the role of the police in addressing this problem has also been identified (see ANNEXE 1 for references). The recent report of the EUMC on 'Racist Violence in Fifteen EU Member States' (www.eumc.eu.int) shows that this continues to be a major issue, and that the legal and policy responses of governments are in general highly variable and require greater development.

In the wake of this substantial report, the 'Rapid Response Survey' has aimed to provide a quick check on the specific response of police to racist crime and violence in the (now enlarged) twenty-five EU Member States. The snapshot exercise of the Rapid Response appears to back up the findings in the EUMC's major report on racist violence, namely that the overall picture is both clear and a major cause for concern: the police response to racist crime and violence across Europe is not only extremely uneven, but in the majority of countries requires greater development in all the aspects outlined in this report and the EUMC's earlier report. A small number of countries provide examples of good practices and thus models for the way forward, but even in these countries there are significant gaps in provision that need to be filled. However, some of the good practices were isolated local initiatives that had not been sustained or mainstreamed into national-level policing policy.

Only the United Kingdom appears to have developed a comprehensive and systematic approach in which addressing racist crime and violence is seen at policy level as an integral part of policing a multi-ethnic society, although everyday policing needs to be monitored to ensure that this is followed up in practice. But police in several other countries, and especially in France, Germany and Sweden, have also demonstrated a serious commitment to address issues of racist crime and violence in recent years, even if their focus and/or range of activities have not been as comprehensive. However, the approaches adopted in different countries tend to vary widely, partly due to differences in legal systems, so that there is also a lack of consistency and comparability in how police are responding to racist crime and violence across Europe. The survey has also shown that positive approaches are largely confined to 'old' Member States, although there are some relevant initiatives among the 'new' Member States of Central/Eastern Europe.

A fundamental problem is the lack of provision in the majority of member states for recording of racially-motivated crime by the police, other than for specific crimes of racism. The survey indicated that racial motivation in crime generally is only officially recorded by the police in ten member states. According to several of the EUMC's National Focal Points, these records – and any statistics based on them – tend to provide a substantial underestimate of the true level of such incidents. This is partly because victims are reluctant to report them to the police,

and partly because police themselves often do not actually register the element of racial motivation. A further problem is that, except apparently in two states, police do not record the ethnicity (as opposed to nationality/citizenship) of victims or offenders, so that statistics based on the police records cannot identify the trends and patterns of victimisation and offending of particular ethnic groups.

An important issue addressed by the survey is whose responsibility it is to identify an incident as racially motivated. Despite some variety in the replies to the questionnaire on this subject, it seems clear that where the focus is on incidents which fall under the criminal law, the responsibility is that of the police in the first instance, rather than that of the victim. However, the victim's perception is obviously relevant, and it is for this reason that in two countries (UK and Ireland) the police are obliged to record (and investigate) an incident as racially motivated if the victim alleges this to be so. As was stressed for a number of countries, the prosecutor also plays an important role in deciding whether the incident should be classified, investigated and then prosecuted as racially-motivated, but at a practical level this remains a joint responsibility with the police. Thus, although ultimately the decision is one for the court, the police have a crucial responsibility for initially identifying incidents as potentially racially-motivated whenever such incidents lie within the framework of the criminal law.

The need for victims of crime to receive support, especially if they are to be willing to report crimes and act as witnesses, is now an established concept, if not a practical reality, in many parts of Europe. The survey showed, however, that there is very little provision of the kind of specialist practical and psychological support that may be needed by victims of racist crime and violence. Only in two countries (UK and Sweden) was it reported that police themselves routinely provide support of this kind for victims. Likewise, even in countries where independent victim support schemes had been established at a national level, only in two instances did they appear to be equipped with the specialist capacity to deal with this issue (UK and Portugal).

Training performs an essential role in equipping police to carry out their responsibilities to record and investigate the element of racial motivation in crime, and to understand and appreciate why combating racism is an important field for police action. Only in a third of countries did it appear that the need for specialist training had been identified, and in only five countries was some kind of specialist provision clearly in place. Even more general training on racism was not provided systematically except in a small number of countries, and mostly these efforts did not include any focus on racism specifically within the police. The more typical situation was that there had been some isolated projects or local-level initiatives that did not involve the training system generally, and mostly their focus was on multi-cultural issues or discrimination generally rather than specifically on racist crime and violence.

Finally, as regards the relation of the police with civil society in tackling these issues, on the whole this area proved extremely undeveloped. This is despite the fact that the police are highly dependent on the public for detecting, investigating

and preventing racist crime, and that civil society (and minorities in particular) are highly dependent on the police for ensuring their security and protection against violent forms of racism. For example, only in two countries did there appear to be any systematic approach to encouraging the reporting of incidents of this kind, and in only five did police seem to work on a regular basis with NGOs and minority communities to develop responses to racist crime. Likewise in only five countries police had taken clear measures to publicise their initiatives in this specific field, and in only four had any attempt been made to measure the satisfaction of victims of racist crime with police services.

Overall, therefore, these findings point to areas which require review, development and action by Member States if police responses to racist incidents are to become effective across the EU in what is viewed increasingly as a major concern and policy issue within the EU. For sure, the police are not the only agency which has an important role to play in tackling racism and xenophobia in Europe, but their role is crucial insofar as racist and xenophobic actions can be brought under the powers of the criminal law. It is also essential that the police work closely in cooperation with all the other agencies who can contribute to the eradication of racism, especially other public authorities and – most importantly – community groups and NGOs. There is therefore a need for an urgent and radical development of the current police response if all residents (and especially minority communities) across the EU are to be able to live in safety and freedom from the threat of racially-motivated crime and violence.

8. OPINIONS

8.1. THE LEVEL OF MEMBER STATES

In the light of the findings of this survey, and in order to ensure that police across the EU can and do play their role effectively in combating racist crime and violence, the EUMC is of the opinion that the following minimum mechanisms need to be in place in all EU Member States.

- a. An adequate framework of law which empowers police to tackle racist crime and violence effectively, both by defining specific crimes of racism and by identifying racial motivation as an ‘aggravating factor’ in any crime that requires a mandatory increase in sentence.
- b. An explicit framework of public policy aimed at combating racism generally, in which the need to specifically combat racist crime and violence is recognised and prioritised, and within which the key role of the police is clearly identified.
- c. Research to establish the actual level of experience of incidents of racist crime and violence among vulnerable communities, and barriers (e.g. fear, ignorance, language, lack of trust) to reporting of such incidents to the police.
- d. A clear public commitment by police leadership, backed by internal directives, that police will play their role in combating racist crime and violence, and will use their powers under the existing law fully and effectively.
- e. A requirement on police to record all incidents of racially-motivated crime as an identifiable category of crime, capable of specific statistical analysis.
- f. A requirement on police to initially record as racially-motivated any crime that police, the victim or a witness consider is or might be racially motivated, and to subsequently investigate this possibility as an aspect of the crime.
- g. Inclusion on standard crime report forms of a question asking whether the crime is racially-motivated (as defined above). Where the answer is positive, further details will need to be entered in a subsequent section or on a supplementary sheet. Where legally permissible, the ethnicity of victims and suspected offenders should be included. Failing that, reference to ‘nationality’ or ‘citizenship’ status should be inserted.
- h. Establishment of clear procedures to be followed in all instances where a crime has been initially recorded as racially-motivated, together with clear practical guidance for police on how to implement procedures. This guidance should include emphasis on the need for immediate victim advice and support, followed by referral to an independent agency that can provide specialist support where this exists.
- i. Appointment of an individual police officer in each region or locality to be responsible for monitoring the police response to all such incidents in the area and providing specialist advice where needed; together with establishment of a specialist post or unit at national level with responsibility for statistical analysis, policy development and support to regional specialists.

- j. A specific training input on the nature and significance of racially-motivated crime, the role of the police in combating it, and the procedures to be followed in such instances, to be included within initial and in-service training for all police. Also, a distinct specialist course to be provided for all police who have a specialist responsibility for dealing with such crime. Representatives of NGOs and victim communities should be involved in such specialist police training.
- k. Actions by police at local level, in partnership with NGOs and community groups, to encourage and facilitate reporting of such incidents, and to ensure that potentially vulnerable groups are aware of the commitment of the police to deal with racist crime and violence effectively.
- l. Practical support, including training and resources, to enable NGOs and community associations to work in partnership with police in encouraging and facilitating reporting of racially-motivated crime, and to provide specialist advice and support for victims and vulnerable communities.

The above provisions would constitute the basis for a minimally adequate response by police, especially for states that do not yet have such mechanisms in place. Additional measures, such as multi-agency cooperation, mechanisms to deal with 'repeat victimisation', victim satisfaction surveys, prevention programmes, and wider training on racism for the police, would also be necessary in due course if the potential for the police response is to be maximised.

These minimum mechanisms are necessary in all EU Member States, irrespective of the level or number of reported incidents. Experience in the UK and other countries shows that incidents of racist crime and violence – especially 'lower level' incidents (e.g. threats, as against serious physical injury) – are likely to be severely under-reported. Until victims are confident to report such incidents, and the police committed to recording and investigating the aspect of racial motivation, the real scale of such incidents will not become visible. Nonetheless, when initially developing their responses, police in Member States need to act both proportionately and strategically, and target their efforts. For example, pilot projects in localities with multi-ethnic populations can provide an opportunity to test the effectiveness of a planned approach. Lessons may usefully be drawn from the more experienced Member States: from how they initially developed their approaches as well as from their current practices. Police in 'new' Member States could use bilateral contacts with their counterparts in relevant 'old' Member States to obtain advice and support for developing appropriate responses.

8.2. THE LEVEL OF THE EU

In order to promote and support the development of such mechanisms in Member States, the following actions would be appropriate at the level of the EU:

1. Follow-up research, to establish in greater detail, and through direct information from the police, the precise nature of the current police response in the 25 EU Member States. This research should preferably be conducted either by a professional researcher or research group. This police-oriented study could be complemented by an EU-wide victim survey, which would demonstrate a methodology that could be adopted by individual Member States subsequently.
2. The inclusion in an EU Directive of a requirement on Member States to have in place effective laws to combat racist crime and violence as indicated in (a) above, and also to require police to record such incidents and to produce statistics based on these records (which should include data on ethnicity of victims and offenders).
3. A funded programme involving the relevant EU agencies and the European Commission to support the development of police capability in Member States for responding to racist crime and violence along the lines proposed in (d) to (k) above. This should be carried out in association with European police networks.
4. A funded programme to support the development of NGO capability to cooperate with the police and support victims of racist crime and violence, as indicated in (l) above. This should be carried out in association with European networks of ethnic minority and anti-racist NGOs.
5. A set of transnational conferences or seminars, designed to exchange experience and identify good practice with regard to key topics identified above: e.g. conducting specialist victim surveys, recording and investigating racist crime, provision of specialist training, provision of specialist victim support, and the role of NGOs in combating racist crime and violence.

Wherever appropriate, such actions could be undertaken jointly with, or should at least be coordinated with, other international governmental organisations such as OSCE and the Council of Europe, both of which have programmes that are aimed at, or relevant to, this issue.

In recent years there has been a tendency for policies and programmes to tackle racist crime and violence to be incorporated within a more inclusive framework of combating 'hate crime' generally. In these circumstances it is essential that the EU and its Member States ensure that a distinct focus on tackling racism is maintained, and that the specific features of racism and racial motivation are addressed within the responses being developed by police.

ANNEX 1

RELEVANT DOCUMENTS & PROJECTS

Relevant documents and publications

There has been little research or other documentation produced at European level that focuses specifically on the role of the police in dealing with racist crime and violence. Publications which include a specific focus on the police role are:

Chirico, J. et al. (1997) *Racially Motivated Crime: Responses in Three European Cities*, London: Commission for Racial Equality

A comparative study based on field research in Frankfurt, Lyons and Rome, with some reference also to the UK.

Oakley, R. (1996) *Tackling Racist & Xenophobic Violence in Europe: Review and Practical Guidance*, Strasbourg: Council of Europe

Oakley, R. ed. (1997) *Tackling Racist & Xenophobic Violence in Europe: Case Studies*, Strasbourg: Council of Europe

The guidance booklet includes a chapter specifically on the role of police, while several of the case-studies also describe the activities of police in particular countries.

Other publications targeted or produced at European level that deal more generally with the nature of, and responses to, racist crime and violence, and include reference to the police response, include:

- Bjorgo, T. & Witte, R. eds. (1993), *Racist Violence in Europe*, London: Macmillan
- Witte, R. (1996) *Racist Violence and the State*, London: Longman
- EUMC (2005) *Racist Violence in Fifteen EU Member States*, Vienna: EUMC
- Reports of the European Commission on Racism and Intolerance
- Reports of the European Roma Rights Centre

Relevant EU-funded projects

So far as can be determined, there have been no transnational EU-funded projects focusing on the issue of 'policing racist crime and violence'.

The EU project whose theme appears closest to the present issue is the European Commission-funded project 'NGOs and Police Against Prejudice'. This two-year

programme provided funding for eleven projects in nine countries during the period 1997-1999. In each project, NGOs worked jointly with police partners to provide training for police to combat discrimination and to assist them to respond to the challenge of Europe's increasingly multi-cultural society. However, there was not a specific focus on tackling racist crime and violence in any of the projects, although such issues were often included.

The work of the EUMC has not previously addressed this subject as a specific issue. However, the EUMC's recently published report on 'Racist Violence in Fifteen EU Member States', which highlights the extent and nature of, and policy responses to, racist violence in the European Union, is of immediate relevance to the issue of the police response.

Relevant European police cooperation activities

So far as can be ascertained, there has been no direct cooperation by police organisations across Europe on the specific issue of 'policing racist crime and violence'.

During the late 1990s, European Police Colleges organised several meetings on the themes of promoting equal opportunity and of multicultural policing. 'Policing racist crime and violence' was not the specific theme of any of these meetings, although in some it was the subject of presentations and working group sessions in some events.

However, police organisations in Europe cooperate specifically to combat extremism, especially at the level of intelligence services and since 11 September 2001.

Inter-governmental organisations have brought police and other bodies together in order to address these and related issues. Relevant activities include:

- The Open Society Justice Initiative (OSJI) project on Racial Profiling.
- The OSCE/ODIHR Programme on Tolerance and Non-Discrimination, which aims to develop standard methods for police to record 'hate crime' across the OSCE area.
- The activities of the OSCE/ODIHR designed to promote implementation of the policing recommendations of the OSCE Action Plan on Roma/Sinti.
- The Council of Europe programme on 'Policing and Human Rights', which has been in operation since 1997.

ANNEX 2

SURVEY QUESTIONNAIRE ON 'POLICING RACIST CRIME AND VIOLENCE

1. Police responses to racist crime and violence

1. 1. Do the police officially record whether a crime is 'racially' motivated (motivated by race/ethnicity/religion)?
1. 2. Are the police issued with instructions about how to determine whether a crime is racially motivated?
1. 3. Is the ethnicity/nationality of victims and/or offenders recorded?
1. 4. Must the victim prove racial motivation or must the offender disprove racial motivation when a victim or a third party alleges it?
1. 5. Can the police simply decide themselves that a crime is 'racially motivated'?
1. 6. Are the police trained to identify and respond to racist crime and violence as, potentially, instances of repeat victimisation?
1. 7. Are the police able to offer support to victims of racist crime and violence?
1. 8. Are the police able to refer victims on to specialist victim support services that can address the needs of victims of racist crime and violence?

2. Police training on racist crime and violence

2. 1. Has racist crime and violence been identified by the police as an area requiring specialist police training?
2. 2. Do training programmes exist for the police that inform them about how to deal with racist crime and violence, racist offenders and victims of racism? If yes, please briefly describe them.
2. 3. Does police training encompass racism awareness training with respect to racism in general and racism in the police specifically?

3. Civil Society and responses to racist crime and violence

3. 1. Do the police promote reporting of racist crimes and are minority groups encouraged by them to report crime as racially motivated?
3. 2. Do the police work with representatives from minority groups/NGOs and local communities to develop responses to racist crime and violence?
3. 3. Is information about police initiatives and guidelines on working with victims of racist crime and violence publicly available?
3. 4. Is information available from the police concerning victim satisfaction with police treatment in cases involving racist crime and violence?