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UN & CoE

28 January – CoE Parliamentary Assembly (PACE) adopts Resolution 1967 (2014) and Recommendation 2032 (2014) on a strategy to prevent racism and intolerance in Europe, and Resolution 1968 (2014) on tackling racism in the police

January

25 February – CoE European Commission against Racism and Intolerance (ECRI) publishes fifth reports on Belgium and Germany

February

11 March – In *Abdu v. Bulgaria* (No. 26827/08), the ECtHR rules on the failure of authorities to take reasonable steps to investigate a racially motivated violent assault on two Sudanese men, constituting a violation of the provision on prohibition of torture (Article 3) in conjunction with the provision on prohibition of discrimination based on race (Article 14) of the ECHR

13–19 March – CERD publishes concluding observations on Belgium, Luxembourg and Poland

March

April

May

3 June – ECRI publishes conclusions on the implementation of a number of priority recommendations made in its country reports on Cyprus and Lithuania released in 2011

3 June – ECRI publishes fourth report on Romania

June

10 July – ECRI publishes its annual report 2013

July

August

5 September – PACE adopts Resolution 2011 (2014) and Recommendation 2052 (2014) on counteracting manifestations of neo-Nazism and right-wing extremism

16 September – ECRI issues fifth reports on Bulgaria and Slovakia, and fourth report on Slovenia

22 September – UN Committee on the Elimination of Racial Discrimination (CERD) publishes concluding observations on Estonia

September

October

18 November – UN General Assembly adopts Resolution 69/16 on the programme of activities for the implementation of the international decade for people of African descent, to be observed from 2015 to 2024

November

December

EU

17 January – European Commission publishes a report on the application of the Racial Equality Directive (2000/43/EC) and Employment Equality Directive (2000/78/EC)

17 January – European Commission issues a communication calling for prevention of radicalisation and violent extremism

27 January – European Commission publishes a report on the implementation of the Framework Decision on Racism and Xenophobia (2008/913/JHA)

January

February

March

April

May

June

July

August

September

27–28 October – 8th European Commission–Israel seminar on combating racism, xenophobia and anti-Semitism takes place in Jerusalem

October

4 November – FRA and the Italian Presidency of the Council of the EU host inaugural meeting of the Working Party on hate crime in Rome

November

December

2

Racism, xenophobia and related intolerance



Barriers persist in implementing effectively European Union (EU) legislation that prohibits and penalises manifestations of racism, xenophobia and ethnic discrimination. The sixth year of the economic crisis and turbulent developments in the Middle East and North Africa are raising concerns and considerations for migration and integration policies in the EU. Meanwhile, Europeans are increasingly responsive to parties and movements with xenophobic, anti-immigrant and anti-Muslim agendas. Migrants, refugees, asylum seekers and members of ethnic and religious minorities suffer manifestations of violent hatred and continuous discrimination in many areas of social life. Moreover, the increasing use of internet and social media proliferates some political rhetoric and racist hate speech.

2.1. Implementation of the EU *acquis* in combating racism, xenophobia and ethnic discrimination

More than 10 years after EU Member States were required to implement the Racial Equality Directive (2000/43/EC) into national law, and four years after they had to implement the Framework Decision on Racism and Xenophobia (2008/913/JHA), barriers to the effective implementation of these legal instruments persist.¹

The European Commission, in its report on the implementation of the Framework Decision on Racism and Xenophobia, addresses hate speech and hate crime by means of criminal law. It found that although the majority of Member States penalise incitement to racist and xenophobic violence and hatred, their legal provisions do not always seem to fully transpose the offences covered by the framework decision. In addition, the report identifies “some gaps [...] in relation to the racist and xenophobic motivation of crimes, the liability of legal persons and jurisdiction”.² The Commission engaged in bilateral talks with Member States in 2014 to ensure full and correct transposition of the framework

decision. A number of Member States, including **Greece**, **Latvia** and **Germany**,³ adopted new laws and initiated criminal code amendments.

The **Greek** Parliament amended the previous anti-racist law⁴ to punish public incitement, provocation or stirring of hatred or violence either orally or through the press, the internet or any other means, as well as acts of violence or hatred, if committed in relation to a person, group of persons or member of such a group on specific grounds. These grounds include: race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity and disability. The new law increases the minimum penalties for misdemeanours and felonies committed because of hatred or bias, for which the sentence cannot be suspended.

Latvia amended its Criminal Law⁵ by extending the list of aggravating circumstances for a criminal offence with national, ethnic or religious motivation in addition to ‘racist’ motivation. Under the new provision, penalisation of incitement to hatred no longer depends on whether the offender acted intentionally or not.⁶

For the Framework Decision on Racism and Xenophobia, the end of the transition period set out in the Lisbon Treaty means that as of 1 December 2014, the European Commission was empowered to launch

infringement proceedings against Member States regarding this legislation. Beginning at the end of 2014, it sent a number of administrative letters to Member States about gaps in the transposition and implementation of the Framework Decision on Racism and Xenophobia into national law (see also [Chapter 7](#)).

Notwithstanding the measures undertaken by Member States, the European Commission stresses in its report on the application of the Equality Directives that “legislation alone is not enough to ensure full equality, so it needs to be combined with appropriate policy action”,⁷ by increasing awareness of the already existing protection and ensuring better practical implementation and application of the directives. The Commission highlighted the underreporting of incidents of discrimination experienced by migrant and ethnic groups, based on evidence from FRA’s EU-wide European Union Minorities and Discrimination survey (EU-MIDIS).⁸ The survey results show that equality bodies, as well as other organisations where complaints about discrimination can be filed, need to make vulnerable minority groups aware of how to make a complaint and need to make the process more convenient and accessible and less time-consuming.⁹ Accordingly, the European Commission emphasises that “strengthening the role of the national equality bodies as watchdogs for equality can make a crucial contribution to more effective implementation and application of the Directives”.¹⁰

The **Cypriot** authorities took measures strengthening the mandate of their national equality body. The new law empowers the Ombudsperson to consult with the competent authorities on the implementation of his or her recommendations. If the authorities do not respond, or fail to adopt the Ombudsman’s recommendations in a timely fashion, the consultation results can be brought before the Council of Ministers and the Parliament.¹¹ In December 2014, the **Czech** government also adopted a draft law to extend the powers of the national equality body. Under the proposal, the Ombudsman will have the right to put forward the abolition of a law to the Constitutional Court and to file complaints related to discrimination.¹²

In 2014, the European Commission stressed the importance it attributes to the effective implementation of the Racial Equality Directive. It referred **Finland** to the Court of Justice of the EU (CJEU) because the Finnish equality body had not yet been entrusted with racial equality tasks in the field of employment (Case C-538/14).¹³ Similarly, it initiated proceedings in September 2014 against the **Czech Republic** for breaching the Racial Equality Directive by sending a disproportionately high number of Roma children to special schools for children with learning difficulties.¹⁴

Besides legislation, national and EU funding for awareness-raising is crucial for ensuring tangible

improvement in rights awareness throughout the EU.¹⁵ Hence, the European Parliament and the Council of the EU adopted in December 2013 the ‘Rights, Equality and Citizenship Programme 2014–2020’ to promote the effective implementation of the principle of non-discrimination on different grounds including ethnic origin and to combat racism, xenophobia and related intolerance.¹⁶ In 2014, the European Commission highlighted that one of the priorities of the Rights, Equality and Citizenship Programme is the effective, comprehensive and consistent implementation, application and monitoring of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive.¹⁷

2.2. Racism, xenophobia and ethnic discrimination persist in the EU

2.2.1. Experiences of racism and ethnic discrimination in social life

Despite the legal safeguards set by the Racial Equality Directive, members of ethnic minorities, migrants and refugees continue to face discrimination in education, employment and access to services including housing and healthcare across the EU, as evidence from national equality bodies and research shows.

Complaints filed with the national equality bodies in a number of Member States, including **Austria, Belgium, Croatia, the Czech Republic, Greece, Italy, Luxembourg, Spain** and **Sweden**, show that race, ethnicity and skin colour remain amongst the most common grounds of reported discrimination. However, complaints data are only the tip of the iceberg.

Several research methods including victim surveys¹⁸ and discrimination testing can help to fill in the knowledge gaps and paint a more comprehensive and reliable picture of ethnic discrimination.

Across the EU, there is a lack of comparable and disaggregated data on manifestations of ethnic discrimination, racism and related intolerance, as FRA has repeatedly highlighted. In response, FRA launched in 2014 the second wave of EU-MIDIS, aiming to assess change since the first survey in 2008. This second survey will collect comparable data, interviewing around 25,000 people with an immigrant or ethnic minority background in all 28 EU Member States.¹⁹

In **Denmark**, the findings of the Copenhagen migration barometer survey show that almost every fourth respondent with an ethnic minority background has experienced discrimination.²⁰ Similarly, in the

Netherlands, surveys conducted by the municipalities of Amsterdam, Rotterdam²¹ and The Hague²² reveal that people with a migrant background experience more discrimination than ‘native’ Dutch people. Also in the **Netherlands**, the findings of a representative survey on perceptions of discrimination on different grounds show that between a third and half of people with a migrant background felt that they have been subject to discrimination in public spaces and when looking for work or in the workplace.²³ After the Social and Economic Council of the Netherlands published an advisory report on how to tackle discrimination in the Dutch labour market,²⁴ the Dutch government incorporated several of its recommendations into a comprehensive action plan to tackle ethnic discrimination in employment.²⁵

A **Latvian** survey found that 59 % of all foreign and 45 % of all native local students experienced high rates of ethnic discrimination during their studies.²⁶ Likewise, a report by the German Federal Commissioner for Migration, Refugees and Integration on the situation of foreigners in **Germany** provides evidence of ethnic discrimination in various areas of social life including vocational education and employment.²⁷

In the **Czech Republic**, survey results published in 2014 reveal that foreigners whose ethnic and racial background differ from that of the majority population, such as Vietnamese and Africans, report more negative discrimination experiences than foreigners whose ethnic and racial background does not differ from that of the majority population.²⁸

A **Finnish** Ombudsperson for Minorities survey showed that two in three Roma respondents have experienced discrimination in some areas of social life (see [Chapter 3](#) on Roma).²⁹

As highlighted in previous FRA Annual reports, discrimination testing is a useful means of countering ethnic discrimination in the field of employment and housing. **Belgium**,³⁰ the **Czech Republic**,³¹ **Germany**,³² the **Netherlands**,³³ **Slovakia**³⁴ and **Spain**³⁵ carried out situation tests that produced evidence of discrimination against ethnic minority groups in access to employment and to services including housing.

2.2.2. Racist violence, crime and fear

The Framework Decision on Racism and Xenophobia penalises two types of particularly serious forms of racism and xenophobia: racist and xenophobic hate speech and hate crime.³⁶ Still, acts of racist crime occurred regularly across the EU in 2014. Immigrants and members of ethnic and religious minorities, particularly Jews, Muslims and persons of African descent, suffered crimes motivated by racism and extremism, while offering a convenient target to

blame for society’s problems. These crimes and other manifestations of intolerance, such as anti-Roma marches or mass anti-immigration demonstrations, spread fear and insecurity.

Asylum seekers, refugees and migrants remain a convenient scapegoat for society’s ills. In this regard, the **Bulgarian** Ombudsperson underlines in his report that the outbursts of hatred and violence against foreigners and refugees remain a serious problem in Bulgaria, arguing that state responses are inadequate and the responsible institutions are unprepared to meet the needs of arriving refugees and asylum seekers.³⁷

In **Greece**, the Racist Violence Recording Network, developed by the United Nations High Commissioner for Refugees (UNHCR) and other civil society organisations, documented 166 racist crimes in 2013, 143 of which were committed against migrants or refugees. In a majority of these crimes, the victim suffered “severe personal injury” caused by a variety of weapons.³⁸ The **German** government reported that the number of attacks on asylum and refugee shelters increased from 24 in 2012 to 58 in 2013. By 18 November 2014, 95 attacks on refugee shelters had been registered in that year.³⁹ Refugee support organisations list 113 incidents or racist manifestations against refugee shelters in 2013.⁴⁰

The UN Human Rights Committee expressed concerns about reports of racially motivated violence and racial discrimination against migrants in **Malta** and recommended that authorities systematically investigate, prosecute and punish racially motivated violence.⁴¹

People of African descent continue to face racism and racist violence in several Member States. The UN expert

Promising practice

Helping schools to counter racist bullying

Following a number of cases of racist bullying in schools in **Cyprus**, the Ministry of Education and Culture launched a code of conduct against racism and a guide for handling and recording racist incidents. The code sets out basic principles of respect. It explains various forms of racial and other types of intolerance and defines concepts such as identity, racism and bullying/threatening. The guide aims to develop a mechanism for recording and reporting racist incidents while allocating specific responsibility to various stakeholders. It also provides step-by-step guidance to handle racist incidents and a nine-step sanction system.

For more information, see: www.moec.gov.cy/agogi_ygeias/pdf/odigoi_ekpaideftikou/kodikas_symperiforas_ratsismou.pdf

Working Group on People of African Descent expressed concerns that in **Sweden** “Afro-Swedes are most exposed to hate crimes, and reports of Afrophobic hate crimes have increased by 24 % since 2008.”⁴² In **Ireland**, people of African descent filed 78 of the 217 racist incidents reported to the Immigrant Council of Ireland in 2014.⁴³ A survey in **Austria** on the living conditions of 717 black people shows that one in five of those surveyed were victims of racist attacks at the workplace and about one in seven experienced physical attacks in a public space.⁴⁴ Research conducted by the **Finnish** National Research Institute of Legal Policy found that people born in African or Middle Eastern countries suffer the highest rates of racist crime victimisation.⁴⁵

The Framework Decision on Racism and Xenophobia obliges EU Member States to consider racist motivation as an aggravating circumstance, or, alternatively, to ensure that such motivation may be taken into account in determining penalties. In the case of *Abdu v. Bulgaria*, the European Court of Human Rights (ECtHR) ruled that Bulgaria had failed in its obligation to conduct an effective investigation into the racist nature of an attack in which two Bulgarian nationals physically attacked and threatened two Sudanese men as they left a shopping centre.⁴⁶ For the ECtHR, this represented a violation of the prohibition of inhuman or degrading treatment (Article 3) taken alone and in conjunction with the prohibition of discrimination (Article 14) of the European Convention on Human Rights.

According to Europol’s 2014 Annual report, threatening marches and violent demonstrations took place in areas where Roma live in the **Czech Republic, Hungary** and **Slovakia** in 2013.⁴⁷ Far-right activists organise these public displays, but the general public often supports them, reinforcing their message of intimidation.

► (For more information on Roma, see [Chapter 3](#).)

The Council of Europe Commissioner for Human Rights emphasised that the situation in **Hungary** has deteriorated, with anti-Gypsyism being the “most widespread, and blatant form of intolerance in Hungary today”.⁴⁸ Besides Roma, targets have included Jews and other vulnerable groups such as asylum seekers and refugees. The commissioner also noted that authorities “have often been criticised for failing to identify and respond effectively to hate crimes”.⁴⁹

2.2.3. Antisemitism and Islamophobia on display

The security of members of the Jewish community became an important concern after a man allegedly trained in Syria killed four people on 24 May 2014 in the Brussels Jewish Museum. Policy makers in the EU debated the issue of ‘foreign fighters’, as events occurring beyond the borders of the EU are having a serious impact on the security situation of Jewish and Muslim

communities within the EU. Member States reported incidents of violence and hatred against Jews and Muslims in 2014, although these also triggered counter-reactions: solidarity and peaceful demonstrations, interreligious dialogue and condemnation by a number of high-ranking politicians.

FRA’s annual overview of available data on antisemitic incidents in EU Member States shows, despite gaps in data collection and high levels of underreporting, that antisemitic incidents persist.⁵⁰ The report suggests that the events in the Middle East fuelling anti-Israeli sentiments trigger antisemitic manifestations targeting Jewish people. The findings of the FRA survey on Jewish people in 2013 revealed that two in three respondents said that the Arab–Israeli conflict undermined their sense of safety.⁵¹

Unofficial data collection shows that the number of recorded antisemitic physical, verbal and internet-based incidents rose in 10 EU Member States after Israel launched a military operation in Gaza in summer 2014.⁵² Statistics of the London Mayor’s Office for Policing and Crime (MOPAC) in the **United Kingdom** show that “a record number of faith hate offences was recorded in July 2014, 95 % of which were anti-Semitic incidents following Israel’s invasion of Gaza”.⁵³ According to the **Swedish** government, “The conflict in Gaza activates antisemitic beliefs and causes them to float to the surface.”⁵⁴

Antisemitic sentiments often unleashed during anti-Israeli protests created an atmosphere of distrust between Jewish and Muslim communities. As a response, Muslim and Jewish organisations in **Belgium, Germany** and the **United Kingdom** published joint statements and ran campaigns calling for tolerance and peace, and action against both antisemitism and Islamophobia.⁵⁵ One such statement made by the Muslim Council of Britain and the Board of Deputies of British Jews argued that: “In spite of the situation in the Middle East, we must continue to work hard for good community relations in the UK. We must not import conflict. We must export peace instead.”⁵⁶ Research findings in **France** show, however, that the majority population and Muslims in particular hold stereotypical negative views of Jews.⁵⁷

At the same time, research points to a trend in anti-Muslim sentiments: according to the Pew Research Centre survey results, a median of 46 % (ranging from 26 % to 63 %) of respondents in **France, Germany, Greece, Italy, Poland, Spain** and the **United Kingdom** hold anti-Muslim views. The research also found that the majority population perceives Jews in a more positive way than Muslims.⁵⁸ In **France**, the National Consultative Commission on Human Rights noted a 15 % increase in anti-Muslim acts in 2013 compared with 2012,⁵⁹ while the Collective against Islamophobia in France reported a 53 % increase in Islamophobic

crimes in 2013 compared with 2012, with women being the primary victims.⁶⁰ The **British** organisation Tell MAMA claims that the developments related to the Islamic State in Iraq and the Levant (ISIS) significantly increased the number of hate crimes against Muslims.⁶¹

“So I say to all those who go to such demonstrations [organised by the Patriotic Europeans against the Islamisation of the West]: Do not follow those who have called the rallies. Because all too often they have prejudice, coldness, even hatred in their hearts.”

Angela Merkel, German Chancellor, 31 December 2014

The **German** Chancellor, Angela Merkel, condemned the wave of intolerance triggered by the anti-immigrant and anti-Islam movement Patriotic Europeans against the Islamisation of the West (PEGIDA). PEGIDA was founded in Dresden as a closed Facebook group against “sectarian street wars” (clashes between sympathisers of the Kurds and the Islamic State in some German cities) in October 2014. In a short time, the movement’s weekly rallies attracted thousands of supporters and fuelled a heated public debate about national identity, immigration and integration (see also Chapter 4 on asylum, borders, visa, immigration and integration.)

In **Germany**, a rising number of attacks on mosques has been recorded since 2011. Whereas between 2001 and 2011 an average of 22 attacks were committed each year, this number rose to 35 in 2012 and to 36 in 2013.⁶² In the **Netherlands**, research by the University of Amsterdam on 70 out of 475 mosques found that of those 70 mosques 47 have experienced 93 incidents of violence, including arson attempts, over the period 2009–2013.⁶³ In **Sweden**, a series of arson attacks on mosques at the end of 2014 is classified by the police as attempted arson, vandalism and incitement to hatred.⁶⁴

2.2.4. Hate speech in politics

Article 1 (1) of the Framework Decision on Racism and Xenophobia penalises the intentional public incitement to racist violence or hatred.⁶⁵ The ongoing scapegoating and intimidation of migrants, refugees and members of ethnic minorities nevertheless continued in the EU in 2014. Politicians were found guilty of incitement to hatred, but they themselves were also targets of verbal racist abuse, including death threats.

“Racist and xenophobic attitudes expressed by opinion leaders may contribute to a social climate that condones racism and xenophobia and may therefore propagate more serious forms of conduct, such as racist violence.”

European Commission, 27 January 2014, Report from the Commission to the European Parliament and the Council on the implementation of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law, p. 9

The UN High Commissioner for Human Rights warned that anti-immigrant and racist discourse is on the rise across the European political spectrum, and that xenophobic rhetoric from EU politicians could undermine the fight against discrimination. Violent attacks based on religion and ethnicity, such as the one at the Brussels Jewish Museum, “are not unconnected to this climate of extremism”.⁶⁶

A report by the European Network against Racism (ENAR) monitoring occurrences of hate speech during the European Parliament election campaign listed 42 cases of hate speech against minorities.⁶⁷

Examples of politicians fomenting hatred include a **British** politician joking that Travellers refusing eviction should be “executed”; he later apologised and resigned.⁶⁸ A **Czech** member of parliament described the Lety concentration camp for Roma as a “labour camp for persons who were avoiding proper work”, and faced no consequences for the remark.⁶⁹ A **Polish** European Parliament member told Parliament that young, unemployed Europeans were the “niggers of Europe”, and was fined after the president of the Parliament intervened.⁷⁰ In the **Netherlands**, more than 6,400 persons filed a police report concerning allegedly racist remarks against Moroccans by the leader of a political party.⁷¹

The UN Human Rights Committee called on **Latvian** authorities to counter racist discourse in politics and in the media.⁷² The European Commission against Racism and Intolerance (ECRI) recommends that **Romania** amend its Criminal Code so that public insults and defamation against a person or a group of persons on the grounds of their race, colour, language, religion, citizenship or national/ethnic origin be prohibited.⁶⁹ ECRI also recommends that **Slovenia** adopt a code of conduct for Members of Parliament which includes provisions expressly banning the use of racist and xenophobic discourse, and enforce such provisions vigorously.⁷³

The Commissioner for Human Rights of the Council of Europe notes the high prevalence in **Denmark** of racist speech against Muslims and asylum seekers and migrants in political life and in the media.⁷⁴ Similarly, the commissioner expressed his concerns over rhetoric **Hungarian** political leaders, including from mainstream parties, have used to stigmatise Roma, Jews and migrants.⁷⁵

In a number of Member States, politicians and journalists were found guilty of using hate speech. The National Council for Combating Discrimination re-examined a case involving the **Romanian** president, who said that the Roma population was difficult to “integrate in society” because of their alleged unwillingness to work and stealing to make a living. After its re-examination, the Council found that this is direct

discrimination on the ground of ethnicity and breaches the right to dignity of the person. It fined the president €140.⁷⁶ In a similar case, the Council fined a renowned Romanian journalist €465 for publishing a newspaper editorial that referred to Roma people as “thieves”, “beggars” and “criminals”, who “have nothing to do with Romanians”.⁷⁷

In **France**, a *Front National* candidate was found guilty of intentional racially motivated offence designed to incite hatred or discrimination against all black people. The candidate committed the racist offence on her Facebook page, targeting France’s Minister of Justice, Christiane Taubira. In an unprecedented move, the Court found that the *Front National* was to be considered a co-offender given that “the moral element of the offence consisted in the expressed willingness of the party to lash out at foreigners and more generally at people of different race or origin”.⁷⁸ In September, a *Front National* member posted an offensive picture of Ms Taubira on his Twitter account and was fined €3,000. In another case, a Correctional Tribunal of Paris fined the director of a French magazine €10,000 for making insulting racist statements in public, after his publication compared Ms Taubira to a monkey.⁷⁹ Still in **France**, after the Minister of the Interior intervened, the Council of State cancelled the stand-up comedy show *Le Mur* by Dieudonné M’Bala M’Bala, as it displayed antisemitic sentences. Dieudonné M’Bala M’Bala has been prosecuted more than 35 times for denial of the Holocaust, public defamation, hate speech and racial discrimination.

2.2.5. Hate speech online

Europol notes that the internet remains a critical tool for the distribution of racist and hateful propaganda.⁸⁰ In **Poland**, according to a national opinion poll, almost two thirds of young Poles encountered antisemitic speech online and more than one in two read racist statements concerning Muslims and black people on the internet.⁸¹ These findings are in line with the data from the FRA survey on discrimination and hate crimes against Jews from 2013, in which 10 % of respondents had received offensive or threatening antisemitic comments on the internet in the 12 months before the survey, and 73 % believed that online antisemitism had increased in the five years preceding the survey.⁸²

The European Commission called on Member States to intervene in cases of online hate speech to comply with Article 9 of the Framework Decision on Racism and Xenophobia: “When establishing jurisdiction over conduct committed within their territory, Member States must ensure that their jurisdiction extends to cases where the conduct is committed through an information system, and the offender or materials hosted in that system are in its territory.”⁸³ To enhance the effective cross-border investigation and prosecution

of hate crime online, several Member States made steps towards ratifying the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. The **Czech Republic**, **Luxembourg** and **Spain** ratified this protocol in 2014.⁸⁴ Additionally, 21 Member States so far have joined the Council of Europe’s ‘No Hate Speech’ campaign.⁸⁵

In **Poland**, the Prosecutor General issued guidelines under which prosecutors should aim to establish whether a perpetrator intended to insult the victim on the grounds of his or her affiliation to national, ethnic, racial, religious or non-religious group.⁸⁶ In **Spain**, the Ministry of the Interior presented the Action Protocol for Security Forces against hate crimes. The protocol instructs police officers to investigate and tackle hate crime on the internet and regulates their doing so.⁸⁷

According to Europol, “Some of the most popular social media companies, including Facebook and Twitter, have taken steps against abusive usage, which has led to many right-wing extremists having their profiles removed after posting offensive content.”⁸⁸ (See ► Chapter 5 on information society and data protection.) In the case of the British politician Luciana Berger, who was subjected to antisemitic abuse on Twitter, British leaders called upon social media companies to take a more proactive stance. The perpetrator was found guilty of religiously aggravated hate crime. Following the trial, however, the threatening antisemitic messages continued.⁸⁹

Promising practice

Empowering children and youths to combat racism and other intolerance

In **Slovakia**, the eSlovensko civic association launched the www.nehejtuj.sk website to raise young people’s awareness of racism and intolerance. It also provides assistance to children and young people who have become victims or witnesses of racism and intolerance on the internet. The website’s ‘Help’ section is linked to Unicef, which operates a special hotline for children. Children and young people are encouraged to report illegal content or activities on the internet in the website’s ‘Report’ section. The section is linked to the national online mechanism for reporting illegal content or activities on the internet.

The European Commission co-funded this initiative.

2.2.6. Discriminatory police treatment and ethnic profiling persist

As reflected in FRA's 2013 Annual report, discriminatory ethnic profiling still continues in some Member States. This can undermine the trust persons with an ethnic minority background have in law enforcement officials, since they may find themselves frequently stopped and searched for no other reason than their appearance.

During the implementation of *Mos Maiorum*, a Europe-wide joint police operation aimed at weakening the capacity of organised crime groups facilitating irregular immigration to the EU, the European Parliament⁹⁰ and civil society organisations expressed their concern that this operation could lead to discriminatory ethnic profiling. They worried that the police might use racial and ethnic characteristics to single out people for identity or security checks.⁹¹ FRA stressed that fundamental rights should be considered when apprehending irregular migrants during the implementation of the operation, in compliance with its practical guidelines developed jointly with EU Member States.⁹²

► (See also Chapter 4 on asylum, borders, visa, immigration and integration.)

Research in **Austria** revealed that 57 % of 717 black people surveyed were stopped by the police at least once in the 12 months preceding the survey.⁹³ Similarly, research in the county of Northamptonshire in the **United Kingdom** shows that persons with black and minority ethnic backgrounds were much more likely than the majority population to be stopped and searched.⁹⁴

In **Germany**, the Administrative Court of Koblenz decided in favour of two claimants who had filed a complaint against an identity check in a regional train, claiming that they were chosen only because of their dark skin. The court held that there was no legal basis for the police check, in part because there was no justifiable suspicion that the applicants were illegally on German territory.⁹⁵

International monitoring bodies stressed in 2014 the importance of tackling discriminatory ethnic profiling and discriminatory misconduct by law enforcement officials.

The Council of Europe Parliamentary Assembly called on its Member States to "clearly define racial profiling, ensure its prohibition and provide specific training on identity checks to all police officers".⁹⁶ In his report on **Denmark**, the Council of Europe Commissioner for Human Rights raised concerns about ethnic profiling practices and the lack of adequate legal safeguards against ethnic profiling by the police.⁹⁷ Similarly, in **Sweden**, UN experts were informed about complaints of racial profiling towards people of African descent in

stop and search practices.⁹⁸ ECRI recommended that the authorities in **Germany**⁹⁹ and **Slovenia**¹⁰⁰ should take steps to prevent ethnic profiling by adopting legislation defining and prohibiting it, and requiring police officers to be trained in the reasonable suspicion standard.

ECRI also called on the **Slovakian**¹⁰¹ and **Slovenian**¹⁰² authorities to set up bodies, independent of the police, entrusted with the investigation of alleged cases of racial discrimination and police misconduct. Similarly, the UN Committee on the Elimination of Racial Discrimination (CERD) recommended that **Poland**¹⁰³ set up an independent body to receive complaints of police violence or abuse and called on **Belgian**¹⁰⁴ authorities to reinforce the independence and effectiveness of the mechanism for lodging complaints against police officers.

In **Spain**, the government passed through Congress a draft citizen security law banning ethnic profiling by the police when it comes to the identification of suspects. However, aspects of the draft law remained controversial during the Congress debates on 11 December 2014.¹⁰⁵

In the **United Kingdom**, all 43 police forces in England and Wales signed up in August 2014 to a voluntary scheme to reform police use of stop and search powers.¹⁰⁶ The principal aims of the new scheme are to support a more intelligence-led approach, leading to better outcomes, and achieve greater transparency, by publishing stop and search records so that communities can hold forces to account.

In September, the Equality and Human Rights Commission in the **United Kingdom** announced that it would investigate unlawful discrimination, harassment and victimisation of Metropolitan Police Service (the Met)¹⁰⁷ employees after a court ruling found the Met had victimised an employee on sexual and racial grounds in contravention of the Equality Act 2010.¹⁰⁸ The police in the United Kingdom also launched a new code of ethics.¹⁰⁹ The code contains nine policing principles and 10 standards of professional behaviour including equality and diversity that individual constabularies can incorporate into their own values. Similarly, FRA's *Fundamental rights-based police training manual* focuses on diversity and non-discrimination. The manual pays special attention to 'discriminatory ethnic profiling', given its sensitive nature.¹¹⁰

A report by the **German** authorities analyses the failures that occurred in the context of the murders perpetrated by members of the right-wing extremist group National Socialist Underground (NSU). It aims to further improve the prevention of crimes with a racist or xenophobic motivation.¹¹¹ The upcoming measures include a reform of the Act on the Federal Office for the Protection of the Constitution, the promotion of

intercultural competence among law enforcement agents and training courses on right-wing extremism and racism for police officers and jurists.¹¹²

Promising practice

Delivering pilot anti-racism training to police officers

In September 2014, the Irish Immigrant Support Centre, Nasc, delivered a pilot anti-racism training course to 20 police officers (*Gardaí*) in Cork, Ireland, in cooperation with Cork Community Policing and the Garda Racial, Intercultural and Diversity Office. The training focused on raising awareness and promoting discussion about the impact racism has on migrant and ethnic minority communities and how to prevent discriminatory ethnic profiling. Migrant speakers from Roma, Muslim and African communities shared their experiences and participated in the discussion. Lessons learned from the pilot session will be used to develop a training toolkit that will be rolled out nationally.

For more information, see: www.nascireland.org/latest-news/nasc-deliver-anti-racism-training-to-gardai/

2.3. Improving the recording and encouraging the reporting of hate crime

2.3.1. Working Party on Hate Crime

Building on FRA's 2013 conference on hate crime, the Council of the EU called on FRA "to work together with Member States to facilitate exchange of good practices and assist the Member States at their request in their effort to develop effective methods to encourage reporting and ensure proper recording of hate crimes".¹¹³

In response, 27 Member States, the European Commission, the OSCE Office for Democratic Institutions and Human Rights (ODIHR), ECRI and FRA set up a working party on combating hate crime in the EU. Its initial thematic areas of work were decided in agreement with Member States, the European Commission and ODIHR on the occasion of a seminar on combating hate crime convened by FRA in April 2014, under the aegis of the Greek Presidency and with the support of the European Economic Area (EEA) and Norway Grants.¹¹⁴ The continued support and commitment of Member States to address hate crime is illustrated by the fact that the inaugural meeting of the working party took place in November 2014 under the auspices of the Italian Presidency, and the following one occurred in March 2015 in cooperation with the Latvian Presidency of the EU.

The working party will review official recording practices and methods, including the use of monitoring definitions setting out the type of offences and bias motivations that are officially recorded. It will also facilitate the exchange of practices that capture information about hate crime across the law enforcement and criminal justice process, thereby increasing cooperation between relevant agencies, bodies and organisations. Finally, it will identify the training needs of staff employed in law enforcement agencies and in the criminal justice system to enable them to recognise incidents of hate crime. The overall aim is to improve the recording and encourage the reporting of hate crime, to enable victims of hate crime to seek redress (see Chapter 7 on the Victims' Directive).

Promising practice

Tackling hate crime

The Italian Observatory for Security against Acts of Discrimination (*Osservatorio per la sicurezza contro gli atti discriminatori*, OSCAD), established in September 2010, assists victims of crimes with a discriminatory motive to assert their right to equality before the law, and affords them protection against discrimination. A multi-agency body formed by the state police and the carabinieri, and housed in the Department of Public Security at the Ministry of the Interior, OSCAD works closely with civil society organisations such as LGBT rights organisations and Amnesty International Italy.

Citizens, institutions and NGOs can report incidents to OSCAD, which then contacts relevant police services so that cases can be properly investigated. If the reported incidents are not of a criminal nature, they are referred to the national equality body, the National Office against Racial Discrimination (*Ufficio Nazionale Antidiscriminazioni Razziali*, UNAR).

OSCAD is also tasked with preparing training materials on combating discrimination for the police forces. It also participates in training and information programmes with public and private institutions, as well as in the OSCE Training against Hate Crime for Law Enforcement programme.

For more information, contact: oscad@dcpc.interno.it

2.3.2. No progress in improving data collection systems

The Framework Decision on Racism and Xenophobia binds EU Member States to ensure that racist and xenophobic motives of hate crimes are unmasked and adequately addressed. To do so, Member States require strong political commitment and effective policies and measures to identify hate crimes, for

example by comprehensive data collection on such crimes. Availability of data on the characteristics of incidents, victims and perpetrators would also allow further and better-targeted policy responses.

“The existence of reliable, comparable and systematically collected data can contribute to more effective implementation of the Framework Decision. Reported incidents of hate speech and hate crime should always be registered, as well as their case history, in order to assess the level of prosecutions and sentences. Data collection on hate speech and hate crime is not uniform across the EU and consequently does not allow for reliable cross-country comparisons.”

European Commission, 27 January 2014, Report from the Commission to the European Parliament and the Council on the implementation of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law, p. 9

However, the classification of EU Member States on the basis of official data collection mechanisms on hate crimes has not changed from 2013 to 2014. Only five EU Member States collect and publish comprehensive data on hate crimes (Figure 2.1).¹¹⁵

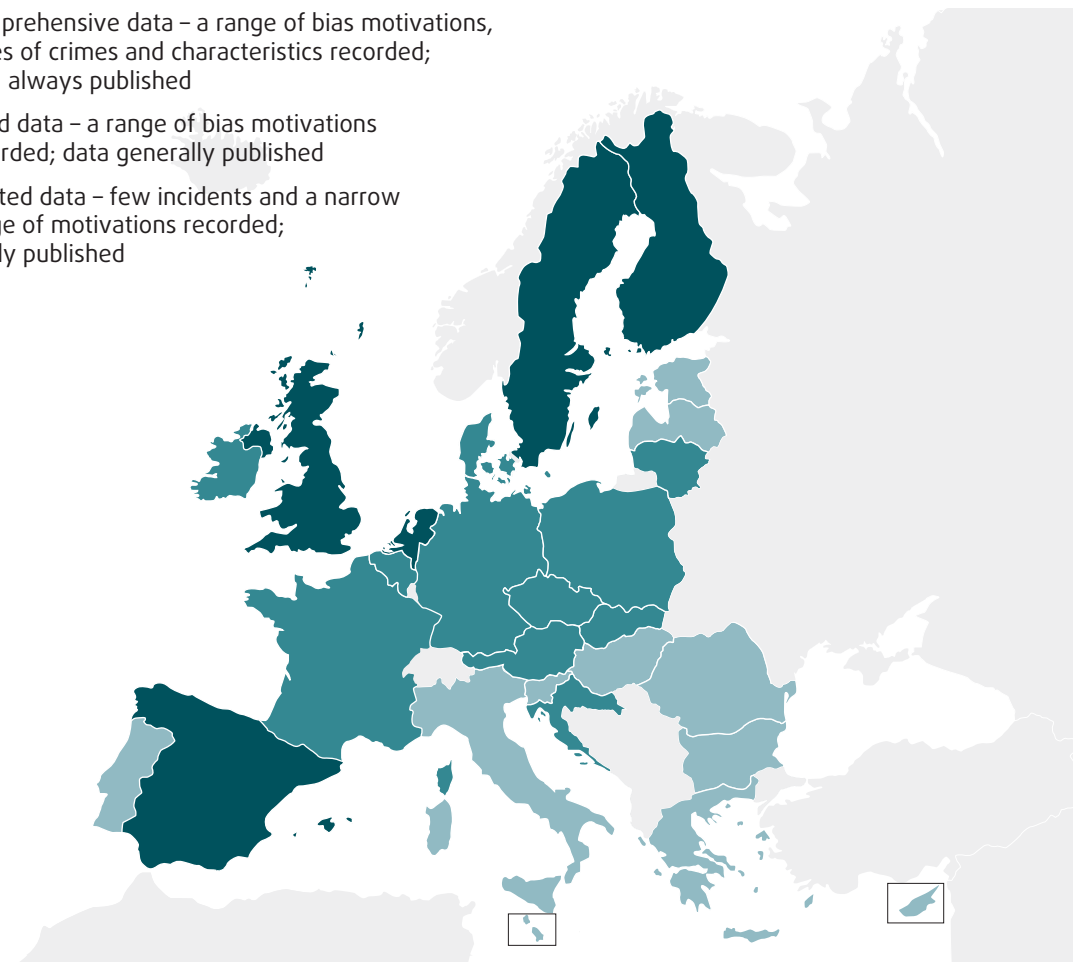
2.3.3. Hate crimes need to be reported and recorded in higher numbers

The EU Member States with the most comprehensive data collection mechanisms for recording hate crime developed such mechanisms over time. For example, as reported by FRA in its Annual report 2013, data collection on racist and related crime in **Spain** became comprehensive in 2013 as a result of changes in what data are collected and what training are offered to frontline police officers on how to record racist and related crime.¹¹⁶ Figure 2.2 shows that the improved data collection system resulted in a 70 % increase in recorded crimes with racist or xenophobic elements.

Member States with comprehensive data collection mechanisms tend to have a range of initiatives to both combat hate crime and assist victims. Higher figures of recorded hate crimes indicate the Member State’s commitment to combating hate crimes through enhanced data collection systems.

Figure 2.1: Status of official data collection on hate crime by EU Member States

- Comprehensive data – a range of bias motivations, types of crimes and characteristics recorded; data always published
- Good data – a range of bias motivations recorded; data generally published
- Limited data – few incidents and a narrow range of motivations recorded; rarely published



Source: FRA desk research, December 2014

“The Police Service is committed to reducing the under-reporting of hate crime and would view increases in this data as a positive indicator, so long as it reflects an increase in reporting and not an increase in the actual incidence of crime which we strive to reduce.”

Association of Chief Police Officers, United Kingdom, 2014, www.report-it.org.uk/files/acpo_recorded_hate_crime_201314_as_posted.pdf

The 28 EU Member States differ on the data they record and publish on crimes motivated by bias. This means that data are not comparable between Member States, and results in gaps in data collections across the EU, as illustrated in Table 2.1.

Variations and gaps between EU Member States could be the result of many factors, including:

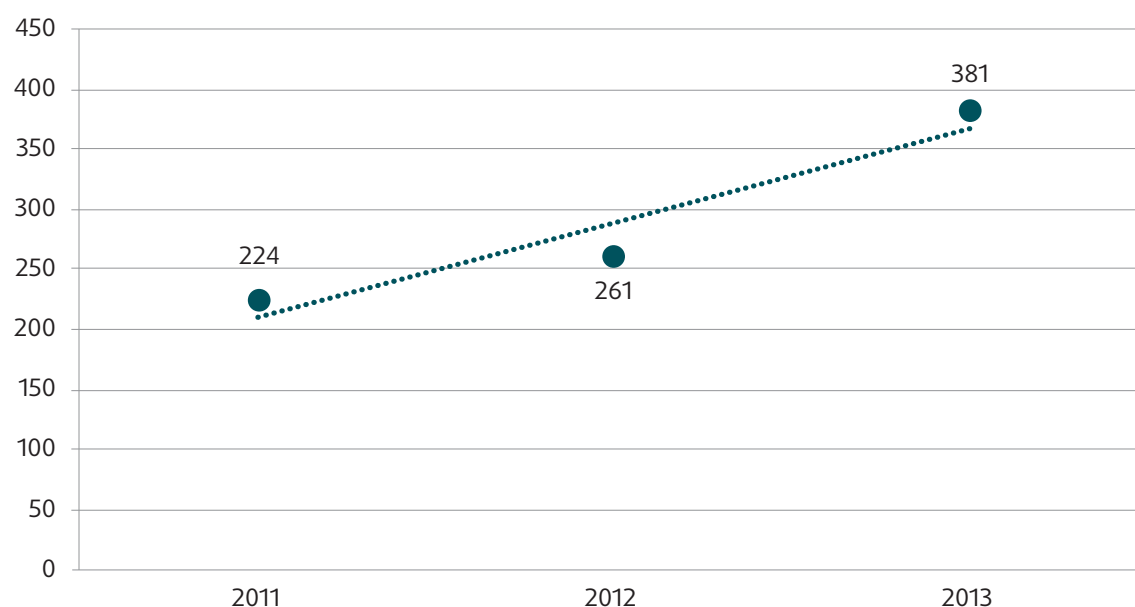
- how these crimes are defined in criminal law;
- how (the characteristics of) incidents are recorded;
- the willingness and ability of victims and/or witnesses to report incidents;
- the awareness of victims of organisations where incidents can be reported;
- the degree of trust victims feel in the authorities to deal with such incidents appropriately;
- the actual occurrence of racist, xenophobic and related crime.

The gaps indicate that official data collection mechanisms often fail to capture the situation on the ground. EU Member States where victims report crimes, law enforcement officials record them, and the criminal justice system prosecutes them, are not necessarily those where most hate crimes are committed. The high numbers of recorded hate crime might simply mean that a comprehensive data recording system is in place: more people report victimisation to the police, and more cases are processed through the criminal justice system.

Table 2.1 should therefore be understood not as a reflection of the prevalence of hate crime in any given EU Member State, but rather as an illustration of the large gaps in data collection on hate crime.

Several Member States adopted strategies and undertook campaigns and initiatives aiming to increase reporting and improve recording of hate crimes in 2014. In the **Czech Republic**, the Agency for Social Inclusion launched a nationwide awareness-raising Campaign against Racism and Hate Crime, aiming to prevent bias-motivated violence.¹¹⁷ In **Poland**, the Ministry of the Interior runs a multilingual nationwide campaign, ‘Racism. Say it to fight it’, aiming to increase awareness among foreigners and migrants of how and where to report racism and racist incidents.¹¹⁸ The Police Service of Northern Ireland in the **United Kingdom** has set up a telephone line to report hate crimes in nearly 50 languages.¹¹⁹ In **Spain**, an interministerial group was created to advance the systematic collection of data on official complaints

Figure 2.2: Spain: cases with racist or xenophobic elements, 2011–2013



Source: FRA desk research, December 2014

Table 2.1: Official data pertaining to hate crime published in 2014 by bias motivation, by EU Member State

EU Member States	Racism	Anti-Roma	Antisemitism	Islamophobia/ anti-Muslims	Religion	Extremism	Sexual orientation	Gender identity	Disability	Other
AT	61		37	12		371				93
BE	798		8				139			77
BG										
CY	8				1		1			
CZ	75	42	15			211				
DE	608		1,275			16,557				
DK										
EE										
EL	166					75	22			
ES	381		3		42		452		290	
FI	1,104		11	11	51		33	6	11	
FR	625		423	226	602	12	90			
HR	34		0							
HU	19				209					96
IE	94		2							
IT										
LT	10				2		55			
LU	29									
LV	20									
MT										
NL	1,346	7	875	150		17				
PL	835	26**	57**	14**	8**	267**				
PT										
RO										
SE	3,999	233	193	327	321	598	625	45		980
SI										
SK	159		2			159				
UK – England, Wales and Northern Ireland	33,856*		318*		2,055*		4,119*	551*	1,853*	
UK – England and Wales	37,484*				2,273*		4,622*	555*	1,985*	
UK – Northern Ireland	691*				974*		179*	8*	70*	
UK – Scotland			9*	48*	587*		890*	25*	154*	203*

Notes: * Fiscal year (1 April 2013 to 31 March 2014).

** Data available for 1 January to 31 July 2014.

Comparisons between Member States are not possible regarding the number of recorded crimes.

Blank entries: no data are collected or published.

Source: FRA desk research, December 2014

and crimes of a discriminatory nature.¹²⁰ **Spain** also introduced a new category of recorded crimes, named ‘aporophobia’, in 2013. The category covers hatred against poor people, and was introduced among the other hate and discrimination crimes in the Statistical System of Criminality.¹²¹

Authorities in the **United Kingdom** adopted two strategies on tackling hate crime. The MOPAC strategy aims to increase the reporting of hate crime, prevent hate crime and ensure justice for hate crime victims.¹²² The Welsh government in its strategy focuses on prevention and awareness raising, training of staff in the statutory and voluntary sectors, supporting victims and improving multi-agency responses.¹²³ In **Spain**, the Ministry of the Interior created a job description for a ‘hate crime police officer’. A member of the state security forces will serve as a channel of communication with different NGOs to prevent and resolve racist or xenophobic incidents.¹²⁴

In **Greece**, a police circular was adopted which requires police officers to investigate possible racist motivations of a crime, whether as an independent motive or as one of multiple motives, and especially when the alleged offenders admit to a racist motivation or there are indications of racist motivation based on evidence or if the alleged offenders and the victims of the crime belong to different racial, religious or social groups.¹²⁵

In **Slovakia**, the Attorney General issued an internal instruction for public prosecutors dealing with racially motivated crimes, crimes of extremism and hooliganism to designate one accredited prosecutor and one of his or her deputies to deal specifically with these crimes.¹²⁶ The Prosecution Service of the Republic of **Lithuania** and the Lithuanian Bar Association, in the framework of the Human Rights Education for Legal Professionals (HELP) programme funded by the Council of Europe, provided distance-learning courses for prosecutors and attorneys to improve their skills and competences when dealing with hate crime.¹²⁷

The **Hungarian** Ministry of the Interior, together with the police, representatives of civil society and independent experts, set up a cooperation forum aiming to enhance, through multi-agency cooperation, the efficiency of responses to racism, hate crimes and other instances of intolerance.¹²⁸ In **France**, to strengthen the coordination of public authorities’ actions against racism and antisemitism, the Inter-ministerial Delegation for Combating racism and antisemitism (*Délégué interministériel contre la lutte contre le racismisme et l’antisémitisme*, DILCRA) was placed under the prime minister’s direct authority. DILCRA will also coordinate the implementation of the national three-year plan against racism and antisemitism.¹²⁹

2.3.4. Assessing effectiveness of data collection systems

EU Member States have different official systems in place for collecting data pertaining to hate crime. It would therefore be misleading to try to compare data or trends in collected data between the Member States. Instead, looking at trends in collected data for individual Member States is a more meaningful and accurate approach. In this way it can be assessed whether reports and records of hate crime are increasing or decreasing on the basis of percentage changes in collected data between years. However, while such trends can indicate an actual increase or decrease in hate crimes, they can also reflect changes in recording procedures.

Based on the official data published by relevant authorities across the EU Member States, FRA developed trend lines for official data pertaining to hate crime between 2011 and 2013. The trends were developed for Member States where more than 50 cases of hate crime were officially recorded and the recording procedures did not change between 2011 and 2013.

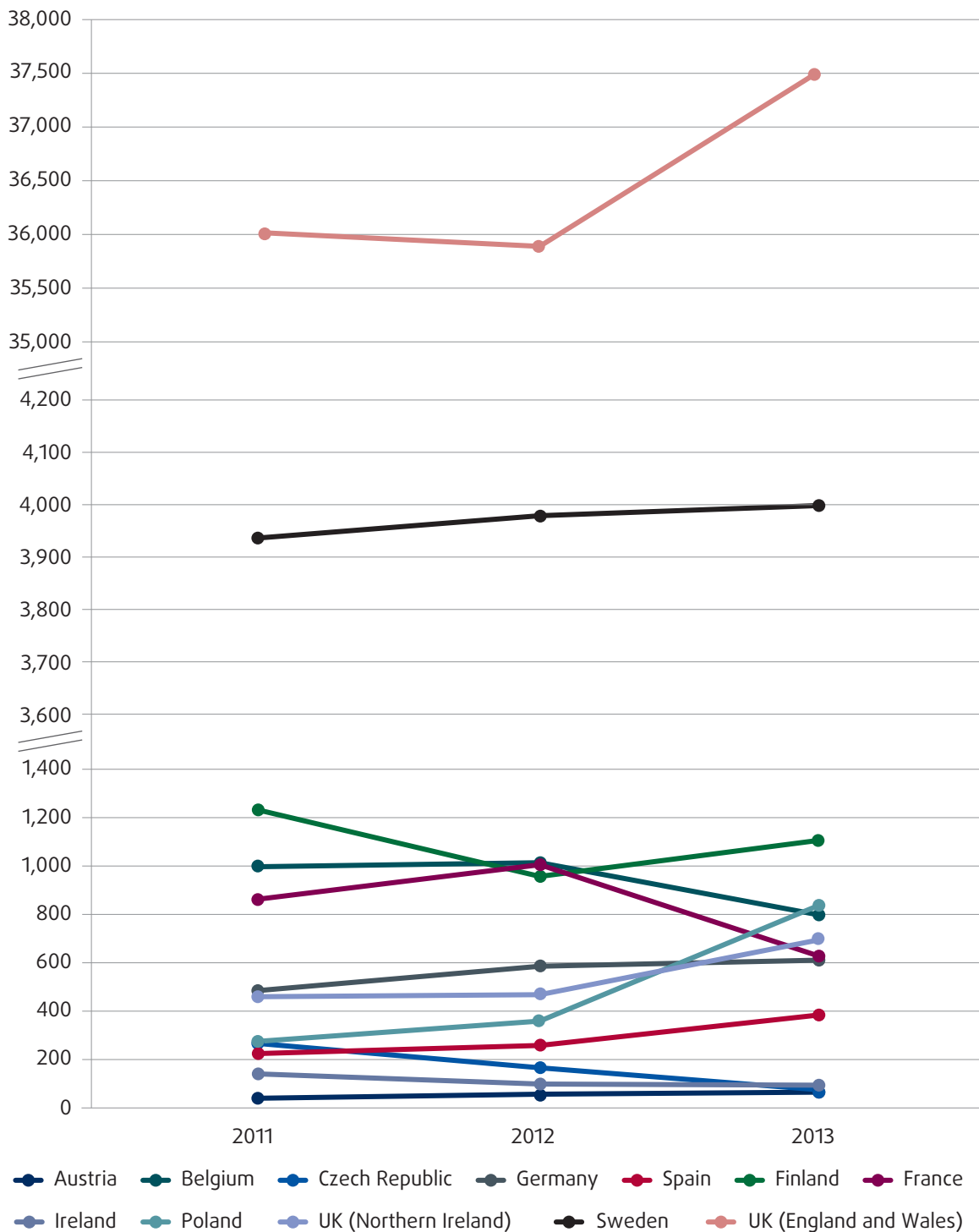
As illustrated in [Figure 2.3](#), trends on recorded racist crime could be developed for 11 Member States. [Table 2.2](#) provides trends that could be developed for other bias motivations: antisemitic and extremist crime for four Member States; crime with sexual orientation and religious bias for three; anti-Roma, Islamophobic/anti-Muslim and gender identity crime for two; and crime with disability bias for one.

Official data mechanisms record incidents that are reported to the authorities by victims of hate crimes. FRA surveys provide data on the extent of unreported racist crime by asking respondents if they have experienced a racist crime and, if so, whether or not they reported it to the police. The second wave of the EU-MIDIS survey (EU-MIDIS II), which is to be implemented in 2015, will provide data in the coming year to identify trends in unreported racist crime when compared with the results of EU-MIDIS I, which was carried out in 2008.

EU Member States that collect sufficiently robust data to allow for a trend analysis for all the other hate crime grounds (besides racism) are included in [Table 2.2](#) below.

Trends in data in recorded crimes motivated by anti-semitism, for example, were developed for four EU Member States: **Germany**, **France**, **Sweden** and the **United Kingdom** (England, Wales and Northern Ireland). In **Germany** and **France** there were slight increases (1.4 % and 3.6 %, respectively) in recorded antisemitic incidents between 2011 and 2013. In **Sweden**, a very slight decrease (0.3%) in antisemitic crimes occurred,

Figure 2.3: Trends in official data pertaining to racist hate crime between 2011 and 2013, published in 2014



Notes: For more details on officially recorded data pertaining to hate crime, please refer to FRA (2012), *Making hate crime visible in the European Union: acknowledging victims' rights*, Luxembourg, Publications Office, Table 3, and FRA (2013), *Fundamental rights: Challenges and achievements in 2012 - Annual report 2012*, Luxembourg, Publications Office, Table 6.4, Table 6.5 and Table 6.6.

Trend analysis was possible only for those Member States where data have been collected without major changes to the recording system or to the definitions used between 2011 and 2013. The assessed time period encompasses the minimum number of years needed for trend analysis. EU Member States with a small number of recorded crimes were excluded from analysis. When the number of recorded crimes is low (in this case, under 50 crimes per year), the direction and magnitude of the trend can be highly susceptible to the changes from one year to the next, making reliable trend analysis difficult.

Source: FRA desk research, December 2014

Table 2.2: EU Member States where trends in official data pertaining to hate crimes were identified, by bias motivation (except for racism), data published in 2014

EU Member States	Anti-Roma	Antisemitism	Islamophobia/anti-Muslim	Religion	Extremism	Sexual orientation	Gender identity	Disability
AT					✓			
BE						✓		
CZ	✓				✓			
DE		✓			✓			
FI				✓				
FR		✓	✓					
HU				✓				
SE	✓	✓	✓	✓	✓	✓	✓	
UK – England, Wales and Northern Ireland		✓		✓		✓	✓	✓
UK – England and Wales				✓		✓	✓	✓
UK – Northern Ireland				✓		✓		✓
UK – Scotland						✓		✓

Source: FRA desk research, December 2014

and in the **United Kingdom** a decrease of 16.0 % in recorded antisemitic crimes was identified. Trend lines on data on anti-Muslim and Islamophobic incidents could be developed for two Member States: **France** and **Sweden**. In **France** an increase of 18.3 % was recorded, and in **Sweden** an increase of 8 %.

No trends could be identified between 2011 and 2013 because of a lack of published data, the low number of recorded crimes, or changes in recording systems or to the definitions used, for the following EU Member States: **Bulgaria, Croatia, Cyprus, Denmark, Estonia, Greece, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovakia** and **Slovenia**.

Underreporting and underrecording are the main barriers to effective data collection on hate crime. A key component is whether victims of hate crime feel they can approach the police to report the incident. If the police encourage victims to report incidents and treat them with dignity, victims are more likely to come forward, and the number of recorded incidents is likely to increase. Increases or decreases in data pertaining to hate crimes observed in EU Member States may be the result of many factors, including:

- policies and measures undertaken by state and law enforcement authorities to increase reporting of hate crimes, such as:
 - implementing community policing that can strengthen community relations,
 - increasing trust in the police’s ability to respond sensitively to the rights and needs of victims,
 - awareness-raising campaigns among persons at risk of becoming hate crime victims,
 - training of frontline police officers and judicial authorities that will enable them to identify, investigate and prosecute hate crimes effectively;
- initiatives and activities undertaken by NGOs and civil societies aiming to increase reporting;
- avoidance of discriminatory situations by potential victims;
- refraining from reporting by victims who assume that reporting does not help, or may harm them;

- policies and measures undertaken by state and law enforcement authorities to improve recording of hate crimes;
- the actual increase or decrease of racist, xenophobic and related crime.

Figure 2.3 and Table 2.2 illustrate that only a few EU Member States would be able to use their data collection to assess the effectiveness of their policies in countering hate crime. EU Member States need better official data collection that will enable them to accurately reflect the situation on the ground and take appropriate policy actions.

FRA conclusions

- Evidence in 2014 shows that across the EU members of minority ethnic groups, including migrants and refugees, continue to face discrimination in access to key areas of social life, such as employment, education, health and services, including housing.

EU Member States should intensify efforts to implement the Racial Equality Directive fully and effectively, in particular concerning the reporting of discrimination incidents to national equality bodies to combat discrimination more effectively.

- Evidence suggests that underreporting of incidents of discrimination experienced by migrant and ethnic groups persists. Article 10 of the Racial Equality Directive requires Member States to inform persons concerned of their rights to non-discrimination.

In this light, EU Member States should intensify awareness-raising activities targeting such persons effectively, including among bodies that can help to disseminate information such as national equality bodies, NGOs, trade unions and employers.

- Evidence in 2014 shows that incidents of racist, antisemitic and xenophobic hate crime and hate speech persist. Continuous victimisation of members of minority ethnic groups can contribute to feelings of social exclusion and alienation of entire communities, and incite radicalisation.

EU Member States should proceed with the full and correct transposition and effective implementation of

the Framework Decision on Racism and Xenophobia. In addition, Member States are encouraged to adopt and implement policies and measures aiming at combating racism and hate crime, as well as deradicalisation programmes.

- Evidence shows that the internet remains a critical tool for spreading hate speech. A number of EU Member States have taken steps to counter hate speech online in 2014.

To prevent the misuse of the internet as an area where hate speech can be committed with impunity, EU Member States should assess if the police and public prosecutors' offices are sufficiently staffed and equipped to investigate and prosecute hate crime on the internet, to address cyber hate as far as necessary to meet Member States' responsibilities and standards of due diligence.

- Although several EU Member States have made efforts to improve the recording and prosecuting of hate crimes in 2014, evidence collected by FRA shows that persistent gaps exist in data collection when it comes to recording of hate crimes.

EU Member States are encouraged to provide law enforcement and judicial authorities with specialist training that will enable them to effectively identify, investigate and prosecute crimes committed with a discriminatory motive. Such specialist training would improve their understanding of the rights and needs of victims of hate crimes, and ensure that such victims are offered assistance and support in compliance with the provisions of the Victims' Directive.

- There is evidence in several EU Member States of incidents involving discriminatory misconduct and discriminatory ethnic profiling by law enforcement officials in 2014. This can undermine trust in law enforcement officials.

EU Member States should consider providing specialist training to law enforcement officials, adopting codes of conduct for the prevention of racism, and consider approaches, such as community policing, that can strengthen community relations and trust in the police's ability to respond sensitively to the rights and needs of victims.

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