

# CITIZENS' RIGHTS AND POLICING

Evidence from  
FRA research

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FRA



# FRA surveys addressing policing

- ❑ **EU-MIDIS – EU27 (2014, testing for second wave of survey)**
  - 23,500 - ethnic minorities & immigrants – random sample
  
- ❑ **Roma Survey – 11 Member States (with UNDP)**
  - 22,000 respondents – random sample
  
- ❑ **LGBT Survey – EU27 + Croatia**
  - 93,000 respondents – online
  
- ❑ **Anti-Semitism Survey – 9 Member States**
  - 6,000 respondents – online
  
- ❑ **Violence against Women Survey – EU27 + Croatia**
  - 42,000 women – random sample

## Other FRA research addressing policing

- ❑ **Understanding & Preventing Discriminatory Ethnic Profiling - A Guide**
  - *rights-based approach to inform policing*
  
- ❑ **Making Hate Crime Visible in the EU: acknowledging victims' rights**
  - *rights-based approach for police and other actors*
  
- ❑ **Fundamental rights and policing: a police training manual**
  - *piloted with different police academies*
  - *not a heavy, legalistic approach; contains a module on the rights of police officers*

# FRA Guide on

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## Understanding and Preventing Discriminatory Ethnic Profiling

### Towards more effective policing

# Discriminatory Ethnic Profiling

- Profiling can be a legitimate investigative technique if based on – for example – a suspect description in combination with other evidence
- Race, ethnicity or religion can be used as part of a profile without breaking the law (together with other evidence)
- The FRA uses the concept of discriminatory ethnic profiling in its Guide to distinguish it from other forms of profiling

# Discriminatory Ethnic Profiling

## Discriminatory ethnic profiling involves:

- Treating an individual less favourably than others who are in a similar situation (in other words ‘discriminating’), e.g. potentially through police stop and search
- Where a decision to exercise police powers is based **only or mainly** on that person’s race, ethnicity or religion

## A clear principle in EU law

- **Discrimination** on the grounds of race, ethnicity or religion can never be justified or lawful
- Article 19 TFEU; Charter of fundamental rights of the EU (2000): articles 20 & 21 – on equality/anti-discrimination
- Racial Equality Directive (2000) on discrimination

## Positive Practices – focus on:

- Behavioural analysis
- Good suspect descriptions and good intelligence
- Good ‘quality encounters’ – service-focused policing
- Clear guidance to officers & training that distinguishes discriminatory profiling practices from legitimate practices
- Regular and on-going engagement with civil society groups – work with communities
- **Collection of data to be able to identify and counteract discriminatory practices**

# EU-MIDIS

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## Data in Focus Report 4 Police Stops and Minorities



## EU-MIDIS: Largest EU-wide survey to date on minorities

- **23,500** randomly sampled migrant/ethnic minority respondents; face to face interviews; all EU countries.
  - Roma
  - Sub-Saharan Africans
  - Central and Eastern Europeans
  - Turkish
  - Former Yugoslavians
  - North Africans
  - Russian
- **5,000** majority pop interviewed in 10 MSs
- Key questions on police stops

**General perceptions on  
discrimination in MS**

**Rights awareness/complaints**

**Discrimination**

**Experiences and Reporting**

**Employment**

**Education**

**Housing**

**Health + social services**

**Consumer services**

**Victimisation**

**Experiences and Reporting**

**Property crime**

**Assault and threat**

**Serious harassment**

**Corruption**

**Police stops/contact**

**Border stops**

**Respondent**

**Variables**

## What was asked? (1)

### **General questions to all respondents – majority & minority:**

- Trust in the police
- Have you been stopped by the police (in last 5 years and in last 12 months)?
- How many times have you been stopped in the past 12 months?

### **Minority respondents only:**

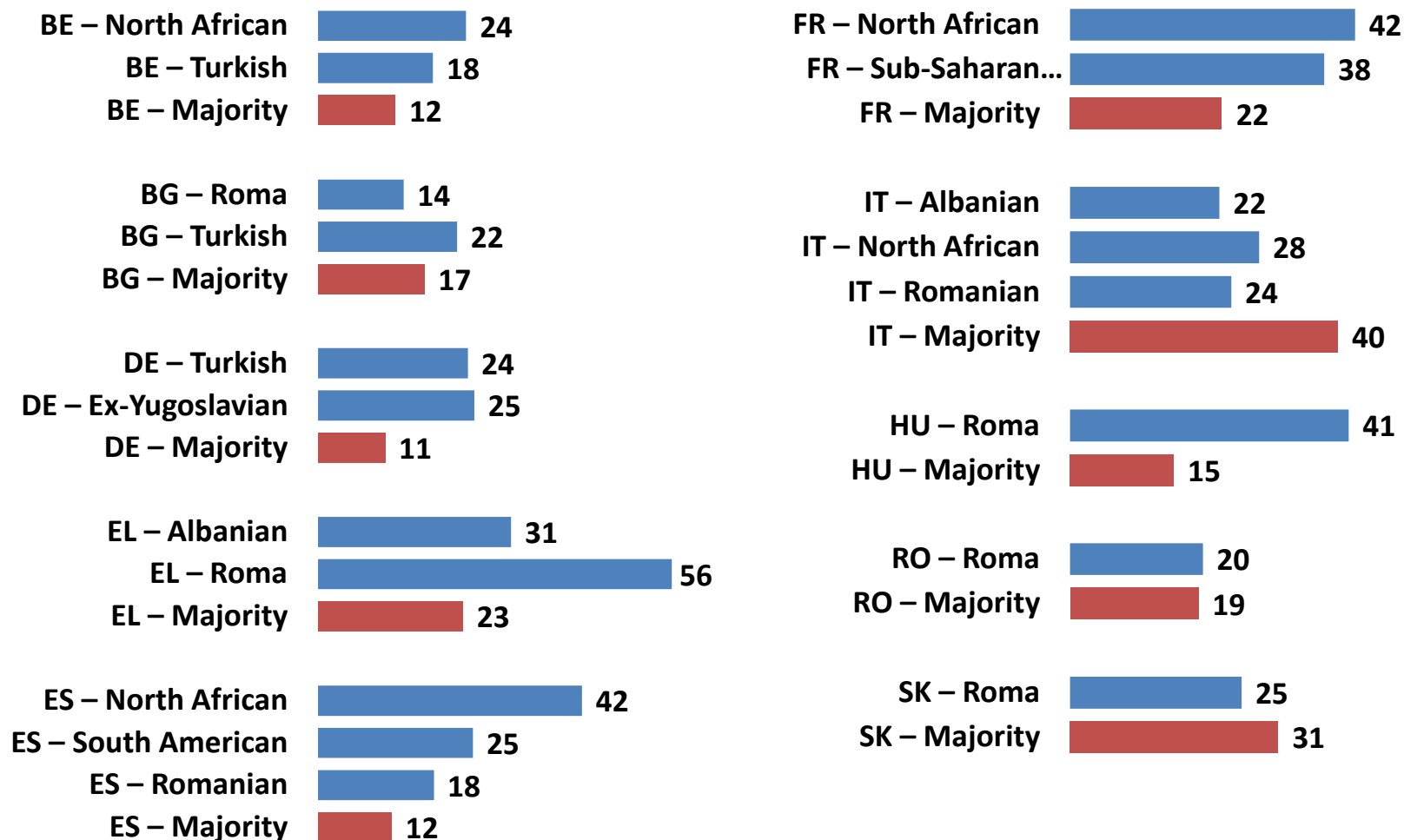
- Do you consider you were stopped because of your immigrant/minority background in the past 12 months?

## What was asked? (2)

**Of those who were stopped in the last 12 months, they were asked the following in relation to the last stop:**

- Where were you when stopped – car, public transport, on the street, etc.?
- What did the police do?
- How respectful were the police when stopping you?

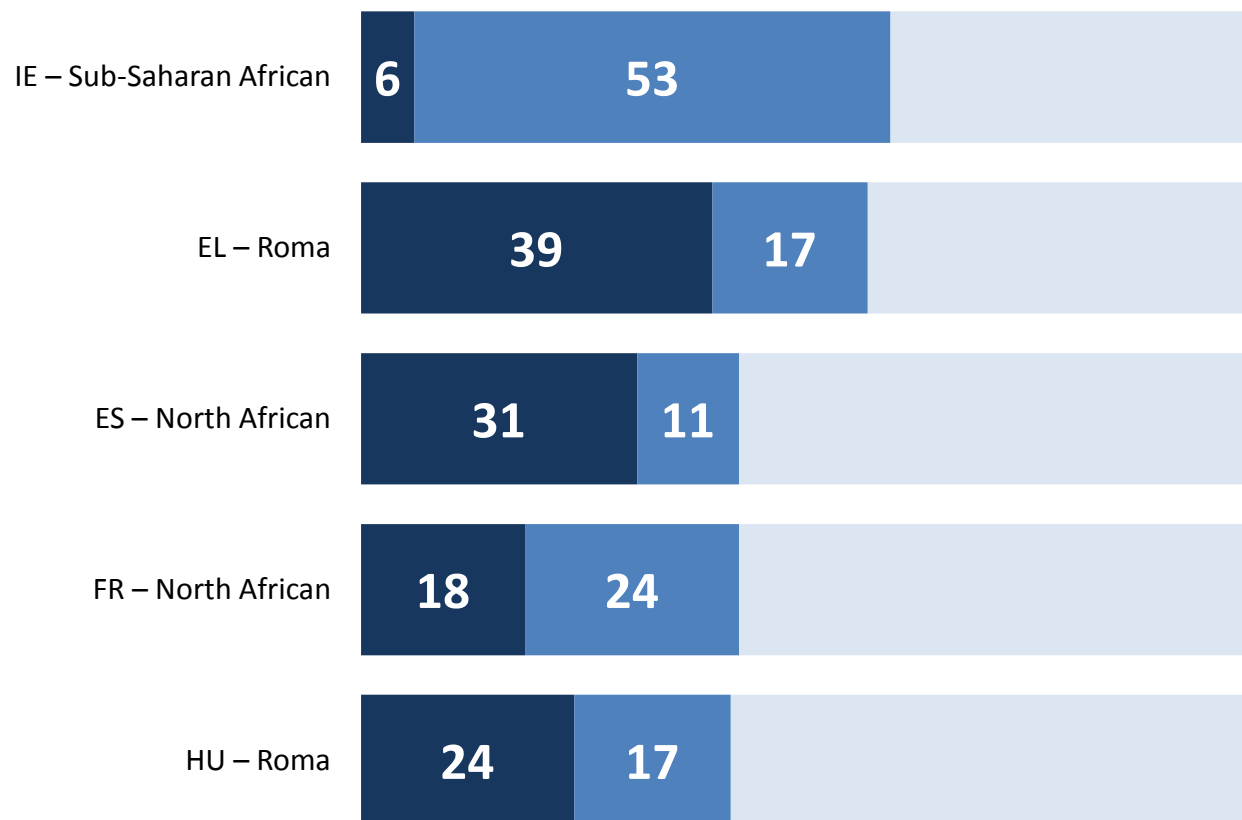
## % stopped by police in last 12 months – comparison with majority respondents in 10 MS



# Proportion of perceived discriminatory ethnic profiling among all stops

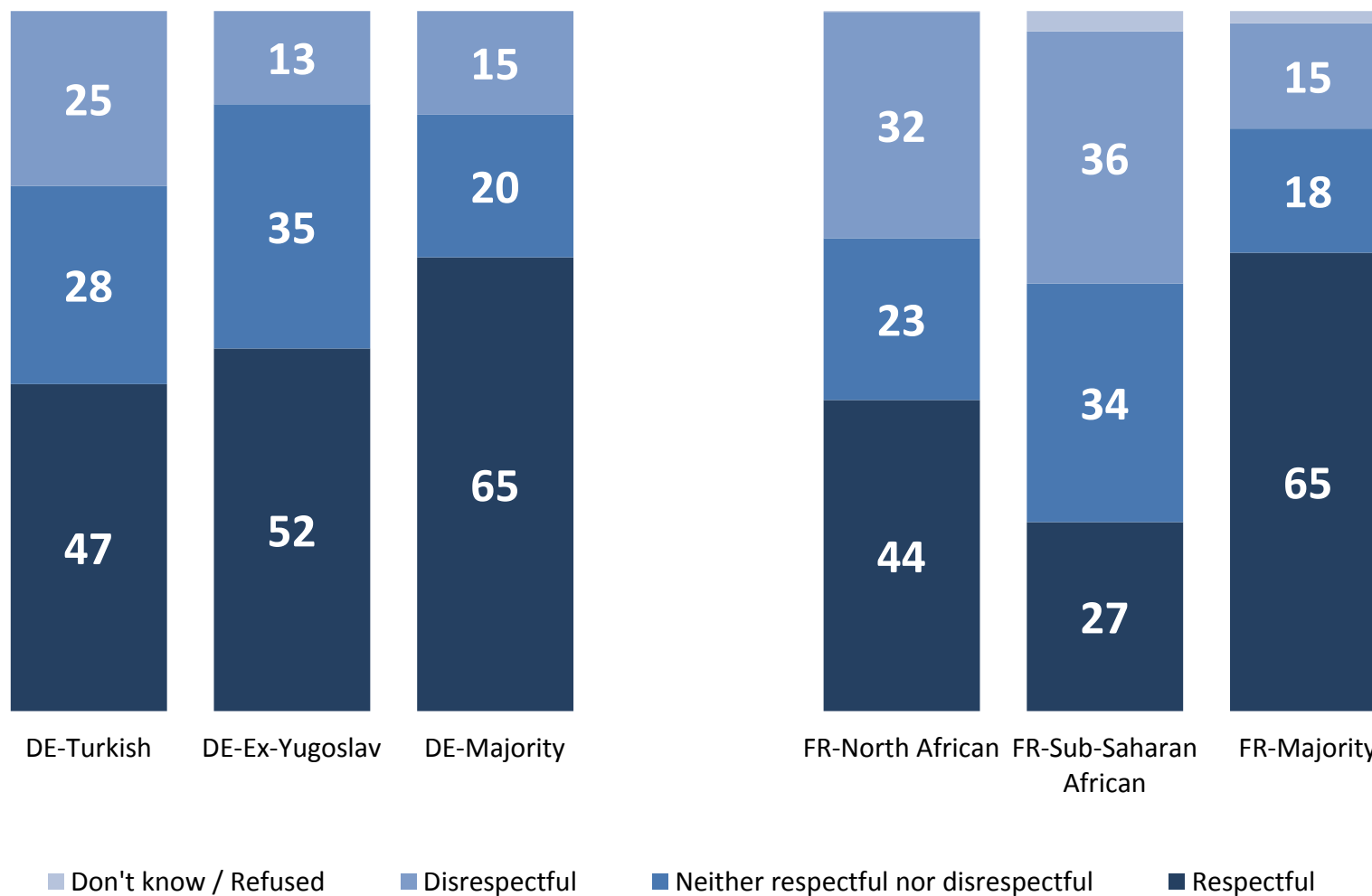
■ Stopped, with ethnic profiling    
 ■ Stopped but no ethnic profiling    
 ■ Not stopped

Top 5 Groups with highest number of stops (%)



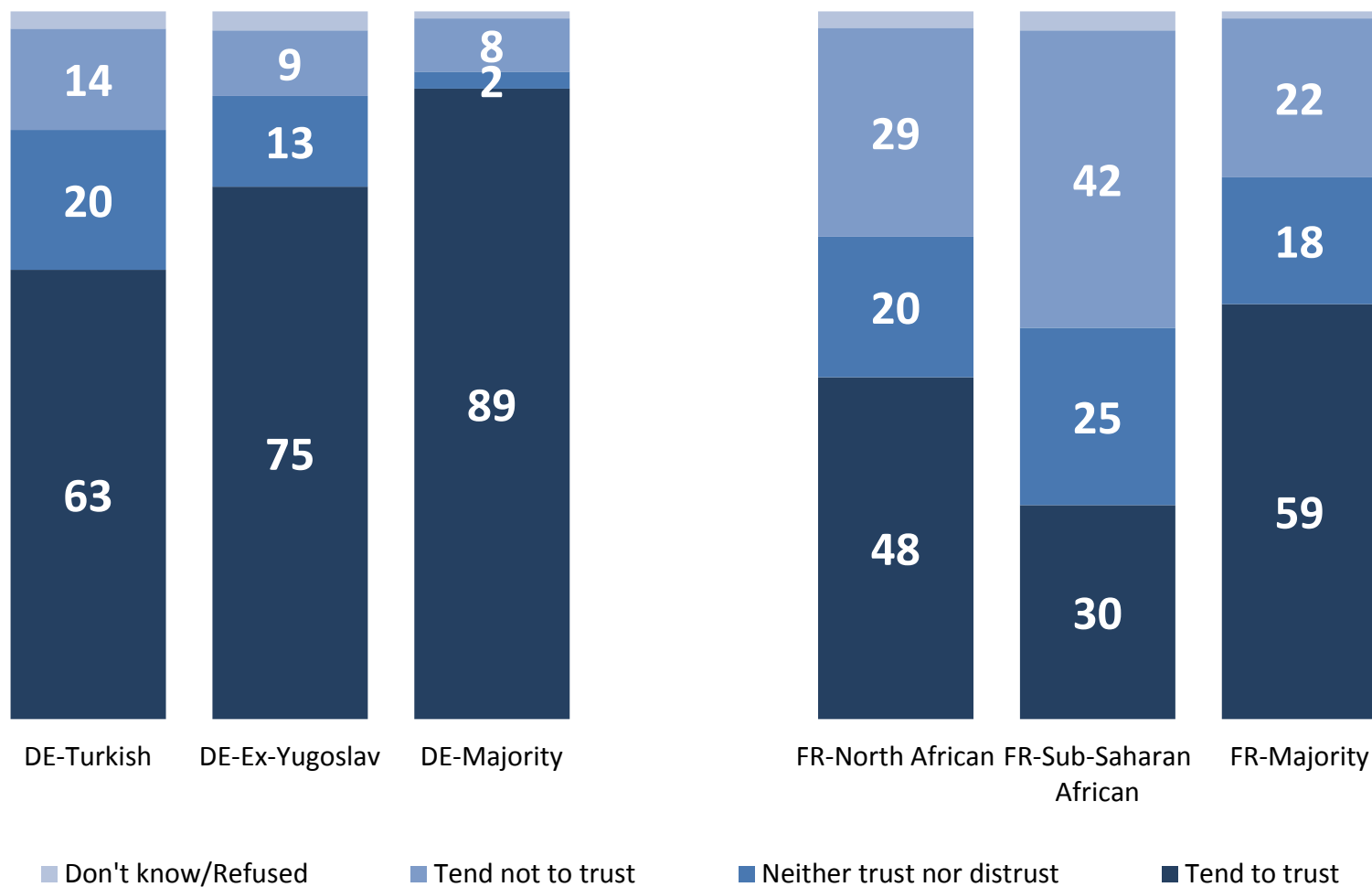
# Police seen as respectful at last stop

## Germany & France (%)



# Whether respondents trust the police

## Germany and France (%)





# EU-MIDIS

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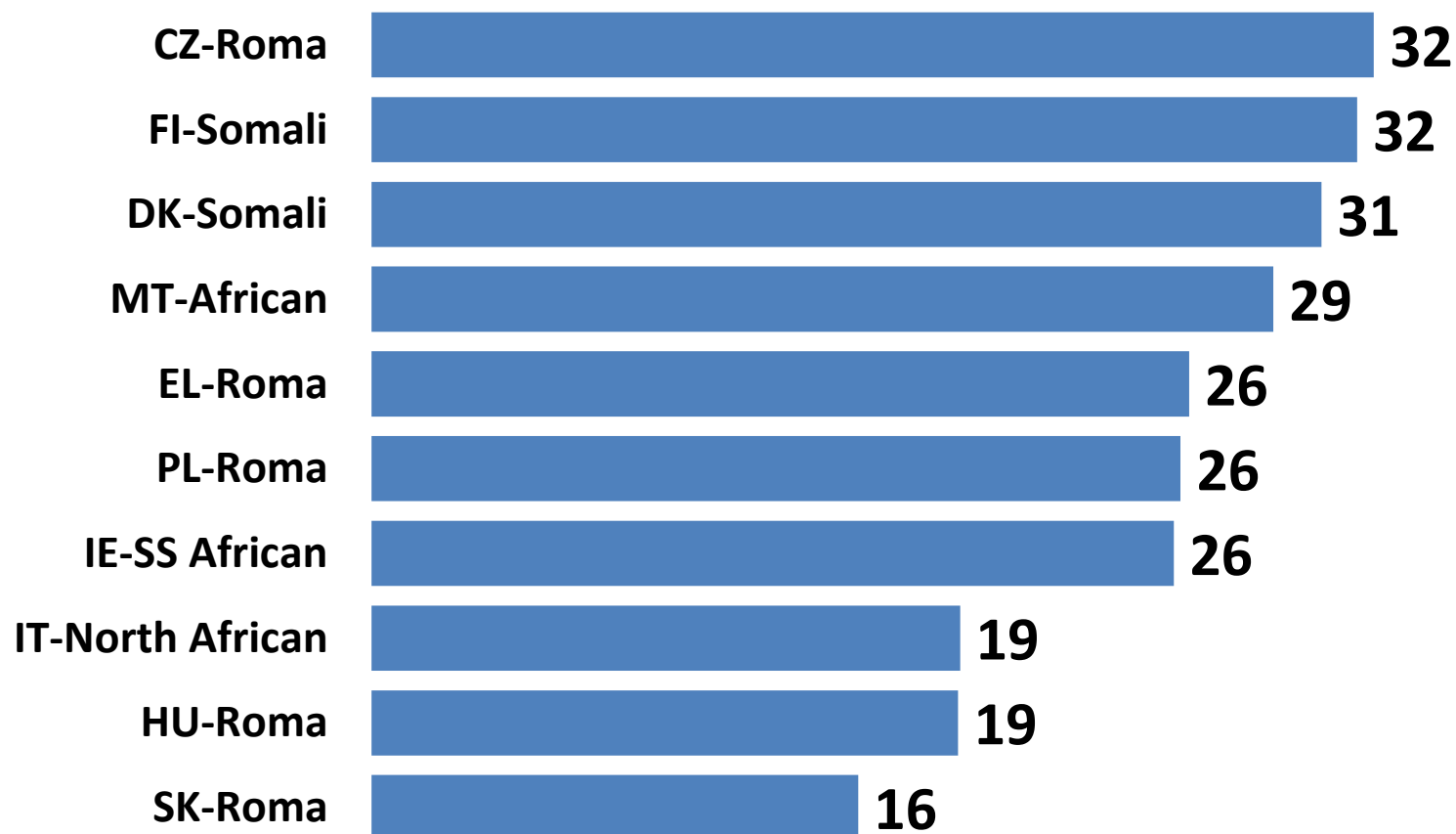
## Data in Focus Report 6 Minorities as Victims of Crime

*focusing on hate crime*

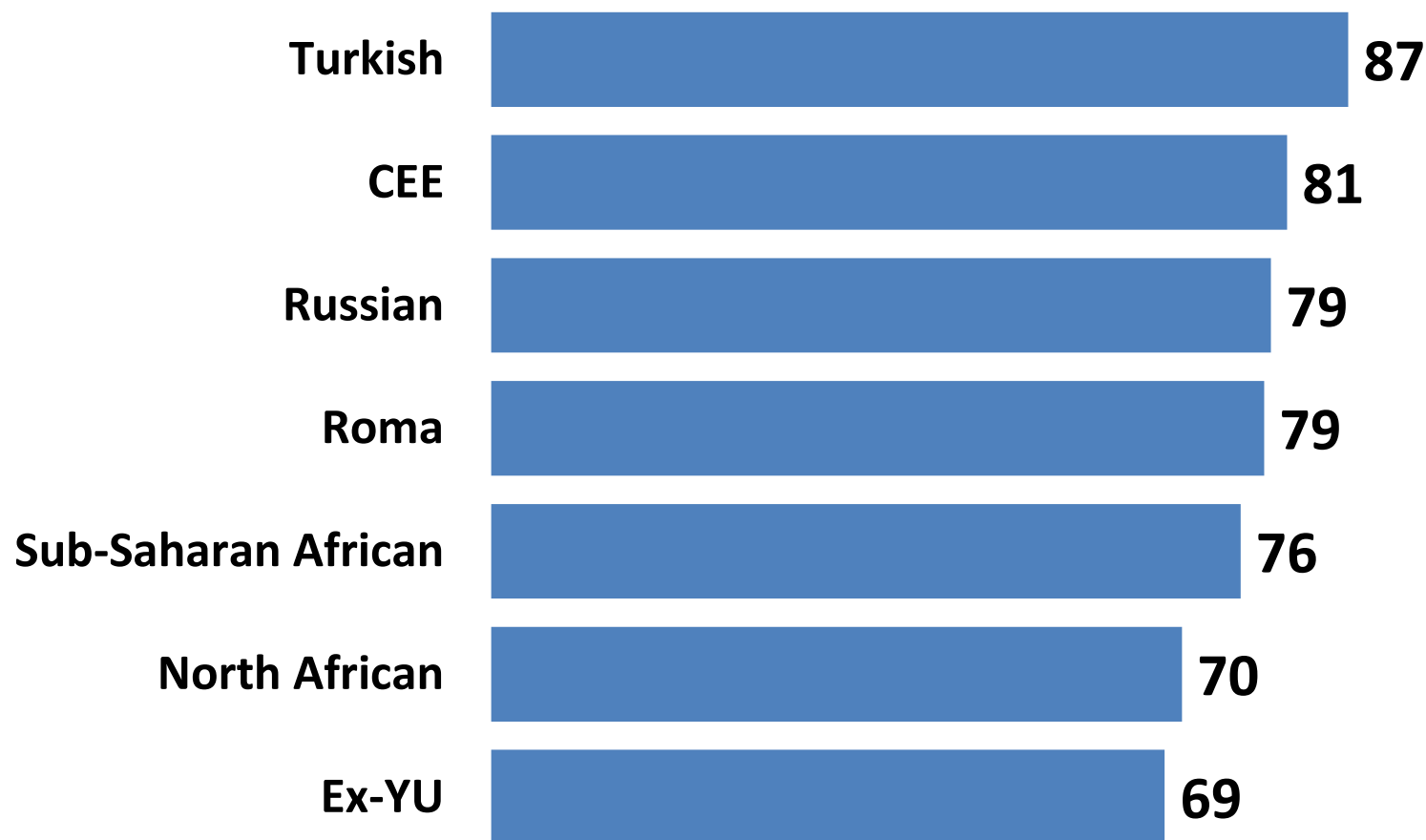
## Official criminal justice data

<b>Limited data</b> Few incidents and a narrow range of 'hate' or bias-motivated crimes are recorded Data often not published		<b>Good</b> A range of 'hate' or bias-motivated crimes are recorded Data usually published	<b>Comprehensive</b> Also types of crime and characteristics recorded Data always published
<b>Bulgaria</b>	<b>Portugal</b>	<b>Austria</b>	<b>Finland</b>
<b>Cyprus</b>	<b>Slovenia</b>	<b>Belgium</b>	<b>Netherlands</b>
<b>Estonia</b>	<b>Spain</b>	<b>Czech Republic</b>	<b>Sweden</b>
<b>Greece</b>	<b>Romania</b>	<b>Denmark</b>	<b>UK</b>
<b>Hungary</b>		<b>France</b>	
<b>Ireland</b>		<b>Germany</b>	
<b>Italy</b>		<b>Lithuania</b>	
<b>Latvia</b>		<b>Poland</b>	
<b>Luxembourg</b>		<b>Slovakia</b>	
<b>Malta</b>			

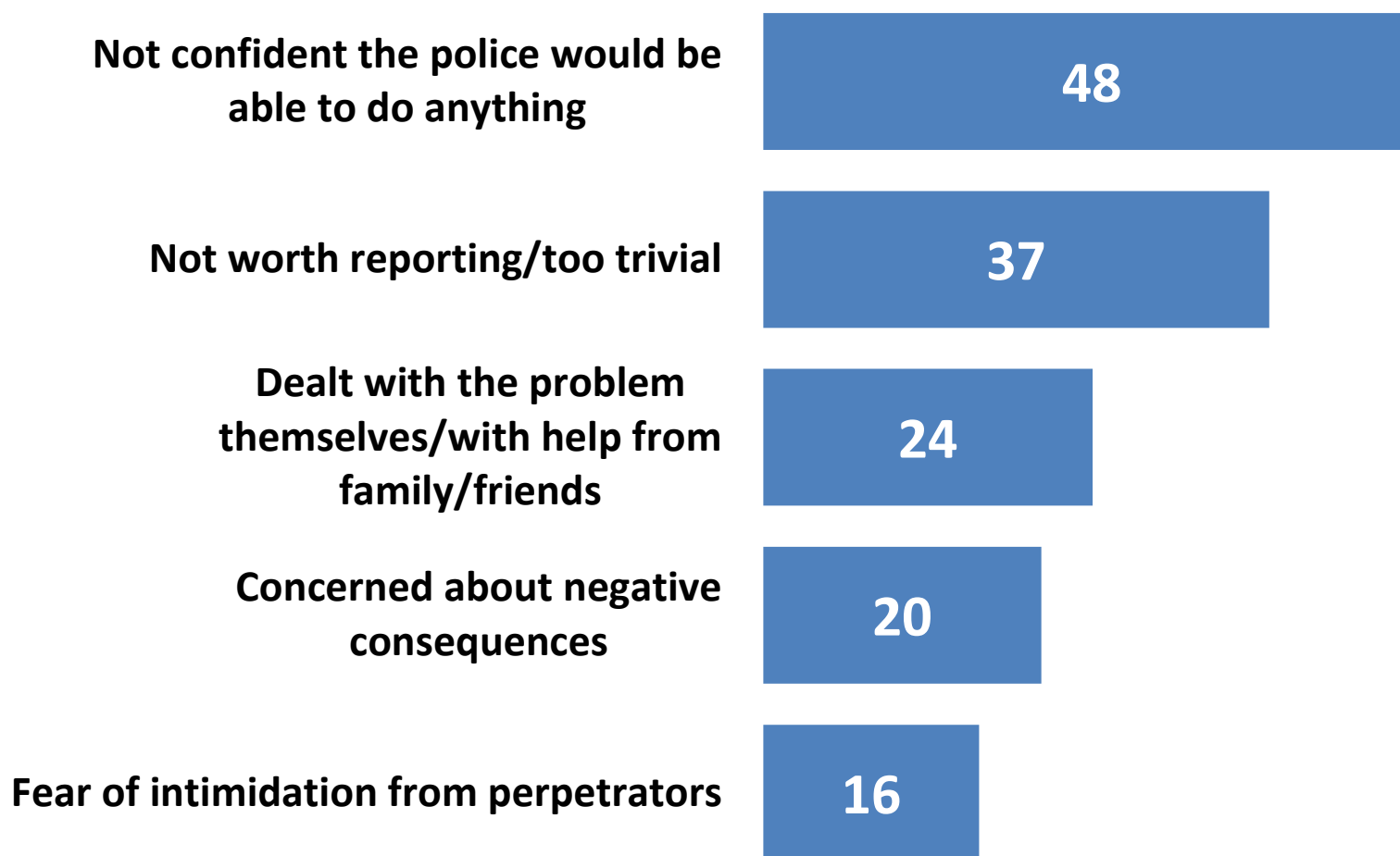
## Perceived racist crime victimisation for assault, threat & serious harassment (%), all respondents – in the past 12 months



## Percentage of victims of assault, threat and serious harassment who did not report it to the police (%) latest incident in the past 12 months



## Reasons for not reporting the most recent incident of assault, threat and serious harassment to the police in the past 12 months, all respondents (%)



# LGBT Survey

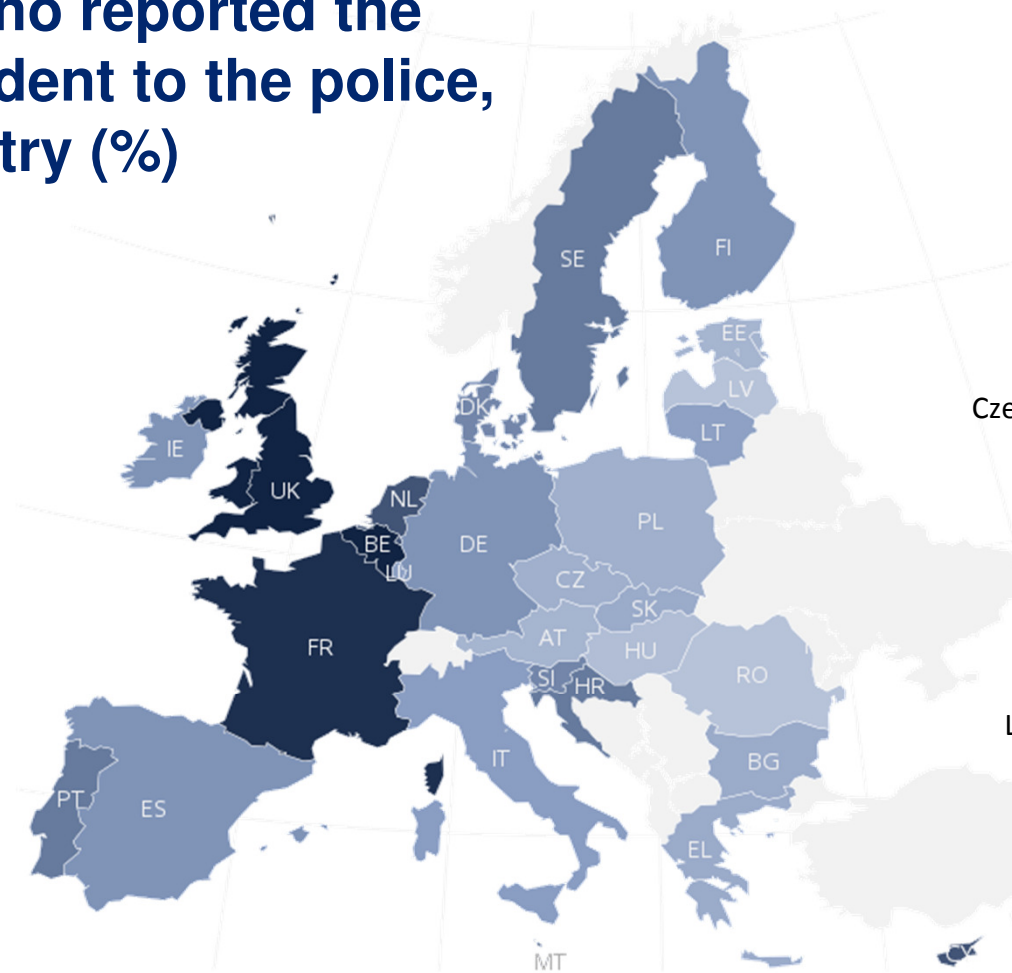
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## **Main Results Report** *Chapter 2: Violence & Harassment*

## LGBT Survey: Largest EU-wide survey to date on minorities

- **93,500** respondents across all EU countries;
- Online survey – NOT a random sample
  - Lesbian
  - Gay
  - Bisexual
  - Transgender
- Key questions on reporting hate crime to the police

## Victims of hate-motivated crime who reported the last incident to the police, by country (%)



EU LGBT average	17
United Kingdom	25
France	24
Belgium	24
Sweden	23
Netherlands	23
Croatia	23
Slovenia	21
Cyprus	20
Ireland	19
Portugal	18
Finland	16
Malta	16
Germany	16
Spain	16
Czech Republic	14
Denmark	14
Latvia	14
Lithuania	13
Italy	13
Slovakia	13
Bulgaria	13
Luxembourg	12
Poland	10
Hungary	10
Romania	10
Austria	9
Estonia	7
Greece	6

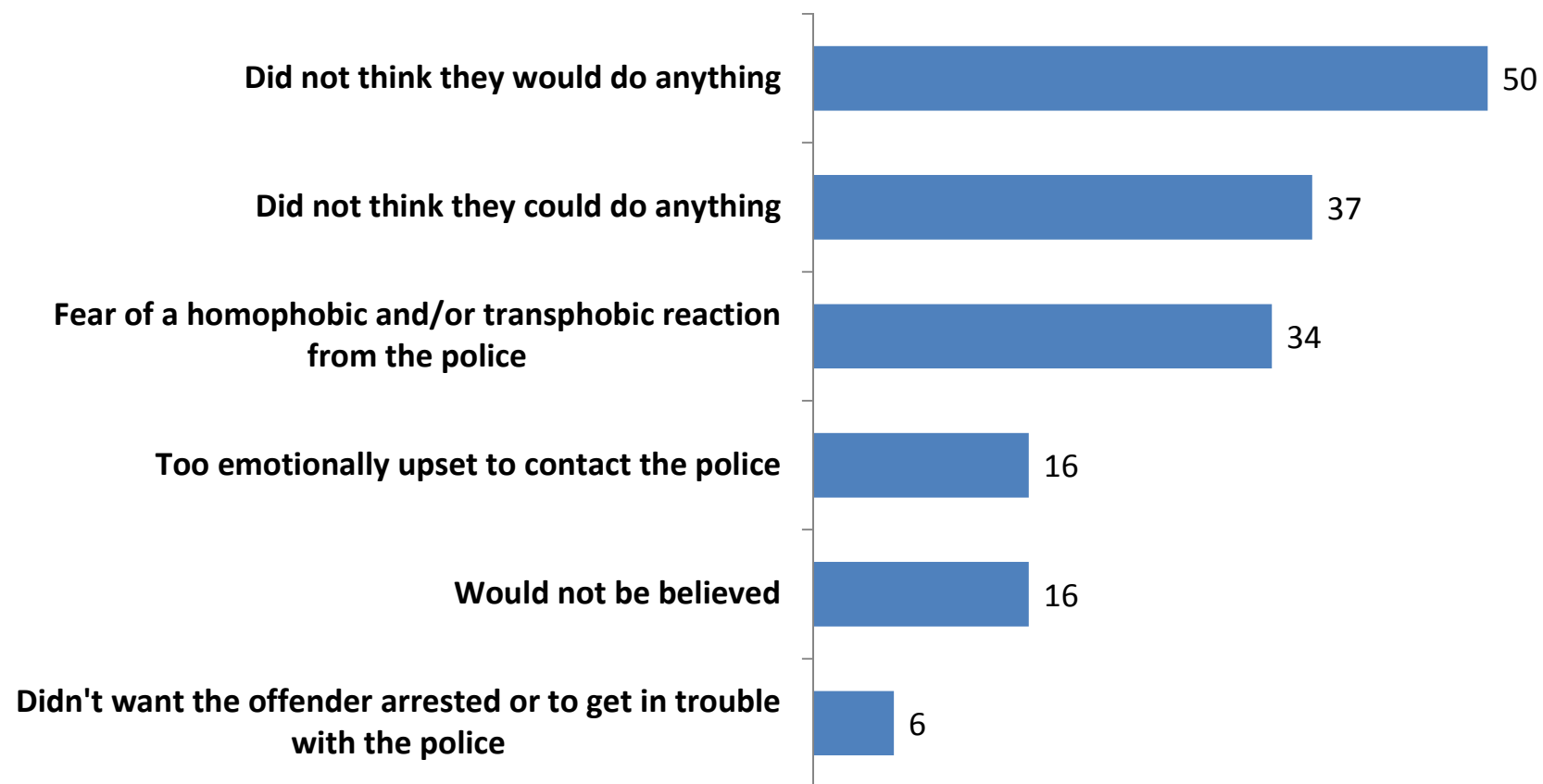




## **Victims of hate-motivated crime who reported to the police the last incident suffered, by LGBT groups, %**



## Police-related reasons for not reporting the last hate-motivated crime to the police, % of victims



## Using the results . . .

- Similar issues emerge with respect to different groups' under-reporting their experiences of victimisation to the police – be this ethnic minority or LGBT groups.
- Trust in the police emerges as a strong issue.
- Notable differences between different ethnic groups surveyed in the same countries (and between countries).
- Why in some countries do LGBT persons have more trust in the police than ethnic minorities? Look at experiences between different groups.

## Considerations . . .

- Fundamental rights and accountability? Looking at the checks and balances on policing – to assist the police
- Data – can we afford to collect it in times of economic constraint?
- Who is representing the experiences of different groups in society – NGOs should not be the only ones to collect data to identify the experiences of specific groups
- Police can benefit from listening to the experiences of those they police

**Thank you**



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