Ethnic profiling by police in Europe is a widespread form of discrimination that violates international and EU human rights norms. It refers to the use by the police, security, immigration or customs officials of generalisations based on race, ethnicity, religion or national origin - rather than individual behaviour or objective evidence - as the basis for suspicion in directing discretionary law enforcement actions.

The Open Society Justice Initiative (OSJI) and the European Network Against Racism (ENAR) have contributed to bringing the issue of ethnic profiling and discriminatory police practices to the attention of EU decision makers. In 2009, they produced a factsheet in 2009, as well as additional country reports. OSJI produced numerous and detailed research reports and a good practice handbook. OSJI has also represented several applicants in strategic litigation cases challenging the practice in Western Europe.

Though increasingly active in the areas of security and home affairs, the European Commission and the Council have so far been reluctant to address the issue of ethnic profiling, claiming it is a national competence. There has nevertheless been some recognition of the issue at EU level. The European Parliament has produced a number of reports and recommendations in which it urges European authorities to take action. In 2006, the Network of Independent Experts on Fundamental Rights had already issued a report on profiling and in 2010, the EU Agency for fundamental rights (FRA) released a handbook on ethnic profiling. International organisations have also adopted positions on the matter. The Council of Europe European Commission Against Racism and Intolerance (ECRI) adopted a General Policy recommendation on combating racism and racial discrimination in policing. The United Nations is recognising the importance of the issue globally and is due to release a good practice handbook in late 2016.

The context has changed dramatically in the last few years, highlighting the need to better protect minority communities in Europe and improve policing. A number of recent developments would support the need for a renewed discussion at EU level:

- Terrorist attacks in Brussels, Paris and elsewhere, and the assertions about an elevated terrorism threat have led to the development of counter-terrorism and counter-radicalisation policies which have increased ethnic profiling.
- Responses to increase in migrants and asylum seekers flux have led to enhanced border controls and stricter return policies towards undocumented.
- Communities-police relations seem to deteriorate in a context of social protest, counter-terrorism and stricter migration policies.
- Renewed debates at national level on stop and search practices and solutions, including in France and the Netherlands.
The Dutch Presidency made inroads on addressing police discriminatory practices by the mention of ethnic profiling in Council Conclusions on the application of the Charter of Fundamental Rights and by proposing that the newly created High level Working Group on racism, Xenophobia and other forms of Intolerance would tackle these practices.

The European Commission has been engaged in supporting police cooperation in the fight against serious crime and terrorism, and establishing standards in criminal justice including victims’ rights. The European Union can also build upon core norms, such as the Charter of Fundamental Rights, the Framework Decision Against Racism and Xenophobia, and the Race Equality Directive.

The goal of this round-table is to have a multi-stakeholder discussion to exchange on good practices towards EU guidelines for fair and efficient policing. The EU can build on what exists, such as European Code of Police Ethics and the Rotterdam Charter.

Draft Agenda
17:30 – 17:45 Opening by Judith Sargentini (Greens/EFA, NL) and Cécile Kyenge (S&D, IT)
Short interventions by Afzal Khan (S&D, UK) and Sajjad Karim (ECR, UK)

17:45 – 18:45 Panel 1: relationships between communities and police – moderated by Rebekah Delsol, Programme Manager, Fair and Effective Policing Project, Open Society Justice Initiative
José Francisco Cano, Chief Fuenlabrada police and spokesperson the Plataforma por la Gestion Policial de la Diversidad, Spain
Saad Amrani, Head of Public Order for the Brussels Police, Policy Adviser, Federal police, Belgium
Dionne Abdoelhafiezkhan, Control Alt Delete, the Netherlands
Omer Mas Capitolin, Chair of Maison Communautaire, France
Q&A

18:45 – 19:45 Panel 2: Towards EU guidelines on fair and effective policing, moderated by Claire Fernandez, Deputy Director Programmes, European Network Against Racism
Mr Ioannis Dimitrakipoulos, Head of the Equality and Citizens’ Rights Department, EU Agency for Fundamental Rights
Bastiaan T. Winkel, Coordinating Policy Adviser, Ministry of Security and Justice, the Netherlands
Muriel Cauvin, Advisor, department of protection of rights and judicial issues, Defender of Rights, France
Chiara Adamo, Head of Unit, Fundamental rights and rights of the child, DG Justice, European Commission
Q&A