



Promoting fair and efficient policing for Roma, Sinti and Travellers in the EU *One step forward to end Antigypsyism*

Ethnic profiling by police in Europe is a **widespread form of discrimination** that violates human rights norms. It refers to the use by police or border guards 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.

Ethnic/racial profiling is part of Antigypsyism, which the Alliance against Antigypsyism defines as a historically constructed, persistent complex racism against Roma, Sinti and Travellers which incorporates an essentialisation of these groups, the attribution of specific characteristics to them as well as discriminating social structures and violent practices which reproduce structural disadvantages.¹

Ethnic/racial profiling has an impact on the entire communities that are stigmatised. It affects people's mental health and the constant humiliation seriously hinders trust in law enforcement.

Practices specifically targeted at Roma, Sinti and Travellers include:

Stop and search

The FRA EU-MIDIS II survey shows that experience of discriminatory stop and search by ethnic minorities in Europe is widespread and undermines trust in law enforcement. **19% of Roma respondents** were stopped by the police in the 12 months preceding the survey. Of those, 42% believe this was because of their immigrant or ethnic background (84% in Portugal, 63% in Greece, 57% in the Czech Republic).²

For French Travellers, the type of trucks and caravans used is a signal for disproportionate stop and search by police. In Ireland, 70% of Travellers surveyed have experienced discrimination from the Gardaí.³

Targeting Roma settlements and Traveller camps

In 2010, the Council of Europe Commissioner for Human Rights reported that police raids on Roma settlements are a form of harassment. "The population is often not informed about the reason of the raids, which sometimes involve destruction of property and are accompanied by racist comments and the use of force".⁴

In France and Belgium, Travellers in caravans are often greeted by local police and sometimes asked to leave right away. Even when caravans are on the land they own, Travellers face several controls weekly.⁵

Illegal databases

¹ <http://antigypsyism.eu/wp-content/uploads/2017/07/Antigypsyism-reference-paper-16.06.2017.pdf>

² <http://fra.europa.eu/en/publication/2017/eumidis-ii-main-results>

³ National Traveller Community Survey 2017, Behaviours and Attitudes on behalf of Traveller Representative Organisations. <http://www.communityfoundation.ie/insights/news/national-traveller-survey-funded-by-the-community-foundation-for-ireland>

⁴ Council of Europe Commissioner for Human Rights Human rights of Roma and Travellers in Europe, 2010, p. 82.

⁵ <https://larotative.info/nara-ritz-nos-caravanes-nous-2195.html>

The embeddedness of racism in policing activities is also borne out by the experiences of Roma in Italy where the government carried out a high-profile campaign to fingerprint and document Roma living in “nomad camps”.⁶

Irish Travellers have had their children’s details recorded on the Computer system used by the Garda Siochana, the police force, and which have been the subject of legal action in recent years.

In Sweden, a Roma register with biometric data on Roma, including children, was ruled illegal by the Swedish Court of Appeals.⁷

Harassment and fining practices

The Hungarian Civil Liberties Union reported that the police started imposing fines on Roma for the most minor offences, following an apparently deliberate practice of singling Roma out for this treatment. These violations included walking or pushing a stroller on the street as opposed to the dilapidated sidewalk; throwing cigarettes or seed shells on the street; the lack of compulsory bicycle accessories, even when the bike was merely being pushed to transport sacks of flour and potatoes—violations that are usually overlooked in the case of non-Roma. The case is currently pending before the European Court of Human Rights on procedural grounds.⁸

Other police operations

In Ireland, pervasive racist myths have had very serious consequences. In 2013, the police removed two blonde-haired Roma girls from their family on the suspicion that they were abducted. The girls were later returned to their families after the accusations were proved wrong.⁹

Stereotypes also lead to discriminatory suspect descriptions by the police, based on broad or vague description of “Gypsy” suspects. In Austria, Romano Centro has reported several police descriptions that are too broad and do not add any information to suspect description.¹⁰

These descriptions can have serious consequences for Roma and Travellers. In Germany for instance, after the “NSU” (National Socialist Underground) murders by far-right groups against people of colour and then against a policewoman, Sinti and Roma as an entire group were placed under general suspicion when the state prosecutors stated that the perpetrators were to be found in the “Gypsy milieu”. There has been to date no apology for this blanket suspicion despite the fact that early on police inquiries established that this suspicion was untenable.

Profiling in the context of border crossings

In 2009, the FRA reported that 80% of Slovakian Roma who had travelled to the Czech Republic and returned reported that they were stopped when trying to re-enter the country and 48% believed it was due to their ethnicity.¹¹

In the United Kingdom, Immigration Enforcement are increasingly ‘deporting’ EU nationals who are in precarious employment or unemployed. This is having a disproportionate effect on Roma. Many police forces share contact information on victims of crime with Immigration Enforcement, for them to investigate the immigration status of the victim.

⁶ https://www.opensocietyfoundations.org/sites/default/files/briefing-ec-italy-roma-20150608_1.pdf

⁷ <https://crd.org/sweden/>

⁸ <https://www.opensocietyfoundations.org/litigation/ethnic-profiling-gy-nygy-spata>

⁹ ENAR Ireland Submission to the Commission on the Future of Policing in Ireland, 2018.

¹⁰ <http://www.romano-centro.org/images/antigypsyism%20in%20austria%202015-2017.pdf>

¹¹ FRA, “Summary report : the situation of Roma EU citizens moving to and settling in other EU Member States”, 2009.

Recommendations

Building upon core norms, such as the EU Charter of Fundamental Rights, the Framework Decision Against Racism and Xenophobia, the Race Equality Directive, the EU framework for National Roma Integration Strategies, as well as ECRI General Policy Recommendation No. 11, we call for:

1. **European standards on fair and efficient policing**, to outlaw and counter ethnic profiling.
2. Better **advertising of existing EU funding opportunities** for joint initiatives by law-enforcement officials and Roma and other civil society organisations to promote good practices.
3. The **FRA handbook on unlawful profiling (to be published in 2018) to have a clear definition of unlawful profiling and a strong focus on discriminatory** law enforcement and border control practices including against Roma and Travellers.
4. **The FRA to launch its handbook in cooperation with the Austrian EU Presidency and the European Commission**, with a dedicated group of Member States experts. Outcomes **should be presented** in the High Level Group on Racism, Xenophobia and Other forms of Intolerance.
5. The Presidency of the EU to drive the adoption of **Council Conclusions on Racism, Xenophobia and other Forms of Intolerance** with a specific mention of how to promote fair and efficient policing.
6. **CEPOL's training** programmes to law-enforcement officials to address ethnic profiling, structural discrimination, procedural justice and **unconscious bias including against Roma and Travellers**.
7. A comprehensive review by the European Commission of **EU policies on law-enforcement and border management to assess their impact on specific groups**.
8. Ethnic profiling to be part of the European Commission's **monitoring of the implementation of EU equality and hate crime legislation**.
9. **EU guidelines on safe and inclusive equality data collection** that would include policing
10. **The FRA EU-MIDIS methodology** to reflect categories based on self-identification of ethnicity and **to measure the extent (rather than the perception) of discrimination including ethnic profiling**.
11. The Post 2020 **EU Framework for National Roma Strategies to include measures to combat Antigypsyism as a priority**, and to include targets in the field of policing and criminal justice.

Member States should:

- Include an explicit prohibition on ethnic profiling in laws and regulations governing discretionary police actions.
- Ensure that oversight and complaints bodies make affected groups aware of how to bring a complaint and monitor complaints for any *prima facie* indications of a pattern of discriminatory practice/indirect discrimination.
- Ensure that all ID checks, stops and searches are recorded and each person stopped receives a record of the encounter. This data should be used to monitor officers' use of powers in order to ensure that these powers are applied effectively and fairly. Involve Roma, Sinti and Traveller communities in observations and documentations practices.
- Train existing and new officers on procedural justice and how to make officers aware of ethnic profiling and implicit bias and how to prevent it.
- Enhance police-Roma, Sinti and Traveller communities dialogue to build and restore trust with all communities.