



Key findings

Racist crime and institutional racism in Europe: ENAR Shadow Report 2014-18

This report provides **data on hate crimes with a racial bias** between 2014 and 2018, and **documents institutional racism during the recording, investigation and prosecution of hate crimes with a racial bias**. The findings are based on data and information collected in **24 EU Member States**: Austria, Bulgaria, Croatia, the Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Spain and the United Kingdom.

Data on racist crime 2014-2018

- ❖ Data suggest that **racially motivated crimes are on the rise** in many EU Member States.
 - In **France, the United Kingdom and Germany**, there was an increase in antisemitic acts in 2018.
 - In **the Czech Republic, Bulgaria and Slovakia**, the most frequent target of racially motivated crimes are Roma people.
- ❖ **Major events such as terrorist acts - and the political rhetoric and responses to these attacks - can cause spikes** in the numbers of recorded racist crimes.
 - In **France and the United Kingdom**, there was an increase in anti-Muslim incidents reported following terrorist attacks in 2015, 2017 and 2018.
- ❖ **Police mishandling**, abuse and violence are determining factors in why **victims do not report racist crimes**.
 - In **Ireland**, less than a third of violent crimes are reported to Gardaí.
 - In **Poland**, only 5% of crimes with a racial bias are reported to the police.
 - The Crime Survey **England and Wales** 2015-2018 combined estimates show 101,000 race hate crime incidents a year. The number of race hate crimes reported to police in England and Wales in 2017-2018 was 71,251 incidents, which shows possible under-reporting of 25%.
- ❖ The lack of institutional response and negative experiences of victims with the police mean that **civil society organisations have to fill in the gap** to ensure racially motivated crimes are properly recorded.

Institutional responses to racially motivated crime

Legislation and policies

- ❖ The **EU Framework Decision on combating racism and xenophobia by means of criminal law** has resulted in a better understanding and state commitment to addressing racially motivated crimes, but the practice and implementation of laws, policies and guidelines remain limited.

- ❖ One third of EU Member States report that they have **guidelines, policies or instructions to support the police in the recording of hate crimes** (Croatia, Cyprus, Estonia, France, Greece, Ireland, Netherlands, Slovakia, Spain and UK).
- ❖ At least half of EU Member States have **operational guidelines (national/local) for either recording or investigating hate crimes with a racial bias** (Croatia, Cyprus, Czech Republic, Denmark, Finland, Greece, Hungary, Italy, Latvia, Lithuania, Slovakia, Spain, United Kingdom).

Police recording of hate crimes

- ❖ Evidence suggests that the **police do not take reports of racist crime seriously** or they do not believe victims of racially motivated crimes (Austria, Croatia, Denmark, Finland, France, Ireland, Lithuania, Netherlands, Portugal, United Kingdom).
- ❖ This practice appears to be especially true if certain groups, such as Roma, report these crimes. If the witnesses to the crime are of the same ethnicity to the victim, the accounts of the victim and the witnesses may not be included in the police's assessment of the facts. Certain groups are, through stereotyping, associated with criminality, violence, dishonesty, and/ or seen as a security threat and this **racial stereotyping is pervasive in policing at all levels**.

Police investigations

- ❖ The **power of who declares what is and what is not a racist crime** to be investigated is not in the hands of the victim but **in the hands of the police officer**, thus leaving the victim to be silenced if their definition or declaration of the 'racist' element is not shared with the police.
 - In **France**, there is a high bar to reach regarding what is accepted as racially motivated based on the evidence. The bias must be shown through the actions/speech of the perpetrator. This requires the racial motivation to be very clear and undeniable, but significantly, it is the police officer who determines during the investigation whether the evidence supports the claim of a racially motivated crime.
- ❖ **The racial bias can 'disappear' in the course of the police recording and investigating the crime.** The police find it more straightforward to investigate crimes, such as violation of public order or crimes against property, than uncovering the evidence of the bias motivation.
 - In **Lithuania**, since the criminal justice system does not fully recognize the hate crime concept, the necessary information on the bias motivation is not collected sufficiently during the pre-trial investigation, therefore affecting the later investigation
 - In **Bulgaria**, in a current case at the pre-trial stage, it is the element of hooliganism, and not the racist motivation which is currently being investigated by the police.

Prosecutions

- ❖ **Several factors hinder the successful prosecution and sentencing of a hate crime with a racial bias**, including: lack of proper recording of the racial elements of the crime by the police; poor and inadequate investigation by the police; compartmentalised working between the police and the prosecution; lack of clear definitions of hate crimes with a racial bias; lack of training and limited capacity for police and prosecution.
 - In **Portugal**, sentences for racially motivated crimes are generally low.

Conclusions

- ❖ **Subtle forms of racism persistently appear in the criminal justice system from the moment a victim reports a racially motivated crime to the police, through to investigation and prosecution.** This leads to a **'justice gap'**: a significant number of hate crime cases end up being dropped as a hate crime.
- ❖ Evidence in this report reveals that **racialised privilege and power hierarchies form an invisible structure within the criminal justice system.** Systematic failures in the treatment, practice and policies equate to a form of structural violence for racial minority groups.
- ❖ The institutional response to hate crimes could improve if **work is undertaken at an institutional level to review the practice, policies and procedures that disadvantage certain groups.** The criminal justice system must go beyond checking unconscious bias within the police. There needs to be an acknowledgement of how white privilege – as a historical, social and political construct – can manifest in the criminal justice system and develop plans and activities to improve relations between police officers and racialised communities.

To read the full report, visit: www.enar-eu.org/Shadow-Reports-on-racism-in-Europe