



FRA

EUROPEAN UNION AGENCY
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ADDRESSING RACISM IN POLICING

REPORT



FRA

Addressing Racism in Policing

Vienna, 2024

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Key findings

The murder of George Floyd at the hands of the Minneapolis police in the United States in May 2020 drew global attention to racism in policing.

Racism in policing includes discriminatory profiling practices, inappropriate racist communication and excessive use of force. These are strong indications of possible structural, institutional and systemic racism in policing.

This report is the first specific EU-wide study that looks comprehensively at the legal frameworks, analyses the gaps in policy responses and in effective oversight, and outlines a variety of practices aiming to combat racism in policing.

The findings focus on four key, interrelated issues in the 27 Member States.

Diversity of legal measures to tackle racism in policing

The Charter of Fundamental Rights of the European Union prohibits discrimination based on – among other grounds – race and ethnic origin (Article 21). While the **racial equality directive** prohibits racial discrimination, discrimination in policing falls outside its material scope. However, there are other pieces of secondary EU legislation that provide some protection in specific cases, for example against certain types of discriminatory practices in policing. These include the **framework decision on racism and xenophobia, Directive (EU) 2016/680** on the protection of natural persons regarding the processing of personal data connected with criminal offences or the execution of criminal penalties, and on the free movement of such data, and the **victims' rights directive**.

At the level of the Council of Europe (CoE), Article 14 of the European Convention on Human Rights (ECHR) prohibits discrimination based on – among other grounds – race, colour, language, religion, national or social origin and association with a national minority. Protocol 12 of the ECHR provides for a general prohibition of discrimination, including by public authorities.

Other international human rights instruments, such as the UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), prohibit racial discrimination. They define it as any distinction based on race, colour, descent or national or ethnic origin. Besides ICERD, other UN human rights treaties and relevant jurisprudence, including the International Covenant on Civil and Political Rights (Articles 2 and 20(2)) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Article 13(3)(d)), include the prohibition of racial discrimination. General recommendation No 36 (2020) of the Committee on the Elimination of Racial Discrimination (CERD) on preventing and combating racial profiling by law enforcement officials, General Comment 18 of the Human Rights Committee on non-discrimination (paragraphs 2 and 6) and General Comment 20 of the Committee on Economic, Social and Cultural Rights (paragraph 19) are also relevant.

Existing CoE and UN specialised bodies, such as the European Commission against Racism and Intolerance and CERD, have called for comprehensive national legislation against racial or ethnic discrimination on the basis of these provisions. It should cover all areas, including the activities of the police and other law enforcement officials. That is indispensable for combating racial or ethnic discrimination in policing, they claim.

The findings of this report show that the national legal frameworks regulating policing are diverse in scope.

- ★ Overall, 26 EU Member States have explicitly included the prohibition of discrimination on grounds of race or ethnicity in their constitutions. In almost all EU Member States, police forces are not explicitly excluded from the scope of national anti-discrimination legislation.
- ★ At the national level, police legislation in fewer than 10 Member States (Bulgaria, Czechia, Finland, France, Hungary, Italy, Poland, Portugal and Slovenia) specifically references the prohibition of racial or ethnic discrimination, reported by Franet for the data collection period January 2022 to June 2023.
- ★ Overall, 21 EU Member States regulate police profiling practices through law or other administrative provisions. However, only Finland and some of the *Länder* in Germany specifically refer to profiling on the grounds of racial and ethnic origin in their legislation.

Limited reporting and ineffective recording of racist police incidents

The EU's 2020–2025 anti-racism action plan calls on Member States to ensure the comprehensive, reliable and regular collection of data disaggregated on the basis of racial or ethnic origin. This aims to capture both subjective experiences of discrimination and victimisation and structural aspects of racism and discrimination. Yet incidents of racial discrimination, harassment and criminal victimisation – including hate crime – are inadequately reported and recorded, research from the European Union Agency for Fundamental Rights (FRA) shows.

- ★ Few Member States record incidents of alleged racist policing as a dedicated category. Moreover, they use different definitions, categorisations and methodologies to record the incidents. For example, the existing data did not allow for further disaggregation by offence, for example by type, such as excessive use of force, hate speech or physical assault. Therefore, most Member States do not have official data sources on racist incidents and discrimination involving the police.
- ★ There are no agreed official definitions of racial profiling, criteria for reasonable, necessary or proportionate stop and search or identity checks, or understanding of what is considered excessive use of force across Member States. Only the Netherlands provided FRA with some of the data the police, prosecution services and courts have collected.
- ★ All national human rights institutions and most equality bodies that work in this area do not record or publish complaints on racist incidents in policing (excluding racial profiling) as a specific category. Only a few oversight bodies publish some data, for example as part of their annual activity reports.

Limitations for whistle-blowing and lack of effective oversight

Effective oversight mechanisms are key to ensuring the protection of fundamental rights in the field of security, including the police, in line with well-established international standards, such as the case-law of the European Court of Human Rights (ECtHR). Setting up a strong oversight mechanism – including checks and balances – is an essential part of a police accountability system.

- ★ In almost all EU Member States, there is at least one body, either within the police or the related ministry or external to them, that has a general or a specific oversight mandate in relation to the police.
- ★ Most oversight bodies are entrusted with both oversight and remedial mandates but with limited powers. For example, several oversight bodies lack one or more of the following essential powers: power to impose fines, power to act as a party during criminal proceedings and power to transmit findings directly to the public prosecutor.

Whistle-blowers can significantly contribute to a well-functioning accountability system. For example, affording protection to whistle-blowers who are civil servants, including police forces, who report breaches of EU law is an obligation under current EU legislation and ensures the respect of the ECtHR case-law.

Some EU Member States have established in their laws the possibility for whistle-blowers to report breaches of criminal law and other ethical misconduct committed by public officials, which may include conduct with racist motives. To ensure an effective fight against structural racism in the police, it is necessary that:

- ★ all Member States should allow whistle-blower reports regarding misconduct of police forces with a racial motive;
- ★ mechanisms for receiving and following-up on whistle-blower reports ensure the required confidentiality, and that competent authorities are independent and autonomous;
- ★ whistle-blower reports relating to misconduct by police forces are effectively investigated and addressed in line with the obligations under existing EU law;
- ★ retaliation against officers blowing the whistle is prevented.

Lack of diversity within the police

Police training is recognised as a crucial element of effective implementation of legislation related to combating racial discrimination and hate crime. The European Commission has developed 10 key guiding principles related to hate crime that can be used in training. These principles are largely applicable to training on anti-racism and non-discrimination in relation to policing.

Generally, anti-racism training in the police tends to be implemented as a single measure and not as part of a broader programme. Moreover, there is little evidence of any needs assessments or evaluations. More importantly, impact assessments are rarely performed.

The EU's 2020–2025 **anti-racism action plan** stresses that '[d]iversity among staff in law enforcement services and inclusive policing can reinforce the level of trust in law enforcement authorities and thus improve crime reporting'. The CoE's European Commission against Racism and Intolerance strongly encourages Member States to ensure that the composition of the police reflects the diversity of the population, and to adopt frameworks for dialogue between the police and members of minority groups. In this context, the evidence presented in this report highlights the following.

- ★ Some Member States have made efforts to encourage and empower applicants from ethnic and racially diverse backgrounds to apply to the police. However, without data indicating the overall proportions of people from diverse backgrounds in the police, it is not possible to indicate whether police forces reflect the diverse composition of Member States' populations.
- ★ There is a lack of recruitment policies to improve ethnic diversity, and a lack of tailored measures enabling and empowering applicants with diverse backgrounds to join the police.
- ★ The ethnic minority status of police officers is not monitored. Therefore, EU Member States cannot assess career development and conduct within the police with regard to the experiences of police officers with ethnic or racial minority backgrounds. This includes not gathering information concerning why police officers with ethnic or racial minority backgrounds leave the police following their recruitment.

In addition to training and encouragement of diversity in police personnel, partnerships between the police and minority communities are important to ensure equality of treatment and reduce any tension between the police and the communities they serve, international organisations stress. The UN and the Organization for Security and Co-operation in Europe have produced guidance on community policing.

In this context, some Member States have introduced mechanisms for systematic and regular cooperation between the police and various communities. Examples include making the police more accessible, holding regular meetings outside police premises and appointing liaison officers, with some focusing on improving relations with Roma communities, for example. However, not all these practices are embedded as part of systematic day-to-day policing; many are short term and project-based.

Introduction

The European Parliament issued a resolution on 19 June 2020 on the anti-racism protests following the death of George Floyd. The resolution drew attention to the reality that 'racism, discrimination and the excessive and lethal use of force by the police also exists within the EU'. It underlined that 'there is a need to ensure the protection of and access to justice for victims of police violence' ⁽¹⁾.

The second *Being Black in the EU* report from the European Union Agency for Fundamental Rights (FRA) found that one in four (26 %) survey respondents indicated that the police had stopped them in the last 5 years. Among those stopped in the 12 months before the survey, more than half (58 %) perceived the last stop as racially motivated ⁽²⁾.

This situation and the growth in media and societal attention to the problem of racism in policing are reflected in the European Commission's publication of the EU's 2020–2025 anti-racism action plan in October 2020. The action plan aims to tackle discrimination on the grounds of racial or ethnic origin within EU society at different levels, including the police. It states, 'The conflict between our values of equality and the reality of ingrained racism cannot be ignored: the global Black Lives Matter movement has acted as a stark reminder' ⁽³⁾.

The action plan refers to both individual and structural forms of racism. It states that 'The goal should be for Member States, in full respect of their national contexts, to move towards the collection of data disaggregated on the basis of racial or ethnic origin, in order to capture both subjective experiences of discrimination and victimisation and structural aspects of racism and discrimination' ⁽⁴⁾. It also recognises the need to collectively step up efforts to tackle racism and discrimination in everyday life, including in policing.

A Union of equality: EU anti-racism action plan 2020–2025

The EU's 2020–2025 anti-racism action plan sets out a series of measures to step up action and bring together actors at all levels to address racism more effectively in the EU. This includes policing.

'Countering discrimination by law enforcement authorities: Efficient policing and respect for fundamental rights are complementary. Law enforcement authorities are key actors in ensuring that the law is obeyed and that security is ensured. Recognising diversity and ensuring fair law enforcement are essential to fighting racism.'

'Member States are encouraged to:

- step up efforts to prevent discriminatory attitudes among law enforcement authorities and to boost the credibility of law enforcement work against hate crimes;
- map national responses to violent extremism and identify gaps and best practices in tackling it;
- identify ways to promote duties to integrate equality considerations into the day-to-day work of public authorities (*).'

(*) European Commission (2020), **Commission communication – A Union of equality: EU anti-racism action plan 2020–2025**, COM(2020) 565 final.

To support the work of EU and national institutions in tackling racism, the European Commission invited FRA to 'collect and disseminate good practices promoting fair policing, building on their existing training manual and guide on preventing unlawful profiling' (5). This report responds to that call while providing additional data and analysis related to racism in policing.

To this end, the purposes of this report are to:

- help Member States to identify and analyse potential gaps and challenges in their regulatory frameworks for effectively combating racism in policing;
- bring to their attention a variety of initiatives that could serve as incentives for testing or piloting different approaches to combating racism in policing.

Endnotes

- 1 **European Parliament resolution of 19 June 2020 on the anti-racism protests following the death of George Floyd** (OJ C 362, 8.9.2021, p. 63).
- 2 FRA (2023), *Being Black in the EU*, Publications Office of the European Union, Luxembourg.
- 3 European Commission (2020), **Commission communication – A Union of equality: EU anti-racism action plan 2020–2025**, COM(2020) 565 final, p. 1.
- 4 European Commission (2020), **Commission communication – A Union of equality: EU anti-racism action plan 2020–2025**, COM(2020) 565 final, p. 13.
- 5 FRA (2019), *Fundamental Rights-based Police Training – A manual for police trainers*, Publications Office of the European Union, Luxembourg; FRA (2018), *Preventing Unlawful Profiling Today and in the Future: A guide*, Publications Office of the European Union, Luxembourg.

1

LEGAL AND POLICY FRAMEWORKS

This chapter provides an overview of international, European and national legal frameworks regulating policing in relation to anti-racism and racial discrimination, including relevant case-law examples. In addition, it analyses strategies, policies and guidance related to policing and anti-racism.

Primary EU law and Council of Europe (CoE) and UN human rights instruments guarantee a fundamental right not to be discriminated against, including on the basis of race or ethnic origin. Sectoral secondary law instruments in the EU make various aspects of this right concrete. Member States need to incorporate them into national law and implement them.

However, racial or ethnic discrimination linked specifically to the police's exercise of public authority falls outside the material scope of the racial equality directive ⁽¹⁾ and therefore falls under national competence.

Comprehensive national legislation against racial or ethnic discrimination covering all areas, including the activities of the police and other law enforcement officials, is indispensable to combat racial or ethnic discrimination in policing, according to CoE and UN bodies ⁽²⁾.

Member States would need to combat racism and discrimination in the field of policing, as the European Parliament highlights.

For example, the European Parliament issued two resolutions, one each in 2020 and in 2022. They express concern about racism in policing and call upon the EU institutions and the Member States to acknowledge and effectively combat it.

European Parliament resolutions on anti-racism

[W]hereas racism, discrimination and the excessive and lethal use of force by the police also exists within the EU; whereas law enforcement authorities in several Member States have been criticised for using excessive force; whereas when a person is confronted by the police or other agents of the State, recourse to physical force which has not been made strictly necessary by the person's own conduct diminishes human dignity and is in principle an infringement of the right set out in Article 3 of the European Convention on Human Rights (ECHR); whereas the disproportionate use of force should be strongly condemned.

Condemns racial and ethnic profiling used by police and law enforcement authorities, and considers that police and law enforcement forces must have an exemplary record on anti-racism and anti-discrimination; calls for the EU and the Member States to develop policies and measures to tackle discrimination and to end racial or ethnic profiling in all forms in criminal law enforcement, counter-terrorism measures and immigration controls; stresses, in particular, that the new technologies to be used by law enforcement authorities must be designed and used in such a way that they do not create risks of discrimination for racial and ethnic minorities; proposes action to strengthen the training of members of police and law enforcement forces on strategies to fight against racism and discrimination, and to prevent, identify and respond to racial profiling; calls on the Member States not to leave cases of police brutality and abuses unpunished, and to properly investigate, prosecute and sanction them.

Source: European Parliament resolution of 19 June 2020 on the anti-racism protests following the death of George Floyd (OJ C 362, 8.9.2021, p. 63), recital Z and Article 27.

Is deeply concerned about cases of police violence against racialised people in several Member States; calls on the Member States to ensure that people have access to independent and well-functioning police complaints mechanisms capable of launching investigations into cases of police violence, misconduct and abuse and to safeguard the rights of people to document these cases.

[W]hereas several cases of racism, structural discrimination, harassment, violence and racial and ethnic profiling by police, law enforcement agents, judges and lawyers in criminal justice systems have been reported across the EU; whereas structural biases against racialised groups can be found in the justice systems of most Member States; whereas police violence and disproportionate use of force by law enforcement should never be tolerated; whereas accountability and independent oversight is essential to address institutional racism in law enforcement; whereas rule of law deficiencies in criminal justice systems exacerbate this situation.

Source: European Parliament (2022), European Parliament resolution of 10 November 2022 on racial justice, non-discrimination and anti-racism in the EU, Article 8 and recital M.

1.1. LEGAL FRAMEWORKS REGULATING POLICING WITH REGARD TO RACIAL AND ETHNIC DISCRIMINATION

1.1.1. EU and international law

In primary EU law, the principle of non-discrimination is outlined in Article 19 of the Treaty on the Functioning of the European Union. Meanwhile, Article 67(3) establishes that '[t]he Union shall endeavour to ensure a high level of security through measures to prevent and combat crime, racism and xenophobia'.

The principles of equality before the law and prohibition of discrimination are grounded in Articles 20 and 21 of the Charter of Fundamental Rights of the European Union. In international law, the right of non-discrimination is included in the CoE's European Convention on Human Rights (ECHR) and all core UN human rights treaties. The 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is a key one.

The principles of non-discrimination and equal treatment are further developed in secondary EU law. For example, the racial equality directive prohibits direct and indirect discrimination, and harassment on the grounds of racial or ethnic origin. However, its material scope does not cover public sector conduct that entails the 'exercise of public authority', such as policing.

The European Commission published the *Study to support the preparation of an EU initiative to address possible gaps in the legal protection against discrimination on grounds of racial or ethnic origin* in 2022 to follow up on the EU anti-racism action plan 2022–2025 commitments. This also addresses gaps with regard to law enforcement ⁽³⁾.

An EU initiative to address gaps in the legal protection against discrimination

A recent European Commission report provides the following law-enforcement-related findings.

5.1.1 Main area of potential discrimination beyond those already covered by the RED [racial equality directive]

The Study found possible (potentially structural) racial or ethnic discrimination in the exercise of public authority by law enforcement authorities, in particular by the police. The data collected seem to indicate the existence, or at least the perceived existence, of racial or ethnic profiling by the police, in relation to stop and search activities and identity checks. Racial or ethnic discrimination also seems to manifest in the increased use of force by law enforcement authorities towards certain racial or ethnic groups. Arbitrary attitudes by law enforcement authorities (manifesting in for example the increased use of fines for non-compliance with COVID-19 restrictions) towards certain racial or ethnic groups have also been reported on in the context of the COVID-19 pandemic.

The RED is not applicable to public sector actions that entail the exercise of public authority by law enforcement authorities. However, some of the gaps in protection appear to be addressed by other EU law (e.g. by Directive (EU) 2016/680) or national law instruments. In relation to stop and search activities and identity checks by the police and discriminatory profiling, the extent of protection, however, remains somewhat curtailed by the specific scope and purposes of the instruments identified. Moreover, the implementation of legal protection at the national level could be improved to ensure better protection.

Problems with racial or ethnic discrimination, in the areas not or not sufficiently covered by the RED (e.g., in the context of predictive policing or profiling in particular) may be caused or exacerbated by the use of automatic data processing and algorithmic decision making. Most Member States do not regulate the use of AI in a way that would take into account its potential impacts on racial or ethnic discrimination. The Proposal for the AI Regulation would contribute towards limiting the potential discriminatory impacts of the use of Artificial Intelligence (AI) technologies.

Some measures have already been taken at both EU- (e.g., CEPOL [European Union Agency for Law Enforcement Training] training programmes for law enforcement officials) and national-levels (e.g., measures for the better recording of stop and search activities) to address the gaps in protection.

(pp. 202–203)

5.2.1 Recommendations linked to the main area of potential discrimination beyond those already covered by the RED

Stemming from two reasons, the recommendations in relation to this area are mainly non-legislative in nature. First of all, the Treaties confer limited power on the EU to legislate in relation to matters related to the police.

Regarding the EU's competence to act, it is recalled that the RED was adopted based on a Treaty provision, which has since been repealed, but which corresponds to Article 19(1) of the TFEU. Pursuant to Article 19(1), the EU may legislate to 'combat discrimination based on [...] racial or ethnic origin [...]' 'within the limits of the powers conferred by [...]' other provisions of the Treaties 'in this area the EU's power to legislate remains very limited. As a matter of fact, the legislative framework in the area of law enforcement is predominantly regulated by national laws.'

(p. 208)

Overview of non-legislative actions that could be considered to tackle possible racial or ethnic discrimination in the exercise of public authority by law enforcement authorities:

- Training
- Use of tools to enhance the transparency of police actions
- Diversity in recruitment

- Equality data collection
 - Dialogue, cooperation and collaboration
 - Accountability/control/oversight
 - Positive action / equality duties
- (p. 209)

Source: European Commission (2022), *Study to support the preparation of an EU initiative to address possible gaps in the legal protection against discrimination on grounds of racial or ethnic origin*, Publications Office of the European Union, Luxembourg, pp. 202–203 and 208–209.

The racial equality directive does not cover law enforcement. However, other pieces of secondary EU law contribute to combating racism or racial discrimination in policing. They apply to and/or regulate specific aspects of police work and safeguard the rights of victims in this area.

For example, the framework decision on racism and xenophobia ⁽⁴⁾ harmonises Member States' criminal provisions regarding racist or xenophobic hate speech and hate crime. It obliges all EU Member States to provide for criminal sanctions in relation to incitement to violence or hatred based on race, colour, descent, religion or belief, national or ethnic origin; dissemination of racist or xenophobic material; and condonation, denial or trivialisation of genocide, war crimes and crimes against humanity directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner likely to incite violence or hatred against such a group or a member of such a group.

The victims' rights directive ⁽⁵⁾ establishes minimum standards on the rights, support and protection of victims of crime, including victims of hate crime. It includes provisions related to secondary victimisation by the police.

FRA ACTIVITY

Justice for victims of violent crime

FRA published four reports on justice for victims of violent crime in 2019. This series presents the legal and factual situations of adult victims of violent crimes in criminal justice systems in the EU, and assesses whether victims are properly seen, informed, empowered and heard. The reports look into the specific situations of victims who have suffered violence, with a special focus on women as victims of domestic violence and their experiences of secondary victimisation by the police and criminal justice personnel. These findings also resonate with the experiences of minorities.

Sources:

FRA (2019), *Victims' Rights as Standards of Criminal Justice – Justice for victims of violent crime: Part I*, Publications Office of the European Union, Luxembourg;
 FRA (2019), *Proceedings that Do Justice – Justice for victims of violent crime: Part II*, Publications Office of the European Union, Luxembourg;
 FRA (2019), *Sanctions that Do Justice – Justice for victims of violent crime: Part III*, Publications Office of the European Union, Luxembourg;
 FRA (2019), *Women as Victims of Partner Violence – Justice for victims of violent crime: Part IV*, Publications Office of the European Union, Luxembourg.

FRA ACTIVITY

Making hate crime visible in the European Union: acknowledging victims' rights

FRA conducted work on hate crime victims, hate crime under-reporting and police recording and data collection, including within the framework of the European Commission's High-Level Group on combating hate speech and hate crime.

Sources:

FRA (2012), *Data in Focus Report: Minorities as victims of crime*, report No 4, Publications Office of the European Union, Luxembourg;
FRA (2012), *Making Hate Crime Visible in the European Union: Acknowledging victims' rights*, Publications Office of the European Union, Luxembourg;
FRA (2018), *Hate crime recording and data collection practices across the EU*, Publications Office of the European Union, Luxembourg;
FRA (2021), *Encouraging Hate Crime Reporting – The role of law enforcement and other authorities*, Publications Office of the European Union, Luxembourg.

In the field of data protection in the area of law enforcement, Directive (EU) 2016/680 clarifies that – in the context of the automated processing of personal data – ‘profiling that results in discrimination against natural persons on the basis of personal data which are by their nature particularly sensitive in relation to fundamental rights and freedoms should be prohibited’⁽⁶⁾.

At the level of the CoE, Article 14 of the ECHR prohibits discrimination based on – among other grounds – race, colour, language, religion, national or social origin and association with a national minority. Protocol 12 to the ECHR provides for a general prohibition of discrimination, including from public authorities. However, only 15 EU Member States have ratified the protocol⁽⁷⁾. Austria, Belgium, Czechia, Estonia, Germany, Greece, Hungary, Ireland, Italy, Latvia, Poland and Slovakia have not ratified it.

The CoE's European Commission against Racism and Intolerance (ECRI) has called on Member States to introduce legislation against racism and racial discrimination, if this legislation does not already exist or is incomplete, on the basis of Article 14 and Protocol 12 of the ECHR and related case-law of the European Court of Human Rights (ECtHR)⁽⁸⁾. The legislation would apply in all areas, including to the activities of the police and other law enforcement officials, border control officials, the army and prison personnel⁽⁹⁾.

At the level of the UN, several international instruments enshrine the general prohibition of discrimination. Examples include the Universal Declaration of Human Rights⁽¹⁰⁾, the International Covenant on Civil and Political Rights⁽¹¹⁾, the International Covenant on Economic, Social and Cultural Rights⁽¹²⁾, the Convention on the Elimination of All Forms of Discrimination against Women⁽¹³⁾, the ICERD⁽¹⁴⁾, the Convention on the Rights of the Child⁽¹⁵⁾ and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families⁽¹⁶⁾.

The ICERD prohibits racial discrimination, defined as any distinction based on race, colour, descent, or national or ethnic origin. All EU Member States have signed and ratified the 1965 ICERD. In 2021, the UN High Commissioner released a report on law enforcement officers' excessive use of force and other human rights violations. It emphasises the recurring issue of systemic racism in law enforcement⁽¹⁷⁾.

The 2021 Human Rights Council resolution called for domestic legal regimes on law enforcement officials' use of force to be brought into line with appropriate international standards. It acknowledged the existence of ‘systemic racism in the law enforcement and criminal justice systems’⁽¹⁸⁾.

1.1.2. National legal frameworks

1.1.2.1. Non-discrimination legal frameworks applicable to the police

National legal frameworks largely mirror the EU legal context. In total, 26 EU Member States have explicitly included the prohibition of discrimination on grounds of race or ethnicity in their constitutions. While the Danish constitution does not explicitly prohibit racial discrimination, it states that one's origin must not be a reason for being ‘deprived of access to the full enjoyment of civil and political rights’⁽¹⁹⁾.

Multiple Member States (Belgium⁽²⁰⁾, Bulgaria⁽²¹⁾, Denmark⁽²²⁾, Finland⁽²³⁾, Greece⁽²⁴⁾, Lithuania⁽²⁵⁾, the Netherlands⁽²⁶⁾, Poland⁽²⁷⁾, Romania⁽²⁸⁾, Slovakia⁽²⁹⁾, Slovenia⁽³⁰⁾ and Spain⁽³¹⁾) include reference to non-discrimination, including in police work, in their criminal codes.

Generally, police forces are not excluded from national anti-discrimination legislation. However, in France ⁽³²⁾ and Poland ⁽³³⁾, the laws setting out the general framework for non-discrimination list the areas where the legislation on the prohibition of discrimination applies. This restricts its scope to employment, social protection, health, social benefits, education, access to goods and services or the supply of goods and services ⁽³⁴⁾. As a consequence, policing is excluded from the scope of prohibition of discrimination.

In Poland, this exclusion is limited to the implementation of certain provisions of EU law on equal treatment. Police officers must still follow the general prohibition of discrimination. In France, the Paris Court of Appeal supported this legal interpretation of the scope on 24 June 2015 ⁽³⁵⁾ and the Court of Cassation confirmed the interpretation in 2016 ⁽³⁶⁾.

The Polish ombudsman criticised the limited scope of the implementation of the anti-discrimination law ⁽³⁷⁾. International institutions ⁽³⁸⁾ and civil society organisations ⁽³⁹⁾ also criticised the exclusion of policing from the scope of the anti-discrimination law. However, in both Member States, there is specific legislation governing policing. This contains a general obligation for police officers to act in a way that respects fundamental rights, human dignity and equal treatment.

Germany has specific regional anti-discrimination legislation addressing public authorities, including police forces. See box 'Germany – anti-discrimination legislation for public authorities in Berlin' ⁽⁴⁰⁾.

PROMISING PRACTICE

Germany – anti-discrimination legislation for public authorities in Berlin

In June 2020, the state of Berlin adopted the State Anti-Discrimination Act (*Landesantidiskriminierungsgesetz*) to complement the General Act on Equal Treatment and to improve legal protection against racism and other forms of discrimination by the public authorities of the federal states (*Länder*), including the police (*). Individuals who experience discrimination must lodge claims for compensation within 12 months. The burden of proof is lowered, as the person affected must only establish facts in court. This increases the likelihood of acknowledgement that discrimination has occurred.

Berlin established an ombudsman to support and advise people experiencing discrimination in public administration on 6 October 2020 (**). Recognised anti-discrimination organisations can represent affected people in court. The organisations can also take legal action against structural issues. The Berlin State Anti-Discrimination Act is the first of its kind in Germany, but governments in several other *Länder* are reportedly considering following the Berlin model (***)

(*) Germany (2020), **Berlin State Anti-Discrimination Act (*Landesantidiskriminierungsgesetz*)**, 11 June.

(**) Germany, Berlin Senate Administration for Justice, Consumer Protection and Antidiscrimination (Berliner Senatsverwaltung für Justiz, Verbraucherschutz und Antidiskriminierung) (2020), '**Neue LADG-Ombudsstelle nimmt Arbeit auf: Mehr Rechtsschutz für Berliner*innen**', New ombuds Office of the Berlin State Anti-Discrimination Act assumes its work: More rights' protection for inhabitants of Berlin', press release, 6 October.

(***) Mediendienst Integration (2021) (Migration Media Service), '**Ziehen andere Bundesländer beim LADG nach?**', Will the other federal states follow the Berlin State Anti-Discrimination Act?, 8 June 2021.

1.1.2.2. *Prohibition of racial discrimination in specific legislation governing policing*

The legal frameworks regulating policing are diverse. The police legislation of fewer than 10 Member States specifically references the prohibition of racial or ethnic discrimination. In Austria, police forces must take care that their impartiality is recognisable, under Article 31(12)(5) of the Security Police Act. This aims to ensure that the people concerned do not perceive the police's intervention as discrimination based on sex, race or skin colour, national or ethnic origin, religion or political opinion ⁽⁴¹⁾.



In France, the Internal Security Code states that 'police officers and gendarmes shall give the same attention and respect to all persons and shall not make any distinction in their acts and comments that could constitute discrimination' ⁽⁴²⁾. In Lithuania ⁽⁴³⁾, Malta ⁽⁴⁴⁾, Portugal ⁽⁴⁵⁾ and Romania ⁽⁴⁶⁾, the law on the police enshrines non-discrimination among the core principles of police activities. Finally, in Slovakia, the Act on the Police Force stipulates that the police force must comply with the Code of Ethics for Members of the Police Force, which includes reference to non-discrimination ⁽⁴⁷⁾.

Only a few Member States have established aggravated sanctions when public servants discriminate. This applies to police forces in Belgium ⁽⁴⁸⁾, Finland ⁽⁴⁹⁾ and Luxembourg ⁽⁵⁰⁾. In Belgium, the Court of First Instance of Antwerp convicted three officers of racial discrimination in 2021, with the aggravating circumstance of doing so as civil servants, for robbing, humiliating and physically and psychologically abusing irregular migrants. In Finland, a police officer who has committed acts of discrimination is also convicted of a violation of official duty, if the offence was committed on duty.

In addition, some Member States' regulations on detention prohibit racial or ethnic discrimination. In Bulgaria, the internal instruction on detention states that the activities of the police concerning detained people must exclude perpetrating, provoking or tolerating any acts of discrimination ⁽⁵¹⁾. In Spain, the organic law related to the Disciplinary Code of the National Police Corps establishes that the practice of inhuman, degrading, discriminatory or humiliating treatment of citizens who are in police custody is a 'very serious offence' ⁽⁵²⁾.

Some Member States have legislation explicitly prohibiting the use of fascist ideology and/or fascist symbols or the diffusion of ideas based on racial superiority. This applies to Austria ⁽⁵³⁾, Belgium ⁽⁵⁴⁾, Bulgaria ⁽⁵⁵⁾, Croatia ⁽⁵⁶⁾, France ⁽⁵⁷⁾, Germany ⁽⁵⁸⁾, Hungary ⁽⁵⁹⁾, Italy ⁽⁶⁰⁾, Latvia ⁽⁶¹⁾, Luxembourg ⁽⁶²⁾, the Netherlands ⁽⁶³⁾, Poland ⁽⁶⁴⁾, Portugal ⁽⁶⁵⁾ and Romania ⁽⁶⁶⁾. Police forces are not excluded from the scope.

In Belgium, it is considered an aggravating circumstance if public officials, including police officers, promote these ideologies ⁽⁶⁷⁾. Romania has similar

legislation. However, the law against the use of fascist ideology and fascist symbols is restricted to organisations. It does not, in principle, apply to any public authorities, including police forces ⁽⁶⁸⁾.

1.1.2.3. *Prohibition of racial profiling*

How Member States regulate police profiling is diverse. This section maps where the prohibition of racial profiling is explicitly covered. Profiling ‘involves categorising individuals according to personal characteristics’ ⁽⁶⁹⁾. In the context of policing, profiling has two main purposes: to identify known individuals based on intelligence concerning a specific individual, and as a predictive method to identify unknown individuals who may be of interest to the police. ‘Profiling that is based solely or mainly on one or more protected characteristics amounts to direct discrimination, and therefore violates the individual’s rights and freedoms and is unlawful’ ⁽⁷⁰⁾.

Profiling must happen only in the context of suspicion and be grounded on objective and reasonable justifications to avoid being discriminatory. It can use personal characteristics only in combination with other intelligence information. In addition, profiling must respect the principles of legality, necessity and proportionality.

Legality is a mandatory principle to ensure a lawful use of profiling. However, the laws of six EU Member States (Croatia, Czechia, Italy, Latvia, Luxembourg and Sweden) do not explicitly regulate profiling. For example, in Czechia, while the Act on the Police details the procedure police officers must follow to perform identity checks, there is no specific reference to profiling.

Of the 21 EU Member States that regulate profiling, only Finland and some of the *Länder* in Germany specifically refer to profiling on the grounds of racial and ethnic origin in their legislation. In Finland, when observing foreigners, the observation measures cannot be based solely or to a decisive extent on the person’s actual or assumed ethnic origin, the Aliens Act states. The National Police Board issued guidelines on internal immigration control in 2021. These include prohibition of ethnic profiling ⁽⁷¹⁾.

In most EU Member States, a reasonable ground for suspicion is mandatory to profile an individual. Examples are Austria, Belgium, Czechia, Denmark, Estonia, Finland, Greece, Hungary, Lithuania, Malta, the Netherlands and Spain. However, four Member States (Cyprus, France, Ireland and Malta) do not specify what reasonable grounds entail.

1.1.3. **Case-law examples**

Establishing racial or ethnic bias in police offences has a high threshold of proof, ECtHR case-law shows. However, the ECtHR has condemned several Member States for breaching their positive obligations to conduct effective investigations into allegations of racial or ethnic profiling or excessive use of violence on account of a person’s race or ethnicity.

ECtHR factsheets on racial profiling

The ECtHR has published a summary of selected cases dealing with racial profiling. These aim to support Member States in the correct implementation of ECHR Article 14 (prohibition of discrimination) in the context of policing. The factsheet can be read together with the thematic factsheet on hate crime and hate speech involving security forces.

For more information, see ECtHR (2022), ‘*Factsheet – racial profiling*’, November 2022; CoE, Department for the Execution of Judgments of the European Court of Human Rights (2022), ‘*Hate crime and hate speech*’, thematic factsheet, December 2022; and ECtHR (2022), *Guide on Article 14 of the European Convention on Human Rights and Article 1 of Protocol No. 12 to the convention – Prohibition of discrimination*.

The ECtHR has delivered judgments on racial profiling and police violence under Article 3 (prohibition of torture or ill treatment) and has scrutinised the racial and ethnic grounds of offences under Article 14 (prohibition of discrimination) in conjunction with the substantive aspect of Article 2 (right to life). Moreover, ECtHR case-law has assessed national authorities' positive obligations to investigate allegations of racial and ethnic discrimination under Article 14 in conjunction with Article 3 or Article 8 (right to respect for private and family life) ⁽⁷²⁾.

1.1.3.1. Violence and ill treatment

Several instances of police violence against Roma were severe enough to amount to ill treatment or violation of the right to life, the ECtHR determined. Nevertheless, most cases did not violate Article 14 in conjunction with the substantive aspects of Articles 2 and 3, it found. This was on account of the high threshold of proof of the causal link between police offences and racial or ethnic discrimination.

In a case against Slovakia, slapping a Roma boy amounted to ill treatment, the ECtHR stated. However, it maintained that racism played no role in the violation of Article 3 ⁽⁷³⁾. The Slovak police's use of force in the applicants' arrests during a large-scale police search operation in a Roma neighbourhood amounted to inhuman treatment, according to the ECtHR. However, the court did not take a position on the applicants' argument that systemic racism was a causal factor in the intervention's design, owing to the lack of evidence and the standard of proof ⁽⁷⁴⁾.

In another case, the Hungarian police's treatment of a Roma in police custody amounted to ill treatment, the ECtHR held. However, it found no violation of Article 14 in conjunction with the substantive aspect of Article 3 ⁽⁷⁵⁾.

The ECtHR delivered two judgments in connection with the events following the Slovak police's arrest of three Roma. Although the violence inflicted in the police car when taking the applicants to the police station did not reach the required level of severity ⁽⁷⁶⁾, the force used against the applicants at the police station was in breach of Article 3, according to the ECtHR. The ECtHR nevertheless considered the police crime to not be the result of racism, despite acknowledging the evidence of systemic racial policing of Roma in Slovakia and that the police had referred to the applicants as a 'Gypsy gang' ⁽⁷⁷⁾. This case has been criticised for the refusal to consider the relationship between the crime committed and institutional and systemic racism ⁽⁷⁸⁾.

In another case, the level of violence that the Romanian police inflicted on a Roma in a police station resulted in a violation of Article 3, the ECtHR held. It nonetheless maintained that the officers' use of the word *țigani* did not establish racial motivation ⁽⁷⁹⁾.

In the context of Article 2, the ECtHR heard a case concerning a police search in a Romanian Roma neighbourhood of people who had allegedly insulted a police officer. The inhabitants' attack on the officers did not justify shooting live ammunition at random and risking people's lives, the court held. However, the disproportionality of the special forces' involvement in the operation was insufficient to conclude that the crime was racially motivated, the ECtHR maintained ⁽⁸⁰⁾.

1.1.3.2. Racial and ethnic profiling and racial motivation in police conduct

The ECtHR has reached similar conclusions in multiple racial profiling instances. The ECtHR acknowledged reports of the Spanish police's racially motivated identity checks in a recent case against Spain. However, it ultimately held that the applicant's argument, namely that the officers did not check anyone from the 'Caucasian population' on the same street, could not be taken as

an indicator of the identity check's discriminatory motivation without other circumstances showing that an ethnic bias motivated the identity checks ⁽⁸¹⁾.

In 2018, the ECtHR established the racial motivation of the operation, and of the violence used during the intervention, in a case against Romania regarding a police raid in a Roma neighbourhood. This was the first explicit mention of the term 'ethnic profiling'. The authorities had justified the operation on the basis of the alleged aggressiveness of the Roma community, considering them criminals on account of their ethnic origin, the ECtHR maintained. The court therefore found there to be ethnic profiling in violation of Article 14 in conjunction with the substantive aspect of Article 3 ⁽⁸²⁾.

In February 2024, the ECtHR found that the subjecting of the applicant to an identity check was discriminatory treatment based on the applicant's skin colour. The court considered multiple reports by international bodies which stated that Swiss police officers received insufficient training to prevent racism or racial profiling. The court clarified that when an applicant establishes the existence of a difference in treatment, the burden of proof lies with the government to demonstrate that such difference was justified ⁽⁸³⁾.

1.1.3.3. *Obligation to investigate racist motivation in criminal offences involving the police*

The ECtHR also assesses national authorities' positive obligation to investigate if racism plays a role in police offences. Criminal authorities not ensuring an effective investigation into whether ethnic hatred could have played a role in the violence the Hungarian police inflicted on a Roma man constituted a violation of Article 14 in conjunction with the procedural limb of Article 3, the ECtHR stated ⁽⁸⁴⁾.

In Slovakia, allegations of discriminatory motives leading to a police officer shooting a Roma family were not investigated, despite the offence's strong racist elements. That amounted to a breach of Article 14 in conjunction with Article 2 ⁽⁸⁵⁾. The Slovak criminal justice authorities should have considered the complete sequence of events, before and after the applicants' transfer in a police vehicle, to determine whether the officers' violent behaviour in the car was the result of ethnic bias, the ECtHR clarified. The ECtHR found a violation of Article 3 in its procedural aspect ⁽⁸⁶⁾.

In a case against Romania, the ECtHR acknowledged the general level of hostility towards Roma people in Romania. This had to be reflected upon when considering the authorities' obligations to investigate plaintiffs' allegations of discrimination, the ECtHR maintained. By failing to conduct an in-depth assessment of the discrimination claims, the authorities 'did not censure what seems to be a discriminatory use of ethnic profiling by the authorities' ⁽⁸⁷⁾.

In certain cases, the ECtHR has held that national authorities had fulfilled their positive obligations. Slovakia complied with its duty in a case in which the authorities were not in possession of sufficient evidence about the racist motives of the crime ⁽⁸⁸⁾ and where applicants made general claims of racial bias and the authorities carried out a thorough examination ⁽⁸⁹⁾.

The authorities' obligation to investigate potential racial motives behind state agents' non-violent actions is implicit in the obligations under Article 14 when analysed in conjunction with Article 8, the ECtHR clarified. Germany had not taken every possible measure to ascertain whether an identity check on a train amounted to racial profiling, since the authorities had not heard witnesses and dismissed the applicant's claims on formal grounds, the ECtHR found ⁽⁹⁰⁾. By contrast, Spain had carried out an effective investigation into a claim of racial profiling in another case, it held ⁽⁹¹⁾.

1.1.3.4. National case-law examples

FRA collected case-law and second instance decisions related to discriminatory policing on the grounds of racial and ethnic origin for 2011–2021. Like the ECtHR, national courts tend to impose a high threshold of proof for ethnic or racial bias driving police action. The burden of proof mostly lies with the complainant.

In Austria, for example, a court rejected a complaint because the applicants' allegations that police officers demanded 'all Black passengers to get off' could not be confirmed⁽⁹²⁾. In Hungary, a court rejected the claims of racial motivation of police violence, since only the victims considered the police officer's brutality to be the result of racism⁽⁹³⁾. In Estonia, a court did not find detention pending expulsion to be based on the racial or ethnic origin of the people concerned, owing to insufficient evidence⁽⁹⁴⁾.

However, in France, the complainant in a racial profiling case benefited from an adjustment of the burden of proof, the Court of Cassation clarified. Once the complainant had provided elements that gave rise to a presumption of discrimination, the burden shifted to the state to demonstrate that the checks were justified on objective grounds. The police failed to demonstrate the objective reasons justifying the checks, as the applicants provided evidence of the systematic identity checks' discriminatory nature, allegedly based on their skin colour or origin, the court found⁽⁹⁵⁾.

Non-judicial bodies' considerations of police racism – Cyprus, Finland, France, Hungary and Sweden

There is institutional discrimination based on racial or ethnic origin in the police in Cyprus, France, Finland and Hungary, ombuds institutions and courts recognise.

In Cyprus, 'ethnic discrimination by the police was a real phenomenon within the Cypriot police force', the ombudsperson claimed^(*). Similarly, in Hungary, the lack of measures to address the police's ethnic profiling practices, which European and international organisations condemned in the 2000s, reveals that discriminatory profiling still takes place in Hungary, the Commissioner for Fundamental Rights emphasised^(**). In Finland, the National Non-Discrimination and Equality Tribunal considered that the Helsinki Police had engaged in ethnic profiling. The tribunal condemned the general use of discriminatory identity checks^(***).

In France, in a case concerning policing in a neighbourhood whose main inhabitants were of African and Arab origin, the police's repeated procedural violations against people with certain origins revealed systemic discrimination, the Defender of Rights claimed^(****). In 2021, national and international human rights organisations asked the French authorities to implement structural changes to end identity checks based on race^(*****).

In southern Sweden, the police established a register with thousands of profiles of Roma. The police may have been conducting ethnic profiling in doing so, the equality body affirmed^(*****).

(*) European Network of Equality Bodies (Equinet) (2019), *Compendium of Promising Practices on Ethnic Profiling*, p. 7.

(**) Hungary, Office of the Commissioner for Fundamental Rights (2021), *Joint report related to cases Nos AJB-729/2021 and AJB-730/2021 regarding the police conduct towards a person with Roma background under the framework of the increased control situation (Közös jelentése az AJB-729/2021. és az AJB-730/2021. számú ügyekben, egy roma nemzetiségű személlyel szemben fokozott ellenőrzés keretében fogantatott rendőri intézkedések vizsgálatát érintően)*.

(***) Finland, National Non-Discrimination and Equality Tribunal (*Yhdenvertaisuus- ja tasa-arvolautakunta*), Case 337/2018, 19 December 2018.

(****) France, Judiciary Court of Paris (*Tribunal judiciaire de Paris*), Case 19/08420, 28 October 2020.

(*****) Amnesty International (2021), 'France / racial profiling. The Council of State seized by 6 NGOs' ('France / Contrôles au faciès. Le Conseil d'Etat saisi par 6 ONG'), press release, 22 July.

(*****) European Commission, European Network of Legal Experts in Gender Equality and Non-discrimination (2021), *Country report – Non-discrimination: Sweden – 2021*, Publications Office of the European Union, Luxembourg, p. 88.

Another barrier relates to the weight given to the testimonies of the victims and the police. In Germany, a police officer claimed that an identity check was due to the individual's suspicious attitude. The court gave these allegations more credibility than those of the victim, who claimed that he had been checked on account of his skin colour ⁽⁹⁶⁾. Case-law in Austria ⁽⁹⁷⁾, Germany ⁽⁹⁸⁾ and Spain ⁽⁹⁹⁾ reveals that courts mainly acknowledge racial and ethnic bias when witness statements support the victim's allegations.

Courts ruled against police offences being racially motivated in judgments in Austria ⁽¹⁰⁰⁾, Germany ⁽¹⁰¹⁾, Hungary ⁽¹⁰²⁾, the Netherlands ⁽¹⁰³⁾ and Portugal ⁽¹⁰⁴⁾.

In Hungary, the Supreme Court explicitly refused to analyse a possible violation of the right to non-discrimination, arguing that the law does not find that right relevant in the analysis of police conduct ⁽¹⁰⁵⁾. In Germany, a higher court did not assess an identity check with regard to the principle of equality because the lower court's conclusion that skin colour had played no role bound the higher court ⁽¹⁰⁶⁾. In Portugal, the police committed several offences during an intervention in a neighbourhood of mainly inhabitants of African origin. However, the court deemed that the police's actions were not racially motivated ⁽¹⁰⁷⁾.

Courts found instances of police discrimination based on ethnic and racial origin in Belgium, Hungary, Italy, Latvia and Luxembourg. In relation to profiling, in Hungary, the Supreme Court deemed that the police's passive attitude towards the presence of the Civil Guard Association for a Better Future in a Roma neighbourhood, and the police's decision to increase checks in the area following a fight between the inhabitants and the civil guards, amounted to a breach of the equal treatment principle ⁽¹⁰⁸⁾. Regarding police violence, in Belgium, a court of first instance found that police officers' physical and psychological abuse of a group composed mainly of irregular migrants violated the right to non-discrimination ⁽¹⁰⁹⁾. In Italy, a police officer's racist comments made out of personal hatred were racial discrimination, a court acknowledged ⁽¹¹⁰⁾.

In Latvia, a police officer deliberately chose not to respond to emergency calls in Russian and asked the callers to speak Latvian instead. A court deemed this conduct discriminatory on the bases of language and ethnicity. The officer should have forwarded the call to a Russian-speaking colleague if unable to respond, the court added. This was not the case for this police officer, however, who could speak Russian ⁽¹¹¹⁾.

In the Netherlands, a court ruled that the police cannot stop vehicles for traffic checks based solely on the ethnic or religious characteristics of the driver or passengers ⁽¹¹²⁾.

1.2. POLICIES ON ANTI-RACISM IN POLICING

1.2.1. International and EU levels

National authorities can draw on existing guidance and country-specific recommendations from international intergovernmental organisations such as UN human rights bodies or the CoE. Racial profiling and discriminatory policing are widespread and prevalent, these organisations all acknowledge. They have set out means to address these issues. Their recommendations include calls to strengthen legislative frameworks, increase accountability and transparency, strengthen oversight and accountability mechanisms and introduce training initiatives to combat discriminatory policing, including racial profiling.

For example, the UN Committee on the Elimination of Racial Discrimination (CERD) issued 32 recommendations and observations related to racism in policing to half of the EU Member States between January 2017 and December

International and EU policy guidance on preventing racism in policing

Both CERD and ECRI have provided dedicated guidance on concrete measures to address racial discrimination in policing (*). The police should draw up internal codes of conduct and policies against racism and racial discrimination and set equality targets, ECRI general policy recommendation No 11 proposes (**). States should, among other things, ensure that 'law enforcement agencies develop, in consultation with relevant groups, detailed guidelines for stop-and-search practices with precise standards, in order to prevent racial profiling', CERD general recommendation No 36 suggests (***)).

The CoE's Code of Police Ethics enshrines the basic principles that should apply to police services in democratic societies. It sets out a general organisational framework for the police, their place in the criminal justice system and their objectives, performance and accountability (****).

In 2021, the Human Rights Council of the UN established an Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement (*****), following a report of the High Commissioner on racial justice and equality. The mechanism's objectives include contributing to accountability and furthering change for racial justice. It carries out country visits and publishes advice and reports on its findings (*****).

- (*) UN, CERD (2005), *General recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system*. See also UN, CERD (2020), *Concluding observations on the combined fifth to ninth reports of Ireland*; ECRI (2020), *ECRI Report on Austria (Sixth Monitoring Cycle)*, CoE, Strasbourg; and ECRI (2020), *ECRI Report on Germany (Sixth Monitoring Cycle)*, CoE, Strasbourg.
- (**) ECRI (2007), *General policy recommendation No 11 on combating racism and racial discrimination in policing*, CRI(2007)39, CoE, Strasbourg.
- (***) UN, CERD (2020), *General recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials*, paragraph 39.
- (****) CoE, Committee of Ministers (2001), *Recommendation Rec(2001)10 of the Committee of Ministers to Member States on the European Code of Police Ethics*.
- (*****) Office of the High Commissioner for Human Rights (OHCHR) (undated), 'Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement'.
- (*****) OHCHR, Human Rights Council (2023), *International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement – Visit to Sweden*, A/HRC/54/CRP.1.

2021⁽¹¹³⁾. Racism in policing is an ongoing issue in a number of participating states, ECRI highlights. Police officers' repeated racist acts and language indicate the issue is possibly structural in nature, it adds⁽¹¹⁴⁾.

The EU adopted the EU's 2020–2025 anti-racism action plan to strengthen its commitment to addressing racism. It also appointed an anti-racism coordinator to liaise closely with racialised communities and people with minority ethnic backgrounds, relay their concerns to the Commission and ensure anti-racism is incorporated into all EU policies.

Training law enforcement officers on racism and xenophobia is an 'essential component of an EU culture of security', the 2020 EU security union strategy notes⁽¹¹⁵⁾. The police performing racist and discriminatory acts is a reality in the EU, European Parliament resolutions in 2020⁽¹¹⁶⁾ and 2022⁽¹¹⁷⁾ note. The resolutions called on the EU and the Member States to effectively address racism in policing.

1.2.2. Member State level

FRA collected information about strategies, policies and codes of ethics related to combating racial discrimination and racism in the police. This section provides some particularly relevant examples. **Table 2** in the Annex presents an overview of national legislation and a non-exhaustive overview of:

- internal police regulations with explicit reference to the prohibition of racial discrimination;
- police codes and policies against racial discrimination and racism;

- national strategies against racism, including police-specific measures.

Most EU Member States have non-binding codes of conduct and ethics in place that set out the police's general obligation to respect fundamental rights and to act in a non-discriminatory manner. However, very few address discriminatory policing in dedicated documents. In some, general government strategies against racism also refer to policing. Some federal Member States, such as Belgium and Germany, do not have anti-racism policies that apply to both local and federal police services, but only local policy documents regulating police conduct in relation to racial discrimination and racism.

1.2.3. Internal police regulations with explicit reference to the prohibition of racial discrimination

Overall, 16 Member States had internal police regulations that explicitly reference the prohibition of racial discrimination and racism. In most cases, this constitutes referencing the prohibition of racial discrimination and the respect of fundamental rights. There is no evaluation of the enforceability of these regulations, and possible sanctions vary from none to disciplinary or criminal proceedings. The effectiveness of these codes is difficult to assess, especially when coupled with the lack of data (see [Section 2](#)).

No Member State had binding regulations that include a comprehensive and developed agenda against racism in the police.

1.2.4. Non-binding police codes and policies against racial discrimination and racism

Only six Member States – Germany, Greece, Ireland, Malta, the Netherlands and Spain – had non-binding police codes and policies addressing racism. Most of these documents are not publicly available.

However, a German example of a policy is publicly available. The Police Inspectorate at the Ministry of the Interior of North Rhine-Westphalia has adopted a conceptual framework. This defines standards and outlines instruments for good police leadership. Police leaders play a key role in maintaining and defending democratic policing against assaults from outside and within the police, the conceptual framework emphasises. It provides guidance and recommendations, including additional training for police leaders on racism ⁽¹¹⁸⁾.

1.2.5. National strategies against racism, including measures against racism in the police

Ministerial or governmental strategies against racism sometimes contain tasks for police agencies in relation to addressing racism in their organisations ⁽¹¹⁹⁾. Finland, France, Germany, Ireland, Malta, the Netherlands, Portugal and Spain have national strategies containing this sort of measure ([Table 2](#) in the Annex). The strategies differ significantly in their scopes, and whether they are evaluated and their impact monitored.

In other Member States, such as Czechia, Greece, Romania and Sweden, measures included in the strategies encompass community policing practices, training on non-discrimination, including on racial and ethnic grounds, and improving responses to hate crime. In Cyprus, the national strategy for protection and promotion of human rights ⁽¹²⁰⁾ sets out broad policy goals, including ones on policing and human rights. The national action plan will aim to translate the policy into concrete actions and measures, though it was not available in April 2023.

It is worth noting that most of these strategies contain references to systemic, structural or institutional racism.

PROMISING PRACTICE

Belgium – global diversity plan in a local police zone

The Marlow Police Station in Uccle has identified objectives relating to racism and racial discrimination in the areas of recruitment and selection, and internal communication and awareness-raising. For example, all employees complete mandatory online courses on diversity and discrimination. Other measures include training for senior staff on the effects of poor communication and the use of inappropriate and discriminatory language.

The external company that developed the policy has planned an evaluation. So have officers from the Marlow Police Station (*).

(*) PZ Marlow (2022), *Global Diversity Plan (Plan de diversité)*, unpublished. Obtained through email communication from a delegate of PZ Marlow on 27 April 2022; oral communication on 5 May 2022 with a delegate of PZ Marlow.

PROMISING PRACTICE

Portugal – plan to prevent discrimination in the security forces and services

The plan covers areas related to anti-racism and diversity in the police. The measures aim to reinforce communication strategies to encourage greater diversity of recruits in terms of both gender and racial or ethnic origin.

The plan calls for the appointment of a human rights officer for each of the three law enforcement agencies. These are the Judicial Police (Policia Judiciária), the Public Security Police (Policia de Seguranca Pública) and the National Republican Guard (Guarda Nacional Republicana) (*). The officers are to monitor implementation.

The plan sets out and reinforces preventive intervention mechanisms for when police officers behave in a discriminatory way. It calls for enhanced knowledge about police officers' possible discriminatory behaviour. In 2022, the first annual monitoring report recommended that all police forces harmonise their internal rules on discrimination issues, adopt further measures to prevent discriminatory behaviour and promote training initiatives on the issue of discrimination (**).

(*) Organization for Security and Co-operation in Europe (OSCE) Polis (undated), 'Country profile – Portugal'.

(**) General Inspectorate of the Internal Administration (2021), *Plan to prevent discrimination in security forces and services in Portugal (Plano de Prevenção de Manifestações de Discriminação nas Forças e Serviços de Segurança)*, Lisbon.

1.2.6. Guidance to officers to prevent racial profiling

Racial profiling is widespread across the EU, FRA survey data show. It is important for frontline police officers to have access to practical, understandable and ready-to-use guidance to help avoid unlawful profiling⁽¹²¹⁾. Yet this guidance is not available in some Member States.

Bulgaria lacks legal rules defining or prohibiting racial profiling, a Bulgarian Helsinki Committee report highlights⁽¹²²⁾. In Finland, the police are not required to specify the grounds for their checks, as the Aliens Act does not provide criteria for reasonable suspicion⁽¹²³⁾. In Malta, the police's Code of Ethics reiterates how important it is for police officers to investigate cases upon reasonable suspicion of an actual or possible criminal offence⁽¹²⁴⁾. However, 'reasonable suspicion' is not defined in law and the research did not identify any relevant internal Malta Police Force policies.



In France, there was concern that ID checks in the context of immigration law enforcement took place based on ethnic profiling⁽¹²⁵⁾. In 2021, an amendment to the French Code on the Entry and Residence of Foreigners clarified that ID checks must be carried out if objective elements deduced from factors external to the person reveal they are a foreigner. This makes ethnic profiling unlawful. The Court of Cassation has required reference to objective elements since 1985.

Only four EU Member States (Belgium, Finland, Germany and the Netherlands) have written guidance to prevent racial profiling.

In Belgium, the non-binding framework of conduct on professional profiling serves as a framework within which local police forces can develop their own policies on professional non-discriminatory profiling. Four local police zones (PZs), namely PZ BruNo, PZ Mechelen-Willebroek, PZ Ghent and PZ Antwerp, collaborated to develop the framework with support from the Federal Police. They took the **Amnesty International recommendations** into account.

In Germany, the 2016 **decree on the use of Section 23 paragraph 1(3) of the Federal Police Act** is binding and requires regular evaluation. It concerns general profiling, and aims to regulate the Federal Police's *Schleierfahndung* (identity checks in the 30-km hinterland of the national border). The decree

details how to conduct identity checks in the border region, which differ from systematic border control procedures.

The checks must be based on constantly updated knowledge of the situation or on (border) police experience. Any police action must be grounded in information on and/or experience of cross-border crime, 'such as frequently used means or ways of transport, certain kinds of behaviour', and its analysis. The regulations have been amended several times since 2014 ⁽¹²⁶⁾.

In Finland, the Internal Immigration Control issued non-binding guidelines ⁽¹²⁷⁾ that specifically prohibit ethnic profiling. They provide officers with instructions on how to conduct immigration control in a non-discriminatory way. The guidelines are regularly reviewed and amended when needed.

In the Netherlands, in 2020, the National Police Corps published the **operational framework proactive police checks** as guidance to prevent racial profiling. Only 56 of the 110 police officers interviewed in a study on the effects of a pilot project on proactive checks in 10 police teams in 2018 and 2019 were aware of the framework, according to the framework evaluation ⁽¹²⁸⁾. Similar research to monitor the implementation of the operational framework proactive police checks and other measures to prevent ethnic profiling is to be carried out regularly from 2022 onwards, the Minister of Justice and Security informed the parliament in 2021 ⁽¹²⁹⁾.

FRA ACTIVITY

Preventing unlawful profiling and a manual for police trainers

FRA has produced guidance in relation to unlawful profiling and a fundamental rights training manual for police.

Sources:

FRA (2018), **Preventing Unlawful Profiling Today and in the Future: A guide**, Publications Office of the European Union, Luxembourg;

FRA (2019), **Fundamental Rights-based Police Training – A manual for police trainers**, Publications Office of the European Union, Luxembourg.

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2

OFFICIAL DATA, RESEARCH AND OTHER INFORMATION

In this report, 'official data' are understood as data from the police, authorities that are part of the criminal justice system (such as prosecution services and courts), relevant state ministries, police unions and national human rights bodies (national human rights institutions (NHRIs), equality bodies and ombudsperson institutions) at national level.

The data this report presents are based on countries' own definitions and categorisations, stem from different sources and are recorded through different methodologies. Therefore, they are not comparable across Member States.

Incidents of racial discrimination, harassment and criminal victimisation – including hate crime – are inadequately reported and recorded. In most Member States, there are no official data on racist incidents and discrimination involving the police. In those EU Member States that record incidents of police racism, recording methodologies, definitions and categorisation (such as excessive use of force, hate speech and physical assault) vary greatly.

FRA ACTIVITY

Reporting and recording of hate crime to and by law enforcement

The FRA report on encouraging hate crime reporting examines existing data on the extent of bias-motivated violence and harassment and the reasons for under-reporting. Discrimination by law enforcement is a major barrier to reporting and therefore to effective policing.

The key guiding principles suggest measures to encourage reporting. These include countering discriminatory perceptions and practices in policing, and police leadership sending a message of zero tolerance of discriminatory attitudes.

FRA reports and the key guiding principles aim to assist police investigators, managers, hate crime officers and policymakers by providing detailed information on hate crime recording and data collection practices in the EU. The information helps to identify gaps and inconsistencies in national recording systems and provides illustrative practices from Member States. A detailed look at the practices, including step-by-step descriptions, helps identify which elements could be adapted to different national contexts.

For more information, see FRA (2021), *Encouraging Hate Crime Reporting – The role of law enforcement and other authorities*, Publications Office of the European Union, Luxembourg; EU High Level Group on combating racism, xenophobia and other forms of intolerance (2021), *Key guiding principles on encouraging reporting of hate crime: The role of law enforcement and relevant authorities*, Publications Office of the European Union, Luxembourg; and FRA (2018), *Hate crime recording and data collection practices across the EU*, Publications Office of the European Union, Luxembourg.

2.1. OFFICIAL DATA ON RACIST INCIDENTS AND RACIAL DISCRIMINATION INVOLVING THE POLICE

Overall, most Member States had no official data sources on racist incidents and discrimination involving the police. Few Member States record incidents of alleged racism in the police as a dedicated category ⁽¹⁾. Of these, only three (Czechia, Germany and the Netherlands) publish the data either regularly or upon ad hoc public information requests. Nine (Cyprus, Denmark, Greece, Malta, Portugal, Romania, Slovakia, Slovenia and Spain) shared data with FRA for this research (Table 3, Annex).

Across the EU, there is huge diversity in what is being recorded and understood as manifestations of racism in the police. This includes, for example, right-wing extremist offences, racism and incidents of racial discrimination involving the police.

In addition, there is variety in what and how racist incidents involving the police are being recorded within individual countries. In Belgium, for example, each of the 185 local police zones is responsible for registering and categorising its own data on police misconduct, including racist incidents. This results in varying registration systems throughout the country.

For this research, FRA enquired about the number of incidents recorded, the number of investigations initiated, the number of people charged, the number of convictions and the number of acquittals with regard to racist incidents involving the police. It is not possible to trace incidents from when they are reported to their relevant outcomes, gaps in available data indicate.

In addition, the existing data do not allow for further disaggregation by offence (e.g. by type, such as excessive use of force, hate speech, physical assault).

The number of officially recorded incidents of police racism is very low, as Table 3 in the Annex shows. This makes it impossible to assess the nature and prevalence of the issue and any trends over time.

For example, Czechia recorded one investigation of members of the security forces, including police, for hate crimes or crimes with an extremist subtext in 2020 and none in 2021. Cyprus recorded exactly the same numbers of disciplinary cases against members of the police for racial offences. The Danish National Police recorded four incidents in 2020 and eight in 2021. Greece recorded 25 incidents of racism involving security forces in 2020 and 48 in 2021 (see Table 3 for information on all Member States that provided data).

Low numbers of recorded incidents do not mean that racist policing does not exist, as sources such as surveys, other research and civil society organisations' data show (Sections 2.4 and 2.5). Instead, they can indicate that:

- most incidents remain unreported to the police or any other authority;
- police recording systems are not in place or are ineffective;
- organisations lack the skills, willingness and capacities to record the incident;
- victims do not know where to report incidents;
- victims do not trust that reporting will have a positive result.

Differences in national definitions and classifications of racist incidents involving police, gaps in data recording and collection and high levels of under-reporting prevent comparisons between countries. The current state of official data collection means that this report can provide only an overview of the variety of data available on discriminatory policing on ethnic and racial grounds in EU Member States. The data presented here cannot be taken as a fully accurate portrayal of the prevalence of racist policing in any given EU

FRA ACTIVITY

Collecting equality data disaggregated by racial or ethnic origin

Equality data are any pieces of information that are useful for the purposes of describing, analysing, reasoning about and making decisions on the state of equality. The information may be quantitative or qualitative. The data make the nature and extent of discrimination and inequality visible and provide a basis for evidence-based policymaking. Regularly and systematically collected equality statistics enable Member States to assess the proper application of anti-discrimination legislation, monitor compliance with human rights obligations and track progress in achieving equality goals.

The European Commission acknowledged the importance of these data and continued its efforts to provide guidance to Member States on how to improve the collection and use of equality data, disaggregated by racial or ethnic origin, through the EU Subgroup on Equality Data, which FRA facilitates. The 2021 guidance note on the collection and use of equality data based on racial or ethnic origin provides instructions for a more standardised approach to collecting and using equality data. It addresses questions related to the application of the general data protection regulation (GDPR), underlining how data on racial or ethnic origin can be collected for aggregate statistical purposes in line with EU law.

For more information, see European Commission, High Level Group on Non-discrimination, Equality and Diversity (2021), **Guidance note on the collection and use of equality data based on racial or ethnic origin**, Publications Office of the European Union, Luxembourg.

Member State due to data collection gaps and the levels of under-reporting. These data should not be used to compare the situations in different countries.

PROMISING PRACTICE

Germany – revealing right-wing extremism in the security forces

Right-wing extremist incidents and networks within the German police have been uncovered in recent years. The Federal Office for the Protection of the Constitution published its first regular situation report on right-wing extremism in the security authorities and the armed forces as a result. The report collates data on disciplinary, criminal or labour-law-related proceedings from 1 January 2017 to 31 March 2020 against staff who were suspected of right-wing activities. A total of 319 reported cases concern the police and intelligence agencies of the *Länder*, 58 concern the federal security authorities and 1 064 concern the armed forces (*).

In May 2022, the office published a follow-up report with data and a more detailed analysis for July 2018 to June 2021. In total, the Federal Office for the Protection of the Constitution received reports of 860 cases: 684 cases concerning the security authorities of the *Länder* and 176 cases concerning the federal police forces and intelligence agencies. Overall, 327 of these cases were found to be right-wing extremism: 189 cases in the *Länder* and 138 cases concerning the federal security authorities (**).

(*) Germany, Federal Office for the Protection of the Constitution (Bundesamt für Verfassungsschutz) (2020), *Right-wing Extremists in Security Forces – Situation report (Rechtsextremisten in Sicherheitsbehörden – Lagebericht)*, Cologne.

(**) Germany, Federal Office for the Protection of the Constitution (Bundesamt für Verfassungsschutz) (2022), *Right-wing extremists, ‘citizens of the Reich’ and ‘self-governors’ in security services – Situation report (Rechtsextremisten, ‘Reichsbürger’ und ‘Selbstverwalter’ in Sicherheitsbehörden – Lagebericht)*, Cologne.

This research does not cover the role of police unions in addressing discriminatory policing in the EU. However, it sought data from police unions on police misconduct. In general, police unions represent interests and deal with the welfare and well-being of police officers. Nevertheless, unions can also reinforce a culture of impunity and obstruct efforts to hold police officers accountable for misconduct, US studies indicate ⁽²⁾.

Table 3 in the Annex provides an overview of existing data from the police, prosecution services and courts on discriminatory policing on grounds of racial or ethnic origin between 2017 and 2021.

2.2. OFFICIAL DATA ON RACIAL PROFILING

Racial profiling is widespread among police forces across the EU, as FRA, intergovernmental bodies and civil society organisations consistently point out (see section ‘Spotlight on FRA’s data on police stops’). International bodies, such as CERD and ECRI, have often called on EU Member States to address racial profiling, including through proper data collection. This research asked Member State authorities to provide data on profiling (e.g. stop and search, identity checks and personal searches), including the type of stop/check, the number of investigations, the number of people / police officers charged and the numbers of convictions and acquittals.

Out of the 27 Member States, only the Netherlands provided some data (from the police, prosecution services and courts). These included 46 complaints of racial profiling in 2017 and 44 in 2018, with a slight increase to 63 complaints in 2019 and a significant increase to 127 complaints in 2020 ⁽³⁾.

In Germany, complaints can be lodged with 51 administrative courts. They are not regularly compiled and published, so national statistics are not available ⁽⁴⁾.

In Malta, the police did not record any racial profiling incidents.

In Ireland, the Policing Authority has consistently called for the recording of ethnicity in stops. The authority considers this to be in the interest of the police (An Garda Síochána), as the police can then assess the extent to which its policing is proportionate and fair and in compliance with its human rights obligations ⁽⁵⁾.

PROMISING PRACTICE

United Kingdom – recording stop and search

Code of practice

UK police forces record data on police stops with regard to ethnicity as a means of identifying potential discriminatory profiling and to promote police accountability. They put the data in the public domain at aggregate level. A code of practice guides police officers with regard to their obligations, including recording stops and searches. The recording form includes:

- self-perceived ethnicity of the person stopped, from the categories used in the 2001 population census;
- date, time and place of the person or vehicle search;
- the object(s) that officers were looking for;
- the legal power or authority used;
- the grounds for suspicion and the identity of the officer carrying out the search ^(*).

West Midlands Police’s live recording of stop-and-search actions through ‘eSearch’

West Midlands Police adopted eSearch in April 2014. This system is based on a call between the officer on the ground and a member of staff in the contact centre (control room). The contact centre immediately records the details of the stop and search and includes them in a database. This information can then be accessed and used to scrutinise the effectiveness of stop-and-search actions, both internally and externally ^(**).

^(*) United Kingdom, Home Office (undated), ‘**Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2023**’.

^(**) West Midlands Police (2017), ‘**New “app” set to speed up stop & search process**’, 30 August.

2.3. COMPLAINTS LODGED WITH NATIONAL HUMAN RIGHTS INSTITUTIONS AND EQUALITY BODIES

National human rights bodies are independent bodies with a broad range of legal mandates to protect and promote human rights. They include NHRIs and equality bodies.

NHRIs are broadly mandated to protect human rights through monitoring activities and processing, investigating and reporting individual complaints. Some NHRIs are also equality bodies with a mandate covering equal treatment ⁽⁶⁾. This is the case in Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Hungary, Ireland, Lithuania, the Netherlands, Poland and Sweden. Some serve as police oversight bodies (see **Table 1** in the Annex).

NHRIs in some Member States do not have mandates to investigate complaints. Nevertheless, they can still receive them (e.g. in Denmark and Germany).

Equality bodies have a remit to combat discrimination based on racial or ethnic origin in the fields covered by the racial equality directive. Equality bodies' activities and legal scopes vary across the EU. However, they are generally responsible for receiving complaints and assisting victims of discrimination, monitoring and reporting on issues relating to discrimination and raising awareness of the right to non-discrimination.

In some Member States, national equality bodies are mandated to investigate complaints of discrimination (7). In some Member States, the mandate of equality bodies goes beyond EU law to cover discrimination in policing. In addition, some equality bodies conduct research and awareness-raising activities or issue public statements condemning, among other things, racial profiling by the police, Equinet highlights (8).

This report asked NHRIs and equality bodies in the EU-27 whether they record, collect and publish aggregated complaints on racist incidents, racial discrimination and racial profiling involving the police.

All NHRIs and most equality bodies do not record or publish complaints on racist policing (excluding racial profiling) as a specific category, findings show. Some NHRIs and equality bodies indicate receiving no complaints, including *ex officio* ones (found on their own initiative) (e.g. in Estonia, Latvia and Romania). Equality bodies in Austria, Germany, Italy, Luxembourg, the Netherlands, Romania and Sweden provided FRA with some data (Table 4 in the Annex).

Regarding racial profiling, NHRIs in Croatia, Cyprus, Poland and Portugal recorded zero or one incident (Table 4 in the Annex). Equality bodies in Austria, Denmark, Germany and the Netherlands provided some data on racial profiling incidents (Table 4 in the Annex). No other data on racial profiling are available from NHRIs or equality bodies. The Danish Independent Police Complaints Authority publishes an annual report (*Årsberetning*) with a summary of the number of complaints, including complaints regarding racism and racial discrimination (9).

In Denmark, the Danish Institute for Human Rights conducted a study on ethnic profiling (10) based on administrative data from Statistics Denmark on more than 2.5 million preliminary charges, arrests and court rulings, covering 2009–2019. There are associations between the ethnic background of charged and arrested people and the court decisions, it highlights. Its recommendations include amending the Police Act to include a specific prohibition of discrimination, including ethnic profiling; the Danish Police preparing national guidelines to prevent ethnic profiling; and making it mandatory for police districts to systematically collect data on police actions, including the ethnic origin of those stopped, in collaboration with the Danish Data Protection Agency.

The National Ombudsman in the Netherlands opened a telephone hotline for 5 weeks to receive reports of ethnic profiling experiences in the past 5 years (11). Of the 160 calls, 115 (or 72 %) were related to the police. Overall, 75 % of the citizens with ethnic profiling experiences did not file a complaint, because they did not believe it would lead to anything. Following this, the National Ombudsman started collecting data on ethnic profiling in 2021.



Low numbers of reported incidents of racial profiling in Member States do not necessarily reflect the prevalence of racial profiling. They may reflect the level of people's willingness to report incidents of racial profiling. Trust in institutions and awareness of equality law, equality rights and NHRIs or equality bodies affect willingness to report. The lack of official data on police misconduct – including racial profiling, stops and searches, excessive use of force and deaths caused by the police – means that research by international and intergovernmental organisations, EU agencies, research institutions and civil society organisations is essential to allow an understanding of the prevalence and forms of racist policing.

2.4. MEDIA REPORTING AND CIVIL SOCIETY ORGANISATIONS' DATA COLLECTION

Ethnic minorities continue to face racism and discrimination across the EU, FRA data and various research findings show ⁽¹²⁾. There is evidence of widespread and persistent racial and ethnic discrimination involving public authorities, including racial profiling by the police, as public authority ⁽¹³⁾, academic ⁽¹⁴⁾ and civil society research ⁽¹⁵⁾, and media investigations show ⁽¹⁶⁾.

Media outlets, social media and civil society organisations frequently pick up on incidents of racism involving police officers. These indicate the variety of racial abuse involving police officers in the EU: from use of racial slurs, unequal treatment and racial discrimination to disproportionate use of frequent and repeated identity checks, stop-and-search powers, and force and violence.

The broad media coverage, compared with the low number of cases reported to oversight bodies and authorities, points to an absence of systematic recording of discriminatory policing incidents, ethnic profiling, racist incidents and police violence.

Going public with experiences of racist police actions, including violence, is sometimes the only way for victims to be heard, as the police might refuse

PROMISING PRACTICE

Austria and Greece – civil society organisations’ systematic monitoring of police violence

In Austria, the civil society organisation *Zivilcourage & Anti-Rassismus-Arbeit* records incidents of police racism and publishes these in an annual report. The recorded cases concern racist statements, racially motivated administrative penalties, racist police behaviour, racist statements and violence during an official act, racist descriptions of an injured person and police refusal to record a complaint for racist reasons. The report also raises awareness of victims’ rights, provides guidelines on how to complain and offers assistance (*).

In Greece, the *Racist Violence Recording Network* records incidents of racist police violence and provides recommendations to the authorities based on its findings. The network is composed of many civil society organisations. Collected data, including data on racist police incidents over time, point to an upward trend over the last few years (**).

(*) *Zivilcourage & Anti-Rassismus-Arbeit (2022), Racism Report 2021 (Rassismus Report 2021)*, Vienna.

(**) *Racist Violence Recording Network (2022), Annual Report 2021 (Ετήσια Έκθεση 2021)*.

to file their complaints or victims might not have sufficient trust in the authorities. This lack of trust is a barrier to victims coming forward.

Politicians, police leadership and members of the public rarely react to racist incidents involving the police. The lack of response, especially from those in public and leadership positions, promotes a culture of impunity and normalisation for perpetrators, and of injustice and lower confidence and trust in authorities for victims and minority communities.

In Czechia, the media compared the murder of Stanislav Tomáš, a Roma man, with that of George Floyd. Tomáš died in 2021 after several police officers pinned him to the ground and knelt on his neck.

FRA’s 2021 Roma Survey collected data shortly after his death. Trust in the police in Czechia among Roma dropped from 33 % in 2016 to 19 % in 2021, the lowest value among the countries the survey covered. In comparison, 75 % of the general Czech population trusts the police (17).

The General Inspectorate of Police Services closed its investigation into Tomáš’s murder, concluding that the officers’ conduct during the arrest was lawful and the coercive measures did not have a proven causal link to the subsequent death. Various Roma non-governmental organisations (NGOs) raised concerns that the investigation was not impartial (18).

In recent years, in the EU, several people with ethnic backgrounds different from those of the general population have been shot dead following interactions with the police. This has prompted questioning if the officers made legitimate use of their service weapons.

In Greece, a series of violent incidents involving police officers caused serious concern and public outcry. In January 2022, police officers engaged in a car chase during which they fired shots at the vehicle, which turned out to have five Roma youngsters in it, the oldest being 15 (19). In another incident, two men chased a Roma man and beat him to death after he allegedly stole an air conditioner. One of the perpetrators, who claimed the man attacked him with a knife, was an off-duty police officer (20). In December 2022, the police fatally shot a 16-year-old Roma boy during a chase, after he reportedly failed to pay a petrol bill of EUR 20 (21).

Riots and unrest among the Roma communities followed these incidents. This was in part because the last case strongly resembled the death of another Roma teenager in 2021, which is still under investigation (22).

In Italy, a 36-year-old Roma man with disabilities fell out of his second-floor apartment window during a police house search. He suffered life-threatening injuries and was in a coma. Four police officers were under investigation for charges of attempted murder, abuse of power and perjury at the time of drafting this report. In December 2022, one of the officers was put under house arrest on charges of false testimony, deception and torture (23).

In Ireland, police shot dead a black man who fled after allegedly assaulting supermarket staff. He was found to suffer from mental health issues (24). In Luxembourg, police officers fatally shot a black man during a dispute.

In Portugal, seven police officers are to go on trial accused of beating migrants from Bangladesh, Nepal and Pakistan. In another case, three police officers are to go to trial (25) in a case of a racially motivated assault against a woman in 2020 (26). In August 2022, the Public Security Police launched an investigation into a filmed incident of two police officers assaulting a black man (27).



Massive protests erupted in France after CCTV footage revealed that three police officers beat up a black music producer in front of his studio for allegedly not wearing a face mask during the 2020 COVID-19 lockdown. This was in the middle of a controversial draft security bill that would have restricted the public's right to record the police and publish it on social media ⁽²⁸⁾. The attack sparked widespread outrage, with demonstrators arguing that the criminalisation of recording police actions would make it difficult to document police brutality ⁽²⁹⁾. Subsequently, the parliament dropped the draft bill ⁽³⁰⁾.

The police engaging in racial profiling and in stops and searches perceived as arbitrary is a prominent theme in media reporting. This includes issues ranging from the police's disproportionate use of force against migrants, asylum seekers and refugees (in Cyprus, Czechia, Finland, Lithuania, Malta, Portugal and Spain) to ill treatment of Roma and Traveller communities (in Bulgaria, Czechia, Germany, Greece, Lithuania, Portugal, Romania, Slovakia and Spain).

2.5. SURVEY AND OTHER RESEARCH RESULTS

Quantitative population surveys that examine people's experiences as potential victims can capture both criminal incidents reported to the police and criminal incidents not reported to the police, unlike official data, such as police and criminal justice statistics. Thus, they can uncover crimes and incidents that are not reported to the police or that the police do not record. This provides a better estimation of the prevalence and forms of crime victimisation, including bias motivations ⁽³¹⁾.

This section provides examples from FRA, governmental office, academic and other research body surveys.

Spotlight on FRA's data on police stops

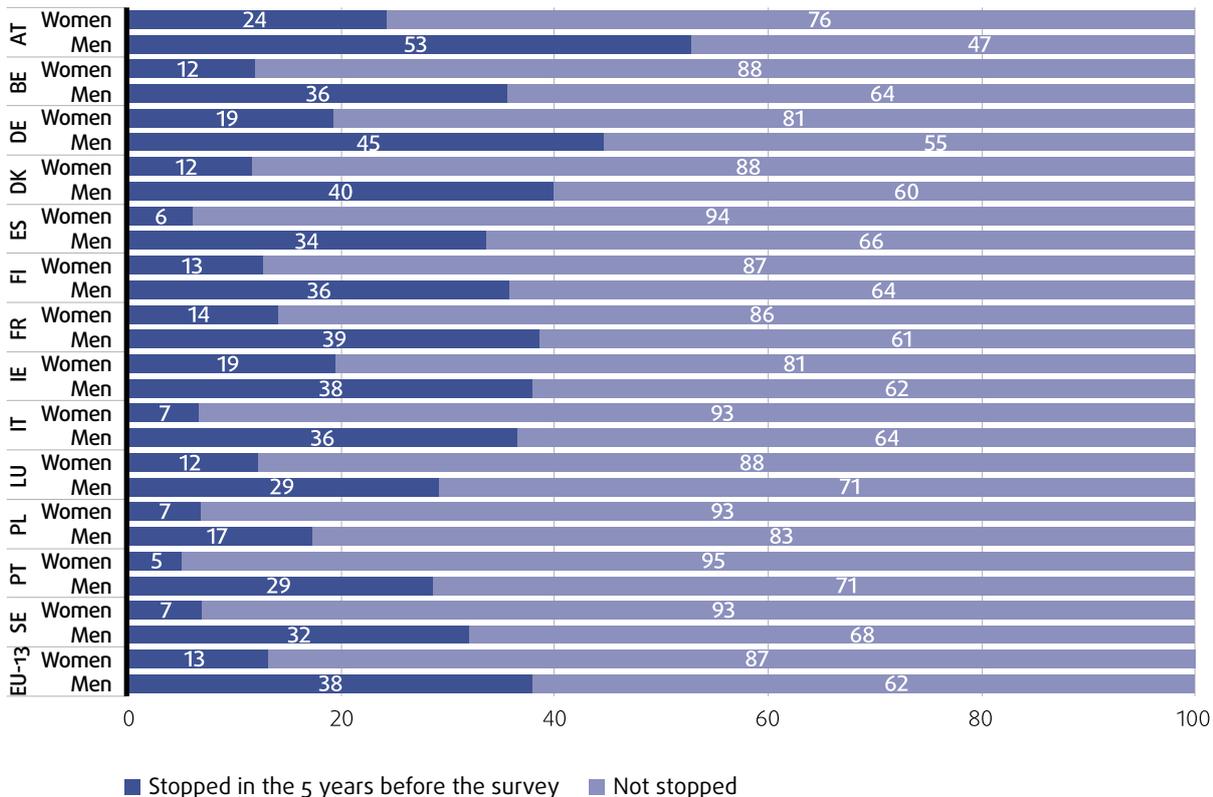
In 2022, FRA's EU Survey on Immigrants and Descendants of Immigrants collected data on police stops among 6 752 immigrants and descendants of immigrants from countries in Africa south of the Sahara in 13 Member States: Austria, Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, Poland, Portugal, Spain and Sweden. The second edition of FRA's report *Being Black in the EU* summarises the results.

Member States vary substantially regarding rates of police stops for people of African descent. On average, the police had stopped a quarter (26 %) of respondents in the 5 years before the survey (**Figure 1**) and had stopped 12 % in the 12 months preceding the survey. Respondents of African descent in Austria had the highest stop rates (5 years, 40 %; 12 months, 21 %). Germany had the second-highest 5-year rate (33 %), and Ireland had the second-highest 12-month rate (15 %).

The prevalence of police stops was considerably higher for men than for women during both periods in all countries the survey covered. In the 5 years before the survey, men of African descent were almost three times more likely to be stopped than women of African descent (38 % versus 13 %). During the 12 months before the survey, the difference was almost fivefold (19 % versus 4 %).

Overall, the police were more likely to stop younger respondents than older respondents. This holds for the 5 years (16–24 years, 34 %; 25–44 years, 29 %; 45–59 years, 22 %; 60+ years, 11 %) and the 12 months before the survey (16–24 years, 22 %; 25–44 years, 11 %; 45–59 years, 9 %; 60+ years, 5 %). Police stopped respondents who identify as gay, lesbian, bisexual or transgender or transsexual people at higher rates (5 years, 35 %; 12 months, 23 %) than respondents who do not identify as lesbian, gay, bisexual, transgender or intersex (5 years, 26 %; 12 months, 12 %).

FIGURE 1 PREVALENCE OF POLICE STOPS IN THE 5 YEARS BEFORE THE SURVEY AMONG RESPONDENTS OF AFRICAN DESCENT, BY COUNTRY AND GENDER (%)

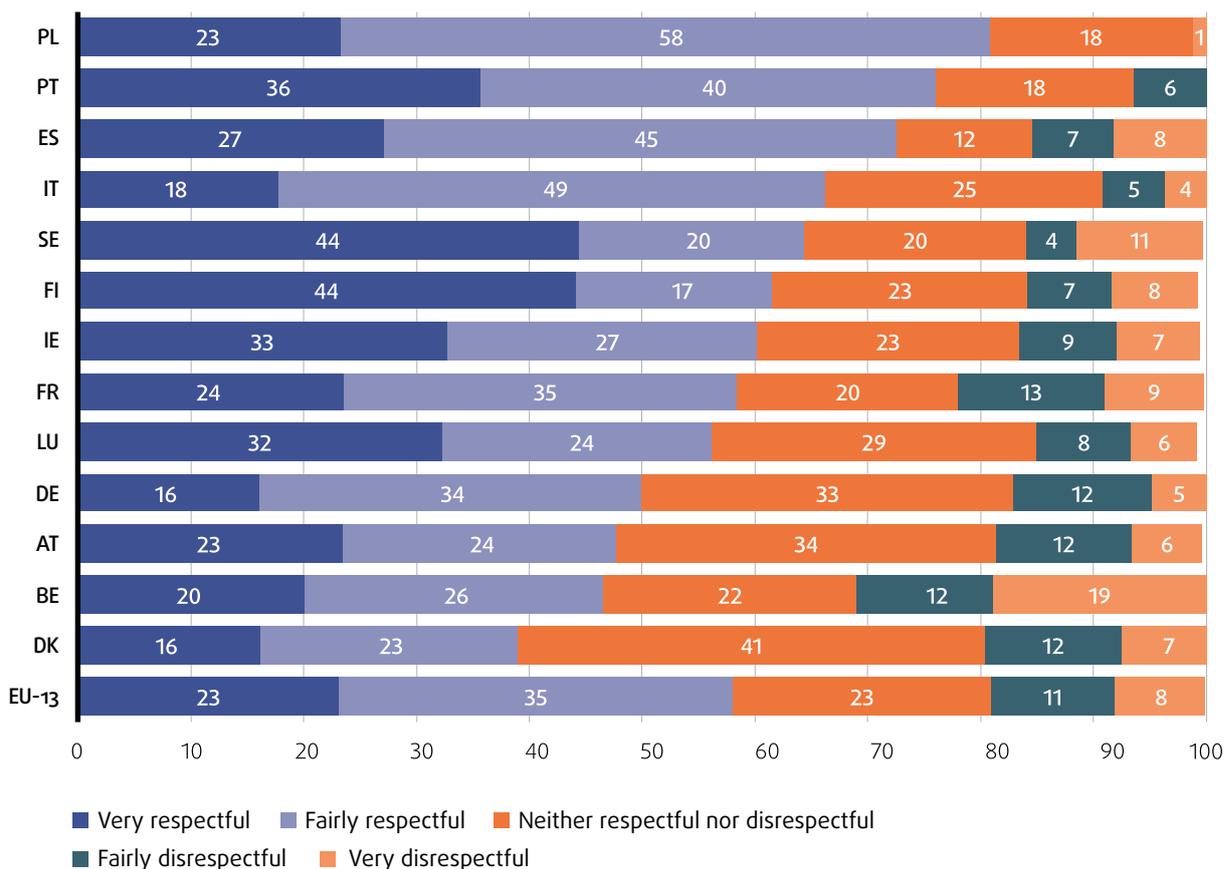


Notes: Out of all respondents of African descent ($n = 6\,752$, $n_{\text{men}} = 3\,741$, $n_{\text{women}} = 2\,998$, $n_{\text{other}} = 13$); weighted results. Question: 'In the past five years in [country] (or since you have been in [country]), have you ever been stopped, searched or questioned by the police?' Some bars do not add up to 100 % due to rounding.

Source: FRA (2023), *Being Black in the EU – Experiences of people of African descent*, Publications Office of the European Union, Luxembourg, p. 74.

Respondents who said that the police had stopped them in the 5 years preceding the survey were asked how the police had treated them. Overall, 58 % of respondents of African descent who were stopped say they were treated either 'very respectfully' or 'fairly respectfully' during the stop. However, one in five (19 %) say that the police treated them 'fairly disrespectfully' or 'very disrespectfully' (Figure 2). In addition, 6 % of respondents who indicated that the police officer was (very) disrespectful during the last stop had reported this treatment.

FIGURE 2 POLICE TREATMENT DURING MOST RECENT POLICE STOP IN THE 5 YEARS BEFORE THE SURVEY AMONG RESPONDENTS OF AFRICAN DESCENT, BY COUNTRY (%)



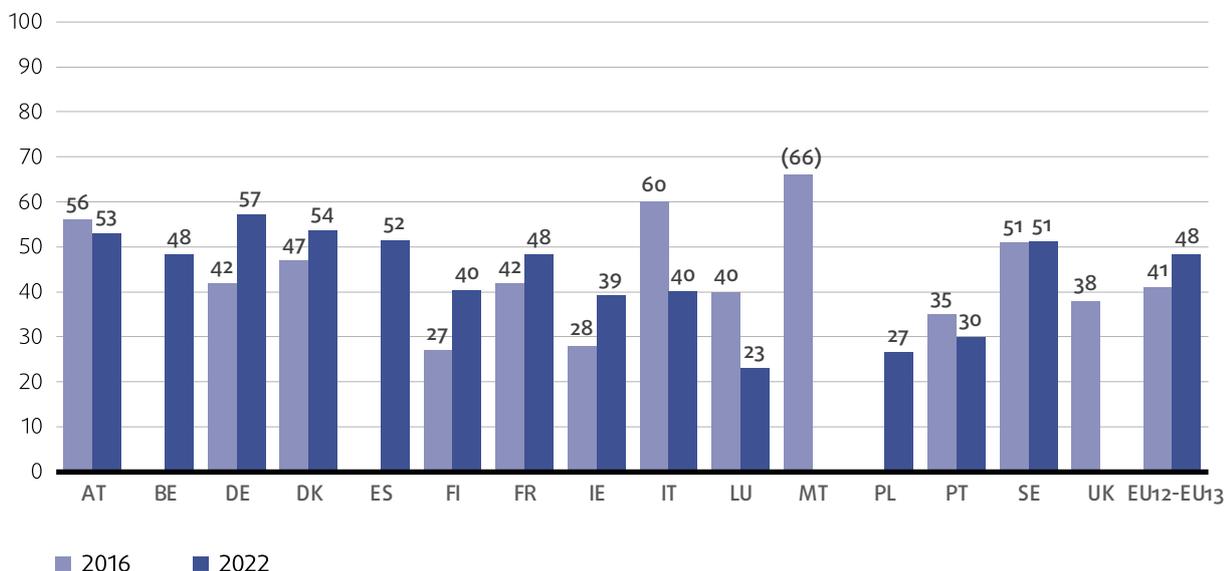
Notes: Out of all respondents of African descent whom the police stopped in the 5 years before the survey ($n = 1\,689$); weighted results; sorted by the percentage of respondents who answered 'very respectful' or 'fairly respectful'. Question: 'The last time you were stopped, how respectful was the police when dealing with you?' Some bars do not add up to 100 %. This is due to rounding and because item non-response categories (answers 'don't know', 'don't understand the question' and 'prefer not to say') are not displayed in the figure. The total share of the item non-response categories did not exceed 1 % in any of the countries surveyed.

Source: FRA (2023), *Being Black in the EU – Experiences of people of African descent*, Publications Office of the European Union, Luxembourg, p. 77.

Perceived discriminatory ethnic profiling

About half (48 %) of respondents to the 2022 survey of African descent whom the police had stopped in the 5 years before the survey believe that this was because of their immigrant or ethnic minority backgrounds, including their skin colour or their religion (Figure 3). This is consistent with the Second European Union Minorities and Discrimination Survey (EU-MIDIS II) results from 2016. The rate is even higher (58 %) among those stopped in the 12 months before the survey.

FIGURE 3 MOST RECENT POLICE STOP PERCEIVED TO BE DUE TO DISCRIMINATORY ETHNIC PROFILING AMONG RESPONDENTS OF AFRICAN DESCENT STOPPED IN THE 5 YEARS BEFORE THE SURVEY, BY COUNTRY – COMPARISON OF 2016 AND 2022 RATES (%)



Notes: Out of all respondents of African descent whom the police stopped in the 5 years before the survey ($n_{2016} = 1\,620$, $n_{2022} = 1\,689$); weighted results; sorted by the rate of stops in 2022 perceived as discriminatory ethnic profiling by those stopped in the 5 years before the survey. Question: ‘Do you think that the last time you were stopped was because of your ethnic or immigrant background?’ Results based on a small number of responses are statistically less reliable. Therefore, results based on 20 to 49 unweighted observations in a group total are noted in parentheses. n.a., not available.

Sources: FRA, EU-MIDIS II (2016) and EU Survey on Immigrants and Descendants of Immigrants, 2022, FRA (2023), *Being Black in the EU – Experiences of people of African descent*, Publications Office of the European Union, Luxembourg.

If respondents perceive the last police stop as discriminatory profiling, then their level of trust in the police substantially decreases, the 2022 EU Survey on Immigrants and Descendants of Immigrants and the 2016 EU-MIDIS II suggest. In the 2022 survey, across all countries, respondents who perceive the most recent police stop as discriminatory ethnic profiling have a lower average level of trust in the police (3.9, where 10 is total trust) than those who were not stopped (6.6) or those who did not perceive the stop as discriminatory ethnic profiling (6.1).

In 2019, FRA’s Fundamental Rights Survey collected data on experiences and perceptions of police treatment among a representative sample of 35 000 respondents from the general population of the Member States, North Macedonia and the United Kingdom. The police stopped 14 % of people in the EU in the 12 months before the survey. Overall, 27 % of people had experienced this in the 5 years before the survey.

About 77 % of people in the EU said that the police treated them very or fairly respectfully during the most recent police stop and 9 % said that the police treated them very or fairly disrespectfully, while 14 % said that the police were neither respectful nor disrespectful.

The survey covered the general population. However, the results can be disaggregated to analyse the experiences of specific groups in the population, based on people's self-identification regarding their ethnicity and other characteristics (32). The survey shows that in the 12 months before the survey the police stopped one in five people (22 %) in the EU who self-identify as part of an ethnic minority in the country where they live. The police stopped only 13 % of people who do not self-identify as part of an ethnic minority in the same period.

Many Member States have surveys measuring the general population's trust and satisfaction with the police. However, there are fewer studies that focus on the issue of policing and racial discrimination, and even fewer on police officers who have minority or migrant origins and have experienced discrimination within the force. The available studies, usually by NHRIs (33) or civil society organisations (34), point to widespread perceptions of discriminatory policing. People with minority ethnic backgrounds who are in contact with the police face disproportionately adverse outcomes compared with those of the general population, studies highlight.

2.5.1. Racial profiling – specific studies

In Finland, research among 145 people belonging to ethnic minorities, alongside 26 police officers and 14 experts (35), identified racial profiling related to internal immigration control, suspicion and searches related to crimes, public order policing and traffic stops. Regarding police internal immigration controls in particular, there were inadequacies in the registration of reasons for stops and ID checks.

Negative encounters with the police and experiences of unjust treatment among minority communities can deter people from informing the police of crimes. In 2022, the Finnish Non-Discrimination Ombudsman recommended to the parliament (36) that it review Section 129a of the Aliens Act. This act regulates measures taken in the monitoring of aliens (people who are not Finnish citizens) and it is not clearly formulated to prevent ethnic profiling and discrimination. In addition, the Ombudsman recommended that the National Police Board and the Border Guard guidelines should be clarified to prevent ethnic discrimination in immigration control (37).

In France, 20 % of students with both parents or most of their grandparents born in France have experienced police-initiated contact (i.e. a stop and search), as opposed to 42 % of students of North African origin, according to a survey of 14 000 randomly selected middle and high school students (38). Among the students of North African origin, the police became violent in 13 % of stops and searches.

In France, 40 % of 18- to 24-year-olds have been stopped and searched in the past 5 years, as opposed to 80 % of 18- to 24-year-old Black or Arab men, according to a study the Defender of Rights conducted with 5 100 people aged 18–79 (representative of the French population) (39). There is widespread discontent, among those stopped and searched on a regular basis, with the police's lack of explanations for stops and searches. The legal framework regulating profiling should be rethought, and ID checks and stop-and-search incidents should be recorded and traceable, the Defender of Rights recommends. Similarly, those stopped should be provided with receipts listing the time, place and motive of the identity check, the National Consultative Commission on Human Rights recommends (40).

In Belgium (41), a project covering 940 police officers and civilians in three police zones involved interviews with chief constables and senior management, focus group exchanges and 400 hours of street policing observation. The National

PROMISING PRACTICE

Netherlands – evaluating measures on the prevention of racial profiling

In the Netherlands, the operational framework proactive police checks aims to prevent ethnic profiling. It stipulates that the police can only carry out proactive stop-and-check procedures based on objective grounds, including behaviour, possibly in relation to other facts or circumstances. For example, police officers can enter a registration number or an address into a specially developed app (the ProCo app) on their phone to see whether a vehicle or address they want to check has been checked recently. This information can help them to decide whether to check the vehicle again.

A study evaluating the impact of the framework and the ProCo app found gaps in their implementation, limits in officers' knowledge of the framework's content and technical issues with the app. They have had a questionable impact on existing police practice. Nevertheless, both have contributed to increasing awareness among police officers of the selection process during proactive police checks, the study notes (*).

(*) Police Academy (Politieacademie) (2021), *Professioneel controleren: Een onderzoek naar het effect van de pilot 1 Proactief controleren*, The Hague.

Institute for Criminalistics and Criminology ran the project. Recommendations include an obligation to register police stops and identity checks, a need for more police reflection on their role and a focus on the de-escalation of violence.

Authorities should introduce mandatory training for all police recruits to prevent racial profiling, according to an Amnesty International study ⁽⁴²⁾. They should provide guidelines and rules on reasonable grounds for conducting an identity check, collect relevant data and thoroughly investigate all complaints in an impartial, transparent and effective way. The police should carry the burden of proof regarding justifying identity checks.

In the Netherlands, a study focused on police officers' willingness to participate in training against ethnic profiling ⁽⁴³⁾. Most of the 345 police officers (63 %) stated that they found the theme of ethnic profiling important. However, only a third (34 %) of them indicated that they would like to participate in the training.

In Hungary, authorities should establish a working group against ethnic profiling and develop an action plan to combat ethnic profiling, according to the Hungarian Helsinki Committee's UN CERD submission ⁽⁴⁴⁾. The police should involve civil society organisations in the group.

In Germany, the KviAPol project of the Ruhr University Bochum ran an online survey with nearly 3 400 respondents, including people with migration backgrounds (543) and people of colour (164). Overall, 22 % of those with migration backgrounds and 28 % of people of colour reported that violence escalated mostly in the context of police checks, compared with 14 % of people without migration backgrounds. A total of 62 % of the people of colour and 42 % of the people with migration backgrounds felt discriminated against in these situations, compared with 31 % of people without any migration background ⁽⁴⁵⁾.

The Federal Anti-Discrimination Agency funded the Afrozensus 2020 project. Nearly 5 800 black, African and Afro-diasporic people responded to an online survey asking about experiences with the police. In total, 82 % (of $n = 1\ 617$) responded that the police had discriminated against them in the last 2 years, one third (1 945) reported experiencing police violence and 57 % (of $n = 4\ 281$) reported that the police had stopped and checked them without apparent reason ⁽⁴⁶⁾.

In the Netherlands, the Senate's parliamentary committee of inquiry on the effectiveness of anti-discrimination legislation published its reports in 2022, including one on policing ⁽⁴⁷⁾. Ethnic profiling (physical and algorithmic) by the police and discrimination at work in the police emerged as the two most pressing problems. There is a lack or absence of clarity in the standard operating procedures, a lack of leadership and professionalism, a discriminatory police culture and inadequate complaint procedures, the committee noted. Setting standards is the most important measure to counter discrimination, it considered. This entails clarifying and translating the constitutional discrimination prohibition into clear rules (in the Police Act, for example, or in internal guidelines) both in police actions involving the public and in the police working environment.

2.5.2. Evidence of institutional and individual racism and bias in the police

The European Network Against Racism (ENAR) and the European Roma Rights Centre issued reports in 2021 and 2022. These provide evidence of

institutional or structural racism (48) in police forces and of individual incidents of police racism.

In Lithuania, a survey among police officers (474) and prosecutors (88) analysed their potential biases when investigating hate-motivated incidents (49). The police lack knowledge about ethnic and religious communities, the survey concluded. In addition, officers' personal biases may impede the recognition of hate crimes and influence the refusal to class an act as a hate crime. This may result in the termination of the investigation.

In Croatia, a study focused on police attitudes towards gender and minority issues (50), with over 520 participants in pre-police service education. Respondents were most sensitive to violence against women, and least sensitive to migrants, asylum seekers and the lesbian, gay, bisexual and transgender population.

2.5.3. Ethnic minorities experiencing discriminatory policing

Several surveys across the EU capture how people with ethnic minority backgrounds perceive discriminatory policing.

In Spain, the Ministry of Equality conducted a study (51) among more than 1 600 African, Afro-descendant, Arab, Indo-Pakistani or Roma people residing in Spain. A total of 19 % of respondents had experienced racial discrimination by the police in 2020, a decrease from 2011 (28 %) and 2013 (34 %). Another Ministry of Equality study (52) surveyed around 1 400 Africans and Afro-descendants, with one in two (49 %) having someone in their family environment whom the police had stopped or detained at least once. Overall, 85 % of those who were detained felt that they were treated 'worse than other citizens' and believed that the main reasons for their arrest and more hostile treatment were racial prejudice and racism.

In Portugal, the research project Combat (53) analysed administrative complaints of racial discrimination against the security forces. It revealed the denial of experiences of racism and a tendency to legitimise aggressive police intervention in communities classed as 'problematic'.



The UN Working Group of Experts on People of African Descent visited Portugal in 2021⁽⁵⁴⁾. Various police entities, including both on- and off-duty officers, engaged in racial profiling, abuse of authority, frequent police brutality and excessive force towards people of African descent, it highlighted. Victims of police misconduct reported retaliation for reporting it, or false criminal accusations. The government should change the police organisational culture and the chain-of-command structure, with the immediate priority of stopping police brutality and excessive force towards people of African descent, instead of relying on training as an adequate intervention, the working group recommends.

Another study⁽⁵⁵⁾ involved 120 in-depth interviews with ethnic minority young people living in Denmark, Finland, Norway and Sweden. Respondents highlighted feelings of injustice and unfairness in interactions with police, with some differences found between countries. For example, some interviewees reported police violence in Denmark and Sweden, but these reports were uncommon in the Finnish and Norwegian interviews. However, interviewees also mentioned situations where they felt protected by the police, and in general they trusted the institution.

FRA ACTIVITY

Discriminatory policing on the grounds of ethnic and racial origin and overpolicing in the COVID-19 pandemic

FRA's COVID-19 bulletins (*) show that COVID-19 enforcement measures had a disproportionate impact on certain ethnic and racial origin groups. In Belgium (**) and France (***) , human rights organisations voiced concerns about the stricter enforcement of containment measures in neighbourhoods with high proportions of residents with migrant backgrounds. In France and Spain (****), there were reports of excessive use of force against certain ethnic and racial origin groups. Similarly, in Slovakia, a police officer beat and threatened to shoot Romani children for not respecting quarantine measures (*****).

Lockdowns affected Roma and Travellers disproportionately, owing to the fear that poor living and sanitary conditions might increase infections. In Bulgaria, drones with thermal sensors were used to identify people with high temperatures in a Roma settlement in Burgas. Bulgarian officials sprayed 3 000 l of disinfectant from a plane on to Roma houses in Yambol (*****). In Slovakia, entire Roma apartment buildings were quarantined after one family tested positive (*****).

(*) Bulletins are available from FRA (undated), '*Fundamental rights implications of COVID-19*'.

(**) Minderheden Forum (2020), 'Campaign "Stop ethnic profiling"' ('*Campagne "Stop etnisch profileren"*).

(***) Human Rights Watch et al. (2020), '*Open letter to the government of France – The French authorities should urgently take concrete measures to end discriminatory police checks and fines*', Paris, 13 May.

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(*****) Btvnovinite (2020), '*The Roma neighbourhood in Yambol was disinfected by a plane*' ('*Дезинфекцираха ромската махала в Ямбол със самолет*'), 15 May; FRA (2020), '*Coronavirus Pandemic in the EU – Impact on Roma and Travellers*', Publications Office of the European Union, Luxembourg, p. 12; New York Times (2020), '*Europe's Roma already faced discrimination. The pandemic made it worse*', 6 July.

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The Danish Institute for Human Rights analysed official data on preliminary charges and arrests between 2009 and 2019. The likelihood of being charged with an offence without the charge resulting in a conviction is 45 % higher for immigrants and 64 % higher for descendants of immigrants than for individuals of Danish descent, it revealed ⁽⁵⁶⁾.

In Germany, approaches to limit the reproduction of racism in the police remain at the individual level, according to a study ⁽⁵⁷⁾. Structural changes are predominantly absent.

Police officers can also be victims of discriminatory policing. In the Netherlands, police officers with non-Western migration backgrounds and police officers without migration backgrounds have different experiences of police action in their capacity as citizens, an Amsterdam Regional Police Unit study among 1 064 police officers shows ⁽⁵⁸⁾. Only 39 % of police officers with non-Western migration backgrounds had positive experiences as citizens regarding police arrests or identity checks, compared with 60 % of police officers without migration backgrounds.

2.5.4. Overpolicing of ethnic minorities

In the Netherlands, 3 % of the over 8 500 respondents to a 2020 national representative survey about perceived discrimination say that the police are 'watching them more than others' ⁽⁵⁹⁾. Almost two thirds of this group suspect that discrimination plays a role in this. Respondents with migration backgrounds in particular experience police discrimination. Among respondents who indicate that they are 'monitored more than others', about 90 % of Antillean Dutch, Moroccan, Surinamese and Turkish respondents experience this as discrimination, compared with 32 % of Dutch people without migration backgrounds.

2.5.5. New technologies and policing

In recent years, new technologies have attracted police across EU Member States. The technologies are used primarily to detect or prevent criminal activities. Police forces in all Member States are testing or using a range of new technologies claimed to improve police efficiency.

Some technologies rely on a potentially wide range of data, including protected characteristics such as race and ethnicity. These technologies include algorithmic profiling; facial, voice and behaviour recognition; and predictive policing.

In some cases, specific software can effectively support police officers in their work. For instance, police can use AI systems to assess risks in relation to cases of gender-based domestic violence ⁽⁶⁰⁾. However, there are fundamental rights risks associated with the use of these technologies, as FRA has repeatedly highlighted ⁽⁶¹⁾. Racial discrimination is one of the likeliest violations of fundamental rights, studies show ⁽⁶²⁾.

FRA ACTIVITY

Artificial intelligence and bias in algorithms

FRA has published reports on artificial intelligence, fundamental rights and discrimination. They focus on predictive policing.

Sources:

FRA (2020), *Getting the Future Right – Artificial intelligence and fundamental rights*, Publications Office of the European Union, Luxembourg;
FRA (2022), *Bias in Algorithms – Artificial intelligence and discrimination*, Publications Office of the European Union, Luxembourg.

2.5.6. Facial recognition

Across Member States, equality bodies, data protection authorities and civil society organisations have raised the alarm about the potential for racial discrimination in the police's use of facial recognition tools. In Greece, the civil society organisation Homo Digitalis criticised the introduction of facial recognition software at police-guarded refugee camps. Facial recognition technology may lead to racial discrimination because it cannot effectively distinguish among ethnic groups with darker skin tones, the organisation highlights ⁽⁶³⁾.

In France, the Defender of Rights (Défenseur des droits) warned of the unprecedented potential for amplification and automatised of discrimination in law enforcement's use of biometric applications ⁽⁶⁴⁾. Yet in multiple Member States the police have introduced facial recognition technologies nationally or in specific areas (such as airports or at frontiers). This applies to Austria ⁽⁶⁵⁾, Bulgaria ⁽⁶⁶⁾, Czechia ⁽⁶⁷⁾, Denmark ⁽⁶⁸⁾, Greece ⁽⁶⁹⁾, Finland ⁽⁷⁰⁾, Hungary ⁽⁷¹⁾, Lithuania ⁽⁷²⁾, the Netherlands ⁽⁷³⁾, Poland ⁽⁷⁴⁾ and Slovenia ⁽⁷⁵⁾. In other countries, the police are either considering (e.g. in Latvia ⁽⁷⁶⁾, Malta ⁽⁷⁷⁾, Romania ⁽⁷⁸⁾ and Spain ⁽⁷⁹⁾) or testing (in France ⁽⁸⁰⁾ and Germany ⁽⁸¹⁾) the technology.

2.5.7. Predictive policing

The police may use predictive policing software to support decision-making about the number, location and time of deployment of police forces. The software gathers and mines data from the police, public authorities and open sources to produce indications of when and where criminal activities may occur ⁽⁸²⁾. Predictive policing's added value is ambivalent, research such as FRA's suggests.

Definitions of algorithmic profiling and predictive policing

Algorithmic profiling includes any step-by-step computerised techniques that analyse data to identify trends, patterns or correlations. Profiling selects an individual based on connections with others whom the algorithm identifies, rather than on actual behaviour (*).

Predictive policing is the collection and analysis of data about past crimes for the identification and statistical prediction of individuals or areas with higher probabilities of criminal activity. Law enforcement decisions can be made based on these predictions.

The training data and input data may include features that directly or indirectly indicate a protected characteristic, such as ethnicity. If they do, algorithms might become biased, thus leading to discrimination or overpolicing of certain individuals or groups, for example (**). Any profiling that results in discrimination on the basis of special categories of personal data, including 'data revealing racial or ethnic origin', is prohibited, Article 11(3) of the EU law enforcement directive clarifies (***)).

(*) FRA (2018), *Preventing Unlawful Profiling Today and in the Future: A guide*, Publications Office of the European Union, Luxembourg.

(**) Meijer, A. and Wessels, M. (2019), 'Predictive policing: Review of benefits and drawbacks', *International Journal of Public Administration*, Vol. 42, No 12, pp. 1031–1039.

(***) Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

Multiple Member States are currently either experimenting with or using predictive policing or other types of machine learning software to support policing. These include Austria ⁽⁸³⁾, Belgium ⁽⁸⁴⁾, Denmark ⁽⁸⁵⁾, Germany ⁽⁸⁶⁾, Greece ⁽⁸⁷⁾, Ireland ⁽⁸⁸⁾, Italy ⁽⁸⁹⁾, Lithuania ⁽⁹⁰⁾, Spain ⁽⁹¹⁾ and the Netherlands ⁽⁹²⁾. The potential for ethnic and racial discrimination alarmed several public authorities and civil society organisations. They have warned against the police's use of these algorithms (in Denmark and Ireland ⁽⁹³⁾).

In Denmark, using data and/or algorithms can lead to feedback loops, the chairman of IT-Political Association (IT-politisk forening) points out. This leads the police to concentrate their policing in certain areas ⁽⁹⁴⁾. In March 2022, a coalition of 45 civil society organisations across the EU called for a ban on predictive and profiling AI systems ⁽⁹⁵⁾.

Since 2018, the EU has been working on regulating the use of AI. This includes the use of algorithms in the context of policing. Most notably, at the beginning of 2024, the EU co-legislator adopted the EU's Artificial Intelligence Act ⁽⁹⁶⁾. The AI Act will create requirements for providers and users of AI, including in the context of policing. The use of remote biometric identification in the context of law enforcement, such as facial recognition technology, and the use of AI for predictive policing will be subject to strict requirements and will be partly prohibited. They will probably face stricter regulation or even prohibition in some cases.

In addition, the CoE is working on an international convention that will address the risks of AI in relation to human rights, democracy and the rule of law ⁽⁹⁷⁾.

FRA ACTIVITY

Evidencing bias in algorithms: the discriminatory impact of feedback loops in predictive policing

FRA tested algorithms to show how biases can influence algorithms and result in discrimination. Bias can amplify over time, potentially leading to discriminatory policing and racial profiling, the FRA case study on artificial intelligence use in predictive policing shows.

If the police only go to one area because of predictions based on biased crime records, the police will mainly detect crime in that area. This creates a feedback loop. In this case, algorithms influence algorithms, reinforcing or creating discriminatory practices that may disproportionately target ethnic minorities (*).

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3

OVERSIGHT, TRAINING AND NATIONAL PRACTICES

The EU's 2020–2025 anti-racism action plan calls on Member States to 'step up efforts to prevent discriminatory attitudes among law enforcement authorities' and ensure fair law enforcement ⁽¹⁾. Both the UN CERD and ECRI have provided guidance and suggested particular measures to address racial discrimination in policing ⁽²⁾. These include establishing an independent body to investigate alleged cases of racially motivated police misconduct and assessing existing safeguards against institutional forms of discrimination. The latter includes ensuring that there are clear mission statements and robust systems of performance review to prevent institutional discrimination.

Almost all EU Member States have at least one internal (within the police or the related ministry) or external body that has a general or specific mandate to oversee policing. The limitations of most oversight bodies' mandates lead to a lack of legal and/or administrative implications.

Existing anti-racism-related training is not embedded into a broader strategy or programme. Instead, it is mostly an isolated measure, unevaluated and with no impact assessment.

Some Member States have made efforts to encourage and empower people from ethnic and racially diverse backgrounds to apply to the police. However, most police forces do not reflect the composition of the increasingly diverse populations in their Member States.

There is a lack of proactive enabling recruitment policies that would help remove barriers for ethnic and racial minorities applying to the police.

EU Member States do not collect data to monitor career development and conduct within the police with regard to the experiences of police officers with ethnic or racial minority backgrounds. This includes not gathering information concerning reasons for police officers with ethnic or racial minority backgrounds leaving the police following their recruitment.

3.1. OVERSIGHT AND ACCOUNTABILITY MECHANISMS

Oversight of police forces is a crucial element of supporting the detection and prevention of discriminatory or racist police behaviour ⁽³⁾. Oversight contributes to accountability. Public bodies monitor, supervise and audit the actions of public administrations, holding them accountable for their actions.



The effectiveness of oversight mechanisms is key to ensuring the protection of fundamental rights in sectors related to security, such as intelligence services and police, as FRA highlights ⁽⁴⁾. The effectiveness of oversight and accountability in the police depends on the level of independence, the scope of powers and the extent to which these are used.

A wide range of non-judicial bodies may be entrusted with oversight of police activities. They have different levels of independence. Some have low levels of independence, as they are within the police or part of a ministry. Others have much higher levels of independence, as the executive or legislative branch may delegate supervisory powers to them. These bodies 'are not under the direction of an elected official and are relatively independent of the government' ⁽⁵⁾.

To be effective, oversight bodies should have at least two broad powers: an investigative power (to launch *ex officio* investigations into police activities) and a remedial power (to investigate police activities based on individuals' complaints).

In all Member States, individuals can lodge complaints against the police with the courts. This chapter focuses on non-judicial oversight bodies whose mandate is to oversee police activities and their potentially racist/discriminatory behaviours.

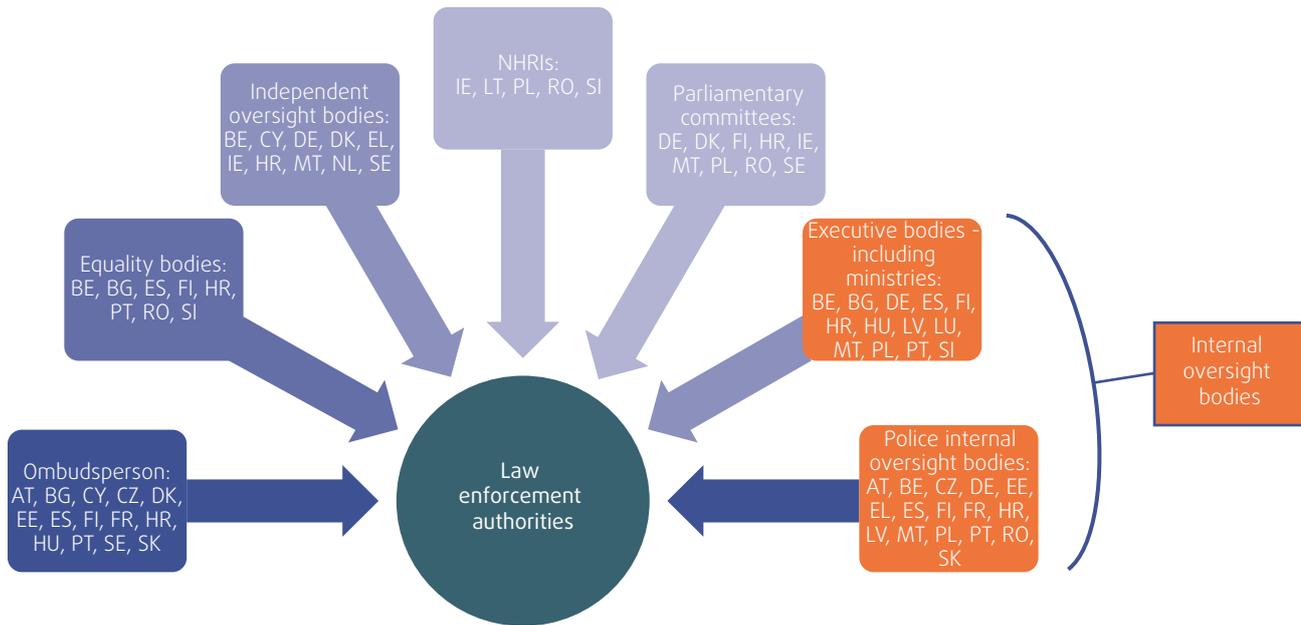
3.1.1. Non-judicial bodies with mandates to oversee policing

Italy is the only Member State where individuals' recourse against police activities is limited to judicial avenues. There is no non-judicial body with a mandate to oversee police activities.

External bodies with police oversight mandates can be ombudspersons, equality bodies, independent oversight bodies, NHRIs or parliamentary committees (see [Figure 4](#)).

In Latvia and Luxembourg, the police oversight bodies are located within ministries: the Ministry of the Interior in Latvia and the Ministry of Internal Security in Luxembourg. Oversight mechanisms being associated with the executive authority raises concerns about their independence and effectiveness in handling and proceeding with complaints against the police.

FIGURE 4 OVERSIGHT BODIES COVERING POLICING – MEMBER STATE EXAMPLES



Notes: The box ‘Germany – diverse oversight mechanisms’ gives a more detailed description of the variety of oversight bodies in Germany. Member States can have one or more oversight bodies.

Source: FRA, 2024.

In 18 Member States, there are both external and internal bodies with an oversight mandate covering policing. In six Member States, only external oversight bodies conduct oversight (see **Figure 4** and **Table 1** in the Annex).

Most external bodies’ mandates cover the areas of racism, racial discrimination and racial profiling either explicitly or implicitly (e.g. they cover all fundamental rights).

3.1.2. Limited oversight and remedial powers

Most external and internal oversight bodies can launch investigations on their own initiative and can process individuals’ complaints. In all Member States except Italy, at least one body has one of these two competences.

PROMISING PRACTICE

Germany – diverse oversight mechanisms

In Germany, the organisation of police oversight and accountability differs significantly across the *Länder*. Internal or external bodies that can hold the police accountable for discriminatory action include the ministries of the interior that have executive oversight; the heads of police units that have disciplinary oversight; internal police complaints management units (some *Länder* have external police complaints bodies in the ministries of the interior or in the state chancelleries); public prosecution authorities that supervise criminal investigations of police officers (often from dedicated internal investigation units or, in a few *Länder*, from external investigation units under the direct supervision of the state ministries of the interior); the criminal courts; the administrative courts; the courts of audit; the petition committees of the parliaments; data protection authorities; and, in a few *Länder*, independent police complaints bodies of the state parliaments, established in 2014.

Most oversight bodies are entrusted with both investigative and remedial mandates, but are variously limited (see **Table 1** in the Annex). Most oversight bodies lack one or several of the following essential powers:

- to take legally binding decisions;
- to impose fines;
- to act as a party during criminal proceedings;
- to transmit findings directly to the public prosecutor.

The power to issue legally binding decisions is essential to ensure the effectiveness of oversight, not only regarding the oversight body's case decisions, but also indirectly through having dissuasive effects on police officers. Yet, in nine Member States (Austria, Belgium, Czechia, Finland, France, Ireland, Lithuania, Malta and the Netherlands), none of the oversight bodies can take legally binding decisions (**Table 1** in the Annex). In addition, of the 17 Member States that may do so, seven are either under the supervision of the executive (Latvia, Luxembourg, Poland and Slovenia) or internal units of the police (Estonia, Slovakia and Spain) (**Table 1** in the Annex). Therefore, they cannot be considered sufficiently independent.

Similarly, the power to impose fines can effectively dissuade police officers from acting illegally. A combination of both powers is crucial for effectively preventing unlawful behaviours. Yet, of the 10 Member States that have independent oversight bodies, only five (Croatia, Cyprus, Denmark, Greece and Sweden) can take legally binding decisions. Of these, only in Sweden can the independent authority impose fines (**Table 1** in the Annex).

Across the EU, only 12 Member States have granted oversight bodies the power to impose fines on police (see **Table 1** in the Annex). In half of these, only bodies under the supervision of the executive or belonging to the police have this power (Estonia, Latvia, Luxembourg, Slovakia, Slovenia and Spain).



All oversight bodies in the EU can transmit their findings to the public prosecutor (**Table 5** in the Annex). However, not all can do so directly.

3.1.3. Oversight bodies' recorded cases of racist discrimination and incidents involving the police

Complaints procedures for victims to report police discrimination or misconduct differ across the EU. Differences in how oversight bodies receive, process and record complaints can result in differences in the figures. Therefore, these cannot be read as a true account of the number of incidents. In addition, racial discrimination is largely under-reported, regardless of the perpetrator, FRA surveys and other evidence suggest ⁽⁶⁾.

Existing oversight bodies' data and statistics on discriminatory policing on grounds of racial or ethnic origin are crucial to understand the effectiveness of oversight mechanisms and for accountability. The data in this report represent the number of complaints oversight bodies have officially recorded (**Table 5** in the Annex).

About half of the oversight bodies in Member States do not record complaints of racism in the police as a separate category. Half of the oversight bodies record racism in the police. Only a few oversight bodies publish some of these data, for example as part of their annual activity reports (see **Table 5** in the Annex; references included where available).

The oversight bodies were also asked about the number, type and outcome of complaints between 2017 and 2021 (**Table 5** in the Annex). Data differ considerably across the Member States, so direct comparison is not possible. Only a few were able to share data across the years, and data were not systematically available for all the categories. For example, some bodies record the number of complaints, but not the type of complaint, and outcomes of complaint investigations are either unavailable or only partially available for some years.

3.2. WHISTLE-BLOWING ON RACISM IN THE POLICE

Effective protection of whistle-blowers can play a key role in order to recognise, assess and address potential discriminatory practices in any organisation, including the police.

Whistleblowers are people speaking up when they encounter, in the context of their work, wrongdoing that can harm the public interest, for instance by damaging the environment, public health and consumer safety and EU public finances.

European Commission, Directorate-General for Justice and Consumers (2018), 'Whistleblower protection', factsheet, April.

Police officers themselves are in a privileged position to bring to light racist and discriminatory practices that would otherwise remain hidden. In Denmark, for instance, a former police officer spoke publicly about his experience as a police officer following the publication of the Danish Institute for Human Rights' study on ethnic profiling. He referred to biases and a police culture resulting in the police stopping and searching ethnic minorities more often than others ⁽⁷⁾.

Members of police forces who blow the whistle concerning racist and discriminatory practices in the police may also face retaliatory measures at their workplace. For example, in January 2022, a brigadier-in-chief revealed alleged racism and abuse in the French police. For this, he faced harassment, an investigation ⁽⁸⁾ and disciplinary procedures.

However, he challenged the procedures before the administrative court for alleged violation of whistle-blower protection ⁽⁹⁾. In December 2022, the French Ombudsman denounced the ‘inertia and the reprisals’ the whistle-blower suffered despite the conclusion of the French police oversight body, the inspection générale de la Police nationale (IGPN), which evidenced failures in the functioning of the police ⁽¹⁰⁾. In July 2023, the Paris Administrative Court of Appeal annulled the warning he had received, and officially recognised the status of ‘whistle-blower’ ⁽¹¹⁾.

To ensure an effective fight against structural racism in the police, it is necessary that mechanisms for receiving and investigating whistle-blower reports provide safeguards of impartiality and that whistle-blower reports relating to misconduct by police forces are effectively investigated and addressed. Indeed, close ties between officers accused or suspected of misconduct and officers in charge of receiving and/or investigating misconduct can result in a lack of effective response, and retaliation against officers blowing the whistle.

In 2018, some EU Member States had a comprehensive general law protecting whistle-blowers. In 2019, the EU adopted the whistle-blower protection directive ⁽¹²⁾, setting high minimum standards of protection across the EU.

The directive’s scope extends to people working in the public sector, including public servants, and thus also covers members of the police. EU rules aimed at fighting discrimination and racism are not among the EU policy areas falling within the material scope of the directive. However, the Commission

PROMISING PRACTICE

France, Germany and the Netherlands – reporting on online police racism

Prior to the deadline for transposing the directive on whistle-blowing in national law, FRA collected examples about reporting racist incidents within the police. Leaked WhatsApp group chats in France, Germany and the Netherlands exposed racist content shared among police officers, unveiling the deep-rooted nature of racism across numerous members of law enforcement entities.

In Germany, 29 police officers were suspended in 2020 for sharing far-right propaganda after over 60 mobile phones were seized in 34 locations. Material included neo-Nazi, racist and anti-refugee agitation exhibiting pictures of Adolf Hitler and swastikas ^(*).

In France, a media investigation exposed a Facebook group of 8 000 police officers exchanging racist, homophobic, sexist and antisemitic messages. In 2021, five officers were convicted and fined between EUR 150 and EUR 1 000. They were also expelled from the police force ^(**).

In the Netherlands, police officers used racist slurs in 2020. Some reportedly stated their desire to ‘shoot’ at black teenagers. The officers received formal warnings after the Dutch press broke the news. Hundreds of police officers, public and civil society organisations have subsequently protested against the lenient penalties ^(***).

- ^(*) Associated Press (2020), ‘**29 German police suspended over far-right chat groups**’, 16 September.
- ^(**) Huffington Post (2020), ‘Racism in the police: 8 000 police officers on a Facebook group where racist messages are exchanged’ (**‘Racisme dans la police: 8 000 policiers sur un groupe Facebook où s’échangent des messages racistes’**), 5 June.
- ^(***) Haenen, M. (2021), ‘Unrest and bewilderment within the police after mild sanctions against racism’ (**‘Onrust en verbijstering binnen politie na milde sanctie tegen racisme’**), NRC, 11 March; NOS (2021), ‘This was said in the controversial app group of Rotterdam agents’ (**‘Dit werd gezegd in de omstreden appgroep van Rotterdamse agenten’**), 30 March; DutchNews (2022), ‘**Police need to tackle “structural problem” of racism and discrimination**’, 23 May.

encouraged Member States, when incorporating the directive in national law, to extend its scope of application to other areas. The national laws in some Member States have a broader scope and cover whistle-blower reports of racist and discriminatory practices by the police. This was the case, for example, in Croatia, Cyprus, Denmark, France, Ireland, Latvia and Sweden.

Public authorities, including the police, are required by the directive to establish confidential channels that allow their staff to report internally. Moreover, whistle-blowers have the option to report externally to the competent authorities. Competent authorities are obliged to follow up diligently on reports received. Access to effective protection against any form of retaliation, as guaranteed under the whistle-blower protection directive, is key to ensuring that police officers feel safe enough to report racist or discriminatory misconduct.

In most Member States, the police can use reporting avenues for the general public (Croatia ⁽¹³⁾, Hungary ⁽¹⁴⁾ and Lithuania ⁽¹⁵⁾) or civil/public servants (Austria ⁽¹⁶⁾, Belgium ⁽¹⁷⁾, Bulgaria ⁽¹⁸⁾ and Czechia ⁽¹⁹⁾). However, these avenues and procedures may not be appropriate for cases of discriminatory or racist misconduct. In Czechia, the police's internal anti-corruption programme regulates the notification procedures for police officers or employees raising misconduct.

In multiple Member States (Austria, Croatia, Czechia, Denmark, Finland, France, Hungary, Latvia and the Netherlands), police officers can also report anonymously. In Denmark ⁽²⁰⁾ and Finland ⁽²¹⁾, web portals for staff members (including, in Denmark, previous employees) allow anonymous reporting and communication between the whistle-blower and the internal supervisory unit of the police.

PROMISING PRACTICE

Germany – safe police reporting on right-wing extremism and racism

In Germany, the Federal Police established a trust body (*Vertrauensstelle*) in 2015 following reports of the police's racist ill treatment of refugees. Officers can report misconduct or other problems to the body confidentially (*).

In addition, several *Länder* established specific avenues for whistle-blowers in the police. For example, the Minister of the Interior of North Rhine-Westphalia established extremism commissioners (*Extremismusbeauftragte*) (**) in all police departments and training institutions. The police also established officers for extremism in Berlin, Brandenburg, Saxony and Saxony-Anhalt. Around 50 officers serve as contact points for reporting extremist incidents, for informing and supporting police management, for keeping anonymous statistics on incidents and for raising awareness among staff (***) .

- (*) Germany, German Bundestag (Deutscher Bundestag) (2020), **Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Martina Renner, Dr. André Hahn, Gökay Akbulut, weiterer Abgeordneter und der Fraktion DIE LINKE: Drucksache 19/23503 – Arbeit der Vertrauensstelle der Bundespolizei** (Response of the federal government to the small inquiry of the parliamentarians Martina Renner, Dr. André Hahn, Gökay Akbulut, and other parliamentarians and the fraction 'Left'), printed document 19/24032.
- (**) Germany, Mediendienst Integration (2021) (Migration Media Service), **Rechtsextreme in Sicherheitsbehörden (Rightwing extremism in security authorities)**, Berlin, p. 5.
- (***) Germany, State Assembly North Rhine-Westphalia (Landtag Nordrhein-Westfalen) (2020), **'Schriftlicher Bericht des Ministers des Innern für die Sitzung des Innenausschusses am 17.06.2020 zu dem Tagesordnungspunkt "Aufgaben der Extremismusbeauftragten der Polizei"'** (Written report by Minister of Interior for the home affairs committee's meeting on 17.06.2020 for agenda point 'Tasks of the police extremism commissioner'), submission 17/3511, 12 June 2020.

3.3. POLICE TRAINING AND RELATED NATIONAL PRACTICES

3.3.1. Calls for training

International organisations, civil society organisations and experts widely recognise the need to train police officers on non-discrimination, including on grounds of racial or ethnic origin, as essential for preventing and combating racism in policing. For example, CERD general recommendation No 36 calls for mandatory training programmes for law enforcement to ensure non-discriminatory conduct⁽²²⁾. The Parliamentary Assembly of the CoE resolution on ethnic profiling in Europe calls for ‘regular training on preventing and combating racism for all police officers, including specific training on preventing and combating ethnic profiling, using an intersectional approach’⁽²³⁾.

ECRI general policy recommendation No 11 also emphasises the necessity ‘to train the police in policing diverse society’ and to ‘train the police on the issue of racial profiling and on the use of the reasonable suspicion standard’⁽²⁴⁾.

Law enforcement training related to racism and xenophobia, and citizens’ rights more generally, must be an essential component of an EU culture of security.

European Commission (2020), **Commission communication on the EU security union strategy**, COM(2020) 605 final.

Police training is a crucial element of effectively combating racial discrimination and hate crime. Member States are called upon to initiate or strengthen related training in several European Commission strategies on victims’ rights⁽²⁵⁾, lesbian, gay, bisexual, transgender and intersex (LGBTI) rights⁽²⁶⁾ and Roma integration⁽²⁷⁾. Member States should step up efforts regarding anti-racism-related police training, the EU anti-racism action plan suggests⁽²⁸⁾.

The EU has established a dedicated agency to assist Member States in police training: the European Union Agency for Law Enforcement Training⁽²⁹⁾ (CEPOL). This agency, alongside the European Union Agency for Law Enforcement Cooperation⁽³⁰⁾, provides training on an ad hoc basis. The training also occasionally concerns racism, ethnic/racial profiling or anti-discrimination. FRA has contributed to this training.

Key guiding principles on training

The European Commission has developed a set of key guiding principles on training related to hate crime. The principles are transferable to anti-racism and non-discrimination training in relation to policing. The principles are as follows:

- embed training within a broader approach to tackling hate crimes;
- develop a methodology to assess training needs;
- customise programmes on the basis of the identification of target personnel;
- develop a model of structured cooperation with civil society;
- combine different training methodologies, including practice-based sessions;
- consider developing train-the-trainers programmes;
- focus on achieving targeted overall objectives through quality content;
- develop targeted training modules to address specific forms of intolerance;
- link hate crime training to mainstream performance review processes;
- ensure regular monitoring and evaluation of training outcomes.

Source: European Commission, EU High Level Group on combating racism, xenophobia and other forms of intolerance (2017), **Hate crime training for law enforcement and criminal justice authorities: 10 key guiding principles**, Brussels.

PROMISING PRACTICE

Slovenia – training police officers for work in a multicultural society

The ‘Awareness of stereotypes, the management of prejudices and the prevention of discrimination in a multicultural community’ training provides police officers with knowledge on forms of discrimination and how to identify them, and an understanding of specific features of multicultural communities. Enabling police officers to respond appropriately with regard to the origin, values, lifestyle, orientation (sexual, religious, political, etc.) and personality traits of marginalised and socially excluded groups is an effective integration measure. The training adapts its teaching on the specifics of individual communities (e.g. the Roma community) to the needs of each police unit.

Source: Slovenia, Government of the Republic of Slovenia (Vlada Republike Slovenije) (2021), National programme of measures of the Government of the Republic of Slovenia for the Roma for the 2021–2030 period (***Nacionalni program ukrepov Vlade Republike Slovenije za Rome za obdobje 2021–2030***), Ljubljana.

The effectiveness of any training depends on many factors. These include training being systematic and sustainable, with clear objectives and a defined target group. Training is more likely to be effective if developed and implemented as part of a comprehensive national approach rather than as ad hoc initiatives, the Commission highlights (31). Making anti-racism an integral part of mandatory police officer training can support officers’ knowledge and skill sets, has a preventive function and should ideally inform performance reviews.

3.3.2. Diversity in approaches to training

Police training varies widely among the EU Member States in terms of content, periodicity and duration. This makes it difficult to identify comparative and conclusive trends and draw any analytical conclusions, including on its effectiveness. In addition, information regarding whether related training is mandatory or optional, and which parts of the police force are targeted, remains incomplete.

Racism-specific training appears to be part of pre-service training in Austria, Malta, Poland, Romania and Slovenia and in-service training in Austria, Belgium, Bulgaria, Cyprus, Finland, the Netherlands, Poland and Spain. Belgium, Finland, Italy, the Netherlands and Romania have training specifically concerning ethnic or racial profiling.

The examples of existing practices demonstrate the different approaches of the Member States.

Dedicated training with a specific focus on discrimination, racism and xenophobia takes place in Austria, Cyprus, France, Greece, Italy, Luxembourg, Malta, Poland, Romania, Slovakia and Spain. This training covers, for example, attitudes and behaviour through reflection on one’s own bias and stereotypes, the ethical dimension, intercultural communication skills and diversity more broadly.

Some Member States have developed specific training addressing certain forms of racism. Belgium, Germany and Romania, for example, have specific training on the Holocaust and antisemitism. This training mostly connects historical events with human rights violations to better identify today’s risks of human rights violations.

Police training covers antigypsyism issues in Bulgaria, Czechia, Greece, Hungary, Portugal, Slovakia and Spain.

In some countries, training on intercultural competences explicitly covers Islam. Examples are Belgium, Cyprus, Estonia and Italy. In Belgium, Bulgaria and Luxembourg, Islam is covered as part of training that sensitises police officers to radicalisation and extremism. This could risk perpetuating bias if it does not cover anti-Muslim hatred. However, this is generally rarely included in training.

However, in Austria, Islamophobia and anti-Muslim racism is included in training in collaboration with the Documentation and Counselling Center. In Spain, Islamophobia is listed as one of the manifestations of racism and xenophobia in related training. In Latvia, the police receive training on anti-Muslim hate.

PROMISING PRACTICES

Germany – training on the prevention and combating of antisemitism, and institutional cooperation on Holocaust education

By 2013 the Federal Criminal Police Office in Germany had signed an agreement for an education partnership with the Fritz Bauer Institute. The institute is committed to research and education on the history and implications of the Holocaust. The partnership aims to make police recruits aware of the German police's role under the Nazis and to organise visits to synagogues and mosques.

Source: Germany, Federal Criminal Police Office (Bundeskriminalamt) (2013), '**Fritz Bauer Institut und Bundeskriminalamt unterzeichnen Kooperationsvereinbarung für Bildungspartnerschaft**' ('Fritz Bauer Institute and the Federal Criminal police Office signed a cooperation agreement for an educational partnership'), press release, 6 March.

Netherlands – virtual reality training against ethnic profiling

The training consists of virtual reality training and a follow-up discussion. The participant wears virtual reality goggles and enters a 360° environment in which they must make choices about checking people. The participant sees a different game sequence depending on their choices. A discussion follows, during which participants discuss their choices.

For more information, see Scopiclabs, **VR-Surveillance – Showcase**.

Belgium, Finland, Italy, the Netherlands and Romania have specific training to sensitise police officers in relation to racial profiling. Profiling-related training mostly covers stereotypes, unconscious bias and their roles in decision-making. Ultimately, training aims to prevent racial profiling and ensure the performance of police tasks without discrimination.

3.3.3. Training on racism in a wider context

In some Member States, such as Austria, Belgium, Bulgaria, Germany, Ireland, Luxembourg and Portugal, fundamental rights are an integral part of the mandatory pre-service training of police academies and of higher police education covering elements related to racism and racial discrimination. These in-depth and long-term training programmes also generally cover the rights and duties of police officers as civil servants.

Mandatory training that is embedded within the overall fundamental rights framework might have more potential to achieve its goals in contributing to the creation of a service-oriented police force that treats everyone equally. This training goes beyond individual reflections on bias and approaches the topic from a rights-based perspective. This allows for the development of the skills necessary for more effective and human rights-compliant policing.

FRA's fundamental rights-based manual for police trainers reflects what this training can encompass. The manual provides guidance comprehensively, with practical examples, as outlined here in the FRA activity box 'Fundamental rights-based police training'.

Furthermore, elements related to discrimination and racism are covered as part of communication, social skills, conflict management, personality development or ethics- and psychology-related training. This is the case in Austria, Belgium, Bulgaria, Czechia, Estonia, France, Hungary, Poland, Portugal and Slovenia. While this type of training may not have an explicit objective of addressing

racism and non-discrimination, it covers elements of bias and perceptions and reflections related to racism and discrimination. Communication-related training covers equal treatment, appreciative communication and de-escalating communication techniques.

FRA ACTIVITY

Fundamental rights-based police training

FRA has developed a fundamental rights-based manual for police trainers to help foster a relationship of trust between police and society in all its diversity. It focuses on the rights to non-discrimination, dignity and life. The manual suggests several fundamental rights training tools for the police.

- Police officers often perceive human rights as an obstacle to their work. Police officers could be assigned a person who is from a group often perceived as police 'opponents' to help overcome this perception. The person could be someone with a different ethnic background. This exercise increases mutual understanding between the police and the ethnic or racial origin group that has experienced humiliation, powerlessness and lack of trust in relation to the police.
- Discussing questions of diversity, identity and policing can help police officers understand the relevance of human rights to meeting the challenge of policing in multicultural societies. Police officers can be asked to write down a social group with which they identify and to stand up if it is mentioned. This allows for a discussion of the participants' experiences during the exercise (e.g. the difficulty of standing up in a group and the difference between standing up alone or in a group) and other broader issues (e.g. the role that identities play in policing, the role of identities in internal police structures and human rights as applicable standards).
- A sound understanding of how to analyse situations from a non-discrimination perspective must be at the core of police officers' skills. Police officers can be presented with case studies where the police treat individuals differently to help the officers distinguish discriminatory ethnic profiling from lawful police methods. Participants must determine whether the different treatment is linked to any protected ground and, if so, whether the difference is justified or discriminatory. This exercise will familiarise police officers with basic concepts that enable non-discriminatory policing, such as diversity and identity, equality, non-discrimination and profiling.

For more information, see FRA (2019), *Fundamental Rights-based Police Training – A manual for police trainers*, Publications Office of the European Union, Luxembourg.

3.3.4. Engaging stakeholders in police training and evaluating its impact

In some EU Member States, such as Bulgaria, Croatia, Finland and Spain, EU funding schemes fund police training initiatives ⁽³²⁾. In Bulgaria, Czechia and Lithuania, the EEA and Norway Grants ⁽³³⁾ are also used for police training initiatives, including those on hate crime and the rule of law.

In some EU countries, police training is also carried out in cooperation with civil society organisations, NHRIs and equality bodies, or academia and international organisations. This applies in Austria, Bulgaria, Finland, France, Italy, Luxembourg, Slovenia, Spain and Sweden. Representatives from civil society organisations can be co-trainers or invited to training to exchange views. Civil society organisations or academics are involved in training development in other cooperation models.

The benefits of cooperation between the police and civil society organisations are manifold:

- building trust, which can positively affect crime reporting;
- tailoring police services to the communities' specific needs;
- overcoming biases;
- preventing crimes.

In Croatia, Czechia, Estonia, Greece, Hungary, Luxembourg, the Netherlands, Poland and Portugal, cooperation with actors outside the police is not reported as part of police training.

Regular evaluation of the impact of training on combating racism should be embedded in the design and implementation of police training. Comprehensive evaluation allows for an assessment of the training's immediate and long-term impact. It helps to tailor training in line with achievements and emerging gaps.

Regular assessment, evaluation or a dedicated impact assessment is essential to make training more effective and efficient, but, in most cases, this is lacking. Sometimes training is evaluated through feedback from trainees, such as in Bulgaria and Slovenia. However, systematic evaluations and subsequent adjustments appear to be carried out only in Austria and Belgium. FRA received no reports of impact assessments of the training on the organisations themselves.

The lack of systematic evaluation and impact assessment of police training that sets out to address discrimination, and specifically racism, is a shortcoming. Impact assessments could also examine the potentially systemic or institutional nature of police racism. This could be a first step in investigating racism in organisational cultures within police forces ⁽³⁴⁾.

Civil society has criticised the focus of police training. For example, responding to racism in the police with (only) training and similar measures underestimates the structural dimension, argues Equinox Initiative for Racial Justice. The initiative is a European coalition of organisations working to advance rights and justice in the EU ⁽³⁵⁾.

PROMISING PRACTICE

Bulgaria – cooperative police training

Training takes place in cooperation with Roma NGO representatives to achieve compliance with human rights standards. Raising awareness of minority rights and the prevention of violent incidents involving police is the main objective. The training also covers proactive engagement strategies with Roma communities.

Source: Bulgaria, Permanent Commission on Human Rights and Police Ethics at the Ministry of Interior (Постоянна комисия по правата на човека и полицейска етика в Министерство на вътрешните работи) (2020), Annual report on the activities of the Permanent Commission on Human Rights and Police Ethics at the Mol in 2020 (Годишен отчет за дейността на Постоянната комисия по правата на човека и полицейската етика в МВР през 2020 г.), Sofia, pp. 28–29.

PROMISING PRACTICE

Assessing the impact of anti-racism training in the police

International Association of Chiefs of Police

This randomized experiment will determine the effectiveness of the training in raising officers' awareness of and knowledge about unconscious bias, providing officers skills to manage their unconscious biases, and reducing the disparities in enforcement actions against different racial and ethnic groups.

International Association of Chiefs of Police (2020), '**Evaluation of implicit bias training**'.

Police training's effects on ethnic/racial disparities in stops and searches

This trial assessed whether training could reduce officer bias by improving competence in applying legitimate criteria in search decisions and/or by reducing reliance on ethnic/racial stereotypes. The training improved officers' knowledge of stop-and-search regulations, made them more selective in their (declared) search intentions in hypothetical scenarios, and reduced their support for ethnic/racial stereotyping in policing, survey results showed. However, police search records revealed no clear training effects on recorded street-level behaviours, whether in relation to the frequency of searches, the strength of grounds for suspicion or their ethnic/racial pattern.

Training is probably most effective as part of a package of reforms. It is particularly effective when it involves a sufficient dosage; addresses the mechanisms contributing to disparities beyond individual officer's decisions; deploys active learning approaches; uses demonstrations, modelling and feedback; and pays attention to participant engagement and reinforcement before and after the scheduled training (*).

(* Miller, J., Quinton, P., Alexandrou, B. and Packham, D. (2020), '**Can police training reduce ethnic/racial disparities in stop and search? Evidence from a multisite UK trial**', *Criminology and Public Policy*, Vol. 19, No 4, pp. 1259–1287.

Some Member States, such as Austria, Bulgaria, Estonia and Germany, have training on the prevention of radicalisation and countering extremism and terrorism. Sometimes public order training modules cover related topics.

The association of risk behaviour with certain ethnic or religious groups should avoid perpetrating biases, as biases can result in stigmatisation. For example, some Members of the European Parliament called for blocking EU funds used for a Bulgarian radicalisation awareness project that was seen as stigmatising the Roma minority as a security threat ⁽³⁶⁾.

3.4. DIVERSITY WITHIN THE POLICE



Member States should recruit police officers with minority backgrounds and ensure that they have equal opportunities for career progression, ECRI has recommended since 2007 ⁽³⁷⁾. Ensuring that the police's composition reflects the population's diversity is crucial not only for promoting inclusive and equal societies, but also for ensuring effective policing in increasingly diverse societies, ECRI notes.

Member States should conduct targeted recruitment campaigns, organise preparatory courses for applicants with minority backgrounds, ensure that the recruitment process does not include any indirect discrimination criteria or assessment, set targets for recruitment and ensure that officers with minority backgrounds have equal opportunities for career progression. Member States should have internal anti-racism policies and effective internal complaints mechanisms, investigate and punish racism at work, monitor promotions of members of minority groups and have active mentoring schemes to support this environment, ECRI adds.

The workforces of public services, including the police, should ideally mirror the proportion of minorities in the general population. However, there is limited evidence that this is the case in the EU, as Member States generally do not record the ethnic minority backgrounds of public service staff.

3.4.1. Data on demographic diversity in police forces

No data are available on ethnic diversity within the police or during the recruitment process in most EU Member States: Austria, Bulgaria, Cyprus, Czechia, Estonia, Greece, Finland, France, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Spain and Sweden. As has been pointed out in the Commission report on equality data collection, sometimes the GDPR is used erroneously as the basis for not collecting aggregate data on protected characteristics.

In Austria, for example, individuals must apply for police positions through a recruitment platform that does not include data on protected characteristics, such as ethnicity or religion ⁽³⁸⁾. Similarly, in Poland, demographic diversity (including ethnic origin) cannot be taken into account during recruitment or any later stages of a police officers' career. This would constitute unjustified profiling, the Commander-in-Chief of the Police explained in response to a public information request ⁽³⁹⁾.

Belgium, Croatia, Denmark, Germany, Ireland and the Netherlands collect data on demographic diversity within the police. In Hungary and Italy, the police state that they collect data on their demographic diversity. However, these data are not publicly available and the police did not share them with FRA. While the data collected in Denmark, Ireland and the Netherlands are regular and comprehensive, in Belgium and Germany data are only occasionally collected at local level.

In Denmark, the collected data distinguish between 'immigrants' (first generation) and 'descendants' (second generation). Furthermore, data on those from Western and non-Western countries are separated. The collected data indicate the share of immigrants and descendants within the overall staff; there was a clear increase from previous years.

In Ireland ⁽⁴⁰⁾, data are collected but only partly made public. The data collection contains information on other nationalities apart from Ireland and the United Kingdom, and information is presented on people born outside Ireland. However, there is no information on, for example, Irish Travellers.

In the Netherlands ⁽⁴¹⁾, data have been collected since 2017 in the context of the cultural diversity barometer. This barometer lists the migration background as Western, non-Western or non-migration background. A migration background is defined as one parent having a country of birth other than the Netherlands.

In Germany, the number of officers with ethnic or religious minority backgrounds has increased since 2014, compared with the share in the total population, but is still very low, Mediendienst data show ⁽⁴²⁾. In Belgium, Ghent and Antwerp have collected data indicating 5 % diversity in the police with regard to ethnic minorities ⁽⁴³⁾.

In Croatia, the Ombudsperson's office pointed out the under-representation of national minorities in the Ministry of the Interior in 2021. While the national minorities amount to 7.67 % of the overall population, the representation in the ministry is 3.89 %. The Serbian minority is the biggest national minority, with 4.36 % of the overall population. It is evenly represented in some cities' police departments, but under-represented in other cities ⁽⁴⁴⁾.

3.4.2. Recruitment initiatives

Proactive recruitment initiatives help to diversify the composition of police staff and encourage minorities and people with migration backgrounds to apply to the police. Public campaigns or the targeted provision of information, mostly taking place at the local level, exist in Austria ⁽⁴⁵⁾, Belgium, Czechia, Finland, France, Germany, Hungary, Ireland, Malta, the Netherlands, Portugal, Spain and Sweden.

In Ghent ⁽⁴⁶⁾ in Belgium, tailored guidance programmes are oriented towards those candidates who need specific support, for example in relation to language skills. Representatives attend events of organisations that reach out to diverse groups through the establishment of partnerships with, for example, mosques and youth organisations to inform diverse groups of this.

In Czechia, improving the police's relationship with minority groups was at the forefront of a recruitment campaign that ended in 2020 (47). There are many initiatives at regional (*Länder*) level in Germany seeking to proactively recruit police officers with migration backgrounds, for example. They issue vacancy notices in the languages of these groups, provide information workshops in schools (48), use slogans such as 'diverse with security' (49) and run information campaigns in non-German print media. They also actively engage with civil society organisations, including faith communities and, specifically, mosques (50).

In France, there is a specific short-term staff category for which the threshold for applying is lower. This leads to a higher level of diversity in this staff category (51). In Hungary, specific measures help young people of Roma origin to become police officers (52).

In Ireland, altered access requirements ensure more diverse recruitment. These include dropping the Irish language requirement (53). In Malta, a transformation strategy entails activities for the diversification of the police (54).

In Portugal, the plan for the prevention of manifestations of discrimination in the security forces identifies measures increasing the ethnic and racial diversity of candidates and establishes recruitment screening criteria to identify intolerant and radical opinions and behaviour (55).

Proactive campaigns seem to particularly target certain groups. However, there is little information about adjustments concerning the admission criteria. The exceptions are the examples from France, Germany and Ireland.

3.4.3. Barriers to accessing police forces

The citizenship requirement for becoming a police officer does not apply in all Member States, for example Germany. In some Member States, such as Finland and Ireland (56), there is research concerning barriers to the recruitment of people with diverse backgrounds (as outlined in detail in the Finland box).

In Germany, certain admission criteria are barriers for people with migration backgrounds, research shows (57). Germany has appointed admission advisors, including some with migration backgrounds themselves, to rectify this. They provide tailored advice and aid to interested people.

In the Netherlands, educational disadvantages are listed as one barrier. Tailored preparatory courses for the admission tests aim to compensate for this. They include intensified language training. Alternatively, questions from the admission questionnaire that concern the history of the Netherlands can be removed.

Other possible barriers are the fear of racism within the police, as UK research shows (58), or the required minimum height in Austria. The height restriction can particularly be an obstacle for female applicants from certain ethnic groups. It was ultimately removed (59).

Finland – obstacles to recruiting police officers with minority ethnic backgrounds

The Police University College identified three types of barriers to diverse recruitment: information- and knowledge-based barriers, attitude-based barriers and norm-based barriers.

Information- and knowledge-based barriers (information and perceptions about the police are incomplete)

Communication about police work and the position of the police in society does not reach everyone. For example, school officers visit some schools, but not often or on a regular basis. Negative experiences in Finland and/or in home countries may prevail if communication is not comprehensive, if the information does not reach people or if it is buried under other themes in public discussions.

Attitude-based barriers (police attitudes and people's experiences of policing)

Police actions and attitudes strengthen people's existing perceptions. For example, police officers engaging in racist speech or ethnic profiling can shape perceptions of the police. Police activities are generally perceived as professional.

Norm-based barriers (structures, rules and practices)

Not everyone is aware that all people are welcome to join the police and that a variety of officers are needed. However, the rules and regulations that guide policing may, in practice, exclude some groups from the police profession. For example, the (Finnish or Swedish) language requirements of the Police University College's entrance examination may be an obstacle for people with immigrant backgrounds (*).

Another example is the regulation on official police clothing and the use of religious headgear, such as hijabs. Religious symbols or clothing are not banned as such. However, Decree 1106/2013 on police uniforms does not allow clothing other than that specified in the decree, which does not include headscarves (**).

(*) Juutinen, M. and Rauta, J. (2021), Barriers to and promotion of diverse recruitment ('*Monimuotoisen rekrytoinnin esteet ja edistäminen*'), Publications of the Police University College (*Poliisiammattikorkeakoulun katsauksia*), No 17, Tampere.

(**) Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*) (2013), Ministry of the Interior decree on police uniforms (*sisäministeriön asetus poliisin virkapuvusta / inrikesministeriets förordning om polisens uniform*), Decree No 1106/2013, 19 December, Section 2.

3.4.4. Quotas for national minorities

Croatia and Romania have legal quotas for certain national minorities in the police.

In Romania, there are quotas for Roma, Hungarians and other minorities. This resulted in having 666 police officers and agents with minority ethnic backgrounds in 2020–2021: 320 Hungarians, 247 Roma and 99 other minorities (of whom 22 were Ukrainians) ⁽⁶⁰⁾. A provision on this recruitment is stipulated in an order of the Director General of the Directorate on the Management of Human Resources ⁽⁶¹⁾. In 2021–2022, 480 places were available for police officers, border police and gendarmes working in the field of public order and security, and 27 additional places for candidates with minority backgrounds.

In Croatia, there are quotas for Albanians, Austrians, people of Bosnia and Herzegovina, Bulgarians, Czechs, Germans, Hungarians, Italians, Macedonians, Montenegrins, Poles, Roma, Romanians, Russians, Rusyns, Serbs, Slovaks, Slovenes, Turks, Ukrainians and Vlachs and also Jews ⁽⁶²⁾.

Croatia and Romania regularly collect data based on the quota principle. The purpose is to record and demonstrate adherence to the quota rule. There is no indication that the data are further analysed.

3.4.5. Diversity in careers within the police

In Germany, the Federal Criminal Police Office, the Federal Police, the state police of Berlin, Bremen, Hamburg and Rhineland-Palatinate, and individual police departments in Baden-Württemberg, North Rhine-Westphalia and Lower Saxony have signed the Charter for Diversity⁽⁶³⁾. The charter commits these police authorities to creating a working environment that is free of prejudice and exclusion. In 2021, the employer branding team of the Federal Criminal Police Office revised the career portal. It produced new videos for social media recruitment that show the office as an inclusive employer with a multicultural staff⁽⁶⁴⁾.

Overall, within the EU, there is no identifiable research on the working conditions and career development for these recruits or the long-term impact or effects of diversity initiatives.

PROMISING PRACTICES

Belgium – experiences of officers with migration backgrounds

Open Society Foundations research conducted interviews with police officers with migration backgrounds to investigate how those officers experience police work in Belgium (*). There should be more efforts to recruit and select people with minority backgrounds, it concluded.

In addition, more must be done to retain people with migrant backgrounds in the organisation. There is an established revolving-door situation whereby police officers with migrant backgrounds are recruited, but leave the organisation very quickly, research noted. These officers often do not feel accepted and there is little attention paid to internal racism.

(*) Demeyere, Y. (2021), 'A diversity policy within the police: Who the f*ck does it benefit?' (*Een diversiteitsbeleid binnen de politie: Wie de f*ck heeft er iets aan?*), *Panopticon*, Vol. 42, No 4, pp. 332–358; Kramer, R., Demeyere, Y., De Kimpe, S., Melgaço, L. and Christiaens, J. (2021), *Final Report: Voicing diversity*, VUB and Open Society Foundations.

United Kingdom – research on career development

Recruited staff with ethnic immigrant backgrounds face obstacles to career development and do not feel accepted within the force, UK research shows. Officers from minority backgrounds are more likely to leave the police in the first 2 years (*). To address these issues, the National Black Police Association has developed mentoring schemes and leadership programmes (**). The National Police Chiefs' Council and the College of Policing issued a police race action plan to help implement a national standard for all recruitment and promotion processes, an obligation to report on the ethnicity pay gap and a nationwide network to support officers who have been victims of racially motivated behaviour (***)

(*) House of Commons Home Affairs Committee, *The Macpherson Report: Twenty-two years on*.

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United States – research on stops and searches

Reinforcing diversity within the police can help reduce discriminatory policing, according to a US study. Officers with minority backgrounds stop fewer people and use less force than white officers, particularly against racial minority civilians (*)

(*) Rose Huber, B. (2021), 'Diversity in policing can improve police-civilian interactions, say Princeton researchers', Princeton University, 11 February.

3.5. COMMUNITY POLICING INITIATIVES

CoP [community policing] focuses on the stronger involvement of other government agencies and the public in the work of the police in order to anticipate, prevent and fight crime more effectively and efficiently, to protect individuals and communities, and to improve the relationship between the police and communities.

OSCE, Office of the Secretary General (2022), *Good Practices in Building Police–Public Partnerships*, Vienna, p. 11.

The composition of police forces needs to reflect the diverse communities they serve to meet the needs of contemporary EU societies. Police work needs to be based on trusting relationships with all parts of society. Creating a culture of policing based on cooperation, engagement, transparency and accountability is therefore essential.

Trust in the police is essential so that victims of racism and other crimes feel confident to come forward to report incidents and seek and receive protection. Community policing or other models that are built on dialogue and engagement and engage diverse communities have a high potential to reinforce trust in policing.

International organisations have often stressed the importance of partnerships between the police and communities ⁽⁶⁵⁾. The UN and the OSCE have produced guidance on community policing ⁽⁶⁶⁾. Regular dialogue is key to reinforcing communities' confidence in police authorities, CERD notes ⁽⁶⁷⁾. Formal and informal structures for dialogue between the police and minority communities should be created, according to ECRI. Direct community engagement, with an emphasis on enhancing the ability to respond to community and individual needs, is crucial, it adds ⁽⁶⁸⁾.

Community policing: practices and resources

CEPOL and the European Crime Prevention Network have developed a toolbox to support policymakers and practitioners, in particular police chiefs and senior management in police organisations, in developing an EU community-oriented policing strategy. Proactive and regular communication are important, the tool highlights. Collaboration and partnerships that are embedded in the local context are also essential for community-oriented policing. It also provides information on several good practices from across the EU.

For more information, see European Crime Prevention Network and CEPOL (2019), *Community-oriented Policing in the European Union Today*, Toolbox Series No 14. See also the further resources on community-oriented policing available from the [European Crime Prevention Network's knowledge centre](#).

Across the EU, there is no common understanding or definition of 'community policing'.

Some Member States engage in systematic and regular cooperation between police and various communities. Mostly these practices aim to increase access to the police through regular meetings in non-police premises or the appointment of liaison officers. Some of those practices focus on improving the relationship with Roma (or other) communities. Not all of the practices are standardised operational policing methods; they are predominantly project-based, local practices.

In Finland, cooperation between police and communities takes place at both local and national levels and is a specific requirement of the national strategy on preventive police work ⁽⁶⁹⁾. The National Police Board and local police departments participate in working groups with local communities and other authorities. Concrete outputs include police action plans for better safeguarding of all members of the community, and reports on the security situation. Furthermore, the National Police Commissioner convenes a discussion forum several times a year between representatives of different ethnic minorities and the police ⁽⁷⁰⁾.

In Austria, contact people in the Ministry of the Interior, the Federal Criminal Agency, the Vienna Provincial Police Directorate and the Jewish and Islamic religious societies facilitate interorganisational collaboration ⁽⁷¹⁾. This takes place through regular meetings and information events on current topics. Safety and protection of communities is an important part of the collaboration.

France has delegates for police–citizen cohesion. These are retired police officers who report to police station commanders and act as liaison officers between local police stations and residents. They work mostly in low-income areas, where numerous immigrant communities live ⁽⁷²⁾.

In Ireland, the 331 Garda diversity liaison officers are members of An Garda Síochána. They receive training and support to actively engage with and attend to the concerns of diverse and hard-to-reach communities. They build trust and extend the accessibility of the Garda service.

In Germany, the Bremen Police created a permanent position for an officer for diversity and anti-discrimination in January 2021, as envisaged in the Bremen Police strategy for 2022 ⁽⁷³⁾. The officer identifies risks and requirements for training and organisational change and advises on strategic planning and the handling of discrimination cases. They also offer counselling for complainants or individuals who seek their advice.



In Slovakia ⁽⁷⁴⁾, 309 police officers are serving as senior community officers in 126 police departments working in the Roma community. They regularly meet with community members and other actors, including field social workers, representatives of municipal offices, local state administrations and NGO workers. The objectives are to identify and prevent problematic situations, to build trust in policing among the Roma community and to reduce the bias of police officers against Roma people.

In Bulgaria, the Ministry of Interior coordinates regular dialogue on various issues between the Roma communities and the police through locally or regionally based councils for cooperation, regular meetings and the development of training guides for police officers on policing diverse societies and on Roma culture.

Similarly, in Slovenia, the police participate in multidisciplinary teams at local level as part of the national programme of measures for the Roma for 2021–2030 ⁽⁷⁵⁾. The teams also include representatives of the Roma community. A working group on the police's work in a multicultural society evaluates the implemented activities at its monthly meetings. The members report monthly to the Uniformed Police Directorate, and a meeting takes place between the members and the directorate where issues are considered.

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4

WAYS FORWARD

The following points can help identify and prioritise concrete actions that could combat racism and racial discrimination in policing more effectively.

4.1. ENFORCE AND APPLY LEGAL OBLIGATIONS

Laws exist to combat racism in EU societies in general, in accordance with international human rights law, the ECHR and the Charter of Fundamental Rights of the European Union.

In addition, effective protection against police racism requires strengthening national-level implementation of relevant secondary EU legislation, such as, the framework decision on combating racism and xenophobia and the victims' rights directive.

Complementary initiatives to strengthen the prohibition of discrimination and racism in national laws related to the police could contribute to more effective protection. This would be in line with Member States' legal obligations under international law and in line with existing policy initiatives to combat racism in the EU.

4.2. COLLECT DATA SYSTEMATICALLY

There is an ongoing need to improve the collection of data on racism and racial discrimination in policing in the EU Member States. There should be systematic collection of reliable and comparable data. Data should be detailed and disaggregated, at a minimum, by complainant's gender and by incident type. This would make it possible to identify any potentially discriminatory policing practice and to assess and improve the effectiveness of responses.

Improved data collection would enable the measurement of the scale of racism and racial discrimination in policing in EU Member States. It would help policymakers and lawmakers address the issue more effectively at the national and EU levels. Civil society organisations representative of groups at risk of discrimination and national human rights bodies working in this field should be invited to contribute to developing definitions and indicators regarding policing.

Data on alleged police racist misconduct and the process and outcome of related investigations should be published regularly. Publicly available data and reports would signal that the police are committed to increasing their own transparency and accountability.

The European Commission should consider taking additional and targeted action to support the Member States in these data collection efforts. It can use the existing cooperation platforms and frameworks, such as the EU High Level Group on Non-Discrimination, Equality and Diversity and its Subgroup on Equality Data, in a more targeted way.

4.3. PROTECT WHISTLE-BLOWERS AND ESTABLISH OVERSIGHT BODIES

A strong, independent oversight mechanism and effective whistle-blowing protection are essential parts of a police accountability system. The oversight framework should reflect the powers of the police, be independent and have appropriate legal mandates and competences.

Not all Member States have established external independent oversight bodies, this report shows. Member States are encouraged to continue pursuing and further extending their legislative and other efforts to strengthen the role and independence of non-judicial bodies across the EU. They can set minimum standards for their functioning, and for instance draw inspiration from the Paris Principles on NHRIs' independence and effectiveness, which the UN endorses. Moreover, Member States are encouraged to ensure that national laws transposing the directive for the protection of whistle-blowers are extended to cover reports of racist and discriminatory conduct by police. This would ensure that police officers reporting on such conduct have effective confidential reporting channels at their disposal and enjoy the robust protection against retaliation granted by this directive.

4.4. PROVIDE GUIDANCE AND TRAINING

There are reports of cases of individual police officers' racist misconduct. These range from disrespectful and hostile behaviour, use of racist language, use of excessive force and physical attacks to practices such as racial profiling and overpolicing of certain communities. Police use of new technologies raises additional discrimination-related challenges that can result from the use of algorithms in AI applications that perpetuate bias, if not checked and regularly assessed.



Member States have a variety of policy responses to racist misconduct, such as codes of ethics and practical guidance or specialised training and community policing initiatives. However, it is important that these be systemic and embedded within a broader change policy containing a variety of measures. The measures should be regularly evaluated and their impact assessed.

Policy responses should be embedded in the national action plans against racism and racial discrimination, as the EU's 2020–2025 anti-racism action plan requires, and swiftly implemented. The Commission's planned assessment could examine not only whether national action plans against racism are in place, but also the extent to which they deliver results.

EU Member States could consider regularly exchanging promising practices aiming to tackle racism and racial discrimination in policing. These could include efforts to recruit officers with minority ethnic backgrounds to increase diversity within police forces; the systematic use of practical and ready-to-use guidance on discriminatory ethnic profiling prevention for frontline police officers; and targeted training to foster an understanding of the impact that the police using new technologies has on fundamental rights, in particular the right to non-discrimination.

ANNEX

METHODOLOGY

FRA consulted international and civil society organisations, EU agencies, the European Commission and national police representatives on the scope of this report. FRA collected data in all 27 Member States through the agency's research network, Franet, between January and July 2022. In addition, FRA conducted desk research up to April 2023.

The data collection covered:

- legal and policy frameworks addressing anti-racism and racial discrimination in policing – meaning public police forces but excluding any other security forces and the private sector – and existing case-law;
- oversight and accountability structures handling police conduct, and whistleblowing;
- official and unofficial data on incidents and complaints related to racism in policing;
- police diversity, training-related initiatives and other policing practices.

To collect the data, Franet national partners conducted desk research using open sources and information collected from national authorities, mainly relevant ministries, the police and oversight bodies, including ombudspersons, equality bodies and national human rights bodies. Data collection for case-law covered 2011 to 2021. Data collection for registered complaints covered 2017 to 2021. FRA clarified and analysed this information.

There are differences in approaches to and gaps in how racism in the police is and is not addressed across the EU. Therefore, direct comparisons are possible regarding only national legal frameworks, policies and complaints structures. They are less so regarding the registration of complaints and training and other practices.

FRA engaged its national liaison officers (government officials whom Member States nominate as the main contact points with the agency), national human rights bodies and the Independent Police Complaints' Authority Network (IPCAN) to fact-check sections of the report with regard to legislation and oversight of policing.

The **country reports** of the Franet research network are available on the FRA website.

GLOSSARY

Algorithmic bias and algorithmic discrimination

Algorithmic bias is 'a systematic error ... that places privileged groups at a systematic advantage and unprivileged groups at a systematic disadvantage' (1).

Algorithmic profiling

'[A] method of inferential analysis that identifies correlations or patterns within datasets, that can be used as an indicator to classify a subject as a member of a group. These categories are formed from "probabilistic assumptions" that are de-individualised' (2).

Crime victimisation

'A crime as it affects one individual person or household. For personal crimes, the number of victimizations is equal to the number of victims involved. The number of victimizations may be greater than the number of incidents because more than one person may be victimized during an incident' (3).

Discrimination

'[A] situation where an individual is disadvantaged in some way on the basis of "one or multiple protected grounds". These include sex, racial or ethnic origin, age, disability, religion or belief and sexual orientation (4).

Ethnic profiling

'The use by the police, with no objective and reasonable justification, of grounds such as race, colour, languages, religion, nationality or national or ethnic origin in control, surveillance or investigation activities' (5).

Hate crime

A hate crime is 'a criminal offence committed with a bias motive' (6).

Institutional racism

'Institutional racism is the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people' (7).

Racism

'[A]ny distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or other fields of public life' (8).

Reasonable suspicion

Suspicion based on the existence of facts or information that would satisfy an objective observer that the person concerned may have committed an offence. What can be regarded as reasonable, however, depends on the individual circumstances (9).

Systemic discrimination

Evident 'inequalities that result from legislation, policy and practice, not by intent but resulting from a range of institutional factors in the elaboration, implementation and review of legislation, policy and practice' (10).

'Systemic racism emphasizes the involvement of whole systems and often all systems—for example, political, legal, economic, health care, school,

and criminal justice systems—including the structures that uphold the systems. Structural racism emphasizes the role of the structures (laws, policies, institutional practices, and entrenched norms) that are the systems' scaffolding. Because systemic racism includes structural racism, for brevity we often use systemic racism to refer to both' ⁽¹¹⁾.

Structural racism

'Structural racism refers to the systematic discrimination and disadvantage faced by racial and ethnic minority groups within social, economic, and political structures. In Europe, this manifests in multiple forms, including discriminatory immigration policies, racial profiling by law enforcement agencies, educational disparities, and labor market exclusion. Marginalised communities experience disproportionate rates of poverty, limited access to quality healthcare and housing, and barriers to social integration, all of which reinforce the cycle of discrimination and exclusion' ⁽¹²⁾.

Structural racism refers to inequalities rooted in the system-wide operation of a society that excludes substantial numbers of members of particular groups from significant participation in major social institutions ⁽¹³⁾.

Racism is often deeply embedded in our societies' history, intertwined with its cultural roots and norms. It can be reflected in the way society functions, how power is distributed and how citizens interact with the state and public services. It can be unconscious and is often felt through a failure to reflect the interests of the people affected by racism, even if not necessarily a direct attempt to exclude. As the impact of structural racism can be as profound and harmful as individual racism, its existence needs to be acknowledged and it must be addressed through proactive policies. An intersectional perspective deepens understanding of structural racism, and makes responses more effective ⁽¹⁴⁾.

'Structural racism emphasizes the role of the structures (laws, policies, institutional practices, and entrenched norms) that are the systems' scaffolding' ⁽¹⁵⁾.

Systemic racism

Systemic racism is a term to designate the whole societal structure that maintains a racially oppressive system that privileges and oppresses different racial groups in society. Manifestations of systemic racism are, for instance, structural and institutional racism ⁽¹⁶⁾.

Institutional racism

Institutional racism refers to the systematic racial bias inferred into policies or laws as well as its practice (e.g. enforcement and judicial systems). Such bias can be explicit or made by systematically ignoring the needs of minorities ⁽¹⁷⁾.

TABLE 1: POLICE OVERSIGHT BODIES IN THE EU – MANDATES AND POWERS

Member State	Body	Type	Scope of mandate			Oversight and remedial powers			
			Launch investigations on its own initiative	Process individuals' complaints	Take legally binding decisions	Impose fines	Act as a party during criminal proceedings	Transmit findings directly to the public prosecutor	
AT	Federal Bureau of Anti-Corruption (Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung)	Police	✓	✓	N	N	Y	Y	
BE	Austrian Ombudsman Board (Volksanwaltschaft)	Ombudsperson	✓	✓	N	N	N	Y	
	Internal Oversight Service (Dienst Intern Toezicht) (Each local police zone has its own organisational service, meaning there are now 785 local internal oversight services. At the federal level, there is one Internal Oversight Service.)	Police	✗	✗	N	N	N	N	
	General Inspectorate of the Federal Police and the Local Police (Algemene Inspectie van de Federale Politie en van de Lokale Politie)	Executive	✓	✓	N	N	N	Y	
	Standing Police Monitoring Committee (Committee P) (Vast Comité van Toezicht op de politiediensten (Comité P))	Independent oversight body	✓	✓	N	N	N	Y	
BG	Interfederal Centre for Equal Opportunities (Interfederaal Geijjkekansencentrum)	Equality body	✓	✓	N	N	Y	N	
	Inspectorate Directorate (Дирекция 'Инспекторат')	Executive	✗	✗	N	N	N	N	
	Human Resources Directorate (Дирекция 'Човешки ресурси')	Executive	✗	✗	N	N	N	N	
	Internal Security Directorate (Дирекция 'Вътрешна сигурност')	Executive	✓	✗	N	N	N	N	
CY	Ombudsman of the Republic of Bulgaria (Омбудсман на Република България)	Ombudsperson	✓	✓	N	N	N	Y	
	Commission for Protection against Discrimination (Комисия за защита от дискриминация)	Equality body	✓	✓	Y	Y	N	Y	
	Commissioner for Administration (Επιτροπος Διοίκησης)	Ombudsperson	✓	✓	Y	Y	N	N	
CZ	Independent Authority for the Investigation of Allegations and Complaints against the Police (Ανεξάρτητη Αρχή Διερεύνησης Ισχυρισμών και Παραπόνων κατά της Αστυνομίας)	Independent police complaints mechanism	✓	✓	Y	N	Y	n/a	
	General Inspectorate of the Security Forces (Generální inspekce bezpečnostních sborů)	Police	✓	✓	N	N	Y	Y	
CZ	Internal Control Office of the Police (Úřad vnitřní kontroly Policie České republiky)	Police	✓	✓	N	N	Y	Y	
	Public Defender of Rights (Veřejný ochránce práv)	Ombudsperson	✗	✓	N	N	N	N	

Member State	Body	Type	Scope of mandate		Oversight and remedial powers			
			Launch investigations on its own initiative	Process individuals' complaints	Take legally binding decisions	Impose fines	Act as a party during criminal proceedings	Transmit findings directly to the public prosecutor
DE	Police Commissioner of the State of Bremen and Fire Brigade Commissioner of the City of Bremen (Polizeibeauftragte des Landes Bremen und Feuerwehrbeauftragte der Stadt Bremen)	Independent police complaints mechanism	✓	✓	N	N	N	Y
	Federal government level: Petitions Committee (Petitionsausschuss) of the German Bundestag (Deutscher Bundestag)	Parliamentary committee	x	✓	N	N	N	N
	Independent Central Trust and Complaints Body for the Police – Saxony (Unabhängige zentrale Vertrauens- und Beschwerdestelle für die Polizei)	Executive	x	✓	N	N	N	Y
	Internal Complaints Management Unit (Interenes Beschwerdemanagement) (each Land has its own internal complaint management services)	Police	x	✓	(may differ depending on Länder)	(may differ depending on Länder)	(may differ depending on Länder)	(may differ depending on Länder)
	Police External Complaints Management Office (Hamburg, Lower Saxony, Saxony-Anhalt and Thuringia) (Beschwerdemanagement)	Executive	x	✓	(may differ depending on Länder)	(may differ depending on Länder)	(may differ depending on Länder)	(may differ depending on Länder)
	Police complaints commissioners (Baden-Württemberg, Berlin, Bremen, Hesse, Rhineland-Palatinate and Schleswig-Holstein)	Parliamentary ombudsperson	x	✓	(may differ depending on Länder)	(may differ depending on Länder)	(may differ depending on Länder)	(may differ depending on Länder)
DK	Independent Police Complaints Authority (Uafhængige Politikklagemyndighed)	Independent police complaints mechanism	✓	✓	Y	N	Y	Y
EE	Danish Parliamentary Ombudsman (folketingets ombudsmand)	Ombudsperson	✓	✓	N	N	N	N
	Internal Control Bureau of the Police and Border Guard Board (Politsei- ja Piirivalveamet'i sisekontrollbüroo)	Police	✓	✓	Y	Y	Y	Y
EL	Chancellor of Justice (Öiguskantsler)	Ombudsperson	✓	✓	N	N	N	N
	National Mechanism for the Investigation of Arbitrary Incidents – Greek Ombudsman (Εθνικός Μηχανισμός Διερεύνησης Περιστατικών Αυθαρεσίας – Ο Συνήγορος του Πολίτη)	Independent police complaints mechanism	✓	✓	Y	N	N	N
	Service of Internal Affairs for Security Forces (Υπηρεσία Εσωτερικών Υποθέσεων Σωμάτων Ασφαλείας)	Police	✓	✓	N	N	N	Y

Member State	Body	Type	Scope of mandate			Oversight and remedial powers				
			Launch investigations on its own initiative	Process individuals' complaints	Take legally binding decisions	Impose fines	Act as a party during criminal proceedings	Transmit findings directly to the public prosecutor		
ES	Inspection Service for Personnel and Security Services (Servicio de Inspección de Personal y Servicios de Seguridad)	Executive	✓	x	N	N	N	N	N	
	National Office for the Guarantee of Human Rights (Oficina Nacional de Garantía de los Derechos Humanos)	Executive	✓	✓	N	N	N	N	N	
	Internal Affairs Unit of the National Police (Unidad de Asuntos Internos del Cuerpo de Policía Nacional)	Police	✓	✓	Y	N	N	N	Y	
	Internal Affairs Service of the Civil Guard (Servicio Asuntos Internos)	Police	✓	✓	Y	N	N	N	Y	
	Disciplinary Regime Unit of the National Police (Unidad de Régimen Disciplinario del Cuerpo de Policía Nacional)	Police	✓	✓	Y	N	N	N	N	
	Disciplinary Regime Service of the Civil Guard (Servicio de Régimen Disciplinario)	Police	✓	✓	Y	N	N	N	N	
	Defender of the People (Defensor del Pueblo)	Ombudsperson	✓	✓	N	N	N	N	Y	
	Council for the Elimination of Racial or Ethnic Discrimination (Consejo para la eliminación de la discriminación racial o étnica)	Equality body	✓	✓	N	N	n/a	N	Y	
	Parliamentary Ombudsman of Finland (Eduskunnan oikeusasiamies Riksdagens Justitieombudsman)	Ombudsperson	✓	✓	N	N	Y	Y	Y	
	The Chancellor of Justice (Oikeuskansleri/Justitiekansler)	Ombudsperson	✓	✓	N	N	Y	Y	Y	
FI	The Ministry of the Interior (Sisäministeriö/Inrikesministeriet)	Executive	x	✓	N	N	N	N	N	
	National Police Board (Poliisihallitus/Polisstyrelsen)	Police	✓	✓	N	N	N	N (*)	Y	
	Legal Affairs Unit in every local police department and in the National Bureau of Investigation (Oikeusyksikkö paikallispoliisissa ja Keskusrikospoliisissa Enhet för juridiska frågor vid lokalpolis och Centralkriminalpolis)	Police	✓	✓	N	N	N	N	Y	
	Non-discrimination Ombudsman (Yhdenvertaisuusvaltuutettu/Diskrimineringsombudsman)	Equality body	✓	✓	N	N	N	N	Y	
	General Inspectorate of the National Police (Inspection générale de la police nationale)	Police	✓	✓	N	N	N	N	Y	
	General Inspectorate of the National Gendarmerie (Inspection générale de la gendarmerie nationale)	Police	✓	✓	N	N	N	N	Y	
	Defender of Rights (Défenseur des Droits)	Ombudsperson	✓	✓	N	N	N	Y	Y	
	FR									

Member State	Body	Type	Scope of mandate		Oversight and remedial powers				
			Launch investigations on its own initiative	Process individuals' complaints	Take legally binding decisions	Impose fines	Act as a party during criminal proceedings	Transmit findings directly to the public prosecutor	
HR	Office of the Minister of the Interior Internal Control Department (Ured ministra unutarnjih poslova Služba za unutarnju kontrolu)	Executive	✓	✓	N	N	N	N	Y
	Office of the General Police Director Department for the Control of Work and Strategic Development of the Police	Police	✓	✓	N	N	N	N	Y
	Domestic Policy and National Security Committee of Croatian Parliament (Odbor za unutarnju politiku i nacionalnu sigurnost Hrvatskog sabora)	Parliamentary committee	✓	✓	N	N	N	N	N
	Ombudsperson of the Republic of Croatia (Pučki pravobranitelj Republike Hrvatske)	Ombudsperson	✓	✓	N	N	N	N	Y
	The Civic Complaints Committee (Povjerenstvo za rad po pritužbama)	Independent body	✗	✓	Y	N	N	N	N
	Independent Monitoring Mechanism of the Conduct of Police Officers of the Ministry of the Interior in the Field of Illegal Migration and International Protection (Nezavisni mehanizam nadzora postupanja policijskih službenika u području nezakonitih migracija i međunarodne zaštite)	Independent body	✗	✗	n/a	N	N	N	n/a
HU	Commissioner for Fundamental Rights (Alapvető Jogok Biztosa)	Ombudsperson	✓	✓	Y	Y	N	N	N
	National Police Headquarters (Országos Rendőr-főkapitányság)	Executive	✓	✓	Y	Y	Y	Y	Y
IE	Garda Síochána Ombudsman Commission	Independent police complaints mechanism	✓	✓	N	N	Y	Y	Y
	Policing Authority	Independent police oversight mechanism		✗	N	N	N	N	N
	Garda Inspectorate	Independent police inspection mechanism	✓	✗	N	N	N	N	N
	Houses of the Oireachtas (parliament)	Parliament and parliamentary committee(s)	✓	✗	N	N	N	N	N
	Irish Human Rights and Equality Commission	NHRI	✓	✗	N	N	N	N	N
IT	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
LT	Seimas Ombudsmen's Office (Seimo kontrolierių įstaiga)	NHRI	✓	✓	N	N	N	N	Y
LU	General Police Inspectorate (Inspection générale de la police)	Executive	✓	✓	Y	Y	Y	Y	Y

Member State	Body	Type	Scope of mandate		Oversight and remedial powers			
			Launch investigations on its own initiative	Process individuals' complaints	Take legally binding decisions	Impose fines	Act as a party during criminal proceedings	Transmit findings directly to the public prosecutor
LV	Immunity Board of the Police Department under the Ministry of the Interior and its divisions (Policijos departamento prie Lietuvos Respublikos vidaus reikalų ministerijos Imuniteto valdyba ir apskričių vyriausiųjų policijos komisariatų imuniteto ir vidaus tyrimų padaliniai)	Police		✓	N	Y	Y	Y
	Internal Security Bureau (Iekšējās drošības birojs)	Executive	✓	✓	Y	N	Y	Y
MT	Malta Police Force, Internal Audit and Investigations Unit: composed of the Internal Audit Unit and the Professional Standards Unit	Police	✓	✓	N	N	N	N
	Independent Police Board	Independent police complaints mechanism	✗	✓	N	N	N	N
	Parliamentary Ombudsman	Parliamentary committee	✓	✓	N	N	N	Y
	Public Service Commission	Executive	✗	✗	N	N	N	N
NL	Police Complaints committee (Klachtencommissie Politie) (each regional police unit has its own complaints committee)	Independent police complaints mechanism	✗	✓	N	N	N	Y
	Commissioner for Human Rights (Rzecznik Praw Obywatelskich)	NHRI	✓	✓	N	N	N	Y
PL	Sejm committee (Komisja sejmowa)	Parliamentary committee	✓	✓	N	N	N	Y
	Ministry of Interior Affairs and Administration (Ministerstwo Spraw Wewnętrznych i Administracji)	Executive	✓	✓	Y	N	N	Y
	Sejm Investigative Committee (Sejmowa Komisja Śledcza)	Parliamentary committee	✓	✗	N	N	N	Y
	Members of Parliament (posłowie i senatorowie)	Parliament	✗	✓	N	N	N	Y
	Commissioner for Children Rights (Rzecznik Praw Dziecka)	NHRI	✓	✓	N	N	N	Y
	Police Office of Internal Affairs (Biuro Spraw Wewnętrznych Policji)	Police	✗	✓	N	N	N	Y

Member State	Body	Type	Scope of mandate			Oversight and remedial powers			
			Launch investigations on its own initiative	Process individuals' complaints	Take legally binding decisions	Impose fines	Act as a party during criminal proceedings	Transmit findings directly to the public prosecutor	
PT	General Inspectorate of the Internal Administration (Inspeção Geral da Administração Interna)	Executive	✓	✓	N	N	Y	Y	
	General Inspectorate of Justice Services (Inspeção Geral dos Serviços de Justiça)	Executive	✓	✓	N	N	Y	Y	
	Commission for Equality and against Racial Discrimination (Comissão para a Igualdade e contra a Discriminação Racial)	Equality body	✓	✓	Y	Y	Y	Y	
	Inspectorate of the Public Security Police (Inspeção da Polícia de Segurança Pública)	Police	✓	✓	N	N	N	n/a	
	Inspectorate of the Guard (Inspeção da Guarda)	Police	✓	✓	N	N	N	N	
	Directorate of Discipline and Inspection Service (Direção de Serviços de Disciplina e Inspeção)	Police	✓	✓	N	N	N	n/a	
	Ombudsperson (Provedor de Justiça)	Ombudsperson	✓	✓	N	N	N	Y	
	People's Advocate Institution (Instituição Avocatul Poporului)	NHRI	✓	✓	N	N	N	Y	
RO	Parliamentary Committee for Human Rights, Religious Denominations and the Problems of National Minorities, Chamber of Representatives (Comisia pentru drepturile omului, culte și problemele minorităților naționale, Camera Deputaților)	Parliamentary committee	✓	✓	N	N	N	Y	
	National Council for Combating Discrimination (Consiliul Național pentru Combaterea Discriminării)	Equality body	✓	✓	Y	Y	N	Y	
	Internal Control Directorate (Direcția Control Intern)	Police	✓	✓	N	N	N	N	
	Chancellor of Justice (Justitiiekanslern)	Ombudsperson	✓	✓	Y	N	Y	N	
	Parliamentary Ombudsman (Justitieombudsmännen)	Parliamentary committee	✓	✓	N	N	N	N	
SE	Work Environment Authority (Arbetsmiljöverket)	Independent authority	✓	✗	Y	Y	N	N	
	Ministry of the Interior, Police and Security Directorate, Police Complaints Division (Ministrstvo za notranje zadeve, Direktorat za policijo in druge varnostne naloge, Sektor za pritožbe zoper policijo)	Executive	✓	✓	Y	N	N	Y	
SI	Ombudsman (varuh človekovih pravic)	NHRI	✓	✓	N	N	Y	Y	
	Advocate for the Principle of Equality (Zagovornik načela enakosti)	Equality body	✓	✓	N	N	Y	Y	

Member State	Body	Type	Scope of mandate		Oversight and remedial powers			
			Launch investigations on its own initiative	Process individuals' complaints	Take legally binding decisions	Impose fines	Act as a party during criminal proceedings	Transmit findings directly to the public prosecutor
SK	Inspection Service Office – Department of Control and Complaints (Úrad inšpekčnej služby – Útvar kontroly a sťažností)	Police	✓	✓	Y	Y	Y	Y
	Department of Control of the Police Force (Odbor kontroly Policajného zboru)	Police	x	✓	N	N	Y	Y
	Public Defender of Rights (Verejný ochranca práv)	Ombudsperson	x	✓	N	N	N	Y

(*) The National Police Board can act as a party during criminal proceedings. However, when this refers specifically to verifying legality, the Control of Legality Unit of the National Police Board cannot independently be a party during criminal proceedings; see Finland, Police (polisi/polisen) (undated), 'Internal supervision ensures the quality of police work' ('Sisäinen valvonta takaa poliisityön laadun' / 'Intern kontroll garanterar polisarbetets kvalitet').

NB: N, no; n/a, not available; Y, yes.

TABLE 2: NATIONAL LEGISLATION REGULATING LAW ENFORCEMENT AND RELEVANT SOFT LAW

Member State	National legislation regulating law enforcement	Explicit reference to the prohibition of racial discrimination in the performance of duties	Binding internal police regulations with explicit reference to the prohibition of racial discrimination	Dedicated policies and strategies against racial discrimination and racism within and by the police
AT	Security Police Act (<i>Bundesgesetz über die Organisation der Sicherheitsverwaltung und die Ausübung der Sicherheitspolizei, Sicherheitspolizeigesetz – SPG</i>), Bundesgesetzblatt No 566/1991, 31 October 1991	✓	Directive for interventions by members of the Public Security Services (<i>Richtlinien-Verordnung mit der Richtlinien für das Einschreiten der Organe des öffentlichen Sicherheitsdienstes erlassen werden</i>), Bundesgesetzblatt No 266/1993, 27 April 1993	—
BE	Act on the Police Function (<i>Wet op het Politieambt</i>), 5 August 1992	x	Royal decree of 10 May 2006 establishing the Code of Ethics of the Police Services (<i>Koninklijk besluit van 20 mei houdende vaststelling van de deontologische code van de politiediensten</i>), 10 May 2006	Local police zones have developed strategies against racial discrimination and racism
BG	Ministry of the Interior Act (<i>Закон за Министерството на вътрешните работи</i>), 27 June 2014, last amended 9 March 2021	x	Ethical Code of Conduct of the Civil Servants in the Ministry of the Interior (<i>ЕТИЧЕН КОДЕКС ЗА ПОВЕДЕНИЕ НА ДЪРЖАВНИТЕ СЛУЖИТЕЛИ В МИНИСТЕРСТВОТО НА ВЪТРЕШНИТЕ РАБОТИ</i>), 25 July 2014, amended in 2018	—
CY	Law on of 2004 (<i>Ο περί Αστυνομίας Νόμος του 2004</i>)	x	'Policy for addressing racial violence, xenophobia and racial discrimination', police circular A.A.E.: 6/2013, 7 August 2013	National strategy for protection and promotion of human rights (2021)
			'Handling of offences and anti-discrimination issues', police standing order 3/38	
CZ	Act No 273/2008 Coll. on the Police of the Czech Republic (<i>Zákon č. 273/2008 Sb. o Policii České republiky</i>), 11 August 2008	x	Police Code of Ethics, in which the principle of equal treatment, without discrimination, is included	—
	Act No 553/1991 Coll. on the Municipal Police (<i>Zákon č. 553/1991 Sb. České rady o obecní policii</i>), 30 December 1991		—	

Member State	National legislation regulating law enforcement	Explicit reference to the prohibition of racial discrimination in the performance of duties	Binding internal police regulations with explicit reference to the prohibition of racial discrimination	Dedicated policies and strategies against racial discrimination and racism within and by the police
DE	Federal Police Act (<i>Gesetz über die Bundespolizei</i>), 19 October 1994	x	The Working Group on Policing of the Conference of Interior Ministers prepares police service regulations and police manuals. The interior ministers then issue these to their police forces to ensure nationwide standards	<p>At federal level, these include:</p> <p>Charter for Diversity at the Workplace (<i>Charta der Vielfalt für Diversity in der Arbeitswelt</i>)</p> <p>Federal Government (Die Bundesregierung) (2017), <i>National Action Plan against Racism – Positions and measures for dealing with ideologies of inequality and related discriminations (Nationaler Aktionsplan gegen Rassismus Positionen und Maßnahmen zum Umgang mit Ideologien der Ungleichwertigkeit und den darauf bezogenen Diskriminierungen)</i></p> <p>Federal Government (Die Bundesregierung) (2021), <i>Final report of the Cabinet Commission for Combating Right-wing Extremism and Racism (Abschlussbericht des Kabinettsausschusses zur Bekämpfung von Rechtsextremismus und Rassismus)</i></p> <p>Länder and local police force initiatives include police mission statements in:</p> <p>Baden-Württemberg</p> <p>Bavaria</p> <p>North Rhine-Westphalia</p> <p>Rhineland-Palatinate</p> <p>Saxony-Anhalt</p>
DK	Consolidated Act No 1270 of 29 November 2019 on the Work of the Police (<i>Lovbekendtgørelse nr 1270 af 29/11/2019 om politiets virksomhed</i>), 29 November 2019 Consolidated Act No 1101 of 22 September 2017 on the Administration of Justice Act (<i>Lovbekendtgørelse nr 1101 af 22/09/2017 lov om rettens pleje</i>), 22 September 2017	x	-	-

Member State	National legislation regulating law enforcement	Explicit reference to the prohibition of racial discrimination in the performance of duties	Binding internal police regulations with explicit reference to the prohibition of racial discrimination	Dedicated policies and strategies against racial discrimination and racism within and by the police
EE	Law Enforcement Act (<i>Korrekaitseadus</i>), 23 February 2011.	✓	—	—
	Police and Border Guard Act (<i>Politsei ja piirivalveseadus</i>), 6 May 2009.			
EL	Restructuring of the services of the Ministry of Public Order, establishment of the Hellenic Police Headquarters and other provisions (Law 2800/2000), 29 February 2000	x	Presidential Decree No 254/2004: The policeman's Code of Ethics (Προεδρικό Διάταγμα 254/2004: Κώδικας δεοντολογίας του αστυνομικού), 3 December 2004	Chief of the Hellenic Police, circular order No 7100/25/14-d/8-11-2014
	Organisation of the Ministry of Public Order (Law 1481/1984), 8 October 1984		Chief of the Hellenic Police, circular order No 6004/1/128/24-10-2012	
ES	Organic Law 2/1986, of 13 March, of forces and security corps (<i>Ley Orgánica 2/1986, de 13 de marzo, de Fuerzas y Cuerpos de Seguridad</i>), 13 March 1986	✓	Organic Law 4/2010, of 20 May, on the Disciplinary Code of the National Police (<i>Ley Orgánica 4/2010, de 20 de mayo, del Régimen disciplinario del Cuerpo Nacional de Policía</i>), 20 May 2010	Code of Ethics of the National Police Corps (<i>Código ético del cuerpo nacional de policía</i>) (2013)
	Organic Law 4/2015, of 30 March, on the protection of citizen security (<i>Ley Orgánica 4/2015, de 30 de marzo de protección de la seguridad ciudadana</i>), 30 March 2015		Organic Law 9/2015 of 28 July on the personnel regime of the National Police (<i>Ley Orgánica 9/2015, de 28 de julio, de Régimen de Personal de la Policía Nacional</i>), 28 July 2005	Protocol for action by law enforcement agencies for hate crime and conduct in breach of the legal provisions on discrimination
FI	Police Act (<i>poliisilaki/polislag</i>), Act No 872/2011	x	—	Ministry of Justice (2022), <i>Equal Finland: Government action plan for combating racism and promoting good relations between population groups</i>
	Internal Security Code (<i>Code de la sécurité intérieure</i>), 4 December 2013	✓	Law 29/2014, of 28 November, on the Civil Guard personnel regime (<i>Ley 29/2014, de 28 de noviembre, de Régimen del Personal de la Guardia Civil</i>), 28 November 2014 Organic Law 12/2007, of 22 October, which regulates the Disciplinary Code of the Civil Guard, 22 October 2007	Royal Decree 176/2022, of 4 March, approving the Code of Conduct for Civil Guard Personnel (<i>Real Decreto 176/2022, de 4 de marzo, por el que se aprueba el Código de Conducta del personal de la Guardia Civil</i>), 4 March 2022
FR	Internal Security Code (<i>Code de la sécurité intérieure</i>), 4 December 2013	✓	Decree No 2013-1113 about provisions I, II, IV and V of the regulatory part of the Internal Security Code (<i>Décret No 2013-1113 relatif aux dispositions des livres Ier, II, IV et V de la partie réglementaire du code de la sécurité intérieure</i>), 4 December 2013	—
HR	Law on the Police (<i>Zakon o policiji</i>), <i>Official Gazette (Narodne novine)</i> Nos 34/11, 130/12, 89/14, 151/14, 33/15, 121/16 and 66/19, 11 March 2011	x	The Code of Ethics for Police Officers	—

Member State	National legislation regulating law enforcement	Explicit reference to the prohibition of racial discrimination in the performance of duties	Binding internal police regulations with explicit reference to the prohibition of racial discrimination	Dedicated policies and strategies against racial discrimination and racism within and by the police
HU	Act XXXIV of 1994 on the police (1994. évi XXXIV. törvény a Rendőrségről), 1 May 1994.	x	Ethics Code of the Police Profession (<i>A rendőri hivatás etikai kódexe</i>), 2007	—
IE	Garda Síochána Act 2005	x	Code of Ethics, 2020	Diversity and integration strategy 2019–2021
IT	Law of 1 April 1982, No 121, 'New regulation of the public security administration' (<i>Legge 1 aprile 1982, n. 121, 'Nuovo ordinamento dell'Amministrazione della pubblica sicurezza'</i>), 1 April 1982	x	—	—
LT	Police Law of the Republic of Lithuania (<i>Lietuvos Respublikos policijos įstatymas</i>), 17 October 2000	✓	—	—
LU	Act of 31 May 1991 on the creation of a grand-ducal police force and a general police inspection (<i>Loi du 31 mai 1999 portant création d'un corps de police grand-ducale et d'une inspection générale de la police</i>), 31 May 1999	x	—	—
LV	Act of 18 July 2018 on the Grand Ducal Police (<i>Loi du 18 juillet 2018 sur la Police grand-ducale</i>), 18 July 2018	✓	State Police Code of Ethics 2020	—
MT	Law on Police (<i>Likums par policiju</i>), 4 June 1991	✓	Malta Police (2020), <i>Code of Ethics</i>	Anti-discrimination & Harassment: Policy and procedure document (version 1.2) (2021)
NL	Police Act 2012 (<i>Politiewet 2012</i>), 12 July 2012; Law on Criminal Proceedings (<i>Wetboek van Strafvordering</i>), 1 January 1926, last amended October 2023	x	—	Anti-racism strategy 2021–2023
				National Police (Politie) (2020), <i>Dutch Police for Everyone</i> National Police (Politie) (2021), <i>Dutch Police for Everyone – Summary realisation plan (Politie voor Iedereen – Samenvatting Realisatieplan)</i>

Member State	National legislation regulating law enforcement	Explicit reference to the prohibition of racial discrimination in the performance of duties	Binding internal police regulations with explicit reference to the prohibition of racial discrimination	Dedicated policies and strategies against racial discrimination and racism within and by the police
PL	Police Act, 10 May 1990	x	Order No 805 of the Commander-in-Chief of the Police of 31 December 2003 establishing the Code of Professional Ethics of the Police Officer (<i>Zarządzenie Nr 805 Komendanta Głównego Policji z dnia 31 grudnia 2003 r. w sprawie 'Zasad etyki zawodowej policjanta'</i>), 7 January 2004	Plan on the education and information activities on the protection of human rights and freedom, implementation of the principles of equal treatment, as well as compliance with professional ethics in the police for 2021-2023. (Plan działalności edukacyjnej i informacyjnej w zakresie ochrony praw i wolności człowieka, realizacji równego traktowania i przestrzegania zasad etyki zawodowej w Policji na lata 2021-2023)
PT	Decree-Law No 243/2015, which approves the professional status of personnel with police functions of the Public Security Police (<i>Decreto-Lei No 243/2015, que aprova o estatuto profissional do pessoal com funções policiais da Polícia de Segurança Pública</i>), 19 October 2015	✓	—	Police action plan for the years 2022-2025 in the field of preventing hate speech, incitement to hatred based on national, ethnic, racial or religious differences or for lack of religious affiliation and public propagation of a fascist or other totalitarian system
RO	Law 218/2002 on the Organisation and Functioning of the Romanian Police (<i>Legea nr. 218/2002 privind organizarea și funcționarea Poliției Române</i>), 23 April 2002, published in <i>Official Journal</i> No 305, 9 May 2002 Law No 360/2002 on the Statute of the Police Officer (<i>Legea nr. 360/2002 privind Statutul polițistului</i>), 6 June 2002, published in <i>Official Journal</i> No 440, 24 June 2002	x	Code of Ethics and Deontology of the Police (<i>Codului de etică și deontologie al polițistului</i>), approved by Government Decision No 991/2005, 25 August 2005	Plan to prevent discrimination in security forces and services (<i>Plano de Prevenção de Manifestações de Discriminação nas Forças e Serviços de Segurança</i>), 2021
SE	Police Act (1984:387) (<i>Polislagen (1984:387)</i>), 7 June 1984	x	—	—
SI	Police Tasks and Powers Act (<i>Zakon o nalogah in pooblastih policije</i>), 30 January 2013, and subsequent modifications.	✓	Ministry of the Interior, Police (2008), <i>Code of Police Ethics</i>	—
SK	Act No 171/1993 Coll. on the Police Force (<i>Zákon č. 171/1993 Z. z. o Polícijnom zbere</i>), 6 July 1993	✓	—	—

Source: FRA, 2023.

TABLE 3: OFFICIAL DATA – RACIST INCIDENTS AND RACIAL DISCRIMINATION INVOLVING THE POLICE, EXCLUDING RACIAL PROFILING, 2007-2021

Member State	Source	Data recorded	2017	2018	2019	2020	2021	
CZ	Reports on manifestations of extremism and prejudicial hatred in the territory of Czechia	Number of investigations of Security Forces members, for hate crimes or crimes with extremist subtext	0	0	2	1	0	
CY	Cyprus Police	Number of disciplinary cases against members of the police for racial offences	0	0	1	1	0	
DE	German Bundestag (Deutscher Bundestag) (2022), <i>Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Martina Renner, Nicole Gohlke, Gökyay Akbulut, weiterer Abgeordneter und der Fraktion DIE LINKE: Drucksache 20/992 – Interne Ermittlungen bei Bundesbehörden von Polizei und Zoll, printed document 20/1430</i>	25 against Federal Police officers	25 against Federal Police officers			49 against Federal Police officers		
	German Bundestag (Deutscher Bundestag) (2020), <i>Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Martina Renner, Dr. André Hahn, Gökyay Akbulut, weiterer Abgeordneter und der Fraktion DIE LINKE: Drucksache 19/23075 – Interne Ermittlungen bei Bundesbehörden von Polizei und Zoll, printed document 19/24195</i>	Number of disciplinary and criminal proceedings against officers of the Federal Police and the Federal Criminal Police Office, due to suspicion of or participation in racist, antisemitic, sexist, homophobic, inhumane or anti-constitutional statements or activities	8 against Federal Criminal Police Officers (data cover January 2015 to June 2020)			12 against Federal Criminal Police Officers (data cover January to March 2022)		
DK	Danish National Police, email, June 2022	Number of incidents recorded	0	0	4	4	8	
EL	Ministry of Justice and Prosecution Services, letter, 21 March 2022	Number of incidents recorded (racism involving security forces)	36	7	15	25	48	
		Number of investigations initiated	36	7	15	25	48	
		Number of people charged	n/a (prosecution services dismissed or sent to the unknown perpetrators archive in 63 cases)					
		Number of convictions	0	0	0	0	0	1
		Number of acquittals	0	0	0	0	0	1
		Number of convictions	59 convictions for discriminatory acts involving people with public authority, including police and gendarmerie officers					

Member State	Source	Data recorded	2017	2018	2019	2020	2021
ES	The National Office for the Guarantee of Human Rights, created by Instruction 1/2022, of the Secretary of State for Security, carries out various tasks. Among them is the control, monitoring and exploitation of the computer application of the national human rights plan, regulated in Instruction 1/2022. The General Directorates of the Police and the Civil Guard must register any complaint about facts or actions that could reveal an alleged violation of the fundamental rights of individuals in police action involving the State Security Forces and Corps, without this registration prejudging the report's truth	Number of incidents involving security forces recorded	0	0	0	3	0
HR		Number of incidents reported	n/a	n/a	n/a	n/a	n/a
MT	Malta Police Force, email, 18 March 2022	0					
NL	2017, 2018 and 2019: RTL Nieuws (2020), 'More complaints about racist behaviour of police officers, police rarely admit guilt', 28 November 2020: National Police (2021), 'More complaints about ethnic profiling and racism', 21 May	Number of complaints about discrimination on all grounds, including racism, involving the police, submitted to a special police officer tasked with handling complaints	118	117	135	168	115
		Number of investigations initiated	n/a	n/a	n/a	n/a	n/a
		Number of people charged	3				
		Number of incidents recorded as racist involving the National Republican Guard (military)	0	0	0	1	1
		Number of discriminatory manifestations with police officers as the alleged perpetrators (PSP)	n/a	n/a	n/a	n/a	12
	National Republican Guard, letter, 2022; and Public Security Police (PSP), letter, 30 May 2022	Number of investigations initiated	0	0	0	1 dismissed (lack of evidence)	12 (1 dismissed - lack of evidence)
		Number of people charged	0	0	0	n/a	n/a
		Number of convictions	0	0	0	0	2 (PSP) disciplinary
		Number of acquittals	0	0	0	0	6 (PSP)
		Number of cases registered for the practice of racial discrimination crime with suspects / accused people related to the National Republican Guard, PSP and the Criminal Police	3	0	3	1	2
	Public Prosecutor Office, letter, 2022	Number of people charged	0	0	1	0	0
		Number of convictions	0	0	0	0	0

Member State	Source	Data recorded	2017	2018	2019	2020	2021
RO	Public Ministry, letters, 8 April 2022 and 20 April 2022.	Number of hate crimes with police officers as alleged perpetrators (not broken down by bias / protected ground, including profiling)	13	11	18	10	9
		Number of investigations initiated	0	1	0	0	0
		Number of people charged	0	0	0	0	0
		Number of convictions	0	0	0	0	0
		Number of acquittals	0	0	0	0	0
SI	Department for the Investigation and Prosecution of Official Persons Having Special Authority in the Specialised State Prosecution Office of the Republic of Slovenia, and the Slovenian police	Number of incidents recorded (racism involving security forces)	1 (1 police officer)	0	1 (3 police officers)	3 (4 police officers)	13 (26 police officers)
		Number of investigations initiated	1	n/a	1	3	13
		Number of people charged	0	0	0	0	0
		Number of convictions	0	0	0	0	0
SK	Ministry of Justice, email, 12 April 2022	Number of police officers convicted in cases of hate crimes (not broken down by protected ground)	4	13	16	4	10
		Number of police officers acquitted in cases of hate crimes (not broken down by protected ground)	0	1	0	10	0

NB: n/a, not available.

TABLE 4: NHRI AND EQUALITY BODY DATA ON INCIDENTS OF RACIAL PROFILING, 2017-2021

Member State	Source	Data recorded	2017	2018	2019	2020	2021
AT	Ombud for Equal Treatment, email, 1 April 2022	Number of complaints recorded	0	0	1	3	1
CY	Ombudsman, letter, 20 April 2022	Number of complaints recorded	0	0	0	0	0
DE	Federal Anti-discrimination Agency, email, 2 May 2022	Number and type of complaints recorded (stops and identity checks by the Federal Police on trains or at international airports; checks by state police force, customs officers and conductors)	10	18	11	41	56
DK	Board of Equal Treatment, email, June 2022	Number of complaints recorded	0	0	1 case of repeated identity checks at the border	0	0
		Number of people charged	0	0	0	0	0
HR	Ombudsperson's Office, letter, 2022	Type: stop and search, identity check, personal search		0	1	0	1
		Number of complaints recorded	1	0	1 identity check and unlawful arrest	0	Stopping of Roma drivers, with orders for their cars to go through extraordinary technical inspection
		Type: stop and search, identity check, personal search	Repeated identity checks at the border	0	1	n/a	n/a
		Number of people charged	0 inadmissible	0	0	0	n/a
		Number of acquittals	0	0	0	0	n/a
NL	Dutch association of anti-discrimination services (Discriminatie.nl), email, 2022	Number of complaints recorded	n/a	30	19	33	n/a
PL	Commissioner for Human Rights, response to the Helsinki Foundation for Human Rights request for public information, 22 March 2022	Number of complaints recorded	0	0	0	0	0
PT	Ombudsperson	Number of complaints recorded	0	0	0	1	0

NB: n/a, not available.

TABLE 5: OVERSIGHT BODIES – NUMBER, TYPE AND OUTCOME OF SUBMITTED COMPLAINTS ABOUT POLICE CONDUCT, BASED ON RACIAL OR ETHNIC ORIGIN, 2017-2021

Member State	Source	Data recorded	2017	2018	2019	2020	2021
BG	Commission for Protection against Discrimination, letter, 14 April 2022	Number and type of complaints	1 n/a	1 use of excessive force 1 n/a	2 allegations of bias 1 n/a	0	0
		Outcome of complaints	1 unsubstantiated	1 inadmissible 1 unsubstantiated	1 unsubstantiated 1 no outcome 1 inadmissible	0	0
CY	Ombudsperson, letter, 20 April 2022	Number and type of complaints	0	0	0	0	1 case of the police handling a person of African origin's hate crime complaint in a racist manner
		Outcome of complaints	0	0	0	0	n/a
	Number and type of complaints	0	0	7 n/a (changed methodology; complaints of alleged racist police behaviour)	n/a	n/a	
	Outcome of complaints	n/a	n/a	n/a	n/a	n/a	

Member State	Source	Data recorded	2017	2018	2019	2020	2021
		Number of complaints (behavioural complaints, complaints about a police officer's behaviour; criminal complaints, a person complains that a police officer has committed a criminal offence against them)	14 behaviour complaints 2 criminal complaints	24 behaviour complaints 3 criminal complaints	25 behaviour complaints 1 criminal complaint	49 behaviour complaints 2 criminal complaints	40 behaviour complaints 1 criminal complaint
		Type of complaints	48 complaints of police's racist language and behaviour and general aggressive, arrogant and negative attitude towards foreigners	4 complaints from witnesses of discriminatory police behaviour and racial profiling	25 complaints of the police using excessive force when making arrests, including combined complaints about language and excessive force		
DK	Independent Police Complaint Authority, Årsrapport 2021 for Den Uafhængige Politiklagemyndighed	Outcome of complaints	Behavioural 4 complaints led to a dialogue between a leader and the complainant 6 did not lead to an evaluation of the officer's behaviour	Behavioural 2 led to a dialogue between a leader and the complainant 15 did not lead to an evaluation of the officer's behaviour 0 led to an evaluation of the police officer's behaviour 4 were recalled, rejected, etc. 3 led to a statement that an episode could have been handled more appropriately, or that a particular course of action was inappropriate or unfortunate	Behavioural 6 led to a dialogue between a leader and the complainant 16 did not lead to an evaluation of the officer's behaviour 1 led to an evaluation of the police officer's behaviour 2 were recalled, rejected, etc.	Behavioural 9 led to a dialogue between a leader and the complainant 35 did not lead to an evaluation of the officer's behaviour 2 led to an evaluation of the police officer's behaviour 3 were recalled, rejected, etc.	Behavioural 2 led to a dialogue between a leader and the complainant 20 did not lead to an evaluation of the officer's behaviour 2 led to an evaluation of the police officer's behaviour 3 were recalled, rejected, etc. 1 led to a statement that an episode could have been handled more appropriately, or that a particular course of action was inappropriate or unfortunate 12 are pending
			2 had the investigations stopped due to a lack of evidence	2 had the investigations stopped due to a lack of evidence 1 was rejected owing to a lack of reasons to investigate the case	1 had the investigation stopped due to a lack of evidence	2 had the investigations stopped due to a lack of evidence	Criminal 2 had the investigations stopped due to a lack of evidence

Member State	Source	Data recorded	2017	2018	2019	2020	2021
EL	Greek Ombudsman, National Mechanism for the Investigation of Arbitrary Incidents (Εθνικός Μηχανισμός Διερεύνησης Περιστατικών Αυθαρεσίας)	Number and type of complaints	21		28	4	40
		Outcome of complaints	n/a	n/a	n/a	n/a	n/a
FI	National Non-discrimination and Equality Tribunal	Number and type of complaints	0	1 instance of not getting service in mother tongue (Swedish) in police custody / in detoxification centre	0	0	0
		Outcome of complaints	n/a	Pending	n/a	n/a	n/a

Member State	Source	Data recorded	2017	2018	2019	2020	2021
FR	General Inspectorate of the National Police	Number and type of complaints	n/a	32 reports of internal police discrimination (including racial and ethnic)	37 reports of internal police discrimination (including racial and ethnic)	184 reports of racially motivated verbal abuse or inappropriate behaviour; 51 were racial/ethnic profiling (40 identity checks, 11 arrests)	
		Outcome of complaints	3 disciplinary procedures for racially motivated discrimination 136 criminal procedures against police officers for racially motivated verbal abuse 19 criminal procedures against police officers for racially motivated verbal abuse where the victim was another police officer 22 imposed sanctions concerned discriminatory or racist acts			n/a	n/a
	Gendarmerie Inspectorate	Number and type of complaints	n/a	n/a	n/a	242 reports of racially motivated internal police discrimination 15 discriminatory acts or comments (including racial discrimination) towards the public	19 reports of racially motivated internal police discrimination
		Outcome of complaints	10 gendarmerie agents disciplined for racist or antisemitic acts	11 gendarmerie agents disciplined for racist or antisemitic acts	14 gendarmerie agents disciplined for racist or antisemitic acts	7 cases of police internal discrimination substantiated 22 gendarmerie agents disciplined for racist or antisemitic acts	2 cases substantiated 11 gendarmerie agents disciplined for racist or antisemitic acts

Member State	Source	Data recorded	2017	2018	2019	2020	2021
HR	Ministry of the Interior, State Secretary, letter, March 2022	Number and type of complaints	5 failures to take action because the person involved is a member of a minority group 1 instance of taking action precisely because the person is a member of a minority group 4 instances of insulting and disrespecting a person on the ground of them being a member of a minority group	6 failures to take action because the person is a member of a minority group 2 instances of taking action precisely because the person is a member of a minority group 1 instance of insulting and disrespecting a person on the ground of them being a member of a minority group	6 failures to take action because the person is a member of a minority group 2 instances of taking action precisely because the person is a member of a minority group 3 instances of insulting and disrespecting a person on the ground of them being a member of a minority group	1 use of excessive force 1 failure to take action because the person is a member of a minority group 3 instances of taking action precisely because the person is a member of a minority group 7 instances of insulting and disrespecting a person on the ground of them being a member of a minority group	3 failures to take action because the person is a member of a minority group 3 instances of taking action precisely because the person is a member of a minority group 9 instances of insulting and disrespecting a person on the ground of them being a member of a minority group
		Outcome of complaints	10 unsubstantiated	8 unsubstantiated 1 disciplinary proceeding	11 unsubstantiated	12 unsubstantiated	15 unsubstantiated
		Number and type of complaints	n/a	n/a	n/a	0	1 case of disrespectful treatment
HU	Commissioner for Fundamental Rights (2021), <i>Az alapvető jogok biztosának és a Magyarországon élő nemzetiségiek jogainak védelmét ellátó biztoshelyettesének – Közös jelentése: az AIB-729/2021. és az AIB-730/2021. számú ügyekben, egy roma nemzetiségű személlyel szemben fokozott ellenőrzés keretében fogantatosított rendőri intézkedések vizsgálatát érintően</i>	Outcome of complaints	n/a	n/a	n/a	0	Disciplinary proceedings
LU	General Police Inspectorate, email, 29 April 2022	Number and type of complaints	1 use of excessive force	0	0	0	1 case of disrespectful treatment / racist language or behaviour
		Outcome of complaints	n/a	n/a	n/a	n/a	n/a
LV	Internal Security Bureau, letter, 23 March 2022	Number and type of complaints	0	0	0	0	0
		Outcome of complaints	0	0	0	0	0

Member State	Source	Data recorded	2017	2018	2019	2020	2021
NL	National Police (Politie) (2022), 'Jaarverslagen klachtencommissies'	Number and type of complaints	12	24	14	9	n/a
		Outcome of complaints	9 unsubstantiated 1 substantiated	23 unsubstantiated 1 substantiated	1 inadmissible 13 unsubstantiated	7 unsubstantiated n/a	n/a
PL	Commissioner for Human Rights, response to a Helsinki Foundation for Human Rights request for public information, 22 March 2022	Number and type of complaints	2	2	3	2	3
		Outcome of complaints	0	1 criminal proceeding terminated	0	0	1 case where prosecutor refused to initiate criminal proceeding
		Number and type of complaints	0	3	0	1	4
		Outcome of complaints	0	0	6 cases not initiated or prosecution terminated the criminal proceedings 1 case where the court has conditionally terminated the proceedings 1 case where the criminal proceedings are suspended		
PL	Police Office of Internal Affairs, letter, 4 March 2022	Number and type of complaints	8	5	2	3	3
		Outcome of complaints		1 case where an Armenian national complained about the police fining him for an offence due to his darker skin colour	1 case where family members of a man of Arabic descent, whom the police sought out, complained about the police visiting their home		
PL	Plenipotentiaries for the protection of human rights of the regional police chiefs	Number and type of complaints	n/a	n/a	2 disciplinary proceedings (investigation - unsubstantiated charge)	1 disciplinary proceeding (investigation - unsubstantiated charge)	n/a
		Outcome of complaints		1 unsubstantiated			

Member State	Source	Data recorded	2017	2018	2019	2020	2021
PT	General Inspectorate of the Internal Administration, 8 April 2022	Number and type of complaints	6	6	11	14	21
		Outcome of complaints	n/a	n/a	n/a	n/a	n/a
	General Inspectorate of the Internal Administration (2021), <i>Annual monitoring report of the plan to prevent discrimination in security forces and services (Relatório Anual de Monitorização do Plano de Prevenção de Manifestações de Discriminação nas Forças e Serviços de Segurança)</i>	Number and type of complaints	n/a	n/a	n/a	n/a	1 case of National Republican Guard officers under investigation 12 cases involving Public Security Police officers
		Outcome of complaints	n/a	n/a	n/a	n/a	1 case under investigation. Cases involving Public Security Police officers: 4 inadmissible, 2 disciplinary proceedings

Member State	Source	Data recorded	2017	2018	2019	2020	2021
RO	National Council for Combating Discrimination, email, 18 March 2022	Number and type of complaints	2 failures to provide a service 2 instances of racist language or behaviour 2 instances of restricting the exercise of rights or creating a situation of inferiority	1 instance of disrespectful behaviour 1 instance of restricting the exercise of rights or creating a situation of inferiority	1 instance of restricting the exercise of rights or creating a situation of inferiority	1 instance of restricting the exercise of rights or creating a situation of inferiority	2 instances of restricting the exercise of rights or creating a situation of inferiority
		Outcome of complaints	1 inadmissible 1 unsubstantiated	3 unsubstantiated 2 inadmissible	1 unsubstantiated 2 inadmissible	1 inadmissible	1 inadmissible
	Number and type of complaints	13 instances of abusive behaviours based on race or ethnic origin or abuse in service against the rights of the person	11 instances of abusive behaviours based on race or ethnic origin or abuse in service against the rights of the person	18 instances of abusive behaviours based on race or ethnic origin or abuse in service against the rights of the person	10 instances of abusive behaviours based on race or ethnic origin or abuse in service against the rights of the person	9 instances of abuse in service that infringes on the rights of a person	
	Outcome of complaints	7 decisions not to open criminal investigations 0 indictments	3 decisions not to open criminal investigations 1 decision to open a criminal investigation, followed by a decision not to indict the defendant 0 indictments	12 decisions not to open criminal investigations 0 indictments	4 decisions not to open criminal investigations 0 indictments	4 decisions not to open criminal investigations 0 indictments	

Member State	Source	Data recorded	2017	2018	2019	2020	2021
SI	Advocate of the Principle of Equality, email, 4 April 2022	Number and type of complaints	0	0	0	1 instance of preventing entry into marriage / obstructing entry into marriage	1 instance of disrespectful treatment 1 instance of excessive use of force
		Outcome of complaints	0	0	0	0	2 unsubstantiated
		Number and type of complaints	1 instance of discriminatory profiling and unjustifiable use of coercive means	0	1 failure to provide adequate service	0	1 failure to provide adequate service
SK	Human Rights Ombudsman, email, 4 April 2022	Outcome of complaints	1 substantiated	0	Substantiated	0	Procedure stopped: complainant withdrew complaint
		Number and type of complaints	2 instances of racial hatred	1 instance of racial hatred	1 instance of intolerance, discrimination, xenophobia and racism	6 instances of intolerance, discrimination, xenophobia and racism	5 instances of intolerance, discrimination, xenophobia and racism
		Outcome of complaints	0 investigated 0 substantiated	0 investigated 0 substantiated	0 investigated 0 substantiated	4 investigated 0 substantiated	0 investigated 0 substantiated

NB: n/a, not available.

Endnotes

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- 14 European Commission (2020), *A Union of equality: EU anti-racism action plan 2020-2025*, p.13.
- 15 Braveman, P.A. et al. (2022), '**Systemic and structural racism: Definitions, examples, health damages, and approaches to dismantling**', *Health Affairs* 41(2).
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- 17 Equinet (2020), '**The other pandemic: Systemic racism and its consequences**'.



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ADDRESSING RACISM IN POLICING

Racism in the police ranges from discriminatory racial profiling practices to excessive use of force. Repetitive incidents like these highlight the deeper structural issues that need to be uprooted from policing across the EU. Everyone in society is affected by racism in policing, not only the individuals or communities targeted. Lack of trust in policing fuels social exclusion and damages the foundations of a fair and equal society.

This is the first EU-wide report on racism in policing. FRA's findings identify gaps in regulatory frameworks and proposes concrete steps for action. EU countries should ensure that their police forces comply with anti-racism provisions in EU and international law. Member States should collect data on racist incidents. They should enable whistle-blowers to report misconduct without negative consequences and ensure independent oversight. Police forces should be more diverse to represent the communities they serve. They should receive more guidance to prevent racism in their work. Through this report, FRA supports EU countries to make a decisive effort in tackling racism in policing.



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