



4	Racism, xenophobia and related intolerance	89
4.1.	Rise in fear and resentment of ethnic minorities	89
4.1.1.	People of African descent experience everyday racism in the EU	89
4.1.2.	Antisemitism in the EU is widespread and normalised	90
4.1.3.	Political hate speech fuels violent right-wing extremism	91
4.2.	Lack of policy responses to racism, ethnic discrimination and hate crime	92
4.3.	Gaps in national legislation on combating hate crime and hate speech	94
4.4.	Curbing hate speech online	95
4.5.	Rights awareness crucial for implementation of Racial Equality Directive	96
4.6.	Stepping up efforts to counter discriminatory profiling	97
	FRA opinions	100

UN & CoE

January

12 January – United Nations Committee on Convention on the Elimination of All Forms of Racial Discrimination (CERD) publishes concluding observations on the combined 11th and 12th periodic reports of Slovakia

February

27 February – European Commission against Racism and Intolerance (ECRI) publishes its fifth monitoring reports on Spain and Sweden; conclusions on the implementation of priority recommendations in respect of Greece released in 2014; and a revised version of General Policy Recommendation No. 2 on Equality bodies to combat racism and intolerance at national level

March

April

May

15 May – ECRI publishes its fifth monitoring reports on Croatia and Malta; and conclusions on the implementation of priority recommendations in respect of Austria, the Czechia, Estonia, Hungary and Poland

June

6 June – CERD publishes concluding observations on the combined 22nd and 23rd periodic reports of Sweden

22 June – ECRI publishes its 2017 annual report

July

9 July – Cybercrime Convention Committee (T-CY) adopts recommendations to address cyber violence

August

September

25 September – CERD publishes concluding observations on the combined sixth to 12th periodic reports of Latvia

October

2 October – ECRI publishes its fifth monitoring report on Portugal

25 October – In *E.S. v. Austria* (No. 38450/12), ECtHR upholds the Austrian Supreme Court's decision that the applicant's criminal conviction for accusing the Prophet Muhammad of paedophilia did not violate the applicant's right to freedom of expression (Article 10 of the ECHR)

November

December

11 December – In *Lakatošová and Lakatoš v. Slovakia* (No. 655/15), the ECtHR holds that the Slovakian authorities failed to investigate a possible racist motive in a shooting spree by an off-duty police officer at a Roma family's home, breaching the State's procedural obligation to carry out an effective investigation under Article 2 in conjunction with Article 14 of the ECHR

EU

January

19 January – European Commission releases the results of the third round of monitoring of the Code of Conduct on countering illegal hate speech online

February

7 February – European Parliament (EP) adopts a Resolution on protection and non-discrimination with regard to minorities in the EU Member States (2017/2937(RSP))

March

1 March – European Commission adopts a Recommendation on measures to effectively tackle illegal content online to be taken by companies and Member States and to apply to all forms of illegal content, including racist and xenophobic incitement to hatred and violence

April

May

June

22 June – European Commission adopts Recommendation on standards for equality bodies

July

August

September

October

25 October – EP adopts Joint Motion for a Resolution on the rise in neo-fascist violence in Europe (2018/2869 (RSP))

November

13 November – EP adopts a Resolution on minimum standards for minorities in the EU

14 November – EP and Council of the EU adopt Directive (EU) 2018/1808 (revised Audiovisual Media Services Directive) amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities. The revised directive reflects new challenges connected to video-sharing platforms, in particular with regard to harmful content and hate speech on them

28 November – EU High Level Group on combating racism, xenophobia and other forms of intolerance adopts a guidance note on the practical application of Council Framework Decision on Racism (2008/913/JHA) on combating certain forms and expressions of racism and xenophobia by means of criminal law)

29 November – European Commission becomes a permanent international partner to the International Holocaust Remembrance Alliance (IHRA)

December

3 December – European Commission hosts a high level conference on “Tackling intolerance and discrimination against Muslims in the EU”

6 December – Council of the EU approves a declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe

13–14 December – European Council adopts conclusions condemning all forms of antisemitism, racism and xenophobia, and underlining the importance of combating intolerance

4

Racism, xenophobia and related intolerance



Eighteen years after the adoption of the Racial Equality Directive and 10 years after the adoption of the Framework Decision on Racism and Xenophobia, people with minority backgrounds and migrants continue to face widespread harassment, structural discrimination, entrenched prejudice and discriminatory ethnic profiling across the EU, as the findings of FRA's 2018 surveys and reports of human rights bodies show. Several Member States have still not correctly and fully incorporated the Framework Decision on Racism and Xenophobia into national law. In 2018, only 15 Member States had in place action plans and strategies aimed at combating racism and ethnic discrimination.

4.1. Rise in fear and resentment of ethnic minorities

Racism, hate crime and ethnic discrimination are rooted deeply in society. Persons from across the social and political spectrum perpetrate them and they manifest themselves in all areas of life. Still, victims and witnesses rarely report such experiences to authorities. One of the common reasons they give is that nothing would change as a result of reporting. These are some of the findings from FRA's Second European Union Minorities and Discrimination Survey (EU-MIDIS II) and its second survey on discrimination and hate crime against Jews.

4.1.1. People of African descent experience everyday racism in the EU

Across the EU, racist harassment, violence and discrimination are an everyday reality for persons of African descent. In December 2018, FRA published the findings of EU-MIDIS II, which, among others, surveyed 5,803 people with African descent in 12 EU Member States.¹ Across these 12 EU Member States (**Austria, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, Malta, Portugal, Sweden and the United Kingdom**), nearly one in three

people of African descent (30 %) said they had experienced racist harassment in the five years before the survey, the findings show. Experiences of racist violence vary greatly across EU countries. The highest proportion was in **Finland**, where 14 % said they had experienced racist violence in the five years before the survey. On average, 64 % of victims did not report the most recent incident of racist violence anywhere, and 41 % of victims said that nothing would have changed or happened if they had reported it.

In **Italy**, for example, a far-right sympathiser shot at and injured six African migrants. He was sentenced to 12 years in jail for attempted murder and racial hatred.² As this chapter highlights, in 2018, Afrophobia and racism against Afro-Europeans was acknowledged at the EU level in a resolution, but not systematically tackled at the national level. Various research results published during the year underlined how pervasive this issue is.

Simply having dark skin means being regularly discriminated against in all areas of life, these findings highlight. This includes experiencing discrimination in access to housing and facing precarious living conditions such as living in overcrowded housing (45 %, compared with 17 % of the general population in the EU-28) and living in conditions of severe housing deprivation (12 %, compared with 5 % of the general population). Further, only 15 % of people

of African descent own their home, compared with 70 % of the general population in the EU-28.³

In the **United Kingdom**, one in four employees with a black, Asian or minority ethnic background had witnessed or experienced racist harassment or bullying from managers in the last two years, the governmental review 'Race in the workplace' found.⁴ In **Ireland**, Black Irish people are twice as likely as White Irish people to experience discrimination when seeking work and three times as likely to experience discrimination in the workplace, the Irish Human Rights and Equality Commission and the Economic and Social Research Institute found.⁵ In **Sweden**, Afro-Swedes tend to hold low-status and low-paying jobs compared with the rest of the population, despite their educational attainment, and it is more difficult for Afro-Swedes than for the rest of the population to advance to higher job positions, a study by Uppsala University showed.⁶

Racist attitudes and prejudice are also widespread. In March 2018, the Economic and Social Research Institute and the Irish Human Rights and Equality Commission published a study on attitudes to diversity and race. The study used data from the European Social Survey and found that, across 10 EU Member States, 14 % of the population believe that 'some races/ethnic groups are born less intelligent', ranging from fewer than 2 % in **Sweden** to 41 % in **Portugal**. Some 45 % of the respondents believe that 'some cultures are superior to others' and 40 % believe some races are 'born harder working'.⁷

Promising practice

Tackling everyday racism in access to services

The municipality of Copenhagen in cooperation with the associations Horesta and Denmark's Restaurants and Cafés (*Danmarks Restauranter og Caféter*), representing Danish restaurants, cafés and nightclubs, among others, has developed a training course for bouncers, security guards and other staff at nightclubs, bars and restaurants. The course provides tools to help the participants deal with situations in which guests may experience discrimination, avoid these situations completely, and de-escalate any potential conflicts.

For more information, see the website associated with the project.

Recognising ubiquitous racism against people of African descent, the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) adopted a motion for a resolution calling on

the EU and the national authorities to develop anti-racism policies and measures to tackle prevalent discrimination against Afro-Europeans, racial profiling and to take steps to make reparations for European colonialism.⁸ Still, only 15 Member States had action plans against racism in place in 2018 (see [Section 4.2](#)).

The EU High Level Group on combating racism, xenophobia and other forms of intolerance also emphasised the importance of preventing and countering discrimination and racism against persons of African descent. It highlighted the issue of structural racism that needs to be addressed by raising awareness of the history of slavery and colonialism among the general population, among other steps.⁹ For more information on reducing inequalities under the 2030 UN Agenda for Sustainable Development under the sustainable development goals 'Reduce inequality within and among countries' (10) and 'Peace, justice and strong institutions' (16), see [Chapter 1](#).

4.1.2. Antisemitism in the EU is widespread and normalised

More than 70 years after the Holocaust, widespread antisemitism affects Jewish people in all areas of life in the EU, as evidenced by FRA's second survey on discrimination and hate crime against Jews in the EU, which was published in 2018. The survey interviewed almost 16,400 Jewish respondents in 12 EU Member States (**Austria, Belgium, Denmark, France, Germany, Hungary, Italy, the Netherlands, Poland, Spain, Sweden** and the **United Kingdom**). These states are home to over 96 % of the EU's estimated Jewish population. The survey findings vary between the Member States; the survey provides both information about countries individually as well as on the EU average. On average, more than one quarter (28 %) of Jewish respondents said they had been harassed at least once in the year preceding the survey because of being Jewish; 34 % said they avoid visiting Jewish events or sites because they do not feel safe; and 38 % say they have considered emigrating because they do not feel safe as Jews.¹⁰ Overall, 70 % of Jewish respondents consider that Member States' efforts to combat antisemitism are not effective. A 2018 CNN poll among more than 7,000 respondents from the general population in **Austria, France, Germany, Hungary, Poland, Sweden** and the **United Kingdom** found that one in three adults (28 %) say Jewish people have too much influence in finance and business across the world, compared with other people.¹¹ The Brussels Institute of the Action and Protection Foundation, a Hungarian Jewish cultural organisation, criticised the findings on **Hungary** and the poll's research method.¹²

"I am really scared about the safety of my child who goes to a Jewish school. Every day I ask myself if I should send him to school somewhere else."

Woman, 30–34 years old, from Belgium, cited in FRA (2018), *Experiences and perceptions of antisemitism – second survey on discrimination and hate crime against Jews in the EU*, Luxembourg, Publications Office

Perpetrators of antisemitism have diverse social statuses and political ideologies, available evidence suggests. When asked to describe the perpetrator of antisemitic harassment, the FRA survey respondents describe someone they do not know (31 %); someone with an extremist Muslim view (30 %); someone with a left-wing political view (21 %); a colleague from work or school/college (16 %); an acquaintance or friend (15 %); and someone with a right-wing political view (13 %). Respondents could select one or more terms to describe the perpetrator, as relevant to the incident they experienced. The findings also show considerable differences in perceptions of the perpetrators between the 12 survey countries.

The Pears Institute for the Study of Antisemitism conducted a research project in 2016–2017 in **Belgium, France, Germany, the Netherlands** and the **United Kingdom**.¹³ It looked at whether or not immigration from the Middle East and North Africa since 2011 has had an impact on antisemitic attitudes and behaviour in Western Europe.¹⁴ While stating that antisemitic attitudes and/or behaviour are disproportionately present among Muslim minorities as well as among people with sympathy for extreme right-wing groups, the project concludes that there is no evidence in any of the countries covered that there is a connection between migrants and the extent and character of antisemitism in Western Europe. Representatives of some Jewish organisations raised concerns about the methodology and the findings of the research.¹⁵

Against this background, the Justice and Home Affairs Council adopted in December 2018 a Declaration against Antisemitism, marking the European Council Conclusions¹⁶ on how to address the growing problem of antisemitism in Europe. On 29 November 2018, the EU acquired Permanent International Partnership with the International Holocaust Remembrance Alliance (IHRA),¹⁷ allowing for closer cooperation on combating Holocaust denial and preventing racism and antisemitism.

In January 2018, the **German** Parliament passed a motion on combatting antisemitism. With this motion the German Parliament condemns all forms of antisemitism and asks the German government to take concrete actions to tackle antisemitism, including by creating a post of an antisemitism commissioner.¹⁸ The first antisemitism commissioner was appointed in April 2018. In June 2018, the **Romanian** parliament unanimously adopted the IHRA working definition of antisemitism, and a bill introducing criminal sanctions

for antisemitic acts.¹⁹ A number of Member States also appointed national envoys on antisemitism.²⁰

4.1.3. Political hate speech fuels violent right-wing extremism

Political hate speech and right-wing extremism targeting Muslims and refugees have become mainstream across the EU. The **Italian** MEP Cecilia Kyenge was subjected to racist insults in 2013 by the Northern League party and is currently facing a defamation case against her by the party and its leader, the Deputy Prime Minister, for accusing the party of racism.²¹ Also in **Italy**, on 2 June 2018, a 29-year-old Malian man, a trade union activist supporting migrant farm workers, was shot to death, just hours after the Deputy Prime Minister, who is also Minister for the Interior, declared: "The party's over for illegals".²² The perpetrator was arrested. Furthermore, the Deputy Prime Minister declared his intention to impose a curfew at 21.00 for all "ethnic shops and activities", suggesting that these kinds of businesses attract drug dealers.²³ The hate crime monitoring organisation Chronicles of Ordinary Racism registered 628 racist incidents in **Italy** in 2018 and 564 in 2017.²⁴ In **Greece**, Racist Crimes Watch recorded 315 incidents in 2017, using open sources, and reported them to the Prosecutor for Racist Crimes in Athens.²⁵ For more information on police and border-control violence against asylum seekers and refugees, see [Chapter 6](#).

Certain political rhetoric and impunity for such speech can fuel neo-Nazism and extremism, according to the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.²⁶ For the first time since 1999, and ahead of the parliamentary election in May 2019, the European Parliament adopted a resolution on neo-fascist violence in Europe.²⁷ The European Parliament expressed concerns about the increasing normalisation of fascism and racism, and highlighted an increase in far-right organised violent actions and sense of impunity. It called on the Member States to condemn hate crime "by politicians and public officials as they directly normalise and reinforce hatred and violence in society".²⁸

According to Europol, an increasing number of small right-wing extremist groups operate across the EU, with a variety of ideologies, ranging from criticism of the political establishment and international organisations to the rejection of asylum policies, migrants, Muslims and members of ethnic minorities or persons with particular political backgrounds.²⁹

In March 2018, a **German** court sentenced seven men and one woman to four to 10 years in jail for founding a far-right terrorist group responsible for attempted murder and bomb attacks on refugee shelters and

politicians.³⁰ In **France**, 10 members of an armed militia, which was preparing to carry out attacks against mosques and random Muslims, were arrested by the General Directorate of Internal Security in June 2018.³¹

In the **United Kingdom**, one person died and 10 were injured after a man who had expressed hatred of Muslims drove a van into a crowd of Muslim worshippers in London on 19 June.³² Against this background, the number of people referred to the 'Prevent' anti-radicalisation programme over suspected far-right extremism increased by 36 % in 2017/2018 from 2016/2017, and referrals over Islamist extremism decreased by 14 % in the same period, according to the Home Office.³³

Germany recorded 286 offences motivated by right-wing extremism related to asylum seekers' accommodation centres in 2017, compared with 907 in 2016, including 42 violent crimes (153 in 2016). One presumed reason for the 2017 decrease is long prison sentences for the perpetrators, according to the Federal Ministry of the Interior report.³⁴ The report also includes crimes committed by the extremist groups *Reichsbürger* ('citizens of the Reich')³⁵ and *Selbstverwalter* ('sovereigns') for the first time in 2017. A total of 911 politically motivated crimes were recorded, of which 783 were categorised as extremist.

In **Poland**, following a TV documentary about Polish neo-Nazis, the prime minister appointed an 'Interministerial team for preventing the propagation of fascism and other totalitarian regimes and crimes of inciting hatred based on national, ethnic, racial or religious differences, or non-belief'.³⁶ The team focuses on problems hindering effective prosecution of such crimes, including existing legislation.

Muslims and especially Muslim women continue to be targeted in Islamophobic attacks, available evidence suggests. In **France**, 69 % of Islamophobic acts concern women as victims, a report by the *Collectif Contre l'Islamophobie en France* revealed.³⁷ In the **United Kingdom**, the 'Tell MAMA' organisation recorded 1,201 verified anti-Muslim incidents in 2017.³⁸ Data collected by the Ministry of Interior show an 18 % decrease in the number of recorded anti-Muslim acts (100 in 2018 compared with 121 in 2017).³⁹ More than two thirds occurred offline (839), which represents a 30 % rise in offline reports compared with 2016 (642). Nearly six in 10 victims were women, and 72 % of the identified perpetrators were white and male. In **Finland**, 1,165 reports classified as suspected hate crimes were

recorded in 2017. Out of all crime reports related to religion or belief (235), 153 (63 %) were against Islam or Muslims.⁴⁰

FRA ACTIVITY

Expanding knowledge on anti-Muslim hatred to foster effective responses

In December 2018, the European Commission organised a high level conference to identify effective responses to persistent intolerance and discrimination against Muslim communities. During the event, FRA's Database 2012-2017 on anti-Muslim hatred was launched. The database provides an easy-to-use overview of information on hate crime, hate speech and discrimination against Muslims across the EU. It brings together research and survey findings and information on significant international, European and national case law.

For more information, see FRA's [webpage on the database](#).

4.2. Lack of policy responses to racism, ethnic discrimination and hate crime

The UN Durban Declaration and Programme of Action, signed in September 2001, emphasises states' responsibility to combat racism, racial discrimination, xenophobia and related intolerance.⁴¹ Examining national strategies for combating racism, xenophobia and other forms of intolerance is one of the aims of the EU's High Level Group on combating racism, xenophobia and other forms of intolerance.

A national action plan against racism, ethnic and racial discrimination and related intolerance can provide the basis for the development of a comprehensive public policy against racial discrimination.⁴² By developing such a plan, Member States demonstrate that they take action to counter the challenges they face in eradicating racism and racial discrimination.

Yet, as last year's Fundamental Rights Report reported, only 15 EU Member States had dedicated action plans against racism, racial/ethnic discrimination and related intolerance in place in 2018 (see [Table 4.1](#)).

Table 4.1: EU Member States with dedicated action plans and strategies against racism, xenophobia and ethnic discrimination in place in 2018

Country code	Name of strategy or action plan in English	Period covered
BE	French-speaking community – Transversal Action Plan to Counter Xenophobia and Discrimination	2014-2019
CZ	Concept on the Fight against Extremism for 2017	2017
DE	National Action Plan to Fight Racism	2017 onwards
	Federal Government Strategy to Prevent Extremism and Promote Democracy	2016 onwards
ES	Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Related Intolerance	2011 onwards
FI	Action Plan against Hate Speech and Hate Crimes	2017 onwards
	National Action Plan on Fundamental and Human Rights	2017-2019
FR	National Plan against Racism and Anti-Semitism, 2018-2020	2018-2020
HR	National Plan for Combating Discrimination	2017-2022
	Action Plan for Implementation of the National Plan for Combating Discrimination	2017-2019
IT	The National Plan of Action against Racism, Xenophobia and Intolerance	2015-2018
LT	The Action Plan for Promotion of Non-discrimination	2017-2019
LV	Guidelines on National Identity, Civil Society and Integration Policy (2012-2018)	2012-2018
NL	National Antidiscrimination Action Programme	2016 onwards
PT	Strategic Plan for Migration	2015-2020
SE	A comprehensive approach to combat racism and hate crime – National plan to combat racism, similar forms of hostility and hate crime	November 2016 onwards
SK	Action Plan for Preventing and Elimination of Racism, Xenophobia, Antisemitism and Other Forms of Intolerance for the Years 2016-2018	2016-2018
UK – Scotland	Race Equality Framework for Scotland 2016-2030	2016-2030
	Race Equality Action Plan	2017-2021
UK – Northern Ireland	Racial Equality Strategy 2015-2025	2015-2025
UK – Wales	Equality Objectives 2016-2020: Working towards a Fairer Wales	2016-2020

Source: FRA, 2018

Besides action plans, in 2018 only a few Member States developed policies to counter hate crime more effectively. They include **Greece**, where the Ministry of Justice signed an inter-agency agreement in June 2018 among the relevant ministries (Citizens' Protection, Immigration Policy and Health) and the NGO Racist Violence Recording Network for a coordinated and holistic approach to combat racist crime.⁴³ In **Spain**, the State Secretariat for Security of the Ministry of the

Interior set up the National Office for Combating Hate Crimes. The office is a coordinating body that provides strategic and technical information for the adoption of public policies in relation to hate crimes.⁴⁴ In **Slovakia**, the National Criminal Agency updated its manual on extremist crime, which provides information on crime and police procedures in investigating it, and issued detailed instructions for other police units on how to deal with these incidents.⁴⁵

FRA ACTIVITY

Assisting national authorities with hate-crime recording

The full implementation of EU law entails ensuring that the police properly identify hate crime victims and record racist motivation at the time of reporting. Doing so will support the investigation and prosecution of hate crime and will provide the basis for victim support. Proper recording of hate crime is still not a reality in many EU Member States, FRA's evidence shows.

Upon request from the Member States, FRA, together with the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR), offers technical assistance to national authorities to improve their ability to record and collect hate crime data and thus provide better support to victims, through national workshops. Between December 2017 and the end of 2018, such workshops took place in **Estonia, Hungary, Lithuania, Poland, Portugal** and **Slovakia**, and more are already scheduled for 2019.

For more information, see FRA's [webpage on the workshops](#). For more information on the Victims' Rights Directive, see [Chapter 9](#).

Promising practice

Understanding the hate-crime reporting gap: presenting police-recorded crime alongside victimisation survey data

In the **United Kingdom**, since 2012, the Home Office hate-crime report has presented the number of hate crimes recorded by the police and the number of hate crimes reported in a representative national victimisation survey. The police recorded a total of 94,098 hate crime offences in 2017/2018 – an increase of 123 % compared with 2012/2013. This increase results from improvements in recording, a larger number of people reporting these crimes to the authorities, as well as spikes following certain events. Still, the Crime Survey for England and Wales (CSEW) of the Office for National Statistics estimates that there are about 184,000 hate incidents a year. Comparing the two numbers allows law enforcement and policymakers to understand the reporting gap – the dark figure of unreported hate crime – and develop measures to address it.

For more information, see [United Kingdom, Home Office \(2018\), Hate Crime, England and Wales, 2017/18](#).

4.3. Gaps in national legislation on combating hate crime and hate speech

The Framework Decision on Racism and Xenophobia establishes legally binding minimum standards in the EU for criminal law definitions and deterrent criminal sanctions to counteract severe forms of racism and xenophobia. Yet, 10 years after its adoption, a number of Member States have not fully and correctly incorporated into national law its provisions on the offences of denying, condoning and grossly trivialising certain crimes, reports by the European Commission⁴⁶ and international monitoring bodies show.

The European Commission in 2018 continued discussions with Member States authorities in view of ensuring the correct transposition and implementation of the Framework Decision on Racism and Xenophobia. In the same spirit, the EU High Level Group on combating racism, xenophobia and other forms of intolerance has adopted a guidance note to help national authorities address common issues of practical application of the framework decision and ensure effective investigation, prosecution and sentencing of hate crime and hate speech on the ground.⁴⁷

International human rights monitoring bodies reiterated their concerns about existing gaps in national criminal codes in addressing hate crime and hate speech. ECRI expressed its concerns that criminal codes in **Sweden**⁴⁸ and **Malta**⁴⁹ do not contain provisions that criminalise "the creation or leadership of a group which promotes racism or support for such a group"⁵⁰ and "participation in its activities". ECRI also called on **Portugal**⁵¹ to establish racist, homophobic or transphobic motives as aggravating circumstances for any offences. Similarly, it called on the **Maltese**⁵² authorities to add to their criminal codes the following offences: "incitement to discrimination; defamation; public dissemination, public distribution, production or storage, with a racist aim, of written, pictorial or other material".⁵³ In addition, ECRI recommended that the **Croatian**⁵⁴ authorities "criminalise the production and storage of written, pictorial or other material containing racist manifestations".⁵⁵

At the European level, two important court decisions in 2018 reinforced the duty of the national authorities to investigate bias motivation behind a crime and clarified what kind of statements constitute incitement to hatred and insult.

In *Lakatošová and Lakatoš v. Slovakia*,⁵⁶ the ECtHR found a violation of Article 14 (prohibition of discrimination) read in conjunction with Article 2 (right to life) of the ECHR. The case concerned a shooting spree by an off-duty police officer at a Roma family's home, in which the applicants were seriously injured and three members of their family were killed. Despite indications of a possible racist motive for the crime, the offender was prosecuted for premeditated murder and ultimately given a reduced sentence of nine years' imprisonment owing to "diminished soundness of mind". The ECtHR found that the authorities breached the State's procedural obligation to carry out an effective investigation by failing to examine a possible racist motive for the assault despite "powerful racist" indicators. The court also found that the national courts failed to remedy in any way the limited scope of both the investigation and prosecution.

In *E.S. v. Austria*,⁵⁷ the ECtHR ruled in favour of the **Austrian** Supreme Court, which found that the interference with the applicant's right to freedom of expression was justified and in balance with the principles developed under Article 9 (freedom of religion) and Article 10 (freedom of expression) of the ECHR. The case concerned several seminars entitled 'Basic information on Islam' held at the Freedom Party Institute. During two of these seminars, the applicant had linked Muhammad's marriage to Aisha, a six-year-old girl, to paedophilia. As a result of these statements, the applicant was convicted of disparaging religion pursuant to the Austrian Criminal Code and ordered to pay a moderate fine. The ECtHR upheld the domestic courts' assessment of the case and held that the applicant's comments had not been phrased in a neutral manner, nor had they been objective and based on facts, and they had had no intention of promoting a public debate on child marriages. It found no violation of Article 10.

FRA ACTIVITY

Outlining recent ECtHR case law relating to hate crime

In 2018, FRA published a paper aiming to assist national authorities when dealing with hate crime. The paper discusses the evolution of ECtHR case law relating to hate crime, providing an update on the most recent rulings. Approaching hate crime from a fundamental rights perspective, it shows how state authorities' duty to effectively investigate the bias motivation of crimes flows from key human rights instruments, such as the ECHR.

For more information, see FRA (2018), [Unmasking bias motives in crimes: selected cases of the European Court of Human Rights](#).

4.4. Curbing hate speech online

On the internet, fundamental rights can be violated and crimes can be committed with real consequences for victims. For example, the vast majority (85 %) of Jews in the EU perceive antisemitism as a very big or fairly big problem, FRA's survey on experiences of Jewish people in the EU reveals. Of the many ways in which it can manifest itself, 89 % of respondents stressed antisemitism on the internet and on social media as a very big or fairly big problem.⁵⁸ Respondents most commonly come across statements they consider antisemitic online (80 %), followed by media other than the internet (56 %) and at political events or in social situations (48 % and 47 %, respectively).

"The survey asks if I have personally been a victim of antisemitism, which I have not, but I feel it's important to add that I have a strong feeling of unease at the moment regarding the level of antisemitism in the media and online which makes me feel unsafe."

Woman, 40-44 years old, United Kingdom, cited in FRA (2018), [Experiences and perceptions of antisemitism – second survey on discrimination and hate crime against Jews in the EU](#), Luxembourg, Publications Office

Online hate speech can correlate with occurrences of actual racist crimes and harassment. For example, there is a strong association between right-wing, anti-refugee sentiment on **German** social media sites and violent crimes against refugees, research by the University of Warwick found. Using data from the Facebook page of the Alternative for Germany (AfD) party and statistics on anti-refugee incidents collected by civil society organisations, the study shows that for every four additional Facebook posts critical of refugees there was one additional anti-refugee incident.⁵⁹

In January, the European Commission disclosed the results of the third monitoring exercise on the implementation of the Code of Conduct against online hate speech.⁶⁰ For example, on average, IT companies removed 70 % of the illegal hate speech of which they were notified, compared with removal rates of 59 % in the second monitoring exercise (May 2017) and 28 % in the first (2016).

Following the 2017 Communication on tackling illegal content online, in March 2018 the Commission issued a Recommendation on measures to effectively tackle illegal content online.⁶¹ The recommendation asks the online platforms to take greater responsibility for the control of online content and outlines a concrete set of operational measures to enhance detection and removal of illegal content.

In November 2018, the Council of the EU adopted a directive modifying the Audiovisual Media Services Directive from 2010.⁶² The revised directive reflects new challenges connected to video-sharing platforms, in particular, with harmful content and hate speech on them. These platforms, and social media used for sharing videos, will for the first time be subject to rules protecting minors from harmful content. The directive also requires video-sharing platforms to take appropriate measures to protect their users from incitement to violence and hatred.

In **Germany**, Facebook deleted hundreds of offensive posts after a law banning online hate speech,⁶³ and laying down fines of up to € 50 million for failure to comply, came into force in 2017.⁶⁴ Blocked posts covered a range of alleged offences under Germany's criminal code, including insult, defamation, incitement to hatred and incitement to crime. In **Austria**, the Federal Minister for Constitutional Affairs, Reforms, Deregulation and Justice concluded an agreement pursuant to which Facebook will check notifications of illegal content regarding hate speech within 24 hours and will remove or lock down such content.⁶⁵

Promising practice

Fostering training and networks to address hate crime and hate speech

The **Finnish** Ministry of Justice has implemented an EU-funded project called 'Against hate'. Other participants are Victim Support Finland and three Croatian civil society organisations: Human Rights House Zagreb, the Centre for Peace Studies, and the civil society organisation GONG. The project focuses on development of hate crime reporting, enhancement of the capacity of police, prosecutors and judges to act against hate crime and hate speech, and development of support services for victims of hate crime. This includes training judges, prosecutors and police; establishing networks to enhance cooperation between public authorities and civil society organisations in two cities; and collecting information based on hate crime victims' experiences.

For more information, see Finland, Ministry of Justice, Against hate - projekti.

The Council of Europe's Counter-Terrorism Strategy,⁶⁶ published in June 2018, stresses that any measure taken to remove or restrict illegal content must be done with full respect for human rights and fundamental freedoms, including freedom of expression. The civil society organisations European Network Against Racism and European Digital Rights suggested four "principles for efficient and restorative solutions" for taking a human rights perspective to dealing with illegal content online.⁶⁷ These include predictability

and accountability; assessment; and review processes for any measure applied.

4.5. Rights awareness crucial for implementation of Racial Equality Directive

The Racial Equality Directive contains key legal provisions to ensure that the persons concerned know about their rights to equal treatment.⁶⁸ It also includes a duty for Member States to establish or designate an equality body.⁶⁹ Yet, 18 years after its adoption, ethnic minority groups tend to have limited awareness of equality bodies, and incidents of discrimination remain largely unreported, FRA survey data show. The European Commission continued to closely monitor the implementation of the directive in 2018. Meanwhile, infringement proceedings concerning discrimination against Roma children in education have been ongoing in **Czechia, Hungary and Slovakia**. For more information, see [Chapter 5](#) on Roma integration.

The European Commission also adopted a Recommendation on Standards for Equality Bodies. The instrument aims to improve the equality bodies' independence and effectiveness, and encourages Member States to enable equality bodies to raise awareness both of the bodies' existence and of the content of anti-discrimination rules and of how to seek redress.⁷⁰

Equality bodies are crucial in helping ethnic minorities to access justice and seek redress. Yet, overall, only 46 % of the 5,803 respondents of African descent involved in FRA's EU-MIDIS II survey said they knew of at least one equality body in the country they live in, with notable differences between countries, as reported in the FRA publication *Being black in the EU*. The highest levels of awareness of such bodies are in Ireland (67 %), the United Kingdom (65 %) and Denmark (62 %), and the lowest in Malta (9 %), Luxembourg (12 %), Italy (19 %) and Austria (20 %).⁷¹

► For more information on equality bodies, see [Chapter 3](#) on Equality and non-discrimination.

Awareness of equality bodies and antidiscrimination legislation can affect the reporting of discrimination. So can the level of education.⁷² Overall, only 16 % of respondents of African descent who felt racially or ethnically discriminated against reported or made a complaint about the most recent incident they experienced, *Being black in the EU* reveals. The reporting rate is 8 % among those who completed no more than lower secondary education, 17 % for those with upper secondary education and 21 % for those

who completed tertiary education.⁷³ On average, 79 % of respondents of African descent are aware of anti-discrimination legislation in their countries of residence prohibiting discrimination based on skin colour, ethnic origin or religion. The highest awareness rate is in the United Kingdom (87 %) and the lowest in Malta (18 %). Incidents of discrimination remain largely unreported and therefore invisible to institutions that have a legal obligation to respond to discrimination complaints, these findings show.

4.6. Stepping up efforts to counter discriminatory profiling

Discriminatory ethnic or racial profiling was identified as an issue in previous FRA fundamental rights reports. It remained a serious concern across the EU in 2018. Such profiling can undermine trust in law enforcement among persons with ethnic minority backgrounds, who may frequently find themselves stopped and searched for no reason other than their appearance.

In **Belgium**, Amnesty International interviewed over 48 police officers and officials applying qualitative research methodology in nine local police zones about discriminatory practices during policing and identity checks. Half of the police officers believe that ethnic profiling happens and they often lack the tools to avoid it or prevent it, the research findings reveal. There is no clear and coherent policy on identity checks, according to the interviewees, as there are no guidelines, instructions, training or monitoring on identity checks.⁷⁴ In **Finland**, a study examined the prevalence, interpretations and forms of ethnic profiling in the cities of Turku and Helsinki between 2015 and 2017.⁷⁵ It combined several kinds of quantitative and qualitative methods. Out of the 185 interviewees, 145 had ethnic minority backgrounds and were interviewed about their experiences of ethnic profiling. The other interviewees were 26 police officers and 14 other officials. Most of the interviewees with ethnic minority backgrounds reported that the stops and searches were unpleasant, annoying or humiliating experiences. Ethnic profiling is especially detrimental to trust in authorities and to the sense of belonging to Finland, the research findings reveal.

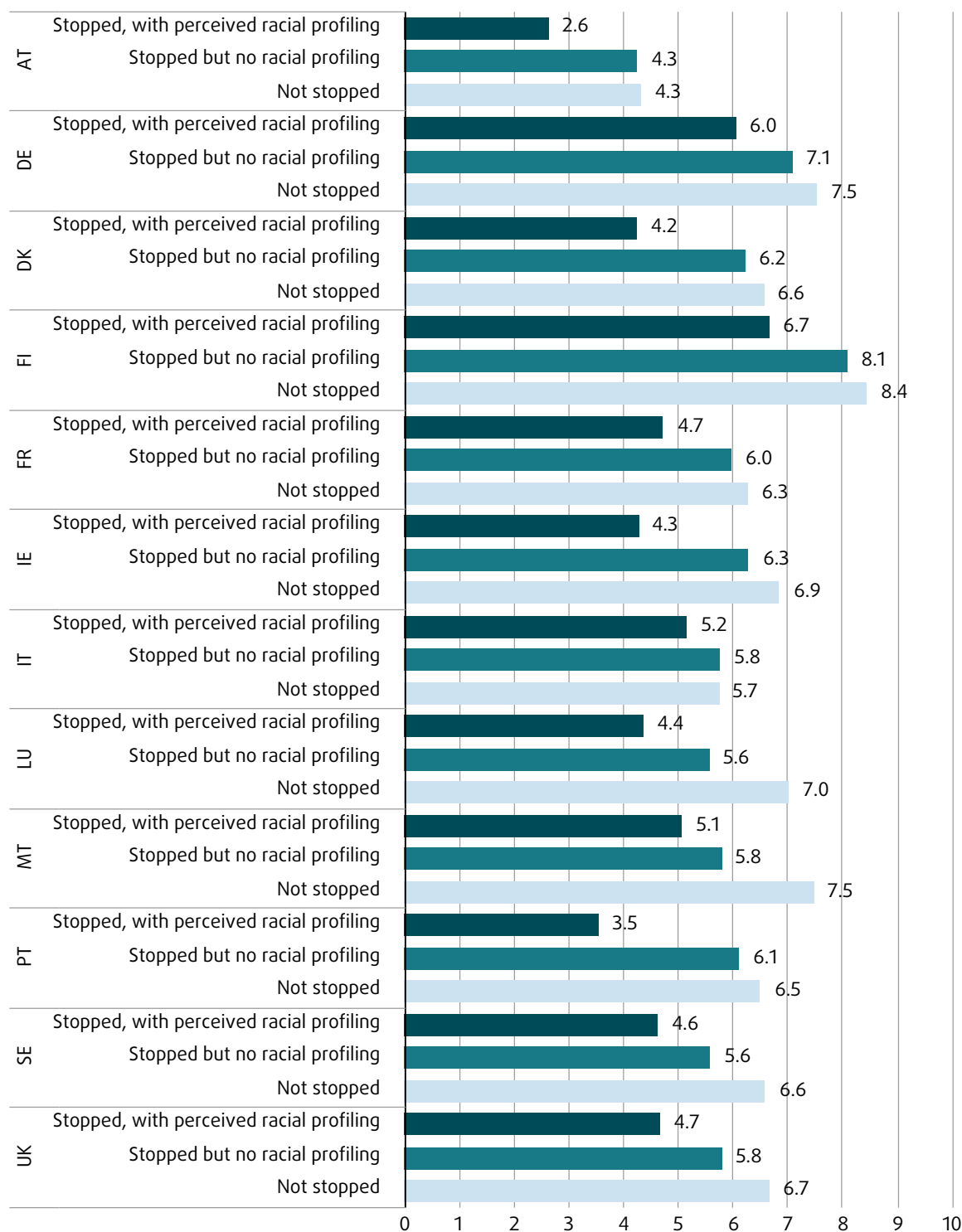
Still in **Finland**, young Roma have little trust in the police and they experience frequent discrimination, the findings of an online survey revealed.⁷⁶ "To be stopped frequently by the police produces a feeling of being treated as a potential perpetrator for no reason", according to the results of a qualitative study in **Sweden** based on interviews with police officers and with individuals who have been subjected to ethnic profiling.⁷⁷

Likewise, people of African descent have less trust in law enforcement when they are stopped by the police and experience racial profiling, the FRA report *Being black in the EU* shows.⁷⁸ A quarter (24 %) of all persons of African descent surveyed were stopped by the police in the five years before the survey. Among these, four in 10 characterised the most recent stop as racial profiling (41 %). Men of African descent are three times more likely to be stopped (22 %) than women (7 %), and they are more likely to consider the most recent stop racial profiling (44 %) than women are (34 %). Overall, respondents of African descent rate their trust in the police at 6.3 on a scale from 0 to 10, where 0 means 'no trust at all' and 10 indicates 'complete trust'. The lowest average level of trust in the police is found in Austria (3.6), where the majority of the respondents also consider that the most recent police stop they experienced was racial profiling (see [Figure 4.1](#)).

The **German** government analysed 28 official complaints in relation to ethnic profiling from 1 January 2017 to 30 April 2018. Nineteen complaints were dismissed as unfounded, seven cases are still being investigated, and two were found to be justified.⁷⁹ The **Dutch** police registered 46 complaints about ethnic profiling in 2017.⁸⁰ The police handled 38 in line with the formal complaints procedure, which aims to conclude a complaint to the satisfaction of the citizen. During this procedure, the police officer and the person who filed the complaint talk to each other. When the conversation between the two parties is satisfactory, the procedure is completed. In 2017, 31 complaints were dealt with following this procedure. If people are not satisfied with this solution, an independent complaints committee hears the complainant and the relevant police officer. The committee then advises the police chief about the settlement of the complaint. In 2017, one complaint was dealt with satisfactorily in phase two. Five complaints are still pending and one has been suspended because additional research was needed.

In the **United Kingdom**, individuals from black and minority ethnic groups are four times more likely to be stopped than those who are white, the Home Office's latest statistics show. In particular, black individuals are over nine times more likely to be stopped than those who are white.⁸¹ Similarly, black people were stopped and searched for drugs at almost nine times the rate of white people, research findings show, while Asian people and those in the 'mixed' group were stopped and searched for drugs at almost three times the rate of white people. The 'find' rate for drugs is also lower for black than white people, suggesting that such searches are carried out on black people on the basis of weaker grounds.⁸²

Figure 4.1: Levels of trust in the police, and experiences with police stops among persons of African descent, by country ^{a,b,c,d}



Notes: ^a Average values on a scale ranging from 0 to 10.

^b Out of all respondents of African descent (n = 5,539); weighted results.

^c Results based on a small number of responses are statistically less reliable. Thus, results based on 20 to 49 unweighted observations in a group total or based on cells with fewer than 20 unweighted observations are noted in parentheses. Results based on fewer than 20 unweighted observations in a group total are not published.

^d Question: "Please tell me on a scale of 0-10 how much you personally trust each of the [COUNTRY] institutions I read out. 0 means you do not trust an institution at all, and 10 means you have complete trust."

Source: FRA, EU-MIDIS II (2016)

Promising practice

'Stop Stopping Me' campaign

SOS Racisme Catalunya runs the 'Stop Stopping Me' campaign to bring to light ethnic profiling during police identity checks. SOS Racisme Catalunya created a database of potential cases of ethnic profiling by inviting people to fill in an anonymous questionnaire on the campaign website. The organisation also published a practical guide about what to do when one is profiled, and provides legal counselling for victims of ethnic profiling.

For more information, see the [Parad de Parme website](#).

In **Germany**, a plaintiff claimed that the police checked his identity due to his skin colour. The Higher Administrative Court of North Rhine-Westphalia found that the police officers acted unlawfully when checking the plaintiff's identification documents for a second time in the police station. The court stressed that skin colour cannot be a basis for treating a suspect differently from others. It ruled that the accused policemen had to pay all the costs incurred by both parties.⁸³

FRA ACTIVITY

Producing guidance on how to prevent unlawful profiling

In December 2018, FRA published its updated guide on profiling. This practical guide explains what profiling is, the legal frameworks that regulate it, and why conducting profiling lawfully – which means not stopping someone solely on the grounds of their race, for example – is not only necessary to comply with fundamental rights, but also crucial for effective policing and border management. The guide also provides practical guidance on how to avoid unlawful profiling in police and border management operations. It is primarily designed for those responsible for training law enforcement and border management officials.

For more information, see FRA (2018), [Preventing unlawful profiling – today and in the future: a guide](#), Luxembourg, Publications Office.

Training for police officers is an important tool in minimising the risk of unlawful profiling. Several countries – including **Finland**,⁸⁴ **Hungary**,⁸⁵ **Italy**,⁸⁶ **Portugal**,⁸⁷ **Slovakia**⁸⁸ and **Slovenia**⁸⁹ – have implemented educational measures and training aimed at raising human rights awareness among law enforcement officials. These include initiatives to counter racism and ethnic discrimination and on policing diverse societies.

FRA opinions

Article 4 (a) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) obliges States Parties to declare that incitement to racial discrimination and acts of violence against any race or group of persons are offences punishable by law. Article 1 of the Framework Decision on Racism and Xenophobia outlines measures that Member States are to take to punish intentional racist and xenophobic conduct. Article 4 further requires bias motivation to be considered an aggravating circumstance or taken into consideration by the courts in determining the penalties imposed on offenders. The Victims' Rights Directive requires that victims of hate crime receive an individual assessment to identify their specific support and protection needs (Article 22). The implementation of EU law entails ensuring that the police identify hate crime victims and record the racist motivation at the time of reporting.

In 2018, FRA survey data remained the main source for understanding the prevalence and forms of hate victimisation in many EU Member States and across the EU. Racist harassment and violence are common occurrences in the EU that remain invisible in official statistics, and Member States lack the tools and skills to record hate crime properly and systematically, FRA's 2018 surveys on the victimisation of people of African descent and of Jewish persons both found.

FRA opinion 4.1

EU Member States should ensure that any alleged hate crime, including illegal forms of hate speech, is effectively recorded, investigated, prosecuted and tried. This needs to be done in accordance with applicable national, EU, European and international human rights law.

EU Member States should make further efforts to systematically record, collect and publish annually data on hate crime to enable them to develop effective, evidence-based legal and policy responses to this phenomenon. Any data should be collected in accordance with national legal frameworks and EU data protection legislation.

Article 10 of the Racial Equality Directive stresses the importance of dissemination of information to ensure that the persons concerned know of their right to equal treatment. In addition, Article 13 of the directive establishes the obligation to designate national

bodies for the promotion of equal treatment; these have the tasks of providing assistance to victims of discrimination, conducting research on discrimination, and making recommendations on how to address discrimination. However, members of ethnic minority groups tend to have very limited awareness of equality bodies, and incidents of discrimination remain largely unreported, evidence collected by FRA indicates.

FRA opinion 4.2

EU Member States should ensure that equality bodies can fulfil their tasks, as assigned by the Racial Equality Directive, by supporting them in raising public awareness of their existence, of the anti-discrimination rules in force, and of ways to seek redress. This can help strengthen the role of equality bodies in facilitating the reporting of ethnic and racial discrimination by victims.

In 2018, only 15 EU Member States had dedicated national action plans in place to fight racial discrimination, racism and xenophobia. The UN Durban Declaration and Programme of Action resulting from the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance underlines State Parties' primary responsibility to combat racism, racial discrimination, xenophobia and related intolerance. The EU High Level Group on combating racism, xenophobia and other forms of intolerance provides Member States with a forum for exchanging practices to secure the successful implementation of such action plans.

FRA opinion 4.3

EU Member States should develop dedicated national action plans to fight racism, racial discrimination, xenophobia and related intolerance. In this regard, EU Member States could draw on the practical guidance offered by the Office of the United Nations High Commissioner for Human Rights on how to develop such plans. In line with this guidance, such action plans would set goals and actions, assign responsible state bodies, set target dates, include performance indicators, and provide for monitoring and evaluation mechanisms. Implementing such plans would provide EU Member States with an effective means of ensuring that they meet their obligations under the Racial Equality Directive and the Framework Decision on Combating Racism and Xenophobia.

Members of ethnic minority groups continue to face discriminatory ethnic profiling by the police, evidence from EU-MIDIS II and findings of research in a number of Member States show. Such profiling can undermine their trust in law enforcement. This practice contradicts the principles of ICERD and other international standards, including those embodied in the ECHR and related jurisprudence of the ECtHR, as well as the EU Charter of Fundamental Rights and the Racial Equality Directive.

FRA opinion 4.4

EU Member States should develop specific, practical and ready-to-use guidance to ensure that police officers do not conduct discriminatory ethnic profiling in the exercise of their duties. As noted in FRA's guide on preventing unlawful profiling, such guidance should be issued by law enforcement authorities, or included in standard operating procedures of the police or in codes of conduct for police officers. Member States should systematically communicate such guidance to frontline law enforcement officers.

Index of Member State references

AT	86, 89, 90, 95, 96, 97, 105
BE	90, 91, 97, 106
BG	103
CZ	86, 96
DA	90
DE	89, 90, 91, 92, 95, 96, 97, 99, 103, 104, 105, 106
DK	89, 90, 96
EL	86, 91, 93, 104, 105
ES	86, 90, 93, 105
ET	86, 94
FI	89, 92, 96, 97, 99, 106
FR	89, 90, 91, 92, 93, 104
HR	86, 96, 105
HU	86, 90, 94, 96, 99
IE	89, 90, 93, 96, 103
IT	89, 90, 91, 96, 99, 103
LT	94
LU	89, 91, 95, 96, 99, 103, 105, 106
LV	86
MT	86, 89, 96, 97, 105
NL	90, 91, 97, 106
PL	86, 90, 92, 94, 104
PT	86, 89, 90, 94, 99, 105
RO	91, 103
SK	86, 93, 94, 95, 96, 105
SL	106
SV	86, 89, 90, 97, 103, 105, 106
UK	89, 90, 91, 92, 94, 95, 96, 97, 103, 104, 106



Endnotes

- 1 European Union Agency for Fundamental Rights (FRA) (2018) *EU-MIDIS II: Second European Union Minorities and Discrimination Survey – Being Black in the EU*, Luxembourg, Publications Office.
- 2 Al Jazeera (2018), 'Italian sentenced to 12 years for shooting of African migrants'.
- 3 For how to use the data for reporting on progress made in reaching Sustainable Development Goal (SDG) 10 on reducing inequalities and SDG 16 on peace, justice and strong institutions, see [Chapter 1](#).
- 4 Government of the United Kingdom, Department for Business, Energy & Industrial Strategy (2018), *The Scorecard Report 2018 – Race At Work 2018: The McGregor-Smith Review one year on*, July 2018.
- 5 McGinnity F., Grotti, R., Groarke S. and Coughlan S., Irish Human Rights and Equality Commission, Economic & Social Research Institute (2018), *Ethnicity and Nationality in the Irish Labour Market*, 2018.
- 6 Sweden, Wolgast, S. Molina, I. and Gardell, M., County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) (2018), *Anti-Black Racism and Discrimination in the Labour Market (Antisvart rasism och diskriminering på arbetsmarknaden)*, Report 2018:22, 16 November 2018.
- 7 McGinnity F., Grotti, R., Russell, H. and Fahey, É., Irish Human Rights and Equality Commission, Economic & Social Research Institute (2018), *Attitudes to Diversity in Ireland*, March 2018.
- 8 European Parliament (2018), 'Stop racism and discrimination against Afro-European people in the EU, urge MEPs', Press Release, 20181210IPR21420, 11 December 2018.
- 9 European Commission, EU High Level Group on combating racism, xenophobia and other forms of intolerance (2018), *Conclusion paper on Afrophobia: acknowledging and understanding the challenges to ensure effective responses*, November 2018.
- 10 FRA (2018), *Experiences and perceptions of antisemitism – second survey on discrimination and hate crime against Jews in the EU*, Luxembourg, Publications Office, 2018.
- 11 Results of the 2018 CNN poll are available on [CNN's website](#).
- 12 Róna, Dániel, Brussels Institute Nonprofit Ltd. (2018), *Antisemitic hate crimes and incidents report (Antiszemita Gyulolelet-Buncselekmények es incidensek)*, 2018.
- 13 The research is based on a review of selected quantitative and qualitative resources published by inter-governmental organizations, national governments, academia and civil society organisations. The researchers conducted interviews with some actors, including representatives of Jewish and refugee/migrant organisations.
- 14 Feldman, D. (2018), *Antisemitism and Immigration in Western Europe Today – is there a connection?*, Berlin and London, Foundation 'Remembrance, Responsibility and Future' (EVZ) and Pears Institute for the study of Antisemitism, April 2018.
- 15 For example, the Director of international Jewish affairs of the American Jewish Committee, Rabbi Baker, A. (2018), 'A recent study into rising antisemitism in Europe ignores the role of Muslim migrants', the Jewish Chronicle, 24 May 2018.
- 16 Council of the European Union (2018), *Council Declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe*, 15213/18, Brussels, 6 December 2018; European Council (2018), *European Council conclusions*, IV. Other items – Fight against racism and xenophobia, EUCO 17/18, Brussels, 14 December 2018.
- 17 European Commission (2018), 'EU steps up its international cooperation to tackle Holocaust Denial and Antisemitism', Press Release, MEX/18/6625, 29 November 2018.
- 18 Germany, German Bundestag (*Deutscher Bundestag*) (2018), *Motion tabled by the CDU/CSU, SPD, FDP and Alliance 90/The Greens parliamentary groups (Antrag der Fraktionen CDU/CSU, SPD, FDP und Bündnis 90/Die Grünen Antisemitismus entschlossen bekämpfen)*, 16 January 2018.
- 19 Romania, Law No.157/2018 on several measures to prevent and combat anti-Semitism (*Legea nr. 157/2018 privind unele măsuri pentru prevenirea și combaterea antisemitismului*), 2 July 2018.
- 20 Germany, Sweden, Bulgaria, Czech Republic.

- 21 European Parliament Anti-Racism and Diversity Intergroup (ARDI) (2018), [‘Letter to The Guardian about defamation charges against Cecile Kyenge’](#), Open Letter, 7 November 2018.
- 22 Matteo Salvini’s Official Facebook Page (2018), [‘The party is over! \(La pacchia è finita!\)’](#), post, 20 November 2018.
- 23 Matteo Salvini’s Official Facebook Page (2018), [‘Jobs, taxes, pensions, security: bureaucrats and professors against the government but we pull straight! #primagliitaliani Live from the rooftops of Rome. \(Lavoro, tasse, pensioni, sicurezza: burocrati e professoroni contro il governo ma noi tiriamo dritto! #primagliitaliani In diretta dai tetti di Roma.\)’](#), video, 11 October 2018.
- 24 Lunaria (2018), [Cronachediordinariorazzismo.org](#).
- 25 Greek Helsinki Monitor (GHM), Racist Crimes Watch (2018), [‘Greece: Hate crime report for 2017’](#), 14 May 2018.
- 26 United Nations (UN), General Assembly (2018), [Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance](#), A/73/305, 6 August 2018.
- 27 European Parliament (2018), [European Parliament resolution of 25 October 2018 on the rise of neo-fascist violence in Europe \(2018/2869\(RSP\)\)](#), P8_TA(2018)0428, Strasbourg.
- 28 *Ibid.*
- 29 European Union Agency for Law Enforcement Cooperation (Europol) (2018), [European Union terrorism situation and trend report 2018 \(TESAT 2018\)](#).
- 30 Dresden Higher Regional Court (*Oberlandesgericht Dresden*), [‘Urteil im Strafverfahren gegen die “Gruppe Freital” verkündet’](#), Judgment of 7 March 2018, No. 4 St 1/16, Press release, 7 March 2018.
- 31 France, Ministry of Interior (2018), [‘Interpellation d’individus liés à l’ultra-droite soupçonnés de préparer un passage à l’acte’](#), Press release, 24 June 2018.
- 32 The United Kingdom, The Crown Prosecution Service (CPS) (2018), [The Counter-Terrorism Division of the Crown Prosecution Service \(CPS\) - Successful prosecutions since 2016](#).
- 33 The United Kingdom, Home Office (2018), [Individuals referred to and supported through the Prevent Programme, April 2017 to March 2018](#), Crown, 2018.
- 34 Germany, Federal Ministry of the Interior, Building and Community (*Bundesministerium des Innern, für Bau und Heimat*) (2018), [Brief summary 2017 Report on the Protection of the Constitution Facts and Trends](#), Berlin, Federal Ministry of the Interior, Building and Community, 2018.
- 35 Germany, Federal Office for the Protection of the Constitution (*Bundesamt für Verfassungsschutz*), [Was sind „Reichsbürger“ und „Selbstverwalter“?](#).
- 36 Poland, Prime Minister’s Order no. 24 on establishing Inter-Ministerial Team for Preventing the Propagation of Fascism and Other Totalitarian Regimes and Crimes of Inciting Hatred Based on National, Ethnic, Racial or Religious Differences, or Non-belief (*Zarządzenie nr 24 Prezesa Rady Ministrów z dnia 20 lutego 2018 r. w sprawie Międzyresortowego Zespołu do spraw przeciwdziałania propagowaniu faszyzmu i innych ustrojów totalitarnych oraz przestępstwom nawoływania do nienawiści na tle różnic narodowościowych, etnicznych, rasowych, wyznaniowych albo ze względu na bezwyznaniowość*), 20 February 2018.
- 37 Collectif Contre l’Islamophobie en France (2018), [Rapport CEIF 2018 – Rapport sur l’Islamphobie pendant l’année 2017: dates, chiffres et questions](#), 4 April 2018.
- 38 Tell MAMA (2018), [Beyond the Incident – Outcomes for Victims of Anti-Muslim Prejudice: Executive Summary](#), London, Faith Matters, 23 July 2018.
- 39 France, Ministry of Interior, National Consultative Commission on Human Right (*Commission nationale consultative des droits de l’homme (CNCDH)*) (2018), [Report on combating racism, anti-Semitism and xenophobia \(Rapport sur la lutte contre le racisme, l’antisémitisme et la xénophobie\)](#), 22 March 2018.
- 40 Rauta, J. (2018), [Poliisin tietoon tullut viharikollisuus Suomessa 2017](#), Tampere, [Poliisiammattikorkeakoulun raportteja 131](#), 2018.
- 41 United Nations (UN) (2001), [Durban Declaration and Programme of Action](#) from the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 31 August–8 September 2001.
- 42 UN, Office of the High Commissioner for Human Rights (OHCHR) (2014), [Developing National Action Plans against Racial Discrimination: A Practical Guide](#).



- 43 OSCE, ODIHR (2018), *Agreement on inter-agency co-operation on addressing racist crimes in Greece* designed as part of “Building a Comprehensive Criminal Justice Response to Hate Crime” project funded by the EU (2017-2019), 6 June 2018.
- 44 Spain, Ministry of Interior (*Ministerio del Interior*), *Instruction 1/2018 of 5 February 2018, of the State Secretariat for Security establishing the National Office for Combating Hate Crimes (Instrucción núm. 1/2018, de la Secretaría de Estado de Seguridad, por la que se Crea la Oficina Nacional de Lucha contra los Delitos de Odio)*.
- 45 Email communication from the Ministry of Interior of the Slovak Republic.
- 46 European Commission, *REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the implementation of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law*, COM/2014/027 final (2014), 27.01.2014.
- 47 European Commission, EU High Level Group on combating racism, xenophobia and other forms of intolerance (2018), *Guidance note on the practical application of council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law*, November 2018.
- 48 Council of Europe, European Commission against Racism and Intolerance (ECRI) (2018), *ECRI Report on Sweden (fifth monitoring cycle)*, Strasbourg, Council of Europe, 27 February 2018.
- 49 Council of Europe, ECRI (2018), *ECRI Report on Malta (fifth monitoring cycle)*, Strasbourg, Council of Europe, 15 May 2018.
- 50 ECRI recommended to criminalise support for groups that promote racism. Council of Europe, ECRI (2018), *ECRI Report on Spain (fifth monitoring cycle)*, Strasbourg, Council of Europe, 28 February 2018.
- 51 Council of Europe, ECRI (2018), *ECRI Report on Portugal (fifth monitoring cycle)*, Strasbourg, Council of Europe, 2 October 2018.
- 52 Council of Europe, ECRI (2018), *ECRI Report on Malta (fifth monitoring cycle)*, Strasbourg, Council of Europe, 15 May 2018.
- 53 *Ibid.*
- 54 Council of Europe, ECRI (2018), *ECRI Report on Croatia (fifth monitoring cycle)*, Strasbourg, Council of Europe, 15 May 2018.
- 55 *Ibid.*
- 56 ECtHR, *Lakatošová and Lakatoš v. Slovakia*, No. 655/15, 11 December 2018.
- 57 ECtHR, *E.S. v. Austria*, No. 38450/12, 25 October 2018.
- 58 FRA (2018), *Experiences and perceptions of antisemitism – second survey on discrimination and hate crime against Jews in the EU*, Luxembourg, Publications Office, 2018.
- 59 Müller, K. and Schwarz, C. (2018), ‘Fanning the Flames of Hate: Social Media and Hate Crime’, November 30, 2018.
- 60 European Commission (2018), *Results of Commission’s last round of monitoring of the Code of Conduct against online hate speech*, Press release, 19 January 2018.
- 61 European Commission (2018), *Countering illegal hate speech online #NoPlace4Hate*, Press release, 15 January 2019.
- 62 Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities, OJ 2018 L 303.
- 63 Germany, *Act to Improve Enforcement of the Law in Social Networks (Network Enforcement Act) (Gesetz zur Verbesserung der Rechtsdurchsetzung in sozialen Netzwerken (Netzwerkdurchsetzungsgesetz – NetzDG))*, 1 October 2017.
- 64 Facebook (2018), *NetzDG Transparency Report*, July 2018.
- 65 Austria, Federal Minister of Constitutional Affairs, Reforms, Deregulation and Justice (*Der Bundesminister für Verfassung, Reformen, Deregulierung und Justiz*), ‘Anfragebeantwortung’ 348/AB, 26 April 2018.

- 66 Council of Europe, Committee of Ministers (2018), [Council of Europe Counter-Terrorism Strategy \(2018-2022\)](#), 4 July 2018.
- 67 European Network Against Racism (ENAR) and European Digital Rights (EDRI) (2018), [Tackling illegal content online: principles for efficient and restorative solutions](#), 20 June 2018.
- 68 See Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, L 180/22, 19.07.2000, Art. 10.
- 69 *Ibid.*, Art. 13.
- 70 European Commission (2018), [Commission Recommendation \(EU\) 2018/951 of 22 June 2018 on standards for equality bodies](#), OJ L 167, 4.7.2018, p. 28.
- 71 FRA (2018), [Second European Union Minorities and Discrimination Survey – Being Black in the EU](#), Luxembourg, Publications Office, 2018.
- 72 *Ibid.*
- 73 *Ibid.*
- 74 Amnesty International Belgium (2018), [You never know with people like you – Police policy to prevent ethnic profiling in Belgium \(Je weet nooit met mensen zoals jij – politiebeleid ter preventie van etnisch profileren in België / On ne sait jamais, avec des gens comme vous – politiques policières de prévention du profilage ethnique en Belgique\)](#), May 2018, p. 45.
- 75 Keskinen. S. et al. (2018), [The Stopped – Ethnic Profiling in Finland](#), Helsinki, Swedish School of Social Science, University of Helsinki, 2018.
- 76 Kulmanen, K. (2018), [‘Nuori Romani, luotatko poliisiin?’](#), Suomen Romaniyhdistys ry, November 2018.
- 77 Department of Criminology, Stockholm University (*Kriminologiska institutionen, Stockholms universitet*) (2017), [Report on Ethnic Profiling in Sweden: Randomly Selected \(Slumpvis Utvald – Ras-/Etnisk Profilering i Sverige\)](#), Civil Rights Defenders, 2017.
- 78 FRA (2018), [Second European Union Minorities and Discrimination Survey – Being Black in the EU](#), Luxembourg, Publications Office, 2018.
- 79 Germany, German Bundestag (*Deutscher Bundestag*) (2018), [‘Beschwerde wegen Personenkontrollen’](#), Press release, 28 May 2018.
- 80 The Netherlands, National Police (2018), [‘Police received past year 46 complaints about preventive checks’ \(‘Politie kreeg afgelopen jaar 46 klachten over proactief controleren’\)](#), Press release, 19 April 2018.
- 81 The United Kingdom, Home Office (2018), [Police powers and procedures, England and Wales, year ending 31 March 2018](#), Statistical Bulletin 24/18, Crown, 2018, p. 29.
- 82 Shiner, M. et al., Stopwatch, Release and the London School of Economics (2018), [The colour of justice: ‘Race’, drugs and law enforcement in England and Wales](#), Stopwatch and Release, 15 October 2018.
- 83 Germany, Higher Administrative Court of North Rhine-Westphalia (*Oberverwaltungsgericht NRW*), [5 A 294/16](#), 7 August 2018.
- 84 Finland, information obtained from the Police University College (*poliisiammattikorkeakoulu/polisyrkeshögskolan*) on 1 October 2018.
- 85 For more information, see [Education and Training Centre of the Police \(Rendőrségi Oktatási és Kiképzési Központ\)](#) website.
- 86 For more information, see Ministry of the Interior’s web page on this [training](#).
- 87 For more information, see the [High Commissioner for Migration's](#) website.
- 88 Information provided by the Ministry of Interior of the Slovak Republic on 23 November 2018.
- 89 Information provided by the Slovenian Police Academy in December 2018.

