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Police stops and minorities: understanding and preventing discriminatory ethnic profiling

Article 21 of the [Charter of Fundamental Rights of the European Union](#) prohibits discrimination on several grounds, including racial and ethnic origin.

Discriminatory ethnic profiling in the EU

When used as an investigation technique in the context of law enforcement, ethnic profiling is often referred to as “criminal profiling”. This type of profiling uses indicators such as physical features, appearance or behaviour to give a “suspect description”. Examples of indicators that may be used include ethnicity, manner of dress, or frequented locations.

Profiling becomes unlawful when it is discriminatory.

Discriminatory ethnic profiling involves:

- treating an individual less favourably than others who are in a similar situation, for example, by exercising police powers such as stop and search;
- where this decision to exercise police powers is based only or mainly on that person’s race or ethnicity.

Why is discriminatory ethnic profiling unlawful?

Direct discrimination on the grounds of race or ethnicity is unlawful. This is a principle of international law and is contained in the Charter of Fundamental Rights of the EU.

Where police powers are exercised in relation to individuals and the *only or main reason* for this is their race or ethnicity, profiling is discriminatory.

To avoid being considered discriminatory, any decision to exercise police powers should be based on factors additional to a person’s race or ethnicity. This is the case even when racial or ethnic origin is relevant to the particular operation or policy.

Ethnic statistics in the EU

Disaggregated statistical information relating to the use of police powers according to race or ethnicity is not available in most EU Member States. Such information can be used to help prevent discrimination.

The main hurdle to the collection of such data is the widespread interpretation by national institutions that doing so would be incompatible with rules relating to the protection of privacy, in particular on data protection. This is not the case, so long as sufficient safeguards exist to ensure that the right to privacy is protected.

Statistical data on ethnicity – which does not allow for the identification of individuals – can be read alongside evidence of whether stops were the result of the individual carrying out an illegal action, or were able to prevent such action. Where undue disparity exists between stops of persons from particular minorities and the rate of crime detection or prevention, this may suggest over-reliance on racial or ethnic origin as a criterion, and the existence of discrimination.

The UK is the only EU Member State that systematically collects police data on stops, together with information about the ethnicity of the people stopped. The data collected in the UK is available to the public and can therefore contribute to ensuring police accountability.

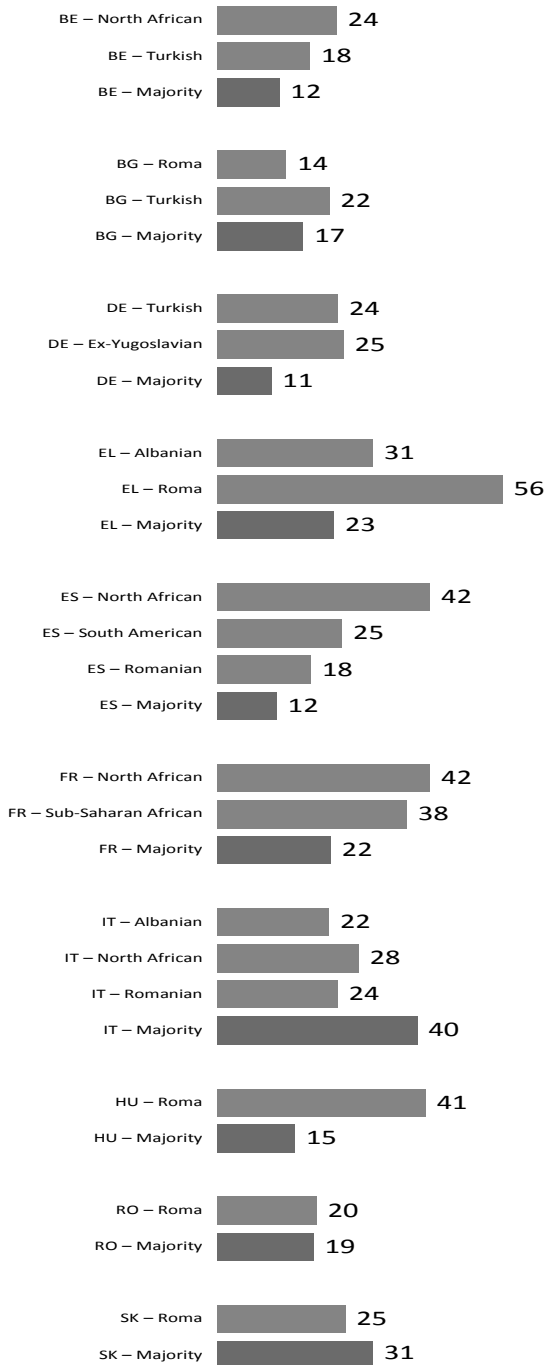
The success of policing as a “public service” is linked to how different communities are treated, and how they feel they are treated by the police. Good relations with the police and trust in the service lead to higher levels of reporting of crime.

EU minorities’ experiences of policing

[EU-MIDIS](#), the first EU-wide survey to ask immigrant and ethnic minority groups about their experiences of discrimination and criminal victimisation in everyday life shows that:

- Minorities were stopped by the police more often than the majority groups living in the same neighbourhoods in Belgium, Germany, Greece, Spain, France and Hungary. This was not the case in the Slovak Republic, Bulgaria, Italy or Romania.

Figure 1
Stopped by the police in the past 12 months
 (% (out of all respondents))



(Note, comparisons were made between the police stops experienced by minority and majority populations in only ten of the 27 EU Member States)

Country abbreviations

BE = Belgium, BG = Bulgaria, DE = Germany, EL = Greece, ES = Spain, FR = France, IT = Italy, HU = Hungary, RO = Romania, SK = the Slovak Republic.

- Some minority groups are particularly heavily policed – for example Roma respondents in Greece who were stopped by the police experienced on average nearly 6 stops in a 12 month period.

- Majority respondents tend to think that the police are respectful towards them, whereas more minority respondents indicate that the police are disrespectful.

For example, in Belgium, 85% of majority population respondents considered that the police were respectful towards them during their last police stop, compared to 42% of North African respondents and 55% of Turkish respondents.

- Minority groups who perceive they were stopped by the police on the basis of their ethnic or immigrant background have a lower level of trust in the police than minorities who were stopped and considered it to be unrelated to their minority background.

- Every second minority victim of assault, threat or serious harassment said they did not report these incidents to the police because they were not confident the police would do anything about them.

Background

The European Union Agency for Fundamental Rights (FRA) has published two reports on police stops and minorities:

- **EU-MIDIS Data in Focus Report: Police Stops and Minorities** (October 2010)
- **Understanding and Preventing Discriminatory Ethnic Profiling: a Guide** (October 2010)

The FRA interviewed 23,500 immigrant and ethnic minority respondents in face-to-face questionnaire interviews in all 27 EU Member States during 2008. A further 5,000 people from the majority population living in the same areas as minorities were interviewed in Belgium, Bulgaria, France, Germany, Greece, Hungary, Italy, Romania, Slovak Republic and Spain to allow for comparisons of key results.
 Main EU-MIDIS results available at www.fra.europa.eu