

Mirek Topolánek
Prime Minister of the Czech Republic
Presidency of the EU

Brussels, 10 April 2009
Ref: B855

Dear Mr Topolánek,

Subject: Amnesty International reports on police and racial discrimination in Europe

Amnesty International would like to draw your attention to a new report that will be published on 9 April 2009 entitled: *Victim or suspect: A question of colour: Racial discrimination in the Austrian justice system*. This report on Austria follows the publication last week of a report on France, entitled *Public Outrage: Police Officers Above the Law in France*, that was itself preceded by an Amnesty International briefing on human rights violations by the Greek police.

The reports on Austria and France both highlight cases of racist abuse by the police, and the report on Austria further underlines the problem of racism in the overall justice system. Amnesty International believes that the EU has to address evidence of human rights violations in its member states and should fulfil its responsibility in raising these at an EU level.

The example of Austria

Amnesty International's new report on Austria documents a number of discriminatory practices. They range from racist abuse and ill-treatment by police officers, to ethnic profiling and prejudice, as well as to situations in which law enforcement officials or representatives of judicial bodies have failed to provide the same quality of service to migrants and members of ethnic minorities as would routinely be provided to white Austrians. Examples of this include instances of failing to protect victims of racist attacks, failing to diligently investigate the crimes that they are victims of, failing to give proper weight to their testimony, and using excessive force when arresting them.

Based on a long-term analysis of cases of racist abuse and two missions conducted last year in Austria by Amnesty International, the research reveals the reality of a police and justice system tainted by institutional racism. It demonstrates that non-white Austrians are more likely to be suspected of crime and subjected to ill-treatment by the police. Their grievances are far less likely to be promptly and thoroughly investigated and the perpetrators to be brought to justice. The impact of discriminatory practices is such that the sense of injustice is not limited to individual victims, but spreads throughout minority communities who come to perceive themselves as specifically targeted.

Amnesty International calls for urgent action to ensure that Austrian political leaders and senior police and judicial officers acknowledge the existence of racism in the law enforcement system and eradicate it by providing the same quality of service to all people, regardless of ethnic origin or skin colour.

The example of France

The problem of racial abuse in the law enforcement system does not pertain to Austria alone. Last week, Amnesty International published a separate report on police ill-treatment in France, entitled: *Public Outrage: Police Officers Above the Law in France*. In the majority of cases, victims were members of ethnic minorities or foreign nationals. Racist abuse was an explicit element in several of the cases highlighted by the report. This trend has also been noted with concern by the French National Commission on Ethics in Security (CNDS) and UN human rights bodies including the Committee on the Elimination of Racial Discrimination, giving rise to concerns of possible institutionalized racism within the French law enforcement agencies.

As a result of its research, Amnesty International found that victims and witnesses who made complaints about ill-treatment by police officers frequently found themselves accused of insulting or assaulting a police officer. Amnesty International believes that such charges exacerbate the existing climate of impunity by intimidating victims and witnesses and discouraging them from making complaints against police officers.

Amnesty International has called on the French government to ensure effective, independent and impartial investigations into every incident of suspected human rights violations by law enforcement officers, including racist abuse, unlawful killings, torture and other ill - treatment.

The role of EU institutions in addressing racism across the Union

The patterns of discrimination documented in the reports by Amnesty International are not unique to Austria or France. The issue of police discrimination in Europe has been repeatedly raised by NGOs, human rights and anti-discrimination monitoring bodies of international organisations, including the Council of Europe and the United Nations. For instance, the United Kingdom has been seeking to address institutional racism within its police force for almost a decade.

Amnesty International believes that the persistence of racist violence and discriminatory practices in EU member states' police and justice systems must be addressed by the EU. The EU has the capacity to do this. Such human rights violations directly challenge the EU's commitment to build a common area of Freedom, Security and Justice founded on human rights. They also go against the proclaimed objective of the EU to guarantee equal treatment of persons, regardless of their ethnic origin.

The aim to prevent and combat racism and xenophobia is explicitly included in Article 29 TEU regarding EU's common action in the field of police and judicial cooperation. Based on this provision, the Council recently adopted a Framework Decision regarding racist and xenophobic offences across the EU. This measure and the objective proclaimed in Article 29 TEU provide a sound basis to develop further instruments, policies and safeguards to fight discrimination in EU member states' criminal justice systems. The EU has developed a body of standards and policies to fight racial discrimination in all areas of daily lives, including in access to public services based on Article 13 TEC. These measures could be built on to cover discriminatory practice in the public service of policing and justice.

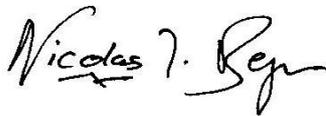
Amnesty International believes that there is a shared responsibility of the EU to ensure accountability for human rights violations within its territory as provided for in Article 6 and 7 TEU. Beyond the specific issues raised above, we reiterate our call for the EU to collectively engage in peer review, monitoring and redress of member states' human rights shortcomings.

Recommendations to the EU

Amnesty International calls on the EU:

- To press on the Austrian and French authorities to review the findings of Amnesty International's research and take up the concrete recommendations contained in the report.
- To include the issue of racial discrimination in the police and justice system in the monitoring of the implementation of the Race Directive.
- To ensure that the fight against discrimination and racially motivated ill-treatment is a key element of the EU's police and judicial cooperation, including through:
 - the implementation of the Framework Decision on racism and xenophobia
 - the establishment of procedural safeguards to protect the rights of suspects and detainees
 - the development of an evaluation system of EU member states' criminal justice systems
 - the design of awareness raising and training programmes for police and judicial authorities across the EU
- To develop oversight and accountability mechanisms at EU level to review and monitor the human rights compliance of member states policies.

We thank you for your attention and look forward to your response. We remain at your disposal to discuss further the issues raised in this letter and the new reports of Amnesty International.



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CC: José Manuel Barroso, President of the European Commission

Enclosed:

[*Victim or suspect: A question of colour: Racial discrimination in the Austrian justice system*](#)
(Report EUR 13/002/2009)

[*Public Outrage: Police Officers Above the Law in France*](#) (REPORTEUR 21/003/2009)