

In Focus: EU Fundamental Rights Agency and anti-Muslim hate crimes

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The European Union Fundamental Rights Agency (FRA), established by Article 5(1) of Council Regulation (EC) No 168/2007, has undertaken extensive research into the situation of Muslims in the European Union (EU) including the experience of anti-Muslim hate crimes across the region under its remit of investigating the exercise of fundamental rights in the EU and rights awareness among EU citizens. The FRA has on numerous occasions advocated for improved policies on tackling hate crimes through better complaints mechanisms and more detailed data collection by Member States.

The work of the FRA focuses on the areas: racism, xenophobia, related intolerance as well as discrimination based on race, ethnic origin, sex, religion or belief and against persons belonging to minorities or any combination of these (multiple discrimination).

In 2012, the FRA released a report "[Making hate crime visible in the European Union: acknowledging victims' rights](#)". It carried out a study of hate crime data collection in EU Member States considering how data is recorded and published particularly in relation to bias motivations underlying criminal offences.

It noted that the Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia requires EU Member States to punish public incitement to violence of hatred directed against a person or persons belonging to a group, including on grounds of religion, and the commission of such acts by public dissemination or distribution of material.

The report observed that racist and xenophobic hate crimes are recorded in official data pertaining to hate crime in almost all EU Member States (25). The least recorded hate crimes in Member States are religiously motivated crime (6) and Islamophobic crime (6). It is interesting to compare the incidence of recording of anti-Muslim hate crimes with figures on the recording of anti-Semitic crimes; the report found 12 Member States record anti-Semitic crime.

A further 8 Member States record crime motivated by sexual orientation closely followed by extremist crime (7 Member States).

Consequently the FRA concluded that:

"The 27 EU Member States differ in the data they record and publish on bias motivations, which results in gaps in data collection across the EU. These gaps mean that official data collection mechanisms on hate crime in the 27 EU Member States often fail to capture the real situation on the ground."

The lack of recording of Islamophobic crime becomes evident through the FRA's insight into the [level of discrimination and victimisation Muslims experience across the EU](#). The FRA carried out the largest EU-wide survey in 2008 on minority groups' experiences of discrimination, victimisation, hate crime and policing.

Although the EU MIDIS Survey carried out interviews with 23,500 people who had an ethnic minority or immigrant background across the 27 EU Member States, Muslim respondents were surveyed in only 14 Member States.

The [FRA's 2009 Data in Focus Report on Muslims](#) revealed:

1 in 10 of all Muslims respondents (11%) were a victim of racially motivated 'in-person crime' (assault, threat or serious harassment). The survey further found that respondents experienced on average 3 incidents over a 12 month period.

It observed that "Although in percentage terms the number may not appear to be so high, in real terms, if we translate this to the entire Muslim population in the Member States where Muslim respondents were surveyed, the level of victimisation would extend into thousands of cases every year that are not recorded by the police as racist incidents in the majority of Member States."

Of those who were victims of in-person crimes, between 53% and 98% (depending on their country of residence) did not report it to the police. Of those who did not report it, 43% indicated that the main reason for not doing so was because they were not confident the police would be able to do anything about it.

A further 38% said they regarded their experience of victimisation to be too trivial and not worth reporting. The report suggests that this indicates the 'normality' of victimisation among many of the Muslim respondents with few recognising the seriousness of the criminal acts committed against them.

The FRA's findings clearly echo the situation in the UK. The [Home Office's report on hate crimes](#) in England and Wales published at the end of last year found that 43% of hate crime incidents in the Crime Survey for England and Wales were not reported to the police. The most common reason given for victims for not reporting hate crime to the police was also because they felt the police could not or would not do anything about it.

The 2009 [Data in Focus report](#) states that when the evidence on victimisation is considered with the survey's findings on low levels of reporting in-person crime to the police, "there is a real problem with under-counting the extent of racist crime in the majority of EU Member States. This reinforces the Agency's recommendations from previous reports that law enforcement should seriously reconsider its methods and working definitions for identifying and recording racially motivated crime".

Indeed, the FRA had attempted to address the difficulty of identifying crimes as Islamophobic in its 2006 [report "Muslims in the European Union – Discrimination and Islamophobia"](#).

It suggested that specific manifestations of Islamophobia can be identified by recording: whether a victim's perception of the crime is 'Islamophobic'; and whether the perpetrator perceives the target for abuse to be a Muslim, regardless of whether or not he/she is actually a Muslim.

The 2012 [FRA report on Making Hate Crime Visible](#) also attempted to address the issue of "narrow legal definitions of what constitutes hate crime" by encouraging Member States to expand the "scope of official data collection on hate crime".

The FRA has repeatedly recommended in its work, including in the 2012 report and in its 2013 Opinion on the Framework Decision on Racism and Xenophobia, that law enforcement agencies be attentive to any indication of bias motivation when investigating and prosecuting crime and data collection on hate crime be disaggregated by religion, gender, age and other variables to make bias more apparent to police forces; to enhance prosecution rates of success for hate crime and to politicians; to enhance measures to tackle the environments in which bias takes root.

Without such mechanisms to record and monitor incidents of hate crimes in the EU, including anti-Muslim hate crimes, it is difficult to obtain a full picture of the extent of discrimination and victimisation experienced by Muslims across EU Member States.

This has, for example, become evident through a recent [Freedom of Information request](#) submitted in the UK by the Press Association. Although figures indicated that anti-Muslim hate crimes is on the increase, reliable figures were not disclosed by 24 of the 43 police forces in England and Wales, who failed to respond to the request.

Only two of these forces, the Metropolitan Police Service in London and Greater Manchester Police record Islamophobia as a distinct category of hate crime. The Metropolitan Police Service revealed that it recorded 500 offences between January and November last year alone. In contrast, [South Yorkshire Police force](#) admitted they were unable to produce "like-for-like figures" because it does not record anti-Muslim hate crime under a separate category.

It is on this same basis that we have advocated for statistics on the number of hate crimes in the UK to be disaggregated by religions by all police forces in our 2012 [Police and Crime Commissioner manifesto](#).

This is also the case at the European level, where disaggregated data and better recording mechanisms allow for comparisons to be made across the EU region and provide a more detailed picture of where and why Muslim suffer from bias motivated hate crime and discrimination.

The extent to which the work of the FRA will continue to receive support from the EU will depend upon the outcome of the European elections on May 22. The commitment of current MEPs to support the FRA's efforts in tackling all forms of racism and discrimination in the EU can be deduced from the previous voting patterns on issues related to the FRA's work.

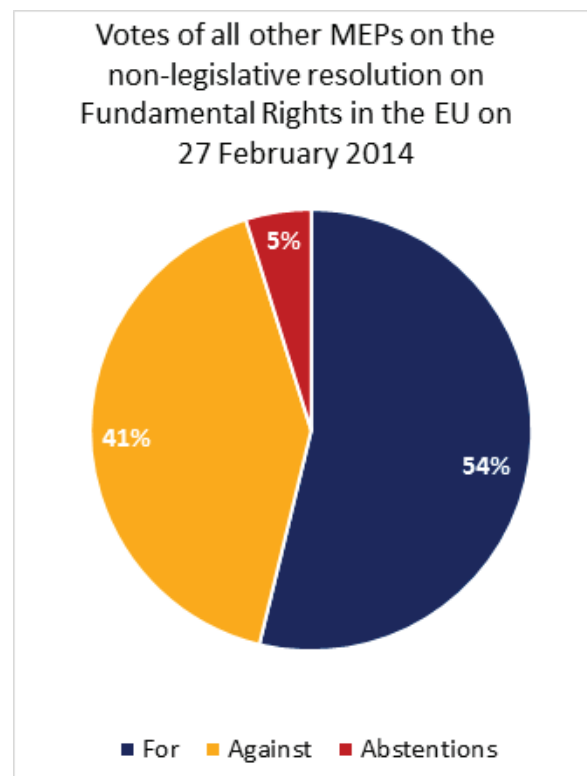
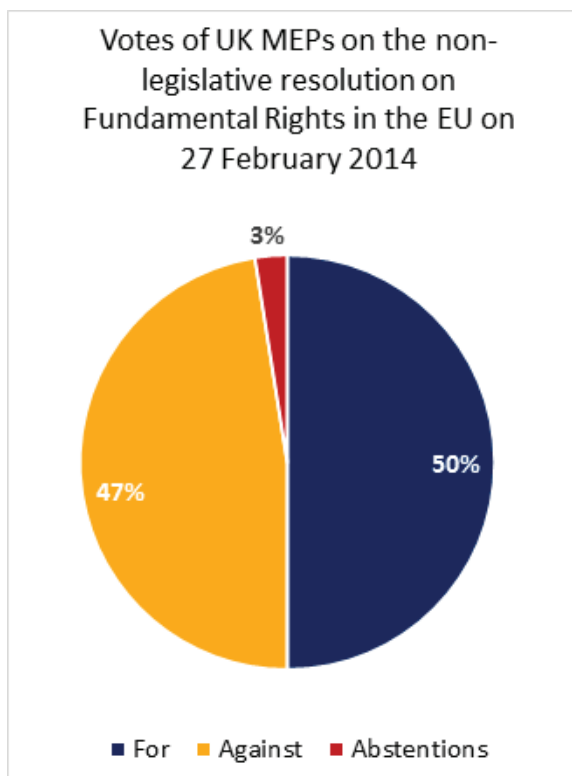
On 27 February 2014, MEPs voted on a motion for a [non-legislative resolution regarding issues of fundamental rights in the EU which was initially passed in 2012](#). The motion concerns the [Convention for the Protection of Human Rights](#). It called on the Commission and all Member States "to propose and adopt legislation and policies to combat homophobia, transphobia and hate crimes" and welcomed "the publication of Opinion No 2/2013 of the FRA on the Framework Decision on Racism and Xenophobia – with special attention to the rights of victims of crime".

Overall, 583 MEPs in the European Parliament voted on the issue; 54% (312) voted in favour of the motion while 42% (244) voted against, and 5% (27) abstained.

The voting results were slightly closer when comparing the vote breakdown among of UK MEPs, of whom 40 UK MEPs were present:

- 20 voted in support of the motion (7 Liberal Democrats, 9 Labour, 1 Scottish National Party, 1 Plaid Cymru, 1 Green Party)
- 19 voted against it (16 Conservatives, 1 UKIP, 1 Independent, and 1 British Democratic Party)
- 1 MEP from We Demand A Referendum abstained.
- 28 UK MEPs were absent including 5 Liberal Democrats, 10 Conservatives, 3 Labour, 7 UKIP and 1 BNP, 1 Sinn Fein, 1 Ulster).
- 5 MEPs did not vote (1 Labour, 1 Conservative, 1 SNP and 2 UKIP)

A comparison of the voting results between all MEPs and UK MEPs on the non-legislative resolution regarding issues of fundamental rights in the EU is illustrated below:



On 13 December 2012, MEPs voted on the [draft legislative resolution for the establishment of Multi-annual Framework for 2013-2017 for the FRA](#). As the [Multiannual Framework for the FRA](#) expired at the end of 2012, it became necessary to renew it.

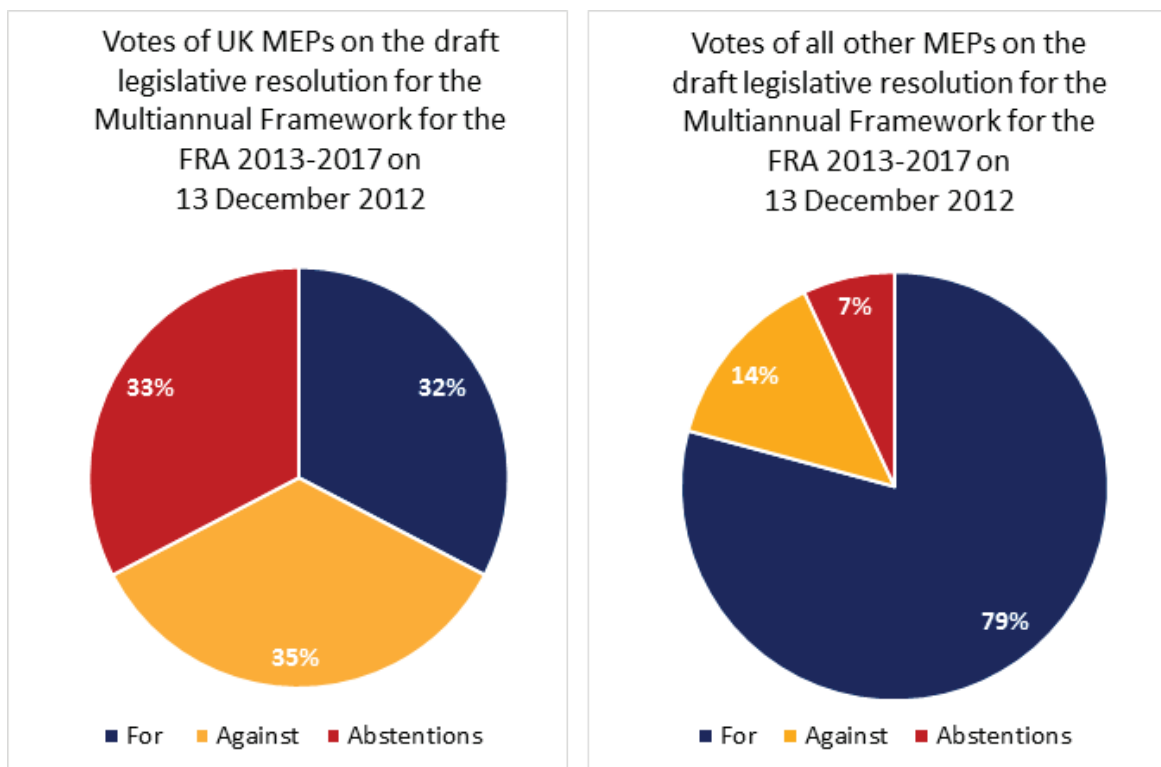
The draft resolution notes that 108 organisations took part in a consultation process during the preparation of the new framework between July and September 2011. Most organisations supported the FRA's work and would like it to continue its activities especially in areas of discrimination (72%), racism and xenophobia (38%) and access to justice (31%).

568 MEPs in the European Parliament voted on the renewal of the framework. A majority, 75% (427) voted in favour of the motion while 16% (89) voted against and 9% (52) abstained.

Here, the voting results were much more divided among UK MEPs. Of the 49 UK MEPs who were present:

- 16 voted in support of the draft resolution (10 Labour, 2 Liberal Democrats, 2 Green Party, 1 Plaid Cymru, 1 Sinn Fein)
- 17 voted against it (8 Liberal Democrats, 6 UKIP, 1 BNP, 1 Independent, 1 We Demand A Referendum)
- 16 Conservatives abstained.
- 13 were absent (6 Conservatives, 4 UKIP, 1 Liberal Democrats, and 1 Democratic Ulster Party).
- 10 MEPs did not vote (4 Conservatives, 3 Labour, 1 Liberal Democrat, 1 UKIP, and 1 SNP).

A comparison of the voting results between all MEPs and UK MEPs on the draft legislative resolution to establish the Multiannual Framework for 2013-2017 for the FRA is illustrated below:



Given the important work the FRA does in documenting discrimination and advocating better policy in the EU for tackling all forms of intolerance, the lukewarm support shown for its work by UK MEPs in the renewal of the Multiannual Framework, and its probable future decline should more MEPs representing far right parties be elected on 22 May, is a worrisome indeed.

We are thus, in our European parliament election manifesto urging prospective MEPs to pledge support for the work of the FRA in order to safeguard freedom of religion and civil and political rights, and to enable further work to be undertaken to document discrimination so that we can effectively tackle racism, xenophobia and other forms of intolerance, including Islamophobia, in the EU.



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