

# ETHNIC AND RACIAL PROFILING IN CRIMINAL CASES (AS PART OF NON-DISCRIMINATION)



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Introduction and defining ethnic / racial profiling in criminal context

repercussions in practice and phenomenology of racial profiling

Addressing Anty-gypsisam in ethnic profiling cases

case law (in national courts)

case law from ECHR with special emphasis on the Lingurar v. Romania

## **AGENDA**

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# What is racial [ethnic] profiling?

*“the use by the police, with no objective and reasonable justification, of grounds such as race, color, languages, religion, nationality or national or **ethnic** origin in control, surveillance or investigation activities”*

## **INTRODUCTION**

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Lingurar v. Romania



# PROFILING THE RACIAL PROFILING

individuals are targeted or treated differently by law enforcement – police, public prosecution and even the national courts, solely based on their perceived race, ethnicity, national origin, or religious background, rather than on reasonable suspicion or evidence of criminal activity



phenomenology of racial profiling



**79%**

**OF BORDER GUARDS**

at EU airports rated

**ETHNICITY**

as a helpful indicator for recognising persons attempting to enter the country in an irregular manner

**BEFORE SPEAKING TO THEM.**



Unspoken biases

Stop & search or identity checks by police based on appearance

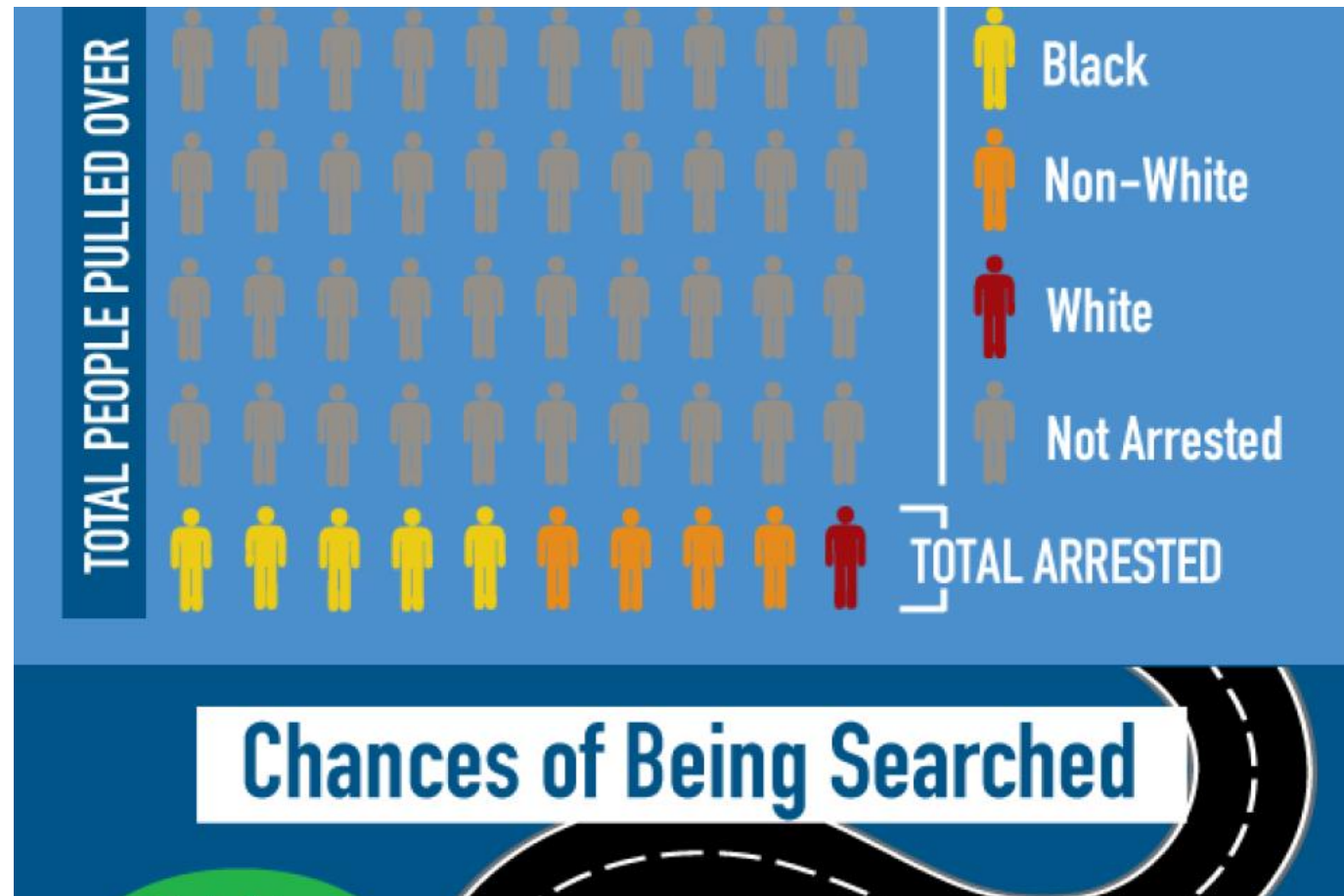
Harsher sentences for persons belonging to minority groups

Presumed guilty phenomena

Behavior  
specific to  
Roma

All Muslims are  
terrorist except  
the ones that  
are not

Migrants will  
change your  
country





## Addressing anti-gypsyism in ethnic profiling practices



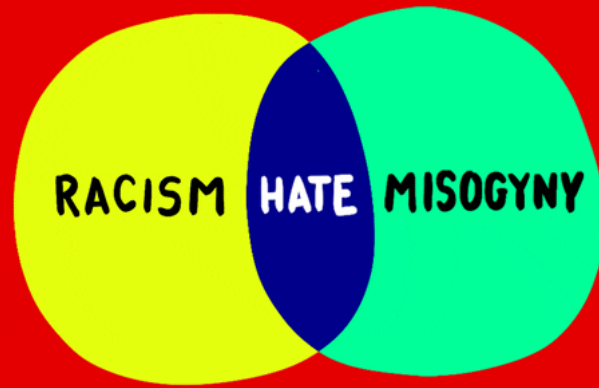
**Burlya & Others v. Ukraine**

**Lakatosova nad Lakatos v. Slovakia**

**Alkovic v. Montenegro**

# CASE LAW CONSIDERING RACIAL PROFILING

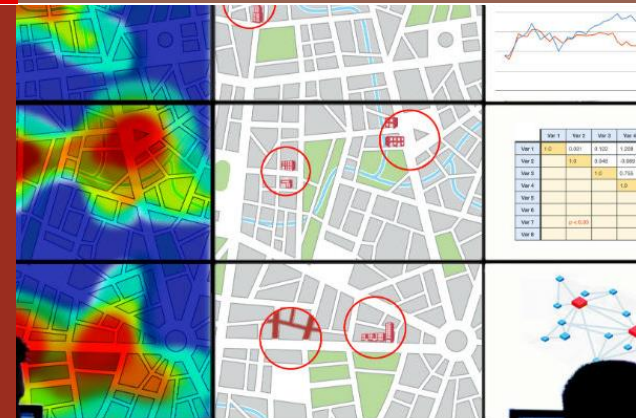
**Afghan family identity check on a train to Bonn**



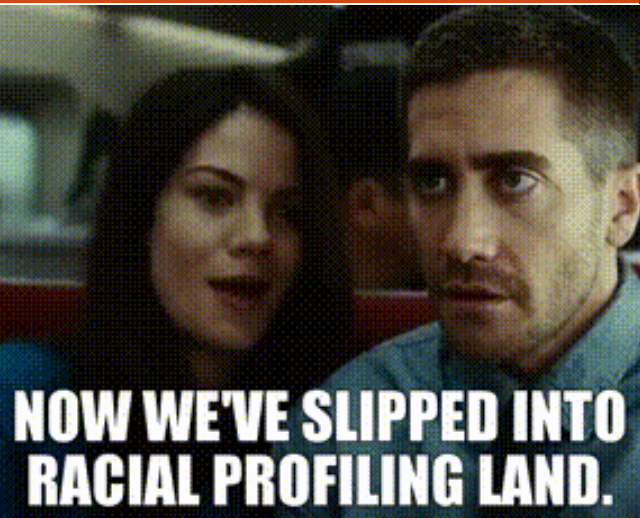
**“Moelander” project in the Netherlands**



**Young students in France stopped for being themselves**



**Roma inclusion in a Swedish police register solely based on their ethnic origin**

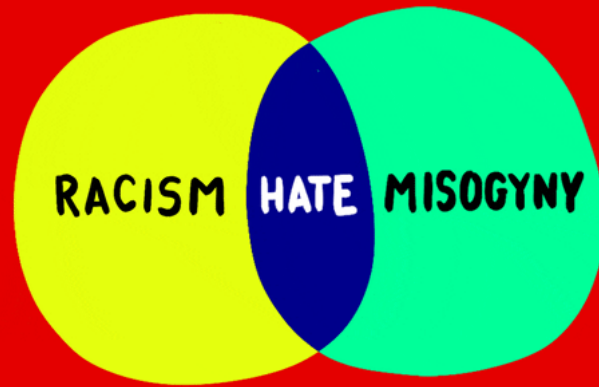


**NOW WE'VE SLIPPED INTO RACIAL PROFILING LAND.**



# CASE LAW ECHR CONSIDERING RACIAL PROFILING

**Lingurar v.  
Romania**



**Wa Baile v.  
Switzerland**



**Basu v. Germany  
Mohamed v. Spain**



**Seydi & Others v.  
France**



**WASH YOUR HANDS OF  
GERMS & XENOPHOBIA**



**RACISM**



**# FIGHT RACISM**



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