

12132/98

LIMITE

ENFOPOL 111

NOTE

from: Terrorism Working Party

to : ~~K.4 Committee~~

No. prev. doc.: 12595/97 ENFOPOL 225; 13551/97 ENFOPOL 245

Subject: **Proposals for improving methods of recording crimes and offences committed on xenophobic, racist or anti-semitic grounds**

1. In 12595/97 ENFOPOL 225 the Presidency made four proposals for improving investigation methods in the light of the problems of summarising the data provided. During its meeting on 14 October the Terrorism Working Party agreed on the following proposals.
 - (a) Reporting of incidents should take place at the relevant national level on the basis of police complaints and findings.
 - (b) Incidents involving bodily harm, meaning any medically ascertainable assault on physical integrity, regardless of how minor, even in the absence of hospitalisation and incapacity for work, should be recorded.

- (c) Reporting must cover all acts committed, if they are clearly motivated mainly by racism, anti-semitism or xenophobia, irrespective of the nationality of the perpetrator. The definition adopted by the Justice and Home Affairs Council in 11768/94 JAI 78 of 6 December 1994 stipulates that xenophobic/racist/anti-semitic offences are crimes which are directed against persons to whom the perpetrators (owing to their intolerance) deny the right to stay or the right of residence in their vicinity or in the country as a whole, given their:

- * nationality or membership of an ethnic group
- * race, colour
- * religion
- * origin

or

- * are committed against persons/institutions/objects, where the perpetrators act for xenophobic/racist/anti-semitic reasons.

- (d) Statistics should, on an optional basis, be submitted both in the form of absolute figures and in terms of the number of incidents per million inhabitants.

As far as possible the percentage of third-country nationals in the country concerned should be indicated.

2. The K.4 Committee is asked to agree to these proposals and to submit them to COREPER/the Council.