

Problem of profiling, notably on the basis of ethnicity and race, in counter-terrorism, law enforcement, immigration, customs and border control

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PURPOSE: to propose a European Parliament recommendation to the Council on the problem of profiling, notably on the basis of ethnicity and race, in counter-terrorism, law enforcement, immigration, customs and border control.

CONTENT: pursuant to Rule 114(1) of the Rules of Procedure, Sarah **LUDFORD** (ALDE, UK) proposed, on behalf of the ALDE Group, a draft recommendation on the problem of profiling, notably on the basis of ethnicity and race, in counter-terrorism, law enforcement, immigration, customs and border control.

Recalling that profiling is growing as a practice in the field of law enforcement and policing, targeting specific ethnic, race and religious groups, as well as protestors and travellers and preoccupied by the fact that the Commission's proposal for an EU Passenger Name Records (PNR) system providing for the collection of personal data of passengers travelling to the EU could provide a basis for profiling, the draft recommendation proposes a certain number of rules defining the framework of profiling in certain specified areas:

The draft recommendation requests that:

- law enforcement must always be conducted with due respect for data protection, fundamental rights and the principle of non-discrimination;
- current law enforcement and security practices which entail racial, ethnic and behavioural profiling and risk assessment should be subjected to research, analysis and political discussion, with the justification and benefits weighed against the harm from these practices;
- existing laws should be examined for the scope they give for profiling, and consideration given to law reform if necessary to ensure that discriminatory impact is avoided;
- there is a need to establish a clear definition of legitimate versus illegal uses of sensitive personal data in the security field and to encourage greater cooperation between relevant security agencies in understanding and addressing profiling, and working with relevant communities in this effort.

In addition, the draft recommendation regrets that repeated concerns raised by Parliament in connection with racial, ethnic and behavioural profiling in the context of data protection, law enforcement cooperation, exchange of data and intelligence, aviation and transport security, immigration and border management and anti-discrimination measures have not so far been adequately addressed in order to reach agreement on legitimate practice.