Contact Point for Roma and Sinti Issues

Office for Democratic Institutions and Human Rights

OSCE

POLICING AND ROMA: A RESOURCE MANUAL

A COMPILATION OF DOCUMENTS
TO SUPPORT IMPLEMENTATION OF THE OSCE ACTION
PLAN FOR ROMA & SINTI

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PREFACE

This version for the Resource Manual has been prepared for access via the internet. Each of the documents contained in it can be accessed directly by hyperlink from the list of 'Contents' that follows.

As new material becomes available, it will be added to the Resource Manual, or links will be established to other websites where it can be accessed.

Reports of initiatives carried out as part of the OSCE Programme of Activities on Roma and Policing will be added to Section 6 as they become available.

Comments and suggestions relating to this Resource Manual will be welcome, and should be sent either to the OSCE Contact Point for Roma and Sinti, or to European Dialogue as below.

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Note

Since the Resource Manual was initially compiled in 2005, the OSCE High Commissioner on National Minorities has produced an important document entitled *Recommendations on Policing in Multi-Ethnic Societies* (The Hague, February 2006). Each of the 23 recommendations is accompanied by 'explanatory notes' which provide practical guidance on implementation. Although the Recommendations are oriented towards relations between police and minorities generally, they are highly relevant for addressing relations between police and Roma. They provide the most useful comprehensive overview of the actions that should be taken in this field, and should be regarded as an essential complement to this Resource Manual. The Recommendations can be accessed on the HCNM website: www.osce.org/hcnm .

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1. INTRODUCTION

The purpose of this compilation of documents is to serve as a resource to assist OSCE participating states to implement the recommendations on policing in the OSCE *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area.*

The compilation has been prepared on behalf of the Contact Point for Roma and Sinti Issues (CPRSI) at OSCE by experts on policing and Roma/minority issues working with the London-based NGO European Dialogue. Funding has been provided to the OSCE for this purpose through a voluntary contribution by the Government of Austria.

This is one of a series of activities being undertaken by CPRSI, under the title "Police and Roma: Toward Safety for Multi-ethnic Communities", to support the implementation of the policing recommendations of the Action Plan. The goal of these activities is to identify, promote and disseminate examples of good practice among participating states for implementing the policing recommendations.

Production of this resource manual is one of the first steps in this direction. Its specific objective is to make available to police and other relevant authorities, and also to NGOs, a number of existing documents which will help them to develop good practice in this area.

The resource is intended to be used by police and public officials who have responsibilities for all those aspects of policing policy and practice that have an impact on police relations with Roma.   Obviously, it will have particular relevance for those working in geographical areas where Roma particularly reside. It will have relevance not only for those responsible for operational policing, but also for those responsible for such activities as training, recruitment, handling of complaints, and external communication and consultation. It is also intended to be used by Roma NGOs that are willing to cooperate with police to solve problems and improve police-community relations, as well as by governmental and other public authorities who can assist with this task.

To date there is very little documentation on policing that deals specifically with Roma-related issues. Most of the documentation presented here therefore is not specific to Roma: it deals with human rights issues more broadly in policing, and with relations between police and minorities generally. This more general guidance, however, is highly relevant to relations between police and Roma, although some adaptation may be required to the specific circumstances of Roma communities. Precisely how the more general guidance applies will need to be the subject of discussion between police and Roma in individual countries.

To date, the only trans-national event focusing specifically on Roma-related policing issues has been the European Workshop on Roma-Police Relations, held at Turvey in the UK in 1999, organised by European Dialogue. This workshop was attended by

representatives of police and Roma communities from across Europe, and aimed to identify key issues of concern together with examples of good practice in addressing these. In view of the unique nature of this event, extracts from the summary report of this Workshop, together with several of the papers presented there, are reproduced below.

As additional examples of positive initiatives designed to improve relations between police and Roma become available, it is intended that documentation of these will also be added to the Resource Manual.

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2. THE O.S.C.E. CONTEXT

2.1 INTRODUCTION

This section of the resource manual sets out the context of OSCE's commitment to assist participating states to improve relations between Roma and the police.

The commitment of OSCE to address issues affecting Roma and Sinti communities in Europe was set out clearly in the following declaration by the Heads of Government of OSCE participating states at the Istanbul Summit in 1999:

> We deplore violence and other manifestations of racism and discrimination against minorities, including the Roma and Sinti. We commit ourselves to ensure that laws and policies fully respect the rights of Roma and Sinti and, where necessary, to promote anti-discrimination legislation to this effect. We underline the importance of careful attention to the problems of the social exclusion of Roma and Sinti.

In the Charter of European Security adopted on the same occasion, the Heads of States made the following statement in the context of the Human Dimension:

> We recognise the particular difficulties faced by Roma and Sinti and the need to undertake effective measures in order to achieve full equality of opportunity, consistent with OSCE commitments, for persons belonging to Roma and Sinti. We will reinforce our efforts to ensue that Roma and Sinti are able to play a full part in our societies, and to eradicate discrimination against them.

In 2000, the OSCE's High Commissioner on National Minorities published his *Report on the Situation of Roma & Sinti in the OSCE Area*. This report provides a comprehensive overview of the problems confronting Roma across the OSCE Area, and also highlights some of the positive initiatives that had been undertaken in the region. In particular it identifies the problems of discrimination and racial violence that police in participating states have a major responsibility to address, as well as documenting instances where police themselves have abused their powers or acted unprofessionally against Roma. For these reasons, the report is an important source of information on the specific problems that need to be tackled through action by the police. (The report's summary of its findings on discrimination and violence against Roma is reproduced below, together with the section of the report that sets out relevant OSCE and international standards).

In 1999, the OSCE established the Contact Point for Roma and Sinti Issues (CPRSI) within the Office for Democratic Institutions and Human Rights (ODIHR). Its mandate include the responsibilities to act as a clearing-house for the exchange of information on Roma and Sinti issues, and to facilitate contacts on these issues between participating states and also NGOs. Within the framework of this mandate, and in response to the recommendations of the High Commissioner's report, the CPRSI worked to develop a

programme of action for the OSCE and its participating states to address Roma and Sinti issues.

The OSCE *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area* was formally agreed in November 2003. Its aim is to support the efforts of participating states and OSCE institutions to address the problems faced by Roma and Sinti, and to do so within the framework of international human rights. The Plan also emphasises that these actions should be undertaken with the participation of, and in partnership with, Roma and Sinti communities. The Plan sets out recommendations for each of the various fields of action, and includes a set of recommendations specifically relating to policing. The Plan envisages that the CPRSI will be assisted by the OSCE Strategic Police Matters Unit in supporting participating states to imnplement these recommendations on policing. (The introductory paragraphs of the Plan, and the section on policing, are reproduced below.)

For further information about the work of the OSCE on Roma and policing issues, see the OSCE web-site: http://www.osce.org

2.2 REPORT ON THE SITUATION OF ROMA AND SINTI: DISCRIMINATION AND VIOLENCE[*]

The following text is extracted from summary section of the OSCE High Commissioner on National Minorities' Report on the Situation of Roma in the OSCE Area in 2000. The extract highlights the issues of discrimination and violence as they affect Roma – the main issues that are relevant to policing. Users of this resource manual are encouraged to consult the full report, which can be accessed at http://www.osce.org/documents/hcnm/2000/03/241_en.pdf *.*

Overview

The extraordinary complexity of challenges confronting Romani communities is manifest, as the range of issues in this report attests. By equal measure, the rich diversity among Roma within the OSCE makes all but a few general conclusions inappropriate. One, however, is plainly warranted: discrimination and exclusion are fundamental features of the Roma experience.

Ten years after the iron curtain fell, Europe is at risk of being divided by new walls. Front and center among those persons being left outside Europe's new security and prosperity are the Roma. In many countries, Roma have been decreed illegal residents on their own property, banished beyond municipal boundaries, and left outside the community of common concern. These are not isolated incidents, but widespread practices - sometimes systematic and on occasion systemic. To redress the long and hard experience of Roma requires, therefore, considerable attention, careful analysis, development of specific policies and commitment of adequate resources.

Discrimination and Racial Violence

Even against the backcloth of a decade blighted by extreme forms of racist intolerance, the phenomenon of prejudice against Roma is singular. Romani communities are the subject of hostile perceptions across an extraordinary range of countries. In some, politicians and citizens feel few scruples about expressing derogatory stereotypes of Roma. In this climate, Roma have been prime targets of skinhead violence and, at times, what must properly be called pogroms.

Not surprisingly, therefore, the most immediate concern for many Roma is their lack of personal security. The collective violence visited upon Kosovo's Roma in the aftermath of war has been singular in some respects, but scarcely unique in others: like Romani communities who have in the past endured organized group violence directed against them in Romania, Italy and Spain in retaliation for the apparent delinquencies of

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[*] Section on 'Discrimination and Violence' from Chapter 1 of OSCE High Commissioner on National Minorities, *Report on the Situation of Roma & Sinti in the OSCE Area.* OSCE 2000

individuals, entire Romani communities in Kosovo have recently been made to bear the blame for those presumed to have collaborated in or supported crimes committed by or attributed to ethnic Serbs. In other places where anti-Roma violence has flared, the victims have often faced significant obstacles in securing justice; many have been denied effective protection of the law. These are among the factors leading increasing numbers of Roma to leave their countries.

Although racist violence has claimed its largest toll in the countries of Central and Eastern Europe, where the majority of European Roma live, Romani communities experience widespread discrimination, including violence, in Western Europe as well. While several governments have in recent years made significant efforts to reverse these patterns, few have done enough to combat anti-Roma racism and intolerance. There may be no easy solution to many of the problems confronting Roma, but it is equally plain that present approaches are inadequate. Specifically, greater attention must be given to the elaboration and implementation of effective policies to combat discrimination and racial violence.

It is incumbent on government officials to provide leadership in condemning acts of racial violence and, indeed, all forms of discrimination against Roma. In particular, when racial violence occurs, political leaders must condemn the crimes lest their silence be interpreted as tolerance. When it comes to racism, what is said, words alone - can make a difference. When officials have publicly condemned acts of racist violence, they have made a significant contribution to the alleviation of racial tensions and toward preventing similar crimes.

But words alone are not enough. Above all, States must ensure that Roma are protected by the rule of law. As a first and indispensable step, governments must ensure that their laws prohibit discrimination against Roma and provide adequate remedies when discrimination occurs. Moreover, paragraphs 40-40.2 of the June 1990 Document of the Meeting of the Conference on the Human Dimension in Copenhagen (hereafter, Copenhagen Document) require participating States to take measures to protect Roma and others against "any acts that constitute incitement to violence" and against "threat or acts of discrimination, hostility or violence". These commitments are in accordance with Article 20 of the 1966 International Covenant on Civil and Political Rights (ICCPR) which expressly requires States parties to prohibit "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence".

Prejudice and intolerance are commonly fed by negative stereotypes. These must be countered through public education about Romani culture and history. In countries where Roma have been part of national history, *their* history and culture must be part of *every* child's education. I have also found merit in initiatives that readily enable non-Roma to *see* the contributions of Roma to their societies. For example, in the course of my inquiry I learned of a housing project in the eastern Slovakian town of Kremnica where Roma, as well as non-Roma, were employed to build the houses they would occupy. Against the stereotype many local citizens had previously held of Roma as passive recipients of social benefits, the community saw the reality of highly-

motivated, industrious Roma constructing homes for non-Roma as well as Romani families.

Another important measure in combating anti-Roma discrimination is to ensure that law-enforcement officials receive adequate training. Police, prosecutors and judges need to be more aware of what constitutes racial discrimination and racially-motivated crimes. Part of the solution could be to introduce conflict-management mechanisms for police and between police and Roma communities. In a similar vein, I would encourage the recruitment of more Roma into police forces.

In some cases it may be necessary to establish specialized State bodies to combat discrimination. In a number of OSCE countries, such bodies have made a valuable contribution toward combating racism and other forms of discrimination. Another model that has proven effective in some countries is that of an ombudsman.

In dealing with issues of discrimination and trying to document violations, one frequently encounters vexing issues relating to the collection and use of ethnic data. Ethnic data evokes memories of registration of "undesirables", and also raises many ethical and legal issues. But without statistical data, it is very hard to have a clear picture of patterns of discrimination, to design programs of assistance for Roma, or to evaluate those programs. Even the absolute numbers of Roma/Gypsies in Europe can only be approximated, as they are underestimated in the national census figures and statistics of many States; estimates range from seven to eight and a half million Roma in Europe. I suggest that a seminar or conference should be held to look at this issue in greater depth. Such a conference could, hopefully, provide valuable insights and guidance on how to solve this dilemma.

As OSCE participating States rededicate themselves to ensuring that Roma are treated as full citizens in our democracies, we must ensure that the fundamental rights of Roma are respected at all levels of society. The roles of local government and civic organizations are important in this respect; some of the most impressive programs launched in recent years have been undertaken at local levels, frequently at the initiative of non-governmental organizations (NGOs). But local governments have also served to block promising initiatives; some have even sought to institutionalize anti-Roma discrimination through exclusionary policies. It falls to State authorities to ensure that Roma enjoy the fundamental right to equality, both in law and in fact, irrespective of the division of jurisdiction within the State. While the principle of equality requires protection against discrimination, it also entails proactive policies and special measures to ensure equality of opportunity. This is especially relevant for Roma, who have been excluded from opportunities and otherwise disadvantaged for so long - indeed, for generations.

2.3 O.S.C.E AND INTERNATIONAL STANDARDS*

This further extract from the OSCE High Commissioner on National Minorities' Report on the Situation of Roma in the OSCE Area identifies the OSCE and other international standards that are relevant to combating discrimination against Roma. Detailed footnotes accompanying this extract have not been included. For these footnotes, readers should refer to the full report which can be accessed at *http://www.osce.org/documents/hcnm/2000/03/241_en.pdf* .

OSCE Heads of State or Government made specific declarations concerning Roma and Sinti in paragraph 31 of the Istanbul Summit Declaration:

"We deplore violence and other manifestations of racism and discrimination against minorities, including Roma and Sinti. We commit ourselves to ensure that laws and policies fully respect the rights of Roma and Sinti and, where necessary, to promote anti-discrimination legislation to this effect."

In addition, in paragraph 20 of the Charter for European Security adopted at the same Summit Meeting, OSCE participating States recognized "the particular difficulties faced by Roma and Sinti and the need to undertake effective measures in order to achieve full equality of opportunity, consistent with OSCE commitments, for persons belonging to Roma and Sinti. We will reinforce our efforts … to eradicate discrimination against them."

The 1999 Summit Declaration followed on earlier commitments, notably those of the 1992 Helsinki Meeting, at which OSCE participating States clearly stated their rejection of "racial, ethnic and religious discrimination in any form" and expressed their concern over "recent and flagrant manifestations of intolerance, discrimination, aggressive nationalism, xenophobia … and racism". In this context States:

> 33) Will consider taking appropriate measures … to ensure to everyone on their territory protection against discrimination on racial, ethnic and religious grounds, as a well as to protect individuals … against acts of violence… Moreover, they will make full use of their domestic legal processes, including enforcement of existing laws in this regard.

The prohibition of discrimination in the enjoyment of rights occupies a central place in the standards affirmed by OSCE participating States, as well as in the constitutional law of virtually all OSCE participating States. Within the CSCE/OSCE context, several instruments have affirmed that persons belonging to national minorities are entitled to enjoy human rights on a basis of equality and without discrimination. For example, paragraph 31 of the Copenhagen Document provides: "Persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law." In

paragraph 40 of the Copenhagen Document, the participating States "clearly and unequivocally condemn[ed] . . . racial and ethnic hatred . . . and discrimination against anyone," and in this context also recognized "the particular problems of Roma." Both of these provisions were reaffirmed and further elaborated in the Report of the Geneva Meeting.

The principle of "[n]on-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitute a basic and general principle relating to the protection of human rights." The central importance of these norms is reflected in Article 1(3) of the Charter of the United Nations, which affirms that one of the Organization's purposes is to "achieve international cooperation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." Human rights conventions typically include a provision assuring the enjoyment of enumerated rights without discrimination based on such grounds as race, color, and national origin, and the prohibition of discrimination is further elaborated in such specialized treaties as the Convention on the Elimination of All

Forms of Racial Discrimination (hereafter, Race Convention), the Framework Convention for the Protection of National Minorities (hereafter, Framework Convention), ILO Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation, and the UNESCO Convention against Discrimination in Education.

Beyond the exclusion and loss suffered by Roma as a result of discrimination in employment, education, access to public services, housing and health care, Roma are also targeted as objects of physical violence, sometimes resulting in injury and even death. Such racially-motivated hatred and violence arises not only from other citizens, but also from agents of the State including police. Aside from the fact that such experiences obviously feed alienation among Roma and reinforce their deeply held suspicions about *Gadjé* society and authority, racially-motivated violence is first of all a violation of human rights respecting physical integrity, including the rights to security of person and life. In accordance with Article 3 of the 1948 Universal Declaration of Human Rights (hereafter, Universal Declaration) "Everyone has the right to life, liberty and the security of person". These rights are to be both respected and ensured by the State: in *respecting* these rights, agents of the State must not in the exercise of their lawful authority violate the rights to security of person and life, while the State must act *to ensure* these rights through legislation and exercise of lawful authority protecting against harmful acts on the part of private persons (so-called horizontal effects). With regard to Roma and Sinti, the evidence strongly indicates that many OSCE participating States fall short of their obligations both to respect and to ensure rights of physical integrity.

It is to be emphasized that the motivations underlying discrimination and violence are legitimate matters of concern and, indeed, are to be addressed according to international standards. Racially-motivated violence is especially dehumanizing and repugnant. It is also dangerous from a social perspective.

In order to combat racial hatred, discrimination and violence, international law expressly proscribes its advocacy. At the universal level, Article 20(2) of the ICCPR stipulates the following in unequivocal and mandatory language:

> Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 4 of the Race Convention stipulates more specific and far-reaching obligations, as follows:

> State Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end . . .

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;
(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

At the regional level in Europe, Article 6(2) of the Framework Convention obliges State Parties "to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity." The Explanatory Report to the Framework Convention states in paragraph 50 that this provision is inspired by paragraph 40.2 of the OSCE's Copenhagen Document which, as noted earlier, addresses the Roma specifically in providing the following:

> The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies). They declare their firm intention to intensify the efforts to combat these phenomena in all their forms and therefore will

> (40.1) - take effective measures, including the adoption, inconformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism;
>
> (40.2) - commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property;…

Several OSCE instruments note the particular relevance for Roma of participating States' undertakings to combat racial and ethnic hatred, discrimination and violence. Discrimination against Roma just as clearly violates the broadly-defined prohibition of discrimination set forth in various human rights instruments. Of these, the meaning of one - the Race Convention - merits brief comment as the case law of some OSCE participating States has at times evinced confusion in this regard. Article 1(1) of the Race Convention broadly defines "racial discrimination" as:

> any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Thus "racial discrimination" is defined to include negative discrimination based not only on "race" or color, but also on "national or ethnic origin." In light of this broad definition, it is not surprising that the Committee on the Elimination of Racial Discrimination (CERD), the body that monitors States Parties' compliance with the Race Convention, has repeatedly treated discrimination against Roma as a breach of the Convention.

2.4 O.S.C.E. ACTION PLAN FOR ROMA & SINTI: RECOMMENDATIONS ON POLICING

These extracts from the OSCE's Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area set out its recommendations on policing, together with a number of introductory paragraphs which explain the broader objectives of the Plan. Other sections of the Plan, especially those relating to law and criminal justice generally, are also relevant and can be accessed at http://www.osce.org/documents/odihr/2003/11/1562_en.pdf

Scope and objectives

1.   The Action Plan is intended to reinforce the efforts of the participating States and relevant OSCE institutions and structures aimed at ensuring that Roma and Sinti people are able to play a full and equal part in our societies, and at eradicating discrimination against them.

2.   The Action Plan relies on the framework of international and regional human rights law, existing OSCE commitments and examples of best practices from countries throughout Europe, where these are in place, and aims at fostering such practices elsewhere. The special measures foreseen by the Action Plan with a view to improving the situation of Roma and Sinti people are based on the International Convention on the Elimination of All Forms of Racial Discrimination.

3.   Both the participating States and OSCE institutions are called upon to implement the Action Plan. Roma and Sinti communities in the participating States are invited to draw upon and contribute actively to the implementation of the Action Plan's provisions.

General context: for Roma, with Roma

4.   Each national policy or implementation strategy should: (1) respond to the real problems, needs and priorities of Roma and Sinti communities; (2) be comprehensive; (3) introduce a balanced and sustainable approach to combining human rights goals with social policies; and (4) maximize Roma ownership of the policies that affect them. At the same time, national policies or implementation strategies should be adapted and implemented according to the specific needs of Roma and Sinti populations in particular situations in participating States. Implementation strategies should also include mechanisms to ensure that national policies are implemented at the local level.

5.   The guiding principle in the efforts of participating States and relevant OSCE institutions should be that each policy and implementation strategy should be elaborated and implemented with the active participation of Roma and Sinti communities. It is essential to ensure real participation by Roma and Sinti people in all the decisions that affect their lives. Roma and Sinti people should work alongside local, national and international authorities in the development of these strategies. Equally, Roma communities should be equal partners and should share the responsibility for the betterment of their welfare.

6.   The particular situation of Roma and Sinti women should be taken into account in the design and implementation of all policies and programmes. Where consultative and other mechanisms exist to facilitate Roma and Sinti people's participation in such policy-making processes, women should be able to participate on an equal basis with men. Roma women's issues should be systematically mainstreamed in all relevant policies designed for the population as a whole.

Combating racism and discrimination

In order to counter prejudice against Roma and Sinti and to effectively elaborate and implement policies to combat discrimination and racial violence, the following actions are recommended:

Police

Recommended action by participating States:

26.   Develop policies that promote awareness among law-enforcement institutions regarding the situation of Roma and Sinti people and that counter prejudice and negative stereotypes.

27.   Develop training programmes to prevent excessive use of force and to promote awareness of and respect for human rights.

28.   Develop policies: (1) to improve relations between Roma and Sinti communities and the police, so as to prevent police abuse and violence against Roma and Sinti people; and (2) to improve trust and confidence in the police among Roma and Sinti people.

29.   Develop policies and procedures to ensure an effective police response to racially motivated violence against Roma and Sinti people.

30.   Assess the gap between international standards on police and currently existing national practices in consultation with national police forces, NGOs and representatives of Roma and Sinti communities.

31.   Elaborate, where appropriate, and in close partnership with international organizations and Roma NGOs, policy statements, codes of conduct, practical guidance manuals and training programmes.

32.   Encourage Roma and Sinti people to work in law-enforcement institutions as a sustainable means of promoting tolerance and diversity.

Recommended action by OSCE institutions and structures:

33.   The Strategic Police Matters Unit in the Secretariat and the ODIHR will assist participating States in developing programmes and confidence-building measures — such as community policing — to improve the relations between Roma and Sinti people and the police, particularly at the local level.

34.   The ODIHR-CPRSI and the Strategic Police Matters Unit will, within their respective mandates, produce a compilation of police "best practices" in the OSCE region with respect to policing and Roma and Sinti communities.

35.   The HCNM, the ODIHR-CPRSI and the Strategic Police Matters Unit will assist the participating States in developing codes of conduct to prevent racial profiling and improve interethnic relations.

3. POLICING AND HUMAN RIGHTS

3.1 INTRODUCTION

This section of the Resource Manual presents a series of documents which, taken together, explain the relevance and practical implications of human rights for policing, with particular reference to issues of concern in relations between police and Roma communities.

Primary documents of a general nature (and not specific to policing), such as the European Convention on Human Rights, have not been included because they are readily accessible elsewhere.   The OSCE has already published a sourcebook of such documents, under the title *Human Rights and You* (complied by Frederick Quinn, OSCE/ODIHR 1999). Users of the present manual should refer to this OSCE sourcebook, and/or relevant websites, for documentation about human rights principles and standards produced by international bodies such as the United Nations, the OSCE and the Council of Europe. This sourcebook also includes a list of case-law of the European Court of Human Rights.

The documents that follow focus specifically on policing. The first, a product of the Council of Europe's 'Policing and Human Rights Programme', explores the relevance of human rights for policing at a general level. It was originally designed as an introduction to a series of other guidance booklets and training resources on policing and human rights that have been produced by the Council of Europe.

The European Code of Police Ethics is closely linked to the ECHR and elaborates in greater detail the principles that should underpin policing in a democratic society.   It was drawn up by a group of experts, and is based on wide consultation among police and other groups across Europe. It builds on a long experience of the Council of Europe in this field, which began with an initial 'Declaration on the Police' in 1979, and it received official approval in 2001.

The remaining documents focus more directly on the practical implications of human rights for operational policing. The first focuses generally on the exercise of police powers, with particular reference to decisions in cases brought before the European Court of Human Rights. It is followed by brief summaries of the principal cases that have addressed police treatment of Roma.

Users of this manual should bear in mind that the field of case-law is dynamic, and the body of case-law is constantly developing. Policy-makers and practitioners will need to review their practice regularly against the judgments and case law of the ECtHR in order to ensure they remain in compliance with minimum ECHR standards. They are recommended to routinely monitor the web-sites of the Council of Europe and the European Roma Rights Centre for this purpose.

The final two documents address issues that have been of particular concern in relations between Roma and the police: the management of public disorder, and the use of force by police. Each sets out principles and standards for good practice in these two fields.

Taken as a set, these documents are intended to indicate how human rights provide an important and practical framework within which the policing recommendations of the OSCE Action Plan relating to Roma should be implemented. They will also help participating states to formulate their own policies and codes of conduct, and to identify gaps between international standards and current policing practice relating to Roma communities.

3.2 HUMAN RIGHTS AND POLICE: QUESTIONS AND ANSWERS*

The document below provides a brief introduction to the relevance of human rights to policing. It takes the form of a series of questions and answers. The document was prepared as part of the Council of Europe's 'Policing and Human Rights Programme'. For further information about this programme and its documentation, which has been translated into a variety of languages, see: http://www.coe.int/T/E/Human_Rights/Police/

What are human rights?

Human rights derive from the inherent dignity and worth of the human person and they are universal, inalienable, and equal.

This means that they are inherent in every human being; they cannot be taken away from, or surrendered by, any person; and that everyone has human rights in the same measure - regardless of such criteria as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

They are best understood as those rights enshrined in international instruments such as the *Universal Declaration of Human Rights,* the *International Covenant on Economic, Social and Cultural Rights,* the *International Covenant on Civil and Political Rights,* regional human rights treaties, and instruments dealing with specific aspects of human rights protection such as the prohibition of torture.

If human rights are inalienable and cannot be taken away from any person, does that mean they can never be limited or denied?

No, it means that when a right is expressed in a legal code the limits or boundaries on that right have to be defined. For example the right to liberty of person may be limited by the exercise of lawful powers of arrest or detention.

You refer to "international instruments", a "declaration" "covenants" and "treaties". What is the difference between them?

"International instruments" in this context means all of those texts which embody international human rights standards. Some of those texts are treaties which are legally binding on states which are parties to them. Those treaties are referred to as "Covenants" or "Conventions". The UN Charter is also a legally binding treaty.

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* Ralph Crawshaw, *Human Rights and their Protection under International Law: A Pamphlet for Police*, Council of Europe, 2000

The "Declaration" referred to is the *Universal Declaration of Human Rights* which was adopted by UN General Assembly resolution 217 A(I 11) of 10 December 1948. It is not a legally binding treaty but there is a debate amongst international lawyers on the extent to which some or all of its provisions may be legally binding on all states under customary international law. Some declarations or resolutions, or parts of them, may eventually become binding under international law if their provisions are shown to have become general practice accepted by states. If provisions do attain this status they are said to have become part of customary international law.

The *Universal Declaration of Human Rights* and the two International Covenants referred to form the International Bill of Human Rights, and they have global application. There are also legally binding treaties which have regional application. These are the *African Charter on Human and Peoples' Rights;* the *American Convention on Human Rights;* and the *European Convention on Human Rights.*

Other international instruments include codes and sets of principles. These are texts adopted by international bodies such as the UN General Assembly. They are not legally binding in themselves but they do reiterate and reinforce treaty provisions, and they assist and encourage compliance with those provisions by establishing detailed standards to that end.

The titles of the two international covenants refer to different types of human rights. Are they all equally important and are they all relevant to policing?

The distinction arose in the first place because of the way in which human rights were regarded in theoretical terms. At first human rights were considered to be claims for non-intervention by governments in the lives of citizens. This first generation of rights came to be known as civil and political rights. These include the right to life; the right to liberty and security of person; the prohibition on torture and ill-treatment; the right to freedom of thought, conscience and religion; the right to freedom of opinion and expression; and the right to freedom of peaceful assembly and association. It can be seen that rights of this nature directly affect, and are affected by, policing.

Subsequently it was argued that claims for positive intervention by governments in order to promote social justice should also be regarded as human rights. This second generation of rights came to be known as economic, social and cultural rights. These include the right to social security; the right to work; the right to education; and the right to participate in the cultural life of the community. The relationship between policing and this category of rights is less obvious but, nevertheless, does exist.

These two generations of rights are considered to be "indivisible" and "interdependent" in that the enjoyment of one category is dependent upon enjoyment of the other. In this sense no human right is considered to be more important than another although, of course, under particular circumstances one or more rights may take on greater significance for the time being.

The rights in each of these categories are known as "individual rights" because individual people are entitled to enjoy them. A third generation of rights known as "collective rights" is now recognised, and this would include, for example, the right to development.

One of the reasons why police officials have reservations about the concept of human rights is that human rights seem to be more concerned with protecting the criminal than the victim. Does this not reduce the value of human rights?

No, the main purpose of human rights is to deal with a particular type of harm - abuse of power by the state. International human rights standards are intended to prevent people from becoming victims of such abuse, and to secure redress for them if they do become victims. Some human rights violations are criminal acts in themselves - torture for example, and unlawful killings by state officials.

Criminals do have human rights, for example they have the right to a fair trial and the right to humane treatment as detainees. On conviction by a court for a criminal offence they may lose their right to liberty of person if sentenced to a term of imprisonment.

As far as police are concerned, they must remember that when they are investigating crime they are dealing with suspects and not people who have been convicted of the crime under investigation. However strongly a police officer may feel that a suspect is guilty of a crime, only a court can pronounce that person guilty. This is an essential element of the right to a fair trial, and rules which surround that right are designed to prevent the conviction of innocent people for crimes which they have not committed.

Miscarriages of justice, leading to the conviction of innocent people through failures of police to respect human rights, seriously undermine faith in police and in the entire criminal justice system**.** This in turn leads to people refusing to cooperate with and assist the police, and to a reduction in police effectiveness.

As far as victims of crime are concerned, there is an international instrument which sets standards for the treatment of victims - the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.*

But what about human rights violations committed by criminals and terrorists?

A human rights violation is a category of harm which can only be committed by a person dignified by the authority of the state to exercise power on behalf of the state. Neither a criminal nor a terrorist has that dignity or that power. When criminals or terrorists injure or kill people they commit serious criminal offences but they do not commit human rights violations. This does not diminish the harm they have done, and they deserve to be punished under the law for their crimes.

This point can also be illustrated by considering the actions of a police official. If such a person, in the course of his or her official duties, physically assaults a suspect during the

course of an interview in order to intimidate that person into confessing to a crime, that action would be a crime (of assault), but it would also be a human rights violation (of the prohibition of ill-treatment). On the other hand if a police official not on duty and acting in his or her private capacity, becomes involved in an argument and assaults somebody, that action would be a criminal assault but it would not be a human rights violation.

In each case the police official should be punished under the law for the criminal act but in the first example, the victim of the human rights abuse would be entitled to redress from the state.

In respect of the prevention of torture, and the detection and punishment of people who commit torture, international instruments have extended the notion of responsibility for that particular human rights violation.

So in relation to human rights police are seen as the delinquents?

No, the relationship between police and human rights is centred around the notions of "protection" and "respect", and it can be a very positive relationship.

In fact it is a function of police to protect human rights. They do this in a general way by maintaining social order so that all human rights of every category can be enjoyed. When social order breaks down the ability of the state to deliver or ensure respect for human rights is diminished or destroyed.
Furthermore it is partly through policing that states meet their legal obligations to protect specific human rights - the right to life for example.

As far as "respect" is concerned, police are to respect human rights when they carry out their duties. In other words, whereas the protection of human rights is a police *function,* the requirement to respect human rights affects the *ways* in which police are to fulfill all of their functions.

This too is a positive relationship for the requirement to respect human rights is closely bound up with the effective performance of police functions. For example, human rights are protected by law and police enforce law - in order to prevent and detect crime, to maintain social order and to protect human rights. Seen in this way effective policing consists of fulfilling policing functions whilst at the same time respecting human rights. Violating human rights, law breaking for the purposes of law enforcement, is not effective policing - whatever the other results which may be achieved. When police break the law in order to enforce it they are not reducing criminality, they are adding to it.

The relationship between police and human rights is only negative, and police are only seen as delinquents, when human rights are not respected by police. When that occurs effective policing is not being delivered.

Even if compliance with those prohibitions and limitations is an element of effective policing, perhaps it would help police to have a more positive view of human rights if the

instruments expressed more than a series of prohibitions and limitations on action by police.

The principles on which human rights are based -respect for human dignity, and universality, inalienability and equality of rights - are not prohibitions or limitations, they are great humanitarian precepts supported by the rule of law. They provide a very positive basis for the relationship between those who exercise state power and those on behalf of whom it is exercised -individuals and groups within society.

The rights which derive from these principles provide more specific rules of behaviour to govern that relationship. As far as policing is concerned, these are positive requirements - to respect the right to liberty and security of person or to conduct investigations into crime in such a way that the right to a fair trial is reinforced for example.

The codes and sets of principles referred to in response to the third question above (page 3) include instruments addressed to police. These provide detailed and positive guidance on best practice for different aspects of policing. For example the United Nations *Code of Conduct for Law Enforcement Officials* embodies general and specific rules of behaviour on such matters as use of force (Article 3), confidentiality (Article 4), protection of detainees (Articles *5* and 6), and responses to bad behaviour by colleagues (Article 8). Article 1 requires high standards of responsibility and professional competence. The UN General Assembly resolution by which the Code was adopted (34/169 of 17 December 1979) requires, *inter alia,* that every law enforcement agency should be representative of and responsive and accountable to the community as a whole. This is a very positive statement about the nature of policing and the relationship of police agencies to the communities they serve.

The *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* is another such instrument. Its 26 Principles set out detailed and practical examples of best practice on the use of force and firearms by police. The Principles express positive standards on such matters as the development of national rules and guide-lines on the use of force and firearms (Principle 1); the development of a wide range of equipment to enable a differentiated use of force and firearms, and the provision of defensive equipment (Principle 2); the circumstances under which firearms may be used against persons (Principle 9); training of police (Principle 20); stress counselling for police; and on the individual responsibility of police officials and police leaders (Principles 24 -26).

Police officials are inevitably interested in how law is enforced. What measures and systems are in place to secure compliance with international human rights law?

There is, as yet, no permanent international criminal court to deal with individuals charged with crimes arising out of human rights violations. Nor is there any international police agency to investigate such crimes. However, a treaty establishing an international court before which individuals may be arraigned for crimes against peace, crimes against humanity and gross violations of human rights has been agreed, and will come into force when sufficient states have committed themselves to be bound by its conditions.

The various mechanisms presently in place to secure compliance with international human rights law are largely directed at encouraging states to create and sustain the constitutional and legal arrangements necessary for them to be able to meet their international legal obligations to protect human rights. States are then required to secure compliance with their own constitution and laws by administrative and other means and, when these are breached, to provide redress to victims of human rights violations.

The international mechanisms fall within two broad categories - bodies and procedures developed within the United Nations system, and treaty based bodies and procedures. Within the United Nations system, the main body dealing with human rights issues is the Commission on Human Rights which is composed of 53 representatives of member states of the United Nations. The Commission makes studies, prepares recommendations and drafts international instruments relating to human rights. It also undertakes special tasks assigned to it by the General Assembly and the Economic and Social Council of the United Nations. These include the investigation of allegations concerning violations of human rights and the handling of communications relating to such violations.

A number of Special Procedures have also been established within the United Nations system to deal with specific human rights issues. These may consist of a single person in the form of a Special Rapporteur, or they may consist of a Working Group. Special Procedures fall into two categories - thematic procedures and country specific procedures.

Thematic procedures address a specific type of violation. For example in 1980 the Human Rights Commission established a Working Group on Enforced or Involuntary Disappearances with the mandate of studying the phenomenon of forced disappearances and reporting to the Commission. There have now been appointed a Special Rapporteur on Extra-Legal Executions; a Special Rapporteur on Torture; a Special Rapporteur on Religious Intolerance; and a Working Group on Arbitrary Detention.

Country Specific Procedures (Special Rapporteurs and Working Groups) address human rights situations in a particular country or territory. By these means a number of countries in all regions of the world have been subjected to international scrutiny.

There are various forms of treaty based procedure. For example the Human Rights Committee established under Part IV of the International Covenant on Civil and Political Rights has two main functions - "supervision" and "applications". Supervision is conducted through a reporting procedure whereby states parties to the Covenant submit periodic reports "on the measures they have adopted which give effect to the rights recognised" in the Covenant and "on the progress made in the enjoyment of those rights". Applications involve communications (complaints) from individuals who are alleging violations of their rights protected under the Covenant, and from states parties to the Covenant in relation to the conduct of other states parties.

A Committee against Torture has been established under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.* This Committee receives periodic reports from states parties to the Convention, and examines information which appears to contain well founded indications that torture is being systematically practised within the territory of a state party.

Each of the three regional treaties referred to in the answer to the third question above (page 3) has established bodies and procedures to secure compliance with its provisions so that there now exists an African Commission on Human and Peoples' Rights; an Inter-American Commission on Human Rights and an Inter-American Court of Human Rights; and a European Court of Human Rights.

This is only a very brief outline giving examples of types of enforcement mechanism. Other bodies do exist, within the UN system and established under treaties.

Are human rights protected and enforced in a particular way in Europe?

The Council of Europe was founded in 1949 with the aim of forging greater links between countries in Europe in order to facilitate social and economic progress and safeguarding democracy, human rights and the rule of law. An elaborate series of mechanisms has been developed by the member States of the Council of Europe to protect human rights and ensure redress for violations in Europe. Only the most significant instruments will be described here.

The European Convention on Human Rights (ECHR) is the centre-piece of this protection system and one of the most revolutionary international agreements ever signed. In accepting the ECHR, States agree to guarantee the rights enshrined therein and to provide an "effective" remedy for human rights violations at domestic level. If that national protective layer fails, however, the individual is permitted to petition an independent international European Court of Human Rights (EctHR). States agree to be bound by, and to implement, the decisions of this Court. Thus, when a decision is challenged by an individual, it may lead to important changes in a State's legal framework. In addition, forty of the forty one member States of the Council of Europe have also agreed to give direct force of law to the provisions of the ECHR within their jurisdictions. Human rights as defined in the ECHR thus form part of the domestic law governing the work of policing in almost every European State.

Twelve fundamental individual human rights were recognised and guaranteed in the ECHR at its signature in 1950. Subsequent agreements extended the number of rights which benefit from the protection of the Convention. In the sphere of human rights and police the Convention rights most often called into play are the right to life (Article 2), the right to freedom from torture and inhuman or degrading treatment or punishment (Article 3), the right to liberty and security of person (Article 5), the right to a fair trial (Article 6), the right to respect for private and family life, home and correspondence (Article 8), freedom of expression and freedom of thought, conscience and religion (Article 10), freedom of peaceful assembly and freedom of association (Article 11).

The ECtHR has elaborated how these rights may be exercised in a wide range of specific situations and has reinforced and developed their field of application in the face of new challenges. Recent cases have dealt with issues such as the extent of the positive obligation on the police to take measures to protect the right to life when the right is threatened by third parties, and how far the social and political rights of police officers themselves may be restricted. By means of visits to places of detention, and confidential dialogue with States, the **European Committee for the Prevention of Torture (CPT)** works to strengthen the protection of those deprived of their liberty against torture and ill treatment. Detailed standards and practical guidelines on how police detention should be conducted, for example, have been drawn up as part of this process.

Persons belonging to a national minority enjoy the rights and freedoms protected in the Council of Europe **Framework Convention for National Minorities (FCNM).** Innovative policing is directly implicated, for example, in the challenge to, and requirement for, States to take special measures to protect those who may be subject to threats or acts of violence as a result of their ethnic, cultural, linguistic or religious identity.

The **European Social Charter** contains obligations of a progressive nature in the field of economic and social rights. The fundamental rights protected therein impact not only on the scope of police duties within their community, but also on how the police service itself is organised, through employment, bargaining and social assistance rights. The Parliamentary Assembly **'Declaration on the Police'** (Resolution 690 (1979)) focuses more particularly on the rights of police officers themselves, recognising that *"the professional, psychological and material conditions under which a police officer must perform his duties shall be such as to protect his integrity, impartiality and dignity"*[1]. Other recommendations and resolutions of Council of Europe decision making bodies create standards for issues which have policing implications eg., police co-operation and the protection of personal data, intimidation of witnesses and the rights of the defence.

3.3 THE EUROPEAN CODE OF POLICE ETHICS[*]

The European Code of Police Ethics aims to provide a set of principles and guidelines for the overall objectives, performance and control of the police in democratic societies governed by the rule of law, and is to a large extent influenced by the European Convention on Human Rights. The Code is concerned to make specific and define the requirements and arrangements that fit the police to meet the difficult, demanding and delicate task of preventing and detecting crime and maintaining law and order in civil, democratic society. For the full text of the Council of Europe recommendation of which it forms a part, including the preamble and a detailed explanatory memorandum, see:
http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Police_and_internal_security/

This code applies to traditional public police forces or police services, or to other publicly authorised and/or controlled bodies with the primary objectives of maintaining law and order in civil society, and who are empowered by the state to use force and/or special powers for these purposes.

Objectives of the police

1. The main purposes of the police in a democratic society governed by the rule of law are:

- to maintain public tranquillity and law and order in society;

- to protect and respect the individual's fundamental rights and freedoms as enshrined, in particular, in the European Convention on Human Rights;

- to prevent and combat crime;

- to detect crime;

- to provide assistance and service functions to the public.

Legal basis of the police under the rule of law

2. The police are a public body which shall be established by law.

3. Police operations must always be conducted in accordance with the national law and international standards accepted by the country.

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[*] *The European Code of Police Ethics,* Recommendation (2001)10 adopted by the Committee of Ministers of the Council of Europe on 19 September 2001

4. Legislation guiding the police shall be accessible to the public and sufficiently clear and precise, and, if need be, supported by clear regulations equally accessible to the public and clear.

5. Police personnel shall be subject to the same legislation as ordinary citizens, and exceptions may only be justified for reasons of the proper performance of police work in a democratic society.

The police and the criminal justice system

6. There shall be a clear distinction between the role of the police and the prosecution, the judiciary and the correctional system; the police shall not have any controlling functions over these bodies.

7. The police must strictly respect the independence and the impartiality of judges; in particular, the police shall neither raise objections to legitimate judgments or judicial decisions, nor hinder their execution.

8. The police shall, as a general rule, have no judicial functions. Any delegation of judicial powers to the police shall be limited and in accordance with the law. It must always be possible to challenge any act, decision or omission affecting individual rights by the police before the judicial authorities.

9. There shall be functional and appropriate co-operation between the police and the public prosecution. In countries where the police are placed under the authority of the public prosecution or the investigating judge, the police shall receive clear instructions as to the priorities governing crime investigation policy and the progress of criminal investigation in individual cases. The police should keep the superior crime investigation authorities informed of the implementation of their instructions, in particular, the development of criminal cases should be reported regularly.

10. The police shall respect the role of defence lawyers in the criminal justice process and, whenever appropriate, assist in ensuring the right of access to legal assistance effective, in particular with regard to persons deprived of their liberty.

11. The police shall not take the role of prison staff, except in cases of emergency.

Organisational structures of the police

A. General

12. The police shall be organised with a view to earning public respect as professional upholders of the law and providers of services to the public.

13. The police, when performing police duties in civil society, shall be under the responsibility of civilian authorities.

14. The police and its personnel in uniform shall normally be easily recognisable.

15. The police shall enjoy sufficient operational independence from other state bodies in carrying out its given police tasks, for which it should be fully accountable.

16. Police personnel, at all levels, shall be personally responsible and accountable for their own actions or omissions or for orders to subordinates.

17. The police organisation shall provide for a clear chain of command within the police. It should always be possible to determine which superior is ultimately responsible for the acts or omissions of police personnel.

18. The police shall be organised in a way that promotes good police/public relations and, where appropriate, effective co-operation with other agencies, local communities, non-governmental organisations and other representatives of the public, including ethnic minority groups.

19. Police organisations shall be ready to give objective information on their activities to the public, without disclosing confidential information. Professional guidelines for media contacts shall be established.

20. The police organisation shall contain efficient measures to ensure the integrity and proper performance of police staff, in particular to guarantee respect for individuals' fundamental rights and freedoms as enshrined, notably, in the European Convention on Human Rights.

21. Effective measures to prevent and combat police corruption shall be established in the police organisation at all levels.

B. Qualifications, recruitment and retention of police personnel

22. Police personnel, at any level of entry, shall be recruited on the basis of their personal qualifications and experience, which shall be appropriate for the objectives of the police.

23. Police personnel shall be able to demonstrate sound judgment, an open attitude, maturity, fairness, communication skills and, where appropriate, leadership and management skills. Moreover, they shall possess a good understanding of social, cultural and community issues.

24. Persons who have been convicted for serious crimes shall be disqualified from police work.

25. Recruitment procedures shall be based on objective and non-discriminatory grounds, following the necessary screening of candidates. In addition, the policy shall aim at recruiting men and women from various sections of society, including ethnic

minority groups, with the overall objective of making police personnel reflect the society they serve.

C. Training of Police Personnel

26. Police training, which shall be based on the fundamental values of democracy, the rule of law and the protection of human rights, shall be developed in accordance with the objectives of the police.

27. General police training shall be as open as possible towards society.

28. General initial training should preferably be followed by in-service training at regular intervals, and specialist, management and leadership training, when it is required.

29. Practical training on the use of force and limits with regard to established human rights principles, notably the European Convention on Human Rights and its case law, shall be included in police training at all levels.

30. Police training shall take full account of the need to challenge and combat racism and xenophobia.

D. Rights of police personnel

31. Police staff shall as a rule enjoy the same civil and political rights as other citizens. Restrictions to these rights may only be made when they are necessary for the exercise of the functions of the police in a democratic society, in accordance with the law, and in conformity with the European Convention on Human Rights.

32. Police staff shall enjoy social and economic rights, as public servants, to the fullest extent possible. In particular, staff shall have the right to organise or to participate in representative organisations, to receive an appropriate remuneration and social security, and to be provided with special health and security measures, taking into account the particular character of police work.

33. Disciplinary measures brought against police staff shall be subject to review by an independent body or a court.

34. Public authorities shall support police personnel who are subject to ill-founded accusations concerning their duties.

Guidelines for police action/intervention

A. Guidelines for police action/intervention: general principles

35. The police, and all police operations, must respect everyone's right to life.

36. The police shall not inflict, instigate or tolerate any act of torture or inhuman or degrading treatment or punishment under any circumstances.

37. The police may use force only when strictly necessary and only to the extent required to obtain a legitimate objective.

38. Police must always verify the lawfulness of their intended actions.

39. Police personnel shall carry out orders properly issued by their superiors, but they shall have a duty to refrain from carrying out orders which are clearly illegal and to report such orders, without fear of sanction.

40. The police shall carry out their tasks in a fair manner, guided, in particular, by the principles of impartiality and non-discrimination.

41. The police shall only interfere with individual's right to privacy when strictly necessary and only to obtain a legitimate objective.

42. The collection, storage, and use of personal data by the police shall be carried out in accordance with international data protection principles and, in particular, be limited to the extent necessary for the performance of lawful, legitimate and specific purposes.

43. The police, in carrying out their activities, shall always bear in mind everyone's fundamental rights, such as freedom of thought, conscience, religion, expression, peaceful assembly, movement and the peaceful enjoyment of possessions.

44. Police personnel shall act with integrity and respect towards the public and with particular consideration for the situation of individuals belonging to especially vulnerable groups.

45. Police personnel shall, during intervention, normally be in a position to give evidence of their police status and professional identity.

46. Police personnel shall oppose all forms of corruption within the police. They shall inform superiors and other appropriate bodies of corruption within the police.

B. Guidelines for police action/intervention: specific situations

Police investigation

47. Police investigations shall, as a minimum, be based upon reasonable suspicion of an actual or possible offence or crime.

48. The police must follow the principles that everyone charged with a criminal offence shall be considered innocent until found guilty by a court, and that everyone charged with a criminal offence has certain rights, in particular the right to be informed promptly of the accusation against him/her, and to prepare his/her defence either in person, or through legal assistance of his/her own choosing.

49. Police investigations shall be objective and fair. They shall be sensitive and adaptable to the special needs of persons, such as children, juveniles, women, minorities including ethnic minorities and vulnerable persons.

50. Guidelines for the proper conduct and integrity of police interviews shall be established, bearing in mind Article 48. They shall, in particular, provide for a fair interview during which those interviewed are made aware of the reasons for the interview as well as other relevant information. Systematic records of police interviews shall be kept.

51. The police shall be aware of the special needs of witnesses and shall be guided by rules for their protection and support during investigation, in particular where there is a risk of intimidation of witnesses.

52. Police shall provide the necessary support, assistance and information to victims of crime, without discrimination.

53. The police shall provide interpretation/translation where necessary throughout the police investigation.

Arrest/deprivation of liberty by the police

54. Deprivation of liberty of persons shall be as limited as possible and conducted with regard to the dignity, vulnerability and personal needs of each detainee. A custody record shall be kept systematically for each detainee.

55. The police shall, to the extent possible according to domestic law, inform promptly persons deprived of their liberty of the reasons for the deprivation of their liberty and of any charge against them, and shall also without delay inform persons deprived of their liberty of the procedure applicable to their case.

56. The police shall provide for the safety, health, hygiene and appropriate nourishment of persons in the course of their custody. Police cells shall be of a reasonable size, have adequate lighting and ventilation and be equipped with suitable means of rest.

57. Persons deprived of their liberty by the police shall have the right to have the deprivation of their liberty notified to a third party of their choice, to have access to legal assistance and to have a medical examination by a doctor, whenever possible, of their choice.

58. The police shall, to the extent possible, separate persons deprived of their liberty under suspicion of having committed a criminal offence from those deprived of their liberty for other reasons. There shall normally be a separation between men and women as well as between adults and juveniles.

Accountability and control of the police

59. The police shall be accountable to the state, the citizens and their representatives. They shall be subject to efficient external control.

60. State control of the police shall be divided between the legislative, the executive and the judicial powers.

61. Public authorities shall ensure effective and impartial procedures for complaints against the police.

62. Accountability mechanisms, based on communication and mutual understanding between the public and the police, shall be promoted.

63. Codes of ethics of the police, based on the principles set out in the present recommendation, shall be developed in member states and overseen by appropriate bodies.

Research and international co-operation

64. Member states shall promote and encourage research on the police, both by the police themselves and external institutions.

65. International co-operation on police ethics and human rights aspects of the police shall be supported.

66. The means of promoting the principles of the present recommendation and their implementation must be carefully scrutinised by the Council of Europe.

3.4 POLICE POWERS AND THE EUROPEAN CONVENTION OF HUMAN RIGHTS[∗]

This paper reviews case-law from the European Court of Human Rights that is relevant to relations between police and minority ethnic communities. It was prepared by Chris Taylor (formerly Chief Inspector, Metropolitan Police, London) in 2003 as a background document for a project designed to improve access to justice for national minorities in the Russian Federation by building trust and cooperation between minorities and the police. It explicitly raises areas of sensitivity in police activity from the point of view of members of minority ethnic communities.

Introduction

The exercise of police powers raises a number of interesting, albeit complicated, issues under the European Convention on Human Rights ('the Convention'). That is because the dual functions of the police - the protection of victims (or potential victims) of crime and safeguarding the rights of suspects - inevitably engage Convention rights, often apparently conflicting Convention rights.

So far as the protection of victims is concerned, the Convention rights usually in play are Articles 2 (the right to life), 3 (the prohibition on ill-treatment) and 8 (respect for privacy and physical integrity). For suspects, the Convention rights usually in play are Article 8 (in relation to investigation of crime) and Articles 3 and 5 (in relation to arrest and treatment in custody, including questioning). However, for both groups, other Convention rights are also important. For example, it is now well established that one of the positive obligations arising under the Convention is a duty on the police to ensure that individuals can enjoy their Convention rights, such as the right of peaceful assembly (Christians Against Racism and Fascism v UK).

The positive obligation under Article 14 (prohibiting discrimination) provides for people to enjoy the protection of the Convention without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property or other status. The Strasbourg authorities have interpreted the phrase "other status" to include, among other things, sexual orientation, marital status, illegitimacy, status as a trade union, military status and conscious objection.

The application of Article 14 involves more than simply deciding whether a person has been discriminated against in the enjoyment of a Convention right and, if so, whether he or she comes within one of the listed categories including "other status". Other considerations would be whether there was an objective and reasonable justification for treating different categories of people in a different way and whether any differential treatment was proportionate to the aim pursued.

In practical policing terms, human rights have the potential to benefit victims, suspects and defendants from ethnic minority communities by bolstering the rights of the

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[∗] Document specially prepared in 2003 by former Chief Inspector Chris Taylor, London Metropolitan Police, for the project 'Ethnic Minorities and Access to Justice in the Russian Federation' (2003-2005) coordinated by European Dialogue, London UK.

individual as against the state, rather than because of any particular anti-discrimination agenda. It is important to remember that the Convention is 'designed to maintain and promote the ideals and values of a democratic society' including 'pluralism, tolerance and broad-mindedness' (Kjeldsen v Denmark and Handyside v UK)

This paper examines the Convention duties and responsibilities of the police and, in particular, how the balance is to be struck as between victims and suspects. The duty to safeguard the life and physical integrity of individuals known to be at risk is dealt with first, then the investigation of crime (including covert surveillance, search and seizure and the collection and retention of personal data), arrest and detention, and finally police accountability under the Convention.

Safeguarding life and physical integrity

The positive obligation on the police to safeguard life and physical integrity arises under Articles 2, 3 and 8 of the Convention. Although the nature of the obligation differs from Article to Article, in each case the duty on the state to put in place an appropriate legal framework capable of protecting life and physical integrity is supplemented by a duty on the police (and other law enforcement agencies) to enforce the law effectively.

Although the obligation to take appropriate measures to protect life is well established, its scope was examined in the case of Osman v UK. There the applicants complained that the police had failed to take reasonable preventative measures against the second applicant's former teacher who ultimately killed the first applicant's husband (the second applicant's father) and wounded the second applicant. Although the European Court of Human Rights found no breach of Article 2 on the facts, it adopted the following important principles:

1.   The state's obligation under Article 2 extends beyond a duty to put in place effective criminal law provisions to deter the commission of offences against the person backed up by law-enforcement machinery for the prevention, suppression and sanctioning of breaches of such provisions.

2.   It also implies, in certain well-defined circumstances, a positive obligation on the authorities to take preventative operational measures to protect an individual whose life is at risk from the criminal acts of another individual.

3.   Bearing in mind the difficulties involved in policing modern societies, the unpredictability of human conduct and the operational choices which must be made in terms of priorities and resources, such an obligation must be interpreted in away which does not impose an impossible or disproportionate burden on the authorities.

4.   It must also be interpreted in a way, which fully respects the due process and other guarantees that legitimately place restraints on the scope of their action to investigate crime and bring offenders to justice, including the guarantees contained in Articles 5 and 8 of the Convention.

5.   What must be shown, therefore, is that the authorities failed to do all that could reasonably be expected of them to avoid a 'real and immediate' risk to life, which they

knew about or ought to have known about.

On that basis, the Court rejected the UK government's argument that to breach Article 2, the failure to perceive the risk to life or take preventative measures must be tantamount to gross negligence or wilful disregard of the duty to protect life.

In a number of previous cases, the European Commission of Human Rights had examined the scope of the obligation to take appropriate measures to protect life in the context of paramilitary attacks in Northern Ireland. It accepted that police/security force protection may been needed in some cases - up to a point - but emphasised that 'a positive obligation to exclude any possible violence' could not be read into Article 2 (W v UK).

Some of the most dynamic case law on positive obligations has been developed in the context of protecting a person's physical integrity under Article 8. And, in addition to their claim under Article 2, the applicants in Osman v UK advanced an argument under Article 8 on the basis that the failure of the police to bring to an end the campaign of harassment, vandalism and victimisation, which the second applicant's teacher waged against their property constituted a breach of this provision. The Court rejected this. In its view the police had done all they could reasonably have been expected to do: initially there was no real evidence that the teacher was responsible for the acts complained of, and when further evidence became available, the police had attempted to arrest him.

Clearly, therefore, what steps the police need to take to comply with their Convention obligations under Article 8 will depend on the facts of each case. However, the implication from Osman v UK is that, if there had been evidence that the teacher was responsible for the campaign of harassment, vandalism and victimisation and, having been alerted to this evidence, the police had done nothing, a breach of Article 8 might well have been established.

Investigation and prosecution

It is now clearly established that where an individual's fundamental rights under Articles 2 and 3 are breached, there must be 'some form of effective official investigation'. This obligation is particularly strict where state officials have (or might have) been involved.

In a series of cases from Turkey, the Court has found that wherever an individual dies in suspicious circumstances, disappears or an allegation of torture is 'arguable', Article 13 of the Convention (the right to an effective remedy) requires, without prejudice to the availability of any other remedy, a 'thorough and effective investigation capable of leading to the identification and punishment of those responsible and including effective access for the relatives to the investigatory procedure' (Aksov v Turkev). Examples where the Court has found a breach of this duty of effective investigation include:

(i)   failing to ascertain possible eye-witnesses;

(ii)   failing to question suspects at an early stage;

(iii)   failing to search for corroborating evidence;

(iv)   the adoption of an over-deferential attitude to those in authority;

(v)   failing to follow up proper complaints;

(vi)   ignoring obvious evidence;

(vii)   failing to carry out a proper autopsy; and

(viii)   failing to test gunpowder traces.

(Aksoy v Turkev, Aydin v Turkev, Kurt v Turkev and Kava v Turkey)

On the other hand, the investigation of crime must respect the Convention rights of suspects or potential suspects. That means that there are strict limits on investigative techniques such as covert surveillance, the use of *agent provocateurs* and the collection and retention of personal data.

Covert surveillance

Covert surveillance covers a wide range of activities, including telephone tapping, interception of communications, the use of covert listening devices and visual surveillance equipment. Most of these activities interfere with the right to privacy protected by Article 8. That does not mean that they are prohibited under the Convention: the prevention of crime and the protection of the rights of others are legitimate grounds for interfering with Article 8 rights.

However it does mean that all forms of police surveillance must be justified in accordance with Article 8(2) of the Convention: i.e.:

(i)   The activity in question must be 'prescribed by law'. This means that the applicable legal rules must be accessible (unpublished internal guidelines are not sufficient) and formulated with sufficient precision to enable citizens to foresee - if need be with appropriate advice - the consequences of their actions.

(ii)   The activity in question must be necessary and proportionate. This means that police surveillance should be restricted to that which is strictly necessary to achieve the required objective. What is legitimate for the prevention and detection of serious crime may not be legitimate for less serious crime. And, broadly speaking, intrusive surveillance should not be used where less-intrusive measures are capable of achieving the same or similar results.

(iii)   There must be proper methods of accountability over both the authorisation and the use of police surveillance and other information gathering activities.

(iv)   There must be remedies for those whose privacy has been wrongly invaded.

These requirements have been developed over a long series of cases before the Court and it is clear that requirements are becoming stricter, not looser. In Huvig v France, where a judge authorised a senior police officer to have the applicants' business and private telephone lines tapped and the resultant information was then used against him in criminal proceedings for attempted armed robbery and abetting a murder, the Court found a breach of Article 8 for a combination of the following reasons:

(i)   The categories of people liable to have their telephones tapped was not defined

(ii)   The categories of offence for which telephone tapping could be authorised was not defined

(iii)   There were no limits on the duration of telephone tapping

(iv)   No rules existed about disclosure of records created in the course of telephone tapping, in particular, disclosure to the defence

(v)   No rules existed to govern the destruction of information obtained by telephone tapping, in particular where proceedings against a suspect were not pursued and/or s/he was acquitted on criminal charges.

Moreover, the Court recognises that as technology advances it is increasingly easy for the police and other public authorities to abuse their powers of surveillance. Recently it has maintained that having clear rules covering the issues outlined in Huviq v France is only the starting point. The rules must also establish how, in practice, they are to be carried into effect.

In Kopp v Switzerland the applicant was a lawyer, whose telephone communications were intercepted even though he himself was not a suspect but because he was a 'third party' with whom it was believed those suspected would be in contact. The Swiss court ordered that 13 telephone lines be monitored, including the applicant's private and professional lines. Although the order expressly mentioned, in accordance with Swiss law on legal professional privilege, that 'the lawyers' conversations [were] not to be taken into account', the Court found a breach of Article 8 because the law did not make it clear how legal professional privilege was to be protected in practice.
The Court's view was that since telephone tapping (and other forms of communication interception) constitutes a 'serious interference' with private life, particularly in light of increasingly sophisticated technology, it must be based on 'law' that is particularly precise. It is essential to have clear, detailed rules on the subject. Although Swiss law provided a number of safeguards, including the provision intended to protect legal professional privilege, the Court discerned:

'...a contradiction between the clear text of legislation which protects legal professional privilege when a lawyer is being monitored as a third party and the practice followed in the present case. Even though the case law has established the principle ... that legal professional privilege covers only the relationship between a lawyer and his clients, the law does not clearly state how, under what conditions and by whom the distinction is to be drawn between matters specifically connected with a lawyer's work under instructions from a party to proceedings and those relating to activity other than that of counsel.'

In this regard, the Court found it 'astonishing' that the task of distinguishing between privileged and non-privileged matters should be left, under Swiss law, to an official of the Post Office's legal department, without supervision by an independent judge. On that basis it found that Swiss law did not indicate with sufficient clarity the scope and manner of exercise of the power to intercept telephone conversations.

Undercover agents and agent provocateurs

The use of undercover agents in criminal cases raise two issues under the Convention: fair trial and privacy. So far as the first is concerned, the Court's case law has established that, subject to two qualifications, the use of undercover agents in the investigation of crime is not incompatible with Article 6. The first qualification is that the use of undercover agents must be restricted and adequate safeguards must be observed to prevent abuse. The second is that the actions of undercover agents must not exceed passive surveillance: prosecution for an offence incited by an undercover agent will breach Article 6.

In the case of Teixeira de Castro v Portugal two undercover agents, posing as drug addicts visited the applicant at home and asked him to supply them with heroin. The applicant had no heroin at his house and so the two agents accompanied him to another address where he purchased heroin for them. He was then arrested, prosecuted and convicted.

Relying on Article 6, the applicant argued that he had not had a fair trial because he had been incited to commit an offence, which, but for the intervention of the undercover agents, he would never have committed. The Court agreed. In its view:

'... the two police officers did not confine themselves to investigating [the applicant's] criminal activities in an essentially passive manner, but exercised an influence such as to incite the commission of the offence."
Even the obvious public interest in fighting drug trafficking could not justify using evidence obtained as a result of police incitement.

The Court in Teixeira de Castro was partly influenced by the lack of safeguards. In particular, it noted that the activities of the undercover agents had not been ordered and supervised by a judge. To the Court's mind, this indicated that the applicant was not suspected of any crime before he came into contact with them and weakened the Government's argument that he was predisposed to committing offences.

Even where safeguards against abuse are in place and the role of undercover agents does not exceed that of passive surveillance, Article 6 issues can arise if the agents are not called to give evidence at trial. In Ludi v Switzerland, the authorities sought to justify reliance on the hearsay evidence of an undercover agent on the basis that if his identity was revealed in the course of his evidence, he would be unable to continue his work as an undercover agent and unable to protect the identity of his informers. In light of the applicant's argument that he wanted to clarify the extent to which he had been influenced by the agent, the Court found a breach of Article 6. The agent was a police officer and, even if his true identity was not known, the applicant knew his physical appearance.

The Court also considered the Article 8 (privacy) implications of using undercover agents in Ludi v Switzerland. The applicant argued that the undercover agent in question had abused his relationship of trust to gain access to the applicant's home and private life. Although the Commission thought this an interference with the applicant's Article 8 rights, the Court disagreed. In its view, by engaging in criminal

activities such as drug dealing, the applicant must have known that he might encounter undercover agents. In other words, he voluntarily assumed the risk of interference with his private life. Whether Article 8 is violated where undercover agents exceed their role of passive surveillance and incite criminal offences was raised but not resolved in Teixeira de Castro v Portugal.

Search and seizure

Police searches of people and premises engage Article 8 of the Convention. Therefore the purpose of a search must be justified under Article 8(2) either to prevent crime and /or to protect the rights of others. Two further questions need to be considered for the restriction to be compatible with the Convention. The first is whether the search was 'in accordance with (or prescribed by) law', the second whether it was 'necessary in a democratic society'. These two concepts often overlap because the Court is particularly vigilant that any search be 'necessary' and that the law governing the practice be clear and accessible. In addition, the means for carrying out the search must be proportionate to its aim and there must be adequate safeguards against abuse of police powers.

In Camenzind v Switzerland, the European Court was influences by a number of factors including:

(i)   The fact that the search in question could only be carried out by specially trained officials
(ii)   That the search could not be executed on Sundays, public holidays or at night (except in exceptional circumstances)
(iii)   That before the search commenced the investigating officer had to produce evidence of his/her identity and explain the purpose of the search, and
(iv)   The fact that a search record had to be produced. In addition, the officials carrying out the search did not go beyond what was strictly required for the purpose of the search.
In Niemietz v Germany, the court found that even where a search has been judicially authorised, it would breach Article 8 if the warrant were drawn in too broad terms.

A claim may arise for breach of Article 14 in respect of racially discriminatory stop-and-search practices by the police that disproportionately affect people form ethnic minority communities – breach of Article 8 and Article 11 (freedom of assembly and association). For a complaint of racial discrimination under Article 14 to succeed, an applicant will have to prove beyond reasonable doubt that he or she was deprived of a convention right as a result of racial prejudice by the police (Velikova v Bulgaria). This will be a difficult complaint to sustain, given the high standard of proof required and the fact that racial discrimination is usually more subtle than transparent.

The collection and retention of personal data

The taking and retention of personal data, such as fingerprints, photographs and DNA samples, raises a number of issues under Article 8 of the Convention. The case law of

the Court in this area is developing and there are no landmark judgments. Some guidelines are available from the Commission's case law, but it has not adopted a clear and consistent approach to these issues.

In a number of early cases, the Commission recognised that measures such as the search of a person's car or the temporary confiscation of personal papers engages Article 8. And it is now beyond doubt that searches, taking personal details and/or photographs of suspects interferes with their privacy and must be justified under Article 8(2).

The context in which photographs are taken may, however, be important. In Friedl v Austria the Commission rejected as inadmissible a complaint that photographs taken by the police of those participating in a public demonstration breached Article 8. In so far as this decision conflicts with the Court's decision in Murray v UK, the latter is to be preferred. But it may be that a distinction is to be drawn between photographing identifiable suspects, particularly if this is done during the course of a search or arrest, for the purposes of a criminal investigation and photographing those who are participating in a public event for much more general purposes. In Friedl v Austria there was no identification of the persons on the photographs and the photographs were kept in a general administrative file rather than being entered into the data processing system.

In McVeigh, O'Neill and Evans v UK the applicants were detained upon their arrival at Liverpool from Ireland under prevention of terrorism legislation then in force. While detained they were searched, questioned and their fingerprints and photographs were taken. The Commission accepted that this interfered with their privacy under Article 8, but concluded that it could be justified under Article 8(2) as being necessary for the prevention of crime. In its view the measures were 'prescribed by law' and taken to establish the applicants' identities and to ascertain whether or not they were involved in terrorist activities. Since the Commission had already found that the applicant's detention for this purpose was lawful under the Convention, the result was hardly surprising. However, it is clear from the Commission's decision that, had the measures gone beyond this purpose or been improper in any way, they would not have been justified.

Retention of photographs, fingerprints and other personal data has to be considered separately under the Convention. Collection may be justified on the basis of preventing or detecting crime, but retention may not be. In a very early case, the Commission accepted that:

'... the keeping of records including documents, photographs and fingerprints, relating to criminal cases of the past is necessary in a modern democratic society for the prevention of crime and is therefore in the interests of public safety.'

The applicant in that case had been tried on a criminal charge in connection with which the relevant records had been compiled, although ultimately his conviction was quashed on appeal.

In McVeigh. O'Neill and Evans v UK the Commission had to confront the issue of retention of personal data where no criminal proceedings were brought. On the facts of

that case it accepted that the purpose of retention - the prevention of terrorism - was legitimate. It also accepted that retention was 'prescribed by law'. The question therefore was whether retention could be justified as 'necessary in a democratic society'. In this regard the Commission was influenced by the fact that the information retained was used for identification purposes only and was kept separate from criminal records. It concluded that:

Bearing in mind ... the serious threat to public safety posed by organised
terrorism in the United Kingdom, the Commission considers that the retention for
the time being of records such as those at issue in the present case can
properly be considered necessary in the interests of public safety and for the
prevention of crime.
It is implicit in this conclusion that the information could only be kept for as long as it served the legitimate purpose of the prevention of terrorism.

It follows that where personal data, such as fingerprints and photographs, have been collected in the course of investigating crime, it should be destroyed once the subject is no longer suspected of an offence. The same applies to DNA samples.

Arrest and detention

There are three pre-conditions to a lawful arrest under Article 5 of the Convention. They are:

(i)   That the arrest and/or detention be 'lawful'. This requirement flows from the use of the word 'lawful' in each of the paragraphs 5(1)(a) to   5(1)(f)

(ii)   That the arrest and/or detention be 'in accordance with the procedure prescribed by law'. This requirement is found in the second sentence of paragraph 5(1) and means that domestic law must set out the procedure to be followed by those authorised to arrest and/or detain others and that the procedure must be observed in practice

(iii)   That the grounds for the arrest and/or detention must falls within at least one of the paragraphs 5(1)(a) to (f) of Article 5
Paragraph 5(1)(c) which provides for arrest and/or detention on reasonable suspicion that the person concerned has committed an offence will usually be relevant where police powers are exercised. However, paragraphs 5(1)(a) to (f) of Article 5 are not mutually exclusive and it is quite conceivable that a person may, at a given time, be deprived of his/her liberty in accordance with more than one of the sub-paragraphs, or that the purpose or character of detention may change so that what was initially justified under one sub-paragraph ceases to be so, but comes to be justified under another one.

In Fox, Campbell and Hartlev v UK, the Court explored the meaning of 'reasonable
suspicion'. It held that:

'[H]aving a 'reasonable suspicion' presupposes the existence of facts or
information which would satisfy an objective observer that the person concerned
may have committed the offence in question.'

What may be regarded as 'reasonable' will depend on all the circumstances and to be judged on the facts known at the time of arrest, not afterwards. It is not necessary to show that an offence has been committed. Nor is it necessary to show that, if an offence has been committed, the arrested person is responsible. The honesty and bona fides of a suspicion constitute one indispensable element of its reasonableness, but 'honest belief' alone is not enough; there must be an objective basis justifying arrest and/or detention.

Although the second limb of Article 5(1)(c) authorises detention to prevent the commission of offences, any such detention will always be subject to very close scrutiny. It does not authorise a policy of general prevention directed against an individual or a category of individuals simply on the basis that s/he or they have a propensity to commit crime: it does no more than to afford a means of preventing a 'concrete and specific offence'. In Ireland v UK the European Court held that internment authorised by domestic law simply 'for the preservation of the peace and maintenance of order' without any need for suspicion of having committed an offence (or belief that it was necessary to prevent a crime being committed) could not be brought within the terms of Article 5(1)(c).

Article 5(2) of the Convention requires that anyone arrested be informed promptly 'in a language he understands' of 'the reasons for his arrest and of any charge against him', What this means is that anyone arrested must be told 'in simple, non-technical language' that s/he can understand 'the essential legal and factual grounds for his arrest' (Fox, Campbell and Hartley v UK).

Ill-treatment in custody

Ill-treatment in police custody raise issues under Article 3 if it reaches the 'minimum level of severity' required by the Court's case law. The vulnerability of a person held in police custody has an impact on this threshold criterion.

In Tomasi v France, the applicant claimed that he had been slapped, kicked and punched by police officers during a prolonged period of police detention. Although the medical evidence was not wholly consistent with the applicant's allegations, it disclosed that he had been subjected to a number of blows of some intensity. In the Court's view evidence of such injuries was sufficiently serious to render the applicant's treatment in custody inhuman and degrading within the meaning of Article 3. The requirements of the investigation and the undeniable difficulties inherent in the fight against crime, particularly with regard to terrorism, cannot limit the protection afforded under Article 3 in respect of the physical integrity of individuals.

An even more robust approach was taken in Ribitsch v Austria where, again in the context of allegations that the applicant had been punched and kicked in police custody, causing several areas of bruising, the Court held that:

'...in respect of a person deprived of his liberty, any recourse to physical force which has not been made strictly necessary by his own conduct diminishes human dignity and is in principle an infringement of the right set forth in Article 3 of the Convention.'

Physical force in this context relates to deliberate assaults; resort to other kinds of force, for example, the unnecessary use of handcuffs, may require more detailed examination.

Where ill-treatment in police custody is proven, its purpose will be relevant. One of the factors that led the Court to conclude that the serious ill-treatment inflicted on the applicant in Aksoy v Turkey amounted to torture (rather than inhuman or degrading treatment) was that is was administered with the aim of obtaining admissions or information from the applicant.

Vicarious liability

In a number of cases before the Court and Commission, states have sought to escape liability by claiming that the (wrongful) actions of their servants or agents were *ultra vires.* Invariably this argument has been rejected. So, for example, in Cyprus v Turkey where the Commission accepted allegations that a number of detainees had been raped, it held the Turkish Government responsible on the basis that:

'The evidence shows that rapes were committed by Turkish soldiers and at least in two cases even by Turkish officers ... It has not been shown that the Turkish authorities took adequate measures to prevent this happening or that they generally took any disciplinary measures following such incidents. The Commission therefore considers that the non-prevention of the said acts is imputable to Turkey under the Convention.'

In Ireland v UK in the context of a practice of ill-treatment including five interrogation techniques found to breach Article 3, the Court held that:

'It is inconceivable that the higher authorities of a state should be, or at least should be entitled to be, unaware of the existence of such a practice. Furthermore, under the Convention those authorities are strictly liable for the conduct of their subordinate; they are under a duty to impose their will on subordinates and cannot shelter behind their inability to ensure that it is respected.'
It is unclear how far this concept of strict liability extends, but it appears to stretch beyond Article 3.

In A v France state liability under Article 8 was triggered where a police officer recorded a telephone conversation without authority and in breach of French law. And in the context of a complaint under Article 10 of the Convention, the Commission in Wille v Liechtenstein adopted the following position of principle:

'...the responsibility of a state under the Convention may arise for acts of all its organs and servants. As in connection with international law generally, the acts of persons acting in an official capacity are imputed to the state. In particular, the obligations of a Contracting Party under the Convention can be violated by a person exercising an official function vested in him, even where his acts are performed without express authorisation and even outside or against instructions.

Clearly, this has important ramifications for all aspects of police work.

Further Reading

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Velikova v Bulgaria (2000) No. 41488/98

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Ribitsch v Austria (1995) 21 EHRR 573

Cyprus v Turkey Comm Rep 10 July 1976 (1976) 4 EHRR 482

A v France (1993) 17 EHRR 462

Wille v Liechtenstein (1997) 24 EHRR CD 45

3.5 EUROPEAN CASE-LAW RELATING TO POLICING AND ROMA[*]

The following text provides summary information about cases dealing with Roma issues from the European Court of Human Rights that are of particular relevance to policing. Each case-summary sets out briefly the facts of the case and the Court's findings with reference to the Articles of the ECHR. For further information about cases dealing with Roma issues, see the website of the ERRC: http://www.errc.org . To read the full versions of cases, see the Council of Europe's collection of Human Rights Documents at http://www.echr.coe.int/Eng/Judgments.htm.

(a) Police Abuse

Assenov v. Bulgaria, Application No. 90/1997/874/1086, 28 October 1998

Facts: Police arrested a teenage boy, Anton Assenov, for gambling in the town square. He was taken to a nearby bus station, where his father later arrived. The boy and his father were taken to the police station and detained for two hours before they were released. During this time the police allegedly beat the boy with truncheons and pummeled him in the stomach. Throughout the following two years, the family filed complaints with various criminal investigatory agencies without success.

Article 3 (right to be free from inhuman treatment—adequacy of the investigation): violation

The Court considered that the medical evidence, Mr Assenov's testimony, the fact that he was detained for two hours, the lack of witness of Mr Ivanov beating his son to cause the reported bruising, raised a reasonable suspicion that these injuries might have been caused by the police.

The Court considered that where an individual raises an arguable claim that he had been seriously ill-treated by State agents in breach of Article 3, that provision, read together with the State's Article 1 duty to "secure to everyone within their jurisdiction the rights and freedoms in [the] Convention", implicitly required an effective official investigation, capable of leading to the identification and punishment of those responsible. The Court assessed the investigation in the light of the above criteria finding that it was insufficient and ineffective for the purposes of Article 3.

Article 13 (right to an effective remedy): violation

The Court found a violation of this Article for the same reasons it found a breach of

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[*] Extracts from "Cases from the European Court of Human Rights Dealing with Roma Issues", European Roma Rights Centre 2003: http://www.errc.org/Links_index.php

Article 3.

Velikova v. Bulgaria, Application No. 41488/98, 18 May 2000

Facts: Mr. Tsonchev, a man of Romany origin, was arrested and detained on charges of cattle theft. After 12 hours in police custody, he died from injuries sustained as result of a brutal beating. An autopsy concluded that Mr. Tsonchev's death was resulted from the "huge and deep hemorrhages" on the body. The prosecutor dropped an investigation into the death on the grounds that it was impossible to determine where Mr. Tsonchev was beaten, and by whom.

Article 2 (right to life) and Article 13 (right to an effective remedy): violation

Velikova is significant in that it shifted the burden to the State to provide an explanation refuting the applicant's charges. The Court placed the burden on the Bulgarian authorities to refute the applicant's charges, stating, "where an individual is taken into police custody in good health but is later found dead, it is incumbent on the State to provide a plausible explanation of the events leading to his death, failing which authorities must be held responsible under Article 2." Finding the government's suggestions as to the cause of Mr. Tsonchev's death implausible, the Court found a violation of Article 2 in respect to his death.

Relying on unexplained omissions in the investigation, the failure to collect evidence, combined with the failure to provide reasons for failing to investigate, the Court also found a violation of Article 2 in respect to failure to conduct an effective investigation into the death of Mr. Tsonchev.

Based on the same factors as it relied upon in finding a violation of Article 2, the Court found a violation of Article 13.

Article 14 (right to be free from discrimination): no violation

For the first time the Court articulated a standard of proof for a successful Article 14 claim, stating, "the standard of proof required under the Convention is 'proof beyond a reasonable doubt.'" In finding no violation of Article 14, the Court stated:

The Court observes that the applicant's complaint under Article 14 is grounded on a number of serious arguments. . .The material before it does not enable the Court to conclude beyond reasonable doubt that Mr. Tsonchev's death and the lack of meaningful investigation into it were motivated by racial prejudice, as claimed by the applicant."

Anguelova v. Bulgaria, Application nos. 43577/98 and 43579/98, June 13, 2002

Facts: A Bulgarian national and Roma woman, brought a claim against the Bulgarian government on behalf of her son, Anguel Zabchekov, who died at age 17 while in

police custody. The applicant's son, allegedly attempting to break into cars, was arrested and taken to the police station around 1:00 a.m.. By 5:00 a.m., he was pronounced dead. The autopsy indicated that Anguel's cause of death was a skull fracture sustained four to six hours before his death. A later report stated that Anguel was injured at least ten hours before his death. Investigators, based on the latter report, concluded that the police were not responsible for Anguel's death and the investigation was dropped.

Article 2 (right to life) and Article 3 (right to be free from inhuman treatment): violation

The State failed to meet its burden to provide a satisfactory and convincing explanation refuting the applicant's charges. The fact that officers were not asked to explain why they had forged the detention register, failed to promptly call for an ambulance, and lied concerning the facts of the situation contributed to the Court's conclusion.

The Court also found a violation of Article 2 as regards the ineffective investigation of Anguel's death, reiterating that per McCann and Kaya, the investigation must be "thorough and careful." After listing the defects of the investigation, the Court found that it lacked objectivity and thoroughness, which undermined its ability to establish the cause of Mr. Zabchekov's death and those responsible.

The government failed to provide a plausible explanation for the injuries indicative of inhuman treatment beyond the threshold of severity permitted under Article 3.

Article 14 (right to be free from discrimination): no violation

The applicant alleged that the police officers' and investigating authorities' perception of her son as a Roma was a decisive factor in their actions (or lack thereof). The court denied the claim as the allegations were not proved beyond a reasonable doubt.

Judge Bonello issued a strong dissent arguing for a lowered burden of proof for Article 14 allegations, stating:
"[n]o more effective tool could be devised to ensure that the protection against racial discrimination becomes illusory and inoperative than requiring from a victim a standard of proof that, in other civil law disputes, is required of no one else." He also argued that the Court should apply the same system of burden shifting that it applied in Assenov, stating "when a member of a disadvantaged minority group suffers harm in an environment where racial tensions are high and impunity of State offenders epidemic, the burden to prove that the event was not ethnically induced should shift to the Government."

Nachova v. Bulgaria, Applications nos. 43577/98 and 43579/98), 26 February 2004

Facts: Two young men were killed by police attempting to arrest them. The men had escaped from prison and were hiding in their grandmother's house. They were shot and killed by police with an automatic rifle while trying to escape from the house. A

subsequent investigation into the case by the authorities found that the use of firearms had been lawful.

<u>Articles 2 (right to life) and 13 (right to an effective remedy): violation</u>

The Court found the men were deprived of their lives in violation of Art. 2 by the impermissible use of lethal force without absolute necessity. It further found a procedural violation of Art. 2, based on the authorities' failure to conduct an effective investigation into the deaths of the men.

As in the Art. 2 analysis, the Court found that the authorities' failure to conduct an effective investigation into the deaths of the young men constituted a violation of Art. 13.

<u>Article 14 (right to be free from discrimination): violation</u>

For the first time in the Court's history, it found a violation of Article 14. The Court found such a violation in conjunction with Art. 2, holding that prejudice and hostile attitudes towards the Roma played a decisive role in the events leading up to the deaths of the young men and the failure to conduct a meaningful investigation.

First, the Court addressed the standard of proof in an Article 14 case, recalling its earlier holdings that the relevant standard to apply is "proof beyond a reasonable doubt." The Court stated that these holdings "made clear that that standard should not be interpreted as requiring such a high degree of probability as in criminal trials." Proof, therefore may follow from "the co-existence of sufficiently strong, clear and concordant inferences or of similar unrebutted presumptions of fact."

Second, the Court shifted the burden of proof to the State in antidiscrimination cases such as this. The Court explained that when investigating a death at the hands of the State, it is incumbent on State authorities to "take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events." The Court reserved the right to "draw negative inferences or shift the burden of proof to the respondent Government."

Balogh v. Hungary, Application no. 47940/99; 20 July 2004

<u>Facts:</u> A Hungarian citizen of Romani origin was interrogated by police regarding fuel vouchers he had allegedly stolen. The applicant alleged that during the interrogation, the officers repeatedly slapped him across the face and ear and punched him on the shoulder. His left ear drum was seriously damaged and his working capacity reduced due to his impaired hearing. Criminal proceedings were discontinued on the grounds that it was impossible to determine when the injuries had been inflicted.

<u>Art. 3 (right to be free from inhumane treatment): violation</u>

The Court found that the injury suffered by the applicant was sufficiently serious and declared that "where an individual is taken into police custody in good health but is found to be injured at the time of release, it is incumbent on the State to provide a plausible explanation of how those injuries were caused." The court held that the, authorities failed to provide a plausible explanation for the cause of the applicant's injury.

G.B. v. Bulgaria, Application no. 42346/9, 11 March 2004

Facts: Two men sentenced to death and detained in Bulgarian prisons prior to the abolition of the death penalty alleged a breach of Art. 3 (prohibition of inhuman and degrading treatment). At the time of detention, the status of the death penalty in Bulgaria was in flux. The applicants submitted that detention pending the moratorium on executions as well as the prison conditions constituted torture and inhuman and degrading treatment within the meaning of Article 3.

Article 3 (right to be free from inhumane treatment): violation

The Court found that the detention conditions violated Article 3. The applicants were subject to a special regime of solitary confinement. The Court noted that the damaging effects of such confinement were known, but not amended and that the government filed to provide a reason requiring the applicants' isolation and noted evidence of unwarranted delays in providing medical assistance. The determined that the custodial regime and the prison conditions amounted to inhuman and degrading treatment, in violation of Article 3.

(b) Community Violence

Moldovan and Others and Rostas and Others v. Romania, Application Nos. 41138/98 and 64320/01, 03 June 2003.

Facts: A conflict arose between some Roma and non-Roma men in the Romanian village of Hădăreni (Târgu-Mureş county) which resulted in the death of a non-Roma man. That evening, the non-Roma villagers gathered where the Roma men were hiding and demanded that they come out. Among the crowd were members of the local police force. The Roma men refused to appear and the mob set fire to the house. Two of the Roma men were beaten to death, the other perished in the fire. Later that evening and continuing into the next day, the villagers proceeded to burn Roma thirteen homes and property in the village, such as stables, cars, and goods. The police did nothing to halt the attacks. 25 applicants alleged the destruction of their home and possessions.

Article 6 § 1 (right to a fair and public hearing): admissible

The Court admitted the applicants' complaint under Art. 6 § 1 that the authorities'

failure to conduct an adequate criminal investigation, culminating in the charging and conviction of responsible individuals, deprived them of their right to file a civil action for damages against the State regarding police misconduct and that due to the length of the criminal proceedings, the civil proceedings have not yet ended.

<u>Article 14 (right to be free from discrimination): admissible</u>

The Court admitted the applicants' complaint under Article 14, taken together with Articles 3, 6, and 8. The applicants alleged that they were discriminated against by judicial bodies and officials on the basis of their ethnicity. The applicants specifically complained about their living conditions after the ratification of the Convention and about remarks made by the Târgu-Mureş County Court in its July 1998 judgment, allegedly full of anti-Roma sentiment.

3.6 KEEPING THE PEACE AND MANAGING DISORDER [*]

The document below sets out practical guidance for police for managing public safety and public order in the context of principles of human rights. Issues relating to the management of public disorder have been of particular concern in relations between Roma and the police. The document is an extract from the 'Manual of Guidance on Keeping the Peace' produced by the Association of Chief Police Officers in the UK. It is written in mostly general terms, with only occasional reference to the UK context, and so is readily applicable to other national contexts. For the full text of the manual, and the original layout of the text, please see:
http://www.acpo.police.uk/asp/policies/Data/keeping_the_peace.pdf

Keeping the peace

Crime and disorder within society
- Adversely affects the public's quality of life
- Reduces opportunities for economic and social regeneration
- Violates people's freedoms and rights

Crime and disorder reduction is therefore a major role for the police. This guide focuses on its three principal components

1. Identifying and assessing the risk
2. Minimising and managing the risk
3. The police's responsible, effective and proportionate response.

These three points are inextricably linked to all aspects of police work within the community. They encompass the protection of human rights, the recognition of diversity within society, the law governing the use of force and the partnership work set out in crime and disorder reduction strategies. Intelligence obtained from both within the community, and other sources, is pivotal to effective crime and disorder reduction.

Crime and disorder: a strategic model

The model below illustrates how, through a partnership approach, strategic action in four key areas will reduce crime and disorder.

Crime and Disorder Reduction 'Hot Spot' management
Identify locations
Tackle the aggressors
Partnership approach

Behaviour management

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[*] "Keeping the Peace: An Overview", Chapter 2 of *ACPO Manual of Guidance on Keeping the Peace*, Association of Chief Police Officers, UK

Link crime and disorder
Identify patterns
Focus resources
Analyse methods - learn

Targeting
The profiling of offenders
The career criminal
The criminal network

Preventative measures
CCTV – overt - covert
Target hardening
Community action plans
Design out crime and disorder

The strategic approach advocated seeks to limit the threat to peace by correct identification of problems and suitable measured action against the root causes of these problems. It supports a balance of prevention and preparation. None of the items within the model should be viewed as being the sole domain or responsibility of the police. The police and partners have a range of measures for dealing with a wide variety of conflict. These include strategic direction, keeping the peace in the longer term, prevention of disorder and managing the return to normality. Some crime and disorder is predictable. Through positive action by police in conjunction with partner agencies, much can be done to keep the peace and limit opportunities for crime and disorder.

The nature of tensions and conflicts

Tensions in relationships are part of daily life and most conflicts arising from them are managed by a complex web of social interactions, thus preventing conflict from escalating into something more damaging. Tensions and conflicts in communities are often driven by recognizable circumstances. Unacceptable or inappropriate behaviour by some individuals, or an absence of stability in a location, can be an indicator of a slow deterioration of the quality of life in that area.

The situation can often be exacerbated by criminal behaviour. Failure by anyone to recognise and address the causes and symptoms of conflict and resulting tension will often be an aggravating factor in any subsequent difficulties. Spontaneous or sudden violence, disorder and damage are manifestations of unresolved tensions. The cumulative effect is a reduction in a community's quality of life. Tension is increased within a community when people's concerns or fears are not resolved. This has an adverse effect on the quality of life of individuals and communities.

Conflict may occur when behaviours causing the tensions are challenged. Behaviours associated with low level disorder do not generally attract the status of recordable crime and traditionally have not been seen as a priority for police activity. Targetting

resources at this significant, albeit lower end of the disorder scale is very important, as it should be the starting point for managing the conflict in an attempt to avoid more serious incidents requiring police attention.

Building, keeping and restoring the peace

The police, working with others, have two overlapping roles which should be in constant use:
1. the building and keeping of peace in the community
2. the restoring of peace, in the short term through local negotiation and critical intervention to minimise the effects or risks from violence.
Understanding the nature and context of conflict and what behaviours are manifested by the different parties involved (including the police), goes some way towards explaining why perceptions give way to misunderstandings and fears.

Building and keeping the peace

Local communities and agencies have a view of what is 'normal' in their communities. Local people and agencies recognise when things are
getting better or worse. The police role, by means of information and intelligence management, is to:
- consult with communities
- provide services which preserve the peace and work for improvement
- be proactive with the public and other agencies in maintaining a peaceful society
- respond appropriately to threats of crime and disorder
- ensure that, if required, the use of force is within the law and is proportionate to the harm which is being prevented.

Diversity in communities makes it incumbent on the police and their partner agencies to have a good understanding of sensitive issues and
the local significance of events and places. This cannot be done unless communities assist the police in understanding what is important to them. Community information management is a key element in this process.

Restoring the peace

The police and other agencies need to be proactive in dealing with unforeseen conflict. In the short term the police may have to restore
peace within a community. This may range across giving advice to rowdy people, dealing effectively with domestic abuse, successfully resolving incidents involving firearms or major public disorder. The objective must be a reduction of tension and a return to normality. In certain
circumstances the action(s) to combat a problem will, by necessity, be police led.

Throughout the peace-restoring process the community still require normal policing services. During such periods there are two aspects of policing:

Normal policing: the use of local officers in the maintenance of the peace. The activities associated with reducing tension and causes of conflict should be a priority in areas that have been made safe.

Specialist tactics: police resources (who may be specially equipped and trained) whose role it is to restore order in the most appropriate manner to prevent violence and minimise risk, reduce tension and speed the return to normality.

The restoration of peace is closely linked to the efforts made in building and maintaining peace. Local commanders should recognise the priorities of the community and incorporate them in the crime and disorder reduction strategies. The tactics used in an operation to restore peace should support this longer-term strategy as much as possible. The rationale for the restoration of peace should be communicated via the public relations (PR) strategy. The local police commander should set a policing style and consider which operational tactics and resources are appropriate within a given community. The crime and disorder reduction strategy should specifically consider implementation of community initiatives aimed at promoting cultural diversity, addressing racism and protecting human rights.

Policing is not the sole preserve of the police. The promotion of good order and citizenship is dependent upon truly inclusive partnership where all in society work together to achieve a safe environment. Resolving and managing conflict requires appropriate and timely intervention.

Tension and conflict may be present in every community and social grouping. It can be both positive and negative but always requires to be managed. It is essential that the management of conflict be regarded as a continuous process and not as crisis intervention.

A Conflict Management Model

The community and its agencies, including the police, will still have to deal with crime and disorder situations that have not been successfully resolved or are unforeseen. The model illustrated below seeks to counter any conflict by logical progression through five key stages. None of the stages can be seen as the sole responsibility of the police. Indeed, restoration of normality in the community is a truly multi-agency strategy.

Although the five stages have titles which fit comfortably with police procedures, they clearly map onto activities which are the responsibility of other agencies or can be achieved by groups within the community. Information and intelligence received leads to a threat assessment, then consideration of the relevant powers and policy, combined with choice of the appropriate tactical options to manage the threat and resolve the conflict. Risk assessment applies to the whole model and in particular at the threat assessment stage (hazards and level of risk), and the powers and policy, and tactical options stages (suitable control measures). The cyclic nature of the model allows for

constant re-assessment of the situation and for appropriate action to be taken on the basis of the most up to date information or intelligence available.

Information/intelligence received
Threat assessment Action(s)
Powers and policy
Tactical options

The model illustrates the resolution of conflict by the individual patrol officer through to several officers on a firearms operation or a substantial number of officers during large-scale disorder. It can be applied equally to spontaneous incidents or planned events. From the police point of view, choice of the appropriate tactical options would be made from the relevant public order, firearms or personal safety manuals.

Equally, the model highlights the importance of the information available within the community, threats to the wider community and our partner agencies and the legal powers, capabilities and actions available to our partners. It is this shared recognition and joint action within the community which facilities the return to normality. Police action(s) must be *lawful* and supported by a statutory or common law power. Individual officers may be called upon to account for their actions. They will need to show that any force used was *necessary* and *reasonable* on the basis of their honestly held belief of the information or intelligence available to them. In line with human rights legislation, the test, which will be applied in such cases, will be one of *proportionality* in terms of the action taken and the legitimate aims pursued.

The ACPO manuals of guidance relating to public order, police use of firearms and the Personal Safety Programme are designed to assist planners, advisors and commanders in managing their response to conflict in a reasonable and proportional way.

The Principles of Human RIghts

Respect for people's human rights is one of the principal factors that should be borne in mind throughout the entire process of policing. This respect derives as much from a moral obligation as it does from legal requirement. There is an obvious expectation that all policing will be conducted reasonably and within the bounds of the law.

In the UK, the legal parameters within which police work can be found are:

1. The domestic law of the United Kingdom. This is based in:
(a) statutes such as the Public Order Act 1986 and the Criminal Justice and Public Order Act 1994
(b) the common law, which is a mixture of legal conventions and the case law of the courts.

2. International law and especially the provisions of the European Convention of Human Rights (ECHR). Some of the provisions of the

ECHR have been given legal effect within the United Kingdom by virtue of the Human Rights Act 1998.

All officers have an individual responsibility for ensuring that they are properly educated and informed about the extent of their legal powers and the context within which those powers can properly be exercised. It is unacceptable for a police officer to claim ignorance of the law.

In addition to having a comprehensive knowledge of United Kingdom laws, it is now extremely important for all officers to understand the applicability and scope of the provisions of the ECHR that have been given effect under the Human Rights Act. The Human Rights Act has two basic purposes:

1. The law of the European Convention on Human Rights and specifically the rights and freedoms set out in the Convention will be actionable before UK courts.
2. Courts and tribunals, public authorities and Government Ministers have to act in a way that is 'compatible' with the law of the convention. Failure to do so may be unlawful although it is not a criminal offence.

The rights and freedoms of the Convention that may be relevant to policing include:
Article 2 - the right to life
Article 3 - prohibition from torture, inhumane or degrading treatment
Article 5 - the right to liberty and security of person
Article 6 - the right to a fair hearing
Article 7 - protection from punishment without legal basis
Article 8 - the right to respect for private and family life
Article 9 - freedom of thought, conscience and religion
Article 10 - freedom of expression
Article 11 - freedom of assembly and association
Article 14 - freedom from discrimination.
A full explanation of the Articles can be found in the Human Rights Act 1998.

It is generally recognised within ECHR law that the responsibilities of the likes of police extend not only to taking positive action to protect these rights and freedoms but also includes a failure to act or to take steps to protect them. It is therefore vitally important that the legal parameters of each of these rights and freedoms must be carefully considered by all officers and at every stage of policing. There is a presumption too that convention rights can only be interfered with by any kind of state action where the Convention expressly allows it. These conditions are set out within the wording of each of the Articles. The rights provided for in Article 8 – the right to privacy, Article 9 – freedom of thought, conscience and religion, Article 10 – freedom of expression and Article 11 – freedom of assembly and association each has qualifications attached to them. The first part of the respective Article provides the right and the second specifies permissible qualification.

In general terms, the rights can only be interfered with:
1. Where the action is prescribed by law, and
2. It is 'necessary in a democratic society' and for one of the following reasons:

- national security
- territorial integrity
- public safety
- preventing disorder or crime
- protecting health
- protecting morals
- protecting the rights of others.

In deciding whether the action was 'necessary in a democratic society' it will be necessary to show that the action:
(i) fulfilled a pressing *social need*, and
(ii) pursued a *legitimate aim*, and
(iii) there was a reasonable relationship of *proportionality* between the means employed and the aim pursued. This means that the
action was designed to:
(a) *impair as little as possible* the right or freedom in question
(b) *meet the objectives of the domestic law* in question and
(c) *not be arbitrary, unfair or based on irrational* considerations, and
(d) be *balanced* against the severity of the effect that the measure has on the individual or group. The more severe the adverse effects of the measure, the more important the object must be if it is to be classified as legitimate.

The ECHR is a living instrument and seeks to take account of changes in society and its values. Therefore, action which was considered unreasonable 10 years ago may be viewed as reasonable today.

Use of force

The UK law regarding use of force is contained within:
- Section 3, Criminal Law Act 1967
- Section 117, Police and Criminal Evidence Act 1984
- common law.

The ECHR and Human Rights Act complements and gives direction to the lawful application of force under the above legislation. The subjective tests of necessity and proportionality should be applied when considering whether action taken is reasonable.

Community Information Management

Communities are varied entities and may be permanent or transient in nature. Any policing activity carries the potential to impact positively or negatively on the community. Community monitoring allows for the gathering of social, economic, political and environmental information. The potential for disorder or threat to public safety may be depicted by a variety of behaviours which can be classified in two ways.

The first is a slow deterioration in quality of life. This may manifest itself as minor crime, graffiti or neglect to the infrastructure of a community. The second is the existence of

open hostility and violence. There are a number of sources which may provide valuable information and intelligence to indicate and monitor the mood of a community, including:

- patrolling officers
- community beat officers
- police managers
- community liaison officer
- the media
- consultative groups (statutory or voluntary
- IT system
- 'Watch' scheme
- pressure group
- partnership agencies
- other emergency services
- intelligence system
- criminal justice system.
-

Information obtained may indicate changes in attitude or levels of hostility towards police and their partners. An increase in tension within or between groups manifested by antisocial behaviour, may be linked to external social, economic and political factors. A system should be in place to analyse this information and produce intelligence in order to indicate the mood of the community. This may also form part of the threat and risk assessment procedure for an event, incident or specific operation and can be categorised as a Community Impact Assessment. This process forms an integral part of the national intelligence model and intelligence structure example which should operate continuously and as part of an intelligence-based problem solving policing style. Staff at all levels will have, through an effective briefing and debriefing process, a heightened awareness of the mood of the community. Community information management should be at the core of crime and disorder reduction strategies for all police forces. It must be considered when planning and undertaking operations where there is a risk to public safety or a potential for disorder and included in the audit trail.

All forces, through an effective performance management system, should be able to gauge if their community information management schemes are contributing towards a reduction in crime and disorder.
The aims of this monitoring strategy are:

- to prevent and reduce crime and disorder
- to determine the most appropriate police action
- to reassure the public that the police are actively seeking to prevent disorder through effective internal management, partnership and consultation with all sections of the community including the following groups: hard to reach, alienated, vulnerable, youth, minorities.

NATURE AND SCOPE OF DISORDER

The information contained in this guide deals with events and incidents ranging from routine operational policing through to major disorder.

The scope of disorder refers to its category, size, impact and frequency. Trends, influences, pressures and changes can be identified by community information management. Policing activity can then focus on preventing and reducing crime and disorder.

Disorder can be generally categorised into four broad areas:

Disorder associated with spontaneous incidents, for example:
- community issues
- criminal activity
- police activity.

Single issue protests, for example:
- direct action groups
- industrial dispute
- environmental issues.

Lawful public events, for example:
- sporting events
- concerts
- organised marches.

Unlawful public events, for example:
- illegal raves
- illegal gatherings.

Whatever the nature and scope of disorder it can be addressed by the principles contained within this Manual of Guidance.

A DISORDER MODEL

Introduction

Keeping the peace should be achieved through partnership with the community, this principle continues when tension rises and conflict and disorder occur. A model may assist in understanding disorder, and help advisors, planners and commanders to manage events and incidents where there is a risk to public safety or a potential for disorder.

Disorder model – the stages explained

State of normality: The day-to-day state of order and provision of policing services within a community. This can vary widely from one area to another and even by time of day. Community information management will provide accurate information as to the current state. Communities are varied entities and may be permanent or transient in nature.

Tension: A level of increased concern or feelings in a community. A trigger incident can result in movement from a state of heightening tension to disorder; such incidents can be instigated by the police, the community or a third party.

Disorder: This represents the stage at which mood is supplemented by action, whether isolated or sustained. It manifests itself in disruption, damage or violence. Such disorder may occur following a single or series of trigger incidents. At this level, unchecked or uncontrolled activity may encourage serious disorder.

Serious disorder/riot: Escalation into violent or disruptive behaviour. This stage may by typified by extreme conflict. This could take the form of violent protest, the act of rioting, criminal damage, looting, or the use of weapons of offence.

Unrest: This is the period, sometimes prolonged, when the rebuilding of relationships takes place. Sensitivity and trust are key factors in this process. Police activity must focus on a structured return to a state of normality, and commanders should be aware that it is possible to return or cause a return to disorder or riot by excessive or inappropriate action.

A disorder model

Disorder is a dynamic process. The model is a flexible framework in which serious disorder or rioting may be viewed and may assist in understanding and managing disorder. Note: As can be seen, progression through all levels is not necessary, in some circumstances it may be possible to return to the state of normality from any level. The stages from state of normality through to serious disorder/riot can be viewed in terms of an increase in tension and conflict. A return to the state of normality from any other stage can be viewed as a decrease.
Tension
Disorder
Serious
Disorder/Riot
Unrest
State of
Normality

Disorder model – considerations

- The desired outcome should be the return to a state of normality. The state of normality before and after disorder may differ.
- It is possible that the police and the community will have different perceptions of the level of conflict or disorder. Community
  information management and liaison assist in reducing this disparity.
- The use of intelligence to identify community tensions or 'hotspots' may prevent escalation.

- Rumours or misinformation relating to the activities of the parties to a dispute or disorder may circulate. These may include the actions or response of the police. They should be clarified as quickly as possible. Good liaison and a sound public relations strategy are key
factors for success.
- During periods of disorder there is still a need to provide policing services to the community.
- At all levels within the model, police activity must be based upon the strategic principles of initial response, effective resourcing and
tactical deployment.
- Force used by police must be lawful and proportionate to the threat.
- Activities by the community, other agencies and the police in partnership are key elements in the prevention of disorder.

Crowd behaviour

There has been considerable research into trends in crowd behaviour. When planning, commanding or advising on operations where there is a risk to public safety or a potential for disorder the following behavioural patterns may be present in any crowd:

- Crowds will contain many different attitudes and behaviours. It is likely therefore that there will be different levels of participation in crowd activities. A trigger incident may affect levels of involvement.
- A trigger incident may be a result of actions by crowd participants, the police, or as a result of altered perceptions arising from the interactions between them. Information about external events received accurately, or inaccurately by the crowd or policing organisation, may also heighten, diminish, or alter perceptions of circumstances.
- Members of a crowd do not necessarily get carried away by 'crowd hysteria'. Each person in a crowd has a different perception of events based upon their ability to see, hear and move. This may affect their behaviour.
- When crowd members become highly emotional or aggressive their visible behaviour can spread and become regarded as acceptable by those around them. It can be an opportunity for an anti-social minority to influence and mobilise others around them.
- Anonymity removes the fear of identification and sanction from crowd members and may lead to the breakdown of legal and moral constraints. This also applies to the police, who should ensure that all identification markings are clearly visible.
- During crowd migration, non-directed crowds will follow routes of least effort. Highly motivated crowds will attempt to follow the most direct route to achieve their objective.
- If it is desired to apply direction to crowds, exits and escapes must be considered.
- The higher the crowd density, the higher the likelihood of interaction within the crowd, and action by the crowd. The higher the density of the crowd the more difficult it becomes for crowd members to leave.

- The less informal control there is within the crowd in relation to the crowd members, the more likelihood of the need for police control.
- Policing crowds is a dynamic and interactive process. Members of the police service – as individuals, or groups may also be subject to influences received from the crowd, or by being party to events generally. It is here that considerations of planning, communication and leadership are of particular importance.

Crowd management principles

The following key principles should be considered during the planning, briefing and deployment stages of any policing operation involving the management of crowds:

Intelligence: Prior to any event, the police should identify the groups that might be involved; their intentions, their tactics, their notions of acceptable behaviour, together with their views of other groups. Intelligence may also indicate the proportion of activists within a crowd, and how homogenous that crowd might be in its intention, for example the balance of those prone to violence and those who are peaceful.

Facilitation: The police should seek to facilitate any lawful and legitimate aims of groups that are present – especially when conflict breaks out. The aim should be to permit the pursuit of lawful aims whilst dealing with groups acting illegally.

Communication: The police should communicate to the crowd how they are seeking to facilitate the crowd's legitimate aims and how the illegitimate actions of some in the crowd may serve to impede those aims. Communication should be through figures respected by crowd members. Liaison should be established at an early stage.

Identification: The police commander should encourage officers not to treat all crowd members in the same manner. When violence starts there is a tendency to treat everybody with hostility. However, especially in such situations, it is crucial to treat people with respect and win them to your side, not the side of those already promoting conflict. It may be necessary to facilitate the desires of the many, such as the wish to peacefully protest, so that they may assist the police with their overall intention which is to prevent disorder.

Strategic Principles

Partnerships and links with the community are means by which potential problems are identified and effectively managed.

While this is the most desirable state of affairs, there are times when tensions rise suddenly and unexpectedly, day-to-day policing methods are insufficient, and the restoration of peace is necessary. It is therefore necessary for police to base their response to incidents that may arise upon the following set of principles:

- initial response
- effective resourcing
- tactical deployment.

In managing any incident or event that threatens public safety or has the potential for disorder, the strategy should:

- define the overall intention(s)

- determine the tactical parameters
- set the policing style.

Tactics should:

- reflect the strategy
- be appropriate to the level of threat
- be applied to achieve the intention(s).

Initial response

Where there is a threat to public safety or potential for disorder, the initial police response should support and complement routine operations. The strategic intention should be to restore normality as soon as practicable by measures and appropriate interventions. It may be suitable to pursue an early resolution of the situation, whether by information or action. Police should involve their partners wherever possible at an early stage. In order to establish and maintain any advantage, a number of options should be considered, from low key to highly impactive activities. Those used will be guided by intelligence and community information management. The potential for trigger incidents must be considered.

Effective resourcing

In order to maintain or restore the state of normality, effective resourcing is a key principle. The ability to mobilise police, and where appropriate, partner agencies, is based upon agreed protocols, sound planning and regular training. The level of resources should reflect the ongoing threat to public safety and the potential for disorder. The welfare of those involved should be considered. Failure to do so may affect their ability to perform effectively and efficiently.

Tactical deployment

This is the method of converting strategy into tactics by the use of appropriate and risk assessed options, within set parameters. The overall intention should be to keep or restore the peace.

3.7 U.N. PRINCIPLES ON THE USE OF FORCE AND FIREARMS[*]

Excessive use of force by police has been a major concern in a variety of incidents involving Roma in different countries, and has resulted in number of court cases at national and European levels. This document sets out internationally agreed standards for the use of force and firearms by police and other law enforcement officials.

Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990

Whereas the work of law enforcement officials is a social service of great importance and there is, therefore, a need to maintain and, whenever necessary, to improve the working conditions and status of these officials,

Whereas a threat to the life and safety of law enforcement officials must be seen as a threat to the stability of society as a whole,

Whereas law enforcement officials have a vital role in the protection of the right to life, liberty and security of the person, as guaranteed in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights,

Whereas the Standard Minimum Rules for the Treatment of Prisoners provide for the circumstances in which prison officials may use force in the course of their duties,

Whereas article 3 of the Code of Conduct for Law Enforcement Officials provides that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty,

Whereas the preparatory meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Varenna, Italy, agreed on elements to be considered in the course of further work on restraints on the use of force and firearms by law enforcement officials,

Whereas the Seventh Congress, in its resolution 14, inter alia , emphasizes that the use of force and firearms by law enforcement officials should be commensurate with due respect for human rights,

Whereas the Economic and Social Council, in its resolution 1986/10, section IX, of 21 May 1986, invited Member States to pay particular attention in the implementation of the Code to the use of force and firearms by law enforcement officials, and the General Assembly, in its resolution 41/149 of 4 December 1986, inter alia , welcomed this recommendation made by the Council,

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[*] United Nations, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, 1990

Whereas it is appropriate that, with due regard to their personal safety, consideration be given to the role of law enforcement officials in relation to the administration of justice, to the protection of the right to life, liberty and security of the person, to their responsibility to maintain public safety and social peace and to the importance of their qualifications, training and conduct,

The basic principles set forth below, which have been formulated to assist Member States in their task of ensuring and promoting the proper role of law enforcement officials, should be taken into account and respected by Governments within the framework of their national legislation and practice, and be brought to the attention of law enforcement officials as well as other persons, such as judges, prosecutors, lawyers, members of the executive branch and the legislature, and the public.

General provisions

1. Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials. In developing such rules and regulations, Governments and law enforcement agencies shall keep the ethical issues associated with the use of force and firearms constantly under review.

2. Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons. For the same purpose, it should also be possible for law enforcement officials to be equipped with self-defensive equipment such as shields, helmets, bullet-proof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.

3. The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimise the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.

4. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

5. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

(a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;

(b) Minimize damage and injury, and respect and preserve human life;

(c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;

(d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

6. Where injury or death is caused by the use of force and firearms by law enforcement officials, they shall report the incident promptly to their superiors, in accordance with principle 22.

7. Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.

8. Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.

Special provisions

9. Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

10. In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.

11. Rules and regulations on the use of firearms by law enforcement officials should include guidelines that:

(a) Specify the circumstances under which law enforcement officials are authorized to carry firearms and prescribe the types of firearms and ammunition permitted;

(b) Ensure that firearms are used only in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm;

(c) Prohibit the use of those firearms and ammunition that cause unwarranted injury or present an unwarranted risk;

(d) Regulate the control, storage and issuing of firearms, including procedures for ensuring that law enforcement officials are accountable for the firearms and ammunition issued to them;

(e) Provide for warnings to be given, if appropriate, when firearms are to be discharged;

(f) Provide for a system of reporting whenever law enforcement officials use firearms in the performance of their duty.

Policing unlawful assemblies

12. As everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14.

13. In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

14. In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.

Policing persons in custody or detention

15. Law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened.

16. Law enforcement officials, in their relations with persons in custody or detention, shall not use firearms, except in self-defence or in the defence of others against the immediate threat of death or serious injury, or when strictly necessary to prevent the escape of a person in custody or detention presenting the danger referred to in principle 9.

17. The preceding principles are without prejudice to the rights, duties and responsibilities of prison officials, as set out in the Standard Minimum Rules for the Treatment of Prisoners, particularly rules 33, 34 and 54.

Qualifications, training and counselling

18. Governments and law enforcement agencies shall ensure that all law enforcement officials are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional training. Their continued fitness to perform these functions should be subject to periodic review.

19. Governments and law enforcement agencies shall ensure that all law enforcement officials are provided with training and are tested in accordance with appropriate proficiency standards in the use of force. Those law enforcement officials who are required to carry firearms should be authorized to do so only upon completion of special training in their use.

20. In the training of law enforcement officials, Governments and law enforcement agencies shall give special attention to issues of police ethics and human rights, especially in the investigative process, to alternatives to the use of force and firearms, including the peaceful settlement of conflicts, the understanding of crowd behaviour, and the methods of persuasion, negotiation and mediation, as well as to technical means, with a view to limiting the use of force and firearms. Law enforcement agencies should review their training programmes and operational procedures in the light of particular incidents.

21. Governments and law enforcement agencies shall make stress counselling available to law enforcement officials who are involved in situations where force and firearms are used.

Reporting and review procedures

22. Governments and law enforcement agencies shall establish effective reporting and review procedures for all incidents referred to in principles 6 and 11 (f). For incidents reported pursuant to these principles, Governments and law enforcement agencies shall ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control.

23. Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependants accordingly.

24. Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and

firearms, and they did not take all measures in their power to prevent, suppress or report such use.

25. Governments and law enforcement agencies shall ensure that no criminal or disciplinary sanction is imposed on law enforcement officials who, in compliance with the Code of Conduct for Law Enforcement Officials and these basic principles, refuse to carry out an order to use force and firearms, or who report such use by other officials.

26. Obedience to superior orders shall be no defence if law enforcement officials knew that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to follow it. In any case, responsibility also rests on the superiors who gave the unlawful orders.

4. POLICE/MINORITY RELATIONS GENERALLY

4.1 INTRODUCTION

This section of the resource manual brings together documents that provide general European-level guidance on tackling discrimination and improving relations between police and minorities. Their aim is to help to ensure that policing reflects the multi-ethnic character of European society, and addresses the specific needs and concerns of ethnic and national minorities, including Roma communities.

Although there is reference to Roma in some of the documents, they are not Roma-specific. They aim to deal generally with relations between police and ethnic/national minorities, but they tend to be based on Western European experience and on the situation of minorities of immigrant origin in urban areas. While many of the lessons learned from this experience are transferable across Europe, there will be a need for public authorities and NGOs in participating states to review the detailed content to establish its precise applicability to the situation of Roma – and to adapt and extend it where necessary.

The first document is the Rotterdam Charter: 'Policing for a Multi-Ethnic Society'. The Rotterdam Charter was produced in 1997 as a result of a joint initiative by Rotterdam City Council, Rotterdam-Rijnmond Police and the NGO RADAR (Rotterdam Anti-Discrimination Council). It sets out a vision of how NGOs, municipal authorities and police can work together in partnership to combat discrimination and improve police-minority relations, and sets out the actions they need to undertake. It was drawn up following a meeting of 120 representatives of the three types of agency from 17 different European countries, who brought together their experience in order to identify principles of good practice. Although the Charter has no official or legal status at the European level, it has been widely used across Europe both as a general guidance document and as the basis for protocols of police-minority cooperation, and it has been translated into many European languages.

The next three documents are all prepared for or published by the Council of Europe, and also reflect general European experience. The first complements the Rotterdam Charter and provides an overview of the actions that need to be taken to bring policing fully in line with the requirements of a democratic multi-ethnic society. The second provides guidance specifically on the training of police officers on racial and ethnic issues, while the third focuses on the role of the police in tackling racially-motivated violence.

The final document relates directly to one of the fundamental principles of the Rotterdam Charter – the need to build equal and effective partnerships between minorities and the police as a tool for problem-solving and for increasing mutual trust and understanding.

The document explores what is meant by 'partnership', and draws out lessons from a variety of examples from across Europe.

Taken as a set, these documents are intended to indicate the kinds of practical actions that need to be taken in participating states to ensure compliance with the policing recommendations of the OSCE Action Plan for Roma and Sinti.

4.2 THE ROTTERDAM CHARTER: POLICING FOR A MULTI-ETHNIC SOCIETY[*]

Below is the full text of the Rotterdam Charter 'Policing for a Multi-ethnic Society'. The background to and status of the Charter have already been described in the introduction to this section of the manual. It is important to emphasise that the Charter was not intended to provide a 'blueprint' which would be immediately applicable to all situations in Europe, but rather a resource that could be adjusted to the circumstances of particular countries, cities or ethnic groups. An 'introduction' to the Charter, which gives more information about its background, and on how it should be used, can be accessed on the Charter website, which also contains versions in a variety of different European languages: http://www.rotterdamcharter.nl

1 - Opening Remarks

Changing Europe and Legitimate Policing: a Question of Professionalism

1- In the past decades, the composition of the population in Western Europe has changed radically. Postwar migration has caused many Western European countries to become multi-ethnic communities. In the east, the dissolution of the Iron Curtain has focused attention on the status of long-resident ethnic minorities in several Eastern European countries.

2 - A multi-ethnic society places special demands on the police organisation. As a result, the police must accept the need to adapt their professionalism, quality of service and their legal and wider responsibilities to the needs of a continually changing population. The goal is to provide services that are applicable and accessible to all citizens regardless of their ethnic background.

3 - In metropolitan areas especially, police forces, local authorities and NGOs are being faced with the challenges of ethnic diversity. The Charter focuses principally on cities and larger towns. Larger communities deal with cultural differences more often and are the first, though not necessarily the only ones, to develop new strategies in coping with these challenges.

The Key Role of the Police: the Challenge

4 - The Charter focuses primarily on the efforts required from the police. Although the police are certainly not the only public organisation with a responsibility in these matters, they can be considered the gatekeepers of equality, integration and cohesion in a rapidly changing society. Especially in situations where physical force is needed, the

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[*] *The Rotterdam Charter 'Policing for a Multi-ethnic Society',* Foundation 'Policing for a Multi-ethnic Society', P.O.Box 1812, 3000 BV Rotterdam; info@radar.nl

police are an instrument for control and repression. It is therefore necessary that the police are active and reliable in carrying out their role as guardians of the anti-discrimination legislation. In other words, the police have an important responsibility in enforcing the law as well as taking preventive measures to combat racism and discrimination.

5 - Presently, there are considerable differences in legislation and policies between the European countries. In so many different circumstances, many different solutions may be possible. Instead of proposing legislative or political changes, this Charter explores the reasons for different methods of intervention and the issues that should be debated. No proposals for new legislation or for harmonisation of legislation on a European level will be included in the Charter.

Necessity for an Integrated and Co-ordinated Approach: from Principles to Practice

6 - More than one aspect of police responsibilities will be focused on. The Charter aims at establishing a full set of instruments for an integrated and co-ordinated approach to the management of ethnic diversity in the interests of equality and social cohesion.

7 - The main objective of this Charter is to enhance organisational commitment to the issue of policing a multi-ethnic society. The first requirement is a clear mission statement for the organisation specifying its commitment to equal treatment and to combating racist and xenophobic violence. This should precede any tangible measures.

Co-operation with Others: the Added Values

8 - Racism and racial discrimination constitute a serious threat to the development of a harmonious multi-ethnic society. Co-operation between the police, NGOs and municipal authorities is especially important in recognising and monitoring these threats. In this relatively new area of policy, the police, NGOs and local authorities can benefit from each others experiences and contacts.

2 - Recruitment and Retention

1- The Police as a Mirror of Society
The composition of the population in most European cities is changing rapidly and dramatically. To establish their importance as a legitimate force in society, the police have a professional interest in reflecting the same ethnic diversity in their organisation. One of the most important means to reach this goal is recruitment.

2 - Enhancing Professional Standards
Recruitment of police officers from minority ethnic communities will have an added cultural value that will be beneficial to the police department as well as to the society as a whole. Ethnic diversity can benefit the entire organisation and as a result promote professionalism.

3 - The Changing Labour Market
In most cities, the work force has become more and more multicultural. At present, half of the labour force already consists of minorities in several large European cities. The police can therefore no longer afford to ignore the growing 'pool of talent' that minority ethnic communities represent in the job market.

4 - Recruiting Ethnic Minorities as Police Officers
In order to recruit people from minority ethnic communities, it is essential to develop good relations with ethnic minorities and to establish a positive image of police work. People of all ethnic groups should be encouraged to take an interest in becoming a police officer, regardless of their ethnic background. Where nationality is a barrier, efforts should be made to overcome this for established residents.

5 - Affirmative Action
In cases of under-representation of ethnic minorities and unproductive recruitment methods, there is a real need for special programmes and affirmative action to promote recruitment from minority ethnic communities.

6 - General Recruitment Requirements
The goal to recruit more police officers from minority ethnic communities has consequences for the general recruitment policy as well. A positive attitude towards cultural pluralism must be added to the general requirements for every police officer. Commitment to ethnic diversity also means the rejection of all forms of racism, prejudice and racially motivated behaviour by the police as professionally unacceptable.

7 - Setting Appropriate Standards
It is important not to lower standards when recruiting people from minority ethnic communities. Lowering standards will work against them in more than one way. On the other hand, it may be necessary to change standards. Application forms and tests (language, psychological, history) must be evaluated for cultural bias in order to guarantee equal opportunity. In general, it will be necessary to redefine the profile of the 'police officer of the next century'.

8 - Commitment of the Organisation is Essential
In order to encourage commitment within the entire police organisation, it is important to give greater attention to recruitment. It is advisable to give personnel officers special training in selecting future colleagues with different ethnic backgrounds.

9 - A Policy Explaining the Reasons Why
Successful recruitment from specific minority ethnic communities requires a public statement of the reasons why affirmative action is necessary. It must be made clear that this kind of recruitment is not favouritism but a survival strategy for the police organisation.

10 - The Key Issue is Mutual Respect

Co-operation on the basis of mutual respect and equality is necessary. A police force will function only if people:
- work together;
- listen and talk to each other;
- trust each other;
- realise that nothing is possible without each other.

11 - Police Posting
Police officers with different ethnic backgrounds should be assigned duties in exactly the same way as any other police officer. Generally, they should not be recruited to police their own individual ethnic communities, but rather to provide police services to the entire population. Specific posting with regard to their ethnicity will increase pressure from their own community. However assignments in isolation should be avoided.

12 - Equal Career Opportunities
Proper personnel recruitment requires an open, non-prejudiced environment in which people of all ethnic groups will feel welcome to join the police force. Not only recruitment is essential, but also retaining personnel and ensuring that everyone has equal opportunities for advancement within the organisation. The police will not be able to recruit talented young people from the minorities unless they believe that they will have equal opportunities within the police organisation. The police department as a whole will profit from having positive minority role models at all levels.

13 - Clear Complaints Procedures
Police must have procedures for dealing with complaints concerning discrimination or harassment by fellow officers. A clear and purposeful complaints procedure for a disciplinary offence is very important for the general public and for minorities in particular. By dealing with racism within the police force, the police will enhance their credibility in the eyes of society.

3 - Training of Police Officers

1 - Management tool
Training is one of the most important management tools for creating a professional and multicultural police force that is able to provide services for a multicultural society.

2 - Goal-orientated Training
It is important that training is not regarded as the primary goal but rather as an integrated part of policing a multi-ethnic society. Training can assist the management to develop a clear mission statement on this issue. The management's first responsibility to establish the conditions to help facilitate the necessary changes.

3 - Training as a Tool in Creating Commitment
Obviously, police officers must be committed to the necessity of changing the monocultural character of the police force to a multicultural one on every level of the organisation. Training can be an effective tool for developing such commitment by

enhancing appreciation of the police as an agent of cohesion in society. The police officer's attitude towards and commitment to these changes is crucial in determining their success.

4 - Police Training Schools must Anticipate
The change from a monocultural into a multicultural organisation is not only the responsibility of the operational police department. In order to adapt training practices to deal with the multicultural work place, police training schools must take advantage of the real life experiences of police officers.

5 - Basic Training
Basic training should also deal with issues like recognising elements of racially motivated behaviour, appreciating its importance and learning how to respond in a professional manner. This also includes possessing skills to deal with reports of racial incidents.

6 - Attitudes
Police officers must also be made aware of their own attitudes towards these issues. Training should help to ensure that officers' personal attitudes are consistent with professional ethics. There should be formal procedures to deal with any manifestations of racist attitudes by police. This professionalism will contribute to the credibility of the police in society.

7 - Cultural Differences
Because a culturally diverse society requires the police to adapt, it is essential that the entire police organisation is able to overcome any difficulties arising from cultural diversity. Barriers to intercultural understanding and communication, both within the police organisation and while serving the community, must be challenged. In addition, training should aim at adapting existing skills and methods, so as to be able to deal professionally with situations where different cultures meet or clash.

8 - Biased and Antagonistic Thinking
Often police contacts are limited to people living in and dealing with troubled situations. The contacts are mostly initiated by the police, and in response to negative circumstances. As a result, police work usually promotes an increased risk of 'opposed and biased thinking' about minorities, which can have harmful effects. Therefore, projects which promote positive images should be encouraged. As a key institution in society, responsible for safeguarding the rights and freedom of individuals, the police must develop their skills, knowledge and competence to respond professionally to increasing diversity in society. Training should allow officers to reflect on their experiences on the job, and to remain aware of the importance of safeguarding the principle of equal treatment.

9 - Partnerships in Training
The police need to involve NGOs and/or people from minority ethnic communities in training programmes, as they are also the recipients of police services. In addition, they

should be involved in programmes which train the instructors on aspects of cultural diversity.

4 - It's a good Law, but poorly implemented

1- The Importance of effective Implementation
Anti-discrimination legislation is an important tool in providing ethnic minorities with equal treatment and a safe environment. However even in countries with extensive laws against racism and discrimination, there is a wide gap between theory and practice, between legislation and law enforcement.

2 - Effective Use of Law enhances Police Credibility
Naturally, the credibility of the police in combatting racism and discrimination depends largely on the way they enforce the law. Police officers must be made aware of the importance of obtaining evidence of discrimination, if the law is to be used effectively. Commitment to combatting racial discrimination on the part of the police should involve the entire organisation. Senior police officers can play an essential role in introducing the correct culture within the organisation.

3 - Specific Attention and specific Skills
For reasons of professionalism and legitimacy, the attention of the police to racist incidents and their ability to deal with these matters must be optimised. Special (basic and in-service) programmes should be developed for stimulating awareness of racial issues and for recognising discrimination in specific situations. Every police officer should have the skills to deal with these situations and the knowledge to tackle discrimination within the legal guidelines.

4 - Appointment of Co-ordinating Officers
The appointment of co-ordinating officers with special responsibility for racial incidents may intensify commitment within the police department. However the existence of specialist officers must never become an excuse for others not to act in cases of racial discrimination.

5 - Multi-Agency Coalitions
The police should seek professional expertise when dealing with discrimination issues and should take part in multi-agency coalitions. This also includes participating in partnerships with local authorities, minority community leaders and NGOs in order to gain and exchange information on racial incidents.

6 - Transparent Procedures
Racial incidents reported to the police must be treated carefully. Victims must be heard and helped. Procedures should be transparent, especially for victims.

7 - Recording and Monitoring as a major Police Responsibility

Recording and monitoring racial incidents is of the utmost importance. The police have an important responsibility for recording and - in co-operation with others - gathering information.

8 - Reflection on Causes of Under-reporting
Under-reporting of racial discrimination and racial incidents is a widespread phenomenon. The police should take into consideration the extent and causes of under-reporting when presenting statistics concerning racial discrimination.

9 - Specific Measures to encourage Reporting
The police, NGOs and local authorities should consider specific measures to encourage the public to report racial incidents. To that effect, the following measures may be considered:
- programmes to stimulate awareness;
- specific measures for building up confidence and trust;
- adequate internal procedures on how to deal with reports concerning discrimination.

10 - Generally accepted Definitions
Effective registration of reports requires a clear definition of a racial incident.
At present, statistics on racial incidents differ greatly between different agencies such as NGOs and the police. To overcome this, European authorities should try to create generally accepted definitions that may be used for registering such incidents. A practical working definition should be developed and approved in co-operation with representatives of minority ethnic communities.

11 - Monitoring- and Data Collection Instruments
The police should encourage the development of monitoring and data collection instruments. These instruments will identify emerging trends and serve as a basis for an integrated, strategic approach as well as for identifying missing information.

12 - Establishment of Co-ordinating Unit
Regular analysis of data concerning racial incidents should take place, on several levels and with several objectives in mind. It would be advisable to assign a co-ordination unit within the police department to monitor and report on trends and developments.

13 - Comparable Data
Data should be collected in a form which is comparable, in order to exchange information and perform comparative studies of neighbourhoods, cities and even countries.

14 - Exchange of Information should be stimulated
Specialised methods of gathering information should be developed. The exchange of information between intelligence agencies, police and anti-racism organisations, concerning organised racist activities, should be stimulated.

15 - Reporting should have a follow-up

Reporting is not a goal in itself. There must be a guarantee that reports are followed by specific actions. Clear procedures will optimise chances for success and discourage under-reporting.

5 - Building Bridges between Ethnic Minorities and the Police

1 - Promoting Trust and Co-operation
Building bridges between ethnic minorities and the police provides a professional challenge. It is an important part of the service-oriented approach of the police in a democratic society and is essential in promoting trust and co-operation.

2 - Open and good Communication is a professional Need
Almost every government agency needs good relations and open communication with all segments and groups within society to function properly. For the police, these conditions are of the utmost importance in guaranteeing that citizens will co-operate in preventing as well as in tracking down crime. Moreover, it is essential for the police to obtain a picture of the actual needs of citizens and to promote constructive relations with and between the various groups within society.

3 - Overcoming antagonistic Thinking
In order to promote trust, the police must actively seek feedback from minority ethnic communities on the effectiveness and relevance of policies and programmes. This means breaking through antagonistic thinking on both sides and creating a constructive working relationship between the police, NGOs and community organisations. All parties involved can benefit from public-private partnerships like these. Such steps need to be considered especially in situations where tensions between police and minority ethnic communities are manifest. 'Client-panels' and 'round tables', which can bring together antagonistic groups, have proven to be of use in situations like these.

4 - Promoting Credibility
The police must actively seek opportunities to promote their credibility in fighting racism. First of all, this means the acknowledgement of racism and its existence. Secondly, active involvement of the police in external activities against racism should be promoted. Lastly, the police should take initiatives in establishing formal agreements with other agencies to co-operate to fight racism.

5 - Liaison Officers
Difficult or failing communication between police and minorities constitutes a specific problem that in turn requires special attention and solutions. There have been good experiences with programmes which strengthen ties between police and minority ethnic communities, e.g. appointment of liaison officers for minority communities.

6 - A Network of Professionals
While co-operating with local authorities, the police must develop and maintain a network of professionals from the minority ethnic communities, such as clergy, health professionals and social workers, who can provide assistance in times of crisis.

6 - Migrant Participation in Crime versus Police Participation in Criminalising Migrants

1 - Avoiding the Perpetuating of Stereotypes
The police should acknowledge that inaccurate reporting and stereotyping by the media has a harmful effect on community relations. Therefore particular care must be taken by police in interactions with the press to avoid perpetuating stereotypes in descriptions of minority ethnic communities.

2 - The Risk of Stigmatisation needs to be recognized
The danger of merely focusing on the crime rate in minority ethnic communities needs to be addressed. One must question whether such a focus is necessary and what its purpose is. There is a risk of stigmatisation of the whole ethnic community. Also, criminalised stereotypes are likely to be given publicity in the popular press and other mass media.

3 - Statistics never speak for themselves
A blunt presentation of ethnic crime statistics should be avoided. Statistics never speak for themselves and are open to misinterpretation. At most, statistics report what happened, but they cannot explain why things happen. To answer this question additional qualitative research is needed.

4 - Understanding Crime Rates
The police have a responsibility of understanding crime rates of specific groups in society, in order to focus attention on underlying problems which may require wider or preventive action. They should also encourage other organisations to take responsibility for preventing or intervening early in situations which could
be damaging for community relations.

5 - Distinguish between organised and non-organised Crime
Criminal organisations organise on an international scale. Crime statistics concerning organised crime should be clearly separated from data relating to 'regular' local crime statistics.

6 - Multiple uses of Statistics
Statistics can be used to monitor ethnic crime patterns, but can also be used to monitor whether the police are treating ethnic minorities fairly and equally. By monitoring the number of questionings or arrests of different ethnic groups, police can check whether they are not treating one group more harshly than another. By using statistics this way and ensuring that all segments of the public are being treated equally, the police gain respect and trust from minor-ity ethnic communities.

7 - A Code of Conduct for ethnically related crime Reports
A code of conduct for the police, which indicates when references to national or ethnic origin of a crime suspect or convict are relevant, should be intro-duced. The police

should be aware of possible effects of making such references in different contexts, e.g. when using radio communication channels.

8 - Code of Practice for Press-releases

Police authorities are encouraged to create a code of practice for press officers to avoid stereotyping in press releases. In some countries, journalists have agreed on such codes of practice.

9 - Need to consult and co-operate with NGOs

The police should consult and work in co-operation with NGOs and minority ethnic communities in order to present and disseminate ethnic-related statistics in the best way possible. During these consultations the police should also seek information which creates a better understanding of cultural differences and which prevents these differences from becoming criminalised.

10 - Responsibility to comment on stigmatising Measures

The police should feel free to point out possible stigmatising effects of certain measures taken or proposed by politicians which are to be carried out by the police.

4.3 PRACTICAL MEASURES FOR IMPROVING RELATIONS BETWEEN POLICE AND MINORITIES[*]

This document sets out the actions that need to be taken by police to ensure that members of all ethnic groups have access to police services and receive fair and equal treatment in accordance with professional standards and human rights. It covers a similar range of issues to the Rotterdam Charter, but sets these in the wider context of developments in Europe, as well as arguing for the importance of an integrated, strategic approach to adapting policing to Europe's increasingly multi-ethnic society. The document was originally prepared for a conference on 'The Situation of Roma/Gypsies in Municipalities' organized by the Council of Europe's Congress of Local and Regional Authorities in Europe (CLRAE) in Ploiesti, Romania in 1996, and was revised for a European Union conference in Dublin in 2000.

1. The European Challenge

Across Europe within the past few decades, issues connected with racism and ethnic diversity have become increasingly prominent. Different countries have been affected in different ways: sometimes in connection with the settlement of migrants and refugees, sometimes as a result of the rise of nationalist movements of the extreme right or of the increased assertiveness of established minorities.

This development has posed fresh challenges for established institutions in European states. Traditional assumptions that modern nation-states are ethnically homogeneous, or that minorities will accept subordination or differential treatment, no longer apply. Change is required in the way institutions operate, if Europe is to adjust effectively to the increasingly multi-ethnic character of the modern world.

Amongst the major institutions of the modern European state, the police have a particularly important role in these matters. As the agency with the special responsibility for the maintenance of law and order in society, they are not only guardians of the social framework, but also the most publicly 'visible' of the agencies which perform a civic role.

This places special demands on the modern professional police organisation. Not only must police always act - and be seen to act - fairly and with equal respect towards members of all ethnic groups, but their public exposure obliges them to operate as the 'role-model' for all civic authorities in such matters.   Furthermore, the police must be able to be relied on to act swiftly and firmly to combat manifestations of racism and xenophobia, which increasingly threaten the well-being of Europe's multi-ethnic society.

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[*] Robin Oakley, "Practical Measures for Improving Relations between Ethnic Minorities and the Police", revised version (2000) of paper prepared for Council of Europe/CLRAE Round Table on 'The Situation of Roma/Gypsies in Municipalities', Ploiesti, Romania, 28-29 November 1996

In the past, throughout Europe, police performance has often been seen to fall well short of these ideals, especially in the eyes of minority ethnic communities. Furthermore, particularly where police have been associated with repressive regimes or the 'criminalisation' of racial and immigrant minorities, negative experiences may have been especially widespread and memories of them may lie deep in the collective consciousness of such groups. The challenge to the police, therefore, is not solely a matter of improving performance, but also requires measures to increase trust and confidence in the police among minority groups everywhere.

2. Current Responses in Europe

In many countries of Europe, the introduction of measures to achieve the required change has already begun, although in few is it yet far advanced. In some Northern and Western European countries such as The Netherlands and Britain, programmes have been in place since the early 1980s. In most Southern and Central European countries, the need to address ethnic issues has only been recognised much more recently.

No comprehensive overview of the police response to ethnic issues in Europe is currently available. However, several initiatives at transnational level have been introduced in the member states of the European Union. For example, Heads of Police Training within the EU have adopted a report advocating measures in police training programmes designed to combat discrimination of all kinds in police activity in EU member states (1). The recently-formed Association of European Police Colleges has also held two conferences in The Netherlands in association with the Anne Frank Foundation, Amsterdam on the role of senior police in combating racism and xenophobia (2). The European Commission has funded the 'NAPAP Project' ("NGOs and Police Against Prejudice"), in which NGOs in nine member states have developed innovative training programmes in partnership with police organisations, with transnational coordination provided by Volkshilfe Österreich.

The Council of Europe has also taken a number of initiatives. Programmes on Human Rights have substantial potential to address the role of police with regard to ethnic relations (3). The European Committee on Migration (CDMG) has sponsored international meetings of experts focussing both on police training and on practical measures to combat racism and xenophobia, especially in the form of violence and at the local level. Detailed reports and practical guidance have been published (4,5). The Council of Europe has also supported a 'European Workshop on Relations between Roma and the Police" which brought together Roma representatives, police officials and practitioners from across Europe to identify problems and examples of good practice, with particular reference to Central and Eastern Europe (6).

A recent Europe-wide initiative by the City of Rotterdam should also be mentioned. A Conference on 'Policing for a Multi-Ethnic Society' was held in Rotterdam in June 1996. The Conference was attended by more than 120 delegates from the police, civic authorities and NGOs, representing 17 European countries (including Central and Eastern Europe). The main product of the Conference was a 'Charter', which sets out

the principal actions which police need to take if they are to operate effectively in a multi-ethnic environment. The Charter is intended to be a practical resource to be used by police working in a three-way partnership with civic authorities and NGOs, and is based on practical experience in countries across Europe. An independent Foundation has now been established to promote the Charter throughout Europe (7).

3. Identifying the way forward

The remainder of this paper focuses on a number of specific issues which need to be addressed in any programme designed to improve relations between police and minority ethnic communities. It begins by emphasising the importance of examining the specific nature and causes of the problem as this may be manifested in a particular country or local area. Subsequently it focuses on the key areas for action, such as consultation, training and recruitment, as well as on the importance of partnerships between police and minority communities in taking this work forward.

(a) Understanding the causes of the problem

Before any programme of practical measures to improve relations between police and minority communities is designed and introduced, the problems which are they intended to overcome must be clearly identified.

As already stated, one cause of difficulties in relationships between police and minorities is that the police may not yet have adjusted to the multi-ethnic character of the society. Not only in the case of minorities of migrant origin, but also with established minorities such as Roma/Gypsy communities, there may be a need for police to gain a better understanding of their cultural background and circumstances. There may be a need also for these groups too to become better informed about the police.

However, the main source of difficulty is not usually lack of information alone, but rather problems of mutual attitudes on both sides and of the power relations between police and minority groups.

So far as power relations are concerned, a fundamental difficulty can be that the police may have responsibility for the implementation of laws which affect minorities in specific ways, such as immigration laws or the rights of residence of traveller groups. A second problem is that police may use, or be perceived to use, their general police powers either disproportionately against members of minorities (i.e. 'over-policing'), or not sufficiently to provide protection - whether this be from racially-motivated violence or from crime in general (i.e. 'under-policing').

So far as attitudes are concerned, on the minority side these may have been shaped by a long history of shared experience of racial discrimination or oppression, not all of which need have been at the hands of the police. Moreover, younger generations within minorities - especially in a more liberal political climate - may be less tolerant of actual or suspected differential treatment than their parents were in the past.

Police attitudes, on the other hand, are more likely to reflect those of the majority citizenry, who may be hostile or resentful towards minorities. Members of the majority group are often not aware of their tendencies towards stereotyping. A special danger for police officers is that negative stereotypes about minorities can easily grow if personal contact with members of such groups is limited to dealing with criminal situations. Such stereotypes tend to be exacerbated by the conditions of police operational work, and become institutionalised within the informal occupational culture (8). As professionals, police need to be aware of these tendencies, and how they might influence decision-making and interactions with members of the public.

Police must take care also that their public statements and presentation of crime statistics do not perpetuate criminalised stereotypes of particular racial and ethnic groups.

These and other kinds of barriers or obstacles need to be carefully and correctly identified before any programme of actions to address them is designed and put into action.

(b) Access to police services and fair treatment

Turning now to the essential content of any such programme, the fundamental aim must be to enable police to ensure that - in a multi-ethnic society - police services are designed to meet the needs of members of all ethnic groups, and that members of minorities have equal access to police services and receive fair and equal treatment in accordance with police professional standards.

Firstly, as regards the design and planning of police services, it is essential to ensure that, within the framework of the law, these take account of any special needs of minorities - such as, for example, their specific vulnerability to racially-motivated violence, and also to racial discrimination. Insofar as police have powers to address behaviour of this kind, proper provision should be made to meet such needs, and where appropriate they should be prioritised. Moreover, the manner in which police services are provided should take account of relevant cultural differences (e.g. in family life or religious practice) rather than presuming that the majority culture is the norm.

Secondly, as regards access to police services, the fundamental requirement must be that members of all ethnic groups understand the police role and are informed about police services, and feel capable and confident about approaching the police when those services are needed. In a multi-cultural context, the issue of language may be of particular importance, and access to interpreting facilities may be an important provision for police to make.

Thirdly, as regards treatment by the police, the fundamental requirement is that all persons, regardless of ethnic group, should be treated at all times fairly, equally and with respect, and in accordance with the highest professional standards and with basic human rights. Given the powers of police to exercise control and restrict liberty, it is also

essential that police behaviour towards minorities is open and subject to supervision, and that effective mechanisms for complaint and redress are available and likewise accessible to all groups.

It would defy our knowledge of history and our understanding of the human sciences if we supposed that any police organisation could be perfect in this regard. A wise police organisation in today's rapidly changing world is therefore constantly on guard to maintain and improve its standards of performance, especially when faced with the challenges presented by our increasingly multi-ethnic society. In consequence, the wise police organisation not only takes proactive measures to achieve these high standards, but also finds ways to listen to criticism and to routinely monitor its relations with minority ethnic communities, so that it can identify and respond quickly to any problems or failures which may occur.

(c) Dealing with racial discrimination and violence

Despite the widespread commitment throughout Europe to a society based on equality and harmonious ethnic relations, incidents of overt racism and xenophobia continue to take place across the continent. The scale of such conflicts, and the severity of the threat, has led Heads of State of all members of the Council of Europe in October 1993 to issue the 'Vienna Declaration', together with an 'Action Plan for Combatting Racism, Xenophobia, Anti-Semitism and Intolerance' (9).

Although the causes of such incidents may have broader social, economic and political roots, their manifestations at the level of ethnic group relations must also be addressed directly. Here the police have special responsibilities, due to their unique powers and responsibilities to address incidents of racism under the law.

In some countries racial discrimination in fields such as employment or the provision of services is a civil offence, and not a responsibility of police. However, where police have powers to tackle discrimination, these must be used systematically and to the fullest extent. Registration and monitoring of incidents is essential, both to analyse patterns and causes, and to ensure they are being dealt with effectively. If police do not carry out this role, discrimination will continue unchecked.

The forms taken by violent racism are diverse and vary according to national and local circumstances. Incidents may range from attacks organised by extremist groups, through rivalries or spontaneous incidents involving gangs or groups of young people, to the occasional but nonetheless hurtful verbal or physical harassment of people on the street or in their own homes.

Everywhere minorities are disproportionately subject to racially- and ethnically-motivated violence and harassment in this way, and such violence is a powerful mechanism for their subordination or exclusion by majority groups. In Western Europe, much of this violence has been directed towards visible minorities of migrant origin. In Central and Eastern Europe, the principal targets have been Roma/Gypsy groups.

Not only the minorities, but all those who are committed to a multi-ethnic society must rely primarily on the police to take effective action to address this problem. They must be able to rely on the police to deal with the perpetrators - by identifying them and bringing them to justice; they must be able to rely on the police to provide protection to potential victims; and they must rely too on the police - working together with other public agencies - to help prevent the problem.

The specific actions which police can take are set out in detail, and with examples, in the report prepared for the Council of Europe on "Tackling Racist and Xenophobic Violence in Europe: Review and Practical Guidance" (5). They include: making a public commitment to address the problem; registration of incidents; following procedures and keeping records; assigning special responsibilities to particular officers; and providing training on the subject. Working in partnership with minority communities to encourage reporting and to obtain evidence to bring to court is also extremely important.

Given past failures of police in many parts of Europe to address this problem effectively, special efforts are likely to be required to convince minorities that police now take the problem seriously.

(d) Consultation, cooperation and accountability

An essential requirement for police, if they wish to win the confidence of minority ethnic communities, is to introduce effective methods of consultation with them.

Consultation with the public, especially at the local level, should be a normal practice for police organisations. Consultation enables the police to learn about the concerns and priorities of local communities, and to discover whether the public consider police are doing their job well. It also helps to increase confidence in the police, and improve mutual understanding in general.

Police must be careful not to overlook the need to involve minority communities in their consultations. Minority communities may be less likely to ask for such consultation, and may lack the experience or confidence to participate in existing arrangements. This may be especially true for women in minority ethnic communities, whose views need to be heard no less than those of men.

Police must therefore take the initiative to encourage members of minorities to participate in existing arrangements, or must establish separate arrangements with minorities themselves. For either to be successful, time must be spent on building up relationships of trust with key individuals. One possibility is to create special posts for police officers to undertake such work in each area, reaching out to people in community centres or in their own homes. However, local police managers should not leave this work entirely to specialist officers, as they need to build up such relationships also for themselves.

Police must accept that receiving criticism is a necessary and indeed valuable component of their relationships with minority communities and NGOs, and the challenge is to transform this into constructive change.

Consultation alone, however, will not be sufficient to build strong and enduring relationships between police and minority ethnic communities. Although consultation is potentially an important step forward, it remains vulnerable to the claim that police can still leave a meeting where suggestions for change were made, and then continue to act as before.

Police therefore should seek also to find ways for practical cooperation with minority ethnic communities at the local level, by establishing activities and projects in which both can participate. Projects focussing on the prevention of crime and improving community safety are especially suitable for this purpose. In this way police can establish genuine <u>partnerships</u> with minority communities, with the police sharing some of their power with local people - and thus winning their cooperation and confidence in return (10).

In a democratic society, however, neither consultation nor voluntary cooperation provide the ultimate safeguards for ensuring that the police organisation will adequately address minority issues and concerns. The voice of minorities must also be heard, and their democratic influence exercised, within the structures of democratic accountability which determine or constrain how the police organisation functions. Whether these accountability structures operate at national or local level, and whether they operate through or independently of government, minority participation in these structures is essential for ensuring that the police organisation serves the whole of the society and not just the majority group.

(e) Training of police officers on minority issues

In order to support the implementation of these various kinds of initiatives, training of police officers on minority issues is essential.

In the ideal situation, minority issues would be included in the general training curriculum for police officers - both in initial training and during in-service training. In practice this has not normally happened. In a survey of member states of the Council of Europe, very few police training programmes were found to address this subject in a specific way (11). Often the requirement not to discriminate on grounds of race or ethnicity might be included within the subject of human rights or police ethics, but the practical implications of this prescription were not addressed, nor was any understanding of ethnic relations provided.

Because of the failure to include this subject in training in the past, and because of the urgency to address this problem now, police organisations need to consider introducing special training programmes on minority issues and ethnic relations. The priority must be for specialist officers, and those working in multi-ethnic localities.

For reasons explained earlier, the training should not be confined solely to the provision of information about minorities and their background. Although the problem of attitudes must be considered, the main aim should be to give the officers practical skills and confidence to operate effectively in multi-ethnic situations. The training must be relevant to officers' roles, and should enable them to achieve defined professional standards. Involvement of people from the minority communities, working jointly with police training staff, is essential when these subjects are being addressed.

Addressing attitudes can present an especially difficult challenge for the trainer, and thus for the police organisation. As already noted, stereotypes about minorities may be widely shared, and are often held in the mind unconsciously. Most individuals, not surprisingly, react defensively when challenged on such matters. Experienced officers therefore will probably not welcome a direct approach, which they may reject as insulting or irrelevant. Informal discussions, in which officers are invited to reflect on their experiences with minorities, can be more effective for showing officers how attitudes can affect one's daily work, but skilled facilitation is required if such sessions are to be successful.

Generally speaking, therefore, training programmes on minority issues should not try to address attitudes unless adequate time and skilled trainers are available. Rather such programmes should focus on the behaviour that is required, emphasising the benefits for the police officer from improved relations with minorities. If the behaviour gets good results, attitude change will follow. Training alone, however, may not be sufficient to ensure behavioural change, which also must be encouraged by leadership and positive rewards, and by discipline in the case of misconduct. What is required by the organisation is not so much a change in individual attitudes on minority issues, but a change in the whole organisational culture (8).

Fuller guidance on matters connected with training for police on ethnic and minority issues is contained in the Council of Europe report on "Police Training Concerning Migrants and Ethnic Relations', referred to above (4).

(f) Complaints procedures

A widespread source of frustration and cynicism within minority ethnic communities is the lack of effective procedures for making complaints about racist or other unprofessional police behaviour, and for securing some form of redress.

This demand is not specific to minority communities, as there should be effective complaints procedures in all public service organisations. However, given the powers available to the police, complaints systems are of particular importance, and especially so when there is a need to overcome past histories of conflict and mistrust in police-minority relations.

To be able to contribute to improving relations between ethnic minorities and the police, complaints systems need both to command the confidence of minorities and be seen to be effective through their results. Complaints need to be able to be both registered and

investigated independently of the police, and there need to be findings which (subject to proper procedure in each case) in general bear credibility in relation to community experience of racist or other inappropriate police behaviour. If the procedures consistently fail to produce credible results, they will fall into disrepute and cease to be used by those who feel they have been abused or treated unjustly.

Acknowledgement of racist or unprofessional behaviour following complaints investigations is essential on the part of the police organisation. In less serious cases, the mere fact of acknowledgement (as against denial), coupled with an apology, may satisfy a complainant.   Where more severe misconduct has taken place, however, to improve minority confidence and police-minority relations, visible action is needed. On the one hand this must involve appropriate discipline for the officers concerned, backed by clear condemnation of racist behaviour by leaders in the police organisation. Also necessary is action to prevent the re-occurrence of such behaviour by police staff, by measures such as improved selection, training or supervision.

Police managers should not regard the introduction of effective complaints systems as a negative development. On the contrary, not only is it crucial for the development of confidence among minority and other sections of the public, but it is also an important mechanism for establishing professional standards and for monitoring the quality of performance by the police organisation generally. Progressive police managers should therefore welcome the demands from ethnic minorities and other sections of the public for effective complaints systems.

(g) Recruitment of police officers from minorities

The last, and in the long run probably the most important, initiative required is the recruitment of police officers from the minority communities into the police organisation.

Across Europe, most police organisations have few, if any, persons drawn from the visible minorities of migrant origin or from Roma/Gypsy communities. Without such representation, minorities cannot readily identify themselves with the police enterprise. The police in turn are deprived of the legitimacy and of many practical benefits which arise from individuals from all sections of the population being integrated within the organisation.

Although at a certain stage minorities may often be reluctant to seek a police career, an effective police organisation needs their participation, and must take active steps to secure the recruitment of minorities as police staff. Improved relationships between police and minorities will be of assistance, but more specific measures to sponsor and encourage applicants will be required. Additional steps must also include action to identify and remove discriminatory barriers to entry by minorities into the police profession, barriers of both direct and indirect kinds.

One indirect barrier which has been identified is the lower average level of educational attainment often found among minority ethnic communities. In these circumstances it is sometimes proposed that, in order to increase minority recruitment, the educational

standards for such groups should be lowered. Any response of this kind should be firmly resisted, if only on account of the damaging effects this will have on the credibility of minority officers in the organisation generally.

Two different types of response to this problem are, however, appropriate. The first is to review the current level of educational qualifications which has the exclusionary effect, to establish whether it is in fact necessary for identification of persons with suitable potential. The second is to provide educational and other support specifically for promising candidates from minorities who fail to gain entry on educational criteria alone, so that they can then gain entry to the police organisation on equal terms.

Successful recruitment of minority officers may not in itself be enough. Such officers need to feel accepted in the organisation, and that they have equal opportunity for advancement in their career. Experience in countries such as Britain and The Netherlands shows that careful monitoring is needed to ensure all staff receive equal treatment once they are inside the organisation, and no direct or indirect discrimination occurs. Police managers need to be aware of the kinds of pressures which can affect minority officers, and of the actions they might need to take in response.

4. Conclusion: The need for a strategic approach

All of the above types of action are essential if police organisations across Europe are to address minority issues effectively, and so adjust to the increasingly multi-cultural character of our society. Although the specific measures which are appropriate will vary from state to state, the same kinds of actions are required from Central and Eastern European countries where issues relating to Roma/Gypsy communities predominate as they are in Western Europe where minorities of migrant origin are the predominant group.

It will not be enough, however, for countries simply to pick and choose among initiatives, adopting one here and another there in an arbitrary manner. A strategic approach is required, in which governments and other responsible authorities develop a planned programme of actions. These may start in a modest way in specific areas, and may at first include actions of an experimental nature. However, the plan in the long run must be to ensure that the police organisation, throughout the country or particular region, can ensure fair treatment and access to police services to all ethnic groups, and can respond effectively also to the specific needs of minority communities. Systematic monitoring, to ensure this is actually happening, is essential.

Senior police officers, with the backing of governments, must acknowledge the necessity for a strategic approach of this kind. They must provide clear leadership to their staff, so that the strategy is accepted and implemented throughout the police organisation. They must also communicate their commitment to the minority ethnic communities and to the public generally, so that all groups recognise that police are working actively in support of an equal and harmonious multi-ethnic society.

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4.4 POLICE TRAINING CONCERNING MIGRANTS AND NATIONAL MINORITIES[*]

This short document by Dr Robin Oakley provides practical guidance on how to address racial and ethnic issues in the specific area of police training. It was originally prepared for a Council of Europe seminar on 'Human Rights and the Police', and subsequently published by the Council of Europe in a book with the same title in 1997. The document is a summary of the more detailed guidance which, together with a number of practical examples, was published by Council of Europe following a meeting of experts on this subject in 1994.

1. Introduction

1.1   This paper provides an introduction to, and summary of the report on *Police Training Concerning Migrants & Ethnic Relations*, which was published by the Council of Europe in 1994 (1). The report consisted primarily of a set of detailed "Practical Guidelines", which were accompanied by descriptions of police training projects undertaken in different Member States. The aim of the report is to disseminate and promote 'good practice' in addressing issues relating to migrants and ethnic relations in police training throughout Europe.

1.2 The author of the present paper acted as Consultant to the Council of Europe for the above project, with responsibility for preparation of the report and in particular for drafting the Practical Guidelines.

1.3   It is recognised that both the circumstances and hence the terminology relating to these issues differ to some extent among Member States of the Council of Europe. In the text which follows, the term 'ethnic' is used for general purposes to refer collectively to minorities who may be defined by racial, cultural or national identity, and who may be long-established residents in a state or of recent migrant or refugee origin. It is appreciated that this particular term may not normally be used in all countries or situations, and wherever appropriate a more specific terminology is used instead (see Section 3 below).

2 Background to the report

2.1 The report arises out of a 'Meeting of Experts on Police Training Concerning Migrants and Ethnic Relations' which was held at the Council of Europe in Strasbourg in September 1992. The Meeting was sponsored by the European Committee on Migration (CDMG), and formed part of its project entitled "The Integration of Immigrants: Towards Equal Opportunities".

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[*] Robin Oakley, "Police Training Concerning Migrants and National Minorities", in *Human Rights and the Police,* Council of Europe, 1997

2.2 The Meeting was attended by persons responsible for the main initiatives under way in the Member States to introduce community and ethnic relations perspectives into police training. A number of government and other officials with policy-making responsibility in the field of police training in Member States also took part.

2.3 The objective of the Meeting was for such persons to exchange experience, and to assist the Council of Europe with the formulation of practical guidance for use in police training in Member States.

3. Ethnic diversity in Europe

3.1 The report was prepared in response to the fact that police forces in Europe face a society that is becoming increasingly diverse in its ethnic composition, and in which racism, nationalism and xenophobia are becoming increasingly prominent. Training is one of the means by which police organisations can be assisted to recognise and respond appropriately to ethnic diversity and to appreciate their role in combating obstacles to the democratic integration of racial, ethnic and national groups, and in ensuring their human rights.

3.2 In some respects Europe has always been multi-ethnic in character. Throughout its history Europe has been a continent in which many different peoples have settled, sometimes living peaceably with one another, and at other times engaging in conflict and establishing relationships of dominance and subordination. As nation-states formed across Europe during the 19th and early 20th centuries, some included a variety of different ethnic groups, and therefore have long experience of ethnic pluralism. Although sometimes these groups may be large and in a relatively equal relationship with one another, in most European states there are smaller ethnic groups which constitute established 'national minorities'.

3.3 'National minorities' are ethnic groups which also have (or claim) a territorial basis, though not necessarily in their country of residence. There are also long-established ethnic minorities in Europe who do not have a territorial basis: principally the Roma or Gypsies, and the Jews. Despite a history of persecution and attempted genocide during the Nazi Holocaust, both groups remain widely distributed across Europe, although in many States the Jewish population may now be very small.

3.4 During the post-war period, Western Europe in particular has experienced the settlement of migrant workers and their families on a substantial scale. Post-war settlers derive not only from Southern Europe and countries of the Mediterranean, but also from European colonial territories mainly in Africa, Southern Asia and the Caribbean. As a result of this post-war development, the range of cultural diversity in Europe has widened considerably, and an element of 'visible' racial diversity has been added internally. More recently, the arrival of refugees from a wide variety of different countries across the world has further extended this diversity.   Particularly since the 1970s, with

the reversal of the post-war economic expansion and decline in the labour market, racism and xenophobia against these minorities have become increasingly prominent.

3.5   In Central and Eastern Europe, ethnic diversity within States is far less a consequence of long-distance labour migration and refugee movement.   The element of diversity, and the tensions associated with it, are more a consequence of the break-up of internal European Empires, such as the Habsburg Empire and more recently that of the Soviet Union.   Under these imperial systems, there was considerable dispersion of ethnic and national groups.   In the aftermath of their political dissolution, the process of formation of new and smaller nation-states has created tensions and enhanced national awareness, giving rise to increasing attention to internal minority issues - including those relating to Roma.   However, particularly as a result of the recruitment of students from Third World countries during the period of Soviet domination, in some Central and Eastern European countries (such as Hungary) there is now also a small but significant presence of persons of Asian and African origin, who add a greater degree of cultural diversity and a dimension of 'visible' racial diversity as well.

3.6   The report on *Police Training Concerning Migrants and Ethnic Relations* was primarily aimed at assisting police forces to address the diversity resulting from the settlement of post-war labour migrants and their families.   However, it should be stressed that its general guidelines and recommendations are relevant to the relations between the police and diverse ethnic communities of all kinds, whether or not they be territorially-based, settled, or of migrant or refugee origin.

4. Relations between police and ethnic minorities

4.1 Constitutionally, legally and in terms of their codes of professional ethics, police are bound to treat persons of all ethnic origin equally within the framework of the law. This requirement is supported by numerous human rights and other international instruments (2).

4.2 However, in practice, in many states it is widely felt among minority ethnic communities that police do not always treat them fairly and with equal respect.   There is much 'anecdotal' evidence of incidents of inappropriate behaviour by police (e.g. verbal abuse, harassment, violence, wrongful arrest, insensitivity to minority cultures) in different European countries, though often less in the way of systematic evidence (3). Moreover, within the remembered past in a number of states the police have been implicated as agents of state oppression against minorities (especially, though by no means solely, against Roma), and these memories continue to give rise to fear and suspicion of the police amongst such communities.

4.3 Even within democratic states, the law itself may place minority ethnic communities in a less equal position with regard to the police. For example, such communities may be disproportionately affected by laws relating to matters such immigration, citizenship, residence or life-style. If the police are responsible for enforcing these laws, then the police will tend to be perceived by minority communities as an agency whose role is to

exercise control over them, rather than as an agency responsible for protecting and meeting the needs of all sections of the public equally.

4.4 However, much of the concern within minority communities arises from perceptions of bias in the manner in which police carry out their constitutional role. On the one hand there are often concerns about 'over-policing'.   For example, police may give greater attention to crimes allegedly committed by members of minority communities, may be more likely to treat them as suspects, and may use their powers more harshly against such persons. On the other hand there may be concerns about 'under-policing'. By this is meant that police may be less willing to help members of minority communities when they are victims of crime, or are less sympathetic when they do take action.

4.5 One area of special concern in recent years has been the incidence of violence against minorities motivated by racism or xenophobia. Governments are increasingly recognising the seriousness of such incidents and their impact on people's lives and on social integration generally. The importance of the role of police in tackling the problem of racist and xenophobic violence has been stressed in reports prepared both for the Council of Europe and the European Union (4).

5. The need for training

5.1 Police officers, it is often said, tend to be a cross-section of society. Like members of any other professional group, they bring to their work knowledge and attitudes based on their upbringing and experiences in society generally. Where there is ethnic diversity in society, there tends to be ignorance about other ethnic groups, and some degree of negative attitude towards them. It is only normal to expect that police officers may reflect this general tendency towards 'ethnocentrism', especially when few are drawn from minority ethnic groups.

5.2 All police officers (again like members of other professional groups) need training to provide them with the basic knowledge, awareness (including self-awareness) and skill to enable them to carry out their roles in an increasingly diverse society. Ideally, this should ensure that they are able to treat members of all ethnic groups appropriately and fairly, and to respond sensitively to cultural differences with regard to such matters as religion, family structure, gender roles, child-care, and life-styles generally.

5.3 However, there may be two particular reasons why police officers, despite their professional and constitutional obligations, may treat members of minority ethnic communities unfairly or in some other inappropriate way.

5.4 The first reason is that some individual officers, despite their professional training, may be so prejudiced against particular ethnic groups that they appear incapable of carrying out their duties professionally. Moreover, there is always a danger that such individuals may use their position and power as police officers to commit deliberate acts of hostility against members of minority ethnic communities. No amount of training will remedy the behaviour of such individuals, who are unsuited to be police officers. Where

there is evidence of such behaviour, the officers concerned should be identified and disciplined, and where necessary excluded from the police organisation.

5.5 The second possible reason for inappropriate or discriminatory behaviour by police officers is due not so much to their personal characteristics as to the influences of the 'culture' of the police organisation and of the pressures arising from the nature of police work. For example, 'front-line' policing brings officers into contact with the 'criminal' element in all social groups. If officers have no personal knowledge of particular ethnic communities, they will soon build up negative stereotypes of what people from such communities are like. This in turn may lead to the view that all members of such communities are likely to be criminal. Such images, shared within 'peer groups' in the form of stories or 'anecdotes' based on experience, then become part of the background knowledge or 'working culture' which influences how officers and new recruits behave (5).

5.6 Negative influences of this kind may adversely affect the behaviour of officers who are potentially capable of treating members of all ethnic groups equally and fairly. Appropriately designed training on these issues will assist them to achieve the standards of professional behaviour to which they aspire. Such training should not be regarded as a remedial activity for past misdemeanours. Rather, it is the duty of all police organisations to provide all staff in advance with the necessary knowledge, awareness and skill to deal fairly with members of all ethnic groups, and to assist officers to be aware of and to overcome pressures to the contrary (6).

6. Current provision across Europe

6.1 Prior to preparation of the Council of Europe's 'Practical Guidelines' for police training concerning migrants aand ethnic relations, a survey of current practice in Member States was carried out. The aim of the survey was to establish the extent to which training on this subject was being provided in Member States, and to identify examples of good practice.

6.2 The survey found great variation in current practice between Member States. This ranged from no coverage of the issues at all in police training, to the introduction of plans to address the issues throughout police training nationally. However, in most countries the amount of specific instruction on these subjects appeared to be very small in quantity, and it was often provided only in initial training or to specialist officers. Frequently the subject was reported to be covered within broader subjects such as human rights, or social and psychological aspects of policing.

6.3 At the time of the survey eight countries had training programmes of some kind which were specifically focussed on issues concerning migrants and ethnic relations. Descriptions of these initiatives (and also the results of the survey as a whole) are included alongside the 'Practical Guidelines' in the Council of Europe publication. Two of these countries, The Netherlands and the United Kingdom, had developed plans to ensure that these issues were addressed in the training of all police officers, and special

project teams had been established to give specialist advice and support. Since the survey was conducted, it is known that several other countries have increased the amount of training they provide for police officers on these subjects.

6.4 Overall, however, it would appear that current provision across Europe falls far short of what would be appropriate, given the ethnic composition of the population and the special issues which arise in relationships between police and minority ethnic communities.

7. The practical guidelines

7.1 The 'Practical Guidelines' for police training on these issues are based directly on practical experience in Member States, and (as indicated in Section 2 above) were drawn up following a Meeting of Experts on this subject organised by the Council of Europe.

7.2 The guidelines cover the following broad areas: the role of training, aims and objectives, the content of training, appropriate training methods, and the implementation of training.

(a) The Role of Training

7.3 Under this heading, the Guidelines stress the following points, which reflect how the need to address ethnic issues is an organisational need, and not just a matter of training some individual officers:

- Training cannot achieve change alone: it requires organisational support, both at policy level and from supervisors and managers.
- There should be a clear training strategy, designed to address identified training needs regarding migrants and ethnic relations.
- Police should consult relevant NGO's about training needs on these issues, and involve NGO's as partners in developing training programmes.
- Issues concerning migrants and ethnic relations should be addressed both in initial training and in in-service training for experienced officers.
- Training should begin 'at the top', with courses on strategic policy for the most senior staff, and then work downwards through the organisation.
- The recruitment of officers from minority ethnic communities can also help to improve relations between police and these groups.

(b) Aims and Objectives

7.4 The Guidelines emphasise that the overall <u>aim</u> of training in this field should be expressed positively and in terms of principles of good professional practice. Essentially, the aim should be to ensure fair and equal treatment of members of all ethnic groups according to individual need, and to combat discrimination. This

formulation is consistent with relevant Council of Europe and other international declarations relating to ethnic diversity and the role of the police (4).

7.5 The Guidelines also identify six basic <u>objectives</u> for such training if the overall aim was to be achieved. These (quoted verbatim from the Guidelines) are as follows:

1) To advance the knowledge and understanding of the police officer in the field of human relations.
2) To develop better communication skills, especially in the multi-cultural context.
3) To enhance the capacity of the police to provide a high quality of service to the public.
4) To respect all individuals, irrespective of their origins.
5) To strengthen the confidence of the police in fulfilling their functions in a multi-cultural society.
6) To improve police officers' knowledge of the law and regulations relevant to immigrants and racial discrimination.

7.6 Whilst the above objectives should be addressed in training programmes for all police officers, more specific objectives need to be formulated according to the rank and role of the officer. The training should be designed so that it is of clear practical benefit when carrying out the officer's specific role, and so that it is developmental rather than repetitive in character.

 (c) Content of Training

7.7 The Guidelines identify two main areas which should be covered by the content of training: knowledge and understanding, and behaviour.

7.8 As regards '<u>knowledge and understanding</u>', the following topics were identified as components of a "core curriculum" which should be incorporated into the overall training curriculum for all police officers in every European country:

- history and present situation of ethnic minority communities
- need for respect for value systems of different cultural groups
- awareness of assumptions of dominant culture, and of ethnocentrism
- role of police in society
- concepts of prejudice and discrimination (personal and institutional)
- nature and manifestations of racism and xenophobia
- variety of minority responses to dominance

7.9 As regards <u>behaviour</u>, the skills and abilities required in dealing with matters concerning migrants and ethnic relations are for the most part the same as for good policing practice generally. However, once again, the following were identified as essential components of a 'core curriculum':

- effective communication in cross-cultural situations

- management of violence and conflict
- coping with fear and stress in difficult situations
- skills and confidence to tackle discriminatory behaviour
- positive professional standards required in multi-ethnic situations

7.10 The Guidelines also consider whether personal attitudes should be addressed as part of the content of police training. Experience indicates that attitudes are best approached not in a direct or judgemental way, but through emphasis on professional standards, and on the need for self-awareness in order to ensure that personal attitudes do not obstruct professionalism.

(d) Appropriate Training Methods

7.11 As regards appropriate methods for addressing ethnic issues in police training, the Guidelines emphasise the following points:

- Different methods are likely to be appropriate for front-line officers, experienced supervisors and managers, and senior officers with policy responsibility.
- Classroom methods should be varied, including not only lectures, but also role-plays, exercises, discussions, and video presentations.
- Written and video materials should be developed.
- Adequate time should be allowed for exploring issues which may be sensitive and controversial.
- Those responsible for training police officers on these issues will themselves require specialist training.
- Members of minority ethnic communities should be directly involved in both planning and delivering police training on ethnic issues.

(e) Implementation

7.12 The Guidelines stress that plans to introduce training on these issues should be implemented carefully and effectively. There must be commitment to introduce such training from senior police management, who need to ensure that adequate resources are available for the purpose. It is important also that government authorities provide support. Evaluation of the effectiveness of the training should be undertaken to ensure it is achieving its objectives.

7.13 Finally, Member States are urged to introduce such training before problems arise rather than waiting until pressure of events forces them to take action.   Individuals, whatever their ethnic origin, have the right to fair and equal treatment by the police. Every Member State should therefore be proactive in ensuring that there is adequate training on matters concerning migrants and ethnic relations to assist police officers to carry out their role in a professional and non-discriminatory manner.

8. Concluding remarks

8.1 Readers of this paper are asked to bear in mind that the Council of Europe report summarised above was not initially produced within a 'human rights' framework. Therefore it does not make explicit reference to written human rights documentation, nor does it refer explicitly to human rights principles within its text.

8.2 Nonetheless, as has already been emphasised, its recommendations are fully in accord with human rights principles, and can readily be implemented within the framework of a human rights training programme for the police. This will be more appropriate in some countries than others, on account of the different approaches to police training adopted in different Member States. Particular attention might be paid to the approach adopted in Sweden, where human rights and ethnic relations have been addressed jointly within a single programme (the DEFOIR project), details of which are provided within the 'Practical Projects' section of the Council of Europe report.

8.3 Finally, it must be emphasised that this paper has been written as an <u>introduction</u> to the practical guidance prepared by the Council of Europe on police training concerning migrants and ethnic and national minorities, and <u>not as a substitute</u>. Far more detailed guidance and information are provided in the full report published by the Council of Europe than can be included here. Readers are therefore strongly urged to obtain and read a copy of the full report, with its detailed guidelines and practical examples, rather than to rely on the necessarily brief summary set out above.

<u>REFERENCES</u>

(1) This paper is a revised version of a paper originally prepared under the title "Police Training on Issues Concerning Migrants and Ethnic Relations" for the Council of Europe Seminar for Directors of Police Schools of Central & Eastern Europe on "Training of Police Officers in a Democratic Society" held at Messina, Italy on 25-28 September 1995.

(2) E.g. European Convention on Human Rights; International Convention on the Elimination of All Forms of Racial Discrimination; U.N. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; Council of Europe Parliamentary Assembly Declaration on the Police (1979); U.N. Code of Conduct for Law Enforcement Officials. See also Alderson J, *Human Rights and the Police*, Strasbourg: Council of Europe, 1984; and *Exclusion, Equality before the Law and Non-Discrimination,* Strasbourg: Council of Europe, 1995.

(3) But see, for example, the following reports by NGOs: Bunyan T (ed), *Statewatching the New Europe*, London: Statewatch, 1993; *Policing against Black People*, London: Institute of Race Relations, 1987; Bernheim JC & Borgese G, *Racisme et Police en France*, Paris: Federation Internationale des Droits de l'Homme, 1992; and various reports produced by organisations such as Minority Rights Group, Amnesty International, and Searchlight Magazine.

(4) *Report of the Committee of Inquiry into Racism and Xenophobia*, Brussels: European Parliament, 1990; Oakley R, *Racial Violence and Harassment in Europe*, Strasbourg: Council of Europe, 1992; *Tackling Racism and Xenophobia: Practical Action at the Local Level*, Strasbourg: Council of Europe, 1995. See also: Bjorgo T & Witte R (ed), *Racist Violence in Europe*, London: Macmillan, 1993.

(5) On racism and the occupational culture of the police, see Reiner R, *The Politics of the Police*, London: Harvester Wheatsheaf, 1992 (Chapter 3); and Wievorka M, *La France Raciste*, Paris: Editions du Seuil, 1992 (Chapter 8).

(6) See: Luthra M & Oakley R, *Combatting Racism through Training: a Review of Approaches to Race Training in Organisations*, Centre for Research in Ethnic Relations, University of Warwick, 1991; and Oakley R, "Race Training in the Criminal Justice System: Lessons from the Police Service" in Gelsthorpe L (ed), *Minority Ethnic Groups in the Criminal Justice System*, Cropwood Conference Series No.21, Institute of Criminology, University of Cambridge, 1993.

4.5 TACKLING RACIST & XENOPHOBIC VIOLENCE IN EUROPE: THE ROLE OF POLICE[*]

The extract below sets out in general terms the role of the police in dealing with racially-motivated violence, and provides examples of the kinds of action that police should take in preparing themselves for undertaking this role. The extract is a slightly edited version of a chapter in a practical guidance booklet published by the Council of Europe in 1996, following a meeting of international experts on this subject. Readers are encouraged to consult the full guidance document, which also includes chapters on the nature and causes of racially-motivated violence, official record-keeping, the role of law, the role of other public authorities and NGOs, and multi-agency cooperation. A companion volume of case-studies was published by the Council of Europe in 1997.

Introduction

The role of police in tackling racist and xenophobic violence and harassment arises primarily from their powers of criminal law enforcement. To this extent, the capacity of the police to tackle the problem is only as great as the law permits or requires. Insofar as the law specifically prohibits racially or xenophobic actions of certain types, then the police have an obligation to take action in such cases.

Insofar as it is only the actions themselves, and not the element of motivation that is illegal, then the police response to the racial or xenophobic element is not legally prescribed. In such cases, the police may possess considerable discretion as to how they respond, according to the extent to which they recognise and evaluate the racist or xenophobic element. The exercise of this discretion may be regulated by means of police organisational policy, requiring officers to deal with such incidents in certain ways.

Whether the requirements derive from law or policy, however, the police response in practice will depend on how far individual officers are aware of and understand the problem, and whether they are motivated to address this particular aspect of crime.

The following sections explore further the nature of this challenge, and review the measures that can be taken within police organisations to ensure that the element of racist and xenophobic motivation in crime can be addressed effectively.

Police Professionalism and Performance

Police forces among Member States are organisations whose functions are to protect democratic rights and principles, and to apply the law in a fair and equitable way. Police

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[*] Chapter 5 "The Role of Police" from Robin Oakley, *Tackling Racist and Xenophobic Violence: Review and Practical Guidance*, Council of Europe, 1996

officers regard themselves as professionals, and in many countries there is a formal code of professional ethics to which officers are required to subscribe.

In theory, therefore, it should be expected that in all Member States police powers would be used consistently and effectively to combat racist and xenophobic violence and harassment, to the extent that the law and policing policy and professionalism allow. In practice, however, whilst there are many examples of good practice in this respect, there is widespread concern - particularly amongst ethnic minority and migrant communities - that police performance falls short of this ideal.

Two specific concerns are commonly expressed about police performance in dealing with this problem. The first is that despite the existence of the law and police professionalism, police performance frequently does not appear to recognise the element of racist and xenophobic motivation in behaviour, and fails to appreciate the importance of responding to this element as part of the policing role. This criticism is frequently voiced by those who have been victims of violence and harassment of this kind, and by associations which speak of behalf of the minority communities.

The second specific concern is that, on occasion, police officers themselves have committed acts of racist or xenophobically motivated violence against members of migrant groups or ethnic minorities, or are members or supporters of extreme right-wing organisations which carry out or condone actions of this kind.

These concerns highlight the need, especially as perceived by members of victim communities, for the police not merely to rely on general standards and procedures for dealing with this type of incident, but for officers to possess specific commitment, awareness and skills. This needs to be explicit within the police organisation generally, and to be supported by appropriate training for individual officers, and by monitoring and supervision of performance - with sanctions against specifically racist malpractice being available (and used) when required.

Organisational Commitment

The first requirement for an effective police response is a clear statement from the leadership of the organisation that it is committed to combating racist and xenophobic violence, and that it will take the necessary measures to ensure that this is carried out. This statement of commitment needs to have four characteristics:

Firstly, the statement should be made following consultation with representatives of the victim communities, and should demonstrate a sound understanding of the nature and effects of such incidents;

Secondly, the statement should be communicated both to officers inside the organisation, and to the public at large, including migrant and minority communities.

Thirdly, the commitment needs to be made by leadership at all levels of the organisation, and in different sections - including local police stations, and specialist branches such as criminal investigation.

Lastly, and perhaps most importantly, the statement must be supported by a plan for actions to ensure that the intention is transformed into effective practice by all officers. This plan will need to include provision for training of officers, and for any special procedures or facilities that may be required.

Identification of Incidents

If racist and xenophobic incidents are to be the subject of special attention by police organisations, then officers will need specific guidance as to how to identify such incidents and as to any special responses they should make.

The first requirement for identifying such incidents is to provide a clear definition which specifies the element of racist or xenophobic motivation. Experience shows, however, that a general or abstract definition is not sufficient for practical purposes. Many members of migrant and minority ethnic communities feel that police officers frequently deny the element of racist or xenophobic motivation, and identify incidents as straightforward robbery or neighbour disputes instead. Either they do not recognise the indications or evidence of such motivation, or alternatively they choose not to regard it as significant or relevant.

A practical definition, therefore, might include a specific reference to there being evidence or indications of some kind, and illustrate this by reference to use of racist or xenophobic language or terminology, or to previous actions involving the victim or perpetrator.

At the stage at which an incident is first reported or investigated, however, no clear evidence may be available and yet the victim or other persons (including the police officer) may consider that an element of racial motivation was or might have been present. For instance, a victim of an assault may - despite there being no racist or xenophobic remarks at the time - nonetheless have the *feeling* that the attack was racially motivated, having been the victim of (or threatened with) such actions before. Correspondingly, the police officer may be faced with a victim who explicitly denies there could have been any such motivation, and yet is aware of remarkably similar and clearly racist incidents having occurred in the locality before.

Examples such as these point to the need for a practical definition to go beyond specifying how such behaviour may be identified, and include a reference simply to the making of an allegation itself.

> * For this reason, in the United Kingdom the official definition of a 'racial incident' employed for operational purposes by the police is:

"Any incident in which it appears to the reporting or investigating officer that the complaint involves an element of racial motivation; or any incident which includes an allegation of racial motivation made by any person."

A definition of the above kind, it must be stressed, is not a substantive definition, but a working definition to be employed at the initial stage of a procedure. The minimum requirement of such a procedure would be that all such allegations would be investigated (regardless of the view of the reporting police officer), and only those which were substantiated would be sustained. Clearly, such 'substantiation' would require to be carried out with reference to a precise (and, where appropriate, legal) 'substantive' definition.

Whilst clear practical definitions are an essential requirement for an effective response to racist and xenophobic violence, it should not be presumed that the mere production of a definition will lead to it being understood and used correctly. Training provision will need to ensure that the definition is understood and accepted, and supervisors will need to promote and monitor its use.

Procedures

A decision needs to be made as to whether any special procedures are required for dealing with incidents which involve racist or xenophobic motivation.

Special police procedures may be required for a number of reasons. These include:

(a) keeping records of such incidents
(b) following special investigation procedures
(c) referral to specialist investigation or monitoring staff
(d) providing information and support to victims
(e) monitoring the progress of each response

Record-Keeping

Record-keeping is necessary for two purposes. The first is to be able identify trends and patterns in racist and xenophobic incidents. This information can potentially assist the police in the following ways:

(a) in identifying the causes of such incidents;

(b) in predicting where and when such incidents will occur and what resources may be required to deal with them;

(c) in developing preventive strategies;

(d) in evaluating whether or not current responses are being effective in reducing the incidence of the problem.

The second purpose of record-keeping is to monitor the progressof individual cases, and ensure that appropriate actions are being taken within required time-limits. Analysis of monitoring data will also permit an evaluation of methods and outcomes.

Record-keeping for both purposes requires either special report forms, or special sections within existing forms. Responsibility will also need to be allocated for collating the data, and for ensuring that the recording process operates effectively.

Specialist Posts/Units/Responsibilities

Responsibility needs to be assigned to particular officers or departments for carrying out tasks specific to combatting racist and xenophobic violence. These tasks may best be carried out as part of the more general duties of existing staff. Alternatively, there may be a need to create specific posts or units to undertake such work.

The responsibility for dealing with such incidents at the reporting stage must lie with front-line officers and their supervisors. Since any officer in any area might be called to deal with such an incident, all police officers require to be able to perform competently in dealing with such incidents at the initial stage. This means that every officer requires a basic understanding of such incidents, knows any special procedures, and can deal with victims in a sensitive and effective way.

Unless there are any specialist officers or units to whom such incidents are referred subsequently, then all criminal investigation officers will also require these skills, and to a greater degree on account of their particular responsibilities. It will be important that in every locality, one particular officer of suitable rank should have the responsibility for overseeing all cases involving racist or xenophobic motivation, and ensuring that they are pursued appropriately and effectively.

Specialist posts or units dedicated purely to racist and xenophobic violence will to be justified only when the scale or the seriousness of such incidents is severe. Such posts or units might be responsible for the investigation of such incidents, or might alternatively be responsible for the analysis of data and policy formation.

Training

Training will play an important role in ensuring that police polices and procedures for dealing with racist and xenophobic violence are implemented effectively. As has been noted above, all officers will require some training on this subject, and this is usually best provided as part of regular initial and development training. Those with special responsibilities for dealing with the problem (or in areas where it is more frequent) will require additional training which is likely to take the form of special seminars or workshops on the subject.

Training on problems of racism and xenophobia generally is now being introduced in an increasing number of member States. Guidance on how this may most effectively be

done has been prepared by the Council of Europe, following a Meeting of Experts on this subject at Strasbourg in September 1992.

Five of the countries responding to the survey of member States indicated that they provide training for police officers specifically on the subject of racist and xenophobic violence and harassment. For the most part, however, details of such provision were not available.

Experience in the United Kingdom indicates that, for the training of police officers to deal with racist and xenophobic violence and harassment to be effective, the following conditions must be met:

(a) the specific training should be preceded by more general training on the situation of migrant and minority ethnic groups, and of the nature of racism and xenophobia.

(b) the training should be practical in orientation, and should be aimed at enabling officers to deal effectively with incidents of racist and xenophobic violence, and to follow any specially procedures that are required (e.g. record-keeping).

(c) the training should make use of case-studies based on real incidents, and should identify 'good practice' in dealing with them.

(d) the trainers themselves require training to ensure they have a full understanding of such incidents, and the skills and confidence to deliver training on this subject in the classroom.

(e) members of migrant and minority communities should be involved in this training, in order to allow police officers to learn directly of their perceptions and experiences of such incidents.

Encouraging Reporting of Incidents

Most incidents involving serious physical assault or other criminal actions are likely to come to the attention of the police regardless of their motivation. Incidents involving less serious assaults or harassment are much less likely to be reported.

If the role of the police is to be effective in dealing with this problem, then it is essential that members of the public who experience or witness such incidents report them. There are a number of reasons why members of migrant and minority ethnic communities may be reluctant to make such reports. These include:

    * lack of knowledge about police powers
    * lack of knowledge about how and where to report
    * language problems
    * fear of the police
    * fear of retaliation by perpetrators

If police organisations are serious about their commitment to tackle this problem, then they will need to find ways to ensure that members of migrant and minority communities have the knowledge and confidence to report such incidents when they occur. It will not be enough simply to make public statements in the majority language(s) encouraging victims to come forward, or to talk solely to ethnic community leaders.

In the United Kingdom, police forces have used a number of methods to communicate with potential victims and witnesses of such incidents, and to provide them with the necessary guidance and confidence to report:

- Information cards and leaflets have been issued in minority languages, providing information about how to report incidents.

- Posters in minority languages have also been used.

- A short video was produced for showing to community groups, to explain the procedures that would be followed if they report an incident.

- Telephone 'hot-lines' have been used by several police forces to encourage the reporting of incidents, with either multi-lingual operators or with translation services available.

- If they feel more confident in doing so, victims may be encouraged to report incidents to community groups in the first instance, so that these groups can then pass on the information to the police.

Victims do not merely need encouragement to report: they are likely to need continuing support after they have done so. They will need to kept informed of the progress of their case, and of what may be required of them as witnesses in court. They may also require psychological support, and if so they may need to be referred by the police to an agency which can provide this. If they do not receive such support, they may be unwilling to cooperate with the police and act as witnesses in court.

- In many police forces in the United Kingdom it is required procedure for a local 'community liaison officer' to visit victims of racial incidents to keep them informed of their cases, and identify any support required.

- Special protection may be provided for victims and witnesses who fear repetition or retaliation, either in the form of increased police patrols or surveillance, or in the form of material security such as stronger locks or 'alarm buttons' (connected to police stations) in their homes.

Tackling Organised Violence

Although in some Member States there may be little evidence of organised extreme-right or racist groups directly planning and carrying out acts of racist and xenophobic violence, there can be no doubt that such groups are extremely influential in creating a climate in which young people in particular become motivated to commit acts of this kind. Such groups directly encourage racism and xenophobia generally, either through the expression of direct hostility against particular racial and ethnic groups, or by 'scapegoating' migrants and minorities as the cause of national social and economic ills. These views are actively disseminated through literature and public meetings, and members are recruited (together with political support generally) especially in economically declining areas and among the young.

It is therefore of the greatest importance for combating racist and xenophobic violence that police are as active as possible in tackling such groups. The powers which they possess will vary between Member States, according to whether membership of such groups is legal, and according to the laws relating to incitement and the publication of racist views. In any organisation that is committed to combating this problem, all such powers need to be used to the full. Two practical implications of this require further comment, relating to operational police and the intelligence services respectively.

(a) Operational Police

Operational police need to be particularly vigilant with regard to the activities of organised extreme-right and racist groups. Due to their history, and the threat they represent, those connected to such groups may not need to commit any - and certainly not many - acts of violence in order to intimidate or create fear among minority communities. There are many other ways in which they can make their presence felt.

One way is through the organisation of public meetings and demonstrations. Such meetings may encourage protest or counter-demonstrations by anti-racist groups. In these cases, police perceive their role as to maintain public order and to protect the rights of freedom of speech and assembly. Whilst these are essential duties of a police force in a democratic society, it is important for the police to be aware of how this intended neutral role may be perceived by the minority communities. The perception among the minorities is liable to be that the police see their role as protecting those who seek to *deprive* sections of the community of their right to be free from fear and the threat of violence - i.e. a perception that the police are not impartial but are on the side of the racists.

This situation can present a major dilemma for the police, in that it presents them with a conflict between a commitment to combat racism and a constitutional peace-keeping role. A committed police organisation faced with this situation should examine carefully, and in consultation with migrant and minority communities, how it can best use its powers (including its discretion in exercising them) to combat racism and xenophobia whilst still performing its constitutional role. If it is to gain and hold the confidence of the minority communities, it needs to demonstrate a proactive approach and a willingness to use its discretionary powers to act positively against racism, whilst at the same time

explaining to the minority communities the constitutional requirements of the policing role.

(b) Intelligence Services

Effective police action against organised extreme-right and racist groups will only be possible if there is adequate intelligence concerning their activities. Traditionally the intelligence services have concentrated their attention more on the extreme left than the extreme right, except in countries where extreme-right terrorism has continued to pose a potential threat since the end of the 1939-45 war.

In many Member States, it appears that the intelligence services are not systematically involved in combatting organised extreme-right and racist violence. There may be several reasons for this: the potential role of organised extreme-right groups may not recognised; the extreme right may not be felt to be a threat; or organised racist violence may not be perceived to be a form of 'terrorism' at all. The latter view is certainly not that of the migrant and minority communities who are victims of such violence, and who not uncommonly speak of 'racial terrorism' themselves.

At the present time, some of the most detailed intelligence on the organised extreme-right and racist groups is obtained by independent bodies such as the British-based magazine *Searchlight*. However, this should be no substitute for the skills and resources of the intelligence services, which should be capable of much greater effectiveness in dealing with this problem. There are recent indications that the intelligence services in a wider range of States are now beginning to address this issue.

In view of the international links between many of these extreme-right organisations, it is important these matters are addressed not just at the national level, but also through Europe-wide police and intelligence cooperation channels as well.

Preventive Measures

The role of the police in dealing with the problem of racist and xenophobic violence should not just be seen as a reactive one, but should include a preventive element as well.

The extent to which the police may be able to take specific measures of a preventive kind may be limited. The causes of racist and xenophobic violence lie in circumstances largely beyond police control, and it is more the responsibility of other social agencies to attempt to address these in a preventive way.

There are, however, a number of ways in which the police can make a significant contribution to the prevention of racist and xenophobic violence, and these may be identified as follows:

(a) The major police contribution to preventing such incidents is through the *deterrent* effect of their demonstrating a determination to identify and arrest the perpetrators of such incidents, and successfully bring them to justice.

(b) Police can also help to prevent such incidents by taking action against organised extreme-right and racist groups so that they are unable to operate or exert influence.

(c) In situations where there is identifiable risk of such violence occurring (e.g. hostels for refugees or asylum-seekers, or persistently victimised families), police can provide special patrols or visible surveillance.

(d) Police may also be able to encourage other agencies to undertake preventive work in this field, and also to assist them - for example in education and in housing design.

4.6 BUILDING PARTNERSHIPS BETWEEN POLICE AND MINORITIES*

This document sets out the basic rationale for building partnerships between police and minorities. It explains what is meant by 'partnership' in this context, along with the potential benefits and dangers of the partnership approach, and it also refers to a number of practical examples. The document is an edited version of a presentation made at an international conference in 1996 which launched the Rotterdam Charter 'Policing for a Multi-Ethnic Society'. The presentation was designed to elaborate the idea of 'partnership' as one of the fundamental principles lying behind the Charter and its practical recommendations.

Introduction

Policing across Europe has been facing a challenge. As Europe's population has become increasingly multi-ethnic in composition through migration, and as established minorities have increasingly asserted their human and democratic rights, new demands have been made on policing throughout the continent.   So far, in all countries, police have been slow to respond to these changes, and minorities have suffered in consequence. Throughout Europe, therefore, we have to appreciate that policing must now be conducted in an environment in which ethnic diversity is a far more extensive and more prominent feature than ever before.

Four specific challenges have been posed to the police by this development.

1. The police must adjust the way they provide their services generally to the fact that their 'public' is now multi-ethnic in composition.

2. Employment in the police must be open to members of all ethnic groups, so that the composition of the police reflects that of the public, and all sections of the public feel they are represented.

These two challenges which are common to all service agencies. But there are two further challenges which are special to the police. These special challenges arise from the nature of the police role, and from the relationship in which it places them with minorities.

3. There is a special challenge for the police because minorities often do not see the police as their friends, but as a threat or as the oppressor.

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* Edited version of Robin Oakley, "Policing Multi-Ethnic Europe: The Case For Partnership", paper presented at International Conference on <u>Policing for a Multi-Ethnic Society: Principles, Practice, Partnerships</u>, Rotterdam, May 1996

4. The police must appreciate the nature and extent of racism and discrimination in our society today, and their impact upon minority ethnic communities, and to use their legal and constitutional powers as effectively as possible to eliminate all such manifestations.

To address all these four challenges, and in particular to overcome minority lack of confidence and to combat racism in its many forms, a *positive* and *proactive* response by police to racial and ethnic issues is essential. For this reason "Policing *for* a Multi-Ethnic Europe", with its emphasis on the word "for" - is of the utmost importance. We cannot afford simply to regard policing as a neutral activity which maintains a status quo. Policing needs to be conceived, and implemented, as an active task which - amongst its many other functions - involves a commitment to help realise multi-ethnic and egalitarian goals. This commitment requires change both internally and externally.

The goal of "Policing for a Multi-Ethnic Society" cannot possibly be achieved by the police alone. It can only be achieved through the building of partnerships: of partnership between the police and the communities which they serve - and in particular of police partnerships with NGOs (non-governmental organisations), that is to say, voluntary organisations, including community groups, as the formally organised bodies which can directly represent community interests. when the subject is racial and ethnic issues, the development of partnerships with NGOs is not merely important, but an *essential* pre-condition for successful performance of the police role in a democratic multi-ethnic society.

What therefore should we understand by 'partnership', and what are the benefits which partnerships can bring?

The Idea of Partnership

Partnership involves three things. It is about 'valuing each other', it is about 'sharing', and it is about 'equal power'.

Throughout Europe, the concept of policing as a 'public service' has begun to be increasingly accepted in recent years. Appreciation across Europe that 'consent' is needed to policing as a 'public service' has typically led to mechanisms being introduced for '*consultation'* by police with communities and their representatives, so that police can hear of community needs and demands and also of opinions on how their services are being carried out. However, whilst this is likely to involve an increase in the element of 'valuing each other', the elements of 'sharing' and 'equal power' are not inherent in 'consultation' as such. 'Consultation' alone still permits the service-provider to maintain complete power to decide what action to take subsequently, and to take this decision in isolation. It is very important, therefore, that the ideas of 'partnership' and 'consultation' should be clearly distinguished.

Partnership therefore is more than merely obtaining 'consent' or undertaking 'consultation' with the public or particular communities. Partnership is something which follows from the recognition that to provide public service effectively involves not only

valuing and respecting all sections of that public, but working together with them on an equal basis to achieve that goal. And partnership in turn involves respect for the police from the public, and involves a commitment on the part of the public, too, to work together in a common cause.

Partnerships may of course vary in the extent of 'sharing' that is involved. They may involve no more than a simple agreement to *cooperate* according to some agreed protocol but without any shared responsibility for each other's results. On the other hand, partnerships may involve *joint action* with fully shared responsibility for the work undertaken as well as for the results. Neither of these would be partnerships, however, if one of the parties to the arrangement remained in control. Partnerships must be arrangements which are entered into freely and on an equal basis by the partners involved.

Examples of the Partnership Approach in Europe

No systematic survey of examples specifically of partnership arrangements between police and NGOs on racial and ethnic issues has been undertaken across Europe. Therefore I would like to draw primarily on my own experience of undertaking surveys and other work on behalf on the Council of Europe, firstly with regard to police training, and secondly to tackling racist and xenophobic violence.

(a) Police Training

Firstly then, as regards police training, I have had the opportunity to visit a number of European countries, and undertook a questionnaire survey of European police training establishments on behalf of the Council of Europe. This led to a Meeting of Experts on the subject of "Police Training Concerning Migrants and Ethnic Relations" in Strasbourg, and subsequently to the publication of a substantial booklet providing practical guidance on this subject, together with examples of projects in different countries.

My experience of police training in different countries has not revealed many well-developed examples of police partnerships with NGOs in the way I have defined this term earlier. On the other hand, there is no doubt that in recent years, police training institutes are increasingly introducing racial and ethnic issues into their training curricula, although many NGOs feel they are not yet doing so as speedily, comprehensively and effectively as the NGOs would wish.

Where NGOs and representatives of minority groups have been involved in police training, the most common arrangement is for a speaker to be invited to give a talk or 'lecture' to a group of students on a course. Quite apart from the limited educational benefit an isolated talk may have, such an arrangement may be very far from being a 'partnership'.   The arrangement is usually entirely under police control, and the visiting speaker often has little knowledge of the context in which he or she is contributing, and learns nothing of how the contribution was received and whether it proved effective. Unless such talks form part of a wider programme of work on the subject, they are

unlikely to affect the attitudes or behaviour of officers, and if they are not well-received they might even damage rather than improve police-minority relations.

The second most common arrangement is for police trainees to make 'community visits'. For example, in Berlin, the community relations department of the police arranges for trainees to visit a major mosque which is also a community centre. In Britain, it is usual for recruits to make similar visits to ethnic minority community centres during the local stage of their initial training. Such 'community visits' move closer towards the idea of a partnership arrangement. This remains weak, however, if the NGO concerned acts merely as a host for a brief 'inspection', after which the visitors leave and there is no subsequent contact. The element of partnership is stronger if there is opportunity for discussion and exchange of views on matters of mutual interest and concern, and if the NGO is actively involved in the planning of the event and is in control throughout the visit. Even where this is the case, however, the NGO may have little knowledge or influence over how such visits fit into the wider training curriculum, and over how the experience can be translated into more positive attitudes and skills for working with minority communities.

More fully developed 'partnerships' between police and NGOs in the field of police training remain relatively uncommon, though there are signs that they are increasing. Several examples may be brought forward. For instance, in The Netherlands, the Anne Frank Foundation established a joint project with the police, entitled TACT, to plan and deliver an extensive programme of training on minority issues during the late 1980s, and has continued to be actively involved subsequently. In Britain, in West Yorkshire, a group of Racial Equality Councils formed a consortium to provide training on racial issues for the West Yorkshire Police, a community-based arrangement which in one form or another has now been in operation for almost 20 years. Also in Britain, Reading Racial Equality Council has recently been developing a similar consortium of local community contributors to work on a regular basis with the national Police Staff College at Bramshill.

In Eastern Europe too, arrangements of this type have been developing. In Slovakia, the Minority Rights Group initiated a training programme jointly with the Slovakian Police, to address issues involving the Roma community. Following a survey and needs analysis, pilot workshops were successfully carried out in several areas, and preparations are now being made for widening the programme. Several other similar events have been held with NGO involvement in Constanta and other locations, and a more substantial programme of local training is being planned which I am hopeful will involve partnerships with local minority communities and NGOs.

What potentially distinguishes these more developed partnership arrangements is the element of shared enterprise on an equal basis between police and NGOs. This requires joint involvement not only in the delivery, but also the design and planning of training on racial and ethnic issues for the police. Ideally, therefore, NGOs should be represented on police committees responsible for the planning of training, or on working groups specially established to address racial and ethnic issues in training.

(b) Tackling Racist & Xenophobic Violence

Racist and xenophobic violence has erupted dramatically across Europe within recent years. Some horrific incidents have been reported widely in the press, but surveys have confirmed that many incidents go unreported, and that harassment of minorities in and around their homes is a regular occurrence that creates fear and may severely restrict the quality of their lives. Most (though by no means all) political leaders state that this is an unacceptable situation in a democratic multi-ethnic society, but as yet this commitment is far from being translated into a reality.

In the course of a second project which I have undertaken for the Council of Europe, I once again visited a number of European states, and conducted a survey to identify examples of good practice in dealing with racially-motivated incidents. The report based on this project, entitled "Tackling Racist and Xenophobic Violence in Europe: Review and Practical Guidance", is due to be published shortly after this Conference, together with a collection of papers on specific projects which were presented at a Meeting of Experts held at Strasbourg.

In Europe generally, the recognition of racially-motivated violence as requiring a specific response is a relatively recent development, and the opportunity for partnership arrangements to have formed has not been great.   Where partnership arrangements have been formed, these are often designed to tackle racism and xenophobia generally, or even to do so within broader strategies for dealing with crime or with social integration.

A variety of examples of these different approaches may be brought forward. In Britain, for instance, there has been a specific focus on "racial attacks and harassment".   This separation of 'racial attacks and harassment' from the broader phenomenon of 'racial discrimination' reflects the fact that under British law racial discrimination is a civil rather than a criminal offence, and is therefore not subject to investigation or prosecution by the police. Particularly since 1989, it has been government policy to encourage what is termed a "multi-agency approach" to tackling racial attacks and harassment, through the establishment of formal "multi-agency panels" at the local level.   Such panels formalise the cooperation of police, local government, NGOs and other agencies on an equal basis, and create the possibility for joint actions to tackle the problem.

Elsewhere in Europe, partnerships tend to be less specifically focused on violence and harassment and more on racism and discrimination in general.   In some instances, such as the small town of Brumunddal in Norway, projects have developed specifically as a response to incidents of racist or xenophobic violence, but as with the 'Brumunddal Action Plan' (now a model for wider use across Norway), their terms of reference may subsequently be drafted in broader terms, with particular emphasis on prevention. In France, likewise, following the riots involving young people of migrant origin and police which took place in the suburban estates of Lyons and other cities, inter-departmental committees ('*cellules'*) have been established which involve not only police but also NGOs such as ethnic associations and local anti-racist organisations as partners.

A different form of partnership, directed specifically towards cooperation in securing successful prosecutions of racially-motivated offences under the penal law, has been developed by the NGO RADAR in Rotterdam. Working in partnership with the Rotterdam Police and local Prosecutor's office, RADAR has helped to develop formalised arrangements designed to ensure that cases involving racial discrimination or violence can be prepared thoroughly and speedily for effective presentation in court. Of course, in a number of other countries, examples of cooperation between NGOs and police on registering and preparing cases may also be found. However, often such cooperation is undertaken simply on an 'ad hoc' basis, and without any systematic framework which reflects a joint commitment and the level of trust necessary for genuine 'partnership'.

Benefits of a Partnership Approach

What, then, are the benefits which a partnership approach can bring? From the point of view of both the police and NGOs, these are several.

First of all, in order to be able to perform their constitutional role of maintaining law and order, the police need the help of the community if they are to develop a service-oriented approach which responds to community needs. Moreover, the police are largely dependent on the community for the reporting of crime, and they need community cooperation for the investigation of crime and also for its successful prosecution (e.g. in the form of witnesses). In order to secure this cooperation they need firstly a good understanding of communities, and secondly to gain the trust of these communities.

In the case of minority ethnic communities, for reasons already explained, this understanding and trust may often be lacking.   NGOs are agencies which can provide the police with the help they need in order to be able to police a multi-ethnic society effectively.   Amongst other things, NGOs can assist the police with the understanding of racial issues and minority communities that they require; NGOs can assist with making contacts in and communicating with minority communities; NGOs can assist with encouraging victims in minority communities to come forward to report crimes and to provide evidence; and NGOs can assist police generally in planning and publicising their overall approach to racial and ethnic issues as they affect policing generally.   NGOs can also help police by acting as monitors and evaluators of the quality of police services relating to racial issues and to ethnic minority communities.

NGOs can of course be approached on an 'ad hoc' basis to provide such assistance, but police should not expect to find the response predictable or reliable, given that NGOs have many other responsibilities and also that trust may be lacking. More formal partnerships have the benefit for the police that realistic expectations of what NGOs can contribute can be identified and agreed, and that relationships of trust can be developed.

From the point of view of NGOs, the potential benefits are also considerable. Most NGOs value their independent non-governmental status: they take seriously their right to criticise public institutions where they fall short of expected standards and their duty to

campaign for improvement and change. To campaign solely from the margins, however, has serious limitations. It is therefore of great benefit to NGOs if, without compromising their independence and integrity, they are able to engage directly in dialogue with the institutions concerned, and on a regular and sustained basis.

Hence, the formation of partnerships allows NGOs to represent their own interests and those of minority ethnic communities directly into positions of power and influence within the police and other agencies. It also assists NGOs to gain greater understanding of police organisations, and gives them the opportunity to help shape the policies and practices of these agencies on racial and ethnic issues. Then, as mutual confidence and understanding grow, and with visible signs of improved outcomes, so the willingness of NGOs to engage in cooperation and joint actions should be able to increase further.

Conclusion

The building of partnerships is not simply an option which we can afford to choose or ignore at will.   Partnerships are a necessity if we are serious about developing "policing for a multi-ethnic Europe" as a method of achieving our egalitarian goal.   For our increasingly multi-ethnic society be successful, minorities must be able to participate in all its spheres on an equal basis and to do so with confidence and without fear. The role of the police in ensuring this is crucial, above all because of their key role in the fight against the racism and xenophobia which has erupted in our midst.

Without partnerships, I believe the police will find it hard to appreciate the nature and depth of the challenge, and will not be able to win the trust and cooperation of minority communities that is essential for them to carry out their crucial role. With successful partnerships, past histories and other obstacles can gradually be overcome, and police and NGOs can work together to help build a multi-ethnic Europe in which persons of all ethnic origins can feel equal, respected and secure.

5. EUROPEAN WORKSHOP ON POLICE/ROMA RELATIONS 1999

5.1 INTRODUCTION

No practical guidance on improving relations between Roma and the police has been produced previously at European level. Indeed, the only event specifically to address this issue at European level previously has been the 'European Workshop on Roma-Police Relations' held at Turvey in the UK in March 1999.

This Workshop was a pioneering event initiated by a team led by Peter Mercer - President of the East Anglian Gypsy Council (UK) and a member of the Parliament of the International Romani Union. It was funded by the Council of Europe, European Roma Rights Centre and other international bodies, and convened by the London-based NGO 'European Dialogue'. It brought together representatives of the Police and Roma communities from across Europe to examine the reasons for the tensions and conflicts in their relationships, and to explore possible solutions. Despite the controversial nature of the subject, and some heated debates during the three-day event, the workshop was considered to be successful by the participants as a first step towards achieving these objectives. The workshop identified the key issues of concern, together with practical examples for addressing these through training and cooperation between Roma and the police.

As the original report indicates, the participants in the Workshop were keen for a programme of follow-up activity to be developed. Despite initial efforts, it did not prove possible to secure funding to develop a programme focusing on policing alone. However, the UK Department for International Development (DFID), one of the original funders of the Workshop, agreed to support a more broadly-based programme, which was eventually launched in February 2001 as the three-year "Roma Rights and Access to Justice in Europe" (RrAJE) Programme. This focussed more generally on Roma empowerment and on the development of integrated, multi-agency strategies at the local level - with policing and community safety issues being addressed within this broader context. The RrAJE Programme worked with Roma NGO partners and local authorities in six localities across four countries of Central/Eastern Europe: Bulgaria, Romania, Slovakia and the Czech Republic. The policing focus was strongest in the city of Brno in the Czech Republic, which formally adopted the Rotterdam Charter, and whose Municipal Police subsequently developed a variety of joint initiatives with local Roma NGOs. A practical guidance manual based on the RrAJE Programme for public authorities and NGOs on promoting Roma integration at the local level has now been published.

In view of the uniqueness of the documentation relating to the 1999 Turvey Workshop, an edited version of the summary report of the Workshop is reproduced below, together with a selection of seven of the papers presented at the Workshop which are likely to be of most practical benefit.. Each of these papers describes initiatives in a particular

country, and five countries are represented in all. Most of the papers describe initiatives in the field of police training, though several are oriented towards the building of local police-community partnerships and improving Roma-police relations generally in a local area.

Since 1999, a variety of other practical initiatives in a wide range of countries have been undertaken to improve relations between Roma communities and the police. The next stage of the OSCE programme of activities on 'Police and Roma' is designed to identify these more recent initiatives, and to bring documentation on them together in a second, more detailed practical guidance manual on this subject.

5.2 SUMMARY REPORT OF EUROPEAN WORKSHOP ON POLICE/ROMA RELATIONS 1999

1. Introduction and overview

This report provides a short summary of the proceedings of the European Workshop on Relations between Roma and the Police, held from 4-6 March 1999 at Turvey, Bedfordshire, UK.

The workshop was organised by the UK-based NGO European Dialogue, on behalf of the East Anglian Gypsy Council and Equalities Associates (formerly the Home Office Specialist Support Unit for Police Training on Community and Race Relations). Peter Mercer (President of EAGC), Jerome Mack (Managing Director of Equalities Associates) and Robin Oakley (Consultant to the Council of Europe) acted as Convenors, with the support of Jeanette Buirski (Director of European Dialogue). Nicolae Gheorghe, Coordinator of Romani CRISS, Romania (subsequently Adviser on Roma/Sinti Issues to OSCE), acted as Adviser to the Convenors.

The event was held with the support of the European Roma Rights Centre, the Project on Ethnic Relations, the Council of Europe and the UK Department for International Development. The funding and other assistance provided by these organisations is gratefully acknowledged.

The objectives of the workshop were as follows:

- To develop a shared understanding of problems in relations between police and Roma communities in Europe, on which solutions to these problems can be based.

- To share experience of practical measures for improving relations between police and Roma communities, which can be used by participants to develop initiatives in their own countries, especially in Central/Eastern Europe.

- To identify principles and examples of good practice, which can form the basis for a report for dissemination across Europe.

- To develop strategies for promoting the implementation of good practice, at both national and European levels.

Participants were drawn from across Europe, though primarily from Central/Eastern Europe. Three categories of participants were invited: leading members of Roma communities, senior police officials, and representatives from projects already active in this field. Police and Roma delegates from Central/Eastern European countries had

mostly been sponsored by local British Know-How Fund offices. Overall, the following twelve countries were represented: Bulgaria, Czech Republic, Greece, Hungary, Italy, The Netherlands, Poland, Republic of Ireland, Romania, Slovakia, Spain, and the United Kingdom. Altogether the workshop was attended by 39 participants, together with staff of European Dialogue and interpreters (primarily for English-Romanes translation).

The workshop was conducted at Equalities Associates' residential training centre at The Laws Hotel, Turvey. Around half of the delegates were accommodated at the training centre, and the other half at a hotel in the nearby town of Bedford.

On the first day, the programme opened with a presentation on the legal and human rights framework within which relations between Roma communities and the police need to be addressed. Delegates emphasised the serious gap that often existed between international documents and actual practice 'on the ground'. Following further presentations by the main partner organisations (ERRC, PER and the Council of Europe), there was an exchange of views on the nature and causes of problems in Roma/police relations, leading to identification of the key issues that needed to be addressed. A list of the main issues identified is included in this report. The final session of the day was devoted to consideration of the need for a strategic response to these issues. Presentations were made on the 'Rotterdam Charter': "Policing for a Multi-Ethnic Society", which sets out elements of such a response, and on the programme of action developed by the Hungarian National Police.

The second day was mainly devoted to exchange of views and experience in small working groups, leading to identification of principles and examples of good practice. The first working group addressed "Implementation of the Law and Policing Standards"; the second "Building Bridges between Roma and the Police"; and the third "Training and Recruitment".   These groups provided an opportunity for individual participants to present projects or other initiatives with which they had been involved. The final session was devoted to receiving reports back from each of the groups, followed by general discussion of their conclusions. A list of papers and other documents presented at the workshop is included in this report, as are the conclusions of the three working groups.

The third day opened with a debate on whether it would be appropriate to formulate a specific charter on the subject of police/Roma relations, to be derived from the original 'Rotterdam Charter'. While it was acknowledged that there were some special features of relations between Roma and the police, there were also seen to be disadvantages in separating this relationship out for special attention.   It was also felt that there were major differences between the situation in different countries. A widespread feeling was that it would be better to make use of the Rotterdam Charter in its existing form, and to apply and adapt it to the circumstances of the individual country or region.

Working groups then considered the specific roles of Roma, police and NGOs in implementing good practice in police/Roma relations. The police group viewed the challenge in pragmatic terms, and wished to move quickly to implement the Charter in their organisations, although cautioning that they themselves were not of sufficiently senior rank to do so directly. The Roma group were more cautious, and sought

clarification on the nature of Charter; they also felt it was important to consult widely among Roma communities about the Charter and how to use it, before taking any action. The NGO group saw itself as a mediator rather than an interest group so far as the Charter was concerned, and viewed its role as one of providing stimulation, monitoring and support.

The concluding sessions of the workshop considered practical actions for the way forward. It was suggested that participants should promote consultation about use of the Rotterdam Charter in their own individual countries, and that translation into national languages and into Romanes should be arranged. The conclusions of these consultations could be reported to a follow-up meeting of the workshop participants at a later stage. Meanwhile a steering group, consisting of the convenors and main partner organisations, should meet in order to plan a programme of follow-up activities and to consider how further funding support could be obtained. Possibilities such as regional or subject-specific meetings (e.g. on training) were raised. Existing participants should be kept in touch with developments, but it would also be necessary to involve a wider range of people, particularly from countries not so far represented.

Overall, it may be said that, to judge from the feedback received from participants, this workshop was felt to be a very successful pioneering event. It laid important foundations for future work in a field in which there continue to be serious problems of racism, injustice and conflict. The workshop demonstrated that, by bringing together experienced practitioners from the various sectors in a positive and informal atmosphere, it was possible for them to express strong views frankly and openly, as a means to enhancing understanding and mutual respect. It demonstrated the potential for constructive dialogue, for innovative approaches, and for cooperation at both the local and transnational levels.

More specifically, the workshop took crucial steps towards achieving all four of the objectives set out above, although much follow-up work is needed. Among the most important conclusions were: (a) the need for police to acknowledge the problem; (b) the need for a strategic response; (c) the need for partnership between police and Roma communities in finding solutions; and (d) the need to build stronger Roma associations that can both maintain the pressure for, and contribute to, the necessary change. The steering group will now carry the responsibility for identifying ways to take this initial work forward.

2. Key issues

The key issues to be addressed, as identified by workshop participants in the initial discussions, were as follows:

- Police must implement law against discrimination/violence effectively

- Need to register incidents to demonstrate existence of problem

- Are the laws adequate?

- Importance of preventative work/education

- Police role is repressive, rather than a service to protect all citizens

- Police stereotype Roma as outsiders/criminals

- Need for police training on human rights/ Roma issues

- Police harassment of Roma is normal in some countries

- Lack of trust/hostility towards Police among Roma

- Need complaints/ inspection systems + public accountability

- Absence of effective sanctions against Police abuse

- Roma need education to know their rights

- Also need resources/trained lawyers to provide access to rights

- Roma not willing to become Police officers

- Need positive action to recruit Roma into Police organisations

- Lack of a strategic approach to address the issues

- Absence of commitment at the political level

- Media exacerbate the problems

- Need mechanisms for Police/Roma communication/cooperation

3. Reports of working groups

(a) Building Bridges between Citizens and Police

The subgroup on 'building bridges between citizens and police' first focused on examining goals of increased communication which both police and Romani communities can agree to.

For police, while Roma do not want to be seen as potential informants, it is clearly easier to investigate a crime in a community which views police as a service provider and not an enemy. For Roma it is important to find ways of preventing and addressing police abuse of power and to assure Roma the same assistance from police as other citizens. Trust needs to be built on both sides, and stereotypes in the minds of the police broken. There is a need to work together to inform Roma of their civic rights. There is also need to raise the level of professionalism in the police. Some participants suggested that one

aim of Roma-Police co-operation may be to increase the number of Roma in the police force, but the group was unable to agree on this goal. One participant also noted that the common occurrence of discrimination against individuals because they come from a 'criminal families' or 'criminal neighbourhoods' and wondered if addressing this issue would fit with the discussion. Most of the group found that the topic to lie strictly within the responsibility of the court and did not see it as anything that Roma NGOs and police should work together on.

Possible projects for addressing some of the above issues were proposed:

- Police and Roma NGOs should co-operate on events, publications, and other activities to inform citizens of their basic legal rights.

- 'Street law' seminars done in co-operation between authorities and Roma NGOs were mentioned towards the same goal.

- Meetings and workshops should be held to bring together police and Roma NGOs. This can be an important step in building trust. Further, meetings can be regular forums for discussion of possible abuse of power or community tensions. This would help in the area of rights abuses and make it easier for police to deal pro-actively with potential police-community problems.

- Visits by Roma to police offices or stations, and visits by police to the offices of the Roma NGOs during special 'open houses' were proposed as a means of building dialogue - again meant to lower tensions and to inform.

- Roma NGOs should organise, in co-operation with the authorities, training for police to help sensitise police to racism. Training should be held at all ranks/levels. This work could lead to less abuses of force and to lessening of stereotypes.

- Some participants recommended the use of psychological testing to screen police recruits for inappropriate attitudes. The group agreed that while such testing might be helpful, it cannot replace training for police in anti-discrimination.

- One participant produced a 'year zero' training programme for Roma interested in attending the police academy. The group was overall unable to reach a decision on the appropriateness of this sort of project, although it seems appropriate to the Roma in the Czech Republic, where such an initiative now takes place.

In conclusion, there seemed to be a consensus within the group that among the goals the need to prevent and seek recrimination against acts of police abuse of power or lack of professionalism is of key importance. It was also felt by most Roma participants that while measures to increase Roma-Police co-operation are valuable ideas, they can never replace the need for support to Roma NGOs which are capable of carrying out civil rights advocacy, training and affordable legal services.

(b) Implementation of the Law and Police Standards

The conclusions of the Working Group were as follows:

1.   We see a very clear different perspective of the situation depending on the point of view used to focus on the issue - Police or Roma community. Acknowledging the situation would be the first step to be taken to resolve the problem.

2.   The identification of the Roma community. The non-Roma population sees them as perpetrators when in fact they are also victims. This would have a relation for instance with immigration regulations. When members of the Roma community decide to emigrate to a country the application of the immigration law to Roma is a more stringent, and they are seen more like criminals by the recipient country.

3.   We had an intensive discussion about whether Roma have the status of an ethnic or national minority, but we did not reach agreement.

4.   Setting and implementing standards of conduct is not just a problem belonging to the police, but also to society in general and in particular of the world criminal legal system.

5.   Monitoring and accountancy to the public. On this particular point we had presentations from the three police Delegations:

    -   The British delegation pointed out the extreme importance of involving the community, the social and educational services, other public authorities, and the local council in the developing of any kind of social program. For instance they referred the example to 'Lay Visitors': through periodical visits to the places of custody, the community controls the standards of such places.
    -   The Slovak delegation referred to the fact that the Ministry of Interior would decide, on misbehaviour by a police officer, whether to prosecute the police officer or whether to dismiss the action against him.
    -   The Romanian delegation explained that the Roma policy has changed in the last few years, from an exclusion policy to an inclusion policy.

6.   We had a very intensive debate about the confidentiality of the information to be used in statistics. Whether is useful or detriment for the aim to be sought. There were two different views about whether it is useful or detrimental. On one hand there were people who considered that declaration of your ethnic origin should be a matter of personal choice, and it could be used to stigmatise Roma as a whole group as criminals. On the other hand there were people who considered that, provided that the information was kept confidential, it could be useful for internal purposes and just linked to specific cases.

7.   There is a problem for the police to accept that a case is a racist-motivated crime.

8.   We also discussed the appropriateness of having specific regulations relating to violence against Roma. There were again two different options: one was to have a rule which specified aggravated circumstances in general, and the other to have a specific regulation for Roma.

9.   Police should be trained in international standards, acknowledging the legislation in force in the respective country.

10.   Documenting cases of violation of human rights against Roma should help for the eradication of such violations.

(c) Training and Recruitment

First of all each participant presented their own situation regarding training police on minority issues. These presentations showed that there are significant differences between countries on the grounds of political and economic background and national traditions, which are reflected in the police and in their training activities. Nevertheless, we succeeded in reaching some conclusions. It was acknowledged that there is a need to improve multiethnic/diversity/minority training in the police. We reckoned that prejudices and stereotypes exist on both sides. So, in order to make an improvement, we need to consider the following points:

a. Training must be comprehensive in time and in issues. By time we mean that it has to be planned well in advance in order to sensitise policemen towards minority issues. By issues we mean that it should cover other important fields – social, psychological.
b. We should use the integrated approach in setting up and managing the training, meaning that the most important areas should complement each other. These areas should include senior officers establishing contacts with minority communities, identifying Roma leaders and educators for the training programmes. It is important to involve the minorities throughout the training process.
c. NGOs play a key role in liaison between the police and minority communities.
d. Exchange of experience should be facilitated through NGOs among eastern European countries as well as between eastern and western European Countries.

2. We then reviewed the recruitment policies of the countries concerned. In general we concluded that the Roma are under-represented in police forces and there is a need to improve recruitment policy and methods. In order to improve the recruitment of Roma into police forces some proposals were made:

a. Make recruitment campaigns more efficient, making sure that they reach the minority groups.

b. Instead of lowering standards/entrance requirement, specific programmes should be established to assist Roma to get the necessary skills in order to reach the standard.
c. Involve Roma organisations in recruitment – it is important to eliminate or to decrease unwillingness of Roma to join police forces.
d. We also found that the Roma's usual disadvantaged economic and educational status is reflected in the police and may emerge as a hindering factor in their recruitment and promotion.
e. Consequently, police should co-operate from time to time with any relevant governmental and non-governmental body to carry out its programme of recruitment.

(d) The Role of NGOs in Implementing Good Practices

The discussion started with a review of the points made by the rapporteurs of the three working groups of the previous day.

The first conclusion drawn by the participants was that working on Roma-police relations should be done in a partnership context in which human rights NGO's often play the important role of mediator or facilitator. These partnerships relations should involve the police, the Romani community, the NGO's, the local authorities and all their services dealing with the overall situation of the Roma/Gypsies, i.e. health, social affairs, education, etc.

It appeared clear to the participants that this role of intermediary played by the NGO's is a difficult one, as they have to find a balanced position simultaneously with a critical attitude. As for their relations with the Romani community, they can help to enhance its visibility, but must be careful not to be perceived as patronising. With regard to the majority population, they should have a role of education, awareness-raising and providing unbiased information.

The NGOs and the police:

The principle for working with the police could be summarised as follows 'Stimulate, contribute and monitor'. Concretely, the role of NGO's could consist in the following actions: raise awareness within the police forces about human rights issues and the treatment of minorities:

- prepare training material for the police in the field of ethnic relations;
- provide expertise;
- organise consultations between the Romani community and the police;
- promote the introduction of good practice;
- facilitate the exchange of experiences and monitor the evolution of the work.

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In addition to this constructive and pro-active approach, the NGO's play the main role when pressure has to be put on the state authorities and make public the case of police violence or mistreatments with regard to the Roma community. They can then be seen as a catalyst which often pushes the authorities to react in an appropriate manner to cases of police brutality. Very often too, they are the main support for Roma in the criminal justice system, i.e. they provide legal aid and are linked with the international human rights standards at domestic level. Also they participate in the processes of monitoring the compliance of the commitments of States in international bodies.

The NGOs and the Romani communities:

In addition to the monitoring of the respect for human rights and international commitments, the NGO's have a role to play in explaining to the Romani community that the police are not only in charge of ensuring order but are also a provider of services. Therefore, they have been made more aware of the dual nature of the police and about their rights. Human rights NGO's can support the Romani NGO's establish links with other non-Romani NGO'S and, at the same time, raise awareness among the latter about the situation of the Roma.

The NGOs and society at large:

The essence of the human rights NGO'S is to contribute to the fight against prejudices and racism. They have a pedagogical role to play towards the majority population.

First of all, they can influence the media, raising awareness of the situation of the Roma and their position as victims more than perpetrators. It has to be borne in mind that they are key to a change in the relation between Police and Roma which involves a change of the perception by the majority of the Roma as a criminal group. In particular, the NGOs can monitor the perception by the media and the police information services of data on criminality mentioning the ethnic origin of the perpetrators. Here again, they can organise debates, round-tables to sensitise the media and prepare teaching materials. They can also elaborate their own communication strategies with regard to the general public, and inform the media and the public about cases of mistreatment of Roma (taking into account that these cases are usually only known be specialist bodies and restricted human rights circles).

In Roma-Police relations, the human rights NGOs are the external actor which guarantees that the necessary connections are established, the processes of communication are facilitated, and the evolution of these relations are monitored.

4. Conclusions of the workshop

Roma communities across Europe continue to face hostility, discrimination and disadvantage, as they have done for centuries. Their access to justice, employment, education and institutionalised power generally is severely limited. Circumstances vary between individual countries, but overall there are similar factors and processes which

result in Europe's longest-established ethnic minority being also its most excluded. In Central and Eastern Europe in particular, the situation has deteriorated dramatically since the collapse of communist regimes. There is an urgent need for a new vision, and for innovative strategies to realise this.

The role of the police in this situation is crucial. Currently policing is all too often experienced by Roma as the repressive arm of an exclusionary state, failing to protect Roma against discrimination and ethnic violence, and subjecting Roma to abuse and violations of their human rights. Negative stereotyping of Roma as outsiders and criminals is pervasive among police, as it is in society generally. The police need to rise above such tendencies: they need to provide protection and equal treatment to citizens of all ethnic groups, and in accordance with the highest professional standards of public service. Minorities in particular need to be able to rely on the police to treat them fairly and with respect, and to combat all forms of racism and discrimination effectively. Because of their unique powers, and their high-profile visibility, the police have a major responsibility to help ensure that all ethnic groups form an equal and integral part of our modern democratic societies.

Despite recognising continuing shortfalls in police performance as measured against standards of law and human rights, the workshop also identified some positive developments and examples of good practice. These were of various kinds, and from different countries, though many took the form of initiatives on police training. It was clear, however, that in many countries there was an absence of effective systems for investigating complaints, for monitoring police behaviour and for ensuring public accountability. There was also a lack of established mechanisms for communication and cooperation between the police and Roma communities. Given the low level of trust and confidence in the police common among the Roma population, it was hardly surprising that recruitment of Roma into the police across Europe was almost non-existent.

In their deliberations, the workshop participants repeatedly stressed a number of pre-conditions for any initiatives in this field to be successful. The four main preconditions were as follows:

- A clear acknowledgement of the problem at the highest political and organisational levels, and a public commitment that it will be addressed;
- A strategic approach to tackle the problem, involving coordinated actions to achieve organisational change, rather than piecemeal initiatives;
- Partnerships at all levels and at all stages between Roma communities, the police and NGOs for undertaking work in this field;
- A strengthening of Roma associations so that they are able to contribute more effectively to the process of change.

The workshop participants considered the relevance of the 'Rotterdam Charter': "Policing for a Multi-Ethnic Society", and whether a specifically Roma-oriented version of this should be produced. There was concern that a Roma-specific charter might be counter-productive, through promoting the idea of a generic 'Roma problem'. Instead,

many felt that the Charter should be promoted as a general framework of guiding principles, which could be adapted to different national or local circumstances, and within which priorities for Roma communities could be identified. These would need to be determined through extensive consultation and discussion amongst Roma at local and national levels. The case for a Roma-specific document could be reconsidered in the light of these consultations.

It was therefore recommended that, as the initial stage of a follow-up process, participants should return to their own countries and localities, and undertake two kinds of actions. The first would be to explore ways to implement the kinds of ideas and examples of good practice that had been presented at the workshop. The second would be to promote discussion amongst police officials and Roma communities about the content of the Rotterdam Charter and how it might best be used to improve Roma/police relations. As a pre-requisite for these consultations, the Charter should be translated into national languages (where this had not already been done) and into *Romanes*. It was also recommended that the results of these discussions should be reported back to a second European-level meeting, at which the original participants could be joined by others from a wider range of countries and organisations.

In order to facilitate and support this process, it was agreed that a Steering Group should be formed, consisting of the convenors of the Workshop, together with representatives of the main partner organisations. This group would meet at an early opportunity, and undertake the following tasks:

- To explore what transnational support might be needed for local-level consultations and how this could be provided;
- To explore possible ways to formally support the initial network that had been established among workshop participants;
- To liaise regarding the publication and dissemination of the workshop report;
- To develop proposals for a major follow-on programme of European/regional-level activities in this field, together with the possibilities for funding of such activities;
- To prepare plans for a second workshop/conference, to receive reports of the local consultations and consider proposals for further activities;
- To consider the future administrative support structure required to sustain the above activities, and how it might best be provided.

5.3 EUROPEAN WORKSHOP ON ROMA/POLICE RELATIONS 1999: PRACTICAL EXAMPLES

Bulgaria

1. "Roma Rights and Police work: the Role of the Human Rights Project", Savelina Danova, Human Rights Project, Bulgaria

2. "Training of Teachers and Students from Military Schools in Understanding and Tolerance towards Ethnic and Religious Differences and Work with Roma", Dr Ilona Tomova, Inter-Ethnic Initiative, Bulgaria

Czech Republic

3. "Activities of the Romani Cultural and Educational Centre in Brno", Miroslav Zima, DROM-Romani Centre, Brno, Czech Republic

Hungary

4. "Police-Community Partnerships: A Training Series, May 1998-1999", Dr Ferenc Mélykuti, Project on Ethnic Relations, Budapest

Romania

5. "Training and Other Activities on Police/Roma Relations in Romania Sponsored by the Council of Europe", Dr Robin Oakley, Independent Consultant UK

6. "Initiatives of Romani CRISS, Romania", Jennifer Tanaka, Romani CRISS, Bucharest

United Kingdom

7. "Police Training on Gypsy/Traveller Issues in Britain", Peter Mercer, East Anglian Gypsy Council, & Robin Oakley, Independent Consultant, UK

European Workshop on Roma/Police Relations 1999: Practical Examples 1

Roma rights and police work: The role of the Human Rights Project

Savelina Danova
Director, Human Rights Project, Bulgaria

Background

Police violence against Roma has been a predominant concern as regards the human rights situation of this minority group in the years of the democratic transformation of Bulgarian society. Consistent monitoring on the incidence of police abuse of Roman rights started in 1992 when the Human Rights Project was founded in Bulgaria. Since that time there has been an increasing number of independent reports by domestic and international human rights groups on the daily occurrence of torture and ill-treatment of Roma by law-enforcement officers in Bulgaria. Illegal actions of law-enforcement officers towards Roma are demonstrated in the use of excessive physical force during detention for the purposes of extorting evidence; unjustified use of firearms; home searches conducted without any search warrants; destruction of private property; and threats to the personal security of individuals who had complained against the police to the competent authorities. This problem is further increased by the impunity of police officers who have committed human rights violations. The prompt and impartial investigation into reports of such acts is prevented by the lack of a mechanism independent from the police structures for reviewing complaints against police brutality.

Interaction between the police and the Human Rights Project

In the early 1990s the problem of police brutality was not part of the public discourse about the observation of human rights. The work of the Human Rights Project and a few other domestic groups which publicised cases of police misconduct had been considered by the official authorities tendentious and undermining the international respect of the country. In June 1994 the HRP hosted the first International seminar on police brutality in the region, which had been an attempt to initiate a dialogue with the police on this problem. There followed an effective hindrance on the part of the police, which refused to participate, denouncing the title of the seminar as prejudiced.

In the following years the HRP continued to publicise cases of police abuse against Roma and to pressure the competent authorities to enforce the law and prevent further violations. Over this period we have reached a new phase in the process of communication with the police: we started to receive official answers to most of our inquiries about signals of police misconduct. These assured us that "the impartial check into the signals did not establish illegal actions of law enforcement officers".

In the course of our work to prevent police brutality and find remedy for the victims, we have adopted different approaches. One approach is to put pressure on the government through publicity of the human rights abuses against Roma at the domestic and international level. Examples are: letter campaigns to the competent institutions of the Bulgarian state, and reports to the independent international human rights organisations such as Amnesty International, the International Helsinki Federation for Human Rights, Human Rights Watch and others. Another strategy is the litigation on cases of ill-treatment by police. Parallel to the pursuit of judicial solution, we have also tried the alternative path of dialogue through direct contacts with representatives of the police headquarters and their regional offices to bring up the issue of police abuse and to promote observance of the law in the police work.

The Project "Avoiding Conflicts: Interaction between the Police and the Romani Community Based on Respect for Human Rights"

In 1996 and 1997 the HRP was able to make a difference in the pattern of interaction between the police and the civil organisations. On our initiative and with the support of the Council of Europe, we have organised a series of round table discussions with the police under the general topic "Avoiding Conflicts: Interaction between the Police and the Romani Community Based on Respect for Human Rights". The meetings which took place in the cities of Sliven, Pazardjik, Montana, Stara Zagora and Shumen, were attended by participants from the Bulgarian Interior Ministry, the Directorate of the National Police and regional police departments from the respective cities. The main focus of these meetings were the topics: *International Standards for Human Rights and the Police Work; The Work of the HRP on Monitoring and Reporting Human Rights Abuse Against Roma;* and *The Role of the Information Centres of the Ministry of Interior for Prevention of Ethnic Tensions*.

At these meetings the representatives of the human rights NGOs stressed that minority groups in each country represent the most vulnerable part of society, and the functioning of the law-enforcement institutions has crucial impact on the general climate of respect for minority rights. When the institutions which are authorised to guard public order and the rights of the citizens act in such a manner as to tolerate violence against members of the minorities, they dangerously set a pattern to be replicated by the other members of society.

The reports about human rights violations against Roma in Bulgaria, including police violence, and the lack of adequate response of the law-enforcement officials to these incidents, raises serious concerns as to the observance of the international human rights standards by Bulgarian police. The HRP insisted that the officers from the police should be trained to work with ethnic minorities and proposed to co-operate with the Directorate of National Police in organising seminars for human rights training of police officers. We have received agreement in principle on the part of the police, and communication on this matter is underway.

Another poignant issue which we focused on in the discussion with the representatives of the Ministry of the Interior was the practice of the police press centres to give publicise the ethnic origin of perpetrators of crimes when they are Roma, through the daily police bulletins which are sent to the media. Ethnic categorisation of crime, apart from being outspokenly racist, when coupled with the manipulative coverage of the news about Roma in the mainstream newspapers, creates a favourable environment for stigmatising the whole community.

The discussions in Montana, Stara Zagora and Shumen were also attended by some of the victims of police abuse who presented their cases before the police officials. The latter committed themselves to a more objective investigation into the signals of police misconduct and to conducting checks together with representatives of the Human Rights Project. We had been assured that the police will publicise the information about the disciplinary and penal measures that have been undertaken against police responsible for violation of the law, and that the representatives of the HRP will be allowed access to the local police departments for the purposes of gathering information on signals of human rights violations.

Assessment of the Project

The round table discussions with the Bulgarian police have been a means of advocating Roma rights that have fulfilled certain goals. The fact that we were able to convince the police to change their policy of communicating with us indirectly via statements in the media or letters, and instead to become an active participant in a dialogue, is significant. It is a manifestation of their acknowledgement of the right of an independent agent, outside the state apparatus, to observe their performance and demand accountability. The meetings with the police contributed to the legitimacy of the HRP as a monitor of the human rights situation of Roma in Bulgaria, and they established a model of collaboration between the state and a non-governmental organisation for the pursuit of certain goals important for the whole society.

These fora, on the other hand, also have their limitations. They did not lead to an immediate effect in combating the problem of police brutality. On the contrary, the information received by the HRP following each of the meetings has been ambiguous. At certain places we were informed that Romas had not been harassed any more by the police. There were signals, however, that ill-treatment continued after our meetings and it was compounded by intimidation of Roma who wanted to complain. In general, on no occasion has the number of human rights violations committed by police officers against Roma dropped noticeably. Nor has the number of letters from the police informing us that our claims concerning misconduct of officers from the police are untrue decreased in any significant fashion.

The important thing for us, however, is that the initiative of gathering the police, the Roma and the human rights advocates at the round table has fostered an environment in which a favourable change for the cause of human rights can be felt. A doubtless

result has been the legitimisation of the dialogue with the authorities as a means of seeking solutions to the problems.

Follow-up work

The latest initiative of the HRP which aims at finding an adequate means for coping with police violence has been the policy paper "For Equal Participation of Roma in the Public Life of Bulgaria". This document, prepared with the large participation of Roma organisations throughout the country, contains proposals to the Bulgarian government for the solution of the Roma problem in the country. A basic concept of this paper is that Roma face discrimination in all spheres of social life, which is the core problem to be solved by the state before all.

The document identifies police violence towards Roma as one of the most serious manifestations of discrimination. It proposes the establishment by a Law of a state body, independent from the police organs, with a central and local committee for reviewing complaints against police officers. The members must represent adequately the ethnic structure of the population in the region, to be competent and neutral, and not be police employees. The minimum prerogatives that these committees should have include: approaching the prosecutorial organs in cases of criminal offences; appealing judicial acts; receiving information from the prosecutors' offices about the results of the investigation or the check-up; giving recommendations to the respective organs for a just remedy of the victims; participating as a Public Prosecutor in the penal procedure; and having the right to establish and sanction offences in compliance with the Administrative Offences and Penalties Act.

The future efforts of the HRP will be targeted at advocating legislative changes that will allow for the constitution of specialised state bodies for fighting discrimination on an ethnic basis, including a special organ for reviewing of complaints against the police.

European Workshop on Roma/Police Relations 1999: Practical Examples 2

An example of police training in Bulgaria

(Training of Teachers and Students from Police Schools in Understanding and Tolerance towards Ethnic and Religious Differences and Work with Roma)

Dr Ilona Tomova
Inter-Ethnic Initiative, Sofia

Origin of the Initiative

In the beginning of the 1990s there were several serious incidents between Roma and police, including violent police actions in Roma neighbourhoods (the most extreme being the police action in the Roma neighbourhood in Pazardzik). M. Ivanov, the President's Advisor on the ethnic issues, held a series of talks with the Minister of Interior and with the Director of the Central Bulgarian Police Headquarters regarding the problems of relations between police and Roma. The major conclusion of these talks was that the negative stereotypes of the police towards the Roma were even stronger than the average for the country, and that they led to discriminative actions against Roma. On the basis of these conclusions, the need was formulated to start training of officers and policemen for work with the representatives of this ethnic group.

The Ministry of Interior gave its consent for the preparation of two educational modules for the training of trainers and teachers in military schools on:

- *Social and Psychological Problems of Intergroup Relations;*
- *The Roma in Bulgaria: Problems in Police Work with Roma.*

The major objective was to make these modules useful for the future work of the participants in the training. The project was initiated by the Inter-Ethnic Initiative for Human Rights Foundation. Dr. Ilona Tomova prepared the educational modules and presented them to the teaching staff of the military schools in Dolni Bogorov (a village near Sofia), Pazardzik and Kazanluk, as well as to one of the regular classes in the School for Military Officers in Kazanluk.

A team of psychiatrists and psychologists prepared another parallel module for work with policemen in a post-traumatic condition. The IEI Foundation provided the initial financial and organisational support for the preparation of this module, as well as for the meetings with officials from the Police Headquarters and for the presentation of the module at a seminar with psychologists working for the Ministry of Interior. The following stage of the team's work - individual work with police - was carried out without direct assistance and participation of the IEI Foundation.

As stated in the above, for a period of nearly two years the IEI Foundation was basically involved in training of teachers from military schools. This training focussed on the

following: positive models of relations with minority representatives; sensitisation of future policemen about their own prejudices and discriminative tendencies; and changing their negative attitude towards the representatives of the biggest minority groups in Bulgaria and towards the Roma in particular.

Aims and Objectives of the Training

1. To enlarge the mainstream educational curriculum of the military schools with more comprehensive knowledge about the social and psychological mechanisms of intergroup relations (processes of identification - personal and group; categorisation, stereotypes and prejudices, discrimination).

2. With the help of new teaching methods, to make the participants in the training more sensitive about their own negative stereotypes and prejudices towards the various minority communities in Bulgaria and towards Gypsies in particular, as well as about the influence of those prejudices on the policeman's work and his/her professionalism.

3. To discuss together the typical models of improper relations between police and Roma (as well as between police and representatives of the Muslim communities) and to try to find more adequate models for these relations.

4. To provide objective and unbiased information about the different Roma groups, their culture and social status, their problems and their strategies for problem resolution - thus increasing the police officers' understanding, acceptance and empathy towards the Roma;

5. To create motivation for the teachers in military schools to include these training modules (or parts of them) in their teaching practice.

Implementation

Ilona Tomova carried out three five-day training seminars with teachers, and one five-day training seminar with students in military schools. The seminars consisted of the following. In the first sessions all the participants filled in tests which helped to get a picture of their own prejudices and biases against Roma, Bulgarian Turks and Pomaks (Bulgarian Muslims). This was followed by two days of work on sensitisation of the participants about the extent of risks and harm done to the personality and the professionalism of the policeman by negative stereotypes and discriminatory actions against minority representatives. We discussed the typical mistakes and the deterioration in the quality of the policeman's professional work in the following fields: in crime investigation in cases when there are Roma suspects, in arresting Roma suspects, in the work with victims of violence, in crime prevention, and in operational work in Roma neighbourhoods. We discussed the necessity to change the police image and tasks - from a government instrument for repression into an institution for defence and promotion of civil rights and interests.

The second part of the training seminar was focused on additional information about the various Roma subgroups in Bulgaria: their culture and way of life, and the social and economic changes that took place within these subgroups in the past few years and their basic strategies for problem resolution. We focused on the typical possibilities for conflict in Roma neighbourhoods and discussed alternatives for problem solving. The participants worked in small groups on solving different conflict cases. The attempt to use the method of role-play proved to be unsuccessful - the participants made fun of each other, refused to play female roles and Gypsies, and two of them even started fighting.

This module also included preparation of policemen for participation in advisory councils for problem solution in their work with the Roma community. The participants had the opportunity to share their police experience of work with Roma, to analyse typical cases of conflicts between police and Roma, and the various options for their successful resolution.

The training seminar with students from military schools had an experimental character. It was aiming at selection of information for a course of lectures, as well as at experimenting with different role games, analysis of conflict cases, and diagnostic and projective tests. It also provided the opportunity for individual work on the emotional and moral problems of particular students in relation to their own prejudices and any tendencies to aggressive and discriminative attitudes towards the Roma. The results of my observations and conclusions after the seminar were submitted to the teaching staff of the military school in Kazanluk at the last teaching session.

Assessment

After the end of the seminar in Dolni Bogorov, my report on its results was prepared together with the evaluation of the head of staff of the military school. Then we organised two working meetings with the Director of the Police Headquarters, the Head of the Education and Professional Qualification Department at the Police Headquarters, and the Rector of the Military High School at the Ministry of Interior. They all expressed their readiness for future cooperation in the following spheres: organisation of training seminars for teachers from the rest of the military schools in the country; training seminars with students in military schools; organisation of seminars on additional qualification for active officers and policemen working with Roma; and preparation of training modules for the students in the Military High School at the Ministry of Interior.

On the initiative of the Police Headquarters all the teachers from the military schools in Sofia and Pazardzik who participated in the training on the two modules filled in questionnaires for evaluation of the following:

- The necessity for additional knowledge about the social and psychological problems of the intergroup relations;
- The influence of the prejudices against particular social groups upon the quality of police work;

- Typical improper models of relations between the police and the representatives of the Roma and the Muslim communities;
- The necessity for extra knowledge about the ethnic and religious minority communities in Bulgaria;
- The quality and effectiveness of the training module suggested by the IEI Foundation;
- The readiness of teachers from the military schools to include the whole training module or parts of it in their teaching work;
- Recommendations for additional improvements of the training module.

According to this evaluation only three of those interviewed (teachers in martial arts and shooting) declared that they find this training module inappropriate for the military school curriculum. All the rest pointed out the necessity to overcome the lack of actual information about the minority communities. They also pointed to the need to acquire practical skills for self-reflection, for analysis of one's own prejudices towards minorities, and for a better understanding of one's own behaviour and the typical mistakes that could be made in the relations with minority representatives. The teachers in psychology, moral philosophy and crime studies gave the highest evaluation of the suggested training module and expressed readiness to include it in their teaching work. The rest of the teachers declared that they would use parts of it in their work.

There were extremely interesting and controversial results from the work with the cadets. In the beginning they expressed in an open and emotional manner their negative attitude towards the Roma who they definitely considered criminals. All the attempts at direct change in their attitude towards Gypsies, through presentation of new unbiased information about the latter, proved to be unsuccessful because of their total rejection or misinterpretation. It was the story about the damaging effects on the psyche and the personality of warders in the fascist concentration camps in the Second World War, and of American officers in the Vietnam War, that for the first time made them stop interrupting the lecturer and arguing with her in an aggressive manner. This reaction was followed by confusion and dismay. The cadets hardly managed to cope with the role games and the work in small groups on analysis of conflict situations with Roma. They themselves were disappointed with their work during the classes and started more frequently to seek individual contact with the lecturer. Many cadets asked for advice on whether to continue their police training. They expressed fear that they would not be able to overcome their negative attitude towards the Roma (and in some cases towards Bulgarian Turks) or that they would be forced to treat the latter badly just in order to keep on good terms with their colleagues. They felt unable to influence the existing situation of total dehumanisation of Gypsies in the police-stations, and of violence and aggression against representatives of other minority communities (homosexuals, drug-addicts, etc.) as well. They were looking for "prescriptions" for behaviour in Gypsy neighbourhoods which were expected to be both non-discriminatory and adequate to their professional duties. They even shared personal problems, and problems concerning their family life. It turned out that many of them needed serious psychological support for overcoming the stress that came as a result of this short training.

Difficulties and how they were overcome

There was a tendency in the beginning of each seminar towards rejection of information presented by the lecturer with the following typical explanations:

- The lecturer is not involved in the system of the Ministry of Interior and does not have a real idea about the "war of Gypsies against the police";
- The lecturer has only the positive experience from her sociological work with Gypsies and is not familiar with their "dark side";
- When changing the policeman's attitude and "firmness" towards criminals, we put the policemen's life and professionalism to risk.

Undoubtedly, in the beginning even the fact that the lecturer was a woman had a negative reception. In accordance with usual experience, by the end of the second day these "protests" had calmed down, and the mutual trust between the lecturer and the audience sharply increased.

The deterioration in the social and the economic situation in Bulgaria, the political crisis in 1996 and the beginning of 1997, and the personnel changes in the police and in the governments, all put the project work in the background for a long period of time. My contacts with high officials from the Police Headquarters and the Ministry of Interior were also hampered by the fact that I have stopped working in the Presidency since January 1997. In the meantime I started giving lectures at Sofia University and was involved in various other projects of the IEI Foundation. I participated in several meetings with officers from the Police Headquarters. At these meetings we again discussed our mutual willingness for future cooperation on the project, although without any practical planning of activities in this respect.

European Workshop On Roma/Police Relations 1999: Practical Examples 3

Activities of the Roma-DROM Centre, Brno, Czech Republic

Miroslav Zima, Director

The Cultural and Educational Centre was established through the initiative of the Municipality of Brno - North District in 1989. Its original purpose was to solve the fundamental problems that Romani children and youth have to face. This aim was achieved at different levels of satisfaction, mainly depending on the activities of the Centre's Director and those of the founding organisations. At the time of its foundation, the Centre was a unique and original project, calling for a delicate and creative approach.

In 1995 requirements were set to find a more complex solution to the problems, to expand the field of action of the KVS (Cultural and Educational Centre) and increase its influence on the Romani society. After consulting with pedagogic and social workers, Romani organisations and other specialists in this field, we concluded that at present, the KVS can help to solve two basic problems:

- Education
- Offers of free-time activities

They are reflected by the function of the Cultural and Educational Centre (KVS):

1. Supplementary Educational Establishment
2. Offers of free-time activities
3. Counselling and Information Centre for parents

(A summary on the activities of the Romani Centre is available in the leaflet entitled DROM - Romské Stredisko.)

Since 1 January 1999 the Centre is an independent legal body with a new name: DROM - Romani Centre. One of the aims of the Counselling and Information Centre was to establish co-operation with different institutions in Brno, including the police. With this intention in mind, we addressed the City Police and the Czech State Police and by virtue of these dialogues, the following basic priorities were set:

1. Winning Romani citizens to join the police forces
2. Exchanging information on the movement of extremist groups in Brno and its surroundings
3. Communication between the police and Romani community

Winning Romani citizens to join the police forces

To date our efforts are almost fruitless. Only one Roma has been enrolled at the City Police in Brno, whilst the Czech State Police has so far enrolled no one. Applicants did not succeed mainly due to inadequate education and bad criminal integrity. Also, the salaries of policemen are not very attractive to Romani candidates. At the end of our discussion we achieved a common conclusion that the present generation of young Romani in Brno cannot produce any delegate who could meet the requirements set for working as a police constable. This is also due to the fact that Roma are not convinced of the importance of this profession and they think that the appointment of Romani police constables is not beneficial to their communities. Assuming that the candidate effectively masters his duties as keeper of law and order, he will also need the courage to defend his job before people from his own community.

Solutions to these problems at the City and Czech Police forces differ. Due to the fact that the young Romani generation cannot produce adequate candidates for work in police forces, the City Police are aiming their efforts particularly at children aged 7 and 10 years in a project called MISE ('Mission Project'). The essence of the project is that the City Police send delegates into the world of Romani children in order to increase their interest in the work of the police forces and therefore motivating them towards achieving a better education and criminal integrity. This is expected to eliminate barriers for the prospective engagement of Roma in the police service.

Project MISE is not meant to disclose teenage criminality. On the contrary, it is trying to prevent children and teenagers from indulging in criminal offences. Through Romani children, the police can have closer contact with Romani/Gypsy communities. Children make gradual acquaintance with the legal environment, and this can help strengthen their sense of law and order in the society. The team entrusted with the implementation of the project is made up of one City Police constable, one worker from the Romani Centre and one teacher. With the help of pedagogical workers at elementary schools in Brno, we select from among the most problematic children those with a natural and strong sense of leadership. Children selected to participate in Project MISE are gradually taught the rules of policing, legal awareness, self-defence and much more.

At present about 15 children are engaged in Project MISE and they meet regularly in the premises of the City Police. Their club activity is aimed at solving behavioural problems both from the points of view of the child as victim of criminal offences and the child as a potential perpetrator.

Field work is part of the duties of the police constable working with Romani children on Project MISE. In contrast to common police methodology, this 'missionary-constable' has to be more open to the Romani community in order to carry out his work properly. We are convinced that working with Romani children on Project MISE will help overcome current barriers existing between police and Romani communities. We would like the majority of Roma to know this constable, who therefore visits discotheques and parks where most young Roma entertain themselves and relax. We would like this constable to gradually become an visible and accepted part of the Roma authoritative environment. This will help to establish better communication and to understand the complexity of Romani-Police relationships.

Exchanging information on the movement of extremist groups in Brno and its surroundings

Contact has been established with the specialist police officer in the Czech State Police who is engaged in monitoring the activities of extremist groups. There are bilateral exchanges of information on planned or expected events organised by skinheads, etc.

Communication between the police and Romani community

As Director of the Romani Centre, I am in constant contact with delegates of the police forces to discuss procedures for solving many common tasks.

I have asked the Secondary Police Training School in Brno to help find a common solution to the problem of communication between police officers and the members of the Romani/Gypsy communities. First we carried out negotiations with workers from the Department of Psychology. At the opening meetings I pointed to the fact that the police and Roma have a lot in common: uniformed policemen are immediately identified by the general public, so are Roma. The policemen's advantage is that they do not have to wear uniforms when they are off duty, while Roma cannot rid themselves of their skins. We jointly concluded that there is a lack of mutual exchange of information, and policemen lack readiness to work with ethnic minority. In Spring 1997, I was invited to the Secondary Police Training School to witness a mock training/model situation. At present it is a common form of teaching at Police Training Schools.

Since 1997 this modern teaching method is employed to teach subjects such as the keeping of law and order, patrolling, point-duty, criminology and law. During model set-ups, cadets learn such things as how to check a person's identity, how to write complaints, how to arrest and detain suspects of criminal offences, how to deal with traffic offences, how to handle crime victims, etc. Experiences hereby acquired can be of great help in solving real life situations. Cadets play the roles of policemen and the public. Sometimes they use professional actors in more realistic set-ups or analyse video films of real police actions.

The subject of the model set-up which I was invited to observe was the announcement of bad news (accidents, death) by a police patrol to the victim's family. One student talked of his practical experience when he had to inform a Romani family of their son's accident. Since the family could not cope with the bad news, they responded with aggression. Thus, I was engaged in discussion with workers of the Secondary Police Training School. We agreed that using Romani actors on these model situations could help to better the Roma-Police relationship. However, we are aware of the fact that we have to face this challenge with great care. Very often we need to demonstrate problematic aspects of the Romani character. Playing this character can be, for the Romani actor, a difficult and sometimes painful experience. I welcome the experience of other countries where similar methods involving ethnic minorities are used.

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Police-community partnerships: a training series, May 1998-1999

*(Initiated and organised by PER in co-operation with
the Southern Police Institute at the University of Louisville in Kentucky)*

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Project on Ethnic Relations, Budapest, Hungary

Origins and Genesis of the Project

A police force is the most visible symbol of government and the most apparent embodiment of state authority. Its function or malfunction demonstrates most obviously to the public the capability or incapability of a new democratic system to adapt and react to challenges of a rapidly changing society. Its failure or indolence to reform and modernise itself can exert a negative radiating effect on other spheres of the society while its progress may play a catalytic role in strengthening institutions and atmosphere of a constitutional state.

The Project on Ethnic Relations (PER) has built upon the experience and success of the first police training project based on co-operative efforts between PER and the Southern Police Institute (SPI) initiated in 1994 and training courses held subsequently in Romania (1) when the concept of a Hungarian-American co-operation concerning police training and police treatment of minorities began to emerge. Nevertheless, it was obvious from the beginning that a Hungarian project must consider and integrate the specifics of the Hungarian situation.

PER usually targets and operates on the policy- and decision-making levels - not excluding in some cases regional and community level actions - trying to suggest, introduce and to have adopted new ideas, concepts, approaches and policies. That was the case concerning the Hungarian police training project, as well.

Consultation and contacts were initiated by PER/Budapest with the Hungarian National Police Force (HNP) in July 1996 to familiarise them with the idea of a training project that puts the stress on community policing and relations with minorities, and to obtain the support of the leadership of HNP for elaborating and implementing such a project. Communication and meeting with General Sándor Pintér, chief commander of HNP when PER/Budapest offered PER's assistance in the process of democratising and reforming HNP, led to a fact-finding and project conceptualising mission. This was organised by PER and commissioned later that year from SPI, represented by Prof. Deborah G. Wilson, Assistant University Provost, University of Louisville and Michael Berkow, Chief, Coachella Police Department. The mission resulted in a comprehensive, in-depth report prepared by December 1996 that screened HNP also from the perspective of launching a co-operative project and that made several

recommendations. (This report's Hungarian translation was included in a textbook published in 1997 used by police schools in training new police officers in police-minority relations.) SPI and PER also consulted with Roma leaders and other relevant bodies of the Hungarian government like the Ministry of Interior, the Office for Ethnic and National Minorities and the Prime Minister's Office to get their advice and support for the project. It was also found that it would more suitable and efficient, as well as more "acceptable" to participants, if *minority aspects* of the project would be "*packaged*" and presented in the framework of more general concepts like democratisation or community oriented policing.

A meeting with Dr. Ferenc Bánfi, Chief of Nograd County Police, who later was promoted to become deputy chief of HNP responsible for public safety and who was the "inventor" and the most enthusiastic supporter of community policing philosophy and practice in Hungary, contributed to tuning/defining the project further. "The Nograd safety program" which was conceived by him and contains most important components of established and institutionalised community-police relations, became a key element of the joint project and served as a model to be demonstrated to and followed by other regions in Hungary.

Consequently, efforts and plans of the government and HNP coincided with the aim of the project. This helped to ensure institutional support throughout the project since the project itself was built on the changing philosophy of policing in Hungary, which was demonstrated by the fact that the Nograd safety program - also with the "backing" of PER/SPI mission" - became a part of the mid-term government program on the improvement of the situation of the Roma community. This fortunate and positive interaction of goals and philosophies made it possible that the project could be continued, and would continue to enjoy the same support even when the whole leadership of HNP was reshuffled/replaced after general elections in the summer of 1998.

Aims and Objectives of the Project

Differently from the Romanian project, it was decided that considering the specifics and development status of the Hungarian situation, the main emphasis of the project will be put on community policing more than general elements of policing in a democratic state.

The main goal of the training sessions was to familiarise approximately 200 police leaders (some 50 of them in each of the four sessions) who occupy strategic positions in HNP with the philosophy and practice of community policing, to facilitate democratisation of HNP including the respect for human and minority rights.

The series of seminars were designed to assist HNP in the introduction and implementation of community-oriented policing and to establish professional relationships and contacts which would contribute to the success of this national program. Practical information and strategies, based on practical experience, were to be presented by U.S. police commanders - who also had extensive experience in teaching and lecturing - who have implemented community policing in their jurisdictions.

Stress was to be placed on creating and maintaining positive police-community partnerships which are key in implementing community-oriented policing, with the aim of strengthening, propagating and disseminating these among police chiefs. The positive Hungarian example of Nograd county's policing philosophy and strategy was to be incorporated, discussed and demonstrated to the participants as an example of implementing community-oriented policing in Hungary.

Implementation of the Project

After two years of preparatory ground work (close co-operation, contacts and continuous consultation among HNP's public safety department, Major Irén Sárközi, manager of the program from HNP, Prof. Deborah G. Wilson and Dr. Ferenc Mélykuti, PER/Budapest financed and assisted by PER), the first round of training on community policing that was co-organised by PER and the University of Louisville was held in the regional centre of the International Law Enforcement Academy (ILEA) in Budapest between 25 and 29 May 1998. This was followed by two similar courses that year. The last/closing session will be held between 25-29 May 1999. Each session was held by two instructors-police officers of the Southern Police Institute and financed by a grant from the U.S. Department of State. Each course is opened by highest ranking leaders of HNP and the organisers (for example, in May 1998, General Laszlo Forgacs, Chief of Hungarian National Police Force (NPF), Teddy Taylor, chief consul of US Embassy in Budapest, Dr. Ferenc Bánfi, deputy chief of NPF, Prof. Deborah G. Wilson, manager of the training of UL and Dr. Ferenc Mélykuti, representative of PER in Budapest) to demonstrate commitment of HNP's leadership to police reform which had a very positive effect on the audience of police officers.

Forty-nine high ranking police officers participated in this first training, including deputy chiefs of the counties responsible for public safety, public safety officers from the National Headquarters of NPF and educators from both the police secondary school and the police college.

The second round of training was extended to senior Hungarian police chiefs between September 28 and October 2, 1998. Though, after general elections held last May, new political leaders of the new government completely reshuffled the senior leadership of Hungarian National Police Force (NPF), PER was very pleased to learn and witness that new heads of HNP were very supportive of continuing our joint program. They were committed to continuing efforts in enhancing effectiveness of the police, of which community policing can be one of the best approaches and means in times when the rates of criminality have been dramatically increasing as a result of processes of a rapidly changing society.

Forty-six high ranking police officers participated in the second training including chiefs of the Budapest districts and chiefs of "county capitals" (largest provincial cities), the chief of the "Danube Water Police", officials of NHP's public safety department, and teachers from the police secondary school.

In the third session, held on November 16-20 1998, 49 chiefs of smaller cities took part with some educators from police schools (during the closing session to be held this May the audience will be similar).

Every session was started by a speech/lecture by one of the leaders of HNP (heads or deputy heads of HNP to demonstrate the commitment of HNP leadership to community policing, as well as to give weight and support for the objectives of the project. The five day session consisted of the following modules and topics: review and comparison of US and Hungarian police activities and their effectiveness; traditional model of policing; definition of community policing; community partnerships; understanding neighbourhoods; problem-solving; evaluation and assessment; managing change; strategic planning; making community policing work; role of officers of different areas. On the last day a police officer or the Chief together with a Roma representative of the consultative council from Nograd county joined to inform participants how their model of community policing was set up, how it had been functioning and in what ways it facilitated the communication and co-operation between police and the Roma minority. This element helped to fill the whole project with "even more life", and the packaging of the Roma issue in the context of community policing as a policy and strategic issue of policing helped commanders in getting more emphatic and open to the Roma issue itself, which, if it stood alone, may have generated reluctance in some of the participants.

Training has been adapted throughout the project cycle to reflect experience of earlier sessions and remarks of participants. For modelling and case studies, it used Hungarian examples and cases as well.

Evaluation of the Sessions

Sessions were evaluated by participants filling evaluation sheets both on instructors and issues of substance.

In general, training sessions were valued very positively by participants. Statements confirm that despite differences in legal systems and the organisation of the police in the two countries, participants obtained a lot of useful information and knowledge that could be utilised in their practical, everyday work of policing. One of the participants wrote that "I would like to use these presentations as a model I would like to follow in my future work as a police commander". It contributed to the effectiveness of the training to a great extent that American trainers used as many Hungarian cases as possible and induced real interaction, genuine exchange of thoughts and co-operative work during the sessions.

The training was highly appreciated by both the participants and officials of HNP and the Ministry of Interior, since it contributed to the effective integration and implementation of community policing principles, values, methods and practices into the daily operation of HNP through learning from the ups and downs of US experience - the real hands-on experience American police officers-trainers managed to share with the Hungarian audience. Participants understood and accepted that community policing, by making

closer and permanent links to the community, can elevate the prestige of police and it can also make policing more effective in the long run. Principles, practices and techniques of community policing can and should also work towards the direction of building bridges to minority populations/communities by involving them both in the processes of planning, executing and evaluating police/safety measures and by ensuring their fair representations in the local police force concerned.

The four sessions will practically train the whole senior leadership of the Hungarian National Police Force coming from either the capital/headquarters or the counties. Dissemination of the philosophy and practice of community policing is/will be accomplished through a filtering-down effect, both from commanders to district/police officers, and by the inclusion of this concept and the majority of the training within the training curriculum of police schools through lecturers/teachers of these institutions who took part in the training. (The first 3-day in-service training session held by Hungarian trainers has already taken place in the basic training school of police, which was based and relied almost fully on the experience and knowledge transmitted by the project.)

The series of training courses have been assisting HNP to ensure that the approach of community policing will be accepted by more and more police officers and will be practiced all over the country as an integral part of HNP's philosophy and practice.

Lessons Learned

a. Careful identification of goals, thorough project preparation: Though preparatory phase of this project may seem too long, it must be noted that designing such a project must consider and adapt to the circumstances of a specific institutional and legal system, behavioural pattern, traditions that determine the functioning of organisations of the recipient country. Careful selection of objectives can prevent creating falsely oriented or irrational expectations. In the present case, the most important goal was not and could not be the duplication or copying of American examples. Obviously these cannot be transferred directly in most cases because of the difference in legal systems, customs and traditions, individual and social behaviour, as well as for purely economic/material reasons. But the utilisation and, if possible, adaptation of lessons learned in developing and managing community policing in the U.S. can be deployed in order to strengthen, develop and give full support to the already existing "plant" of community-oriented policing in Hungary. Another related dilemma is that standardisation of norms would require and tend to force us to search for general/universal solutions while applicability of those norms depend on the specific and differing conditions of the given country. Project preparation is also time-demanding since it must involve a number of players to make it successful, including government ministries/agencies, police, minority organisations, both on the local and national levels, executing (organising and training) institutions, etc.

b. Training method: Methodology is crucial for transferring information in an efficient manner. It can also be a side-product of the training course that it presents and teaches a training method that can be used by recipient organisations in future training activities.

This was stressed and mentioned by some Hungarian participants/police educators in the evaluation.

c. Flexibility/continuous adaptation and multiplication factor: Feedback from participants should be required and integrated as soon as and to the greatest extent possible, to fine-tune the project through its cycle and to tailor it even closer to the needs of participants. Dissemination and implementation of ideas and practice need a multiplication factor that is built on institutional backing to be generated and ensured right from the beginning, and on securing channels of dissemination (education, training, press, etc.), as well as on training and convincing "disseminators".

Footnote

(1) The Report on the Romanian training series, *Building Romanian Democracy: the Police and Ethnic Minorities,* can be obtained from PER/Bucharest Office, or from PER at 15 Chambers Street, Princeton, New Jersey, USA 08542-3707.

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Training and other activities on Roma/Police relations in Romanian sponsored by the Council of Europe

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Introduction

The main aim of this paper is to provide a description of a three-day training workshop for senior Romanian police managers on relations with Roma communities, sponsored by the Council of Europe and held at the Police Further Training College in Bucharest in November 1996. The background to this workshop is also described, as well as a subsequent initiative on strategy development also sponsored by the Council of Europe.

The participants in the training workshop were central staff and selected regional officers of the recently-formed Crime Prevention Service, which forms part of the General Inspectorate of Police within the Ministry of the Interior of the Government of Romania. The Crime Prevention Service has particular responsibility for addressing police-Roma relations in Romania.

The training workshop was conducted by a team of four people with special expertise in the field of police-minority relations. It consisted of two senior police officers and two civilian experts, one of each from Britain and The Netherlands (Supt. David Collins and Dr Robin Oakley; and Commissioner Stoffer van Dijk and Mr Jan van Kooten). The aim was to exchange experience of methods of improving police-minority relations, and also to demonstrate the kind of approach which would be used in conducting police training on these issues in Britain and the Netherlands.

The Context

The training workshop took place in the context of ongoing transformation of the police structure in Romania from a repressive state apparatus to a modern professional police organisation. It also took place against a background of continuing concern among human rights organisations and other NGOs over acts of hostility and violence against Roma in Romania - including incidents of brutality by the police.

Details of the situation in Romania have been documented by a variety of local and international organisations, including by the European Roma Rights Centre in its report *Sudden Rage at Dawn.* The ERRC report acknowledges that since the early 1990s there have been fewer incidents of serious communal violence against Roma, and also acknowledges that the police have begun to address these problems. However, it expresses strong concern that past incidents have not been properly investigated and that many identified perpetrators have yet to be brought to justice. It also expresses

concern that the new policing approach, focussing on 'crime prevention', seems to be connected with the increasing phenomenon of 'police raids' being carried out in Romani settlement areas, often with little or no public explanation.

The Council of Europe, in its report on *The Situation of Gypsies in Europe*, has identified this type of situation as presenting challenges across Central and Eastern Europe more generally and has developed a programme of activities on Roma/Gypsy affairs.   Parallel to this, policing issues have been addressed within the programme of work of the European Committee on Migration (CDMG), which sponsored the production of the practical guidance booklet entitled *Police Training Concerning Migrants and Ethnic Relations*.

As the consultant for the production of this guidance booklet, Robin Oakley was asked by the Council of Europe Coordinator for Roma/Gypsy Affairs to contribute to a one-week 'course-seminar' in Romania on "The Prevention of Violence in Inter-Ethnic and Inter-Communal Relations". This event was organised by the Romanian National Police and the Council for National Minorities jointly with the Netherlands Helsinki Committee, and held at Tirgu-Mures in February 1996. Following this event, he recommended the provision of more direct assistance to the Romanian police specifically on practical methods for improving police-minority relations.

Pioneer work in this direction had already been moving forward in Romania. First of all, the research-based NGO, 'Rromani CRISS', has been active in promoting 'Round Table' discussions involving police, Romani community leaders and others. Secondly, the American-backed 'Project on Ethnic Relations' (PER) has undertaken several police training programmes, and was instrumental in the establishment of the Crime Prevention Service in 1994. Thirdly, the Crime Prevention Service (CPS) itself has introduced relevant initiatives: including a group violence prevention programme, and multi-agency crime prevention projects in Brasov, Sibiu and other localities. Finally, the NGO 'Young Generation of Roma Society' has also been active in cooperating with the CPS, and has developed a 'Friendly Officer Project' in which in several parts of Romania meetings have been held at local level to bring together members of local communities and local police. The purpose of the Council of Europe-sponsored training workshop, therefore, was to help strengthen and build on this foundation, and to identify ways in which it could be extended.

Design and Delivery

The formal aim of the workshop was for officers of the Crime Prevention Service to have the opportunity to work together with experts nominated by the Council of Europe, and to identify ways in which police relationships with minority, and in particular Roma/Gypsy, communities could be strengthened.

As already noted, the underlying approach was that the design of the workshop should provide for an 'exchange of experience' between the Council of Europe team and officers of the Crime Prevention service. The opening day of the workshop was therefore devoted to presentations followed by discussion, with initial presentations being made

on the work of the Crime Prevention Service. These covered both central strategy and briefings on initiatives at county level. They were followed by further presentations made by the visiting experts, who shared their experience of methods used for improving police-minority relations in their own countries, especially through training and other forms of practical cooperation at local level. Reference was also made to the framework of actions set out in the Rotterdam Charter "Policing for a Multi-Ethnic Society", in whose formulation several delegates from Romania had been involved.

A second feature of the underlying approach was that it should involve an exchange of views between police participants and members of Romani communities, in order to hear their concerns and suggestions, and to jointly identify possible methods of practical cooperation. The second day was therefore devoted to achieving this objective, using a combination of plenary sessions and small group discussions. Participants included representatives of Rromani CRISS, the Young Generation of Roma Society, the Roma Party of Romania (both its leader and regional delegates), and several other Romani and human rights organisations, as well as the Member of Parliament representing the Roma minority. The subjects discussed included the purpose and conduct of police 'raids', the handling of crime statistics relating to Roma, problems of stereotyping, the disciplining of police officers, and methods for building bridges between Roma and the police. Although at times there was some heated debate, the general view was that the day had been very useful in improving mutual understanding, developing ideas, and establishing new contacts. In particular, the leader of the Roma party offered his county-level structure as a framework for police-Roma communication and partnership.

The third day, involving a morning session only, began with reflection on the previous day's discussions. This was led by Jan van Kooten, an experienced trainer from the Anne Frank Foundation, who demonstrated various techniques to motivate active participation, and drew out a range of perspectives on the debates of the preceding day. Not surprisingly, these were rather mixed, with some participants feeling very positive, and others more hesitant or cynical about making progress in police/Roma relations. The two British/Dutch police officers then made a major contribution. They shared how both the British and Dutch police had been through similar difficulties in relations with minorities, but through dialogue and partnership had now been able to make significant improvements. They responded to numerous questions about the practical ways in which this had been done, and how the trust and cooperation of minorities had been achieved. Coming from fellow-police officers, this information was far more impactive that it would have been from civilians or academic experts alone.

Appraisal

The workshop was evidently well-received both by the head of the Crime Prevention Service, and the participants generally, and achieved the immediate aims which had been set. Given the sensitive subject-matter of the workshop, and the fact that it was being led by foreign 'experts', the following features of the design appear to have been of particular importance:

a) <u>The adoption of an approach based on the idea of an 'exchange of experience'</u>, rather than any attempt by the British and Dutch visitors to claim superior authority or the ability to know best how to solve Romania's problems.

b) <u>The involvement of two police officers in the team of four</u>, which gave high credibility to the input from the Council of Europe team, and created an opportunity for open, equal and potentially highly impactive sharing of experience with fellow professionals in Romania.

c) <u>The introduction of participative training methods</u> (demonstrated by an experienced trainer) rather than reliance on formal presentations and exchanges of opinion alone, with the benefit of increasing the engagement of participants in a learning process at both cognitive and affective levels.

d) <u>The allocation of a full day to structured interaction between police and guests from Roma communities</u>, which allowed time for exploration of sensitive issues at a personal level in small group and informal settings, as well as opportunities to reach agreement on ideas to develop practical cooperation.

e) <u>The allocation of a three-day period for the workshop as a whole</u>, which allowed the necessary time for addressing the key tasks of sharing professional experience and of consulting with minority communities, together with subsequent reflection and the consolidation of learning and other outcomes.

The Way Forward

The need for workshops of this kind in Romania was readily apparent from the three days' proceedings. Police experience of dealing with ethnic issues (and especially those relating to Roma) in accordance with modern professional and democratic policing methods is still limited. The formation of the Crime Prevention Service permits, in theory, the establishment of a cadre within the police organisation which can develop specialist capabilities in this field, with the role of carrying out preventive activities. Realising this potential, however, is a major challenge, requiring leadership, resources, personnel and also, of course, staff training.

Since the workshop was held, these activities have been continuing under the leadership of the Director of the Crime Prevention Service, Major Ioneta Vintileanu. The Crime Prevention Service is fortunate to be led by an officer who appears to have an appreciation of these needs and a commitment to face the practical challenges involved in meeting them. She has welcomed cooperation with the Council of Europe, and with the Project on Ethnic Relations and other international organisations, and she has also established partnerships with Roma-based NGOs in Romania. Important initiatives are now being developed under her leadership at county level.

However, it is not only the Crime Prevention Service that must address these issues, but also the Romanian Police as a whole. Following the workshop, Dr Robin Oakley was asked by the Council of Europe to participate in a major 'Police Reform Assessment Exercise' being conducted by the Romania office of the Project on Ethnic Relations, in association with the University of Louisville, Kentucky USA. Working together with another senior British police officer, Superintendent Alan Radford of the Police Staff College at Bramshill, he conducted a needs assessment in the specific area of 'Community Partnerships and Ethnic Relations'.

A substantial report on this subject was produced in October 1997. It was based on two extended visits to Romania, involving meetings with senior police officials and government ministers, a high-profile consultation exercise with Roma organisations, and field visits to a number of different counties and localities. The report included a needs analysis, together with recommendations for an overall strategy and action plans for addressing community issues with particular reference to the Roma. Unfortunately it appears that, due to political and organisational changes, the Romanian police have not yet been able to make use of this report and the practical proposals contained in it. It is hoped that this situation may change in the near future.

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Round table series in Romania: for the promotion of trust and communication in local communities and the prevention of criminality

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Background to the project

In 1994, Romani CRISS launched the project '*Round Table Series for the Promotion of Trust and Communication in Local Communities and the Prevention of Criminality'.* The Project was co-financed by the EC Delegation PHARE Democracy Programme, Bucharest, 1995.

The initiative was a response to the outbreak of collective community violence against Roma in a number of villages and towns in Romania from 1990-1994, and the ongoing potential for inter-ethnic conflicts stemming from chronic community tensions. It may be mentioned that the large majority of some 30 community conflicts, resulting in the burning and destruction of Roma's homes, remained without legal follow-up, including the identification of the perpetrators, trial in a court of justice, and reparations for the victims.

Also, in terms of preventing community violence, over time, a trend was observed related to increased capacities of police to prevent violence, accompanied by the introduction of high profile, police and gendarme raids in Romani communities in different parts of the country. The raids were part of the Ministry of Interior actions for the prevention of violence and criminality, often carried out with unnecessary violence and aggression, and reported irregularities such as a lack of search warrants and the confiscation of goods.

It was suspected that the raids were a police response to complaints of the non-Roma residents that the police failed to 'do their job' in relation to supposed Romani criminal or 'anti-social' behaviour. Therefore, the introduction of these raids, with the use of many trucks, masked officers and dogs, was seen as an act of the police to display their efforts to prevent criminality. In addition to possible human rights violations, there were also concerns that such actions tend to reinforce negative stereotypes and mistrust on the part of the non-Roma.

The selection of localities for the round-tables took into consideration these post-community conflict situations, and later some localities where police raids had taken place. In addition, other conditions such as previously constructed dialogue with local authorities, and the presence of locally elected Romani counsellors also provided for positive conditions for developing more co-operative relations.

Aims and Objectives

Prevent the further outbreak of community violence, by providing a mechanism for *mediation* in situations of litigation and conflict, especially in those which imply families and social groups, including ethnic-cultural groups. This included mediation in disputes among Romani persons and families, and on the part of persons and families of the majority population in districts, villages, etc.

In the vast domain of *crime prevention, the priority was to focus attention on infractions committed by groups*, or in situations of conflicts between social groups.

To improve community relations, particularly through the
- *Promotion of better communication* among citizens, civic associations, government authorities and organs defending public order and the administration of justice;

- *Cultivation of trust* in relations between different social groups, and among ethnic-cultural groups.

- *The break down inter-community communication barriers*, in some of the situations, such as those related to criminality and violence.

- To facilitate the creation of a forum which may have the role of 'therapy'; of social communication.

Complementary concepts (and situations) to be explored in the context of the project included: collective violence; aggressive crowds; intra-community conflicts; and inter-ethnic conflicts.

Methods of Implementation

The primary method for implementing the project was to organise roundtable discussions in view of creating a more permanent structure amongst key local social and administrative actors. The 'roundtable' series was to be *ad hoc* and "open," with a flexible character with regards to the topic of discussion. This included, for example, local Roma involved in the conflicts; police; members of public administration (i.e. mayor, counsellors), public functionaries, in their official or private qualities; a variety of non-governmental organisations, especially local Romani organisations, and religious and church organisations; lawyers; central governmental representatives; and interested private persons.

The roundtables were to take place periodically according to a negotiated program or in crisis situations such as a possible violent conflict. In addition, smaller groups could be organised to discuss precise problems on a regular basis. As a flexible structure or initiative the roundtable was to serve as a crystallisation of the role of civil society, particularly in the domain of the prevention of criminality, which presents a danger to the public order and internal security of the country. In this sense, the roundtable was an alternative, complimentary civic working structure in relations with the police, public

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prosecutor and judicial bodies; local authorities and locally elected counsellors. Likewise, the idea was that alternative civic structures are able to compliment the strategies for the prevention of criminality elaborated at the level of central institutions, for the entire territory of the country.

It was made clear that the profile and scope of the roundtable structures were to <u>avoid</u>:
- Overlapping of structures; duplication of efforts; it is not a substitution for the attributes, responsibilities and activities of the state organs already functioning.

- A kind of "ethnic patronage" to the communities;
- The exaggeration of a civic organisation's role, in the detriment of normal activities of the police and other state organs, which have competence in the concerned domain.

Alternatively, the roundtable structures were to <u>realise</u>:
- A complimenting and co-ordination of resources (human, expertise, materials, finances);

- An "anchoring" of these civic initiatives to the formal structures, such as the local public administration.

CRISS's role in the local project activities included complimentary activities of mediation, such as negotiation, counselling, and arbitration. In some of the localities, CRISS also provided legal assistance for Romani families in some of the legal cases related to the conflicts. Parallel with these local-level activities, the project also involved the organisation of anti-discrimination street protests for civic awareness raising; the organisation of press conferences to call for the administration of justice in unresolved cases, and the publicity of positive examples of co-operation; and the production and circulation of documents concerning the various issues of the project, at both national and international levels.

Difficulties during the course of the project

In discussing local problems and concerns, it was often the case that the issue of ethnically motivated violence and discrimination were not approached, while interventions focused mainly on poverty issues. Therefore, CRISS stressed a civil rights approach, at times playing an educational role over what may be considered discriminatory behaviour, and the need to respect the rule of law. At the same time, recognising the importance of community development needs, CRISS also assisted, over time, in the support of local initiatives such as schooling of Romani children, or income-generation in some localities.

Working in the communities where Romani victims had received humanitarian assistance following the destruction of their homes proved difficult, as attitudes and behaviours as 'clients' had been developed. While CRISS's approach sought to promote responsible citizenship amongst local Roma, therefore stressing that they are 'civil actors', not 'victims', this was particularly problematic in these communities.

In some situations, such as mediating the re-insertion of Roma who had been evicted from their villages during the conflicts, or stressing Roma's equal rights as citizens and residents in localities with community tensions, the need to regulate the legal status of some local Roma was also identified. Therefore, in some cases local administrative arrangements or working groups were made in view of obtaining residence permits, identification cards; birth certificates and construction authorisations for local Roma.

In the context of police efforts to build trust on the part of the majority populations, the techniques used were seen as increasing mistrust amongst Roma and non-Roma, by reinforcing negative stereotypes. Here especially, reference was made to the publication of crime statistics with the supposed Romani or 'tigani' ethnicity specified. In addition, press coverage of Roma-related issues were often seen as feeding mistrust, negative sentiments and even hostility among the majority population. Therefore CRISS organised press conferences on these themes of crime statistics, the ethnic designation as 'tigani', rather than Roma and the mass media coverage, and also supported a study on the mass media coverage of inter-ethnic community conflicts.

Outcomes

In terms of outcomes, the round-tables meant that there was increased dialogue amongst local Roma inhabitants and local authorities. In some of the localities and districts inhabited by Romani communities, a local 'contact point' was created to serve as a resource for addressing problems and issues arising in the community.

Romani participation, either in the form of a community leader, a type of mediator or as a local counsellor was important in terms of Romani representation. Likewise, active participation and involvement of Romani representatives, especially locally elected councillors, played an important role in terms of the sustainability and development of local partnerships. Where there was generally a lack of organisation and adequate self-representation amongst local Roma, the impact was also smaller and rather short-lived.

While improving trust between the police and Roma is a long term process, in some cases the improved communication and development of working partnerships, even within the scope of a particular problem, was an important step toward improving overall police-Roma relations, and providing a model for co-operation. In addition, the attention brought to the police-Roma issues has also meant that over the years, CRISS has come in regular contact with representatives from General Police Department, and has benefited from their participation in other CRISS activities such as subsequent seminars, roundtable discussions and press conferences.

In some cases, the attention brought to the previous community violence, including police violence served as a kind of pressure on local authorities to refrain from tolerating or overlooking such behaviour, and it may be said that some became more open to co-operating with NGOs in addressing local problems. Also, the activities had an awareness-raising function amongst local Roma as well, who became more aware of their civil rights.

What lessons can be learned from the experience

- It was good to organise the round-tables in the respective community itself, which allowed for participation of locals, and a follow-up to the previous conflict. Likewise, in the process of communicating grievances and directions for improving community relations, the ability of CRISS to follow-up with possible resources for community development initiatives of local Roma was a useful tool during the process of negotiation.

- Promoting and strengthening local Romani representation and participation in local governance activities provides for a valuable 'partner' in addressing local problems, and improving community relations and communication. Likewise, local NGOs, especially Romani NGOs, also contribute to building more sustainable local structures or arrangements.

- From the perspective of post-conflict reconstruction and development, caution should be taken in terms of the way humanitarian assistance is distributed, as there is a risk of creating dependency that can be difficult to overcome in other development-related activities.

- Specialised training on the specific cultural and social issues of Romani communities should be organised for police officers, and other public administration officers, such as those in the Department of Labour and Social Protection, and Education (school inspectorate)

- In view of preventing violence and increasing trust between Roma and non-Roma, it is important to take into consideration issues such as the language employed by public officers, the negative effects of publishing ethnically specific crime statistics, and mass media coverage of Roma.

- There is also a need for basic civic education for both Roma and non-Roma.

European Workshop On Roma/Police Relations 1999: Practical Examples 7

Police training on Gypsy/Traveller issues in Britain

Peter Mercer
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1. Gypsies and Travellers in Britain

1.1 Romany Gypsies have been present in Britain at least since the beginning of the sixteenth century. Along with the Jews, they are among the oldest of Britain's ethnic minorities, the majority of whom are of more recent origin and have arrived since the Second World War. Like the Jews, the Gypsies have a long history of persecution and social exclusion in Britain. Seen as extreme 'outsiders' and often as a threat, the treatment they have received at various times includes having been sold into slavery, sent out to British colonies, and hunted like wild animals.

1.2 Despite their social exclusion and intermittent persecution, for several hundred years Gypsies played an important role in the life of the English countryside. Travelling around local areas in caravans either on their own or as part of larger groups, they engaged in trades such as metal-working, horse-dealing and various forms of entertainment. They supplemented their income through seasonal work such as corn-harvesting and hop-picking. They maintained their traditional life-styles and cultural traditions, and managed their own affairs in independent family groups.

1.3 In the nineteenth century, changes linked to industrialisation began to disturb these established patterns, and rural sources of livelihood declined. Gypsies became increasingly dependent on the towns for paid work, and movement across long distances became common. However, at the same time, stopping-places in both rural and urban areas became more difficult to secure. Conflict with local residents and with the police became more frequent, with police and other local officials usually trying to force Gypsies and other travelling people (mainly of Irish origin) to 'move on'. Gypsies now came to be seen as a group that were in conflict with, rather than interdependent with, the settled population. During the twentieth century many Gypsies have discontinued the nomadic life, although others have maintained the travelling life-style and have attempted to resist the pressures of assimilation.

1.4 In 1960, the British Government for the first time introduced legislation in an attempt to regulate this conflict situation. The first Caravan Sites Act required that official planning permission was required if land was to be used by caravans. Then, following a nation-wide survey which established that there were at least 15,000 travelling people widely dispersed across Britain, many of whom suffered harassment and various other

disadvantages, a new and more positive law was introduced. The second Caravan Sites Act of 1968 now placed a duty on local government to make sites available for travelling people. However, often because of pressure from the settled population, local councils were very slow and resistant about responding, and large numbers of travellers remained without proper access to sites.

1.5 In this situation, relations between travellers and the police and other authorities continued to be difficult. Then, during the 1980s, violent confrontations between the police and a new group of travellers - the 'New Age Travellers' - resulted in a much more repressive approach to travellers being adopted by central government. Under further legislation, the duty on local government to provide sites was removed, and the police were given strong legal powers to remove travellers from any land.

1.6 Although the police have expressed opposition to this legislation, it has greatly increased the potential for conflict between the police and travelling communities. This is simply the latest addition to a relationship which has always been a difficult one, with police officers (like the rest of the population) stereotyping Gypsies as criminals and untrustworthy, and Gypsies seeing the police as interfering and oppressive - and as untrustworthy also.

1.7 In many areas, there has been no special response by the police to this situation, and local police officers are expected to manage relations with Gypsies and Travellers as best they can and without any special support. Only in a few areas have special arrangements been made, sometimes with a local-level police officer being assigned special responsibility for traveller liaison, and sometimes with someone being appointed by the local council to undertake this task. In the town of Peterborough, Peter Mercer - himself a Romany Gypsy residing on an established site - has the role of Gypsy Liaison Officer for the local City Council. In this capacity he liases not only with the local council but also with officers of Cambridgeshire Police, from the most junior ranks up to the level of Chief Constable. His activities include attending consultative meetings, advising police and other officials at all levels, assisting Gypsy/Traveller families in particular cases and dealing with neighbourhood disputes. As a result there are much more positive and effective relations between travelling people and the police in Peterborough than in most other areas of Britain.

1.8 Across Britain as a whole, however, police contact with Gypsies is usually very negative and unsuccessful, with Gypsies being dealt with only in public order situations or as suspected criminals. Police officers, like the rest of the population, are highly ignorant about gypsies and other travellers, and are very prejudiced against them. Their negative experiences of actual contact with Gypsies tends to exaggerate these attitudes further. This does not help to create a situation in which Gypsies can feel confident of receiving fair treatment from police, or a response which respects their distinct identity and is sensitive to their special needs. Today, however, the police in Britain increasingly aspire to standards both of high quality and of equality in their service provision to all sections of the community. And Gypsies (though not all travellers) are recognised as an ethnic group, and therefore protected against racial discrimination under the provisions of the Race Relations Act 1976 (although at present this does not normally cover actions

taken by the police).   There is therefore a need for increased awareness and understanding of issues relating to the Gypsy community on the part of police officers, a need which can be met through appropriate training.

2. Police Training On Minority Issues

2.1 Police training in Britain first began seriously to address issues concerning racism and ethnic minorities as a result of the report by Lord Scarman on the riots between police and black people which occurred in Brixton in South London in 1981. To progress his recommendation that all police officers should receive training on these subjects, a more detailed report was produced in 1983 by the national Police Training Council on *Community and Race Relations Training for the Police.* This set out the basic principles on which such training should be based, and the content of training that would be appropriate for officers of different ranks and roles. The report proposed that a specialist 'training support centre' should be established independently of the police service to assist with the development of such training. It also emphasised the need for substantial involvement of people from the minority communities in the planning and delivery of the training.

2.2 Progress was slow during the 1980s in introducing such training, for a variety of reasons. In 1989, however, a new 'Specialist Support Unit' (SSU) was set up with funding from the Home Office to replace the original one based at Brunel University. This was operated by a small specialist training company, Equalities Associates, which established a residential training centre at Turvey in Bedfordshire.

2.3 The new Unit was directed by Jerome Mack, a black American now living in England, who had previously been a chief of police and also a staff member of the US military's 'Equal Opportunities Management Institute'. He brought his experience, not just of training, but also of designing and implementing strategic approaches to tackling racism in major organisations. He put together a multi-racial team of eight, including two police officers, which combined core training skills with the ability to analyse the problem, develop strategies, write programmes and support materials, and establish cooperation with minority communities at the local level.

2.4 The basic strategy of the SSU, in a country with some 50 different police forces and 130,000 police officers, has been to make an impact on police training by means of 'training the trainers'. Specialist courses on 'community and race relations' (CRR) have been run regularly at the training centre at Turvey, the main trainers' course being of six weeks duration, along with shorter two-week courses e.g. for training managers.   The 'graduates' of these courses are expected to return to their police forces either to deliver specially-designed one- or two-day local training packages, or to work with colleagues to integrate CRR issues into existing training courses. At the same time, staff of the SSU have working with national police training establishments to ensure that CRR issues are included in all core national training programmes - for recruits, for local supervisors and managers, at senior officer level, and of course in the basic training for police trainers.

2.5   The aim of this 'training for trainers' strategy has been to ensure that the police service across Britain has a sufficient body of trainers capable of delivering CRR training to all police staff.   The trainers are provided with an in-depth understanding of the issues, sufficient for them to equip their colleagues with the ability to treat all sections of Britain's ethnically diverse community fairly and equally when carrying out their policing role.   The trainers courses therefore explore in detail issues such as the nature of prejudice and discrimination, the history and manifestations of racism, how minority groups respond to dominance, the history of Britain's multi-cultural society, problems in cross-cultural communication, and so on.   There is a strong focus on how to deal with these issues in the classroom.   In the training programmes designed for the local-level, by contrast, the focus is strongly practical rather than theoretical.   The emphasis is directly on policing tasks (such as conducting stops, searches and arrests, and investigating racially-motivated crime) and on knowledge about local situations and community groups.

2.6 Although the training programmes which have been run by the SSU have been very successful in training the trainers, the overall strategy has been more difficult to implement. Although some police forces have made good use of their specialist trainers, others have largely ignored them and failed to implement programmes at the local level. Often this seems to be because of lack of any clear policy commitment at the top of the organisation to address racial and minority issues. One of the main lessons of the SSU's experience has been that training alone is not sufficient to change the approach of the police organisation to these issues: it must be supported by a broader-based strategy for organisational change backed by policy commitment from the top.

2.7 It is hardly surprising that in Britain the main focus of training on CRR issues has been on the background and experience of the ethnic minorities of post-war immigrant origin. Thus, so far as racism is concerned, the focus has been on colour-based racism of colonial origin against 'black' people. And so far as cultural awareness is concerned, the focus has likewise been on increasing knowledge about the numerically largest groups, i.e. communities of South Asian, African and Caribbean origin. Smaller minority communities, including refugee groups and Gypsy/Traveller communities, have tended to receive far less emphasis within police training programmes.

3.   Training on Gypsy/Traveller Issues

3.1 From the outset the Specialist Support Unit at Turvey identified police relations with Gypsy/Traveller communities as an important subject that should not be excluded from its training programmes. Although the number of Gypsies and other travellers might be small compared to other minorities, they are present in all police areas, and relations are marked by a serious lack of trust on both sides.

3.2 The police, of course, have a professional and legal responsibility to work in all sections of society, and to provide a fair and equal service regardless of ethnic background. Yet most police officers on training courses readily admit to being totally

ignorant about the history and cultural background of Gypsy communities. They also admit to having strong prejudices against Gypsies, and to lacking confidence in being able to deal with them effectively when carrying out their policing roles. In these respects, they are probably no different from the rest of the *gorgio* population. Many officers were also of the opinion that prejudices against gypsies are more deep-seated than racial prejudice against minorities of post-war migrant origin, and more difficult to change on account of the power of the historical myths and the absence of inter-group personal contact. It is still generally acceptable to express prejudices about Gypsies openly in Britain, whereas it is no longer so about black people.

3.3 Several different approaches have been attempted to addressing Gypsy/Traveller issues in the SSU's training programmes. The first approach relied largely on the provision of information. An expert on the subject was invited to give a lecture on the history and culture of Gypsies and Travellers in Britain, and to respond to questions from students subsequently. However, although many found the lecture to be interesting, it did not really challenge their personal stereotypes and prejudices, which many felt could be illustrated and thus confirmed from experience.

3.4 The second approach that was tried focused directly on these prejudices and stereotypes. An exercise was devised in which some students took the roles of Gypsies and Travellers, and some the roles of *gorgios*, while others acted as observers at a 'meeting' in which conflicting views were debated. This had more success in drawing out assumptions and stereotypes, and enabling officers to see the Gypsy/Traveller point of view. However, the exercise was felt to be rather artificial: it did not communicate authentic Gypsy/Traveller experience, and did not provide direct practical assistance on how to undertake routine police tasks with members of this group.

3.5 The current approach involves returning to the method of inviting a visiting presenter, but now a different type of person is involved and conducts the session in a different way.   Peter Mercer, as this presenter, is not an academic expert, but a Romany Gypsy who combines living his everyday life on a traveller site with acting as Gypsy Liaison Officer for the local city Council. He is therefore able to speak from personal experience about all matters relating to Gypsy history and culture, while also having first-hand experience of working on behalf of his community in dealings with local government officials and the police.

3.6 Rather than providing a lecture on these subjects, he relies strongly on responding to questions that are in the minds of his police audience. At the outset of his session, the students discuss among themselves to prepare a set of questions they would like him to respond to. These are usually a mixture of requests for factual information about Gypsy culture, and for practical tips about how to communicate and work successfully with people from this community. In his opening remarks, Peter Mercer begins by outlining his personal background, and then widens this to providing a brief historical and cultural outline of the Gypsy/Traveller community in Britain. He stresses that he is doing this not to help the police catch criminals (which is their own job), but to enable them to understand and respect the Gypsy community. He then turns to respond to and discuss the various questions that have been raised, which typically include such topics

as names, family structure, relations between women and men, and many other aspects of Gypsy/Traveller life-style. Although the questions are usually put in good faith, he may often face what, from a Gypsy perspective, is a staggering catalogue of ignorance, stupidity and bigotry. He also encounters a lot of (apparently unconscious) arrogance, from the many police officers who feel they "already know all about the Gypsy criminal subculture".

3.7 To handle this type of situation as a trainer calls for special skills and personal qualities. The trainer must have high personal credibility, and be able to challenge ignorance and negative views while neither becoming defensive nor alienating the students. Peter Mercer's personal background, his wide knowledge and experience of practical community-level work, and his skills at handling this type of training session, are the reasons for his success. At present, there are few others in Britain who can deliver this type of session on Gypsy/Traveller issues successfully, and it is important that more people can be found who can do so in other police training programmes.

3.8 It is most important to appreciate, however, that in SSU training programmes a session on Gypsy/Traveller issues is never delivered in isolation. It always forms part of a set of sessions focussing on the different ethnic communities (including the dominant white community) which make up Britain's multi-cultural society. All these sessions are supported by a course handbook prepared by Robin Oakley which provides general background information on the various communities (including a chapter on Gypsy/Traveller communities). Moreover, they are also accompanied by other complementary sessions, including on the nature of prejudice and stereotyping, on ethnocentrism and cross-cultural understanding, and on more general problems in police-community relations. All these are essential for police officers to be able to benefit from the specific sessions focusing on Gypsy/Traveller issues. Without this wider background understanding of inter-group relations, the sessions focused on particular groups are likely to fail.

3.9 Training inputs such as a described above are an important beginning, but there is still a long way to go in improving relations between police and Gypsy/Traveller communities. Within the SSU's police training programme, various initiatives involving other minority ethnic communities have been introduced. These include visits of police officers to community locations, and the 'host-family interface' in which police officers stay for a weekend in the home of an ethnic minority family. So far, these types of initiatives have not been extended to Gypsy/Traveller communities, as the gap in mutual trust remains far too wide. As has already been noted, training alone should not be expected to solve these problems anyway. The police service also needs to be active in other ways to build bridges with the Gypsy/Traveller community: it needs to rethink its whole attitude and approach to this community, and so be able to win greater cooperation and respect.

6. O.S.C.E. PROGRAMME OF ACTIVITIES ON POLICING AND ROMA

6.1 INTRODUCTION

This section of the resource manual documents the on-going programme of activities named *Police and Roma Towards Safety for Multi-Ethnic Communities,* which is designed to support the implementation of the recommendations on policing of the OSCE Action Plan on Roma/Sinti issues.

Working with Roma, Gypsy and Traveller NGOs and activists, police and relevant members of other national and international institutions, the programme includes activities in the Balkans, Poland, Romania, Russia and the UK. The programme identifies current issues and examples of good practice of which are documented in a Resource Manual.

The programme is being coordinated by European Dialogue on behalf of the Contact Point for Roma and Sinti Issues (CPRSI) at the ODIHR/OSCE. European Dialogue is working in partnership with the CPRSI, the OSCE Strategic Police Matters Unit, Governments of Participating OSCE states, Ethnic Minority NGOs and other relevant bodies to implement the programme activities.

Programme summary

The programme has three main strands

- Creation of a good practice model (in partnership with the government of Romania) for undertaking a systematic assessment of current policing policy and practice relating to Roma, with reference to international standards.

- Production of a Resource Manual, to identify standards of good practice and practical examples.

- A series of workshops held in a number of countries across Europe. These workshops will bring together members of the Roma community, ethnic minority NGOs, police and relevant representatives of national and international institutions to identify the key problems and needs, and to offer potential solutions to these issues.

Russia

A workshop on Ethnic Minority and Police relations with a particular emphasis on relations between Police and Roma was held in October 2005. Organised by the Federal National Cultural Autonomy of Russian Gypsies, Romano Kher (FNKA), in association with the NGO Roma Ural, the three-day workshop was held just outside Moscow. The workshop brought together representatives from Roma and other ethnic minority NGOs, members of the Police and Prosecution Service, the Federal Ministry of Internal Affairs, the Ministry for Regional Development and a number of International Experts in the field of Policing and Ethnic Minorities.

The aim was to identify the key issues that currently affect ethnic minority communities and especially Roma, in relation to policing and criminal justice, to exchange national and

international experience of good practice in this field and to identify further steps to be taken to resolve these issues. A report is currently being produced.

The workshop was co-funded and co-ordinated by European Dialogue through its Ethnic Minorities and Access to Justice in the Russian Federation project which provided expertise and experience.

Romania

In order to improve access to criminal justice for Roma communities in Romania, an assessment of policing practices in relation to international standards has been undertaken by the Romanian Ministry of Administration and Interior, in consultation with the Roma Community.

The assessment programme has been organised by the Institute of Research and Crime Prevention (ICPC) in partnership with the Romanian Roma NGO Romani Criss, with the assistance of experts working with European Dialogue.

The 'systematic assessment' focuses on the existing progress and problems in relations between Roma and the Police in Romania, as identified by both police and the Roma community. Following two preparatory workshops, training for the assessors by international experts took place in November 2005, with a support visit in March 2006. On the basis of the findings of the assessment recommendations for action will be made in 2006.

Poland

An international seminar was held in Poland earlier in 2005, the aim of which was to compile information on a number of initiatives that have been carried out in Poland to improve Roma /Police relations. The workshop brought together a wide range of representatives from police, criminal justice and governmental organisations from across Poland, as well as Roma and other relevant NGOs.

The Balkans

A workshop will be held in June 2006 to identify policing issues and current practices relating to Roma in the region covered by the OSCE policing missions in the Balkans. The workshop is being organised by the Police Development Department of the OSCE Mission in Skopje, Macedonia, in association with the Ministry of Interior of FYROM.

The UK

A steering committee representing Gypsy and Traveller groups from across the UK convened in December 2005 to plan a workshop in the UK in 2006, bringing together representatives of Gypsy and Traveller NGOs, police and local government from the UK and other Western European countries with travelling communities.

6.2 REPORT OF THE MOSCOW WORKSHOP 23 – 24 NOVEMBER 2005

The workshop was organised by the Federal National Cultural Autonomy of Russian Roma (hereafter FNKA of Russian Roma), Roma Ural (Ekaterinburg) and European Dialogue, as part of two programmes, the OSCE-CPRSI programme 'Policing and Roma: Toward Safety for Multi-ethnic Communities' and the project 'Ethnic Minorities and Access to Justice in the Russian Federation', supported by the European Union (EIDHR) and the British Foreign and Commonwealth Office (FCO).

The aim of the workshop was to bring together ethnic minority representatives, in particular Roma, and the Moscow police to discuss:
   a) current problems concerning relations between ethnic minorities, in particular Roma, and the police in Russia;
   b) draw up recommendations and an action plan of how to address these problems.

The role of the project 'Ethnic Minorities and Access to Justice' in this workshop was to share positive experience and results in ethnic minority – police relations that were developed during this 30 months long project in 4 regions of the Russian Federation. The OSCE-CPRSI programme input focused on the recommendations of the OSCE Action Plan on Roma and Sinti, in particular on the Policing Chapter, and introduced workshop participants to the activities that have been hitherto implemented under the programme.

It is hoped that the fact that the workshop brought together two initiatives from different agencies – OSCE, EU and British Foreign and Commonwealth Office- will help to increase the visibility of the workshop outcomes by reaching a broader audience.

Location: The workshop took place in Moscow, Hotel Ismailova- Alpha.

Participants: The total number of participants was 42. (This number was slightly reduced during the second day.)
   • 21 representatives of Roma organisations (15 from Moscow);
   • 8 representatives from other ethnic minorities and human rights organisations;
   • 6 police representatives;
   • 1 representative from the Russian Ministry for External Affairs;
   • 1 representative from the Ministry for Regional Development;
   • 2 UK programme consultants;
   • 1 representative from the OSCE Strategic Police Matters Unit (SPMU).

Day 1: Right from the start it became clear that especially for the Roma participants this workshop was seen as a historic event in that Roma and police met for the purpose of listening and engaging with one another. Many came with great hope and high expectations to the workshop, seeing it as an opportunity to work towards bringing real changes to the situation of the Roma community in Russia.

Nikolai Bugai from the Ministry for Regional Development (Department for Dealing with Inter-ethnic Issues) who had worked with FNKA of Russian Roma for many years, acted as the workshop's facilitator.

The first day started with laying out the general framework, which included presentations on the principles and international standards of policing in a multi-ethnic society, an introduction to the OSCE-CPRSI programme, SPMU's cooperation with CPRSI, and presented good examples of cooperation from the UK and Russia.

The presentation by Sergey Barsukov from the Ministry of Foreign Affairs gave a general outline of the situation of Russian Roma, citing unemployment and low levels of education as some of the greatest challenges for the government to tackle. The Roma issue should be raised at federal and regional level, and the Ministry of Foreign Affairs is in support of working with international organisations to address the problem of ethnic minorities, including the Roma issue. He discussed the setting up of an "Expert Group on Roma" which could include representatives of Roma NGOs from abroad as a one effective future initiative, and pointed out that this workshop was an important step which would hopefully result in greater cooperation between Roma and the police.

Following on from this was a discussion on current problems between police and Roma communities which took up the rest of the day.

Throughout the workshop, discussions were open and constructive. The attending police officers appeared willing to engage in and were united in their request to receive concrete proposals for action from the Roma participants.

There was a strong consensus that a major problem for the Roma community in Russia is the mass media, which, through their frequent use of negative stereotypes and racist language, perpetuate, sanction and even encourage racial discrimination against Roma. The coverage of issues relating to the Roma community is, by and large, replicating the notion of an inherent link between Roma people and crime, in particular in relation to drug-dealing.

The discussions at the workshop included suggestions of how the police and Roma could cooperate to prevent the media from using false information and wrong statistical data to back up their damaging claims.

Other problems that were addressed included issues around detention, the need for greater transparency with regard to police conduct, including the need for police officers to wear badges, as well as more general issues related to lack of political representation of Roma, no nation-state to support Roma, and low education and employment.

Day 2: The second day was designed to discuss concrete steps to address the problems that were defined during the first day.

Some of the proposals/suggestions for initiatives include:

- Improving inter-cultural understanding: preparing audio, visual and text-based materials to enhance the police's understanding of the cultural background and traditions of the Roma community.
- Carrying out a series of human rights training for police officers.

Next Steps

An outcome of the workshop was a general agreement on the need for the creation of a Roma-Police Commission/Working Group, made up of representative from different police departments and the Roma community. This Working Group would meet regularly to discuss problems and together find appropriate solutions.

A further role of this Working Group would be the preparation of information for the Roma community on their rights and available services including a list of contacts of relevant police support structures. It was also agreed that developing an effective strategy of involving the media and publicising the existence of this police-Roma partnership - including police media, such as the GUVD Moscow website - was a vital task of the Working Group.

It was agreed that a written request for the setting up of the Commission was to be submitted to the Moscow City Department for Internal Affairs by the 1st of January.

Meanwhile all police officers present asserted they would pass on the results of the workshop and discuss the recommendations with their superiors.

FNKA of Russian Roma will prepare a list of suggestions for Roma representatives to join the commission. The final decision on who will participate will be reached through joint consultation.

As this workshop was carried out in cooperation with the Moscow police, this Commission would, at this stage, only be created in Moscow. However, through operating in the capital and owing to its relatively close connections with the federal government, the Moscow City police is the most influential police force in the country. Hence, piloting new models and approaches in Moscow, if successful, will constitute very favourable conditions for their dissemination and replication in other cities and regions of the RF.

Letter to the Press

On the 23rd of November, one day before the start of the workshop, one of Moscow's most popular newspapers, "The Moscow Konsomolets", published an article about the planned workshop. Based on false information, this article took a cynical view of the purpose of the workshop, questioning the sincerity of the Roma participants by suggesting that the workshop is potentially a means for the Roma to enhance the drug trade.

This article was read out during the second day of the workshop and it was unanimously agreed that a letter should be drafted on behalf of all participants condemning the racist stereotypes it used and providing the newspaper with a correct account of the purpose

of the workshop. The letter was drafted during the workshop and sent to the Chief Editor the next day.

Further reflections and recommendations

As is widely known, Roma in Russia are facing severe discrimination at all levels, and hitherto there is no special policy or programme at either federal or regional level which addresses Roma specific issues. It is for these reasons that this workshop was an extremely important event for the Roma participants who felt that it offered a unique opportunity to be heard and to play an active role in promoting positive change in the lives of members of their community.

The organisers believe that it is vital to further build upon this very important first step and continue the process that this workshop has set in motion.

European Dialogue's general recommendations for this process within the framework of the OSCE-CPRSI programme are:

a) further initiatives/ programmes to build trust and develop a constructive partnership between Roma and law enforcement agencies
b) capacity-building for Roma representatives
c) develop initiatives that address the negative stereotypes and reporting of Roma within the Russian mass media

With regard to a):
Continuing the process of establishing dialogue, building mutual trust and developing long-term partnership structures between the police and Roma are absolutely vital steps for the prevention of police abuse and violence against Roma and in raising the standards of policing within a democratic and multi-ethnic society.

With regard to b):
Roma empowerment through strengthening the capacity of Roma representatives to assume an active, constructive role and become equal partners when dealing with the police and public authorities is an extremely important part of improving access to justice for Roma people. In comparison with other former socialist/communist countries of Central and Eastern Europe, Russia's civil society remains in a early stage of development.

While all of the Roma that participated at the workshop are extremely committed to playing an active and leading role in combating discrimination, many of them lack the knowledge of means and mechanisms that are available to effectively do so. The need for capacity building includes creating an awareness/ basic understanding of the potential role that civil society can play in a democratic society – and/or in the building of a democratic society - , knowledge of domestic and international law and mechanisms for legal redress; strengthening confidence and communication skills to engage with public authorities; NGO management skills.

With regard to c):

From the discussions that took place during the workshop it became clear that the media is manipulating police data and official statistics and thereby perpetuates and fuels racist attitudes against Roma. In addition, this bias and discriminatory way of reporting practiced by the Russian media in Russia fails to hold the police to account in cases of professional misconduct and violations against domestic law and international human rights. We believe that including the media as a partner in some of the follow-up activities is an important means to raise police standards especially with regard to police response to racially motivated crimes against Roma people.

6.3 INITIATIVES IN POLAND

**IMPROVING RELATIONS BETWEEN ROMA AND THE POLICE:
PRACTICAL EXAMPLES FROM POLAND**
Magdalena Lesinska and Malgorzata Rozycka, Thesaurus Association
Wroclaw, Poland, 2005

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4. Police report on security among the Roma community in Malopolska Province

1. PROGRAMME OF TRAININGS FOR ROMA ORGANISERS, POLICE AND EMPLOYEES OF LOCAL ADMINISTRATION IN LOWER SILESIA (DOLNY SLASK) PROVINCE

(Organised with the cooperation of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODHIR) and Lower Silesia Governor's Office).

The Programme included six trainings organised in five localities:
1. Swiebodzice: 24,000 inhabitants, incl. 140 Roma. (20 and 29 October 2003).
2. Kamienna Gora: 23,000 of inhabitants, incl. 270 Roma (7 November, 2003).
3. Legnica: 100,000 of inhabitants, incl. 200 Roma (21 November 2003).
4. Kłodzko: 30,00 inhabitants, incl. 300 Roma (8 December 2003).
5. Bystrzyca Kłodzka: 11,000 of inhabitants, incl. 250 Roma (10 January 2004).

The trainings were attended by:
1. Representatives of the local authorities, responsible for education, employment, social care, health and culture;
2. Police representatives;
3. Roma community representatives;
4. Representatives of the Lower Silesian Governor's Office: Mr Stanisław Janik (vice-Governor), Mr Jan Nocko (the Plenipotentiary of National and Ethnic Minorities in Dolny Sląsk), Ms Malgorzata Rozycka (the main specialist in minority issues in the Governor's Office), and Ms Magdalena Lesinska (the coordinator of the Programme).

The main programme objectives were:
-   To improve security by enhancing the sensitivity of police to racist crimes;
-   To improve access of Roma to public service and local administration;

- To build greater confidence of Roma in law enforcement agencies;
- To encourage the Roma community to self-organise and to be more active in the public sphere.

Background:

The programme was prepared as an integral part of the preliminary activities connected to the Governmental Programme for the Roma Community, which started in 2004 as a follow-up to the Pilot Programme in the Malopolska region. The main objective of the Governmental Programme is "*to achieve full participation of Roma* (...) *in the life of a civil society and to mitigate the disparities between the group and the rest of the society*" (Chapter 3). To achieve the objectives there must be common awareness among police and administration officers of the cultural background of Roma, and the Roma community's negative attitude towards the police and authorities should be changed. This is impossible without ensuring co-operation and exchange of information between the police, local administration and the Roma community.

To achieve the objectives mentioned in the programme, the trainings were held as round-tables. After the introduction regarding the legal and theoretical issues, most of the meeting was dedicated to active discussion where all of the participants were directly engaged. Centre of attention were practical problems concerned with real situations and actions of the Roma community in a particular locality. A special emphasis was put on the development of regular communication, consultations and a co-operation network between the local authorities, police officers and Roma representatives.

Unfortunately, there is a common atmosphere of fear and distrust among the Roma toward the local authorities and the police in most of these places. It was necessary to create the conditions for mutual respect and trust between the officials and the Roma. Moreover, any kind of trainings or programmes on Roma directed together to the police and the administration officials have never been organised before in Dolny Slask. Therefore, to encourage Roma to participate in the trainings, the meetings took place in neutral places such as community cultural centres.

The general agenda of the training was as follows:

1. Presentation of the general data and situation of the Roma population in Poland.
2. Presentation of Roma as an ethnic minority in Poland and the legal position of minorities in Polish and European law, especially in the context of anti-discrimination law, the prevention of racist crimes, and the administration and police responsibilities towards minority groups.
3. Presentation of the Governmental Programme for Roma in Poland.
4. Pointing out the problems concerning the Roma community in particular places. The fields of discussion were as follows: security, education, unemployment, culture, health and social care.

5. Discussion about the possible ways of solving the indicated problems concerning Roma.

However, this general agenda was modified according to different meetings, taking into account the specifics of the particular Roma community, its problems and situation.

Achievements
The main objectives of the Programme were achieved. The most successful practical results of the Programme are as follows:

1. **The trainings actively contributed to self-organising processes among Roma communities in the places where the trainings took place.**

   The activism of Roma communities was strongly visible, however its degree varied in different places. As was mentioned several times, the basic problem to overcome is the lack of formal representation of the Roma in Dolny Slask. One of the most important successes is the number of applications for registration of the Roma associations in Dolny Slask. So far, formal applications have been submitted in Głogów, Wrocław, Świebodzice and Kłodzko.

   These trainings enabled the selection of potential leaders who, even if they are not yet ready to establish the association, could in a formal way represent the Roma interests in front of the police and the local authorities.

   During the trainings the Roma representatives were provided with all the necessary information and writing materials useful during the association registration process (formal documents required during the registration, sample of protocols, applications forms, sample of the status etc). The advantages of self-organising was strongly stressed during the trainings as the opportunity to have a real influence on the decision-making process and an active participation in public life. The assistance of local administration was also very helpful. In Swiebodzice the Mayor declared far-reaching assistance in self-organising the Roma community and establishing the Roma association. He declared to provide the place for association, the legal assistance in the process of registration, and even the preliminary financial assistance. In all other places the authorities also were very positive about establishing the local Roma associations, and declared some level of assistance.

2. **The police and local administration officials should be more sensitive and understanding towards the Roma and their problems.**

   The wide discussion concerning the particular problems of the Roma community gave the favourable occasion to all of the participants to exchange important information about the issues concerning this group. All of the participants had a unique opportunity to learn more about each other and to listen to the arguments of the others. During these trainings the Roma for the first time had the opportunity to make in public

complaints about the police and administration officers' behaviour. In Swiebodzice the Roma accused one of the local police officers of regular verbal harassment. Even if the case was commonly known, it was during the meeting that both the Mayor of Swiebodzice and the Chief of the Police declared to take care of this problem. Also the Plenipotentiary on National and Ethnic Minorities has monitored this case. There were also complaints about social care workers in Kamienna Gora and Legnica.

3. The trainings gave a perfect opportunity to establish regular consultations between the local authorities, police and the Roma representatives.

In each training the Mayor declared to be ready to meet and discuss any problems with Roma representatives in the future. There was a formal declaration in Swiebodzice and Kamienna Gora that the Mayor Office will be open exclusively for Roma, in particular, once a week for a few hours.

The trainings provided the opportunity to verify the data concerning the number of Roma inhabitants in Dolny Slask. According to the national census of 2002 there was 1,319 Roma, however according to the administration's data the number was 2,120, and after the consultations during the trainings the total estimated number of Roma in Dolny Slask increased to 3,054 persons.

An important outcome of the trainings was the interest of local NGOs in the Roma situation.

In Glogow, the Association "The Chance", which was, invited to one of the trainings, continued similar meetings. As a result the long-lasting conflict between two Roma families was ended and their representatives are trying now to establish an association together. In Klodzko the local Association of Artists and Painters declared to organise an interactive art workshop and competition for Roma and non-Roma children.

During the trainings the only Roma student in Dolny Slask was found, and the Governor's Office will try to organise a scholarship for her to continue her studies.

Problems encountered:
1. 15-20 participants per training were planned. However, the Roma were very interested in the meeting and came with all their families resulting with between 20-40 Roma participants.
2. Because of a big distance and distrust of authorities and police officers, sometimes it was difficult to encourage the Roma to participate in the trainings (case of Swiebodzice).The personal engagement of local authorities and people known to Roma occurred to be very helpful in that case.
3. When the Roma community is strongly divided (case of Legnica and Bystrzyca Klodzka), it was very difficult to gather the representatives of all the subgroups in one place.

4.   For the reason that there are no formal Roma associations, and sometimes there are not even the informal (traditional) Roma leaders (case of Swiebodzice), it was problematic to reach the most active Roma, and encourage them to be Roma 'spokesmen' during the training.

A short evaluation of the project. Conclusions.

These trainings were the first of their kind organised in Dolny Slask. Several times the Roma stressed that this was the only opportunity up until now to talk in public about their problems openly, face to face, to the Mayor and other officials from local authorities and the police. During these trainings it proved to be very useful to present general information about the Governmental Programme on the Roma Community. Most of the Roma did not have any or very little information about it. During the trainings the authorities presented their projects and there was a discussion about the further consultations with Roma at the next stage of the Governmental Programme. There was special interest from both the Roma and the authorities in the opportunity of establishing Roma assistants for Roma children in schools.

Moreover, we received information that Roma from different regions and groups have contacted each other and exchanged information about the trainings. The Governor's Office even received a request for additional information from the Roma in Swinoujscie (North Poland).

An important achievement was the wide interest of the local media. There were several articles in the local and regional press as well as programmes on radio and local TV stations. The programmes and articles described not only the trainings, but also the general situation of Roma communities.

The personal engagement of Vice-Governor Mr Stanisław Janik was very helpful in encouraging the local authorities to actively participate in the trainings.

It is very important to continue these trainings in the near future. It enables the results of the programme to be monitored. Moreover, in 2005 there will be local elections in Poland, and in the case of furthering the Roma self-organising process, it would be very useful to encourage the Roma to actively participate in the elections, even to nominate their own candidates for example to city councils. Additionally, for authorities it would provide the opportunity to realise that Roma communities could be a potential electoral power.

2. WORKSHOPS FOR POLICE OFFICERS IN LOWER SILESIA (DOLNY SLASK) PROVINCE

In 2003 the Governor of Lower Silesia proposed to the Regional Police Office to organise a workshop concerning:

- The legal situation of national and ethnic minorities in Poland;
- The problems of racially motivated discrimination, in particular against Roma as the most vulnerable ethnic group.

The programme of this workshop also included information on the cultural aspects of Roma. This workshop would contribute to the implementation of the Governmental Roma Programme, which recognises:

- The need to have the cooperation of the Roma community to combat crimes against Roma, especially racially motivated;
- The need to develop mutual trust between the Roma community and Police officers;
- The need to sensitise Police officers on racially motivated crimes;
- The need to counterattack the common perception, especially among police officers and public prosecutors, that racially motivated crimes are not that socially harmful;
- The need to encourage Roma to be employed as policemen, or a future municipal policy to encourage police to employ members of the Roma community.

From the experiences of Malopolska Province it was obvious that the main problems regarding Roma, as indicated by the police, are:

- Juvenile crimes, often motivated by parents;
- Lack of cooperation from parents in cases of juvenile crimes;
- Detention of one person from the Roma community causes very strong pressure on the police from the rest of the community;
- Domestic intervention;
- A lack of cooperation from Roma, even when they are the victims of crime, and the frequent withdrawal from making claims;
- There is serious difficulties in securing obedience to basic law regulations in the Roma community, such as public order regulations, and the obligation to attend school etc;
- A claimed negative attitude from the Roma side;
- Ignorance or disrespect of legal order from the Roma;
- Setting Roma customs above the legal order;
- A very strong social bond among Roma.

According to the police the most frequent crimes among Roma are:

- Juvenile crimes;
- Extortion of protection money;
- Pressuring people to buy things on the streets;
- Beggary;
- Public nuisance;
- Larceny and robbery.

The following was proposed during the workshops

- Working in cooperation with Roma leaders;
- Holding meetings/workshops for Roma: legal education, especially for teenagers;
- Looking for potential local partners (church, other NGO, schools, social care centres etc.);
- Gaining Roma women's cooperation;
- Encouraging local media to create a positive view of the local Roma community;
- Workshop for police officers on Roma culture and tradition;
- Expel discriminatory attitudes among Police officers towards Roma;
- More financial funds for prevention.

General remarks

- The main problems are the reluctance of Roma to cooperate with the police and their ignorance of the legal order (including their laws);
- The main barrier from the police officers' side is not racist attitudes towards Roma (there are cases but it is not remarkable, especially among young police officers who are more open) but disregard to discrimination issues, and the tough conditions of police work in Poland.

3. POLICE ACTIVITY ON COMBATING DISCRIMINATION AGAINST ROMA IN POLAND

In December 2004 each regional Police Headquarters and Police School established Plenipotentiaries on Human Rights. Their goals and duties originate from the Schedule of Police activities on human rights in 2005. The person who is in charge of coordinating the activities at the local level, including combating discrimination and racial motivated crimes at the national level, is the Plenipotentiary of Police General Chief on Human Rights based in the Main Police Headquarters in Warsaw.

The duty of the Plenipotentiaries is to initiate and monitor activities - with special attention to crimes against the Roma community as the most vulnerable group.

In the first few months of their duties in Poland the following activities occurred:

- Monitoring crimes against Roma;
- Conducting local level workshops on racially motivated crimes (in Malopolskie, Slaske, Dolnoslaskie, Lubuskie, Warminsko-Mazurskie Provinces);
- Beginning to establish cooperation with the local Roma community;
- Selection of police officers who will maintain stable contact with local Roma leaders;
- Cooperation with local Roma leaders in case of problems (Opole, Brzeg, Legnica, Kłodzko);
- Cooperation with Roma NGO (Klodzko, Legnica) or with the one and only *Roma School* in Suwalki;
- Cooperation with local social centres and schools in prevention (meetings at school and lectures for all pupils);

- Working in cooperation with plenipotentiaries on national minorities at the local level in solving problems by: providing information about the kind of problem; looking for solutions or advice; establishing a strategy and mutual cooperation; making contact with local Roma leaders etc;
- Participation in projects to benefit the Roma ("Equalization of chances in civil society" in Opatow; meetings with Roma community; activities in social common room in Ostrowiec Swietokrzyski)
- Participation in a programme to strengthen anti-discrimination policy;
- Incorporation of the topics of ethnic discrimination, anti-Semitism and xenophobia, into the programme of professional development for the police;
- Participation in all forms of seminars and workshops on Roma issues and other national and ethnic minorities:
  - ➢ Roma in Podkarpackie Region - tradition and the present time.
  - ➢ The round table of Roma, Police and Administration in Dolnoslaskie Province, October 2003.
  - ➢ January 2004 (6 meetings of local authorities and Police with the Roma community).
  - ➢ Workshop: Against Discrimination: Roma, Administration, Police. Experiences of mutual cooperation, held in Dolnoslaskie Province, February 2005.

4. POLICE REPORT ON SECURITY AMONG THE ROMA COMMUNITY IN MALOPOLSKA PROVINCE

This report was made by the Malapolska Police within the framework of the *Pilot Governmental Programme on Roma in Malopolska Province* in 2003. It is the only such report made by the regional police in Poland.

It includes a description of the Roma community in Malopolska Province; it describes stereotypes and prejudices towards Roma, and their opinion on safety and fears. The report also describes the most common crimes against Roma, the most frequent crimes among the Roma community, and the opinion of members of Roma community on police work. There are also opinions on the role of the police in enhancing the security of the Roma community.

The report documents the opinion that the main problem of the Roma community in Poland is not the feeling of discrimination but unemployment. They complain about police work, although a large part of this community has had no contact with the police. The clearly formulated postulate is the need for more police patrols in places inhabited by Roma.

The 56-page report was made in cooperation with the Institute of Sociology of the Jagiellonian University in Krakow, and is available (in Polish only) from the following website: www.malopolska.policja.gov.pl

6.4 REPORT OF THE ROMANIAN INITIATIVE

ROMANIAN POLICE STRATEGIC INITIATIVE

An Interim Report by European Dialogue prepared for 11th October 2006 OSCE - HDIM

1. Aims and Objectives of the Strategy

The Romanian Strategic Police Initiative aims to deliver a model for the assessment of policing policy and practice (including baseline data for police reform) in relation to the Roma, in compliance with the European Convention on Human Rights (ECHR). The rationale of this project is based on the recommendations of the OSCE Action Plan for Roma and Sinti Policing Chapter.

The Government of Romania, namely the Ministry of Interior and Administration, has been collaborating with OSCE-ODIHR-CPRSI and Romani Criss (Roma Centre for Social Intervention and Studies) to develop a systematic assessment model relating to policing and human rights policy and procedures. The project is owned by the Ministry of Administration and Interior (MAI) and the General Inspectorate of Police. The Institute for Research and Criminality Prevention (IRCP) is leading the implementation of this work in Romania. European Dialogue is responsible for coordinating the input of UK experts in providing training material and expertise, as well as overseeing the project operation.

The positive commitment of the Romanian government towards establishing a policing culture founded on the principles of human rights frames the more specific objectives of the project: to improve the situation of the Roma and to institute community engagement as a core value of law enforcement and policing practice.

Overall, such an initiative should both contribute towards reducing tensions between the Roma and the wider community, and to modernising policing policy and practice in Romania in line with international standards. In undertaking this project, the Romanian Police are leading the development of best practice in the field of minority group policing within Europe.

2. Partners and Participants

Government of Romania (Ministry of Interior and Administration)
General Inspectorate of police
Institute for Research and Criminality Prevention
Gendarmerie
OSCE – ODIHR - CPRSI
Romani Criss (Roma Centre for Social Intervention and Studies)
European Dialogue
UK - OSCE experts (Chris Taylor, John Slater, Dr Robin Oakley)

3. Police Training methodology by UK experts

3.1 The rationale

In essence, the strategic initiative seeks to review the current policy and practice of the Romanian Police in relation to the Roma community, with the ECHR acting as the reference point for standards to be met.

The procedural approach to the process of self-assessment was inspired by the UK-OSCE experts' professional experience of an analogous process in the UK, and founded on the rationale of the US military West Point model. It is understood that the starting point for such a review lies in appraising the existent policy in the light of international Human Rights principles. Methodological principles were established prior to carrying out the assessment (section 3.3.2)

Nevertheless, even if policy and legislation should concur with international standards, failures of practice and implementation often emerge as a result of sub-optimal leadership and weak supervisory structures. The focus of assessment thus seeks to identify not only the adverse practices at the level of individual officers' work, but also the institutional and structural dysfunctions along the chain of command, which allow for discrepancies between practice and policy. Thus, reasons for non-observance of guidelines might range from shortfalls in policy to failures at the level of implementation. Such a model, however, does not set out to blame the individual practitioner, but rather to recognize the failings at the organizational level and establish a strong hierarchy of responsibility within the police institution.

Therefore, a comprehensive model should seek to provide professional training at all levels along the chain of command, as well as develop internal communication strategies so as to fundamentally institutionalize the need to secure and protect human rights. Such processes would be fruitless though in an environment devoid of any well-defined hierarchy of responsibility or of any internal monitoring strategy.

The model also addresses equally important issues of institutional prejudice, prevalent amongst both the Police towards the Roma, and the Roma community towards the Police – with reference to Article 14 of the ECHR. Essentially, 'external' partners also play an instrumental role in holding the police force accountable in the endeavour to improve human rights standards. However, and in this case especially, Roma NGOs act not only as 'critical friends' in evaluating the performance of the police's self-assessment process, but also participate as equal partners in providing both data and a counterweight view-point. This latter role is crucial in ensuring an open debate as a means of overcoming the two-way prejudice. Thus, in fulfilling this function, Romani Criss has held a consultative meeting with Roma NGOs from across Romania, to provide information about Roma concerns and data on trends in patterns of abuse, pertinent both as evidence for the implementation of police self-assessment and as a response to it.

What remains problematic is that the wider population might be prejudiced against the Roma, thus complicating the role of the police as they police 'by consent of the public'.

Ultimately, one should not lose sight of the fact that the Romanian Police Strategic Initiative aims to both improve the police as an institution and heal the fraught relations between the Roma community and the Police force.

3.2 The method of self-assessment

In line with the above-mentioned aims, by undertaking the self-assessment of its policy and procedures in relation to ethnic minorities, the police force should comply with a methodology which:

- Is **generic** and **thematic**. The formal framework should not set out to model relations exclusively with a single ethnic group - only the implementation of this process is viable in relation to a specific minority group.
- Allows for **cultural sensitivity**
- Endorses the need for a **change** in the institutionally entrenched **'culture' of practices**
- Accepts the input of **outside partners** acting as 'critical friends', in providing a balanced **critique** of and a **counterweight perspective/opinion** on the internal self-assessment process
- Is capable of **managing opposition and the interaction of differing power bases**

The framework highlights the following key issues/activities in the process
- Organize data collection and collate the relevant up-to-date documentation
- Assess for ECHR compliance
- Manage a balance of strict confidentiality and debate with 'critical friends' at each stage of the process
- Seek to build a network of mutual support

3.3 Generic Policy Framework as validation methodology
Based on the principles set out in various charters of international policing and Human Rights standards *(ECHR, UN, European Code of Police Ethics, OSCE-ODIHR Policing Chapter recommendations)*, the Generic Policy Framework outlines the core values of the policing model to be achieved, ultimately, compliance with ECHR standards. Moreover, it draws policy reviewers' attention to key areas, where compliance might prove most problematic.

3.3.1 Core values
According to a report by Chris Taylor, effective policing means protecting human rights and there should be no conflict between the two. Neither should there be any conflict between policies, instructions or guidelines. However, there is a need to verify and demonstrate that policing policies and practice robustly reflect this.

Systematic self-assessment is the foundation stone from which the Romanian police can build and develop with integrity and HR firmly at its core.

Democratic values of policing
'Policing by consent' (for and with citizens) means citizens grant police with powers and resources; in turn, police officers need to be accountable to and trusted by citizens to work on their behalf. Accordingly, this defines the need for dialogue and a moral consensus between the two, supported by the primacy of the 'rule of law'.

Human Rights
ECHR underpins the European Code of Police Ethics, signed by all 45 members of Council of Europe, itself subdivided under four main headings:
- *Promotion of human rights*
Already in place in Romania, training of all police force, with institutional acceptance of equality and diversity. Fairness not about treating all the same as have to allow for most vulnerable – need for sensitivity.
- *Fair and justified use of police powers*
Need for accountability and assurance police powers are not abused. Need to act with minimum intrusion.

- *Development and maintenance of systems to promote HR*

Expressed support not sufficient, rather protection of HR has to be introduced as a core institutional value of police work and become embedded in police culture as the founding responsibility of police activity. Need for systems to maintain, reinforce these rights and then other systems to evaluate their effectiveness (in terms of equality, diversity, confidentiality, sensitivity and inclusion). Need for minority representation.

- *Support of a positive obligation to securing HR*

Need for systems and structures to assess all new decisions, policies, procedures for HR compliance.

Overall, the Romanian Police Strategic Initiative purports to assess, analyze and evaluate existing systems, policies, laws and procedures in support of the above. In due course, this process should result in a set of recommendations for change, which the Steering Group will need to consider in advance.

3.3.2 Analyzing compliance

In applying the questions in the GPF (namely, the policy assessment criteria), the aim is to consider what needs to be appraised in terms of new policy from the ECHR perspective. The GPF constitutes not only a 'prompt' for reviewers of policy, but should also prove essential for any assessment of compliance (whether internal or judicial). The following are the principles established by the UK experts prior to the analysis of Romanian police

Interference

Central to the assessment process is the evaluation of existing policy, legislation or practice regarding their potential to interfere with individual's rights as set out in the ECHR. The reviewer should nonetheless bear in mind that the ECHR refers to both negative and positive obligations, and that there is always a balance to be achieved between public interest and the protection of individual rights.

Legitimate aim

The ECHR allows for the measured limitation of rights as a means of enabling the State to achieve overarching objectives necessary in a democratic society. The main 'legitimate aims' referred to in the ECHR are

Interests of national security
Interest of public safety
Prevention of crime and disorder
Protection of health or morals
Protection of rights and freedom of others

Note that some inalienable rights such as 'freedom from torture, inhuman or degrading treatment' are absolute rights and can not under any circumstances be infringed upon in the name of a 'legitimate aim'.

Legality

All policing methods which might interfere with the rights of an individual should be founded on a clear legal basis. If there is no such legal framework for a power, authority or direction, then this surely reveals a discrepancy. While legislation does not provide protection from non ECHR compliance, the process should at least open up a debate about the issues at stake.

Proportionality

A balance must be struck between the importance of the policy or procedural aim and its adverse effect on the individual or community. The greater the adverse effect, the more important the aim must be, if the action is to be justified and proportionate. If proportionality

between the level of police intrusion and the imperative is not respected, a less restrictive alternative should be sought – in accordance with the principle of 'least intrusion'. Overall, a focus on proportionality also highlights that reliance on statutory power is in no means sufficient.

Documenting decisions

This point appraises issues of transparency in police decision-making and accountability for decisions made and actions taken. Recording the outcomes of action is important in providing a means of reviewing the effectiveness of intervention. A documented decision-making process should at least show a reasoned and reasonable approach to the circumstances being disputed.

Publication

It is a requirement for police to have policies in place which publicly document the legal basis for powers, fulfilling society's/individual's right to information regarding public institutions. This provides necessary clarity and transparency in what are service directions informing the practice of policing. While not explicitly mentioned in the ECHR, there nonetheless remains a need to ensure the visible legitimacy of the existence and exercise of power, authority or direction.

Appeals, representations

An essential feature of the 'equality of arms' principle establishes that proceedings which determine civil rights and obligations should be adversarial. Hence, policy should spell out the individual's right to appeal and make representation in respect of the police exercise of power, authority or direction.

Review and accountability

Insofar as it is unlawful for a state to act counter to ECHR rights, it is effectively prudent to carry out a self-assessment of policy in relation to human rights standards to minimize the risk of breaches. While not a protective endeavour, assessment does constitute a useful defensive exercise for controversial areas of policing. It provides the implementing body with both legal (to the law) and democratic (to the public) accountability. Effective mechanisms for individuals to make complaints regarding police behaviour, such as formal grievance procedures, should also be regarded as an integral part of accountability structures.

Independent Scrutiny

Independent scrutiny fulfils a two-fold function: on the one hand, by providing a means of review where there exists a dispute over ECHR rights; on the other, by meeting the requirement of Article 1 (of the ECHR), stating the need for independent investigations. It is agreed that the greater the level of actual or potential invasion of rights or curtailment of freedoms involved, the more independent a review must be – either by a senior officer or by a layperson.

4. Chronology & function of completed activities (Nov 2004 – May 2006)

4.1 Busteni workshop between MAI, Romani Criss and OSCE experts - November 2004

This workshop was organized by Romani Criss in cooperation with the Ministry of Administration and Interior with assistance from the UK-OSCE experts and European Dialogue.

This introductory event saw the formulation of a draft protocol initiating the project's work programme between the OSCE-ODIHR-CPRSI and the Romanian Police, for submission to the Romanian Government. Thus, an agreement was made to implement a self-assessment of Romanian policing policy/procedures vis a vis international standards. This would be used to, over time, develop new policy and codes of practice for community based, transparent and

accountable law enforcement. This draft was outlined in consultation with Romani Criss, which was made responsible for organizing regular meetings with Roma NGOs and coordinating their input.

The Ministry of Administration and Interior committed to (1) act as the national-level partner with OSCE in defining good practice and to (2) determine and implement the project activities with Romani CRISS, in consultation with the UK-OSCE experts.

With this strategic initiative, the Romanian Government effectively took on the task of implementing the Policing Chapter recommendations of the OSCE Action Plan for Roma and Sinti, and of developing a model of good practice to be disseminated across the OSCE area. The practical implications provide for
- the systematic assessment of current policing policy and practice in relation to international standards
- the capacity-building programme for Roma NGOs as partners for the Ministry in this assessment and subsequent projects in order to improve relations between Roma and Police.

4.2 Memorandum of Understanding between MAI, OSCE-ODIHR and Romani Criss - June 2005
The official Memorandum of Understanding follows from the directions indicated in the aforementioned draft protocol. As a background, it expresses the willingness and ability of all parties to co-operate on this project. Most importantly, it articulates the Ministry of Administration and Interior's intention to further develop the implementation of the 'Justice and Public Order' chapter of the governmental strategy for improving the situation of the Roma. Moreover, the Romanian Police Strategic Initiative is to be carried out in accordance with international standards on Human Rights and Policing, and should translate into a model of good practice.

The memorandum envisages the following activities:
- Police self-assessment to identify the strengths and weaknesses of existing policy and practice in relation to international standards
- Capacity-building for Roma NGOs to equip them to participate as MAI partners especially at the local level
- Training police officers at the local level, initially as a pilot project in 4 counties, to develop communication skills between Roma and Police
- Setting up a Steering Committee comprising representatives of all the signatory parties for the supervision and coordination of activities.

The Steering Committee constitutes an organ of Police institutions to co-ordinate project work, provide a forum for discussion and consultation between the government, senior ranking police officers, the Gendarmerie and Roma NGOs. The Steering Committee can invite other stakeholders as appropriate

4.3 Workshop with Roma Associations - 18th July 2005
Prior to the first formal meeting of Steering Group, Romani Criss organized a meeting of workshop session with a wide range of Roma NGOS/Associations to identify Roma concerns vis a vis policing. The key concerns of Roma communities were then fed into the agenda of the Steering Committee meeting. It was stressed that the data/information that Romani Criss develops was for consultative purposes only and does not supercede the police assessment of their own policy and practices. The data must be evidence based and well-researched. Romani Criss should act as a 'critical friend' – ensuring that both police and Roma concerns are addressed in the assessment outcomes.

In preparation for this meeting, Romani Criss produced two main 'Reflection documents'; the first outlining some of the legal standards which may be violated in relation to Roma and the second drawing out cases indicating detrimental police behaviour towards Roma. The ensuing discussion highlighted a series of common areas of concern on the part of the Roma community in relation to Police activity: Police raids in local communities, the specific behaviour of policemen in their treatment of Roma, Fines, Forced evictions, Roma and Police in the media.

As a result of the meeting, Romani Criss also submitted suggestions and guidelines for the Steering Committee to review in its first meeting.

4.4 First formal meeting of Steering Group - 20th July 2005
In this first gathering of the Steering Committee the UK-OSCE experts gave introductory presentations on the conduct and value of a professional and formal assessment of police policy & practice. This process is based on a methodology (outlined above) developed and implemented in the UK in response to the incorporation of the European Convention on Human Rights into British legislation. The members of the Steering Group first of all agreed that this methodology was acceptable and appropriate to the Romanian case. Technical details and training materials would be provided by UK experts in advance. The Steering Committee also accepted a change in composition with the leading government representatives being replaced by the lead implementer, namely the IRCP.

Overall, the meeting outlined the main functions of the Steering Group:
- Commission and resource the work of the assessment process
- Strategic management of the programme
- Quality assurance of outputs
- Approve the project work, funding and expenditure
- Review/referral of risk to the appropriate departments
- Approval of product descriptions
- Nominate individuals in charge of the implementation of the project

Finally, the IRCP, in taking on the leading role of coordinator and administrator, appointed a project manager, a human rights' lawyer and a small team responsible for the running of the project.

4.5 Romanian Police Assessors training - 5-7th December 2005
This session led by the UK-OSCE experts provided training for senior representatives of the Romanian Police in how to assess police law, strategies and directions for compliance with the ECHR by analyzing the reasons for failure in compliance. The UK trainers also sought to emphasize the detrimental effects of crime, disorder and prejudice on the rights and freedom of citizens. By firmly grounding the practical exercise of self-assessment in the conceptual framework of human rights, this project was ascertained as a model instituting principle-based leadership and supervision, accountability and scrutiny. Self-assessment thus involves assessing the risk of non-compliance, and then managing that risk by proposing a reasonable, proportionate and effective response to it.
In the absence of any pre-determined thematic priorities for assessment, the course exercises focused upon the use of force. In this instance, the exercise established the need to change current regulations and guidance, but also highlighted the effective absence of clear guidance and accountability systems.

The training also led into discussion of stereotyping, prejudice and labeling, particularly in the context of Roma/police interaction and participants recognized the need to change and the current absence of guidance and training. Discussion also included the role of Romani CRISS, as Roma NGO partner, in the consultation and assessment process as 'critical friends' of police, stressing their vested interest in the change process but also their independence.

The task of the assessors can thus be summarized as follows: in consultation with Romani Criss, the assessor should identify themes and collate all the documents relating to it. If there is a policy in place, one should check for ECHR compliance; if not, the officer should apply the Generic Policy Assessment Tool (see General Policy Assessment Framework in annex), then refer back to the relevant policy unit. After a review of alternative policy proposals is made, the chosen compliant policy should be made public.

4.6 UK experts' visit to the Romanian Police - 12-16 March 2006

This session was intended for the Romanian Police to present the early results of their self-assessment for review by the UK-OSCE experts. The experts hence provided assistance by evaluating those results with regard to the next steps in the action plan set out by the ICPR. Most of the experts' work with the Romanian Police officers consisted in providing practical advice on the collation and dissemination of police statistics, re-emphasizing the need for transparency and for objective assessment. A discussion around the concepts of Community and Proximity policing, based on documentation from the experts also created a fertile ground on stressing the importance of achieving a balance between victim-focused and enforcement policing.

A brief of the session's results and achievements was transmitted to the senior police managers about policy implications. Also, a first step was taken in outlining the format and structure of the report to come out of the assessment process.

An informal meeting between the UK-OSCE experts, representatives of the Ministry of Administration and Interior, and of the ICPR gave the opportunity for the experts to brief the partners about the level of achievement. The Steering Group reformed into the 'Permanent Consultative Group' with a consensual agreement over the inclusion of senior Gendarmerie officer. The consultative role of Roma NGOs would also required extra support for their capacity-building.

Overall the project partners confirmed they would participate in the OSCE – CoE – Government of Romania Bucharest May Conference and that a report of the experts' visit together with the early results would constitute the basis for the Police presentation at this conference.

4.7 Bucharest Conference *'International Conference on the Implementation and Harmonization of National Policies on Roma, Sinti and Travellers: Guidelines for a common vision'* - May 2006

This conference co-organized by the Council of Europe, the OSCE and the Government of Romania, effectively proposed to develop a set of jointly agreed criteria to measure progress in implementing the aforementioned recommendations and Action Plans made by the Council of Europe and the OSCE-ODIHR Chapter on Police and Roma. Other objectives on the agenda included improving the inter-agency co-operation and synergies of relevant actors in sharing their experience, best practice and lessons learnt, as well ensuring the effective participation of Roma. A set of presenters focused on discussing appropriate modalities to combat racism and intolerance. Overall, this conference brought together the input of international organizations and sought to emphasize the need for cooperation in developing better political planning *for the Roma, with the Roma*.

Progress results of the Romanian Police Strategic Initiative were presented by Mrs. Margareta Flesner (IRCP) and Mr Costel Bercus (Romani Criss) in the working group III on

'Relations between the Police and Roma, Sinti, and Travellers: implementation, assessment and harmonization'. Dr. Robin Oakley (Consultant to the OSCE High Commissioner on National Minorities) briefly reviewed the direct relevance of the HCNM's recent publication of *'Recommendations on Policing in Multi-ethnic Societies' (*www.osce.org/hcnm*)*, to the situation of Roma vis-à-vis the police. In his experience, it is important to address the specific situation of Roma-police relations in individual states (and also localities within such states) – though always with reference to a general framework of internationally recognised professional standards for policing multi-ethnic societies supported by examples of good practice.

A report on the Working Group on Poicing was prepared by Chris Taylor acting as a rapporteur. Implicit in the report of the working group are two general points. First, the recognition that safe communities are key to quality of life, but fear of victimisation and intimidation faced by Roma communities, including disorder, makes life miserable for many people and anxiety remains high. Second, the police alone cannot solve all these problems of crime and disorder; public agencies (for example, employment, housing and education authorities) and local people need to play their part.

5. 2006 Completion and project outputs

5.1 Finalizing the Romanian Strategic Police Initative
By December 2006, ED will complete the Romanian Police Strategic Initiative and deliver a model of how to audit/assess policing policy and practice (including baseline data for police reform). We will also deliver a full report on methodology and training, expected outcomes and problems which may have to be addressed, thereby delivering a model which can be replicated in other states. In addition to improving police-Roma relations in Romania, a major purpose of the Romanian Police Strategic Initiative is to produce a **replicable model** for dissemination across the OSCE states. The model will be accompanied by the Systematic Self-Assessment prepared by the Romanian Police as a practical example. The wider objective or goal of this project is that other (national) police forces adopt, adapt and implement this model and undertake a systematic assessment of their own work. This model when written up by UK expert/ED will outline the step-by-step methodology of police systematic self-assessment, provide the relevant training material and present a well-defined set of 'expected results'. Also included will be an objective evaluation of the performance of the Romanian Police against the formal model set out above.

The programme will also explore how the implementation and consequent outputs of this new policy direction by the Romanian police can be monitored at local level, and seek to develop a follow-on project to do this.

5.2 Activities
1. The ICPR has produced a draft assessment report and the UK-OSCE experts have responded with detailed comments proposing strengthening of the report in a number of respects.
2. An updated progress report of the Romanian Police Strategic Initiative by representatives of the Institute and Romani Criss will be presented to the OSCE governmental delegations at the side event of the OSCE Human Dimensions on 11th October.
3. A two-day visit to Bucharest by the UK policing experts, John Slater and Robin Oakley, on 18-19th October to work with the Institute to discuss the draft report on the basis of their commentaries and make recommendations on further work to be done. This will include advice on guidelines to be issued to all ranks of the police service to enable implementation of strategic assessment.
4. Attendance at Consultative Committee meeting by UK experts 18-19th

October in Bucharest to ensure that advice and guidance on the next steps in implementation is given to all ranks of the police and to Ministerial representatives.
5. Discussions, briefing meeting with Romani Criss to review and take comments on Report by Romani Criss
6. The Romanian Ministry of Administration and Interior will publish the Final Report of the Romanian Police Strategic Initiative in December 2006
7. Collecting documentation and reviews etc, then compiling and writing the Final Project Report/Replicable Model outlining the methodology and including an assessment of results gained in Romania to be published on OSCE website and ED website

5.3 Final Project Outputs
1. The successful completion of the first stage of the self-assessment process by the Romanian Police marks a distinctive step towards institutional reform in compliance with EU accession requirements.
 2. A published, high-quality policy document by the Romanian police which can be used as a campaigning and lobbying tool for Roma and other minority NGOs to improve policing practice. This assessment will deliver, if monitored by civil society/Roma, an improved police service and improved relations between the police and the Roma community.
3. A Final Project Report including training materials and evaluation to be
made available on the OSCE website.
4. A replicable model of police assessment and reform to be disseminated and used as a blueprint for the practice of police systematic assessment throughout other OSCE states.

6. Building on Achievements – Further recommended developments

The completion of the Romanian Strategic Initiative in 2006 constitutes a substantial achievement for all parties involved. It has assisted the Romanian Police to progress further in their path of institutional reform in compliance with human rights standards, and in particular by addressing continuing sources of tension in their relation with the Roma community. Moreover, Roma NGOs benefit from both capacity-building and a potential strong lobbying tool to further monitor the work of the Romanian Police. With the Romanian Police acting as a leader in the process of self-assessment, this initiative will contribute a unique replicable model to be used by police forces in other national settings across the OSCE area.

Nevertheless, one should not overlook the fact that the completion of this project marks only the first step in the process of institutional reform for the Romanian Police. Consequently, much more is required if international standards are to be met, this being most obvious in the case where policies and laws exist, but practice does not follow. Ultimately, this initiative will raise issues of awareness, training, supervision and leadership, which are essential problems to be tackled, but lie beyond the terms of reference of this project.
The General Police Inspectorate (ICPR as agents) should draw up an action plan, which sets out its approach about how it will monitor compliance with the ECHR after the first phase of assessments. It will be good practice for the Action Plan to contain a timetable for necessary activities. The Action Plan should be reviewed at regular intervals to ensure it is effective. Mention of it should be made in the Inspectorate's Strategic Plan.
The Inspectorate should also consider how best to manage the creation and implementation of any proposed Action Plan, possibly by appointing at least one senior official

as the person who has responsibility for ensuring that all staff employed by the Inspectorate are made aware of the implications of ECHR compliance. It is generally recognised that the compatibility of legislation and procedures with the ECHR is not something that can be resolved in a one-off assessment. A continuous process of review is therefore necessary as new issues emerge and the European Court of Human Rights (ECtHR) case law develops.

Furthermore, familiarity with the ECHR should become a core skill for all police staff. Therefore, it is expected that the Romanian Police should henceforth seek to develop adapted training strategies (also for the Gendarmerie) for officers at all levels along the hierarchy. Ultimately, for sustainable progress to be made, further efforts should go into appraising the structures of leadership and supervision towards strengthening the 'chain of responsibility'. A strong communication strategy involving representatives of community groups, would also prove invaluable in facilitating the practice of community policing.

Monitoring of implementation at local level, which tests the commitment to and the effectiveness of communication of guidelines to all levels of the police service, will also be valuable follow-on work. The UK experts, supported by European Dialogue, will discuss with Romani Criss how their network of local Human Rights Monitors can work with their local Roma communities to monitor police practices. ED has already established links with the Open Society Justice Initiative (whose coordinator, Rebekah Delsol, is based in London), who are undertaking a wide ranging programme of initiatives addressing 'racial profiling' in policing, including in relation to Roma, and who have expressed interest in future co-operation.

Supplementary documents

General Policy Screening Framework (Appendix 1)

Needs analysis for capacity-building for Roma NGOs (Appendix 2)

OSCE Action Plan for Roma and Sinti – Policing Chapter
http://www.osce.org/documents/odihr/2003/11/1562_en.pdf

OSCE Action plan fro Roma and Sinti – Recommendations on Policing for action by Participating States – MATRIX OF GOOD PRACTICE by Dr R. Oakley (Appendix 3)

European Code of Police Ethics
http://www.coe.int/t/e/legal_affairs/legal_co%2Doperation/police_and_internal_security/documents/Rec(2001)10_ENG4831-7.pdf

European Convention on Human Rights
http://conventions.coe.int/treaty/en/Treaties/Html/005.htm

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Appendix 1. Generic Policy Screening Framework

Issue	Questions
Screening for potential interference and discrimination	Is there within the content of this policy/guidance document (its attendant powers, authorities or directions) any **potential to interfere** with an individual's Convention rights?
	Is there within the content of this policy/guidance document (its attendant powers authorities or directions) any **potential for it to be discriminatory** in its application or provision of Convention rights?
Human rights principles	Does the policy/guidance contain a statement defining what the **legal basis** is for the policy and any attendant powers, authorities or directions?
	Does the policy provide details of what could be construed as the **legitimate aim(s)** for any potential interference with an individual's rights by virtue of exercising the policy, its attendant powers, authorities or directions?
	Does the policy provide for the need to follow a clearly defined **decision-making process** in considering the grounds, impacts and other relevant information when deciding an appropriate course of action?
	Is it explicit within the policy what the minimum standards are in relation to **documenting and evidencing such decision-making**?
	Does the policy provide practitioners with clear guidance on establishing: ▪ The lawfulness of their actions? ▪ A legitimate aim for their actions (exemptions and derogations)? ▪ Justifying the proportionality of their actions in achieving their aim? ▪ Documenting decisions made, consultation processes, and outcome?
Delineating between policy and tactics	Does the policy incorporate **police tactics** that would make it impractical to place in into a public domain? (It is recommended that tactical information is excluded, on the ground of security, to preserve the integrity of operational methodology.)
Presumptions, publication, assessment and inspection	Does the policy contain a **presumption to public disclosure** or, on the grounds of public interest, **justification for any reservation** to this rule?
	Does the policy contain a presumption that, when a power, authority or direction is exercised, individuals have **a right to make representations**, to legal advice, appeals procedure, etc?
	Does the policy contain a presumption about **maintaining monitoring systems**, assessments of training and responsibilities for inspection?
	Does the policy contain presumptions about the **level of independent scrutiny** of decision-making and complaints?
Compliance	Does the policy contain a certificate that it has been **drafted in accordance with the values** and the principles underpinning the Convention?
Legal proofing	Has the policy been **legally proofed** for human rights compliance?
Policy Review	Has the policy been given a **review date** to ensure ongoing compliance

with the ECHR in the light of emerging human rights case law?

Appendix 2

O.S.C.E./O.D.I.H.R/C.P.R.S.I Project
Police and Roma: Towards Safety for Multi-Ethnic Communities
Activities in Romania

NEEDS ANALYSIS FOR CAPACITY-BUILDING FOR ROMA NGO's

(Some suggestions for discussion, based on UK experience)

1. What role will Roma NGOs play in cooperation with police to implement policing recommendations of OSCE Action Plan?

2. What competences are needed by Roma NGOs in order to be able to play this role effectively?

3. What training and other activities should be undertaken to meet these needs?

1. Role of NGOs

Assessment Exercise

*   Contribute Roma perspective on key issues to be addressed in the assessment.
*   Contribute Roma perspective on appropriate standards of conduct and good operational practice in policing situations involving Roma.
*   Organise regional round-tables for consultation with Roma communities at the local level.
*   Provide independent quality assurance for the assessment, and thus confidence in the assessment among Roma communities.

Other areas of activity covered by OSCE recommendations

Training:
*   Contribute to the design, delivery and evaluation of training for police, both in the academy and at the local workplace.

Dialogue & Consultation:
*   Establish mechanisms for regular dialogue with local police, and for police to consult regularly with Roma communities on matters related to policing.

Recruitment:
*   Assist police to identify and implement methods to increase Roma recruitment, and encourage/support individual Roma who are interested to work as police.

Roma rights awareness:
*   Promote awareness of rights and responsibilities among Roma communities on matters related to policing, including how to report crime and how to make complaints about police behaviour.

Partnership structures:

- Promote establishment of formal partnership structures at the local level between Roma and police for these purposes, and support Roma participation in meetings and joint activities.

2. Police-Related Competences Required by NGO's

1. Knowledge

- Police powers, operational procedures & standards of conduct relating to issues of concern
- Procedures for citizens to report crimes
- Structure of local police, ranks, contact points, etc
- Police training: organization, curriculum, training methods
- Procedures for making complaints about police behaviour
- Procedures for recruitment and selection of police

2. Attitudes

- Respect in principle for police role in law enforcement/crime prevention
- 'Constructively critical' attitude towards performance of police role
- Willingness to recognize/encourage good practice as well as condemn bad practice
- Willingness to cooperate with police in joint problem-solving

3. Skills

- Presentational skills (e.g. for training, formal meetings)
- Negotiating and mediating skills (conflict resolution, building cooperation, casework)
- Advocacy skills (casework, complaints, promoting proactive attention to issues)
- Analysis of problems (especially for prevention, problem-solving approach)
- Monitoring and evaluation skills
- Ability to gain support in Roma community for NGO to engage in police-related work
- Ability to promote participation by Roma in dialogue and cooperation with police
- Ability to separate cooperative work with police from campaigning/adversarial casework
- Confidence in interacting with police, especially in police environments

3. Designing Capacity-Building Training & Other Activities

The training should be designed to develop the knowledge/attitudes/skills that are currently lacking or weak. NGOs therefore first need to identify which competences they already have, and which they do not. The objectives of the training should be to bridge the gap.

Knowledge and familiarity with the police organization is likely to be the main area of need. Input by police is therefore likely to be an important component of any capacity-building training programme.

Provision of written documentation is likely to be an efficient way of meeting the need for knowledge and information. This should be read prior to the course, so that time during the course can be spent on questions, clarification, and discussion of examples and implications.

Visits to police stations and training academies, and accompanying police officers while they carry out their work, can also be useful ways for representatives of NGOs to gain a better understanding of policing.

Robin Oakley

Draft at 051204

Appendix 3

O.S.C.E. Action Plan for Roma and Sinti

RECOMMENDATIONS ON POLICING FOR ACTION BY PARTICIPATING STATES

MATRIX OF GOOD PRACTICE

Introduction

1. This matrix sets out indicators of good practice relating to the recommendations on policing contained in the *OSCE Action Plan for the Improvement of the Situation of Roma and Sinti in the OSCE Area.* The matrix is intended to assist participating states to implement the recommendations by:

   a) Indicating 'good-practice' standards for policing policy and practice on Roma-related issues against which current practice can be assessed.
   b) Setting out the basis for a 'vision' of good relations between police and Roma to which individual participating states may aspire.

2. The matrix takes the form of a 'completed version' of a basic template designed for use by participating states to assess their compliance with the seven recommendations on policing in the OSCE Action Plan. The basic template merely includes the 'test' questions in the second column, and participating states would provide their answers on the current state of policy and practice in the third column. The present matrix indicates in the third column what 'good practice' answers to these questions might be.

3. The format for the matrix is based on that used in the booklet *Policing in a Democratic Society: Is your Police Service a Human Rights Champion?,* published for the Council of Europe's Police and Human Rights Programme by the Austrian Ministry of the Interior (2000).

4. The order of the OSCE recommendations, as set out in the Action Plan, has been changed to provide a more logical sequence for elaborating the matrix.

5. The present matrix is a draft version which will be revised following the pilot 'systematic assessment' of policing policy and practice on Roma-related issues to be conducted in Romania during 2005.

Robin Oakley, OSCE Consultant
25 April 2005

RECOMMENDATION	TEST	INDICATORS OF GOOD
1. Assess the gap between international standards on police and currently existing national practices in consultation with national police forces, NGOs and representatives of Roma and Sinti communities. **(Recommendation 30)**	(a) Have the police established a partnership with Roma NGOs for this purpose?	• Police identified Roma NGOs that c • Roma NGOs have agreed terms of • Appropriate partnership structure ag
	(b) Have the key issues of concern in relations between police and Roma been identified?	• Police have identified issues from p • Police have consulted Roma comm • Roma consultation organised in par • Key issues to be addressed have be and Roma NGO partners

	(c) Have the relevant international standards been identified?	• Relevant international human rights
		  identified
		• Relevant international policing stand
		• Other relevant guidance on good pr
		• International standards are incorpor
		  where necessary/appropriate

	(d) Has a positive vision, based on these standards, for relations between Police and Roma been established?	• A positive 'vision', based on internat
		  national circumstances, has been a
		• Consultation was undertaken both v
		  and non-Roma communities
		• The vision is publicly available and

	(e) Has the gap between this vision and current policing policy and practice on Roma-related issues been identified?	• Research undertaken to measure th
		  current policy/practice
		• The assessment has been complete
		  available report
		• The assessment included a consulta

	(f) Has an action plan to bridge this gap been drawn up and implemented?	• Commitment by police to address th • An action plan has been drawn up a • Resources have been allocated to s • Roma NGOs and representatives ha drawing up and implementing the ac • The action plan has been implemen • The results of the action plan have

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RECOMMENDATION	TEST	INDICATORS OF GOOD

2. Elaborate, where appropriate, and in close partnership with international organizations and Roma NGOs, policy statements, codes of conduct, practical guidance manuals and training programmes.
 	
(Recommendation 31)
	(a) Have clear policy statements on relations between Roma and police been produced?	• Policy statements produced that are
		  between police and Roma
		• Statements are clearly based on rel
		  principles and domestic law
		• Statements set out a positive vision
		• Statements address issues of conce

	(b) Have professional codes of conduct, relating to or covering relations between Roma and police, been produced?	• Codes produced that address issue
		• Codes include specific reference to
		• Codes translate human rights princi
		  conduct
		• Codes set out the legitimate aims fo
		• Codes are publicly available and ac
		• Mechanisms are in place for making
		  investigating breaches of profession
		• Breaches attract negative sanctions

	(c) Have practical guidance manuals, relating to or covering relations between Roma and police in support of these policies and codes, been produced?	• Manuals produced that address issu • Manuals include specific reference t • Manuals support implementation of • Manuals provide detailed practical g police powers on issues of Roma co • Manuals are publicly available and a
	(d) Have training programmes, including a Roma-specific element, been produced in support of the above?	• Training programmes address issue • Programmes include specific refere • Training programmes designed to s vision, codes of conduct and guidan • Effectiveness of training programme
	(e) Has the experience and support of international organisations working on Roma issues been drawn on when developing the above?	• In formulation of policy statements • In elaboration of codes of conduct • In production of practical guidance r • In design and delivery of training pro
	(f) Have Roma NGOs been involved in the above activities and their implementation?	• In formulation of policy statements • In elaboration of codes of conduct • In production of practical guidance r • In design and delivery of training pro

RECOMMENDATION	TEST	INDICATORS OF GOOD
3. Develop policies that promote awareness among law-enforcement institutions regarding the situation of Roma and Sinti people and that counter prejudice and negative stereotypes. **(Recommendation 26)**	(a) Have law enforcement institutions acknowledged that there is a need to promote awareness and counter stereotyping?	• Need for awareness of the situation been acknowledged • Existence of prejudice and negative Roma has been acknowledged • Negative effects of ignorance and s • Inappropriateness and danger of rac • Right of Roma to access to justice a treatment recognised
	(b) Have detailed policies been developed to promote awareness and counter stereotyping?	• Policies developed to increase awar counter negative stereotyping and r • Opportunities provided for police wo population to meet Roma people inf • Training includes information on Ro • Training includes activities to counte including specific reference to Roma • Codes of conduct state requirement discriminatory treatment for all ethni • Selection of recruits tests for prejud towards Roma • Staff displaying prejudice or discrim punished/dismissed • Information on policies is publicly av
	(c) Have Roma NGOs and representatives been involved in this process?	• Roma involved in identifying need • Roma involved in developing policie • Roma NGOs act as partners for org police contact • Roma NGOs and representatives in delivery of training, and production o
	(e) Has the effectiveness of these policies been evaluated?	• Mechanism for monitoring and asse • Indicators show improved standard towards Roma • Evidence of reduction in racial profil • Indicators show awareness of polici

RECOMMENDATION	TEST	INDICATORS OF GOOD
4. Develop policies: (1) to improve relations between Roma and Sinti communities and the police, so as to prevent police abuse and violence against Roma and Sinti people; and (2) to improve trust and confidence in the police among Roma and Sinti people. **(Recommendation 28)**	(a) Have existing problems in relations between Roma and police been acknowledged and causes identified?	• Police acknowledge the need to spe with the Roma community • Police consult with Roma to identify • Police work with Roma NGOs to an
	(b) Have explicit policies been developed to address these problems and improve relations?	• Public commitment by police to imp • Formal policies state how this will be • Policies address identified problems • Policies are publicly available and a • An action plan has been drawn up a • Responsibility for policies relating to specific officer or unit • Measures show general improveme
	(c) Have policies been developed and implemented specifically to prevent police abuse and violence against Roma?	• Policies specifically include actions violence against Roma • Alleged instances are investigated a • Factors that could give rise to such • Guidance and training have been in • Measures show reduction of abuse/
	(d) Have policies been developed and implemented specifically to improve trust and confidence in the police among Roma?	• Policies specifically include activities confidence in the police among Ron • Mechanisms for dialogue, consultat solving have been introduced • Police liaison officers for Roma app • Initiatives have been developed in p NGOs/communities • Measures show concrete improvem confidence in police

RECOMMENDATION	TEST	INDICATORS OF GOOD
5. Develop training programmes to prevent excessive use of force and to promote awareness of and respect for human rights. **(Recommendation 27)**	(a) Have professional standards relating to human rights and use of appropriate levels of force been clearly identified?	• Relevant human rights standards ha • Their practical implications for polici incorporated into codes of conduct e • Professional standards and procedu have been identified, and comply wi • Police leaders and managers make required to observe these standards minorities/Roma • Standards and procedures are publ
	(b) Do training programmes for ~~all~~ police officers explain these standards, and demonstrate their practical implications for the work of the police officer?	• Training programmes explain the re standards • Training programmes demonstrate t for the work of police, including exar • Training programmes specifically re force, and give guidance on approp • Subject is included in training for re • Subject is included in training for ma • In-service training provided for polic training previously • Training syllabuses are publicly ava
	(c) Is the training provided with the necessary support and follow-up?	• Resources have been provided spe • Effectiveness of training on human evaluated • NGOs (including Roma NGOs) are delivery and evaluation of this traini
	(d) Is the implementation of these standards relating to use of force and human rights monitored and evaluated?	• Complaints systems exist and are a • Alleged breaches investigated; prov • Case investigations are subject to i • Scrutiny of cases involving Roma in • Breaches of standards are monitore institutions, to identify causes and p • Monitoring shows reduction of breac

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RECOMMENDATION	TEST	INDICATORS OF GOOD
6. Develop policies and procedures to ensure an effective police response to racially motivated violence against Roma and Sinti people. **(Recommendation 29)**	(a) Does the law explicitly recognise and penalise racial motivation in crimes of violence?	• Law explicitly recognises racial moti factor in crime • Law provides additional penalties fo • Cases provide evidence of law bein in incidents of violence against Rom
	(b) Do the police have clear policies and procedures for responding to racial motivation as an aggravating factor in crime?	• Public commitment by police to use combat racially motivated violence, • Police are required to investigate th motivation in all incidents of inter-eth • Clear procedures exist for recording involving possible racial motivation • Responsibility for ensuring these pr been assigned to particular officers • Police policies and procedures for d motivated violence are publicly avai
	(c) Is information routinely collected about incidents of racially-motivated violence, including identification of incidents against Roma?	• Police routinely collect and analyse racially-motivated violence • Incidents against Roma are specific • Result of the analysis is used to imp the police response to such incident • Relevant information is shared with help to prevent such incidents
	(d) Is training provided for police on dealing with incidents of racially-motivated violence?	• Training provides police with awaren an effective response to racially mo • Training informs police of the law, p responding to such incidents • Incidents against Roma are specific
	(e) Is the police response effective?	• Measures of effectiveness have bee • Roma are more willing to report inci • Perpetrators are successfully prose • Victims satisfied with police respons • Overall number of incidents has bee

RECOMMENDATION	TEST	INDICATORS OF GOOD

7. Encourage Roma and Sinti people to work in law-enforcement institutions as a sustainable means of promoting tolerance and diversity.
 	
(Recommendation 32)
	(a) Have the reasons for under-representation of Roma been identified?	• Importance of recruiting Roma as m
		  tolerance and diversity recognised
		• Attitudes of Roma towards employm
		  institutions identified
		• Barriers to employment of Roma ide

	(b) Have specific policies been introduced to encourage/assist Roma to obtain employment?	• Institutions explicitly encourage Ror
		• Barriers to employment removed
		• Initiatives to assist Roma to access
		• Responsibility for promoting Roma r
		  particular officer or unit
		• Institutions cooperate with Roma NG
		• Initiatives form part of wider equal o
		  employment in institutions

	(c) Is the recruitment/progression of Roma in law-enforcement institutions routinely monitored?	• Information is routinely collected
		• Information covers role, status, loca
		• Roma are willing to disclose their id
		• Survey has been conducted of expe
		  employees
		• Information is analysed and used fo
		  policy

	(d) Have the policies and initiatives been effective?	• Increased number of Roma applicar • Increased number of Roma employe • Roma employees experience equal • Roma employees progress in their c

7. BUCHAREST CONFERENCE, MAY 2006

7.1   INTRODUCTION

An international conference was held in Bucharest, Romania on 4-5 May 2006 on 'The Implementation and Harmonization of National Policies on Roma, Sinti and Travellers'. The conference was organised jointly by the OSCE, the Council of Europe and the Government of Romania. Policing was one of three topics on which conference particularly focused, and a special working group was held on this subject. This section of the resource manual makes available presentations given in the working group, together with the presentation on policing made by Dr Robin Oakley in the main plenary session of the conference.

7.2 OVERALL FRAMEWORK CONCERNING RELATIONS BETWEEN THE POLICE AND ROMA, SINTI & TRAVELLERS

For the International Conference on the Implementation and Harmonization of National Policies on Roma, Sinti and Travellers, Bucharest, 4-5 May 2006

Introduction

Policing has been identified by the organisers of this conference as one of three key areas for attention, and the focus of one of the three working groups that follow this afternoon. In this initial plenary presentation on the issue of policing in relation to Roma, Sinti and Traveller communities I shall briefly address the following questions:

(a) why is policing important (alongside other issues such as employment and housing)?
(b) what are the main problems?
(c) what is being done currently to address them?
(d) what needs to be done next?

As required by the terms of reference for this plenary session of the conference, my aim is to set out some basic elements of a framework for assessing the current situation concerning implementation practices at national and local levels of state policies in the field of relations of Roma with the police, including identification of examples of best practices; bearing in mind requirements of the OSCE Action Plan for the Improvement of the Situation of the Roma and Sinti and of relevant legal instruments and recommendations of the Council of Europe, the European Union and other international organisations/institutions.

Why is the issue of policing important?

On the whole, policing issues have not featured strongly in the Roma policies and programmes of international organisations – nor, with some exceptions, in the strategies and actions plans of individual states. However, in a democracy, policing is essential for protecting rights/liberties of citizens; and in a multi-ethnic society, the police role is crucial for ensuring protection and access to justice for minorities, and thus for their successful integration into the wider society generally.

There is extensive evidence from across Europe that Roma do not receive such protection, do not have effective access to justice, and indeed may be subject directly to police abuse.   Specific problems include: extensive 'racial profiling' and criminalisation of Roma; disproportionate exercise of police powers and excessive use of force by police against Roma (including 'raids' on Roma settlements); personal abuse and exploitation of Roma by police (e.g. demanding bribes); denial of rights to Roma following arrest or in custody; failure by police to respond effectively to Roma victims of crime and racist violence; and lack a means for Roma to challenge and obtain redress

for police malpractice. In consequence, in many countries Roma and Travellers have little trust in the police and are unwilling to cooperate with them. Such problems exacerbate other problems, such as access to housing, employment, and education, and thus contribute to the perpetuation of social and economic disadvantage and segregation.

Policing therefore needs to be a key focus of Roma-related policies, alongside other areas that are more commonly highlighted. However, policing issues should not be addressed in isolation, but as integral element of strategies for Roma integration. Where necessary, they also need to be linked to strategies for more general police reform, to ensure that policing is human rights-based and service-oriented in approach, and is responsive to the requirements of a multi-ethnic society.

To what extent has this need been recognised/responded to by international organisations?

In general, as I have indicated, policing has not been regarded as a key focus for attention by inter-governmental organisations: for example, it is not included among the priorities for the 'Roma Decade', and is not addressed in the recent European Commission report on the situation of Roma in the EU.

The main recognition and response has come from the OSCE, initially through the attention given to policing and justice issues in the High Commissioner on National Minorities' report on the Situation of Roma in 2000, and subsequently through the inclusion of specific recommendations on policing in the OSCE Action Plan on Roma & Sinti Issues of 2003. From 2004 onwards, the Contact Point for Roma & Sinti Issues (CPRSI) within ODIHR has sponsored a Programme of Activities designed specifically to promote the implementation of these recommendations, and I and others will say more about this programme in due course.

The Council of Europe's Roma and Traveller Division, and its Experts Group, have not ignored these issues, but have not focused substantially on them either, though this has been partly to avoid duplication of the work being undertaken by OSCE. However, ECRI have regularly focused on policing and justice issues affecting Roma in their series of country reports, and the recent report on the Human Rights Situation of Roma by the CoE Commissioner for Human Rights highlights policing issues in its chapter on racially-motivated violence.

The role of NGOs has been particularly important for placing policing and justice issues relating to Roma at the centre of attention at international level. Here the central role has been played by the European Roma Rights Centre (ERRC), both through its documentation activities (especially its country reports) and its legal advocacy work which has resulted in a number of landmark cases relating to policing in national and international courts. The US-based 'Project on Ethnic Relations' (PER) has also been active in promoting debate and undertaking projects on these issues in several countries of Central and Eastern Europe, and the Open Society Justice Initiative's

current project aimed at tackling 'racial profiling' by police and justice bodies is documenting extensive racial profiling of Roma.

Mention should also be made of the initiative of the London-based NGO European Dialogue, which in 1999 – under the leadership of the British Roma activist Peter Mercer - convened a European Workshop on Roma/Police Relations, held at Turvey in the UK. This initiative was supported by a number of international organisations including the Council of Europe, PER and the ERRC, and was the first occasion on which problems of Roma/Police relations had been addressed at European level. Seven years later, this conference and its police-specific working group will only be the second such occasion that delegates from police and Roma from across Europe will come together for this purpose.

What are the requirements of international law and policy?

The recommendations on policing of the OSCE Action Plan, which have of course been agreed by all OSCE participating states, provide the most immediate relevant statement of international policy. The Action Plan's policing recommendations are for states to undertake the following:

- Develop policies that promote awareness among law-enforcement institutions regarding the situation of Roma and Sinti people and that counter prejudice and negative stereotypes.
- Develop training programmes to prevent excessive use of force and to promote awareness of and respect for human rights.
- Develop policies: (1) to improve relations between Roma and Sinti communities and the police, so as to prevent police abuse and violence against Roma and Sinti people; and (2) to improve trust and confidence in the police among Roma and Sinti people.
- Develop policies and procedures to ensure an effective police response to racially motivated violence against Roma and Sinti people.
- Assess the gap between international standards on police and currently existing national practices in consultation with national police forces, NGOs and representatives of Roma and Sinti communities.
- Elaborate, where appropriate, and in close partnership with international organizations and Roma NGOs, policy statements, codes of conduct, practical guidance manuals and training programmes.
- Encourage Roma and Sinti people to work in law-enforcement institutions as a sustainable means of promoting tolerance and diversity.

This set of recommendations provides a basic framework of action to be taken at national level, and the basis also for a template against which progress can be assessed. The Action Plan also advocates that actions should be implemented at local at well as national levels, and in consultation and cooperation with Roma. The CPRSI in ODIHR is charged with the responsibility for promoting the implementation of these recommendations in cooperation with the OSCE Strategic Police Matters Unit (SPMU).

Behind these recommendations lie a range of international legal instruments & documents setting out professional policing standards. Key documents include the European Convention on Human Rights, the European Code of Police Ethics, and the UN Code of Conduct for Law Enforcement Officials. A number of relevant practical guidance documents on policing in multi-ethnic societies have also been produced by international organisations. The most recent and comprehensive is the set of 'Recommendations on Policing in Multi-Ethnic Societies', published in February this year by the OSCE High Commissioner on National Minorities. This is an important resource for helping to implement the policing recommendations of the Roma/Sinti Action Plan, and I shall describe it in more detail later in a presentation to the Working Group on Policing. In many ways it constitutes an updated and elaborated version of the so-called 'Rotterdam Charter' *Policing for a Multi-Ethnic Society*, a small guidance booklet produced in 1997 that has been very widely used across Europe by police and NGOs. Other major relevant documents produced by intergovernmental and other international organisations include the guidance booklets on multi-ethnic police training and tackling racist violence produced by the Council of Europe, the recent research report from the EUMC on the police response to racist violence across the EU, the materials being generated by the OSCE/ODIHR Hate Crime Project, and the emerging results from the Open Society Justice Initiative on 'Racial Profiling'.

What is currently being done to address the problems at state level?

One of the purposes of the European Workshop at Turvey in 1999 was to try to identify practical initiatives that had already been taken. Relatively few examples, however, could be identified at that time, and they mainly consisted of isolated training initiatives in particular states.

Since that time, a number of further initiatives have been taken in a variety of countries at national or local levels, particularly in the fields of training and building communication between police and Roma communities. Many of these have been in countries of Central and Eastern Europe, including in Romania (where there has been cooperation with the Danish Institute of Human Rights), in Slovakia (where there have been efforts to build bridges between police and Roma at the local level), in Bulgaria (where community policing initiatives have been introduced in several Roma areas), in Poland (where there have been initiatives in Lower Silesia and the Malapolska area), and in the Czech Republic (where, for example, initiatives were developed in Brno within the framework of transnational RrAJE Programme). In other parts of Europe there has been much less activity, although in the UK the 'Moving Forward' project has been designed to build cooperation between police and Gypsy/Traveller communities in the Derbyshire area, and in Ireland the NGO 'Pavee Point' has cooperated with the Garda Siochana on training and other activities.

This list, however, is illustrative rather than exhaustive, and undoubtedly other initiatives have also been undertaken. In most cases, though, these tend to continue to be isolated initiatives, and they still appear to be relatively few in number; moreover there has been little sign that these issues are being approached in a systematic way, either

as core issues in national Roma strategies or as integral components of national community policing strategies.

Also it must be stressed that no systematic survey of initiatives relating to Roma and policing has to date been undertaken, and this conference is the first occasion since the Turvey Workshop in 1999 that provides an opportunity for some kind of overview of current responses to be formulated.   The Working Group on Policing that follows this plenary session has been designed to elicit reports from some of those who have been active in this field in recent years.

It is in this context that the Programme of Activities being sponsored by the Roma/Sinti Contact Point in ODIHR takes on particular importance.   This programme has been designed to promote the implementation of the policing recommendations of the OSCE Action Plan in a strategic manner, and is being coordinated on behalf of CPRSI by the London-based NGO 'European Dialogue'.   Despite the limited funding available (for example by comparison with that available for the Roma Decade), a number of important activities are being undertaken.   These include (a) holding regional- and national-level workshops across the OSCE area to highlight issues and identify examples of good practice, (b) the development of a model of good practice for conducting a 'systematic assessment' of current policing policy and practice relating to Roma, which is being undertaken in partnership with the Government of Romania, and (c) the production of a 'Resource Manual on Policing and Roma' which brings together relevant international standards, practical guidance documents and examples of good practice.   To date, workshops have been held in Poland and in the Russian Federation, and further workshops will be held shortly in Macedonia for OSCE Missions in the Balkans Region, and in the UK to address policing issues affecting Roma and Travellers in Western European countries.   The systematic assessment in Romania is being carried out by the Ministry of the Interior with the support of international experts on policing and minorities, and in partnership with Roma NGOs. And the Resource Manual, which is available from the NGO European Dialogue, includes general guidance on policing and minorities, the report of the 1999 Turvey Workshop, and examples drawn from the current programme of activities sponsored by CPRSI.   Further details of these activities will be provided in the Working Group on Policing.

What needs to be done next?

Given the importance of policing and justice issues for ensuring human rights and promoting minority integration, the initiatives undertaken to date – despite the sincere efforts of those involved – can only be regarded as minimal, and indeed as seriously inadequate for achieving the improvements in policing and police-Roma relations that are required.   Nonetheless, they constitute important first steps; and it is essential that they should be sustained and multiplied, that lessons are learned from them, and that states and NGOs build on this experience.

It is therefore extremely important that the programme of activities launched by the ODIHR/CPRSI to promote implementation of the policing recommendations of the OSCE Action Plan should be maintained in an appropriate form, and that adequate

administrative and financial resources should be provided for this purpose. However, this also needs to be complemented by genuine commitment to address the Roma/policing issues by individual states, following the leadership provided by the Government of Romania. It is also crucial that Roma and Human Rights NGOs are willing to engage in cooperation with police to help solve these problems, without of course having to relinquish their campaigning and advocacy roles.

To take this work forward, the key next steps would appear to be the following:

- For the OSCE to continue to commit itself to support the implementation of the policing recommendations of the Roma/Sinti Action Plan, by means of appropriate concrete measures, and in cooperation with the SPMU, the HCNM, and other Inter-Governmental Organisations as appropriate.
- For individual states to ensure that policing and justice issues are appropriately addressed in their Roma strategies and action plans, that these are based on a systematic assessment drawing on the model being developed in Romania, and that concrete measures are implemented effectively and in cooperation with Roma NGOs.
- That a programme of capacity-building workshops should be developed at European level to help to equip Roma NGOs to engage constructively with police organisations in order to solve problems jointly and to assist police to achieve the necessary institutional change.
- That actions should be taken not only at national, but also at the local level in individual states, drawing on models of partnerships between NGOs and public authorities such as those set out in the Guidance Manual produced by European Dialogue based on the RrAJE Programme, and in the report of the 'EMAJ' project on police-minority relations recently completed in four regions of the Russian Federation.
- That a European-level network should be established of police and NGOs working actively on Roma/policing issues, in order to exchange experience and to document and disseminate examples of good practice. A systematic survey of current practice could also be undertaken.

I am aware that some steps have already been taken in these directions, but much more remains to be done. Additional suggestions will undoubtedly be proposed during the Working Group on Policing, and further examples of ongoing initiatives will hopefully be presented. This conference, which is the first occasion on which inter-governmental organisations have focused directly on policing issues relating to Roma, may in this respect be seriously overdue, but it also represents a unique opportunity to assess the current position and to develop a shared vision of how to move forward.

Note

- *The OSCE High Commissioner's "Recommendations on Policing in Multi-Ethnic Societies" can be accessed via the website: www.osce.org/hcnm .*

- *The OSCE-sponsored "Resource Manual on Police and Roma", which includes the Report on the European Workshop on Police-Roma Relations held in 1999, can be accessed on the website of the NGO European Dialogue: www.europeandialogue.org .*
- *The Practical Guidance Manual based on the RrAJE Programme, and the report of the EMAJ Project in the Russian Federation, can also be accessed on the European Dialogue website.*

7. 3 EUROPEAN ROMA LAW ENFORCEMENT OFFICERS INITIATIVE

pol. 1ˢᵗ Lt. Makula György   pol. capt. K. Varga Ágnes   pol. col. Dr. Boda József
International Training Centre, Ministry of Interior, Hungary, Budapest, 2006

Roma represents the biggest minority in Europe. There number in Hungary is estimated at between 600,000 – 800,000, and several millions of Roma people live in Europe. There are serious problems regarding the Roma's position in society, such as unemployment, bad living conditions, health problems and discrimination.

Different national and international projects incorporate their aim among the mentioned subjects and in most cases the police take part in these programmes, according to the "acts against discrimination". Unfortunately there is not a satisfactory number of initiatives – or at least international and widespread ones are missing – which focus on cooperation of police and Roma communities, and call to attention the necessity to support law enforcement experts and training more widely.

However, there are a few exceptions in Hungary: the Civil Relation and Equality of Chances General Department, the General Directorate of Education in the Ministry of the Interior, and the Crime Prevention and Equality of Chances Division of the Prevention Department in the Hungarian National Police HQ in Hungary. These organisations make big efforts to address Roma-Police relations. On the European level - neither the Council of Europe, nor the forums of the European Union – adequately address Roma and policing. Nothing proves it better than the fact that there is no European organisation, which could coordinate this work. Neither has the European Police Office (EUROPOL), which specialises on criminal co-operation, such a function.

This weakness might seem to be quite serious, bearing in mind that very similar initiatives – as regards their substance and aims – have been existing in Europe for a while. A very good example for this is the European Police Women Organisation or the National Black Police Association (NBPA). The latter one which also has branch organisations in the UK, USA, Canada and has a very important role for Black police officers by increasing their numbers and reducing racial prejudice.

The Hungarian Roma and non-Roma law enforcement officials working in this field think that as Hungary has joined the European Union, it is time to step forward. It is very positive that the management at the Ministry of the Interior and the police are committed to co-operate with Roma. Therefore, Hungary can be the first country, which can start a unique initiative that can be followed by other countries.

The aims of the project (mentioned below) can be integrated into the Roma Decade Programme, directly under the priority 'fight against discrimination'; indirectly they are connected to education, employment, living conditions, and poverty. There are foreign

and Hungarian examples that the law enforcement profession provides a good opportunity for Roma to improve their financial situation.

Aims:

1. **The foundation of the Fraternal Association of the European Roma Law Enforcement Officers** integrated into the Roma Decade Programme to reach the aims – mentioned below - on national and European level:

    a)   **Supporting the realisation of equality of opportunity** within the law enforcement organisations of Hungary and the member states of the European Association (in the following: law enforcement organisations);

    b)   **Reducing prejudice** among the law enforcement organisations and the Roma community;

    c)   **Increasing the number of colleagues with Roma origin** in the law enforcement organisations' staff;

    d)   **Increasing the living and working conditions** of the Roma colleagues;

    e)   **Assisting to solve identity problems;**

    f)   **Acting as a mediator in Roma – police conflicts;**

    g)   **Participating and cooperating in national and international law enforcement trainings** regarding diversity, equality of opportunity, and reducing prejudice;

    h)   **Cooperating with national and international organisations;**

    i)   **Reducing prejudice within society**;

    j)   **Supporting the integration of the national and European Roma minority.**

2. **To inform the relevant organisations of the European Union, the Council of Europe, the OSCE and the UN about the foundation, its aims and role.**

3. **Initiating cooperation, developing joint programmes with similar more experienced organisations** (National Black Police Association, European Policewomen Association).

4. **In the founding states of the European Association – based on the good Hungarian example – initiating and supporting the establishment of branch organisations;**

Cooperating partners[1]:

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[1] The number of the cooperating members will increase during the project. Because the initiative started in Hungary, only the Hungarian partners are listed.

- Ministry of Youth, Family, Social and Equality of Opportunities
- Open Society Institute (OSI)
- Civil Relations and Equality of Opportunities General Department, Minsirty of Interior
- Directorate of Education
- Crime Prevention and Equality of Opportunities Division, General Prevention Department, Hungarian National Police
- Crime Prevention Academy, Ministry of the Interior
- International Training Centre, Ministry of the Interior
- Partners Hungary Foundation
- National Roma Local Government
- National Confederation of Fraternal Associations

Timing of the programmes:

1. **Consultation with the cooperating partners, about the following subjects:**

- Introducing the substance and aims of the initiative;
- Sharing the tasks, designating the deadlines and responsible persons;
- Asking for support from the OSI to manage the project within the framework of the Roma Decade Programme;
- Translation of the materials into English.

2. **Information seminar for the cooperating partners, representatives of the law enforcement training institutes, personal department of the national law enforcement organisation (police, border guards, customs guards, penitentiary, disaster management - fire brigade), Roma colleagues, and police attachés of the neighbouring countries (Bulgaria, Czech Republic, Slovakia, Romania). Subjects of the seminar:**

- Roma equality of opportunity activities of the Ministry of the Interior and the Hungarian National Police;
- Detailed introduction of the project;
- Discussion and incorporation of opinions and proposals.

Venue: MOI International Training Centre
Date: 3rd May 2006 from 13.30 hours

3. **Organising an International Roma Law Enforcement Conference for those, who participated on the Information Seminar and for the Roma law enforcement officers, high ranked law enforcement officers from Hungary and the neighbouring countries, members of the Roma Working Group, liaison officers of the County Police HQ-s, president of the Hungarian and European Police Women**

Associations, Representative of the European Parliament, the representative of the OSCE Democratic Institutions and Human Rights Office. Subjects of the Conference:

- **Information about the National Black Police Association (NBPA)** (function of the association, ideas, programmes, efficiency).
- **Presentations of the National representatives** about the programmes in the relevant country (5 persons).
- Short introduction of the **project, results of the Information Seminar;**
- **Proposals, opinions**.
- Organising the **Nominating Committee** from the representative of the law enforcement organisations, for preparing the foundation of the European Roma Law Enforcement Fraternal Association.
- **Preparing the draft budget of the Conference**.

Venue: MOI International Training Centre
Date: 7*th* *June 2006   from 10.00 hours – to 16.00 hours*

4. Tasks regarding the foundation of the European Roma Law Enforcement Fraternal Assiciation:

- Preparing of the **constitution**.
- **Inviting Roma and non-Roma colleagues** to take part in the foundation.
- **Informing the relevant organisations of several European countries** about the project and ask them to delegate a Roma or a non-Roma colleague (acting or acted actively in solving the Roma – police conflict, and has adequate experience) to represent the country within the Association.
- Asking for opinion about the **draft constitution** from the relevant people.
- **Founding Conference** with the participation of Roma and non-Roma colleagues. Accepting the constitution, the programme, and the leadership of the Association.

Venue: MOI International Training Centre
Date: 10*th* *July 2006   from 13.30 hours*

- Developing the detailed programme of the Association, **Annual Working Plan**.
- **Cooperation agreements** with the law enforcement and other organisations.

5. To inform the EU, EC, OSCE, UN and the media:

- **Informing** national, international, Roma, non-Roma, and law enforcement **press** about the aims, role of the Association, based on a pre-planned communication strategy.
- **Establishing the Hungarian and English homepage of the Association.**

- After reconciliation with the Hungarian representative in the **EU Parliament**, initiating a **hearing**. To inform EUROPOL, the CEPOL (European Police Academy), the Council of Europe Human Rights Commissioner, the OSCE Democratic Institutions and Human Rights Office, and the UN Human Rights Council, and asking for their support.

6. Cooperation with similar organisations and establishing the national organs of the Association:

- To initiate cooperation agreement with the **NBPA American and British branch associations**, and the **European Policewomen Association**. Possible implementation of their successful programmes and use of their experience.
- Assisting in the development of the membership associations - based on the model of the Association - in the represented countries.

7.4 THE PILOT PROJECT OF THE POLICE SPECIALISTS FOR THE WORK WITH COMMUNITIES IN SLOVAKIA

Col. Dr. Oto Konrad, the Deputy Chief of the Order Police Division of the Presidium of the Police Force
Cpt. Eva Šúryová, PhD., Senior Officer of the Order Police Division of the Presidium of the Police Force

1. Introduction

Slovakia has a population of around 5 500 000. The size of the Roma population is estimated to be between 350 000 and 400 000. The current situation of Roma in Slovakia is influenced by both pre-1989 history and social transformation and democratisation which started after the November events of 1989. These changes had a great impact on the low standard of living and quality life of Roma and resulted in complex social and economical problems, namely high rate of unemployment reaching up to 100% in several Roma settlements, dependency on social benefits, low level of education, spreading diseases, social exclusion. Majority of the Roma population lives in inadequate and substandard housing conditions and many of them live in Roma settlements.

The Slovak Government has realised the necessity of solving these problems and a series of policy documents concerning Roma were adopted. The last document the two-stage Strategy of the Slovak Republic for the Solution of the Problems of the Roma National Minority and the Set of Measures for its Implementation was adopted by the Slovak Government in 1999 - 2000. The strategy includes a series of measures and tasks in the areas of: human rights, minority rights, education, employment, housing, health, social services.

In accordance with the Strategy the Ministry of Interior set up a special working group to develop the Pilot Project of the Police Specialists for the Work with Communities in beginning of the year 2004. The chairman of the special working group is the deputy chief of the Police Division Order of the Presidium of the Police Force, and members of the group are experts from the Presidium of the Police Force, Ministry of Interior, Police Academy and Roma representative.

2. Project description

Aims of the project
The special working group has the following aims:
➢ To improve relations between Roma and the Police Force;
➢ To adopt Roma settlements by the police specialists;
➢ To build confidence in the police among Roma communities;

➢ To help Roma to have equal access to all opportunities offered by the local authority;
➢ To increase legal awareness of Roma people and Police officers;
➢ To provide Roma with useful information and advice.

Phases of the Pilot Project

1. Preparation of the Pilot Project

The first phase was started in April 2004 and finished in December 2004, and included the following steps:

Selection of the regions - criteria
➢ region with a majority of Roma population and Roma settlements;
➢ active social workers service.

➢ East of Slovakia was selected - Košice and Prešov Regional Police Headquarters.

Selection of the police officers (specialists) - criteria
➢ To be interested in working with Roma, especially in Roma settlements;
➢ A good knowledge of law, culture and social life, particularly in the region of East Slovakia;
➢ Good communications skills – effectiveness communication;
➢ Flexibility in receiving and analysing information and their application;
➢ Experience – experienced and well-informed police officer of the problems of the beat; police officer from the Basic Police Unit (Order Police Units) with min. two years experience.

➢ 18 police officers were chosen.

Establishment a new police position Police Specialist for Work with Communities
➢ A new police position was created from the basic Order Police Units.

Police Specialists Training
➢ The training was organised by the Police Academy in close cooperation with the NGO - The Citizen and Democracy.
➢ Aims of the training:
   a) To give students a basic system of knowledge related to the Roma minority, their history, life, culture, customs;
   b) To increase human rights awareness;
   c) To create special communication skills;
   d) To create problem-solving skills.

2. Implementation of the Pilot Project

The second phase of the Pilot Project took 12 months in 2005. The strategies of the Pilot Project were as follows:

1. Regularly being on the beat (settlement);
2. Contacts and cooperation with mayors, members of city councils, social workers, local Roma authorities, Roma activists, NGO representatives;
3. To take part in city council meetings and to participate in solving various problems related to Roma;
4. To solve problems occurred in the settlements;
5. To maintain public order in the area of the settlements;
6. To take part in questioning suspected Roma;
7. Providing Roma with advice;
8. To carry out preventive work with children.

Police specialists took an active part in solving a lot of problems, namely: problems with household waste, dogs without owners, vaccination against infectious diseases, truancy, building access roads. They provide Roma with advice on how to obtain identity cards, travelling documents, discount on obtaining wood, how to fulfil all conditions to obtain social welfare.

3. Evaluation of the Pilot Project

The third and final phase has finished in March 2006.
1. Monitoring
➢ project monitoring was carried out by the Police Academy, the NGO - Citizen and Democracy, and Regional Police Headquarters;
➢ questionnaires were filled in by the police officers and Roma representatives.

2. Results and effects
a) cooperation between police and Roma is felt to be fruitful; in order to achieve long term positive change it is necessary to continue the project;
b) satisfaction with the police specialists policing in Roma settlements resulted in the demand to increase of the number of the police specialists;
c) reduction of disturbances and small offences;
d) increasing cooperation between police and local authorities.

3. Visions

1. To get into a police specialists routine
    ➢ as a result of positive feedback a decision to continue the project was made;
    ➢ the routine policing will be start in 2007.
2. To increase a number of police specialists from 18 to 118.
3. To rise police specialist to the rank of lower level police officers.
4. The special police education/training
    ➢ the first group of the special police training started in May 2006;
    ➢ every training will take 9 months;
    ➢ one of the aims of the training is to teach students the Romany language.
5. To set up police specialists in every Police Headquarters in accordance with police and municipal demands, and the following criteria:
    ➢ to evaluate local security;

> ➢ city councils endeavour to take active part in solving the problems;
> ➢ active social workers services and active community centres;
> ➢ min. 2 police specialists within one Public Order Unit;
> ➢ min. 70% working time is allocated for the work with communities.

The Project of the Police Specialists for the Work with Communities is also the first step in the way to establish First Contact Police.

7.5 RELATIONS BETWEEN THE POLICE AND ROMA, SINTI AND TRAVELLERS: IMPLEMENTATION, ASSESSMENT AND HARMONIZATION

A report of Working Group III - *'The Implementation and Harmonization of National Policies on Roma, Sinti and Travellers'* An International Conference co-organized by the OSCE, CoE and the Government of Romania, 4-5 May 2006, Bucharest

Rapporteur: Mr. Chris Taylor - *Consultant UK*

Implicit in this report of the working group are two general points. First, the recognition that safe communities are key to quality of life, but fear of victimisation and intimidation faced by Roma communities, including disorder, makes life miserable for many people and anxiety remains high. Second, the police alone cannot solve all these problems of crime and disorder; public agencies (for example, employment, housing and education authorities) and local people need to play their part. The workshop focused directly on policing issues relating to Roma, issues of significant concern for delegates who attended in large numbers. The delegates recognised that the OSCE's support represented a unique opportunity to move forward and continue the development of a shared vision on addressing these issues across the region.

Mrs. Margareta Flesner (Director, Institute of Research and Criminality Prevention, Romanian General Inspectorate of Police) outlined the initial findings of the self-assessment exercise conducted in cooperation with Romani CRISS, examining policing policy and practice relating to Roma in Romania. As well as developing a model of good practice for the OSCE region, the assessment forms part of a modernization process for the Romanian police. Specifically, the Institute is focusing on impacts relating to: a) Legal compliance with international minimum standards, b) Operational procedures - for example, police use of force, c) Partnerships with other state bodies and civil society NGOs, and d) Human resources (Police recruitment, retention and advancement of National Minorities). The assessment approach incorporates integrity in its broadest sense, encompassing subjects such as fairness, behaviour, probity, equal treatment and a range of operational and management issues. The assessment process is not fully completed or developed, nevertheless, by accepting and welcoming the assessment opportunity the General Inspectorate of Police has shown that it is not defensive but rather that it is open to justified criticism and willing to change.

Mr. Costel Bercus (OSI Fellow - Romania) reported on points of continuing real tension in the relationship between police and Roma communities: police raids and searches, evictions and violence directed towards Roma in Romania – issues that continue to undermine Roma trust and confidence in the professionalism of the police. The stereotypes and prejudices held by police of Roma are, in particular, not helpful and need addressing. From a 'critical friend' perspective, he wondered how long before the police learn the lessons from important Roma specific case judgements and apply them to their practice, stating that many Roma, like himself, were subject to police harassment almost on a daily basis. Calling for faster institutional change in the police to be made a

priority, he also called for the authorities to back up polices with clear sanctions for poor police performance.

Given the specific issues affecting them, some police officials from minority backgrounds do feel there are benefits in coming together to form their own professional associations. **Mr. György Makula** (Hungary) is such an example and he explained his struggle to become a police official, the help he recieved from the authorities and his efforts to establish a national Roma police association in Hungary. Formation of such associations is a human right, and he spoke about the provision of mutual personal support for minority police especially when they are small in numbers. Assisting with communication between the State police authorities and police officials from minority backgrounds, the association will help to provide a more secure basis on which the recruitment and integration of police officials from minority backgrounds into the organization can be built and maintained.

Mrs. Miranda Vuolasranta (International Romani Women's Network) reported on Romani women's experience of systemic multiple discriminations in respect of their (a) national origin and (b) their gender. Despite 50 years of cooperation between Roma communities and wider society, Roma women and young people are more often than not likely to be denied legal entitlements because of their Romani status and lack of awareness of their civil liberties. Those in authority are reluctant to help to put this right. In respect of the police she described a pervasive aggression towards Roma women, and a lassie-fair attitude towards cases of community intimidation by political extremists of the far right. Moreover, Roma women experience delaying tactics from prosecuting authorities and professional incompetence from the police in respect of domestic violence and child protection issues. She called for greater consideration by the police to issues affecting their core duty to protect Romani women and children's rights.

Representing the Slovakian Ministry of Interior, **Ms Eva Suryova,** Senior Officer of the Patrol Police Department of the Presidium of the Police Force, described a pilot project to increase the relevance and effectiveness of police specialists working within a number of Roma settlements in Slovakia. For the pilot phase, 18 unique specialists posts were created and personnel recruited and trained. These staff focused on growing the trust and confidence of community members in accessing police services, generating significant increases in workload from the community and positive feedback. Once their support and services have been fully evaluated, it is hoped to make the roles permanent, increase the numbers of specialists to 118 and give them equal status with basic grade police officials.

Dr. Robin Oakley (Consultant to the OSCE High Commissioner on National Minorities) briefly reviewed the direct relevance of the HCNM's recent publication of *'Recommendations on Policing in Multi-ethnic Societies' (www.osce.org/hcnm)*, to the situation of Roma vis-à-vis the police. These include tackling the deep-rooted nature of anti-Gypsyism and its pervasiveness across the European region; the criminalizing stereotypes of Roma that frequently accompany this; police inaction or even support in instances of racist violence against Roma; the almost total ignorance and lack of contact of police with Roma communities and other severe abuses of human rights standards in

police treatment of Roma. Largely in consequence of all of this flows the extensive lack of trust and confidence in police among Roma communities, coupled with low levels of awareness of citizens' rights. In his experience, it is important to address the specific situation of Roma-police relations in individual states (and also localities within such states) – though always with reference to a general framework of internationally recognised professional standards for policing multi-ethnic societies supported by examples of good practice.

In respect of Roma migration from "new Europe" to "old Europe", **Mr Cedric Dartois** (Belgium) drew attention to attempts made under the Geneva Conventions to claim refugee status, particularly by Roma from Kosovo, in Belgium. He remarked that the Belgium authorities considered applications for refugee status from these regions however they viewed such cases from Roma as lacking in credibility and merit. Few applications are granted.

Mr. Ondrej Gina (European Roma and Travellers Forum) underlined many of the points made by previous speakers. He regretted the institutional police failings not only in Romania but also elsewhere in Europe, some minor and others quite serious, all of which need addressing so that public confidence can be established, good reputation restored and the safety and security needs of Roma communities better met. There was no room for complacency and a very high level of integrity within the Police is essential. It is vital to have regular confirmation from all sections of the community that trust in the police is sustained and this depends on the strength of mutual understanding and respect between the police and the communities they serve.

Having significantly overrun the workshop's allotted time, the Moderator in concluding the session apologised to **Mr. Gabor Adam** (Ethnocultural Diversity Resource Centre, Cluj, Romania), for not calling him to speak. Mr Adam had circulated his paper on *Good Governance issues in the police and multi-ethnic community relationships*. In it, he highlighted the persistent struggle at the State level to accommodate the diverse needs and voices of Romania's twenty main minorities (over 10 percent of the population) and integrate them into effective policing policy development and scrutiny mechanisms that serve their interests. Echoing the discriminatory police practice allegations made by other speakers, he sensed little genuine desire to engage on these issues with Roma at a local police level. However, in respect of local recruitment of Roma and other minorities into the police, he felt some positive progress was being made although there remains a pressing needs to raise the minimum standards that candidates presented. He recommended the creation of a body, specifically focused on Romania's ethnic minorities, to oversee the effective implementation of anti-discrimination measures and services in the field of policing and justice

Pressure on time also precluded any discussion on 'Action Points'. However, the rapporteur's analysis of all the working group presentations and the key messages they contained, served to reinforce the importance of the next steps suggested by Dr Robin Oakley in his plenary address at the conference's morning session.

The key next steps are only <u>summarised</u> below:

- For the OSCE to continue to commit itself to support the implementation of the policing recommendations of the Roma/Sinti Action Plan

- For individual states to ensure that policing and justice issues are appropriately addressed in their Roma strategies and action plans

- That a programme of capacity-building workshops should be developed at European level to help to equip Roma NGOs to engage constructively with police organisations in order to solve problems jointly and to assist them to achieve the necessary institutional change (the way the police work)

- That actions should be taken not only at national, but also at the local level in individual states, drawing on models of partnerships between NGOs and public authorities such as those set out in the Guidance Manual produced by European Dialogue (see www.europeandialogue.org)

- That a European-level network should be established of police and NGOs working actively on Roma/policing issues, in order to exchange experience and to document and disseminate examples of good practice. A systematic survey of current practice could also be undertaken.

8. ADDITIONAL SOURCES OF DOCUMENTATION

The list below indicates additional sources of relevant European-level documentation. It includes documents from which partial extracts have been reproduced above.

The Situation of Roma

Jean-Pierre Liegeois & Nicolae Gheorghe, *Roma/Gypsies: A European Minority*, Minority Rights Group 1995

Ian Hancock, *We are the Romani People,* University of Hertfordshire Press, 2002.

OSCE High Commissioner for National Minorities, *Report on the Situation of Roma and Sinti in the OSCE Area*, OSCE 2000; *http://www.osce.org/documents/hcnm/2000/03/241_en.pdf*

European Commission, *The Situation of Roma in an Enlarged European Union*, 2004; http://europa.eu.int/comm/employment_social/fundamental_rights/pdf/pubst/roma04_en.pdf

European Roma Rights Centre, *Roma Rights* (quarterly journal) and other documentation; http://errc.org

European Commission against Racism and Intolerance, *Practical Examples in Combating Racism and Intolerance against Roma/Gypsies*, Council of Europe 2001; http://www.coe.int/T/E/human_rights/Ecri/

Project on Ethnic Relations, *Roma and Statistics*, PER 2000; http://www.per-usa.org

Policing and Human Rights

Frederick Quinn, *Human Rights and You: Basic United Nations, OSCE and Council of Europe Human Rights Documents*, OSCE/ODIHR 1999

European Convention for the Protection of Human Rights and Fundamental Freedoms; http://conventions.coe.int/treaty/en/Treaties/Html/005.htm

Council of Europe, *European Police Code of Ethics*, 2001; http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Police_and_internal_security/

Council of Europe, *Human Rights and the Police,* Strasbourg, Council of Europe, 1997

Council of Europe, *Policing in a Democratic Society – Is Your Police Service a Human Rights Champion?*; http://www.coe.int/T/E/Human_Rights/Police/

Council of Europe, *The Human Rights Challenge in Police Practice*; http://www.coe.int/T/E/Human_Rights/Police/

Policing, Minorities and Discrimination

Council of Europe, *Police Training Concerning Migrants and Ethnic Relations: Practical Guidelines*, 1994

Council of Europe, *Tackling Racist and Xenophobic Violence: Review and Practical Guidance,* 1996

Council of Europe, *Tackling Racist and Xenophobic Violence: Case-Studies,* 1997

Open Society Justice Initiative, "Racial Discrimination in the Administration of Justice", submission to UN Committee on the Elimination of Racial Discrimination, August 2004; http://www.osji.org

James A. Goldston, "Ethnic Data as a Tool in the Fight against Discrimination", Open Society Justice Initiative, December 2004; http://www.osji.org

Robin Oakley "Recent Initiatives on Minorities and Policing in Europe", paper based on presentation for OSJI Conference, 'Addressing Ethnic Profiling and Discrimination in Policing in Europe', Budapest, 27-28 January 2005 (WEB ADDRESS TO FOLLOW)