

Recommendations on Policing in Multi-Ethnic Societies

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INTRODUCTION

In its Helsinki Decisions of July 1992, the Organization for Security and Co-operation in Europe (OSCE) established the position of High Commissioner on National Minorities (HCNM) to be “an instrument of conflict prevention at the earliest possible stage”. This mandate was created largely in reaction to the situation in the former Yugoslavia which some feared would be repeated elsewhere in Europe, especially among the countries in transition to democracy, and could undermine the promise of peace and prosperity as envisaged in the Charter of Paris for a New Europe adopted by the Heads of State and Government in November 1990.

Through the course of more than ten years of intense activity, the HCNM has identified certain recurrent issues and themes concerning minorities which have become the subject of his attention in a number of States in which he is involved. Among these are the issues of minority education and the use of minority languages, which are of particular importance for the maintenance and development of the identity of persons belonging to national minorities. Other important issues are the effective participation of national minorities in the governance of States and the use of minority languages as a vehicle of communication in the broadcast media. With a view to achieving an appropriate and coherent application of relevant minority rights in the OSCE area, the HCNM requested four groups of internationally recognized independent experts to elaborate four sets of guidance on these recurrent issues: **The Hague Recommendations regarding the Education Rights of National Minorities** (1996); **the Oslo Recommendations regarding the Linguistic Rights of National Minorities** (1998); **the Lund Recommendations on the Effective Participation of National Minorities in Public Life** (1999); and **the Guidelines on the Use of Minority Languages in the Broadcast Media** (2003). These documents have subsequently served as references for law and policy makers in a number of States. The recommendations are available (in several languages) free of charge from the Office of the HCNM and may be accessed electronically (www.osce.org/hcnm).

Another issue which has arisen in several situations in which the HCNM has been involved is that of policing in multi-ethnic societies. In a number of States, the HCNM has encountered the absence of institutional mechanisms to support the interaction and co-operation between police and persons belonging to national minorities. In combination with the lack of appropriate training for operation in a multi-ethnic society, an often mono-ethnic composition of the police service and discriminatory practices, police have generated negative reactions among national minority communities in a number of situations and even become a conflict catalyst. In contrast, the HCNM has seen in other States how efforts to make the police service more representative of the community it serves and to enhance communication between police and national minority communities not only strengthened inter-ethnic relations but also increased the operational effectiveness of police.

Reflecting this important role of the police, the HCNM engaged in a process of analysis of international standards and practices in the area of policing. To this end, the HCNM, in consultation with the Strategic Police Matters Unit in the OSCE Secretariat, appointed a consultant (Dr Robin Oakley, independent consultant and Honorary Research Fellow at the Centre for Ethnic Minority Studies, Royal Holloway – University of London) to advise him and brought together a group of highly experienced experts comprising representatives of relevant international organizations along with senior police officers, independent experts and non-governmental actors with particular expertise in the field. An initial meeting of the experts was convened by the HCNM in June 2005,

followed by a meeting in October and a concluding meeting in December. As a result of this process, the following set of recommendations on policing in multi-ethnic societies was elaborated.

The independent experts were:

Mr. Steve Bennett, Director, Police Education and Development, OSCE Mission in Kosovo; Ms. Ilze Brands Kehris, Director, Latvian Centre for Human Rights and Ethnic Studies; Dr Anastasia Crickley, Chairperson, European Monitoring Centre on Racism and Xenophobia; Mr. Francesc Guillen, Chief of Staff, Deputy Minister of the Interior, Government of Catalunya, Spain; Professor Kristin Henrard, Department of International and Constitutional Law, University of Groningen; Dr Gordan Kalajdziev, Member Executive Board, Macedonian Helsinki Committee on Human Rights; Dr Jenő Kaltenbach, Parliamentary Commissioner of Hungary for National and Ethnic Minorities Rights; Mr. Michael Kellett, Representative of the Network of Police and Human Rights Co-ordinators of the Council of Europe, Head of North West Regional Asset Recovery Team, United Kingdom; Dr Robin Oakley, Independent Consultant; Mr. Stig Odorf, Police Unit, General Secretariat of the European Union, Council of the European Union; Mr. Timothy Parsons, Hate Crimes Expert, OSCE ODIHR Tolerance and Non-Discrimination Programme; Mr. Karl Pettersson, Police Affairs Officer, Strategic Police Matters Unit, OSCE Secretariat; Mr. Ivan Shushkevich, Police Colonel (ret.), Deputy Director General, Military Chiefs Club of the Russian Federation; Mr. Chris Taylor, Independent Consultant; Mr. Rinus Visser, Police Academy of the Netherlands.

The purpose of the accompanying Recommendations like The Hague, Oslo, Lund Recommendations and the Media Guidelines before them, is to encourage and facilitate the adoption by States of specific measures to alleviate tensions relating to national minorities and thus to serve the ultimate conflict prevention goal of the HCNM. The Recommendations are formulated in terms of the policing of 'national minorities' in 'multi-ethnic societies'. In the view of the experts, the term 'national minorities' encompasses a wide range of minority groups, including religious, linguistic and cultural as well as ethnic minorities. In principle, the Recommendations are relevant for all of those groups. Similarly, it should be noted that the word 'minorities' is used at some points in the Recommendations as a convenient abbreviation for the phrase 'persons belonging to national minorities'.

The Recommendations aim to provide States with some practical guidance in developing policies and law in accordance with international norms and standards, and based on international experience and best practice which can balance and meet the needs and interests of all sectors of the population, including those of persons belonging to national minorities. Obviously the Recommendations need to be implemented in a way which is sensitive to the specific situation in each State – including such factors as the ongoing police reform process and the actual situation on the ground.

The Recommendations are divided into six sub-headings which group the twenty-three individual recommendations under general principles; recruitment and representation; training and professional support; engaging with ethnic communities; operational practices; and the prevention and management of conflict. All guidelines are to be interpreted in accordance with the General Principles in Part I which also establish the need for States to develop policy and law in this area and provide guidance in this respect. In Part II through Part VI some specific points of action are suggested to the governments,

police services and national minority communities. A more detailed explanation of each recommendation or guideline is provided in an accompanying Explanatory Note wherein express reference to the relevant international standards is found and examples of good practice are elaborated.

The central message of the Recommendations is that good policing in multi-ethnic societies is dependent on the establishment of a relationship of trust and confidence, built on regular communication and practical co-operation, between the police and the minorities. All parties benefit from such a relationship. The minorities benefit from policing which is more sensitive to their concerns and more responsive to their requirements for personal protection and access to justice. The police benefit from greater effectiveness, since good communication and co-operation are keys to effective policing in any community. The state benefits both from the integration of minorities and from the greater effectiveness of its policing. For States seeking to integrate minorities, and at the same time develop professional service-oriented community policing, the Recommendations provide a practical way forward.

It is hoped that the Recommendations will be broadly disseminated and widely used.

RECOMMENDATIONS ON POLICING IN MULTI-ETHNIC SOCIETIES

I. GENERAL PRINCIPLES

1. States should adopt policies which clearly recognize the importance of policing for inter-ethnic relations. These policies should form part of wider policies and programmes to promote the integration of minorities at national and local levels. They should also be co-ordinated with wider action to promote professionalisation and a service-orientation in policing, and to ensure that all policing is carried out in accordance with international standards on human rights, including rights of persons belonging to minorities.
2. States will need to ensure that the police and the general public, including minorities, understand the role of the police in promoting good inter-ethnic relations. They will also need to ensure that the police are tasked and equipped to carry this role out. Political and police leaders should publicly state their support for this role, and promote understanding and support for it generally among the public.
3. Action plans to implement these policies, and also to monitor their implementation on a regular basis, should be developed by state authorities and police in close co-operation with minority representatives.

II. RECRUITMENT AND REPRESENTATION

4. The composition of the police – at local, regional and national levels and including senior as well as junior ranks, and also civilian personnel – should reflect the diversity of the population. The public image of the police as an ethnically representative body needs to be actively promoted.
5. Statistical targets should be set for increasing the representativeness of the police, and monitoring of the ethnic composition of the police should be introduced in order to measure progress.
6. Initiatives to increase recruitment of underrepresented minorities will need to be introduced. These should include special measures to encourage applicants and to assist them to achieve the required standards, together with actions to remove any direct or indirect discriminatory barriers.
7. Measures will also need to be introduced to ensure that police officers from a minority background are accepted and treated equally inside the police organization, which should provide a neutral working environment, and have equal opportunities for progression in their careers.

III. TRAINING AND PROFESSIONAL DEVELOPMENT

8. Police need to receive training and other forms of professional support required to understand and respond appropriately to the sensitivities of minorities, and so that they are able to carry out their policing roles effectively in ways which promote harmony and reduce tensions.
9. It is recommended that training in minority issues and inter-ethnic relations is included in both initial and in-service training, and provided for senior as well as junior police officers. Representatives of minorities should be involved in both the planning and delivery of training.
10. Police codes of conduct should include professional standards for policing in multi-ethnic societies, and police training programmes should include components specifically designed to achieve these standards. Breaches of these standards should be subject to remedial action, and exemplary good practice should receive professional and public recognition.
11. It is recommended that police managers and supervisors are clearly tasked with the responsibility to ensure that their staff achieve these standards in their dealings with minorities, and should provide leadership and set examples of good practice in their own work.

IV. ENGAGING WITH ETHNIC COMMUNITIES

12. Police should be tasked with developing methods and practices to communicate and co-operate with minorities and to build confidence together at local, regional and national levels.
13. Police will need to ensure they have the capability to communicate with minorities in minority languages, wherever possible by recruitment and training of multilingual staff, and also by use of qualified interpreters.
14. Police should play a proactive role in providing encouragement and support to minorities to assist them to communicate and co-operate with the police, for example by acting as partners in initiatives to promote recruitment and to provide training on minority issues. Minorities for their part should be ready to communicate and co-operate with the police for the purpose of increasing community safety and access to justice.
15. It is recommended that mechanisms are established to ensure that police are democratically accountable for their actions to people from all sections of the community. These need to include effective systems for making and following up complaints, which are accessible to persons belonging to national minorities. All sections of the community need to be aware of their rights and responsibilities in relation to the police, and of the powers of the police and the services they are expected to provide.

V. OPERATIONAL PRACTICES

16. Measures should be taken to ensure that police enforce the law in an impartial and non-discriminatory manner which does not single out any particular group, e.g. by engaging in 'racial profiling'. Such measures should include codes for the conduct of operational practices, such as use of police powers to stop and search people on the street and in other public places.
17. Police should take steps to encourage the reporting by persons belonging to national minorities of crime, in order to promote community safety and access to justice.
18. When undertaking regular patrols in multi-ethnic areas, police should where possible deploy ethnically mixed teams in order to build public confidence and increase their operational effectiveness. Police should also ensure their tactics and appearance (e.g. numbers, visibility of weapons, choice of uniforms) are appropriate to the task and do not unnecessarily provoke fear and tension.
19. Police should ensure that anti-discrimination law is enforced vigorously and effectively. In particular, police should take steps to encourage the reporting of crimes motivated by ethnic hatred, and ensure that they are fully recorded and investigated.
20. States need to ensure that mechanisms to provide advice and support for victims of crime are equally accessible to and effective for persons belonging to national minorities.

VI. PREVENTION AND MANAGEMENT OF CONFLICT

21. Police should be tasked and trained to play a proactive role in developing a relationship with minorities aimed at identifying and if possible reducing tensions which can lead to inter-ethnic conflicts.
22. Police also need to be trained and equipped to manage civil disturbances and incidents of inter-ethnic conflict in a professional and non-partisan manner, with the aim of de-escalating conflicts and of resolving them through mediation where possible and with minimal use of force.
23. Especially at the local level, police should co-operate closely with other public authorities to ensure their actions to prevent and manage inter-ethnic conflict are co-ordinated with wider action to promote the integration of minorities and to build a successful multi-ethnic society.

EXPLANATORY NOTE TO RECOMMENDATIONS ON POLICING IN MULTI-ETHNIC SOCIETIES

I. GENERAL PRINCIPLES

1. *States should adopt policies which clearly recognize the importance of policing for inter-ethnic relations. These policies should form part of wider policies and programmes to promote the integration of minorities at national and local levels. They should also be co-ordinated with wider action to promote professionalisation and a service-orientation in policing, and to ensure that all policing is carried out in accordance with international standards on human rights, including rights of persons belonging to minorities.*

In a multi-ethnic society good inter-ethnic relations and the integration of persons belonging to national minorities depend on the perception of all ethnic groups that the activities of the state are legitimate and effective.¹ In particular, the role of the police as the ‘front-line’ and most visible law enforcement agency is crucial: police are gate-keepers to justice for minorities. Minorities who perceive the police as enforcing the law impartially and providing access to justice and community safety are likely to hold the state in respect; failure by police and other responsible authorities to establish their legitimacy in the eyes of minorities can result in resentment and fear and a climate in which extremism can flourish.

Acceptance of the police as legitimate and effective, whether at national, regional or local level, depends on the establishment of a relationship of trust, based on good communication and practical co-operation, between the police and minorities. The establishment of such a relationship will not only improve inter-ethnic relations but will also contribute to the efficiency of policing. The recommendations below, based on experience, are intended to help States achieve such relationships.

Governments need to demonstrate leadership by setting out a clear ‘vision’ of the role of police in building and sustaining an effective democratic multi-ethnic society. They need to consult widely in order to win multi-party and multi-ethnic consensus on their policies on policing and minorities, which may otherwise prove socially divisive or may become the target of political rivalries. The policies and the measures required to implement them need to be expressed in clear formal ‘policy statements’, which are publicly supported by political leaders and put into effect through legislative and other instruments.

A policy on policing needs to be part of a wider national strategy to promote integration and to build a multi-ethnic society. This should include measures to encourage participation by persons

¹ The Recommendations are formulated in terms of the policing of ‘national minorities’ in ‘multi-ethnic societies’. In the view of the experts, the term ‘national minorities’ encompasses a wide range of minority groups, including religious, linguistic and cultural as well as ethnic minorities. In principle, the Recommendations are relevant for all of those groups. Similarly, it should be noted that the word ‘minorities’ is used at some points in the Recommendations as a convenient abbreviation for the phrase ‘persons belonging to national minorities’.

belonging to minorities in the political and economic life of the state, as well as measures in fields such as education, language, political representation, broadcasting and tackling poverty and exclusion. Progress on broader aspects of integration will make it easier to introduce measures needed for multi-ethnic policing.

A policy on minority policing needs to be an integral – though clearly targeted and identifiable – part of police development programmes. Good communication and co-operation based on trust is the key to effective policing of majority, as well as minority, communities. A repressive or ‘control-oriented’ approach, in which basic human and minority rights are ignored or violated, cannot provide a context in which good relations between police and minorities can flourish.

The democratisation and professionalisation of the police are therefore essential pre-conditions for enabling police to play their role in building a successful democratic multi-ethnic society, as is the introduction of a service-oriented and human rights-based approach to policing accompanied by ‘community policing’ at the local level.²

2. *States will need to ensure that the police and the general public, including minorities, understand the role of the police in promoting good inter-ethnic relations. They will also need to ensure that the police are tasked and equipped to carry this role out. Political and police leaders should publicly state their support for this role, and promote understanding and support for it generally among the public.*

Implementation of policies designed to strengthen the capacity of police to promote good inter-ethnic relations is not simply a technical exercise but involves a change in police culture. It requires understanding and commitment on the part of policy makers, and of police at all levels in the organization. The established culture within the police organization may not be sympathetic to addressing these issues: it may indeed be hostile to them, and may also be generally resistant to change. Moreover, police may see themselves (consciously or unconsciously) as representing the dominant ethnic group, and as protecting its interests, and may therefore view such policies as an unwelcome threat. It is important to recognize that exploitative treatment of particular ethnic groups, like the practice of demanding bribes from vulnerable ethnic groups, is a form of police corruption which is not only contrary to international law and human rights, but also seriously undermines the capability of the police to promote good inter-ethnic relations.

² For details of relevant international norms and standards on policing and human rights see the *United Nations Code of Conduct for Law Enforcement Officials* (1979, available at <http://www.uncjin.org/Standards/Conduct/conduct.html>) and the *Council of Europe European Code of Police Ethics* (2001, available at http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Police_and_internal_security/Documents/_Intro_Documents.asp#P234_5187). These documents set out clear international standards for professional policing that are in accordance with international human rights. These standards should serve as the basis for all policing policy and practice relating to minorities and inter-ethnic relations, and police leaders need to be vigilant in ensuring that such standards are observed at all times. The Rotterdam Charter *Policing for a Multi-Ethnic Society* (1996, available at <http://www.rotterdamcharter.nl/>), a legally non-binding document which was produced jointly by representatives of police, municipal authorities and NGOs from across Europe, also provides general guidance based on practical experience. Policing policy relating to minorities should also take account of the more general rights set out in the *European Convention on Human Rights* and in the *Council of Europe Framework Convention for the Protection of National Minorities* (1994, available at http://www.coe.int/T/E/human_rights/minorities/).

It is therefore essential that political leaders ensure that senior police officials fully understand the importance of their role in promoting good inter-ethnic relations, and are fully committed to implementing it. Their role involves not only promoting good ethnic relations externally, but also internally within the police organization, including ensuring that discrimination on ethnic or related grounds does not take place (or if it does, is dealt with effectively). Police leaders in turn need to ensure that all police personnel – in all regions, all specialisms and all ranks in the hierarchy – also appreciate this role, and its implication for their everyday practice. Clear statements of support for this role therefore need to be made by police leaders at all levels, and it should be emphasized in all training. Actions which undermine this role, which favour particular ethnic groups, or which exploit, discriminate against or express hostility towards minorities, should not be tolerated. Both policy makers and police leaders need to work towards establishing a culture in the police organization that welcomes and respects ethnic diversity both internally and externally, and in which police see themselves as positive agents and role models for creating a successful multi-ethnic society (see also under Recommendation 7).

3. *Action plans to implement these policies, and also to monitor their implementation on a regular basis, should be developed by state authorities and police in close co-operation with minority representatives.*

It is important to know whether policies and measures are being effective and are achieving the results intended. Minorities in particular are likely to be keen to know whether progress is being made. It is important that accurate information is collected and made available. Action plans and monitoring can help to overcome these challenges. Action plans to implement these policies should:

- Involve an integrated approach, incorporating all fields of action identified in the Recommendations;
- Be based on analysis of specific problems and needs in police-minority relations: independent research may need to be commissioned for this purpose;
- Identify and task the persons responsible (in both the government and the police organization) for implementing policies on policing and minorities;
- Establish where appropriate specific posts or units to carry out or co-ordinate the necessary work;
- Include provision for sufficient financial and other resources;
- Provide for continuing consultation and co-operation with police (e.g. through professional associations) and with minorities (e.g. through NGOs) at all stages;
- Include establishing local pilot projects, as a useful first step.

It is also essential that the implementation of policies on policing and minorities is monitored on a regular basis. Government and police officials should routinely do this for their own administrative purposes, and they should produce reports that are publicly accessible. However, to increase public confidence and ensure democratic accountability, such monitoring should also be undertaken by an independent body. The role can be played by parliamentary human rights institutions (e.g. Parliamentary Commissions or Ombudspersons) or other public oversight bodies. Such bodies should have the right to question public officials and hold open hearings, and their reports too

should be publicly available. Whatever the methods used to monitor the implementation of such policies, it is essential that both the minorities and the police are consulted effectively, and that their perceptions and experiences are recorded and addressed in preparing reports and recommendations. Police should welcome rather than resist such independent scrutiny, recognizing the benefits that it can bring to an open-minded and progressive organization. If there have been mistakes or failures, these should not be concealed, but analysed for the positive lessons that can be learned for the future. Developing and implementing such policies is not a task that should be undertaken quickly, but needs to be based on a step-by-step approach over a period of time.³

II. RECRUITMENT AND REPRESENTATION

4. *The composition of the police – at local, regional and national levels and including senior as well as junior ranks, and also civilian personnel – should reflect the diversity of the population. The public image of the police as an ethnically representative body needs to be actively promoted.*

Equitable representation of minorities in the police organization is important for several reasons:

- a) As an indicator that members of all ethnic groups have equal opportunity as individuals to join and progress in careers in the police;
- b) As a way of promoting integration of minorities through their participation in the public life of the state and its institutions;⁴
- c) As a way of providing the police organization internally with a range of knowledge and skills (including language skills) that are required for working in an ethnically diverse community;
- d) As a means of helping police to build relationships externally with minority communities based on effective communication, co-operation and mutual confidence.

For all of these reasons, increasing the representativeness of the police should be regarded as a major priority. This has been endorsed in Opinions of the Council of Europe Advisory Committee for the Framework Convention on National Minorities.⁵ Police therefore need not only to actively promote their public image as an ethnically representative body, but also to publicise the steps they are taking to make this a reality (e.g. by methods set out under Recommendation 12). They should take care that these efforts encompass smaller and marginalised minorities as well as larger and more integrated groups. They also need to ensure that in all police activity, minorities are treated fairly and with respect, so that minorities perceive the police organization as a desirable place of employment.

It is important that the multi-ethnic character of the police is both present and visible in all regions. This is as important in mono-ethnic as well as multi-ethnic localities, and especially so in regions

³ For further information and advice on implementing police reform programmes see the Council of Europe's *Police and Human Rights Programme*, and in particular the publication: *Policing in a Democratic Society – Is Your Police Service a Human Rights Champion?* Available at http://www.coe.int/t/e/human_rights/police/2._publications/

⁴ See the OSCE HCNM *Lund Recommendations on the Effective Participation of National Minorities in Public Life & Explanatory Note* (1999), available in several languages at <http://www.osce.org/hcnm/documents.html>

⁵ Available at http://www.coe.int/T/E/human_rights/minorities/

where minorities are the main residential group. It is also important that minorities are present in senior positions within the hierarchy, and not only in the lowest ranks. This not only shows that opportunities to achieve senior rank are open to all groups, but brings a minority perspective directly into policy-making at senior executive levels, and indicates that in their policy management the police are a genuinely multi-ethnic organization. Where police organizations are not in the short term able to recruit minority persons directly to senior posts, then the appointment of suitably experienced persons from minorities as specialist advisers is an alternative method of bringing minority perspectives into the management of policing.

5. *Statistical targets should be set for increasing the representativeness of the police, and monitoring of the ethnic composition of the police should be introduced in order to measure progress.*

A strategic approach should be adopted for ensuring that the ethnic composition of the police will become representative of the population. The desired ethnic composition should be identified as the goal to be achieved, and interim targets should be set that are realistic to achieve within a set time-frame.

‘Targets’ should be clearly distinguished from ‘quotas’. Targets are aims or goals for the increased representation of particular groups which can be achieved in various ways. Examples of methods which ensure equal opportunities for individuals at the point of selection are described under Recommendation 6. The use of targets to ensure that staff are representative of the population constitutes good practice. Quotas are allocations of places for members of particular groups to be filled during a selection process. The use of quotas as a means of achieving targets for recruitment of minorities often gives rise to complaints of unfairness and risks lowering standards and should be avoided if possible.

However the use of quotas may be appropriate and justifiable in special circumstances. Where, for example, as part of a police reform programme in a multi-ethnic State an entirely or largely new cadre of police personnel is being established, it may be essential for legitimacy and effectiveness that this cadre is from the outset ethnically representative of the population as a whole. In such circumstances it may be justifiable to set and fill ethnic quotas, especially at the initial stage of selection and training, provided that the proper minimum professional standards are required for members of all groups at the stage at which they become confirmed as police officers. However, the use of ethnic quotas should be considered only for a transitional period after which the aim should be to achieve the targets by other means.

Data need to be collected on a regular basis to test whether these targets are being met. Governments need to determine what bodies are responsible for each of these tasks, and assign responsibilities accordingly. Such ‘ethnic monitoring’ should be linked to, or integrated with, more general monitoring of the workforce to ensure compliance with international law and the state’s wider employment policies.

The collection of ethnic data is a sensitive and controversial issue, and data protection laws appear to hinder the collection of data on ethnicity in some countries. However, States should not avoid this issue, and such data should be collected and processed with due regard to European standards

concerning the protection of personal data and the right to self-identification (every person's right to choose whether to be treated or not to be treated as belonging to a minority). Ethnic data should be anonymised, converted into statistical data, and any possibility of its being traced back to the personal databases should be avoided. Provided these safeguards are met, the rights of individuals should not be violated. But without such data, it will not be possible for States to monitor whether actions taken to improve the ethnic representativeness of the police are having the desired effect.

6. *Initiatives to increase recruitment of underrepresented minorities will need to be introduced. These should include special measures to encourage applicants and to assist them to achieve the required standards, together with actions to remove any direct or indirect discriminatory barriers.*

Underrepresentation of minorities in the police occurs for a variety of reasons. These include ignorance of opportunities, lack of educational qualifications, past experience of abuse by police in such communities, and direct or indirect discrimination in recruitment processes. If recruitment of minorities is to be increased, the precise reasons for underrepresentation in any particular State need first to be analysed, and then addressed by means of special measures.

The special measures that are likely to be appropriate are the following:

- a) Initiatives to increase information in minority communities about employment opportunities in the police, to create a positive image of the police, and to positively encourage interested persons to apply. Such initiatives could include distribution of leaflets, use of radio and television (including advertisements), visits by police to schools and community centres (including cultural and religious centres), opportunities for young people to visit police stations or training schools, and joint initiatives with community leaders and ethnic associations/NGOs. Targeted recruitment campaigns, using many or all of these methods, could be aimed at particular underrepresented groups.
- b) Measures to address the lack of sufficient educational qualifications in potential applicants who are otherwise suitable and well motivated. These might be intensive short courses designed to bring provisionally selected candidates up to the required entry level.
- c) Action to identify and address any possible causes of discrimination against minority applicants in the recruitment and selection process. These could include providing training in fair recruitment and selection for those responsible for these tasks; reviewing procedures (e.g. reliance on personal interviews) for possible bias or unnecessary disadvantage to minority candidates; and reviewing criteria for selection to ensure they are fully justifiable and do not set unnecessary hurdles that indirectly disadvantage minorities.

When introducing such initiatives, it is essential that standards are not lowered for minority applicants at the point of entry into the police. Persons belonging to ethnic majorities (and the media) are sometimes quick to suspect and allege that standards are being lowered, and that they

themselves are now being discriminated against while special favours are being granted to minorities. Police leaders need to provide assurances that this is not happening. In fact, those who are likely to be most concerned that standards should not be lowered are the police officers from a minority background themselves: they will not want to be regarded as 'second-class police officers'.

- 7. Measures will also need to be introduced to ensure that police officers from a minority background are accepted and treated equally inside the police organization, which should provide a neutral working environment, and have equal opportunities for progression in their careers.*

When promoting ethnic representativeness in the police, it is not sufficient to focus on recruitment alone. Experience shows that unless minorities feel they are treated equally and with respect inside the organization, and have the same opportunities to progress in their careers, they are likely to leave their employment in the police. This tendency may occur especially in the early stages of minority recruitment, when numbers are still small and minority officers may feel personally isolated from other members of their communities. Women police from ethnic backgrounds may also face similar pressures, given that they are a 'double minority' in terms of both their gender and ethnicity.

For these reasons it is important to ensure that there is a neutral working environment, i.e. one in which police from minority backgrounds are fully accepted as equals and individuals, and are not subject to any disadvantage or negative stereotyping on account of their ethnic identity. However, this should also be an environment that is sensitive to diversity in the needs, customs and religions of different groups (e.g. with regard to matters of dress, diet, and religious observances such as prayer and holy days). Positive measures should also be considered to support and encourage police officers from minority backgrounds to progress in their careers: these could include specific career development training programmes or provision of 'mentoring' schemes for those with potential for advancement. At the same time, it is important that effective internal complaints mechanisms are in place, so that police officers who experience discrimination do not have to endure such behaviour in silence. Managers need to encourage minorities to make complaints when they experience discrimination or other forms of ethnically-motivated behaviour, so that they are aware of such problems and can deal with them directly.

Given the specific issues affecting them, some police officers from minority backgrounds may feel there are benefits in coming together to form their own professional associations. Police authorities should in principle support such initiatives, and be willing to facilitate their establishment. Formation of such associations is a human right, and they can provide mutual personal support for minority police especially when they are small in numbers and geographically isolated. They can also provide a channel of communication between the police authorities and police officers from minority backgrounds, and a source of valuable advice to the authorities on minority issues. The authorities should ensure that members of the wider majority understand the reasons for the formation of such associations, and that they appreciate that such associations can help to provide a more secure foundation on which the integration of police officers from minority backgrounds into the organization can be built. However, there should be no compulsion on these police officers to join or form such associations, as some may not wish to affirm their minority identity in this way.

Particular care needs to be taken over the posting and deployment of police officers from minority backgrounds. These police officers should not be recruited specifically to work in their own communities: they should be recruited to become generic professional police officers who are capable of working with all sections of society. Nonetheless, in States where minorities tend to be concentrated in particular localities or regions, most police officers from minority backgrounds are likely to be recruited in such regions and to work in them. As noted under Recommendation 4 above, this brings important benefits to the police organization in terms of community awareness, contacts and public confidence. However, such officers should always be regarded first and foremost as generic police officers, and then secondly as ones whose particular minority background may qualify them for undertaking particular roles or contributing certain skills. Police officers from minority backgrounds should not be pressured to work in minority areas or communities, and indeed should be encouraged to gain experience through working in mixed areas or communities other than their own. When these police officers do work in their own communities, managers should always aim to deploy them where possible in ethnically mixed teams.

As already noted, the types of initiatives and changes set out above call for a fundamental shift in the culture of the police – from a mono-cultural to a multi-cultural organization – and for other fundamental aspects of police reform, including the professionalisation of the police and the development of a ‘public-service’ orientation. The process of cultural change needs to be carefully managed, so that the benefits are gained as quickly as possible and organizational resistance is minimised. Leadership, commitment and skilled management by police officials at the highest levels are required for this purpose.⁶

III. TRAINING AND PROFESSIONAL DEVELOPMENT

8. *Police need to receive training and other forms of professional support required to understand and respond appropriately to the sensitivities of minorities, and so that they carry out their policing roles effectively in ways which promote harmony and reduce tensions.*

Training is an essential, though by no means the only form of professional support that police require in order to be able to carry out their role effectively in multi-ethnic contexts. The aim of such training should be to provide police with the specific competences (i.e. awareness, knowledge and skills) that are required for working in such environments. A ‘training needs analysis’ should be carried out in order to identify these requirements.

The main areas of need likely to be identified will include: cultural and religious awareness, mediation and community relations skills, language training, and training in human rights, including rights of persons belonging to national minorities. In multi-ethnic societies, all police should receive a minimum of training in these areas. However, the extent to which language training is required, and the precise content of cultural and religious awareness training, will depend on local circumstances.

⁶ Further guidance on issues relating to recruitment and representation is included in the booklet published by the European Policing and Human Rights Platform: *The Recruitment and Retention of Police Officers from Minority Communities*, available at <http://www.epphr.dk/downloads.htm>.

Experience shows that it is essential that such training should be practical and job-related. If the training is purely theoretical, it is likely to have little or no impact on behaviour even if cognitive learning takes place. The training needs to show police the relevance and practical implications of new knowledge and skills, and to demonstrate how these will assist them to carry out their role effectively and professionally and bring benefits to them in their everyday work.

Care should also be taken before attempting to use training to directly change police attitudes, especially among experienced police officers. Among most adults, personal attitudes are deeply rooted, and any attempt to change these during short training courses is likely to be resisted or even counter-productive, unless highly skilled trainers are involved. However, it is essential that training does address the subject of prejudice and stereotyping of ethnic groups as a potential obstacle to fair and professional treatment of minorities. Such training should provide police with an opportunity to reflect on their own attitudes and prejudices and on how to ensure these do not impact negatively on their work.

The main emphasis in training, therefore, should neither be on simply providing information nor on changing attitudes, but rather on helping police in a practical way to carry out their everyday work in multi-ethnic contexts in a manner that accords with professional standards and international human rights. Training should therefore be seen as one particular, though very important, form of professional support, and as a resource for professional development. Other forms of professional support are referred to under Recommendations 10 and 11 below.

In view of the need to make training practical, it is important that appropriate methods are used. Formal lectures are likely to have limited value on their own. They need to be accompanied by interactive methods such as structured discussion and debate, involving exchange of opinion and experience. Most valuable of all are likely to be practical exercises and role plays which simulate real policing tasks in multi-ethnic societies.

This practical approach to training requires a change in the role of the trainer. Rather than being the expert who delivers specialist knowledge, the trainer needs to be a facilitator of debate and experiential learning, and to have the skills and credibility to carry out this role. The subject expert still has an important role, but becomes a resource person whose knowledge of minorities and inter-ethnic relations can be drawn on. The existing knowledge and experience of trainees (especially where they are experienced officers) relating to minorities is also an extremely important resource, which must be drawn on, shared and evaluated.

9. *It is recommended that training in minority issues and inter-ethnic relations is included in both initial and in-service training, and provided for senior as well as junior police officers. Representatives of minorities should be involved in both the planning and delivery of training.*

Training on minority issues and ethnic relations should be an integral part of initial training for police, and should be linked to themes such as human rights, community policing and a service-oriented approach. Although minority and ethnic issues should receive specific attention, they should not be separated off from the rest of the training: new recruits should be trained to carry out all policing tasks within a multi-ethnic environment as a matter of routine. Experienced police, however, should receive dedicated training on these subjects as part of their in-service training,

particularly where the subjects have not been included in their previous training. For front-line police, such training should focus on actual operational tasks (patrol, investigation, arrest, etc.), and should be presented as a positive contribution to their ongoing professional development. Civilian staff, especially those who may be the first point of contact for members of the public, should be included in such programmes.

Senior police who are responsible for management should also receive training on these subjects, but its focus should be different from training for police who provide (or directly supervise) front-line service delivery. While senior police need a general understanding of front-line policing issues, their training should focus on policy implementation, standard-setting and the management of organizational and cultural change, together with command responsibilities relating to the management of ethnic tensions and conflicts in the wider community.

Contributors from minority communities are also an important resource for police training on issues relating to minorities and inter-ethnic relations. Police need to learn at first hand from minorities about relevant cultural and religious practices and about minority perceptions of the police. Training also provides the opportunity for personal interaction with members of minorities, and for engaging together in discussions, exercises and role plays (in which each can 'step into the other's shoes'). Successful participation in police training by minorities also builds bridges and increases minority understanding of and confidence in the police. Minorities should not just be invited to attend specific training sessions, but should be involved at all stages, including in the planning and evaluation of such sessions and in the initial process of identifying training needs. Police should develop regular partnerships with a broad range of minority associations so they can develop confidence and skill at meeting police training needs on minority and inter-ethnic issues. They should also ensure that minority contributors from these associations are diverse in age, gender and other relevant aspects, and do not solely consist of officially- or self-appointed 'community leaders'⁷.

10. *Police codes of conduct should include professional standards for policing in multi-ethnic societies, and police training programmes should include components specifically designed to achieve these standards. Breaches of these standards should be subject to remedial action, and exemplary good practice should receive professional and public recognition.*

Professional training is a form of education that has a specific purpose: to equip a person to carry out a specific professional role in accordance with professional standards. In order to define those standards, codes of conduct need to be drawn up, and competences identified which enable the professional to achieve those standards. This principle should be applied in the context of police training, and in particular to police training for working in multi-ethnic environments. Training programmes, and the 'training needs analyses' on which they are based (see under Recommendation 8 above), should be designed to support the implementation of such codes of conduct.

⁷ Further guidance on such training may be found in the chapter on 'Police Training on Migrants and National Minorities' in the Council of Europe publication, *Human Rights and the Police* (1997). See also [http://www.coe.int/T/E/Human_Rights/Police/2._Publications/2.1_Trainers'_Supply_Kit/CI\(98\)1_Workbook_for_practice_oriented_teaching.asp](http://www.coe.int/T/E/Human_Rights/Police/2._Publications/2.1_Trainers'_Supply_Kit/CI(98)1_Workbook_for_practice_oriented_teaching.asp)

Codes of conduct are based on international standards and set out the general ethical principles on which good professional policing is based.⁸ Codes may also set out the specific actions that should be taken when carrying out specific policing tasks – in which case they are usually referred to as ‘codes of practice’. Codes of practice normally involve the application of ethical principles to the conduct of specific policing tasks in specific national and legal circumstances. Codes of practice therefore should be drawn up by individual States.

It is particularly important to draw up codes of conduct and specific practice with regard to policing in multi-ethnic environments due to the particular challenges such work may entail and its potentially controversial nature. Examples of potentially challenging and controversial policing tasks include managing overt ethnic conflict, de-escalating ethnic tensions, conducting stop-and-search operations in ethnically sensitive areas, or conducting police operations generally in minority residential areas. Detailed codes of practice should provide specific guidance and support for police who undertake such tasks. (See under Recommendation 16 for further explanation.) For instance, at the ethical level, there may be a greater risk of corruption linked to ethnic bonds, and thus a greater need for vigilance and action to ensure integrity. However, such ethical issues should be addressed within general codes of conduct for police, rather than by designing codes specifically for work in multi-ethnic environments.

Compliance with professional standards and codes of conduct should be recognized by police managers, and should contribute favourably to progress in a police officer’s career. Such progress should be based on individual assessments of performance, measured against such standards. Failure to comply with codes and standards should lead to remedial action and in serious cases of misconduct to disciplinary procedures against an officer. The role of training should be to assist police to act in accordance with these professional codes and standards. Police officers whose work demonstrates best practice should be invited to share their experience in training sessions. All of these professional support mechanisms should be applied specifically to the context of police relations with minorities.

11. *It is recommended that police managers and supervisors are clearly tasked with the responsibility to ensure that their staff achieve these standards in their dealings with minorities, and should provide leadership and set examples of good practice in their own work.*

Training and codes of conduct are not alone sufficient to ensure that actual police practice will accord with policy and professional standards. Experience has shown that the leadership provided by senior police officers, and the management and supervision of police staff, are also vital factors. More senior officers in the hierarchy need to provide role models for their juniors, and demonstrate the required standards in their everyday work. They need to make it clear that they also expect their subordinates to act in accordance with these standards, and they need to be active in monitoring that all police conduct complies with these standards and with human rights. If privately they denigrate these policies or express negative stereotypes about minorities, or if they fail to address instances of discriminatory behaviour against minorities, then their staff will quickly infer that they are not

⁸ See the *United Nations Code of Conduct for Law Enforcement Officials* and the *Council of Europe European Code of Police Ethics*, cited in footnote 2 above.

serious in their commitment. Minorities, who have a lifetime of experience of detecting different forms of discrimination practiced by majorities, will also be quick to detect when they are being treated fairly and with genuine respect, and when they are not.

Police managers and supervisors should receive training to ensure they are aware of the importance of these issues and can address them effectively. The basic principles for such training are set out under Recommendations 9 and 10 above. Capability for dealing with multi-ethnic policing issues should also be taken into account in the selection procedure for promotion into senior ranks in the police hierarchy.

As is emphasized under Recommendation 7, the ultimate goal should be that, through firm and consistent leadership and management on these issues, a cultural change in the police organization comes about over a period of years. Only then will the organization itself become a genuinely multi-ethnic, professional and non-partisan body, for which operating fairly and effectively in a multi-ethnic environment is a matter of routine.

IV. ENGAGING WITH ETHNIC COMMUNITIES

- 12. Police should be tasked with developing methods and practices to communicate and co-operate with minorities and to build confidence together at local, regional and national levels.*

A democratic service-oriented approach to policing in general, and a community policing approach in particular, require regular and effective communication between police and citizens. Effective policing in a democratic society must be based not on fear, but on consent. Police need the support of the public to carry out their work, not simply because of the need to be democratically accountable, but also because the practical co-operation of the public (e.g. in providing intelligence, reporting crime, acting as witnesses, and so on) is essential for the performance of the police role. In any democratic State, therefore, police need to establish methods and practices to communicate with the public at all levels and win their confidence.

Police in a multi-ethnic society face an additional challenge. Communication and confidence-building needs to reach out to a variety of minority groups, which may be diverse in terms of language, culture, religion and other circumstances, and which may be dispersed or residentially concentrated. Moreover, some of these groups may have experienced discrimination or other forms of oppression at the hands of the state in the past, including at the hands of the police, and may therefore continue to bear a strong sense of distrust towards police. Police therefore need to make sure that the methods and practices they use to communicate with the public take account of this diversity and past history, and can reach out effectively to all different ethnic and national groups. Special efforts may be needed to reach out to and gain the confidence of ethnic and national minorities which have experienced the most severe exclusion and disadvantage. This may require patiently building up relationships of trust with communities and their leaders over a period of time.

There are a variety of methods that police may use for developing communication with minorities. Some methods, such as the use of leaflets or radio and television, essentially involve one-way communication and are particularly useful for conveying information. To reach minorities by these

means, leaflets in minority languages and broadcasts in the mass media, including in minority languages, should be used. More valuable for building confidence and mutual understanding, however, are interactive methods that involve personal contact and communication between police and minorities. These include the following:

- a) Community forums. These should have an ethnically representative membership and should meet on a regular basis to discuss issues of mutual concern. Such forums should play a routine consultative role, and serve as a source of information about and better understanding of the local community – and especially minority concerns about the operation of law enforcement agencies. They should also help to bring the national minorities closer to the state institutions, building trust in the police and helping to prevent as well as to defuse tensions.
- b) Public meetings. These should enable the police to consult with local communities on the widest possible basis. Public meetings should be open to all and should focus on a particular issue. They are especially valuable at times of community tension, as they enable the police to listen directly to the full range of community concerns and to disseminate accurate information about the situation and about the police response.
- c) Community advisory boards. Community advisory boards serve the specific purpose of advising senior police officers how the police role can be carried out most effectively in the context of the local community, including matters such as the policing of ethnic conflicts, dealing with issues of discrimination, and engaging in community consultation. Police should invite as members of advisory boards people whom they consider have the relevant skills and experience to give them such advice. They should be people who can give such advice from an independent perspective, and not simply approve of whatever the police propose. Membership should reflect the diverse ethnic composition of the local community.
- d) Joint police-community workshops. Such workshops would bring together police and people from the community to work together on problem-solving related to specific issues in police-community relations. Participants should be small in number, and carefully selected as persons who can contribute to the solution of a defined problem or issue. This format can also be used for training purposes, to increase mutual understanding and to improve methods of co-operation generally. A skilled facilitator should be engaged to act as moderator for such events.
- e) Community contact points at police stations. These should be staffed with officers from the various ethnic backgrounds, and should provide information to persons belonging to national minorities about legal procedures and about opportunities for recruitment into the police, as well as serving as a ‘public reception room’ where such persons can address issues of concern to the police. Contact points could also be established in regional and city police headquarters, and in police academies and training schools. In addition, ‘open days’ could be organized in police stations and other establishments at which tours could be provided (including for schoolchildren), and these could be particularly targeted at persons from national minorities.

- f) Dedicated patrol officers regularly visiting particular communities. At local police stations, particular officers could be assigned responsibility for developing and maintaining contact with each national minority in the area. In addition to being the contact person for the minority within the police station, they should make regular patrols in and visits to the localities in which persons from such minorities live (including visits to schools), and they should establish personal contact and trust with members of such communities as widely as possible. In this way the police can ensure they are in touch with the needs and concerns of the widest possible range of people from national minorities, and establish lines of communication and relationships of mutual understanding and trust.

Methods of these kinds need to be used at all levels: national, regional and local. Both the personnel and issues will differ according to the level. For example, at national level senior police and policy makers need to be meeting with national-level minority leaders to discuss broad policy and strategy issues, or incidents of national concern, while at local level the focus will be on practical matters relating to community policing or incidents of concern locally. Police should ensure that minority languages can be used as the medium of communication in such meetings (see under Recommendation 13 below). In addition, when making practical arrangements, police should be sensitive to diversity in religious and cultural practices, for example by taking care not to schedule events on holy days or festivals. Police also need to ensure that they reach women and young people in national minorities in their communications, and not only the older male members of such communities.

13. *Police will need to ensure they have the capability to communicate with minorities in minority languages, wherever possible by recruitment and training of multilingual staff, and also by use of qualified interpreters.*

The Framework Convention for the Protection of National Minorities (Article 10) sets out the rights of national minorities to use their languages in public, and, so far as possible, in their relations with the administrative authorities. It also sets out their rights to use such languages in situations involving arrest or prosecution. Police therefore need to make provision for the use of such languages in their dealings with persons belonging to national minorities, whether as employees, suspects, witnesses, or simply as members of the public generally (e.g. in consultations, crime prevention activities, or public order situations.) Given that national minorities vary in the extent to which they actually use their own languages, and vary also in the extent to which they are fluent and literate in the official language(s) of the state, it may be appropriate to undertake a needs assessment to determine what provision is in practice required. Police should particularly bear in mind that certain groups within some national minorities (for example, older people or women) may be less likely to be fluent in the majority or official language, as they may have received less formal education or have limited involvement in public life.

Recruitment of persons belonging to national minorities into the police will immediately provide the police organization with a major resource to meet this need. Police from minority backgrounds working in areas where their own minority communities reside will be able use their minority language in their work. On occasion they may also be able to act as interpreters for colleagues, although it is important that their non-minority colleagues working in such areas should receive

appropriate training in minority language skills. It will also be important for police to have access to properly qualified and experienced interpreters for communicating with persons belonging to national minorities. Especially when dealing with suspects or witnesses, it is extremely important that police do not rely for interpretation on family members or other persons whose competence is unknown, as this may give rise to misunderstandings and inaccuracies which could undermine the quality of police work and possibly give rise to serious injustice for persons belonging to national minorities.

14. *Police should play a proactive role in providing encouragement and support to minorities to assist them to communicate and co-operate with the police, for example by acting as partners in initiatives to promote recruitment and to provide training on minority issues. Minorities for their part should be ready to communicate and co-operate with the police for the purpose of increasing community safety and access to justice.*

Effective policing in a democracy is dependent on having an active and well-informed body of citizens who take their civic responsibilities seriously, and are willing to provide co-operation and support for police to carry out their role. In a multi-ethnic State, it is essential that national minorities also play an active part in this process. As mentioned under Recommendation 12 above, national minorities may have less experience of civic participation, may face barriers to such participation (e.g. language or discrimination), and may lack trust and confidence to engage in this way with public authorities – and particularly the police. If the police are serious about wishing to engage effectively with national minorities, then they need to be proactive in encouraging and supporting minorities to play this role, rather than waiting passively and then complaining if minorities do not come forward to the same extent as other groups.

Police therefore need to identify ways in which they can help to empower minorities to become involved in this way, and to help them to build their capacity to do so. Police also need to allocate resources for this purpose. This empowerment can be achieved partly by general confidence-building measures of the kinds set out under Recommendation 12, and by promoting public awareness of rights and responsibilities relating to policing and justice. However, it can be more effective if police can build structured and enduring relationships with minority community associations and other NGOs that are active in this field. Such associations and NGOs can assist police to develop their communication with minority communities, and can provide them with valuable advice and information on minority and ethnic issues. Police can also establish more formal partnerships with such bodies to undertake initiatives such as identifying and supporting potential recruits from national minorities, providing advice and inputs into police training, and assessing options for responding to ethnic tensions and conflict. A partnership of this kind should involve a formal agreement between two or more separate organizations to work together on an equal and continuing basis to achieve a common purpose.

Building effective co-operation with community groups and NGOs may take time, and requires the development of trust and mutual understanding. Both sides may initially be cautious: the minorities may suspect that the police have ‘hidden agendas’ such as to extract intelligence about criminal activities among national minorities; while the police may have little experience of working with civil society groups and may suspect these groups’ motives, especially if they have been publicly critical of police in the past. What is important is to find common purposes such as to improve

police-minority relations and to increase access to justice for minorities, and on this foundation to identify ways in which each can help the other while respecting their different roles and styles of working (including the continued right of NGOs to criticise the police on behalf of their communities when things are done wrong). Experience shows, however, that the benefits to be gained from such partnerships by both sides are substantial, and tend to increase with time. They also provide a framework within which any subsequent problems in police-minority relationships can be addressed and resolved through dialogue and mediation.⁹

Minorities can themselves contribute to community safety and access to justice by promoting awareness of rights and responsibilities of their members under the law, by providing advice and support for persons who are victims of crime, by encouraging civic participation in activities relating to community safety and policing, and by working to promote the interests of and fair treatment for members of their communities in matters relating to policing and justice. The resolution of many wrongs or disputes between persons within minority communities may also be able to be resolved through mediation or other traditional means within such communities, without recourse to the police or other national justice agencies. However, it is also essential that minorities, or particular groups within them, do not take justice into their own hands (e.g. by undertaking 'vigilante' activities), and that all members of minorities have unrestricted access to their legal rights and the justice system of the state in general. It is particularly important that those women in minority communities, who may face gender discrimination or domestic violence, are not prevented by internal community structures from having access to their legal rights and the justice system.

15. It is recommended that mechanisms are established to ensure that police are democratically accountable for their actions to people from all sections of the community. These need to include effective systems for making and following up complaints, which are accessible to persons belonging to national minorities. All sections of the community need to be aware of their rights and responsibilities in relation to the police, and of the powers of the police and the services they are expected to provide.

In a democracy police should be accountable not only under the law through the courts and justice system, but also directly to the public, to ensure that police are able to explain their actions to the communities they serve and on whose consent they are in practice dependent. Accountability is a fundamental principle for 'community policing'.

To ensure democratic accountability, formal structures need to be established at both local and national levels, such as forums or representative boards, at which police are required to report on their actions, and may be called on to explain and justify them (see also under Recommendation 12 above). National minorities need to be represented on such boards and to be able to participate in such forums, which should be held in locations which are accessible to them. National minorities also need to be free to raise their own issues of concern about policing, and to do so using minority languages. These formal structures should not be managed directly by the police themselves, but established so they operate independently. States need to facilitate the establishment of such structures, to provide resources for them, and to ensure that national minorities are able to

⁹ Further guidance on building co-operation between police and NGOs is included in the booklet published by the European Policing and Human Rights Platform: *Police and NGOs: Why and How Human Rights NGOs and Police Services Can and Should Work Together*, available at <http://www.epphr.dk/downloads.htm>.

participate in them effectively. States should also consider the potential benefits of making the establishment of accountability structures a requirement under the law.

Effective mechanisms to enable individual citizens to make complaints regarding police behaviour (including in minority languages wherever possible) should also be an integral part of accountability structures. Citizens need to be able to obtain explanations of specific actions by police that they believe have been harmful and unprofessional, and to obtain redress where appropriate, without needing to have recourse to law. Some incidents may be suitable for resolution through dialogue between the citizen and the police, and complaints procedures should allow for this possibility. More serious incidents should be referred to an independent police complaints body established for this purpose, or to a more general complaints investigation body where this exists, such as an Ombudsman. It is essential that minorities are able to have access to complaints mechanisms, so that they have the same access to redress against the abuse of police powers as other citizens. Police managers should positively support the existence of such complaints systems, not merely on principle, but because their existence helps to increase community confidence and because they generate important information for police managers about where police performance may be going wrong. States should ensure that police complaints mechanisms are in place and are working effectively, that they involve some element of civilian (including national minority) participation and oversight, and that they are fully accessible to all ethnic and national groups.

In order to participate effectively in communication with police, and indeed to exercise their responsibilities as citizens generally, minorities need to be aware of their rights and responsibilities in matters related to policing, and also the powers of the police and the services they are expected to provide. Although provision of such awareness among citizens may not be their specific responsibility, police need citizens to have such awareness in order for them to carry out their role in accordance with democratic principles. Police should therefore be willing to actively promote and participate in public education for this purpose, and in particular to support work in schools or by NGOs. They should be willing particularly to assist awareness among minorities, and to participate in meetings or training for community leaders organized for this purpose. States, however, should not leave this task solely to the police and NGOs, but should ensure that information about the rights and responsibilities of citizens in relation to policing is widely available, including in minority languages, and is included in the formal curriculum of schools.

V. OPERATIONAL PRACTICES

- 16. Measures should be taken to ensure that police enforce the law in an impartial and non-discriminatory manner which does not single out any particular group, e.g. by engaging in 'racial profiling'. Such measures should include codes for the conduct of operational practices, such as the use of police powers to stop and search people on the street and in other public places.*

As has already been noted, the police in a democracy are usually the most visible of the public authorities, as well as being those with the most immediate powers over the everyday lives of citizens. It is therefore essential that the police, as representatives of the state, are seen to exercise their powers in an exemplary manner. This requires that the police always act professionally and in accordance with human rights, and apply the law in an impartial and non-discriminatory manner.

Police officers are recruited from the wider society, and may vary greatly in their knowledge about and prejudices relating to different minorities. Such prejudices may be shared and expressed openly, or they may be concealed. In either form, they may influence a police officer's behaviour towards particular ethnic groups. There may always be a danger, therefore, that police officers treat members of particular ethnic groups in different ways, whether in a direct or indirect manner, unless active steps are taken to prevent this.

Special attention needs to be given to the practice of 'racial profiling'. This is the inclusion of data about race or ethnicity in the profile of persons whom the police consider are more likely to commit a particular crime. Persons fitting the resulting profiles are specifically targeted by law enforcement officials and subjected to measures such as 'stop and search', vehicle inspection, identity checks, etc. Racial profiling involves the use of racial or ethnic stereotypes, rather than individual behaviour, as a basis for making decisions about who is likely to be involved in criminal activity. There is extensive evidence that racial profiling is widely practiced on an informal basis across the OSCE region by law enforcement agencies, even though officially it is condemned. The groups subject to racial profiling tend to differ between States, although racial profiling of Roma and Traveller groups tends to be Europe-wide.

Whatever the particular ethnic composition of their populations, all States are advised to work towards introducing ethnic monitoring of the outcomes of police operations in order to identify whether or not discrimination is taking place. Such monitoring involves measuring statistically whether or not police operations such as 'stop and search' impact fairly and proportionately on different ethnic groups. Use of monitoring will assist States to ensure compliance with their international obligations (e.g. under the European Convention on Human Rights and the International Convention on the Elimination of Racial Discrimination) and their own national obligations (e.g. under their constitution and domestic law) to prevent discrimination on ethnic and related grounds. Provided such monitoring is carried out with due regard to confidentiality, and the data anonymised and aggregated in statistical form, the rights of individuals should not be violated.

States need to ensure that they have clear policies and professional standards that require equal treatment and prohibit discrimination in the application of the law by police, and that these are supported by training and detailed codes of practice. As indicated in Recommendation 10, such codes of practice should set out precisely the behaviour that is expected of police officials in carrying out specific policing tasks, so that the risk of discriminatory or other unprofessional behaviour is minimised. In particular, they should be drawn up for any tasks where there appears to be a risk of discriminatory treatment occurring: these could include use of police powers for stopping or searching people on the street or in other public places, the control of admissions at borders, the use of force in making arrests, the conduct of police 'raids' in residential areas, and the management of ethnic conflicts and public disorder. Breaches of the codes should be subject to disciplinary action.

In view of the importance in multi-ethnic societies of ensuring that police apply the law in an impartial and non-discriminatory manner, States are encouraged to consider undertaking a 'systematic assessment' of policing policy and practice generally with regard to ethnic and national

minorities.¹⁰ This assessment should measure current policing practices against international professional policing standards and the requirements of international human rights. It should be based on evidence obtained through research, analysis of incidents, and consultation with national minorities and NGOs. Action plans should be drawn up to address those areas of policing where practice falls below international standards.

17. Police should take steps to encourage the reporting by persons belonging to national minorities of crime, in order to promote community safety and access to justice.

Police everywhere are highly dependent for the detection of crime on information from members of the public. There is extensive evidence from across the OSCE region that minorities are less likely to report crime than those from other sections of society. If police are to be able to respond equally to crime against persons belonging to national minorities, then they need to ensure that these persons are as willing to report crimes as anyone else. Police also need to be equally efficient and professional in the way they record and investigate crimes against persons belonging to national minorities, and in bringing the perpetrators of such crimes to justice. Persons belonging to national minorities are only likely to report crimes to the police if they believe they will be treated with respect and that their allegations will be taken seriously. Police should make sure that persons belonging to national minorities, like all citizens, are kept regularly informed of the progress and outcomes of any cases in which they are involved as victims or witnesses. Research by criminologists consistently shows that the personal experience of victims of crime in their treatment by the police is one of the most powerful determinants of the level of trust and confidence in the police, not only among minorities but in all sections of the community.

Research has shown that other factors affecting the level of reporting by minorities of crime are their knowledge about procedures for reporting crime and their understanding of the criminal justice system generally. The police can play a major role in increasing levels of knowledge and confidence among minorities, in particular, by seeking the co-operation of NGOs and community associations that can disseminate information about the reporting of crime, and encourage victims to report incidents and offer them support. Particular attention should be given to the need to ensure that such information and support reaches women in minority communities. Police should also take steps to ensure that minorities can report incidents in their own languages (see under Recommendation 13 above).

Citizens will be more willing to report crime to the police when they believe that the police are doing a good job in protecting them from crime generally. States should encourage police and governmental authorities at local level to adopt and implement policies to promote 'community safety'. By 'community safety' is meant the goal of ensuring that the places where people live and work are free from crime, and that people feel secure both in their homes and as they go about their daily business in public places. NGOs and citizens should be actively involved in initiatives to ensure that their localities are safe places to live and work, and should be encouraged to co-operate with the police for this purpose. Minorities also need to be actively involved in such activities.

¹⁰ As is recommended in the chapter on policing in the *OSCE Action Plan for the Improvement on the Situation of Roma and Sinti, 2003*, available at http://www.osce.org/documents/odihr/2003/11/1562_en.pdf

Bringing together different ethnic groups with police at local level to work jointly on the promotion of community safety is a valuable method of furthering ethnic integration in a multi-ethnic society.

18. *When undertaking regular patrols in multi-ethnic areas, police should where possible deploy ethnically mixed teams in order to build public confidence and increase their operational effectiveness. Police should also ensure their tactics and appearance (e.g. numbers, visibility of weapons, choice of uniforms) are appropriate to the task and do not unnecessarily provoke fear and tension.*

As explained under Recommendation 4 above, it is important in a multi-ethnic society that the composition of the police is representative of that society. This is to ensure both that the police are seen to be legitimate by all ethnic groups, and so that the police have the practical skills and experience to work with all sections of society.

This is especially important at the operational level in local areas that are multi-ethnic in their population composition. Police need to be able to communicate with all groups and have their confidence, especially in situations where there might be inter-ethnic tensions. The use of mixed patrols, and mixed teams for investigative or other work, can assist police to achieve this objective. Mixed teams can also provide police with a multilingual capability when carrying out policing tasks in multi-ethnic communities. At the same time, police demonstrate to the public a good-practice model of multi-ethnic co-operation in the provision of public services, which is the basis for a successful multi-ethnic State.

The use of mixed patrols and work teams may require careful support and management where new recruits are involved or where there have been any inter-ethnic tensions within society at large. Managers need to be sensitive to possible sources of such tensions, and to the pressures that dealing with such tensions within the community may place upon officers from particular ethnic backgrounds. Where police officers from minority backgrounds are working in their own communities, this may bring many advantages to both police and the community. However, if there is any conflict between the minority and the police generally, the police officer from a minority background may be a focus for hostility (see also under Recommendation 7 on the deployment of police officers from minority backgrounds). There may also be pressures on officers from the majority working in predominantly minority residential areas, which a colleague from a minority background can help to alleviate or resolve. The use of mixed patrols and work teams can therefore provide protection against these various tendencies, and affirms the ongoing commitment of the police to multi-ethnic co-operation and professional integration.

19. *Police should ensure that anti-discrimination law is enforced vigorously and effectively. In particular, police should take steps to encourage the reporting of crimes motivated by ethnic hatred, and ensure that they are fully recorded and investigated.*

The right to equal treatment is a fundamental human right, and all States have laws of some kind that address discrimination. States vary in the extent to which, and the manner in which, their laws cover different forms of discrimination. For example, in some States, discrimination is covered by civil law and is not a responsibility of the police. Also, acts of violence motivated by ethnic hatred

may be covered by special laws, may be regarded as aggravated cases under a more general criminal law, or may not receive any special recognition under the law.

Whatever their responsibilities under the law for tackling crime motivated by ethnic hatred and violence, police need to ensure that they apply these laws firmly and consistently. Any democratic multi-ethnic State, for its successful functioning, is dependent on the police for ensuring that its laws against racism and discrimination are implemented effectively. Of course, this must be done in conjunction with the role of prosecutors and the courts, according to the procedures and responsibilities set out within each individual State. Everywhere, however, the police role is crucial.

Acts of physical violence motivated by ethnic hatred are the most serious forms of crime motivated by ethnic hatred, and the most serious threat to the stability and well-being of multi-ethnic democracies generally. Such acts not only do serious harm to individuals, but – because they target individuals as members of ethnic groups – also threaten whole communities and thus the fabric of society generally. It is essential that police understand the importance of their role in tackling this form of crime (e.g. through provision of training on this subject), and that they appreciate the dependence of the whole society on their dealing with it effectively.

The element of racism or ethnic hatred in crime is often explicit, though sometimes it may be subtle or concealed. In multi-ethnic contexts, police should always consider the possibility of such motivation in crime, and (regardless of their own initial view on the matter) should always accept for investigation the allegation of the victim or any other person that an element of racial motivation was involved. The judgment by the European Court of Human Rights in the *Nachova* case makes clear that all European States have an obligation to investigate possible racist motives behind acts of violence.¹¹

In order to combat crime motivated by ethnic hatred effectively, the first requirement is that police must have procedures for recording such crimes, and for investigating them effectively. These procedures need to ensure that evidence of the element of ethnic motivation is properly collected so that it can be presented in court. Police officers need to be trained so that they follow these procedures, and understand why they are important. Police need to ensure that not only majorities but also minorities, who are disproportionately victims of such crimes, have the confidence to report such crimes, and police should co-operate with NGOs and community groups for this purpose. Police should also compile anonymised, aggregated statistical information about such crimes, and analyse it so that they can monitor the incidence of such crime and their own effectiveness in responding to it. Such data should be made available to other public authorities and NGOs, so that they can co-operate with the police in undertaking preventive action.¹²

20. States need to ensure that mechanisms to provide advice and support for victims of crime are equally accessible to and effective for persons belonging to national minorities.

¹¹ European Court of Human Rights (Grand Chamber) 6 July 2005, *Nachova and others v. Bulgaria*, (applications nos. 43577/98 and 43579/98), available at <http://www.echr.coe.int>

¹² Since 2004, a specific OSCE programme – *the ODIHR Law Enforcement Officer Programme on Combating Hate Crime* – has been assisting police in OSCE participating States to address these issues. See http://www.osce.org/odihr/item_11_16251.html

OSCE participating States currently vary in the extent to which they recognize the needs and rights of persons who have been victims of crime, and in the extent to which they make provision for advice and support for such persons. In many States, there is little or no such provision. However, in recent years, the international community has placed increasing emphasis on the need for greater recognition of the rights of victims of crime, by addressing this issue within a variety of international conventions and declarations, especially those relating to women and to children. Such documents identify specific human rights which are relevant to victims of crime, including rights to personal freedom and dignity, to compensation, to medical, physical and social assistance, to information about the progress of criminal investigations, and to access to justice generally.

Even in countries where such provision does exist, research has shown that ethnic minorities, when they become victims of crime, have less access to such support and are less likely to benefit from it. This may be for a variety of reasons, including: the location of such provision, lack of awareness of (or confidence in) such services among minorities, and the lack of sensitivity of service-providers to cultural diversity or lack of ability to communicate in minority languages.

The responsibility for victim support does not lie exclusively or even mainly with the police, but with the state generally. States need to establish national structures that are capable of delivering victim support services locally and services that are accessible to and appropriate for the needs of all ethnic groups. Victim Support organizations need to be fully independent of public authorities (and seen to be independent), while also co-operating closely with them. Maximum use should be made of civil society participation, and involvement of NGOs.

However, the police have a crucial role to play in providing support for victims, and it is also very much in the interest of the effectiveness of policing that they carry out this role. Police are frequently the first point of contact with public authorities for victims of crime, who may at this stage be emotionally distressed, physically injured, unaware of their rights, and in urgent need of advice and support. As well as carrying out their duties with regard to the criminal law, police need to be able to provide emergency support, and then direct victims to other appropriate sources. It is essential that police perform these immediate victim support tasks effectively, both for the safety of the victim and in order to maintain the victim's confidence in the police. Police need to maintain this confidence so that victims will be willing to provide information for the investigation of their case, and also be willing to testify in court. For these reasons it is essential that police keep victims informed about the progress of their investigations. Police may also need to provide victims with protection in cases where there is a threat to their safety following the crime or due to their willingness to report it to the police.

Police need to make sure that minorities, as well as the majority, have confidence in their support and protection when they become victims of crime. Where there has been a history of conflict or lack of trust between minorities and police, it is important for police to take active steps to overcome this potential barrier. Police should pay special attention to the need to ensure support and protection for victims in cases of crime or violence motivated by ethnic hatred. Such cases frequently involve 'repeat victimisation', or even retaliation and ongoing exchanges of threats and acts of violence between members of different ethnic groups. Whole communities, rather than just individuals, may experience victimisation when crimes motivated by ethnic hatred occur, and police should recognize the possible need to provide support and protection at a community rather than

solely an individual or family level. Where appropriate, police should undertake risk assessments for this purpose.

VI. PREVENTION AND MANAGEMENT OF CONFLICT

21. *Police should be tasked and trained to play a proactive role in developing a relationship with minorities aimed at identifying and if possible reducing tensions which can lead to inter-ethnic conflicts.*

As stated in the Introduction, the HCNM has identified the police as having a key role to play in the prevention of ethnic conflict. This arises from a number of factors: the responsibility of the police for the maintenance of public order and tranquillity, the powers possessed by the police for this purpose, the intelligence available to the police about tensions or incidents that could give rise to ethnic conflict, and the professional skills that can be employed by police to help to ensure that such tensions and incidents do not actually develop into overt physical violence between different ethnic groups.

It is often supposed that the responsibility of the police with regard to ethnic conflict is limited to responding to actual incidents of overt conflict: to restoring order and to bringing to justice those in breach of the law. This view fails to appreciate the importance of the role of police at earlier stages in the potential development of such conflict, and also in the de-escalation of tensions between ethnic groups once public order has been restored. Of course, the police do not have exclusive responsibility for the prevention of such conflict and for taking remedial action, but in co-operation with other public authorities and with representatives of civic society they can play a crucial role.

A key contribution which the police can make to the prevention of ethnic conflict is monitoring the levels of tension between ethnic groups, on the basis of evidence and systematic indicators. The evidence should consist of (a) the number and seriousness of specific incidents (e.g. threats or inter-personal violence) between persons belonging to different groups that have potential for escalation, and (b) intelligence derived from community sources about general levels of inter-ethnic animosity within groups or about plans being made for specific hostile actions. Such intelligence requires police to build relationships of trust and good communication with all ethnic groups, and to develop contacts with reliable and unbiased sources of information.

Systematic indicators need to be developed so that information about levels of ethnic tension can be gathered and compared over time and from different geographical regions. Such indicators need to be monitored nationally as well as locally. Other public authorities, such as local or regional governments, and NGOs may also be able to contribute to the monitoring of such tensions. While detailed information used in such monitoring may need to be confidential, it may be important for police or governmental authorities to make their assessment publicly available in certain circumstances (for example, if the mass media or extremist groups are, for their own purposes, exaggerating the actual levels of tension).

States should ensure that systems for monitoring ethnic tensions are established by police and function effectively at both local and national levels, and that responsibility for collecting and

managing such data is clearly assigned to particular staff members and that these staff members receive training for carrying out this role.

States should also ensure that all police officers clearly understand the importance of their role in preventing ethnic tension and conflict, and that this role is reflected in police training generally. The training needs to ensure that senior police and operational managers have a good understanding of the potential causes and dynamics of ethnic conflict, have good mediation skills, and appreciate how through leadership the public authority of the police can be used to secure the commitment of potentially conflictual groups to find non-violent solutions.

States also need to ensure that ‘prevention of ethnic conflict’ is not understood by police to justify repressive actions that infringe minority rights, but that preventive actions should form part of wider policies to promote the integration of minorities and good inter-ethnic relations. The legitimacy and effectiveness of the police in securing commitment to non-violent solutions among all ethnic groups will depend directly on whether the police are perceived and trusted to act fairly towards all groups in accordance with human rights.

22. Police also need to be trained and equipped to manage civil disturbances and incidents of inter-ethnic conflict in a professional and non-partisan manner, with the aim of de-escalating conflicts and of resolving them through mediation where possible and with minimal use of force.

The management of public order is a key responsibility of police in a democratic State. In a multi-ethnic State, overt ethnic conflict is an acutely serious form of public disorder, as it threatens the very foundations of the social cohesion of the state. The capacity of the police to manage and resolve any such outbreaks of public disorder is therefore crucial for the maintenance of a successful multi-ethnic society. Specific training should be provided for police officers responsible for the management of civil disturbances and incidents of ethnic conflict, and detailed codes of practice should be drawn up relating to this task. (General guidance on training and codes of practice is provided under Recommendations 8-10 above.)

When managing incidents of inter-ethnic conflict, the police need not only to be technically efficient, but also to maintain their legitimacy in the eyes of all groups and act at all times in accordance with international human rights. A key issue is the use of force by police. Although the police have the right to use force to resolve overt conflicts in accordance with the law, their professional aim should be to use the minimum amount of force necessary, and only to use it as a last resort. Alternative approaches such as mediation should be used wherever possible, and clear guidelines should be produced identifying the circumstances in which use of force is justified and how it should be exercised.¹³

Police should always bear in mind that their actions are not separate from or ‘outside’ the dynamics of inter-ethnic relations: they are an integral part of an ongoing social and political process in a democratic State. As the agency of the state responsible for managing overt conflict internally, their

¹³ In approaching the use of force generally, the police should follow the UN Guidelines: *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, available at http://www.unhcr.ch/html/menu3/b/h_comp_43.htm.

actions may – at least in the short or medium term – have a crucial effect on the development of inter-ethnic relations and the future of the state generally. For these reasons their ability to maintain the confidence of all ethnic groups whilst managing conflicts and restoring public order is of fundamental importance. If they act in, or are perceived to act in, an ethnically partisan manner against minorities whilst carrying out this role, in the eyes of minorities their legitimacy for acting as representatives of the state will be destroyed. It is therefore essential that all police officers, whatever their ethnic background, act with strict professional integrity in dealing with situations of inter-ethnic conflict.

- 23. Especially at the local level, police should co-operate closely with other public authorities to ensure their actions to prevent and manage inter-ethnic conflict are co-ordinated with wider action to promote the integration of minorities and to build a successful multi-ethnic society.*

Whilst the management of overt ethnic conflict is the primary responsibility of the police, the prevention of such conflict and the resolution of tensions following its occurrence are tasks the police can and should contribute to, but not ones the police should address alone. Other public authorities also need to play a role, especially by taking the lead in addressing the underlying causes of such conflict. Which authorities need to be involved may depend to some extent on the nature of these causes: for example, in some situations where the conflict is linked to residential or property issues, housing authorities may be able to play a major role. A key role will be played by those authorities that have the capacity to bring together members of the different groups that are in conflict, to build bridges at the personal level, and to develop joint projects to advance common interests of various kinds. In the long run, education – and especially education that brings together young people from the different groups – will play a crucial role, so that education authorities must also be seen as having a key role to play. In view of the importance of addressing these issues at the local level, local government will certainly have a major role.

At both national and local levels, the police and other public authorities need to come together to develop specific strategies (including media strategies) to prevent ethnic conflict and ensure community cohesion in multi-ethnic societies. There are many instances where such conflict has developed, or has been exacerbated, primarily because those responsible did not recognize the signs early enough, did not have the commitment to act, or failed to act in an effective and co-ordinated manner. States need to ensure that they promote co-ordinated action by the relevant authorities at both national and local levels, and that this forms part of their wider strategies to promote the integration of minorities at all levels. Formal structures and partnerships will need to be established for this purpose. The role of the police needs to be recognized as integral to the process of building community cohesion in multi-ethnic societies, and police therefore need to be active partners in the process along with other public authorities and with representatives of national and ethnic minority groups.