

# Equality and Diversity

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*Manual for Albanian State Police officers*

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## Introduction

This Manual on Equality and Diversity has been prepared under the auspices of the OSCE Presence in Albania, in cooperation with the Albanian State Police. This manual is aimed at assisting Albanian State Police officers to better understand the concepts of equality and diversity in fulfilling the police mission to preserve public order and security, in compliance with the law and abiding by human rights and freedoms.<sup>1</sup> Moreover, the manual may be used as additional material for the students of the Police Development Centre, as well as for the law students or representatives of the civil society.

Chapter I of the Manual is aimed at explaining the notion of *diversity* and *equality* by making an analysis of the factors which lead to discrimination as a result of the failure to respect them, by providing simple definitions of the notions relevant to diversity, as well as concrete examples. This Chapter also provides reference of the notions in the Albanian legislation, with the purpose of making them more comprehensible and relevant to the everyday activity of the Police officer.

Chapter II of this Manual provides a summarized reflection of the Albanian legislation, as well as of the international conventions Albania adheres to. The purpose of this Chapter, along with the understanding the relevance of respecting diversity as essential for the respect of human rights, is for the State Police officer to be informed on the legal obligation he/she has during the everyday work.

Chapter III of the Manual has been drafted as an assisting tool, which provides necessary information to the Police officer regarding subordinate legal acts related to *diversity* and *equality*, which are included in the State Police Declaration on Diversity,

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<sup>1</sup> Article 1/2 of Law 9749, dated 4 June 2007 “On the State Police”

as one of the most relevant documents which expresses the engagement of this organisation to achieve the highest standards.

Moreover, the manual is complemented by some Annexes which may be used as reference material by the user.

## **I. Diversity and equality**

### **Diversity**

The Albanian State Police is the organisation which provides police service in the Republic of Albania. As such, it has to make sure this service is provided to all citizens and persons in the territory of Albania regardless of the special characteristics each of them may have. On the 4<sup>th</sup> of February 2010, the Assembly of Albania approved the Law No. 10221 “On the Protection from Discrimination,” which is aimed, inter alia, at providing equality before the law and equal protection, also in the service sector; equality of chances and opportunities to exert the rights, to enjoy freedoms; and effective protection from discrimination and any type of behaviour which encourages discrimination.<sup>2</sup>

In a society or community, an individual or a group may be discriminated upon for different reasons. The Law on Protection from Discrimination lists some of these reasons as follows:

*“This law shall regulate the implementation and respect of the equality principle in relation to gender, race, colour, ethnicity, language, gender identity, sexual orientation political, religious, or philosophical beliefs, economic, education, or social state, pregnancy, parentage, parental responsibility, age, family or marital status, civil status,*

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<sup>2</sup>Article 2 of the Law on Protection from Discrimination.

*residence, health status, genetic predispositions, disability, affiliation with a particular group, or any other reason.”<sup>3</sup>*

What is the relation between diversity and discrimination? Diversity is a new concept in our society, therefore it is very difficult also for many professionals to understand every detail related to it. In order to make the relation between diversity and discrimination and comprehensible as possible, see figure 1, which shows, in a simplified way, the steps which lead to discrimination, or the consequences of the failure to respect diversity in the society.

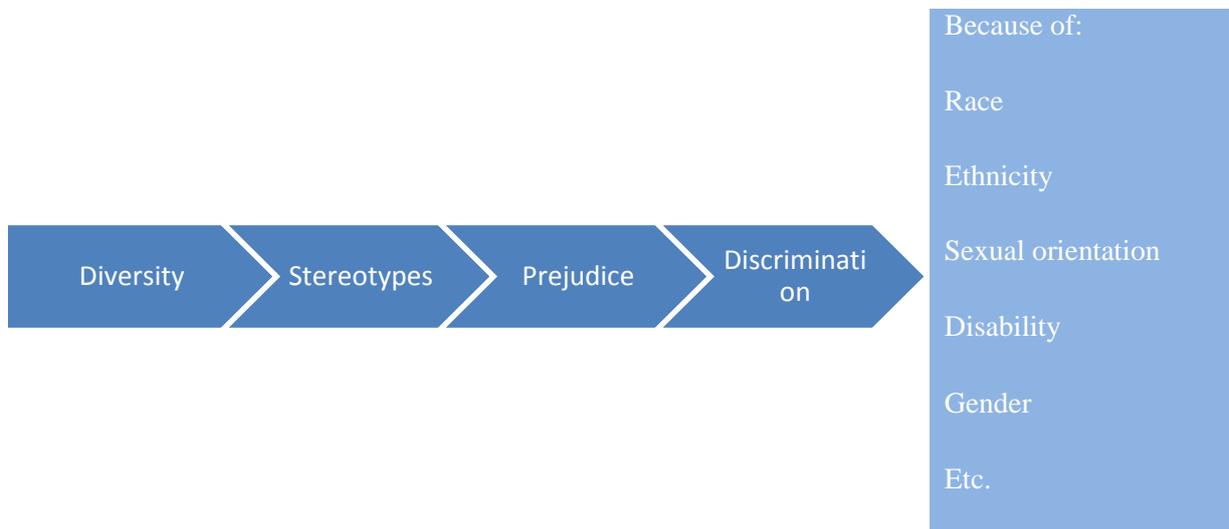


Fig. 1

Cultural diversity is related to different living practices of individuals according to their nationality, religion, gender, age, physical ability, and sexual orientation. Supporting cultural diversity means seeing people as individuals, accepting their differences, and taking into consideration their individual rights and dignity. Police

<sup>3</sup>Article 1 of the Law on Protection from Discrimination.

Officers must be sensitive towards the needs of ethnical groups and assist them when they get victimised due to unfair stereotypes. In order to achieve this, it is necessary that police officers leave aside such prejudice improving knowledge and understanding of diversity.

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*Diversity means: let's all be different!*

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*Diversity in the context of an organisation* is the devotion to know and value the different characteristics that make an individual unique, in an environment that promotes and celebrates individual and collective achievements.<sup>4</sup> Diversity is related to anything that makes us different from the others: age, race, gender sexual orientation, economic and social state, religious beliefs, political affiliation mental and physical abilities, education, language, family, civil status. All the latter make the person, as well as define in which group that person belongs, as well as the dominant culture of that group. A person may belong to more than one group, each of which has a certain culture. Moreover, each group thinks its own culture is superior and is always right. Diversity is not related to the question if a person is better than another, but with accepting and respecting the changes and differences of others and their cultures.

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*Equality means: even though we are different, we  
have equal rights!*

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<sup>4</sup>The University of Tennessee Libraries Diversity Committee, Spring 2001; Revised January 2003

*Equality* is the creation of an impartial and fair environment where everyone can participate and have the possibility to express his/her full potential or talent.

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*Stereotype: to create a general opinion on people, basing only on the characteristics which make them different from us.*

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Often, the failure to accept the differences and diversity of others leads to the creation of stereotypes. A *stereotype* is “a certain general belief regarding a certain group or class of people.”<sup>5</sup> The disadvantage of stereotypes is that it makes people not take into account the differences among individuals, thus making them think they have certain characteristics or behaviours, which are not necessarily true, only because of their belonging to a certain cultural group. Stereotypes lead to creating wrong impressions based on general or unproven beliefs. Examples of negative stereotypes may include:

- Roma people only think about dancing and music;
- Women in the police force are only good for desk jobs;
- Persons with disabilities cannot even take care of themselves.

Such types of generalisations are dangerous because a person may take wrong decisions based on them.

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*Prejudice means making negative judgment of others only because they are different from you!*

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<sup>5</sup>Cardwell, M. (1996).*Dictionary of psychology*. Chicago IL: Fitzroy Dearborn.

Stereotyping groups or individuals often leads to prejudging them. *Prejudice* is to dislike others based on generalisations and negative judgement. This is related to a way of thinking in which we take for granted the fact that certain groups have certain characteristics and we behave (usually in a negative way) making our judgements on the basis of those characteristics, without really assessing whether they exist or not.

Examples of prejudice include:

- Roma people only think about dancing and music, they do not want to work;
- Women in the police force are only good for desk jobs, they cannot carry out operational tasks in the field;
- Persons with disabilities cannot even take care of themselves, so how can they work for the state.

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*Discrimination is the active negative action against others due to prejudice upon them!*

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According to the Law on Protection from Discrimination “*Discrimination* is every distinction, exclusion, limitation, or preference, because of any reason..., that is aimed at or results in the hindering or making impossible the exercise, in the same manner as with others, of the fundamental rights and freedoms recognised by the Constitution of the Republic of Albania, international acts ratified by the Republic of Albania as well as the effective legislation.”

Thus, in other words, *discrimination* is related to the active actions of a person against another person or group on the basis of the prejudice of the former regarding the characteristics and culture of that group. **Discrimination means putting prejudice in action.** The transition from prejudice to discrimination is made through the negative treatment of persons belonging to certain groups. For instance:

- Immediately suspecting a member of the Roma community for a robbery which has occurred in a certain area;
- To deny the appointment of a woman police officer in an operational duty in the field;
- Not to trust the work of the subordinate or colleague with disabilities.

Prejudice is different from discrimination because prejudice is an opinion or a behaviour, while discrimination is an action.

Police officers should also be familiar with the Roma culture so to improve the relations with this community, which are not always very good. The Roma may be victims of prejudice and stereotyping from the community in general and from the police in particular, in this way raising a serious question over the respect of human rights and fundamental freedoms of the members of this community.<sup>6</sup>

As human beings, we have the possibility to avoid prejudice, thus not to discriminate. By becoming open-minded towards the differences among persons belonging to different groups and their culture, exploring and knowing the different, as well as accepting the diversity of the society we live in, we can change opinions, control behaviours and know the responsibilities to act without prejudice towards each member of the community. The state police officer, along with the legal obligation to treat every citizen equally, must understand that he/she can choose not to discriminate.

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<sup>6</sup>Good Practices in Basic Police Training – Curricula Aspects by the Senior Police Adviser to the OSCE Secretary General, SPMU Publication Series Vol.5, 2006

## Types and forms of discrimination

A person may be discriminated upon for different reasons and in different forms. However, State Police officers must understand that no difference of the person may be the basis for any kind of discrimination against him/her. At the meantime, not only in Albania, but also in developed countries, discrimination is a major problem of the society. The State Police Officer, as law enforcer, must do every effort to fulfil the legal obligations with the purpose of serving the citizens by treating them “equally and must carry out the tasks without discriminating on the basis of gender, race, colour, religion, ethnicity, political, religious, or philosophical beliefs, sexual orientation, economic, education, or social state, or parentage ...<sup>7</sup>”.

Discrimination can be made for different reasons, but the most frequent ones include gender, race, ethnical belonging, sexual orientation, disability, age, etc. Discrimination may be direct or indirect. If a person or a group of persons are treated in a less favourable way compared to another person or group of persons in a similar situation, then this is *direct discrimination*, which is even easier to define. *Indirect discrimination* is that form of discrimination that happens when a provision, criteria, or practice, impartial in appearance, would put a person or group of persons in non-favourable conditions compared to another person or group of persons, as well as when that measure, criteria, or practice cannot be objectively justified by a legitimate goal, or when the means for achieving this goal are not adequate or are not indispensable and in proportion with the state causing it.

## Importance of accepting diversity

In an organisation like the State Police, diversity is important because of several reasons:

*It strengthens the values of the organisation.* Through respecting diversity, each police officer accepts and respects what is different in others, not only in the community but

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<sup>7</sup>Article 61, “obligation to carry out tasks without discrimination,” Law No. 9749, dated 4 June 2007 On the State Police.

also in the other members of the organisation. Accepting and respecting different cultures, the State Police officer will be able not only to understand the mentality and culture of the individual, but will also make the community increase their trust in the State Police. The increase of trust leads to higher work results and effectiveness.

*It improves the reputation of the organisation.* By understanding the culture of each member of the community and accepting each person with a different culture to become part of the Police organisation, and, as a result, increasing the trust of the community towards the State Police, improves the reputation of the organisation. An organisation with a high reputation is not only respected by the community, but also *becomes attractive for the young generation* resulting in talented youngsters with high results and abilities seeking to become part, because there they will find a safe environment with different cultural values which will be suitable for those individuals.

The improvement of values, reputation, and level of the staff of the organisation also improves the motivation of the existing staff increasing their work efficiency. By increasing the representation of individuals from different cultural groups and turning the organisation into an environment where everyone is represented, also the persons from the existing staff who may be part of different cultural groups, but have kept this fact hidden, will feel safer and more represented.

In reality, it is possible for each individual to have in his/her social or family circle persons who belong to a certain cultural group, such as, for instance, members of minorities, persons with disabilities, or persons with different sexual orientations. The least every person will have is a person of an age which is considered inadequate to carry out certain activities. The increased representation of the persons from those cultural groups will result, with the change of the culture of the organisation, in the change of the mentality, way of thinking, and, as a result, the way of addressing different issues. These changes and the introduction of new people will be accompanied with new ideas among the members of the organisation who will likely enable the improvement of work performance and results.

The recent experience of the State Police in accepting among its ranks an equal number of women and men during the 2012 development course was an important step towards the promotion and increase of representation of women among its ranks. Considering the presence of women in the police as indispensable, the State Police undertook an initiative for the identification and implementation of special temporary measures for the achievement of gender equality. Following the identification of the barriers and a long discussion among many participants such as representatives of the police and many national and international, governmental and non-governmental organisations, proposals were made and several articles of the Personnel Rules of Procedure were amended. These amendments represented tangible steps towards the achievement of gender equality, but also towards the implementation of Diversity.

The establishment of diversity as a **value** in the State Police helps us fight prejudice, discrimination, stereotypes, different types of harassment, and unfair support, as well as creates a pleasing environment where everyone is aware on the impact of reciprocal relations.

One of the aims of the State Police is to be an organisation where the different needs of the community, the victims, witnesses, and its own staff, are valued and implemented equally and where all individuals are treated with respect, dignity, and impartiality, regardless of the age, disability, employment status, gender, gender belonging, health, civil status, nationality, race, religion or beliefs, sexual orientation, social class, and any other distinction.

Through the implementation of the diversity principles, the State Police aims at being an organisation in which:

- Impartiality, transparency, and equal opportunities are part of its culture and the way it operates;
- All police officers take their individual responsibilities for the implementation and respect of diversity and equality;
- All structures have documented policies and procedures for being a professional organisation based on the values of diversity;

- Information is distributed at the right time and using simple terminology;
- Officers are oriented towards acting, focused in the results which are measurable and show the success of the organisation;
- The whole staff, community, victims, witnesses, and perpetrators feel informed, respected, and safe.<sup>8</sup>

## Diversity and Community Policing

*Diversity* and *community policing* represent an inseparable binomial and essential elements of contemporary policing. The community itself is made of individuals or social groups who are different from each-other, but who must cohabitate in harmony. Therefore, diversity in the police service, and not only, translates into inclusiveness, which means that the police organisation itself must be composed in a way to clearly reflect these groups or sub-communities.

In this case, a question naturally arises: why must these different social groups have their representatives in the police service? The answer lies in understanding the philosophy of Community Policing.

*Community policing* is an organisational philosophy and strategy which promotes partnership and joint efforts between the Police and the Community so to more effectively and efficiently identify, prevent, and solve criminal issues, fear of crime, physical and social irregularities, and damage of the cohabitation, with the purpose of improving the life quality for all.<sup>9</sup>

The main goal of such an approach is to achieve the establishment of a professional, inclusive, responsible, and accountable police organisation, which works in partnership with the public, providing service in the community.<sup>10</sup> Such a partnership cannot be established if there is no reciprocal communication between the two

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<sup>8</sup> Action Plan on the Development of Diversity in the State Police, 2011-2013

<sup>9</sup> OSCE Good Practices in Building Police-Public Partnerships, Vienna, 2008, p. 5

<sup>10</sup> Groenewald, Hesta/Peake, Gordon: Police Reform through Community-Based Policing. Philosophy and Guidelines

stakeholders (police and community), a communication which may only be established if the basis of a reciprocal trust are established.

Thus, the partnership equation has only one unknown variable, and that is trust. If the police manage to win the trust of its citizens, the ones it serves, then its performance would be at a higher level. Moreover, in order to win the trust of the community, the police organisation must be able to foresee and to timely meet the different needs of different groups.

We can mention the different needs for security men and women have. Currently, one of the main problems women face everywhere, not only in Albania, is gender based violence, which includes not only domestic violence. As a consequence, one of the most important elements necessary to meet the different needs of the community is also being an inclusive organisation.

Who can better understand the problem of women, if not women? Who can better understand the problems of the Roma community, if not the Roma itself? Who can better understand the problems of people of different ages, if not representatives from different ages? Who can better understand the problems of the gay community, if not the gay themselves?

“Increasing diversity is not just the right or moral thing to do – it is essential for us to deliver our business. A diverse workforce gives us access to a broad range of skills, experience, education and culture which maximizes our ability to deliver a variety of certain solutions to certain problems”<sup>11</sup>

Therefore, the benefits diversity gives to community policing include:

- Improvement of security for all, taking into consideration and timely meeting the different needs for security that different groups have.
- Improvement of work effectiveness in the police through inclusion
- Increased support from the public;

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<sup>11</sup>United Kingdom Police Home Office, 'It works...The Operational Benefits of Diversity for the Police Service', 2005, p.4.

- Increased transparency of the police service.<sup>12</sup>

## II. International and national legal framework

### Constitution of the Republic of Albania

*“The independence of the state and the integrity of its territory, the dignity of the person, his rights and freedoms, social justice, the constitutional order, pluralism, national identity and inheritance, religious coexistence, and coexistence with, and understanding of Albanians for, minorities are the bases of this state, which has the duty of respecting and protecting them..”<sup>13</sup>*

*“No one may be discriminated against for the reasons mentioned in paragraph 2 without a reasonable and objective justification.”<sup>14</sup>*

The Constitutional court has gone beyond this definition and has interpreted that *“Equality in law and before the law does not mean that there should be same solutions for individuals or categories of persons under objectively different conditions. Equality before law and in law presumes the equality of individuals under equal conditions.”<sup>15</sup>* Therefore, the respect of the diversity of individuals and the creation of equal opportunities for all would result in the equality before the law.

### Universal Declaration of Human Rights

*“[R]ecognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”<sup>16</sup>*

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<sup>12</sup> Integrating a Gender Approach into Police-Public Partnerships. Fact Sheet OSCE 2009 p 8.

<sup>13</sup> Constitution of the Republic of Albania, Article 3

<sup>14</sup> Constitution of the Republic of Albanian, Article 18/2

<sup>15</sup> Decision of the Constitutional Court 33/2007

<sup>16</sup> Universal Declaration of Human Rights, Introduction

*“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.”<sup>17</sup>*

## **European Convention on Human Rights**

*“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”<sup>18</sup>*

## **The Labour Code**

- (1) Any kind of discrimination in the field of employment or profession is prohibited.*
- (2) With discrimination is meant any differentiation, exclusion or preference based on race, color of skin, sex, age, religion, political beliefs, nationality, social origin, family relation, physical or mental disability, threatening the individual right to be equal in terms of employment and treatment. Differentiation, exclusion or preferences required concerning a particular job are not considered to be discriminating. The special protection measures in favor of*

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<sup>17</sup> Universal Declaration of Human Rights, Article 2

<sup>18</sup> European Convention on Human Rights, Article 14

*the employees, which are provided for by this Code or the Decision of the Council of Ministers or collective contracts, are not considered to be discriminating.*<sup>19</sup>

## **Law on State Police**

*“A Police officer must treat persons equally and must carry out his or her duties without discrimination on grounds of sex, race, colour, language, religion, ethnicity, political beliefs, religious or philosophical beliefs, sexual orientation, economic condition, education, social status or parentage, in accordance with article 18 of the Constitution.”*<sup>20</sup>

*“A Police officer must, in any case, respect the dignity and physical integrity of any other Police officer, including his [or her] subordinate.”*<sup>21</sup>

## **Law on Protection from Discrimination**

*“This law regulates the implementation of and respect for the principle of equality in connection with gender, race, colour, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, economic, education or social situation, pregnancy, parentage, parental responsibility, age, family or marital condition, civil status, residence, health status, genetic predispositions, disability, affiliation with a particular group or for any other reason..”*<sup>22</sup>

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<sup>19</sup> Labour Code, Article 9

<sup>20</sup> Law No. 9749, dated 04.06.2007 “On State Police”, Article 61

<sup>21</sup> Law No. 9749, dated 04.06.2007 “On State Police”, Article 62

<sup>22</sup> Law No. 10 221, dated 04.02.2010 “On Protection from Discrimination”, Article 1

*“The purpose of this law is to assure the right of every person to:*

- a) equality before the law and equal protection by law;*
- b) equality of opportunities and possibilities to exercise rights, enjoy freedoms and take part in public life;*
- c) effective protection from discrimination and from every form of conduct that encourages discrimination..”<sup>23</sup>*

## **Law on Gender Equality in the Society**

*“This law regulates fundamental issues of gender equality in public life, the protection and equal treatment of women and men with regards to equal chances and opportunities for the exercise of their rights,...”<sup>24</sup>*

*“In order to ensure gender equality and eliminate gender-based discrimination, the government agencies in compliance with their competencies, shall be committed to:*

- 1. Ensure practical implementation of gender equality principle either by means of legislative measures or by other suitable means.*
- 2. Ensure prevention of any type of gender-based discrimination either by means of legislative measures or other suitable means accompanied with sanctions as the case may be.*
- 3. Ensure alteration or repeal of any legal acts, customs or practice which pose gender discrimination, by means of legislative measures or other suitable means.*
- 4. Take all appropriate measures to create the necessary and legally objective facilities aiming at guaranteeing equal chances and access to both genders.*

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<sup>23</sup>Law No. 10 221, dated 04.02.2010 “On Protection from Discrimination”, Article 2

<sup>24</sup>Law No. 9970, dated 24.7.2008 “On Gender Equality in the Society”, Article 1

*5. Ensure effective protection for both genders against any discriminatory action through public institutions and national courts..”<sup>25</sup>*

### **European Union Directives against Discrimination**

For many years, the EU actions in the field of non-discrimination have been focused on preventing discrimination based on nationality and gender. Nevertheless, in 1997 the Member Countries unanimously adopted the Treaty of Amsterdam. Article 13 of this Treaty gives the Community the right of new powers in the fight against discrimination based on gender, race or ethnicity, religion or faith, inability, age or sexual orientation. Since the entry in power of the Treaty of Amsterdam in 1999, the new laws and directives of the European Commission, which have been decreed, include the Race Equality Directive, 2000/43/EC and the Employment Equality Directive, 2000/78/EC. The 2000/43/EC Directive implements the principle of equal treatment for people regardless of racial or ethnic origin, and the 2000/78/EC Directive sets a general framework for equal treatment in employment and duty.

The basic rules defined in the two directives are as follows:

#### **Race Equality Directive 2000/43/EC**

- Implements the principle of equal treatment for people regardless of racial or ethnic origin;
- Gives protection against discrimination in employment and training, education, social protection, (including social security and health care), social priority, membership and inclusion in employees’ and employers’ organizations, and the right to secure goods and services, including sheltering;
- Includes the definitions of direct and indirect discrimination, and molestation, and it prohibits instructions on discrimination and victimization;

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<sup>25</sup>Law No. 9970, dated 24.7.2008 “On Gender Equality in the Society”, Article 7

- Allows to take measures through positive actions, in order to provide complete equality in practice;
- Gives the victims of discrimination the right to complain through a legal or administrative procedure, accompanied with appropriate punishments for those who discriminate;
- Allows limited exceptions of the equal treatment principle, for example in the cases when differentiated treatment with gender or ethnic basis comprises an original requirement for the profession in question;
- Shares the burden of the evidence between the plaintiff and the defendant in civil and administrative cases, so when someone pretends to be the victim, he should gather facts which can prove that there has been discrimination; and it is the duty of the defendant to prove that there has been no infringement of the equal treatment principle;
- It envisages the creation of an organization in each of the Member Countries for the promotion of equal treatment and for providing independent assistance for victims of racial discrimination.

### **Employment Equality Directive 2000/78/EC**

- Implements the principle of equal treatment in employment and training, regardless of religion or faith, inability, age or sexual orientation in employment, training, membership and inclusion in the employees' and employers' organizations;
- Includes identical provisions with those of the Race Equality Directive on the definition of discrimination and molestation, prohibition of instructions that lead to discrimination and victimizations, positive actions, rights of legal regulations and the division of the evidence's burden;
- Asks employers to create a reasonable accommodation to enable a disabled person, who is qualified for the job in question, to carry out that work and to participate in training or to carry out paid job;

- Allows limited exceptions for the equal treatment principle, for example related to the religious organizations or respect of the employer's legitimate right to accept employees within a defined age group.

### **Acts and documents of the OSCE**

The Ljubljana Guidelines on Integration of Diverse Societies, OSCE High Commissioner on National Minorities

*“Security and law-enforcement agencies should be professional, accountable and fully respectful of human rights. They should reflect the diversity of society and be designed to meet the needs of all segments of the population, including minorities, through targeted policies, where appropriate.”*

A lack of interaction and co-operation between security and law-enforcement structures and persons belonging to minorities can lead to negative reactions from minority communities and even conflict. Inter-ethnic relations and the integration of society can be improved when the police service is representative of the community it serves and when communication between police and minority communities is enhanced.

Integration policies should mainstream the principles underlying these guidelines by elaborating and implementing policies on security and law enforcement, including, in particular, with regard to recruitment and representation, training and personal development, operational practices, and prevention and management of conflict.

When designing the policies of security and law-enforcement structures, States should consider the following:

- Policies should be developed and measures pursued to build trust and co-operation between all segments of the population, including minority communities, and law-enforcement agencies. At the same time, This

also enhances the operational effectiveness and capacity of law-enforcement agencies;

- Recruitment and retention of members of minorities within the law-enforcement agencies should be an aim of a targeted policy to ensure adequate representation at all levels;
- Community policing strategies can be an effective approach to establishing sustainable co-operative relations with minority communities. Such measures as ensuring the intercultural competences and multilingual proficiency of police officers likely to be in contact with members of different communities can support communication and build trust;
- States should ensure effective equal treatment legislation in law and in fact, including the prohibition against discrimination. This includes providing training and raising awareness about discrimination and remedies to members of law-enforcement agencies. In addition, specific anti-discrimination policies to address direct, indirect and institutional discrimination should be elaborated, implemented and monitored within the law-enforcement agencies themselves. Specific capacity-building measures should be taken in this respect;
- An adequate legal framework and policies for its implementation should be put in place and training provided to ensure that hate crimes are properly identified and recorded, effectively investigated and prosecuted. Measures should be taken to prevent such crimes;
- Communications issued by law-enforcement agencies, including printed materials for distribution to the public, should be culturally sensitive and reach out to all communities, including by using minority languages, where possible.

- The police structure at the local, regional and national level, including the higher and lower levels, and even the civil personnel, should reflect the diversity of the population. The public image of the police, as an ethnic representative structure, should be continuously promoted.
- Initiatives to increase employment for minority groups, which are less represented, should be presented. These initiatives should include real measures to encourage the candidates and to help them reach the required standards, and actions for the removal of any kind of discriminating obstacle – whether it is direct or indirect.
- Measures should be presented to guarantee that police officers that come from minorities are equally accepted and treated in the police organization, which should provide them an appropriate work environment and equal opportunities to progress in their career.
- Police should be offered the necessary professional training and support to understand and react in an appropriate way in order to meet the needs of the minorities.
- It is recommended that training on minority issues and inter-ethnic relations are included in the first training and in the training during service for all police officers. The representatives of minorities should be included in the planning and providing of training.
- Police should have the duty to develop the communication and collaboration methods and practices with the minorities, and create mutual trust at the local, regional and national level.
- Measures should be taken to make sure that police implement the law impartially and in a non-discriminating way, by not distinguishing a specific group, for example, through “racial descriptions”. Such measures should include the codes for operative actions, such as the use of police power to stop and control people in other streets and public places.
- Police should make sure that the law against discrimination is energetically and fruitfully implemented.

### III. Secondary legislation

#### **Declaration on Diversity, its purpose and importance.**

On 24 April 2011, in the “Identification of Special, Temporary Measures for Achieving Gender Equality” round table, the General Director of the State Police, HysniBurgaj, presented the Declaration on Diversity in the State Police, which was signed by the four Deputy General Directors of the State Police.

This declaration is a strong message from the General Director not only to the police officers of every level, but even to the community they serve; it clearly states that diversity and equal opportunities are the foundation of an organization that supports its activity in defending and respecting the fundamental human rights and freedoms. The Declaration on Diversity is the embodiment of commitment, engagement, and even of the obligation that the leading staff of the organization shows and should show in supporting and promoting the values of diversity, by transforming them into values that should be in the gist of the organization itself.

All-inclusiveness, training and providing equal opportunities for everyone is the path to success, which the State Police should follow not only to fulfil its mission in service of the community, but even to enlist itself the first of all public administration institutions<sup>26</sup>.

The declaration is a guarantee for all police officers, and it defines them as the biggest asset of the State Police. They should feel valued, supported, and not only because of ethnic, religious, race or gender distinctions, but even in the wider meaning of their abilities, experiences and personalities. It is the obligation of the leading staff to create a safe work environment, where each employee is motivated to give his maximum.

In the end, the message of the declaration is clear:

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<sup>26</sup> The Vision of the State Police in the Action Plan for the Development of Diversity in the State Police, 2011-2013

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*“The promotion of the values of Diversity and Equality, both in offering services and in the employment policy, is an added value that makes the difference and increases the performance of the State Police”*

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### **Secondary Legislation that Support and Implement the Principles and Values of Diversity**

Support and implementation of the values of diversity in the State Police is regulated even in the other secondary legislation and administrative acts, which have been issued not only in compliance with the law “On the State Police”, but even with other laws.

The mission of the State Police, which is stated in the first article of the law “On the State Police”, says it clearly that the police service that is offered should strongly support and defend the fundamental human rights and freedoms. This spirit is reflected in all other secondary legislation that has been adopted pursuant to this law.

The Personnel’s Regulation, the Discipline Regulation and the Rules of Procedure are “mechanisms” that make sure that the principles of the protection of fundamental human rights and freedoms and the development of diversity are implemented; these principles dominate policing in the most developed countries.

In this context, it is important to emphasize that these principles are set and should be implemented in two directions:

- The first one is the obligation of the State Police to offer a similar and equal police service to everyone and to carry out its duties without discrimination because of gender, race, faith, ethnicity, colour, language, political, religious or

philosophical beliefs, sexual orientation, economic, educational and social condition, and parental belonging.<sup>27</sup>

- The second one is the obligation of the State Police in relation to the employment policies, which should be all-inclusive, so each community that comprises the big municipality can find its representation in the State Police. The creation of a safe work environment for all employees, regardless of the diversity they represent, where they are respected, is an obligation that affects all police officers, especially its leading staff.<sup>28</sup>

### **Personnel's Regulation**

This regulation aims at setting policies, rules and procedures in relation to the employment relations, including acceptance, training, career development, transfer and interruption of work, in order to develop a competent and effective staff, and to respect the employees' rights. It sets equal standards and criteria for everyone, by offering equal opportunities to those who want to be police officers, but also setting the career development on competition basis, by allowing that the best are promoted at the highest levels.

The last changes to the Personnel's Regulation and the setting of the special temporary measures to favour an higher representation of women and girls, who are less represented in the State Police, such as gender, is an indicator of the implementation of the employment policies, taking into account diversity, especially in relation to gender.

### **Discipline Regulation**

The Discipline Regulation is considered one of the most important parts of the secondary legislation because it sanctions the responsibilities of police officers of

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<sup>27</sup>Law "On State Police", Article 61

<sup>28</sup> Law "On State Police", Article 62

every level in order to fulfil their obligations, which come from the laws and secondary legislation on the State Police. Moreover, this regulation defines the way the principles, norms and requests related to discipline function, in service of respect of human rights and implementation of the law.

The Discipline Regulation is the mechanism that functions when police officers, of every level, show behaviours or stances that contradict the employee's ethics, and it includes even normative acts that envisage the execution of duties by the police personnel, by punishing them with disciplinary measures, and even dismissing them from the police.

Articles 5, 6 and 7 of this regulation foresee prohibitions, obligations and norms of behaviour, during and off duty or service, which are an important part of the code of conduct that every police officer should have. It also clearly states the obligations of the police officers to equally treat all persons and to carry out their duties without discrimination, to respect the dignity and integrity of every other police officer and to treat everyone, citizens and police officers, with courtesy and respect, by reflecting a worthy behaviour for a police service that defends the fundamental human rights and freedoms.

Article 3 of the Discipline Regulation gives a full definition of the meaning of sexual harassment and the identification of the cases when there is sexual harassment, by emphasizing in this way the importance of equal treatment because of gender.

Article 11 of the Discipline Regulation foresees serious disciplinary infringements, the verification and attestation of which punishes the police officers up to the most serious disciplinary measure, "Dismissal from the Police"; in points 5 and 25 it **defines** the behaviours that contradict the norms and the moral of the society, and sexual harassment or the lack of measures by the leader for identified cases, or for cases he has knowledge of, such as attitudes that show disrespect for the values of diversity and for the equal treatment of all people by the police officers.

## **Rules of Procedure**

Even though the Rules of Procedure have a more specific focus, which is related to the functioning and the role of the structures, defining the planning system, monitoring and evaluating performance, the procedures for drafting administrative acts, the procedures for the interior and exterior cooperation of the police, and some procedures related to the time of work, break, standards of work, the awarding of appraisal certificates, etc., it sanctions and supports the same principles of diversity and equality.

Articles 50, 51, 52 and 53 of this regulation emphasize that in the cooperation rules, the employer-employee relations, the relations with the colleagues and the public, should be set on the basis of equal relations, respect of others' trust, support and mutual aid, so even though the employer-employee relations are hierarchial ones, they should be based on the principles of human rights and humanism. The relations with the public are guided by law, by the execution of duty without discrimination, and the obligation to defend and respect the fundamental human rights and freedoms.

In the same way, Article 35, "Annual Work Review", point 4/a states that: "The annual program analysis should contain: the work for the protection and respect of the fundamental human rights", which shows that the fundamental human rights and freedoms, the values of diversity and equality, as an organic part of these rights, are integrated even in this document.

## **Administrative acts**

In compliance with the laws and the secondary legislation, and with the principles, rules and requests of the Administrative Procedure Code, the State Police issues orders, instructions, circulation memos, etc., which produce legal obligations.

With the adoption of the law "On Protection from Discrimination", the General Director of Police, issued the Instruction no 55, dated 30 January 2012 on taking

measures for the implementation of the law “On Protection from Discrimination”, which aims at:

*“Securing equality of all persons before the law, equal protection to exercise rights, to enjoy freedoms and to participate in the social life, and to provide effective protection from discrimination and every kind of behaviour that stimulates and supports discrimination against marginalized categories.*

*The correct understanding and implementation of this law would help in changing the social attitude towards discriminating behaviours, where the sanctioning by law of human rights is very important; but what is more important is the practical implementation, which becomes reality only when we, as police officers of the State Police, are aware and able to implement and ask from the state institutions and any other legal and physical person, the implementation of the law “On Protection from Discrimination”.*”

The General Director also asks every police officer that there is no case of distinctions or exclusions towards a person, while they are on duty, whether it is done directly or indirectly, with actions or absence of actions, which might happen because of colour, race, sexual orientation, ethnicity, national minorities, political and religious beliefs.

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