

## Policing and ethnic & religious minorities

### Editorial



By Pascale Charhon, ENAR Director

In a post 9/11 context and following the terrorist attacks in Madrid and London, policing and ethnic minorities is a burning issue in many EU member states. Yet in many cases it has taken forms which undermine human rights and security and which do not adequately address the problem of racism violence and crime.

Policing and ethnic minorities is a multi-faceted and complex area. ENAR has chosen to dedicate this issue of ENARgy to just some of the issues at stake, ranging from ethnic profiling to training of the police, and from responding to racist crime and violence to victim support.

The 2006 ENAR Shadow Report on racism in Europe highlights racism within the police force as a problem in all EU member states, which is reflected in over-policing, violence and even death. There are also problems with regard to lack of available data, under-reporting due to lack of trust by victims, and a lack of independent and adequate complaints procedures. The practice of racial profiling also appears to have become more acceptable and widespread in the context of counter-terror measures.<sup>1</sup>

Experiences of criminal justice (including policing), whether as employees, victims, perpetrators or witnesses, are key to the broader inclusion and integration of ethnic and religious minorities. However, little progress has been made by governments across the EU in responding to issues faced by ethnic and religious minorities as a result of counter-terrorism and racial profiling. The latter is one of the most serious manifestations of racism in policing, not least in the context of the heightened debate on terrorism and security.

The EU has taken a number of initiatives to counter terrorism, including an Action plan on terrorism in the aftermath of 9/11 as well as a recent package of counter-terrorism proposals in November 2007. ENAR's recent General Policy Paper on counter-terrorism and combating racism underlines that the challenge facing the European Union is to secure the effectiveness of its counter-terrorism strategy by ensuring that it is carried

out within the context of the international human rights framework and in a non-discriminatory manner and calls for anti-racism to represent a key element of any strategy aimed at enhancing security in Europe.

In this context, the articles in this edition of ENARgy look at the findings and recommendations of different international and European organisations with regard to policing racist crime, racism in policing, racial profiling and counter-terrorism. It also gives different national perspectives in relation to policing and ethnic minorities, from the French "banlieues" to profiling in Germany, as well as policing of the Russian minority in Estonia and the Roma community in the Czech Republic. Other contributions explore ways in which to address problems faced by ethnic minorities with regard to policing, both in terms of victim support and training of the police.

When it comes to policing diverse communities there are many challenges as well as opportunities to enhance the capacity of our societies to promote respect for diversity. It is now up to EU member states to ensure that the challenges are addressed and the opportunities encouraged.

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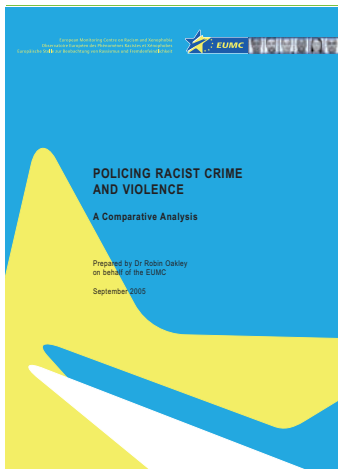
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<sup>1</sup> ENAR Shadow Report 2006 (2007), available at [http://www.enar-eu.org/en/publication/shadow\\_reports/index.shtml](http://www.enar-eu.org/en/publication/shadow_reports/index.shtml)

# Policing racist crime in the EU

Jo Goodey, Programme Manager for Research at the European Union Agency for Fundamental Rights<sup>1</sup>

This article looks at the European Fundamental Rights Agency's research on policing of racist crime and violence in the EU and gives an overview of the findings as well as some recommendations for future action at EU and member state levels.



Reports by the European Union Agency for Fundamental Rights (FRA) have consistently shown that racist crime remains a persistent problem across the EU. Yet only a handful of EU member states collect good criminal justice data on racist crime, which in part is a reflection of an inadequate policing response to the problem.<sup>2</sup>

Having published a report in April 2005 on "Racist Violence in the EU15"<sup>3</sup>, which showed a generally poor criminal justice response to racist crime across the member states, the Agency decided to focus on policing responses to racist violence and crime in the EU. The results of this research were published in September 2005 as "Policing Racist Crime and Violence in the EU"<sup>4</sup>, and are briefly reported here.

The report's findings were gathered using a short questionnaire that asked a series of questions on the following themes: (1) police recording practices for racist crimes; (2) how racist motivation is established for racist crimes; (3) police responses to victims of racist crimes; (4) provision of specialist training on racist crime for the police; and (5) police engagement with civil society with respect to vulnerable communities and potential victims.

The Agency's RAXEN network, which consists of a National Focal Point (NFP) in each member state, was given the task of obtaining answers to the questionnaire within a brief fourteen day period. The exercise set out to provide a "snapshot" overview of the status of policing responses to racist crime across the EU, with a view to identifying both shortcomings and good practices.

Looking at each of the five areas covered by the questionnaire, the following findings were reported by the NFPs:

<sup>1</sup> Note: The content of this article is based on a FRA report on "Policing Racist Crime and Violence" (2005).

<sup>2</sup> [http://fra.europa.eu/fra/material/pub/racism/report\\_racism\\_0807\\_en.pdf](http://fra.europa.eu/fra/material/pub/racism/report_racism_0807_en.pdf) - see pages 114-133

<sup>3</sup> [http://fra.europa.eu/fra/index.php?fuseaction=content.dsp\\_cat\\_content&catid=43c54ea09682f](http://fra.europa.eu/fra/index.php?fuseaction=content.dsp_cat_content&catid=43c54ea09682f)

<sup>4</sup> [http://fra.europa.eu/fra/index.php?fuseaction=content.dsp\\_cat\\_content&catid=43c54eb9b18c0](http://fra.europa.eu/fra/index.php?fuseaction=content.dsp_cat_content&catid=43c54eb9b18c0)

## 1. Police recording practices for racist crime:

- Member states classify crimes under specific criminal offences that variously relate to racist, xenophobic or anti-Semitic acts - such as those prohibiting incitement to racial hatred. In many member states the assignment of "racial motivation" is possible for a range of offences.
- In 8 out of 25 member states the police are issued with specific instructions about how to determine whether a crime is "racist".
- In only 2 out of 25 member states is the ethnicity of victims and/or offenders recorded in cases involving racism.

## 2. Establishing racial motivation:

- Member states generally consider that responsibility for establishing racial motivation lies with the prosecution service and, ultimately, the courts.
- Only a couple of member states recognise the important role of the victim, alongside the police and the prosecution service, in identifying an incident as potentially "racist". For example, the UK currently publishes data on publicly reported racist "incidents" alongside data on police recorded racist "crimes" (and prosecutions), and employs the following working definition: "A racist incident is any incident which is perceived to be racist by the victim or any other person".
- The importance given by the criminal justice system to victim-centred identification of racist acts shows the extent to which the system recognises the role that the public can play in reporting acts as potentially racist; information that might otherwise slip through the net during police and prosecution investigations.

## 3. Police response to victims:

- In 20 out of 25 member states the police are unable to offer support themselves to victims of racist crime; for example in the form of a leaflet giving advice or through referrals to NGOs and other services.
- There is a general absence of specialist support services for victims of racist crime that the police could refer victims to should they wish to do so.

## 4. Training provision for police:

- In 9 member states a need for specialist police training in the area of racist crime has been identified, while in a further 7 there is partial recognition.
- In 5 member states specialist police training on racist crime does exist, and in a further 9 this training appears to be partial or planned.
- Only in 2 member states - the UK and Sweden - is the problem of repeat victimisation recognised through training (that is, victims of racist crime, like victims of domestic violence, can often experience racist crime on a regular basis and therefore need to be responded to appropriately).

- In 8 member states the police receive training on the subject of racism in society and in the police force itself, while in 10 member states this training is either limited or planned.

#### 5. Police engagement with civil society:

- Only the UK appears to promote reporting of racist crime by the public, while there are limited initiatives to this effect in 9 member states.
- In 5 member states the police work routinely with local communities and organisations representing victims or vulnerable groups. This is done in an effort to improve police-community relations and cooperation in the area of racist crime. In a further 16 member states there appear to be limited initiatives like this.
- In 5 member states the police have measures in place to publicise their work in the area of racist crime, and there are limited initiatives in a further 5.
- In 4 member states it appears that there is some level at which the police assess victims' satisfaction with the service that is provided to them by the police.

In general, the report's findings present a bleak picture of the status of policing responses in the EU to the problem of racist violence and crime. Overall there is a general lack of a comprehensive policing response to racist crime across most member states, with only a minority having what can be considered as "good practices" in this area. Where good practices do exist they are often limited to specific projects or are at the local level rather than country-wide. On closer inspection, many "good practice" initiatives are not directly related to combating or addressing the problem of racist violence and crime, but are more general in nature with respect to themes such as "multiculturalism", "racism" (as a general problem), and "human rights".

Encouragingly, the report finds that the UK currently shows the most comprehensive policing approach to racist crime and violence in the EU, while France, Germany and Sweden also show serious commitment.

The report indicates that there is still considerable room for improvement and innovation when it comes to the policing of racist violence and crime in EU member states. If they do decide to report racist crime, many victims are not being served by the response they receive from the police. In turn, if victims are not

reporting to the police, because they think they will receive an inadequate response, then the police are not in a position to know, with any accuracy, about the real extent and nature of racist crime as it is experienced by the public.

To this end, the report's findings suggest a number of points for action at both the member state and EU-wide level.

At the member state level, points for action include a requirement for the police to record racial motivation when it is suspected, and to do this with the provision of clear procedural guidance and training. The report also considers that specialist training on the nature of and appropriate responses to racist crime and victims of racism should be given to the police.

At the EU level the report concludes that, amongst other things, there needs to be a funded programme to assist police responses to racist crime. The report refers to the need for police-community cooperation to more effectively tackle the problem of racism across Europe. And, where good practices do exist, there needs to be exchange of experience between countries. In the same vein,

initiatives by international bodies that are addressing the problem need to be promoted and encouraged.

Finally, the report calls for more research in this area to be able to accurately determine the extent and nature of racist crime in member states, and to see where resources can

be targeted most effectively. To this end, the FRA is currently undertaking research in the EU that should shed light on minorities' experiences of racist crime and policing.

For the report's complete findings in different languages, which give a break down of results and good practices according to individual member states, consult this webpage: [http://fra.europa.eu/fra/index.php?fuseaction=content.dsp\\_cat\\_content&catid=43c54eb9b18c0](http://fra.europa.eu/fra/index.php?fuseaction=content.dsp_cat_content&catid=43c54eb9b18c0).

**“OVERALL THERE IS A GENERAL LACK OF A COMPREHENSIVE POLICING RESPONSE TO RACIST CRIME ACROSS MOST EU MEMBER STATES, WITH ONLY A MINORITY HAVING WHAT CAN BE CONSIDERED AS ‘GOOD PRACTICES’ IN THIS AREA”**

# Terror, crime and suspect communities:

Rachel Neild, Senior Advisor at the Open Society Justice Initiative

In 2008, the Open Society Justice Initiative will publish "Terror, Crime, and Suspect Communities: Ethnic and Religious Profiling in Europe", a book examining ethnic and religious profiling in both everyday policing and counter-terrorism work. Below is an excerpt from the introduction.

In Europe, the threat of terrorism has brought forth a new interest in and support for ethnic and religious profiling by police to detect potential terror suspects.<sup>1</sup> Since the 9/11 attacks in New York, 32 percent of British Muslims report being subjected to discrimination at airports and stops and searches of British Asians increased five-fold after the June 2007 attempted bombings in London and Glasgow. Identity checks have been conducted on 11 year-olds at German mosques by police carrying machine guns. Moroccan immigrants have been called "moro de mierda" ("Arab shit") by Spanish police. A data mining exercise in Germany trawled through the sensitive personal data of 8.3 million people - without finding a single terrorist. From street stops to airport searches to data mining, profiling affects many thousands of people and stigmatises entire communities. Widely practiced but little scrutinised, profiling insidiously and wrongly suggests that discrimination is acceptable, even appropriate.

While ethnic profiling appears to have intensified in the face of the current terror threat, this is not a recent development. Evidence from countries across the EU consistently shows that police officers are routinely using generalisations about ethnicity, religion, or national origin in targeting people for their inquiries and have long done so.

Profiling is a complex issue. It may or may not result from racist intent on the part of individual law enforcement officers. Many officers may be unaware of the degree to which generalisations and ethnic stereotypes are driving their subjective decision-making. Profiling remains persistent and pervasive precisely because it is often the result of a habitual and subconscious use of negative stereotypes; stereotypes that are deeply-rooted both in the institutional culture of law enforcement and in the broader general public.

It is entirely understandable and proper that law enforcement agencies should seek to target their always-limited resources on

the most serious threats to national and public security. However, when police and other security bodies use stereotypes rather than timely and reliable intelligence, they not only violate anti-discrimination standards, they also undermine their own efficiency. Numerous studies have found no evidence that profiling is effective. Indeed, not only does profiling fail to combat crime or terrorism; it may actually worsen the situation by alienating the very communities whose cooperation is most essential to counter-terror efforts. As law enforcement officers profile ethnic minorities across Europe, they are contributing to a growing sense of marginalisation - of feeling unwelcome - in minority and immigrant communities. Perhaps the principal cost of profiling is that it stigmatises entire racial, ethnic, or religious groups and thereby sends a signal to the broader society that all members of that group constitute a threat.

**"THE THREAT OF TERRORIST VIOLENCE IS GENUINE AND MUST BE ADDRESSED. THE CHALLENGE IS TO DO SO IN WAYS WHICH ENHANCE, RATHER THAN UNDERMINE, HUMAN SECURITY AND INDIVIDUAL RIGHTS"**

Europe's many Muslim communities report that they are stopped, questioned, and searched not on the basis of evidence and reasonable suspicion but on the basis of

"looking Muslim". Muslims across Europe also face increased public hostility, and documented increases in hate crimes and violence against Muslims. A senior European police officer recently warned that "there is a very real risk of criminalising minority communities" through "the counter-terrorism label... The impact of this will be that just at the time when we need the confidence and trust of these communities, they may retreat inside themselves."<sup>2</sup>

## Profiling is illegal and ineffective

One of the most basic principles of the rule of law is that each person will be treated as an individual, on the basis of his or her personal conduct, and will enjoy equal justice under law. To cast suspicion on people because of their race, ethnic origin or religion violates this basic legal principle and is a form of race discrimination that is prohibited by international law, including during times of terrorist threat.

European anti-discrimination law permits differential treatment of persons on the basis of ethnicity, race, religion and national origin if such discrimination is objective and proportional. If profiling is indeed effective in detecting criminals and terrorists and no equally effective alternatives exist for achieving the same results, then profiling is not an illegal form of discrimination. This is the

<sup>1</sup> Ethnic profiling is defined in this report as the use of racial or ethnic stereotypes, rather than individual behaviour, as a basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity.

<sup>2</sup> London Metropolitan Police Service Assistant Commissioner Tariq Ghaffur, cited in Andrew Blick, Toufyal Choudhury and Stuart Weir, *The Rules of the Game, Terrorism, Community and Human Rights* (University of Essex: Democratic Audit, Human Rights Center, Joseph Rowntree Reform Trust, 2006).

# ethnic and religious profiling in Europe

bottom line question: does profiling work? And does it work well enough to warrant the harm that it undeniably causes?

Strong evidence indicates that profiling fails this crucial test. Extensive research and the findings in the forthcoming Justice Initiative report indicate that profiling not only does not improve police efficiency, but in all likelihood reduces it, both in countering terrorism and addressing common crime. Numerous studies of policing show that when police operate on the basis of their personal judgements - that is, with a high level of discretion - they rely more on stereotypes and focus disproportionate attention on minorities, and this reduces the effectiveness of their stops and searches.

When police treat an entire group of people as presumptively suspicious, they are more likely to miss dangerous persons who do not fit the profile. Before the 7/7 London attacks, the leader of the bombers "had come to the attention of the intelligence services as an associate of other men who were suspected of involvement in a terrorist bomb plot. But he was not pursued because he did not tick enough of the boxes in the pre-July profile of the terror suspect."<sup>3</sup>

Profiling in fact creates a direct incentive for terrorist organisations to recruit persons who don't fit the profile. As a recent account concluded, "Terrorism suspects from atypical backgrounds are becoming increasingly common in Western Europe... [including]... significant numbers of women... white-skinned suspects and people baptised as Christians...

The demographics... are so diverse that many European counter-terrorism officials and analysts say they have given up trying to predict what sorts of people are most likely to become terrorists..."<sup>4</sup>

Whether in ordinary crime control or counter-terrorism, profiling feeds and aggravates mistrust, and leads to non-cooperation and outright hostility in the very communities where support is most needed. Police and intelligence officials repeatedly say that good intelligence is the backbone of effective counter-terrorism, and that information coming directly from communities is key in both gathering and correctly interpreting intelligence. If Europe's Muslims are to support the police, they must first trust them. At this time, the ethnic and religious profiling of Muslims is directly and drastically undermining that trust.

Profiling is not only discriminatory, it is also unnecessary. A range of less harmful alternatives exist that offer greater chances of successfully preventing terrorism. These include: improving intelligence, and community cooperation and intelligence in particular; focusing on the infrastructure need to plan and execute terror attacks; improving information sharing among policing and intelligence agencies; educating communities and the public to alert the authorities to any suspicious activity; and building on knowledge about past attacks to track networks and future threats.

In order to make clear that ethnic profiling has no place in a Europe that respects human rights, EU member states need to recognise the problem; define it and prohibit it in law; implement those standards in police practice through operational guidance and monitoring; and engage communities directly in improving public security for all.

The threat of terrorist violence is genuine and must be addressed. The challenge is to do so in ways which enhance, rather than undermine, human security and individual rights. Ethnic profiling strikes at the heart of the social compact linking law enforcement

to the communities they serve. It is part of the problem; we must find other solutions. The alternative to profiling is not doing nothing. Alternatives exist that can improve cooperation between the police and minority communities and increase law enforcement efficiency. This will not be easy. But until ethnic profiling is recognised

as a problem, expressly banned in law, and addressed in practice, the damage it wreaks will only deepen. In a Europe characterised by increasing xenophobia, it is all the more important that those entrusted to uphold and enforce the law do so with full respect for the basic principle of equal justice.

**"WIDELY PRACTICED BUT LITTLE SCRUTINISED, ETHNIC AND RELIGIOUS PROFILING INSIDIOUSLY AND WRONGLY SUGGESTS THAT DISCRIMINATION IS ACCEPTABLE, EVEN APPROPRIATE"**

<sup>3</sup> Sean O'Neill and Daniel McGrory, "Detectives Draw Up New Brief in Hunt For Radicals," The Times, December 28, 2005.

<sup>4</sup> Craig Whitlock, "Terrorists Proving Harder to Profile; European Officials Say Traits of Suspected Islamic Extremists Are Constantly Shifting," The Washington Post, March 12, 2007.

# An overview of ECRI's Recommendation on combating racism in policing



OSCE training course on combating hate crime in Croatia, June 2006 - © OSCE/Urdur Gunnarsdottir

The Council of Europe's European Commission against Racism and Intolerance (ECRI) published in autumn 2007 a General Policy Recommendation on combating racism and racial discrimination in policing (See [www.coe.int/t/e/human\\_rights/ecri/4-publications/](http://www.coe.int/t/e/human_rights/ecri/4-publications/)). This document gives a series of recommendations to Council of Europe member states with regard to this issue. It stresses the positive role the police must play in combating racism and racial discrimination and promoting human rights, democracy and the rule of law, as well as the need to provide the police with all the necessary human, financial and other means to fully play this role. It also underlines that in order to fully accomplish their tasks, the police must ensure that the rights and security of all persons are protected and guaranteed.

## Racial profiling

ECRI asks member states to clearly define and prohibit racial profiling by law and gives a definition of racial profiling as being "The use by the police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin in control, surveillance or investigation activities". ECRI also calls for research on racial profiling to be carried out and police activities to be monitored in order to identify racial profiling practices, including by collecting data broken down by grounds such as national or ethnic origin, language, religion and nationality in respect of relevant police activities. ECRI strongly recommends a reasonable suspicion standard should be introduced, whereby powers relating to control, surveillance or investigation activities can only be exercised on the basis of a suspicion that is founded on objective criteria. In addition, the police should be trained on the issue of racial profiling and on the use of the reasonable suspicion standard.

**"ECRI STRESSES THE POSITIVE ROLE THE POLICE MUST PLAY IN COMBATING RACISM AND RACIAL DISCRIMINATION AND PROMOTING HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW"**

## Racial discrimination and racially-motivated misconduct by the police

ECRI wants to ensure that legislation prohibiting direct and indirect racial discrimination covers the activities of the police. It also recommends that the police should be trained in human rights, including the right to be free of racism and racial discrimination, and in the legal provisions in force against racism and racial discrimination. Measures must be taken to make the police aware of the fact that acts of racial discrimination and racially-motivated misconduct by the police will not be tolerated.

In addition, support and advice mechanisms for victims of racial discrimination or racially-motivated misconduct by the police should be provided. Member states should also ensure effective investigations into alleged cases of racial discrimination or racially-motivated misconduct by the police and ensure that the perpetrators of these acts are adequately punished.

## The role of the police in combating racist offences and monitoring racist incidents

ECRI urges member states to ensure that the police thoroughly investigate racist offences, including by fully taking the racist motivation of ordinary offences into account. A system for recording and monitoring racist incidents should be established, as well as the extent to which these incidents are brought before the prosecutors and are eventually qualified as racist offences. It is also important that victims and witnesses of racist incidents are encouraged to report such incidents. To these ends, a broad definition of a racist incident should be adopted, namely "any incident which is perceived to be racist by the victim or any other person".

## Relations between the police and members of minority groups

ECRI stresses that the police should be placed under a statutory obligation to promote equality and prevent racial discrimination in carrying out their functions. In this respect, police should be trained in policing a diverse society. In parallel, members

of under-represented minority groups should be recruited in the police and it should be ensured that they have equal opportunities for progression in their careers. Frameworks for dialogue and co-operation between the police and members of minority groups must also be established. Finally, it must be ensured that the police communicate with the media and the public at large in a manner that does not perpetuate hostility or prejudice towards members of minority groups.

# The Organisation for Security and Co-operation in Europe focuses on policing

Azra Junuzovic, Office for Democratic Institutions and Human Rights and Dmitri Alechkevitch, Office of the High Commissioner for National Minorities

**This article looks at the activities of two bodies of the Organisation for Security and Co-operation in Europe, the High Commissioner on National Minorities and the Office for Democratic Institutions and Human rights, in the area of policing of minorities.**



The OSCE High Commissioner on National Minorities promotes the use of ethnically-mixed police teams for patrolling multi-ethnic areas, Kyrgyzstan, February 2006 - © OSCE

The police, as the most public manifestation of government authority, have direct contact with all ethnic communities of a state. This means that the police have the power to influence the attitudes and perceptions of national minorities about the rule of law and the state's capacity to act in a just, legitimate and accountable way. Recognising the central role of policing, the Organisation for Security and Co-operation in Europe's (OSCE) High Commissioner on National Minorities (HCNM), together with the Strategic Police Matters Unit in the OSCE Secretariat, assembled a group of experts to develop Recommendations on Policing in Multi-Ethnic Societies, published in 2006. The Recommendations are available from the Office of the High Commissioner in The Hague and on the OSCE/HCNM website ([www.osce.org/hcnm](http://www.osce.org/hcnm)).

The Recommendations are not about setting up a separate regime for policing minorities but about the application of the basic principles of democratic policing, such as responsiveness and accountability to the community, to the particular case of minority communities. 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 minorities. The recommended

measures are, in this way, intended to improve the police service's operational effectiveness and its capacity to uphold the rule of law. In this sense, all parties involved - the police service and ethnic communities - benefit from practical co-operation and enhanced communication.

The High Commissioner's work in policing standards is complemented by joint practical activities in co-operation with other OSCE structures. These activities are intended to build trust and confidence between the police and ethnic communities and promote police-minority partnerships in securing community safety. Good examples of such collaboration are in Georgia and Kyrgyzstan, where the High Commissioner works closely with these countries' Interior Ministries and the OSCE field presences on enhancing co-operation and communication between the police service and national minorities. In addition, the High Commissioner offers training to police cadets and to operational officers to equip them with the knowledge and tools needed to operate in a multi-ethnic society, to increase their sensitivity to minority concerns and, ultimately, to improve their operational effectiveness.

Training for law enforcement officers and clear guidelines regarding the most effective and appropriate way to respond to bias-motivated crime can greatly increase positive interaction between police and victims and encourage reporting by victims of hate crime. The Law Enforcement Officer Programme on Combating Hate Crime was developed by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) to assist States in increasing the capacity of law enforcement officers to identify and respond effectively to hate crimes and engage with affected communities. The Programme was piloted in Hungary and Spain (2005) and fully implemented in Croatia (2006). Today, every police district in Croatia has a police officer dealing with issues of hate crimes and in 2007 the first hate crime conviction took place in Croatia.

In Ukraine and the Russian Federation, the ODIHR's police experts participated in an expert-to-expert meeting with representatives of the Universities of Internal Affairs and civil society. Following needs assessment visits to Poland and Serbia, and the organisation of training seminars for police experts from both States, the Programme is now being customised and adapted to the needs of each country.

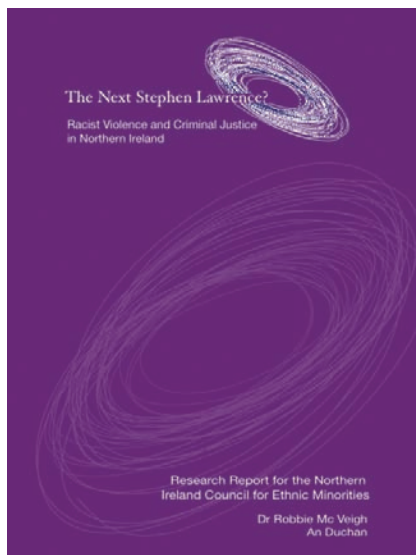
**“GOOD POLICING IN MULTI-ETHNIC SOCIETIES IS DEPENDENT ON THE ESTABLISHMENT OF A RELATIONSHIP OF TRUST AND CONFIDENCE BUILT ON REGULAR COMMUNICATION AND PRACTICAL CO-OPERATION BETWEEN THE POLICE AND MINORITIES”**

*(Continues on page 16)*

# Informing strategies dealing with victims of violence in Northern Ireland

Jolena Flett, Racial Harassment Adviser at the Northern Ireland Council for Ethnic Minorities

This article examines the findings of a report on racist violence and criminal justice in Northern Ireland in the context of the Northern Ireland Commission on Ethnic Minorities' racial harassment support project. It gives a practical perspective of providing support to victims of racist violence.



Over the past four years Northern Ireland has experienced a spate of high profile and consistent racially motivated violence both in its cities and more rural areas. It has become increasingly clear that in order to successfully tackle racist harassment and violence the local community needs to recognise that racism and racist attitudes are issues that affect many

people from minority ethnic communities in Northern Ireland. In 2006, the Northern Ireland Council for Ethnic Minorities (NICEM) commissioned independent researcher, Dr. Robbie McVeigh, to use the experiences of NICEM service users in developing a research report that would advance awareness and inform strategies dealing with victims of racial harassment and violence.

Dr. McVeigh met with and reviewed the statements of victims who had used the support services of NICEM's Racial Harassment and Advocacy Project. The project was established in early 2002 in direct response to members of the minority ethnic community complaining there were no effective support services available to victims of racist violence. The Racial Harassment Project tackles racist violence and harassment through the provision of support, advice and advocacy to victims throughout Northern Ireland. The project aims to do this by concentrating on several service areas.

Through casework and victim support work we endeavour to meet the needs of the service users on many different levels. The project provides advice, support, remedial action and referral to specialist agencies when appropriate. In order to provide the most effective service provision the project promotes and assists in establishing self-supporting systems wherein service users can share their experiences. These systems develop the potential of volunteering as well as the involvement and participation of the project's service users with training, coaching and support.

Other important elements focus on the publicity of issues arising from racist harassment and violence and working towards the preclusion of further incidents. The project provides information to potential victims on various topics including: the prevention of racist incidents, the importance of reporting incidents, support arrangements, acceptable tenancy conditions and multi-agency services. In addition, the project runs awareness-raising sessions with children and young people to help them deal with issues around racist bullying and harassment. To promote further awareness, the Racial Harassment Project links to NICEM's anti-racism training programme working with front line staff in the statutory, voluntary and community sector that have contact with victims of racial harassment.

Along with these services the Project is also working to develop a multi-agency forum with key agencies in the different sectors as well as offering training and support to community groups around reporting and recording incidents.

Since the establishment of the project we have provided direct support to over 300 service users who were victims of racial harassment and racial attacks in addition to handling inquiries about our service provision, both through drop-ins and over the phone. We are happy to report that service users have reported feeling understood and supported. They have appreciated having their experiences validated and the practical and emotional support that has been provided to them through the services.

The report "The Next Stephen Lawrence? Racist Violence and Criminal Justice in Northern Ireland" by Dr. McVeigh was commissioned as a direct response to service users' disillusionment with the Criminal Justice System and their lack of hope that they would be protected against further racist harassment and violence. The report used anecdotal evidence as well as providing a context of policy both in national and international terms. The aim was to highlight and raise awareness not only of the effects of racist violence and harassment on victims but also the effect of inadequate support policies of a Criminal Justice system that promises to protect its residents. The idea was to provide a framework to develop well informed strategies for first response agencies, both statutory and non statutory, to successfully respond to victims' needs.

The report shows that while the Northern Ireland Criminal Justice System has made efforts to develop good practice policy and legislation in its response to victims of racist violence and harassment the actual implementation is lacking. Also evident is an awareness of the issues within the Northern Ireland Criminal Justice System regarding victims of racist violence but a lack of understanding or development of a coordinated response to these

# Issues of racial harassment and

## and Commission on Ethnic Minorities

issues. The research showed that despite the gaps, the UK response is defined as a model of good practice within a European context. However, the actual translation of this good practice in responding to the practical needs of racist violence in a Northern Ireland context has yet to be achieved. While the report found pockets of good practice in different areas across the region the overall picture painted by the anecdotal evidence given by the victims was grim.

The focus groups and statements evaluated by Dr. McVeigh show the occurrence of racist incidents across the whole of Northern Ireland as well as disparagement among victims regarding the effectiveness of the criminal justice system. Many of the statements, while not detailing negative experiences with the police service, reflected bleakness when talking about the ability of the police to protect them from further incidents. Unfortunately, mention of other agencies within the criminal justice system was fraught with anger, frustration and despair with the lack of action regarding prosecution and/or delivering some form of justice. This was especially apparent where there was paramilitary involvement in the perpetration or orchestration of the violence. Additionally, there still seems to be a denial of the existence of a problem with racism throughout the agencies.

The report's conclusions and recommendations focus heavily on building meaningful relationships within the ethnic minority community and allowing these relationships to guide future policy and response strategies. What is highlighted is the need for immediate action to be taken in responding to victim's needs.

It has now been over a year since the report was launched. While there was great interest in the findings of the report at its launch the initial enthusiasm seems to have dissipated. The work of the project is ongoing and indeed continues to encounter good practice within some Northern Ireland Criminal Justice System agencies. However the absence of a coordinated response by these agencies continues to hinder the assurance of a consistent and effective approach towards victims. The resulting confusion only serves to stretch the already limited resources of community groups and voluntary organisations, thus forcing them into a position of compensating for the lack of support available in the criminal justice system. There is evidence of improvement in the response of some agencies, most notably the police service, but there continues to be resistance on an institutional level throughout all agencies to acknowledge the extent of the problem.

Unfortunately, there has been little movement from statutory agencies in responding to the recommendations of the McVeigh report. There continues to be the acknowledgement from policy makers that there is a need to provide guidance regarding these issues. Additionally, while diversity training is provided there is still a lack of developed and comprehensive anti-racism training, especially in criminal justice agencies outside of the police. The continued lack of a coordinated approach also makes it difficult to find consistent examples of good practice. A positive or negative experience relies almost solely on whether or not the response officer is proactive and aware of issues facing the black and ethnic minority community.

In regards to the practical support that community groups such as NICEM are trying to offer as a result of the research, it is a slow process of evolution dependant on finding adequate funds and human resources. Ideally, NICEM would like to establish a more effective regional service by partnering with various community agencies and councils around Northern Ireland. The hope is to

provide training and a designated advisor in each partner group to provide a more immediate response as incidents occur. We currently have five community groups who have agreed to enter into partnership in five different council areas. While discussions about formalising the partnerships have occurred and some initial training has been done,

further development is largely dictated by impending funding decisions. Meanwhile, there has been a good response among grassroots groups to the needs of the minority community. These range from donating premises to allow groups to meet socially to taking the initiative to organize and promote English classes. It has been through these mechanisms that the problems faced by minority victims of hate crime have become more widely known. As a result, there is an increase in participation at District Policing Partnerships and Independent Advisory Groups. This has increased the practical support that groups can offer as they are more aware of the processes that police should be following and the support that should be provided.

The hope is that the growing body of research in this area will continue to highlight the need for changes and give an empirical voice to victims who so often feel alienated from the justice system. Dr. McVeigh's report was a tool for the support project based at NICEM in encouraging statutory agencies in reviewing policies around first response and training in regards to victims of racist violence and harassment. While progress may be slow it is of note that progress is being made.

**“WHILE THE NORTHERN IRELAND CRIMINAL JUSTICE SYSTEM HAS MADE EFFORTS TO DEVELOP GOOD PRACTICE POLICY AND LEGISLATION IN ITS RESPONSE TO VICTIMS OF RACIST VIOLENCE AND HARASSMENT THE ACTUAL IMPLEMENTATION IS LACKING”**

# The French police face-to-face with the i and young French people from immigrant l

Bernadette Hétier, Vice-President of Mouvement contre le Racisme e

This article examines the complexities of the relations between the police and young French people from immigrant background, from an anti-racist organisation's perspective.



**27 October 2005, Clichy-sous-Bois (Seine Saint-Denis, Paris):** Bouna, aged 15, Zyed, aged 16 and Metin, also 16, try to hide in an electricity substation while being chased by the police. Bouna and Zyed are electrocuted and die. The result is three weeks of riots across France.

**30 October 2007,** their families are still waiting for the police officers involved to be tried for "failure to assist persons in danger".

Poster for 'Convergence 84', a French anti-racism initiative in the 1980s

**25 November 2007, Villiers-le-Bel (Val d'Oise, Paris):** Larami

and Moushin, aged 16 and 15, are killed in a violent collision with a police car. The incident is followed by several nights of rioting in six communes. The violence reaches new levels as shots are fired at the police, who are held to be responsible for a deliberate act or at least for "failing to assist persons in danger".

The same causes, the same unrest - inarticulate and all the more violent; the same recurrent political refrain of immediately clearing the police of any blame while frequently condemning the behaviour of the victims.

France, which refuses to recognise "minorities" or "communities", guarantees **"the equality of all citizens before the law, without distinction of origin, race or religion"**. This principle of constitutional equality should be scrutinised not only in relation to the events of 2005 and 2007 but also with reference to all the incidents over the last thirty years provoked by the violent deaths of young men in accidents or through the actions of the police.

Looking beyond the immediate causes, there is a pressing need to examine the complex processes at work in the relations between the police and the population. Of particular relevance are relations between the police and young people, especially those who are French citizens from a postcolonial immigrant background, living in the most deprived areas. The term "racaille" (generally translated as "scum"), which was used by Nicolas Sarkozy when he was Interior Minister to describe young people "known to the police", implies that the only thing to be done with these young people is to dispatch them down the penal route of police-court-prison (or in the words of Sarkozy, "scour the neighbourhoods with a high-pressure hose").

The backdrop to all this is the increasing friction and conflict between the police and young people; more criminal prosecutions of minors; the rise in offences against "agents of public authority" (in particular police officers); and the fact that it is almost impossible for young people who are victims of police violence to lodge their complaints with the police or public prosecutor's offices, leaving them with no other option but the long and expensive route of lodging civil claims (suing for damages) before investigating judges. The response by the police is a proliferation of proceedings brought for "contempt and obstruction" ("outrage et rebellion"), combined most recently with the police suing for personal damages, in addition to the fines handed down by the courts. These penalties are crippling for the young people who receive them, most of whom are failing academically, unemployed, victims of discrimination and racism or in very precarious employment.

These are multiple symptoms of a psychological "war" which is exacerbated by the confusion in France between maintaining order (the criminal police) and prevention (community policing) - entirely at the expense of the latter. There is a growing "militarisation" of police interventions in the suburbs involving the State Security Police (Compagnies Républicaines de Sécurité), the Gendarmerie (military rather than civilian police) and the Anti-Crime Brigades (Brigades Anti-Criminalité).

A number of sociologists, lawyers and researchers have undertaken serious field surveys of the penal system, the institution of the police and among young people in deprived areas (in particular following the deaths in Dammarie-les-Lys and Clichy-sous-Bois). The analyses produced by Gilles Sainati, Laurent Bonnelli<sup>1</sup>, Stéphane Beaud and Michel Pialoux<sup>2</sup>, Dominique Montjardet<sup>3</sup>, Laurent Mucchielli<sup>4</sup> and Fabien Jobard<sup>5</sup> all merit consideration.

**"THERE IS A PRESSING NEED TO EXAMINE THE COMPLEX PROCESSES AT WORK IN THE RELATIONS BETWEEN THE POLICE AND YOUNG PEOPLE, ESPECIALLY THOSE WHO ARE FRENCH CITIZENS FROM IMMIGRANT BACKGROUND, LIVING IN THE MOST DEPRIVED AREAS"**

- 1 Judge Gilles Sainati, and sociologist Laurent Bonnelli, co-editors of 'La Machine à Punir' (L'Esprit frappeur, 2000).
- 2 Sociologists, Stéphane Beaud and Michel Pialoux, co-authors of 'Violences urbaines, violence sociale' (Fayard 2003).
- 3 Sociologist Dominique Montjardet, author and director of collected works on the police, including a study on the crisis in the institution of the police and how to deal with it ('La crise de l'institution policière ou comment y faire face?') in the journal Mouvements no 44 -2006/2.
- 4 Sociologist Laurent Mucchielli, Director of the Centre for Sociological Research on Law and Criminal Justice (Centre de Recherches sociologiques sur le Droit et les institutions Pénales), co-editor of 'Quand les Banlieues brûlent - retour sur les émeutes de novembre 2005' (La découverte, 2006).
- 5 Fabien Jobard, sociologist at CESDIP and expert on penal and police issues, author of the article 'Sociologie politique de la racaille' in the collection Émeutes urbaines et protestations, une singularité française (Presses de Sciences-Po, 2006) and articles in the journal Vacarme.

# inhabitants of 'sensitive' areas at backgrounds

Association pour l'Amitié entre les Peuples (MRAP), Member of ENAR France

Although the symptoms of the crisis have been increasing, the roots of the problem go back to the "March for Equality and Against Racism" from Marseilles to Paris in November 1983 which sought a non-violent response to the violence of the "rodeos" with the police, the riots in the suburbs of Lyon and the rise in clashes between the police and young people "of immigrant origin". The March was greeted in Paris on 1 December by a demonstration of 100,000 people (with a delegation of demonstrators being received by the French President) and was followed by Convergence 84 (five moped convoys which converged on Paris). From this there emerged a major independent movement of young people from all the immigrant communities in France, but their hopes and expectations were reduced to political silence by the mass moral anti-racism of the Mitterrand years.

Since then, arrests, police chases and fatal shootings by the police - for a long time denied and only lightly if ever penalised - have left in their wake a tragic list of names of young victims and riots throughout France. In particular: Thomas Claudio (Vaulx-en-Velin, 1990), Aïssa Ilich and Youssef Khaïf (Mantes-la-Jolie, 1991), Makome M'bowle (Paris, 1993), Kader Bouziane (Dammarie-les-Lys, 1997), Fabrice Fernandez (Lyon, 1997), Habib Ould Mohamed (Toulouse, 1998), Ali Rezgui (Grigny, 2000), Moussa Bradai (Les Mureaux, 2002), Mohamed Berrichi (Dammarie-les-Lys, 2002) and, most recently, the tragedies of 2005 and 2007.

1995 saw the establishment of the Immigration and Suburbs Movement (Mouvement de l'Immigration et des Banlieues<sup>6</sup> - MIB), born out of the Marches of 1983 and 1984 and ten years of the Justice in the Suburbs (Justice en Banlieue) campaign across France, against police impunity and in support of the families of the victims and their advocates.

The acquittal on 28 September 2001 by the Assize Court of Versailles of the police officer responsible for the fatal shooting of Youssef Khaïf (MIB activist in Mantes-la-Jolie) - which elicited an intensely emotional reaction - led to the establishment of the network Resisting Police Violence Together (Résistons Ensemble contre les violences policières).<sup>7</sup>

On 9 November 2005, MIB issued a shock statement: "Die in peace, my brothers, but die in silence, so that only a distant echo of your suffering is heard [...] Those who do not now understand the causes

of the rioting are suffering from amnesia or are blind or both. The suburbs have now been calling for justice for 30 years. There have been 25 years of unrest, riots, demonstrations, marches, public meetings and cries of anger - and concrete demands have been expressed".

At this point it is fitting to turn to the words of Yazid Kherfi, a former offender who assumed the role of "elder brother" in his town of Mantes-la-Jolie,<sup>8</sup> and then graduated from the Institute of Higher Studies in Internal Security (Institut des Hautes Études de Sécurité Intérieure) and became an urban violence consultant: "I believe in the potential for change brought about by the inhabitants, especially young people. Their rebellion brings hope, giving our

politicians and fellow citizens the chance to take a different view of reality".

It was precisely this that the Association for Liberty Equality Fraternity Together United (ACLEFEU)<sup>9</sup> sought to achieve in 2006 with a "Book of Grievances" presented to Parliament (so far without

results). A similar attempt was made with the Social Forum of the Banlieues (Forum Social des Quartiers populaires)<sup>10</sup> - coordinated by MIB (Paris), Les Motivés (Toulouse)<sup>11</sup> and DiverCité (Lyon)<sup>12</sup>, the first of which was held in June 2007 and which will be repeated annually with support from a number of different sources, including MRAP: "We become accustomed to the silent suffering of millions of men and women who are subjected on a daily basis to social violence far more devastating than a burning car. Rebellion against this social order is justified! Since we refuse to delegate our power to those who do not represent us, the Social Forum of the Banlieues will be a public space for political, social and cultural expression based on the experiences, stories and memories of our neighbourhoods. It will be a place of reflection and convergence for different local campaigns; together we shall give them visibility at national level!"

**"ARRESTS, POLICE CHASES AND FATAL SHOOTINGS BY THE POLICE - FOR A LONG TIME DENIED AND ONLY LIGHTLY IF EVER PENALISED - HAVE LEFT IN THEIR WAKE A TRAGIC LIST OF NAMES OF YOUNG VICTIMS AND RIOTS THROUGHOUT FRANCE"**

<sup>6</sup> <http://mibmib.free.fr/>

<sup>7</sup> <http://resistons.lautre.net/>

<sup>8</sup> <http://www.yazidkherfi.com/dotclear-1.2.3/dotclear/index.php/>

<sup>9</sup> <http://aclefeu.blogspot.com/>

<sup>10</sup> <http://fsqp.free.fr/>

<sup>11</sup> [http://www.motive-e-s.org/le\\_site/accueil.php3](http://www.motive-e-s.org/le_site/accueil.php3)

<sup>12</sup> <http://divercite.free.fr>

# Policing of the Russian minority in Estonia

Aleksei Semjonov, Director of the Legal Information Centre for Human Rights, ENAR's national coordination in Estonia



Police arrest members of the Russian minority in Tallinn, April 2007 - © Aleksandr Guzhov

In April 2007 mass protests took place in the capital of Estonia resulting in street disorders. The actions related to the government's decision to relocate the monument erected on the graves of the Soviet soldiers who perished in 1944 in the battle against the German Nazis from Tõnismägi Square in Tallinn. The decision to exhume the remains and relocate the monument was made contrary to the opinion of the majority of the city's inhabitants and of the City Council of Tallinn. During 26 - 29 April 2007 in the evening and in the night hundreds of people were detained in Tallinn, most of them belonging to the Russian-speaking minority. According to official information, on 26 - 29 April more than a thousand people passed through specially arranged "filtration points" (temporary detention facilities). Most of the detainees were released early in the morning without incurring a detention report or any charges being laid against them.

With the aid of the Legal Information Centre for Human Rights, about 50 people - victims of police abuse - filed applications with the prosecutor's office and/or the Chancellor of Justice. The main points of the claims are the following:

- In breaking up the unauthorised rally on the evening of 26 April on Tõnismägi Square, the police used special equipment against non-aggressive people. People who were near Tõnismägi on the evening of 27 April, including ordinary observers, also suffered from brutal police actions.
- On the nights of 28 - 29 April the police detained Russian-speaking passers-by "for preventive purposes" in the central part of the city. Furthermore the police did not inform the people of the cause of their detention, or offered clearly inappropriate explanations. Many of the detainees claim that they were not

allowed to inform their relatives about their detention. None of the police officers informed relatives either.

- Most detainees said that policemen beat people who were already helpless. A number of witnesses had to lie on the cold ground (and some of them for quite a long time) in the April night. There is evidence of rough treatment of the detainees during transportation and in detention facilities.
- Most of the evidence concerns the detention conditions in the so-called D-terminal, i.e. in a warehouse near the port of Tallinn. Almost all the witnesses say that the detainees were made to squat for a long time with their hands tied behind their backs, which caused physical pain. There is much evidence that the security agents beat the detainees, even without reason. Some witnesses say that the detainees did not receive water and not everybody was allowed to go to the toilet. Medical aid was provided only after delays.

This situation whereby the Estonian authorities refuse to carry out a

**"A SITUATION WHERE THE ESTONIAN AUTHORITIES REFUSE TO CARRY OUT A THOROUGH AND IMPARTIAL INVESTIGATION OF PEOPLE'S CLAIMS CONCERNING CRUEL POLICE BEHAVIOUR IS CONTRARY TO THE STANDARDS OF AN EU MEMBER STATE"**

thorough and impartial investigation of people's claims concerning cruel police behaviour is dangerous and contrary to the standards of an EU member state. It came as the most unpleasant surprise that the Tallinn Circuit Court refused to initiate, at the request of victims, criminal cases against the police officers involved in acts of brutality. The

authorities have ignored the requirements of the international human rights community, including those of the International Helsinki Federation for Human Rights (IHF) and the International Federation for Human Rights (FIDH). Such refusal to investigate and analyse prevents the law enforcement and security agencies from "correcting mistakes", and complicates and nullifies the civil monitoring of their activities. Finally it causes a violation of one of the basic human rights: the right of access to justice.

Instead, three months after the April events the Minister of Defence of Estonia awarded Tarmo Miilits, the Director of the Law Enforcement Department of the Pohja Police Prefecture, and Andrus Truss, Chief Commissioner of the Kesklinn Department of Pohja Police Prefecture with golden label badges for their work "in the course of fulfilling the Military Graves Protection Act". The behaviour of the Estonian establishment shows that they do not want and are not able to undertake political responsibility for their activities before and during the April crisis. But most important is the fact that the question as to whether many law enforcers behaved correctly remains without answer. The question will persist until the competent agencies have undertaken a comprehensive and independent investigation.

# Aspects of profiling of ethnic and religious minorities in Germany

Andreas Hieronymus, ENAR Board Member for Germany

Among German police there are rules of thumb based on everyday experience: controlling cars with polish number plates, stop and search of people who are “foreign looking” and cannot speak German<sup>1</sup> or observing Roma or Sinti is considered as “worth one’s while”, because it increases the hit-rate. Roma and Sinti, recognised national minorities in Germany, have been targets of this kind of experience-based stereotyping for a long time. It has been widely supplemented by special data collections of the criminal investigation departments, most of them inherited from the time of Nazi persecution. This institutionalised professional “gaze”, conflated with myths about the inclination of ethnic and religious minorities to crime, can be traced back for centuries in Germany.<sup>2</sup>

The Federal State and the Länder are responsible for data protection and the use of personal data related to ethnic origin or religious convictions are regulated in Data Protection Laws.<sup>3</sup> This sensitive data can only be processed if there are sufficient guarantees for the protection of the “informational self-determination”<sup>4</sup> and if there are special legal provisions which define the objective of the process. But security considerations after 9/11 often reinforce stereotyping based on skin colour or religion and alienate ethnic and religious communities,<sup>5</sup> like the safety precautions taken on 25 August 2005 in Hamburg.

On that evening 1,071 heavily armed police controlled traffic at 12 junctions. The trigger for this large-scale operation was the statement of a witness of Egyptian descent who had heard in a discussion in Arabic at a bus stop the sentence: “We will stand tomorrow as a hero before Allah”. The police published pictures of the suspects, which had been taken by a surveillance camera in the bus and arrested one of the men at home; the two others surrendered voluntarily. After interrogating the suspects, who turned out to be Chechens, the police released them from custody because no charge could be verified<sup>6</sup>. There was general public approval of this state of emergency exercise and not one critical public voice was heard.

The only critical voice on post 9/11 policing seems to be the German Constitutional Court these days. 8.4 million data records

have been searched in the aftermath of 9/11. Profiling delivered 95,271 possible suspects, but no proceedings have been taken against any of these suspects. In a decision ruled by the Court<sup>7</sup> profiling is only considered as legitimate in case of a direct threat of real danger to the population; as a prevention strategy it does not meet constitutional requirements<sup>8</sup>. Profiling now has tight constitutional limits, but other alienating security measures are still in place. The authorities e.g. verify if the applicants for naturalisation can be “deliberated” under the current security rules or not. This process is arbitrary, non-transparent and conducted under the use of non-verifiable secret information.<sup>9</sup> “What use is it to us in the long run to reject an application with reference to knowledge we have, when they are so vague that they never withstand an examination by a court?” an officer complained<sup>10</sup>. The appointee for data protection in Hamburg issued a critical statement about the effects not only of the fight against terrorism, but also of the restructuring of the social system, the administrative modernisation and privatisation of data protection, civil liberties and surveillance. Because all this puts pressure and regulatory stress on the government and the administration, data protection is seen as restraining effectiveness, disturbing and a cost factor, preventing meaningful solutions.<sup>11</sup>

On the other hand, profiling exercises do not deliver the desired results, as a comparison of the profile of the two attackers who attempted to install two suitcase-bombs in trains in North Rhine-Westphalia with the profile of other attackers in Madrid and London showed: there is no uniform profile of perpetrators which can be used for profiling.<sup>12</sup>

**“SECURITY CONSIDERATIONS AFTER 9/11 OFTEN REINFORCE STEREOTYPING BASED ON SKIN COLOUR OR RELIGION AND ALIENATE ETHNIC AND RELIGIOUS COMMUNITIES”**

1 The Voice Refugee Forum, <http://www.thevoiceforum.org/node/396>.

2 Albrecht, Hans-Jörg (2005): Rechtstatsachenforschung zum Strafverfahren. Empirische Untersuchungen zu Fragestellungen des Strafverfahrens zwischen 1990 und 2003. In: Polizei + Forschung, vol. 29, edited by Bundeskriminalamt (BKA), Kriminalistisches Institut.

3 e.g. § 6 a BlnDSG (Berlin Law on Data Protection) or § 3 Abs. 9 BDSG (Federal Law on Data Protection).

4 “Recht auf informationelle Selbstbestimmung”, is the right of the individual to determine the use of personal data. It has been recognised as a fundamental right in 1983 by the German constitutional court. See: <http://www.datenschutz-berlin.de/gesetze/sonstige/volkszh.htm>.

5 Mühe, Nina (2007): Muslims in the EU - Cities Report: Germany, Preliminary research report and literature survey, EU Monitoring and Advocacy Program, Open Society Institute, p. 43-45.

6 <http://www1.ndr.de/nachrichten/hamburg/hh268.html>

7 Bundesverfassungsgericht - Pressemitteilung nr. 40/2006, 23 May 2006. Zum Beschluss vom 4. April 2006 – 1 BvR 518/02, <http://www.bundesverfassungsgericht.de/pressemitteilungen/bvg06-040.html>.

8 Junge, Barbara; Knapp, Ursula; Leber, Fabian, Tagesspiegel, <http://www.tagesspiegel.de/fragendestages/art4231.2197295>.

9 The often shallow information is provided by the Offices for the Protection of the Constitution.

10 Berliner Morgenpost, 27.09.2005, <http://www.aufenthaltsittel.de/zuwg/1047.html>.

11 <http://fhh.hamburg.de/stadt/Aktuell/pressemitteilungen/2005/mai/31/2005-05-31-hmbdsb-zwischenbericht.html>

12 Verfassungsschutzbericht Hamburg 2006, <http://fhh.hamburg.de/stadt/Aktuell/behoerden/inneres/landesamt-fuer-verfassungsschutz/publikationen/pdf-bibliothek/vsb2006-nur-text-pdf.property=source.pdf>.

# Policing of the Roma community in the Czech Republic

Jarmila Balážová, Chairperson of the association Romea<sup>1</sup>



Jiri Cunek - © Vojtěch Jandák/ROMEIA

In the Czech Republic there are generally not many publicised cases of police violence against the Roma community. The question is why? Are Czech policemen so tolerant? Probably not, considering that opinion polls in police high schools show that 90% of future policemen would not be willing to help a Roma girl if she was a victim of violence on the street. In addition, other statistics show that alarmingly high numbers among the police force and members of the Czech army sympathise with extreme-right movements.

**“STATISTICS SHOW THAT ALARMINGLY HIGH NUMBERS AMONG THE POLICE FORCE AND MEMBERS OF THE CZECH ARMY SYMPATHISE WITH EXTREME-RIGHT MOVEMENTS”**

Why therefore are there not more known cases than this episode of 13 May 2001: three policemen stopped a car driven by a Roma, Mr. Karel Billy, inspected him and then took him to the woods, put a gun to his head and urinated on him one by one? Maybe because many people, especially within the Roma community, do not report the prejudice and inappropriate behaviour of some policemen. Karel Billy did but he waited more than three years for the policemen to be sentenced. The policemen's sentence was finally suspended because it could not be proven that the act was racist, which didn't make Mr. Billy very confident about the impartiality of the Czech judiciary.

Why does the Czech population allow such behaviour? Why don't they fight it? There are several reasons for this. Some, on the basis of bad experience, would rather not take any risks than become the target of attention of their colleagues. It can also happen that if a victim of a racist attack by a policeman issues a complaint, the policeman's colleagues will give testimony to refute this.

I would like to highlight another case from the south Moravian city of Brno which happened four years ago. I was indirectly involved because I was born in Brno and knew the family. Policemen came to a young Roma man's house and took him to the police station for questioning. He had reportedly been stealing. As he had already stolen in the past, his family did not dispute the arrest. His mother only started to act when she found out that her son had died. According to the policemen he jumped out of the window during questioning, just as they had shortly left the room to fetch some water. The policemen denied that they had put any kind of pressure on him or beaten him. However, there were contusion marks on his body as well as on his face and neck. I contacted local Roma activists and non-governmental human rights organisations. Finally none of the policemen were punished. On the contrary, the "investigation" focused more on the bad reputation of the boy, and justified the bad treatment by the fact that he was a thief. It focused on the criminal history of the dead young Roma man instead of being a real investigation of what had happened. In addition, his mother was not a lawyer or a significant doctor, nor did their family belong to Brno's elite, so the death of their son was "less" important.

I also want to underline another significant fact, which at first glance is not connected to police violence. In the Czech Republic we battle the political incorrectness

which was brought to "high politics" by Jiri Cunek, former mayor of the town of Vsetin, present senator and recently resigned deputy prime minister (also chairman of the KDU-CSL Christian democrat party, which is part of the government coalition). He is "famous" for his alarming statements about the Roma. He for instance recently stated that the Roma minority's traditions and family environment go against the Czech Bill of rights and freedoms. Some politicians have denounced his remarks but even the Green party (also part of the government coalition) is not as firm as it used to be and its interest in human rights has weakened. Suddenly the comeback of Jiri Cunek within government is no longer impossible, especially as the liberal party needs the votes of KDU-CSL to gather enough support for Vaclav Klaus to become president of the Czech Republic. It is therefore not surprising that in such an environment of shifting ethics policemen can take a Roma man to the woods and urinate on him in all impunity. If the deputy prime minister has no objections to this kind of behaviour, why would an ordinary policeman have any? How can we require human rights principles from others if they are absent at the highest level?

<sup>1</sup> <http://www.romea.cz/romea/english/>

# Counter-terrorism and combating racism

## European Network Against Racism

ENAR recently adopted a General Policy Paper on counter-terrorism and combating racism<sup>1</sup>, which is the product of ongoing concern and reflection regarding the negative impact of some strategies which aim at countering terrorism in the European Union. The paper identifies the core issues regarding counter-terrorism, including those relating to the role of the police and the criminal justice system and puts forward key principles that, if applied, would assist in redressing this negative impact and see the necessary inclusion of anti-racism as a key element in any strategy aimed at enhancing security in Europe.

Terrorism is not a new phenomenon in the European Union. The context of terrorism is set primarily by each member state's own historical and political situation. However, in the aftermath of the events of 11 September 2001 and the London and Madrid bombings, the counter-terrorism agenda has been increasingly placed at the heart of national and European agendas. Policy-makers, politicians, the media and the broader public have come to identify the terrorist threat as more serious than ever and in particular the threat from so-called "Islamic terrorists".

A group or individual's decision to turn to violence is usually situational and seldom endemic to the religious tradition to which they are related. Islam does not cause terrorism, nor does any other religion with which terrorist acts have been associated.<sup>2</sup> Terminology such as "Islamic terrorism" has led to a growing perception that there is somehow an inherent link between Islam and terrorism - a perception which is contradicted by the facts, but which has led directly to increased Islamophobia and a disproportionate impact of counter-terror measures on Muslim communities.

According to the 2007 Europol report on the situation of terrorism in the European Union, 498 attacks were carried out in the EU in 2006, only one of which was identified as "Islamist". Nevertheless, the report concluded that: "investigations into Islamist terrorism are clearly a priority for member states' law enforcement as demonstrated by the number of arrested suspects".<sup>3</sup> Half of all arrests were related to "Islamist terrorism", and the majority of suspects were born in Algeria, Morocco and Tunisia. However the suspects involved in the foiled plots reported in the UK and Denmark in 2006 were born or raised in an EU member state.<sup>4</sup> This demonstrates a clear misdirection of the priorities of member states' law enforcement activity. There is an overwhelming preoccupation with so called "Islamic terrorism" in Europe today, a pre-occupation which undermines the fight against terrorism itself, and alienates large proportions of people living in the European Union.

1 To read ENAR's General Policy Paper on Counter-terrorism, visit [www.enar.eu.org/en/policy/3\\_1.shtml](http://www.enar.eu.org/en/policy/3_1.shtml).

2 Club of Madrid (2005) Addressing the causes of terrorism, volume I, p. 27

3 Europol (2007) EU Terrorism Situation and Trend Report 2007, p. 3.

4 Europol (2007) EU Terrorism Situation and Trend Report 2007, p. 3.

### The fight against racism and the fight against terrorism

The challenge facing the European Union is to secure the effectiveness of its counter-terrorism strategy by ensuring that it is carried out within the context of the international human rights framework and in a non-discriminatory manner. To date insufficient attention has been given to the interaction between counter-terrorism strategies and the fight against racism. Counter-terrorism is both dependent on effective implementation of the rights to equality and non-discrimination, as well as a potential barrier to their full realisation. The dialogue on counter-terrorism too often falls into the trap of placing the protection of the majority in opposition to the rights of the minority. This analysis is a false start. Undermining the rights of the minority undermines society as a whole and, rather than contributing to security, reduces the community cohesion that is necessary for the effectiveness of counter-terrorism measures.

The fight against racism and the fight against terrorism are intrinsically linked. Both racism and terrorism are the product of intolerance and present serious threats to fundamental rights. While there is no inherent contradiction between these two imperatives, it is clear that the fight against terrorism is having a detrimental impact on broader efforts to

overcome intolerance. Legal, policy and practice developments in the fight against terrorism have contributed to an environment whereby direct and indirect forms of discrimination are increasingly tolerated and even mandated. Official actions, such as the use of racial profiling, present direct manifestations of racial

discrimination, while the overall tone of public debate and political action has contributed to increasing prejudice and subsequent discrimination across the whole range of social spheres. Recent developments and trends in the fight against terrorism are undermining integration and social inclusion contributing to a context whereby a small minority justify terrorism. Anti-racism is not a right to be sacrificed in the context of a broader security agenda, but rather should represent a key element of any strategy aimed at enhancing security in Europe.

ENAR therefore proposes five key principles which should underpin all counter-terrorism actions in order to ensure that efforts to combat racism and terrorism are mutually reinforcing:

1. Terrorism is an extreme form of intolerance which represents a serious threat to fundamental rights.
2. Counter-terrorism must be conducted in the framework of human rights and anti-discrimination.
3. Counter-terrorism measures must not have a disproportionate impact on ethnic and religious minorities.
4. Anti-racism is a key element in preventing terrorism.
5. Effective counter-terrorism is the result of engagement and participation with all communities.

**"ANTI-RACISM IS NOT A RIGHT TO BE SACRIFICED IN THE CONTEXT OF A BROADER SECURITY AGENDA, BUT RATHER SHOULD REPRESENT A KEY ELEMENT OF ANY STRATEGY AIMED AT ENHANCING SECURITY IN EUROPE"**

(Continued from page 7)

In response to interest in the Programme by an increased number of States, the ODIHR organised a training-of-trainers seminar in London in November 2007. The seminar consisted of learning units covering causes and manifestations of hate, police investigation of hate crimes, interaction between police and the media, co-operation between police and victims and affected communities in dealing with hate incidents, and other relevant aspects of responding to hate crimes. The training was attended by experts from 13 States, many of whom are now preparing to adapt and implement the Programme in their countries.

Experts from 13 OSCE States also participated in the first meeting of the Regional Network on Hate Crime Prevention and Investigation. The Network aims to support police experts in addressing the cross-border nature of hate crime through the sharing of information related to organised hate groups and the increasing use of the Internet and music to incite hate crimes. Members of the network are able to access training materials, resources and tools which can ensure their effective response in combating hate crime and also regularly exchange information and good practices in order to develop effective strategies to combat hate crimes.

## Announcements

- ENAR has published its fourth General Policy Paper on counter-terrorism and combating racism. It is available at [www.enar-eu.org/en/policy/3\\_1.shtml](http://www.enar-eu.org/en/policy/3_1.shtml)
- ENAR launched its Shadow Report on Racism in Europe on 21 November 2007 at a press conference in Brussels. It is available at [www.enar-eu.org/en/publication/shadow\\_reports/index.shtml](http://www.enar-eu.org/en/publication/shadow_reports/index.shtml)
- ENAR issued a policy response to the European Commission's consultation on "Schools for the 21st century", which is available at [www.enar-eu.org/en/policy/3\\_2.shtml](http://www.enar-eu.org/en/policy/3_2.shtml)
- The next edition of ENARgy will be published in April 2008. Information on previous editions is available at [www.enar-eu.org/en/energy/energy.shtml](http://www.enar-eu.org/en/energy/energy.shtml)

## ENAR

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ENAR is a network of European NGOs working to combat racism in all EU member states. Its establishment was a major outcome of the 1997 European Year Against Racism. ENAR aims to fight racism, xenophobia, anti-Semitism and Islamophobia, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national initiatives with European initiatives. ENAR's vision is of a world free from racism.



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