



Provisional version

Committee on Equality and Non-Discrimination

Tackling racism in the police

Report¹

Rapporteur: Mr David DAVIES, United Kingdom, European Democrat Group

A. Draft resolution

1. The Assembly regrets that racism does not spare any level of society and that no institution appears immune to racism. The police is no exception. Racism can be present in the attitudes or behaviour of police officers, in their interaction with the population or with other officers. It can also be found in rules and regulations applied by the police, which would in that case qualify as institutional racism.
2. Among these, the Assembly is particularly concerned by racial profiling. It corresponds to 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. Racist behaviours and practices within the police against visible minorities have a negative impact on the public opinion and increase the level of stereotyping and prejudice.
3. Considering that the acknowledgement of the existence of a problem is the first step towards its solution, the Assembly encourages all member states to look at the situation in their respective countries and dare to acknowledge and address, when relevant, the existence of racism in the police. There can be no impunity for manifestations of racism within or by the police and police officers must be held accountable individually for their behaviour.
4. Few Council of Europe member states have established independent police complaints mechanisms. Effective and independent investigations of racist crimes should be conducted and treated as a priority in order to maintain trust in the police and to encourage reporting on such crimes.
5. The Assembly is convinced that concrete change will not happen if there is no change in mindsets and that political will can change cultural attitudes within the police. In addition, diversity training and life-long learning contribute to ensuring that the police reflects and understands the population it serves. The Assembly acknowledges the difficulties and challenges faced by police officers in their daily work. They represent a link between the law and the population which should have a high level of trust in them and never hesitate to report violence, including racist violence.

¹ Draft resolution adopted unanimously by the Committee on 5 December 2013.

6. The Assembly recalls the adoption of the recommendation Rec(2001)10 by the Committee of Ministers on a European code of police ethics and encourages the wide application of its principles. It also recalls the work of ECRI and its policy recommendation 11 on combating racism and racial discrimination in policing, which provides guidelines on ways to prevent racial discrimination and prohibiting racial profiling.

7. In the light of these considerations, the Assembly calls on Council of Europe member States to:

7.1. with regard to preventing racism in the police:

7.1.1.review existing legislation and practices of the police with a view to identifying and modifying those that might have a racist connotation;

7.1.2.ask the police forces to adopt an internal code of conduct with regard to the prevention of racism, when it does not yet exist;

7.1.3.encourage diversity in police recruitment;

7.1.4.provide training following recruitment and throughout the career on preventing and combating racism and racial discrimination, in addition to diversity training;

7.1.5.provide, when possible and relevant, language training classes to police officers to allow them to interact and exchange with the population they serve;

7.1.6.carry out research and collect information on racist incidents in the police, including the police reaction to acts of racism by the police so as to monitor the situation and ensure an appropriate institutional response;

7.1.7.provide sufficient resources for the police to work in satisfactory conditions and with absolute respect for the rights of the persons they deal with;

7.1.8.encourage the exchange of good practices between police forces in preventing racism;

7.2. with regard to condemning racism and prosecuting racist behaviours or incidents in the police:

7.2.1.urge political leaders and senior officers of the police forces to publicly condemn any form of racial discrimination;

7.2.2.establish independent police complaints mechanisms where they do not yet exist, allocate appropriate means for their functioning and ensure that sanctions are imposed on police officers following a racist incident;

7.2.3.investigate in a prompt, thorough, effective and impartial manner all allegations of racial discrimination, including by the police;

7.2.4.ask police officers to adopt a public profile and attitude, including in social networks, corresponding to the fundamental values of the police;

7.3 with regard to enhancing trust in the police;

7.3.1.implement the provisions of ECRI General Policy Recommendation n°11 on combating racism and racial discrimination in policing;

7.3.2.clearly define racial profiling, ensure its prohibition and provide specific training on identity checks to all police officers;

7.3.3.ensure that police officers wear a visible form of identification such as identity numbers at all times;

7.3.4.establish the practice to fill out stop forms following identity checks and searches, where it does not yet exist;

7.3.5.carry out monitoring of identity checks and search operations;

7.3.6. encourage the establishment of police community liaison officers where they do not yet exist;

7.3.7. encourage members of parliament and the police to enhance their interaction through regular consultations including through appropriate parliamentary mechanisms.

8. The Assembly calls on civil society representatives to strengthen their dialogue with the police through regular consultations and other appropriate means.

B. Explanatory memorandum by Mr David Davies, United Kingdom, European Democrat Group

1. Origin, scope and aims of the report

1. The origin of this report is a motion for a resolution tabled by Tina Acketoft and others.² The motion stresses that the Assembly should address the issue of racism in law-enforcement institutions, with a view to identifying best practices in Council of Europe member states on how to prevent this phenomenon and ensure transparency and accountability in the work of law-enforcement officials.

2. At its meeting on 3 October 2012 in Strasbourg, the Committee on Equality and Non-Discrimination agreed to narrow down the scope of the report to cover only the police, to the exclusion of other law-enforcement institutions. The title of the report was therefore changed to "tackling racism in the police". I have tried to take into account the specificities of the institutional framework in different member states in my report.

3. In my report, I would like to be as fair and balanced as possible: I would like to acknowledge the dedication of the police and the difficult conditions in which they have to work; at the same time, I would like to outline attitudes and practices which are racist or border-line, with a view to proposing solutions and safeguards adopted in some member states. In a nutshell, the report looks both at individuals' racism and institutional racism.

4. Evidence gathered in this report stems from desk research and a hearing held during a meeting of the Committee on Equality and Non-Discrimination on 3 October 2012 in Strasbourg, with the participation of Ms Deborah Glass, Deputy Chair of the Independent Police Complaints Commission (United Kingdom), Mr Julien Le Gars, Deputy Director for public liberties, Ministry of the Interior (France), Ms Chantal Pons-Mesouaki, Deputy Secretary General of the Trade Union for public security officers (France) and Ms Lanna Hollo, Open Society Justice Initiative (France).

5. This report includes the results of three fact-finding visits. I went on a fact-finding visit to the United Kingdom on 10 and 11 December 2012, where I met with police officers, NGOs, Commissioners of the Independent Police Complaints Commission (IPCC), the Police Federation and representatives of New Scotland Yard. The report also includes results of a fact-finding visit to Greece on 12 and 13 June 2013 where I met with representatives of police federations, officials of the Ministry of Public Order, parliamentarians, the prosecutor in charge of racist crime, the Ombudsperson and Deputy Ombudsperson, NGOs, asylum seekers, refugees and lawyers. On 28 and 29 October 2013, I went on a fact-finding visit to Germany where I met police officers, parliamentarians, representatives of the police trade unions, representatives of the German Institute for Human Rights, police officers, police trainers, asylum seekers and non-governmental organisations. I would like to take this opportunity to thank the delegations of the United Kingdom, Greece and Germany to the Parliamentary Assembly of the Council of Europe for their support and excellent cooperation during the fact-finding visits.

2. Introduction

6. Racism and racial discrimination are among the most widespread human rights violations, affecting all levels of society. As Ms Navenethem Pillay, United Nations High Commissioner for Human Rights, said "*We must challenge racism at all levels - at the individual, institutional and cultural levels, as well as at the national and international (...). Our societies must be grounded on the principles of equality and non-discrimination. Until this becomes a reality the dream of international peace, to paraphrase a famous musician, will remain a fleeting illusion.*"³

7. Europe is facing a number of challenges, with an economic and financial crisis affecting its political and democratic stability. On the one hand, the crisis is affecting the level of trust in the institutions; on the other, it is causing a surge in extremism, including intolerance and hostility against visible minorities.

8. Actions have been taken to prevent and combat racism but no sector appears to be immune to this phenomenon and the police are no exception. "*Racism exists in society, it therefore also exists in the police*", highlighted Ms Deborah Glass, Deputy Chair of the Independent Police Complaints Commission on 3 October 2012. In the past few years, the emergence in the public domain and the media of cases in which

² Doc. 12888.

³ Speech of the UN High Commissioner for Human Rights on 21 March 2012, International Day for the Elimination of Racial Discrimination.

police officers have failed to perform their duties or breached the laws and regulations when dealing with people from visible minorities has raised awareness on this issue.

9. In the United Kingdom and across Europe, the Stephen Lawrence case raised the discussion about issues of racism in the police and sparked a debate on how to address it. Stephen Lawrence was stabbed to death in 1993 and his murderers were sentenced only 18 years later. Following the Macpherson report, there was a recognition that there had been a collective failure in the investigation and institutional racism within the police forces. According to Mr Çavusoglu, former President of the Parliamentary Assembly of the Council of Europe, *“the gratuitous nature of the killing, the initial failure in the response of the police and the botched initial prosecution led to a complete overhaul of the approach to race relations in the United Kingdom, which has spilled over into the rest of the continent.”*⁴

10. Racist attitudes and behaviours within the police against visible minorities can have an impact on the public opinion and increase the level of stereotyping and prejudice.⁵

3. Definitions

11. Racism, racial discrimination and institutional racism have a variety of definitions. According to the European Commission against Racism and Intolerance of the Council of Europe (ECRI), *“racism shall mean the belief that a ground such as ‘race’, colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons.”*⁶

12. In the International Convention on the Elimination of Racial Discrimination, the term *“racial discrimination”* shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.⁷

13. Racial discrimination can be **direct or indirect**. According to the European Court of Human Rights, there must be a difference in the treatment of persons in relevantly similar situations in order for an issue to be qualified as direct discrimination. *“Such a difference of treatment is discriminatory if it has no objective and reasonable justification; in other words, if it does not pursue a legitimate aim or if there is not a reasonable relationship of proportionality between the means employed and the aim sought to be realised”.*⁸ With regard to indirect discrimination, the Court has stated that *“a difference in treatment may take the form of disproportionately prejudicial effects of a general policy or measure which, though couched in neutral terms, discriminates against a group”.*⁹

14. There can be two types of racism in the police. The first type relates to the attitudes, behaviours and beliefs of the police officers. The second type is inherent to rules and regulations which are applied by the police and is commonly defined as **institutional racism**. The 1999 Macpherson report on the death of Stephen Lawrence, defines institutional racism as *“the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racial stereotyping which disadvantaged minority ethnic people.”*¹⁰ Institutional racism does not mean that all officers working in the institution have racist behaviour, but that racism lies in the procedures and culture of the institution.

4. Situation in some Council of Europe member states

15. There is not the same awareness that there might be a problem of racism within the police in all Council of Europe member states. The United Kingdom managed to acknowledge the phenomenon and identify solutions. In other states, raising the issue is at times perceived as an attack on the police institution and criticism does not come from the authorities themselves, but rather from non-governmental organisations and sometimes the population directly.

⁴ www.assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=7291.

⁵ Ms Lanna Hollo, Open Society Justice Initiative, Strasbourg, 3 October 2012.

⁶ ECRI General Policy Recommendation No. 7 of December 2002.

⁷ International Convention on the Elimination of Racial Discrimination, www2.ohchr.org/english/law/cerd.htm.

⁸ ECtHR, *Burden v. UK* (No. 13378/05), 29 April 2008, para. 60.

⁹ ECtHR, *D.H. and Others v. the Czech Republic* (No. 57325/00), 13 November 2007, para. 184.

¹⁰ www.irr.org.uk/research/statistics/definitions/ and <http://www.guardian.co.uk/uk/1999/feb/24/lawrence.ukcrime7>.

16. Identity checks, aiming at checking the identity of an individual when there might be a suspicion of an infraction, are among the most delicate procedures. On the one hand, the relevant regulations are considered as potentially racist because they are based on profiling. On the other hand, police officers have been accused of assuming racist attitudes in the conduct of such checks.

17. I would also like to clarify the definition of racial profiling which shall mean “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”.¹¹

18. Also the different way in which police officers deal with the people with whom they come into contact can be a sign of racist attitudes. Individual behaviour of law-enforcement officers can reflect racism, in the words used, remarks and comments made. In addition, verbal threats and the use of force against people from visible minorities can be a manifestation of a racist attitude.

19. I will hereafter present the situation in several Council of Europe member states as a result of my research and the fact-finding visits, presenting actions taken to acknowledge, prevent, combat, condemn and sanction racism in the police.

Austria

20. Already in 2002, the Federal Ministry of the Interior acknowledged the existence of racism in the police by calling for the use of non-discriminatory language and expressions by law enforcement officers in a decree, also foreseeing the provision of human rights training to police officers. In addition, a special recruitment campaign “Vienna needs you” aimed at diversifying the ethnic composition of the police force in the capital. In April 2010, a Unit for Minority Contacts (Referat für Minderheitenkontakte) was established at the Federal Police Directorate in Vienna.¹² I also wish to welcome the commitment made by Austria to CERD to prosecute racist behaviour of police officers under criminal and/or administrative law.¹³

21. In a 2012 briefing on Austria to the United Nations Committee on the Elimination of Racial Discrimination (CERD), Amnesty International highlighted the level of prejudice against visible minorities by reporting that “*foreign nationals and members of ethnic minorities are more at risk than Austrian citizens of being suspected of having committed crimes and of being ill-treated by police (...) and that the failure of the police and judicial organs to extend the same quality of service to foreign nationals and members of ethnic minorities is the result of institutional racism*”.¹⁴ CERD itself expressed concern with regard to reports of racial profiling.¹⁵

22. In its 2012 report on Austria, ECRI has called for the establishment of an independent body with powers to investigate individual complaints of human rights violations on the part of the police, including acts of racism and racial discrimination. The independent Federal Bureau of Anti-Corruption (Bundesamt zur Korruptionsprävention –BAK), established on 1 January 2010, and the Central Public Prosecutor’s Office for the prosecution of commercial criminal matters and corruption (WKStA) established on 1 September 2011, can investigate on abuse of authority comprising racial discrimination, but they do not form an independent complaints mechanism.¹⁶

France

23. Discussing the existence of racism within the police remains a sensitive issue. At the same time, police officers feel there is a strong anti-police prejudice within the population. Mr Julien Le Gars, Deputy Director for public liberties at the French Ministry of the Interior, stressed during our hearing that fighting racism and anti-Semitism was a top priority for the French Government and that French police and gendarmerie forces cooperate with public agencies to fight against racism.¹⁷ The Ministry of the Interior

¹¹ ECRI Policy Recommendation 11 on combating racism and racial discrimination in policing, adopted in Strasbourg on 29 June 2007,

www.coe.int/t/dlapil/codexter/Source/ECRI_Recommendation_11_2007_EN.pdf.

¹² Austria, State report to CERD, 2012,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fAUT%2f18-20&Lang=en

¹³ Idem.

¹⁴ www2.ohchr.org/english/bodies/cerd/docs/ngos/AI_Austria_CERD81.pdf.

¹⁵ CERD Concluding observations on Austria, 2012,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fAUT%2fCO%2f18-20&Lang=en.

¹⁶ ECRI conclusions on the implementation of the recommendations in respect of Austria subject to follow-up, 4 December 2012, www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Austria/AUT-IFU-IV-2013-004-ENG.pdf.

¹⁷ Hearing held in preparation for the report, meeting of the Committee on Equality and Non-Discrimination, 3 October

reports yearly on its action against racism, anti-Semitism and xenophobia to the National Consultative Commission for Human Rights.

24. I welcome the efforts made to diversify the recruitment of police officers in France. No statistic data is available on the composition of police forces but it is estimated that 10% of staff are people of migrant origin. Training is provided to all members of police forces to help them develop communication skills and establish an open dialogue with the population.¹⁸

25. Complaints against the police can be made to the French Rights Defender, who is independent from the police. He received 475 complaints against law-enforcement officials in 2012 (police, gendarmerie, customs) overall. However there is no information with regard to the number of complaints dealing with cases of racial discrimination.¹⁹

26. The number and frequency of identity controls is a controversial matter in France. NGOs and international bodies such as ECRI have issued recommendations on this issue. Human Rights Watch has publicly voiced concern at what it defines as abusive practices during identity checks in France: “*Statistical and anecdotal evidence suggest that the police make decisions about whom to stop based on appearance, including race and ethnicity, rather than on an individual’s actual behaviour.*”²⁰ Checking the identity of a person is not a racist procedure but checking several times a day the identity of the same individual may indicate that a visible minority is being targeted. Research conducted by the Open Society Justice Initiative together with the *Centre national de la recherche scientifique* (CNRS) in Paris showed that people of Arab origin were checked 8 times more, and a black person 6 times more than a white person.²¹

27. Under the current government, French authorities considered using receipts for identity checks, but decided not to pursue it. This decision was criticised by human rights organisations, including Mr Dominique Baudis, French Rights Defender, who stressed that proper documentation of police stops was essential in order to eliminate discrimination or the suspicion of discrimination.²² A positive development includes the release of a new code of conduct (*code de déontologie*) for the police on 6 December 2012. According to this new code, police officers have to watch their language and are no longer be allowed to use “*tu*” when addressing someone for an identity check or any other kind of operation.

28. On 19 July 2013, an identity check of two women wearing the integral veil in Trappes triggered criticism about the attitude of the police officers who was qualified as racist. The identity check turned into violence and protests, with allegations of an excessive use of force by the police. Following this incident, racist remarks on an unofficial police facebook forum were condemned by senior officials of the police. Nevertheless, “*France has yet to have an equivalent to the Stephen Lawrence case, a watershed moment in which the entire police force is made to confront its racist elements*”.²³

Germany

29. The discussion about the existence of racism within the German police gained attention with the NSU (National Socialist Underground) case, which is now on trial. It concerned a series of murders between 2000 and 2006, with 8 victims of Turkish origin, one of Greek origin and a police officer. The alleged perpetrators were a group of 3 NSU members. My fact-finding visit to Germany followed the publication of the conclusions of the parliamentary Inquiry Committee on this case. Dr Ewa Högl, member of the Inquiry Committee, stressed that the report’s conclusions had shown that the police had failed to recognise that the crime could have had racist motives and that it was not aware of the seriousness of the threat presented by the NSU group to the population. This case has damaged the overall trust in the police. However, I have been informed that the police did not admit that there had been mistakes. People I have met told me that ordinary police officers would tend to assume that a victim with a foreign background might have had some criminal

2012, Strasbourg.

¹⁸ Ms Chantal Pons-Mesouaki, Deputy Secretary General of the Trade Union for public security officers, idem.

¹⁹ Défenseur des Droits, Rapport annuel 2012 - Annexe 4 - Déontologie de la sécurité www.defenseurdesdroits.fr/sites/default/files/upload/raa-2012-annexe-4_securite.pdf.

²⁰ France: Ending Ethnic Profiling, Human Rights Watch, www.hrw.org/news/2012/06/08/france-ending-ethnic-profiling.

²¹ Ethnic Profiling in the European Union: Pervasive, Ineffective, and Discriminatory, May 2009, www.opensocietyfoundations.org/sites/default/files/profiling_20090526.pdf

²² *Rapport relatif aux relations police/citoyens et aux contrôles d’identité* (Report on the relationship between the police and citizens and identity checks), released on 18 October 2012, www.defenseurdesdroits.fr/sites/default/files/upload/rapport_controle-identite-final_0.pdf

²³ France: police brutality, not burkas, the source of tensions, Marie Francois-Cerrah, 28 July 2013, AlJazeera, www.aljazeera.com/indepth/opinion/2013/07/2013724132229777442.html.

activity. Whenever migrants are being killed, the police often tends to assume that perpetrators are from the same ethnic group or among close relationships²⁴.

30. Dr Beate Rudolf, Head of the German Institute for Human Rights, stressed during our meeting that there were structures and procedures within the police that could lead to racism and racial discrimination. The issue of racial profiling indeed triggers debate in Germany. While police trade union representatives clearly explained that skin colour could be a criterion to conduct a search operation, Mr Dieter Romann, Head of the Federal Police, Mr Bernd Krömer, Permanent Secretary at the Senate Department for the Interior, and Mr Claus Kandt, Berlin Chief of Police, denied such practice was in place.²⁵ Mr. Rainer Wendt, Federal chairman of the Deutsche Polizeigewerkschaft, stated it was normal to control persons who look like they might be foreigners in border areas. Several police officers talked to me about trusting their "gut feeling" to select persons for identity checks. After establishing that an area could potentially present dangers, the police receive increased powers and can carry out extensive identity checks.

31. Amnesty International reported on police misconduct in the report "Unknown assailant: Insufficient investigation into alleged ill-treatment by police in Germany", released in 2010.²⁶ One of the major problems noted in the report was the absence of identification numbers for police officers. As of today, wearing identification is not mandatory in Germany and trade unions appeared reluctant to the idea of having one. I saw officers wearing either a badge with an identification number or with their name in Berlin. I would rather encourage the use of an identification number, in order to avoid the stigmatisation of a police officer because of his/her name.

32. ECRI deplored in 2009 the absence of an independent investigation mechanism to deal with complaints against the police, notably following the death of members of visible minorities while in police custody.²⁷ There is to date no comprehensive police complaints mechanism overlooking the work of all police forces. A person who would like to complain against an officer for racist behaviour can file a complaint in a police station. However Human Rights Watch reported that many victims did not trust the police and would therefore not make a complaint at a station. A complaint can also be made via mail and an online form. Trade union representatives stated being against an independent complaints mechanism.

33. The German police are looking, at the Federal level and at the regional level, to diversify recruitment. 12% of the police officers working in Berlin are of Turkish origin and the police was looking into the recruitment of Polish police officers.

34. While I met several officers who were fluent in several languages, the asylum seekers at the protest camp in Oranienplatz told me that police officers only spoke German to them, which I could not verify. Several officers I spoke to shared their concern with regard to the negativity of the population towards them and lack of trust in the police.

35. Police forces (except Federal police) receive training at the state (Land) level and each state (Land) is responsible for the training curriculum. New recruits receive training on intercultural competence and respect, with a view to learning how not to be confrontational. The training aims at improving dialogue between police and minorities, encouraging the acceptance of diversity and raising awareness on cultural perceptions. I visited the Brandenburg Police College, located in buildings where the wardens of all concentration camps had been trained. The history of the training centre, close to the concentration camp of Oranienburg, is a permanent reminder of the urgency to combat racism and its roots. I was particularly moved by the presentation of Mr Rainer Grieger, Director of the training centre, who stressed that the police officers were not guilty for the past but responsible for the future.

36. I welcome the openness and would like to praise the dedication of all police officers I have met with during the visit. Trade unions and officers themselves have expressed their readiness to welcome civil society representatives to observe their work and I would encourage further steps in this direction.

Greece

37. In order to understand the situation in Greece, I would like to bring some information about the context which is an unprecedented economic and social crisis combined with a high level of immigration, Greece

²⁴ Meeting with Mr Peer Stolle, lawyer, 29 October 2013.

²⁵ Meetings held during the fact-finding visit to Berlin on 28 October 2013.

²⁶ www.amnesty.org/en/library/asset/EUR23/002/2010/en/a713144c-f16a-4a12-84c1-2b9b6ecae901/eur230022010en.pdf.

²⁷ ECRI Fourth Report on Germany, 2009, http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle_04/04_CbC_eng/DEU-CbC-IV-2009-019-ENG.pdf.

being the main entry point into the European Union. The crisis has triggered an overall negative climate against migrants. Negative stereotyping of migrants within the population has undoubtedly had an influence on the police and has contributed to exacerbating tensions. According to Kostis Papaioannou, head of the Greek Commission for Human and Civic Rights, "*In recent years, the number of violent crimes with a racist background has not increased dramatically, but their rising intensity is alarming.*"²⁸ He stressed that racist violence was increasingly reflected in the structure of the state.

38. Human rights organisations have reported over the past few years allegations of ill treatment and racist behaviour by the police. According to ECRI, there are also complaints about alleged police inaction over racially-motivated crimes and prejudice towards immigrants. In 2011, the UN Refugee Agency and the National Commission for Human Rights created the Racist Violence Recording Network, with a view to monitoring racist incidents in Greece. 23 non-governmental organisations and other bodies providing legal, medical or social support services to racist violence victims are now part of it.²⁹ During the period January-September 2012, the Racist Violence Recording Network documented 87 incidents of racist violence, including 15 incidents where police and racist violence were interlinked.³⁰

39. During the summer of 2012, the Greek government launched the operation Xenios Zeus, with a view to conducting identity checks to verify the status of migrants. According to information collected by Human Rights Watch, 85,000 persons of foreign origin were stopped by the police and taken to a police station for a control of their identity papers between 4 August 2012 and 22 February 2013. Only 6% (4,811) were found to be residing unlawfully in Greece.³¹ No criterion has been defined to conduct stop and search operations. Ms Calliope Spanou, Ombudsperson, had confirmed to me her feeling that the police had used racial profiling.³²

40. During my visit at the Omonia police station on 12 June 2013, I asked to also visit cells for temporary custody. I met there irregular migrants from Bangladesh, Iraq and Nigeria. Some of them had been in temporary detention for almost a year in difficult conditions, which have been qualified as "shameful" by Mr Christos Fotopoulos, President of the Panhellenic Federation of Police.³³ Detainees reported to me that some officers had treated them with lack of respect. However, they also told me that some officers demonstrated care in their interactions with them and collected money among colleagues to provide them with food, water or cigarettes.

41. According to Human Rights Watch, undocumented migrants are routinely discouraged from filing official complaints. During my meeting with refugees and asylum seekers from Afghanistan, Syria and Iran, I received the confirmation that victims are afraid to report racist incidents to the police. Mr Ornerakis, Athens prosecutor in charge of racist crime, confirmed that a fee of 100 EUR was requested in order to file a complaint.³⁴ The fee was established with a view to discouraging "frivolous complaints".³⁵ The hotline to which racist incidents can be reported is not a free number.

42. A refugee from Iran reported to me that, in the course of an identity check, the police had opened his bag without permission, forcibly took his mobile phone and told him he would not be able to make a phone call. I also received reports of racist insults made by the police officers against migrants, asylum seekers and refugees.³⁶ One refugee from Afghanistan told me he had never been stopped for an identity check. One search operation with police officers entering a bus and asking for all black persons to exit the bus was relayed to me during the visit.

43. I would like to mention several measures taken by the authorities to prevent and combat racism in policing. A Code of Police Ethics is in force and an order was issued in 2004 on the use of non-degrading terms by the police against Roma. The Chief of the Police also issued a circular order in 2006 on "Tackling of racism, xenophobia, bigotry and intolerance in the police". "*According to the circular order, racist motivation*

²⁸ Racism increases in Greece, Deutsche Welle, 25 April 2013, www.dw.de/racism-increases-in-greece/a-16773119

²⁹ www.unhcr.gr/fileadmin/Greece/News/2012/pr/ConclusionsOctober2012EN.pdf.

³⁰ Idem and Ms Kondylia Gogou Amnesty International Researcher for Greece, Hearing on violence against migrants in Greece, Committee on Migration, Refugees and Displaced Persons Strasbourg, 2 October 2012.

³¹ Unwelcome Guests: Greek Police Abuses of Migrants in Athens, Human Rights Watch, 12 June 2013, <http://www.hrw.org/node/116082>

³² Meeting with Ms Calliope Spanou, Ombudsperson, 12 June 2013, Athens

³³ Meeting with Mr Christos Fotopoulos, President of the Panhellenic Federation of Police, Athens, 13 June 2013.

³⁴ This information was confirmed by Mr Nikolaos Ornerakis, Athens prosecutor in charge of racist crime, at our meeting on 12 June 2013.

³⁵ Human Rights Watch interview with George Kaloudis, First Instance Deputy Prosecutor, Athens Prosecutor's Office, Athens, December 8, 2011, from the report "Hate on the streets – xenophobic violence in Greece", July 2012.

³⁶ Meeting at the Greek Forum of Refugees with refugees and asylum seekers from Afghanistan, Iran, Somalia and Syria on 12 June 2013.

is investigated in the following cases: a) it is confessed by the alleged perpetrators, b) it is invoked by victims and witnesses, c) there is an evidence according to the Code of Criminal Procedure, d) the alleged perpetrators and victims of a crime identify themselves or belong to different racial, religious and social groups. Furthermore the circular established an obligation for officers to investigate possible racial motivation in the context of the disciplinary procedure involving unethical behaviour of police officers against persons belonging to vulnerable ethnic, religious or social groups or foreigners. In this case, the outcome of the disciplinary inquiries should mention whether any racial motivation has been established. However, in order to strengthen their regulatory nature and perception as compulsory for the police, they should be introduced in the Police Code of Conduct'.³⁷

44. In March 2011, Law 3938/2011 was introduced providing among other things for the establishment of an Office for Incidents of Arbitrary Conduct by Law Enforcement Officials to be established in the Ministry of Citizens' Protection. I have received the confirmation during my visit that this office has not operated to date due to a lack of funding and a lack of staffing. There is however to date no independent complaints mechanism investigating police misconduct.

45. The post of Athens anti-racism Prosecutor was created at the end of 2012. Mr Nikolaos Ornerakis, who has been appointed to this post, confirmed during our meeting that his position was established with a view to combating the phenomenon of racism. He is however working alone.³⁸

46. Human rights courses, including on racism and xenophobia, are part of the training curriculum for police officers, but are only theoretical. They do not teach concrete techniques for investigating hate crimes.

47. The Ministry of the Interior created 70 special police units for the reporting of racist incidents in January 2013, with 200 officers throughout the country. However, they have received little training so far. Some trade unions took the initiative of organising their own trainings on combating racism. I have engaged in straightforward discussions with all interlocutors during my fact-finding visit and would like to stress that there is an acknowledgement of the existence of racism in the Greek police by officers themselves.

48. At the end of his visit to Greece on 1 February 2013, the Council of Europe Commissioner for Human Rights, Nils Muižnieks, called on the police to give effect to existing anti-racism legislation and urged the Ministry of Public Order to take all necessary measures in order to create an independent and effective police complaints mechanism.³⁹

49. The association of police officers with racist and xenophobic parties and organisations is a worrying phenomenon. Surveys suggest that an important number of police officers have voted for the political party Golden Dawn in Greece at the last parliamentary elections. Golden Dawn has been praising the police and its role in the past few years, which has been positively perceived in an overall negative climate against the police. This may however discourage victims from filing complaints for racism.⁴⁰

50. The murder of the rapper and anti-fascist activist Pavlos Fyssas, allegedly by a supporter of Golden Dawn on 18 September 2013, led to a political condemnation of racist crimes and to the opening of an investigation on linkages between police forces and Golden Dawn. The government replaced several senior police officials, including the chiefs of special forces, internal security and organised crime in order to ensure absolute objectivity.⁴¹ On 30 October 2013, Panagiotis Stathis, Head of the Police Internal Affairs unit, announced that 10 police officers were found to have "direct or indirect involvement with the criminal activities of Golden Dawn."⁴²

Hungary

51. The UN Human Rights Committee expressed concern at the persistent ill-treatment and racial profiling of the Roma by the police in Hungary.⁴³ Measures have been taken to increase the diversity of the police

³⁷ Hate on the streets, xenophobic violence in Greece, Human Rights Watch, July 2012, www.hrw.org/sites/default/files/reports/greece0712ForUpload_0.pdf

³⁸ Meeting with Mr Nikolaos Ornerakis, Athens, 12 June 2013.

³⁹ www.coe.int/t/commissioner/News/2013/130201Greece_en.asp

⁴⁰ Hearing on violence against migrants in Greece with the participation of Ms Veronika Goldston, Human Rights Watch, Committee on Migration, Refugees and Displaced Persons, Strasbourg, 2 October 2012.

⁴¹ Greece, in Anti-Fascist Crackdown, Investigates Police, New York Times, 24 September 2013, www.nytimes.com/2013/09/25/world/europe/greece-in-anti-fascist-crackdown-investigates-police.html?_r=0.

⁴² Greek Police Say 10 Officers Have Links to Golden Dawn, New York Times, 30 October 2013,

www.nytimes.com/2013/10/31/world/europe/greek-police-say-10-officers-have-links-to-golden-dawn.html.

⁴³ Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with

force.⁴⁴ Human rights trainings for the police include tolerance and dealing with cases involving members of minority groups.

Norway

52. Racial profiling in stop and search operations by the police is still common in Norway according to information received by ECRI. Police prosecutors with special responsibility for cases of racism and racial discrimination have been appointed in the 27 districts since July 2004.⁴⁵

Portugal

53. According to ECRI, cases of police harassment, misconduct and abuses against Roma have been reported in Portugal.⁴⁶ ECRI also received official information according to which from 2006 until 2012, a total of 31 complaints were submitted against police officers concerning racist or racially discriminatory acts under Law No. 18/2004. 15 cases were recommended for criminal or disciplinary proceedings following investigations conducted by General Inspectorate of Internal Administration (IGAI).⁴⁷

Russian Federation

54. The Russian Constitution prohibits all forms of restrictions on the rights of citizens on social, racial, ethnic, linguistic or religious grounds. Nevertheless, national and international human rights organisations regularly reported on harassment and intimidation of ethnic minorities by the police, in addition to indifference to racist attacks.⁴⁸ An Amnesty International report, entitled "Russian Federation: Violent racism out of control" (2006), included examples of police and prosecutors routinely classifying murders and serious assaults by skinhead extremists as lesser crimes of "hooliganism".⁴⁹ In 2006, ECRI noted "*patterns of police misbehaviour and a lack of awareness of the police and the prosecutors about what should be considered as racist*".⁵⁰

55. At its eighty-second session on 1 March 2013, the United Nations Committee on the Elimination of Racial Discrimination (CERD) reported that "*ethnic minorities, on the basis of their appearance, such as Chechens and other persons originating from the Caucasus, Central Asia or Africa, as well as Roma continue to be subject to disproportionately frequent identity checks, arbitrary arrests and detention, and harassment by the police and other law enforcement officials*". CERD also received reports of "*extortion of bribes, confiscation of identity documents, and the use of violence and racial insults during identity checks, as well as by the lack of effective investigation, prosecution and sanctioning of law enforcement personnel for such misconduct, abuse of or discrimination against ethnic minorities*". In addition, CERD expressed concern with regard to the "*information that voluntary "Cossack patrols" began to appear in 2012 in various regions to carry out law enforcement functions alongside the police, and that there have been incidents of use of violence by them against ethnic or religious minorities*".⁵¹

56. In its third report published in 2013, ECRI highlighted that "*Allegations of police misconduct against persons belonging to vulnerable groups and disproportionately frequent identity checks, arrests and harassment concerning Roma, North Caucasians, migrants and Black people, continue to be reported (...) Racial profiling should be clearly defined and prohibited by law. The authorities should ensure that there is a body competent to investigate all complaints against the police involving allegations of racial discrimination.*" ECRI also stated that Central Asians were 22 times more likely than other to be stopped and searched by the police.

57. ECRI reported that the Investigative Committee, a federal agency established in September 2007, became independent and reports since January 2011 directly to the President. This Committee has powers

paragraph 15 (b) of the annex to Human Rights Council resolution 5/1, in preparation of the Universal Periodic Review of Hungary (2011).

⁴⁴ ECRI Fourth Report on Hungary, 2009, <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf>

⁴⁵ ECRI Fourth Report on Norway, 2009, http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_04/04_CbC_eng/NOR-CbC-IV-2009-004-ENG.pdf.

⁴⁶ ECRI Fourth Report on Portugal, 2013, www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Portugal/PRT-CbC-IV-2013-020-ENG.pdf

⁴⁷ Ibid.

⁴⁸ www.amnesty.org.uk/news_details.asp?NewsID=13843.

⁴⁹ www.amnesty.org/en/library/info/EUR46/022/2006.

⁵⁰ ECRI Third Report on the Russian Federation, 2006, http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/RUS-CbC-III-2006-21-ENG.pdf.

⁵¹ CERD Concluding observations on the Russian Federation, 2013, www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-RUS-CO-20-22_en.pdf.

of investigation into serious crime, violent crime and corruption, including by law-enforcement officials. A 24-hour telephone hotline and an Internet site for lodging complaints have also been set up.

58. In July 2013, the police of Moscow launched a sweep operation arresting over 4,000 people by targeting places where migrants would gather and allegedly using racial profiling. Nationals who did not have a Slavic appearance were systematically controlled. “*Nothing can justify massive detentions based on ethnic profiling*”, stressed Ms Tanya Lokshina, Human Rights Watch.⁵²

59. The dismissal of a migration official over racist comments in an media interview sent a positive signal.⁵³ Another encouraging step has been the entry into force of the Federal Law No.3-FZ on Police on 1 March 2012, which stipulates that the police shall “*protect the rights, freedoms and legal interests of a person and a citizen regardless of gender, race, ethnicity, language and origin*” (article 7).⁵⁴ I also welcome the condemnation of racism by the Russian authorities in their submission to CERD in 2012⁵⁵ and their announcement that tackling racism would be a priority during their membership in the United Nations Human Rights Council.

Spain

60. In Spain, Amnesty International has criticised the Spanish police for openly targeting visible minorities for identity checks, with a detention period following arrest of up to 72 hours for a thorough check. Spanish police officers are obliged to wear an identification badge. However, they often wear jackets, which hide their identification numbers.

Sweden

61. In January 2011, a unit distinct from the regional police authorities was set up within the National Police Board in order to handle complaints of police misconduct.⁵⁶ Stressing that victims of police misconduct often lacked confidence in the police, ECRI recommended the establishment of an independent body entrusted with carrying out investigations of alleged police misconduct, including acts of racism or racial discrimination.⁵⁷ During the May 2013 riots in Stockholm, police officers have been accused of using racist language.⁵⁸

62. In September 2013, the discovery of a police database with the names of more than 4,000 Roma including children, profoundly shocked the public opinion and triggered strong international reactions. Ethnic registration is illegal in Sweden and contrary to the European Convention on Human Rights. “*The existence of Roma-records within governments agencies as the police is alarming. The existence of ethnic based records may point to the existence and acceptance of racial profiling as a working method within the police*”.⁵⁹ In reaction, National Police Commissioner Bengt Svenson asked all police heads to review their own databases. On 15 November 2013, the Swedish Commission on Security and Integrity Protection (Säkerhets- och integritetsskyddsmyndigheten - SIN), which investigated on this issue, ruled that there had been irregularities and that the list had been established for no clear reasons, the original intention being to map social and family networks around persons suspected of crime.

United Kingdom

63. In the United Kingdom, the Stephen Lawrence case has profoundly changed the functioning of the police. There is a general acknowledgement that the problem is complex and still exists. Since 1986, in the United Kingdom, police officers hand out forms to individuals whose identity has already been checked so as to avoid multiple identity checks on the same person the same day. The form includes details of the officer who has carried out the identity check. There have however been complaints that the form filled out by police officers is too detailed. The Equality and Human Rights Commission is of the opinion that handing out such receipts has had a positive effect. However, the organisation Inquest noted that such receipts were not

⁵² www.hrw.org/news/2013/08/08/russia-mass-detention-migrants

⁵³ Russian migration official fired in racism row, Reuters, 20 April 2011, <http://uk.reuters.com/article/2011/04/20/uk-russia-race-idUKTRE73J5CW20110420>.

⁵⁴ Idem.

⁵⁵ State party report submitted to CERD on 6 June 2012

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CERD%2fC%2fRUS%2f20-22&Lang=en

⁵⁶ ECRI Fourth Report on Sweden, 2012, www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Sweden/SWE-CbC-IV-2012-046-ENG.pdf.

⁵⁷ Idem.

⁵⁸ BBC News, An African on the beat in Sweden, www.bbc.co.uk/news/magazine-23129242

⁵⁹ Meeting of the Sub-committee on racism and xenophobia, Ms Brogerg, Swedish Equality Ombudsman, Strasbourg, 1 October 2013.

handed out systematically during identity checks.⁶⁰ According to Ms Deborah Glass, Deputy Head of the Independent Police Complaints Commission, young black men were 7 times more likely to be checked in the United Kingdom.

64. Statistics around identity checks need to be treated carefully to avoid inflaming tensions. In London, I heard strong evidence that ethnic minorities were more likely to be stopped by police than the majority (white) population. This is probably true but I would like a few other facts to be considered. The police will generally have a higher presence in areas of high crime. These may be areas with a higher proportion of ethnic minorities, but not necessarily.

65. We have heard evidence from NGOs that members of ethnic minorities are routinely singled out for identity checks and searches in London with some complaining of being stopped multiple times during a single day. We have no reason to disbelieve the stories of any individual and some have given testimony which is very worrying. At the same time one must bear in mind that it would be mathematically impossible for the police to be systematically stopping all non-white people in a city like London.⁶¹ This suggests that other factors such as clothing, appearance or age are to some extent responsible for the fact that some people are frequently stopped by the police.

66. The UK Police Federation recognises there are still pockets of racism in the police. The police officers whom I met during the fact-finding visit suggested that a change of attitude was possible and that the situation had dramatically improved over the last two decades.

67. A report released by the IPCC on 16 July 2013 stated that the Metropolitan police had failed to deal effectively with complaints of racism.⁶² 3% of complaints against the Metropolitan police involve claims of racism. According to this study, 511 racism complaints were made against officers from April 2011 to May 2012.⁶³ *“There needs to be a cultural change in the way the service deals with complaints in general, and in particular in its understanding of the nature and manifestations of racist behaviour”* stresses the report.

5. Prevention

68. The prevention of racism in the police should be the key objective. **Promoting diversity in the recruitment of police officers** is an essential measure, to ensure that the composition of the police reflects the composition of the population.

69. In France, 10% of police officers are of foreign origin.⁶⁴ Minority police officers represent 5% of the total police forces in England and Wales. This percentage goes up to 10% for police community support officers (PCSOs) and to 15% in the Crown Prosecution Service.⁶⁵ Ensuring the representation of minority officers throughout the police forces and the levels of management is of utmost importance. However, the level of retention of new ethnic minority officers remains poor. Twice as many ethnic minority recruits drop out in their first six months of service compared to their white counterparts. In addition, the progression in career of minority officers does not match with the progression of white officers.⁶⁶ More efforts should be made to promote a positive image of the police, since working in the police may be considered as a risky position, or not a respectable career, notably for women. According to Mr Nazir Afzal, Chief Crown Prosecutor, *“entering the police could still be a challenge for someone from a minority community”*.

70. Diversifying the recruitment of officers should be done by setting targets, not quotas. I strongly believe that minority leaders have a role in encouraging persons from a given minority to join the police, highlighting the importance of having someone from one’s community represented. I would also encourage the

⁶⁰ Meeting with Ms Deborah Coles, Co-Director, INQUEST, London, 10 December 2012.

⁶¹ In London even under the most exceptional circumstances the police cannot put more than 15000 officers onto the streets. Generally speaking the numbers patrolling are around 6000. The population of London is 8.2 million of whom 55% are from ethnic minorities - around 4.5million. Officers carrying out stop and searches have to work in pairs and a stop search will take around 15 minutes. A pair of officers working for 7 hours a day and doing nothing other than stopping and searching members of the public could manage to search a maximum of 30 a day or 150 in a 5 day week, or perhaps 1400 in the course of a year.

⁶² www.guardian.co.uk/uk-news/2013/jul/17/met-officers-sack-racist-texts

⁶³ Report on Metropolitan Police Service handling of complaints alleging race discrimination, IPCC, July 2013, www.ipcc.gov.uk/en/Pages/case_related_reports.aspx

⁶⁴ Mr Julien Le Gars, Deputy Director for public liberties, French Ministry of the Interior at a hearing held by the Committee on Equality and Non-Discrimination, 3 October 2012, Strasbourg

⁶⁵ Crown Prosecution Service Equalities in Employment Report 2010-11

www.cps.gov.uk/publications/docs/equality_in_employment_report_2010-11.pdf, page 5.

⁶⁶ Meeting with Mr Mark Smith, Area Commander for London North, Paddington Station, 11 December 2012.

establishment of the status of “reserve” police officers e.g. Special Constables in the United Kingdom. This kind of status could encourage members of minority communities to join the police without making a commitment to join as a full-time officer.

71. Disciplinary measures should be taken whenever an officer makes racist remarks. The fact that **sanctions** against police officers who are found guilty of racist behaviour are taken and effectively implemented can have an important dissuasive effect. Together with open discussion, it can also help police officers to challenge their own stereotypes and habits. In the United Kingdom, police officers are made aware that they will face disciplinary action, including dismissal, for racist behaviour. They may also face prosecution. However I was informed that whilst some prosecution had been brought forward, convictions were not often issued.⁶⁷ I would also like to stress that it might be difficult to ascertain what has taken place when one person makes allegations about the words used by another without the presence of an independent witness.

72. **Promoting an equality and diversity culture** should also be a priority. Diversity and racial awareness training is often presented as one of the solutions, but sufficient means must be invested in such training so as to trigger a change of mentalities and attitudes. Any police officer should be able to assist any victim. Diversity training upon recruitment and throughout the career are necessary, to help the police understand better the population it serves, with training tailored to the specific context. Language trainings can also be provided to officers when relevant.

73. In its Recommendation XIII, CERD called on states to provide “*intensive training to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin*”.⁶⁸ Specific training modules on preventing and combating so-called “honour” crimes could also be included. In addition, specific tests on diversity during the recruitment process help to identify potential risks and prevent the recruitment of potentially racist officers. Respect for diversity should also be an element taken into consideration for career progress.

6. Promoting trust in the police

74. Acts of racism by the police or a lack of prosecution of these acts can decrease the level of confidence in the police and have a negative impact on people’s willingness to go to the police. The perception of the police can influence the population’s level of trust in its services. According to the Independent Police Complaints Commission (IPCC), the police seems to suffer from an image of being conservative, racist and with a backwards mentality. This stereotype does not reflect reality. A survey conducted in France in March 2011, within the European Union Euro-justis project, showed that more than 74% of the persons surveyed trusted the police, but 40% of them qualified police officers as racist.⁶⁹

75. Tackling racism means re-establishing trust and confidence between the police and the population it serves. It has a positive effect on both the police and the population. A relation of trust between the population and the police needs to be embedded over a long period of time, with a day-to-day engagement. I am convinced that engaging with communities can contribute to maintaining community confidence. Explaining decisions, procedures, keeping families informed about prosecution processes can have a positive impact. The role of family liaison officers has been essential to maintain confidence in the police in the United Kingdom. In Ireland, 349 ethnic liaison officers liaise between leaders of ethnic communities and the Garda Síochána (Police).⁷⁰ This function could be promoted in other Council of Europe member states.

76. In the United Kingdom, police officers engaged in identity checks have sometimes asked members of the local community to act as neutral observers. This encourages courteous behaviour from the police and can give those being targeted the confidence that they are not being unfairly singled out. I would also strongly recommend increasing interaction between the police, NGOs and parliamentarians, allowing them to observe some of the police activities in order to better understand the work of the police and the challenges faced.

⁶⁷ Meeting with Mr Nazir Afzal, Chief Crown Prosecutor, CPS Manchester, London, 10 December 2012.

⁶⁸ CERD Recommendation XIII, Training of law enforcement officials in the protection of human rights (Forty-second session, 1993),

[www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/51868b27038065a2c12563ee004b2eaf?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/51868b27038065a2c12563ee004b2eaf?Opendocument).

⁶⁹ <http://tempsreel.nouvelobs.com/societe/20110530.OBS4191/la-police-raciste-pour-40-des-francais-ce-qu-en-pensent-les-syndicats.html>.

⁷⁰ CERD Concluding observations on Ireland, 2011, http://www2.ohchr.org/english/bodies/cerd/docs/co/Ireland_AUV.pdf.

77. There is evidence that vulnerable groups from within minority communities, in particular women, have faced difficulties when trying to report crimes to the police. There may be grounds for having specially trained police officers who can deal with reporting crimes such as domestic violence, forced marriage or female genital mutilation. Also, some officers might have been reluctant to deal with some cases because of concerns that they would be accused of racism. I am of the opinion that the fear of being accused of racism must never prevent investigations of serious crimes.

78. Identity checks can be among the most controversial and lead to possible tensions. I would like to highlight that police officers need to be aware of the need for courtesy when carrying out identity checks. It is in their own interest to be respectful as failing to do so makes the job of policing harder.

79. Commissioner Mike Franklin, South East Commissioner at the Independent Police Complaints Commission, stressed that young people did not trust the police and did not believe the police was there to help them. Senior police management's dedication to diversity and to combating racism is essential to establish trust. Their **strong and public condemnation of any form of racial discrimination** is therefore essential.

80. The Open Society Initiative and the United Kingdom Police Federation stressed that more support should be provided to the police officers on how to deal with violent situations. After several stops, the persons stopped may answer aggressively to the police, which might be difficult to handle without appropriate training.

81. Internal control mechanisms to check how victims are welcomed when reporting a complaint have also proved efficient.

82. Other best practices include ensuring transparency and impartiality in procedures, the establishment of oversight mechanisms and effective support to investigations and complaints mechanisms.

7. Complaints mechanisms

83. The former Council of Europe Commissioner for Human Rights, Thomas Hammarberg, stressed at an expert workshop "Police complaints mechanisms: ensuring independence and effectiveness" that in a democratic society, there must be accountability and effective investigation of complaints in order for trust and confidence to exist between the police and the population.⁷¹ Complaints mechanisms for victims exist in several Council of Europe member states. They can be established within ordinary courts, within the police itself or set up as independent institutions.

84. The Belgian Standing Police Monitoring Committee (Committee P) was created in 1991 as an external body responsible for monitoring the police and reporting to the Federal Parliament. Committee P monitors the police at the local and federal levels. It investigated 6 complaints for racist conduct by members of the police in 2011, 3 in 2010, compared to 45 for violence.⁷²

85. Another example of an independent institution is the Independent Police Complaints Commission (IPCC), established in 2004.⁷³ The IPCC reminds the police of its responsibility to deal with racism from inside. Its establishment follows a recommendation of the 1999 Macpherson report on the death of Stephen Lawrence. The IPCC has a double role as a first instance complaints body and an ombudsman.⁷⁴ It relies on its own investigators to look into the most serious complaints and allegations of misconduct against the police in England and Wales. It can refer a matter to the Crown Prosecution Service to consider whether criminal proceedings should follow. The IPCC has also the power to recommend and direct disciplinary proceedings.⁷⁵

86. The IPCC tries to look for a range of innovative solutions in order to tackle racism. They include explaining that dealing with racism is in the common interest, raising awareness on diversity issues, demonstrating fairness and respect in every step of every procedure and encouraging apologies after incidents. The establishment of an institution such as the IPCC demonstrates the concern of the police, and its willingness to building confidence and a relationship of trust and respect.

⁷¹ Expert Workshop "Police complaints mechanisms: ensuring independence and effectiveness", Strasbourg, 26-27 May 2008, <https://wcd.coe.int/ViewDoc.jsp?id=1312959&Site=CM>.

⁷² Annual report, 2011, www.comitep.be/2011/Fr/2011FR.pdf.

⁷³ www.ipcc.gov.uk/en/Pages/about_ipcc.aspx.

⁷⁴ [www.cambs-pa.gov.uk/user_files/Pcc/Pcc1/IPCC%20-%20PCC%20candidate%20briefing%202012%20\(2\).pdf](http://www.cambs-pa.gov.uk/user_files/Pcc/Pcc1/IPCC%20-%20PCC%20candidate%20briefing%202012%20(2).pdf).

⁷⁵ www.ipcc.gov.uk/en/Pages/what_do.aspx.

87. In Ireland, the Garda Síochána (Police) Ombudsman Commission (GSOC) was established under the Garda Síochána (Police) Act of 2005.⁷⁶ It can investigate independently complaints against police officers. In 2011, the GSOC received 25 complaints of alleged discrimination on the ground of race, which has been the most common ground since 2007.⁷⁷

88. In 2007, the Hungarian authorities created the Independent Police Complaints Board of Hungary (IPCB), an independent agency of the Hungarian Parliament which started its work in 2008. The IPCB is composed of five members elected by Parliament for a six-year, non-renewable term.⁷⁸ Any person can lodge a complaint with the Board against a member or members of the police force for alleged human rights violations.

8. International instruments

89. Policy Recommendation No. 11 on combating racism and racial discrimination in policing by the European Commission against Racism⁷⁹ deals specifically with tackling racism in the police. It recommends to member states to “clearly define and prohibit racial profiling by law”,⁸⁰ carry out research on racial profiling, train the police on the issue of racial profiling, ensure that legislation prohibiting direct and indirect racial discrimination covers the activities of the police, ensure effective investigations into alleged cases of racial discrimination or racially-motivated misconduct by the police and ensure as necessary that the perpetrators of these acts are adequately punished and provide for a body, independent of the police and prosecution authorities, entrusted with the investigation of alleged cases of racial discrimination and racially-motivated misconduct by the police. A system should be established to record and monitor complaints in order for victims to feel supported when reporting incidents. A framework for cooperation between the police and members of minority groups is also encouraged. ECRI monitors the implementation of the recommendation during its monitoring visits.

90. The European police code of ethics was presented in the Recommendation Rec(2001)10. It stresses the importance of taking full account of the need to challenge and combat racism and xenophobia in police training (paragraph 30). “Police training should challenge any racist or xenophobic attitudes within the police organisation, and also emphasise the importance of effective police action against crimes which are based on race hatred and target ethnic minorities”.⁸¹ In addition, I look forward to the debate on the proposal of the European Commission to establish a European law enforcement training scheme, with an important role foreseen for the Fundamental Rights Agency to conduct trainings.⁸²

91. CERD General recommendation XXXI (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system⁸³ asks state parties to pay attention to the following indicators of racial discrimination: “the number and percentage of persons belonging to racial or ethnic groups who are victims of aggression or other offences, especially when they are committed by police officers or other State officials; the absence or small number of complaints, prosecutions and convictions relating to acts of racial discrimination in the country, which could reflect a lack of information, a fear of reprisals or a lack of trust in the police and the insufficient representation of persons belonging to those groups among the ranks of the police, in the system of justice, including judges and jurors, and in other law enforcement departments”. The General recommendation also stresses the right and duty of a police officer to refuse to obey orders that would require him or her to commit human rights violations.

9. Conclusions

92. In this report, I have tried to highlight the situation in several Council of Europe member states with the objective to have an overall vision of the context. Racism is present in society and therefore also in the police, and no country appears immune to it.

⁷⁶ www2.ohchr.org/english/bodies/cerd/docs/co/Ireland_AUV.pdf.

⁷⁷ www.gardaombudsman.ie/GSOC/Complaints_containing_allegations_of_discrimination_2007-2011.pdf.

⁷⁸ ECRI Fourth Report on Hungary, 2009, www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf.

⁷⁹ Adopted by ECRI on 29 June 2007, www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N11/e-RPG%2011%20-%20A4.pdf.

⁸⁰ In this Policy Recommendation, racial profiling is defined as “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”.

⁸¹ <https://wcd.coe.int/ViewDoc.jsp?id=223251>

⁸² www.cepol.europa.eu/fileadmin/documents/LETS/law_enforcement_training_scheme_en.pdf

⁸³ www2.ohchr.org/english/bodies/cerd/docs/GC31Rev_En.pdf.

93. In some countries there has been significant progress to tackle racism in the police following an acknowledgement of the existence of a problem with the establishment of efficient independent police complaints mechanisms, prompt investigations, training of police officers, recruitment of officers from minority communities and the creation of the positions of community liaison officers.

94. At the same time, however, I am concerned with the situation in some Council of Europe member states, where an increase of racism within the police has corresponded to a rise of racism and racist violence in society.

95. I consider that police officers are not only guaranteeing the respect of rule of law, they are as well defenders of human dignity. We should highlight the multiple dimensions of their roles and help them fulfill them in the best possible way, by allocating sufficient resources for the functioning the police, providing quality training on human rights and diversity and by calling for a greater interaction with parliamentarians and civil society. They are the link between the law and the population, which should have a high level of trust in them in order not to ever hesitate to report violence, including racist violence. I therefore urge political leaders and senior managers of the police forces to publicly condemn any form of racial discrimination.

96. Identity checks deserve special attention in order to prevent racial discrimination. Council of Europe member states should invest in regulating identity checks operations by preparing clear rules, ensuring regular control and providing specific trainings on how to conduct them.

97. I encourage an openness of the police to non-governmental organisations and parliamentarians, for each actor to get a chance to discover how they carry out their duties, their working conditions and the pressure they face.

98. Data collection is essential for the preparation of an appropriate institutional response to racism in the police and for the monitoring of the situation. In order to have a precise idea of its scale of racism within the police, I intend to urge States to collect data and carry out research on racist incidents in the police.

99. Tackling racism in the police is at the same time a challenge and a way to increase the level of trust in the institution. Main difficulties in tackling racism are inaction following a police racist incident, lack of self-criticism, dealing with policies or instructions that could be potentially racist, lack of inquiry mechanisms, lack of follow-up or independence of the inquiry mechanism and communicating objectively on the issue.

100. I cannot conclude this report without relaying an overall concern with regard to the protection of human rights, which I consider at threat today in Europe with an increasing support for openly racist political parties in several member states and an increased tolerance for racism. We cannot take the "human rights acquis" for granted and cannot ignore that the lasting financial and economic crisis might contribute to further exacerbating tensions I call on the vigilance and responsibility of all members of this Assembly not only to condemn racist remarks and behaviours but also to launch public debates on this issue. I am convinced that a condemnation of racism and racial discrimination at every political level is essential with a view to start changing mindsets, without which concrete change will not happen, neither in the police nor in society. It is our duty as politicians to contribute to making racism unacceptable.