

**OVERALL FRAMEWORK CONCERNING RELATIONS BETWEEN THE POLICE AND ROMA, SINTI & TRAVELLERS**

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Introduction

Policing has been identified by the organisers of this conference as one of three key areas for attention, and the focus of one of the three working groups that follow this afternoon. In this initial plenary presentation on the issue of policing in relation to Roma, Sinti and Traveller communities I shall briefly address the following questions:

- (a) why is policing important (alongside other issues such as employment and housing)?
- (b) what are the main problems?
- (c) what is being done currently to address them?
- (d) what needs to be done next?

As required by the terms of reference for this plenary session of the conference, my aim is to set out some basic elements of a framework for assessing the current situation concerning implementation practices at national and local levels of state policies in the field of relations of Roma with the police, including identification of examples of best practices; bearing in mind requirements of the OSCE Action Plan for the Improvement of the Situation of the Roma and Sinti and of relevant legal instruments and recommendations of the Council of Europe, the European Union and other international organisations/institutions.

Why is the issue of policing important?

On the whole, policing issues have not featured strongly in the Roma policies and programmes of international organisations . nor, with some exceptions, in the strategies and actions plans of individual states. However, in a democracy, policing is essential for protecting rights/liberties of citizens; and in a multi-ethnic society, the police role is crucial for ensuring protection and access to justice for minorities, and thus for their successful integration into the wider society generally.

There is extensive evidence from across Europe that Roma do not receive such protection, do not have effective access to justice, and indeed may be subject directly to police abuse. Specific problems include: extensive racial profiling and criminalisation of Roma; disproportionate exercise of police powers and excessive use of force by police against Roma (including raids on Roma settlements); personal abuse and exploitation of Roma by police (e.g. demanding bribes); denial of rights to Roma following arrest or in custody; failure by police to respond effectively to Roma victims of crime and racist violence; and lack of means for Roma to challenge and obtain redress for police malpractice. In consequence, in many countries Roma and Travellers have little trust in the police and are unwilling to cooperate with them. Such problems exacerbate other problems, such as access to housing, employment, and education, and thus contribute to the perpetuation of social and economic disadvantage and segregation.

Policing therefore needs to be a key focus of Roma-related policies, alongside other areas that are more commonly highlighted. However, policing issues should not be addressed in isolation, but as integral element of strategies for Roma integration. Where necessary, they also need to be linked to strategies for more general police reform, to ensure that policing is human rights-based and service-oriented in approach, and is responsive to the requirements of a multi-ethnic society.

#### To what extent has this need been recognised/responded to by international organisations?

In general, as I have indicated, policing has not been regarded as a key focus for attention by inter-governmental organisations: for example, it is not included among the priorities for the Roma Decade and is not addressed in the recent European Commission report on the situation of Roma in the EU.

The main recognition and response has come from the OSCE, initially through the attention given to policing and justice issues in the High Commissioner on National Minorities report on the Situation of Roma in 2000, and subsequently through the inclusion of specific recommendations on policing in the OSCE Action Plan on Roma & Sinti Issues of 2003. From 2004 onwards, the Contact Point for Roma & Sinti Issues (CPRSI) within ODIHR has sponsored a Programme of Activities designed specifically to promote the implementation of these recommendations, and I and others will say more about this programme in due course.

The Council of Europe's Roma and Traveller Division, and its Experts Group, have not ignored these issues, but have not focused substantially on them either, though this has been partly to avoid duplication of the work being undertaken by OSCE. However, ECRI have regularly focused on policing and justice issues affecting Roma in their series of country reports, and the recent report on the Human Rights Situation of Roma by the CoE Commissioner for Human Rights highlights policing issues in its chapter on racially-motivated violence.

The role of NGOs has been particularly important for placing policing and justice issues relating to Roma at the centre of attention at international level. Here the central role has been played by the European Roma Rights Centre (ERRC), both through its documentation activities (especially its country reports) and its legal advocacy work which has resulted in a number of landmark cases relating to policing in national and international courts. The US-based Project on Ethnic Relations (PER) has also been active in promoting debate and undertaking projects on these issues in several countries of Central and Eastern Europe, and the Open Society Justice Initiative's current project aimed at tackling racial profiling by police and justice bodies is documenting extensive racial profiling of Roma.

Mention should also be made of the initiative of the London-based NGO European Dialogue, which in 1999 - under the leadership of the British Roma activist Peter Mercer - convened a European Workshop on Roma/Police Relations, held at Turvey in the UK. This initiative was supported by a number of international organisations including the Council of Europe, PER and the ERRC, and was the first occasion on which problems of Roma/Police relations had been addressed at European level. Seven years later, this conference and its police-specific working group will only be the second such occasion that delegates from police and Roma from across Europe will come together for this purpose.

#### What are the requirements of international law and policy?

The recommendations on policing of the OSCE Action Plan, which has of course been agreed by all OSCE participating states, provide the most immediate relevant statement of international policy. The Action Plan's policing recommendations are for states to undertake the following:

- Develop policies that promote awareness among law-enforcement institutions regarding the situation of Roma and Sinti people and that counter prejudice and negative stereotypes.
- Develop training programmes to prevent excessive use of force and to promote awareness of and respect for human rights.
- Develop policies: (1) to improve relations between Roma and Sinti communities and the police, so as to prevent police abuse and violence against Roma and Sinti people; and (2) to improve trust and confidence in the police among Roma and Sinti people.
- Develop policies and procedures to ensure an effective police response to racially motivated violence against Roma and Sinti people.
- Assess the gap between international standards on police and currently existing national practices in consultation with national police forces, NGOs and representatives of Roma and Sinti communities.
- Elaborate, where appropriate, and in close partnership with international organizations and Roma NGOs, policy statements, codes of conduct, practical guidance manuals and training programmes.
- Encourage Roma and Sinti people to work in law-enforcement institutions as a sustainable means of promoting tolerance and diversity.

This set of recommendations provides a basic framework of action to be taken at national level, and the basis also for a template against which progress can be assessed. The Action Plan also advocates that actions should be implemented at local as well as national levels, and in consultation and cooperation with Roma. The CPRSI in ODIHR is charged with the responsibility for promoting the implementation of these recommendations in cooperation with the OSCE Strategic Police Matters Unit (SPMU).

Behind these recommendations lie a range of international legal instruments & documents setting out professional policing standards. Key documents include the European Convention on Human Rights, the European Code of Police Ethics, and the UN Code of Practice for Law Enforcement Officers. A number of relevant practical guidance documents on policing in multi-ethnic societies have also been produced by international organisations. The most recent and comprehensive is the set of *Recommendations on Policing in Multi-Ethnic Societies* published in February this year by the OSCE High Commissioner on National Minorities. This is an important resource for helping to implement the policing recommendations of the Roma/Sinti Action Plan, and I shall describe it in more detail later in a presentation to the Working Group on Policing. In many ways it constitutes an updated and elaborated version of the so-called *Rotterdam Charter* *Policing for a Multi-Ethnic Society*, a small guidance booklet produced in 1997 that has been very widely used across Europe by police and NGOs. Other major relevant documents produced by intergovernmental and other international organisations include the guidance booklets on multi-ethnic police training and tackling racist violence produced by the Council of Europe, the recent research report from the EUMC on the police response to racist violence across the EU, the materials being generated by the OSCE/ODIHR Hate Crime Project, and the emerging results from the Open Society Justice Initiative on *Racial Profiling*.

#### What is currently being done to address the problems at state level?

One of the purposes of the European Workshop at Turvey in 1999 was to try to identify practical initiatives that had already been taken. Relatively few examples, however, could be identified at that time, and they mainly consisted of isolated training initiatives in particular states.

Since that time, a number of further initiatives have been taken in a variety of countries at national or local levels, particularly in the fields of training and building communication between police and Roma communities. Many of these have been in countries of Central and Eastern Europe, including in Romania (where there has been cooperation with the Danish Institute of Human Rights), in Slovakia (where there have been efforts to build bridges between police and Roma at the local level), in Bulgaria (where community policing initiatives have been introduced in several Roma areas), in Poland (where there have been initiatives in Lower Silesia and the Malopolska area), and in the Czech Republic (where, for example, initiatives were developed in Brno within the framework of transnational RRAJE Programme). In other parts of Europe there has been much less activity, although in the UK the *Moving Forward* project has been designed to build cooperation between police and Gypsy/Traveller communities in the Derbyshire area, and in Ireland the NGO *Pavee Point* has cooperated with the Garda Siochana on training and other activities.

This list, however, is illustrative rather than exhaustive, and undoubtedly other initiatives have also been undertaken. In most cases, though, these tend to continue to be isolated initiatives, and they still appear to be relatively few in number; moreover there has been little sign that these issues are being approached in a systematic way, either as core issues in national Roma strategies or as integral components of national community policing strategies.

Also it must be stressed that no systematic survey of initiatives relating to Roma and policing has to date been undertaken, and this conference is the first occasion since the Turvey Workshop in 1999 that provides an opportunity for some kind of overview of current responses to be formulated. The Working Group on Policing that follows this plenary session has been designed to elicit reports from some of those who have been active in this field in recent years.

It is in this context that the Programme of Activities being sponsored by the Roma/Sinti Contact Point in ODIHR takes on particular importance. This programme has been designed to promote the implementation of the policing recommendations of the OSCE Action Plan in a strategic manner, and is being coordinated on behalf of CPRSI by the London-based NGO *European Dialogue*. Despite the limited funding available (for example by comparison with that available for the Roma Decade), a number of important activities are being undertaken. These include (a) holding regional- and national-level workshops across the OSCE area to highlight issues and identify examples of good practice, (b) the development of a model of good practice for conducting a systematic assessment of current policing policy and practice relating to Roma, which is being undertaken in partnership with the Government of Romania, and (c) the production of a *Resource Manual on Policing and Roma* which brings together relevant international standards, practical guidance documents and examples of good practice. To date, workshops have been held in Poland and in the Russian Federation, and further workshops will be held shortly in Macedonia for OSCE Missions in the Balkans Region, and in the UK to address policing issues affecting Roma and Travellers in Western European countries. The systematic assessment in Romania is being carried out by the Ministry of the Interior with the support of international experts on policing and minorities, and in partnership with Roma NGOs. And the Resource Manual, which is available from the NGO *European Dialogue*, includes general guidance on policing and minorities, the report of the 1999 Turvey Workshop, and examples drawn from the current programme of activities sponsored by CPRSI. Further details of these activities will be provided in the Working Group on Policing.

#### What needs to be done next?

Given the importance of policing and justice issues for ensuring human rights and promoting minority integration, the initiatives undertaken to date . despite the sincere efforts of those involved . can only be regarded as minimal, and indeed as seriously inadequate for achieving

the improvements in policing and police-Roma relations that are required. Nonetheless, they constitute important first steps; and it is essential that they should be sustained and multiplied, that lessons are learned from them, and that states and NGOs build on this experience.

It is therefore extremely important that the programme of activities launched by the ODIHR/CPRSI to promote implementation of the policing recommendations of the OSCE Action Plan should be maintained in an appropriate form, and that adequate administrative and financial resources should be provided for this purpose. However, this also needs to be complemented by genuine commitment to address the Roma/policing issues by individual states, following the leadership provided by the Government of Romania. It is also crucial that Roma and Human Rights NGOs are willing to engage in cooperation with police to help solve these problems, without of course having to relinquish their campaigning and advocacy roles.

To take this work forward, the key next steps would appear to be the following:

- For the OSCE to continue to commit itself to support the implementation of the policing recommendations of the Roma/Sinti Action Plan, by means of appropriate concrete measures, and in cooperation with the SPMU, the HCNM, and other Inter-Governmental Organisations as appropriate.
- For individual states to ensure that policing and justice issues are appropriately addressed in their Roma strategies and action plans, that these are based on a systematic assessment drawing on the model being developed in Romania, and that concrete measures are implemented effectively and in cooperation with Roma NGOs.
- That a programme of capacity-building workshops should be developed at European level to help to equip Roma NGOs to engage constructively with police organisations in order to solve problems jointly and to assist police to achieve the necessary institutional change.
- That actions should be taken not only at national, but also at the local level in individual states, drawing on models of partnerships between NGOs and public authorities such as those set out in the Guidance Manual produced by European Dialogue based on the RrAJE Programme, and in the report of the EMAJ project on police-minority relations recently completed in four regions of the Russian Federation.
- That a European-level network should be established of police and NGOs working actively on Roma/policing issues, in order to exchange experience and to document and disseminate examples of good practice. A systematic survey of current practice could also be undertaken.

I am aware that some steps have already been taken in these directions, but much more remains to be done. Additional suggestions will undoubtedly be proposed during the Working Group on Policing, and further examples of ongoing initiatives will hopefully be presented. This conference, which is the first occasion on which inter-governmental organisations have focused directly on policing issues relating to Roma, may in this respect be seriously overdue, but it also represents a unique opportunity to assess the current position and to develop a shared vision of how to move forward.

#### Note

- The OSCE High Commissioner's "Recommendations on Policing in Multi-Ethnic Societies" can be accessed via the website: [www.osce.org/hcnm](http://www.osce.org/hcnm).
- The OSCE-sponsored "Resource Manual on Police and Roma", which includes the Report on the European Workshop on Police-Roma Relations held in 1999, can be accessed on the website of the NGO European Dialogue: [www.europeandialogue.org](http://www.europeandialogue.org).
- The Practical Guidance Manual based on the RrAJE Programme, and the report of the EMAJ Project in the Russian Federation, can also be accessed on the European Dialogue website.