

Vincent de Graaf/Annelies Verstichel

Recommendations on Policing in Multi-Ethnic Societies¹

Introduction

On 9 February 2006, the OSCE High Commissioner on National Minorities (HCNM), Rolf Ekéus, officially presented the Recommendations on Policing in Multi-Ethnic Societies to the 592nd Plenary Meeting of the OSCE Permanent Council (PC) in Vienna.² In his address, the HCNM introduced the Recommendations as “the result of work carried out by a group of experts I gathered together” to examine “an issue that I have found to be of profound importance during my work in the field, namely the role of the police in de-escalating tensions and promoting harmonious inter-ethnic relations”.³ It is a timely document relevant both East and West of Vienna. This article will place these recommendations in the context of the conflict prevention mandate of the HCNM, and discuss their origins and background as well as the drafting process and the legal and political foundations. In addition, it will provide a brief overview of the six chapters of the document.

General Recommendations and the HCNM's Mandate

The Policing Recommendations are the fifth set of recommendations elaborated by internationally recognized independent experts under the auspices of the HCNM. Previous recommendations were: The Hague Recommendations Regarding the Education Rights of National Minorities (1996); the Oslo Recommendations Regarding the Linguistic Rights of National Minorities (1998); the Lund Recommendations on the Effective Participation of National Minorities in Public Life (1999); and the Guidelines on the use of Minority Languages in the Broadcast Media (2003).⁴ The issues dealt with in these recommendations were identified by the HCNM, over the course of more than ten years of intense activity, as recurrent sets of concerns related to minorities. With a view to achieving appropriate and coherent application of relevant minority rights in the OSCE area, the HCNM requested groups of

1 The opinions expressed in this contribution are the authors' alone.

2 *Recommendations on Policing in Multi-Ethnic Societies*, February 2006. The full version of the Recommendations and the Explanatory Note can be found at: http://www.osce.org/documents/hcnm/2006/02/17982_en.pdf.

3 Statement by OSCE HCNM Rolf Ekéus to the 592nd Plenary Meeting of the OSCE Permanent Council (PC), Vienna, 9 February 2006, p. 3, at: <http://www.osce.org/hcnm>.

4 These recommendations are available (in several languages) free of charge from the Office of the HCNM and can be downloaded from <http://www.osce.hcnm.org>.

internationally recognized independent experts to elaborate guidance on the application and interpretation of the broad and generally formulated international minority rights standards. Based on experience and examples of good practice, the recommendations are intended to serve as reference documents for law and policy makers in the OSCE participating States.

These general recommendations are one of several working instruments the HCNM has developed for carrying out his conflict prevention mandate.⁵ This mandate states that the HCNM “will provide ‘early warning’ and, as appropriate, ‘early action’, at the earliest possible stage in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgment of the High Commissioner, have the potential to develop into a conflict within the [O]SCE area, affecting peace, stability or relations between participating States”.⁶ As stipulated in paragraph 6 of the mandate, the HCNM, in considering a situation, will take into account “the availability of democratic means and international instruments to respond to it, and their utilization by the parties involved”.⁷ Thus, the mandate of the HCNM constitutes an ideal combination of the OSCE’s politico-military and human dimensions.⁸ In line with the comprehensive security concept of the OSCE, the HCNM promotes the implementation of international minority rights standards to achieve long-term peace and stability.⁹ He does this in his specific recommendations to governments, in his statements and speeches, and in the elaboration of concrete projects. The general recommendations on specific topics or issues (“thematic recommendations”) are tools to assist governments in translating minority rights standards framed in general terms into concrete laws and policies.

Origins and Background of the Policing Recommendations

Police-related issues appeared on the OSCE agenda at a relatively late stage. The topic was “discovered” only at the end of the 1990s when the OSCE Summit in Istanbul (1999) decided that the Organization should enhance its police-related activities beyond those already being conducted in Croatia and

5 For a concise overview of the working instruments of the HCNM, see Claus Neukirch/Katrin Simhandl/Wolfgang Zellner, *Implementing Minority Rights in the Framework of the CSCE/OSCE*, in: *Mechanisms for the Implementation of Minority Rights*, Strasbourg 2005) pp. 165-167.

6 CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 702-777, Chapter II, para. 3, p. 716.

7 Ibid., para. 6.

8 Cf. Arie Bloed, OSCE assistance for police has to be strengthened, in: *Helsinki Monitor* 3/2005, p.222.

9 Cf. Krzysztof Drzewicki, Introducing Recommendations on Policing in Multi-Ethnic Societies – A New Tool of the OSCE High Commissioner on National Minorities, in: *Helsinki Monitor* 2/2006, p. 176.

Kosovo.¹⁰ The Charter for European Security, which was adopted at this Summit, provided for the enhancement of “the OSCE’s role in civilian police-related activities as an integral part of the Organization’s efforts in conflict prevention, crisis management and post-conflict rehabilitation”.¹¹ Further attention was given to this topic at the Bucharest Ministerial Council in December 2001¹² and the Maastricht Ministerial Council in December 2003.¹³ In 2001, the OSCE established the post of Senior Police Adviser. This position was filled from 2002 to 2006 by UK Police Commissioner Richard Monk. In February 2006, he was replaced by Kevin Carty, an Assistant Police Commissioner in the Irish National Police Force. Under Monk’s guidance, a Strategic Police Matters Unit (SPMU) was set up, staffed by a small group of seconded and contracted police specialists. This unit has taken the initiative to develop various Police Assistance Programmes in a number of countries, the largest of which was designed for Kyrgyzstan. Similar programmes have also been created for Armenia, Azerbaijan, and Georgia.¹⁴ In addition, several OSCE field missions, such as the OSCE Missions to Kosovo, Croatia, Serbia, and Montenegro and the OSCE Spillover Monitor Mission to Skopje, incorporate police-related activities. Moreover, the Office for Democratic Institutions and Human Rights (ODIHR) conducts several ongoing police-related activities, such as training programmes on human rights standards for law enforcement officials.¹⁵

10 Cf. Bloed, cited above (Note 7), p. 222.

11 Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH, *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 425-443, here: p. 438, para. 44. Relevant civilian police-related activities mentioned in paragraph 44 are amongst others “police monitoring, including the aim of preventing police from carrying out such activities as discrimination based on religious and ethnic identity” and “police training, which could, inter alia, include [...] creating a police service with a multi-ethnic and/or multi-religious composition that can enjoy the confidence of the entire population”.

12 See Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2002*, Baden-Baden 2003, pp. 391-417, Decision No. 9, Police-Related Activities, pp. 413-416.

13 For example, in the Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area, Section III on combating racism and discrimination includes recommended action by participating States (paras. 26-32) and by OSCE institutions and structures (paras. 33-35) on police issues. Under recommended action by OSCE institutions and structures, it is stated that “[t]he Strategic Police Matters Unit in the Secretariat and the ODIHR will assist participating States in developing programmes and confidence-building measures – such as community policing – to improve the relations between Roma and Sinti people and the police, particularly at the local level” (para. 33) and that “the ODIHR-CPRSI and the Strategic Police Matters Unit will, within their respective mandates, produce a compilation of police ‘best practices’ in the OSCE region with respect to policing and Roma and Sinti communities” (para. 34). Organization for Security and Co-operation in Europe, Eleventh Meeting of the Ministerial Council, 1 and 2 December 2003, Maastricht 2003, MC.DOC/1/03, 2 December 2003, *Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area*, Annex to Decision No. 3/03, pp. 62-77.

14 Cf. Bloed, cited above (Note 7), p. 224.

15 For an overview of OSCE police-related activities in 2004, see Organization for Security and Co-operation in Europe, Office of the Secretary general, *Annual Report of the Secretary General of the OSCE on Police-Related Activities in 2004*, SEC.DOC/2/05, 29

As previously stated, the HCNM is aware that policing issues are one of the recurring concerns raised in his meetings with government and minority representatives. Through his work in several participating States, the HCNM has observed that the police can be both a contributor and a threat to stability in states that are home to a plurality of ethnic groups. In a number of states, for example, there are no institutional mechanisms to support interaction and co-operation between the police and persons belonging to national minorities. In combination with a lack of appropriate training for policing a multi-ethnic society, the frequently mono-ethnic make up of the police service and discriminatory practices have generated negative reactions among national minority communities in a number of situations, even becoming a catalyst for conflict. In other states, by contrast, the HCNM has seen how efforts to make the police more representative of the community it serves and to enhance communication between the police and national minority communities have not only strengthened inter-ethnic relations but have also increased operational effectiveness. He has become strongly convinced that there is a correlation between the quality of policing and the state of inter-ethnic relations.

In 2004, the HCNM commissioned a report from two expert policing consultants on "Priorities for Policing in Multi-Ethnic Kyrgyzstan". The report summarizes the conclusions of a fact-finding exercise and sets out recommendations for a series of initiatives for multi-ethnic policing that can be incorporated into the OSCE's wider Police Assistance Programme for police reform and community policing in Kyrgyzstan. Although the report focused on Kyrgyzstan, its needs analysis provided a valuable template for identifying the policing challenge in any transition state or potential ethnic-conflict situation. At the time, there did not appear to be any written guidance for police that addressed issues of policing in multi-ethnic societies with a particular focus on transitional states and post-conflict situations, and this was confirmed by the SPMU. The closest there was to such a document appeared to be the Rotterdam Charter "Policing for a Multi-Ethnic Society",¹⁶ but this concentrated on the situation in Western Europe and relations between police and minorities of migrant origin in urban areas. Furthermore, the Rotterdam Charter does not address prevention and management of conflicts as such. To fill this gap, the HCNM decided to proceed with the development of a set of general recommendations on policing in multi-ethnic societies.

June 2005, at: http://www.osce.org/documents/cio/2005/07/15504_en.pdf. Annexed to this document is the ODIHR Annual Report on Police-Related Activities for 2004, March 2005. These reports were submitted to the Permanent Council in accordance with Decision 9, paragraph 6, of the Bucharest Ministerial Council Meeting, 4 December 2001.

16 *The 1996 Rotterdam Charter "Policing for a Multi-Ethnic Society"*, at: <http://www.rotterdamcharter.nl>. The charter is a legally non-binding document produced jointly by representatives of police, municipal authorities, and NGOs from across Europe.

Drafting Process

The drafting formula on which all thematic recommendations are based is “experts draw up, Commissioner endorses”.¹⁷ In consultation with the SPMU in the OSCE Secretariat, the HCNM appointed a consultant, Dr Robin Oakey,¹⁸ to advise him and brought together a group of internationally recognized experts in the field of policing, consisting of a balanced mix of senior police officials, academics, representatives of relevant international organizations (OSCE institutions, Council of Europe, and EU), independent experts, and non-governmental actors, from across the OSCE region.¹⁹ They were assisted by a number of legal and political advisers from the office of the HCNM. An initial meeting of the experts was convened by the HCNM in June 2005, followed by a second meeting in October and a concluding meeting in December. This process led to the elaboration of the recommendations on policing in multi-ethnic societies with Dr Robin Oakley acting as *rappor- teur*.

Political and Legal Foundation

The Policing Recommendations, based on international experience and best practices, aim to provide states with practical guidance in developing policies and laws in accordance with international norms and standards. With regard to the legal foundation of the recommendations, a certain evolution can be made out, starting with the 1996 Hague Recommendations and leading to the 2006 Policing Recommendations. The first three sets of recommendations, on education, language rights, and effective participation in public life, are, in

17 Krzysztof Drzewicki, The Lund Recommendations on the Effective Participation of National Minorities in Public Life – Five Years After and More Years Ahead, in: *International Journal on Minority and Group Rights* 2-3/2005, p. 126.

18 Independent consultant and Honorary Research Fellow at the Centre for Ethnic Minority Studies, Royal Holloway – University of London.

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

the light of international human rights law and jurisprudence, the direct elaboration and concretization into practical guidance for developing policies and law of generally worded minority rights standards contained in the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension (Copenhagen Document), the Framework Convention on the Protection of National Minorities of the Council of Europe (FCNM) and the UN Declaration on Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN Declaration on Minorities).

The Recommendations on Policing in Multi-Ethnic Societies reflect the pragmatic evolution of thematic recommendations towards operational guidelines. Policing is not dealt with explicitly in any of the international minority rights documents, but nevertheless the awareness of a need for practical written guidance on policing in multi-ethnic societies was established by the HCNM in the course of his work. As a result, it became necessary to interpret the international minority rights standards in the context of policing and conflict prevention. Several documents on fundamental human rights standards in policing exist, including the 1979 UN Code of Conduct for Law Enforcement Officials and the Council of Europe's European Code of Police Ethics of 2001. Other interesting initiatives are the above-mentioned 1996 Rotterdam Charter and the 1999 Budapest Recommendations on Police in Transition of the Hungarian Helsinki Committee.²⁰ The task of the selected experts elaborating the Policing Recommendations was to zoom in on these international standards from the point of view of the conflict prevention mandate of the HCNM and the role of ethnic and diversity factors in policing, based on international experience and examples of best practice and in the light of international minority rights standards. The combination of international human and minority rights lawyers and senior police officials in the group of experts made this possible. For example, the second section of the Recommendations (on recruitment and representation) reflects the right to effective participation of minorities in public life, as contained in paragraph 35 of the Copenhagen Document and Article 15 of the FCNM and interpreted in the opinions of the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) on the implementation of the FCNM. Recommendation 13, in section four on engaging with ethnic communities, addressing the ability of the police to communicate with minorities in minority languages, reflects the importance of the right to use the minority language in contact with the authorities, as contained in Article 10(2) of the FCNM. The enforcement of and respect for anti-discrimination law by the police, as provided by recommendation 19 in section five on operational practices, reflects the right to equality and the prohibition of non-discrimination as basic preconditions for minority protection, as contained in paragraph 31 of the Copenhagen Document, Article 4 of the FCNM, and Article 2(1) of the UN Declaration on Minorities.

20 See the website of the Hungarian Helsinki Committee, <http://www.helsinki.hu>.

Overview of Policing Recommendations

As explained above, the increasing social diversity of the OSCE participating States – both East and West of Vienna – places special demands on their public institutions. Because police organizations have the highest profile of all public agencies, they also need to be the first to adapt to the changing character of societies. If Europe is to respond adequately to these changes, then the police will have to change – both in organizational terms, and with regard to the way they operate.²¹ The HCNM Recommendations on Policing in Multi-Ethnic Societies provide a detailed roadmap to support this process of change. The Recommendations are not a blueprint of a single model of policing to be applied throughout the 56 participating States of the OSCE, but rather offer guidance on one specific aspect of policing. They also have built-in flexibility thanks to the inclusion of various options on how to deal with new challenges posed by changing societies. While the Recommendations are rooted in existing international human and minority rights standards, they also promote policing practices that have proven successful in adapting traditional policing methods to the requirements of multi-ethnic societies throughout the OSCE. However, these “best practices” do not constitute instant solutions. In most cases they require considerable commitment and effort on the part of the state and will only prove fully effective over time and when implemented as part of a comprehensive strategy. Not that this should be taken to imply that the Recommendations can only be implemented *en masse*. Starting the process of reform by focusing on specific areas such as training may certainly be productive.

The 23 individual recommendations are grouped under six general headings, which, together, deal with all the essential components of policing in a multi-ethnic society. The remainder of this contribution consists of a discussion of the main elements of the Recommendations, which we shall consider section-by-section.

Section I – General Principles

The first three recommendations address the general principles of policing in a multi-ethnic society and underline the importance of incorporating a policy on multi-ethnic policing into a wider framework that must include both a general policy on the integration in society of persons belonging to national minorities and a policy on the modernization of the police. In particular, if a policy on policing in a multi-ethnic society is to succeed, there needs to be a broad consensus on the integration of minorities within a multi-ethnic society

21 See, also on other issues addressed in this article, Robin Oakley, *Policing in Multi-Ethnic Europe: the Agenda for Change*, Paper presented at the Conference “Intercultural Ireland: Identifying the Challenges for the Police Service”, Dublin Castle, 4-6 April 2000, at: <http://www.robinoakley.net>.

that recognizes the value of cultural, linguistic, and religious diversity and seeks to encourage participation of persons belonging to national minorities in public life, education, broadcasting, etc. On the basis of such a broad government policy, a mission statement can be drawn up for the police, reformulating its role from that of a law enforcement agency in the strict sense of the term to that of a “gatekeeper of equality, integration and cohesion in a rapidly changing society”.²² Such a document, which should include a clear vision of the role of the police, must enjoy cross-party support and be co-ordinated and agreed upon with the hierarchy of the police organization. It is essential that senior police officials fully understand the importance of their role in promoting good inter-ethnic relations, both externally and internally, and are committed to implementing it. The key to achieving this is persuading police management that adapting the way their organization operates in a multi-ethnic environment will actually improve the police service internally and increase the external effectiveness of their work in terms of community awareness, contact, and public confidence.

The second aspect of a policy on multi-ethnic policing that should be linked to a wider framework involves the general standards of modern policing with which it has to comply. While the Recommendations focus on one particular aspect of good policing, they presuppose compliance with the general human rights framework. It is hard to imagine how good practices in multi-ethnic policing can be introduced in a police organization that otherwise ignores basic human rights and policing standards. Re-orienting a traditional police organization to policing in a multi-ethnic environment will therefore often be part of a police-development programme. The Recommendations emphasize the importance of general policing and human rights standards by referring to international standards such as the United Nations Code of Conduct for Law Enforcement Officials and the Council of Europe European Code of Police Ethics.

Given the duration, complexity, and sensitivity of re-orienting a police organization towards multi-ethnic policing methods, detailed planning is essential. Action plans are helpful in spelling out a step-by-step approach. It is equally important to regularly monitor the implementation of the reforms. This needs to be undertaken by an independent agency, such as a human rights institution or ombudsman. Although such independent scrutiny may at first be controversial, it should be understood that the police will ultimately benefit from neutral, open-minded, and constructive criticism.

Section II – Recruitment and Representation

In the long term, recruiting police officers from minority communities is probably the most important aspect of implementing a policy on multi-ethnic policing. Like any public institution, the composition of the police needs to

22 Rotterdam Charter, cited above (Note 15), paras. 4 and 7.

be broadly representative of the diversity of society as a whole. Equitable representation of minorities in the police is important for several reasons. First of all, it provides direct benefits to the police. Not only will police operations be enhanced by the inflow of information and the new skills and knowledge that minority recruits contribute, but the police will also benefit from better relations with minority groups. Communication between these groups and the police will be less fraught with difficulties, while, at the same time, minority groups will be able and inclined to take on more responsibility for the safety of their own communities when the police are more attentive to their particular concerns. Secondly, equitable representation of minorities in the police is also important at a more general level as a way of promoting integration of minorities through their participation in the public life of the state and its institutions. It is important to note, however, that persons belonging to national minorities recruited into the police force should not be employed as "minority police officers" to work only in areas inhabited predominantly by minorities or only on matters affecting minorities. Rather, they should be recruited to become generic professional police officers capable of working with all sections of society.

For all these reasons, increasing the representativeness of the police should be regarded as a major priority. However, this often proves to be quite a challenge as there may be several reasons for underrepresentation, including a lack of awareness of opportunities, a lack of educational qualifications, negative views caused by experience of abuse, and direct or indirect discrimination in recruitment processes. The police must therefore actively seek to recruit police officers from minority communities. This involves, first of all, setting (interim) targets that can realistically be achieved within a set time-frame. Then data needs to be collected on a regular basis to test whether these targets are being met. Simultaneously, special measures will need to be introduced to increase recruitment of underrepresented minorities. These special measures can include:

- a) Initiatives to increase information in minority communities about employment opportunities in the police, to create a positive image of the police, and to actively encourage interested persons to apply;
- b) Measures to address the lack of sufficient educational qualifications in potential applicants who are otherwise suitable and well motivated, for example, intensive, short courses designed to bring provisionally selected candidates up to the required entry level;
- c) Action to identify and address any possible causes of discrimination against minority applicants in the recruitment and selection process, including the provision of training in fair recruitment and selection for those responsible for these tasks and reviewing procedures to identify possible bias against minority candidates or other unnecessary disadvantage.

Selection criteria should also be reviewed to determine whether they are fully justifiable and ensure that they do not set unnecessary hurdles that indirectly disadvantage minorities. Some requirements, such as minimum height, that could prove an obstacle to applicants from particular minority communities need not be applied as a general requirement for all police recruits. This does not imply, however, that entry requirements should be altered or lowered just to accommodate applicants from minority communities. This would be counter-productive as persons belonging to ethnic majorities (and the media) are quick to suspect that standards are being lowered and that they themselves are now being discriminated against. In fact, those who are likely to be most concerned that standards not be lowered are police officers from minority backgrounds themselves: They will not want to be regarded as “second-class police officers”. Rather than lowering standards, educational and other support should be offered to promising candidates so that they can gain entry to the police organization on equal terms.

Successful recruitment of minority officers may not in itself be enough. Experience shows that unless minorities feel they are treated equally and with respect inside the organization and have the same opportunities to progress in their careers, they are likely to leave their jobs with the police. Positive measures, such as development training programmes and mentoring schemes, should therefore also be introduced to support and encourage police officers from minority backgrounds to progress in their careers. At the same time, it is important to ensure that there is a neutral working environment and that complaints of discrimination are examined and addressed effectively. Specific professional associations for police officers from minority backgrounds can offer both general and individual support and advice in these matters.

Section III – Training and Professional Development

Training of police officers at all levels is vital for the successful implementation of a policy on multi-ethnic policing. Ideally, these issues should be included not only in special in-service courses, but also in the general training curriculum for all police officers, both in basic and more advanced police training. A training programme, which should be based on a needs assessment, is likely to include training on cultural and religious awareness, mediation and community relations skills, language training, and training in human rights, including rights of persons belonging to national minorities. Experience shows that it is essential that such training be practical and job-related. If the training is purely theoretical, it is likely to have little or no impact. The main emphasis in training, therefore, should not simply be on providing information, but rather on helping the police, in a practical way, to carry out their everyday work in multi-ethnic contexts in accordance with professional standards and international human rights norms. It can be especially difficult to address stereotypical and discriminatory views of minorities held by police

officers. In the initial stages of such training programmes, in particular, it is often more productive to focus on the behaviour that is required from the police. If this behaviour brings results and facilitates policing, attitudes will gradually change as well.

Similarly, it is important that the appropriate methods be used. Since formal lectures have limited value on their own, they need to be accompanied by interactive methods such as structured discussion and debate, as well as practical exercises and role-play, which simulate real policing tasks in multi-ethnic societies.

For the training to be effective, it is also important that representatives of minorities be involved in the planning, delivery, and evaluation of the training. This has several advantages. First, police learn first hand from minorities about relevant cultural and religious practices and about minority groups' perceptions of the police. Second, training also provides the opportunity for personal interaction, including discussions, exercises, and role-play. Finally, successful participation in police training by minorities can also build bridges and increase minority understanding of and confidence in the police.

Section IV – Engaging with Communities

Good communication with the public is vital for efficient policing in any democratic society, particularly if this policing is to be based on consent rather than on fear and repression. Establishing such communication is always difficult, but presents additional challenges in multi-ethnic societies. Not only can cultural, linguistic, and religious barriers hamper communication between minorities and the police, there may also be a strong sense of mistrust of the police among these groups as a result of past discrimination and oppression by the state. Overcoming these barriers in order to develop trust and confidence in the police will therefore require special efforts as well as a lot of patience on the part of the police.

The Recommendations offer a number of structural solutions for facilitating interaction and communication between police and minorities. They include, first of all, consultative bodies at national, regional, and local levels, such as community forums and community advisory boards, which can act as a source of information for the police on the local community and especially on minority concerns about the operation of law enforcement agencies. Other means of establishing and improving communication between police and minorities can include public meetings on the widest possible basis, "open days" specifically aimed at minorities, and community contact points at police stations. These contact points should provide information to members of minorities on legal procedures and opportunities to join the police, and should serve as a "public reception room" where such persons can raise issues of concern with the police. Finally, dedicated patrol officers could be

assigned responsibility for developing and maintaining contact with each national minority in the area, making regular patrols and visits, establishing personal contact and building trust with members of such communities on as broad a basis as possible.

In the case of linguistic minorities, the ability of the police to speak and understand the language concerned is, of course, a precondition for effective communication and co-operation. Recruitment of police officers from minorities is one way of addressing this issue. However, in many cases this will not suffice and qualified interpreters will be needed as well: for dealing with witnesses and suspects, for example.

One of the most effective ways of building structured and durable relations with minority communities is through co-operation with minority associations and NGOs, as these can help the police to develop channels of communication, identify and address problems, and advise on and take part in training and recruitment activities. Both sides may initially be cautious: The minorities may suspect that the police have a hidden agenda, such as extracting intelligence on criminal activities among national minorities. The police, on the other hand, may have little experience of working with civil society groups and may suspect these groups' motives, especially if they have been publicly critical of the police in the past. But the police and these minority associations can certainly find common ground so as to improve police-minority relations and to increase access to justice for minorities. On such a foundation, each party can help the other while respecting their different roles and working styles (including the continued right of NGOs to criticize the police on behalf of their communities when things are done wrong).

Finally, a key tool in building and developing trust in the police is the availability of effective and independent procedures for making and examining complaints about racist or unprofessional police behaviour. This demand is not limited to minority communities but it is especially important to them given their vulnerability and past negative experiences.

Section V – Operational Practices

Policing in a multi-ethnic society is not only about putting in place measures and mechanisms that specifically focus on minorities in fields such as recruitment, training, and communication methods. At least as important is the question of “mainstreaming”. In other words, how should the police carry out their day-to-day work in a multi-ethnic environment? First of all, this requires that the police enforce the law in an impartial and non-discriminatory manner, i.e. police powers are not applied disproportionately to persons belonging to national minorities. This so-called “over-policing”, in which racial or ethnic stereotypes, rather than individual behaviour, are used as a basis for making decisions about who is likely to be involved in criminal activity, often takes place when stopping or searching people in the streets, checking ve-

hicles, verifying identity documents, and using force in making arrests or searching premises. Direct or indirect discriminatory police conduct can be avoided by drawing up codes of conduct precisely setting out the behaviour that is expected of police officials when carrying out specific policing tasks. Ethnic monitoring of the outcomes of police operations is another way to identify whether or not police operations such as “stop and search” impact fairly and proportionately on different ethnic groups. Such monitoring should be carried out with due regard to confidentiality with the data anonymized and aggregated in statistical form, so as not to violate the rights of individuals.

At the other end of the spectrum, “under-policing” should also be avoided. This means that minorities should have equal access to police services and that their concerns should be addressed adequately and professionally. As minority communities are less likely to report crimes and may lack the experience or confidence in using existing procedures to ask for or complain about police assistance, the police first need to encourage minorities to turn to them when needed. Moreover, when persons belonging to minorities do report crimes, the police should ensure that these are properly investigated and that victims and witnesses are kept informed of the progress and outcome of cases. If persons belonging to national minorities believe they will be treated with respect and that their allegations will be taken seriously, they are more likely to report crimes and co-operate with the police, thus contributing to a safer environment.

Given the vulnerability of minorities to discrimination and xenophobic violence as well as their dependence on the police in addressing these problems, the police have a special responsibility to address incidents of discrimination and racism. Police powers should be used systematically and to the fullest extent to enforce anti-discrimination law. Indeed, under the European Convention on Human Rights, all police organizations have an obligation to investigate possible racist motives behind acts of violence.²³

Section VI – Prevention and Management of Conflict

It is often supposed that the responsibility of the police in the area of ethnic conflict is limited to responding to actual incidents of overt conflict: to restore order and bring those in breach of the law to justice. This view does not take sufficient account of the importance of the role of police at earlier stages in the potential development of such conflict or in the de-escalation of tensions between ethnic groups once public order has been restored. The police share this responsibility with other groups and institutions such as central and local government, NGOs, and other civil society bodies. One key role of the

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

police is to monitor the level of tension between ethnic groups on the basis of the number and gravity of specific incidents between persons belonging to different groups as well as intelligence derived from a variety of sources.

In addition, the police need to be trained and equipped to manage civil disturbances and incidents of inter-ethnic conflict in a professional and non-partisan manner, with the aim of de-escalating conflicts and of resolving them through mediation where possible and with minimal use of force. In doing so, they should always bear in mind that their actions are not separate from the dynamics of inter-ethnic relations. At least in the short or medium term, they may have a crucial effect on the development of inter-ethnic relations and the future of the state generally. For these reasons, their ability to maintain the confidence of all ethnic groups while managing conflicts and restoring public order is of fundamental importance.

Conclusion

To conclude, the fifth set of thematic recommendations elaborated by internationally recognized independent experts under the auspices of the HCNM addresses issues of policing in multi-ethnic societies of high relevance both East and West of Vienna. The guidelines in this new reference document for law and policy makers in the OSCE participating States constitute a translation and implementation of OSCE commitments, such as the right to effective participation in public life, as contained in the 1990 Copenhagen Document. As such, they will, when implemented, have great potential to contribute to the realization of comprehensive security in the OSCE area.

All OSCE participating States are invited to test the usefulness of this document in practice by disseminating it, incorporating it in their policing policies, and providing training on it to police officers. The Office of the HCNM is ready to provide assistance in implementing these recommendations.