

**INTERNATIONAL HIGH LEVEL CONFERENCE FOR POLICE LEADERSHIP:  
PROFESSIONALISM, LEGITIMACY AND DIVERSITY**

**26 SEPTEMBER 2011**

*Policing by human rights*

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Ladies and gentlemen,

I would like to thank the organisers of this conference for giving me the opportunity to address you today.

I am aware that traditionally – and still by some – policing and human rights are seen as somewhat of a contradiction. This became particularly obvious in the debate after 9/11, which for some years had as a prevailing tone: you can either have security or human rights.

In my experience the opposite is true. To be effective in practice, human rights need the police to safeguard and protect them. Allow me to share a quote with you - from a Somali asylum seeker in Finland:

“I trust the police the most. When I arrived to the harbour, I was directed to the police and they gave me information about [my] asylum application. They also told me that they are here to help me. My experience with the police is nothing but positive, since what they told me has been true.”

This is taken from an interview that the Fundamental Rights Agency carried out with asylum applicants across the EU. It illustrates very well one of the many ways in which police forces play a vital role in the protection of human rights – in this case the right to seek asylum.

We all know – a crime is not just a statistic. It is not just a statement that the law has been broken. Behind a crime lies a victim whose rights have been violated. And day to day, the police provide a vital service that helps to protect and restore those human rights for victims and vulnerable communities.

Each time a theft or burglary, or an assault is prevented, or a perpetrator is caught and prosecuted, this is the police protecting a victim's right to enjoy their property, or their right to physical integrity. Each time the police provide protection for a group of protestors on a demonstration: that is the police protecting their right to freedom of expression and assembly.

And this is an important source of legitimacy for the police – as protectors they earn the respect and the trust of the public.

So, without a doubt, policing can enhance the effectiveness of human rights.

But what do human rights have to offer policing? Aren't human rights at best used as a source of criticism of the police? And at worst as something that criminals use to play the system and escape punishment? In short: aren't human rights often an obstacle to effective policing?

Ladies and Gentlemen,

We are here to turn this debate on its head.

In my speech today I will put forward, in concrete terms, how human rights can improve the effectiveness and the professionalism of policing.

I would like to begin by giving three examples from the Agency's research that highlight the importance of legitimacy – or public trust and confidence – in the police. I will then follow this up with three suggestions on how applying fundamental rights principles can help to build and sustain this trust.

Turning to three problem areas showing the importance of public trust:

- the question of unreported racist crimes
- the impact of discriminatory practices on trust

- the impact of unresolved racially motivated crimes on minority attitudes

Firstly, the problem of unreported racist crime. In 2009 the Fundamental Rights Agency published an EU-wide survey, based on interviews with 23,500 members of immigrant and ethnic minority groups across all 27 EU Member States.

One of the questions we asked them, is whether they had been the victim of a racist assault, threat or serious harassment and whether they had reported this incident. Only 17% of victims reported incidents to police. So ladies and gentlemen, up to 83% of racist crime is going unreported. Unreported means unpunished. And the biggest cause of non-reporting? Half of the interviewees told us that it was because they lacked confidence in the police. And the Agency's research shows that this problem is not confined to ethnic minorities. It can also be found among victims of homophobic and transphobic hate crime who are often reluctant to approach the police.

So we can see very clearly that a lack of trust is a serious impediment to the ability of the police to resolve crimes. They cannot investigate incidents that they do not know about. And the less they know about, the more perpetrators are able to flout the law.

Secondly, I turn to the problem of discriminatory practices and their impact on levels of trust.

During the same survey we also asked minorities about their experience of police stops. What was the nature of these stops? Did they consider that they were stopped because of their ethnicity or immigrant background? In other words: could these stops be considered discriminatory? The results show that persons from minority groups who perceive that they were stopped by the police on the basis of their ethnicity have a lower level of trust in the police. Among some groups, levels of mistrust were particularly high. For example 50% of Roma and 30% of North African interviewees said that they tended not to trust the police.

Where individuals feel that they have been stopped for discriminatory reasons, they will form assumptions that they will be treated unfairly by the police. As I mentioned, this will contribute to the problem of non-reporting. It is not a big jump to also conclude that it will affect whether people are willing to come forward as witnesses or cooperate in other ways that help in the prevention of crime.

I am sure that we can think of other scenarios in law enforcement with the potential to damage trust between the police and minority communities. For example, the Agency's research shows that in some Member States there is a practice or a policy of health care providers reporting irregular migrants to the police when they try to access medical treatment. On one hand we can see this as a simple question of enforcing immigration law. On the other hand it can be seen as amounting to denial of a basic human right, in a situation that can create distrust and suspicion of the police among a broad community that is already vulnerable to abuse.

Ladies and gentlemen, what happens if we put these two problems together? Where we have minority communities experiencing racist hate crime, who do not trust the police to address and resolve these crimes, we encounter a third set of longer-term problems.

The Agency recently surveyed young people from both the Muslim population and the majority population in France, Spain and the UK – so three EU Member States that have been the target of Islamist inspired violence. We found that all young people whom we surveyed in these three countries share the same types of concerns and attitudes about major social and political issues – regardless of their religious affiliation.

However, we also found that those who were themselves victims of discrimination are more likely to develop attitudes or become involved in activities which support the use of violence. This also included tacit support for acts of terrorism in certain circumstances. What this suggests is that unresolved racist crimes or discrimination can contribute to simmering tensions. And again, without an underlying level of trust with communities, the police cannot be made aware of problems at an early stage.

Conversely, where trust exists, reporting levels will rise, and more crimes will be punished delivering justice to victims. And that, in turn, can help to reduce feelings of resentment and suspicion among victims, reducing social tensions.

So the key question is: how do we create and sustain public trust? I would argue that the answer to this lies in policing by human rights. Put otherwise – applying principles from human rights in the daily work and organisation of the police. Diversity – or ensuring that different groups and communities in society are fairly treated – is a central element of this.

I will elaborate on two questions:

- Firstly, how can respect and dignity shape encounters between officers and the public?
- Secondly, how can rights-awareness support the bond of trust between the police and the local population?

### **1) Turning, firstly, to respect and dignity.**

As I mentioned earlier, we know as a fact from our research: where individuals are not treated with respect during police encounters, this may create a perception that they are being deliberately discriminated against. And even if this perception is mistaken, it is damaging to the relationship between the police and the public. On the one hand treating people with respect and dignity requires sensitivity in the way that powers are exercised. On the other hand it requires understanding of basic human rights standards.

For example, last year the Agency produced a Guide on understanding and preventing discriminatory ethnic profiling. This Guide helps officers to understand how a clear distinction can be made. On the one hand, profiling can be used legitimately – for example where there is a suspect description and police intelligence concerning a certain group or individuals. On the other hand it can be used in a discriminatory manner — that is, where a decision to exercise police powers is based only or mainly on a person’s race, ethnicity or religion.

Developing an understanding of basic human rights standards can take other practical dimensions. For example, it may not always be clear who the victim of a situation is. Is the girl arrested for prostitution or the young man arrested for begging a criminal? Do officers have the adequate training and guidance to determine whether what they see as perpetrators in reality also may be victims of trafficking in need of protection? Have they been trained to be able to spot where they may be dealing with a child rather than an adult, a child who may be entitled to assistance and care?

At the same time, officers need to develop a level of sensitivity in order to avoid creating the perception that they are discriminating against individuals. By this I mean a sense of awareness that what constitutes respectful treatment will vary between different cultures. So an adequate understanding of cultural differences – or in the words of the conference organisers, having pan-cultural skills – is a pre-requisite for

all officers. For example, requesting someone to remove an item of clothing in the context of a search in a public place may present no problems for some people. However, if this is a garment worn for religious reasons it may be necessary to do this in a location that allows for some privacy.

## **2) Secondly, the promotion of rights-awareness.**

One essential feature of building trust is to provide a guarantee of accountability. Police forces need to play a role in informing minority communities that they have a right to be treated fairly and without discrimination in their contact with the police. Where the police openly accept that they must meet this standard of fairness, and they make people aware of their rights, they are more likely to be seen to be acting in good faith.

Accountability can also be supported by introducing internal monitoring measures – for example collecting and analysing statistics on the use of stop and search powers that can reveal whether in practice particular minorities are being disproportionately stopped. This can then be used to highlight whether individual officers require further training on the appropriate use of their powers.

Building these principles into policing will require a variety of measures. On one hand training and dialogue on human rights standards is needed to provide the technical knowledge. Human Rights need to be built into the everyday practice. On the other hand measures are required at an organisational level in terms of increasing rights awareness at all levels in the organisation.

Building respect and dignity and rights-awareness into policing will result in an increased level of professionalism in the service that is delivered to the public. Transform from police force to police service. By this I mean that it will contribute to the creation of a service that works within highly ethical standards, that is held accountable by these standards, and that works in a close relationship with the communities they serve. And this in turn will help to increase the legitimacy of the police.

In particular, the focus on strategies to ensure that trust is maintained among minority communities will grow in importance for several reasons. On one side the demographic make-up of our societies are continuing to change due to both legally regulated and irregular migration. As of 2010 6.3% of people residing in the EU were

born in a non-EU country. That's around 31 million people. The number of people living in an EU Member State who were not born there rose by around 670 000 during the year 2010.

To this we can add a number of irregular migrants. The exact figure is not known, but an EU funded project called CLANDESTINO put this at between 2 and 4 million people (1.8 and 3.8 m to be exact) in 2008. And then we have victims of trafficking. Again we do not have exact numbers but it is thought that every year several hundred thousand people are trafficked into or within the EU. It is clear that immigration is here to stay. The diversity of our societies is a permanent and a growing feature.

At the same time we see the potential for social tensions to grow. This means that while the communities that are served by the police are becoming more diverse, the need to protect them is also growing.

The Agency is at your disposal to support you in this process. We are currently finalising training tools tailored to the needs of police academy trainers. These cover issues such as non-discrimination, diversity and other fundamental rights topics, and have been developed in consultation with our European partners including the Association of European Police Colleges, and CEPOL the European Police College, as well as national police academies. We have also been working in cooperation with the EU borders agency, Frontex. We have been assisting them in designing human rights training curricula for border guards. And from October the Agency will begin delivering training in fundamental rights to Frontex, in cooperation with our partners.

Ladies and gentlemen,

the police play an important role in guaranteeing and restoring the human rights of victims. At the same time, human rights can enhance the effectiveness of policing because they bring tools to policing that help to preserve and enhance trust. And it is only through trust that victims become willing to report, witnesses become willing to testify, and communities become willing to give early-warning signals. It is this trust that allows police forces to resolve, prevent and pre-empt criminal activity.

I would like to thank you for your attention and look forward to any questions that you may have.