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Thank you for the opportunity to speak here today. Racial or ethnic profiling is widespread. Although profiling is an unlawful form of discrimination, it is too frequently justified as legitimate or even necessary in law enforcement. I will talk here about some of the drivers of ethnic profiling, and describe some challenges and good practices that the Justice Initiative has supported in collaboration with police in Europe and elsewhere.

The two most basic principles that underlie criminal justice are that “all people are equal under law” and that all people are presumed innocent until proven guilty. Racial profiling describes what happens when police or other law enforcement officers rely on stereotypes rather than objective facts and evidence in targeting persons for attention. Simply put, Racial occurs when police target people because of who they are or how they worship rather than because of what they have done. In doing so, it violates these two basic principles of non-discrimination and due process in justice.

Racial profiling is well understood by those on the receiving end but is routinely denied by police forces across Europe due to the lack of ethnic data. First, let us throw out the bad apples theory – that a handful of racist officers create the problem. There are racist police officers, but racial profiling is a pattern of practice, it’s an institutional practice, not a set of individual acts. Profiling describes the disproportionate targeting of minorities in the use of tactics such as identity checks, stops and searches, raids, surveillance, fining practices, and arrests, particularly for low-level offences. People of color are policed differently to white people, and so are neighborhoods of color. Institutional decisions, such as the use of specific enforcement techniques and deployment patterns, impact on ethnic groups unequally. Counter-terrorism and concerns about border security have combined with increasing anti-immigration sentiment have added a further driver of profiling.

Racial profiling exacts a high price on individuals, groups, and communities that are singled out for disproportionate attention. For the individual stopped and detained the experience, often of frequent repeat encounters with the police, can be frightening and humiliating and have long-term impacts on their lives. Racial profiling serves to stigmatize whole groups, contributing to the over-representation of ethnic minorities in other parts of the criminal justice system, legitimizing racism and fostering mistrust between communities and the police.

Policing can be both fairer and more effective. There are communities and civil society challenging racial profiling across Europe:

* Today in Madrid, Spain, there is a celebration of an iconic challenge to racial profiling. 25 years ago, Rosalind Williams was stopped by Spanish police and told that because she was black she couldn’t be Spanish. She pursued her case for years and finally went to UN Human Rights Committee who in 2009, ruled in her favour. There now another legal challenge at the European Court against the Spanish government for discriminatory ID checks continuing Rosalind’s challenge.
* In France, a class action with 13 individuals suing the French state for racial profiling in stops was partially successful with the acceptance that ID checks were discriminatory. The unsuccessful cases, mainly those based around area policing and institutional drivers are being appealed to the European Court.
* In Melbourne, Australia, a similar class action brought by African-Australians with settled last year with the implementation of an action plan and they have just started a pilot recording all stops.
* In Sweden, local communities used a twitter campaign to warn migrants where immigration stops are taking place.
* In France, the Netherlands, the UK, Switzerland and Belgium there are coalitions or networks working together against ethnic profiling through research, litigation, advocacy and campaigning and awareness raising.

It is hard for police to admit that they are profiling. Discussions of racial profiling are usually heard as accusations of racism against individual police officers. Yet, admitting the problem is a crucial first step, without which nothing can be done. Changing attitudes and practices in police organizations and rebuilding community relations is a long-term challenge. It requires us all to have difficult conversations about stereotypes based in race, ethnicity, religion, and the manner in which they play out in police interactions. There are a few police forces across Europe beginning to take this difficult first step, recognize the issue and adopt promising practices.

So, what can be done? First, legal standards must clearly prohibit discrimination in law enforcement. This prohibition should be explicitly stated in the law that set out police powers, and reasonable suspicion should be the required basis for identity checks and stops. In practice, we have often found that officers have a hard time articulating reasonable suspicion. Legal standards must then be turned into practical guidance in operational protocols and training.

Police managers and line supervisors need to monitor and support the manner in which front-line officers use of their powers – and take action when they fail to do so correctly. The best systems flag issues, offer remedial support, and proceed to disciplinary action if there is evidence of repeated bias. And they must include local communities in reviewing officers’ use of stop and search.

The basis for these good management practices lies in data that supports them. Just as stops themselves should be intelligence-led (that is based on real grounds for suspicion), management should be evidence-led and based on empirical evidence of patterns and problems. Relatively few police services have good data on their ID check or stop and search practices and even fewer have ethnic data or engage with this data for management purposes. There are understandable sensitivities about police gathering ethnic data, but it can be done, even in countries with stringent data privacy standards. The anonymized statistics must be transparent and shared with communities; both to allay concerns about possible abuse, but most importantly to support an honest conversation between the police and local residents about practices, drivers and solutions. We have seen police forces cut the use of stop in half, greatly reduce disparities and treble their hit rate when following these practices.

I welcome any questions and look forward to this important discussion.