

Effective participation of persons belonging to minorities in law enforcement: Building an inclusive and responsive police force and judiciary

Expert Workshop
Bishkek, 18-19 October 2012

REPORT

Summary

Building on the increased work on minority issues in Central Asia being conducted by the OHCHR in the last years, OHCHR organised a regional expert workshop on minority participation in law enforcement in Bishkek, Kyrgyzstan. The event took place in the context of the 20th anniversary of the adoption of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The expert workshop entitled “Effective participation of persons belonging to minorities in law enforcement: Building an inclusive and responsive police force and judiciary” addressed a pertinent minority rights challenge for the region. The aim of the event was to share relevant good practices and challenges as well as to try and elaborate a set of targeted recommendations that would help various stakeholders in efforts aimed at creating and maintaining a representative and effective police force and judiciary, inclusive of minorities and engaged in the protection of their rights.

The two-day workshop focused on policing and the judiciary as regards a wider regional grouping of Eurasia¹. The event brought together over 70 participants representing States, international organizations, National Human Rights Institutions, minority representative bodies, and NGOs, as well as international experts in the fields of minority rights, law enforcement and the judiciary.

The first day covered the general normative framework as relevant to the rights of minorities at both the international and regional levels as well as human rights issues in connection with unlawful discriminatory practices in law enforcement and the benefits of community policing. As a good practice example, OHCHR Regional Office in Central Asia (ROCA) presented its Study on minority inclusion in law enforcement in Kyrgyzstan and various ways of supporting minority inclusion in the police force were discussed. During the second day, the participants explored a wide range of minority rights issues in relation to the role of the judiciary and strengthening access to justice. The role of NHRIs in building an inclusive and responsive police force and the judiciary was discussed and the importance of independent oversight and accountability highlighted.

In identifying ways forward, the participants acknowledged the importance attached to deploying further effort to advancing minority rights with the aim of building a responsive and inclusive police force and judiciary in their respective countries. Toward this end, they agreed to an outcome document elaborating recommendations which can serve as concrete guidelines for stakeholders in their work on minority rights in law enforcement and the judiciary.

¹ The organisers invited to the event representatives from Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Republic of Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

Background

In 2012, OHCHR celebrated the 20th anniversary of the adoption in 1992 of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Minorities Declaration), the document which sets essential standards and offers guidance for securing the rights of persons belonging to minorities. In order to commemorate the anniversary, OHCHR organised several events aimed at raising awareness both of the Minorities Declaration and of the rights of persons belonging to minorities. One of such events was the regional expert workshop on minorities, law enforcement and the judiciary in the Eurasian region, which took place in Bishkek, Kyrgyzstan in October 2012.

The expert workshop builds on the work on minority issues, conducted by OHCHR in the last few years. In addition, the participants of the regional conference entitled “Advancing the Rights of Minorities in Central Asia - effective participation in public life” organised by OHCHR in cooperation with the OSCE and UNRCCA in Bishkek in June 2011 explicitly identified the need to build the capacity of relevant stakeholders in the area of law enforcement and the judiciary. Also feeding into the expert workshop were good practices and guidance gathered by OHCHR through a series of regional consultations on effective practices in policing and minority communities, organised from 2008 to 2011. The outcome of these consultations will be available in a forthcoming publication entitled: Effective Practices on Policing and Minorities.

Protection of the rights of persons belonging to minorities is provided for under Article 27 of the International Covenant on Civil and Political Rights (ICCPR)² and Article 30 of the Convention on the Rights of the Child (CRC)³, which constitute the most important legally binding provisions on minorities. Inspired by these provisions and building on them, the Minorities Declaration sets essential standards and offers guidance for securing the rights of persons belonging to minorities, with particular focus on the four pillars of minority protection, namely protecting and promoting (i) existence, (ii) identity, (iii) effective participation of persons belonging to minorities and ensuring (iv) equality and non-discrimination.

With respect to effective participation, the Commentary to the Minorities Declaration⁴ highlights that minorities should be involved (from the initial stages of decision-making) at the local, national and international levels in the formulation, adoption, implementation and monitoring of standards and policies affecting them. They must at a minimum have the right to have their opinions heard and fully taken into account before decisions which concern them are adopted. The Commentary notes that effective participation requires representation in legislative, administrative and advisory bodies and more generally in public life. It also refers to the Lund Recommendations on the Effective Participation of National Minorities in Public Life of the OSCE High Commissioner on National Minorities.

The process towards establishing a system of law enforcement that is both more effective and legitimate and representative of and responsive to the community as a whole (including minorities), and characterised by constant (monitored) efforts aimed at eliminating discrimination and combating exclusion, requires that several crucial elements be put into place:

² ICCPR Article 27: In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

³ CRC Article 30: In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

⁴ Commentary of the Working Group on Minorities to the United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. UN document E/CN.4/Sub.2/AC.5/2005/2

- effective participation of minorities in decisions on all aspects of law enforcement
- a system of law enforcement that is representative of the society (recruiting and retaining personnel from minority communities)
- effective independent structures for supervision and accountability
- law enforcement reform needs to be part of a wider societal reform and efforts to ensure that minority rights are protected and promoted and which involves all stakeholders, including civil society

Most countries of the region have had some experience with police reform, which could benefit from a new impetus and a re-focusing of the efforts also on the issue of minority participation within law enforcement and the judiciary. As noted by the High Commissioner following her visit to Kyrgyzstan in July 2012, “discrimination, especially on ethnic, religious and gender grounds, remains a deeply problematic issue with ethnic and national minorities significantly underrepresented in the executive government and bureaucracy, law enforcement bodies and judiciary.” This assessment is valid for the countries of the Eurasian region. While noting that the lack of disaggregated data on minority participation is also a serious issue, the available data indicates that effective participation of minorities in law enforcement and the judiciary is yet to be achieved.

Participation

The expert workshop brought together 79 participants from Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Republic of Moldova, Tajikistan, Turkmenistan, and Ukraine, as well as representatives of international organizations and international experts in the fields of minority rights, policing and the judiciary. The international experts contributing to the expert workshop were independent experts Mr Mark Bradley and Mr Chris Taylor, Ms Eva Chylinski (Regional Director, European Centre for Minority Issues Caucasus), Mr Roman Kuibida (Centre for Political and Legal Reforms, Ukraine), Ms Sanela Paripovic (Project Manager, Access to Justice: Facing the Past and Building Confidence for the Future, Justice and Security Cluster, UNDP Bosnia and Herzegovina), and Ms Hanna Vasilevich (Project Research Associate, European Centre for Minority Issues).

Participants from the countries of the region represented Governments, national human rights institutions, minority representative bodies (e.g. Assembly of people of Kyrgyzstan), and the civil society (e.g. Eurasia Foundation of Central Asia, Freedom House, Saferworld - Europe and Central Asia). Regional organisations and UN agencies represented at the meeting included OSCE, UN Women, UNODC, and UNRCCA.

Introductory remarks were delivered by Ms Mira Karybaeva, Head of the Department on ethnic, religious policies and interaction with civil society at the Office of the President of the Kyrgyz Republic, and Mr Armen Harutyunyan, OHCHR Regional Representative for Central Asia. The introductory remarks focused on the importance of open discussions and cooperation in order to advance further the promotion and protection of minority rights in the region. In particular, in his remarks, Mr Harutyunyan highlighted the main goal of the event in addressing how we can ensure effective participation of minorities, increase trust in the relevant institutions, and guarantee an inclusive and representative society responsive to its needs.

Expert Workshop Sessions and Discussions

The agenda of the two-day consultation was organized around nine sessions which addressed the following topics: (i) Promoting and Protecting the Rights of Persons Belonging to Minorities within the Law Enforcement and Judiciary: Normative Framework; (ii) Guaranteeing the Rights of Persons Belonging to Minorities: The Relationship between the State and Minorities; (iii) Eradicating Discriminatory Operational Practices: Towards Community Policing and an Increased Trust in The Police; (iv) Identification and Mapping of Problems Related to Minority Inclusion in Law Enforcement

and Judiciary; Developing and Implementing Effective Policy Recommendations; (v) Independent, Impartial and Representative Judiciary: Building Confidence in the Administration of Justice in Multi-Ethnic Societies; (vi) Role of National Human Rights Institutions in Building an Inclusive and Responsive Police Service and Judiciary; (vii) Independent Oversight, Accountability and Integrity in Law Enforcement and Judiciary; (viii) The Role of Minority Representative/Consultative Bodies and the Civil Society in Building an Inclusive and Responsive Police Service and Judiciary; (ix) Way Forward: Putting Issues of Equality, Non-Discrimination and Effective Participation of Minorities on the Public Agenda.

In addition, States and national human rights institutions were given space to present on their work on minority issues in connection with law enforcement and the judiciary. These presentations facilitated an open and constructive dialogue with respect to the situation at the national level.

(i) Promoting and Protecting the Rights of Persons Belonging to Minorities within the Law Enforcement and Judiciary: Normative Framework

- Ms Michèle Buteau, OHCHR, presented on OHCHR work on minorities and law enforcement
- Mr Dmitry Nurumov, OSCE, Office of the High Commissioner on National Minorities, presented on OSCE HCNM work on minorities and law enforcement

Ms Buteau presented OHCHR activities with regard to the 20th anniversary of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, aimed at raising awareness of the importance of the Declaration, gathering good practices and finding effective ways in addressing existing challenges to its implementation. The presentation focused on the issue of who are minorities under international law and the relevant international human rights standards for their protection. Turning to minorities and law enforcement, she stressed that the issues tend to be similar across regions, including the issue of persons belonging to minorities not being (sufficiently) represented in the police and the judiciary while being over-represented in detention centers and prisons. She summarised the conclusions reached at the OHCHR consultations on minorities and policing (2008-2011) which had as objective the gathering of good practices. Underrepresentation of minorities in law enforcement tends to be caused primarily by lack of trust and obstacles to minority participation, such as legislation or policies that have discriminatory effect on recruitment of minorities in the police. States should review their legislation and policies in this respect and design proactive ways (in consultation with minorities) for facilitating minority participation in law enforcement and the judiciary, with the aim that their composition will reflect the diversity within the society. Ms Buteau also referred to the forthcoming OHCHR publication on minorities and policing which will highlight the challenges and effective practices gathered at these consultations.

Mr Nurumov highlighted that the HCNM published specific Recommendations on Policing in Multi-Ethnic Societies and focused on those recommendations that are of greater importance to the region. The 23 recommendations are grouped in specific sections, out of which the second section, which deals with recruitment and representation is very important. Statistically, minorities are underrepresented in the police, and were we to apply a deeper analysis, we would generally find that persons belonging to minorities are concentrated in low-ranking positions. In order to adequately address the issue of minority representation in the police force, both horizontal and vertical mobility of minorities needs to be ensured. Minorities should be able to work in the whole territory of a country and advance through the ranks on the basis of their professional capacity. If quotas are objectively required due to a structural problem, they are legitimate, especially in certain contexts such as post-conflict situations. Normally, adequate minority representation can be guaranteed through setting (and achieving) specific targets. Additionally highlighting the problematic area of linguistic rights, Mr Nurumov stressed that the police should have the capacity to speak the

languages used in the community, where it works. In conclusion, the presentation focused on a project currently on-going in Kazakhstan, where OSCE HCNM is implementing some practical steps in terms of implementing the recommendations.

Discussion

The question of distinction between ethnic and national minority was raised and the OSCE HCNM approach presented, with which the OSCE member states seem to agree, that a broad approach is acceptable, in which national minorities consist of persons belonging to ethnic, religious and linguistic minorities. When discussing quotas, special measures or affirmative action, it was highlighted that they are always of temporary nature and that they must be monitored. Considering that they are established to correct a wrong, brought about through entrenched, structural discrimination, quotas and other measures need to be revisited and discontinued when their legitimate objectives cease to exist.

(ii) Guaranteeing the Rights of Persons Belonging to Minorities: The Relationship between the State and Minorities

- Speaker: Ms Hanna Vasilevich, European Centre for Minority Issues

Ms Vasilevich presented an overview of the international instruments for involving minorities into public life, including law enforcement and the judiciary, and provided an analysis of the legislation for Belarus, Moldova and Ukraine (part of a wider research). The presenter pointed out that existing international legal framework (UN, OSCE, CoE, and CIS⁵ minority protection frameworks) contains minimal guidelines for the effective policies of minority inclusion. In addition, most of the former USSR countries lack in the implementation of existing international norms. The most important element missing in these countries is lack of familiarity of the local professional communities with the complex issues of minority inclusion and the lack of comprehensive professional discussions on them. An analysis of the domestic legislation of former USSR countries shows an emphasis on the equality of all citizens before the law regardless of their ethnic background and contains a general ban on discrimination on this and other grounds. The legislation does not specify participation of minorities in certain spheres of activities. Some countries (Moldova, Ukraine) have anti-discrimination legislation, but currently the issue of inclusion and participation of minorities in police force and the judiciary is not widely debated. If there is a discussion, it is usually framed around two issues: xenophobia and ethnically motivated conflicts, and general ethno-cultural policies of a state.

Discussion

In the ensuing discussion, references were made to ways of mainstreaming minority rights throughout OHCHR and the complementary nature of the principles of equality and non-discrimination. In answer to a question, Ms Vasilevich explained that in her analysis she failed to find mechanisms ensuring effective participation of minorities, since some countries are of the view that all its citizens are integrated and there is no need for norms ensuring specific participation of minorities. On the question of protecting the rights of minorities and the need to gather disaggregated data, the experts explained that the decision whether a person wants to be perceived as belonging to an ethnic minority is private and mandatory registration of ethnic background is contrary to international human rights standards; any data collection should be based on a voluntary basis and should be confidential. Keeping to the issue at hand, policemen may confidentially reveal to what ethnic group they belong, which can be summarised and used in order to design policies addressing underrepresentation issues. We need to safeguard privacy of gathered information, that it is adequately stored and processed. It is also important to adopt legislation on personal data, which can provide appropriate guidelines.

⁵ Commonwealth of Independent States

(iii) Eradicating Discriminatory Operational Practices: Towards Community Policing and an Increased Trust in The Police

- Mr Chris Taylor presented on Tackling unlawful discriminatory practices in law enforcement
- Mr Mark Bradley presented on Building trust in institutions and engaging with minority communities

Mr Taylor shared with participants a tool which enables an assessment of current compliance with specific recommendations on policing. The template was originally designed for use by OSCE participating states to assess compliance with specific recommendations with regard to Roma and Sinti, however it can be successfully applied to other minority situations as well. Operationally, there are three areas of vulnerability of the police in the OSCE area, which is also where unlawful discrimination can be found. These areas are: (i) proactive nature of policing is raising serious issues including ethnic profiling; (ii) police may use or be perceived to use their general police powers either disproportionately or against members of minorities (minorities are over-policed); (iii) police may not provide the victims (including witnesses) sufficient help (under-policing). The speaker furthermore addressed components of institutional discrimination: indirect discrimination, employment practices, occupational culture, staffing structure, training, lack of positive action, quotas, management and leadership, intercultural understanding and communication, handling and diffusing situations of actual or potential conflict or tension, the need for the police to cooperate closely with other public agencies (especially at the local level) and understand that action needs to be taken to prevent and manage not only inter- but also intra-ethnic tensions.

Mr Bradley stressed the point there is a firm belief in contemporary policing that the police exist to serve the public and it cannot properly discharge their duties without public support. It is recognised that community engagement and local policing is a central element to all forms of policing, from the neighbourhood to national and on to international levels. Public confidence and trust are essential. Explaining the five primary elements of community partnership and community safety delivery: (i) problem solving, (ii) partnership, (iii) intelligence and information flow, (iv) quality of service via demonstrable effectiveness, (v) public confidence and trust. Before you can formulate and deliver an effective community based safety strategy, it is necessary first to agree on priorities with the public and partners; in addition, actions and owners of those actions, timescales, and measures also need to be agreed on, actions need to be regularly reviewed, monitored and reported on (reported to the public, partners and to own organisation). A multi-agency community safety strategy should thus contain: priorities, actions, owners, timescales, performance indicators, formal monitoring and evaluation, and reporting and feedback mechanism. Benefits of community interaction are (i) access to local policing services through a recognised point of contact, (ii) influence over policing priorities in their neighbourhood, (iii) joint action with partners and the public, (iv) forming sustainable solutions. Potential pitfalls of such interaction are: (i) political interference, (ii) single-issue activists, (iii) apathy, (iv) lack of vision by partners, (v) constraints and silo mentalities, (vi) data issues.

Discussion

The discussion highlighted the issue of the police having in most cases a solid, rigid structure in which priorities are identified at the top; majority of police officers also may not understand the need for accountability with regard to the community as it has no impact on their careers. The experts pointed out the case of Albania, where the police are trying to introduce community based action plans and community protection plans, shifting the culture of the police and the community. Pilot projects were designed by introducing a process of deep community engagement, e.g. engaging minorities in the development of annual plans for the police force. Police should also publicise good work, e.g. policing done at the UEFA Euro 2012 was good, but was not publicised, and was picked up by the press was negative. Soviet legacy and how people perceive law enforcement agencies (and

vice versa) was identified as a challenge to establishing community policing. There have been steps forward in building trust and accountability but many challenges remain. We cannot look at the police as an entity separate from the society, as in many ways it is a product of the society.

(iv) Identification and Mapping of Problems Related to Minority Inclusion in Law Enforcement and Judiciary; Developing and Implementing Effective Policy Recommendations

- Mr Oleh Protsyk, OHCHR, presented the OHCHR ROCA Study on minority inclusion in law enforcement in Kyrgyzstan
- Mr Murat Yildiz, OSCE, presented the work of the OSCE Strategic Police Matters Unit

Mr Protsyk Presented the OHCHR Study on minority inclusion in law enforcement in Kyrgyzstan, which - though focused on one country - raised many issues that are pertinent for the wider region. An assessment of minority participation in law enforcement is needed by any stakeholders - it is useful for the police as it helps them improve their work, it is important for the wider society as it can also be an indicator of social integration of minorities. This is an unprecedented study for Central Asia, which has also benefited from a high level of accessibility of the Office of the public prosecutor and other relevant institutions. The study focused on three elements: (i) representation of minorities in law enforcement, (ii) training in interethnic relations, and (iii) engagement with ethnic groups. The study showed that in terms of career development, minority representatives do not see good prospects, which influences their work or the decision not to apply to join the police. The data shows high underrepresentation of minorities in law enforcement, which can become even worse in the future as year five of the police academy (which has a 10% quota for minorities) still has 8% of minorities, but in the first and second year there is a large decline in minority representation, which means that the police in Kyrgyzstan is set to be even more mono-ethnic than it presently is. Looking at the Osh province (where Uzbeks make up over 50% of the population) police department, there are no Uzbeks in high positions and only a few among commissioned officers. This type of study offers the opportunity to design targeted recommendations, such as the need for amending strategic documents to include minorities (needs political will), the need for monitoring and data collection, for improving the methodology and quality of police training, including training for senior officials, designing targets for minority employment in the police force (e.g. in the Bishkek area the aim could be to move from the current 1% to 5%).

Mr Yildiz focused on the OSCE experience and lessons learned with regard to policing and minority issues. OSCE presence is primarily aimed at assisting governments, police agencies and States in promoting democratic policing practices, with a particular emphasis on multi-ethnic policing. OSCE worked with a number of states on reform of their police services as a primary step for establishing confidence in the police (also by minorities) and thus re-legitimising the state's monopoly on force. First and foremost, a legislative framework for multi-ethnic policing is needed. Cooperation between the police and all segments of society is of extreme importance also for the sake of effectiveness. Police officers are very much results-oriented and it is important to clearly establish the link between effectiveness and community cooperation. A recent example of how OSCE helps countries is the community security initiative in the South of Kyrgyzstan - aiming to build confidence between the society and law enforcement structures. Lessons learned: Creation of multi-ethnic policing has been a crucial element in rebuilding the trust of minority communities in the police, however winning the trust of all ethnic groups requires a process of ethnic political rethinking and is a learning process. The most important (and difficult) step is to convince the decision makers (they are different from country to country) that reform is necessary, as it is difficult to achieve results on the ground without the commitment of senior management. OSCE has produced much guidance on policing and police reform (Guidebook on democratic policing; Good Practices in Building Police-Public Partnerships; Police and Roma and Sinti) which can be of value in developing further police services in the region.

Discussion

In the discussion on the OHCHR study it was explained that the study did not focus on gender, however some data on women representation was gathered. The envisaged change can only come about through a long process, which could start with changes in strategic documents. It was highlighted that language is an important issue, also when talking about recruitment, as are low salaries, perceived low career development opportunities, mistrust, and obligatory army service (to be eligible to train to be a police officer). The expert from OSCE SPMU stressed that training needs have to be identified before one even starts thinking of doing training and in order to correctly assess training needs, one needs to speak to the officers on the ground, as sometimes an expressed need coming from the ministry does in fact not reflect the real needs on the ground. OSCE tries to suggest that experts conduct a needs assessment and then design a program, which should be done hand in hand with local experts as local knowledge is invaluable. The importance of sustainability and training the trainers was also flagged as was the view that training should go hand in hand with systemic change. The participants also agreed that there is not enough of training of senior police officials.

(v) Independent, Impartial and Representative Judiciary: Building Confidence in the Administration of Justice in Multi-Ethnic Societies

- Mr Roman Kuibida, Centre for Political and Legal Reforms, presented on the Role of the judiciary in upholding minority rights
- Ms Mirgul Karimova, Eurasia Foundation of Central Asia, and Ms Sanela Paripovic, UNDP BiH, presented good practice examples on strengthening access to justice

Mr Kuibida proposed to consider two dimensions when talking about justice: ensuring access to justice for minorities and strengthening confidence in the judiciary. Six aspects of access to justice for persons belonging to minorities contribute to an effective judicial system: (i) independent judiciary, (ii) access to effective legal aid, (iii) availability of effective extrajudicial safeguards, (iv) overcoming language barriers, (v) availability of special judicial procedures protecting from discrimination, and (vi) special training of judges on international standards. Further to the independence of judiciary, the Copenhagen document on the Human Dimension states that questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary. In terms of strengthening confidence in the judiciary, this can be achieved through representation of minorities in the judiciary, which can be achieved by way of quotas or assistance for persons belonging to minorities in getting the necessary qualifications. Quotas for the judicial system are very rare, however, if they exist, they are always a temporary measure. A more effective way is improving access to the judicial profession for minorities, which is a more long-term process. Representation of minorities in the judiciary can be achieved by way of quotas or assistance for persons belonging to minorities in getting the necessary qualifications. The Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia for instance encompass a specific provision on encouraging minorities to acquire the necessary qualifications for being a judge.

Ms Karimova presented the three-year “Equal Before the Law: Access to Justice in Central Asia Programme”, currently nearing its midway point, whose goal is to provide access to justice in particular to rural women, at-risk children and persons with disabilities. Two main goals of the programme are: (i) national law and practices become better aligned with international law and best practices, and (ii) citizens' ability to access national law to defend their rights and interests is increased. Improving national law and practices concentrates on three main aspects: aligning them with Treaty Body recommendations, working towards creating a more child-friendly justice system, and improving law school instruction on access to justice. With respect to access to justice, the

programme works towards reducing problems created by registration policies, increasing the likelihood that citizens will seek legal redress, building the capacity of local actors to be better able to assist vulnerable people, and increasing government legal aid to vulnerable people. One of the aims is also to expand the programme in order to reach highly marginalised groups such as minorities, street children, prisoners, migrants. Law students, benefiting from the programme, are invited to conduct internships for the programme and provide advice to local people, training them on how to access the justice locally. The aim is to achieve 30,000 consultations provided through the course of the project. As a tool to improve access to justice they also offer grants to local institutions, helping to implement the programme locally. They also undertook research on the role of informal leaders (religious and other community leaders), to be published shortly.

Ms Paripovic presented the UNDP BiH Access to Justice Project taking place in the context of a post-conflict situation where a lack of trust in the judicial system and government prevailed. Within the post-conflict reform initiatives, all police officers were subjected to re-certification and all judges and prosecutors were subjected to a re-appointment process. Currently 798 judges, out of which 451 are Bosniak, 325 Serb, 157 Croat, 27 »others« (including minorities), 7 undeclared and 9 are international judges. Judiciary was reorganised and in 2008, a justice sector reform was adopted. In the same year the process aimed at forming a transitional justice strategy started, which is currently at the stage of public consultation on the draft of the strategy. One of the challenges was to introduce the value of transitional justice to stakeholders and help them move from not even talking to each other to advocating for their rights together. In the early phase, when the challenge was to get the stakeholders to discuss the problems, the techniques used were workshops, public campaigns, conferences, face-to-face meetings with victims and government representatives. The need to address post conflict issues in a systematic way also led to the production of a Transitional Justice Guidebook, which is a result of inclusive, participatory approach. An expert working group was also formed, composed of 10 government officials and five CSO representatives. The overall project strategy focuses on: fact-finding and truth telling; reparations and memorials; and institutional reform, with the main goals of ensuring proactive participation of all on an equal basis; local ownership over the process and results; readiness to continue dialogue on strategic issues; and strengthening the partnership between the public institutions and CSOs.

Discussion

The discussion highlighted registration as a structural cause for lack of access to justice. Traditionally in rural parts of the region it is not usual practice to register birth, marriage or place of residence (even though required by law), which creates a major obstacle to accessing various services. With respect to ensuring independence of judges, three important elements of such a process were mentioned: (i) ensuring the term of the office of the judges; (ii) ensuring their material wellbeing through a salary and a pension, and (iii) institutional independence. With regard to envisaged concrete results of the transitional justice strategy in Bosnia and Herzegovina, they will feed into social reform activities and processes. An objective is to establish truth-seeking mechanisms, based on an agreement on what type of mechanisms would be best. There is also a need to improve the reparations programme, because mechanisms, legislation and processes are currently not coordinated and lead to different treatment. Reparations programme should be aimed at treating all victims equally and developing a program that would realistically address their needs.

(vi) Role of National Human Rights Institutions in Building an Inclusive and Responsive Police Service and Judiciary

- Speaker: Mr Dmitriy Kabak, Public Foundation “Open society”

Mr Kabak, representing the Public Foundation “Open society”, shared his experience about the work of the Ombudsman's Office in Kyrgyzstan. Supported by several UN agencies, an initiative was

launched on assistance with the restructuring of the mandate of the Ombudsman's Office, for which an analysis of the Office structure was undertaken. The Department of Ethnic and Religious Policy and Interaction with Civil Society in the Administration of the President reflects the priorities of the country and perhaps the same priorities should be reflected in the work of the Ombudsman's Office, however this is currently not being addressed. The Office has opened up opportunities for protecting human rights through taking up cases – the conflict in the Petrovka village before the June 2012 events was investigated through a committee and while the investigation showed that the ethnic background of law enforcement officers can influence their behaviour. An initiative to be praised is that the Office received the power to develop a new law on peaceful assembly. The Office is limited in its competencies to publishing an annual report, special reports and recommendations. It cannot ensure implementation, however it is important that it can voice out human rights concerns. In addition, the Office does not have an adequate budget, which would enable it to carry out all the tasks that could be envisaged as necessary. The Ombudsman's Office has significant analytical capacity and was launched with good political support. The question is how to clearly define its tasks, and this needs to be resolved. Speaking about police reform, many quote the Georgian experience and good practices of other countries should be taken into consideration.

Discussion

In response to questions from participants, the following issues were discussed: Information on the ethnic composition staff working in the Office is not publicly available, which also results in criticism. The Ombudsman's Office created a consultative body, which included eminent experts on human rights issues; however this body decided to work independent of the Ombudsman's Office, as they saw their recommendations being blocked. This led to the establishment of an independent council of human rights activists. The possibility or desirability of creating an Ombudsman for the rights of the child was also mentioned. After a recent restructuring, the Office now has a weaker presence in the regions of Kyrgyzstan, and analysis of pertinent issues is centralised in Bishkek. The Office does, on the other hand, conduct targeted regional visits and participates in various events.

(vii) Independent Oversight, Accountability and Integrity in Law Enforcement and the Judiciary

- Mr Johannes de Haan, UNODC, presented tools and knowledge products for police and the judiciary
- Mr Mark Bradley presented on police oversight and accountability

Mr de Haan introduced four relevant tools and knowledge projects that have been developed by UNODC for police services: (i) Criminal Justice Assessment Toolkit (which contains a component on police integrity and accountability), (ii) Introductory Handbook on Policing Urban Space, (iii), Handbook & Training Curriculum Effective Police Responses to Violence against Women, (iv) Handbook on Police accountability, oversight and integrity. An inclusive police service is more effective, more legitimate, provides a greater sense of security and safety as well as ownership amongst minorities. Such a service also contributes to the prevention of violence and conflict. Some of the challenges, which the Handbook on Police accountability, oversight and integrity was designed to help address, are: limited data on minorities, under-representation of minorities in police, limited training and career development opportunities for personnel from minority communities, failure by police to properly investigate crimes committed against people from minority ethnic communities, arbitrary or disproportionately frequent identity checks, arrests, detentions, harassment of minority groups, lack of understanding of dynamics of majority-minority relations, low number of complaints relating to discrimination (access to justice), risk of secondary victimization for victims from minorities, and a perception that the police are unresponsive and unaccountable to the communities they serve. The main components of the Handbook help address complaints against the police, oversight, and leadership of the police. In terms of the judiciary, there

are a specific module on judicial integrity in the Criminal Justice Assessment Toolkit, Commentary on the Bangalore Principles, Guide on Strengthening Judicial Integrity and Capacity, Judicial Ethics Training Manual, and the Court User Guides.

Mr Bradley highlighted, that police accountability is a vital element of contemporary policing and both individual officers and law enforcement agencies should be held to account for their actions. Police accountability is about ensuring that all police officers (from all ranks) do not misuse their powers, but also that they use their powers towards the benefit of citizens. The purpose of accountability systems is to prevent the police from misusing their powers, prevent political authorities from misusing their control over the police, improve police performance, and enhance public trust and confidence and reinforce police legitimacy. Integrity can be undermined by behaviours that fail to uphold the values and principles of public office, which can be maladministration, misconduct or corruption. General principles of a police complaints system: it needs to be (i) understandable, (ii) open, transparent and accessible, (iii) committed to promoting equality, (iv) efficient and properly resourced, (v) committed to the development of a caring culture in the delivery of policing services. An independent police complaints body (ICPB), which must be representative of a diverse population, is also essential for public trust and confidence; it needs to be representative, responsive, and accountable. It is imperative that any IPCB is transparent in its operations and fully accountable and it is also recognised best practice that any police complaints commissioner should be appointed by and answerable to a legislative assembly or a committee of elected representatives that does not have express responsibilities for the delivery of policing services. IPCB responsibilities are investigation and oversight; they need to respect police operational independence and should consult all concerned parties. Any IPCB should have oversight of the entire police complaints system and they should jointly share responsibility with the police for: (i) visibility and accessibility of the police complaints system, (ii) notification, recording and allocation of complaints, (iii) mediation of complaints not requiring investigation, (iv) police investigations of complaints and misconduct, (v) learning lessons from complaints.

Discussion

In the discussion, possible models of police complaints bodies were discussed. For instance, in the UK in the 1990s the police complaints body did not have independence, which led to the establishment of the Independent Police Complaints Commission (IPCC). In terms of reforming the police, there is often lack of trust present. A way of dealing with that can be to establish an independently funded complaints office, led by independent commissioners and involving police officers from around the world as investigators. There are 43 independent police forces in England and Wales, with 5-20 thousand police officers in each, and each force has an anti-corruption directorate to which complaints can be made. In effect, this establishes a two-tier system, since basic complaints about non-criminal actions of police officers can be made to individual police force's anticorruption directorate, and the allegations of abuse of human rights, serious cases of corruption, shootings, deaths while in police custody are investigated by the IPCC. A number of checks and balances must also be in place to protect complainants. It is imperative that the police complaints system is supported by effective legislation; in addition, various ways of making complaints should also exist, such as third party reporting, submitting complaints through secure lines, on-line, anonymously.

(viii) The Role of Minority Representative/Consultative Bodies and the Civil Society in Building an Inclusive and Responsive Police Service and Judiciary

- Speakers: Mr Talgat Djakiyanov, representing the Assembly of the People of Kazakhstan and Ms Atirkul Alisheva, Institute for Regional Studies, Kyrgyzstan

Mr Djakiyanov highlighted that in Kazakhstan, where over 130 ethnic groups live, the issues of interethnic relations and tolerance have always been a priority. Consequently, the Assembly of the People of Kazakhstan, an advisory body which unites the leaders of all ethnic associations with the head of state, plays an important role. Working body of Assembly is its Secretariat, which forms part of the Administration of the President of the Republic of Kazakhstan. The Assembly meets every year under the auspices of the president in order to consider and advice on interethnic issues. Furthermore, nine members of Parliament are selected from the Assembly; in the Parliament there are currently deputies from 14 minority groups. Neither a definition of national minority nor the notion of diaspora are applicable to Kazakhstan, as all its citizens are equal and Article 14 of the Constitutions stipulates they may not be discriminated against on the basis of origin, ethnicity, religion etc. The Assembly and OSCE HCNM have a long tradition of cooperation through e.g. instruction programme in education, training on interethnic relations, and joint activities on law enforcement. As part of the cooperation with OSCE, a workshop on policing in multinational society will take place in two provinces in late October. Assembly established robust relations with the Ministry of Internal Affairs in order to prevent ethnic conflict; the Assembly also provides support to the police, as situations that could affect interethnic relations are controlled jointly. A Centre for Inter-ethnic and Inter-confessional Studies was established at the last session of the Assembly, whose activities target three main components: training, research, and monitoring. The Assembly is also implementing a plan of activities based on the doctrine on national unity, adopted at the Assembly, including regular monitoring of the interethnic situation and identifying trends that can negatively affect inter-ethnic relations.

Ms Alisheva stressed that in Kyrgyzstan, the civil society has been actively taking part in policy making and development of various documents, also with regard to minorities. In Kyrgyzstan, the representation of minorities in law enforcement bodies is poor. The Soviet system of recruitment still remains in place in as much as there is a demand that a person needs to go through military service in order to be eligible for work in the police. This in effect constitutes a limitation for persons belonging to minorities who would wish to join the police but have not carried out military service. In order to involve minorities in law enforcement, additional positive measures both from the State and the Assembly of the People of Kyrgyzstan, from national and cultural centres and the civil society are needed. There is a need to involve minorities in the work of law enforcement bodies: Good practices need to be identified and replicated, a task which could fall under the mandate of the Assembly. In addition, cultural centres should also be more active in informing minorities, as it often seems they are not aware of such important provisions as for instance the minority quota for the police academy. Such positive action should be communicated better. The Assembly is currently a consultative body placed under the Office of the President. As the country is developing a parliamentary-based style of democracy, Ms Alisheva proposes that the Assembly be reshaped and that similar consultative bodies be established within the Parliament, thereby increasing the engagement of minorities in the parliament.

Discussion

The discussion highlighted that a public expert council has been established in Kyrgyzstan in 2012 in order to consult with the president and improve the situation of minorities. The council has made several recommendations, including on the criminal code provisions for inter-ethnic crimes. The need to reform the Assembly of the People of Kyrgyzstan was stressed, as the Assembly does not represent the true diversity of the Kyrgyz society; its activities should be expanded and it should not deal only with cultural issues. The 2010 events have proved that the voice of the Assembly does not carry much weight and there is a danger of repeating the mistakes that were made in 2010. As an achievement for Kazakhstan it was underlined that people feel it is most important to be a national of Kazakhstan and not to which ethnic group one belongs. In conclusion, a suggestion was made that the concept of a national minority is not appropriate for post-Soviet countries.

(ix) Way Forward: Putting Issues of Equality, Non-Discrimination and Effective Participation of Minorities on the Public Agenda

- Ms Eva Chylinski (European Centre for Minority Issues Caucasus) presented the guide “Minority Issues Mainstreaming in the South Caucasus”

Ms Chylinski presented the process, which led to the publication of the guide entitled Minority Issues Mainstreaming in the South Caucasus. Through the project, the European Centre for Minority Issues Caucasus tried to explore how 'one size could fit all', from the methodological context, namely how the promotion and protection of minorities can be addressed in several countries through the same methodology. It is important to have an overview on the situation of minorities in a given country and a collection of references related to particular countries, which enables the use of the guide as a training toolkit, both for governments as for other stakeholders. The main guidance given is on including minority issues in different aspects of planning and programming. It is useful to combine theoretical, legal and practical advice on how to deal with minority issues, which also entails methodological ways of implementation and monitoring. The target groups are national and local governments, national and international organizations, implementers of political decisions at all levels, project leaders and project staff, researchers and analysts. The guide includes, inter alia, a minority needs analysis in individual countries and a step-by-step guide on how to mainstream minority issues into the project cycle (also for different sectors). Compiling the manual has been also discussed extensively with its direct recipients. When the guide was almost completed, they also offered training in the use of the guide for those involved, and the inclusive process brought about ownership, leading to motivation for its implementation.

Discussion

Updating on the current status of the guide Ms Chylinski explained that it is ready, has been distributed and is being used by national Governments and local authorities in terms of planning, particularly in regions of compact settlement of minorities. Interest in supporting minority inclusion has existed for the past five to six years. It is looked at as support of the democratic development of the region. There is also differentiation in terms of needs: Armenia has 3% of minorities, Georgia and Azerbaijan approximately 16%. There is support from the international community, but whether it will continue at the same pace is a different question, as donor priorities change.

AD.1) Presentations from State delegations

Azerbaijan:

The national policy of Azerbaijan pursues a consistent policy towards minorities in the country (9,4% of the population). They are largely represented in parliament and hold high governmental positions. The constitution (Articles 25, 44, 127, 154) and national legislation provide for protection of minorities and non-discrimination, and in addition, a presidential decree on minority rights was adopted in 2011. Around 50 independent NGOs, national cultural centres, public unions and associations dealing with minority issues receive financial assistance from the State. Regular radio programmes in minority languages and numerous newspapers and magazines are published in minority languages, some also financially supported by the state. The right to identity and language is one of the essential principles in ensuring the protection of national minorities, unequivocally stated in the constitution.

Azerbaijan also attaches great importance to awareness raising - since 2007, the State Committee for the Work with Religious Organisations held over 400 seminar trainings on cultural and religious diversity, including inter-religious dialogue. Azerbaijan also attaches particular importance to human rights education, and has conducted several trainings, strengthening respect for people of different cultures. There are also no legislation provisions requiring information on national origin (e.g. in

identity documents). Azerbaijan, as a multi-ethnic and multi-confessional State, is committed to the principle of equality among all citizens.

Belarus:

Belarus, where minorities constitute 14% of the population, is party to major international human rights instruments, including those related to minorities, as well as to a number of instruments and covenants within the Commonwealth of Independent States (CIS), which protect minorities. The delegation expressed regret that the event was not attended by a member of the CIS Executive Committee. Belarus constitution addresses the issue of inter-ethnic relations and the Law on National Minorities forbids direct and indirect limitations to the rights and freedoms of citizens belonging to minorities and provides for the protection of citizens, regardless of their ethnic belonging.

Belarus established the post of a Commissioner on Religions and Nationalities, whose competencies include all issues pertaining to national minorities and who has representatives in all regions of the country. The Commissioner, in order to effectively develop recommendations on State policies on national minorities, created an Advisory Inter-Ethnic Council, which includes 20 minority representatives from 20 different ethnic groups. Belarus is also implementing a five year programme (2011-2015) on development of the confessional sphere, inter-ethnic relations and cooperation with compatriots abroad. All Belarus citizens have equal access to jobs, including those in law enforcement agencies, as well as access to those agencies if their rights were violated. Belarus is planning to organise an event on minority rights in Minsk in 2013.

Republic of Moldova:

Republic of Moldova is a poly-ethnic state (minorities represent around 25% of the population) in which efforts are taken to ensure respect for minority rights. In addition to the National Human Rights Action Plan, the Parliament adopted in 2012 the Law on ensuring equality. According to relevant legal provisions, initiation of a career as a judge or prosecutor is determined by selection based on merit and legislative appointment/nomination after the suggestion of the Superior Council of Magistracy. Respectively, the employment procedure for the organs and subunits of the police is performed both on the basis of competition, as well as through contracts established by the Ministry of Interior, in compliance with the provisions of the Law on Police.

Currently, according to the data of the Ministry of Interior, ethnic minorities such as Russian, Ukrainian, Gagauz, Bulgarian, Roma etc. are represented in the activity of the law enforcement bodies. At the same time, during the process of employing personnel in the police subunits serving the territorial administrative units densely populated by national minorities, the candidates who represent those nationalities and possess the language spoken in that region have priority in being selected and promoted to the respective positions. Both the judiciary and the police undergo initial and continuous specialized training in the area of human rights (including minority rights). The creation of policies which affect minorities is transparent and inclusive of minorities; the Ministry of Interior initiated in September 2009 a reform of the police system and the justice system is undergoing changes according to the National Strategy for the reform of the justice sector, with all these processes integrating a human-rights based approach.

AD.2) Presentations by National Human Rights Institutions (NHRI)

Kazakhstan

Mr Rustam Kypshakbayev of the National Center for Human Rights highlighted that the Center has a good representation of ethnic minorities. In 2011, the Ombudsman's office received 14 complaints in connection to discrimination on ethnic grounds (1.2% of the total number of complaints) and in 2012 they have so far received five complaints, of which discrimination was the main issue in two cases. Complaints related to language rights are treated separately since minorities who speak the same language do not necessarily belong to the same ethnic group. There were cases of discrimination on the grounds of language in law enforcement and the Office is working together with the Ministry of Internal Affairs in order to address this issue. The mere absence of complaints does not necessarily mean that there is no problem and discrimination can often be concealed. There is also a tangible methodological deficit with regard to measures which could be taken by citizens and law enforcement bodies in order to control ethnic discrimination. They would welcome further training of law enforcement authorities, as for instance many officials only have a vague idea about the provisions of the Minorities Declaration. The predominant opinion of the State is that it is important to ensure equality rather than control discrimination. The position of the State is that we are all Kazakhs. Report of the Independent Expert on minority issues was a sensation among those people who are knowledgeable on the issue. There are no human rights advocates dealing with the issues of minorities. Officials do make references to the report, especially as they are currently preparing the national report for CERD, where it is being taken into account.

Tajikistan

Mr Tagoysho Togoyshev of the Commissioner for Human Rights explained that in Tajikistan a law on the special representative for human rights governs their NHRI. A strategy for the development of the NHRI through 2011-2015 was designed and approved, which identifies the main priorities and specific steps that need to be taken in order to implement the strategy. The strategy contributes to the efficiency of the institute and for instance provides for the full abrogation of the death penalty (in relation to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty), ratification of the Convention on the Rights of Persons with Disabilities, and protection of other vulnerable groups. The NHRI can also accept and consider complaints; an analysis of the received complaints shows that the majority of the complaints are related to the issues of access to and the administration of justice. Tajikistan has ratified the main human rights treaties and they are conducting activities aimed at honour these commitments, this Tajikistan has submitted all seven preliminary reports as well as the first report for the UPR process.

Turkmenistan

Mr Allamurat Berdiyew of the National Institute of Democracy and Human Rights under the President of Turkmenistan stressed that the issue of NHRI is at present widely discussed in Turkmenistan. The Government of Turkmenistan has set it as its priority that human rights should be protected under national policies and has been implementing international human rights norms through the national legislation in accordance with the Article 19 of the Constitution, which provides for the equality of rights and freedoms. In addition, Article 3 stipulates that the State is responsible for every citizen and creates conditions for free development of the individual, protects the life, honour, dignity and freedom, personal integrity, natural and inalienable rights of the citizen. There are certain criteria regulating work in law enforcement: the candidates have to be citizens, with adequate education, professional and moral skills and need to be physically able to implement the duties of a law enforcement officer. At present there are Russian, Uzbek, Kazakh, Azeri and other ethnic groups represented in law enforcement in Turkmenistan. There will also be a population census later in the year, which will provide more specific information on the number of ethnic groups in Turkmenistan.

Armenia

Ms Tatevik Khachatryan of the Defender of the Rights of Minorities clarified that minorities in Armenia constitute about 3% of the total population and encompass over 20 nations. As member of the UN, OSCE and CoE, Armenia has ratified many documents, which relate to the rights of minorities, including the Convention on the Elimination of All Forms of Racial Discrimination, Framework Convention for the Protection of National Minorities, European Charter for Regional or Minority Languages etc. Article 14 of the Armenian constitution outlaws discrimination and there are also non-discrimination provisions in the majority of domestic laws, fostering an overall environment of tolerance towards minorities. One of the main bodies dealing with minority rights is the Coordination Council, which acts as an advisory body to the President. In addition, funds are allocated and proportionally disseminated to minority organisations. The Ombudsman's Office prioritises issues of national minorities and a Department for the Protection of Vulnerable Groups has been established to this effect. A specific report on minorities published in 2011 points out some problems that minorities face: government funding allocated for minorities is not sufficient; there were complaints received about proportionality and minority languages in schools; requests for more air time for programs in minority languages (currently two hours per week). The report recommends an elaboration of a strategy ensuring educational rights; raising awareness of law enforcement on minority rights; ensuring participation of minorities in public life and fostering a more effective cooperation between communities. OSCE also implemented a number of projects in Armenia, including a project on democratic policing practices; however effective participation of minorities in the police is not specifically targeted.

Ukraine

Mr Yuriy Belousov, Representative of the Commissioner on the implementation of the national preventive mechanism spoke of the role of the Ombudsman's Office in Ukraine, which has a separate department dealing with discrimination issues. There is no specific unit on minorities and a complaint received will be sent to the relevant department no matter who is submitting the complaint. A new anti-discrimination law entered into force in October, which also includes an article on the Ombudsman's Office. The new law, inter alia, provides that: (i) the annual report of the Office should separately highlight the issues of discrimination; (ii) the State Committee on Nationalities and Religion is to be abolished and its mandate given to Ministry for Education; (iii) it is the responsibility of ministers to approve action plans on discrimination. The National Committee has also developed a national action plan on countering racism and discrimination, and it is hoped that this issue will now be tackled by the Ministry of Culture. The Ombudsman's Office does not coordinate policy on discrimination, as the Government plays the coordinating role.

Effective participation of persons belonging to minorities in law enforcement: Building an inclusive and responsive police force and judiciary

Expert Workshop

Bishkek, 18-19 October 2012

CONCLUDING STATEMENT AND RECOMMENDATIONS

The regional expert workshop “Effective participation of persons belonging to minorities in law enforcement: Building an inclusive and responsive police force and judiciary” took place in Bishkek, Kyrgyzstan on 18 and 19 October 2012 and brought together representatives of governments, national human rights institutions, minority representative bodies and civil society organizations from Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Republic of Moldova, Tajikistan, Turkmenistan, and Ukraine. The event was organized by the Office of the UN High Commissioner for Human Rights, in cooperation with the Office of the OSCE High Commissioner on National Minorities.

The expert workshop participants explored a wide range of minority rights issues in relation to promoting and protecting the rights of persons belonging to minorities within law enforcement and the judiciary. Particular attention was given to the issues of ensuring effective participation, access to justice issues, tackling unlawful discriminatory practices in law enforcement, the importance of trust-building and independent oversight, as well as the invaluable role the national human rights institutions and the civil society have in guaranteeing minority rights are observed.

The participants acknowledged the importance of further advancing minority rights with the aim of building a responsive and inclusive police force and the judiciary. They pledged to strengthen their efforts to this end in their respective countries and undertook to continue dialogue on these issues with a view to exchanging good practices amongst the participant States.

In particular, they pledged to work together to support:

- 1) Collection and sharing of disaggregated statistical data and other information in order to determine to what extent persons belonging to national or ethnic, religious and linguistic minorities are employed in law-enforcement and judicial bodies. This should in turn lead to designing concrete measurable action to facilitate minority participation in the judiciary and law-enforcement with the aim that their composition will reflect the diversity within the society with respect to race, ethnicity, religion and language.*
- 2) Work towards including more human rights education (including minority rights) in the training of law enforcement and judicial officials. Human rights education needs*

to be part of the officials' training and capacity building from entry-level to the highest positions in law enforcement and the judiciary.

*The expert workshop participants appreciated the facilitating role of the Office of the UN High Commissioner for Human Rights at the event and took note of international and regional minority rights standards that apply with regard to law enforcement and the judiciary. Discussions, held throughout the expert workshop, lead to the elaboration of the following **recommendations**:*

1. Efforts at advancing minority rights with respect to law enforcement and the judiciary should take fully into account, in addition to the general international human rights standards, also the provisions of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, UN Forum on minority issues recommendations, OSCE High Commissioner on National Minorities' Recommendations on Policing in Multi-Ethnic Societies, the OSCE ODIHR Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia and to draw on the good practices prepared in connection with the OSCE work on policing in diverse communities.
2. Furthermore, when designing programmes or trainings on minority rights in law enforcement, those responsible are recommended to consult the following publications: Human Rights and Law Enforcement: A Manual on Human Rights Training for the Police, International Human Rights Standards for Law Enforcement: A Pocket Book on Human Rights for the Police, Human Rights and Law Enforcement: A Trainer's Guide on Human Rights for the Police, Human Rights Standards and Practice for the Police: Expanded Pocket Book on Human Rights for the Police, UNODC Handbook on police oversight, accountability and integrity, UN Resource Guide on strengthening judicial integrity and capacity, and the forthcoming OHCHR publication Policing Minorities: Challenges and Effective Practices.
3. Participation of persons belonging to national or ethnic, religious and linguistic minorities in the police force and the judiciary should be effective and sustainable. Relevant stakeholders' efforts should be aimed not only at recruitment, but also at guaranteeing retention and vertical mobility opportunities for minority representatives.
4. Efforts to further improve the quality of police service delivery should focus on targeted change management aimed at building or increasing trust in the police and advancing its engagement with minority communities. This may entail an increased need for human rights training of law enforcement officials (including senior officials), which should - in addition to other measures - also be aimed at eradicating unlawful discriminatory practices such as arbitrary or disproportionately frequent identity checks, arrests, detentions or harassment of persons belonging to minorities.
5. Guaranteeing independent oversight and accountability is crucial for upholding integrity, deterring misconduct and restoring or enhancing public confidence in law-enforcement. A long-term effort is needed to ensure that an adequate and independent oversight framework is put in place. Furthermore, judicial independence is an indispensable element of the right to due process and the rule of law and all endeavours at additional strengthening of judicial independence in the region should be encouraged.

6. In order to develop effective measures aimed at advancing minority rights in the areas of law enforcement and the judiciary, states are encouraged to collect comprehensive and disaggregated data with regard to persons belonging to minorities, which goes beyond employment data. Such data-gathering exercises⁶ should take place in a sensitive manner, proceeding through statistical or other operations on a voluntary basis, in accordance with international standards of personal data protection, as well as on the basis of their self-identification as members of groups concerned. Methods of collection of such data should be designed in close cooperation with minorities.
7. National human rights institutions (NHRIs) - which should themselves be representative of the diversity in their respective societies - should consider putting into place a specific mechanism to address minority issues. As independent and autonomous institutions mandated to protect and promote human rights, they are of paramount importance and a crucial stakeholder which can address core protection issues with respect to minorities. NHRIs should monitor the number of complaints regarding law-enforcement received from persons belonging to minorities and assess whether they are adequately aware of their rights and enjoy unlimited access to available mechanisms, with no fear of reprisals, and design their work plan as well as outreach and information strategy accordingly.
8. Civil society organisations, including minority organisations, should be a valued partner in guaranteeing the promotion and protection of minority rights within law enforcement and the judiciary. Civil society should continuously engage with relevant stakeholders in order to contribute towards, inter alia, eradicating unlawful discriminatory practices and attitudes, and addressing accountability as well as access to justice issues more effectively. Civil society organisations should cooperate closely with minority groups and consider developing dedicated initiatives focusing on the identified problem areas.
9. Inclusive follow up processes to this expert workshop should be encouraged, while involving minority and majority representatives and reflecting gender balance. Furthermore, all key actors, including national human rights institutions and the civil society, should pay close attention to the rights of persons belonging to national or ethnic, religious and linguistic minorities in their work.

⁶ For instance disaggregated data on persons belonging to minorities with relation to ethnic profiling, number of arrests and detentions, other crime-related statistics, minority representation in the justice system, access to justice data, number of complaints (also submitted to NHRIs) filed by persons belonging to minorities etc.