

## Promoting fair and efficient policing for Roma and Travellers in the EU

*Claire Fernandez – Deputy Director Programmes*

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*Check for delivery*

Thank you for giving me the floor.

Thanks to the EESC for organising this event during the Roma week, as criminal justice and law enforcement are often not covered as a theme during the Roma week.

It touches upon core Member States competences – police, border management – and justice. But at ENAR we think the EU has a role to play as we are talking about discrimination which is a EU competence.

ENAR members report increase abusive policing and ethnic profiling in the context of border controls to curb **migration and in the frame of counter-terrorism**. This affects many groups, people of African descent, Muslims, migrants, but also Roma and Travellers.

There is an increase role played by the EU in context of border control (external border controls migration flows) and exchange information and resources to combat terrorism. At EU level – beyond general equality legislation - there is no safeguards to prevent ethnic profiling or other discrimination in context of law enforcement or border control.

### ***What is ethnic profiling?***

ENAR summarizes ethnic profiling when police officers and border guards consider people suspicious because of who they are, how they look like, or where they pray rather than because of what they have done. It is one of the manifestations of racism, in the sense that social construction of a given group as a race with negative attributes influence and guide police actions to disproportionately target that group.

The Open Society Foundations defines ethnic profiling as a **widespread form of discrimination** that violates human rights norms. It refers to the use by police or border guards of generalisations based on race, ethnicity, religion or national origin - rather than individual behaviour or objective evidence - as the basis for suspicion in directing discretionary law enforcement actions.

The reliance on perceived race or ethnicity in stop and search, ID checks, excessive fining for minor offenses, raids, discriminatory databases and other police and border controls operations is unlawful.

Profiling has also increasingly been the result of decisions based on automated processing of data through, among others, algorithms. Data-based profiling run the risk of reinforcing existing biases under the pretended objectivity of algorithms.

Ethnic profiling has an impact on the entire communities that are stigmatised, considered suspicious. It affects people's self-esteem, mental health and the constant humiliation seriously hinders trust in law enforcement. Police are seen as a force to avoid and stayed far from rather than a service for the communities there are supposed to serve.

*Room poll:* who has ever been stopped and search by the police? Who has been stopped and searched more than once a week?

This shows people who are not affected don't understand the impact it can have on individuals targeted.

Ethnic profiling is part of broader institutional racism against Roma and Travellers, Antigypsyism. The Reference paper on Antigypsyism – issued by the coalition of Roma and pro-Roma NGOs Alliance against Antigypsyism - defines it as a historically constructed, persistent complex racism against Roma, Sinti and Travellers which incorporates:

1. an essentialisation/racialisisation of these groups;
2. the attribution of specific characteristics to them;
3. discriminating social structures and violent practices which reproduce structural disadvantages.

Ethnic profiling is grounded in those deeply rooted prejudices against Roma and Travellers. In turn affect the trust Roma and travellers have in law enforcement. It partly explains the low level of reporting of hate crime – when police are seen as part of the problem.

It is also linked to the treatment of Roma and Travellers by the criminal justice systems that perpetuate or amplify bias in policing. We see the failure of justice systems to provide redress for hate crime or discrimination (including discrimination by police).

Discriminatory policing is just one part of broader structural racism where the imbalance in power structures are grounded in historical positions of Roma and Travellers and are not redressed by institutions.

Practices specifically targeted at Roma Sinti and Travellers are taken based on perceptions of their skin colour, dress, vehicles, housing in caravans, way of life and include:

- disproportionate stop and search,
- systematically targeting known Roma settlements or Travellers transit sites for invasive controls
- systematic targeting of Roma and Travellers in the context of border crossing,
- harassment by police to impose fines for minor offenses,
- the negative use of ethnicity and other characteristics in crime suspect descriptions (with no value added to police operations)
- the creation of biometric police databases which have included children.

### ***Stop and search***

The FRA EU-MIDIS II survey shows that experience of discriminatory stop and search by ethnic minorities in Europe is widespread and undermines trust in law enforcement.

- **19% Roma respondents** were stopped by the police in the 12 months preceding the survey. Of those, 42% believe this was because of their immigrant or ethnic background (84% in Portugal, 63% in Greece, 57 in the Czech Republic)

### ***Recommendations***

1. **European standards on fair and efficient policing**, to outlaw and counter ethnic profiling - Building upon core norms, such as the Charter of Fundamental Rights, the Framework Decision Against Racism and Xenophobia, the Race Equality Directive, the European Framework for National Roma Integration Strategies as well as ECRI General Policy recommendations No. 11
2. The Post 2020 **EU Framework for National Roma Strategies to include measures to combat Antigypsyism as a priority**, and to include targets in the field of policing and criminal justice.

**Member States should:**

- Ensure that oversight and complaints bodies make affected group aware of how to bring a complaint and monitor complaints for any prima facie indications of a pattern of discriminatory practice/indirect discrimination.
- Ensure that all ID checks, stops and searches are **recorded** and each person stopped receives a record of the encounter. This data should be used to monitor officers' use of powers in order to ensure that these powers are applied effectively and fairly. Involve Roma and Travellers communities in **observations and documentations practices**.
- Train existing and new officers on procedural justice and how to make officers aware of ethnic profiling and implicit bias against Roma and Travellers and how to prevent it.
- Enhance police-Roma and Traveller communities dialogue to build and restore trust with all communities.

Thank you very much, you can find a more complete brief in the room and on the ENAR website.