

**Ethnic Profiling
in the
European Union:
Pervasive, Ineffective, and
Discriminatory**

**Executive Summary
and
Recommendations**

I. EXECUTIVE SUMMARY AND RECOMMENDATIONS

Since the 9/11 attacks in the United States, 32 percent of British Muslims report being subjected to discrimination at airports. Police carrying machine guns have conducted identity checks on 11-year-olds at German mosques. Moroccan immigrants have been called “*moro de mierda*” (“Arab shit”) by Spanish police. The personal data of 8.3 million people were searched in a massive German data mining exercise which targeted—among other characteristics—people who were Muslim, and which did not identify a single terrorist.

These are examples of ethnic profiling by police in Europe—a common, long-standing practice that has intensified in recent years. Evidence from countries across the European Union shows that police routinely use generalizations about ethnicity, religion, race, or national origin in deciding whom to target for identity checks, stops, and searches. Contemporary concerns about terrorism underlie a rising interest in ethnic profiling in Europe, which many see as an effective way to identify terrorist suspects.

It might be comforting to believe that police can spot terrorists and other criminals based on generalizations about ethnicity, race, national origin, or religion. But that is not the case. As this report demonstrates, ethnic profiling by police in Europe may be pervasive, but it is inefficient, ineffective, and discriminatory. Fortunately, better alternatives exist.

Defining ethnic profiling

The term “profiling” refers to a police practice in which a defined set of characteristics is used to look for and apprehend someone who has committed a crime (criminal profiling) or to identify people likely to engage in criminal activity (behavioral profiling). Criminal and behavioral profiling are accepted and lawful policing tools designed to allow the most efficient allocation of scarce law enforcement resources. As long as the profiles used by police are based on specific information about an individual or factors that are objective and statistically proven to be significant indicators of criminal activity, profiling is legal.

The term “ethnic profiling” describes the use by law enforcement of generalizations grounded in ethnicity, race, religion, or national origin—rather than objective evidence or individual behavior—as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity. Ethnic profiling is manifest most often in police officers’ decisions about whom to stop, ask for identity papers, question, search, and sometimes arrest. Ethnic profiling may result from the racist behavior of individual police officers, or from the institutionalized bias ingrained in many police forces.

A host of bad outcomes stem from ethnic profiling, including stopping, searching, and even arresting innocent people; overlooking criminals who do not fit the established profile; undermining the rule of law and perceptions of police fairness; stigmatizing entire communities; and alienating people who could work with police to reduce crime and prevent terrorism.

Ethnic profiling is pervasive—and has grown since 9/11

Ethnic profiling did not emerge as a post-9/11 response to terrorism. Evidence clearly indicates that police across Europe have long engaged in ethnic profiling of immigrant and minority communities. Despite a dearth of quantitative information on policing and ethnicity in most of Europe, the data that exist indicate ethnic profiling is widespread.

Since the 9/11 attacks, interest in and use of ethnic profiling have grown sharply. Even if the European public may condemn high-profile abuses (such as rendition and torture) associated with the “war on terror,” many see the profiling of Muslims as a matter of common sense. According to this argument, young Muslim men destroyed the World Trade Center in New York, blew up Madrid’s Atocha train station, and bombed the London Underground, so they should be the targets of police attention. With so much at stake, ethnic profiling may seem like smart law enforcement.

Police in Europe seem to agree. In the United Kingdom (the only EU member state to systematically gather ethnic data on police practices), data show dramatic increases in stops and searches of British Asians following terrorist attacks: stops of persons of Asian descent conducted under counterterrorism powers increased three-fold following the 9/11 attacks, and five-fold after the July 2005 London Underground bomb attacks.¹ In Germany, police have used preventive powers to conduct mass identity checks outside major mosques. In France and Italy, raids on homes, businesses, and mosques—often lacking a basis in specific evidence—have targeted Muslims, particularly those considered religiously observant. Numerous studies since 2001 have documented “a growing perception among Muslim leaders and communities across Europe that they are being stopped, questioned, and searched not on the basis of evidence and reasonable suspicion but on the basis of ‘looking Muslim’.”²

Since 2001, the frequency of ethnic profiling in Europe has alternately increased and decreased in response to notorious crimes. Ethnic profiling has spiked in the immediate wake of terrorist attacks, then declined. A number of the ethnic profiling practices described in this report are less prevalent in mid-2009 than they were immediately following the March 11, 2004 Madrid and July 7, 2005 London bombings. In particular, the most overt forms of ethnic profiling, such as broad data mining and large-scale raids and mass identity checks outside places of worship, are now rarer.

The apparent decline in the more egregious forms of ethnic profiling underscores that, all too frequently, the practice is more of a public relations tool than a reasoned response to crime and terrorism. In this respect, it reflects a political reality that is subject to change. Although public concern has waned since the summer of 2006, another attack would

¹ Arun Kundnani, “Analysis: the war on terror leads to racial profiling,” (London: Institute for Race Relations; IRR News, July 7, 2004). Vickram Dodd, “Surge in stop and search of Asian people after July 7,” *The Guardian*, December 24, 2005.

² Islamic Institute for Human Rights, “Country Profile: The Conditions of Muslims in France,” *Monitoring Minority Protection in EU Member States: Overview*, (New York: Open Society Institute, 2004), 53, at: <http://www.eumap.org/>.

almost certainly prompt political authorities and security agencies to revive the explicit and public targeting of Muslims.

Ethnic profiling is a form of discrimination

Ethnic profiling, although widespread, constitutes discrimination and thus breaches basic human rights norms. By relying on ethnic, racial, or religious stereotypes, ethnic profiling breaches one of the most fundamental principles of law: that each person must be treated as an individual, not as a member of a group. In employing physical appearance as code for criminal propensity, ethnic profiling turns the presumption of innocence on its head. Except where police use of ethnicity, race, or religion is limited to the characteristics contained in individual suspect descriptions, or based on concrete, trustworthy, and timely intelligence that is time- and/or place-specific, profiling is a violation of European and international law, which, for important reasons of history and logic, has placed strict limits on distinctions based on ethnicity, race, national origin, and religion.

The European Convention on Human Rights prohibits discrimination and guarantees the full and equal enjoyment of rights in respect of, inter alia, the administration of justice. The European Court of Human Rights has made clear that ethnic profiling, like other differences in treatment based “exclusively or to a decisive extent on a person’s ethnic origin,” is per se unlawful. The European Commission against Racism and Intolerance (ECRI) has repeatedly expressed concerns with ethnic profiling across a wide range of EU member states. In fact, ECRI has specifically addressed ethnic profiling by police, even in the context of counterterrorism measures. ECRI’s *General Policy Recommendation Number Eight on Combating Racism while Fighting Terrorism* (2004) urges governments to “pay particular attention to . . . checks carried out by law enforcement officials within the countries and by border control personnel.”³ And yet, notwithstanding the overwhelming weight of European jurisprudence and legal organs, to date, ethnic profiling has not been expressly outlawed by the European Union or any European government.

European law on matters pertaining to ethnic profiling is a complex patchwork of protection and gaps. Article 29 of the Treaty on the European Union states that the Union’s objective shall be “to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters and by preventing and combating racism and xenophobia.” Although some suggest that the term “goods and services” that are addressed in the EU Racial Equality Directive should be understood to encompass policing within member states, most European authorities argue that under current regional treaties, the EU has competency only in matters of law enforcement cooperation between member states, not in regard to domestic law enforcement practices. On this basis, an increasing number of operational agreements have been developed to facilitate law enforcement cooperation and automated access to law enforcement information between

³ ECRI, *General Policy Recommendation No. 8 on Combating Racism while Fighting Terrorism*, March 17, 2004, p. 11, available at: [http://www.coe.int/t/e/legal_affairs/legal_cooperation/fight_against_terrorism/3_codexter/working_documents/2004/ECRI%20\(2004\)%2026%20recom mendation_N%25B0_8_eng.pdf](http://www.coe.int/t/e/legal_affairs/legal_cooperation/fight_against_terrorism/3_codexter/working_documents/2004/ECRI%20(2004)%2026%20recom mendation_N%25B0_8_eng.pdf).

member states in order to fight terrorism and serious crime.⁴ Furthermore, the EU is rapidly building vast databases for immigration and border control and allowing law enforcement access to these resources to aid in fighting terrorism and crime.⁵

Operational capacity and cooperation is being developed at a pace that far outstrips the development of regional accountability standards and oversight mechanisms. It is troubling that these initiatives fall within the scope of EU action, but outside the scope of EU protections against discrimination. It is even more troubling when the inadequate state of data protection standards for law enforcement cooperation is added to the equation. The Framework Decision on the Protection of Personal Data in the context of law enforcement cooperation has been criticized as establishing lesser standards than those set out in the 2005 European Data Protection Directive. This is a disturbing trend that can and should be remedied through the creation of a regional norm that clearly defines ethnic profiling and establishes minimum safeguards that build on—rather than erode—the European Union’s current non-discrimination and data protection law.

Ethnic profiling is ineffective

There is no evidence that ethnic profiling stops crime or prevents terrorism. Separate studies in the United Kingdom, the United States, Sweden, and the Netherlands have all concluded that ethnic profiling is ineffective.⁶ Stops and searches conducted under counterterrorism powers in Europe have produced few charges on terrorism offenses and no terrorism convictions to date.

In fact, profiling reduces security by misdirecting police resources and alienating some of the very people whose cooperation is necessary for effective crime detection. When law enforcement officers engage in ethnic profiling, they are, wittingly or not, contributing to a growing sense of marginalization in minority and immigrant communities. Ethnic profiling stigmatizes entire racial, ethnic, or religious groups as more likely to commit crimes and

⁴ For example the EU arrest warrant, and data exchange under Treaty of Prüm (Schengen III) 2002/584/JHA: Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States. See also the Convention between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria on the stepping up of cross-border cooperation particularly in combating terrorism, cross-border crime, and illegal migration, Prüm (Germany), 27 May 2005, Council Secretariat, Brussels, 7 July 2005, 10900/05. The principle of availability of information for law enforcement cooperation under the 2004 to 2009 Hague Programme for the area of Freedom, Security and Justice also moves along this path, particularly in advocating a “principle of availability” of information for law enforcement cooperation. This trend is continued under the successor 2009 to 2014 Stockholm Programme.

⁵ Discussed in detail in Chapter IV of this report.

⁶ David Harris, “Confronting Ethnic Profiling in the United States,” in *Justice Initiatives: Ethnic Profiling by Police In Europe*, (New York: Open Society Justice Initiative, June 2005). Bernard Harcourt, “Rethinking Racial Profiling: A Critique of the Economics, Civil Liberties, and Constitutional Literature, and of Criminal Profiling More Generally,” *The University of Chicago Law Review*, Vol 71, No. 4, Fall 2004. E.J. van der Torre and H.B. Ferwerda, *Preventive searching, an analysis of the process and the external effects in ten municipalities*, (The Hague: Beke, Arnhem, Politie & Wetenschap, Zeist 2005). Claes Lernestedt, Christian Diesen, Tove Pettersson and Toren Lindholm, “Equal before the Law: Nature or Culture,” in *The Blue and Yellow Glasshouse: structural discrimination in Sweden*, Swedish Government Official Reports 2005: 56. Paul Quinton, N. Bland, et al., *Police Stops, Decision-Making and Practice*, (London: Home Office, 2000).

thereby signals to the broader society that all members of that group constitute a threat. If the police and government security agencies use ethnicity to determine who is a terrorist or a criminal, why should not local shopkeepers, restaurant owners, or airplane flight attendants?

Many law enforcement professionals understand these dangers. A senior U.K. police officer recently warned that “there is a very real risk of criminalizing minority communities” through “the counter-terrorism label. . . . The impact of this will be that just at the time when we need the confidence and trust of these communities, they may retreat inside themselves.”⁷

Extensive research and the findings in this report indicate not only that ethnic profiling does not improve police efficacy, but that in all likelihood it reduces it, both in countering terrorism and addressing common crime. Numerous studies of policing show that when police operate on the basis of their personal judgments—that is, with a high level of discretion—they rely more on stereotypes and focus disproportionate attention on minorities, which reduces their effectiveness. With a plethora of crime and terrorist threats confronting Europe, it is critical that police resources be used as efficiently as possible.

Equally important, when police treat an entire group of people as presumptively suspicious, they are more likely to miss dangerous persons who do not fit the profile. Before the July 7, 2005 London attacks, the leader of the bombers “had come to the attention of the intelligence services as an associate of other men who were suspected of involvement in a terrorist bomb plot. But he was not pursued because he did not tick enough of the boxes in the pre-July profile of the terror suspect.”⁸ Ethnic profiling in fact creates a direct incentive for terrorist organizations to recruit persons who do not fit the profile.

Alternatives to ethnic profiling

It’s not just that ethnic profiling is illegal and counter-productive; there are better ways of fighting crime and terrorism. The reform of the United States Customs Service (which searches travelers at U.S. borders for contraband) in the late 1990s demonstrates that profiling based on individual behavior is more effective than profiling based on race or ethnicity. In 1999, when the Customs Service abandoned a profile based on ethnicity and instead focused on behavior, its productivity and efficiency soared. The number of searches declined from 10,733 in the first quarter of 1999 (pre-reform) to 2,814 searches in the first quarter of 2000 (post-reform), but the percent of searches that yielded contraband leaped from 3.5 percent to nearly 11 percent.⁹

⁷ London Metropolitan Police Service Assistant Commissioner Tariq Ghaffur, quoted in Andrew Blick, Toufyal Choudhury, and Stuart Weir, *The Rules of the Game: Terrorism, Community and Human Rights, Democratic Audit*, (Human Rights Center, University of Essex, Joseph Rowntree Reform Trust, 2006), 34.

⁸ “Detectives draw up new brief in hunt for radicals,” *The Times*, December 28, 2005. The Intelligence and Security Committee of the U.K. Parliament’s *Report into the London Terrorist Attacks on 7 July 2005*, presented to parliament May 2006, while making no mention of the use of a specific profile, makes clear that two of the attackers, Siddque Khan and Shazad Tanweer, were known to the security services through another investigation, but were not considered a high investigative priority.

⁹ U.S. Customs Service, *Personal Searches of Air Passengers Results: Positive and Negative, Fiscal Year 1998*, (Washington: U.S. Customs Service, 1998). Commissioner of U.S. Customs Service Raymond Kelly:

In 2007-2008, a pilot project undertaken by the Open Society Justice Initiative in collaboration with a municipal police force in Spain similarly reduced the disproportionate rate at which minorities were stopped, while increasing police efficiency. In Fuenlabrada, Spain, police achieved dramatic results by moving away from ethnic profiling and adopting new methods that emphasized the use of data and greater communication and cooperation with minority communities. In a four-month period, the number of stops declined from 958 per month to 396 per month, but the percentage of successful stops (i.e. stops that uncovered a crime or other infraction) rose from 6 percent to 28 percent.¹⁰

A key component of the Fuenlabrada success was the collaboration between police and minority communities—a factor central to effective law enforcement, but often overlooked by proponents of ethnic profiling. As leading counterterrorism experts have noted, one of the main elements of an effective counterterrorism policy is to “develop strong confidence-building ties with the communities from which terrorists are most likely to come or hide in.”¹¹ This is possible, but only if those communities are not being alienated by race-based policing.

The threat of terrorist violence, like the everyday reality of ordinary crime, is genuine and must be addressed. The challenge is to do so in ways that enhance, rather than undermine, both security and individual rights. Ethnic profiling strikes at the heart of the social compact linking law enforcement institutions with the communities they serve. It wastes police resources, discriminates against whole groups of people, and leaves everyone less safe. Fortunately, alternatives exist. Ending the use of ethnic profiling by police does not mean doing nothing; rather, it means changing police practices to make them more effective. New practices can direct law enforcement resources more efficiently, based on intelligence rather than prejudice.

Abandoning accepted practices and implementing new ones is never easy. But until ethnic profiling is recognized as a problem, expressly banned in law, and addressed in practice, the damage it wreaks will only deepen. In a Europe under threat from terrorism and characterized by increasing xenophobia, it is essential that those entrusted to enforce the law do so with maximum effectiveness and full respect for the basic principle of equal justice.

Speech to the National Press Club (March 17, 2000), available at:

http://www.cbp.gov/xp/cgov/newsroom/commissioner/speeches_statements/archives/2000/mar172000.xml.

¹⁰ Open Society Justice Initiative, *Addressing Ethnic Profiling by Police: A Report on the Strategies for Effective Stop and Search (STEPSS) Project*, (New York: Open Society Justice Initiative, 2009), 30-31.

¹¹ Bruce Hoffman, *Inside Terrorism*, (New York: Columbia University Press, 2006 edition), 169.

RECOMMENDATIONS

To European authorities:

- *Outlaw profiling at the European level.* The European Union should adopt a Framework Decision¹² defining ethnic profiling, making clear that it is illegal, and providing safeguards against it. Ethnic profiling should be defined as the use by law enforcement officers of generalizations grounded in race, ethnicity, religion, or national origin, rather than objective evidence or individual behavior, as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity.
- *Ensure that data mining does not rely on ethnic profiling.* Data mining—the process of extracting patterns or trends from large amounts of information—increasingly relies upon ethnic profiling. The European Commission and Council should provide guidelines for national authorities on adequate safeguards against ethnic profiling in data mining operations. Guidelines should reinforce the standard set forth in relevant data protection instruments of the Council of Europe, which prohibit the collection or use by law enforcement of data on individuals solely on the basis that they have a particular ethnic origin or religious conviction, except where “absolutely necessary for the purposes of a particular inquiry.”¹³ Among other safeguards, they must make clear that intrusive processing of sensitive personal data is permissible only when strictly necessary, for example when: a) such data are contained in an individual suspect description; or b) they are based on timely, concrete, and trustworthy intelligence that is specific to a place, time, and crime or crime pattern. Data mining should be limited to a specific inquiry, with access given on a case-by-case basis.
- *Support gathering of statistics on ethnicity and law enforcement practices.* The Working Party on the Protection of Individuals with regard to the processing of Personal Data (Article 29 Working Party) should issue an opinion providing guidance to member states which makes clear that the collection of anonymous statistical data on ethnicity and law enforcement is consistent with European data protection norms. When used properly and with appropriate safeguards, ethnic data are essential to detect, monitor, and address ethnic profiling practices.

¹² Grounded in Articles 29, 30, 31, and 34(2)(b) of the Treaty on the European Union.

¹³ Principle 2.4, Basic Principles, Appendix to Recommendation (87) 15 addressed by the Committee of Ministers to the Member States of the Council of Europe, regulating the use of personal data in the police sector, adopted by the Committee of Ministers 17 September 1987. The European Union’s most recent legislative action in this field would, at least in one interpretation, fall short of the Council of Europe’s requirements. Thus, Framework Decision 2008/977/JHA of 27 November 2008, on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters, arguably allows authorities more latitude in the processing of sensitive data, including data relating to the race, ethnic origin, or religion of individuals, for the prevention of criminal offenses in general, without this having to relate to a specific inquiry. Article 6 of the Framework Decision provides as follows: “The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade-union membership and the processing of data concerning health or sex life shall be permitted only when this is strictly necessary and when the national law provides adequate safeguards.”

- *Fund collaboration between police and minority communities.* The European Commission should provide financial support for pilot projects, research, and dissemination of best practices to address ethnic profiling and enhance law enforcement effectiveness. Such work may be conducted by national and local law enforcement authorities, civil society, academic bodies, and European regional entities such as the Fundamental Rights Agency. Collaborative projects between law enforcement and civil society groups, particularly those representing minority communities, have proven to be especially valuable in reducing ethnic profiling while increasing police efficiency.
- *Refine the EU's radicalization policy.* To combat radicalization, the European Union should continue to explore root causes of violent radicalization, including discrimination, exclusion, and racism; refrain from categorizations that rely on ethnic, racial, or religious stereotypes; avoid conflating nonviolent conservative religious practices with radicalization processes; and urge member states to pursue similar policies.

To national elected authorities and policymaking bodies:

- *Modify national legislation to incorporate an express prohibition against ethnic profiling.* Anti-discrimination legislation in most EU member states requires amendment to make clear that ethnic profiling is unlawful. In addition, laws and operational guidelines for law enforcement officers should expressly prohibit ethnic profiling and establish clearly the limited circumstances under which sensitive personal factors such as ethnicity and religion may be used in policing, including data mining: where there is either a specific suspect description or clear and reliable intelligence.
- *Establish a requirement of reasonable suspicion for all police stops.* National laws and police guidelines should set out clear and precise standards for initiating stops and making identity checks and searches based upon a reasonable suspicion standard. This legal standard should be supported with guidance and training that explicitly prohibit the use of ethnicity as a basis for identity checks and stop and searches.
- *Speak out against discrimination and ethnic profiling.* Make it clear that ethnic profiling is not an effective tactic in the fight against either terrorism or common crime and that, as a policy matter, it will not be tolerated.
- *Gather data on law enforcement and ethnicity.* Establish systems for gathering—with safeguards sufficient to comply with European data protection norms—statistical data on law enforcement and ethnicity that can determine whether, where, and why ethnic profiling is occurring and support measures to address it. Detecting and monitoring ethnic profiling require anonymized ethnic statistics (as opposed to ethnic data that can be traced to individual persons) that allow for comparison of minority and majority groups' experiences of law enforcement. Where ethnic profiling is found to be widespread, conduct a full audit of policy and practice to determine and correct the factors driving or permitting such profiling.

- *Establish clear oversight mechanisms.* Where they do not already exist, put into place judicial oversight and other supervisory mechanisms (such as parliamentary oversight) to assess the evidentiary basis for anti-terrorism and investigative measures such as raids, surveillance and monitoring, and arrests. Charge oversight authorities with the duty to assure that all law enforcement measures under scrutiny meet tests of necessity and proportionality, and comply fully with European antidiscrimination norms.
- *Establish accessible complaints mechanisms.* Assure that civilians have information about and access to complaints mechanisms that are capable of investigating allegations of ethnic profiling, through examining individual complaints and analyzing patterns of complaints. Effective, independent accountability mechanisms are essential in all areas of security and law enforcement, including for intelligence agencies and counterterrorism operations.
- *Promote police outreach to minority communities.* Initiate policies to support police outreach to minority ethnic and religious communities and enhance mutual understanding and trust.
- *Avoid statements linking ethnicity, national origin, race, or religion to terrorism or criminal behavior.* Information provided to the media about law enforcement actions should refer to the ethnicity of the persons involved only when it is directly relevant and necessary to the public interest.
- *Improve legal and institutional tools to address hate crime.* Develop a clear definition of hate crimes, an accessible system for members of minority groups to report hate crimes, investigative capacity to address hate crimes, and a rapid response capacity for serious hate crimes.

To law enforcement managers:

- *Assess the impact of law enforcement.* Establish measures to evaluate all anticrime and counterterrorism measures for both their law enforcement effectiveness and their impact on local communities. Assessments should consider both quantitative outputs and qualitative outcomes such as public satisfaction and police-community relations.
- *Monitor and supervise the use of discretionary powers such as identity checks and stops and searches.* Implement systems to monitor both the number and nature (quality) of officers' encounters with members of the public for use in discussions with local authorities and residents, and for police training and performance evaluation.
- *Implement strategies known to reduce ethnic profiling.* Ethnic profiling can be addressed through reducing officer discretion in the selection of individuals to stop. This can be achieved through increased supervision of patrol officers and scrutiny of stops and their outcomes, and increased reliance on intelligence and behavioral factors to direct the use of stop powers.

- *Provide clear and detailed operational guidelines and training for all law enforcement officers on the correct conduct of identity checks, stops, and searches.* This training should be practical, should address ethnic profiling, and should include managers, and, where possible, members of minority communities in design and delivery.
- *Base all anti-terrorism measures—including raids, monitoring, and arrest—on factual evidence rather than religious or ethnic stereotypes.* When interrogating terror suspects, focus on material evidence of their involvement in the criminal acts under investigation and not on their religious beliefs or practices. Ensure that all law enforcement and counterterrorism actions fully respect religious and cultural practices as well as religious objects and places.
- *Require respectful treatment of all members of the public during encounters with law enforcement.* Establish explicit equal treatment standards in police codes of ethics, including a requirement that officers explain the reason for an identity check, stop, or search, and establish clear consequences for infractions.
- *Schedule regular meetings between police and community members.* Increase officers' accountability to the communities they are policing by holding meetings between police and community members, particularly those from minority or disadvantaged sections of the population. Take community concerns seriously and respond to them directly or by referring them to appropriate authorities or agencies.
- *Be transparent.* Provide information on the evidentiary basis for crime prevention and counterterrorism measures to the ethnic and religious minority communities that are affected, in order to allay perceptions of discriminatory targeting, while maintaining necessary investigative confidentiality and respecting personal privacy and judicial procedures.
- *Establish policies to recruit and retain minority law enforcement officers and staff.* Ideally, law enforcement agencies should look like the communities they serve. At a minimum, all police officers should have an understanding of the diverse communities in which they work.

To civil society:

- *Contribute to the movement away from ethnic profiling.* Advance knowledge and encourage good practice by researching, monitoring, and reporting on ethnic profiling and the policing of minority communities.
- *Conduct public education campaigns on rights and responsibilities in police-community relations.* Just as the police need to reach out to minority communities, communities may also need training and support to understand the law, the police and their powers, and the rights and responsibilities of community members.

- *Participate in and support police-community outreach efforts and community policing campaigns.* Support the capacity of local minority communities to organize and participate in dialogue and partnership with police.

OPEN SOCIETY
JUSTICE INITIATIVE

The Open Society Justice Initiative, an operational program of the Open Society Institute (OSI), pursues law reform activities grounded in the protection of human rights, and contributes to the development of legal capacity for open societies worldwide. The Justice Initiative combines litigation, legal advocacy, technical assistance, and the dissemination of knowledge to secure advances in the following priority areas: anticorruption, equality and citizenship, freedom of information and expression, international justice, national criminal justice. Its offices are in Abuja, Brussels, Budapest, London, New York, and Washington D.C.

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