

Seminar on equality bodies countering ethnic profiling

Brussels, 8-9 November 2018¹

Background

Equinet, European Network of Equality Bodies, brings together 46 organizations from 34 European countries, which are empowered to counteract discrimination as national equality bodies across a range of grounds including age, disability, gender, race or ethnic origin, religion or belief, and sexual orientation.

Equality bodies across Europe, as public institutions concerned with promoting equality as a fundamental value and combating discrimination, have been playing an increasingly important role in the fight against ethnic profiling. Ethnic profiling is the use by law enforcement of race, ethnicity, religion or national origin—instead of individual conduct or objective evidence as the rule of law would require—as an exclusive or determining basis of directing discretionary law enforcement actions. Ethnic profiling may manifest itself in various law enforcement actions (including discriminatory identity checks, stop and searches, border and customs checks, raids, vehicle inspections, surveillance and data mining) and contexts (like domestic policing, immigration control or counter-terrorism operations). It can take place in the discretionary decision-making of individual law enforcement officers, but may also result from law enforcement policies and practices that adversely impact certain ethnic, racial, religious or national groups disproportionately even if not explicitly targeting them.

Equality bodies have been involved in high-profile cases in recent years on this issue, underlining their significant contribution to litigation efforts. Examples include the Defender of Rights' memo in French civil litigation, the Hungarian Commissioner for Fundamental Rights' report in the Gyöngyöspata litigation, the British Equality and Human Rights Commission's partnership with Thames Valley Police, and the Swedish Equality Ombudsman's witness testimony in the Roma registry case. Furthermore, a number of equality bodies have recently engaged to raise awareness around this issue. The Swedish ombudsman hosted a major conference on profiling in Sweden in November 2014 and held subsequent discussions with police and targeted groups. Unia, the Belgian equality body is involved in a two-year project on ethnic profiling, while the French Défenseur des Droits is planning to organise an event on ethnic profiling, in cooperation with the EU Agency for Fundamental Rights (FRA), in 2019.

In light of the above, Open Society Justice Initiative decided to organize a convening for European national equality bodies on the subject of ethnic profiling. A meeting like this was first suggested by the Open Society Justice Initiative's Ethnic Profiling Litigators' Community of Practice—a loose network of lawyers and legal professionals working on ethnic profiling litigation around the world. With cases brought by the Open Society Justice Initiative and our partners on ethnic profiling pending before the European Court of Human Rights, these bodies are expected to play an important role in advancing soft norms and European good practices in support of decisions that anchor systemic reforms.

¹ This seminar is organised in cooperation with and funded by Open Society Institute. The seminar is preceded by the Equinet Annual General Meeting on 7 November.

Objectives

- To further sensitise equality body staff about the problem of ethnic profiling and its impact;
- To raise equality bodies' awareness about the legal landscape and standards around ethnic profiling and the role they can play in supporting legal challenges to it and spreading good practice;
- To provide a forum for sharing good practices (successful legal initiatives and techniques countering ethnic profiling, making important contributions to debates and legal standard setting, etc.);
- To provide a forum for discussing challenges around combatting ethnic profiling;
- To define possible concrete common activities by equality bodies at European level that support developments;
- To discuss how civil society and equality bodies can best cooperate in countering ethnic profiling.

Expected outcomes

- Increased awareness by equality bodies on ethnic profiling and its impact;
- Enhanced knowledge by equality body personnel on legal tools and developments in the field;
- Possible concrete common activities by equality bodies at European level that support developments;
- Increased cooperation and joint action between equality bodies and domestic NGOs on the subject of ethnic profiling.

Participants

The seminar aims to bring together:

- 30 equality body representatives
- Selected staff of Open Society Justice Initiative
- Selected representatives of civil society
- High level experts as speakers

Agenda

Time	Session
	DAY 1 – 08.11.2018
08:30-09:00	Registration for participants
09:00-09:50	<p>Opening and introduction to the seminar</p> <ul style="list-style-type: none"> • Tena Šimonović Einwalter, Equinet Chairperson and Deputy Ombudswoman, Office of the Ombudswoman in Croatia • Zsolt Bobis, Associate Policy Officer, Open Society Justice Initiative (OSJI) <p>Get-to-know each other among participants</p>
09:50-10:40	<p>Understanding the problem</p> <ul style="list-style-type: none"> • Rachel Neild, Division Director, Criminal Justice, OSJI • Rebekah Delsol, Programme Manager, Fair and Effective Policing Project, OSJI <p>What is ethnic profiling? How and where does it occur? What are the effects of ethnic profiling? In which European legal landscape do we operate and which latest developments are of importance?</p>
10:40-11:10	Coffee Break
11:10-12:30	<p>Panel presentations on good practices by equality bodies</p> <p>Key features and lessons learned by equality bodies in the fields of research, legal casework, awareness raising and engagement with law enforcement authorities.</p> <ul style="list-style-type: none"> • Patrick Charlier, Co-Director, UNIA, Belgium • Vasco Malta, Deputy of the High Commissioner for Migration, Portugal • Veronika Molnár, Legal Officer, Equal Treatment Authority, Hungary • Tamás Török, Head of Secretariat, Commissioner for Fundamental Rights, Hungary • Muriel Cauvin, Legal Officer, Defender of Rights, France • Kirsi Pimiä, Non-Discrimination Ombudsman, Finland
12:30-13:30	Lunch Break
13:30-14:45	<p>In-depth working sessions on good practices by equality bodies</p> <p>Discussion tables to engage in in-depth exchanges on good practices and activities by equality bodies in the fields of research, legal casework, awareness raising and engagement with law enforcement authorities.</p>
14:45-15:15	Coffee Break
15:30-17:00	<p>The Fundamental Rights Agency's updated guide on preventing unlawful profiling</p> <ul style="list-style-type: none"> • Elise Lassus, Research Support Officer, Freedoms and Justice Department, FRA <p>What is the FRA's approach to effective policing and how can the guide be used in working with law enforcement authorities and handling algorithmic profiling?</p>

	<p>OSJI's new police good practice publication</p> <ul style="list-style-type: none"> Rebekah Delsol, Programme Manager, Fair and Effective Policing Project, OSJI <p>What are the key take-away messages from OSJI's upcoming publications on recording police stops and community oversight of stop and search?</p> <p>Reflections on the day from the police perspective</p> <ul style="list-style-type: none"> Nick Glynn, former police officer & Senior Program Officer, Open Society Initiative for Europe <p>What can we learn by reviewing the day from the police perspective on ethnic profiling?</p>
19:00	Joint dinner @ Strofilia restaurant, Rue du Marché aux Porcs 11-13, 1000 Brussels
DAY 2 – 09.11.2018	
09:00-10:15	<p>Keynote speeches</p> <ul style="list-style-type: none"> Renu Mandhane, Chief Commissioner, Ontario Human Rights Commission, Canada (video message) Justice Michael Tulloch, Ontario Court of Appeal, Canada <p>The phenomenon of ethnic profiling and Canadian experiences with tackling it.</p>
10:15-11:15	<p>Panel Debate on equality bodies and civil society organisations jointly tackling ethnic profiling</p> <ul style="list-style-type: none"> John Stauffer, Legal Director and Deputy Executive Director, Civil Rights Defenders, Sweden Vincent Bababouilabo, Policy Officer, Initiative of Black People in Germany Nina Hekens, Uit De Marge vzw, Belgium Yassine Boubout, Co-president, Movement X, Belgium Sarah Chander, Senior Advocacy Officer, European Network Against Racism <p>What are the lessons learned from existing engagement?</p> <p>Which expectations & needs do CSOs have?</p> <p>What are possible joint activities on legal matters, research, communication, reporting & documentation or victim support?</p>
11:15-11:45	Coffee Break
11:45-13:00	<p>In-depth working sessions on the way forward at the domestic and regional levels as well as civil society engagement</p> <p>Groups discussing and reporting back on possible activities in the fields of research, legal casework, awareness raising and engagement with law enforcement authorities equality bodies can take at the domestic level and how they can cooperate on these with civil society.</p>
13:00-13:30	<p>Closing session</p> <p>Main results after one and half days and possible concrete activities by equality bodies.</p>
13:30	Networking Lunch