

# TOOLKIT

## AGAINST RACISM, XENOPHOBIA AND OTHER FORMS OF INTOLERANCE

covering municipalities, and particularly

## PROXIMITY POLICING



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PROXIMITY POLICING AGAINST  
RACISM, XENOPHOBIA AND OTHER  
FORMS OF INTOLERANCE

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# 1.

## INTRODUCTION

Racism and xenophobia are phenomena that threaten the coexistence and cohesion of society as well as the fundamental freedoms and rights on which the European Union is based. In fact, Article 2 of the Treaty on European Union includes the fight against discrimination among its objectives and non-discrimination as one of its shared values. Incidents of racism and xenophobia undermine personal dignity and can cause physical and emotional harm to victims and to the entire group to which they belong.

The migratory processes experienced by Europe in recent years have made it a more multicultural society hosting thousands of people every year who, in search of a better future, in many cases are fleeing from the difficult conditions that they endure in their countries of origin.

According to January 2017 Eurostat figures, 21.6 million citizens from non-member countries were residents of the European Union and 36.9 million living in the European Union were born outside its borders, meaning that 15 million inhabitants were born outside the EU but are citizens of a Member State. Moreover, 16.9 million people were born in a Member State of the Union other than the one in which they reside.<sup>1</sup>

Achieving acceptable levels of harmonious interaction in an increasingly plural society formed by people of different cultures, origins and languages is a great challenge and many European cities have witnessed an increase in the number of racist and xenophobic incidents, particularly in neighbourhoods with a large immigrant population.

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<sup>1</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php/Migration\\_and\\_migrant\\_population\\_statistics%23Main\\_statistical\\_findings](https://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics%23Main_statistical_findings)

This is a cross-cutting problem in which different institutions, both public and private, must act jointly and provide a broad and effective response to address the challenges posed by racist and xenophobic attitudes and incidents for the sake of exercising human rights and enjoying fundamental freedoms.

The *Proximity Policing against Racism, Xenophobia and other forms of intolerance* project aims to identify and share tools to increase the ability of local authorities, and more specifically, that of local police, to identify and combat racism, xenophobia and other forms of intolerance. The project is co-financed by the European Union's Rights, Equality and Citizenship programme and carries out its actions between 2017 and 2019. Through the Spanish Observatory on Racism and Xenophobia, the project is headed by the Secretariat-General of Immigration and Emigration in Spain's Ministry of Labour, Migration and Social Security. The other members of the project consortium are: the Finnish Ministry of Justice through its Anti-Discrimination and Fundamental Rights Team; the Municipal Police of Madrid - City Council of Madrid; the Riga Municipal Police; the Estonian Police and Border Guard; the Lisbon Police; the University of Milan; the Association TRABE; and the Foundation for Access to Rights; Bradford Hate Crime Alliance. The associate members are: the European Coalition of Cities Against Racism; the European Network of Policewomen; and Spain's Home Affairs Ministry.

The key to proximity policing in dealing with racism and xenophobia in the specific districts or neighbourhoods where work is conducted lies in its closeness to citizens and its work in collaboration with members of the communities, different minority groups and associations and NGOs. This puts it in a privileged position to prevent and identify xenophobia, racism and other forms of intolerance.

The PROXIMITY project includes the publication of a toolkit targeting local authorities, particularly proximity policing teams, and has been developed with the contributions and recommendations of the partners while also taking the opinion of experts into account. Its purpose is to serve as a guide to improve the services, structures and methodologies devised to prevent and combat discrimination and/or outbursts of hate rooted in racism, xenophobia or any other form of intolerance.

The toolbox aims to provide the skills that the local authorities and police officers responsible for implementing a methodology for preventing, detecting and fighting racism, xenophobia and other forms of intolerance from a community policing perspective need to identify the most relevant aspects to more effectively manage these issues.

In-depth knowledge of neighbourhoods and internal elements of the police organisation, i.e. the decision-making capabilities of the police, police training, treatment of victims of this type of crime and coordination with other services and organisations are all elements that PROXIMITY deems fundamental in its toolkit.

As members of the PROXIMITY consortium, we believe that one of the pillars of the fight against racism, xenophobia and other forms of intolerance and discrimination is the implementation of the community policing model. Therefore, we need to begin by defining what we mean by 'community policing'.

So-called community, proximity or neighbourhood policing entails more than just an organisational model of police services. It is a philosophy of how to provide this public service. Community policing requires collaboration with neighbourhood residents engaging in their own activities. It is a way of addressing how police services interact when dealing with conflicts, how they approach them and, above all, how they resolve them.

We must realise that community police is not a specific unit within the police force but rather a philosophy pervading police service in general. It is equally important that the Police Chief believes in this methodology. If s/he does not, it will very likely fail. Hence, there could be police services that, while not having specific units with this particular name, do employ a community policing work methodology or, conversely, police services with a unit called neighbourhood, community or proximity police employing methodologies which are a far cry from this concept.

But perhaps the principle that most helps one to understand why the community philosophy is the best channel through which to effectively address intolerance, discrimination or hatred is the one which asserts that *"The ability of the police to perform their duties is dependent upon the public approval of police actions"* (Sir Robert Peel<sup>2</sup>, 1829). This important police principle expressed at the beginning of the nineteenth century must, however, be put into today's context. In this connection we would note that, given that today's society is multifaceted and diverse, the majority of society could also favour policing that treats minorities and extremely vulnerable groups in a discriminatory manner.

In the current political landscape, local communities in some countries demand tougher police action against migrants, asylum seekers, the homeless, etc. Therefore, 'public approval' on its own is not always a good criterion for evaluating police action. That is why the philosophy underpinning community policing must take into account that both public approval and the need for such approval cannot warrant abandoning actions promoting and protecting human rights as enshrined in the Universal Declaration of Human Rights and later in EU and national regulations.

Proximity policing requires a major organisational commitment and a cultural change on the part of the police, and also means ensuring that resources and methodology are provided. This is based on a firm belief in the concept of a police service as opposed

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2 [https://en.wikipedia.org/wiki/Peelian\\_principles](https://en.wikipedia.org/wiki/Peelian_principles)

to a police *force*. Perhaps the way police work in today's European society needs to be reworked. We should reject the idea that community policing means soft or permissive policing. It is rather the sort of policing based on deliberation when confronted with problems, thus enabling them to build more stable and lasting solutions to conflicts.

We must also bear in mind the principle that police do not work *for* the communities, including both their majority and minority groups, but rather work in association *with* the different parts of the communities to solve local problems. Building trust between police and the local communities of diverse societies is a two-way process based on mutual understanding and respect. Within this trust-building process, it is important for proximity, community or neighbourhood policing to likewise play the role of mediator between the various components of society.

The purpose of this manual is to serve as a guide to combat intolerance, discrimination and hate crime based on racism, xenophobia or other causes such as LGTBI-phobia, socioeconomic status, disability, religion, belief systems, and so forth, paying special attention to the protection of fundamental rights in the awareness that, in some situations, protection of these rights could run counter to prevailing attitudes in local communities and police services for the reasons indicated above.

In order to establish a model philosophy for community policing, we must first conduct a preliminary analysis (or community mapping) of the situation in the neighbourhood or area where one is trying to improve relations between local police and the community, and focus mainly on relations with those who are not originally from the area, who belong to a different ethnic group or who are phenotypically different from the community of origin in the area in question. This analysis will provide recommendations to be taken into account when developing a work philosophy. Due to the speed at which neighbourhoods evolve, the analysis should be conducted periodically. In some cases, this will imply changes in police organisation. If such changes are not carried out properly, they can meet with strong opposition from commanders and police officers who may interpret this closeness to the community as a sign of weakness in the police system. This would lead to a failed effort to improve relations with the community. The entire police organisation, from top to bottom, must be on board and this commitment must be communicated internally and externally to the general public.

Moreover, assessment criteria need to be established in order to identify areas that need to improve and possible failures that could interfere with the implementation of the new work philosophy. One must remember that the police serve an open and diverse and constantly evolving society. Therefore, because they are responsible for protecting fundamental rights and enforcing the law, police services need to adapt to new situations in order to serve all citizens.

# 2.

## PRELIMINARY ANALYSIS

This chapter describes the study that must be conducted of the area where police will have an impact detecting and dealing with racism, xenophobia and other forms of intolerance or violation of the fundamental rights of people, and how they work to prevent such situations.

The study will provide data to guide the new model for police interaction with the society it serves, and pay particular attention to its diverse makeup. We would note that the more precise the study, the clearer the snapshot of the situation so that the best elements may be obtained to successfully implement the new community policing methodology.

From the outset, this preliminary analysis can serve as a perfect excuse to improve relations. By involving community members in the preparation of the analysis, side-by-side with experts in the field and commanders and police officials, the two sides will become more familiar with one another and community members will participate in solving their own problems.

Once trust has been established between the police and the community, information will flow more easily. Having valid and reliable interlocutors facilitates conflict management. This trust should not be 'blind faith', however. Police need to engage in their crime prevention work and the community should monitor the work of their police and file complaints when they overstep their bounds. However, having a direct channel of communication when a conflict breaks out, regardless of its nature, facilitates control, provides peace of mind and helps to solve it.



Creating neighbourhood committees, boards or working groups helps to form these spheres of trust where neighbourhood problems are discussed and police officers can then submit the ensuing requests to their superiors who in turn assess the best solution to the problems posed. This provides a swift response to problems that are often very easy to solve (street lighting, removal of abandoned vehicles, traffic regulation at an intersection, etc.) and gives rise to the rapid development of trust between neighbourhood police teams and local residents.

- a. **District / neighbourhood situation.** Data regarding simple issues such as urban design, characteristics of the population, etc. must be evaluated in order to design the implementation of the philosophy and police operations.

To this end, we propose analysing the following issues:

- Population density per km<sup>2</sup>.
- Analysis of population type (composition by gender, age, ethnic origin, religion, per-capita income, degree of social inequality).
- District location in the city: centre / suburb; close to or distant from the city centre and easy access to the centre.
- District / neighbourhood organisation: Is it a residential neighbourhood? Is it comprised mainly of blocks of flats or single-family dwellings? Are there common areas for the community? Or, in general, areas for social gatherings? What types of educational facilities are there?
- Is there any association or body representing citizens whose interlocutors the community trusts?
- What times of the day are the local public areas most used?
- Are there violent urban groups in the area and, if so, is there information about such groups engaging in racist, xenophobic or other types of intolerant activities?
- Are there statistics on hate crimes, acts of discrimination or other forms of intolerance in the neighbourhood / district?
- Have there been recent changes in the makeup of the neighbourhood population or in the visibility of any vulnerable groups?
- Has any event occurred that could engender rejection of any of the social groups living in the neighbourhood? Have these events had an impact on harmonious interaction in the neighbourhood?

This information can be shared and discussed within the community itself so that it is as accurate as possible.

- b. Interaction between police services and the community.** The aim of this section is to ascertain the existing communication channels, contact networks established with citizens and the trust that a diverse society has in local police services. Moreover, the establishment of channels for dialogue and trust between citizens and police services is not only desirable but also a mandate in the field of human rights. The United Nations Special Rapporteur on racism, xenophobia and related intolerance has stated that “law enforcement agencies should welcome and support voluntary contacts and interaction with civilians, which demonstrate commitment to transparency and community oversight. In this regard, the Special Rapporteur encourages outreach to minority communities and recommends better collaboration between law enforcement agencies and minority communities<sup>3</sup>.” For its part, the European Commission against Racism and Intolerance (ECRI) has ordered “establishing frameworks for dialogue and co-operation between police and members of minority groups<sup>4</sup>”.

To this end the following questions need to be asked:

- What kind of communication does the police service have with citizens? Are there specific forums where police and citizens get together to collect and discuss demands?
- If so, is there any support from local authorities, including funding, for minority groups allowing them to actively participate in them?
- Is there a mediator or similar figure between police services and citizens?
- Is there collaboration with local media? Are there campaigns to fight against racism, xenophobia or other forms of intolerance?
- Does the police service have formal or informal communication networks with citizens? If so, at what level? i.e., at Administrative / Head of Service level, intermediate level or police/police team level?
- Are police services present on social media in order to close the gap with the community? If so, do they publish relevant information there?

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3 Human Rights Council, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, “Racial and ethnic profiling in law enforcement agencies”, 20 April 2015 [UN doc. A/HRC/29/46], paragraph 74.

4 ECRI General Policy Recommendation No. 11: Combating racism and racial discrimination in policing, adopted by ECRI on 29 June 2007, paragraph. 18.

- Are efforts being made (through language, images, etc.) to communicate specifically with the communities living in the district (social media, at police stations, advertising on public roads, etc.)? If so, where?
- Are actions taken enabling police to promote and/or participate in activities with citizens? If so, what type of activities?
- What is the response of citizens to police initiatives and educational events, and what sort of contact is there with them? Is there a formal system to evaluate that response? If so, how does it work?
- Do the police provide citizens with information on hate crimes, discriminatory acts and other incidents of intolerance? How do they do so?
- Are citizens informed of their rights when they have encounters with police services? What sort of information is provided and how?
- Do police have premises that can be considered friendly and safe for minorities or for people victimised by racism, xenophobia or other forms of intolerance? Do police premises have areas for private interviews? Are police trained in matters of cultural and ethnic diversity and are they provided with information about the diversity of the neighbourhoods they patrol? Are any police officers members of the minority groups making up the diverse society? Or of ethnic minorities? Are there any policewomen who are members of ethnic minorities?
- Do the police have any team, unit, or group specialised in dealing with hate crimes, discriminatory acts or any other act of intolerance?
- Are there any initiatives to put police in contact with the educational community to inform young people about racism, xenophobia or other forms of intolerance and to report cases that they may know about?

- c. **Conflict resolution.** This section aims to describe how police resolve conflict situations that arise in everyday interaction in the neighbourhood, regardless of their origin. Where situations motivated by racism, xenophobia or any other form of intolerance are not properly resolved, they can erode society's confidence in the police and, over time, this distrust will increase and may even give rise to uprisings resulting from what will be perceived as de-legitimation of the police service. Criminal investigations have shown that encounters with the police that are perceived as negative by those involved erode the trust and legitimacy conferred to this institution. This negatively impacts these people's willingness to cooperate with the authorities, and, in turn, it undermines police effectiveness and ultimately reduces citizens' security<sup>5</sup>.

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5 Bradford, B., Jackson, J. and Hough, M. (2014): Police futures and legitimacy: redefining good policing, in: Brown, Jennifer M., (ed.) *The Future of Policing*. Routledge, Abingdon, United Kingdom, chapter 6; and Mazerolle, L., Bennett, S., Davis, J., Sargeant, E., Manning, M. (2013): *Legitimacy in policing: A systematic review*, Campbell Systematic Reviews.

By way of example, we suggest posing the following questions:

- How do the police respond to conflict driven by discrimination, intolerance or hatred?
- How are problems such as discrimination or institutional and political intolerance tackled?
- Do police services use mediation, restorative justice or other similar methodologies to resolve disputes involving discrimination or incidents of intolerance?
- Do police intervene in cases of racist or xenophobic bullying at school? If so, in what type of intervention do they engage?
- Do police services call on the leaders of ethnic / minority groups or NGOs / associations to mediate when resolving discrimination or intolerance disputes?
- Do citizens have an independent mechanism at their disposal to file their complaints in cases of conflict with police services?
- Is there a supervisor that checks to make sure that community policing complies with quality indicators?
- How do police control and manage social tensions in the neighbourhood? How do police collect and analyse information gathered from the community?
- Is there a strategy to monitor and address rumours?
- How do police coordinate with neighbours and other services when social tension heightens?

# 3.

## ORGANISATION

After having obtained the information described in the previous sections and gained insight into how police services work, the issues that need to be taken into account to achieve success in the implementation and operation of community / proximity policing must be defined.

Police Service Headquarters or their Directorate is in charge of designing its organisation's methodology and their guidelines will both set the tone for the operation of the entire police service and determine the proper implementation of the philosophy underpinning so-called community, neighbourhood or proximity policing.

The following has been proposed in this connection:

### 3.1. DECISION-MAKING CAPABILITY

The people in charge, in each situation, must have decision-making capability when putting forward solutions. A very vertical and sluggish decision making system restricted by supervision from many different offices is not useful. Dispute resolution proposals can be lengthy if approval from higher levels of the administration is required and it could happen that when they are finally implemented they are no longer suited to the situation or fail to fulfil the main function for which they were designed. For simple issues, officers in charge of the area in question should be authorised to take decisions under the supervision of their immediate superior. The main reason for this is that they are the officers on the ground who know the neighbourhoods and are in direct contact with citizens. It can therefore be assumed that they are familiar with local needs and potential solutions that best suit each situation.

Another advantage of swift decision-making is that it quickly helps to establish a trust-based relationship with local residents.

It is useful to involve locals or organisations when drawing up a report that includes the analysis of the prior situation and of the solution proposed by the officers in charge of the area or neighbourhood. Such an arrangement should be assessed and supervised by the immediate superior of the officer or police team making the proposal, and this should be done within a relatively short period of time and must not be delayed for more than a month depending on the magnitude of the problem and the proposed solution.

The proposed solution to the problem should be communicated by the same police interlocutor participating in the process from the very beginning, and if possible, prior to its implementation. This model of informal communication including a formal component (the decision is endorsed by Police Headquarters), is another one of the elements fostering trust among the police officer interlocutors and between the police and the community.

This way of managing community members' demands, which features a more horizontal decision-making process, increases neighbours' trust in local police. This increased trust will, in turn, facilitate its work and contribute to a better flow of information to prevent social tension and even prevent crime.

## 3.2. ORGANISATION OF THE POLICE SERVICE

Hate-related incidents and crimes endanger not only individual security but also collective security. They constitute direct violations of the principles of liberty, equality, dignity, democracy, respect for human rights and public freedoms, principles enshrined in the Treaty on European Union, the Charter of Fundamental Rights of the European Union and other international human rights treaties. These are crimes that undermine the plural and diverse model of harmonious interaction underpinning the democratic model of the member states of the European Union and the values on which the Union is based<sup>6</sup>.

Teams of police must be established that apply community policing philosophy and that are fully devoted to the community in order to generate trust in the institution and in the police officers themselves who are recognized and identified with the geographical

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<sup>6</sup> AGUILAR GARCÍA, M.A. and others, *Manual práctico para la investigación y enjuiciamiento de delitos de odio y discriminación*, Barcelona, 2015, p. 17

area where they work. These teams<sup>7</sup> should identify with and focus their work on the neighbourhood and its problems, but not focus exclusively on problems of racism. This facilitates flowing relationships and mutual understanding.

This philosophy should be in force 365 days a year, that is it should be on-going, and not only be applied when police perceive that problems are brewing. Trust and relationships must be established before they become necessary. If this is done correctly, it will be very easy to prevent problematic situations from arising in the first place and, if they do emerge, to snuff them out as soon as they occur.

The community will trust its police officers, informing them of suspicious situations or those that could pose a risk to the community itself. For example, in neighbourhoods where there is tension with the police, people do not turn to local officers to report acts of racism or xenophobia. Instead, they either keep them to themselves or report such incidents through parallel channels (associations, friends, social networks, community or religious centres, etc.).

When certain sectors of society continue to harbour doubts about police intervention and tensions begin to rise and even lead to unrest, the specialised police service should have the ability to mitigate such situations through formal or informal community leaders with whom it has previously established trust and communication channels. In this way they can help to pacify the situation and conduct the investigations required to shed light on the events that have taken place.

With regard to the investigation of events involving racism, xenophobia or other forms of intolerance that violate Fundamental Rights, in numerous judgments, the European Court of Human Rights has been calling on Council of Europe Member States to conduct effective official investigations that lead to the identification and punishment of those responsible for racist or xenophobic incidents, including the obligation to apply all reasonable measures to discover whether the incidents under investigation are racially motivated and to establish whether feelings of hatred or prejudice based on ethnic origin have played a role in the events reported<sup>8</sup>.

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7 During the first phase of the project, different initiatives carried out by the local police units specifically devoted to fighting hate crimes and racism were identified. During the PROXIMITY Mutual Learning Workshop, several recommendations were proposed to reinforce the work being done by these units. The need to improve communication between these specific units and city neighbourhoods / districts was highlighted. To that end a proposal was tabled to create the figure of 'liaison officer' in the district units. Another recommendation was to increase the number of police officers that relate directly with victims of hate crime and/or racist incidents in the districts.

8 ECHR Judgment of 6 July 1985, *Nachova and others v. Bulgaria*; of 31 May 2007, *Secic v. Croatia*; of 24 July 2012, *Beauty Salomon v. Spain*; and of 11 March 2014, *Abdu v. Bulgaria*. Human Rights Court judgment 10/20/2015 *Balázs v. Hungary*.

The real cause of the event must be identified and, where relevant, all inquiries must be made available to the judicial authorities. A real and satisfactory solution will not be achieved by simply quelling a specific conflict. A thorough investigation delving deeply into the underlying issues is needed. A one-off momentary solution could allow the conflict to continue to grow and fester, which would undermine the working relationship between the police and the community.

**Processing of information obtained.** Systems and procedures need to be put in place to monitor and manage community tensions and to gather community intelligence<sup>9</sup>. The magnitude and frequency of incidents of hate, racism and xenophobia is one of the key elements that police must monitor on a daily and weekly basis<sup>10</sup>.

This should be measured along with other elements such as community intelligence, crime and other social factors. Results should be shared with the local community and with other key officers. These initiatives aimed at monitoring the tension and conflict within local communities enables early community intervention by the police, the community and other key agents.

In addition to sharing information about tensions with the local community, it would be helpful to bring civil associations on board to obtain information on existing conflicts and incidents. A good practice would be to establish a systematic procedure whereby police officers and social agents collect information. Both police officers and social agents should be properly trained in the implementation of this procedure.

Social media can be used to identify organised groups and monitor their activity. They can detect calls for potential rallies with the intention of carrying out violent acts motivated by racism, xenophobia or other forms of intolerance. It may even be possible to foresee the creation of such organised groups.

By monitoring social media, police services can also identify crimes and even learn of them before they occur. Social media can also help in identifying trends in the wake of

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9 In the United Kingdom, community intelligence is understood as information and other indicators coming from community members that may suggest a potential escalation of social tension. It includes analysis and collection of information such as rumours or gossip or what community members relate to community or local police about how they feel. This information, combined with that of the police and police intelligence, can help to prevent conflicts and social tension.

10 Two recommendations were made to improve this point during the PROXIMITY Mutual Learning Workshop: first, to create mechanisms for direct dialogue between local police and the community, particularly with the most vulnerable groups in relation to hate crimes and/or racist incidents. In this regard, the question of police uniforms was discussed. With a view to generating trust among some groups (particularly young people), assessing the need for police officers to wear a uniform was deemed necessary.



significant events. This monitoring must be carried out with scrupulous respect for privacy and data protection rules and must be placed under judicial control as necessary.

The same social media can be used by police services to counter fake news seeking to erode peaceful coexistence in the neighbourhoods.

**Non-discriminatory police identity checks.** Set up monitoring and control mechanisms when engaging in identity checks, stops and searches of people on the streets.

It is said that identity checks are based on ethnic profiling when police focus disproportionately on certain individuals because of their racial, ethnic, or national origin, whether real or apparent, rather than basing themselves on objective and reasonable grounds for suspicion.<sup>11</sup>

It is very important to make sure that police do not engage in ethnic profiling, even unconsciously (check which people are being stopped more frequently and why). To this end, it would be advisable to check the methodology followed when stoppings and searching people on the street, and see whether they are standardised and follow protocols and whether they are monitored by a superior who must be accountable to society for the results obtained in order to safeguard people's fundamental rights and legitimise police work in the eyes of the society.

These data must be recorded, analysed and audited internally to verify the effectiveness of ID checks and the way in which they are conducted in order to avoid racial bias and discriminatory checks. This can be achieved by drafting forms detailing citizens' legal rights and duties when they are subjected to this type of police intervention. This ID check methodology is endorsed by numerous European and international organisations that work to protect human rights<sup>12</sup>.

**The voluntary nature of officers engaging in police diversity management.** This very specific police work requires a special commitment from the officers involved. Interested officers must pass a selective training process. This process must include a series of tests, including an interview, to assess the skills acquired during the training process and candidates' attitudes. This training-selection process is recommended because candidates' willingness and self-selection are not enough to ensure that the police have the skills they need for their

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11 MILLER, J., *Identificaciones policiales imparciales y eficaces, informe técnico, Lecciones sobre la reforma en cinco servicios policiales españoles*, 2015, New York, p. 9

12 Human Rights Council, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, op. cit. paragraphs 68 and 69; European Union Agency for Fundamental Rights, *Towards More Effective Policing Understanding and Preventing Discriminatory Ethnic Profiling: A Guide* (2010), p. 53.

work. The training process could be included as part of the general police training strategy, and (through an interview aimed at assessing psychological aspects, general fitness for the post and through a test to assess the assimilation of general knowledge) candidates would have to pass in order to form part of the unit. Experience in these units should be considered for purposes of promotion in the ranks of police service.

Moreover, a certain time commitment should be required at it would make no sense to furnish all the training for specialists in diversity policing, establish relationships with community leaders, NGOs, the associative fabric, and so forth, only to then request a transfer or unit change because the police officer had never volunteered for this kind of work in the first place or discovered they did not like it. This sort of special involvement can only be achieved with officers who volunteer.

The entire police institution must share this philosophy even though not all service shifts will have officers specialised in this area. The objective is to change the organisational culture by making equal treatment and non-discrimination its main priorities. For instance, it is unlikely that a mediation process will be required during the night shift. The period of greatest activity in the neighbourhood or area of action will surely not be at night. However, this in no way diminishes the importance of managing all work shifts with the same philosophy. Officers will be able to evaluate whether a problem should be dealt with by the team specialised in hate incidents and send it through the appropriate channels along with the information gathered, or whether the incident can be resolved by the unit that has encountered it.

The makeup of police services as a strategy to foster trust on the part of minority groups. The Rotterdam Charter<sup>13</sup> proposed different measures, both political and on police organisation, indicating what a police service should look like in a multi-ethnic society. If police aspire to provide a legitimate service for the entire community, they must promote actions to achieve ethnic diversity within their own ranks<sup>14</sup>. A number of international and European human rights institutions<sup>15</sup> have suggested affirmative action as a way to

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13 The Charter, drafted in 1996, is a conclusions document drawn up at the Conference held in Rotterdam at the initiative of its City Council, the municipal police and an anti-discrimination association called RADAR. With the support of a multinational management team, the conference was held under the slogan "Policing a multi-ethnic society. Principles, practice, associations." The conference was attended by more than 120 delegates representing 17 countries, selected from among police, local authorities and non-governmental organisations

14 SAEZ, J. and others, *Guía para la Gestión Policial de la Diversidad*, Madrid, 2013, p.63.

15 European Commission against Racism and Intolerance (ECRI), ECRI General Policy Recommendation No. 11: Combating racism and racial discrimination in policing, adopted by ECRI on 29 June 2007, paragraph 17; Human Rights Council, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, op. cit., paragraph 60.

increase the number of policewomen and members of minority groups as a way to obtain more efficient police services.

**How police manage individual or collective complaints related to incidents of hate or discrimination against their own officers.** Transparency and clearly defined elements of internal control are decisive so as not to erode trust in a diverse society. Again, the Rotterdam Charter underscores the need to have very clear complaint and grievance procedures to resolve cases of hatred, intolerance or discrimination filed against its members. If racism is addressed within police services, the police will gain credibility in the eyes of society<sup>16</sup>. It should also be noted that the establishment of independent complaint mechanisms to report irregular policing is a human rights mandate<sup>17</sup>.

**How citizens can report incidents or acts of racism, xenophobia or other forms of intolerance.** It is important for police services to have mechanisms to receive clear and accessible complaints and information. In the fight against racism, xenophobia and other forms of intolerance, having procedures or elements that facilitate the filing of complaints by people who are not well versed in the language of the country in question is an aspect that the organisation must take into account.

Documents with adapted language so that they can be understood by the intellectually disabled, or direct messaging systems with the police through mobile telephony, are useful for people with certain disabilities (the deaf, for instance) insofar as they facilitate communication with the police. The use of new technologies by the police is in line with the way young people communicate today.

Another way of bridging the gap with citizens is to turn to existing intercultural mediators or similar figures in different cities as they have a deeper knowledge of minority groups' key language and cultural aspects.

New information technologies (smart phones, instant messaging applications and social media) should be viewed as an opportunity to be seized by police services to improve communication with the societies they serve.

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16 Ibid., p. 64.

17 European Union Agency for Fundamental Rights, op. cit., p. 58; Human Rights Council, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, op. cit. paragraph 70.

**Ways to patrol or monitor neighbourhoods.** Each organisation needs to assess which method best bridges the gap between specialised police officers and citizens without undermining police operations. There are areas where policing is best done on foot, such as in neighbourhoods with a high density of housing blocks and population. Conversely, this would not be feasible in areas with single-family homes where officers on foot could only cover a small portion of the neighbourhood. In these other areas, bicycles, motorcycles, four-wheeled vehicles or other forms of transportation able to combine proximity policing with the operational needs and safety of officers would be more appropriate. However, it must not be forgotten that the lower the speed of police patrols, the greater their ability to observe and approach citizens. It is always easier to approach an officer on foot than to try to flagging down a vehicle to talk to its occupants.

### 3.3. ASSESSMENT

In this section we will delve deeper into the necessary follow-up and assessment of proximity policing initiatives aimed at preventing racism, xenophobia and other forms of intolerance. Several important conclusions were drawn regarding the monitoring and evaluation of police action from the report entitled *Best Practices and Comparative Study: Services, Structures, Strategies and Methodologies on Proximity Policing against Racism, Xenophobia and other Forms of Intolerance*<sup>18</sup>, drafted during the first phase of the PROXIMITY Project:

- One of the main weaknesses identified is the almost complete lack of monitoring and evaluation activities in the interventions, best practice and projects analysed.
- It is difficult to assess the real impact of police actions and their success in the prevention and fight against racism, xenophobia, general intolerance, and hate crimes. This is also due to the fact that, with few exceptions, apparently there is no regular follow-up or monitoring of action and results obtained.
- A database needs to be established to collect information on hate crimes and other acts of intolerance in places where such a tool does not yet exist in order to allow police to follow up in this area.

Hence, the objective of this section is to provide a series of guidelines that can be applied in diverse local contexts taking the proximity policing philosophy into account. Two premises must be used to begin:

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<sup>18</sup> <http://www.proximitypolicing.eu/>

- In most of the experiences analysed in the PROXIMITY Project, the development of proximity mechanisms and policies depends on the way police services are organised at the different levels of government. This, together with the global organisation to which they belong and the different competences of the various police services, generates a situation in which they sometimes have different philosophies with respect to the organisation of police action and public safety.
- As a result, one must be aware of the different levels of responsibility for public safety (with the understanding that there are different definitions of the concept of 'safety' or 'security') and the concept of police action and the proposed evaluation methodology for each one of them. Evaluations of police action are likely to focus more on aspects related to police effectiveness than on community or proximity policing or how this action relates to social phenomena. Therefore, efforts should be made to incorporate this vision into evaluation systems.
- The PROXIMITY Project is linked to proximity policing with a very specific scope, i.e. the local prevention of racism, xenophobia and other forms of intolerance. This adds complexity to the evaluation system as we need to know whether police services have data collection methods on incidents of intolerance motivated by racial and/or ethnic origin, what indicators are used to evaluate and include the proximity policing perspective in these systems, and so forth. If there are none, it is important to delve into the reasons for this and assess the possibility of establishing evaluation mechanisms on racist and xenophobic incidents in the local community. Regardless of whether these information collection systems and indicators already exist or need to be created from scratch, it is essential that they be fully integrated into general police information and investigation systems.

The following provides an example of an evaluation proposal for proximity policing in the area of racism and xenophobia. It establishes different dimensions or areas to be evaluated, a list of indicators and possible data sources.

Five areas or dimensions of evaluation are proposed:

- Public safety and coexistence, which in turn have two inseparable dimensions. One is objective (events: the actual conflict and criminal act). The other is subjective (perception: the opinion citizens have of coexistence and security). Hence, conflict and a lack of public safety both the real risk (the likelihood of being a victim of conflict and crime) and the perceived risk (fear of conflict, crime and overall lack of public safety). Consequently, the evaluation must

incorporate the analysis of both dimensions: the objective dimension based on 'facts' and the subjective dimension, based on perception. Hate crimes are characterised by their powerful impact not only on the victim but also on the group to which the victim belongs. This makes measuring perception of security more relevant than in other types of crime and also helps to better identify vulnerable groups and their needs.

- The police activity dimension. This involves establishing indicators to ascertain and measure areas of police performance and the emphasis placed on each area, including the proportion of time spent on each area, the type of related tasks, and the contingent assigned. This dimension allows police efficiency to be evaluated as well as whether task assignment coincides with institutional priorities.
- The police organisation / management dimension. A number of different measurable dimensions can be found under this umbrella. We can measure efficiency in the use of resources, i.e. the relationship between (human and material) resources allocated and the fulfilment of proposed objectives. Recruitment, training and promotion systems can also be quantified in order to determine whether they adequately meet the objectives set, suit the profile of candidates and the quality of the selection process and ascertain whether there are measures in place to encourage the incorporation of police of different ethnic origins, cultures, religions, genders, sexual orientation, etc. It is also important to ensure that professional and work environments are inclusive. This can be fostered by establishing mentoring systems and professional networks targeting minorities and enabling these police officers to share their experiences and concerns and take advantage of other already proximity policing platforms. The institutional structure and chains of command are another important dimension to consider to shed light on the horizontal and vertical flow of information within the institution.
- The relationship between police and the community. The community is a fundamental source of information for measuring police performance. Considering that the police's main 'client' is the community it serves, it goes without saying that the community is in the best position to judge aspects including the quality of the service it receives, the trust it has in the police, the treatment it receives. Here, it is very useful to apply a 360° evaluation in which police provide a self-description of their responsibilities, and the people they work with analyse their performance. For our purposes, we add an analysis of the communities with which they engage. Such an evaluation report enables police to see their performance through the eyes of others, detect and correct potential issues and implement actions that enhance their professional and personal development.

## Indicators

Three types of indicators can be defined:

- **Impact indicators:** measure the effect of policies or programmes on a given phenomenon. The aim here is to ascertain the degree of compliance with the objective in an intervention (policy or programme). The following is an example:
  - General objective: reduce racist and xenophobic incidents in territory X.
  - Indicator: complaint rate (direct or indirect<sup>19</sup>) of racist and xenophobic incidents in the last 12 months in territory X.
  
- **Result indicators:** used to measure the fulfilment of specific objectives within a strategy framework. The aim is to ascertain the result of actions undertaken to achieve an objective. Example:
  - General objective: reduce racist and xenophobic incidents in territory X.
  - Specific objective: encourage citizen participation in co-fostering harmonious interaction and security.
  - Result indicator: number of local residents actively involved in platforms or coexistence councils where proximity policing teams and neighbourhood, social, cultural, religious, immigrant associations, etc. all take part.
  
- **Process indicators:** used to determine progress in the implementation of specific activities needed to comply with the plan's objectives.
  - General objective: reduce racist and xenophobic incidents in territory X.
  - Specific objective: encourage citizen participation in co-fostering harmonious interaction and security.
  - Process indicator: number of meetings held in the last six months and agreements or actions promoted.

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<sup>19</sup> Formal complaints to the police and/or prosecutor's office or indirect complaints, i.e. action taken by associations, groups or individuals who do not file a formal police report.

When designing an evaluation system, it is important to use all types of indicators as different indicators measure different and complementary aspects. While most public safety evaluation systems typically use impact and outcome indicators, for proximity policing it is more useful to use process indicators, particularly for some of the proposed evaluation dimensions.

## Evaluation matrix

The proposed evaluation matrix includes specific indicators for each area-dimension following the specific scope of the PROXIMITY Project. The list of indicators is shown as an example and is not exhaustive as it must be adapted to each specific situation.

Dimension under evaluation	Indicators	Data source
<b>Crime/ Delinquency</b>	<ul style="list-style-type: none"> <li>• Annual rate of hate crimes and racist /xenophobic incidents per 1000 inhabitants.</li> <li>• Rate of detainees for hate crimes and racist / xenophobic incidents per 1000 inhabitants.</li> <li>• Rate of hate crimes and racist / xenophobic incidents resolved in the last 12 months.</li> </ul>	Police statistics
<b>Perceived security</b>	<ul style="list-style-type: none"> <li>• Percentage of the population that believes they have been a victim of a racist / xenophobic incident or a hate crime in the last 12 months.</li> <li>• Percentage of the population that believes that racist / xenophobic incidents or hate crimes have increased in their neighbourhood in the last 12 months.</li> <li>• Percentage of the population that has taken some action to prevent themselves from being a victim of a racist / xenophobic incident or a hate crime in their neighbourhood.</li> <li>• Groups of people who feel or perceive that they could be victims of racist or xenophobic incidents in the next 12 months.</li> </ul>	Survey of perceived security in the neighbourhood / city.  Information / data collected from civil society organisations.



# TOOLKIT

Against racism, xenophobia and other forms of intolerance  
COVERING MUNICIPALITIES, AND PARTICULARLY PROXIMITY POLICING

Dimension under evaluation	Indicators	Data source
<b>Police activity</b>	<ul style="list-style-type: none"> <li>Percentage of police officers devoted to prevention / investigative activities looking in to racist or xenophobic incidents and forms of intolerance.</li> <li>Number of hate, racism, and xenophobia incidents recorded or in which proximity police have engaged.</li> <li>Indicators of care given to victims of racist incidents. How the victim perceives treatment received from police and not just a measure of time spent or complaints filed should be measured.</li> <li>Follow-up on police action in cases of victims of racist incidents or hate crimes (visits to see victims, follow-up on cases, etc.).</li> </ul>	Police management reports
<b>Police management / organisation</b>	<ul style="list-style-type: none"> <li>Number of police officers that received specific training on racism and xenophobia (indicate number of police officials). The number of requests for such training and the ratio of candidates accepted should be taken into consideration.</li> <li>Continuing education and refresher courses on racism and xenophobia (hours of training, frequency of course offerings, profile of participants, etc.).</li> <li>Number / percentage of officers belonging to minority groups.</li> </ul>	Police management reports
<b>Relationship with the community</b>	<ul style="list-style-type: none"> <li>Number of meetings (formal and informal) with community organisations, particularly with those of the groups most vulnerable to racist / xenophobic incidents. Level of satisfaction and results of the meetings.</li> <li>Cooperation with other public services: social, health, educational, etc.</li> <li>Existence of coexistence or local participation platforms / councils in which proximity police participate in some way. Discussion of racist / xenophobic incidents in those forums.</li> <li>Systems in place to assess the degree of community satisfaction with the work performed by police officers (satisfaction surveys, evaluation workshops, etc.).</li> </ul>	<p>Police management reports</p> <p>Reports and surveys, including those done by civil society organisations.</p>

# 4.

## TRAINING AND SPECIALISATION

This is one of the most important sections of this manual since most of the success of a proximity policing philosophy hinges on training and on how familiar the officers who are responsible for policing a diverse society and establishing a relationship based on trust and mutual respect are with the citizens they serve. However, the concept of training should not be restricted to police academies. All of those involved in this issue should acquire the broadest possible knowledge of the state of affairs.

Broad training is required in the field of human rights, applicable law within the framework of the European Union, and legislation in force in each country. Police officers need training on indicators of hate and intolerance incidents and crimes as hate crimes sometimes go unnoticed. Once indicators have been identified, it is easier to gather relevant evidence and information to shed light on incidents and their underlying motivation.

Training has a direct impact on how victims are treated. The better police officers are trained, the more equipped they are to ascertain the real situation and circumstances surrounding victims and serve them better.

Victims of racism, xenophobia or other forms of intolerance basically suffer a violation of their dignity. Hence, the way the police treat and communicate with them is vital in establishing trust.

Quality training in the fight against racism, xenophobia and other forms of intolerance requires an organisational culture based on equal treatment and non-discrimination. It is therefore necessary to ensure that the subject matter taught guarantees the acquisition of the knowledge, skills and attitudes required to ensure the proper treatment of victims and effectively combat these situations. Additionally, the design of training strategies must have the express support of the organisation and its culture of inclusion.

The following training sections are put forward:

# 4.1. TRAINING AT OFFICIAL TRAINING CENTRES AND/OR POLICE ACADEMIES

**4.1.1. Specific training in basic training courses for new recruits.** Police officers will be prepared to work to detect and to combat hate crimes and racist and/or xenophobic incidents in accordance with the proximity policing philosophy from the outset of their police work.

At the beginning of their careers, this type of training will ensure that police officers automatically incorporate this way of working into their daily routines and know how to identify racist and/or xenophobic incidents and other forms of intolerance and be able to refer them immediately to the corresponding Unit for a specialised response. This will prevent these events from being rendered invisible as they are categorised without identifying the component of intolerance.

Training that enhances the new police recruits' self-awareness and awareness of the impact that their own attitudes, stereotypes and preferences have on their professional performance, decision-making and treatment of victims is recommended.

Knowledge of the legal framework and procedures is a basic starting point. Theoretical content is the foundation on which required competences are later built. This basic information must be mandatory as from the new recruits' entry into the police organisation and it must apply to all professional ranks. There must also be specific compulsory training for members of the specialised units. Likewise, there should be voluntary training in cases of specialisation.

It is important to develop communication skills with a view to establishing alliances, building trust and acquiring information. Cognitive interviews and mediation are two specific techniques to achieve this goal.

The following list provides some of the characteristics that training should include:

- In general, a priority is attached to classroom and on-the-job learning ('immersion' in vulnerable groups). Online training is reserved for specialisation and accessory courses.
- It is essential to involve members of vulnerable groups, associations that defend them and victims in the training process.
- Courses should focus on practical learning with a predominance of workshops.
- Student assessment should include case studies and apply the use of skills. Self-evaluation is also necessary.

- When assessing the success of the training its impact on daily police practice must be verified. To do so, we propose examining parameters such as objective change indicators (number of complaints, number of contacts, participation, creation of networks, etc.), whether or not there are supervisors to attend to how each known hate crime is being addressed, the satisfaction of the victims and those surrounding them with treatment received, the inclusion of covert evaluations in the workplace, and external evaluation.

**4.1.2. Compulsory** and/or voluntary **specialisation training** in human rights, diversity management, hate crimes, conflict resolution, mediation techniques, and so forth should be present in all police academy training schemes. Officers already serving in the field who did their basic training as new recruits before the proximity policing philosophy was implemented will be re-trained. These specialisation and refresher courses will help officers to internalise these work routines to the extent that they are automatic.

Making training compulsory is a way of guaranteeing that the organisation as a whole is aware of the importance of this issue which can be reinforced with a communication strategy<sup>20</sup>.

- Special focus should be placed on the training of police officers dealing with minors, both victims and aggressors.
- Training to provide specialised, quality care for victims whose fundamental rights have been violated. The different circumstances under which people are subject to discrimination (racism, xenophobia, LGTBI-phobia, religion, belief, disability, socio-economic situation, gender, age, physical appearance, illness, ethnic group, culture, etc.) must be taken into account.
- Take note of the participants' evaluation of the course. An anonymous questionnaire should be given to participants at the conclusion of the course to assess the methodology and tools used, the content and the trainers. These questionnaires must be anonymous to ensure sincere opinions are provided.
- Assess what participants actually learned in the training course by means of tests and/or role play of incidents / hate crimes. Part of the training time, preferably at the end, will be allocated to case studies and/or role play of racist or xenophobic incidents and other forms of intolerance to further consolidate students' their training.

A system should be introduced to evaluate how the specialised training related to job posts was conveyed. It should include objective measurements of compliance with targets and 360° feedback.

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<sup>20</sup> <http://www.empleo.gob.es/oberaxe/ficheros/documentos/IgualdadTratoNoDiscriminacionGuiaRecomendacionesFormacionFFCCSeguridad.pdf>

## 4.2. TRAINERS/TEACHING TEAM

In addition to police trainers, other trainers who work directly and routinely with victims of hate crimes and other victims of intolerance must be incorporated into the training programmes to offer a perspective that is broader than that of the police.

Operationally speaking, training should take place in the community itself (not in police facilities) and involve community members who participate.

Universities and academic researchers are at the forefront of the methodologies developed to address social conflict and harmonious interaction. Police services must take advantage of this knowledge and implement it in their action plans. Collaboration programmes with academia are one of the keys to success in training police to prevent racism, xenophobia and other forms of intolerance.

An example of a training manual on knowledge and skill acquisition to improve the response of the police and civil society to hate crimes can be found at:

<http://www.together-project.net/materials/>

An example of specific training on LGBTI-phobic crimes: ILGA-Europe toolkit to train police officers in the fight against LGBTI-phobic crimes can be found at: <https://www.ilga-europe.org/resources/ilga-europe-reports-and-other-materials/ilga-europe-toolkit-training-police-officers>

The Human Library project is an example that has been developed in many countries (Originally from Denmark to raise awareness among young people, it is adapted to a large number of contexts and situations of discrimination). It highlights the importance of promoting dialogue and mutual awareness with a view to breaking down prejudices and stereotypes about groups that are vulnerable to discrimination and hate crime. It is available at: <http://humanlibrary.org/>

We would also mention the experience that has been developed with the Local Police of Madrid in the framework of diversity training. Information available at [Integrated Training Centre](#). The working module offered entails inviting resident aliens who have been victims of discriminatory incidents to establish direct dialogue with police officers, promote joint reflection and generate empathy and trust between the two groups.

# 5.

## TREATMENT OF VICTIMS

Victims of hate crimes, racist and xenophobic incidents and other forms of intolerance have suffered a violation of their fundamental rights. The degree of trust that the community, minority groups and the diverse society has in the police is directly proportional to the type of treatment they receive from them.

Intersectionality<sup>21</sup> or multiple discrimination is an issue that must be taken into account to ensure that victims are treated properly and to understand that people may be victims due to more than one circumstance and how this affects them.

The motives of perpetrators of hate crimes / incidents may be varied. Sometimes the same person may be motivated by manifold circumstances of intolerance / discrimination. Each individually or collectively may be the cause of an incident of intolerance or discrimination. For example, when a person from an ethnic minority who has an intellectual disability is assaulted or discriminated against, it could be because of his/her ethnicity, disability or a combination of the two. From an intersectionality standpoint, hate crimes / incidents should be addressed based on the suffering of the person as a whole, considering all circumstances. However, intersectionality is more than the sum of a series of circumstances. It takes on a different dimension because it reveals a particular type of subordination.

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<sup>21</sup> The term 'Intersectionality' was coined in 1989 by the activist and academic Kimberle Williams Crenshaw. It is the study of overlapping or intersecting social identities and their respective systems of oppression, domination or discrimination. The theory suggests and examines how various biological, social and cultural categories such as gender, ethnicity, class, disability, sexual orientation, religion, caste, age, nationality and other forms of identity interact may be compounded and simultaneous. The theory proposes that, in order to fully understand identity, we think of each element or trait of a person as inextricably linked to all the other elements.

People become victims of hate incidents / crimes because of traits associated with negative stereotypes that are deeply rooted in society and which, on the one hand, magnify the seriousness of the affront to their dignity while somehow transforming the type of injury suffered. This had already been specifically detected in the field of gender discrimination, clearly the most widespread form of discrimination in Europe. But this realisation has not been taken any further and no tangible lessons have been learned. In both international and national law, the prohibition of discrimination is invariably addressed from the perspective of a single factor of discrimination (race, gender, disability, etc.); combinations of various factors are rarely considered. These different factors are typically treated as parallel lines, always equidistant from one another and never intersecting. However, this approach is changing.<sup>22</sup>

Misogyny is an important concept in the discussion of multiple discrimination or intersectionality. It is important to note that the Committee on the Elimination of Discrimination against Women (CEDAW Committee) has affirmed that gender-based violence against women is a form of discrimination.<sup>23</sup> The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) defines discrimination against women as any distinction, exclusion or restriction on the basis of sex which intentionally or unintentionally nullifies or impairs the recognition, enjoyment and exercise of women's rights, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other sphere.

Gender perspective is an extremely important issue to take into account in the treatment of victims of racism, xenophobia or other forms of intolerance.

Intersectional discrimination is a distinction, exclusion or restriction based on the intersection and interaction of several factors or protected categories that occurs uniquely in a particular woman and whose object or result is to nullify or impair the recognition, enjoyment or exercise, under conditions of equality, of their human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other sphere<sup>24</sup>.

Taking all this into account, the following points are proposed in this section:

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22 Fernando Rey Martínez. 2008. "La discriminación múltiple, una realidad antigua, un concepto nuevo". *Revista Española de Derecho Constitucional*, 84, p. 254.

23 Committee on the Elimination of Discrimination against women. 1992. *General Recommendation No. 19 (Eleventh session, 1992). Violence against women* and Committee on the Elimination of Discrimination against Women 2017. *General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19*.

24 Fundación Secretariado Gitano, 2018, "Guía sobre discriminación interseccional, el caso de las mujeres gitanas", p. 14.

## 5.1. ASSISTANCE FOR VICTIMS AT POLICE FACILITIES

Some victims of hate crimes or incidents are not treated properly by police services, either because they have downplayed the importance of what has occurred, ignored the victims or, worse still, because police themselves have been the perpetrators of the incident. The first encounter with the police is crucial for the victim and we therefore make the following recommendations:

- a) Make premises outside of police stations available for interviews with victims. In this regard, it is a good idea for police specialised in the care of victims of racism, xenophobia or other forms of intolerance to wear street clothes rather than a police uniform. Also, the premises chosen to speak with victims should be as inviting as possible. Coming and going of people, patrol cars, noise from police radios, and so forth should be avoided.

It would be ideal for the interview premises to look like a home where the waiting room could be decorated and furnished. The place should be accessible for people with physical or sensorial disabilities and be located in an area that is easy to reach by both public and private transport.

- b) Draw up a document similar to the 'victim's contract' outlining victims' rights and make it available prior to the interview. (It should include features such as a question about whether the victim wants to be interviewed by a policewoman and alternative options for victims who would prefer not to go to a police station).
- c) Be aware of the tone of voice used and one's demeanour when speaking to victims.
  - Alternative solutions should be provided if victims find it difficult to go to the police facilities to make a statement. A possible solution could be a police vehicle equipped as a mobile complaints office where a comfortable space can be created for anyone can go there to file a complaint or make a statement. This same vehicle could be used as a mobile office to bring specialised police units closer to citizens. For example, it could be on hand during events to facilitate filing complaints. This would make it easier for victims to remember the details of what happened and they would not have to travel to the police station<sup>25</sup>.

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<sup>25</sup> Reference to proper interview techniques. A cognitive interview is recommended. Technique described on pp 123-128 <http://www.empleo.gob.es/oberaxe/ficheros/documentos/ManualApoyoFormacionFFyCCSeguridadIdentificacion-RegistroIncidentesRacistasXenofobos.pdf>



- Victims should be allowed to have a trusted person stay with them as they fill out the report. This will help make them feel more comfortable and will serve as support when the victim may break down while reporting the events that occurred. The support person may also help the victim remember more details and answer the questions posed by the interviewing officers.

We would not recommend that victims' young children be present as they could inhibit the victim. It is not uncommon for sons or daughters to act as translators when their parents need to deal with the authorities. However, the desire to protect sons or daughters from the cruder aspects of the incident, from the victim's fears, etc., could have a negative impact on the quantity and quality of the statement.

- Provide information about the entire process and answer all victims' questions. Victims often do not realise that their fundamental rights have been violated and, once they truly become aware that the events they have suffered can be considered a crime, they are unaware of the arduous process that they are about to embark upon by filing the complaint. They are also unaware of the administrative procedures (fines) which, depending on the nature of the incident, are sometimes swifter and more effective than a criminal proceeding. That is why it is so important to inform victims of the process and answer all their questions, repeating the information as many times as necessary in a way that is easy to understand, i.e. trying to avoid complex legal terms and technicalities.
- Provide legal and psychosocial assistance. Many times, people whose fundamental rights have been violated do not have the financial resources required for legal assistance that makes the filing of a complaint even more difficult. Perpetrators are generally aware of these circumstances and know that they may never have to answer to the justice system for their deeds. Free legal assistance helps victims file their complaints and prevents these acts from going unpunished.

Psychosocial support is likewise important. Police need to collaborate with other departments or with organisations that support victims of racism, xenophobia or other forms of intolerance to help them navigate the difficult path towards recovering their dignity following an attack.

- Provide interpreters, translators, reports and adapted documents to cater to different languages, disability and any other special condition the victim they have. As with legal and psycho-social assistance, it is essential to provide interpreters and translators to those that need or have requested such services. Victims must be able to understand the questions posed by police

officers. Similarly, it is vital for interviewing officers to be able to understand what victims are telling them. This is not feasible if the two sides do not speak the same language or if the victim has an intellectual or sensory disability. For example, if the person is deaf, s/he must be provided with a sign language interpreter to ensure effective communication.

The documents and records provided to the victim should also be adapted for persons with disabilities because once they leave police premises they may want to read the documents again. And if the victim has a visual impairment, for example, s/he will not be able to do so unless provided with a Braille translation. The same is true for a person with an intellectual disability who may not understand unless the documents are transposed into 'easy reading' format. If adapted documents are not provided in these instances, it would be as if no documents were provided at all. Along these same lines, documents should be translated into the most important and widely used languages spoken by the people living in the neighbourhood in question.

Further recommendations:

- Devise voluntary processes whereby victims and aggressors can meet, giving victims the opportunity to express how they feel and aggressors the opportunity to apologise. This empowers victims and serves as a punishment for aggressors. This is done by some project partners (Bradford and Estonia), the process being carried out by NGOs.
- Apply the process of restorative justice (typically used with children) to adults. In these instances, by being made to clean graffiti, give talks or engage with the Muslim community for example, perpetrators are made aware that their acts have consequences.
- Foster consultation and information services to which victims can turn and feel heard without having the pressure of filing a formal complaint. For instance, a specific hotline similar to a domestic violence hotline can be provided rather than the standard emergency telephone number.

## 5.2. SECONDARY VICTIMISATION

An overarching principle should be to prevent re-victimisation. This means that victims should not be forced to re-tell the events they have suffered at each stage of the process as this can cause suffering. For this reason, subject to victim authorisation, recordings can be made of the initial statement made by the victim at the police station.

By ensuring that they do not have to repeat what has happened to them over and over again, and also avoiding the problem of memory gaps and mistakes as time elapses, victims are better able to put these incidents behind them and begin to recover and rebuild their lives.

We suggest two concrete measures to prevent secondary victimisation:

- a) Set up a victim assistance office. A range of professionals (lawyers, psychologists, social workers) should be on hand to meet victims' needs. The Office of the United Nations High Commissioner for Human Rights recommends establishing close collaboration with medical, social, legal and other victim assistance agencies and programmes. It also recommends establishing official victim assistance guidelines to ensure prompt, adequate and comprehensive attention to address legal, material, medical, psychological and social assistance needs.<sup>26</sup>

Given the special circumstances surrounding those whose fundamental rights have been violated, having legal and psychosocial support available in the same place that police services are provided during their first encounter with the police will raise the quality of service and help victims to overcome the attack they have suffered to their personal dignity.

- b) Monitoring of victims. Follow-up services must be provided for victims to ascertain whether the attacks they have suffered are on going or whether the problem has been solved. Monitoring can be done either over the telephone, through visits, or by any other means deemed appropriate by the police service providing the service. Given the complexity of these cases, several different methods may need to be used to suit the needs of each victim.

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<sup>26</sup> Office of the United Nations High Commissioner for Human Rights, "Human Rights Standards and Practice for the Police Expanded Pocket Book on Human Rights for the Police", United Nations, New York and Geneva, 2004, p. 54, <http://www.ohchr.org/Documents/Publications/training5Add3en.pdf>

## TOOLKIT

Against racism, xenophobia and other forms of intolerance  
COVERING MUNICIPALITIES, AND PARTICULARLY PROXIMITY POLICING

Monitoring frequency of follow-up should not be the same for all victims but rather needs to be adapted to the circumstances of each particular case. Some victims will only need to be contacted once and not immediately after the incident, while others will require more frequent and prolonged follow-up over time and it is likely that the need for intervention of other professionals besides the police, i.e. psychological support, social services, etc., will be detected during the course of this prolonged follow-up.

The so-called 'blue rooms' are a very popular practice in Bulgaria. These are facilities for friendly interviews with children. The child and the interviewer meet in a room separated by a venetian blind from the adjoining room where all the other participants in the proceeding are gathered. The experts in the adjoining room can ask the child questions through the interviewer who is equipped with headphones and a microphone.

Social Activities and Practice Institute, "Child – friendly interviewing facilities" – Blue rooms, <https://sapibg.org/en/resource-center/deteto-svidetel/sini-stai>

With victims we use restorative justice principles.

# 6.

## COORDINATION WITH OTHER SERVICES

To facilitate comprehensive services for victims of racism, xenophobia or other forms of intolerance, it will often be necessary to engage the support of other specialised public or private services or organisations (NGOs, entities or associations to provide psychosocial care to victims and/or family members, etc.). By way of example, we propose coordinating with the following services:

### 6.1. PUBLIC SERVICES

**Establish networks to coordinate the police service with other public services that can provide support and assistance to victims.**

Focus should be placed on services able to address two very different aspects with those whose fundamental rights may have been violated: the first is prevention to keep incidents from happening in the first place and the second is support for victims once they have suffered an incident. Police should work in coordination with the following services:

- **Education.** Work must be done in school classrooms to prevent cases of bullying motivated by racism, xenophobia or other forms of intolerance. This sort of training can be included in the school curriculum for those age groups considered most appropriate based on research and statistics.

Training initiatives should be conducted in coordination with specialised professionals along with the participation of NGOs and associations in a position to provide the victim's perspective. Actual testimony to raise awareness among young people of the consequences of school bullying is a plus. The police officers who specialise in giving these training sessions and in dealing with minors should be the same recognisable neighbourhood officers so that when a problem is detected they are the ones in continuous contact with the school until the issue is resolved.

Training should include the definition of incidents of racism and xenophobia, their psychological impact on victims, examples of action that schools can take when faced with situations of this type, how to treat victims, aggressors and their families, and the legal aspects and civil, criminal and administrative liability of minors and their legal guardians in these cases. The role played by social media and the effect that the images uploaded and commentaries made there have on young people are another aspect to be taken into account in training.

- **Health care services.** Emergency room and primary health services deal with people who have suffered an aggression. Properly trained health-care providers should be able to detect racist and xenophobic motivation and identify hate crime / incident indicators from the descriptions provided by victims (insults and racist symbols used by aggressors, etc.). When these cases motivated by victims' ethnicity, skin colour, nationality, etc. are detected, these services can offer the victim specialised attention (psychological, referral to NGOs supporting victims, and so forth) and can activate the protection mechanisms established for these situations. This requires good coordination with the specialised police service and joint action protocols to ensure swift reporting of racist or xenophobic incidents.

The immediacy of the police intervention in any incident / crime helps to ensure that as much evidence as possible is collected and placed on file, serving to clarify the facts and find the perpetrator(s). This makes it important to train health-care providers to identify racist or xenophobic incidents / crimes.

- **Social services.** Often people who have suffered a racist or xenophobic incident or some other form of intolerance need help, over and above what police services can offer, to overcome the situation, recover their dignity and be able to control their fear of suffering a new incident. It must be remembered that, in some cases, victims find themselves socially excluded. They may be homeless or even have to leave the city to start over in an environment where they can feel safe.

This could stand in the way of victims' receiving the available psycho-social support they need. Therefore, we recommend a network be established to put victims in touch with available services and provide these services with information about victims, provided that such sharing of information has been authorised.

- **Employment.** The workplace is one of the areas where the greatest number of acts of discrimination motivated by racism, xenophobia or other forms of intolerance occur. Coordination with employment services and helping them to recognise these incidents is another important element.

There are organisations that work with vulnerable groups facilitating access to the labour market for people whose possibilities are limited due circumstances such as early motherhood, school dropout, and others. Together with belonging to a social group that has historically faced discrimination, these circumstances further thwart access to the labour market and contribute to gradual social exclusion. Police services can detect these situations and act as a channel of communication with these organisations.

- **Justice.** In order to identify the perpetrators of racist / xenophobic incidents or crimes and avoid secondary victimisation already described above, police services should coordinate closely with the Department of Justice in their police investigations.

**Police coverage of activities and events related to diverse societies.** Police services must ensure that social events and activities proceed normally. It is their duty to patrol and set up procedures to prevent and/or neutralise possible threats that could keep activities from proceeding as scheduled. Officers in charge of overseeing events must consider two different tactics: uniformed police to provide security at the event and also plain-clothes services to detect potential threats standing in the way of an event. This service should be performed by specialised officers trained to detect these potential threats.

## 6.2. SOCIAL ORGANISATIONS

- **Police services should offer informative talks on citizen rights and obligations, hate crime and discrimination and intolerance, as well as training talks on issues of interest to entities,** organisations, NGOs and the like that represent the diverse society.

Specialised police officers should also explain how their own service works as it is important for victims of fundamental rights violations to know who they should turn to and what channels they should use to do so. They should also provide information on police activity and offer data on incidents of racism, xenophobia or other forms of intolerance.

- **Coordinating and/or creating collaboration agreements** is a way of formalising and structuring collaboration with entities, organisations, NGOs and associations that offer support and attention to victims (such as support groups, training, legal advice, etc.).
- **Establish ties between police services and associations working with people whose fundamental rights have been violated.** These networks are effective insofar as they inform the community about tension levels and facilitate joint action to mitigate or solve problems. Strong civic networks involve different civil sectors and facilitate work between the police and the community in times of crisis<sup>27</sup>.

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<sup>27</sup> ASHUTOSH, V., *Ethnic Conflict and Civic Life: Hindus and Muslims in India*, Yale, 2002.



# 7.

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### MANUAL PRÁCTICO PARA LA INVESTIGACIÓN Y ENJUICIAMIENTO DE DELITOS DE ODIOS Y DISCRIMINACIÓN

[HTTP://WWW.EMPLEO.GOB.ES/OBERAXE/ES/PUBLICACIONES/DOCUMENTOS/DOCUMENTO\\_0069.HTM](HTTP://WWW.EMPLEO.GOB.ES/OBERAXE/ES/PUBLICACIONES/DOCUMENTOS/DOCUMENTO_0069.HTM)

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## Coordinator

Directorate-General for Integration and Humanitarian Assistance Spanish Observatory on Racism and Xenophobia (OBERAXE). Ministry of Labour, Migration and Social Security



## Partners



Ministry of Justice. Anti-discrimination and Fundamental Rights Team. Finland



Madrid Municipal Police. Spain



Riga Municipal Police. Latvia



Politsei- ja Piirivalveamet

Estonian Police and Boarder Guard Board. Estonia



Polícia de Segurança Pública. Portugal



UNIVERSITÀ  
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Foundation for Access to Rights. Bulgaria



Bradford Hate Crime Alliance. United Kingdom

## Associate Partners

European Coalition of Cities  
Against Racism (ECCAR)



European Network of  
Policewomen (ENP)



Ministry of Interior of Spain

