



# 'YOU NEVER KNOW WITH PEOPLE LIKE YOU'

POLICE POLICIES TO PREVENT ETHNIC PROFILING IN BELGIUM

AMNESTY  
INTERNATIONAL



**Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.**

**Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.**

**We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.**

Amnesty International Belgium  
Waversesteeweg 169  
1050 Brussels  
+32 2 669 37 37  
[Onthaal@amnesty-international.be](mailto:Onthaal@amnesty-international.be)  
BE11 5230 8012 9048

© Amnesty International Belgium  
May 2018  
Original language: Dutch

[www.amnesty-international.be](http://www.amnesty-international.be)



*Cover photo*  
© Spittart aka Younes v.d.b.

**AMNESTY**  
INTERNATIONAL



# EXECUTIVE SUMMARY

**“I do use ethnic profiling, but I don’t know how I should do my job differently. We’ve got to discriminate, because otherwise, we wouldn’t catch anyone.”**

Inspector

Ethnic profiling - using grounds such as race or national or ethnic origin in police control, surveillance or investigation activities, with no objective or reasonable justification - is a form of discrimination. Ethnic profiling is prohibited by international and Belgian law. States must take steps to prevent police from conducting unlawful checks, to collect data on identity checks as well as to discipline anyone found to be breaching procedures.

Ethnic profiling is not only discriminatory. It has several other negative consequences. It is stigmatising and may contribute to reinforcing pre-existing prejudices in society. As ‘Emmanuel’ described his feeling during an identity check: ‘There’s that crowd of people looking at us, thinking: what have they done now? The prejudices just get reinforced.’ Ethnic profiling can cause certain groups in society to distrust the police, which is damaging to the legitimacy and effective operations of the police organisation. Furthermore, studies show that ethnic profiling is not an effective policing method.

In Belgium the Minister of the Interior, the federal police and the local police have so far done very little to prevent, detect or combat ethnic profiling and to fulfil the right on non-discrimination. Instead, they have been reluctant to acknowledge that there is a cause for concern, a need for data collection, or that police officers may lack the training, processes and knowledge necessary to address any reliance on negative stereotypes about people belonging to ethnic minority groups.

Ethnic profiling is difficult to document, particularly in Belgium where no data collection is occurring. The lack of research and data on identity checks is hampering an adequate response to the problem. Without the police force conducting studies and analysing the issue, certain forms of discrimination may continue to be obscured and difficult to address.

Amnesty International conducted interviews with 48 members of the police forces in three local police zones respectively in Brussels, Flanders and Wallonia. Amnesty International spoke with both commanding police officers and police officers who conduct identity checks on the ground. In addition, Amnesty International interviewed staff from the Cabinet of the Minister of the Interior, the Federal Police, the Permanent Committee for the Local Police, Comité P, Unia and those responsible for several police training courses. Finally, Amnesty International talked with twenty people from ethnic minorities about their experiences with the police and identity checks.

Whilst there is a general lack of concern at a national level on the issue, members of the police force interviewed by Amnesty International showed that there is awareness of potential problems with ethnic profiling and expressed concerns about the same. 24 police officers acknowledged that the problem does actually exist. As one corps chief: ‘Ethnic profiling surely exists, and sometimes to a greater extent and more unconsciously than we think it does.’

Further, 20 police officers explicitly condemn ethnic profiling. Of the 48 officers interviewed, 25 detailed practices that raise concerns about a potential reliance on negative stereotypes to determine whether or not to conduct an identity check. For example, one commissioner said: “If there are cars streaming by and you can only pull over a certain number of them, you’ve got to choose them based on clothing, appearance, the type of car it is, as well as skin colour, because that is an element which means there’s a better chance that we will find something.”

Amnesty International found that the police leaders are leaving officers without the oversight, guidance, training or tools necessary to prevent ethnic profiling. According to the answers provided by police officers and other officials interviewed by Amnesty International, an assumption is sometimes made that police officers will just do the right thing and know what a ‘reasonable ground’ for identity check is. As a commissioner said: ‘For routine identity checks, we assume that people will do their job.’

However, the interviews indicated that there is a lack of clear rules on how to interpret the ‘reasonable grounds’ for an identity check and that, partly due to a lack of data collection and systems to report checks, commanding officers have very little oversight and can give little feedback on why and how identity checks are conducted. This gap leaves police officers to rely on their own interpretation or even just their gut feeling in deciding whether to conduct an identity check. Whilst all the police officers with whom Amnesty International spoke referred implicitly or explicitly to the Police Act when describing when they are permitted to conduct identity checks, their actual interpretation of what constitutes a ‘reasonable ground’ for an identity check, varies broadly.

This broad and inconsistent interpretation raises concerns that identity checks carried out by some police officers may not consistently withstand the test of legality, necessity and proportionality which they are required to meet under international legal obligations the Belgian state has. The study raises concerns that existing measures against ethnic profiling in Belgium are insufficient to detect, prevent and combat ethnic profiling during identity checks. Other police officers interviewed express concern that they do not have the tools to do their job more effectively, as this inspector explained to Amnesty International: ‘If we have trouble interpreting the reasonable grounds for an identity check, we don’t get any assistance.’

Training on how to avoid discrimination when performing identity checks has a limited reach and is usually optional. The courses vary dramatically from one police academy to the next. In eight out of ten basic police training programmes provided to Amnesty International, ethnic profiling is not explicitly addressed at all. There are some specialised trainings where ethnic profiling is mentioned, but not all those trainings have preventing and addressing ethnic profiling as a goal.

In the police zones where Amnesty International conducted interviews, either no complaints of ethnic profiling had been filed or the lead policymaker could not give any separate figures on them, because they are not separated by type of complaint. In four police zones where Amnesty International conducted interviews, police policymakers said that because there were no or very few formal complaints about ethnic profiling by officers, they concluded that no such problem exists with the practice within their police forces. However, Amnesty International found that there are concerns about the options for anyone who wants to seek justice, remedy and reparations for being subjected to ethnic profiling. Firstly, police officers do not systematically explain to the person why they are checking his or her identity. They do not have to formally register the stop and check of anyone in a detailed way for data collection, so it is hard to verify or analyse them. Secondly, there is a lack of awareness about the complaint mechanisms and little information available as to how to file a complaint. Additionally, studies show that, even once aware of the mechanism available for filing a complaint, people from ethnic minorities have little confidence in the system.

Under international law as well as the domestic constitutional legal framework, the Belgian state is responsible for respecting, protecting and enforcing the prohibition of discrimination. However, in Belgium, there is no national policy designed to address ethnic profiling at the federal level, nor is there an obligation on police zones to have one locally.

Encouragingly, though, a few police zones such as Mechelen-Willebroek, Antwerp and Brussels-North have chosen to develop a policy on ethnic profiling. Additionally, at the federal level training is being developed to teach police officers to take decisions including in relation to identity checks using objective indicators. How these initiatives will be implemented and whether they will have an impact has yet to be assessed.

As a result of its research findings, Amnesty International calls on the Belgian Government and Parliament, the police academies, the federal and the local police, the Offices of Internal Affairs and the Comité P:

- to recognise ethnic profiling as a concern in Belgium;
- to provide detailed guidance and rules on the 'reasonable grounds' for an identity check with a reference to the prohibition of discrimination;
- to collect data, monitor and research the use of identity checks;
- to deal with complaints thoroughly, impartially, transparently and effectively;
- to provide compulsory, continuous training to all relevant police officers which draws attention to the prohibition of ethnic profiling.

**AMNESTY INTERNATIONAL  
IS A GLOBAL MOVEMENT  
FOR HUMAN RIGHTS.  
WHEN INJUSTICE HAPPENS  
TO ONE PERSON, IT  
MATTERS TO US ALL.**

#### CONTACT US



[onthaal@amnesty-international.be](mailto:onthaal@amnesty-international.be)



+32 2 669 37 37

#### JOIN THE CONVERSATION



[www.facebook.com/Amnestyvl](http://www.facebook.com/Amnestyvl)



@Amnestyvl