

OSIFE –OSJI Joint Presidential Portfolio Review on Ethnic Profiling in Western Europe”

OUTCOMES SUMMARY

April 1, 2015

Participants

**New York**: Chris Stone (discussant), James Goldston, Rachel Neild (presenter), Julia Harrington Reddy, Daphne Panayotatos, Marc Krupanski, Daniel Sershen, Zsolt Bobis;

**Brussels**: Debora Guidetti (presenter), Anna Defour;

**London**: Rebekah Delsol;

**Barcelona**: Jordi Vaquer, Léonie van Tongeren, Roxanne Nazir, Clara Grosset (note taker);

**Budapest**: Goran Buldioski (moderator), Balazs Denes, Alex Krasznay;

**By phone**: Lanna Hollo, Amy Chinanzvavana, Maartje Eigeman;

**Excused:** Susan Treadwell, Izabella Bojko.

**Introductions: essential or debatable points**

Rachel Neild highlighted the value of the collaboration to enhancing both the impact and scope of national level work on ethnic profiling – while much remains to be done, progress on this issue has been significant and the debate is in a very different place today than five years ago. Rachel noted two evolutions during the collaboration: (1) Justice Initiative (JI) dedicated increasing time to building grantee capacity and facilitating access to funding; and (2) both Xen Fund and JI initially focused on specific advocacy outcomes but shifted to thinking about how to build a sustainable field on profiling. Rachel noted several challenges: the need to build grant-making knowledge at JI; the staff time required to support this work; and, given JI’s uncertainty about how long OSIFE might continue funding for profiling, the need to be cautious about partners’ expectations.

Debora Guidetti distinguished tactical advocacy wins, as in France where the issue moved unexpectedly fast during the 2012 presidential campaign only to stagnate almost immediately, from strategies that fundamentally change the debate and terrain. The initial aim to win a battle through bringing empirical evidence, litigation and advocacy proved inadequate to achieve a sustainable win in the war against ethnic profiling. Hence, the shift to a wider approach engaging multiple constituencies – human rights, minority-led, and grassroots actors. While acknowledging national differences, Debora noted the key components of the theory of change driving this portfolio: 1) visibility - to bring or keep the issue on the public domain (data, research, litigation, advocacy and media); 2) empowerment of affected groups; 3) engagement of wider constituencies for bottom up pressure; and 4) a vision offering good practices to authorities and police to show that change is possible and effective.

Debora reviewed the division of labor between OSJI and OSIFE. On the one hand, OSIFE’s roles have been: 1) to support minority led, grassroots, and anti-discrimination organizations, and encourage mainstream NGOs to take this issue on board; 2) to reach out to other donors; and 3) to support good practices in policing. While JI’s roles have included: 1) technical assistance on ethnic profiling and capacity building of CSOs; 2) direct engagement through strategic litigation and advocacy; and 3) piloting good practices with the police.

Finally, Debora discussed the state of the actors. She admitted that, while our assumptions recognized the strengths of the CSOs (legitimacy of minority-led and grassroots NGOs representing affected communities and mainstream NGOs’ credibility in regard to universal human right issues), we were not as well prepared to cope with field weaknesses including lack of independent funding or over-reliance on public funding, organizational and positioning weaknesses, and (for mainstream NGOs) a lack of contact with minorities.

**Key questions**

Chris Stone opened noting his familiarity with the work on profiling and said that he finds this program impressive. He asked about the team’s understanding of “field building” noting that many foundations struggle with the distinction between pursuing your own ideas and supporting the ideas of others. Chris also asked if the team had positive examples to contrast with the story of MDS in France, where the organization collapsed despite excellent work of its staff. He also asked about the balance of spending between countries, and between large and small grants, noting the preponderance of small grants in the portfolio and a relative homogeneity of the grant structure. Looking back, would the team have changed this in preference of larger grants? And, if JI had led the “concept” work, with OSIFE building the field, might the allocation of grants have been different?

**Staff responses and discussion**

The discussion played out across two main, and related, themes focused on **field-building**: (1) how do we frame a debate that endows affected communities with leadership while also achieving the broader public resonance, and (2) what organizational structures best contribute to building a field on profiling. In addition, the discussion touched on working with police, and diversity in the OSF staff.

Debora reflected on Graines de France, where visible work on profiling led the government to offer the director an official position, leaving the future of the organization in question. She considered that we might have approached the work distinctly, with a greater emphasis on organizational development and sustaining leadership. On the second point, Goran Buldioski stressed that other tools like individual grants for exchanges or mentorships, OSIFE fellowship scheme, etc. could also be considered. Debora noted that the portfolio supported the creation of new coalitions in the UK, Spain and The Netherlands, where a fairly modest annual budget on profiling was spread across multiple countries and organizations with distinct absorptive capacity, allowing, for example, a larger grant to the Dutch Amnesty section (AINL).

Debora mentioned that she doesn’t look at ethnic profiling as a proper field per se, but as a part and a way to build the larger anti-discrimination field. Rachel commented that no US organization works solely on profiling; it is generally one of a range of issues in civil rights groups’ mandates. Should we think that organizations can sustain themselves working only on profiling, especially given its controversial nature and the lack of private philanthropy for this work in most countries? Chris said the US is not a model to aspire to, although lessons might be drawn. Lanna observed that MDS, despite its small size, had remarkable success bringing a wide range of actors, including municipalities (and large ones such as Paris) to the issue; which was a distinct contrast to the Ligue des Droits de l’Homme, which is a huge organization that has done very little on this issue despite joining a profiling advocacy platform in France.

Another strand of discussion related to **framing the problem**, the nature of discourse and the wider public uptake of the issue. James Goldston argued that sometimes our theory of change is “banging our head against a wall” noting that politic trends are against the broad anti-discrimination field in Europe which is no stronger today than five or six years ago. Balazs Denes agreed that in many aspects the situation is hopeless, which is why the human rights framing is important, as it questions the tolerant image of the country, calling out republican values in France. In the Netherlands, there is an “equality and human rights field” and the right framing could engage more people with profiling. Jordi Vaquer concurred that other issues – such as surveillance and counter-terrorism – have faced similar back-lash, and that ethnic profiling has been a strategic way for OSIFE to work on discrimination. Jordi and Jim wondered whether we should connect ethnic profiling and discrimination issues to other issues, such as security? Debora encouraged looking at the drivers of this phenomenon (bias or policy-driven), including counter-terrorism and criminalization of Roma and migrant communities. She wondered whether we should bring this all together in one portfolio.

Jordi urged not to forget the prominent youth aspects of ethnic profiling. Chris noted a tension between human rights NGOs and those that will speak to youth constituencies and worried that we would have two tracks. How can we advance a field that does not segregate? Chris also noted the double challenge of starting new **organizations** and changing policy. Is it fair to ask groups to do both at once? Could we look for opportunities to bring migrant/minority leadership into bigger NGOs (e.g. having an NGO like Amnesty International to host a small/informal association, a project, or individuals as fellows) so that community leaders can focus on their issue while someone else takes care of running the organization? This could result in making established mainstream NGOs more inclusive and interested on the issue while building the capacities of minority leaders and preparing the way for the potential spin-off of a new entity. Noting the dynamic work started on profiling by AI-Brazil, the role of AINL, and potential in Spain, Rachel wondered if we might consider providing funding to support conversation across AI sections. Furthermore, in order to encourage more diversity, OSIFE might consider moving towards more conditionality in its grant making, requiring NGOs to have minorities, youth, and/or others from affected communities on their boards. Goran suggested that we also consider work with think-tanks in a difficult political context. Debora said it was too risky and limited to support either mainstream or grassroots NGOs: while we need voices of minorities leading discussions, we also need wider recognition of this specific practice and collaboration in addressing it in coalitions across movements, bridging minorities and mainstream organizations, as in the UK and The Netherlands. This wider approach includes work with mainstream, minorities, and the police, but also with academia, researchers, lawyers, and other donors.

Several comments flagged issues of how to **work with police,** a priority in JI’s 2016 – 2019 strategy. Rachel noted that JI will be exploring ways of supporting conversations about profiling and what positive action can be taken between police from different countries. Describing work with both police and civil society in Spain and The Netherlands, Marc Krupranski observed that much of our work is anchored in flash-points and personalities, and wondered what we do in their absence. Chris said that the recommendations typically made by civil society (training, policy, and supervision) do not resolve the problem; profiling continues. Goran recognized that, when working with politicians, we should be realistic about how police practices can be fixed and honest from the beginning about the capacity to change things. Rachel observed that ongoing civil society pressure is essential because authorities and police will not address profiling unless they have to, it is too uncomfortable a subject, but argued that we do have measures that can improve practices and police-community relations when police step up to the issue. We want data and transparency to fuel a debate between community members and police. Politicians want guarantees that the problem can be definitively solved if they engage and we cannot provide that.

Chris asked if our work would have differed had it been **minority-led within OSF**. Rebekah Delsol said that people from minority communities do feel more comfortable and able to be more open with staff who share their experiences. Rachel observed that messaging matters too, and that everyone should be disturbed by discrimination and denounce it, not only affected communities. In terms of diversity within OSF, Goran suggested considering having a re-grantor that is more ethnically diverse to be in touch with grantees. Chris clarified that he was not questioning (lack of) internal diversity, but wanted us to be conscious of the potential difference this would make.

**Outcomes Statement**

Given the weakness of the anti-discrimination field in Western Europe, a particularly sensitive and intractable problem like ethnic profiling should be framed both as a concern of the affected communities and of the majority, calling upon common wider non-discrimination values. While advancing the concept entails engaging political and police authorities, strengthening the field requires an engagement across multiple actors through a wider variety of grant-making tools and organizational solutions. Ethnic profiling will stay part of OSIFE’s work in the next years (possibly within a separate portfolio on discrimination and security policies), with a well-defined objective: to make ethnic profiling unacceptable, but also to bring profiling as an issue into the public debate.