

POLIZEI



POLICE.POWER.HUMAN.RIGHTS

REPORT

2nd EDITION



Easy Read version
(summary) on page 8
and Braille version
on page 11

POLICE.POWER.HUMAN.RIGHTS

(POLIZEI.MACHT.MENSCHEN.RECHTE - PMMR)

REPORT



2nd edition

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1 Foreword



The State is obliged to not only respect human rights but also actively protect and guarantee them. Police are empowered by the State to do so. But in the process, the police also have to infringe upon human rights. For instance, to protect the human right to physical integrity of a victim, a police officer may have to encroach upon the very same human right of an offender. Exercising this monopoly on legitimate use of force requires professional policing skills, and legal competence, but also the ability to quickly assess a situation respecting the requirement of proportionality.

It is our task to guarantee this. Therefore, the police can be regarded as a human rights organisation with a great level of individual and organisational responsibility.

Communication is a main factor for the police in exercising their duties. Most of our stakeholder groups belong to civil society. The 21st century poses great challenges to the police. It offers various technological possibilities and the public - rightly so - wants to have a say in "new concepts of security and safety". All this virtually obliges us to enter into an open dialogue and discourse. Discourse sometimes has to be critical and make people stop and think but should at the same time be visionary and creative. Discourse allows for different perspectives to be presented, to learn from each other and to develop sustainable models for society.

The "Police in Dialogue" scheme, with POLICE.POWER.HUMAN.RIGHTS" and "GEMEINSAM. SICHER in Österreich", the Austrian Police's Community Policing Programme, enables us to join forces with civil society, cooperating in a respectful, transparent, target- and process-oriented manner.

Police officers can learn from this cooperation and adapt their perspectives, the exercise of policing duties and culture and also resolve misunderstandings. At the same time, we learn from the expectations and needs of our counterparts.

Our efforts in recent years have shown that "Police in Dialogue" is a success model. I would like to thank all those who have put in a lot of effort to contribute to the security and safety of this country and optimise the exercise of policing duties in a sustainable manner.

This publication presents previous achievements but is also a mission for the future.

General Reinhard Schnakl, BA MA
Head of Directorate for Organisation, Service Matters and Law Enforcement (II/A)



Photo credit: BMI

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PMMR

Easy Read and
Braille Text
Versions



POLICE.POWER.HUMAN.RIGHTS

Talking to people is an important part of police work.
Civil society is a very important partner for the police.
Civil society is the part of society that is not controlled and organised by the government and its bodies.
For example, non-governmental organisations that speak up for other people belong to civil society.
Among other things, they want to make sure that human rights are observed.

Some members of the police force are involved in POLICE.
POWER.HUMAN.RIGHTS.
Several times a year, they meet with people from civil society.

These meetings are called Civil Society Dialogue Panels.
There, these people talk to each other.

The meetings are very important to make sure that the police learn what is important to people.

They want the police to do a better job. The police have to protect human rights.
Human rights are very important to the police.

The police can also tell these people how they see things or what their tasks are.

In the meetings, misunderstandings can also be cleared up.

There are clear rules for these dialogue panels that all participants have to follow.
They are supposed to be working together as partners.



Topics included for example:

- How to react if police are accused of hurting people?
Members of the police force and civil society made a new decree on this topic.
A decree is a rule telling people what to do.
- Body-worn cameras
The police carry cameras on them.
They film what happens during police action. A civil society panel made the rules for the use of these cameras.

In all 9 Austrian provinces, there are such meetings between the police and civil society.

They are about topics that concern the province.

In the provinces, these meetings are called Regional Dialogue Forums.



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“POLICE.POWER.HUMAN.RIGHTS”

Principles and Goals



"Protecting and guaranteeing human rights have always been maxims of policing. The tasks of the police are therefore per se deeply rooted in human rights. The project has been based on a human rights-based image of the police. Human rights are no longer seen as a limitation to policing, but as its foundation. And what's more: Human rights also apply to police officers themselves."



Photo credit: Hammerschmid
Daniela Hatzl, Head of Unit
for Structures and Human
Resources Development
(II/1/a)

"POLICE.POWER.HUMAN.RIGHTS"(German: "POLIZEI.MACHT.MENSCHEN.RECHTE" - PMMR) started as a project of the Directorate General for Public Security in the Federal Ministry of the Interior (BMI) in 2008. It was initiated by the then Human Rights Advisory Council within the Federal Ministry of the Interior. The project's aim has been to contribute to embedding the professional promotion of human rights as a core task of the policing profession.

BMI representatives and civil society experts defined "Guiding Principles for a Human-rights Based Image of Policing" (see Appendix), as an important basis for their further work.

This is an extract from the document:

Our action aims at protecting and respecting human rights and ensuring that all people have the greatest possible confidence in their freedom and security. "We will provide time, space and the required means for critical self-study and reflection of our behaviour so as to improve our structures and operational procedures in a solution-oriented manner. To this end, we will systematically collect external and internal feedback on the quality of our work."

From: Guiding Principles for a Human-rights Based Image of Policing

During the PMMR project phase, many important steps were taken. These included:

- Analysis of structural framework conditions regarding human-rights relevant behaviour (knowledge deficits, transparency and plausibility of decisions, etc.)
- Necessary core competences for the police service as basis for a competence profile for uniformed police officers
- Assessment of the recruitment campaign with respect to human rights
- Possibilities to reinforce the appreciation for human rights in the framework of basic and further training of police officers (e.g. education on human rights in the framework of the basic training courses for operational trainers)
- Reflecting after demanding police operations
- “Communicating Policing” (pilot project)
- Groups of practitioners for the discourse within the police force and mentors (supervisors) as PMMR disseminators

One critical success factor is the close cooperation between the BMI/police and the NGOs as representatives of civil society. This allows for reflection of organisationally determined policing also from the angle of the expert public on the one hand. On the other hand, the expertise of both sides can be included in any optimisation measures that might become necessary.



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“POLICE.POWER.HUMAN.RIGHTS”

Work Structure and Approach



PMMR works as a cooperation of 10 panels:

- the Civil Society Dialogue Panel (ZDG - "Zivilgesellschaftliches Dialoggremium") at the federal level
- nine regional dialogue forums (RDF - "Regionale Dialogforen") at provincial level)



Photo credit: BMI

Members of the ZDG (March 2019)

Each of these panels includes representatives of the BMI and/or the competent provincial police directorate (LPD - Landespolizeidirektion) as well as federal or regional civil society organisations.

Networking between the panels is of utmost importance in order to ensure the greatest possible exchange of knowledge and a nationwide implementation of results. It is conducted via a SharePoint (Microsoft web application for the communication in teams) and also by mutual participation in panel meetings.

Since the end of the project and the implementation in the BMI line organisation in 2016, the BMI and NGOs work together within a structured participation process (see Appendix "Rules of Cooperation").

In the ZDG, this process essentially consists of the following steps:

- Submitting a proposal of a topic and assessing it following the commonly agreed criteria
- the BMI deciding whether the topic will be treated in the panel
- Discussing the topic together
- Setting up a subject-matter expert group including civil society representatives
- Drafting and discussing a recommendation report
- the BMI making a decision and informing stakeholders about further implementation

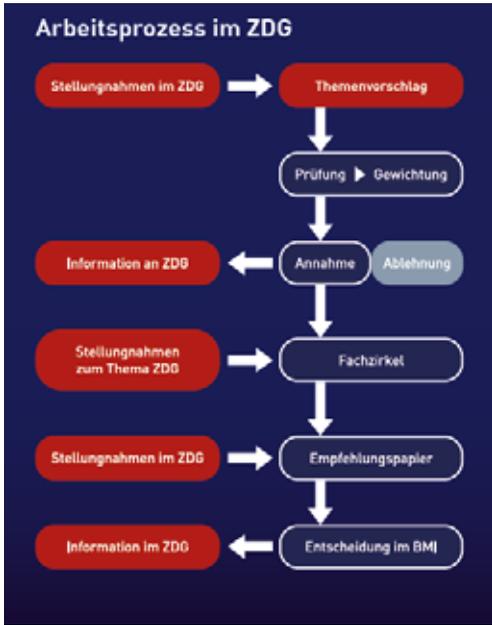


Abbildung 1: Partizipationsprozess im ZDG

This process ensures equal work on a level playing field, a consistent and transparent working process, the possibility of participation and transparency as well as sustainability of decisions..



Photo credit: BMI

ZDG Members during Discussion



Fig. 2: Police in Dialogue

Tools for Dialogue and Cooperation

The dialogue process aims to improve the quality of police work with the contribution of civil society representatives and to pave the way for societal acceptance of police decisions and communicate those decisions to stakeholders. The underlying principle is cooperation based on partnership.

According to an Austrian saying, “talking brings people together”. Intensive and open exchange creates mutual understanding, enables a wider perspective on things and opens up new ways of thinking and acting. The common aim of being able to live in Austria with the greatest possible freedom and security can be better achieved through cooperation.



Photo credit: BMI

Johanna Eteme, BMI, Head of
Dept. Human Rights (III/10)

Organisations Participating in the ZDG

Amnesty International Austria, boJA, CARITAS, WEISSER RING victim support, Diakonie Österreich, Documentation and Counseling Center Islamophobia and Anti-Muslim Racism, Burgenland violence protection centre, Hilfswerk Austria, HOSI Wien, Islamic Religious Authority of Austria, Vienna Chamber of Labour, Cultural Association for Austrian Roma, LEFÖ Counseling, Education and Support for Migrant Women, NEUSTART, Austrian League for Human Rights, Austrian Disability Council, Austrian Association of Municipalities, ÖIF, Queer Base, SOS Kinderdorf, SOS Mitmensch, SFC Association (Black Women Community), UNHCR Austria, Austrian Ombudsman Board, Volkshilfe Österreich, ZARA)

Human-rights Related Topics

Topical issues affecting civil society or the police are taken up by the ZDG and treated in expert groups. Recommendations are then forwarded to the BMI for further evaluation and implementation.

5 Outcomes



Examples for joint efforts in the context of PMMR since 2016:

Dealing with Misconduct Complaints

The professional handling of misconduct complaints against police officers as an organisation reflects the significance of human rights to the Ministry of the Interior (BMI), respectively the police. Therefore, this is an important internal and external signal.

One expert group reviewed the regulations for internal complaint handling procedures. Special emphasis should be placed on the fact that regulations on how to handle misconduct complaints of no criminal relevance (“inhuman and degrading treatment”) have been put in place, including how to inform victims.

Tasks included improving measures to prevent misconduct complaints, establishing and expanding training measures as well as harmonising regulations regarding documentation and evaluation of misconduct complaints.

In the course of consultations with the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice (2017-2019 government period), findings of a study and recommendations by the Austrian Center for Law Enforcement Sciences (University of Vienna) were also taken into consideration. As a result, a new decree was issued along with a coercive measures decree.

Any details on the use of coercive measures and ill-treatment complaints are collected and evaluated by the central reporting office for coercive measures and misconduct complaints at the Unit for Compensation Matters and Services within the Directorate General for Public Security (BMI II/1/c).



Photo credit: Lower Austria Provincial Police Directorate

Colonel Detlef Polay, Commander of COBRA Vienna

„Human rights are at the core of our police work. Open dialogue with civil society partners ensures that our actions are transparent and become more “predictable” for many stakeholder groups in our democracy.“

Mentoring

As a major part of their work, supervisors are expected to put theoretical knowledge (including human rights expertise) acquired during training into practice in day-to-day police work. So called ‘tutor officers’ (mentors) play an important part in this process. As a key element of the process, new officers reflect on how practical requirements of “the beat” influence their individual behaviour in the light of human rights.

Based on the recommendations by the expert group on “Mentoring”, a uniform regulation for the transition phase from basic training to practical police work has been established for police officers throughout Austria. As a major improvement, clear responsibilities for tutor officers have been specified and supportive structures for mentoring have been put in place.

Body-worn Cameras

Body-worn cameras (BWCs) are used to de-escalate police interventions and ensure their impartial assessment. BWCs have been in operation in Austria since March 2019, following a one-year trial period, in the course of which a PMMR expert group provided support regarding their application.

Recommendations made by the expert group on regulating the aims, operation and application of BWCs as well as the rights of the individuals concerned have been included in the Ministry’s instructions and taken into consideration for staff training measures.

Photo credit: NEUSTART

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

(Article One of the United Nations Universal Declaration of Human Rights 1948)

The indivisibility of human rights holds true for any human being, no matter whether they are an offender, drug addict or homeless person.

The police and non-governmental organisations such as NEUSTART guarantee that human rights are being respected on a daily basis. Their cooperation in the framework of “POLICE.POWER.HUMAN.RIGHTS” is indispensable for maintaining and advancing this bedrock of society.”



Christoph Koss,
Managing Director,
NEUSTART

Human Rights of Police Officers

Of course, human rights also apply to police officers. This aspect is addressed regularly when human rights are discussed within the police service. Only humans whose rights are respected can respect other humans' rights.

The expert group on this topic discussed practice-oriented issues such as how to deal with bullying and hate speech on the net aimed at police officers as well as the behaviour of members of subversive groups such as the so-called “Reichsbürger” movement. The right to protection of one's own image, dealing with sexual harassment, the police elimination database as well as information on victim protection and possible compensation from the government were also addressed in the group meetings.

A legally sound collection of information on these topics was compiled and made available to all employees of the Ministry of the Interior. Disseminators were provided with this material for their presentations. Information on additional topics is being added on a regular basis.

Fire Safety in Pre-Deportation Detention and Police Stations

In recent years, there have been a number of fires in police detention centres and police stations. Existing fire safety risks can be further increased through factors such as furniture with low fire resistance, a lack of technical fire protection in combination with smoking in cells or possible single cell occupancy.

The expert group came up with a number of recommendations regarding structural and technical fire safety measures such as installing fire detectors in the cells, the possible use of smoke control systems and respiratory protective equipment, information on the fire behaviour of mattress and bedding types in use as well as a broader perspective on the issue of smoking in holding cells. Dedicated specialised training for custody staff covering theory and practice was deemed the most important short-term measure.

Many recommendations are already being implemented (e.g. general improvement of structural and technical fire safety, including fire detectors and smoke ventilation systems in ongoing planning processes, providing market research and state of the art solutions for ongoing construction and refurbishment, suicide prevention). The implementation of others is being prepared (e.g. practical and further theoretical training measures).



6

Regional Dialogue Forums



Just like the ZDG, the RDFs are discursive, active and institutionalised meetings between civil society and the police. Discussing security-related and human-rights related topics from different perspectives allows for high-quality, professional and transparent police work. Most topics are of regional relevance. Sometimes, a new expert group is set up for a topic, or the topic is referred to already existing expert groups, other working groups or - if relevant to all of Austria - to the Civil Society Dialogue Panel (ZDG).

To some extent, in cases of a thematic overlap, a connection with the Security Forums (Sicherheitsforen) of the “GEMEINSAM.SICHER in Österreich” initiative is established.

“The (...) Regional Dialogue Forum’s aim is to guarantee the standards of a modern police force. Honest and transparent information, sustainability of decisions and results are the priorities of Austrian law enforcement.”

From: 'Erlass an die Landespolizeidirektionen DIE POLIZEI IM DIALOG 13.1.2017' (Decree addressed to the provincial police directorates)

Burgenland RDF

“Networking in the Regional Dialogue Forum helps to enhance the effectiveness of police interventions and the trust of affected persons in the work of the Burgenland Provincial Police Directorate.”



Burgenland RDF

Photo credit: Burgenland Provincial Police Directorate

Participating organisations:

Office of the Burgenland Provincial Government, Arbeiter-Samariter-Bund, CARITAS, Diakonie refugee services, violence protection centre, LARES Diakonie Flüchtlingsdienst (refugee services), Military Command, Austrian Red Cross, Pensioners' Association, Senior Citizen's Association, NEUSTART, Ethnic Groups Advisory Board.

Examples of topics:

- **Domestic violence / violence in the close social environment**
Setting up regular vocational training measures at national level, covering topics such as trauma, violence dynamics in cases of domestic violence and violence in the close social environment and also what to focus on when taking witness statements
- **Human-rights based problems in connection with mobile phone tracking**
'Protection and help' vs. 'right to respect for private life' (Art. 8 ECHR) (in progress)
- **Communicating human rights aspects in day-to-day police work**

Carinthia RDF

“For the participants, the advantages of the Carinthia Regional Dialogue Forum are decreased reservations towards police, exchange of information and experiences, help for marginalised groups, eye-level communication and unbureaucratic solutions.”



Carinthia RDF

Photo credit: Carinthia Provincial Police Directorate

Participating Organisations:

ARBÖ, ARGE Sozial, Austrian Mountain Rescue Service, professional fire brigade, CARITAS, WEISSER RING victim support, Women's Shelter Klagenfurt, violence protection centre, Go mobil, Hilfswerk, KiJA, KABEG, Vienna Child and Youth

Welfare Service (MA 11), ÖAMTC, ÖBB, ÖWD Security & Services, Austrian Red Cross, Pensioners' Association, SPAR, NEUSTART, VIVA Streetwork, Austrian Water Rescue, Economic Chamber, Civil Protection Association

Examples of topics:

- **Limited night shelter capacity in some districts**

The emergency service takes homeless persons who have no place to sleep from concerned districts to shelters in Klagenfurt or Villach. CARITAS coordinates the assignment to individual shelters.

- **Police interventions involving persons with disabilities**

(due to a noise nuisance complaint against deaf persons)

Counselling services offered by ÖZIV (Federal Association for Persons with Disabilities) as required; police stations throughout Carinthia have been informed

Lower Austria RDF

„The personal interaction in the panels helps to remove barriers, to make new contacts, to see other perspectives and to receive or provide help. “



Lower Austria RDF

Photo credit: Lower Austria Provincial Police Directorate

Participating Organisations:

CARITAS, Diocese of St.Pölten, Austrian Association of Municipalities, Landesjugendreferat (youth services), Austrian Red Cross, Pensioners' Association, Protestant Church A.B., NEUSTART, Vertretungsnetz Patientenanwaltschaft (patient ombudsmen), Lower Austria Economic Chamber

Examples of topics:

- **Risk reduction for paramedics** Training provided for emergency doctors and the Red Cross by operational trainers of the Provincial Police Directorate.
- **Radicalisation**
Dialogue between the LVT (provincial agency for state protection and counter terrorism), the youth authority and the Lower Austria Violence Prevention Centres, suggesting measures
- **Murders of women in Lower Austria/Violence against Women** (in progress, involving the Lower Austria violence protection centre and the provincial CID's crime prevention unit)

Upper Austria RDF

“The regional dialogue forums enable a qualified audience to learn about the complexity of modern police work in a modern, highly diverse society.”



Upper Austria RDF

Photo credit: Upper Austria Provincial Police Directorate

Participating Organisations:

CARITAS refugee services, Diakoniewerk, Austrian Association of Municipalities, violence protection centre, Linz Regional Court, Austrian Red Cross, Arbeiter-Samariter-Bund, Deputy Mayors of the towns of Steyr and Wels, NEUSTART, Volkshilfe

Examples of topics:

Presentations on focus topics, such as

- **Anti-Face-Covering Act**
- **“The police’s role in today’s society - expectation vs. reality”**
Presentations on “public administration monitoring and preventive human rights monitoring” as well as on the project “Einsatz Demenz (Operation Dementia)”.
- **„How to deal with delinquency – quality features of a society“**
Presentations from the viewpoint of a probation officer, a psychologist, an expert and a police officer

“An objective and subjective sense of security always results from well-balanced social interests in the whole of society. Police work is an important regulator in sanctioning violations of defined rules/laws that keep up this balance. The more effort and the more coordination are put in this striving for balance, the earlier deviations are recognized, and compensatory measures can be taken.

Regular and topical discussions between top-level police officials and other important civil society stakeholders serve this trustful exchange on each other’s perspectives on prevailing societal issues. Furthermore, they provide qualified feedback regarding police work from the viewpoint of a socially disadvantaged part of society.”

Major General Franz Gegenleitner, Upper Austria Provincial Police Directorate, Head of Organisation, Strategy and Day-to-Day Management Dept. (A1)

Salzburg RDF

“The invitation to the RDF in the province of Salzburg allows for a vast range of topics to be covered and getting a mutual insight into various challenges.”



Salzburg RDF

Photo credit: Salzburg Provincial Police Directorate

Participating Organisations:

Office of the Salzburg Provincial Government, AVOS Working Group for Preventive Medicine Salzburg, Federal Office for Immigration and Asylum, CARITAS, Archdiocese of Salzburg, Diakonie refugee services, Hilfswerk, KiJA, Jugend am Werk, Malteser, Austrian Red Cross, Plattform Menschenrechte, Rettet das Kind (services for children), Samariterbund, SOS Kinderdorf, Einstieg, menschen. leben, Human Rights Association Austria (VMÖ), Volkshilfe

Examples of topics:

- **Supporting organisations to tackle challenging behaviour in asylum seeker accommodation**
Problems have been successfully reduced by cooperation, in particular by establishing reasonable house rules
- **Poverty migration (begging)** in the context of begging migrants, prostitutes and street musicians.

Cooperating with the city council and establishing a temporary police investigation team in connection with assaults against members of the clergy.

Styria RDF

“With the RDF you get to know each other, not only at personal level. You also learn about the circumstances of the other party. This is an important basis for good cooperation.”



Styria RDF

Photo credit: Styria Provincial Police Directorate

Participating Organisations:

Office of the Styria Provincial Government (Social Affairs Department), Antidiscrimination Office Styria, Austrian Mountain Rescue Service, CARITAS, Styria Education Directorate, WEISSER RING victim support, Diakoniewerk, violence protection centre, Integration Fund, KAGes, disaster prevention, Männerberatungsstelle (men’s counselling service) Austrian Red Cross, Military Command, Styrian Women’s Shelters, Austrian Red Cross, NEUSTART, ZEBRA, Arbeiter-Samariter-Bund, Senior Citizen’s Association, Volkshilfe

Examples of topics:

- **Guaranteeing human rights in connection with diversity and multireligiousness in education establishments**
Guidelines for school leaders at the Landesschulrat für Steiermark (education authority for the province of Styria)
- **Hate postings, hate crime**
Dialogue between the Antidiscrimination Office Styria, the Graz Public Prosecutor’s Office, the BVT (Federal Agency for State Protection and Counter Terrorism) and the Styria LVT (Provincial Agency for State Protection and Counter Terrorism), suggesting measures

Tyrol RDF

„The cooperation with the organisations and institutions from different backgrounds results in some new perspectives for the Tyrol Provincial Police Directorate. Sometimes, we also receive critical feedback on police work.“



Tyrol RDF

Photo credit: Tyrol Provincial Police Directorate

Participating Organisations:

CARITAS, dow as, Tyrol violence protection centre, ISD, Commission of the Austrian Ombudsman Board, Plattform Asyl - Für MENSCHEN RECHTE, Tiroler Soziale Dienste (social services), Human Rights Association Austria (VMÖ), NEU-START, Verein für Obdachlose (homelessness association)

Examples of topics:

- **Displacement of certain persons from public space**
(Emergence of new focal points)
Position paper suggesting solutions (keeping an eye on attractiveness of certain behaviours in public space, raising awareness by discussing topics like acceptance and limits of deviating/unwanted behaviour, maintaining a dialogue between the police, politicians, social associations, the media and the general public, taking necessary regulatory measures)
- **How to deal with dementia and mental illness (in progress)**

Vorarlberg RDF

„The added value of the Regional Dialogue Forum (RDF), among other things, is that we meet regularly regardless of current points of criticism. In Vorarlberg, we consider the RDF a strategic and long-term tool, also to take precautions for difficult times and incidents. In addition, RDF members have become important disseminators, as they are able to communicate topics relevant for police work in a more differentiated way.

What's more, the RDF has also turned out to be an excellent link to local law enforcement - in the framework of the "GEMEINSAM.SICHER in Österreich", community policing programme. As the security coordinators participate in the RDF meetings, they can directly approach the competent decision makers with any questions.“



Vorarlberg RDF

Photo credit: Vorarlberg Provincial Police Directorate

Teilnehmende Organisationen:

CARITAS, femail Fraueninformationszentrum (services for women), IFS, KiJA, koje, "GEMEINSAM.SICHER in Österreich" security coordinators, Ombudsman of the province of Vorarlberg, Okay Zusammenleben, Raiffeisen Landesbank, Senior Citizen's Association, NEUSTART, Vorarlberger Gemeindeverband, Office of the Provincial Government of Vorarlberg (Social Affairs)

Examples of topics:

- **Open youth work**
Adapted youth programme for prevention and legal information by the police in cooperation with open youth work organisations

Vienna RDF

„The police of the 21st century will not be accepted without involving diverse perspectives from different groups of society. Otherwise, 'transparency' and 'citizen-orientation' would remain hollow mission statement guidelines. To this end, two process steps are of utmost importance: considering other perspectives and systematically processing a matter in the context of other professions and perspectives.“



Vienna RDF

Photo credit: Vienna Provincial Police Directorate

Participating Organisations:

Office of the Vienna Provincial Government (Municipal Department 17 - Integration and Diversity) Vienna Board of Education (Education Directorate), Municipal Department 57 Women's Affairs / 24-Hour Women's Emergency Helpline Wiener Wohnen Kundenservice GmbH, Municipal Department 13 Education and Youth, Municipal Department 11 "Drehscheibe" Youth and Family Welfare Office, Back Bone Mobile Jugendarbeit 20, Bettel Lobby Wien, BIZEPS Independent Living Center, CARITAS, Die Helfer Wiens, Protestant Church A.B., Vienna Social Fund, Hilfswerk, HPE Wien, IKG Vienna, pastor, Human Rights Coordinator of the City of Vienna, neunerhaus, SDW, Suchthilfe Wien, Alte Fleischerei, NEUSTART, LOK, Volkshilfe, Vienna Anti-Discrimination Office for Same-Sex and Transgender Lifestyles, Domestic Violence Intervention Centre Vienna, Wiener Linien, Wohnpartner Wohnservice Wien

Examples of topics:

- **RESP - Racial, Ethnic, Social Profiling**
Recommendation paper for LPD Vienna regarding training/vocational training, legal bases, wording/language used for police instructions, identification procedures and evidence-based police work
- **Medical Officers - Difficulties in Handling Mental Health Crises during Medical Interventions**
Recommendation paper for LPD Vienna regarding communication, decision-making and responsibility; checklist regarding the procedure of measures pursuant to the Committal Act considering non-psychiatric expert competence, psychiatric/legal training, etc.
- **Guidelines for Police-Media Relations**
Recommendation paper for LPD Vienna
- **LGBTIQ – Victims of Violence in Public Spaces** (in progress)



Interview with Friedrich Kovar, BMI

PMMR-REPORT: What is your personal motivation for committing to the dialogue?

To talk is important. ... In particular to talk to each other! Despite of all the problems coming with and emerging from communication, being prepared to consider several different perspectives is a fundamental human-rights-based feature that has to be used, institutionalised and cultivated.

PMMR-REPORT: How can individual police officers benefit from the dialogue with civil society representatives?

From an egoistic viewpoint, you can say that knowing about other perspectives which might also be influenced by unrealistic expectations, provides police officers with sounder, more transparent, more legally profound and more sustainable options for action. This enables safety, security and certainty in various contexts that all translate into German as "Sicherheit".

PMMR-REPORT: What specific benefits do you see for citizens?

If you spare citizens, you deprive them of their capacity to make decisions. Therefore, we, the police, have to motivate and encourage them in a sustainable manner to help shape security and safety. Police has to become populist in the best sense of the word in conformity with the law.

PMMR-REPORT: What risks and what opportunities do you see for the future?

The risks are more than low. We only have to make sure any possible radical tendencies in society are prevented at the onset. It is not yet possible to identify all possible benefits. However, respectful, appreciative, constructive interaction between citizens and police leads to a higher quality of the notion of "security" as well as more awareness thereof.

Photo credit: Vienna Provincial Police Directorate

Colonel Friedrich Kovar, BA, BMI, Unit for Structures and Human Resources Development (III/1/a)

Interview with Angela Brandstätter, CARITAS

PMMR-REPORT: What is your personal motivation for committing to the dialogue?

The dialogue between representatives of the police and different civil society organisations facilitates an open, diversified and productive discussion promoting mutual understanding and encouraging to question one's own role model. The expert groups allow for elaborating practical options for sustainable improvement in human-rights matters. Both are important instruments used to increase human rights protection for everybody.

PMMR-REPORT: How can individual police officers benefit from the dialogue with civil society representatives?

Human rights never only affect "one party". The topics treated in the framework of the dialogue often have direct significance for police officers individually. On the one hand, they directly address police officers and their human rights, on the other hand improvements for target groups (such as persons subject to police interventions, stopped persons, etc.) lead to improved work conditions for police officers. For example, interventions conducted in a transparent and de-escalating way can lead to better mutual understanding and a lower level of aggression. Fire protection measures serve the security of all persons in a building.

PMMR-REPORT: What specific benefits do you see for citizens?

Not only is it a legal necessity for police to respect human rights, but it also affects all parties involved in a positive manner. Any citizen can be affected by a police intervention someday. If police are well-trained and act in a supportive manner, e.g. when dealing with people on the fringes of society, this will reflect into society and increase social cohesion.

PMMR-REPORT: What risks and what opportunities do you see for the future?

Many of the expert groups established so far have already drafted detailed recommendation papers on their respective topics (e.g. Dealing with Misconduct Complaints, Human Rights of Police, etc.) The implementation of these recommendations provides many opportunities for human rights protection in police work. I hope that these opportunities will be taken advantage of.



Photo credits: Caritas

Angela Brandstätter, CARITAS Österreich

7 Appendix



Guiding Principles

POLICE.POWER.HUMAN.RIGHTS. **Embedding Human Rights in the Policing Profession**

Guiding Principles for a Human-rights Based Image of Policing

Goals

1. Our action aims at protecting and respecting human rights and ensuring that all people have the greatest possible confidence in their freedom and security.
2. We will maintain public order and security, in line with the needs of all parts of society. In conflict situations, we will actively look for solutions that are based on the human rights of all conflicting parties.
3. In dangerous situations, we will protect and support vulnerable people.
4. We will ensure the governmental institutions' ability to act based on the democratic legal system.

Principles in the Exercise of Policing Duties

5. Acting proportionately and pro-actively, we will strive to keep people safe. We can be approached at all times and will provide immediate support.
6. We will tackle every situation professionally, no matter who is involved. We will treat everyone with respect and are aware of our power and responsibility.
7. When exercising our powers and authority, we are committed to the specific task at hand and the principle of proportionality.
8. If we have to use force to exercise our powers, we will follow the principle "as much as necessary, as little as possible".
9. We will keep calm even in volatile situations. We are aware of our emotions and will deal with them professionally.
10. We are accountable and responsible for our actions to the public and the legitimate government institutions.

Principles of Working Together

11. Human rights are indivisible. They also apply to us.
12. Human rights also define how we interact and lead within our organisation.
13. Internally, we will treat each other with the kind of respect we expect to be treated with and that we treat the public with.
14. We will support each other in achieving our goals and observing our principles. We will stand united, especially in difficult and dangerous situations.
15. Our unity ends when members of our organisation break the law or depart from our goals and principles in a sustained manner.
16. We appreciate open discussions about our work with colleagues and leaders. We will not hesitate to voice and face constructive criticism.

Organisation

17. Our organisational structures are designed to enable and support human-rights based behaviour. This includes approachability and openness for dialogue at all levels of the organisation as key features.
18. Linking up tasks with expertise and responsibility encourages responsible behaviour at all levels and reduces bureaucratic logjams and idle capacities.

Leadership

19. We will lead responsibly and professionally, ensuring quality behaviour in compliance with human rights. Staff we supervise can approach us about their needs and ideas. We will communicate the reasoning behind our decision making transparently, enhancing our staff's personal motivation.
20. We will appreciate everyone's individual knowledge and experience and incorporate their feedback into our decision-making as best the situation allows.

Learning

21. As individuals and as an organisation, we will learn from our achievements and mistakes. We will consider achievements, complaints and reported mistakes as important feedback on our activities. Irrespective of our personal responsibility, we will take each of them as an opportunity to fine-tune our organisational structures and procedures.
22. We will provide time, space and the required means for critical self-study and reflection of our behaviour so as to improve our structures and operational procedures in a solution-oriented manner. To this end, we will systematically collect external and internal feedback on the quality of our work.

Human Resources

23. We consider individual compliance with these goals and principles an important pre-requisite for personnel selection, recruitment, training and promotion.
24. Our strengths lie in our subject-matter expertise as well as our social competence. We are aware of our individual and professional responsibility. We are well prepared for our roles and tasks.

Rules of Cooperation

POLICE.POWER.HUMAN.RIGHTS.

RULES OF COOPERATION WITHIN THE CIVIL SOCIETY DIALOGUE PANEL

1. Preamble

The underlying paper is the basis for cooperation within the POLICE.POWER.HUMAN.RIGHTS (PMMR) Civil Society Dialogue Panel.

The Civil Society Dialogue Panel (ZDG) is set up at national level at the Federal Ministry of the Interior (BMI). At provincial level, forums are created at the provincial police directorates. The ZDG consists of a coordinating core team and of a group that also includes representatives of civil society organisations (full ZDG lineup). In addition, there are expert groups discussing specific topics.

One of the most important factors for cooperation in the ZDG is to have eye-level dialogue between the representatives of civil society organisations and the BMI.

The aim of the dialogue is to have active, accurate and comprehensible information and communication based on respectful interaction and the willingness to create mutual trust. The contents of the common efforts are kept confidential by all ZDG members. "The contents of the common efforts" are the processes and the discussions in the 'Civil Society Dialogue panel' (ZDG), the 'Regional Dialogue Forums (RDF)' and the 'Expert Groups'. These are subject to confidentiality towards persons outside the organisation represented in the ZDG/RDF.

Adopted recommendation papers can be passed on in your professional environment. The work processes and their results should meet the standards of sustainability (e.g. through monitoring and controlling).

The Ministry of the Interior (BMI) welcomes the fact that the civil society members of the ZDG participate in development processes for human rights-related issues. Topic-specific framework conditions which may have to be taken into account (e.g. deadlines, budgetary resources, legal issues) will be defined and made transparent by the BMI at the beginning of each work process. The rules

of cooperation within the framework of the ZDG comply with the “Standards for consultative public participation (statements)” of the Austrian Federal Chancellery from 2009.¹).

2. Objectives and Working Process of the ZDG

The police should live by the PMMR guiding principles as a matter of course. The ZDG sees itself as a dialogue platform for civil society and police as well as the police’s sensor towards civil society.

The ZDG’s work consists of taking up human-rights-relevant topics with a connection to the police and exploring them and eventually drafting recommendation papers. The outcomes of the ZDG’s work are the basis for further measures. Final decisions are taken by the competent stakeholders at the Ministry.

3. Members of the ZDG and Requirements for Membership

Besides representatives of the Ministry of the Interior, organisations and institutions can join the ZDG, if their human-rights-related work is linked to the police through their scope of tasks and actions;

- their clients;
- civil society concerns towards the police and vice versa.

4. ZDG Meetings

The ZDG in its full lineup² meets at least three times a year. In addition, the Ministry of the Interior may convene further meetings on its own initiative or at the suggestion of civil society representatives of the ZDG. Time and date, duration, venue and a draft agenda will be sent to ZDG members in good time before the meeting. Requests for additions to the agenda can be submitted until the agenda is adopted.

The ZDG meetings are chaired by the person responsible for PMMR in the BMI line organisation (head of Directorate for Organisation, Service Matters and Law

¹ see, Standards of Public Participation online at[http://www.partizipation.at/fileadmin/media_data/Downloads/Standards_OeB/standards_der_oeffentlichkeitsbeteiligung_2008_druck.pdf] dated 15/4/2015, Federal Chancellery, Vienna, 2009, pages 16-18.

² except persons absent from the meeting.

Enforcement; Directorate II/A) or a senior level proxy appointed by him/her. A moderator is responsible for the process and for ensuring that the rules of co-operation are observed in the meetings.

Minutes will be taken for all meetings and sent out to all participants as a draft shortly after the meeting.

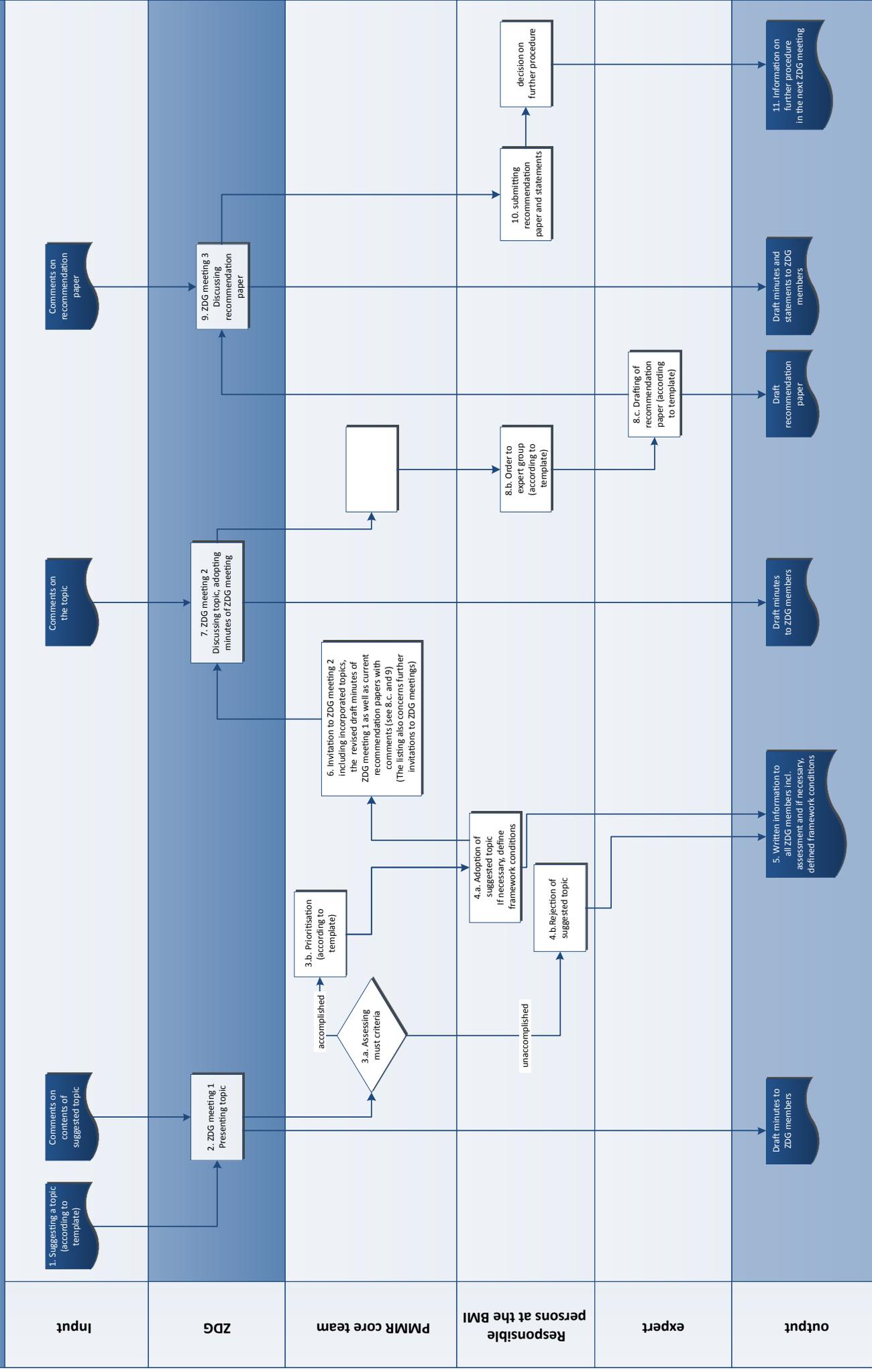
- Within six weeks thereafter, comments can be submitted. A confirmation of receipt for each comment will be sent as soon as possible.
- Comments will be reviewed by the core team - if necessary, by consulting subject-matter experts- and incorporated into the draft minutes as far as possible (editing mode).
- These new draft minutes, as well as the original versions of all the comments, will be sent in writing to all participants of the last meeting shortly after the six-week deadline.
- The comments will be discussed in the next ZDG meeting and the minutes will be adopted.

5. Participation Structure and Process

This flow chart explains the working process:

POLIZEI.MACHT.MENSCHEN.RECHTE – Example of Work Process in the ZDG

Phase



6. Description of the work process (using the example of the ZDG)

- **Step 1 [proposing topics]**

A topic is proposed in writing meeting the formal requirements as outlined in a template. The proposal among other things contains the description of a problem, ideas for improvement and how progress can be identified.

by: civil society representatives (members and organisations or persons who are not ZDG members), senior level BMI officials, employer members of the ZDG as well as employees of the BMI.

To: BMI: Structures and Human Resources Development unit (II/1/a)

- **Step 2 [presenting proposed topic]**

The written proposal of a topic is presented at a ZDG meeting and will be amended in case of feedback.

by: the ZDG in full lineup

- **Step 3 [assessment and prioritisation of topics]**

The topic proposal is assessed on the basis of the defined “priority criteria for topics” (see point 6).

by: the core team

- **Step 4 [Adoption or rejection of topics]**

The head of Directorate for Organisation, Service Matters and Law Enforcement decides whether a topic will be adopted or rejected depending on the priority and progress assessment. If necessary, framework conditions for working on the topic are defined (deadlines, budget, personnel resources and legal, subject-specific or organisational factors).

by: competent persons within the BMI

- **Step 5 [information on decision]**

A written information on the decision made is sent (including an assessment and if necessary defined framework conditions). Rejections have to include an explanation.

by: Unit for Structures and Human Resources Development (II/1/a)

To: all ZDG members

- **Step 6 [ZDG meeting: invitation]**

After adopting several topics, a meeting of the full ZDG lineup is scheduled. Invitations are sent out in good time before the meeting, specifying and/or including the topics to be discussed (including priority and progress assessment and any defined framework conditions), the revised draft minutes of the last meeting plus comments as well as current recommendation papers of the expert groups with the respective comments (see steps 6 and 7 below).

by: Unit for Structures and Human Resources Development (II/1/a)

To: ZDG members

- **Step 7 [ZDG meeting: discussion]**

The topics specified in the invitation are worked on in the ZDG meeting involving the civil society members who give their opinion on specific questions and requests in the order of priority. To this end, sufficient background information is provided.

- **Step 8 [expert group, recommendations]**

A recommendation paper is drafted, which is (also) based on the minutes of the ZDG meeting. The recommendation paper also focusses on the expected consequences of recommendations.

by: an expert group, which is set up by the core team, and which includes at least

- one internal subject-matter expert,
- one core team member and
- one civil society representative (without compensation)

- **Step 9 [ZDG meeting: consideration of recommendation papers]**

The recommendation paper is presented and discussed in the next ZDG meeting. Comments on it are used as a basis for decisions made by the BMI. The recommendation paper and the comments are enclosed with the minutes of the meeting.

by: chairperson of the meeting, processing by unit for Structures and Human Resources Development

To: civil society representatives of the ZDG

- **Step 10 [submission of the recommendation papers]**

The recommendation paper and the comments are submitted to the competent person within the BMI line organisation by the head of the Directorate for Organisation, Service Matters and Law Enforcement. This person then initiates any further measures.

by: Head of Directorate for Organisation, Service Matters and Law Enforcement of the BMI (II/A)

- **Step 11 [Information about further procedure]**

In the next ZDG meeting, the current status of the progress made on the basis of the recommendation paper is presented. Furthermore, the ZDG members can obtain information on the developments and the effects of the steps taken at any time.

by: the core team

To: civil society members of the ZDG

7. Priority criteria for the topics

The proposed topics are prioritised on the basis of the following criteria: For a topic to be adopted, the 'must-criterion' must be met. The more priority criteria are met, the higher the topic's total priority. The following examples describe the criteria in more detail.

- Must-criterion: The topic is of human-rights based relevance according to the guiding principles. The organisation and/or society is affected by the topic.
- Priority criterion 1: The level and/or dimension of how the organisation and/or society are affected by the topic.
- Priority criterion 2: Public awareness and/or expectations regarding the topic.
 - Existing awareness for need to change regarding the topic in the internal and external (published opinion, NGOs) public, as well as in (inter) national human rights panels (UPR, reporting, CPT, NPM).
 - ...
- Priority criterion 3: Networking
 - Availability of good models for approaches to solutions
 - Option to link the topic to already existing projects.
 - Consistency with strategies of the Directorate General for Public Security
 - ...
- Priority criterion 4: Potential for change
 - Probability of timely implementation
 - Structural change
 - Required changes in legislation
 - ...

8. Contact details for submission of topics and comments

The following contact details apply for any written correspondence between the BMI and civil society representatives as well as other organisations/persons who want to submit topics:

Bundesministerium für Inneres
 Herrengasse 7, 1010 Wien
 Gruppe Organisation, Dienstbetrieb und Einsatz (II/A)
 General Reinhard Schnakl, B.A. M.A.
E-mail: POLIZEI.MACHT.MENSCHEN.RECHTE@bmi.gv.at

The ZDG members have to be informed in writing of any changes to these contact details via the e-mail address indicated. The e-mail message in question will become an integral part of the rules of cooperation.

9. Validity

This regulation remains valid until revoked. Revocation may be effected by the ZDG as a panel. Change requests regarding these rules have to be added to the next meeting's agenda, where they will be treated.

List of Abbreviations

ALES	Austrian Center for Law Enforcement Sciences
ARBÖ	Auto-, Motor- und Radfahrerbund Österreichs (Automobile, Motorcycle and Bicycle Club of Austria)
BMI	Bundesministerium für Inneres (Federal Ministry of the Interior)
BOJA	Bundesweites Netzwerk Offene Jugendarbeit (centre of competence for open youth work)
BWC	Body-Worn Cameras
BPK	Bezirkspolizeikommando (District Police Command)
dowas	Der Ort für Wohnungs- und Arbeitssuchende (service for people searching for accommodation and employment)
ECHR	European Convention on Human Rights
HOSI	Homosexuelle Initiative Wien 1. Lesben- und Schwulenverband Österreich (Homosexuals Initiative),
HPE	Hilfe für Angehörige psychisch Erkrankter (support for relatives of persons with mental illness)
IFS	Institut für Sozialdienste (institute for social services)
KABEG	Landeskrankenanstalten-Betriebsgesellschaft (Association of Medical Institutions in Carinthia),
KAGes	Steiermärkische Krankenanstaltengesellschaft (association of medical institutions in Styria)
KiJA	Kinder- und Jugendanwaltschaft (Children's and Youth Ombuds Office),
Koje	Koordinationsbüro für offene Jugendarbeit und Entwicklung (coordination office for open youth work and development)
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
LOK	Leben ohne Krankenhaus (life without hospital)
LPD	Landespolizeidirektion (provincial police directorate)
LVT	Landesamt für Verfassungsschutz und Terrorismusbekämpfung (Federal Agency for State Protection and Counter Terrorism)
NGO	non-governmental organisation
ÖAMTC	Österreichischer Automobil-, Motorrad- und Touring Club (Austrian Automobile, Motorcycle and Touring Club),
ÖBB	Österreichische Bundesbahnen (Austrian Federal Railways),
ÖIF	Österreichischer Integrationsfonds (Austrian Integration Fund),
PMMR	POLIZEI.MACHT.MENSCHEN.RECHTE (POLICE.POWER.HUMAN.RIGHTS)
RDF	Regionales Dialogforum, Regionale Dialogforen (Regional Dialogue Forum)
SPK	Stadtpolizeikommando (city police command of the Federal Police)

ZARA	Zivilcourage & Anti-Rassismus-Arbeit (Civil Courage and Work Against Racism),
ZDG	Zivilgesellschaftliches Dialoggremium (Civil Society Dialogue Panel)

Abbildungsverzeichnis

Abbildung 1	Partizipationsprozess im ZDG
Abbildung 2	Polizei im Dialog

POLIZEI.MACHT.MENSCHEN.RECHTE