

# HUMAN RIGHTS

*INTERNATIONALLY GUARANTEED*

*LEGALLY PROTECTED*

*FOCUS ON DIGNITY OF THE HUMAN BEING*

*PROTECT THE INDIVIDUAL AND GROUPS*

*OBLIGE STATES AND STATE ACTORS*

*CANNOT BE WAIVED / TAKEN AWAY*

*EQUAL AND INTERDEPENDENT*

*UNIVERSAL*

## HUMAN RIGHTS

### *WHO MAKES THE RULES?*

#### **States from all regions:**

*-- through the development of Custom*

*-- through the development of treaties*

*---- through the development of dec-- through the guidelines, etc.*

### ***WHERE ARE THE RULES MADE?***

#### **At international bodies and meetings:**

*-- UN Commission on Human Rights*

*-- UN General Assembly*

*-- UN Crime Congresses*

*-- Regional organizations*

# Sources of International Human Rights Law:

From the General to the Particular

Charter of the United Nations  
(Charter)

Universal Declaration of Human Rights  
(UDHR)

Covenant on Civil and Political Rights (ICCPR)	Covenant on Economic, Social and Cultural Rights (ICESCR)
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Racial Discrimination (CERD)	Discrimination Against Women (CEDAW)	Torture and Cruel, Inhuman or Degrading Treatment/Punishment (CAT)	Rights of the Child (CRC)	Migrant Workers (MWC)
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Declarations, Guidelines, Bodies of Principles, Minimum Rules	Decisions and General Comments of Treaty Bodies
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## WHO MONITORS HUMAN RIGHTS?

#### **AT THE NATIONAL LEVEL:**

- Government ministries and services**
- National Human Rights Institutions (such as a Human Rights Commission, an Ombudsman, etc.)**
- Courts**
- Parliament**
- Police**
- NGOs**
- Media**
- Trade Unions**
- Universities**
- Professional organizations**
- religious groups**

OHCHR CIVPOL Training Guide  
Session 1 (Gen. Principles)/4

### **WHO MONITORS HUMAN RIGHTS?**

#### **AT THE INTERNATIONAL LEVEL:**

- \* Regional organizations and institutions**
- \* International NGOs**
- \* the United Nations:**
  - through conventional (treaty-based) mechanisms**
  - through extra-conventional (charter-based) mechanisms**
  - through peacekeeping and human rights field operations**

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Session 1 (Gen. Principles)/5

## WHAT IS "ARBITRARY"?

- \* **not based on legal grounds**
- \* **not respecting legal procedures**
- \* **not reasonable/appropriate in the circumstances**
- \* **not proportional to the legal objectives**
- \* **discriminatory**
- \* **not predictable**
- \* **without fair, solid and substantial cause**
- \* **unduly intrusive vis-a-vis other rights**

It is the duty of all citizens to respect the rights of others and to observe the lawful and necessary requirements of maintaining public order in a democratic society.

Where they exist, limitations on rights are specified in the various human rights treaties

In general, such limitations and restrictions are those which are determined by law and which are necessary to:

- " ensure the respect for the rights and freedoms of others

- " meet the just requirements of morality, public order and the general welfare in a democratic society

## WHAT IS THE MANDATE OF LAW ENFORCEMENT?

Article 29 of the Universal Declaration of Human Rights:

"In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

Hence the mandate for police in modern democracies:

- " to protect human rights
- " to defend fundamental freedoms and
- " to maintain public order and the general welfare in a democratic society, through polices and practices which are lawful, humane, and disciplined.

## ETHICAL AND LEGAL CONDUCT

" Human rights derive from the inherent dignity of the human person

" Law enforcement officials shall at all times respect and obey the law

" Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession

" Law enforcement officials shall not commit any act of corruption. They shall rigorously oppose and combat all such acts

" Law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons

" Law enforcement officials shall report violations of those laws, codes and sets of principles which protect and promote human rights

" All police action shall respect the principles of legality, necessity, non-discrimination, proportionality and humanity



## ***WHAT HAPPENS WHEN POLICE VIOLATE HUMAN RIGHTS?***

- \* law enforcer becomes law breaker**
- \* human dignity is transgressed**
- \* erosion of crucial public confidence and support**
- \* exacerbation of civil unrest**
- \* hampering of effective prosecutions in court**
- \* isolation of police from the community**
- \* guilty parties go free--innocent are punished**
- \* victim of crime left without justice**
- \* removal of the "law" from "law enforcement"**
- \* force police agencies to be reactive, rather than proactive**
- \* elicit international and media criticism and political pressure on government and police**

## ***What Happens When Police Uphold, Protect and Defend Human Rights?***

- \* public confidence is built and community cooperation fostered;**
- \* a contribution is made to the peaceful resolution of conflicts and complaints;**
- \* legal prosecutions are successful in court;**
- \* police are seen as part of the community, performing a valuable social function;**
- \* the fair administration of justice is served, and, consequently, confidence in the system;**
- \* an example is set for respect for the law by others in society;**
- \* police are able to be closer to the community, and, therefore, in a position to prevent and solve crimes through proactive policing;**
- \* support is elicited from the media, from the international community, and from political authorities;**
- \* police bring honour to their uniform, their agency, and their government.**

## Policing in Democracies

### Authoritarian vs. Democratic Policing Models

AUTHORITARIAN MODEL	DEMOCRATIC MODEL
☐☐ <b>POWER HELD BY THE FEW</b>	☐☐ <b>POWER HELD BY THE MANY</b>
☐☐ <b>ARBITRARINESS</b>	☐☐ <b>RULE OF LAW</b>
☐☐ <b>INTIMIDATION</b>	☐☐ <b>CONFIDENCE</b>
☐☐ <b>ENFORCEMENT OF STATE CONTROL</b>	☐☐ <b>ENFORCEMENT OF THE LAW</b>
☐☐ <b>PROTECTION OF THE ELITE</b>	☐☐ <b>SERVICE TO THE COMMUNITY</b>
☐☐ <b>CORRUPTION AND IMPUNITY</b>	☐☐ <b>HONESTY AND ACCOUNTABILITY</b>
☐☐ <b>DISTRUST OF SOCIETY</b>	☐☐ <b>SUPPORT FROM SOCIETY</b>
☐☐ <b>FEAR</b>	☐☐ <b>RESPECT</b>

**IN A DEMOCRACY THE WILL OF THE PEOPLE IS THE BASIS OF GOVERNMENTAL AUTHORITY**

## POLICING IN DEMOCRACIES

" In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law

" Limitations on the exercise of rights and freedoms shall be only those necessary to secure recognition and respect for the rights of others, and for meeting the just requirements of morality, public order and the general welfare in a democratic society

" Everyone has the right to take part in the government of his country, directly or through freely chosen representatives

" The will of the people is the basis of the authority of government

" The will of the people shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage

" Every law enforcement agency shall be representative of and responsive and accountable to the community as a whole

" Everyone has the rights to freedom of opinion, expression, assembly and association

" All police officials are part of, and have a duty to serve the community

## ***ETHICAL AND LAWFUL POLICING IN A DEMOCRATIC SOCIETY***

- \* Obeying and Enforcing the Law**
- \* Serving the Community**
- \* Maintaining Professionalism**
- \* Combatting Corruption**
- \* Protecting Human Rights**
- \* Respecting Legality**
- \* Respecting Necessity**
- \* Exhibiting non-discrimination**
- \* Exercising Proportionality**
- \* Demonstrating Humanity**
- \* Being Representative of the Community**
- \* Being Responsive to the Community**
- \* Being Accountable to the Community**

# DEMOCRATIC GOVERNMENT

requires respect for

THE FUNDAMENTAL RIGHT TO TAKE PART IN  
GOVERNMENT

requires the holding of

FREE AND FAIR ELECTIONS

requires respect for

THE RIGHT TO FREEDOM OF OPINION

THE RIGHT TO PEACEFUL ASSEMBLY

FREEDOM FROM FEAR AND INTIMIDATION

all rights to be

APPLICABLE TO ALL PERSONS, IRRESPECTIVE OF  
RACE, SEX, LANGUAGE, RELIGION, POLITICAL OR  
OTHER BELIEF

## FREEDOM OF ASSEMBLY

" This right covers both the preparing and conducting of an assembly by its organizers and the right to participate in it (jurisprudence of the Human Rights Committee).

" The principle of proportionality requires that the type and intensity of interference by the State be absolutely necessary to attain a purpose. The prohibition or forceful breaking up of an assembly should be considered only when all milder measures have failed, such as the arrest of isolated, violent extremists. The preventive prohibition of an assembly must always remain the exception (jurisprudence of the Human Rights Committee).

" In view of the State's obligation to maintain public order in street traffic and to protect peaceful demonstrations, the authorities must be informed in due time of the location, purpose and time of a planned assembly and be granted access to it (jurisprudence of the Human Rights Committee).

" When there is a danger of clashes, the organizers of an assembly are primarily responsible for preventing disturbances. However, the State should take positive measures to ensure the effective exercise of freedom of assembly, such as by providing protection against disturbances

by political opponents (jurisprudence of the Human Rights Committee).

OHCHR CIVPOL Training Guide  
Session 3 (Democratic policing)/Handout

## NON-DISCRIMINATION IN LAW ENFORCEMENT

" All persons are born free and equal in dignity and rights

" Law enforcement officials shall at all times fulfil the duty imposed on them by law, by serving the community and by protecting all persons against illegal acts

" All persons are equal before the law, and are entitled, without discrimination, to equal protection of the law

" In protecting and serving the community, police shall not unlawfully discriminate on the basis of race, gender, religion, language, colour, political opinion, national or ethnic origin, property, birth, or other status

" The recruitment, hiring, assignment and promotions policies of police agencies shall be free from any form of discrimination



## NON-DISCRIMINATION IN LAW ENFORCEMENT

Not considered discriminatory:

" Special measures to address the special status and needs of:

- women (including pregnant women and new mothers)
- children and juveniles
- the disabled
- the sick
- the elderly
- other groups requiring special treatment in accordance with international human rights standards

## POLICE INVESTIGATIONS

Legitimate purposes of police investigations:

- " detection of crime
- " identification of witnesses
- " recovery and preservation of evidence
- " discovery of witnesses
- " discovery of cause, manner, location and time of crime
- " identification and apprehension of perpetrators

# INVESTIGATIONS

## Key Points

" right to security of the person

" presumption of innocence

(Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to the law in a public trial at which he/she has had all the guarantees necessary for his/her defense. ICCPR, article 14 and Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment)

" prohibition of arbitrary interference with privacy, family, home or correspondence

" protection of honour and reputation

" absolute prohibition of torture, cruel, inhuman, degrading treatment

" compassionate treatment of victims and witnesses

" respect for confidentiality of information

" right not to confess or testify against self

" right to fair trial

(Everyone shall be entitled to a fair and public hearing by a competent, independent, and impartial tribunal established by law. ICCPR, art. 14)

## INVESTIGATIONS IN GENERAL

All investigations, including interviewing of witnesses, victims and suspects, personal searches, searches of vehicles and premises, interception of communications:

" shall not be unlawful, arbitrary, unduly intrusive, or biased;

" shall be competent, thorough, prompt and impartial and lawful;

" shall include careful processing of crime scenes;

" shall seek to collect and preserve evidence.

# CRIMINAL INVESTIGATIONS

**In investigations, the interviewing of witnesses, victims and suspects, personal searches, searches of vehicles and premises, and the interception of correspondence and communications:**

- \* *All police activities relating to the collection of evidence and criminal investigations shall be conducted only according to law, with due cause, and with respect for human rights and fundamental freedoms, and shall be neither arbitrary nor unduly intrusive.***

## **CRIMINAL INVESTIGATIONS**

- \* Everyone has the right to security of the person**
- \* Everyone is to be presumed innocent until proven guilty in a court of law**
- \* Everyone has the right to a fair trial**
- \* No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence**
- \* No one shall be subjected to attacks on his honour or reputation**
- \* No pressure, physical or mental, shall be exerted on suspects, witnesses, or victims in attempting to obtain information**
- \* Torture and other inhuman or degrading treatment is absolutely prohibited**
- \* Victims and witnesses to be treated with compassion and consideration**
- \* Confidentiality to be respected**
- \* No one to be compelled to confess or to testify against themselves**

## **SECURITY OF THE PERSON (Constitution, UDHR, ICCPR)**

### *Arbitrary arrest and detention*

**Deprivation of liberty, without legal reason or process, by an act of Government or with its complicity, tolerance or acquiescence.**

### *What is "Arbitrary"?*

**'not based on legal grounds**

**'not respecting legal procedures**

**'not reasonable/appropriate in the circumstances**

**'not proportional to the legal objectives**

**'discriminatory**

**'not predictable**

**'without fair, solid and substantial cause**

**'unduly intrusive vis-a-vis other rights**

## RIGHTS RELATING TO ARREST

" right to liberty and security of the person and to freedom of movement

" prohibition of arbitrary arrest

" requirement of legal grounds and procedures

" right to be informed of reasons at time of arrest

" right to be promptly informed of any charges

" right to be brought promptly before a judge

" right to judicial determination of legality of arrest/detention, and release where so decided

" right to trial within reasonable time, or release

" right to adequate access to a lawyer

" right not to confess or testify against self

" right to an interpreter where necessary

" prompt notification of family



## THE "48 HOUR RULE"

" Every person arrested and detained to be brought before a court as soon as reasonably possible but no later than 48 hours after arrest in order to:

- be charged
- be considered for bail or release

" If the 48 hours expires on a day which is not a court day (such as a weekend or holiday), then the accused must be brought on the first court day after 48 hours have expired.

" If the 48 hour rule is not observed, then the accused shall be released

" The purpose of the 48 Hour Rule:

to involve court supervision in all matters of detention to ensure the rule of law and protection of human rights

" The 48 Hour Rule does not mean:

- automatic bail for the accused (the accused may, for example, be remanded to prison)
- that the investigation must be completed within 48 Hours

## **DETENTION OR RELEASE?**

### **General Principle:**

**"It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees..." (ICCPR, article 9 (3))**

### **Questions:**

- 1) Reasonable grounds to believe the person has committed the offence?**
- 2) Would the deprivation of liberty be disproportionate to the alleged offence and expected sentence?**
- 3) Is there a danger that the suspect will abscond?**
- 4) Is there a danger to the suspect if released?**
- 5) Is there a significant danger that the suspect will commit further offences?**
- 6) Is there a danger of serious interference with the course of justice if the suspect is released?**
- 7) Would bail or release on condition be sufficient?**

### **Considerations for Questions 3, 5, 6 and 7:**

<b>'nature of the offence</b>	<b>'seriousness of the offence</b>
<b>'community ties</b>	<b>'strength of the evidence</b>
<b>'social circumstances</b>	<b>'personal circumstances</b>
<b>'likely penalty</b>	<b>'conduct of the suspect</b>

**Mandatory Arrest Record Information**

*(Copy to arrestee/legal counsel)*

Personal Data on Arrestee (name, address, gender, description, etc)

\_\_\_\_\_

Arresting  
Officer(s) \_\_\_\_\_

Reason for Arrest \_\_\_\_\_

Date/Time of Arrest \_\_\_\_\_

Place of Arrest \_\_\_\_\_

Date/Time of transfer to place of custody \_\_\_\_\_

Custodial officer receiving arrestee \_\_\_\_\_

Precise information on place of custody \_\_\_\_\_

\_\_\_\_\_

Details of  
Interrogation \_\_\_\_\_

\_\_\_\_\_

Time of appearance before  
judge \_\_\_\_\_

\_\_\_\_\_

Details on judicial appearance (who,  
where) \_\_\_\_\_

\_\_\_\_\_

Information on all other involved  
officers \_\_\_\_\_

\_\_\_\_\_

*(Use additional pages as required for all items)*

**RIGHT TO LIBERTY AND  
SECURITY OF THE PERSON  
(Constitution, UDHR, ICCPR)**

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# LIBERTY AND SECURITY OF THE PERSON

(UDHR, ICCPR)

## *Enforced or involuntary disappearance:*

- Arrest, detention, abduction or other deprivation of liberty, by Government or with its complicity, tolerance or acquiescence, and where the Government fails to disclose the fate or whereabouts of the victim, or to confirm custody.

## Definitions:

### Detainee:

" Person deprived of his personal liberty pending trial (unconvicted)

### Prisoner:

" Person deprived of his personal liberty as a result of conviction for an offence (convicted)

## THE TREATMENT OF DETAINEES

- " presumption of innocence
- " treatment which is humane and respects the inherent dignity of the human person
- " absolute prohibition on torture and cruel, inhuman or degrading treatment or punishment
- " prohibition of violence or threats
- " respect for religious and moral beliefs
- " respect for special status and rights of women
- " respect for special status and rights of juveniles
- " prohibition on taking advantage of a detainee's situation to force confession or self-incrimination
- " requirement that measures for discipline and order be set out in law and regulations, and
- " limitation on measures for discipline and order to those necessary for safe custody

## DETENTION

### Classification and Segregation

Unconvicted	Convicted
Women	Men
Juveniles	Adults
Ordinary Population	Dangerous Detainees
Physically Ill in Medical Facility	Mentally Ill in Mental Health Institutions



## THE FACILITIES FOR DETENTION

- " officially-recognized places of detention only
- " humane
- " healthy
- " adequate food
- " adequate water
- " adequate shelter
- " adequate clothing
- " adequate medical services
- " adequate exercise facilities and opportunities
- " adequate items and facilities for personal hygiene

## OUTSIDE CONTACTS FOR DETAINEES

Visits from and communications with:

- " legal representatives
- " family
- " prison inspectors (national commissions and agencies, ICRC, UN, others)
- " medical personnel
- " a judge
- " religious authorities

## DEFINITION OF TORTURE

*A summary of article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

### TORTURE MEANS:

WHAT	FOR WHAT PURPOSE	BY WHOM
an act inflicting " severe pain or suffering " either physical or mental pain " which is done intentionally	for such purposes as " obtaining information " obtaining a confession " punishing for a act committed or suspected of having committed " intimidating or coercing someone " for any reason of discrimination	by a public official or any person acting in an official capacity either " inflicted directly by the official, or " at the instigation of the official, or " with the acquiescence of the official

- " torture does not include pain or suffering arising only from lawful sanctions
- " there can be no justification for torture, including states of war or emergency or orders from a superior officer or a public authority (article 2)
- " other acts of cruel, inhuman or degrading treatment or punishment, which do not amount to torture as defined in article 1, shall also be prohibited and prevented (article 16)

## DETAINEES

The role of the Judge in detention:

- " decisions on legality of detention
- " decisions on duration of detention
- " decisions on necessity of detention
- " ordering release
- " setting trial date
- " supervision and inspection
- " determining bail, recognizance, conditional release

## **MONITORING PLACES OF DETENTION**

**-CHECK AND CONFIRM THE RECORDS!**

**-CELL BOOK (POLICE)**

**-FILE (PRISONS)**

**-ENTRY DATE**

**-CHARGE**

**-CURRENT REMAND FORM**

**-RENEWALS FOR REMAND**

**CONSULT THE FILES IN DETAINEE INTERVIEWS**

## USE OF FORCE

Police responsibilities:

- " enforce the law and maintain order
- " exercise police powers lawfully and effectively

The use of force may violate the most basic of human rights:

- " respect for the inherent dignity of the human person (Const. sect. 19)
- " rights to life, liberty and security of the person (Const. sects. 16, 18, 19)

Therefore, the use of force is to be strictly regulated by law, controlled by superiors and subject to clear guidelines and basic principles

## USE OF FORCE

Basic principles to observe always:

- " necessity
- " proportionality

References:

" United Nations Code of Conduct for Law Enforcement Officials (article 3)

" United Nations Principles on the Use of Force and Firearms by Law Enforcement Officials

## **THE USE OF FORCE**

- 1) Non-violent means to be attempted first**
- 2) Force to be used only when strictly necessary**
- 3) Force to be used only for lawful law enforcement purposes**
- 4) No exceptions or excuses for unlawful use of force**
- 5) Use of force to be always proportional to lawful objectives**
- 6) Restraint to be exercised in the use of force**
- 7) Damage and injury to be minimized**
- 8) Range of means for differentiated use of force to be made available**
- 9) All officers to be trained in the use of the various means for differentiated use of force**
- 10) All officers to be trained in use of non-violent means**



# USE OF FIREARMS

## *Permissible circumstances:*

- 1) Firearms to be used only in extreme circumstances**
- 2) Firearms to be used only in self-defense or defense of others against imminent threat of death or serious injury**

**-or-**

**To prevent a particularly serious crime that involves a grave threat to life**

**-or-**

**To arrest or prevent the escape of a person posing such a threat and who is resisting efforts to stop the threat**

**-and-**

**In every case, only when less extreme measures are insufficient**

- 3) Intentional lethal use of force and firearms shall be permitted only when strictly unavoidable in order to protect human life**

# USE OF FIREARMS

## *Procedures for use of firearms:*

**1) Officer to identify self as police official**

**-and-**

**2) Officer to give a clear warning**

**-and-**

**3) Officer to allow adequate time for warning to be obeyed**

**-but-**

- This shall not be required if the delay would result in death or serious injury to the officer or others**

**-or-**

- It is clearly pointless or inappropriate in the circumstances to do so**

# **USE OF FIREARMS**

## ***After the use of firearms:***

- 1) Render medical aid to all injured persons**
- 2) Notify relatives or friends of those affected**
- 3) Allow for investigation where requested or required**
- 4) Provide a full and detailed report of the incident**

## **USE OF FORCE AND FIREARMS**

### ***Accountability:***

- 1) All incidents of the use of force or firearms shall be followed by reporting and review by superior officials**
- 2) Superior officials shall be held responsible for the actions of police under their command if the superior official knew or should have known of abuses but failed to take concrete action**
- 3) Officials who refuse unlawful superior orders shall be given immunity**
- 4) Officials who commit abuses of these rules shall not be excused on the grounds that they were following superior orders**

# USE OF FORCE ANALYSIS

## *General Analysis*

Were non-violent means attempted first?

Was the use of force strictly necessary in the circumstances?

Was there a lawful law enforcement/public safety purpose for use of force?

Was the type and amount of force proportional to the lawful objectives?

Was restraint exercised in the use of force?

Were damage and injury minimized to the extent possible?

Was a range of means for differentiated use of force available?

Were the involved personnel trained in the differentiated use of force?

Were they trained in the use of non-violent means?

## ***Analysis of circumstances***

Were circumstances extreme enough to justify use of firearms?

Were firearms used only:

in self-defense or defense of others against imminent threat of death or serious injury;

or

to prevent a particularly serious crime that invokes a grave threat to life;

or

to arrest or prevent the escape of a person posing such a threat and who was resisting efforts to stop the threat;

and

where less extreme measures were insufficient?

If intentional lethal use of force and firearms was employed, was this strictly unavoidable in order to protect human life?

# USE OF FIREARMS

## *Procedural Analysis 1*

Did the officer identify self as a police officer/gov. agent?

Did the officer give a clear warning?

Did the officer allow adequate time for the warning to be obeyed?

If not, is there reason to believe that following such procedures would have resulted in the death or serious injury of the officer or others, or that it would have been clearly pointless or inappropriate in the circumstances to do so?

# USE OF FIREARMS

## *Procedural Analysis 2*

Was medical aid rendered promptly to all injured persons?

Were the relatives/friends of the injured notified?

Was an investigation initiated where requested/required?

Did the responsible agency prepare and incident report?



# USE OF FORCE AND FIREARMS

## *Accountability analysis*

Was reporting and review by senior officials carried out?

Were any persons who refused unlawful superior orders given immunity? (They must be immune)

Were any persons who violated these rules excused on the grounds that they were following superior orders? (They must be held accountable, even if they were following superior orders)

Note: superior officials are legally responsible for the actions of officers under their command if the superior official knew, or should have known of abuses but failed to take concrete action.

<b>Control Point</b>	<b>Focus</b>
<b>RECRUITMENT</b>	<b>Candidates of appropriate fitness and character</b>
<b>TRAINING</b>	<b>Use of force, firearms, first aid, self-defence, use of defensive equipment, use of non-lethal instruments, crowd behaviour and control, negotiation, conflict resolution, personal stress management</b>
<b>REGULATIONS</b>	<b>Enforced, clear, formal rules, regulations, policies and standing orders reflecting the standards on use of force and firearms</b>
<b>MONITORING</b>	<b>Of all force and firearm incidents, officer fitness, equipment and supplies, stress levels, training levels, control, storage and issuing of weapons and ammunition</b>
<b>REPORTING</b>	<b>Of all incidents of use and firearms, with clear reporting guidelines and appropriate follow-up and review by superior officials</b>
<b>DISCIPLINE</b>	<b>Of violating officers, and superiors who knew or should have known of abuses</b>
<b>COUNSELLING</b>	<b>Stress management, preventative and post-incident counselling for officers</b>
<b>STRATEGY</b>	<b>Strategies which reduce risk that officers will be forced to resort to firearms (negotiation, gradual progression, range of means, defensive techniques, strategic deployment, non-provocative approaches, etc.)</b>
<b>EQUIPMENT</b>	<b>First aid tools, defensive shields, vests and helmets, range of means for differentiated use of force, non-lethal instruments, communications equipment</b>

## CIVIL DISORDER

" Restoration of order to be achieved without discrimination and only as determined by law (ICCPR 4)

" Purposes: securing respect for the rights and freedoms of others, and for meeting the just requirements of morality, public order and the general welfare in a democratic society

" No exceptions shall be allowed with regard to the right to life; to freedom from torture; or to the prohibition of slavery (ICCPR 4.2)

" Non-violent means shall be attempted before the use of force (PFF 4)

" Force shall be used only when strictly necessary (PFF 4)

" Force shall be used only for lawful law enforcement purposes (PFF 5, 6 and 7)

" Force applied shall be proportional to the lawful law enforcement objectives (PFF 2 and 5a)

" Every effort shall be made to limit damage and injury (PFF 5B)

" A range of means for the differentiated use of force shall be available (PFF 2)

" No unnecessary limitations on the rights to free speech, assembly, association, or movement shall be imposed (ICCPR 4, 12, 18, 19, 21, 22 and PFF 12, 13 and 14)

" All wounded and traumatized to be immediately cared for (PFF 5c)

## **STATES OF EMERGENCY**

**A state of emergency may be legally declared if:**

**'It is in conformity with the law**

**'A public emergency threatens the life of the nation, and ordinary measures are plainly inadequate to address the situation**

**'It is officially declared**

**'Exceptional measures derogating from ICCPR are strictly required by the exigencies of the situation**

**'Exceptional measures are not inconsistent with other obligations under international law**

**'Exceptional measures are not discriminatory**

**'Non-derogable rights are respected**

## **STATES OF EMERGENCY**

### **NON-DEROGABLE RIGHTS (ICCPR - ART. 4)**

**'Right to life**

**'Protection from torture and cruel, inhuman or degrading treatment or punishment**

**'Protection from slavery**

**'Freedom of thought, conscience and religion**

**'Right to recognition of the person before the law**

**'Prohibition of imprisonment for non-fulfilment of contractual obligations**

**'Prohibition of retroactivity of criminal law**

## **STATES OF EMERGENCY**

**Security measures and criminal law must not be retroactive:**

**'No one may be held guilty of any criminal offence which was not an offence at the time it was committed**

**'No one may be subjected to a heavier penalty than that which was applicable at the time the offense was committed**

**'If the penalty for an offence is reduced by law after commission of the offence, the offender must receive the lighter penalty**

## HUMANITARIAN LAW

### Principles Common to the Four Geneva Conventions and the Two Additional Protocols

" Humanitarian law applies in all situations of armed conflict

" Principles of humanity must be safeguarded in all situations

" Non-Combatants and persons put out of action by injury, sickness, capture, or other cause must be respected and protected

" Persons suffering from the effects of war must be aided and cared for without discrimination

" Acts prohibited in all circumstances include:

- murder
- torture
- corporal punishment
- mutilation
- outrages upon personal dignity
- hostage taking
- collective punishment
- executions without regular trial
- cruel and degrading treatment

## HUMANITARIAN LAW: Principles Common to the Four Geneva Conventions and the Two Additional Protocols (cont d)

" Reprisals against the wounded, sick and shipwrecked, medical personnel and services, prisoners of war, civilians, civilian and cultural objects, the natural environment, and works containing dangerous forces are prohibited.

" No one may renounce or be forced to renounce protection under humanitarian law

" Protected persons must at all times have resort to a protecting power (a neutral State safeguarding their interests) or to the ICRC (the International Committee of the Red Cross), or any other impartial humanitarian organization.



# Common Article 3 of the Geneva Conventions

- " Applies to non-international armed conflict
- " Applies to both the government and the opposition forces
- " Sets minimum standards:
  - requires humane treatment for persons not taking part in hostilities, including due to surrender, sickness, wounds, detention and other causes
  - prohibits discrimination, violence to life and person, murder, mutilation, cruel treatment, torture, hostage-taking, outrages on personal dignity, humiliating and degrading treatment, the passing of sentences and the carrying out of executions without previous judgement by a regularly constituted court affording full judicial guarantees
  - requires that the wounded and sick be collected and cared for
- " Provides for ICRC or other neutral humanitarian services
- " Encourages special agreements to bring other Geneva provisions into force
- " Does not affect the legal status of the parties

# MILITARY OPERATIONS

## *Use of Force (1)*

'Humanitarian law applies in all situations of armed conflict

'Principles of humanity must be safeguarded in all situations

'Non-Combatants and persons put out of action by injury, sickness, capture, or other cause must be respected and protected

'Persons suffering from the effects of war must be aided and cared for without discrimination

'Acts prohibited in all circumstances include:

- murder
- torture
- corporal punishment
- mutilation
- outrages upon personal dignity
- hostage taking
- collective punishment
- executions without regular trial
- cruel and degrading treatment

'Reprisals against the wounded, sick and shipwrecked, medical personnel and services, prisoners of war, civilians, civilian and cultural objects, the natural environment, and works containing dangerous forces are prohibited.

# MILITARY OPERATIONS

## *Use of Force (2)*

'No one may renounce or be forced to renounce protection under humanitarian law

'Protected persons must at all times have resort to a protecting power (a neutral State safeguarding their interests) or to the ICRC, or any other impartial humanitarian organization.

'Only enemy combatants may be fought and only military objectives may be attacked.

'Destruction in combat must be limited to mission requirements (proportionality).

"Enemies" who are "out of combat" or who surrender must not be attacked. They may only be disarmed and handed over to superiors.

'Prisoners of war must be treated humanely and are bound to give only information about their identity. No physical or mental torture of prisoners of war is permitted.

'All persons and objects bearing the emblem of the Red Cross, Red Crescent, the white flag of truce, or emblems designating cultural property, or international mission identification must be protected.

'Property is to be respected and looting is prohibited.

## Applicability of Human Rights and Humanitarian Law

Situation	Applicable Law
<p><b>International Armed Conflict</b></p> <p>Including wars between States and against colonial domination, alien occupation, racist regimes, in exercise of right to self-determination</p>	<p><b>Four Geneva Conventions of 1949:</b></p> <p>(1) Wounded and Sick in the Field            (2) Shipwrecked            (3) Prisoners of War            (4) Civilian Persons</p> <p><b>Additional Protocol I</b></p> <p><b>Other Human Rights provisions</b>, according to the local situation, as described below, and with no violation of non-derogable rights</p>
<p><b>Non-International Armed Conflict</b></p>	<p><b>Common Article 3</b> of the Geneva Conventions (applies to government and opponent force)</p> <p><b>Additional Protocol II</b></p> <p><b>Other Human Rights Provisions</b>, with no violation of non-derogables (see below)</p>
<p><b>Internal Tensions; Disturbances; Riots; Isolated and Sporadic Acts of Violence: Public Emergency Which Threatens the Life of the Nation, Where Measures Normally Compatible With Constitution and Laws in Force Are Plainly Inadequate to Address the Situation</b></p> <p><b>State of Emergency Declared</b></p>	<p><b>All human rights, with the following exceptions:</b> Derogation from certain rights may be permissible to the extent strictly required by the exigencies of the situation, and only if not inconsistent with other requirements under international law. Such measures must not discriminate solely on the basis of race, colour, sex, language, religion, or social origin. No derogation is permissible with regard to the right to life; the prohibition of torture; slavery; or imprisonment for failure to fulfil a contractual obligation</p>
<p><b>Internal Tensions; Disturbances; Riots; Isolated and Sporadic Acts of Violence: No State of Emergency Declared</b></p>	<p><b>All human rights without exception; subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society</b></p>
<p><b>Normal Situations</b></p>	<p><b>All human rights without exception; subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society</b></p>

# JUVENILES

## *General Principles*

**'detention as extreme measure of last resort for children**

**'all family and community resources to be mobilized for support and reform, and avoidance of institutional treatment**

**'appropriate scope of discretion to be given to officials at all stages of the process**

**'case-by-case treatment, according to best interests of the child**

**'avoid judicial processes**

**'provide for specially trained juvenile police to dispose of juvenile cases**

**'use non-custodial measures which are fair and proportional**

***Key international instruments:***

**"Convention on the Rights of the Child**

**"Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)**

**"Rules for the Protection of Juveniles Deprived of their Liberty**

**"Standard Minimum Rules for Non-Custodial Measures**

***Goals:* Not punishment, but:**

**-reform**

**-rehabilitation**

**-reintegration**

**-best interests of the child**

***Variety of dispositions to be available:***

**"non-intervention--let the family, church, mosque, social support structures deal with children in less serious and younger cases**

**"diversion--remove case from formal criminal justice system, and redirect to community support services**

**"care, guidance and supervision orders**

**"counselling**

**"probation**

**"foster care**

**"educational and vocational training programmes**

**"community service programmes**

**"other appropriate and proportional measures in best interests of the child**

**1. Establish system to identify children at risk**

- 'abused children
- 'children of broken homes
- 'children living in extreme poverty
- 'homeless children
- 'children working on the streets
- 'unaccompanied child refugees

**2. Prepare and participate in crime prevention programmes for juveniles**

**3. Know children and parents in your area of responsibility**

**4. Be alert to children at risk**

**5. Prepare and participate in community programmes such as:**

- 'school visits
- 'sports
- 'drug or alcohol abuse programmes
- 'curfews



## **JUVENILE JUSTICE**

### *Prevention - Early Intervention Strategies (cont'd)*

- 6. Involve community groups in the programmes**
- 7. Train special teams to deal with juveniles**
- 8. Maintain close liaison with social agencies**
- 9. Establish diversion programmes to deal with juveniles involved in minor offences**
- 10. Investigate promptly complaints of juvenile crime**
- 11. Remain seized with concerns and problems of juveniles and children at risk**
- 12. Be responsible and credible in dealing with juveniles**

# WOMEN AND LAW ENFORCEMENT

## *Issues concern:*

**'Female offenders**

**'Female victims**

**'Female police officers**

## *Sources for human rights protection:*

**'Constitution (section 24)**

**'International Covenant on Civil and Political Rights  
(articles 2, 3 and 26)**

**'Convention on the Elimination of All Forms of  
Discrimination against Women**

**'Declaration on the Elimination of Violence against  
Women**

**'Standard Minimum Rules on the Treatment of Prisoners  
(rules 23 and 53)**

**'Body of Principles for the Protection of All Persons  
under any Form of Detention or Imprisonment  
(principle 5)**

## **FEMALE OFFENDERS**

### ***Human rights standards:***

**'Protection from violence, including sexual harassment**

**'Special protection for pregnant women and mothers**

### ***Require:***

**'a female officer to be present during all contact with women offenders**

**'female detainees to be separated from male detainees**

**'female officers to supervise and search female detainees**

**'special facilities for pregnant women and nursing mothers who are detained**

## FEMALE VICTIMS

### *Human rights standards:*

**'Equality under the law**

**'Protection from violence and other gender-based crime**

### *Require:*

**'consider complaints as serious crime**

**'respond promptly, especially to complaints of violence**

**'inform victims of available medical, social, psychological and material support**

**'provide transportation to a safe place**

**'investigate, report on and follow-up thoroughly and professionally**

**'develop your skills in aiding and protecting victims of gender-related crime**

**'co-operate closely with medical professionals and social agencies**

**'ensure that a female officer is present during all contact with women victims of crime, especially violence**

# UN DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN

*Aim:* The protection of women from physical, sexual and psychological violence in public or private life

*Violence against Women means:* Any act of gender-based violence that results in (or is likely to result in) physical, sexual or psychological harm or suffering to women, including

- "threats of such acts
- "coercion
- "arbitrary deprivation of liberty

*Family-related violence includes:*

- "battering
- "sexual abuse of female children in the household
- "dowry-based violence
- "marital rape
- "female genital mutilation
- "non-spousal violence
- "violence related to exploitation

*Community-related violence includes:*

- "rape
- "sexual abuse
- "sexual harassment and intimidation at work, educational institutions and elsewhere
- "trafficking in women and forced prostitution

# FEMALE POLICE OFFICERS

## *Human rights standards:*

**'Non-Discrimination**

**'Protection from sexual harassment**

## *Require:*

**'open channels of communications for complaints or recommendations of female officers on issues of gender bias**

**'discouraging of gender-insensitive conversations and jokes**

**'review of recruitment, hiring, training and promotions policies to remove any gender bias**

# REFUGEES

## Definition

*A refugee is a person who, owing to a well-founded fear of persecution on the grounds of race, religion, nationality, membership in a particular social group, or political opinion, is unable or unwilling to return to his or her country of origin (or, if stateless, to his or her country of habitual residence)*

## International standards

Everyone has the right to seek, and to enjoy, in another country, asylum from persecution

"Refugees are entitled to all basic human rights, with the exception of certain political rights, but, if unlawfully within the territory, certain limitations on movement may be applied in the interest of public order and health

"Refugees shall be granted treatment which is at least as favourable as that granted to nationals in the exercise of basic rights, such as free association; religion; elementary education; public relief; access to courts; property; and housing

"No one shall be returned to a country where his or her life or freedom would be threatened, or where he or she would be persecuted, nor to a third country likely to return the refugee to such a country

# REFUGEES

## International standards (cont'd)

"Refugees unlawfully within the territory of a state, who have come directly from a country of persecution, and who present themselves without delay to the authorities, shall not be penalized

"Refugees coming directly from a country of persecution shall not be refused at least temporary entry

"Refugees lawfully in the territory of a state have the right to freedom of movement and residency

"Refugees lawfully within the territory shall be granted travel documents and identity papers

"Persons seeking asylum should be informed of the necessary procedures, shall be provided with the necessary facilities to do so, and shall be allowed to remain pending a final decision

"No refugee shall be expelled except on grounds of national security or public order, and only on the basis of a decision reached in accordance with due process of law

"Before expulsion, a refugee shall be given an opportunity to offer evidence, to be represented, and to appeal to a higher authority



# NON-NATIONALS

## International standards

"Non-nationals include foreigners and stateless persons

"Non-nationals are lawfully within the territory if they have entered in accordance with the legal system, or if they possess a valid residency permit

"Non-nationals lawfully within the territory are entitled to all human rights, except certain political rights

"Non-nationals have the same right to leave and to emigrate as nationals

"Non-nationals lawfully within the territory, who have close attachments to the state and view it as their own,( who have set up a home, who were born in the state, or who have resided in the state for a long time), shall not be expelled

"Other non-nationals lawfully within the territory may be expelled only if decided by law, if the decision is not arbitrary, not discriminatory, and if procedural guarantees have been afforded

# NON-NATIONALS

## International standards (cont'd)

"Procedural guarantees for expulsion include the right to be heard, the right to review by a competent authority, the right to representation, the right to appeal to a higher authority, enjoyment of full facilities to pursue a remedy, the right to remain pending an appeal, and the right to be informed of available remedies

"Exceptions for some procedural guarantee may be allowed, but only for compelling reasons of national security, such as political or military threats to the whole nation

"Collective or mass expulsions are prohibited

"The spouse and minor dependent children of a non-national lawfully in the territory must be admitted to join the non-national

"All non-nationals must be free to communicate with their consulate or diplomatic mission

"Non-nationals who are expelled should be permitted to depart to any country which accepts them, and may not be sent to a country where their human rights would be violated

# **REFUGEES AND NON-NATIONALS**

## **Guidelines for all police officials**

"Be alert to any evidence of xenophobic or racist activity in your duty area

"Cooperate closely with immigration authorities and social agencies assisting refugees and non-nationals

"In areas with high immigrant concentrations, reassure residents of their right to seek police protection and assistance without fear of being deported

"Remind colleagues that unlawfully present non-nationals are not criminals, nor criminal suspects solely by virtue of their immigration status

"Provide visible security for refugee shelters and camps

# **REFUGEES AND NON-NATIONALS**

## **Guidelines for Command and Supervisory Officials**

"Issue clear orders on the special vulnerability and protective needs of refugees and non-nationals

"Develop cooperative schemes with community representatives to combat racist and xenophobic violence and intimidation

"Organize foot patrols for areas of high refugee concentration, and consider establishing police sub-stations in such areas

"Establish special units, with the necessary legal training, linguistic skills, and social skills to work with terms of reference focusing on protection, rather than enforcement of immigration laws

"Police agencies charged with border control and immigration law enforcement should provide specialized training in the rights of refugees and non-nationals, and in procedural guarantees afforded to such groups

"Liaise closely with social agencies providing support services to refugees and non-nationals in need

# THE RIGHTS OF VICTIMS

Two types of victims:

## ☐☐ Victims of Crime

- persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in **violation of criminal laws** operative within the state, including laws proscribing criminal abuse of power.

## ☐☐ Victims of Human Rights Violations

- persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in **violation of internationally recognised human rights norms**.

## THE RIGHTS OF VICTIMS

Three contact situations:

- Direct contact with victims
- Monitoring of local police handling of victims
- Advice to local police on handling of victims

BASIC PRINCIPLES FOR DEALING WITH VICTIMS:

- Sensitivity
- Confidentiality
- Safety

# **THE RIGHTS OF VICTIMS**

## **International standards**

"All victims of crime, abuse of power or human rights violations shall be treated with compassion and respect

"Victims shall have access to mechanisms of justice and prompt redress

"Redress procedures shall be expeditious, fair, inexpensive and accessible

"Victims shall be informed of their rights in seeking redress and protection

"Victims shall be informed of their role in formal proceedings, the scope, timing and progress of proceedings, and the disposition of their cases

"Victims shall be allowed to present their views and feelings on all matters where their personal interests are affected

"Victims shall receive all necessary legal, material, medical, psychological and social assistance, and shall be informed of their availability

"Inconvenience to victims shall be minimized in the handling of their cases

"The privacy and safety of victims shall be protected

## **International standards (cont'd)**

"Unnecessary delay in the handling of victim's cases shall be avoided

"Offenders should, where appropriate, make restitution

"Government should make restitution where public officials are at fault

"Financial compensation should be made available from the offender, or, if not available, from the State

"Police shall be trained in the needs of victims, and should be provided with guidelines to ensure proper and prompt aid



# **THE RIGHTS OF VICTIMS**

## **Police response**

"Inform all victims, in clear and understandable language, of available legal, material, medical, psychological and social assistance, and, if they so desire, put them directly in contact with such assistance

"Keep a roster of contacts handy, with all information on available services for assistance to victims

"Carefully explain to victims their rights, their role in legal proceedings, the scope timing and progress of such proceedings, and the disposition of their cases

"Provide transportation to medical services, and to the victim's residence, and offer to check the security of the premises, and to patrol the area

"Enrol in victim assistance training

"Keep records on victims secure, and carefully protect their confidentiality. Inform victims of measures that will be taken to these ends

"Return any recovered property of the victim as soon as possible after completing necessary procedures

"Victim assistance training should be provided to all officials

## **Police response (cont'd)**

"Establish close cooperative procedures with medical, social, legal and other victim assistance agencies and programmes

"Establish victim assistance units, comprised of police officials (male and female), medical or paramedic professionals, social workers and counsellors, for rapid deployment

"Establish official victim assistance guidelines, ensuring prompt, proper and comprehensive attention to the legal, material, medical, psychological and social assistance needs of victims

"Review crime records, in developing preventive strategies, with a focus on preventing revictimization

"Designated officers should be assigned to follow and expedite victim's cases in seeking redress and justice

# **POLICE COMMAND AND MANAGEMENT**

## **International standards**

"Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession

"Law enforcement officials shall not commit any act of corruption. They shall rigorously oppose and combat all such acts

"Law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons

"Every law enforcement agency shall be representative of and responsive and accountable to the community as a whole

"The recruitment, hiring, assignment and promotions policies of police agencies shall be free from any form of unlawful discrimination

"Clear, complete and accurate records shall be maintained on matters of investigations, arrests, detention, the use of force and firearms, victim assistance, and all matters of police activity

"Training and clear guidelines shall be made available on all matters of police activities affecting human rights

# **POLICE COMMAND AND MANAGEMENT**

## **International standards (cont'd)**

"Police agencies shall make available a range of means for the differentiated use of force, and shall train officers in their use

"All incidents of the use of force or firearms shall be followed by reporting and review by superior officials

"Superior officials shall be held responsible for the actions of police under their command if the superior knew or should have known of abuses but failed to take action

"Officials who refuse unlawful superior orders shall be given immunity

"Confidential information is to be handled securely

"All police candidates shall be of appropriate mental and physical character

"All police are to be subject to continuous and effective report and review procedures

"Police shall develop strategies for law enforcement which are effective, lawful and respectful of human rights

# **POLICE COMMAND AND MANAGEMENT**

## **Command response**

"a voluntary ethical code of conduct for law enforcement officials should be developed

"clear and binding standing orders should be issued on respect for human rights in all areas of police work

"entry-level and continuous in-service training should be provided to all officials emphasizing the human rights aspects of police work contained in this manual

"develop careful screening processes for new recruits, and periodic assessments of all officers, to determine appropriate character for law enforcement duties

"develop community policing strategies, as indicated in the table at the beginning of this chapter

"establish and enforce strict guidelines for record keeping and reporting

"establish an accessible mechanism for receipt of complaints by members of the community, and fully investigate and redress all such complaints

"develop a plan to ensure that the composition of the police agency is representative of the entire community, including fair and non-discriminatory recruitment and management policies

# **POLICE COMMAND AND MANAGEMENT**

## **Command response (cont'd)**

"solicit technical assistance from international and bilateral programmes, to develop techniques and technical policing skills and capacities for proper and effective law enforcement

"establish, and announce, an appropriate range of penalties for police violations, from suspension, pay docking, and termination, to criminal penalties for serious violations

"strictly regulate the control, storage, and issuing of weapons and ammunition

"carry out periodic, unannounced spot checks on detention facilities, police stations and sub-stations, and inspect, as well, weapons and ammunition being carried by police to ensure they comply with official regulations

"establish close cooperative relationships with other law enforcement agencies, judges and prosecutors, medical facilities, social service agencies, emergency services, the media, and community organizations

"develop specialized units to professionalize police attention to juveniles, victims, crowd situations, women's detention facilities, border control, etc.

## **COMMUNITY POLICING**

"Establish a partnership between police and law-abiding members of the community

"Adopt a community relations policy and plan of action

"Recruit from all sectors of the community

"Train officers to deal with diversity

"Establish community outreach and public information programmes

"Have regular contact with all groups in the community

"Build contacts with the community through non-enforcement activities

"Assign officers to a permanent neighbourhood beat

"Increase community participation in policing activities and community-based public safety programmes

"Involve the community in identifying problems and concerns

"Use a creative problem-solving approach to develop responses to specific community problems, including non-traditional tactics and strategies

"Coordinate policies, strategies and activities with other government agencies and with NGOs

# **POLICE VIOLATIONS**

## **International standards**

"Law enforcement officials shall respect and protect human dignity, and shall maintain and uphold the human rights of all persons

"Law enforcement agencies shall be accountable to the community as a whole

"Effective mechanisms shall be established to ensure internal discipline and external control as well as the effective supervision of law enforcement officials

"Law enforcement officials who have reason to believe that a violation has occurred, or is about to occur, shall report the matter

"Provisions shall be made for the receipt and processing of complaints against law enforcement officials made by members of the public, and the existence of those provisions shall be publicized

"Investigations into violations shall be prompt, competent, thorough, and impartial

"Investigations shall seek to identify victims, recover and preserve evidence, discover witnesses, discover cause, manner, location and time of the violation, and to identify and apprehend perpetrators



# **POLICE VIOLATIONS**

## **International standards (cont'd)**

"Crime scenes shall be carefully processed

"Superior officers shall be held responsible for abuses if they knew, or should have known of their occurrence, and did not take action

"Police are to receive immunity from prosecution or discipline for refusing unlawful superior orders

"Obedience to superior orders shall not be a defense for violations committed by police

# **POLICE VIOLATIONS**

## **Guidelines for Command and Supervisory Officials**

"Issue clear standing orders, and provide regular training, on the protection of human rights of all persons who come into contact with the police. Emphasize that all officers have both the right, and the duty, to defy unlawful superior orders, and to report such unlawful orders to a higher official at once.

"Remove from service any official implicated in a human rights violation, pending the outcome of an appropriate investigation. If the official is found to be guilty, (after a trial) criminal and disciplinary sanctions should be imposed. If innocent, the official's name should be cleared, and all benefits restored.

"Issue a clear statement of policy, and corresponding orders, requiring full disclosure and the co-operation of all officials with both independent and internal investigations

"Establish, and strictly enforce, heavy sanctions for interference or non-co-operation with internal and independent investigations

"Review regularly the effectiveness of the chain of command within the agency, and take prompt action to strengthen that chain of command where indicated

# **POLICE VIOLATIONS**

## **Guidelines for Command and Supervisory Officials (continued)**

"Provide clear guidelines on the preparation of reports, the collection and preservation of evidence, and procedures for protecting witness confidentiality

"Provide entry-level and continuous in-service training to all officials emphasizing the human rights aspects of police work contained in this guide

"Develop careful screening processes for new recruits, and periodic assessments of all officers, to determine appropriate character for law enforcement duties

"Establish an accessible mechanism for receipt of complaints by members of the community, and fully investigate and redress all such complaints

"Strictly regulate the control, storage, and issuing of weapons and ammunition

"Carry out periodic, unannounced spot checks on detention facilities, police stations and sub-stations, and inspect, as well, weapons and ammunition being carried by police to ensure they comply with official regulations

# INVESTIGATING POLICE VIOLATIONS

## Essential principles

- Police agencies and police officials are to respect human dignity and protect and promote the human rights of all persons.
- Police agencies are to be accountable to the entire community.
- Police officials are to be personally responsible under the law for their acts or omissions.
- Police officials are to report suspected human rights violations by police officials.
- Allegations of human rights violations by police officials are to be subjected to thorough, prompt and impartial investigation.
- Procedures and institutions established to investigate human rights violations by police are to be known and accessible to individual citizens.