

MODULE 2: POLICING FROM A HUMAN RIGHTS PERSPECTIVE

Introduction	45
Activity: Policing from a human rights perspective	46
Handout 1 – Discussing police and human rights.....	49
Handout 2 – Practical human rights examples.....	50
Briefing notes	51
1. Key concepts	51
2. Handouts – Questions and answers	51
a. Handout 1 – Questions and answers	52
b. Handout 2 – Questions and answers.....	57
Supplementary material	59
Extended activities	63
Extended activity 1: One-on-one interviews in Sweden’s police academy	63
Extended activity 2: Human rights education for German police officers at historical sites of Nazi crimes. Police work today and in the past	65

Policing from a human rights perspective

Introduction

Police officers all too often consider human rights an obstacle to, rather than the foundation of, their work. This negative attitude may surface at the beginning of a training course. A discussion that emphasises the importance of the dual role of policing to respect and protect human rights – the ‘twin duties’ to refrain from actions that unduly interfere with human rights and to take all necessary and appropriate steps to protect those rights – has the potential to change this attitude.

Police have increasingly come to be seen in recent decades as a service provider rather than a force. This view is embedded in the broader concept of a democratic state based on the rule of law and informed by a human rights perspective. This perspective advances the traditional objectives of policing, such as the maintenance of public order and the fight against crime.

The central elements of human rights-based policing in democratic societies are: the police’s special role given its monopoly on the use of force; professionalism; the requirement of strict legality; internal and external accountability; transparency; and a relationship of trust with the public.

Activity: Policing from a human rights perspective

Purpose:

Police officers often perceive human rights as an obstacle to, rather than as the foundation of, their work. To overcome any such resentment, it is advisable at an early stage in the training module to clarify the role and objectives of police work and the role of police as an institution that respects and protects human rights.

Objectives:

Knowledge

- understand the role of police vis a vis fundamental rights in a democratic society
- understand the state obligations corresponding to human rights

Attitude

- accept human rights as the basis for, and the main purpose of, police work and not see it as a limitation
- acknowledge human rights as an elementary part of day-to-day policing

Skills

- learn how to identify the appropriate steps for protecting and respecting human rights in police work

Requirements:

- time: 30–45 minutes
- materials:
 - Handout 1 for activity version 1 and/or Handout 2 for activity version 2 with discussion questions
 - flipchart to write out questions
 - optional: power point presentation and projector
- space: plenary room plus two working groups
- group size: maximum 20–25 persons



Activity description version 1: Discussing police and human rights¹

- ❶ Distribute Handout 1 with discussion questions/write one or some of the questions on a flip chart.
- ❷ Ask participants to spend about 5 minutes answering the question(s) individually.
- ❸ Ask participants to form 3-to-4 person discussion groups to compare and discuss their answers for about 10 minutes. Make sure that groups:
 - have understood their task well;
 - appoint a rapporteur to bring results back to the plenary.
- ❹ Answer any questions that arise during group work.
- ❺ Have groups present their work in the plenary. (about 5 minutes per group)
- ❻ Hold a general discussion, reflecting on the results and what has been learned. (about 20–30 minutes)
- ❼ Summarise major points on the flipchart and provide tailor-made input, drawing on information from the Briefing notes as necessary.

1. This activity has been adapted from Suntinger, W. (2005), *Menschenrechte und Polizei, Handbuch für TrainerInnen*, Vienna, Bundesministerium für Inneres, p. 110.

Activity description version 2: Practical examples

- ❶ Introduce the purpose and objectives of the activity.
- ❷ Distribute Handout 2 question 1 to one half of the class and Handout 2 question 2 to the other half.
- ❸ Ask the participants to work individually on their questions for about 5–10 minutes.
- ❹ Divide participants into small discussion groups of 4–to–5 persons and ask them to work together to find three relevant examples to Questions 1 and 2 (about 15 minutes). Make sure that groups:
 - have understood their task well;
 - appoint a rapporteur to bring results back to the plenary.
- ❺ Give advice if questions on how to go about the task arise during the group work.
- ❻ Have groups present their examples to the plenary.
- ❼ Hold a general discussion of results, reflecting on what has been learned.
- ❽ Summarise major points and, if necessary, provide information on why human rights can be perceived as either an obstacle to, or a foundation of, policing, drawing on information from the Briefing notes as necessary. Point out potential consequences to seeing human rights in one or the other way. It may be useful to work with the tension between impediment and foundation.



Handout 1 – Discussing police and human rights

Discussion questions:

1. Does murder constitute a human rights violation?
2. Which organisations/institutions are tasked with protecting human rights?
3. What is the role of the police with regard to human rights?
4. “There is no conflict between human rights and policing. Policing means protecting human rights”. Do you agree with this statement? Why? Why not?

Briefing notes

These Briefing notes provide information that can be used to guide the activities and training discussions for this module, structured as follows:

1. Key concepts
2. Handouts – Questions and answers:
 - a. Handout 1 – Questions and answers
 - b. Handout 2 – Questions and answers

1. Key concepts

Module 2 draws on the core themes of Modules 1 and 3, namely the states' obligation to respect and to protect human rights. Module 2 provides complementary information on these obligations by homing in on human rights and policing.

As a refresher, police obligations are restated here:

Obligation to respect: The state must refrain from illegal and disproportionate actions. Unjustified interferences with human rights constitute human rights violations.

Obligation to protect: The state is obliged to take administrative, legislative and/or judicial action to protect human rights in order to ensure that people can fully enjoy their rights. Failures to take appropriate steps constitute human rights violations.

For more information on the obligations to respect and to protect, see: Modules 1 and 3

2. Handouts – Questions and answers

There is no single correct answer to these handout questions; there are many perspectives and schools of thought on human rights and policing. These Briefing notes are designed to prompt discussion and to provide guidance on how to approach these questions. The notes do not offer an exhaustive list of answers.

Training tip: Reminding participants that human rights apply differently to individuals and states

Human rights oblige states to respect and to protect people's human rights. For private persons, human rights both enshrine the state's duties to protect and to respect each individual's rights and offer guidance on how people should treat one another.

Therefore, from a strictly legal standpoint, human rights violations can only occur because of state actions or omissions towards individuals. One person's actions against another, for example an act of murder, violate the law but not human rights. As such, a state act or omission that results in murder has different human rights consequences than that same murder committed by a private person.

Handout 1 – Questions and answers

Question 1: Does murder constitute a human rights violation?

This question helps to clarify the basic issue of state obligations, and thus the role of the police, regarding human rights. Various points might arise when discussing this question.

- A public official who commits murder also violates human rights as he or she has not honoured the state's obligation to respect the right to life. When a public official, such as a police officer, uses force and this leads to death, the state has the obligation to conduct an impartial and independent investigation into the circumstances.
 - . In several cases, the European Court of Human Rights (ECtHR) has found a public official's use of force excessive and in violation of human rights.
 - . If, however, force is used in self-defence, is appropriate and in line with the principles of necessity and proportionality, then death resulting from the use of force does not constitute a human rights violation. (see Module 3 for more information on the principles of necessity and proportionality)
- If the state fails to take appropriate steps to prevent the murder of a person facing a threat to his or her life from another person, then the state's failure to act/omission constitutes a violation of the state's obligation to protect the right to life.
- A private person who murders commits a crime. He or she does not violate a human right.

Question 2: Which organisations/institutions are tasked with protecting human rights?

There are many organisations and institutions at national, European and international levels tasked with protecting human rights, including some that are police related.

National level

- Police
- Courts, including constitutional courts
- Ombudspersons or National Human Rights Commissions or Institutes
- Parliament, including parliamentary bodies specifically tasked with monitoring human rights
- National equality and non-discrimination bodies
- Non-governmental organisations

European level

- Court of Justice of the European Union (CJEU)
- European Court of Human Rights (ECtHR)
- Council of Europe's European Committee for the Prevention of Torture (CPT)

- European Commission against Racism and Intolerance (ECRI)
- Non-governmental organisations

European police-related bodies

- European Judicial Cooperation Unit (Eurojust)
- European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex)
- European Police College (Cepol)
- European Police Office (Europol)

International level

- United Nations (UN) Human Rights Council
- UN Human Rights Committee
- UN Committee against Torture
- UN Committee on the Elimination of Racial Discrimination
- UN Committee on the Elimination of Discrimination against Women
- Non-governmental organisations

Question 3: What is the role of the police with regard to human rights?

European Code of Police Ethics, Committee of Ministers Rec(2001)10 Preamble

[...] convinced that public confidence in the police is closely related to their attitude and behaviour towards the public, in particular their respect for the human dignity and fundamental rights and freedoms [...]

Police officers as state officials

Police officers have a special position in a democratic society as the state gives them the power to use force when necessary. Human rights place important restrictions on police actions and the use of force, strictly binding them to the principles of legality, proportionality and necessity. Such restrictions help to ensure that when police act, they respect human rights and seek to use the least intrusive means to reach their goal.

Police officers must not only respect human rights but must also actively protect human rights by, for example, arresting a suspect in order to protect the rights of other people. This police duty to protect is what makes human rights the foundation of police work.

Universal Declaration of Human Rights Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

The police play a central role in maintaining conditions necessary for implementing human rights, which include maintenance of public order, law enforcement, prevention and detection of crime, assistance and service to the public.

Police officers as law enforcers

As government officials, police are given the power to use force, when necessary, to enforce laws and to prevent, detect and fight crime. For police as law enforcers, no law stands higher in authority than that of human rights. It is a well-established legal principle that all laws should be interpreted and implemented in a way that is in strict accordance with human rights norms. When police prevent or detect a crime, they protect human rights, such as the right to property, life, physical and psychological integrity, personal liberty and security.

Police officers as service providers

Police in the past were primarily seen as a force and an instrument of state control. This perspective has evolved and police are now often seen as government officials who provide a service to the community. As service providers, police officers not only respect people's human rights by detecting and fighting crime, they also focus on preventing crimes and violations of human rights. Government institutions like the police work with non-state actors, such as communities, to both identify and solve crime and disorder problems. Therefore state officials, like police, engage with communities to better serve the public. This understanding of policing leads to a stronger focus on crime prevention than on crime detection and fighting as well as on efforts to tackle the underlying causes of crime.

The perspective of police as service providers is also clearly present in international human rights documents, such as the Council of Europe's *Declaration on the Police* (1979) and *The European Code of Police Ethics* (2001) as well as the UN *Code of Conduct for Law Enforcement Officials* (1979). The Organization for Security and Co-operation in Europe's (OSCE) *Guidebook on Democratic Policing* (2006), the OSCE *Guidebook on Good Practices in Building Police-Public Partnerships* (2008) and the OSCE *Guidebook on Police and Roma and Sinti: Good Practices in Building Trust and Understanding* (2010)² provide detailed guidance on how to implement pertinent reforms.

Question 4: There is no conflict between human rights and policing. Policing means protecting human rights. Do you agree with this statement? Why? Why not?

The public has divided views on the relationship between policing and human rights. Some perceive police as protectors of human rights while others may see them as a potential threat to those rights.

The public is well aware that police can violate human rights, by, for example, using excessive force. The positive effect of police work on human rights is less clearly embedded in public consciousness. Therefore, the discussion topics that arise when answering this question can be diverse.

Policing and human rights – are not in conflict:

“Human rights are the objective of policing.”

- Police make a fundamental contribution to the protection of human rights – human rights are the foundation and the objective of policing.
- Enduring social peace can only be achieved if human rights are respected and protected – this is in everyone's interest. Police are a key element in maintaining social peace. By detecting and

2. OSCE (2010), *Guidebook Police and Roma and Sinti: Good Practices in Building Trust and Understanding*, available at: <http://www.osce.org/odhr/67843?download=true>.



preventing crimes, they help to protect and maintain respect for human rights.

- Human rights enhance effective policing by providing strict principles on legality, necessity and proportionality. These principles create confidence in the state and strengthen the rule of law.
- Policing based on human rights helps to enhance the successful administration of justice by ensuring a greater respect for human rights when police gather evidence which is then used in court proceedings. Respecting human rights helps to ensure that evidence is not declared inadmissible because of misconduct (see Module 4).

Policing and human rights – are in conflict:

“Human rights are merely an obstacle to police work.”

- Human rights are based on human dignity and everyone is entitled to them. The human rights of a criminal can be limited to a certain extent, with detention typically restricting the right not only to personal freedom but also to family and privacy through limitations on visiting hours, telephone use or the general rules in detention. A total denial of a criminal’s rights, would, however, undermine the very idea of human rights, which protects a minimum of humanity and dignity in all situations.
- Viewing human rights as merely an obstacle to police work shows a lack of understanding of the beneficial effects of human rights for a just, peaceful and inclusive society, for individuals as well as for the police. When a negative perception of human rights surfaces make sure to have a thorough discussion of the functions of human rights as well as the role of police in human rights protection.
- In severe cases, such as child abuse, some participants may find it difficult to understand why a purported abuser should be treated with respect and dignity, and this view may well surface in the training course. Such emotionally charged arguments pose particular challenges for the trainer. Before reacting at an intellectual level by presenting arguments, the trainer should first deal explicitly with the emotional aspect, in this case by acknowledging the difficulty of treating with dignity those persons who have perpetrated terrible acts. Then he or she can introduce and discuss the basic arguments outlined above. The trainer should make sure to reinforce the message that human rights are not to be granted selectively; they are indivisible and inalienable. The rights of offenders can then be discussed based on: “why they have rights at all and how they are limited”.

It is advisable to move the discussion in the direction of general deterrence (state obligation for crime prevention *vis a vis* the whole of society) and specific deterrence (state obligation focusing on the individual offender – how to prevent repeat offences). Most evidence shows that extensive punishment serves neither to deter more crime nor to reduce the recidivism of the offender.³

Other related issues of importance include the police’s margin of discretion and the police’s ability to build trust and work in partnership with the public.

The police’s margin of discretion

Balancing conflicting interests and using the appropriate measures in meeting the obligations both to respect and protect is what makes the job of the police so difficult. Police interference with a suspect’s human rights must be as limited as possible, in line with the principles of necessity and proportionality. At the same time, however, police

3. Compare, for example, theses by Heinz, W., University of Constance, Germany, with respect to juveniles; Dünkel, F., University of Greifswald, Germany; Jehle/Heinz/Sutterer (2003), *Legalbewährung nach strafrechtlichen Sanktionen*, Bundesministerium der Justiz, Berlin.

must also render effective protection to an endangered person. This balancing act creates an emotionally stressful and tense situation for police officers when performing their work.

Human rights-based policing shares a number of essential characteristics with other approaches, such as democratic policing, as described in the OSCE *Guidebook on Democratic Policing*.⁴

For many, police are the most visible state representatives and those with whom citizens are most likely to come into contact. They therefore represent the 'government in action'.⁵ The police may thus influence citizens' overall opinions on and perspectives of government as a whole, with their actions strengthening or weakening the public support necessary to sustain a viable democracy.⁶

Although laws establish a framework and provide guidelines for the performance of police duties, a certain amount of operational independence and discretion remains. Laws can never regulate every single situation with which a police officer may be confronted, for example: which car to stop or how to respond to rude or provocative behaviour. A margin of discretion enables a police officer to tailor his or her response to each particular situation, taking into account all the relevant factors of each case. But this discretion also requires the police officer to display an appropriate attitude and exercise a strong sense of responsibility.

The appropriate use of discretion is particularly complicated because police must often act in complex, unclear and emotionally stressful situations, such as disputes or acts of violence. Police are called upon when something has gone wrong or there is a problem. They must take their decisions on the spot, in the heat of the moment, often within seconds and without preparation. In contrast, police managers and judges analyse and review police acts after the fact, knowing the result and with adequate time to analyse the situation. The two perspectives will necessarily differ, and those who later analyse the events will never be able to fully grasp the situation in its real-time dynamics.⁷

It is exactly when specifying the margin of police discretion, in particular in stressful situations, that ethical and human rights principles become particularly relevant, not as knowledge, but as internalised attitude. From a human rights perspective, the principles of equal treatment and of proportionality – including thinking of less intrusive measures or stopping if the damage from police action would clearly outweigh its benefits – are of most relevance.

Trust and partnership with the public: central to policing

Police are an institution that should contribute to perceived feelings of personal and public security. The police must take the public's feelings of insecurity seriously and with a view to tackling their underlying causes, responding to different needs and interests, and managing fears. The police must build trust with communities, an important task which affects how they communicate and interact with the population. Consider, as an example, a police presence in a public space. This presence can engender a feeling of security, of protection, among the public; however, it can also trigger an atmosphere of fear and insecurity – "something must be wrong, we are in danger" – especially if the police appear fully armed. Because the police represent the state in the most visible manner, trust in the police is tantamount to trust in the state. Without this trust, the public will not be willing to report crimes nor provide police with the information they need to perform effectively. Marginalised people in society often experience a lack of trust.

4. OSCE (2008), *Guidebook on Democratic Policing*.

5. *Ibid*, p. 43.

6. Denmark, Danish Institute for Human Rights (1999), *Police and human rights, manual for police training*, p. 12, available at: <http://www.humanrights.dk/files/pdf/Engelsk/International/macedonia.pdf>.

7. Bourdieu, P. (1990), *The Logic of Practice*, Stanford, Stanford University Press, pp. 81-82.



Handout 2 – Questions and answers

The answers to Handout 2 are based on participants' experiences, and therefore no concrete answers can be supplied. Some topics have instead been provided that may prompt participants to come up with examples and/or help the trainer to guide the plenary discussions.

Training tip: Encouraging participants to give concrete and true-to-life examples

Using real-life experiences as a basis for examples rather than general statements can lead to more fruitful discussions and may help participants relate to and more deeply understand training activity objectives.

Question 1: Find practical examples (based on experiences from your daily work) where you have seen human rights as an impediment to your work.

- Example answer: "I was at protests that became violent. We were required to maintain our line and were not allowed to go after those who threw bottles, insulted or spit on us."

The following situation prompts might help elicit examples:

- . before, during or after an arrest
- . handling a demonstration
- . interrogating a suspect
- . stopping or preventing a crime

"According to their (police officers) reasoning, the imbalance of power has shifted from the State to sections of society such as members of organized crime networks as well as terrorist groups who are aware of their rights and seek to 'abuse' the system to their benefit (such as delaying trials, filing complaints, appealing to higher courts etc). From this viewpoint, human rights are seen as an impediment to effective policing. Moreover, police feel that such sections of society are given more freedom to act than police themselves are. The perception is that a 'Catch 22' situation has evolved in which the human rights system, developed to protect the 'weak' individual, is actually weakening the State, resulting in a perceived dichotomy with security on the one side and human rights on the other."

Osse, A. (2006), Understanding policing, a resource for human rights activists, available at: www.amnesty.org.uk/uploads/documents/doc_22360.pdf

Question 2: Find practical examples (based on experiences from your daily work) where human rights have been useful to your work and/or served as a foundation for it.

- Example answer: "Once I had to interfere with a violent fight between a husband and his wife. I used the technique of de-escalating interventions which helped me calm the situation down."

The following situation prompts might help elicit examples:

- . justifying or explaining the reasons for arrest or detention
- . appearing in court
- . stopping or preventing a crime
- . deciding if or how to intervene in a situation

“It is a central proposition of this report that the fundamental purpose of policing should be [...] the protection and vindication of the human rights of all. Our consultations showed clear agreement across the communities in Northern Ireland that people want the police to protect their human rights from infringement by others, and to respect their human rights in the exercise of that duty.”

*Independent Commission on Policing for Northern Ireland (1999),
A new beginning: policing in Northern Ireland, p. 18*

“It is the goal of our actions to protect and respect human rights and thus to create the greatest possible trust of all people in their liberty and security.”

Austrian Police (2009), Guiding Principles of a human rights based understanding of police, Principle 1



Supplementary material

Role of police in democratic societies – from force to service provider

“Progress towards democratic policing is made when there is a shift ‘from a control-based approach to a more service-oriented approach’, where the primary concern of law enforcement remains focused on proactive crime prevention.”

OSCE (2008), Guidebook on Democratic Policing, Vienna, paragraph 2, available at: <http://www.osce.org/spmu/23804>

European Code of Police Ethics, Council of Europe Article 12

The police shall be organised with a view to earning public respect as professional upholders of the law and providers of services to the public.

There has been a growing tendency to conceive of the police as a service provider to the community. This is apparent in police reform processes in recent decades in several countries, including in police organisations based on the traditional force concept. This view takes into account key elements of service providing, such as community policing, a generally more intensive exchange with the public, and accountability structures.

Some factors that propelled the shift towards a service-oriented approach to policing:

- The transition from authoritarian to democratic states in central and Eastern Europe led to a rethinking of basic state functions, including policing, from a democratic and human rights perspective.
- In western European democracies, public concern with police abuses has grown in recent decades. This led to reforms which tended to stress policing’s public service role, such as an opening up to the public and accountability structures. The latter included police monitoring institutions, such as national mechanisms and the European Committee for the Prevention of Torture.
- More generally, the human rights perspective is gaining strength internationally. It is based on the idea of a responsible state whose main role is to deliver services to its people. This idea has strong roots in European philosophy, in particular in the form of social contract theory. Its basic idea is that to escape the so-called ‘state of nature’, people voluntarily give up their natural freedom into the hands of the state as trustee. The state in turn protects their natural rights and is responsible towards its citizens.
- Police organisations have adopted a consumer-oriented approach that focuses on the needs of ‘customers’ and ‘clients’ and is interlinked with human rights principles: regardless of the status of the client of policing, he or she is entitled to professional and respectful treatment.
- Trust and confidence building are increasingly considered fundamental prerequisites for effective and successful police

work. Without this trust the public would not be willing to report crimes nor provide the police with the information they need.⁸ Developing trust between communities and the police requires a long-term institutionalised form of dialogue. A service-oriented approach to policing helps to build such trust.

Essential characteristics of human rights-based policing in democratic societies

The power to use force is one of the defining characteristics of policing. Police are entitled to use force as an instrument to carry out their tasks. This monopoly on the use of force puts the police in a particularly sensitive and powerful position within the state, with the possibility of abuse ever present.

The dual role of police – state obligations to respect and protect human rights

Often these obligations are interlinked and need to be weighed up against one another. In the case of domestic violence, for example, the police must interfere with the rights of the perpetrator to protect the rights of the victim, by arresting the perpetrator or by preventing him or her from entering the apartment or from approaching the victim.

Legality, necessity and proportionality

The work of the police is bound by clear, precise and accessible laws. Particularly strict regulations and scrutiny apply to the use of force. The use of force is allowed only as a last resort, when all other options are either exhausted or considered ineffective. The use of force and all other acts of policing are strictly bound by the principles of necessity and proportionality.

Training tip: Facing 'reality'

When discussing the question of what is an appropriate action from a human rights perspective, you are often confronted with the following statement: "They (high-ranking police officers and non-governmental organisations) have no idea about the realities we face in the streets. It is easy to judge when you're sitting at your desk. Human rights are nice in theory; the realities out there are different."

The following points help to take up this objection constructively:

- Acknowledge the difference between the logic of practice and the logic of analysis of (past) practice, as mentioned above. This sends the signal that one really understands what participants are saying. Recognising this difference, however, does not mean that reviewing past actions is illegitimate or cannot be done adequately.
- Stress that police officers should be aware of their special position of power, given their monopoly on the use of force, and the possibility of abusing it and related political sensitivities.
- Emphasise their responsibility towards the public. Focus on the idea of the police as service providers and frame their power as a public trust, based on the social contract.

Accountability

"While citizens voluntarily provide the police with their consent for applying the monopoly of force [...] democratic police services have the obligation to have their powers checked and controlled by the public through accountability processes."

OSCE (2008), Guidebook on Democratic Policing, Vienna, paragraph 80, available at: <http://www.osce.org/spmu/23804>

8. Denmark, Danish Institute for Human Rights (1999), *Police and human rights, manual for police training*, p. 14, available at: <http://www.humanrights.dk/files/pdf/Engelsk/International/macedonia.pdf>.



The policing role has multiple facets: as service provider and most visible manifestation of government, with a monopoly on the use of force, and a margin of discretion in a role that demands on-the-spot decision making in potentially complex situations. These various facets require that police officers demonstrate a high degree of professionalism and are held accountable for their actions.

Police accountability structures consist of external and internal control and oversight mechanisms:

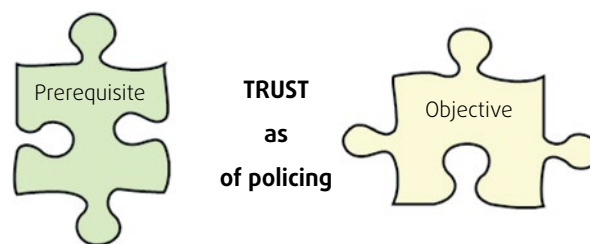
- External mechanisms within a democratic system are: the judiciary; legislative bodies, such as parliamentary human rights committees; ombuds institutions or human rights commissions; civilian complaint boards; national prevention mechanisms established under the UN Optional Protocol to the Convention against Torture; national equality and non-discrimination bodies; and NGOs and the media.
- There are also international human rights bodies at the UN and European level. The ECtHR and the European Committee for the Prevention of Torture are probably those with the strongest influence on police in Europe.
- Internal control and review mechanisms complement external ones. They include: internal complaint and investigation mechanisms; internal reflection and review of operations, with a view to feeding back pertinent results into the organisation; and leadership responsibility.

Transparency

Accountability contributes to the transparency of police work, another key element of democratic policing. The main findings of external mechanisms should be published, helping open up the police system. Transparency also means that police must work with the media in a responsible manner, taking into account data protection and the presumption of innocence. Transparency includes the public dissemination of reports, including crime statistics, and results of internal investigations as well as establishing communication structures with communities.

Professionalism and effectiveness

Ensuring that human rights are the benchmark of policing both requires professionalism and tends to enhance it. The professional gathering of intelligence and evidence reduces the temptation to extract confessions under duress and thus contributes to upholding the prohibition of torture and inhuman treatment. Effective interrogation of a suspect, where the officer tailors tactics to each individual while strictly respecting human rights principles, requires legal and sociological knowledge as well as various skills: rhetorical, psychological and analytical. Upholding human rights standards, professional standards and technical policing ability are interdependent skills. A police officer who lacks technical policing skills is more likely to behave badly in order to get results. Equally, a police official who relies on bad behaviour to get results will not develop the necessary technical policing skills to become a competent professional. Human rights challenge police by pushing for the application of best practice technical skills to achieve good results. The 'art of policing' could be seen as the pursuit of objectives in the least intrusive way.



Trust and confidence

The trust and confidence of the public are a necessary prerequisite for effective police work. Effective policing is not possible if certain sectors of the population do not feel that the police protect and respect them.

It is imperative that police engage in trust building and establish appropriate communication structures with the public. Measures to establish transparency and accountability of police contribute to trust building. Programmes to actively reach out to the population include establishing institutionalised dialogue with communities, such as forums of open discussion, community advisory boards and open days. The community policing approach can inspire the establishment of appropriate communication structures. Obviously, clear acceptance of and acting in accordance with human rights is highly relevant for building and maintaining trust. The principle of non-discrimination is of particular relevance in relations with marginalised groups.⁹

Further reading

Crawshaw, R. (2009), *Police and human rights. A manual for teachers and resource persons and for participants in human rights programmes*, 2nd revised edition, Boston, Leiden, Martinus Nijhoff Publishers, pp. 19–24.

United Nations (2002), *Human Rights and Law Enforcement: A manual on human rights training of the police*, look at the arguments on p. 16, available at: www.ohchr.org/Documents/Publications/training5Add2en.pdf.

Osse, A. (2006), *Understanding policing, a resource for human rights activists*, Amsterdam, Amnesty International, pp. 41–49, available at: <http://www.amnesty.nl/documenten/rapporten/Understanding%20Policing%202007%20Full%20text.pdf>.

9. FRA (European Union Agency for Fundamental Rights) (2010), *EU MIDIS Data in Focus 4: Police Stops and Minorities*, available at: <http://fra.europa.eu/en/publication/2010/eu-midis-data-focus-report-4-police-stops-and-minorities>.



Extended activities

Extended activity 1: *One-on-one interviews in Sweden's police academy*

Purpose:

Sweden's police academy uses one-on-one interviews as a more intensive approach to awareness-raising on the role of police. The interviews are conducted with people who have had experience with the police, highlighting how others perceive police interaction with individuals. It also helps police to reflect on the perceived role of the police and to see its impact on the public.

Objectives:

Knowledge

- make concrete the concept of human rights and human dignity in encounters with persons often perceived as 'opponents' of the police, like marginalised and/or socially excluded persons or members of youth gangs.
- learn about the role of police from a human rights perspective on the basis of personal experiences.

Attitude

- learn to avoid hostility, contempt and cynicism
- experience the value of diversity
- create an emotionally based insight that those who are socially excluded, critical of the police or break the law, have the right to be respected as human beings even in situations of conflict and stress
- create a habit of looking at the role of police from the outside, taking the perspective of vulnerable or hard-to-reach groups
- recognise that people who are often perceived as 'opponents' have valuable (and extensive) knowledge and perspectives that can be useful to the police

Skills

- facilitate communication skills

Requirements:

- time: approximately 4 days: introduction – approximately half a day; interview and written documentation – approximately 2 days; and follow-up reflection – approximately 1 day
- sample interview
- guiding questions for the interview
- flipcharts
- group size: 12–24 persons

Extended activity 1
description:
One-on-one interviews
in Sweden's police
academy

Students are assigned a person who has dealt with the police and is from a group often perceived as police 'opponents' – marginalised or socially excluded persons, suspected criminal offenders, youth delinquents or those with different ethnic backgrounds. The two are asked to have a conversation.

With some preparation, the students conduct these conversations. The encounters, supplemented by a process of individual and group reflection, provide a practical basis to elaborate the theoretical concept of the role of police from a human rights perspective. In addition, students – through careful and empathetic communication – gain a fresh perspective on police work.

Training tip: Enhancing mutual understanding

"The interviews have had a clear effect of increased mutual understanding between the students and their 'counterparts'. In addition, they appear to have a healing effect in cases where the 'counterparts' have experienced humiliation, powerlessness and lack of trust in relation to the police."

FRA ACTIVITY

Engendering violence

FRA analysed experiences of discrimination and social marginalisation and their effects on attitudes towards violence in three EU Member States: France, Spain and the United Kingdom. FRA conducted interviews with 3,000 Muslim and non-Muslim young persons and children, finding that young people between the ages of 12 and 18 who had experienced social marginalisation and discrimination were more likely to be disposed to physical or emotional violence than those who had not experienced such marginalisation. There were no indications that Muslim youth were either more or less likely to resort to violence than non-Muslims. These findings strongly suggest that social marginalisation and discrimination need to be addressed, as a priority, with respect to their impact on young people's predisposition for violence. In the same report, young people expressed a general lack of trust in authority figures and formal local, national and international institutions, including criminal justice authorities, such as the police and the courts. The lowest level of trust was for politicians, both at local and national level.

FRA (2010), Experience of discrimination, social marginalisation and violence: A comparative study of Muslim and non-Muslim youth in three EU Member States, Belgium, p. 62, available at: <http://fra.europa.eu/en/publication/2012/experience-discrimination-social-marginalisation-and-violence-comparative-study>

Extended activity 2:
*Human rights education for
police officers at historical
sites of Nazi crimes. Police
work today and in the past*

Purpose:

German police run human rights education at the former Nazi concentration camp Neuengamme to work on the role of police. A historical perspective on the role of police during the Nazi regime contributes to a greater awareness about today's police work and the necessity of human rights-based policing.

Objectives:

Knowledge

- gain insight into the causes of the changes in the police force during the transition from a democratic to a totalitarian system
- identify structures in the Nazi police forces as compared with police structures in a democratic society

Attitude

- develop an awareness of how unlimited power in state institutions can threaten human rights by examining the extensive powers of the Nazi police forces
- gain awareness of the mechanisms of discrimination, deprivation of rights and exclusion
- reflect on current areas of tension of the police with human rights

Requirements:

- time: 2 1/2 days minimum, required to make a meaningful connection between these complex issues
- flip chart and video projector
- video and audio presentations
- written and photographic documents for group work
- provocative stimuli to trigger controversial discussions
- group size: 12–24 persons

Extended activity 2
description:
Human rights education for police officers at historical sites of Nazi crimes. Police work today and in the past

Trainers hold a three-hour introduction at the police training institute that introduces the current relevance of gaining a historical perspective on the Nazi regime. During the two-day visit to the Neuengamme Memorial the training course focuses on the police during National Socialism and current issues will be discussed in light of this historical perspective. These connections enable critical reflection on the police and its mechanisms as well as on the behaviour of the individual within the institution. The seminar also aims to promote an understanding of how police forces and their role in society change in different societies. A further focus is also on those within a system who can serve as positive role models.

Understanding human rights-based values, which arose in reaction to Nazi crimes and other historical human rights violations, of today's democratic societies will allow participants to analyse and differentiate between totalitarian and democratic structures.

Training tip: Boosting awareness

The basic necessity of weighing up security interests against civil liberties in police work occurs irrespective of the national context. Examining the history of Nazi Germany can increase people's awareness of the significance of basic human rights today and of how institutions change under different political systems.

