



## INTRODUCTION

by the Human Rights Unit,  
Commonwealth Secretariat

Police officers' duty is to serve and protect their communities. Indispensable to their ability to carry out this vital duty is an awareness of the source, nature, content and limits of the rights of all individuals with whom they come into contact. This manual is a Commonwealth Secretariat training resource to promote human rights-based approaches to policing. It has been designed by the Human Rights Unit of the Secretariat, for use by police and law-enforcement trainers in Commonwealth countries in designing, developing, conducting and evaluating police training programmes at all levels.

1

### **The Commonwealth Secretariat (Human Rights Unit)**

The Commonwealth is an extraordinary voluntary association of 53 member States including some of the largest and the smallest countries in the world.

The Commonwealth family includes peoples of many faiths, races, languages and cultures who share many common experiences and concerns, as well as hopes and ideals. By their membership (and as set out in the 1971 *Singapore Declaration* and the 1991 *Harare Declaration*), Commonwealth countries have committed themselves to fundamental values of democratic participation, equality and non-discrimination, respect for the rule of law, and the fulfilment and protection of universal human rights. The Commonwealth Secretariat implements the joint decisions of members' governmental and ministerial meetings and offers technical assistance and advice to member countries.

*"We believe in the liberty of the individual, in equal rights for all citizens regardless of race, colour, creed or political belief ..."*

*Declaration of Commonwealth Principles, Singapore 1971*

The mandate of the Secretariat to promote awareness of human rights in the Commonwealth (and to assist member countries to promote and protect human rights) is co-ordinated by the Office of the Commonwealth Secretary-General, through the Human Rights Unit. The Unit is also responsible for integrating human rights into the work of all Divisions of the Secretariat. The Unit's production of educational and other programmes is based on the understanding



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that internationally acknowledged civil, political, economic, social and cultural rights are indivisible, universal, and inherent in all individuals by virtue of their very humanity. The programmes also represent acknowledgement that respect for human rights, and their fulfilment, is indispensable to the achievement of societies that are fair and just, peaceful and secure, inclusive and prosperous. In this way they are a vital part of the development assistance work of the Secretariat as a whole.

### **Development of this Manual**

In November 2002, Commonwealth Law Ministers meeting in St Vincent and the Grenadines asked the Secretariat to develop, on the back of its general human rights training for public sector officials, awareness programmes on human rights specifically designed for police officers.

Rather than attempt to bring training directly to police services, the Human Rights Unit decided upon an approach of working closely with training institutions in member countries to develop useful and relevant training materials and resources. These would assist trainers to themselves build human rights standards and considerations into the regular police training programmes under their control.

In a pilot project which commenced in May 2004, the Unit worked with senior police officers and police training institutions from West African Commonwealth countries (Cameroon, The Gambia, Ghana, Nigeria and Sierra Leone). At two separate workshops in 2004 these officers expressed the view that a comprehensive human rights training resource (and a parallel training-of-trainers programme) would add great value to their current training programmes. In July 2005, more than 30 senior instructors from various police training colleges in the five countries took part in a major training workshop in Abuja. The experience, advice and expressed needs of officers who had attended the various workshops led to the development and publication, in November 2005, of the Unit's *Manual on Human Rights Training for Police in Commonwealth West African Countries*, which was launched by the Commonwealth Secretary General Don McKinnon in London on 8 December 2005, to mark the International Human Rights Day. In May 2006, in the first country-specific follow up to the regional pilot project, the Unit conducted an intensive training-of-trainers workshop in Yaoundé with Cameroonian police and prisons training officers as well as provincial commanders. In consultation with local police commanders, the Human Rights Unit intends to carry out, in due course, an evaluation of curriculum development in training institutions in these pilot countries.

In order to extend the benefit of this resource to police training institutions in all Commonwealth countries, and following the positive encouragement of Commonwealth Law Ministers at their October 2005 meeting in Accra, the present manual has been adapted from the West African manual with a number of substantial revisions for Commonwealth-wide application. A short chapter on policing and human rights in the context of counter-terrorism has been added. Furthermore, a chapter dealing with the human rights responsibilities of prisons and penitentiary officers has been added, too, although we are fully aware that their work is so significant that it warrants a manual of its own. Finally, edited versions of the core applicable human rights instruments and UN codes of conduct have been included for ease of reference.

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In addition to dissemination of this manual, and providing, on request, advice to police trainers on curriculum development, the Human Rights Unit will continue to extend training in human rights to police trainers in Commonwealth countries, for which this manual will be the primary resource.

### **Some general comments on human rights in policing and police training**

*"...recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world..."*

*...it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected..."*

*Universal Declaration of Human Rights, Preamble  
United Nations General Assembly, 1948*

The Preamble to the *Universal Declaration of Human Rights* recognises the logical link between lack of respect for human rights, and the likelihood of disruption to the peace. Viewed in this way, the day-to-day conduct of police in protecting and ensuring the human rights of all persons contributes to safe, stable and peaceful communities. And violation of rights only undermines, rather than enables, the possibility of real security and stability. A human rights-based approach to policing for communities begins with knowledge and awareness on the part of police officers as to the limits of lawful police authority and conduct. Many of these limits are premised on fundamental rights. This knowledge and awareness requires attention to be given to human rights elements of policing during initial, continuation and refresher training for police.

Core police duties, carried out with the authority and resources of the state, touch on the most fundamental of rights, often of people at their most vulnerable. It is most important for those wielding public authority, such as police officers, to appreciate the responsibilities that come with authority which are premised on the foundations of laws and the state's legal process. However, it should also be realised that the government is also the institution primarily responsible and most capable of ensuring, securing and protecting human rights.

Police duties are primarily directed at protecting the rights of the citizens; they also include measures that may sometimes limit the rights of individuals in the interests of the state. This cannot be effectively achieved without police officers knowing about those specific individual or collective rights, in particular, knowing in a practical and tangible way how their day-to-day conduct is enabled or limited by law and by human rights considerations.





*"In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons."*

*Code of Conduct for Law Enforcement Officials, Article 2  
United Nations General Assembly, 1979*

There are many challenges that police trainers may face in adapting their existing training courses to more explicitly include human rights elements. These challenges may well include a lack of awareness or uncertainty about what the practical relevance of rights are to their professional duties. Trainers will encounter many myths about human rights, and resistance to the idea that they have a central part in policing. However, many misgivings about the place of human rights in policing activities stem from misunderstanding about rights. The challenge is to get trainees openly, without inhibition, ignorance or fear, to address human rights issues, to see the community as a resource in investigating crime, and as a partner, rather than as an adversary. This resource has been designed to include many useful concepts that will assist in overcoming such challenges trainers might face. A good example is the 'P.L.A.N.' concept concerning the use of force (Proportionality, Legality, Accountability, Necessity).

It will be vital for police trainers to impart not only what the 'rules' of human rights are, but how ordinary police activities are affected. Human rights will not be seen as credible and legitimate among trainees if they are not translated into relevant and practical manifestations that tie to police activity. For this reason, this manual has relied on the advice of police themselves.

The intention behind this training project was to assist police trainers to impart to trainees at all levels knowledge and a way of thinking about policing which would ensure that they provide professional service to the communities that they serve, a service that is based on internationally accepted human rights standards and practices. The Commonwealth Secretariat intended to increase the capacity of police trainers to establish or develop existing courses, and run training courses that have a human rights-based approach to policing at their core. The challenge and the opportunity to police trainers is to feed human rights vocabulary, concepts, content and standards into the existing curricula, rather than to add on a small subject in human rights to already full curricula. The idea is thus that rather than ad hoc occasional training workshops on human rights, there be ongoing and sustained human rights content in standard police training. In this way, human rights considerations and obligations will be in-built in the structures, habits, culture and operational functions of the police.

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Apart from enabling trainees to understand how human rights standards affect actual police activities, the single most important thing from the perspective of the Human Rights Unit, is for trainers to impart to trainee officers that strong emphasis on human rights in policing makes sense in two ways:

- (1) As a matter of principle and legal obligation (international law, national law, moral imperative and conscience) police officers are bound not to break the law or violate human rights in the process of trying to enforce the law.
- (2) As a practical matter, abusive conduct by police officers of arrested persons, detainees, witnesses, and even victims, has many adverse consequences, including alienating police from the community in which they live and must work, leading to cycles of distrust and crime prevention and investigation work harder to do. It can be persuasive to reveal to trainees how illogical it is that a law enforcer should ever become a law breaker in the course of his or her duty; or how 'short cuts' taken in the attempt to secure convictions can lead to unsatisfactory acquittals.

The chapters on 'Community Policing' and 'Human Rights Violations' together highlight the negative consequences of neglect for human rights, and reinforce the positive results possible: it is cynical to assume that police officers do not intend to comply with human rights obligations in the vast majority of cases. Policing in our modern democracies is by nature a responsible and honourable profession.

*"Most Commonwealth police officers would no doubt see themselves as servants of the public: as protectors, not violators, of human rights."*

From the remarks of Commonwealth Secretary General the Rt. Hon. Don McKinnon, London, 8 December 2005 (marking International Human Rights Day) upon launching the *Manual on Human Rights Training for Police in Commonwealth West African Countries*.

Finally, it is often overlooked that police officers have rights as individuals and deserve protection from humiliation, discrimination based on race or ethnicity or region or religion. They also deserve safe conditions in which to work, and provision of sufficient equipment and resources to enable them to meet human rights obligations effectively. However, many of the most significant changes in systems, habits and institutional practices do not entail cost. While there are many unfair stereotypes and public prejudices about police officers, police officers cannot wait for community attitudes towards police to change, but must help the process by their conduct in protecting and ensuring human rights. Part of changing the mind-set of the community is for police to show restraint, integrity and dignity even in provocative situations. In turn, the community will respect and trust the police, making their basic functions (for example, crime prevention and investigation based on community information) easier. Training in human rights helps develop a mind-set that for an effective, unthreatening, co-operative working environment, police officers need a community that is on their sides. So, respect for





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human rights is not just 'the right thing to do', but leads to more effective policing in a more conducive operating environment.

The Human Rights Unit would like to express its gratitude to Pieter Cronjé, a South African-based consultant on human rights in policing and former Head of the Human Rights Unit of the South African Police Service (1996–2002), who was responsible for the production of the West Africa manual from which the present manual has been developed. I would also like to record with appreciation the contribution of my colleague Jolyon Ford of HRU in putting together this manual.

The Secretariat seeks to share best practices from across the Commonwealth, drawing on common experiences and in pursuit of shared ideals. As the Deputy Secretary General has noted in her Foreword, the Human Rights Unit stands ready to further assist law enforcement training institutions in Commonwealth countries to build human rights effectively into their programmes, and so into policing practises themselves.

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