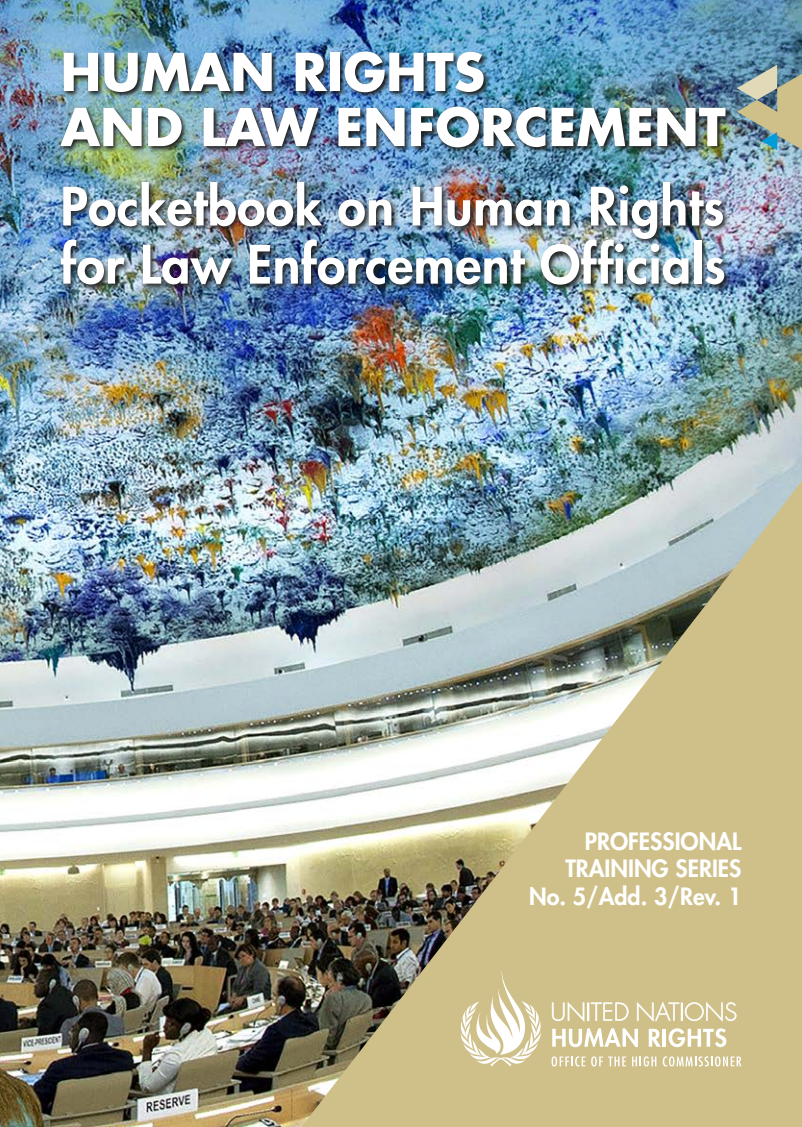
HUMAN RIGHTS AND LAW ENFORCEMENT

Pocketbook on Human Rights for Law Enforcement Officials



PROFESSIONAL TRAINING SERIES
No. 5/Add. 3/Rev. 1

UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

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UNITED NATIONS
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Components of the guidance and training package

This *Pocketbook on Human Rights for Law Enforcement Officials* is one component of a three-part guidance and training package on human rights for law enforcement officials (LEOs). The guidance and training package also includes a *Manual on Human Rights for Law Enforcement Officials* and a *Training Guide on Human Rights for Law Enforcement Officials*. The three components are designed to complement each other and, taken together, provide all necessary elements for the conduct of human rights training courses and programmes for LEOs in accordance with the approach developed by the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Using the Pocketbook

This Pocketbook is designed to be a readily accessible and portable reference tool for law enforcement officials (LEOs). It is organized according to the chapters of the Manual and serves as a complementary tool to the Training Guide.

Structure of the Pocketbook

TIPS!

A good practice is to tailor the Pocketbook to the particular law enforcement agency's local context. The international standards, for example, can be complemented with references to national law, internal policies or standard operating procedures. The different chapters can then be used as separate small cards to ensure portability.

The Pocketbook can also be used as a starting point for developments or reviews of codes of conduct and standard operating procedures.

Each chapter is structured as follows:

▶ Essential Principles

This section highlights relevant international human rights standards. The principles are derived from human rights instruments. The full sources and references to these principles are included in the Manual.

▶ Examples of How Law Enforcement Officials Can Respect, Protect and Fulfil Human Rights

Each chapter includes a text box with examples of how law enforcement officers and agencies can respect, protect

and fulfil human rights standards, as they relate to the thematic context.

▶ Practical Recommendations

The Pocketbook contains practical recommendations for LEOs and law enforcement agencies on how to apply the standards. The recommendations are directed to:

1. All LEOs deployed on operational duties;
2. Command and supervisory officials;
3. Law enforcement agencies.

The practical recommendations are generic in nature and may be adapted to the context of each law enforcement agency.

Part I
Fundamental Concepts

1. Introduction to Human Rights for Law Enforcement

A. Essential Principles

- International human rights law is binding on all States and their agents, including LEOs.
- Human rights are a legitimate subject for international law and international scrutiny.
- LEOs are obliged to know, and to apply, international standards for human rights.

▼ Box 1: How Can Law Enforcement Officials Respect, Protect and Fulfil Human Rights? – Examples

Respect: In all situations, treat all persons with respect for their inherent dignity.

Protect: Protect individuals and groups from human rights abuses by third actors, for example, intervene in instances of racist acts, including violence between groups or individuals in the community.

Fulfil: Take positive action to facilitate the enjoyment of basic human rights, for example by having a strong human rights component in law enforcement training and ensure that LEOs complement the actions of other institutions, such as the judiciary, to fulfil human rights. Law enforcement institutions must effectively enforce judicial decisions and state institutional policy where human rights are at stake.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Take personal responsibility for acquiring and maintaining an up-to-date knowledge of law, practice and procedure relating to human rights.
- Cooperate with national and international human rights organizations.

2. Command and supervisory officials

- Incorporate a human rights-based approach in command and management, including planning, operations and accountability.
- Ensure that human rights of LEOs are respected within the organization.
- Cooperate with national and international human rights organizations.

3. Law enforcement agencies

- Ensure that the law enforcement agency has integrated respect for international human rights standards as a key organizational goal.
- Ensure that the law enforcement agency has established a code of ethics that integrates respect for international human rights standards as a key organizational value.

- Ensure that the law enforcement agency has established a code of conduct that integrates international human rights standards as a key component of the organization's professional standards.
- Ensure that the law enforcement agency has integrated international human rights standards in all internal policies, internal guidance, including in standard operational procedures and codes of practice.
- Ensure that specific guidance such as standard operating procedures or codes of practice exist in all key areas such as those related to arrest, detention, stop and search, use of force, policing public assemblies, handling of police complaints and investigation procedures, including interviewing suspects, victims and witnesses.
- Adopt a comprehensive approach in implementing human rights obligations into standard operating procedures.
- Initiate a robust internal inspection and compliance regime that will identify and address any shortcomings in policies or internal guidelines or in the delivery of human rights protections by personnel within the organization.
- Provide in-service training on human rights to all LEOs upon recruitment and periodically, including for senior officers. Ensure that the training allows for all LEOs and other staff to develop the competencies required to uphold international human rights standards, including knowledge and understanding, attitudes and values, as well as practical skills.

2. Ethical and Legal Conduct by Law Enforcement

A. Essential Principles

- Human rights derive from the inherent dignity that all human beings share equally.
- LEOs shall respect and protect human dignity and maintain and uphold the human rights of all persons.
- LEOs shall at all times respect and obey the law.
- LEOs shall at all times fulfil the duty imposed on 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.
- LEOs shall not commit any act of corruption. They shall rigorously oppose and report all such acts to supervisors or elsewhere, as appropriate.

▼ Box 2: How Can Law Enforcement Officials Respect, Protect and Fulfil Human Rights in the Context of Ethical and Legal Conduct? – Examples

Respect: Respect the law and international human rights standards. Never commit acts of torture or inhuman or degrading treatment. Never accept a bribe.

Protect: Intervene in and report any unethical behaviour by other LEOs or any state officials.

Fulfil: Never accept or condone unethical or illegal actions by colleagues. Senior officials should lead by example, demonstrate a high degree of integrity and act as role models for their subordinates.

- Torture or any other degrading or inhuman treatment is absolutely prohibited.
- LEOs shall report violations of those laws, codes and sets of principles which protect and promote human rights.
- All law enforcement action shall respect the principles of legality, necessity, non-discrimination, proportionality and humanity.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Keep up to date with changes to the law, practices and organizational procedures.
- Fully co-operate with investigations into allegations of misconduct or wrongdoing within the agency, regardless of whether they are conducted by internal or external bodies.
- Provide a full account of actions taken and the reasoning or rationale behind these decisions.
- Accurately record the occasions and circumstances when executive powers have been used. Those records must be appropriately stored and made available to supervisors, investigators or any other state-sanctioned inquirers.

2. Command and supervisory officials

- Ensure that not only your own professional standards are of the highest order, but also those of the officials you command and supervise.
- Lead by example, adopting the highest standard of professional and ethical behaviour for subordinates to follow.
- Ensure that all the LEOs under your command have an appropriate level of knowledge and understanding of human rights law and its application to the duties they perform.
- Take seriously and investigate (or initiate) any misconduct observed or reported.
- Ensure that LEOs or others who report misconduct by LEOs are protected from any retaliatory actions.

3. Law enforcement agencies

- Ensure that appropriate policies, practices and procedures are in place for all human rights to be respected and protected and that the actions of officers are open to public scrutiny and external oversight.
- Develop a code of ethics, and regularly review it to ensure that it is in line with international standards.
- Provide in-service training on the application of domestic criminal law, law enforcement powers, international human rights standards and codes of conduct or professional standards.
- Provide in-service training to increase awareness of issues related to ethical conduct.

3. Law Enforcement and Non-Discrimination

A. Essential Principles

- All human beings are born free and equal in dignity and rights.
- Human rights derive from the inherent dignity that all human beings share equally.
- States shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.
- All persons have the right to be protected by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.
- LEOs shall at all times fulfil the duty imposed on them by law of serving the community and by protecting all persons against illegal acts regardless of race, colour, descent, national or ethnic origin, gender, religion, language, political opinion, property, birth or other status.
- LEOs shall respect and protect human dignity and maintain and uphold the human rights of all persons.
- Differential treatment does not amount to discrimination when LEOs enforce special measures designed to ensure substantive equality of women, lesbian, gay, bisexual,

transgender and intersex (LGBTI) persons, minorities, juveniles, persons with disabilities, the elderly and others requiring special treatment in accordance with international human rights standards.

- The recruitment, assignment and promotion policies of law enforcement agencies shall be free from any form of discrimination.
- Every law enforcement agency shall be representative of, and responsive and accountable to the community as a whole.

▼ Box 3: How Can Law Enforcement Officials Respect, Protect and Fulfil Human Rights in the Context of Non-Discrimination? – Examples

Respect: Do not treat people differently on the basis of their race, gender, sexual orientation or any other grounds. When carrying out law enforcement functions, do not rely on stereotypes, including bias-based profiling.

Protect: Protect all persons from crimes. Investigate all alleged crimes with the same degree of thoroughness. If society sees that crimes against a particular group will not be investigated and persecuted, this group will be at higher risk of being further victimized.

Fulfil: Demonstrate non-discrimination principles by recruiting a diverse body of staff and having zero-tolerance policies regarding acts of discrimination and bias within the institution.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Practise non-discrimination and strive to promote it in law enforcement.
- Be aware of personal biases and actively strive to counter stereotyping of individual persons or groups.
- Refrain from profiling based on race, religion or other discriminatory grounds at all times. Remain ready to justify in detail any decision to stop and search.
- Speak out against gender-based, ethnic, racial or religious stereotyping or slurs in the community and at the police station.
- Become familiar with local communities and encourage positive engagement with them.
- Facilitate closer dialogue with women, children, persons with disabilities, minority groups and other members of local communities, to understand their needs and complaints and listen to their suggestions.
- Meet with leaders and representatives of various ethnic and religious communities.
- Be sensitive and responsive in policing, taking a rights-based approach to combating discrimination.

2. Command and supervisory officials

- Ensure that standing orders on the treatment of groups that may be vulnerable, including rules on appropriate behaviour, language and attitudes, are effectively implemented.
- Support the establishment and functioning of mechanisms to continuously receive complaints and suggestions from members of ethnic, religious and linguistic groups in the community.
- Appoint a group relations coordinator/focal point within the agency.
- Collect and regularly monitor data on stop and search, disaggregated by ethnicity and religion and other grounds that potentially give rise to discrimination.

3. Law enforcement agencies

- Adopt temporary special measures to effectively address the underrepresentation of women and ethnic and other groups across all ranks in the workforce.
- Evaluate recruitment, hiring and promotion policies with a view to ensuring fairness among various groups.
- Conduct a cultural audit to establish whether there are any organizational structures, symbols or insignia that might imply allegiance to one societal group and indifference or hostility to another.
- Punish discriminatory, insensitive or otherwise inappropriate professional behaviour.

- Reward officer initiatives that are supportive of better community relations.
- Appoint an independent advisory group or community reference group to ensure that all community voices are heard when new equality and diversity policies, practices and procedures are being developed.
- Adopt internal procedures that prohibit bias-based profiling and monitor their effective implementation.
- Organize in-service training to sensitize LEOs to the impact of personal bias and stereotyping in their work and demonstrate how to ensure non-discriminatory delivery of service.
- Ensure that in-service training to counter discrimination and bias-based policing is complemented by institutional interventions regarding limiting discretion and increased oversight in areas vulnerable to stereotyping and biases.

4. Law Enforcement and Democratic Policing

A. Essential Principles

- Democracy is a universally recognized ideal and is one of the core values of the United Nations.
- Democracy provides an environment for the protection and effective realization of human rights.
- Democracy, and democratic governance in particular, means that people's human rights and fundamental freedoms are respected, promoted and fulfilled, allowing all persons to live with dignity.
- 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.
- Everyone has the right to take part in the government of their country, directly or through freely chosen representatives.
- Everyone has the rights to freedom of opinion, expression, assembly and association.
- In the exercise of democratic 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 only be those necessary to secure recognition and respect for the rights of others and to meet the just requirements of morality, public order and general welfare in a democratic society.
- All LEOs are part of and have a duty to serve the community.
- Every law enforcement agency shall be representative of, and responsible and accountable to, the community as a whole.
- LEOs shall respect and be accountable according to the law.
- LEOs shall be transparent in their activities.
- Effective mechanisms shall be established to ensure internal discipline and external control, as well as the effective supervision of LEOs.

▼ Box 4: How Can Law Enforcement Officials Respect, Protect and Fulfil Human Rights in the Context of Democratic Policing? – Examples

Respect: Respect all people's rights to freedom of speech, opinion, expression, association and movement.

Protect: Protect peaceful assemblies from violent disrupters, to ensure the right to freedom of expression and assembly.

Fulfil: Uphold the rule of law and human rights during elections. Contribute to a climate in which candidates and political party representatives, voters and the media can participate in the political process without fear or intimidation.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Exhibit political independence and impartiality at all times.
- Keep current and accurate records of actions and interventions.
- Build relationships with the community, for example, by getting involved in activities such as youth groups or sports teams for young people.
- Be aware of the particular vulnerabilities of certain groups, such as ethnic and religious minorities, children, women and persons with disabilities, and pay additional attention to protect them, especially during political events, rallies and protests.

2. Command and supervisory officials

- Support the development and implementation of policies, practices and procedures that embed democratic principles into law enforcement.
- Develop relationships with local press and media organizations, taking advantage of opportunities to publicize successes and showcase new community projects or crime reduction initiatives.
- Encourage an organizational culture in which mistakes can be acknowledged and lessons learned.

- Introduce, where appropriate, community-oriented policing strategies in which LEOs form partnerships with the community through:
  - Hosting periodic meetings with the community, in particular with vulnerable groups, to discover their needs, explain or develop policies and practice, and establish relationships that facilitate policing;
  - Supporting the establishment of a publicly accessible mechanism for receiving community complaints;
  - Implementing communication strategies that provide crime data, detection rates and details of successful prosecutions for public dissemination;
  - Making themselves known and available to address community organizations and groups if requested to do so, to facilitate communication, prevention and effective response.
- In the context of elections, ensure the full integration of human rights in planning, orders and the training of LEOs and maintain close cooperation with electoral authorities, other security forces, trade unions and non-governmental organizations.

3. Law enforcement agencies

- Establish and enforce policies and strategies based on democratic policing.
- Establish, where appropriate, a strategic framework that promotes community-policing strategies.

- Encourage an institutional law enforcement culture based on the notion that the agency seeks to provide a service to the community rather than simply enforce laws.
- Ensure that the law enforcement agency has integrated respect for international human rights standards as a key organizational goal.
- Ensure that the law enforcement agency has established a code of ethics that integrates respect for international human rights standards as a key organizational value.
- Ensure that the law enforcement agency has established a code of conduct that integrates international human rights standards as a key component of the organization's professional standards.
- Ensure that the law enforcement agency has integrated international human rights standards in all internal policies and internal guidance, including in standard operational procedures and codes of practice.
- Ensure that specific guidance, such as in standard operating procedures or codes of practice, exists in all key areas, including those related to arrest, detention, stop and search, use of force, policing public assemblies, handling of police complaints and investigation procedures, including interviewing suspects, victims and witnesses.
- Adopt a comprehensive approach in implementing human rights obligations into standard operating procedures.

- Initiate a robust internal inspection and compliance regime that will identify and address any shortcomings in policies, internal guidelines or the delivery of human rights protections by personnel within the organization.
- Provide in-service training on human rights to all LEOs upon recruitment and periodically, to senior officers. Ensure that the training allows for all LEOs and other staff to develop the competencies required to uphold international human rights standards, including knowledge and understanding, attitudes and values, as well as practical skills.
- Adopt a human rights-based approach to policing and develop policies and procedures that ensure effective implementation of that approach.
- Adopt a gender equality policy and ensure that there are adequate resources, follow-up and accountability for its effective implementation.
- Ensure that democratic and human rights-based approaches are also implemented internally in the agency, including in relation to:
  - Recruitment policies that encourage applications from underrepresented groups;
  - Recruitment procedures and programmes designed to recruit and retain officials willing and able to meet the demands of democratic policing;

- Regular review of internal control mechanisms to ensure that LEOs are held accountable for any violations of law and human rights that they commit;
- Support the establishment of mechanisms, such as joint working groups with other agencies in the criminal justice system, to enhance cooperation;
- Ensure that LEOs wear name badges (or identification numbers) and clearly displayed rank insignia while on duty (except for occasions when this is not practical due to the sensitive nature of an LEO's operation or investigation);
- Ensure that LEOs are easily distinguishable from soldiers or other paramilitary units by adopting civilian uniforms and not carrying assault weapons unless they are undertaking a specific task requiring such equipment.

Part II
Law Enforcement Functions

5. Human Rights and the Use of Force

Note: In this chapter, the essential principles are listed under five different subheadings, in contrast to the other chapters in the Manual. This section is designed to respond to the needs of trainers and participants by providing clearly enumerated principles for this highly technical area of law enforcement activity.

A. Essential Principles

1. Use of force

- Everyone has the right to life, security of person, and freedom from torture and cruel, inhuman or degrading treatment or punishment.
- Non-violent means are to be attempted by LEOs before resorting to the use of force unless such delay would be likely to result in the death or serious injury of the LEO or others, or would be clearly pointless or inappropriate under the circumstances.
- Force, including the use of firearms, is to be used only when strictly necessary for and proportional to the performance of lawful enforcement purposes.
- The use of force shall not be arbitrary or abusive; it is used only for lawful law enforcement purposes.
- Restraint is to be exercised in the use of force.

- LEOs should minimize injury, and respect and preserve human rights whenever lawful use of force is unavoidable.
- A range of means for differentiated use of force and less lethal weapons is to be made available.
- Firearms are to be used only in extreme circumstances when less extreme measures are insufficient and only in situations in which there is a risk of serious injury or death.
- All LEOs are to be trained in alternative methods to the use of force, including non-violent resolutions to conflicts.
- All LEOs are to be trained in the use of the various means for differentiated use of force.
- No exceptions shall be allowed for unlawful use of force, including during public emergencies.

2. Accountability for the use of force and firearms

- All incidents of the use of force and firearms shall be followed by reporting and review by superior officials.
- Superior officials shall be held responsible for the actions of LEOs under their command if the superior knew or should have known of abuses but failed to take concrete action.
- LEOs who refuse unlawful superior orders shall be given immunity.
- LEOs who knew that an order to use force and firearms resulting in death or serious injury of a person was

manifestly unlawful and had reasonable opportunity to refuse to follow it shall not be excused on the grounds that they were following superior orders.

3. Permissible circumstances for the use of firearms

- Firearms are to be used only in self-defence or in defence of others against the 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, firearms are to be used only when less extreme measures are insufficient.
- The intentional lethal use of firearms shall be permitted only when strictly unavoidable in order to protect human life.

4. Procedures to use of firearms

- The LEO shall identify him/herself as a law enforcement official and give a clear warning and allow adequate time for the warning to be obeyed. A warning shall not be required if the delay would result in death or serious injury to the officer or others or if it is clearly pointless or inappropriate in the circumstances to delay.

5. After the use of firearms

- Medical aid is to be rendered to all injured persons.
- The relatives of those affected are to be notified.
- Investigation into excessive use of force or firearms is to be allowed where requested or required.
- A full and detailed report of any use of firearms is to be made as soon as practicable following the incident.
- Law enforcement agencies shall establish effective systems for making easily accessible to the public reports and statistics regarding the use of force, including when and against whom force is used.

▼ Box 5: How Can Law Enforcement Officials Respect, Protect and Fulfil Human Rights in the Context of the Use of Force? – Examples

Respect: Only use force in accordance with the principles of legality, necessity and proportionality as permitted by law and international human rights standards. Do not use torture under any circumstances. Only use intentional lethal force to protect yourself or someone else against an imminent threat to life.

Protect: When faced with a violent confrontation between individual persons or groups, protect all actors from third-party violence. Always look for possibilities to de-escalate the type and level of force.

Fulfil: Always plan operations using all available information to develop operational strategies or tactics to ensure no or minimum use of force. Ensure an effective system of internal and external accountability.

- Law enforcement agencies shall immediately make public detailed information on methods and findings of investigations into the use of force and any accountability measures that have been taken.

B. Practical Recommendations

1. All law enforcement officials on operational duties

- Keep up to date on how the "use of force" is defined and regulated in national laws and internal regulations.
- Apply the human rights-based approach in situations involving the use of force, including the principals of legality, necessity and proportionality.
- Plan in advance for the differentiated use of force, prioritizing non-violent means.
- Consider, in all situations, whether it is possible to not use force at all, and, when the use of force is necessary, if and how de-escalation is possible.
- Use intentional lethal force only in the exceptional case of protecting human life.
- Make personal notes immediately after any use-of-force situation. Use internal reporting procedures to document ALL instances of the use of force.

- Participate in debriefing and stress counselling activities.
- Be alert to the physical and mental state of your colleagues and, where necessary, intervene to stop a human rights violation or, if appropriate, ensure that the colleague receives appropriate care or counselling.

2. Command and supervisory officials

- Support the periodic assessment of LEOs to gauge their mental and physical health and their suitability to be deployed in violent situations where the use of force may be needed.
- Instruct LEOs to follow human rights standards and exercise restraint when confronted with a tense situation, so as not to escalate the situation unnecessarily.
- Follow up and consistently monitor reports on the use of force to detect any misuse of force. Analyse use-of-force reports and identify gaps in terms of regulation, supervision, training or availability of appropriate equipment. Any LEO found to have used excessive force should be held accountable for their action but also be evaluated and given appropriate support and, if necessary, additional training.
- Strictly regulate the control, storage and issuing of firearms, including procedures for ensuring that LEOs are accountable for arms and ammunition issued to them.

- Periodically check to ensure that only officially issued weapons and ammunition are carried by LEOs. Report any official found in possession of materials not officially issued.
- Ensure that debriefing procedures are fully respected when LEOs have been involved in a situation in which lethal force and/or firearms have been used.
- Encourage the use of trained counsellors when LEOs have been involved in a situation in which lethal force and/or firearms have been used.
- When planning an operation in which force may be used, brief LEOs on relevant international human rights standards and ensure that sufficient personnel and resources are deployed to carry out the operation in accordance with those standards.
- Follow up and consistently monitor reports on the use of force, in order to detect abuses. Analyse use-of-force reports and identify gaps in terms of regulation, supervision, training or availability of appropriate equipment. Any LEOs found to have unlawfully or otherwise inappropriately used force should be held accountable for their actions, but should also be evaluated and given appropriate support, including additional training, if necessary.

3. Law enforcement agencies

- Establish a national policy for the use of force in law enforcement.
- Establish detailed, clear standing orders for use of force that are:
  - fully compliant with all national and international human rights standards, ensuring:
    - clear guidance on how and when different types of force are permitted;
    - clear reporting guidelines, including an obligation for LEOs to report on every incident involving the use of force;
    - supervisory responsibility to monitor reporting on every incident involving the use of force;
    - a robust process for the internal and external investigation of every incident involving alleged excessive use of force. Allegations of serious human rights violations and/or use of firearms, or when the use of force results in death or serious injury, should be investigated by an independent oversight mechanism;
    - in-service training on the use of force, including regular practice involving situations relevant to individual LEOs' functions;
  - disseminated to all LEOs;
  - enforced;
  - reviewed on a regular basis.

- Develop strategies and tactics to reduce the requirement for LEOs to use firearms.
- Provide in-service training for LEOs on international human rights standards on the use of force, as established in standing orders.
- Ensure that recruitment-training and refresher-training programmes are provided on human rights standards in the context of the use of force, including in:
  - Crowd behaviour and management;
  - Interpersonal and conflict resolution skills;
  - Mediation and negotiation;
  - The use of defensive equipment;
  - The use of less lethal weapons and equipment;
  - The use of firearms;
  - Self-defence and restraint techniques;
  - First aid;
  - Stress management.
- Ensure that, when planning operations in which force may be used, command officials have access to an appropriate level of intelligence information and are able to analyse the information to plan the operation in compliance with international human rights standards.
- Acquire and issue defensive equipment, including helmets, shields, defensive vests and, as appropriate, bulletproof vehicles.

- Acquire and issue human rights-compliant, less lethal incapacitating and crowd-dispersal equipment. Acquire the broadest possible range of means for the differentiated use of force.
- Provide LEOs with gas masks if chemical dispersant agents are an adopted option.
- Ensure that all firearms, law enforcement equipment and ammunition issued to LEOs are registered with serial numbers linked to the individual LEO and are forensically traceable for accountability purposes.
- Make stress counselling available for all LEOs involved in instances in which force was used.

6. Human Rights and Arrest

A. Essential Principles

- Everyone has the rights to liberty, security and freedom of movement.
- No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law.
- No one shall be subjected to arbitrary arrest or detention.
- Authorities making an arrest or keeping a person under detention shall do so only by powers granted to them by law.
- Anyone who is arrested shall be treated with humanity and with respect for the inherent dignity of the human person.
- Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest in a language he or she understands.
- Anyone who is arrested shall be promptly informed of any charges against him or her.
- Anyone who is arrested shall be promptly informed of his or her rights as a result of the arrest, including the right to legal counsel and the right not to confess guilt or to incriminate him/herself, as well as the right to remain silent
- Anyone arrested with a criminal charge shall have the right to be presumed innocent until proven guilty by law.

- Arrests must be lawful, reasonable and necessary under the circumstances and non-discriminatory.
- Anyone who is arrested shall have the right to appear before a judicial authority for the purpose of having the legality of his or her arrest or detention reviewed without delay, and shall be released if the detention is found to be unlawful or no longer necessary.
- Anyone who is arrested has the right to a trial within a reasonable time, or to be released.
- Detention pending trial shall be the exception rather than the rule.
- All arrested or detained persons shall have access to a lawyer or other legal representative, and adequate opportunity to communicate with that representative.
- A record of every arrest shall be made and shall include: the reason for the arrest; the time of the arrest; the time of transfer to a place of custody; the time of appearance before a judicial authority; the identity of involved officials; precise information on the place of custody; and details of every interrogation.
- The arrest record shall be communicated to the detainee in a language he or she understands, or to his or her legal counsel. Where necessary, an interpreter shall be provided during interviews.
- The family of the arrested person shall be notified promptly of the arrest and place of detention.
- Children should only be arrested as a measure of last resort and for the shortest appropriate time.

▼ Box 6: How Can Law Enforcement Officials Respect, Protect and Fulfil Human Rights in the Context of Arrest? – Examples

Respect: When possible, opt for non-custodial alternatives to arrest. Ensure respect for human dignity when effecting an arrest, for example, by carefully considering the time and manner in which the arrest is carried out.

Protect: Take precautions to protect the rights and safety of third parties who may be present during an arrest, in particular, children and elderly persons. This may entail taking along trained officials, support staff or social workers.

Fulfil: Ensure that arrested persons are not subjected to violence or degrading treatment. Immediately inform the arrested person of the charges, explain to them their rights and guarantee their access to family members and legal counsel.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Take responsibility for having a clear understanding of the powers of LEOs and the procedures to adopt before, during and after arrest, including regular review of legislation and standing orders.
- Respect the inherent dignity of every person during and after an arrest. Remember that arrest is not a punishment but a part of a judicial process in which the presumption of innocence must always be applied.

- Ensure that the decision to arrest an offender or suspect is legal, necessary and proportional to the (suspicion of) crime and the legitimate law enforcement objective. This decision shall not be affected by the racial, ethnic, religious or other status of the suspect or offender.
- Use calm, polite language when carrying out an arrest and only resort to strong, authoritative tones if necessary.
- Develop self-confidence in de-escalating tensions, as well as self-defence skills. Study conflict-resolution techniques through in-service training and, if available, community educational programmes.
- Be aware of the parameters for the use of force as it applies to arrests (see relevant chapters in the Manual and be familiar with national laws and policies on the use of force).
- Seek an arrest order/warrant whenever the law requires one.
- Carry a pocket-sized card, setting forth the rights of arrested persons and read those rights verbatim to arrested persons once they have been secured.
- Ensure that anyone arrested is presented before a judicial authority, at a maximum within 48 hours (24 hours for children), to validate the arrest and continued detention.
- Keep detailed arrest records.
- Always secure, preserve and document any property found in the possession of the arrested person at the time of their arrest.

- Always respect procedural safeguards for conducting arrests, such as informing the family of the arrested person and making available legal counsel and, if necessary, an interpreter.
- Be aware of the procedures for arresting people with special needs. Seek non-custodial measures where possible.

2. Command and supervisory officials

- Ensure that standing orders on arrest procedures are available and fully adhered to.
- Debrief the officials involved after every arrest, and carefully check the arrest record to ensure that it is complete.
- Ensure that standing orders or other guidance on how officials should respond to children, women, and other persons and groups with special needs affected by an arrest, are implemented.

3. Law enforcement agencies

- Develop detailed, clear standing orders on arrest procedures that are:
  - Fully compliant with all national and international human rights standards, ensuring:
    - rights and providing guidance on how officials should respond to children, women, and other persons and groups with special needs who are affected by an arrest;

  - respect for the religious and moral beliefs of those who are to be arrested;
  - unhindered access of legal counsel to arrested persons;
  - procedures that anyone arrested is presented before a judicial authority within 48 hours at a maximum (24 hours for children) to validate the arrest;
  - a robust process for internal and external investigation of every incident involving alleged human rights violations. Allegations of serious human rights violations should be investigated by an independent oversight mechanism;
- Disseminated to all LEOs;
- Enforced;
- Reviewed on a regular basis.

- Prohibit the wearing of masks or any other equipment fully covering the face when performing arrests or carrying out interrogations and other law enforcement functions, as this will hamper identification of potential perpetrators in the event of a violation. When a violation is reported, initiate a rigorous investigation.
- Provide for continuous in-service training for all LEOs on procedures for arrest, the rights of the arrested person and techniques for effecting arrest with due respect for human rights and human dignity (include in training the use-of-force continuum as it applies to arrest situations).

7. Human Rights and Detention

A. Essential Principles

- No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law in accordance with international human rights norms and obligations.
- All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
- Everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty by law.
- Pre-trial detention shall be the exception, rather than the rule.
- Detainees shall have the right to be informed of the reason for detention and any charges against them, in a language they understand.
- Detainees shall be promptly informed of their rights as a result of the detention, including the right to legal counsel and the right not to confess guilt or to incriminate themselves, as well as the right to remain silent.
- No detainee shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, or to any form of violence or threats.
- Detained persons shall be held only in officially recognized places of detention and their families and legal representatives are to be properly informed.

- Decisions about the duration and legality of detention are to be made by a judicial or equivalent authority in accordance with their international obligations.
- No one shall take advantage of the situation of a detained person to compel him or her to confess or to otherwise incriminate him/herself or another person.
- In places of detention, juveniles are to be separated from adults (unless considerations of the best interest of the child, such as family unity, dictate otherwise), women from men, and unconvicted persons from convicted persons.
- Detained persons subject to regimes of solitary confinement must have access to legal counsel and to health care. Efforts to abolish solitary confinement as a punishment should be undertaken and encouraged.
- Disciplinary measures taken against a detained person shall only be those set out in law and regulations, shall not exceed those necessary for safe custody and shall not be inhumane.
- Detainees have the right to contact with the outside world, to visits from family members and to communicate privately and in person with a legal representative.
- Detainees shall be kept in humane facilities, designed to preserve health, and shall be provided with adequate food, water, shelter, clothing, medical services, exercise and items of personal hygiene.

- The use of force to punish a person after they have been placed under control and in detention is not permitted, no matter what resistance they may have given previously.
- The use of chains, irons or other instruments of restraint which are inherently degrading or painful, shall be prohibited.
- The religious and moral beliefs of detainees shall be respected.

▼ Box 7: How Can Law Enforcement Officials Respect, Protect and Fulfil Human Rights in the Context of Detention? – Examples

Respect: Do not arbitrarily detain anyone; present a detained person before a judicial authority as soon as possible – at a maximum, within 48 hours (24 hours for children) – to validate the detention.

Protect: Protect all persons from abduction and detention by third parties. Ensure that detainees, in particular those who may be in vulnerable positions, are adequately protected from violence during transport and in state detention facilities. Effectively investigate and prosecute allegations of human rights violations or abuses by staff and other inmates.

Fulfil: Ensure a safe environment for detainees. Train the personnel of detention facilities adequately in human rights matters and make them aware of the vulnerabilities of certain groups in detention. Ensure that all detainees have access to a confidential complaints mechanism.

- Every detainee shall have the right to appear before a judicial authority, and to have the legality of his or her detention reviewed.
- The rights and special status of women, LGBTI persons and juvenile detainees are to be respected.
- All States shall have independent monitoring mechanisms in place to monitor places of detention to ensure the prevention of torture and ill-treatment.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Respect the inherent dignity of every person in all situations of detention. Never use inhuman or degrading treatment as a punishment.
- Study the entry, review and assessment records of all detainees, to be aware of persons at higher risk of vulnerability.
- Respect the self-identified gender of LGBTI persons when deciding on their gender identity and in subsequent risk assessment before their placement in detention.
- Facilitate visits to detainees by religious leaders, legal and consular representatives, family members, inspectors and medical personnel.
- Do not enter a detention facility carrying a firearm, except to transport a detainee outside or to protect the

life of one or more persons from an immediate and grave threat inside the detention facility.

- Maintain detailed detention records.
- Carry out regular checks of detainees to ensure safety and security.
- Consult closely with medical personnel on all matters of diet.
- Report immediately any suspicion of mistreatment of detainees, whether it be physical or psychological.
- Never use restraint instruments for punishment. Use them only where necessary to prevent escape during transfer, on certified medical grounds, or on the order of a supervisor when other methods have failed, or for the purpose of preventing injury to the detainee or others or damage to the facility.
- Facilitate the use of recreational materials, books and writing materials.

2. Command and supervisory officials

- When assigning LEOs, arrange to have officials supervising detainees independent from arresting officials and investigating officials.
- Assign female staff to guard, search and supervise female detainees. Prohibit the entry of male staff into female sections of detention facilities, except in emergencies or when they must enter to carry out their work, in which case they should always be accompanied by a female officer.

- Assign at least one official with training in psychological care and counselling, including suicide prevention, to be on duty at all times.
- Ensure that, upon entry to a detention facility, all detainees are assessed for signs of illness, injury, alcohol or drug intoxication and mental health concerns.
- Ensure that LEOs in detention areas do not carry firearms, except when transporting detainees outside the facility.
- Require all detention officials to wear clearly visible identity badges, to facilitate accurate reporting of any violation by an official.
- Carry out periodic, unannounced visits to detention facilities, police stations and substations, and inspect the facilities and registers, as well as the weapons and ammunition carried by LEOs, to ensure that they comply with official regulations. Take appropriate actions to rectify problems.
- Maintain a positive relationship with national and international actors inspecting or monitoring detention facilities.

3. Law enforcement agencies

- Develop detailed, clear standing orders on the treatment of detainees that are:
  - Fully compliant with all national and international human rights standards and include ensuring:
    - the rights of children, women, and other persons and groups who may be in vulnerable situations during detention and may have special needs;
    - respect for the religious and moral beliefs of detainees, including dietary customs;
    - procedures and safeguards for humane detention conditions;
    - a robust process for internal and external investigation of every incident involving alleged human rights violations. Allegations of serious human rights violations should be investigated by an independent oversight mechanism;
  - Disseminated to all LEOs;
  - Enforced;
  - Reviewed on a regular basis.
- Ensure that all LEOs wear a clearly visible identity badge at all times.
- Provide in-service training to all officials assigned to detention areas in:
  - International human rights standards and procedural safeguards concerning detention;

- Protection of the rights of groups that may be more vulnerable;
- The use of force, control methods, and equipment use in the context of detention, including the handling of aggressive detainees, detainees with mental health concerns or detainees who are under the influence of alcohol or drugs;
- Managing detainees safely, securely and humanely with due respect for their inherent dignity;
- Legal consequences for human rights violations committed by LEOs.

- Immediately investigate and hold accountable, including through initiation of criminal action, any LEO alleged to have committed an act of torture or cruel, inhuman or degrading treatment or punishment.
- Assign a special room, separate from family visit areas, for detainees to meet privately with legal counsel.
- Arrange a meeting area for normal face-to-face visits.
- Adopt special measures to ensure respect for the religious and moral beliefs of detainees, including dietary customs.
- Ensure that LEOs dealing with children in detention receive adequate training on the special protection needs of children.

8. Human Rights and Investigations

A. Essential Principles

- All persons are equal before the law and are entitled without discrimination to the equal protection of the law.
- Everyone has the right to be treated with humanity and with respect for the inherent dignity of the human person.
- Everyone has the right to security of person.
- Everyone has the right to a fair trial.
- Everyone is to be presumed innocent until proven guilty by law.
- Everyone who is suspected of a crime has the right to remain silent.
- Torture, and other cruel, inhuman or degrading treatment, is absolutely prohibited.
- No one shall be compelled to confess or to testify against him/herself.
- No one shall be subjected to arbitrary interference with his or her privacy, family, home or correspondence.
- No one shall be subjected to unlawful attacks on his or her honour or reputation.

- Investigatory activities shall only be conducted lawfully and with due cause.
- Investigations shall be competent, thorough, prompt and impartial.
- Investigations shall not include any arbitrary or unduly intrusive activities and everyone shall have protection in the law against such interference or attacks.
- Investigations shall seek to identify victims, to recover and preserve evidence, to discover witnesses, to discover the cause, manner, location and time of the violation, and to identify and apprehend perpetrators.
- Crime scenes shall be carefully processed and evidence carefully collected and preserved.
- No pressure, physical or mental, shall be exerted on suspects, witnesses or victims in attempting to obtain information.
- Victims and witnesses are to be treated with compassion and consideration.
- Confidentiality and care in the handling of sensitive information are to be exercised at all times.
- Effective mechanisms shall be established to ensure internal discipline and external control as well as the effective supervision of LEOs during investigations.

▼ Box 8: How Can Law Enforcement Officials Respect, Protect and Fulfil Human Rights in the Context of Investigations? – Examples

Respect: Record and investigate all complaints and never discriminate based on the identity the complainant or alleged victim or the group to which the complainant or alleged victim belong. Never coerce a person into confessing a crime. Never use torture.

Protect: Protect the right to privacy of persons under investigation and ensure that confidential information cannot be accessed by any unauthorized person.

Fulfil: Ensure that internal procedures and guidelines pertaining to investigations are consistent with international human rights standards. Law enforcement institutions must ensure that senior officers exercise responsibility with respect to human rights-compliant investigations. Law enforcement agencies, together with other state institutions, such as the judiciary, must jointly ensure that the rights of victims, witnesses and suspects are widely known and accessible and that effective complaints mechanisms are known and available.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Treat all persons identified as potential or actual suspects in a criminal investigation with dignity and professionalism. Ensure that suspects' human rights are respected and protected.

- Always bear in mind that a person is presumed innocent unless or until they are convicted by a legally constituted court of law.
- Ensure that processes to collect evidence through investigative interviews comply with international human rights standards. An audio and/or video recording should be made of all interviews of suspects. Where this is not practicable, a contemporaneous detailed written record of the interview should be made and the interviewee should be encouraged (though not compelled) to sign it if he or she agrees that it is accurate.
- Do not approach interviews of suspects as exercises in eliciting confessions. Recognize that confessions are only one form of evidence and are by themselves insufficient to support a conviction without other corroborating evidence.
- Regard interviews of suspects as opportunities to gain further information with regard to identifying other alleged suspects, elicit accounts of or explanations for the suspect's actions, movements and evidence gathered that may indicate their guilt, and also test possible defences, alibis and alternative explanations for events that may have occurred.
- Always advise a victim, witness or suspect of his or her rights before the interview. Before taking any investigatory action, ask yourself: Is it legal? Will it hold up in court? Is it necessary? Is it unduly intrusive? When in doubt about the legality of an investigative activity, where possible, ask the senior investigative officer

before proceeding. Remember that all major decisions concerning the conduct of a criminal investigation should be approved and recorded, together with the circumstances, by a trained senior investigating officer with overall responsibility for the investigation.

- Seek a judicially issued warrant or order prior to any search of a vehicle, dwelling or other premises.
- Be sensitive to local conditions when planning house searches and/or arrests. There may be existing tensions between law enforcement and local communities or between different communities in the local area. At all times, be aware of the need to maintain and preserve good police–community relations.
- In all circumstances, refrain from engaging in any acts that could be perceived as torture, or cruel, inhuman, or degrading treatment.
- Ensure that all special investigative techniques you use have a basis in national law and are necessary and proportionate to the achievement of the legitimate objectives of the investigation and that less intrusive measures that would provide the same information are unavailable.
- Ensure that suspects, victims and witnesses are informed about the progress of criminal investigations.

2. Command and supervisory officials

- Keep the public informed of the progress of criminal investigations. Seek opportunities to speak to journalists and brief them on the progress of major investigations. All public statements must pay due respect to the presumption of innocence, and the right to privacy and respect human dignity.
- Develop police–public partnerships that enable LEOs to build closer ties to local communities and access community intelligence and information vital to the prevention and detection of crimes.
- Actively encourage LEOs' engagement with civil society, including civil society's help and support to progress investigations effectively.
- Emphasize that all LEOs have both the right and duty to defy unlawful superior orders and report such unlawful orders to a higher official at once.
- Carry out regular supervision and control to detect any wrongdoing or misbehaviour.
- Ensure that any allegations of torture or ill-treatment are promptly investigated by independent investigators.
- Ensure maximum transparency of investigative methods, with appropriate levels of supervision at the senior LEO command level.

9. Human Rights and Policing of Public Assemblies

A. Essential Principles

- Law enforcement agencies have an obligation to facilitate the right to peaceful assembly. Allowing assemblies is the norm and any restrictions should be considered exceptions.
- The rights to freedom of peaceful assembly, freedom of opinion and expression, freedom of association and freedom of movement are guaranteed in international human rights law and must be respected by law enforcement agencies in public order management.
- Any limitations of those rights must be provided by law and be necessary in a democratic society in the interests of national security, public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.
- No unnecessary limitations to those rights may be imposed.
- Decisions to restrict the rights to freedoms of expression, peaceful assembly, association or movement require judicial oversight to safeguard against arbitrariness or discrimination.
- Children have the right to freedom of peaceful assembly and association and should be allowed to exercise this participatory right to the greatest extent possible in

a manner consistent with the evolving capacities of the child. LEOs, parents, teachers and others, such as organizers of the assembly, must always take into account the best interests of the child, including in terms of protecting children from situations that may turn violent.

- The rights to life and freedom from torture or cruel, inhuman or degrading treatment or punishment should be guaranteed by LEOs to all persons under all circumstances and at all times.
- LEOs must always respect the right to non-discrimination when maintaining or restoring order.
- All measures for maintenance and restoration of order shall respect international human rights standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- During public order management, non-violent means shall always be attempted before the use of force is considered. LEOs must proactively deescalate situations that may turn violent. A range of means for the differentiated use of force shall be made available.
- The use of force shall only be applied to the extent required for the performance of law enforcement duty and must not be arbitrary or abusive.
- The use of force shall always be proportional to the lawful objectives.
- Force is to be used only when strictly necessary and to the minimum extent necessary.

- All LEOs are to be trained in alternative methods to the use of force, including rights-based approaches to policing and negotiated crowd management.
- LEOs must always assess whether children, persons with disabilities or other persons in vulnerable situations are at the assembly and take necessary precautions in carrying out their duties during maintenance of public order.
- LEOs shall be held accountable for any unlawful, unnecessary, disproportionate or discriminatory actions. Superior LEOs bear command responsibility for the actions of those under their command.

▼ Box 9: How Can Law Enforcement Officials Respect, Protect and Fulfil Human Rights in the Context of Public Assemblies? – Examples

Respect: Never use force against peaceful protesters. Only disperse crowds as a measure of last resort. Avoid indiscriminate use of force under all circumstances.

Protect: Ensure that all people can exercise their freedom of assembly and expression without fear or intimidation. Protect the right to peaceful protests from violent disruptions.

Fulfil: Engage constructively with organizers of public assemblies to facilitate the right to peaceful assembly. Publicly speak out about the right to peaceful assembly.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Take responsibility for acquiring and developing professional knowledge and understanding of human rights law and how that law applies to public assemblies.
- Bring to the immediate attention of a supervisor concerns about performing public order duties, including if there is a lack of sufficient training, so that shortcomings or concerns can be suitably addressed in advance.
- Proactively engage with organizers of public assemblies with a view to facilitating the event.
- Where it is necessary to disperse a crowd, communicate the decision, give time for the crowd to follow instructions and make every effort to leave the crowd with a clear and obvious corridor out of the area.
- Refrain from employing tactics that may provoke protestors.
- Apply crowd control techniques that minimize the need for the use of force.
- Always display a calm, polite, professional and non-threatening/non-hostile attitude.

2. Command and supervisory officials

- Support the development of policies on policing public assemblies. Those policies should include law enforcement approaches to combating violent disorder and spontaneous assemblies. Ensure that those policies have been subject to wide consultation by stakeholders and that the measures included have been rigorously assessed to confirm that they are fully compliant with international human rights norms and standards.
- Ensure that officials under your command have up-to-date authorizations for the use of firearms, as well as less lethal options.
- Emphasize the importance of facilitating peaceful public assemblies, even when the occurrence of such assemblies places pressure on law enforcement resources. The rights to freedom of assembly, expression, speech and free movement are enshrined in international human rights law and these rights must be protected and respected at all times, regardless of the political situation.
- Make proactive efforts to publicize the right to freedom of assembly and the duty of LEOs to facilitate assemblies. Actively seek to encourage and reassure all communities, including minority communities, which may participate in public assemblies or otherwise be affected by them.

- Place particular focus on the need to provide a restrained and proportionate response to any incident and do not allow any LEO to overreact or to resort to the use of force before other de-escalation measures have been tried and failed.
- Organize post-event debriefings of LEOs as a standard practice: Debriefings should address human rights aspects such as health and safety, cooperation with human rights defenders and journalists, impact on and relationship with the affected community, operational planning, command and decision-making, tactics and future training needs.

3. Law enforcement agencies

- Develop detailed clear standing orders for policing of public assemblies that are:
  - Fully compliant with all national and international human rights standards, including:
    - establishing strict procedures for the use of force, including less lethal weapons;
    - establishing procedures for proactive engagement and cooperation with local government authorities and organizers of public assemblies;
    - establishing detailed guidelines for procedures to de-escalate tension;

  - ensuring a robust process for the internal and external investigation of every incident involving alleged excessive use of force. Allegations of serious human rights violations and/or the use of firearms, or when the use of force results in death or serious injury, should be investigated by an independent oversight mechanism;
- Disseminated to all LEOs;
- Enforced;
- Reviewed on a regular basis.

- Ensure that all LEOs likely to be deployed on public order duties have received an appropriate level of training to enable them to deal effectively and appropriately with any situation that they are likely to be confronted with. Such training must include instruction in the applicable legal framework. Command officials should be held accountable if they deploy officials who are not sufficiently trained or equipped for their task.
- Provide in-service training in policing public assemblies, particularly on:
  - international human rights standards related to the use of force, command and control procedures;
  - the use of force;
  - the use of less lethal methods for controlling violent protests, including the use of shields, defensive vests, helmets and less lethal instruments;
  - human rights-compliant arrest procedures in public order situations;

- conflict management, negotiation, mediation and de-escalation techniques;
- treatment of persons at particular risk or in situations of vulnerability.

- Ensure that all LEOs involved in policing public assemblies are clearly and individually identifiable by wearing nametags or numbers. LEOs in command on public order duties should always give their names and contact information on request.
- Ensure that there are clear command structures and well-defined operational responsibilities established, including across the different law enforcement and security agencies involved in a particular public order management operation.

10. Human Rights and Counter-Terrorism

A. Essential Principles

- Acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations.
- States must ensure that any measure taken to combat terrorism complies with all of their obligations under international law, in particular, international refugee, human rights and humanitarian law.
- There shall be no punishment without law.
- Fundamental freedoms of expression, assembly and association must be carefully considered to ensure human rights are not violated in the criminalization, investigation and prosecution of terrorism-related offences.
- Everyone has the right to freedom of thought, conscience and religion, either alone or in community with others and in public or private, to manifest his or her religion or belief in teaching, practice, worship and observance.
- Everyone has the right to respect for his or her privacy, family life, home and correspondence.
- No one shall be subjected to arbitrary arrest, detention or exile.
- No one shall be held in incommunicado detention.
- Everyone shall have the right to recognition everywhere as a person before the law.

- No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed.
- Essential principles for investigating terrorism offences are the same as for all investigations – and fundamental rights relating to access to justice shall be respected at all times. The following principles must at all times be respected: presumption of innocence; equality of arms; prohibition on discrimination; the right to be informed of charges in a language one understands; the right of access to a lawyer; the right to adequate time and facilities to prepare defence, including access to concrete information about charges and concrete factual and evidentiary material supporting the charges; prohibition on torture, inhuman or degrading treatment and on the use of confessions and material extracted by torture, including material received from other States; the right against self-incrimination; and the right to private and family life.
- Essential principles for the use of force also apply to combating terrorism offences. Intentional lethal use of firearms may only be exercised when strictly unavoidable in order to protect life. Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.
- There are no exceptional circumstances whatsoever – whether it be a state of war, a threat of war, internal

political instability or any other public emergency – that may justify torture, cruel, inhuman or degrading treatment.

▼ Box 10: How Can Law Enforcement Officials Respect, Protect and Fulfil Human Rights in the Context of Counter-terrorism? – Examples

Respect: Do not overreact in the aftermath of terrorist acts. Overreaction is intentionally provoked by terrorists. Never resort to torture and do not use information provided by a foreign law enforcement agency that is likely to have been obtained through torture, inhuman or degrading treatment. Do not use bias-based profiling in counter-terrorism strategies.

Protect: Engage in preventive strategies in order to protect people from terrorist attacks. Establish the necessary networks to refer victims of terrorist acts and their families to psychological, social and economic services.

Fulfil: Establish effective systems for gathering intelligence, including digital sources, to ensure that targeted measures are built on reliable sources. Ensure that such intelligence gathering is carried out with full respect for international human rights standards.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Be aware of the importance of keeping human rights compliance at the forefront of all initiatives and actions aimed at countering the terrorist threat.

- Take responsibility for acquiring and developing professional knowledge in the collection, recording and reporting of community intelligence.
- Be familiar with current policies for the safe handling of sensitive information.
- Be transparent with the public when engaging in counter-terrorism duties and do not present intelligence gathering or surveillance activities as routine community engagement work.

2. Command and supervisory officials

- Take particular care in your approach to any community from which terrorist suspects or terrorist plotters might emanate. It is vital that whole communities do not become "suspect".
- Ensure that policy approaches and operational training of staff are sophisticated enough to differentiate between individual persons and groups who may be involved in terrorism and the communities where those individuals originate.
- Identify the risks to children and young people, women and others with special needs, including those who may be isolated or marginalized for being part of minority groups, for example, and ensure that there are effective responses to those risks.

- Regularly review human rights compliance with counter-terrorism laws and practices, in order to ensure that counter-terrorism measures are legal, necessary, effective and proportional.
- Act on the principle that being proactive in breaking the cycle of impunity and holding perpetrators accountable is essential to any sustainable solution to situations of violence. Accountability and public acknowledgement of the wrongs that victims have suffered are important to ensuring that crimes will not be repeated.

3. Law enforcement agencies

- Put in place effective procedures and tactical plans to provide a suitable response to any terrorist-related incident that may occur. Plans should include procedures for dealing with suspect packages, suspected improvised explosive devices (IEDs) and suspicious activity that may be linked to terrorism, as well as evacuation procedures, containment procedures, communications procedures, major incident response procedures and public reassurance measures. All plans must be human rights compliant in order to be effective.
- Ensure that all counter-terrorism measures are shaped, reviewed and implemented in accordance with a human rights-based approach, including respect for the principles of equality and non-discrimination.

- Ensure that security forces and criminal justice actors receive appropriate training and capacity-building on the applicable human rights standards, as a key aspect of prevention.
- Provide in-service training and briefings on:
  - Actions that should be taken if LEOs confront a terrorist suspect and become involved in arresting, detaining, searching or investigating a terrorist suspect;
  - Human rights and the rule of law, security, theory and practice in conflict resolution and the appropriate and graduated use of force;
  - Implementation of counter-terrorism policies and mechanisms to ensure legal and internal regulations are followed and implemented;
  - Linkages between violations of human rights by LEOs and the conditions conducive to terrorism;
    - Ensuring a functioning system of internal oversight, including a robust process for internal and external investigation of every incident involving officials in counter-terrorism who are alleged to have committed human rights violations. Allegations of serious human rights violations should be investigated by an independent oversight mechanism.

11. Human Rights and Civil Disorder, States of Emergency and Conflict

A. Essential Principles

1. When considering law enforcement during civil disorder, the following principles are of priority

- All measures for the restoration of order shall respect human rights.
- Restoration of order shall be achieved without discrimination.
- Any limitations on rights shall only be those determined by law.
- Any action taken and any limitations on rights shall be solely for the purpose of securing respect for the rights and freedoms of others, and for meeting the just requirements of morality, public order and general welfare.
- Any action taken and any limitations on rights shall only be those consistent with the requirements of a democratic society.
- No exceptions shall be allowed with regard to the right to life; the right to freedom from torture; the prohibition of slavery; the prohibition of imprisonment for failure to fulfil a contractual obligation; the prohibition of ex post facto laws; the recognition of everyone as a person

before the law; or freedom of thought, conscience and religion.

- Non-violent means shall be attempted before the use of force.
- Force shall be used only for lawful law enforcement purposes.
- Force shall be used only when strictly necessary.
- Force applied shall be proportionate to lawful law enforcement objectives.
- Every effort shall be made to limit damage and injury.
- A range of means for the differentiated use of force shall be available.
- No unnecessary limitations on the rights to free speech, assembly, association or movement shall be imposed.
- No limitations shall be imposed on freedom of opinion.
- The independent functioning of the judiciary shall be maintained.
- All wounded and traumatized persons shall be immediately cared for.

2. When considering law enforcement during states of emergency, the following principles are of priority

- States of emergency may be declared only in conformity with the law.
- States of emergency may be declared only where a public emergency threatens the life of the nation, and where ordinary measures are plainly inadequate to address the situation.
- States of emergency must be officially declared before exceptional measures may be taken.
- Any exceptional measures must be strictly required by the exigencies of the situation.
- Any exceptional measures must not be inconsistent with other requirements under international law.
- Any exceptional measures must not discriminate solely on the basis of race, colour, gender, language, religion or social origin.
- 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 offence was committed.

3. When considering law enforcement during armed conflict (non-international and international), the following principles are of priority

- International humanitarian law applies in all situations of armed conflict.
- During armed conflicts and occupation, LEOs are to be considered non-combatants unless their law enforcement unit is formally incorporated in the armed forces or de facto acts as an armed forces unit.
- Principles of humanity must be safeguarded in all situations.
- LEOs have a right to abstain from fulfilling their functions under occupation for reasons of conscience, and this shall not result in an alteration of their status.
- International human rights standards continue to apply also during crisis and conflict situations.
- Non-combatants and persons put out of action (hors de combat) by injury, sickness, capture or any 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 on personal dignity;
- Hostage-taking;
- Collective punishment;
- Executions without regular trial;
- Cruel and degrading treatment.

▼ Box 11: How Can Law Enforcement Officials Respect, Protect and Fulfil Human Rights in the Context of Civil Disorder, States of Emergency and Conflict? – Examples

Respect: Respect the right to life and the right to freedom from torture in all situations, including any instance of violent disturbance. All LEO units must respect applicable international human rights and international humanitarian law standards. Units that are incorporated into the armed forces, or de facto act as if they were, must, during violent conflict, be aware of their additional duties as combatants according to international humanitarian law.

Protect: Protect individual persons and groups from criminal acts and human rights abuses by other individuals and groups, including sexual violence, looting or violence and discrimination related to ethnicity or religious affiliation.

Fulfil: In a state of emergency, do not abuse the extended powers given to LEOs. In an armed conflict, be prepared to carry out humanitarian functions, such as warning, evacuation, rescue, detection and marking of danger areas, and restoration and maintenance of order in distressed areas. Help victims of the conflict to get access to justice and facilitate non-discriminatory provision of humanitarian assistance.

- 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), the International Committee of the Red Cross (ICRC) or any other impartial humanitarian organization.
- Women and girls are particularly vulnerable to gender-based violence, especially rape, in situations of armed conflict and all parties, including law enforcement agencies, must take special measures to protect them.

B. Practical Recommendations

1. Concerning civil disorder and states of emergency (non-conflict)

a) All law enforcement officials deployed on operational duties

- Be fully aware of the applicable legal framework.
- Ensure familiarity with national laws on states of emergency, policing powers during states of emergency and inter-agency coordination.

- Engage proactively with any persons or groups who may be involved in unlawful activities, which may cause and/or increase tension in society.
- Refrain from using law enforcement tactics that are unnecessarily provocative towards specific groups or to the community in general.

b) Command and supervisory officials

- Apply a human rights-based approach to planning of public order situations, including regarding proactive engagement with community representatives.
- Instruct LEOs to follow human rights standards and exercise restraint when confronted with tense situations, so as not to escalate the situation unnecessarily.
- Follow-up and consistently monitor reports on the use of force to detect any misuse of force. Analyse use-of-force reports and identify gaps in terms of regulation, supervision, training or availability of appropriate equipment. Any LEOs found to have used excessive force should be held accountable for their actions, but should also be evaluated and given appropriate support and, if necessary, additional training.
- Provide regular in-service training in first aid, self-defence, the use of defensive equipment, the use of less lethal weapons, the use of firearms, crowd behaviour, conflict resolution, stress management, and persuasion, mediation and negotiation.

- Develop strategies to reduce the risk of officers being forced to use firearms.
- Develop strategies for engaging and building trust with the community, especially marginalized groups and sections of society that may be expressing discontent.
- Acquire and issue defensive equipment, including helmets, shields, bulletproof vests, gas masks and bulletproof vehicles.
- Acquire and issue human rights-compliant, less-lethal incapacitating and crowd dispersal instruments.
- Ensure LEOs authorized to use less-lethal equipment are continuously assessed and trained.
- Acquire the broadest possible range of means for the differentiated use of force in accordance with international human rights standards.
- Prohibit the use of weapons and ammunition that cause injury, damage or risk.
- Strictly regulate the control, storage and issuing of firearms, including procedures for ensuring that officers are accountable for arms and ammunition issued to them.

2. Concerning situations of armed conflict

a) All LEOs deployed on operational duties

- Be aware of the applicable legal framework, including human rights and international humanitarian law, where relevant.
- Fully respect international humanitarian law and international human rights law. Report any violations to supervisory officers.
- Ensure in-depth knowledge of the agency's strategies for the maintenance of order and the protection of the civilian population during periods of armed conflict.
- Become familiar with procedures for dealing with violent non-state actors in compliance with international human rights standards.
- Be sensitive to the special needs of groups in vulnerable situations during such periods, including refugees and displaced persons, children, persons with disabilities and the injured.
- Respect all persons and objects bearing the emblem of the Red Cross, the Red Crescent, the white flag of truce or emblems designating cultural property.
- Respect other people's property. Looting is prohibited. Where appropriate, take property at risk into protective custody and register it according to established procedures.

b) Command and supervisory officials

- Ensure that all LEOs know the human rights and humanitarian law framework in which they are to operate.
- Ensure that planning, orders and supervision of LEOs follow a human rights-based approach.
- Treat anyone arrested or captured, whether civilian or enemy, with humanity and in accordance with international human rights and humanitarian law standards.
- Ensure that no hostages are taken.
- Abstain from all acts of vengeance.
- Strictly supervise detention facilities to ensure that LEOs do not engage in violations of human rights or international humanitarian law.
- Enforce accountability measures strictly.

c) Law enforcement agencies

- Issue clear instructions on the civilian status of LEOs during armed conflict.
- Provide in-service training to all LEOs on the requirements of human rights and humanitarian law during armed conflict.
- Provide in-service training in first aid, disaster management and civil defence procedures.
- Develop clear strategies and detailed procedures for the maintenance of order and protection of the civilian population during periods of conflict.

- Develop standard emergency cooperative procedures for coordinated action with medical services, firefighters, civilian authorities and the armed forces.
- Develop clear standing orders to avoid pillaging by LEOs and ensure that LEOs protect from pillage the property left behind by those fleeing hostilities.
- Ensure that LEOs are easily distinguishable from soldiers or other paramilitary units, adopting civilian uniforms and not carrying military-type weapons unless there are exceptional security risks.
- Ensure that functioning accountability measures are in place.

3. Law enforcement units incorporated into armed forces during conflicts

- Familiarize yourself with and apply the following "soldier's rules":[1]
- Be a disciplined soldier. Disobedience of the laws of war dishonours your army and yourself, and causes unnecessary suffering. In addition, every combatant has the duty to disobey a manifestly unlawful order.
- Fight only enemy combatants and attack only military objectives.
- Destroy no more than your mission requires.

1. These rules have been developed by the ICRC. See ICRC, IHL database, Customary IHL.

- Do not fight enemies who are put out of action (hors de combat) or who surrender. Disarm them and hand them over to your superior.
- Collect and care for the wounded and sick, be they friend or foe.
- Treat all civilians, and all enemies in your power, with humanity.
- Prisoners of war must be treated humanely and are bound to give information only as to their identity. No physical or mental torture of prisoners of war is permitted.
- Do not take hostages.
- Abstain from all acts of vengeance.
- Respect all persons and objects bearing the emblem of the Red Cross, the Red Crescent, the white flag of truce or emblems designating cultural property.
- Respect other people's property. Pillaging is prohibited.
- Endeavour to prevent any breach of the above rules. Report any violation to your superior. Any breach of the laws of war is punishable.

Part III
Groups Requiring Special Protection or Treatment

12. Law Enforcement and the Human Rights of Children

A. Essential Principles

- Children, because of their status, are entitled to special protection. Therefore, in addition to all the human rights guarantees available to adults, children benefit from additional ones that are applicable to them in particular.
- In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
- Children shall be treated in a manner which promotes their sense of dignity and worth, facilitates their reintegration into society, reflects their best interests and accounts for their needs.
- Children have the right to protection from any physical or psychological harm or violence.
- The use of physical restraints and force on children shall be exceptional and employed for the shortest time possible, and only when all other control measures have been exhausted and have failed.
- Children shall not be subjected to torture, to cruel, inhuman or degrading treatment or punishment, to

corporal punishment or to life imprisonment without the possibility of release.

- Detention or imprisonment of children shall be an extreme measure of last resort, and any such detention shall be for the shortest possible time.
- Children in detention shall be separated from adult detainees (though this is not the case for young children).
- Detained children shall receive visits and correspondence from family members.
- Juvenile justice is primarily concerned with the child's rehabilitation and reintegration into society.
- Non-judicial proceedings and alternatives to institutional care shall be provided for.
- The child's privacy shall be respected, and complete and secure records shall be maintained and kept confidential.
- Weapons shall not be carried in juvenile institutions.
- Discipline shall respect the child's dignity and shall instil in the child a sense of justice, self-respect and respect for human rights.
- Officials dealing with children shall be specially trained or qualified and personally suited for the work.
- Periodic as well as unannounced visits to juvenile facilities shall be undertaken by inspectors.
- Parents are to be notified of any arrest, detention, transfer, sickness, injury or death.

- When in detention, children must have access to child-sensitive complaints procedures that are appropriate, effective and accessible.
- Children have the right to a family life, in accordance with the best interests of the child, and the right to express their views and to be heard in matters affecting their situation.
- Children seeking refuge, or child refugees, must receive appropriate protection and humanitarian assistance, to ensure enjoyment of all their applicable rights.

▼ Box 12: How Can Law Enforcement Officials Respect, Protect and Fulfil the Human Rights of Children? – Examples

Respect: Ensure there is no differential treatment of children based on discriminatory practices. In respect of children in conflict with the law, prioritize a restorative approach over punitive measures. When interacting with children, always have their best interest in mind. Inform them of their rights in a clear and child-friendly manner.

Protect: Take complaints from children seriously. Protect children from domestic violence by always investigating allegations of domestic violence thoroughly.

Fulfil: Establish effective cooperation with schools, childcare facilities and children's rights organizations in order to jointly organize and engage in awareness-raising and children's empowerment activities. When interacting with children, ensure that support services such as psychological counselling are readily available.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Take responsibility for acquiring and developing professional knowledge and understanding of children's rights and the humane treatment and care of children in conflict with the law.
- Participate in outreach programmes for children aimed at reducing levels of juvenile crime and victimization.
- Endeavour while out on patrol to get to know the children in a local area, and their parents or guardians.
- Collect local intelligence on children at risk of being offenders or victims of crime. Proactively work to reduce children's exposure to risk in the local community.
- Take action to protect children who are seen away from school during school hours, including investigating and notifying parents and school authorities.
- Promptly investigate any evidence of neglect or abuse of children in their homes, communities or police facilities.
- Meet with social workers and medical professionals on a regular basis to discuss children's issues relating to their work.
- Consider returning children in conflict with the law to parents or social agencies in the case of less serious offences.

- Keep all records pertaining to children in separate and secure storage.
- Report to command officials any concerns about a colleague's suitability to deal with children.
- Where a child's parents or legal guardians have been arrested, contact social services and hand custody of the child over to an authorized social worker or other official acting on behalf of the local authority or safeguarding board.

2. Command and supervisory officials

- Consider a range of different non-custodial options for disposing of cases involving children in conflict with the law. These might include care proceedings, guidance and supervision orders, counselling, probation, foster care, educational and vocational training programmes or other appropriate and proportional measures.
- Keep complete and secure records on all detained children, including their identity; reasons for committal; day and hour of admission, transfer and release; details of notifications to parents; physical or mental health concerns; and information regarding staff charged with their care and treatment.
- Maintain close liaison and cooperation with juvenile-justice, child-protection, medical and social agencies.
- While planning security measures for protests, consider the specific protection needs of children and assign an official to be in charge of dealing with children.

- Conduct regular visits to child detention facilities under the respective officials' responsibility to supervise the conditions and implementation of procedural safeguards.
- Closely supervise staff charged with dealing with children, and investigate and redress any incidents of abuse, mistreatment or exploitation of children.

3. Law enforcement agencies

- Develop detailed, clear standing orders on treatment and protection of children that are:
  - Fully compliant with all national and international human rights standards, including:
    - establishing procedures for use of non-custodial options for children in conflict with the law as the norm and detention only as an exceptional measure;
    - establishing expedited procedures for bringing detained children before a court within the 24-hour limit, where judicial action is appropriate;
    - establishing guidelines on the confidential handling of juvenile records;
    - establishing guidelines for treatment and protection of children whose parents are arrested;
    - ensuring a robust process for internal and external investigation of every incident involving alleged human rights violations against children. The investigation must be prompt and thorough. Violators must be disciplined and/or prosecuted to the fullest extent of the law in order to challenge cultures of impunity that perpetuate violence and

human rights violations. Allegations of serious human rights violations should be investigated by an independent oversight mechanism;
  - ensuring in-service training on how to respect and protect children's rights;
- Disseminated to all LEOs;
- Enforced;
- Reviewed on a regular basis.

- Establish dedicated units with professionally trained personnel to deal with child victims, witnesses and offenders.
- Provide for periodic review and revision of policies for the treatment of juvenile offenders, in consultation with social agencies, medical personnel, state prosecutors, the judiciary and community representatives.
- Develop strategies for giving regular attention to children in especially vulnerable circumstances, such as children with disabilities, children from ethnic and religious minority backgrounds, and those in extreme poverty, experiencing homelessness, in abusive households or in high-crime areas.
- Provide specialized in-service training on different aspects of child sexual abuse, such as commercial sexual exploitation, forced prostitution and physical abuse.
- Establish child-sensitive procedures for complaints and communications to be made by juvenile detainees directly to the director of the institution, or to judicial authorities and social agencies.

13. Law Enforcement, Human Rights and Gender

A. Essential Principles

- Human rights derive from the inherent dignity that all human beings share equally.
- All are equal before the law and are entitled without any discrimination to equal protection of the law.
- Women are entitled to equal enjoyment and protection of all human rights in the political, economic, social, cultural, civil and all other fields.
- Human rights, including but not limited to the right to life; equality; liberty and security of person; equal protection under the law; freedom from discrimination; the highest attainable standard of mental and physical health; just and favourable conditions of work; and freedom from torture and other cruel, inhuman or degrading treatment or punishment, apply to persons of all genders.
- Violence against women, in all its forms, violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms.
- LEOs shall exercise due diligence to prevent, investigate and make arrests in respect of all acts of violence against women, whether perpetrated by public officials or private persons, in the home, the community, official institutions and any other settings.

- LEOs shall take rigorous official action to prevent the victimization of women and shall ensure that revictimization does not occur as a result of police omissions or gender-insensitive law enforcement practices.
- Violence against women is a crime and must be treated as such, even when it occurs within the family.
- Arrested or detained women shall not suffer discrimination and shall be protected from all forms of violence or exploitation.
- Female detainees shall be supervised and searched by female LEOs and staff.
- Women detainees shall be detained separately from male detainees.
- Pregnant women and nursing mothers shall be provided with special facilities in detention.
- Law enforcement agencies shall not discriminate against women in recruitment, hiring, training, assignment, promotion, salary or other career or administrative matters.
- Law enforcement agencies shall recruit sufficient numbers of women to ensure fair community representation and the protection of the rights of female suspects, arrestees and detainees.
- Where there is a tension between cultural attitudes and universal human rights, rights must carry the day.
- Sexual orientation and gender identity are integral to each person's dignity.

- LEOs shall respect the self-identified gender of LGBTI persons.
- No one shall be subjected to pressure to conceal, suppress or deny their sexual orientation or gender identity.
- When the gender of a prisoner is entered in the file management system, the prisoner has a right to have his or her self-perceived gender registered.

▼ Box 13: How Can Law Enforcement Officials Respect, Protect and Fulfil Human Rights in the Context of Gender? – Examples

Respect: Do not discriminate between people based on their sex, gender, sexual identity or sexual orientation. Take allegations and reports of rape and sexual assault seriously and deal with the victims in a sensitive manner.

Protect: Effectively respond to gender-based violence. Turning a blind eye to gender-based violence is an act of omission and a human rights violation. Make sure that women and LGBTI persons are protected from sexual and other forms of violence in detention facilities.

Fulfil: Collaborate with different actors, such as social workers, medical professionals and shelter organizations, to ensure a victim-oriented response to domestic violence. Do not reinforce gender stereotypes; speak out against them. Ensure a work environment in which it is safe for LEOs who identify as LGBTI persons to be open about their sexual orientation.

- States have an obligation to ensure to everyone, in practice, the rights recognized in international law, without discrimination on the basis of sexual orientation or gender identity.
- All the above principles shall be applicable as they relate to LGBTI persons.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Take responsibility for acquiring and developing professional knowledge and understanding of how to respond to allegations of gender-based violence.
- Treat gender-based violence crimes as assaults on the person, with full legal consequences.
- Respond promptly to gender-based violence and sexual violence calls, inform victims of available medical, social, psychological and material support, and provide transportation to a safe place.
- Investigate gender-based violence thoroughly and professionally, including interviewing victims, witnesses, neighbours and medical professionals during investigations.
- Prepare detailed reports of domestic violence incidents and follow up carefully, with both supervisory officials and the victim, check reports against previous incidents in the files, and take all necessary action to prevent a recurrence.

- After medical, administrative and other procedures have been completed, offer to accompany a victim of domestic violence to their home to move their personal effects to a safe place.
- Cooperate closely with medical professionals and social agencies in handling cases of gender-based violence.
- Consult female victims as to whether they would prefer to be dealt with by a female LEO, and respond according to the female victim's preference.
- Separate female from male detainees. Ensure that only female LEOs supervise and search female detainees.
- For searches of LGBTI detainees, preferably provide the detainees with a choice regarding the gender of the official who will be conducting the search.
- Ensure that safety and respect for human rights are key principles integrated into the classification and allocation decisions for LGBTI detainees.
- Abstain from and discourage gender-insensitive conversations and jokes among colleagues.

2. Command and supervisory officials

- Ensure that female LEOs are available to deal with female victims of crime or witnesses if these individuals prefer to be dealt with by female LEOs.
- Concerning searches and supervision of detainees, assign LEOs of the same gender as the detainee.
- Fully consult female LEOs on policies, practices and procedures that may have a specific impact on women.

Actively encourage female LEOs to offer their thoughts and criticisms on existing or new policies, practices and procedures.

- Increase preventive action in high-crime areas, including foot patrols and community involvement in crime prevention, to reduce the risk of violent crimes against women and men.
- Record and publish statistics on crimes against LGBTI persons and the outcome of investigations, prosecutions and remedial measures.
- Publicly condemn acts of violence against LGBTI persons by LEOs.
- Actively encourage members of LGBTI communities to apply to join the law enforcement organization as uniformed or civilian staff, including through targeted recruitment campaigns in LGBTI venues and publications.
- Carry out or support research in LGBTI communities on their lived experiences and the frequency of crime and discrimination against them, and on their interactions with LEOs and the criminal justice system, and incorporate the findings of such research into policies, practices and procedures.
- Carry out consultations with LGBTI communities, externally, in the wider community and internally among your own staff, regarding policies, practices and procedures that may have an impact on LGBTI members of the public and staff.

3. Law enforcement agencies

- Issue and enforce clear standing orders on prompt and effective responses to domestic violence calls and their legal equivalence to other forms of assault.
- Provide regular in-service training to officials on addressing gender-based violence.
- Ensure that LEOs' first aid training is up to date and that they are capable of delivering immediate medical aid to victims of domestic violence.
- Establish close liaison and joint strategies with medical professionals, social work agencies, local "safe houses" and relevant community organizations.
- Establish a special police unit for domestic violence calls and consider assigning social workers to serve jointly in such units with the police.
- Assign responsibility for monitoring and addressing systematic issues related to gender stereotyping to a human rights unit or similarly centrally placed unit.
- Carry out a gender audit, with the help of independent experts, to identify gaps in internal policy and practice.
- Review recruitment, hiring, training and promotions policies to remove any gender bias or discrimination.
- Ensure that uniform and equipment is suitable for both male and female LEOs to wear and takes into account religious and cultural sensitivities, such as a woman's request to wear a hijab or a man's request to wear a turban.

- Train a cadre of LGBTI liaison officials and give them the specific responsibility of establishing closer links with LGBTI communities and building up trust and confidence in law enforcement among such communities.
- Put in place policies and strategies that address the specific protection needs of LGBTI detainees and prevent targeted discrimination and violence, including sexual violence; establish independent monitoring mechanisms of conditions of detention, an effective, accessible and confidential complaints mechanism and access for detainees to organizations that can provide them with specialized assistance in using it, and train officials; and take disciplinary action against staff who fail to respect such policies.
- Establish a task force to review and make recommendations to address patterns of violence against LGBTI persons and gaps in institutional responses, including addressing concerns about delays or obstacles to the effective investigation and prosecution of violence against LGBTI persons.
- Set up third-party reporting systems so that LGBTI victims of crime (particularly hate crime), can report the matter to LEOs via a third party. (This builds confidence and addresses the needs of those who lack trust and confidence in LEOs and are reluctant to present themselves as victims of crime.)
- Provide for special detention facilities for pregnant women and nursing mothers.
- Adopt policies prohibiting discrimination against LEOs on the basis of pregnancy or maternity.

14. Law Enforcement and the Human Rights of Minorities

A. Essential Principles

- All human beings are born free and equal in dignity and rights.
- Universal respect for, and observance of, human rights and fundamental freedoms shall be promoted for all without distinction as to race, sex, language or religion.
- All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.
- In the performance of their duty, LEOs shall respect and protect human dignity and maintain and uphold the human rights of all persons.
- Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
- The recruitment, hiring, assignment and promotion policies of law enforcement agencies shall be free of any form of unlawful discrimination.
- Law enforcement agencies should be representative of and be responsive and accountable to the community as a whole.

▼ Box 14: How Can Law Enforcement Officials Respect, Protect and Fulfil the Human Rights of Minorities? – Examples

Respect: Investigate in a comprehensive, exhaustive, timely and impartial way whether a crime could have an ethnic or religious motive. Police minority-community areas in a manner that is proportional to the frequency and severity of crimes.

Protect: Record crimes against members of minority communities systematically, so as to be able to identify any pattern, in order to protect the affected minority group from future crimes.

Fulfil: Regularly inform members of minority groups about the progress and outcomes of the cases in which they are victims or witnesses, to build or rebuild trust and make it more likely that they will report future crimes. If you are involved in recruitment, ensure that the composition of your unit or agency adequately represents the composition of the community it serves. Develop ways to engage with minority communities in order to be responsive to their security needs.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Be conscious of language at all times; do not use idioms and terms with negative or discriminatory connotations.
- Speak out against ethnic/religious/cultural stereotyping in the community and the organization.

- Pay the utmost attention to potential racial and/or religious motives during crime investigation.
- Collect data on crimes with ethnic and/or religious motivations, and use anonymized and aggregated data for analyses.
- Wherever possible, provide information on the outcomes of investigations to witnesses and victims of ethnically motivated crimes.
- Meet the leaders and representatives of minority communities (encouraging gender balance) and listen to their security concerns and expectations from law enforcement agencies.
- When interacting with minority communities, be as inclusive as possible, while remaining neutral to all factions or groups within the minority community.

2. Command and supervisory officials

- Ensure that training on minority rights and non-discrimination are based on needs assessment and contextualized, in order to address problems and take concrete measures towards change and improvement.
- Monitor outcomes of training through changes in attitudes and behaviours. Training programmes should involve the input of LEOs with minority backgrounds. If necessary, advise the agency to provide further training.
- Ensure that LEOs with minority backgrounds are not only deployed to minority areas but are equally assigned

to other areas and tasked with law enforcement duties on an equal footing with their colleagues.

- In planning operations in areas with significant minority populations, consider the extent of the LEO presence on a case-by-case basis to ensure that such areas are not over- or under-policed.
- Proactively review recruitment and retention statistics and, if necessary, advise senior management to take temporary special measures to increase minority representation in the agency.
- Monitor and analyse stop-and-search data regularly to detect patterns of disproportionate practice and potential bias-based profiling.

3. Law enforcement agencies

- Provide in-service training on non-discrimination, minority representation in law enforcement and effective engagement with minorities.
- Develop detailed guidance for stop-and-search practices with clear and precise standards and guidance, in order to combat bias-based profiling.
- Develop strategies for effective engagement with minorities that take into account the unique context, dynamics and needs of their communities.

- Where necessary, introduce temporary special measures, such as target-setting, pre-service coaching programmes and targeted recruitment drives, to achieve fair and appropriate levels of minority representation in law enforcement.
- Provide in-service training for law enforcement personnel to respond appropriately and effectively to inter-ethnic violence or tensions.
- Ensure that internal complaint mechanisms function effectively and that complaints of unequal treatment, racism and discrimination of any kind against LEOs with minority backgrounds are investigated thoroughly.
- Ensure that women are equally represented with men and that their interests are adequately taken into consideration.

15. Law Enforcement and the Human Rights of Migrants

A. Essential Principles

- All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.
- No State Party shall expel, return ("refoule") or extradite migrants to another State where there are substantial grounds for believing that they would be in danger of being subjected to torture.
- Migrants shall not be collectively returned/removed.
- Migrants have the right to life.
- Migrants have the right to liberty and security of person and shall not be subjected to arbitrary arrest or detention and shall not be deprived of liberty except on such grounds and in accordance with such procedure as is established by law.
- No migrant shall be subjected to torture, cruel, inhuman or degrading treatment or punishment, or any form of violence or threat.
- Migrants have the right to due process, regardless of their status, in all areas where a State exercises jurisdiction or effective control.

- Migrants have the right to the highest attainable standard of physical and mental health available to other sectors of the population, including access to the highest quality of available facilities, goods and services.
- Migrants are entitled to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions.
- Migrant children are entitled to rights stipulated in the Convention on the Rights of the Child, including but not limited to the:
  - Right to a legal identity, including the right to birth registration;
  - Right not to be separated from parents against their will (except when it is in the best interests of the child);
  - Right to leave any country, including their own, and to enter their own country;
  - Right to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health;
  - Right to freedom from all forms of exploitation and abuse;
  - Right to liberty and security.
- All migrants are entitled to an effective remedy.
- Irregular migration shall not be criminalized.

▼ Box 15: How Can Law Enforcement Officials Respect, Protect and Fulfil the Human Rights of Migrants? – Examples

Respect: Do not carry out collective expulsions. Ensure that every decision to detain a migrant complies with the principles of legality, necessity and proportionality. Inform a detained migrant of their rights and the reason for their detention in a language they understand.

Protect: Protect trafficked persons from human rights abuses by smugglers or those employing them in abusive situations and conditions. Provide assistance to migrants who are in distress at sea or in other dangerous border-crossing situations.

Fulfil: Ensure that migrants have prompt access to legal aid and ensure their access to interpretative services and medical care if necessary. Cooperate with other government services to facilitate access to basic human rights for all migrants regardless of their immigration status.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Protect and assist migrants without discrimination.
- Respect in all circumstances the principle of non-refoulement and the prohibition of collective expulsion.
- Resort to non-custodial measures instead of detention wherever possible, in particular for persons who may be in vulnerable situations.

- Prevent and report violations of the human rights of migrants, and pay particular attention to groups who may be more vulnerable to rights violations.
- Proactively engage with migrant communities to develop a climate of mutual trust, by being sensitive and responsive to their needs, complaints and suggestions.
- Liaise with social workers and non-governmental organisations and contribute to their efforts to facilitate the integration of migrants.
- Combat racism, xenophobia and discrimination against regular and irregular migrants. Diligently investigate any complaints or reports in this regard. Report colleagues who engage in such acts.
- Be sensitive to the age, gender and cultural particularities of migrants.

2. Command and supervisory officials

- Do not implement pushback strategies at sea borders.
- Review law enforcement policies and ensure that they are sensitive to migrants' particular needs and human rights.
- Ensure that LEOs are appropriately trained and fully equipped to rescue and assist migrants at borders and within the territory of the country.
- Conduct regular and unannounced visits to scrutinize your subordinates deployed at borders and detention facilities.

- Review statistics on spot-checks and search and seizures to identify any indication of bias-based profiling impacting on migrants.
- Avoid stigmatization or fostering of negative public perceptions of irregular migrants in language, policies and practice, and use correct terminology that qualifies actions rather than persons.
- Actively encourage and cooperate with independent oversight actors who monitor law enforcement at borders and detention facilities for their compliance with human rights obligations.

3. Law enforcement agencies

- Adopt human rights-based policies on migration governance. Ensure all law enforcement policies are sensitive to migrants' particular needs and human rights.
- Advise relevant government ministries that non-citizens shall not be returned or removed to a country or territory where they are at risk of being subject to serious human rights abuses, including torture and cruel, inhuman or degrading treatment or punishment.
- Advise policymakers to opt for non-custodial alternatives to detention. Develop strategies and recommendations for effective implementation of such alternatives.
- Cooperate with government agencies to explore and identify possibilities for effective implementation of firewalls to protect the rights of irregular migrants.

- Review policies and practices concerning rescue, reception, screening, deprivation of liberty and return/removal of migrants and ensure their conformity with international standards.
- Provide regular and comprehensive in-service training on:
  - International human rights obligations for respecting and protecting the human rights of all migrants at borders and within the territory of the State;
  - International standards on rescue, reception, screening, deprivation of liberty and return/removal of migrants;
  - Particular protection of and assistance to groups of migrants who are more at risk and are vulnerable;
  - Inter-agency referrals for protection of migrants who are victims of crime or at particular risk;
  - Preventing and combating xenophobia, discrimination and racism.
- Develop internal guidelines on conducting non-discriminatory profiling practices.
- Ensure that the conditions at detention facilities comply with international standards.
- Regularly review the effectiveness of complaint mechanisms and disciplinary procedures, to determine whether human rights violations and ill-treatment of migrants are properly investigated.
- Regularly assess your agency's policies of migration control and enforcement with regard to the risks

they may pose for the human rights of migrants, and continue efforts to avoid human rights violations.

- Develop reader-friendly and easily accessible information sheets and/or brochures on the human rights of migrants and how they could access law enforcement personnel when they witness or are the victim of a crime.
- Establish cooperation with local municipal and non-governmental organizations to inform migrants of their rights.

16. Law Enforcement and the Human Rights of Refugees and Internally Displaced Persons

A. Essential Principles

- All persons are equal before the law and entitled without any discrimination to the equal protection of the law.
- Everyone has the right to seek and enjoy asylum from persecution in another country.
- Every State shall ensure that human rights are extended to "all individuals within its territory and subject to its jurisdiction", with the exception of certain political rights, and if aliens are unlawfully within the territory, certain limitations on movement may also 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, including rights to freedom of association, freedom of religion, access to 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 or to a third country likely to return the refugee to such a country.
- Unlawful entry into the territory of a State by a refugee shall not be criminalized.

- 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 residence.
- Refugees lawfully within the territory shall be granted travel documents and identity papers.
- Persons seeking asylum shall be informed of the necessary procedures, provided with the necessary facilities to do so and 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.
- Internally displaced persons (IDPs) shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
- States have the primary responsibility to provide protection and assistance to IDPs within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community.
- IDPs' rights shall be protected without discrimination of any kind, such as race, colour, sex, language, religion

or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.

- Certain IDPs, such as children and, especially, unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment that takes into account their special needs.

▼ Box 16: How Can Law Enforcement Officials Respect, Protect and Fulfil the Human Rights of Refugees and Internally Displaced Persons? – Examples

Respect: Refugees and IDPs have the same human rights as everyone else. Respect these rights at all times. Do not arbitrarily restrict the freedom of movement of any person.

Protect: Protect refugees and IDPs from violence, such as rape and other forms of sexual abuse and exploitation, and torture and other forms of cruel, inhuman or degrading treatment or punishment. Be present at camps of refugees and IDPs to ensure such protection.

Fulfil: Facilitate and provide access to information and basic services for refugees and IDPs. Reach out to refugee and IDP communities to build trust. Work together with community resources, hospitals and non-profit organizations that provide assistance.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Be aware of some of the particular vulnerabilities (mental, physical, cultural, gender related, etc.) that are faced by refugees, persons seeking asylum, stateless persons and IDPs, and that additional help and support should be provided in order to ensure that their human rights are respected and protected.
- Be aware of the increased risk of xenophobic, racist or unlawful discriminatory behaviour in the local duty area.
- Take responsibility for acquiring and developing professional knowledge and understanding of human rights law and how it relates to law enforcement duties for the protection of refugees, asylum seekers, stateless persons and IDPs, and know the obligations under human rights law to protect and assist them.
- Be alert to any evidence of xenophobic or racist activity in the duty area.
- Cooperate closely with authorities and social agencies assisting refugees and IDPs.

2. Command and supervisory officials

- Ensure that all LEOs are aware of the particular vulnerabilities and protection needs of refugees, asylum seekers and IDPs.
- Work closely with all communities in order to reduce community tensions and the risk of racist and xenophobic attitudes becoming widespread.
- Increase law enforcement visibility in areas where greater numbers of refugees and IDPs reside, and consider other measures for providing community reassurance.
- Consider what other measures might need to be put in place in order to provide additional protection for refugees and IDPs, ensuring that their human rights are adequately respected and protected.

3. Law enforcement agencies

- Provide in-service training to LEOs on their duties and responsibilities to provide refugees, asylum seekers and IDPs with effective protection from any threat to their human rights, through the policies, procedures and human rights-based approaches to conducting law enforcement in accordance with international standards and in compliance with human rights law.
- Develop detailed guidelines for respecting and protecting the human rights of asylum seekers, refugees and IDPs.

- Establish protocols on forced evictions and ensure that LEOs are well trained prior to carrying out evictions.
- Liaise closely with social agencies that provide support services to refugees and IDPs in need.
- For agencies charged with border control and immigration law enforcement: provide specialized training on the rights of refugees, asylum seekers and IDPs, and the procedural guarantees afforded to such groups.
- Develop information sheets on the rights of asylum seekers and refugees in relevant languages, to be handed to refugees and asylum seekers when interpretation is not possible.

17. Law Enforcement and the Human Rights of Persons with Disabilities

A. Essential Principles

- LEOs shall respect and protect human dignity and maintain and uphold the human rights of all persons.
- Discrimination on the basis of disability shall be prohibited and persons with disabilities shall be guaranteed equal and effective legal protection against discrimination.
- The inherent dignity, individual autonomy and independence of persons with disabilities shall be respected.
- Persons with disabilities shall be recognized before the law and enjoy legal capacity on an equal basis with others in all aspects of life.
- Persons with disabilities shall have effective access to justice on an equal basis with others.
- LEOs shall provide accessibility (both physical and to communicational) and reasonable accommodation in order to facilitate the role of persons with disabilities as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.
- Persons with disabilities shall enjoy the liberty and security of person on an equal basis with others.

- Persons with disabilities shall not be deprived of their liberty unlawfully or arbitrarily, and the existence of a disability shall in no case justify a deprivation of liberty.
- LEOs shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.
- Persons with disabilities shall enjoy freedom from all forms of exploitation, violence and abuse.

▼ Box 17: How Can Law Enforcement Officials Respect, Protect and Fulfil the Human Rights of Persons with Disabilities? – Examples

Respect: Recognize the right of persons with disabilities to make autonomous decisions. Always consider whether a suspect's behaviour might be caused by a physical, mental or intellectual impairment before attempting any form of intervention, including the use of force.

Protect: Be aware and take action whenever there is a suspicion or allegation that a caregiver or guardian is infringing on the legal capacity of a person with a disability or violating his or her right to physical integrity.

Fulfil: Cooperate with organizations representing persons with disabilities to learn about their special needs and ways to meet them. Make available types of interpretation such as sign language and alternative means of communication. Ensure that all police stations and places of detention are accessible and meet the standards required to respect the rights of persons with disabilities.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Speak out against discriminatory acts against or harassment of colleagues with disabilities.
- When providing physical assistance (for instance, moving or carrying a person), first ask how you can help. Respect the independence of persons with disabilities to the extent possible.
- If you are unable to communicate with a person, check whether the person has a disability and has any kind of identification that can guide you in communicating with him or her.
- When necessary, engage in dialogue with a person with a disability to determine the possible accommodations necessary to ensure their equal access to justice.
- Before interviewing a victim with a disability, take time to establish a rapport with him or her, provide information on the investigatory process and ensure his or her full participation in the process. This could include providing alternative times and location for the interview and providing the necessary equipment and services (such as braille or a sign language interpreter).

2. Command and supervisory officials

- Conduct unannounced visits to detention facilities to monitor the treatment of persons with disabilities.

- Enhance cooperation local disability service agencies, design joint training activities and develop resource-sharing and referral procedures.
- Ensure that reasonable accommodation is provided to employees with disabilities.

3. Law enforcement agencies

- Provide in-service training, in particular on different types of impairment, forms of violence, exploitation and abuse, international and national legal frameworks and the role of LEOs.
- Introduce a policy for identifying and dealing with allegations or incidents of disability-related hate crimes. Ensure that there are investigators with sufficient knowledge and skills available to conduct enquiries into such crimes.
- Ensure that allegations of discriminatory behaviour or harassment against LEOs with disabilities are investigated diligently and in a timely way.
- Review detention conditions with a view to ensuring that persons with disabilities are provided with reasonable accommodation to access the physical environment and facilities, and to access complaints mechanisms when their rights are violated.
- Develop protocols on confidentiality and safety for victims with disabilities, especially where there is potential for retaliation by a support person.

18. Law Enforcement and Protection and Redress for Victims

A. Essential Principles

- All victims of crimes, abuses of power or human rights violations shall be treated with compassion and respect for their dignity and human rights.
- LEOs shall not discriminate against any victim on the basis of race, colour, descent, national, social or ethnic origin, sex, age, disability, sexual orientation or gender identity, religion, language, political or other opinion, cultural beliefs or practices, property, birth or other status.
- Victims shall have access to mechanisms of justice, including both formal and informal mechanisms such as mediation and customary justice.
- Victims are entitled to prompt redress including reparations.
- Formal or informal redress procedures shall be expeditious, fair, inexpensive and accessible.
- Victims shall be informed of their rights in seeking redress.
- Victims shall be informed of their role in formal proceedings and the scope, timing and progress of proceedings, and the disposition of their cases.

- Victims shall be allowed to present their views and concerns on all matters where their personal interests are affected.
- LEOs shall take measures to minimize inconvenience to victims, including avoiding unnecessary delays.
- The privacy and safety of victims, their families and witnesses shall be protected, including from intimidation and retaliation.
- Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted by the constitution or by law.
- Victims shall receive all necessary legal, material, medical, psychological and social assistance, shall be informed of the availability of such assistance and be readily afforded access to it.
- LEOs shall ensure that secondary victimization does not occur as a result of unprofessional policing practices.
- LEOs shall be trained in the needs of victims and shall be provided with guidelines to ensure proper and prompt aid.

▼ Box 18: How Can Law Enforcement Officials Respect, Protect and Fulfil the Human Rights of Victims? – Examples

Respect: Investigate all alleged crimes and human rights violations. Always show empathy, respect and compassion, to avoid secondary victimization. Understand that victims may choose not to cooperate fully with the law enforcement. Never blame a victim.

Protect: Effectively ensure the protection of victims, their families and witnesses. Fully inform them of potential threats, thoroughly determine their protection needs and carefully provide these, ensuring that no sensitive information is leaked.

Fulfil: Consider each action affecting a victim in a wider perspective, to ensure that no harm is caused. Develop protection plans together with the victims and others affected and listen to their concerns. Inform victims about health and social services and other relevant assistance available and facilitate their access to it.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Take responsibility for acquiring and developing professional knowledge and understanding of medical and psychological first aid, assistance for diverse victims, proper interviewing techniques, safety planning, confidentiality, judicial mechanisms and reparation options.

- Take adequate measures to avoid causing secondary victimization/retraumatization of victims.
- Do not discriminate against victims for any reason and ensure awareness of their different needs.
- Employ non-sexist and non-discriminatory language, attitudes and behaviours.
- Administer medical and psychological first aid as needed and provide emergency basic services such as food, water and clothing.
- Accompany victims to medical services and/or to the victim's residence, and offer to check the security of the premises and increase patrolling in the area.
- Inform all victims verbally and in writing, clearly and in a language they understand, of available legal, material, medical, psychological and social assistance, including safe houses. If they so desire, put them directly in contact with such assistance. Check with the victim by phone or face-to-face 24-48 hours afterwards to follow up on assistance sought and/or received.
- Carefully explain to victims their rights, including the rights to a lawyer, access to justice and reparations. Give full information about the role of and options for the victim in the criminal justice process, including the police investigation and formal and informal judicial mechanisms. Discuss the scope, timing and progress of such proceedings and the disposition of their cases.

- Explain to victims how to protect evidence and how to exercise their right to know whether the person who committed a crime against them is in custody.
- Keep records on victims secure and carefully protect their confidentiality. Inform victims of measures that will be taken to these ends.
- In cases in which victims or witnesses are collaborating with the investigation, take extra measures to ensure their safety and privacy, such as discussing threats, risks and other options with them and/or refraining from disclosing their names, addresses or other identifying information publicly or with other victims or witnesses.
- Return any recovered property of the victim as soon as possible after completing the necessary procedures.

2. Command and supervisory officials

- Act as a role model by treating all victims with full respect for their dignity and rights, including taking adequate measures to avoid discrimination and secondary victimization/retraumatization.
- Support the establishment of victim assistance units composed of LEOs (male and female), medical or paramedical professionals, social workers and counsellors, for rapid deployment and the provision of victim assistance on a daily basis.
- Assign designated LEOs as points of contact for victims, to handle all communications for the duration of each

case and follow and expedite all cases with a view to obtaining justice and reparations.

- Ensure due diligence, protection and privacy for victims in cases in which LEOs are accused as perpetrators.
- Protect victims, their families and witnesses by conducting threat and risk assessments and security planning. Implement measures to mitigate or manage risk, such as providing information on victim and witness protection, issuing panic alarms or mobile phones, and facilitating and enforcing protective orders, police escorts and relocation.

3. Law enforcement agencies

- Proactively engage in preventing crimes, abuses of power and human rights violations among the population, including through adopting an approach oriented towards community and problem solving, as well as decentralization.
- Ensure that all LEOs have up-to-date training and receive mentoring on victim assistance, including training on medical and psychological first aid, assistance for diverse victims, proper interviewing techniques, safety planning, confidentiality, judicial mechanisms and reparation options.
- Review all relevant policies, protocols and guidelines to strengthen agency responses to the rights, needs and concerns of diverse victims and, if necessary, develop additional or revise policies, protocols and guidelines.

- Establish the structures necessary to ensure the rights of victims, their families and witnesses, including a victims assistance unit, a unit responsible for investigating intimidation and reprisals and a policing board/community safety committee.
- Take measures to prevent and respond to vicarious trauma in LEOs and their families, including by providing in-service training on resilience, offering professional counselling and supporting a healthy work–life balance.
- Establish regular procedures to monitor, evaluate and improve victim assistance, including internal oversight and peer review mechanisms, customer satisfaction surveys and external evaluation by civil society organizations.
- Support a culture of victim- and community-centred policing by including competence in the treatment of victims in the terms of service, personnel assessments and promotion requirements.
- Establish a procedure for regularly informing victims, if they so desire, of the status of the investigation, including any new developments, and consulting them regarding their views, concerns, priorities and needs.
- Establish continuous and easily accessible mechanisms for victim assistance, such as a 24-hour hotline or online reporting tools.

- Enhance cooperative procedures, including a referral network, with legal, material, medical, psychological, social and other victim assistance agencies and programmes.
- Establish formal contacts with the rest of the criminal justice system, including courts, prosecutors, prisons and alternative mechanisms for dispute resolution, including mediation services and customary justice providers.
- Establish dedicated facilities for receiving victims of sexual, domestic and homophobic violence, where victims can be assisted in an environment that provides physical security and expert clinical and psychological care and where their dignity and personal welfare can be restored.
- Develop official victim assistance guidelines, ensuring prompt, proper and comprehensive attention to the legal, material, medical, psychological and social assistance needs of victims.

Part IV
Matters of Command, Management and Organization

19. Law Enforcement and Human Rights in Command and Control, Management and Organization

A. Essential Principles

- Command and supervisory officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.
- Command and supervisory 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, consistent with the high degree of responsibility required by their profession.
- Command and supervisory officials shall not commit any act of corruption. They shall rigorously oppose and combat all such acts.
- Command and supervisory officials are responsible for ensuring that their law enforcement agency is representative of and responsive and accountable to the community they serve. This entails regular consultations with the community on human rights concerns.
- The recruitment, hiring, assignment and promotions policies of law enforcement agencies shall be free from any form of unlawful discrimination.

- Clear, complete and accurate records shall be maintained on investigations, arrests, detention, the use of force and firearms, victim assistance and all matters relating to law enforcement activity.
- Training and clear guidelines shall be made available on all aspects of law enforcement activity affecting human rights.
- Law enforcement agencies shall make available a range of means for the differentiated and graduated use of force and shall train LEOs in their use.
- All incidents of the use of force or firearms shall be followed by reporting and review by supervisory officials.
- LEOs who refuse unlawful orders by supervisory officials shall be given immunity from punishment for such refusal.
- Confidential information is to be handled in a secure manner according to detailed, clear standing operational procedures.
- All law enforcement candidates shall be selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional training.
- All LEOs are to be subject to continuous and effective appraisal and review procedures.

- Law enforcement agencies shall develop strategies for law enforcement, which are effective, lawful and respectful of human rights.
- LEOs shall at all times respect the absolute prohibition of torture.

▼ Box 19: How Can Law Enforcement Officials Respect, Protect and Fulfil Human Rights in the Context of Command, Management and Organization? – Examples

Respect: Respect for human rights must be a guiding principle in the process of planning law enforcement operations.

Protect: Supervisory officials must always be aware of and exercise control and effective oversight over LEOs under their control. Senior LEOs must intervene immediately if actions by those under their control risk violating human rights.

Fulfil: Make strategic plans and policies available to the public, to ensure transparency. When selecting LEOs for a particular operation, ensure that they have received adequate training and have the skills and resources to handle the situation in accordance with human rights standards. If a human rights violation has occurred, senior LEOs must analyse the reason for the violation and ensure accountability of individual LEOs, and also take measures to ensure that any policy, internal regulation or command and control mechanism functions in a way that prevents any similar violation from taking place in the future.

- Command and supervisory officials should be held responsible for any serious human rights violations committed by officials under their command if they knew or had reason to know, in the circumstances at the time, that the subordinate was committing or was going to commit the violation and if they did not take all necessary measures within their power to prevent or repress it. Human rights violations that invoke such command responsibility include torture, disappearances, extrajudicial killings and the unlawful use of force.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Fulfil the duty imposed by law, by serving the community and by protecting all persons, without discrimination, against illegal acts, consistent with the high degree of responsibility required by the profession.
- Accept fully, and without reservation, the necessity and obligation to respect human rights during the course of unsupervised policing activities. This will be reinforced by attendance at training events, study and knowledge of the ethical standards in the law enforcement agency and compliance with human rights-based approaches instructed by supervisory officials.

- Never commit acts of corruption; rigorously oppose and combat all such acts.

2. Command and supervisory officials

- Apply a human rights-based approach to law enforcement, including in administrative processes, strategic planning, operations and accountability measures.
- Ensure all LEOs are aware of the contents of their agency's code of ethics, code of conduct and related internal guidelines and standing orders.
- Incorporate a human rights-based approach at the stage of planning an operation. Diligently consider any risks and potential human rights violations and ensure that LEOs under your command are trained, resourced and equipped to minimize those risks.
- Carry out periodic unannounced spot checks on detention facilities, police stations and substations, and inspect weapons and ammunition carried by LEOs to ensure that they comply with official regulations.
- Establish close cooperative relationships with other law enforcement agencies, judges, prosecutors, medical facilities, social service agencies, emergency services, the media and community organizations.
- Assess the knowledge and capacities of LEOs under your command to implement a human rights-based approach to policing. Where there are gaps in understanding and

implementation, advise the agency to provide further human rights training.

- Lead by example through your attitude and conduct to put into practice a human rights-based approach to policing.

3. Law enforcement agencies

- Develop a plan for periodic review of internal policies and regulations to ensure implementation of international human rights obligations and good practices.
- Issue clear and binding standing orders on respect for human rights in all areas of police work.
- Review the agency's code of ethics, code of conduct and related internal procedures to ensure consistency and clarity.
- Review the internal accountability system for human rights violations. As necessary, establish and announce an appropriate range of accountability measures for LEO violations, from suspension, pay docking and termination to criminal penalties for serious violations.
- Establish a professional standards unit within the organization that is assigned the specific task of investigating complaints against LEOs. Ensure that officials within this unit are carefully selected and thoroughly trained in investigating corruption, abuses of power and excessive or inappropriate use of force.

- Establish a human rights unit with responsibility to the review the implementation of international human rights obligations and international good practices. The unit should be tasked with reviewing any new orders, policies or directives and to recommend actions to the executive. A human rights unit should be placed high in the organizational hierarchy. The unit may include the post of human rights advisor with special expertise in the application of human rights law.
- Develop a system of indicators to measure human rights compliance of LEOs and link monitoring and review to remedial action, appraisals and promotion.
- Develop a plan to ensure that the composition of the law enforcement agency is representative of the entire community, and that there are fair and non-discriminatory recruitment and management policies in place.
- Develop careful screening processes for new recruits and promotion, and procedures for periodic assessment of all LEOs to determine appropriateness of character for law enforcement duties.
- Establish and enforce strict standard operating procedures for record-keeping and reporting, including disaggregated data to help identify trends.
- Develop specialized units to professionalize law enforcement attention to, for example, juveniles, victims, crowd situations, women's detention facilities and border control.

- Establish a confidential reporting system for "whistleblowers", to alert the organization about professional malpractice, misconduct or internal corruption; establish internal complaints mechanisms or a specialized unit dealing with complaints from LEOs.
- Provide opportunities for senior ranking LEOs to conduct job swaps or work-shadowing of senior leaders in other professions such as health, commerce or the voluntary sector. Such opportunities allow senior leaders to observe how management problems are resolved in other organizations as well as how other sectors manage and develop staff.
- Establish a leadership programme to inculcate the importance of human rights and professional standards into the occupational practice of LEOs already in supervisory positions, as well as the next generation of leaders in the law enforcement agency.
- Provide entry-level and continuous in-service training for all officials, emphasizing the human rights aspects of law enforcement work contained in this guidance and training package.

20. Rights of Law Enforcement Officials

A. Essential Principles

- Human rights derive from the inherent dignity that all human beings share equally.
- LEOs have the right to non-discrimination without distinction of any kind, such as race, colour, descent, national or ethnic origin, gender, religion, language, political opinion, property, birth or other status.
- Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his or her life.
- No one shall be subject to torture or cruel, degrading or inhuman treatment or punishment.
- LEOs shall, in principle, enjoy the same civil and political rights as others within a State's jurisdiction. Restrictions to these rights may only be made when they are necessary for the exercise of the functions of law enforcement in a democratic society, in accordance with the law and in conformity with international human rights standards.
- LEOs have the right to equality before the courts and tribunals. In the determination of any criminal charge against an LEO, or of his/her rights and responsibilities in a suit at law, the LEO shall be entitled to a fair and public hearing by a competent, independent and

impartial tribunal established by law and in accordance with international human rights standards.

- LEOs have the right to freedom of thought, conscience, religion and belief.
- LEOs have the right to privacy, including reasonable privacy at the workplace.
- LEOs have the right to freedom of expression, while respecting their role as law enforcement officials, which means they work in a politically neutral environment and while providing services they ensure the confidentiality of privileged information.

▼ Box 20: How Can Law Enforcement Officials Respect, Protect and Fulfil their own Human Rights? – Examples

Respect: Respect the human rights of other LEOs. In work relations, do not resort to violence, coercion or intimidation. Do not tolerate discriminatory practices in the workplace.

Protect: Stand up for the rights of other LEOs and speak out against discrimination and dangerous working conditions.

Fulfil: Ensure a fair system for recruitment and promotion that respects international human rights standards. Ensure that LEOs' right to reasonable working hours and a safe working environment are respected. Facilitate access to psychological counselling and other needed support services for LEOs who have suffered direct or indirect trauma.

- LEOs have the right to form or join trade unions, subject only to the rules of the organization concerned, for the promotion and protection of their economic and social interests, and where not lawfully restricted in accordance with international human rights standards.
- LEOs have the right to have reasonable working hours, adequate remuneration and fair working conditions.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Be fully aware of employment rights when joining a law enforcement agency, especially with regard to joining staff associations or trade unions that have been set up to protect employment rights and more general welfare in the workplace.
- Make records of any issues dealt with that may be contentious, or any order or command given that may be inappropriate or illegal. (This practice can help protect LEOs' rights when accused of misconduct, by providing written evidence.)
- Immediately bring to the attention of senior officials any breach of human rights, whether committed by a peer, a supervisor or another state official.

2. Command and supervisory officials

- Consider the duty to respect and protect the human rights of the LEOs you command as a priority issue in all planning and decision-making processes.
- Review employment practices, disciplinary procedures and promotion and staff development opportunities and ensure that they are in line with international standards, particularly the principle of non-discrimination and the fundamental political, civil and economic rights of LEOs, including the right to a fair trial.
- Actively work towards establishing and maintaining a culture of respect for the human rights of LEOs, through your own actions and instructions.
- Advise the law enforcement agency to have all LEOs go through routine medical checks focusing on reducing the risk of sustaining physical injuries.
- Respect the private communications of LEOs under your command. LEOs should have a reasonable expectation of privacy at their workplace.

3. Law enforcement agencies

- Ensure that the law enforcement agency has in place policies and procedures that ensure the protection of LEOs' human rights.
- Ensure that internal administrative processes, including recruitment, promotion and disciplinary proceedings,

respect LEOs' human rights and in general apply a human rights-based approach.

- Provide the necessary legal, medical and psychological support to LEOs who are victims of violence or ill-treatment.
- Engage mental health professionals to evaluate the law enforcement agency's existing psychological services and procedures and to revise or develop adequate guidelines to meet LEOs' needs.
- Develop guidelines on the collection of personal and biometric data from LEOs and ensure that procedures respect the right to privacy.
- Provide in-service training to all staff in equality, diversity and human rights and ensure that all staff are equipped with professional knowledge concerning both national and international law on human rights, as well as local employment law.
- Provide annual in-service training on mental wellness for all officers.
- Provide annual health and wellness checks for all officers.
- Develop a code of ethics for the law enforcement agency that is distinguishable from disciplinary instruments. The code should be developed in a participatory and inclusive manner to ensure ownership across the agency.
- Ensure that internal regulations and procedures on disciplinary investigations and sanctions are clear, accessible and known to all LEOs.

21. Accountability for Violations of Human Rights by Law Enforcement Agencies

A. Essential Principles

- LEOs 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 LEOs.
- LEOs who have reason to believe that a human rights violation has occurred or is about to occur shall report the matter to their supervisor or through other established mechanisms or procedures.
- Provision shall be made for the receipt and processing of complaints against LEOs by members of the public, and the existence of the provisions shall be publicized.
- Investigations into alleged violations shall be prompt, competent, thorough and impartial.
- Investigations shall seek to identify victims, to recover and preserve evidence, to discover witnesses, to discover the cause, manner, location and time of the alleged violation, and to identify and apprehend alleged perpetrators.

- Supervisory officials shall be held responsible for violations and abuses they commit as well as those committed by their subordinates if the supervisor knew or should have known of their occurrence and did not take appropriate action.
- LEOs are to enjoy immunity from prosecution or discipline for refusing unlawful orders from a superior.
- Obedience to superior orders shall not be a defence for violations committed by LEOs.

▼ Box 21: How Can Law Enforcement Officials Respect, Protect and Fulfil Human Rights in the Context of Accountability? – Examples

Respect: Ensure non-discrimination in access to complaints mechanisms. Be open to dialogue and criticism. Take all complaints seriously and investigate their merit thoroughly.

Protect: Protect people from intimidation in their endeavours to hold an LEO accountable.

Fulfil: Ensure an effective system of internal and external accountability. Ensure that all parts of the institution fully cooperate with all types of oversight mechanisms in a constructive and transparent manner. Be responsive to concerns and complaints from the public, for example, by providing an online feedback mechanism.

B. Practical Recommendations

1. All law enforcement officials deployed on operational duties

- Take responsibility for acquiring and developing professional knowledge and understanding of individual responsibility for human rights violations and individual and institutional accountability mechanisms.
- Be aware of the professional duty and legal responsibility to report any human rights violations committed by colleagues, including senior officials of your agency.
- Be fully aware of the mechanisms and reporting systems available to members of the public who wish to make a formal complaint about infringement of their human rights by LEOs.
- Provide accurate and helpful information to the public on how to access such reporting systems.
- Cooperate with civil society, representatives of local media and community leaders as part of daily work, to ensure public accountability.

2. Command and supervisory officials

- Ensure that the public is informed about the decisions taken and implemented on ensuring accountability concerning violations of human rights. Inform them of improvements carried out to avoid repetition.
- Promote an organizational culture in which it is considered unprofessional and unsafe from a career

path perspective to resort to violation of human rights or other misconduct.

- Monitor and support LEOs to ensure that they have necessary equipment, training and understanding of their tasks to carry out their duties in conformity with international human rights standards.
- Initiate and/or support the investigation of any alleged violation of human rights, including violations of internal standing orders, codes of conduct or any other regulations that have an impact on human rights.
- Be firm, fair and consistent with respect to internal (disciplinary or administrative) accountability processes. Closely monitor those that could evolve into human rights violations.
- Have in place and oversee mechanisms for the control, storage and issuing of weapons and ammunition.
- Carry out periodic, unannounced visits to detention facilities, police stations and substations. Inspect weapons and ammunition being carried by LEOs to ensure that they comply with internal regulations. Take appropriate action to rectify problems.
- Emphasize that all LEOs have both the right and the duty to defy unlawful superior orders, and to report such unlawful orders to a higher official at once.
- Provide support to any investigation being conducted by an external oversight mechanism, including national human rights institutions.

- Never retaliate against an LEO who raises an issue of accountability with more senior LEOs. Foster a culture in which accountability issues, questions and concerns are discussed openly.

3. Law enforcement agencies

Ensure that the law enforcement agency has integrated respect for international human rights standards as a key organizational goal.

- Ensure that the law enforcement agency has established a code of ethics that integrates respect for international human rights standards as key organizational value.
- Ensure that the law enforcement agency has established a code of conduct that integrates international human rights standards as a key component of the organization's professional standards.
- Ensure that the law enforcement agency has integrated international human rights standards in all internal policies and guidance, including in standard operating procedures and codes of practice.
- Ensure that specific guidance, such as in standard operating procedures or codes of practice, exists in all key areas, including those concerning arrest, detention, stop and search, the use of force, policing public assemblies, handling of police complaints, investigation procedures, and interviewing suspects, victims and witnesses.
- Provide in-service training on human rights for all LEOs upon recruitment and periodically thereafter,

including for senior officers. Ensure that the training allows for all LEOs and other staff to develop the competencies required to uphold international human rights standards, including knowledge, understanding, attitudes and values, as well as practical skills.

- Initiate a robust internal inspection and compliance regime that will identify and address any shortcomings in policies, internal guidelines or the delivery of human rights protections by personnel within the organization.
- Establish a system for the collection, analysis and publication of disaggregated data in relation to law enforcement operations.
- Provide LEOs who act as whistleblowers with robust and effective professional and legal protection to ensure that they do not suffer any negative consequences to their earning capacity or career advancement as a result of their having reported wrongdoing.
- Establish an accessible mechanism for the receipt of complaints by members of the public, and fully investigate all such complaints and provide redress as appropriate. Inform the complainant of the outcome.
- Provide clear guidelines on the preparation of reports, the collection and preservation of evidence and procedures for protecting witness confidentiality.
- Ensure that supervisors carry out investigation of alleged human rights violations that emanate not only from the public but also from other LEOs and from

detainees. Have a mechanism in place that allows LEOs and detainees to file complaints to the supervisors.

- Develop careful screening processes for new recruits and periodic assessments of all LEOs, to determine appropriate attitudes, skills and behaviour as per the Code of Conduct for Law Enforcement Officials and internal law enforcement codes.
- Issue a clear statement of policy, and corresponding orders, requiring full disclosure and the cooperation of all officials with both external and internal oversight mechanisms. Enforce sanctions for interference or non-cooperation with external or internal accountability mechanisms.
- Ensure cooperation with the national preventive mechanisms and allow for monitoring of all detention facilities. Support international monitoring mechanisms and accommodate their visits to all places of detention, including (but in no way limited to) police stations and substations.
- Remove from service any official implicated in a human rights violation, pending the outcome of an appropriate investigation. If the official is found guilty (after the decision of a judicial authority), criminal and disciplinary sanctions should be imposed. If the official is not found guilty, their name should be cleared and all benefits should be restored to them. An acquittal in judicial procedures should not stop investigation under the administrative/disciplinary procedures. Nis ium ut dus ant que nias vit omnis estibus.

HUMAN RIGHTS AND LAW ENFORCEMENT

Pocketbook on Human Rights for Law Enforcement Officials

The *Pocketbook on Human Rights for Law Enforcement Officials* forms part of the revised "Human Rights and Law Enforcement Guidance and Training Package". Following the success of the previous edition, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has revised and restructured the Pocketbook to make it a more readily accessible and user-friendly reference tool for law enforcement officials. While the Pocketbook provides an overview of international human rights standards for law enforcement, it can also be tailored to a particular law enforcement agency's local context. The international standards can, for example, be complemented with references to national laws, internal policies or standard operating procedures. The Pocketbook includes hundreds of point-form standards and recommendations, organized according to law enforcement duties, functions and topics.

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