

## New Tactics - Tactical Dialogues

### Training Law Enforcement for Prevention of Ill-Treatment and Torture

From **November 18 - 24, 2009** we had the unique opportunity to host an on-line dialogue featuring **Training Law Enforcement for Prevention of Ill-Treatment and Torture**. The dialogue featured law enforcement professionals, torture prevention organizations and torture treatment and rehabilitation programs from around the world sharing effective ways of bridging the challenges law enforcement face and citizens they serve ([click here - http://www.newtactics.org/en/node/8277](http://www.newtactics.org/en/node/8277) for more biographical information on these featured resource practitioners). Read the summary of this week-long exchange below.



Image: The image (right) is from the [Police Training Tactical Notebook \(http://www.newtactics.org/en/PoliceTraining\)](http://www.newtactics.org/en/PoliceTraining) and captures two police officers in Thailand conducting a role-play in front of their colleagues at a Training of Trainers.

### Summary of dialogue [There are a total of 165 comments in this dialogue]

The New Tactics on-line dialogue “Training Law Enforcement for Prevention of Ill-Treatment and Torture” examined the various aspects of training methodologies and its significance to help upgrade and develop law enforcement officer’s capacities to better perform their role in preventing or at least diminishing torture occurrences. The dialogue adopted five main themes that embodied the most relevant issues relating training with both law enforcement and torture prevention, under each theme the dialogue was open for comments from eight featured law enforcement experts and six non-governmental organizations who represent different fields of expertise concerning the issue at hand. It was also open for the New Tactics general community and public interested in the topic to participate with their comments and ask questions about one or more of the themes pursued in the dialogue.

#### **Theme 1: Law Enforcement Training Components:** (<http://www.newtactics.org/en/blog/new-tactics/training-law-enforcement-prevention-ill-treatment-and-torture#comment-3172>)

This major theme area of law enforcement training components was a pressing topic to share questions, ideas, stories and experiences regarding law enforcement training components, such as: Materials and Knowledge content, Hands-on, Practical content, Rule of Law and Universal Integration. Throughout the dialogue duration these issues were covered:

- [Good investigative techniques can reduce torture cases.](#)
- [The role of managerial level within the police to help limit malpractices.](#)
- [How the public need for quick responses towards crimes committed can affect police performance.](#)
- [Community policing can provide the means for addressing community demands for speedy action.](#)
- [The importance of depoliticizing police to guarantee their serious devotion to the community.](#)
- [Police training should encompass professional and human rights aspects, soft skills and legal knowledge and include civilian staff trainers.](#)
- [Human rights advocates are maybe most efficient when they help police trainers in improving their training, rather than perform as trainers themselves.](#)
- [Structural changes within the police is crucially needed with Training to have substantial impact upon police performance.](#)

#### **Theme 2: Accountability and Impact:** (<http://www.newtactics.org/en/blog/new-tactics/training-law-enforcement-prevention-ill-treatment-and-torture#comment-3173>)

In this theme the dialogue explored aspects of accountability and how training can and does impact the official mechanisms of accountability and how law enforcement trainings address the role of official mechanisms of accountability; and the often raised dilemma of “security versus human rights”. In this context there were several inputs regarding the following issues:

- [Greater publicity can improve the conditions under which policing and security work occurs.](#)
- [Effective police accountability should involve internal as well as external actors.](#)
- [Using videos of officers on trial for human rights violations in order to dissuade others from misconduct.](#)
- [Involving the community in understanding the roles of the police and having an investment in their police services.](#)
- [Using civil lawsuits to obtain reparation for survivors of human rights abuses and to challenge the impunity of their abusers.](#)

**Theme 3: Challenges of Access, Credibility, Contradictions and Structures:** (<http://www.newtactics.org/en/blog/new-tactics/training-law-enforcement-prevention-ill-treatment-and-torture#comment-3174>)

In the area of challenges, ideas covered were related to how human rights professionals can gain access to law enforcement structures and trainees and what makes human rights professionals credible in the eyes of law enforcement when they provide training. In that context the following topics were covered:

- Real and useful access may happen where there are truly motivated officers and structures for reforms concerning policing and human rights.
- Support of human rights issues can be a mixture of external and internal pressure.
- Incentives can be very useful for police officers to respect human rights.
- The need to inform LEOs that violators of human rights will not be supported by their superiors when they become disclosed.
- State security (war against terrorism) is a concept that can entail human rights abuses in many countries worldwide.
- It is critical to have a sound understanding of what policing is all about.

**Theme 4: Concerns of Law Enforcement Officers Themselves:** (<http://www.newtactics.org/en/blog/new-tactics/training-law-enforcement-prevention-ill-treatment-and-torture#comment-3175>)

This theme focused on concerns of law enforcement officers themselves, taking into account their rights, and how are concerns and rights of individual law enforcement officers regarding such areas as pay, time-off, working conditions, equipment, disciplinary actions and grievance procedures, etc., addressed in trainings. The following issues were discussed:

- Training can explore the ethical structure of law enforcement practice.
- Addressing traumatic stress and burnout issues.
- Law enforcement officers' entitlement to get fully paid holidays and vacations.
- The effect of over work and poor conditions on LEOs attitudes and performance.
- The need to be training new police officers in healthy coping and positive resilience.
- Importance of the human rights of police to promote well being and reinforce a culture supportive of human rights within police agencies.

**Theme 5: Stories of Impact and Effectiveness** (<http://www.newtactics.org/en/blog/new-tactics/training-law-enforcement-prevention-ill-treatment-and-torture#comment-3176>)

In this theme the dialogue shared stories, questions, ideas, and experiences regarding impact and effectiveness of human rights training and education initiatives to make a difference and what was useful in helping to identify impact and effectiveness, and mentioning stories of success in preventing ill-treatment and torture. In this respect several ideas were presented:

- The significance of trying to measure the impact of training on LEOs.
- Human Rights training can be more effective when conducted within a decision-making level of officials.
- Successful tactic was encouraging LEOs to learn by teaching.
- Media is effective in supporting training in human rights.
- The definition of torture, Torture and ill treatment are not the same.
- Government obligations to protect its citizens and/or those in its borders.

**Useful resource links related to the themes discussed:**

- Video: Community Oriented Policing in Bangladesh implemented by The Asia Foundation (<http://www.youtube.com/watch?v=LzlhvqhsCyl>)
- Article: The Human Rights of Police Under the International System for the Protection of Human Rights (<http://www.newtactics.org/sites/newtactics.org/files/The%20Human%20Rights%20of%20Police.pdf>)
- Police Tactics as Protests: Monitoring how well police comply with training In Australia ([http://www.activistrights.org.au/cb\\_pages/police\\_tactics.php](http://www.activistrights.org.au/cb_pages/police_tactics.php))
- Difficulties faced when activists use the courts to pursue their legal rights under civil law
- Discussion Tools: A police and human rights trainer's manual: 15 ideas to encourage police officers ([http://www.activistrights.org.au/cb\\_pages/police\\_complaints.php](http://www.activistrights.org.au/cb_pages/police_complaints.php))
- Government-imposed restrictions on access by journalists and humanitarian workers:
  - Article: Australia's Papua stance not helping Indonesian democrats (<http://www.etan.org/et2006/april/15/20auspap.htm>)
  - Press Statement of the Special Representative of the Secretary General on the Situation of Human Rights Defenders, Ms Hina Jilani, concluding her visit to Indonesia (<http://www.un.or.id/press.asp?Act=1&FileID=20070612-1&lang=en>)
  - Article: Indonesia: Violence and Political Impasse in Papua
- Learning the art of policing:
  - Book Review: Fair Cop: Learning the Art of Policing (<http://www.accessmylibrary.com/article-1G1-139784498/fair-cop-learning-art.html>)
  - Amnesty Int'l Police and Human Rights Program ([http://www.amnesty.nl/bibliotheek\\_vervolg/police\\_and\\_human\\_rights](http://www.amnesty.nl/bibliotheek_vervolg/police_and_human_rights))
  - Presentation: The Role of the Police in Upholding Human Rights (<http://www.newtactics.org/sites/newtactics.org/files/The%20Role%20of%20Police.pdf>)



## LAW ENFORCEMENT TRAINING COMPONENTS

Submitted by New Tactics on Tue, 11/17/2009 - 14:38.

In this major theme area of **law enforcement training components**, please share your questions, ideas, stories and experiences regarding the following areas of law enforcement training components:

- **Materials and Knowledge content**
  - What are the questions raised and experiences regarding the effectiveness of human rights training content versus professional training content (e.g., how to conduct an interview of a criminal suspect and collect other evidence, etc.)?
  - Legal content - Is it a necessity to have law enforcement officers (LEOs) legally educated? If so, what are good models for framing the legal background of law enforcement officers?
- **Hands-on, Practical content**
  - Are there examples that show how training is effective on topics of human rights that combine LEOs with legal practitioners and civil society representatives?
  - How can hands-on training play a leading role of mutual awareness raising for both LEOs and the community to practically and institutionally understand and respond to the rights-obligation equation for every community member?
- **Rule of Law and Universal Integration**
  - What benefits are seen with models providing opportunities for universal integration – exchanges with other professionals from other countries - and developing more professional ties to help law enforcement organizations refrain from human rights abuses?
  - How might methods of isolation (or sanctions) - keeping law enforcement officers and organizations isolated from international attention and connections - help or hinder their ability to address abusive practices within their own communities?

### Good investigative technique can reduce human rights violations



Submitted by ClintonFernandes on Tue, 11/17/2009 - 23:47.

One point worth making is that in many cases the community demands timely redress when crime (burglary, assault, etc) occurs. In the absence of timely redress (offenders prosecuted, property returned), it is the community itself that begins to tolerate human rights violations by insisting on swift action. Police officers can sometimes feel under pressure to deliver results quickly, hence - however reluctantly - they may engage in questionable conduct in order to satisfy the community.

If police are trained professionally with good investigative technique, they'll be able to deliver results without having to engage in such conduct.

Therefore, professional training content forms part of a continuum along with human rights training content; they aren't two totally different entities.

### Yes, but not every country is able to provide such training



Submitted by eommar on Tue, 12/01/2009 - 09:42.

Yes, the police might be trained professionally to get quicker results but not every country is able to provide such efficient training, also it is a matter of tools and equipments , in many countries police have a dire situation and poor conditions of their equipments added to the lack of professional training, here the only way to quicken the results of open crimes could be violent tactics to force confessions... usually this happen in many countries of the world, where the mechanism of law enforcement accountability is relatively weak and biased.

### And follow up by police managers!



Submitted by Anneke Osse on Wed, 11/18/2009 - 02:39.

I totally agree that knowing how to conduct a criminal investigation is crucial for preventing human rights violations. Yet, it is not sufficient. Nowadays there is ample information on how to conduct criminal investigations professionally and in line with human rights law, and this information is in fact accessible also to countries facing less resources. Yet too often police, and indeed the public, prefer the quick route, rather than taking the professional way. The quick route leads to being able to arrest someone and get him (usually him, sometimes her) to confess, regardless of whether he or she is indeed the offender. The professional route is about conducting a professional criminal investigation that is aiming to reveal the truth,

Yet, all too often the problem seems to be that police do not apply the skills they have been taught, and supervisors and police managers don't mind. Indeed, the supervisors themselves frequently urge their staff to solve the case quickly (more or less 'no matter how'). So, the problem is not just about training, it's far more about ensuring that what is trained is indeed applied. And this is primarily a management responsibility.

### Community pressure for justice & an idea for an alternative



Submitted by npearson on Wed, 11/18/2009 - 11:47.

The point you've raised here is very important for considering potential alternative avenues for individuals and communities to gain redress. You stated:

**Clinton Fernandes wrote:**

Police officers can sometimes feel under pressure to deliver results quickly, hence - however reluctantly - they may engage in questionable conduct in order to satisfy the community.

There may be many examples around the world of this downward cycle of such community demands for speedy action and justice which in the end, unfortunately results in less justice and increased police practices of brutality to obtain confessions.

This has certainly been a challenge in communities in Nepal. I'd like to share a creative alternative implemented by the Center for Victims of Torture in Nepal (CVICT) which is shared in depth here in on of New Tactics tactical notebooks: [Access to Justice: Creating local level, citizen action mediation bodies to ensure human rights.](#)

CVICT implemented a rights-based community mediation system to settle local, non-criminal disputes. This has been a highly innovative prevention tactic to keep people from being beaten or tortured into giving confessions.

These rights-based community mediation bodies provide a powerful additional benefit to the police themselves. It reduces the burdens on police because the community no longer brings many of their non-criminal complaints to the police at all. Some of the kinds of issues dealt with by the mediation bodies are: fighting, quarrels and verbal assault, other domestic violence, property related (partition & rights), marriage and divorce related, discrimination (gender, caste, etc.). economic transactions, land/boundary related, etc.

In the districts where the mediation bodies have been instituted, the police themselves have become very supportive of the process. It has provided the police with more time, energy and resources to actually solve crimes that cannot be handled in the mediation bodies. CVICT took great care to liaise with the police and the judicial system to ensure that disputes that could not be resolved through the community bodies could be officially referred to the police and judicial process for action.

It is important to note that in Nepal, community policing is not part of the police force mandate, so even when police have been successful in resolving cases in this way, it is outside their mandate to do so. Therefore, CVICT tried this alternative.

I would be interested to hear from others regarding:

- Are you involved in community policing training and implementation methods?
- Does community policing help answer the community demand and pressure for speedy action and justice - as a preventive measure against police abuses?
- Are community policing methods successful in taking care of many of "lower level" kinds of community disputes and tensions before they lead to greater crimes?

Nancy Pearson, New Tactics in Human Rights Program Manager

### Reply relative to community policing

Submitted by philyons on Wed, 11/18/2009 - 20:40.



I direct one of the original regional community policing institutes established by the COPS Office (Office of Community Oriented Policing Services, US DOJ) more than a decade ago. In response to your question, I think community policing can provide the means for addressing community demands for speedy action, most directly through educational efforts. Much of COP outreach to communities involves informing them about the limits on what the police can do. Educating the community about due process, human rights, and so forth can reduce some of the pressure the community would otherwise exert. I think it's unnecessary to assume that community expectations are fixed. They are dynamic and can be affected by efforts on the part of police.

As for the success of COP in addressing public order issues, I think the evidence is pretty clear, if for no other reason than that such offenses are not considered appropriate foci of traditional policing (which focuses, instead, almost exclusively on the most serious offenses). These offenses are "legitimate" concerns under COP, but not under other strategies.

### Community Policing: the alternate idea to ensure justice



Submitted by Mir Rakib Ahsan on Thu, 11/19/2009 - 00:36.

Many thanks to Nancy for sharing CVICT activities and Nepal experience. I have had opportunity to meet and talk with senior police officials of Nepal and visit some field level activities of community policing. One thing I like most in Nepal is there are some committees that have initiated to address community problems in general not particularly focus in community policing. Later at some point they included community people's security and justice issues and extended their activities in community policing. Though community policing is not part of police force mandate

that you have mentioned, but I noticed police always keeps their eyes open to provide assistance to the communities. In some police station they established separate unit to deal family disputes particularly violence against women.

I'm trying to respond to the issues that you are interested to listen in Bangladesh perspective.

Involvement in community policing training: I have been involved in community policing training and implementing methods since last five years. It was a huge challenge at the beginning to convince police about the training. There are one police academy and seven police training schools in Bangladesh. Academy is for senior police officers, and schools are for junior officers and front line staff. The first reservation from police was we have enough training scopes within our facilities why you are proposing for another training. And secondly, we are doing community policing since a long so this experience is enough to implement the program. Interestingly those two are not much valid questions. Because community policing issues were not incorporated in regular police training. "Community policing" that police are talking was focused to night patrolling.

Does community policing help to answer community demands: *Shalish*, the traditional mechanism of dispute resolution that works as Alternate Dispute Resolution (ADR), is very popular in my country. One of the biggest constraints of this process is all the panel members are from influential people of the community. In such cases community policing mechanism has gradually been popular for answering community demands. Regarding preventive measures against police abuses, still this method is not well enough. We have experienced several abuses during the time of caretaker government which was widely discussed at the national level but no ready has found yet.

Are community policing methods are successful: Answer to this query is "Yes". The first evidence we found from the record file of respective police station where number of cases that filed before implementation of community policing program has reduced noticeably. Officers also confirm now before register any complain they check if the issue was raised to local community police forum (CPF). Community people of the areas, which are not covered by community policing activities, has realized the benefits and have started to implement this program.

More thoughts of me will follow later.

Thanks,  
Rakib

Mir Rakib Ahsan  
Senior Program Officer, Rights and Criminal Justice  
The Asia Foundation, Bangladesh

## community policing training and implementation



Submitted by ninasingh on Sat, 11/21/2009 - 22:13.  
Mir Rakib,

Thank you for sharing the experiences of community policing in Bangladesh. I believe Bangladesh is making excellent efforts in community outreach as well. I have following queries:

1. What is the content of community policing training? Is it related to behavioral and attitudinal change or much more than this? Is it a mandatory training for all and what is the duration?
2. What has been your experience with ADR? Aren't there allegations of non registration of crimes in the police stations (what we call 'burking' in this part of the world)?
3. Do you register criminal cases if ADR is not successful? What is the supervisory mechanism of ADRs?
4. How do the judiciary view ADRs? Is there a legal mandate for this?
5. Do you train community members especially the groups involved in the process of ADRs?

Nina Singh, (India), Inspector General of Police, Rajasthan, Indian Police Service (IPS)

## Training content and ADR



Submitted by Mir Rakib Ahsan on Sun, 11/22/2009 - 23:10.  
Dear Nina Singh,

Nice to read your different opinions and experience. Followings are my responses regarding your queries.

**Q1:** Contents of the training are:

- **HR protocols:** Presentation on five HR protocols, CEDAW, CERD, CRC, ICCPR, and ICESCR.
- **Community policing:** what is community policing, what is not community policing, difference between traditional policing and community oriented policing, why it is important, why community policing forum (CPF) needed, how it construct,

- **What is happening in the field:** Share some practical experience what is going on the field by senior police officer at the district level and by implementing NGO staff. [A field visit is organize to a nearby CPF from the training venue]
- **Group exercise and presentation:** Different topics have chosen for different session, i.e. community problem mapping, way to build trust between police and community, develop an effective community awareness campaign, seeking for common ground.
- **Role play:** One example; participants are asked to work on a community problem as human rights activists, journalist, HR commission member, civil society organization member, community people, police. They analyze the problem and then organize a press conference in a group to the audience.
- **Way forward:** Synopsis of participant's comments and experiences from the training.
- **Training evaluation:** An evaluation questionnaire of close ended and open ended is provided to the participants to get their feedback.

*Energizers have demonstrated whenever facilitator feels.*

Duration of each training is for 3 days and it is mandatory for all sub-inspectors if the particular police station has been selected.

**Q2:** Each CPF formed a special committee on ADR. Normally this committee consists by 5 knowledgeable CPF members. We provide training to ADR committee members on basic law. In general family, land and inheritance related problems the highest that come to the ADR committee.

ADR committees are not authorized to deal murder, rape and acid throwing cases. This should be filed to the police stations. Committee basically deals with above mentioned petty cases of family, land and inheritance related issues. If such of cases comes for register police will check with CPF whether it has placed in the CPF first.

**Q3:** Yes, only when ARD committee fails to resolve it. But before that there should be a clear evidence of their effort to resolve the problem. CPF convener, ADR committee chair, assigned Sub-inspector of police for the CPF, and one implementing NGO personnel supervise and monitor the whole process.

**Q4:** Though there is no legal mandate but because of long pending of cases judiciary system always encourage people to solve the petty problems locally.

**Q5:** Yes, we have a working partnership with some legal service providing organization to provide trainings to them.

Very sincerely,  
Rakib

Mir Rakib Ahsan  
Senior Program Officer; Rights and Criminal Justice  
The Asia Foundation, Bangladesh

### Community policing video link



Submitted by Mir Rakib Ahsan on Mon, 11/23/2009 - 02:09.

It's my pleasure to share a video link to you all about Community Oriented Policing in Bangladesh implemented by The Asia Foundation.

Regards,  
Rakib

<http://www.youtube.com/watch?v=LzlhvqhsCyl>

Mir Rakib Ahsan  
Senior Program Officer; Rights and Criminal Justice  
The Asia Foundation  
Bangladesh

### Thank you for the video!



Submitted by kantin on Mon, 11/23/2009 - 11:34.

Thank you, Rakib, for sharing the link to the your YouTube video! I have added this video and other resources shared in this dialogue to the New Tactics group space of 'Police Training.' Please [join this group](#) if you haven't done so already, to continue sharing resources, tools and stories.

Do participants have other online videos that they would like to share? Perhaps videos that are used *in* trainings? Thanks!

Kristin Antin, New Tactics Online Community Builder

## Thanks Mr Mir Rakib



Submitted by ninasingh on Mon, 11/23/2009 - 07:50.

Thanks Mr Mir Rakib. Where do I get more resources regarding this interesting initiative in Bangladesh?

Nina Singh, (India), Inspector General of Police, Rajasthan, Indian Police Service (IPS)

## Community demands and pressures



Submitted by CHigson-Smith on Thu, 11/19/2009 - 02:15.

In reply to Nancy Pearson's questions about whether community policing can answer the community's demand and pressure for speedy action and justice, thus preventing human rights abuses by police, it is worth pointing out that community demand is a very sharp, two edged sword. Currently in South Africa many community members and leaders are very afraid due to violent crime and are urging police in precisely the opposite direction. They use the language of "a war on crime" to encourage and justify the police's use of excessive force. It is not hard to see how this can also happen in a world in which a totalitarian regime has brought stability at the cost of freedom and human rights.

As human right's activists I think it would be a mistake to assume the broader community is always on our side!

## Community Policing - bridging community & law enforcement



Submitted by eommar on Thu, 11/19/2009 - 08:35.

Community Policing is a great way of abridging the distance between a community and their law enforcement agency, I experienced it first time I was a liaison officer in UN mission to Namibia, and one of my duties was having that community policing methodology improved within police setting in my region there, also I sort of had the same work secondly in Bosnia in 2001-2002, and my observation are as follow:

1. Community policing is an effective tool to alert police always of their tight linkage to their communities, and that they are not an "imposed authority" over them.
2. It embodies the fact that law enforcing is a societal tool to keep the society stabilized, so it part of the society and not "alien body"
3. It raises the fact of LE agency accountability to its society , and consequently to the law that that society has developed to protect its entity.
4. Creative application of community policing eventually brings better understanding of police mission to the community which police serve, and this is a vital issue if we need to have mutual understanding between police and community.
5. That mutual understanding would lay good foundation for mutual understanding of the obligation-right equation that bond them both together in one boat.
6. It is a nice tool and reminder that the police is there for the community, which may help marginalize other misconceptions such as the police is to serve the ruling system or party.
7. Politicized police is a plague, and community policing is a way to keep it from being political entity and keeps it in the circle of community civil service.

I have my impression based on tangible development line of police performance after adopting such a community-based activity and think that human rights cause will be the first beneficiary of community policing.

## Community demands and pressures



Submitted by violetk on Tue, 11/24/2009 - 13:15.

Yeah, that is a very helpful question by Nancy 'whether community policing can answer the community's demand and pressure for speedy action and justice, thus preventing human rights abuses by police.'

Malawi is one of the countries in Africa which prior to the advent of democracy (1994), suffered the curtailing of human rights while being led by a dictator. The Constitution had no Bill of Rights and nobody spoke of rights. The government was very good at infringing people's rights and the Police were one of the main vehicles through which most people's rights were violated. Suspects were subjected to police brutality and in most cases treated as guilty even before it had been proved so by a court of law. Confessions were obtained through the use of force in most cases and it was normal to be beaten by police once arrested. The transition to democracy sought to turn this around and put a stop to torture and infringement of prisoner's rights. Programs were set up through the help of foreign aid specifically to educate law enforcement officers to protect and enhance human rights in their work. Such programs were also done through local NGOs like the Malawi Centre for Advice, Research and Education on Rights (CARER), which provided paralegal assistance to prisoners and monitored prison situations, including the conduct of police. However once the attitude of Police over prisoners began to change, the public did not understand that everyone had the right to a fair trial and not to be subjected to inhuman, cruel or degrading punishment, whether or not they were guilty. As such human rights NGOs began to face criticism that they were meddling with the police and hampering 'justice' by protecting criminals more that they cared about victims' rights. The general belief is that criminals should not have rights so once suspects are released on bail, the public thinks that the police and the courts are being lenient on dangerous criminals who end up committing more crime once released. As such over the years there has been a rise in things like protest against the police and mob justice that sometimes when one is caught committing a crime, say stealing, they are beaten, stoned or torched to death

by the public who believe that prisoners' rights will lead to the release of that person at the expense of the victim's rights. The public simply lost trust in the police and the entire justice system.

As away of enhancing cooperation, trust and collaboration between local communities and the police service, community policing was introduced in Malawi. The inclusive nature of this program has in a way helped society to understand that they can also play a big role in curbing crime and ensuring that communities are safe and secure. While the police are trained in good policing practices pertaining to human rights, the public is also educated on the concept of universal human rights and institutional justice. Slowly, both the police and the public are beginning to understand that infringement of the rights of suspects nor taking the law in one's own hands, does not necessarily curb crime. As such, high ranking officers do publicly condemn acts of police brutality although the ones that actually deal with suspects sometimes still tend to disregard the commitment to protecting the rights of all, in an attempt to yield to the public outcry that criminals are not being dealt with 'accordingly'. There is therefore a very big challenge for more education on universal rights and more resources on enhancing public participation in curbing crime.

### Community Policing example in Malawi



Submitted by npearson on Tue, 11/24/2009 - 14:16.  
Violet,

Thank you very much for sharing this excellent example from Malawi. I am struck by the very difficult cycle that gets set in motion: police are used as a repressive political tool; police apply repressive techniques to general crime (coerced confessions); the public comes to expect ill-treatment from police; public loss of trust in the police and judicial system; the public responds with acts of mob justice to gain "instant justice".

I also found it very interesting that the public perception that human rights organizations advocating for rights were perceived as actually standing in the way of justice. The public mind set had become so convinced that anyone arrested MUST be guilty of "some" crime and were therefore not entitled to rights but perhaps "deserved" to be beaten, tortured.

Perhaps in psychological terms, this can be seen as an important "defense mechanism" that allows ME (as a human being) to separate from and pretend that those who are beaten, ill-treated, tortured, are not really human (they are "other"), they are "bad" (criminals), and therefore not deserving to be treated with the same dignity and respect that I deserve. It also provides ME with a false sense of security, that I can be in "control" and be "assured" that this will not happen to ME (as a "good citizen").

Nancy Pearson, New Tactics in Human Rights Program Manager

### Community Policing Mandate



Submitted by ninasingh on Sat, 11/21/2009 - 22:16.

Policing itself is a community service and community orientation is essential from the stage of basic training of the police i.e after the recruitment. However the in service training should take into account the following observations:

1. Community policing should ideally be facilitative and complementary both for police as well as community. The fundamental task of police is safety and security of the community and maintenance of public order. Unfortunately, often under the garb of community policing political and social dynamics within the community becomes upstage. These are also reflected in several decision makings at the cost of jeopardizing the delivery of justice to victims. **Therefore there is a simultaneous need of training the community about their roles and expectations.**
2. Community policing should also be mandated by law of the land because in many countries the courts have objected to the 'mediation' by several community groups that primarily aim to facilitate justice at the grassroots level.
3. The mandate of community policing should be clear in terms of the areas of interference. Often community policing has been helpful in collection of intelligence, negotiations during law and order situations, counselling of victims as well as solving petty disputes. Yet there have been instances where serious crimes such as rape was not registered in the police station because the community liaison group of the police station decided against it.
4. The resistance within the police to outreach the community also needs to be addressed. It is here that the role of 'soft skill' training comes.

Community policing also requires enormous resources and often police officers look at it as additional burden, therefore for community policing to be successful there is the need to augment the resources in the same proportion.

Nina Singh, (India), Inspector General of Police, Rajasthan, Indian Police Service (IPS)

## Domestic violence is crime



Submitted by Anneke Osse on Fri, 11/20/2009 - 03:48.

Thanks Nancy, for [your contribution](#). I agree that is worth studying alternative methods for providing justice which can indeed provide a valuable alternative to the classical justice system - especially as the classical justice system in many countries is not functioning as it should and is often difficult to access, in particular for the poor and vulnerable, often simply because the next police station can be (tens, sometimes hundreds) miles away.

However, I always get a bit worried when hearing that domestic violence is being dealt with through such alternative measures. I know these can be successful in ending the violence, however all too often they lead to a gender bias (simply said: favoring men over women) and fail to provide a clear cut signal that domestic violence, just like any other violence, is prohibited, and should be considered a crime. This having said, I do realize that probably 'something is better than nothing', and that sometimes a pragmatic stand may be more effective than a strictly principal one. In other words, if the alternative justice system is the only system available to provide at least a minimum sense of justice, than this is probably preferable to no justice at all.

## Domestic violence is a crime - clarification on Nepal case



Submitted by npearson on Fri, 11/20/2009 - 12:56.

Anneke,

Thank you very much for raising this critical point regarding domestic violence being a crime.

I did not mean to misrepresent the situation regarding the community mediation processes implemented by the Center for Victims of Torture in Nepal (CVICT). I want to share two quotes from the tactical notebook, [Access to Justice: Creating local level, citizen action mediation bodies to ensure human rights](#). I hope these will provide some clarification. ([http://www.newtactics.org/sites/newtactics.org/files/Suddhakar\\_Access\\_update2007.pdf](http://www.newtactics.org/sites/newtactics.org/files/Suddhakar_Access_update2007.pdf))

**"Limitations of the mediation process (page 15) Criminal, violent and other state related cases are out of the scope of the committee. In addition, the mediation committee deals with only minor cases of domestic violence such as general beating, verbal abuse, etc. Bigger cases, usually criminal, are sent to court or the police."**

At the same time, CVICT recognizes the situation in which women often find themselves. In fact, their initial mediation process had to be adapted to provide for a specific "Women Peace Committee in communities.

**"Emergence of the Women Peace Committee (WPC) (page 10)**

***The concept of the WPC emerged during the community mediation programme's implementation period. After about a year and following our first evaluation, the community mediation project team realized the necessity for a separate committee to deal specifically with women's disputes. Due to the need for confidentiality, some issues were difficult to deal with in the mixed-gender general mediation session. Moreover, in many cases, women felt uncomfortable in presenting their issues or simply did not bring up the real issue during the session, particularly before male mediators. The mediators often could not proceed with such cases. Therefore, CVICT, after consultation with NGOs and community people (including mediators), decided to form separate committees for women to concentrate on their issues, and also to work as a pressure group in the community.***

***The WPCs can settle all disputes but focuses on women related disputes. This practice has provided women a real place to put forth any issue freely and frankly and it has permitted women mediators to have real participation in decision-making. This has led to a growing identification and recognition of women's roles outside their homes by husbands, family and society.***

***The aim of the WPC is to provide women easy access to justice. In Nepal, where illiteracy among women is high, they are economically dependent on men and have very limited access to resources. An additional barrier the WPC helps to overcome is the need for women to gain approval from men to participate in decision making processes. The WPCs have sought to uplift the status of women and strongly advocate for women's rights and general human rights. Like the Human Rights Mediation Committees, the WPCs organize women, provide training, raise awareness of basic rights, and provide a venue to settle their disputes among themselves. In this way, these mediation committees provide the women an opportunity to organize and consolidate their struggle, to advocate for and obtain their rights and justice. One very positive outcome has been the development of new leadership roles for women with empowerment support in socio-culture, economic and legal spheres.***

I believe you are quite right when you commented regarding the alternative justice system being offered has been on of the few systems available to provide at least a minimum sense of justice. The medication committees are working to change that by reducing the barriers for women to bring domestic violence situations into public discourse and seek redress. But perhaps this also provides the much needed venue to shed light on those cases that are criminal, and as a result get referred to the judicial court system with the support and weight of the community added. - Nancy Pearson, New Tactics in Human Rights Program Manager

## Hi Nancy Thanks for



Submitted by Anneke Osse on Sun, 11/22/2009 - 08:28.  
Hi Nancy

Thanks for clarifying this! Anneke

## Stick to your role!



Submitted by Anneke Osse on Wed, 11/18/2009 - 03:19.

I think it is of utmost importance that if human rights advocates decide to step into the field of training the police they do so within the limits of their own expertise which means they should stick to human rights and refrain from training professional policing skills to police officers.

This sounds like a simple principle but in practice it turns out to be rather difficult to comply with. This is largely because over the years it has proven to be a 'good practice' to integrate human rights training in general police training and relate it to police practice. This may lead, in practice, to it being a thin line between training human rights 'sec' and training police professional skills. This is not a problem (at all) when the training is carried out by police trainers, but when it is done by human rights groups a problem may arise as it may lead to human rights advocates finding themselves in a position where they are de facto training police.

Yet, it is important that human rights advocates do not become police trainers as such, for a number of reasons. First of all because it is not the human rights community that should take, nor accept, responsibility for training the police, as this is first and foremost a responsibility of the police (or in some countries the Home Ministry) itself. Clearly, this responsibility includes the responsibility to train new recruits in human rights (as well as those officers already serving). Secondly it may lead to the human rights groups involved to being co-opted, which obviously becomes particularly sensitive in situations where police have committed human rights violations after having been trained on this issue. Thirdly training the police may easily take away a significant portion of the resources of the human rights groups involved, with potentially limited impact. This is not to say that human rights groups should refrain totally from training the police, but it does mean that they should think twice when stepping into this field, about what it means for their own organization, their relationship with the police but also with fellow human rights groups, and most importantly: what exactly they are seeking to achieve (through training). It may turn out that for example assessing the existing curriculum from a human rights perspective and suggesting improvements, is a better (and less complicated) step to take first.

Obviously human rights groups can, and do, conduct training. And it is important that they continue doing so as it helps them to get a better understanding of the police and police realities, and also helps to establish personal relations with (a number of) police officers. This often turns out to be an important first step in more long term engagement which can prove useful when working on police reform and realizing more sustainable changes in police practice.

## What should be included and excluded in trainings?



Submitted by kantin on Wed, 11/18/2009 - 11:29.

Thank you, Anneke for your thoughts on the role of the human rights advocate as trainer. I wish I would have heard this advice while I was working in Uganda (as a human rights advocacy intern) a few years ago.

Having had the opportunity to join my colleagues in training police officers in Uganda, I have many questions about what exactly human rights advocates should and should not be training police on. My colleagues worked with survivors of torture and ill-treatment everyday in Uganda and so it seemed like a perfect fit that they would be the ones to work with police officers to help prevent this kind of abuse. The trainings were 1-2 days and took place in town outside of the capital city, Kampala. We worked with about 20-40 police officers at any given training.

The officers were always polite and interested in the topic. We explained what torture is, we talked about international human rights law and how it relates to their work. We explained the physical and psychological impacts of torture, trauma and ill-treatment. The police officers appreciated all of this information.

The problem always came when, naturally, the officers wanted to explain their 'dilemmas' that they faced on the ground - and often they felt the need to defend their actions. They would ask "What if I am called to handle a situation x and I cannot control the situation unless I do y...but you are saying that is illegal - so what should I do instead?" As Anneke mentions in her comment, [Stick to your role!](#), human rights advocates should not be training on professional policing skills...so what is the best approach to take at that point? While I was there, I tried desperately to find as much information as possible on proper interrogation techniques so that we would be ready the next time these questions are asked - but isn't this the job of the police supervisor?

Craig mentions one approach to police-training in his comment, [Negative Resilience](#). Are human rights advocates in the position to train officers "how to consciously strengthen their psychological defenses for situations in which they are in danger or dealing with aggressive offenders and then consciously opening their defenses again when they are in safe places, having an important conversation with a colleague or at home with partners and children"? I think this is really

interesting, but what role can advocates take if they do not have the professional background to train on this? Find someone who does?

Furthermore, how can human rights advocates make an impact on those supervisors that should be training the officers on these important skills in order to prevent abuse? What role can advocates play in that work? Phew - this is a lot of questions. Carrying out these trainings can get so complicated!

Kristin Antin, New Tactics Online Community Builder

### Role of human rights advocates in police training: suggestions



Submitted by Anneke Osse on Fri, 11/20/2009 - 04:34.

It seems to me that in the discussion going on two different subjects are getting intertwined, these are 'what' and 'by whom'. I think this relates both to training as well as to the subjects discussed relating to accountability and supervision.

Of course police training should encompass both professional and human rights aspects, soft skills and legal knowledge. And training all these subjects are first and foremost a responsibility of the institution responsible for providing training to police. This doesn't mean police trainers should all be police officers, on the contrary, taking in civilian staff can greatly contribute in preventing the development of an isolated island police culture.

Human rights advocates can help, and can share their knowledge, and can provide access to the police to their sources of information, moreover they can advocate for proper police training including human rights. Maybe the best way to put it is that human rights advocates are maybe most efficient when they help police trainers in improving their training, rather than perform as trainers themselves.

### Civilian Trainers for Police officers



Submitted by ninasingh on Fri, 11/20/2009 - 04:56.  
Anneke,

You have raised a very good point. In my country I find an escalation of civilian trainers for police officers. It is a good development because they bring with them a new perspective and even police people feel relaxed and share their ideas without any inhibition which is often difficult in the hierarchical and disciplined environment of police.

Nina Singh, (India), Inspector General of Police, Rajasthan, Indian Police Service (IPS)

### Civilian Trainers for Police officers



Submitted by eommar on Sun, 11/22/2009 - 09:56.

Yes, this is particularly true when police trainers are partly civilian experts, and back to community policing, this concept is wide enough to honor this issue, in fact part of community policing is to have this "mutual imprint " of police issues, which soften the hierarchical and disciplined environment of police and play as reminder that the community is the reference for police, consequently police has to respond accordingly , and through this "warm linkage" human rights have better chance to flourish.

### Role of human rights advocates is to train police trainers



Submitted by kantin on Mon, 11/23/2009 - 12:55.

Thank you, Anneke, for [responding to my questions/concerns](#). I agree with you, that,

*"Maybe the best way to put it is that human rights advocates are maybe most efficient when they help police trainers in improving their training, rather than perform as trainers themselves."*

It was also very interesting to read [Michael Kellett's comment](#) on Police Training. In it, he highlights the importance of including 'professional input' into the trainings. It is very easy for police officers to disregard a training if it is deemed illegitimate for any reason. Michael also points out this it is so important to include these human rights principles into a more mainstream approach and put it into context. Police officers generally know it is wrong to ill-treat citizens, but they may not have the professional skills to appropriately deal with the situation. These professional skills should not be the responsibility of the human rights advocate to train. Instead, as Anneke suggests, human rights advocates should work with those that are responsible for training police officers on these professional skills.

Can any of the participants share examples of what these relationships might look like - between human rights advocates and police trainers? What is involved in these types of trainings - the training of trainers? Thanks!

Kristin Antin, New Tactics Online Community Builder

## Human Rights Advocates in Police Training



Submitted by Leonida on Thu, 12/10/2009 - 05:36.  
Leonida

I agree with Anneke's views that police training should incorporate human rights advocates.

Indeed this is something that is being practical in Kenya, its carried out by an organization called Legal Resources Foundation where they have trained police officers as well as prison officers on human rights. I was trained in a session where one of the facilitators was a prison officer, this is very critical in that it helps to change the attitude of the public towards police and prison officers and they also get an opportunity to interact with the public and get the public's views on their work as far as human rights abuse is concerned.

I consider that not all police officers ill treat people in custody but there are those who are very notorious. Therefore training police officers on human rights issues will change them individually and also impact on the work they do, if they have skills in human rights, are aware of the various human rights documents and know that the world is watching, they will refrain from being abusive. Imagine the case of a police officer high up the rank commenting that the killing of a youth during the post election crisis in Kenya was a role play in a Rambo movie, I think more police officers should be trained on human rights especially with regard to the international documents and also they get in contact with the victims during the training as well as human rights representatives from other countries. Also cases of sexual abuse of victims while in police custody is also an issue and use of sexist language especially if the victim is female. Reform needs not to be repressive or painful.

Thank you  
Leonida Odongo and Zico Ameca

## Query regarding Retention of Training



Submitted by ninasingh on Mon, 11/23/2009 - 08:19.

Another challenge pertaining to the training of police officers is the issue of retention of the learning. While all police officers recognize the usefulness of these trainings in their classes, unfortunately these learning are not being followed or practiced at the workplace. Often the reasons are attributed to the bad living and working conditions of police, the pressure of delivery etc. Consequently after sometime they forget even the name of the training.

I would like to know the mechanism to address this. Of course strict supervision is one tool, but is there any other way to constantly hammer the learning of training? How is this problem addressed in US or Australia or any other country successfully?

Nina Singh (India), Inspector General of Police, Rajasthan, Indian Police Service (IPS)

## Retention of Training



Submitted by Leonida on Thu, 12/10/2009 - 05:45.  
Leonida

Hello Nina

What about periodic refresher courses for the trained officers? Would that help in hammering down what was learnt? As well as having officer of the year awards in various categories so that as they perform their work, they are aware that at the end of the year, there are performance awards to be got (just thinking out loud).

Leonida and Salome Sigei  
Ebony Youth Initiative

## Materials knowledge and content



Submitted by Ralph. on Wed, 11/18/2009 - 05:50.

I don't think that the distinction 'human rights v professional' is a good one. The two different aspects of police education/training might better be expressed as 'behavioural' and 'technical', and these are interdependent - not in opposition. A police official needs to be educated in a behavioural sense (to be aware of what human rights are, the relationship between human rights and policing, what his or her powers are and the limits on them). A police official who behaves badly, who abuses his or her powers, can never be considered to be a professional. He or she also needs to be trained in a technical sense - for example to know how to interview witnesses and suspects, how to gather evidence, how to use force lawfully and so on. If a police official lacks technical skills such as these he or she is much more likely to resort to unlawful methods (violate human rights) to get results.

As far as legal content is concerned, at the very least police officials need to know the powers ( to use force, to arrest/detain, to search etc) granted to them by law and the limitations on those powers. They also need to know what evidence is required to prove specific crimes or offences (ie the points to prove - what elements constitute specific crimes) so that they can assemble the best evidence and make out a convincing case to support the charges brought against an accused person.

## Professional and Soft Skill Training



Submitted by ninasingh on Wed, 11/18/2009 - 19:39.

I completely agree with Ralph's comment. Behavioral training is very important for effective service delivery as far as policing is concerned. Our study in Rajasthan (India) indicated that the victim satisfaction was 30% higher in those police stations where the staff were trained in behavioral training. We call it 'Soft Skill Training'. It includes subjects like good communication skills, leadership qualities, team management and also personality development skills e.g. stress management, time management etc.

However, the need of sound professional knowledge and skills can not be undermined. The knowledge of law including the human rights law, procedure of executing these laws, techniques of criminal investigations (both legal and scientific) are equally important. Often inadequate knowledge and skills encourage police officers to adopt abusive method.

The knowledge and skill upgradation should be a constant process and not one time affair. Because of their high pressing jobs there is a tendency of forgetfulness among police. I would also advise in situ training for police personnel i.e training at the place of work rather than calling them to a different place that they often can not attend because of unforeseen externalities.

## Reply on "soft skills" training



Submitted by eommar on Tue, 11/24/2009 - 10:08.

Well... I may have input in this particular issue, of soft skill training, which I may summarize in few points:

1. The fact that training is so important to upgrade officers behavior and hold them accountable shouldn't overshadow the fact that torture and other HRTs violations are not just committed out of ignorance or lack of training.
2. Focusing on at kind of training may present tangible results when HRTs violations are committed out of ignorance or poor expertise.
3. The same training themes may end up with empty hand if HRTs violations are results of other reasons , such as ; Individual corruption-Systematic HRTs violations by the governing body- violations based on poverty and economic collapse.
4. In such cases other training programs may better suit such violations, which focus on: Good governance and policing, Community policing, HRTs integration into planning leadership levels, universal integration of the LEO organization into different advanced international entities where HRTs are well shaped and respected.

## How to supervise the law enforcement officers ?



Submitted by Hany on Thu, 11/19/2009 - 12:40.

I think that the law enforcement officers training is very important, but the most important thing is to supervise the law enforcement officers.

## Re: supervision



Submitted by ClintonFernandes on Thu, 11/19/2009 - 16:38.

Professional Standards Sections (what are often referred to as Internal Affairs) can play a role here, although of course at the early stages of their establishment they can be beset with problems, hostility, suspicion, and so on. This can continue past the early stages too, obviously, but they are nevertheless invaluable.

Dr. Clinton Fernandes, (Australia), Senior Lecturer, Strategic Studies, Australian Defence Force Academy, University of New South Wales

## Reply to Supervision of Police Officers



Submitted by ninasingh on Sat, 11/21/2009 - 07:05.

We did a very interesting experiment in Rajasthan. Although we have inbuilt system of Inspections by Supervisory officers, we encouraged police stations to have ISO certifications. The ISO certifications had two important components: (1) regularizing the processes at police stations and make it time bound so that there is no delay on the part of police responsiveness and (2) customer satisfaction. The entire police station staff received training and the individual responsibilities and roles of every individual staff was fixed.

ISO certification introduced two extra tools of supervision: (1) Audits by external agency and (2) Feedback by complainants and visitors of the police station. If the staff were found lagging behind in the performance they were given extra training to match their targets. ISO certification not only encouraged transparency in the working of police stations but also enhanced accountability and improved the service delivery of police stations. Nina Singh, (India), Inspector General of Police, Rajasthan, Indian Police Service (IPS)

## Supervision



Submitted by eommar on Thu, 11/19/2009 - 21:49.

Supervision is a tool that should be existing to check on every organ in any community, not only law enforcement officers, we are not angels.

## Supervision



Submitted by TAYalew on Fri, 11/20/2009 - 02:28.

I support your idea Mr. Hany. It is after supervising that any one can see the impact of the training. In our case, for instance any Civil Society Organization in Ethiopia doesn't have a mandate to supervise. However, e.g. what my Center did after we had provided a training on torture issues, which prison inmate treatment included is that after a six months period we have visited some sample trainees to talk with them about what they did after the training and we had made a cross checking interviews and took with near by community about their previous behaviors of the polices and what happened after they have taken the training. In addition, we have also called them during the june 26 public event and we have made them to talk the impact of the training for their community whom they are working with and off course the community believed the behavior changes of the officers. Do you have any other better experiences in this regard!

## Re: Supervision



Submitted by ClintonFernandes on Mon, 11/23/2009 - 07:33.

Activists can continue to contribute to monitoring how well police comply with their training. In Australia, for example, activists highlight how police remove their badges or deliberately use riot helmets with visors in order to prevent themselves being identified while policing protests:

[http://www.activistrights.org.au/cb\\_pages/police\\_tactics.php](http://www.activistrights.org.au/cb_pages/police_tactics.php)

Dr. Clinton Fernandes, (Australia), Senior Lecturer, Strategic Studies, Australian Defence Force Academy, University of New South Wales

## Monitoring police and seeking redress for illegal practices



Submitted by kantin on Tue, 11/24/2009 - 14:09.

Thanks for posting that link, Clinton. Lots of great information for activists about "organizing in the face of increasing repression."

In addition to these threads on monitoring compliance with police trainings, there have also been threads on the creation of domestic laws on torture. I wonder if anyone has anything to add to this conversation about the *enforcement* of domestic laws pertaining to torture and ill-treatment, and whether law-enforcement officers are prosecuted for such crimes. In Uganda, there is no domestic law criminalizing torture. When a survivor or a victims family wants to seek redress for the torture committed, they must go to the Uganda Human Rights Commission to seek monetary compensation from the government of Uganda. One cannot seek redress from a particular perpetrator. Therefore, no one ever goes to jail for the crime of torture. (of course, there are currently many human rights organizations working hard to pass a bill that would allow for the criminalization of torture).

Does the existence or non-existence of such a law work its way into your trainings for law enforcement officers? If so, how is this addressed?

Kristin Antin, New Tactics Online Community Builder

## TRAINING

Submitted by Michael Kellett on Sun, 11/22/2009 - 07:02.

I would like to make a couple of points in relation to training.

Firstly, as several contributors have already pointed out, a professional input is essential but not just from the point of view of the technical aspects of police work. Law enforcement officers are, in general, quite conservative and form part of a close knit community, often suspicious of outsiders. They may regard someone who has the tag 'human rights activist' or 'human rights trainer' attached to them as a threat, there to make their job more difficult. That is not to say that people with New Tactics in Human Rights On-line Dialogue "Training Law Enforcement to Prevent Ill-Treatment & Torture" Summary 14

human rights expertise have no role in police training, quite the opposite; just that there must be someone there who has credibility with the trainees. I would also go so far as to say that the fact that someone is a police officer or has a law enforcement background does not automatically grant them credibility. In my own country (UK) police trainers themselves sometimes lack credibility and I have seen the same thing in other countries. Operational officers can be very harsh and demanding in their judgments and so, if possible, someone with operational credibility and who will therefore be listened to should be involved (I know that this is not always possible).

In relation to content, whilst it is important to outline human rights principles, in my view it is more important to ensure that these are mainstreamed into general training and put into context. Police officers generally know that it is against the law to torture and ill-treat suspects. Often, what they lack are the professional skills to deal with suspects properly. This, together with pressure to obtain results from senior officers, government and prosecutors, often results in them feeling that they have no other option other than to use force to obtain confessions and thereby satisfy the demands made on them. Thus a culture develops where it can be the norm for suspects to be ill-treated. Giving police those professional skills and changing the culture is not always easy and demands lots of time, effort and money, which are not always available in many countries. But I believe this is the only effective approach.

An approach that appeals to law enforcement officers is to set out clearly the practical arguments against using torture and ill-treatment. Police officers are in general very practical and pragmatic individuals and want to obtain results and my experience of using these arguments is that they usually keep the attention of the audience better than just setting out the content of international conventions. The practical reasons for not using torture (i.e. that it is ineffective in obtaining genuine results) are set out clearly in the APT publication 'Defusing the Ticking Bomb Scenario' available at [www.apr.ch](http://www.apr.ch).

Police officers also sometimes need to have it explained to them why human rights can help them and that they are not something designed to make their jobs more difficult. I summarized the arguments in a presentation I did last year in which I also set out some of the practical arguments against torture. I hope I can be allowed to follow Ralph's precedent and to reproduce it here, which is easier and quicker for me.

Finally, I think it is also important that training is not delivered to police officers in isolation. The effort put into training them will be diluted if judges, prosecutors and others, who all influence police working practices, carry on as normal.

**BEGIN ARTICLE** (Note: a PDF of this document can be downloaded with this link:  
<http://www.newtactics.org/sites/newtactics.org/files/The%20Role%20of%20Police.pdf>)

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## **INTERNATIONAL PRACTICE IN PRE-TRIAL DETENTION CLOSING ROUNDTABLE – HANOI, 4TH/5TH MARCH 2008**

### **The Role of the Police in Upholding Human Rights**

#### **Presentation Abstract: Mr. Michael Kellett, Former Detective Chief Inspector, British Police Service and former Police Advisor to the European Committee for the Prevention of Torture**

At last September's Roundtable Conference here in Hanoi and in the six workshops that took place in Hanoi, Ho Chi Minh City and Nha Trang at the end of last year and the beginning of this year, we concentrated largely on the technical aspects of human rights as they relate to the work of the police and based on our seven focus areas. We looked at the international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention Against Torture and we also examined Vietnamese domestic legislation. Further, we dealt with the practical detail of operational features of human rights in policing, such as health and safety, independent monitoring mechanisms and the investigation of allegations of torture and ill-treatment. Today I would like to pull together the various strands of our discussions and examine in more detail the principles underlying the role of the police in upholding human rights.

I think it is a good idea to remind ourselves from time to time why the police should uphold human rights and to do this it is vital to understand the purpose of policing. This of course has a number of dimensions but the most important in my view, is the relationship between the police and the citizen. In the former Soviet Union and in the states of the former eastern bloc, the prime purpose of the police was to protect the government and the state (often, in effect, these were same thing) from the population. However, in modern western democracies the principle is that the police exist to protect individual and collective freedoms but at the same time are there to represent the authority of the state. If these two examples can be said to represent the two extremes of the police/citizen relationship spectrum, I would say that human rights are clearly a more important consideration for the police in the latter than in the former. And I should perhaps also point out that not all western democracies have achieved the ideal and that some are closer to the human rights end of the spectrum than others. I do not know enough about Vietnamese society to say authoritatively exactly where you are on that spectrum but my involvement in this project during the last twelve months tells me that the

Vietnamese Police are taking the issue of human rights seriously, even if, as with many other countries, there is still much work to be done.

There is of course a delicate balance here and even in those police forces that are closer to the human rights end of the spectrum, in practice there is often a tension between human rights and policing. Of course, that tension is one of the reasons that this project has taken place in the first place. But the fundamental principle is that the prime duty of the police is to uphold human rights. This was set out explicitly and very powerfully a few years ago in a report into policing in Northern Ireland written by the former Governor of Hong Kong, Christopher Patten, as a result of which major changes were made to the organisation and structure of the police in that part of the United Kingdom. The report said:

*'It is a central proposition of this report that the fundamental purpose of policing should be .... the protection and vindication of the human rights of all. .... Article 28 of the Universal Declaration of Human Rights states: "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised". The role of the police is to help achieve that social and international order. They must, for example, uphold the laws that safeguard the lives of citizens. There should be no conflict between human rights and policing. Policing means protecting human rights'.[1]*

That is a very clear statement but, as the report went on to point out, not so easy to implement in practice. Judgments that police officers make every day, often split second decisions, can determine the difference between good policing and bad policing, between effective policing and ineffective policing. In several of the workshops I stated that human rights are not something that the police should be afraid of but rather something to be embraced because applying human rights principles aids effective policing and that is an argument I will develop shortly. However, for the moment, let us stay with more general principles.

There are a number of general reasons why the police should uphold human rights and the first of these is, quite simply, that human rights are protected by law - by international law and the by constitutions and laws of states and this applies to Vietnam just as it does to every other country in the world.[2] Police are law enforcement officials who have a duty to respect and enforce laws which protect human rights as equally as they have a duty to respect and enforce other laws. They are not entitled to violate human rights laws when enforcing those other laws. If they do so, they are not reducing criminality but rather they are adding to it and committing crimes themselves.

Secondly, when the police enforce the law by seeking to prevent and detect crime or to prevent public disorder or to hold detainees in lawful pre-trial detention, they are upholding the human rights of all citizens. Some police officers appear to hold the view that human rights are something designed to protect criminals and to make their jobs more difficult. Nothing could be further from the truth. Human rights apply to victims of crime just as much as they apply to those suspected of crime – and they apply to police officers just as much as they apply to other citizens. The rights of victims and suspects have to be balanced of course but one class does not have primacy over the other. This principle has been formally recognised in Europe in recent years by an increasing frequency of decisions made by the European Court of Human Rights, in which the importance of the victim's position has been firmly recognised by stating that a failure by police to mount an effective investigation into criminal acts can in itself amount to a violation of the European Convention on Human Rights.[3]

In developing this theme and moving on to the practical consequences of police failing to uphold human rights, I would refer back to Article 28 of the Universal Declaration of Human Rights quoted above, in which it is stated that everyone is entitled to 'social order'. Social order, 'as characterised by tolerable levels of criminality and low levels of civil tension or unrest is heavily contingent upon effective policing'.[4] But social order cannot be said to exist when there is illegality and violation of human rights in the process of law enforcement. "Order" secured by abuse of power is the ultimate disorder and a complete negation of the notion of law enforcement'.[5] And of course, eventually, this type of 'order' inevitably breaks down and those subjected to it are likely to rebel. In the United Kingdom we experienced this in the early part of the 1980s, when serious public disorder occurred in our major cities, the spark for which was what was perceived to be the oppressive use of police powers towards ethnic minority communities. This was indeed a failure of policing, due in significant part to human rights abuses. Similar disorder has occurred recently in France. But the adverse consequences for policing are not limited to the outbreak of disorder. Police who are seen to abuse human rights lose the trust of the communities in which they work, thereby rendering effective policing of those communities difficult, if not impossible. Effective policing is only possible with the consent of those who are policed and when consent is withdrawn the police become at best almost redundant and at worst, agents of repression.

I think it may be appropriate here to say a few words about the abuse of human rights in 'extreme circumstances', something which in these days of international terrorism is very topical. When confronted with grave and horrendous crimes and when dealing with hardened criminals and terrorists and under pressure to obtain results quickly, police can be tempted to breach legal and ethical standards and to engage in torture and ill-treatment. This is not just theory but reality and in at least one country, the United States of America, it has apparently become official government policy.[6] It is not my intention to rehearse the ethical and legal arguments against torture, which are manifold and deserving of at least one roundtable conference of their own, but rather to outline the practical consequences of it for the work of the police.[7]

The plain fact is that torture simply does not work. It is an ineffective investigation tool. Persons under torture or the threat of torture can be made to admit to the most grievous crimes, even when they are innocent of any wrongdoing and the police may not know if what is admitted is true. The result is that innocent people may be imprisoned and the guilty may be left free to commit further serious crimes. This is not simple hypothesis but the painful experience of my own country where, in the 1970s and 1980s, a number of innocent people were convicted of serious terrorist related crimes and of horrific murders, as a result of confessions obtained following ill-treatment or the threat of ill-treatment.

Other practical consequences for the police are that, once violence or the threat of it has been introduced into the relationship with the suspect, it is almost impossible to use any other legitimate interrogation technique. And as the investigators among you will know very well, some of the best informants are recruited from those who have been arrested; using or threatening violence against suspects will almost always make it impossible to recruit them as informants, thus further inhibiting the effectiveness of the police.

Finally, if a police force becomes known for using torture or otherwise breaching human rights, legitimate law enforcement agencies in other countries will be reluctant to deal with them, thus affecting international cooperation in the investigation of crime. Furthermore, it will be almost impossible to have anyone extradited. Once again, this is not just hypothesis but recent experience. Only a few weeks ago Canada placed its close ally and neighbour, the United States, on an official Foreign Ministry list of countries where torture is an issue of concern[8] and in my own country, we have been wrestling for several years with the serious and difficult problem of what to do with some twenty suspected Islamic terrorists, resident in the UK and many of them wanted in their own countries but whom the British courts refuse to authorise to be extradited or deported, on the grounds that they are at risk of being tortured if returned home.

I do not want to give the impression that the only reason for police adhering to human rights principles is that there are negative consequences for failing to do so, although I hope I have illustrated that there are indeed negative consequences, both for the police and for the citizen. But there are also positive reasons for adhering to human rights principles, not least that doing so impels police to become more professional in their work and thus more effective. Abusing or neglecting human rights could almost be said to be 'lazy policing'. For example, it is a relatively quick and easy task to force a confession out of a suspect by ill-treating him. It can be a little more time consuming to gather enough evidence to make it irrelevant whether or not a suspect confesses. But in the first case, there is always a doubt that the guilty party has been convicted, in the second case there is no such doubt. The list of benefits from applying human rights principles is long and we covered many of them in the workshops. It is true that adopting them implies more training and almost certainly some changes in working practices but they are worth it.

Human rights are not an alien concept imposed on law enforcers and inhibiting them from carrying out their duties effectively. Rather the reverse – they are a basic and essential foundation of policing in the modern world. Without them, policing risks becoming oppressive; with them and when combined with an effective training system, they are a powerful means of protecting society ethically and successfully. When first confronted with the requirement to adhere to human rights principles in their work, it is understandable if some police officers, not used to the concept, experience anxiety and concern. However, the experience of police in the UK and elsewhere is that they can be quickly assimilated into everyday practice – they are after all, no more than common sense and the exercise of basic principles of common human decency, that all people with whom we come into contact, be they suspects, victims of crime or just citizens with whom we interact, are treated as we would wish to be treated ourselves. So, in conclusion I would return to the words of the Patten Report, there is, 'no conflict between human rights and policing. Policing means protecting human rights.'[9]

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[1] 'A New Beginning: Policing in Northern Ireland. The Report of the Independent Commission on Policing for Northern Ireland'. London HMSO, September 1999, paragraph 4.1 (Patten).

[2] The substance of this paragraph is taken from a paper presented by Ralph Crawshaw and reproduced in 'Human Rights and the Police: Seminar Proceedings, Strasbourg 6/8 December 1995'. Council of Europe Publishing 1997, p12.

[3] See, for example, *Osmanoglu -v- Turkey* (24/01/08), *Maslova & Nalbandov -v- Russia* (24/01/08) and *Donmus & Kaplan -v- Turkey* (31/01/08). Decisions of the European Court of Human Rights can be accessed via its website: [www.echr.coe.int](http://www.echr.coe.int).

[4] Crawshaw *op.cit.*, p15.

[5] *Ibid.*

[6] See, for example, 'US Government said to endorse harsh CIA interrogations', International Herald Tribune, 03/10/07.

[7] For a comprehensive, convincing and easily readable account of the arguments against using torture see, 'Defusing the Ticking Bomb Scenario; Why we must say No to torture, always'. Association for the Prevention of Torture, Geneva, 2007. The document can also be accessed at [www.apt.ch](http://www.apt.ch).

[8] See, for example, 'Canada Puts US on Prison Torture Watch List', Globe and Mail, Toronto, 18/01/08.

[9] Patten *op. cit.*

## END ARTICLE

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### Incorporating others who influence pol. practices into trainings



Submitted by kantin on Mon, 11/23/2009 - 13:01.

Thank you for [your contribution](#), Michael! I find your points very thought-provoking and helpful in thinking about what is necessary for a successful police-training endeavor. I especially liked your point about including others in the training:

*"I think it is also important that training is not delivered to police officers in isolation. The effort put into training them will be diluted if judges, prosecutors and others, who all influence police working practices, carry on as normal."*

Certainly judges, prosecutors and others have a great influence of police work. I am very curious to know if any other participants in this dialogue have incorporated judges, prosecutors and others into their police-training work! Thanks!

Kristin Antin, New Tactics Online Community Builder

### Re: Incorporating other law enforcement in police-trainings



Submitted by eommar on Mon, 11/23/2009 - 16:13.  
Kristin

You are right, and I know some programs in Egypt that are delivered to both Police and Judges as well, with fewer cases of having them attending the same training together. While the issue of police officers involvement in human rights abuses is of greater connection with police practices rather than other law enforcement officers such as judges and public prosecutors, But I agree that the main gain behind police training in human rights abuses prevention can be further enhanced if other law enforcers are included.

Ibrahim

### critiquing training...(?)



Submitted by andrew m. jefferson on Mon, 11/23/2009 - 04:33.

'Is there a legitimate political space for a critique of human rights?' This is how the book 'State Violence and Human Rights - state officials in the south' edited by my colleague Steffen Jensen and myself begins. What we meant actually was is there space for a critique of the ways human rights are being implemented. We believe there ought to be and this new tactics forum seems to provide evidence that there is a lot of healthy critical reflection going on. This is to be welcomed. My own research amongst law enforcement officials (prison officers in Nigeria and Sierra Leone) suggests that standardized interventions often fail to take seriously the lived realities and structures of law enforcement officers struggling to do a complex task under challenging conditions. Indeed sometimes we are so keen to apply the tools we have at our disposal that we do not take sufficient care to make sure these tools are the most appropriate tools for the task. As someone else has written, if all you have is a hammer everything comes to look like a nail! I fear sometimes that recourse to training and to manuals can be a case of diagnosing the problem in the light of the solution we have at hand. What happens is institutional constraints, pressures of time, the imperative to act and so on reduce our ability to think imaginatively and to put ourselves in the position of the potential recipients and beneficiaries of our interventions.

Critical research on learning and education has demonstrated how difficult it is (especially for Westerners) to think outside the box of training as a route to change but it is simply no longer true that the problems of law enforcement agencies are  
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problems of lack of knowledge. It is in the realm of practice and to the situated actors who are involved in practice that we must turn.

I have tried to develop these ideas in the light of ethnographic material in the following publications and would welcome ongoing dialogue with practitioners involved with the design and implementation of programmes.

"Introduction" to *State Violence and Human Rights: State Officials in the South* with Steffen Jensen. Routledge, 2009

"On hangings and the dubious embodiment of statehood in Nigerian prisons" In *State Violence and Human Rights: State Officials in the South*

"Imaginary reform changing the postcolonial prison". In *Imaginary Penalties* Ed. Pat Carlen. Cullompton: Willan. October 2008

"The political economy of right: exporting penal norms to Africa" *Criminal Justice Matters, Politics, Economy and Crime*. Nr 70

"Prison Officer Training and Practice in Nigeria: contention, contradiction and re-imagining reform strategies". *Punishment and Society: the international journal of penology*, 2006, 9 (3)

"Reforming Nigerian prisons: rehabilitating a "deviant" state" *British Journal of Criminology* Vol 45 No. 4 July 2005 pp 487-503

## LE Training components : hands on practical content



Submitted by AV5675kln on Mon, 11/23/2009 - 08:48.  
Alice Verghese

Medical inputs - using medical officers attached to police centres /units

We have had some startling, positive, responses of training LE through medical officers (MOs) previously targeted and trained by us at IRCT. The LE are trained exclusively by MO's of their vicinity within the "normal" police training programmes, incorporating a few sessions on medical (physical and psychological) consequences of torture, results of conducting a thorough, proper medical examination, and writing a **comprehensive** medical report. This also helps us to "stick to our role" and develop and use health based preventative mechanisms.

## The right to effective policing... and police training

Submitted by Patrick on Mon, 11/23/2009 - 12:43.  
Dear All

Response prompted by various interesting observations to date taking just one of the questions posed - "questions raised and experiences regarding the effectiveness of human rights training".

I endorse Ralph's point that there should be no tension between human rights and policing or as it might be framed "human rights based policing" is "best practice policing". I see Michael Kellett has beaten me to the Chris Patton quote "Policing means protecting human rights"!

Part of the problem is that training happens in the absence of awareness or acceptance of the fact that effective policing is a human right! Without which rights to life, bodily integrity, liberty, property etc are likely to be threatened.

Despite the obvious logic of this the reality remains of a tension between "Human rights" and "policing". It can be traced to Institutional culture, media portrayal (of both human rights and police) etc but in the context of this exchange as Anneke has observed I think it can also be linked to the fact that that a lot of bad training has been done to police officers!

Starting from the fact that human rights training is sometimes a reflex reaction - delivered to police officers without it being established that lack of training is the actual problem that needs to be addressed. If the problem is institutional lack of accountability then no amount of human rights training of front-line police officers is likely to lead to human rights change. There is nothing that undermines the credibility of police human rights training than the knowledge among participants that when the training is over they will continue to get the signal from superiors that the end justifies the means.

A related problem is training for which there is inadequate buy-in by officers due to training not being relevant to the daily reality of those in the room, whether police managers or those engaged in front-line policing. Human rights training of police is still too often made up of one-size-fits-all power-point presentations of some human rights treaties and mechanisms or fails to address what Evgenchev refers to when he asks "What is the police officer's personal benefit from abidance of human rights and not practicing violence?" Part of the answer to this question lies in approaching training of police officers as training of people who have specific professional responsibilities - but who are nonetheless themselves bearers of human rights (albeit with certain restrictions that should be clear, justified, proportionate and acknowledged).

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Training needs to explicitly address that being a police officer is only one part of one's identity. Police officers are also men/women, able-bodied/disabled, members of families, ethnic/religious groups etc. Moreover, the specific nature of their job means that they have certain legitimate specific expectations of the state equipment, training, clarity of powers, effective institutional accountability mechanisms, due process etc.

One guarantee of training failure is when police officers are herded into a training room for some human rights 'purification' usually as a result of some external pressure on the police organization that it be seen to be doing something about a poor human rights record. The trainers among us will all have had the experience at some time where we faced a room of resentful folded arms!

And at the same time the expectations around police training go both ways. Trainers should signal an expectation that trainees will engage in human rights no different than they would training on firearms, driving etc - in terms of professional preparation, engagement etc. This expectation should I think be premised on the fact that human rights based policing is more effective in the sense that that word is used by police officers but also based on the legitimate expectation that when citizens entrust someone with special powers (albeit for their protection) then they should be entitled to expect police officers to engage with (indeed demand) all training necessary to deliver best practice (ie human rights based) policing.

To be effective police training needs to be accompanied by senior police management signal to their organisation of their buy-in to human rights training including active involvement in planning and participation and generally pre-empting stereotypical reaction - in one memorable case I recall someone announcing to skeptical colleagues "I am a human rights officer ... with a gun!"

### Tips for NGOs - building LE relationships & providing training



Submitted by npearson on Mon, 11/23/2009 - 16:35.  
Patrick,

Thank you for sharing these great points to be aware of regarding training content, buy-in from senior police management and trainees, and recognizing the extenuating circumstances surrounding trainings (e.g., reaction to recent abuses). Your comments also tie in well with [Walter Suntinger's post](#) regarding the need for training to be better integrated into organizational structures for sustainability.

I thought it might be useful to share a "shortened" list of *tips* for NGOs building law enforcement (LE) relationships and providing training to LE personnel. These come from Arie Bloed in his tactical notebook, [Police Training: Opening the door for professional and community-oriented policing](#) (The full text of these points can be found on pages 20-21 - that also includes a list of DON'Ts) ([http://www.newtactics.org/sites/newtactics.org/files/Bloed\\_Police\\_update2007.pdf](http://www.newtactics.org/sites/newtactics.org/files/Bloed_Police_update2007.pdf))

Here are some things to DO:

- When approaching police, do keep in mind that police training institutions are often the more open-minded or 'liberal' parts of police organizations...Even though official approval from the central leadership of police is often required for developing cooperation...
- Offer and provide highly professional training which police see as directly benefiting their work. This goes a long way in establishing relations of confidence and even friendship...
- Go into the work with the knowledge that this will be a long-term organizational endeavour.....Training alone won't have substantial or an encompassing impact upon police performance if this is not accompanied by more structural changes within the police, such as changes in the official criteria for evaluating the performance of police officers and management.
- Show respect for the work being done by police in the country concerned and show real understanding for their problems....Acknowledge that they are very experienced in their own context. In many countries police organizations are developing highly innovative ideas for addressing specific problems...
- Choose staff with professional skills to work with police organizations...People without basic respect and understanding of the problems and specificities of police work will find it very hard to be accepted as an equal partner....
- NGO partners should do their best to understand the difficulties which police face in many developing countries concerning human rights-related issues, as police are under constant pressure from politicians and civil society...
- NGO partners should show and maintain strict reliability. Police organizations are highly disciplined and bureaucratic in nature. This implies an expectation that NGOs should also fulfil any agreements according to set timelines and quality standards...
- Follow the protocols...Be prepared for a considerable number of rules of a protocol nature which are likely to be quite different from the usual atmosphere within which NGOs are working...
- Discuss and plan for the kinds of situations that may occur which will force the discontinuation of a working partnership with a police organization...Recognize that continuation of a partnership in such instances might seriously affect the credibility and legitimacy of the NGOs concerned.

Nancy Pearson, New Tactics in Human Rights Program Manager

## Materials: Discussion tools to discuss HR with police



Submitted by Anneke Osse on Tue, 11/24/2009 - 04:45.

Re useful materials: Many years ago I drafted the so-called Discussion Tools for the Council of Europe, officially called the **Discussion Tools. A police and human rights trainer's manual : 15 ideas to encourage police officers to reflect on human rights issues**. The tools have been used by many trainers, in different contexts and prove to be a valuable tool when aiming to stimulate genuine reflection about human rights by police officers, instead of them simply memorizing the articles of the Universal Declaration (as in fact is still the way how human rights are being taught to many police worldwide). As has been referred to repeatedly this Dialogue, human rights need to be an integrated component of police training, and in particular need to be related to police practice in order to have any relevance to police in their daily operations. This tool aims to help doing just that, in that it provides a range of exercises and tools trainers can use to stimulate debate and reflection about human rights and how they relate to police work.

The Discussion tools have been distributed widely and can easily be found on the internet. Also they have been translated into many of the European languages.

Anneke Osse

## Re: Resource Sharing



Submitted by Andres Vazquez on Tue, 11/24/2009 - 05:11.

Thanks Anneke!

A New Tactics Community member wrote:

Re useful materials: Many years ago I drafted the so-called Discussion Tools for the Council of Europe, officially called the **Discussion Tools. A police and human rights trainer's manual : 15 ideas to encourage police officers to reflect on human rights issues**. The tools have been used by many trainers, in different contexts and prove to be a valuable tool when aiming to stimulate genuine reflection about human rights by police officers, instead of them simply memorizing the articles of the Universal Declaration (as in fact is still the way how human rights are being taught to many police worldwide). As has been referred to repeatedly this Dialogue, human rights need to be an integrated component of police training, and in particular need to be related to police practice in order to have any relevance to police in their daily operations. This tool aims to help doing just that, in that it provides a range of exercises and tools trainers can use to stimulate debate and reflection about human rights and how they relate to police work.

The Discussion tools have been distributed widely and can easily be found on the internet. Also they have been translated into many of the European languages.

Andrés Vázquez

## Resource: Discussion Tools - A police and HR trainer's manual

Submitted by npearson on Tue, 11/24/2009 - 16:07.



Hi Anneke,

Thanks for sharing this resource, **Discussion Tools: A police and human rights trainer's manual: 15 ideas to encourage police officers** to reflect on human rights issues, it looks like it would be a great guide book. I've tried to find the book through the Council of Europe but it seems not to be available there.

I did find it listed for sale here: [http://openlibrary.org/b/OL16012302M/Discussion\\_tools](http://openlibrary.org/b/OL16012302M/Discussion_tools)

If you have a better place to find it, please let us know.

Nancy Pearson, New Tactics in Human Rights Program Manager



## ACCOUNTABILITY (local, national, international) and IMPACT

Submitted by New Tactics on Tue, 11/17/2009 - 14:44.

In this major theme area, please share your ideas, questions and experiences regarding aspects of **accountability** and how training can and does impact the following:

- Official mechanisms of accountability
  - How do law enforcement trainings address the role of official mechanisms of accountability? At the local, national and international levels?
  - How do trainings address the often raised dilemma of “security versus human rights”?
- Civil society accountability
  - How are civil society members engaging in law enforcement training to heighten their role and become influential players regarding accountability?
  - In what ways are models of **community policing** expanding the roles and practical partnerships between law enforcement and communities in preventing ill-treatment and torture?
  - Are tactics that provide secure and trustworthy mechanisms protecting community members who report ill-treatment and torture effective in promoting accountability among law enforcement?

### Civil society



Submitted by ClintonFernandes on Tue, 11/17/2009 - 23:58.

I'll use a specific example here: Greater publicity can improve the conditions under which policing and security work occur. In the case of eastern Indonesia (Papua), for example, there are strong government-imposed restrictions on access by journalists and humanitarian workers. One NGO urge other governments "to press Jakarta to invite the U.N. Special Rapporteur on Torture to visit Papua":

<http://www.hrw.org/en/news/2001/07/02/indonesia-violence-and-political-impasse-papua>

This did in fact occur: <http://www.un.or.id/press.asp?Act=1&FileID=20070612-1&lang=en>

The Special Rapporteur "heard credible reports of incidents that involve arbitrary detention, torture, harassment through surveillance, interference with the freedom of movement and in defenders' efforts to monitor and investigate human rights violations. She was also informed of cases where human rights defenders were threatened with prosecution by members of the police and the military. ". One problem here is that military officers who committed serious crimes in East Timor were later promoted: <http://www.etan.org/et2006/april/15/20auspap.htm>

In the absence of justice for those crimes, it's hard to see how uniformed personnel can reform their behavior. But certainly some members of civil society are doing their best to raise awareness of this issue.

### Police accountability should start within & be backed up outside



Submitted by Anneke Osse on Fri, 11/20/2009 - 04:36.

Effective police accountability should involve internal as well as external actors, and should include the police themselves, the Ministry of the Interior (or any equivalent), including a Police Inspectorate (if available), courts, prosecutors, parliament, local administration and local legislative bodies (if applicable), civil society including human rights NGOs, academic research, the media and last but certainly not least independent oversight and or police complaints bodies. Yet, here too the prime responsibility for police conduct lies with the police itself. They should manage their staff appropriately and correct them when they (are believed to) misbehave. If police management fail to see this as part of their responsibility they -to my opinion- show they are wholly incapable for doing their job. Unfortunately, this is the reality in many countries today. Therefore those players outside of the police, including the civil society, should take up their role in holding the police accountable for their actions as well as their effectiveness. And indeed, and I am sorry to say this, but police do have a greater responsibility than other members of society, because they are police having immense powers the abuse of which can have a tremendous impact on security, and ultimately stability, of countries.

### Accountability 'in' and 'of' training



Submitted by Anneke Osse on Wed, 11/18/2009 - 03:40.

Obviously the issue of accountability needs to be discussed with new police recruits, so that they understand that they are held accountable, why this is so, and also that they are willing to account. Principles of accountability could also be incorporated in the way training is set up. A simple example is that trainers should be open for scrutiny themselves, for example through setting up an effective and transparent system to evaluate the training sessions as delivered. Also, police training institutions could invite members of civil society, but also parliamentarians, judges, prosecutors etc to conduct training sessions so that they can explain their respective roles in police accountability and also their expectations of the police. Finally police training itself could be open to external scrutiny, for example through establishing (representative) external review boards that regularly (eg annually) review the training curriculum as it is on paper and also as it is conducted in practice.

## Accountability



Submitted by eommar on Wed, 11/18/2009 - 11:04.

Accountability is a relative concept and fully dependant on each country's situation, so it is largely part of a wider vision of the community itself, that includes most importantly the form of government and how it came to office, how its policies are responsive to individuals pulses, and where it places human rights in its priorities.

The story of law enforcing in Bosnia after war ended 1996 is informative, where law enforcement was part of the suffering of the Bosnians, I was in Bosnia 2001-2001 with UN civilian police entity- International Police Task Force(IPTF), UNMIBH, and I was shocked at the volume corruption and absence of "accountability". So accountability definitely is compromised at times chaos or disturbances, and unfortunately that situation is not rare today. In a nut shell I would say that organizational accountability is something that cannot be taught to officers, it is a policy that flow down from upper decision-making level, and police is simply accountable when the wider official entity so dictates. From the other hand, individual accountability in individual officer scale is important and training can touch on this personal attitude, where positive out put can be eventually achieved.

Ibrahim Elghazawi, PhD Humphrey Fellow Human Rights Center School of law University of Minnesota

## The Importance of Working Conditions



Submitted by mpringle on Thu, 11/19/2009 - 09:03.

This exchange on the impact of working conditions of police officers on their behaviour is an incredibly interesting one. Please let me give you an example:

I have been visiting Georgia in the South Caucasus three or four times a year over the past five or so years and during this time I have witnessed significant improvements regarding the treatment of detainees by the police. If one refers to the report of the 2007 visit of the Council of Europe's Committee for the Prevention of Torture one finds a very encouraging situation. Paragraph 10 of the said report stated: *"In general, the CPT's delegation gained the impression that the situation as regards the treatment of persons detained by the police in Georgia had considerably improved since the Committee's second periodic visit (in 2003). The great majority of the persons interviewed during the 2007 visit, who were or had recently been in police custody, indicated that they had been treated in a correct manner. The delegation received only a few isolated allegations of physical ill-treatment..."*. How did this significant change for the better come about?

From my discussions with a range of local actors, including police officers, various factors were given for this welcome sea-change, including enhanced human rights education. However, a message I heard time and time again was quite simply the police were 'professionalized': large swathes of the old guard were fired, pay was increased several fold in one fell swoop (which attracted more highly educated persons into the service), official tolerance of corruption diminished significantly, and, crucially, police were given the means to do the job such as proper professional training, decent vehicles, equipment and uniforms etc. Improved human rights education no doubt also played a role, but many other factors came into play.

If you walk through central Tbilisi today the police look a much more professional outfit than they did back in 2004 when I first started visiting the country. According to the CPT's latest report, it would seem that they are acting much more professionally too, which is good news for everyone. So yes, decent working conditions and professional training are very important.

## Identifying systemic issues



Submitted by Jem Stevens on Tue, 11/24/2009 - 15:01.

It is also possible that ill-treatment is not used for a specific purpose but arises from deficiencies in the system of detention and the lack of safeguards for detainees - identifying systemic causes and risks of ill-treatment in places of detention is therefore an essential part of preventive work.

Jem Stevens Asia-Pacific Programme Officer Association for the Prevention of Torture

## Official mechanisms of accountability



Submitted by Ralph. on Wed, 11/18/2009 - 06:18.

Training should address the 'often raised dilemma' of 'security versus human rights' by pointing out that there is no such dilemma as far as police officials are concerned. Unfortunately even though human rights are protected by law, and any limitations which can be placed on rights and freedoms are set in law, police officials, who are described as law enforcement officials, break the law designed to protect human rights when enforcing other law. This situation exists because a readiness to violate human rights law persists as part of a powerful police sub-culture that regards human rights, which are inalienable and inherent in every human being, as incompatible with the process of policing. Furthermore some human rights violations, for example violations of the right to life and of the absolute prohibition of torture, are very serious crimes and, in committing such acts in order to 'fight crime', police are not reducing criminality, they are adding to it. In many instances, the crime of torture will be more serious than the crime being investigated. Those human rights violations that do not amount to criminal acts are enshrined in international law and the laws of states, and encoded as principles of good police practice. It cannot be said that policing that adds to criminality or that violates the professional values of policing is effective. Clearly, breaking the law in order to enforce the law and

committing crime in order to fight crime are absurdities. There is a debate about the nature and extent of the tension that exists between order and liberty, but very little of that debate can be carried through to the debate about policing and human rights, for almost all of the tension has been removed by law. Under law human rights and freedoms are clear, the limitations on those rights and freedoms are clear, and police powers, that mirror those limitations, are clear. Police, whose legitimacy is based on law, must comply with that law absolutely. The areas of policing where that tension has not been removed by law are, largely, those areas where police officials are required, or able, to exercise discretion in the course of their duties, and this issue is connected with the great autonomy of action enjoyed by many police officials. Whilst the extent and nature of discretion exercised by police officials varies from jurisdiction to jurisdiction, all police officials at different levels in police hierarchies exercise discretion to some extent. This is because it is neither possible nor desirable for all laws to be consistently and rigorously enforced. Questions of resources and deployment of those resources arise, and choices have to be made about which laws are to be enforced and to what extent. Individual police officials, at the lowest levels of the police hierarchy, have it in their power to ignore breaches of law and to decide, correctly or incorrectly, not to enforce the law in respect of specific instances of law-breaking. The exercise of discretion by police officials is connected with their varying degrees of autonomy, and both are an indication of the extent to which much police work is unsupervised and unsupervisable. A great deal of supervision and control within police agencies is supervision and control after the event. Information is fed into the system at ground level, and subordinates are able to control the nature and quality of that information. Supervisors receive edited and partial accounts of incidents dealt with by their subordinates, and of their subordinates' responses to those incidents.

Where no legal provisions are in place to regulate or define what police action should be in particular circumstances, and where no other rules or guide-lines have been developed, the great legal and humanitarian principles of respect for the inherent dignity and of the equal and inalienable rights of all members of the human family remain to prompt and inform police action. Indeed these principles, and the specific provisions of human rights law that derive from them, provide a sound basis for codes of behaviour and other texts designed to secure ethical standards in the profession and craft of policing.

At a theoretical level there is no tension between human rights and policing. The fact that such a tension exists in practice is inimical to effective policing and human rights, and it is subversive of the rule of law. A short term 'victory' in dealing with a particular manifestation of criminality may be applauded by a public eager to see wrong-doing punished and to live in a secure and peaceful society. However, when such a 'victory' is found to have been secured through unlawful and unethical means the applause of the public becomes a little uneasy and less enthusiastic. When unlawful and unethical police practices lead to miscarriages of justice and the punishment of innocent people, as they inevitably do, the applause ceases, public confidence and trust in the police is damaged, people are less inclined to co-operate with and assist police, and courts are reluctant to accept the testimony of police as witnesses. The 'victory' has become a defeat. **(Note the above response is a quote from the book I produced with Tom Williamson and Stuart Cullen - 'Human Rights and Policing')**

### Accountability - official mechanisms



Submitted by AV5675kln on Wed, 11/18/2009 - 07:10.

Thank you - totally agree. "security issues and Human Rights" should not be seen as incompatible. Safeguards (enshrined in national laws) should be known, understood and applied by LE, supervisors and decision makers irrespective of the situation - at the same time information on the various safeguards available to civilians should be clearly highlighted. Most if not all the countries I worked in Asia (India, Sri Lanka, Bangladesh, Philippines etc) awareness and knowledge of safeguards amongst LE and civilian population is very scant. There are large information gaps between rural and urban areas where TCIDT take place. Applying and ensuring safeguards consistently could contribute to improved accountability.

### Accountability official mechanisms



Submitted by Ralph. on Wed, 11/18/2009 - 11:25.

Thanks, yes 'safeguards' is a good term. Securing these means, ultimately, securing proper, effective accountability when they are breached. This is very difficult and probably not achieved satisfactorily anywhere yet.

In education/training terms it means making no concessions in the classroom to the effect that it is permissible on some occasions to breach human rights. Teachers and trainers should be very clear that they have a responsibility to insist on complete compliance with human rights standards.

### Re: Accountability



Submitted by ClintonFernandes on Mon, 11/23/2009 - 07:37.

Some injured activists use the courts to pursue their legal rights under civil law to ensure that the actions of police officers are held accountable. This can be successful, but can also be quite long because of the variety of public resources that the police have at their disposal in court.

[http://www.activistrights.org.au/cb\\_pages/police\\_complaints.php](http://www.activistrights.org.au/cb_pages/police_complaints.php)

Dr. Clinton Fernandes, (Australia), Senior Lecturer, Strategic Studies, Australian Defence Force Academy, University of New South Wales

## Resource: Human Rights and Policing book



Submitted by npearson on Wed, 11/18/2009 - 10:50.

Thank you Ralph for sharing this overview of accountability and the inter-relationship of human rights with police practice.

If people are interested, they can see more information about the book, [Human Rights and Policing](#) written by Ralph Crawshaw, Tom Williamson and Stuart Cullen. Ralph, if you have a better link, please share it with us.

[http://books.google.com/books?id=buxgomvV\\_3AC&pg=PR15&lpg=PR15&dq=Human+Rights+and+Policing,+Ralph+Crawshaw&source=bl&ots=YJCHTQOMA&sig=u6vAJG1dzgNUQR6Slz0nFbp42wE&hl=en&ei=xiQES-GfOluvngeE5ZI4&sa=X&oi=book\\_result&ct=result&resnum=1&ved=0CAqQ6AEwAA#v=onepage&q=&f=false](http://books.google.com/books?id=buxgomvV_3AC&pg=PR15&lpg=PR15&dq=Human+Rights+and+Policing,+Ralph+Crawshaw&source=bl&ots=YJCHTQOMA&sig=u6vAJG1dzgNUQR6Slz0nFbp42wE&hl=en&ei=xiQES-GfOluvngeE5ZI4&sa=X&oi=book_result&ct=result&resnum=1&ved=0CAqQ6AEwAA#v=onepage&q=&f=false)

Nancy Pearson, New Tactics in Human Rights Program Manager

## Resource: Human Rights and Policing Book



Submitted by Ralph. on Wed, 11/18/2009 - 11:27.

Thanks Nancy - I haven't a better link. The one you provide seems to provide access to the entire book which is good given the price the publishers have set for it.

## Holding the Police to Account



Submitted by mpringle on Thu, 11/19/2009 - 09:35.

One of the ways in which the APT has been striving for greater police accountability has been through promotion of the concept of independent monitoring of places of detention. Although the organization is currently very much engaged in promoting the Optional Protocol to the UN Convention against Torture (OPCAT), which establishes national and international monitoring bodies, it is sometimes forgotten that back in the 1990s we were doing the same vis-a-vis the Council of Europe's Committee for the Prevention of Torture (CPT). Only a few weeks ago the CPT celebrated to much fanfare its 20th birthday in Strasbourg and over the years it must be said that the profile of the CPT has risen significantly.

However, a decade or so ago this was not the case, particularly at the level of the individual detention facility. If you read some of the earlier CPT reports from the 1990s you often come across comments that police officers or prison officials did not appear to be familiar with the mandate of the Committee, which frustrated its work. In order to address this deficit, in cooperation with the Council of Europe's Police and Human Rights Program, the APT produced the publication, *A Visit by the CPT - What's it all about?* (<http://www.cpt.coe.int/en/documents/doc-visit-by-cpt.pdf>) The authors had police officers very much in mind when the booklet was devised, as is illustrated by its cartoons! The booklet has subsequently had a reasonably long shelf-life as an awareness-raising tool for police officers, having been translated into numerous European languages and distributed among police forces in Council of Europe member states. Of course, independent detention monitoring is only one method of trying to ensure greater police accountability.

## Police should respect, but also protect human rights



Submitted by Anneke Osse on Fri, 11/20/2009 - 04:20.

Thanks Ralph, for a very informative contribution. Just wanted to add that 'policing and human rights' is not just about what police should not do when carrying out their job, but should include the fact that human rights task the police to do certain things. It is not just about respecting human rights themselves, but also about protecting human rights of the people they are serving. This active, positive obligation, is often overlooked which is a pity as it is exactly this field where police and human rights advocates may share a common agenda.

Police protecting human rights means that police help to prevent crime and maintain order, in police terms; and provide security & liberty for all, in human rights terms.

## Accountability - the role of professional associations



Submitted by Cecil B. Griffiths on Wed, 11/18/2009 - 18:20.

One area that is most often overlooked relative to accountability and professional standards within the police service is the role of professional police associations. Many professions including the legal, medical, teaching, accounting, etc. have professional associations that develop professional and ethical standards for practitioners to abide by. Such standards include training standards that covers not only content but also delivery.

Because members of professional associations are either active, retired or former practitioners, they are well placed to provide practical rather than theoretical instructions.

Police Associations could play a very important role in promoting accountability by:

1. Developing standards to cover a wide range of policing issues both administrative and operational to include recruitment and training, promotion and assignment, incentives and benefits, human rights standards, and discipline, etc.

2. Once the standards have been developed, the association can then monitor implementation, and at the same time provide technical assistance to police organizations in need.

The International Association of Chiefs of Police, headquartered in Virginia USA, is a good example of how police associations can enhance police professionalism through the development of training materials, exchange programs, professional conferences and meetings and providing consultancy services to police departments.

The International Police Association in the UK is committed to the principles set out in the Universal Declaration of Human Rights and attempts to promote respect for human rights through its programs.

There are many local and national police associations mainly in the developed countries but most of these attempt to address issues dealing with the rights of officers.

Human rights organizations should encourage and support the development of local professional police associations and expose members to human rights training so that those trained can better relate to the officers in training.

## Trade in torture equipment



Submitted by ClintonFernandes on Wed, 11/18/2009 - 21:20.

At a multinational level, it's important to ban the trade in torture equipment. Participants may wish to acquaint themselves with the UN Special Rapporteur on torture's study on "the situation of trade in and production of equipment which is specifically designed to inflict torture or other cruel, inhuman or degrading treatment, its origin, destination and forms"

[Statement of the Special Rapporteur on Torture, Manfred Nowak to the 61st Session of the UN Commission on Human Rights \(http://www.unhcr.ch/hurricane/hurricane.nsf/0/60B1E9AE29AFE9B6C1256FDD0041B400?opendocument\)](http://www.unhcr.ch/hurricane/hurricane.nsf/0/60B1E9AE29AFE9B6C1256FDD0041B400?opendocument)

[Study on the situation of trade in and production of equipment which is specifically designed to inflict torture or other cruel, inhuman or degrading treatment, its origin, destination and forms, submitted by Theo van Boven, Special Rapporteur on torture, pursuant to resolution 2002/38 of the Commission on Human Rights \(http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/f02ac762481f2ca5c1256cee0049b5d3?Opendocument\)](http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/f02ac762481f2ca5c1256cee0049b5d3?Opendocument)

## Universal jurisdiction and Torture



Submitted by ClintonFernandes on Sat, 11/21/2009 - 01:27.

Persons who commit torture in one jurisdiction can in fact be prosecuted in other countries, even when that country has no connection to the victim, the perpetrator or the crime. The test is whether that country has ratified the 1984 UN Convention Against Torture. I provided the following legal opinion recently regarding Australian jurisdiction. It would be quite profitable to work out what the comparable laws are in other countries, so that when a person suspected of torture enters that country (as a tourist, or for a conference), he or she can be prosecuted:

Australian jurisdiction to prosecute torture:

Breaches of the 1984 UN Convention Against Torture are crimes under federal law over which Australian courts have jurisdiction. Section 6 (1) of the Crimes (Torture) Act 1988 provides that:

- (a) person who:
- (i) is a public official or is acting in an official capacity; or
  - (ii) is acting at the instigation, or with the consent or acquiescence, of a public official or person acting in an official capacity;

Does outside Australia (my emphasis) an act that is an act of torture; and

(b) that act, if done by the person at that time in a part of Australia, would constitute an offence against the law then in force in that part of Australia;

Is guilty of an offence against the Act.

Section 3 of the Act defines "torture" as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person:

- (a) for such purposes as:
- (i) obtaining from the person or from a third person information or a confession;
  - (ii) punishing the person for an act which that person or a third person has committed or is suspected of having committed; or
  - (iii) intimidating or coercing the person or a third person; or

(b) for any reason based on discrimination of any kind; but does not include any such act arising only from, inherent in or incidental to, lawful sanctions

Thus there are two material elements and two mental elements. The material elements are that severe pain or suffering, mental or physical, must be inflicted on a person, and that it must be done by a public official or a person acting in an official capacity. Note that this latter limitation is not part of the requirement for war crimes. As for the 'severity threshold', it refers to the pain or suffering of the victim, not the conduct itself. It is not useful to develop a catalogue of conduct that amounts to torture. The mental elements are that the pain or suffering must be intentionally inflicted, and for such purposes as obtaining information or a confession, or punishing or intimidating the victim or a third person, or for another reason based on discrimination. Acts that otherwise meet the definition of torture but are committed purely for sadistic reasons do not appear to be covered.

Not every Australian State and Territory has a specific offence of torture. E.g. Victoria, New South Wales, Tasmania, South Australia, Western Australia and the Northern Territory have no specific offence of torture. In these jurisdictions, acts constituting torture are criminalized under the provisions of other criminal offences such as assault.

Section 4 of the Act reflects the scheme of universal jurisdiction, stating that it has "extra-territorial operation according to its tenor". Charges may be brought against Australian citizens or other persons who are present in Australia, including the external territories (Section 7, my emphasis). Thus, there is no requirement that the alleged perpetrator be an Australian citizen; all that is required is that the person be present in Australia. Nor is there any requirement that Australia be a Party to the international armed conflict in question, or that Australian citizens be victims of the act of torture.

Section 8 of the Act requires that a prosecution may be brought only with the written consent of the Attorney-General. However, a warrant for the arrest of a person may be issued and executed, and an arrest may be made even if consent has not been given. Dr. Clinton Fernandes, (Australia), Senior Lecturer, Strategic Studies, Australian Defence Force Academy, University of New South Wales

### Definition of torture and ill treatment

Submitted by vbicak on Thu, 11/19/2009 - 15:26.



I would like to draw participants attention to the definition of torture and ill treatment and the difference between the two concepts. The fundamental question is whether the definition of such terms in domestic laws comply with the definition of international conventions and international courts judgments? Let us focus on a little bit the basic elements of the torture and ill treatment and degrading treatment in different legal systems.

Professor Dr. Vahit Biçak [www.vahitbicak.com](http://www.vahitbicak.com)

### Definition of torture

Submitted by mpringle on Fri, 11/20/2009 - 10:00.



Being based in Geneva we are ideally placed to follow the various sessions of the UN treaty bodies and only today the UN Committee against Torture's November three-week-long examination of States Parties came to a close. Last week I sat in on the sessions relating to Moldova, during which the Rapporteur on Moldova publicly commended the country on its definition of torture in its criminal code due to it being in line with Article 1 of the UN Convention. Let me tell you that this is a rare occurrence! Usually, the UN Committee has some comment to make regarding the definition of torture in national legislation. In short, States Parties frequently fail to incorporate all the elements of Article 1 in their national legislation. Matthew Pringle

### Definition of torture

Submitted by Jeanne.Sarson on Sat, 11/21/2009 - 11:25. Jeanne Sarson, Canada



Matthew, Is it possible for you to share this definition that you refer to? If so, I would appreciate reading it.

It seems to me that definition is most important in education as it defines the issue as it relates to human rights and sets boundaries on what actions are appropriate or not and the consequences if these boundaries are violated. Thanks, Jeanne Sarson

### Definition [of torture]

Submitted by mpringle on Sat, 11/21/2009 - 23:41.



Hello Jeanne, Please find below the definition of torture as found in Article 1 of the UN Convention against Torture. During the UNCAT sessions the UN Committee insists as a rule that the domestic definition of torture of States Parties reflects all the elements of this article. Regrettably, not many states do.

By the way, Jeanne, I do not know if you are familiar with the APT's website, but we have various publications and other materials on the UNCAT plus other instruments. Earlier this year we launched a database which compiles domestic legislation on torture. Please go to <http://www.apr.ch> for more information. Our Jurisprudence Guide may also be of interest to you. Please have a look and I will send you a copy if it looks interesting. Best wishes from Geneva, Matti

## Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

### Definition [of torture]



Submitted by Jeanne.Sarson on Sun, 11/22/2009 - 10:38. Jeanne Sarson, Canada  
Thank you Matti, for your information.

I am aware of the CAT definition. I was thinking that there must have been some specific additional comment in relation to Moldova as in how the CAT definition of torture was being applied to torture that occurred in the domestic sphere perpetrated by non-state actors for example. I spoke of my concerns re non-state actor torture in the domestic sphere lower down in this discourse before I realized the discourse had a focus in educating police not to engage in torture of those they are to protect. Nancy got me on track.

I had thought that maybe the statement re Moldova and torture definition addressed what happens when spillover torture occurs. That is, when a police person engages in torturing as 'work' but then the torturing spills over into the torture of a spouse or child(ren) in the domestic sphere. How is this treated - is it state or non-state torture? How would the torturer be held accountable? And would the victim's human right "not to be subjected to torture" be upheld recognizing that they endured torture? I was thinking that there might have been a statement that reflected protecting women from torture in the domestic sphere as highlighted in the 2008 Report of the Special Rapporteur against Torture in the Moldova statement. Matthew, I looked at the link re compiles of domestic legislation on torture that you provided and it is most important for gaining easy access to global positioning and is something that I have been seeking as a research tool. Thank you. Respectfully, Jeanne

### UNCAT - regarding violence committed in the home



Submitted by mpringle on Sun, 11/22/2009 - 12:42.

Dear Jeanne, Thanks very much for the clarification. This issue did come up during the session on Moldova - as it usually does nowadays - but I will need to check my notes when I am back in the office tomorrow. More generally, having followed UNCAT sessions over the past decade or so it is encouraging that the issue of violence committed in the home has become a much more prominent issue during the UNCAT sessions than in the past and that the UN Committee now makes various recommendations in relation to the issue, including on education and training for police officers. If I am not mistaken, the Concluding Observations of the most recent session of the UN Committee should be available now and if I have time tomorrow I will trawl through them to see what recommendations were made in the above regard.

### More on Moldova



Submitted by mpringle on Tue, 11/24/2009 - 05:00.

Dear Jeanne, On the issue of domestic violence in Moldova and the reaction of the UNCAT, please find enclosed the relevant articles of the Concluding Observations of the Committee. You will see that the Committee made various recommendations in this regard, including on training of public officials. Matthew

**Domestic violence** 23. While noting various measures taken by the State party, including the decision of 25 September 2009 by a court in Anenii Noi to issue a protection order in favour of the victim in a case involving domestic violence, the Committee remains concerned about the persistence of violence against women and children, including domestic violence, the rarity of intervention measures by the judiciary, the limited number and capacity of shelters for victims of domestic violence, and at reports that domestic violence is deemed to warrant the intervention of the police only in cases where it has resulted in serious injury. (arts. 2, 13 and 16) **The State party should enforce the Law on Preventing and Combating Domestic Violence and provide support for victims through the establishment of additional shelters, the provision of free counseling services and such other measures as may be necessary for the protection of victims. The Committee urges the State party to address impunity in this area, to take appropriate preventive measures and to provide training on the handling of domestic violence to all professionals involved in such cases, including police officers, prosecutors, judges and social workers, with emphasis on the gender aspects of domestic violence. The State party should also provide information, in its next report, on the incidence of domestic violence, on the measures taken to address it, including the use of restraining orders, and on the impact, if any, of such measures.** Here is the link to the document:

<http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.MDA.CO.2.doc>

## Matthew and Moldova



Submitted by Jeanne.Sarson on Sat, 11/21/2009 - 11:15. Jeanne Sarson, Canada

Matthew, would it be possible for you to share the definition of torture you refer to. In my opinion definition is very important in education as it begins the process of clearly defining the boundaries and the behaviours that are not to be crossed re upholding and educating about human rights.

Thanks. Respectfully submitted, Jeanne Sarson

## Concerns and accountability



Submitted by Jeanne.Sarson on Thu, 11/19/2009 - 17:55. Jeanne Sarson, Canada

Although I find all input of interest I remain troubled therefore these are my general responses with suggested remedies:

1. **An assumption:** It appears to me that there is a collective assumption in all the discussion re ill-treatment and torture that assumes to relate only to State inflicted torture; however, the title of this dialogue does not state this. **My suggested solution:** If my assumption is correct I ask that a discourse on torture or ill-treatment that leads to torture state clearly whether the discourse is related to only State-inflicted torture and ill-treatment in the public sphere, whether the discourse relates to torture that is inflicted by non-state actors in the domestic/private sphere or whether the discourse relates to torture that is committed in both the public and private spheres.

2. **Why am I asking for this clarity?** I have worked, since 1993, with women who report surviving torture, tortured by a spouse, and/or tortured when they were girls, and sometimes childhood torture continued into early adulthood or devolved into abuse. There is a difference between the acts of abuse and the acts of torture, we all know this or else human rights instruments would not have had to differentiate torture as a distinct and specific human rights violation. Everyone is entitled to human rights, which are universal, indivisible and interdependent, meaning each person, woman, man, girl and boy have inherent dignity and worth; when referencing the issues of torture this means that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, Article 5, *Universal Declaration of Human Rights*. Whenever the reality of torture arises, as in this discussion, the socio-cultural conditioning appears to be that torture is only a public sphere State inflicted act whereas torture that happens in the home or in the private/domestic sphere is invisibilized. **My suggested solution:** That consideration always be given to naming whether the torture being referred to is torture that is inflicted in the public or private sphere or both as suggested in point one, this would at least provide a statement of dignity and worth to those who have suffered torture in the domestic sphere.

3. **Invisibilization, discrimination and the patriarchal divide:** As to the issue of entitlement to human rights, it is my experience that the entitlement of women and girls who tell of surviving torture victimization inflicted in the private sphere is constantly denied and invisibilized and the invisibilization is entrenched as a global and national socially-conditioned form of gender-based discrimination as well as a devaluation of torture that occurs in the private or domestic sphere. The patriarchal divide is a term I use to illustrate this discriminatory reality. Reality suggests that if a person is tortured by State representatives then there has developed a global response about the violation of the tortured person's human rights, for instance the "Hague Law" and "Geneva Law", however, on the domestic sphere side of the patriarchal divide if a woman or girl discloses torture where is the equal outcry of their human rights not to be subjected to torture? Women we support nationally and internationally, from New Zealand to Australia, to Western Europe, the UK, the US and Canada who repetitively speak of having endured electric shocking, being caged, burnt, cut, brutally beaten, hung, smeared with bodily fluids, endured human-animal cruelty with pets killed, burnt, drowned, and/or bestiality, rapes of all forms – individual and family/group rapes, forced to self-harm, had reproductive tortures of forced impregnations and abortions, nutritional, temperature, and sleep deprivations, and the list goes on, the response is most commonly civil society and global silence, a "don't tell me this" of not wanting to know, or a bias perspective that we must be speaking of African communities. In Canada, my nationality, Canadian women are faced with torture victimization being degraded into a simple assault or other forms of criminal assaults as there is no law that specifically identifies torture as a specific criminal offence in the domestic sphere whereas State inflicted torture is specifically criminalized. This is true for other countries also such as Australia the last time I reviewed their criminal code. To be respectful to both genders, I do not know about adult men or men as boys because I have not been contacted by many men regarding being subjected to domestic torture, but women who were tortured in childhood do speak of the torture of their male siblings and generally speak of how boys were 'conditioned' – tortured – into the role of perpetrator. **My suggested solution:** Countries need to specifically criminalize all forms of torture inflicted whether in the public or domestic spheres; however, I realize this is not the topic of discussion. My suggestion is that as persons who promote human rights the very least that can be done today is to provide acknowledgement to those who suffer torture in the domestic sphere, acknowledgement of its existence as suggested in my first point.

4. **Training of police officials.** From my perspective, if the human rights of all persons not to be subjected to torture are to be upheld then training would require identifying whether the training is focused on torture in the public or domestic sphere. It may also need to be specific to the country, torturers' patterns of torture and the intentionality and purpose of the torturing; this applies to domestic torturers also. There are commonalities and differences, at least from what I presently know, in the actions of State versus non-state domestic torturers. For example, many of the women my colleague and I work with, those who suffered pedophilic torture perpetrated by like-minded kin and non-kin, have suicidal risks that seem not to be present with State torture victimization – that is, they report being counselled to commit suicide versus tell what happened to them, when they try to tell they are at high risk for psychological suicidal triggering. Also they are often forced to Self-cut for the sadistic purpose/pleasures of the torturers which is not something I have yet come across re State

torturers although torturers from both spheres express great pleasures in what they do which causes much psychological humiliation for the tortured person. And the pleasures torturers derive are seldom spoken of in State inflicted torture. **My suggested solution:** If all persons have a human right not to be subjected to torture than all who work in this arena need to identify the arena to which they refer, whether they speak of education/training for public-State versus domestic-non-state inflicted torture.

5. **Nepal example.** As to the mediation of “domestic violence” in Nepal, with full respect for such efforts I have grave concerns that severe human rights violations such as torture could occur and be invisibilized as domestic issues. This is the dominant history of the invisibilization of the severe forms of violence that do occur in the private/domestic sphere. Respectfully submitted. Jeanne Sarson

## Who are the Torturers?

Submitted by Vernon Huffman on Thu, 11/19/2009 - 19:30.



Have you done much examination of the histories of the perpetrators of domestic torture, Jeanne? I know of one case where a US soldier returned from Laos, where he was decorated for torturing people, and eventually set up a torture chamber in his basement for his wife and son. When I learned of it, all three were receiving psychological treatment, the father in prison. Is it common for torturers to cross the line between state and domestic torture?

## Who are the torturers?



Submitted by Jeanne.Sarson on Fri, 11/20/2009 - 05:07. Jeanne Sarson, Canada  
Vernon, I would be interested to have the source for this example you give as I try to keep such information on file if you can share it.

As to the knowledge of the spillover effect that might/can occur as a consequence of a person's engagement in the act of torturing there seems limited knowledge. However, in the book, *Doctors and Torture Collaboration or Resistance* by Amnesty International Medical Commission and Valérie Marange, 1989, pp. xii-xiii, there is a recount about a police inspector whose 'work' in Algeria was to torture up to ten hours at a time. His torturing work spilled over into the torturing of his wife and children.

My colleague and I have just submitted an article to a journal on this reality of spillover torture that suggestively can/might occur as a result of warring/combat ordeals. In the listening to women who speak of their ordeals of experiencing torture inflicted in the domestic sphere, some are of the opinion that dehumanizing warring ordeals experienced by the person turned torturer contributed to their torture victimization. Other suggestions are that some of the torture suffered may have been learned from military training and translated into the infliction of torture to derive sadistic pleasure, express power and control and domination.

There is also a book by Lt. Col. Dave Grossman entitled, *On Killing*, 1995, about the psychological impact that learning to kill can/might have and in this book there is a small section that speaks to the potential for spillover sexualized violence because the soldier connected the high of killing to a sexual climax. As a species we are capable of unconscionable atrocities such as torture that are almost beyond emotional release, carrying such exposures is known as the post traumatic responses of soldiers. How an individual replays their release can be expressed in violence, such as femicides, suicides, and in some cases according to our listening as torturing. We have much to learn about ourselves.

Respectfully submitted, Jeanne Sarson

## The term torture has a technical meaning.



Submitted by vbicak on Thu, 11/19/2009 - 21:04.

Dear Jeanne, You raised important issues. I would like to express my opinion on one of the issues you raised. As far as I am concerned, torture is a technical term for brutality of state agents such as the law enforcement officers (police and gendarmerie), prison guards, staff of mental hospitals or staff of child care intuitions etc. One of the main elements of torture is to use of state power to give pain to victims. If individuals act each other in a brutal way, that is an bodily assault, injury or intentional killing. Of course, the criminal justice system should be able to protect the individuals against such kind of offences. Penal Codes should have provision punishing such offenders. If the state organs fail to implement this law, state agents may be responsible for breach of positive responsibility to protect citizens from torture. Using the word of torture in every case might reduce the impact of the term in the long term. Professor Dr. Vahit Biçak [www.vahitbicak.com](http://www.vahitbicak.com)

## I personally would not take



Submitted by philyons on Thu, 11/19/2009 - 21:58.

I personally would not take a position on whether torture is something that must be confined to state agents. However, it does seem to me that when we're talking about torture that violates human rights, then we be talking about state-sponsored, state-supported, or, at a minimum, state-tolerated torture. By referencing

international covenants and treaties or local state constitutions as the source of these rights, we must recall that we are referring to rights typically as against government authorities. Such instruments typically do not protect people from private action, but rather, from state action. Moreover, when state parties to these agreements enter into them, they do so on behalf of the government; they do not necessarily purport to bind all of the citizens. Thus, when a sexual sadist kidnaps and tortures a victim, such conduct would typically not run afoul of a state or national constitution or an international treaty. On the one hand, civil and human rights as we generally use those terms would not be implicated. On the other hand, it is probably of little comfort to the victims that the torture is private and not public.

Phillip Lyons, (USA), Executive Director, Texas Regional Center for Policing Innovation, (TRCPI) and Faculty Professor, Sam Houston State University, College of Criminal Justice

## Meaning of torture and torment

Submitted by vbicak on Mon, 11/23/2009 - 12:51.



A public officer who performs any act towards a person that is incompatible with human dignity, and which causes that person to suffer physically or mentally, or affects the person's capacity to perceive or his ability to act his own will or insults them should be sentenced for committing an act of torture.

If the offence is committed against;

- a child, a person who is physically or mentally incapable of defending himself or a pregnant women; or
- a public officer or an advocate on account of the performance of his duty,
- if the act is conducted in the manner of sexual harassment,

Penalty should be increased. Professor Dr. Vahit Biçak [www.vahitbicak.com](http://www.vahitbicak.com)

## Question about the assumption and parameters of dialogue topic

Submitted by npearson on Fri, 11/20/2009 - 14:28.



Jeanne, Thank you for raising these points. I wanted to specifically address your initial assumption and clarify your question about the parameters of the dialogue topic.

This particular dialogue was selected to focus **specifically on law enforcement** and the **training methods, tools, and mechanisms** being used to help **prevent, intervene in and address incidences of ill-treatment and torture** by law enforcement personnel upon individuals in the communities in which they are tasked to serve and protect.

I think we did have the general assumption that the ill-treatment and torture is taking place in the course of law enforcement duties. Both you and [Vernon's comment](#) have raised a particularly interesting point to examine, regarding the danger and potential of law enforcement (and soldiers from Vernon's comment) to bring these behaviors of ill-treatment and torture into their own homes and against their family members.

I hope this comment helps to clarify the reasoning behind the particular themes that were selected and the general discourse that has been taking place.

Nancy Pearson, New Tactics in Human Rights Program Manager

## Questions about the assumptions and parameters of dialogue topic

Submitted by Jeanne.Sarson on Fri, 11/20/2009 - 17:06. Jeanne Sarson, Canada



Hello Nancy, Thanks for your clarification. I obviously missed the point! Hopefully I am getting it now, which is that the issue at hand is how to prevent, train the police not to violate or get involved in the perpetration of ill-treatment or torture of the population they serve. This is important. I can say that some women we support do speak of police being directly involved in their torture victimization. Their testimonials are generally historical but not always. My apologies to all for my misunderstanding or in the introduced of an element that you were not intending for discussion.

Respectfully, Jeanne Sarson

## The term torture

Submitted by Jeanne.Sarson on Fri, 11/20/2009 - 16:51. Jeanne Sarson, Canada



Thanks for your comments. It is always helpful to reconsider how I have explained myself. I agree that the reality of 'torture' is not to be applied loosely but it must be applied justly and equally, meaning that women and men have equal worth and dignity not to be subjected to torture in both the so called public/ private spheres. A consideration that torture has occurred in the public sphere requires testing, so should similar violent acts that are inflicted in the private sphere is my point of view, otherwise the question of gender/sex based human rights inequalities and discrimination occurs.

Women worked hard to have women's equality inserted into the *United Nations Charter* and into the *Universal Declaration of Human Rights*. And still in 1993, at the Vienna Tribunal on human rights and accountability the Tribunal's discourse

noted that gender/sex-based discrimination and violence in all its forms including torture are a reality that women endure in both public/private/domestic spheres. Such social pushing has been/has to be exerted in order to dismantle gender-sex based discrimination against women if their human rights equality is to be achieved. Therefore, all human rights instruments and organizations aimed at upholding human rights must and are evolving. The meaning of "women's rights are human rights" is significant as it moves women from being objects into the position of women as human person subjects with inherent human dignity and equality. To reconceptualise this shift, for example, sexualized violence of women in times of armed conflict once considered male 'entitlement' and women as objects for raping is now codified as torture into the International Criminal Court process for example. It has taken much effort to shift the misopedic and misogynistic perspective that objectified and sexualized women and invisibilized and minimizing the severe suffering such sexualized violence causes.

Reconceptualizing the elements that define torture, where torture happens, who is guilty of perpetrating torture, how perpetrators of torture will be held accountable is equally necessary otherwise there will continue to be a devaluation of women and the violence that is exerted against them. Torture attempts to dehumanize another human being, The dehumanization of another human being is always a violation of their human rights including if it is inflicted against a woman in public/private sphere otherwise how can there be equality rights not be subjected to torture?

Reconceptualizing torture requires removing the patriarchal divide and taking a gender/sex-sensitive interpretation of torture victimization, whereby women are protected from torture. In the 2008 Report of the Special Rapporteur on Torture, Manfred Nowak writes about this very issue. Universally, the Convention against Torture (CAT) is the only legally binding instrument directed at the elimination of torture. In his report Mr. Nowak discusses the elements that guide defining acts of torture to include:

1. Severe pain and suffering, mental and physical. The life-threatening pain and suffering of, for example, electric shocking is no less whether inflicted by a State representative or by a kin.
2. Intentionality, he states is implied with gender-specific torture and if there is a specific purpose.
3. Purpose being one of the elements, purpose denotes intention thereby purpose is always fulfilled in gender-based, gender-specific discriminatory acts.
4. He suggested a powerlessness criterion be added with the degree of the powerlessness of the victim in a given situation be tested. Powerlessness issues relate to the degree of power and control exerted, coercion, age, ability, physical and mental health and socio-cultural and sometimes religious oppressions that produce discrimination and powerlessness.
5. And as to the so-called required element of State involvement, Mr. Nowak explains that Article 1 of CAT extends State obligations of protection into the private sphere, and the Committee against Torture speaks about a State's due diligence responsibilities and a failure to act to protect victims of torture is a form of "de facto permission" given to non-state actors.

Discussion of the parallels between State inflicted torture and non-state inflicted torture was included in a 1996 report of Ms. Radhika Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences. That torture happens in the private sphere and is so recognized occurred, for example, when the State of Michigan, 93rd Legislature, Regular Session of 2005, Enrolled House Bill No. 5268 enacting torture as a specific offence. This action was triggered by what the lawyers stated was the torture of a blind diabetic woman by her husband and their outrage of not being able to hold him accountable before the law because there was no criminal offence in Michigan at the time when the man was convicted.

If the reality that acts of torturing are not reconceptualised cognizant that historical and gendered oppression has/does exist that has devalued women as human persons thereby suffering from a failure of a State to fulfil, protect and promote their human rights including not to be subjected to torture in any sphere then it is my opinion we as a species become complicate in discriminatory gender-based human rights violations.

Respectfully submitted, Jeanne Sarson

### Jeanne: I fully agree



Submitted by philyons on Fri, 11/20/2009 - 20:55.

Jeanne: I fully agree with your assertion that the government has an obligation to protect its citizens and/or those in its borders within the private sphere as well. Indeed, that's precisely why I suggested that the term should apply to "state-sponsored, state-supported, or, at a minimum, **state-tolerated** torture." Regrettably, I suspect, people will always be inclined to inflict torture on other people. The number of people so motivated may change, their motivations may vary, and so on. If the government is doing its best to prosecute the wrongdoers, though, it seems to me the government is doing what it is supposed to do morally and legally. The BTK murderer in Kansas is, I think, a good case in point. Clearly he tortured, but I don't think it could be said fairly that the state facilitated that in any way.

Philip Lyons, (USA), Executive Director, Texas Regional Center for Policing Innovation, (TRCPI) and Faculty Professor, Sam Houston State University, College of Criminal Justice

## Definition of torture and ill treatment



Submitted by vbicak on Thu, 11/19/2009 - 15:26.

I would like to draw participants attention to the definition of torture and ill treatment and the difference between the two concepts. The fundamental question is whether the definition of such terms in domestic laws comply with the definition of international conventions and international courts judgments? Let us focus on a little bit the basic elements of the torture and ill treatment and degrading treatment in different legal systems.

## Torture and ill treatment are purposeful behaviors



Submitted by vbicak on Thu, 11/19/2009 - 15:47.

Torture and ill treatment are purposeful behaviors of law enforcement officials (police or gendarmerie). To fight effectively with torture and ill treatments, civil society or supervising body or training staff should be able to identify the goals of using torture and ill treatment. Different measures may be developed for each different aimed illegalities.

Any adapted means to fight the torture and ill treatment should be questioned whether the means chosen are suitable. One should be careful that means chosen were not ill suited to achieve the desired end, prevention of torture and ill treatment. Professor Dr. Vahit Biçak [www.vahitbicak.com](http://www.vahitbicak.com)

## Police Performance and Public Perception: Impact Evaluation



Submitted by ninasingh on Thu, 11/19/2009 - 20:38.

Below is a summary of the action research project that Rajasthan Police (India) collaborated with the Massachusetts Institute of Technology (MIT), USA. I think you will find it interesting and relevant:

### Background

In their effort to improve the professionalism, transparency and responsiveness, the Rajasthan Police undertook a comprehensive reform initiative targeted at various aspects of policing in the state. The three-year collaborative project between Rajasthan Police and the Massachusetts Institute of Technology (MIT), USA was a major initiative. Primarily focused at police station level reforms this project aimed to develop and evaluate a set of police reforms with following objectives:

1. Enhance police performance
2. Improve public opinion
3. Gather objective information about crime rates and police performance.

### Interventions

The project started in Sept 2005 with a preliminary survey to identify the problem areas. In depth interviews were conducted with police officers of all ranks, constabulary, members of public including slum dwellers, shop keepers, lawyers, judges, executive magistrates, media etc. The reports of various police commissions as well as available literature on police reforms were extensively consulted. The survey indicated that police is often seen as corrupt, lazy and arbitrary by public. Besides this, the self-perception of police was also found to be negative as they themselves felt overworked, unappreciated and victims of political manipulation. The deliberations following the result of survey led to the identification of the following interventions:

**1. In-service training program:** This included modules on:

- a. Professional enhancement of investigating officers with inputs on improving the competence level and use of scientific techniques.
- b. Improving public relations with inputs on 'soft skills' such as communication, mediation, stress management, motivation, team building, leadership, attitudinal change, nutrition, health etc.

**2. Community Observers:** Introduced for the first time, the community observers were local volunteers chosen to sit in the police station for approximately three hours in the morning and evening (peak hours), with the sole purpose of observing the activities within the police station. They had access to all areas including the lock up. The presence of the observer would have many positive impacts: increasing public awareness of the roles of the police, improving police behavior, and encouraging citizens to visit the police station.

**3. Weekly day off and Duty roster system:** Under this, the entire staff in selected police stations (except the SHO) received one day off every seven days. In addition, each person was given the opportunity to perform all the duties at the police station on a roster basis. The goal was to create a transparent and fair system of work allocation that would lead to lower stress, more flexibility, reduced corruption, better informed constabulary and higher overall productivity.

**4. Freezing of transfers:** All administrative transfers in the police stations were prohibited for a period of one and half years since frequent transfers (due to outside interference) had adverse effect on professional and family lives of police personnel.

The choice of the above mentioned reform initiatives was done keeping in mind their cost-effectiveness, simplicity (as they were to be implemented by SHOs of various police stations), sustenance and the fact that they were capable of generating evidence of success. In Feb 2006, the pre-pilot experimentation of these initiatives was launched in eleven police stations in Jaipur North, Jaipur East, Jaipur Rural and Sikar districts. After three months of successful execution, these initiatives were further scaled up to 150 police stations in eleven districts across Rajasthan: Ajmer, Alwar, Barmer, Chittorgarh, Pratapgarh, Dholpur, Hanumangarh, Jaipur City East, Kota City, Nagaur, and Udaipur for a period of one and a half years.

During the course of this project, around 350 investigation officers (Inspectors, Sub Inspectors and ASIs) were trained on a weeklong module at Rajasthan Police Academy Jaipur for improving their skills on investigation. Also, 2000 police personnel (all ranks) were trained on soft skills, via a three- day module, to improve public relations with the help of IL&FS (ETS).

### **Study Design**

The goal of this project was not only to implement these reforms, but also to provide scientific and quantitative evidence of their effectiveness. Therefore within each district, the police stations and respondents were selected randomly into treatment and control samples. Data collection was done through baseline and end line surveys with continuous monitoring during the implementation period. The random selection of police stations and respondents ensured that the effectiveness of each of reforms is measured in an unbiased manner.

The project was completed in June 2008. The results from the analysis of the data are now available. The main findings are summarized below:

### **Findings on Crime in Rajasthan, 2008:**

·Percentage of households that were victims of crimes vary dramatically across districts:

District	% Households victim to at least 1 crime
Ajmer	7%
Alwar	8%
Barmer	3%
Chittorgarh	10%
Dholpur	18%
Hanumangarh	7%
Jaipur	10%
Kota	13%
Nagaur	4%
Udaipur	5%

Of these crimes, 71% are never reported to the police

- In cases when the crime is reported to the police, an FIR is registered 72% of the time. Thus 21% of crimes occurring in households lead to FIRs being registered with the police.

*Results of Project Interventions:* Increasing duration of police postings improves relations with the public:

- In stations where transfers were frozen, 19% fewer respondent reported fearing the police than in control stations
- In stations where transfers were frozen, 8% fewer police staff members complained of poor treatment or disrespect from the public
- In stations where transfers were frozen, 30% more crime victims reported to be fully or mostly satisfied with the police.
- Communications and public relations training increases satisfaction of crime victims:
- Although on average only 27% of victims are satisfied with police investigations, training all police station staff more than doubles satisfaction—increasing it to 58%.
- Investigation training for officers improves the quality of crime investigations:
- Crime victims in police station where officers received extra training report that police were more proactive in investigating—collecting more evidence, interviewing more witnesses, and making more arrest.
- In independent reviews of case files by retired police officers, cases investigated by officers who had received extra training were graded 13% higher in their use of scientific investigation techniques.

Freezing of transfers reduces staff grievances:

- Police staff in stations where transfers were frozen were more likely to respond positively on a variety of questions regarding fairness and transparency in the police.
- Freezing transfers made respondents less likely to complain of instability and uncertainty in postings.

Giving a weekly day off to police staff increases satisfaction:

- Police staff in stations that received a weekly off reported being more satisfied with their jobs than in control stations. Rotation of Duties makes constables more skilled at a variety of tasks:
- When given a test of their knowledge of basic police duties and information, constables at stations with duty rotation scored higher than those at control police stations.
- Constables at stations with duty rotation reported having higher levels of expertise in a wide range of duties as compared with those in control police stations.

#### Recommendations:

- **National Crime Victimization Survey:** A national crime victimization survey carried out every two or three years, helping us identify problem areas as well as providing data that could be used for assessing effectiveness of reform policies. Our survey provides a template for how this can be done
- **Freezing of Transfers:** Increasing transfer time appears to have significant effects on public relations, as well as decreasing staff grievances. Although this is often presented as a politically difficult reform, this project has shown that it is both feasible and beneficial and as such is recommended as a permanent goal.
- **Training:** Both investigation training and public relations training showed positive effects on public satisfaction and crime investigations. These interventions are straightforward to scale up and should be extended to the remaining Rajasthan Police staff.
- **Weekly Off/Rotation of Duties:** These interventions showed some effect in increasing staff moral and flexibility (in that more staff members were trained for each task). However, these effects did not generate significant changes in more traditional indicators of police performance.
- **Community Observer:** The community observer intervention had no effect on public perception of the police, potentially due to the short duration of the study, or with issues related to implementation. As such it cannot be recommended.

#### Resource: Rajasthan & MIT Impact Evaluation



Submitted by npearson on Fri, 11/20/2009 - 12:24.

Nina, Thank you for sharing this resource. I've posted the PDF of the document available for people to download to study more thoroughly.

[Police Performance and Public Perception: Impact Evaluation](#)

Nancy Pearson, New Tactics in Human Rights Program Manager

#### Accountability - Community Observers



Submitted by npearson on Sun, 11/22/2009 - 01:38.

Nina, I wanted to take up a point that you raised in your impact evaluation study - that of the role of community observers. You stated: "**Community Observers:** Introduced for the first time, the community observers were local volunteers chosen to sit in the police station for approximately three hours in the morning and evening (peak hours), with the sole purpose of observing the activities within the police station. They had access to all areas including the lock up. The presence of the observer would have many positive impacts: increasing public awareness of the roles of the police, improving police behavior, and encouraging citizens to visit the police station."

This aspect of involving the community in understanding the roles of the police and having an investment in their police services - as well as providing an "audience" to let the police know that their behavior was being observed and they would be held accountable is a powerful approach.

I want to share four examples of powerful community involvement from our New Tactics on-line tactics database to provide what we call "transferability" ideas (an idea that was implemented in another country regarding a different issue can be adapted for another issues and country). I hope these can give some idea as that could be considered by others to implement (<http://www.newtactics.org/en/tactics/database>):

1. community monitoring of police - [Monitoring police conduct through personal observation](#) - Like Nina's example, different places where citizen's can observe police behavior, on the street, in the police station, etc)
2. community monitoring of judges - [Citizen monitoring of courts as a means of creating system change](#) - using a simple symbol like "red clipboards" to highlight citizen monitoring and collecting data to promote policy change
3. community monitoring of public allocation of funds (budget monitoring) - [Human Rights Budgeting to Promote and Protect Social and Economic Rights](#) (Note - this is also a tactical notebook, [Using Government Budgets as a Monitoring Tool](#)) - how might citizen monitoring of budgets improve the conditions for law enforcement while helping citizens to understand the true costs of community policing; safety; crime prevention/investigation, etc.?
4. community monitoring of development funds (specifically targeting issues of corruption) - [Using peoples platforms where citizens can publicly challenge officials on the difference between promises and reality](#) (Note - this is also a tactical notebook, [Right to Know, Right to Live](#) - this example of public accountability of funds might be a very powerful tool to address corruption within law enforcement

Community monitoring is a powerful accountability tool as well as a powerful empowering tool for the community itself to understand the roles and limits of public servants and the community's own responsibility for ensuring their own rights.  
Nancy Pearson, New Tactics in Human Rights Program Manager

## Community Policing



Submitted by eommar on Sun, 11/22/2009 - 09:57.

Thanks Nancy for your comment. It takes us to the significance of community policing, which I see as an efficient tool for bringing both community and police to a joint ground of responsibilities and rights. In fact this issue nowadays is needed more than ever, specially in some countries where police plays an outstanding role in expanded areas of responsibilities, the fact that leads to a continuous confrontation between the police and individuals through the day hours. I also would like to add that the step to de-politicize police is of great significance here, considering the fact that in many countries police is a tool for achieving political goals, which diverge this important institute away from its original sphere as a guarantee for the community security and tranquility. Ibrahim

## Community Involvement



Submitted by ninasingh on Sun, 11/22/2009 - 22:02.

Nancy, Thanks a lot for sharing the examples. Undoubtedly community oversight is a powerful tool, yet on the basis of my personal experience as a practitioner there are two observations:

1. In the front line police (I mean police stations that are the basic service delivery centers) there is a general resistance in outreaching community. Often it is considered as an additional burden on their normal work and hence lack of interest except the few individuals whom they consider helpful.
2. On the part of community there is a general lack of enthusiasm in association with police.

Therefore, the need of training among the police as well as the awareness among community regarding the usefulness of their participation becomes crucial. Soft skill training for police officers was the training initiative that we introduced with the objective to outreach community. The process of ADR is also included in the training content. Besides we also train our community observers regarding their roles and responsibilities. Although their main work is just to sit in the police stations and observe but at many places they were instrumental in helping the complainants file FIRs (First Information Report), do counseling and help in settling disputes.

Nina Singh, (India), Inspector General of Police, Rajasthan, Indian Police Service (IPS)

## Training for Community Involvement



Submitted by npearson on Mon, 11/23/2009 - 17:19.

Nina, Thank you for raising these important barriers - of both perception (community outreach and involvement is a burden) and also reality (that outreach does take significant effort and involvement of community members can hamper more than help police).

This could be an area where NGOs could indeed "stick to your role" and provide community members with excellent training for appropriate community roles. You outlined a number of places where community members can provide assistance to police (helping people to fill out the required forms), while still being able to be good observers of police behavior while performing their duties.

A Thai police trainee provided answered this question, "What does POLICE mean?" with the following (Found on page 12 of [Police Training: Opening the door for professional and community-oriented policing](#))

- P – Polite
- O – Organized
- L – Lawful
- I – Intelligent
- C – Community-oriented
- E – Educated"

Your post made me want to answer "What does "CITIZEN" mean?" Here is my try - any reactions?

- C - Community-oriented
- I - Independent
- T - Trained
- I - Involved
- Z - Zealous (filled with enthusiasm)
- E - Educated (not required to be school educated but informed about rights/processes)
- N - Necessary for accountability

Nancy Pearson, New Tactics in Human Rights Program Manager

## Community involvement: from the field



Submitted by Mir Rakib Ahsan on Tue, 11/24/2009 - 03:05.

Hi Nina, Your observations are very interesting and practical no doubt. I would like add here one observation that in many cases front line officers doesn't feel courage to start communicating with community because of departmental harassment (I have mentioned "courage" because very often it has found they fall down in problem for this). Still I can remember after concluding a training session one sub-inspector said this training will go in vain unless you can motivate our supervisors, because they hardly allow us to visit community people.

Community's enthusiasm is missing as they found police are not serious at all listening community's crisis, and hardly give attention without their personal benefits. Even they said "criminals are paying them so why they listen to us". Thanks, Rakib, Senior Program Officer; Rights and Criminal Justice, The Asia Foundation, Bangladesh

## Accountability Examples



Submitted by ninasingh on Mon, 11/23/2009 - 19:34.

Thanks for sharing the examples of community accountability Nancy!

Nina Singh, (India), Inspector General of Police, Rajasthan, Indian Police Service (IPS)

## accountability - official mechanisms



Submitted by Alice Verghese 5675kln on Fri, 11/20/2009 - 02:52.

1. How do law enforcement trainings address the role of official mechanisms of accountability? At the local, national and international levels, trainers at forums like these could ideally map similar patterns where and how accountability breaks down - in my experience (although this lacks concrete scientific basis) weak accountability at a local level has a few common features

- i. group bonding and language
- ii. Group insularity
- iii. High levels of peer pressure to resist whistle blowers
- iv. Resistance and weak leaderships

There may be other common patterns which may be helpful to identify jointly before addressing official mechanisms of accountability

## accountability - civil society



Submitted by AV5675kln on Fri, 11/20/2009 - 03:04. Alice Verghese

Civil society at national , regional and international levels has the possibility of documenting common behavioural traits: those working with torture victims can easily recognise torture methods and patterns across the globe. Hence a mapping of uniformity of techniques could infer uniformity of training of police in the use of torture , and perhaps even uniformity of systematic use and common policy . a deeper understanding of this could contribute to accountability at various levels

## Civil suits and accountability - an actual victory

Submitted by ClintonFernandes on Sat, 11/21/2009 - 01:30.



Some years ago, an Indonesian general entered the US and was targeted by human rights activists. The story below might provide a pointer to other activists as to how to proceed:

### **Lumintang First Ranking Officer to Be Held Accountable for East Timor Post-Vote Violence**

Contact: john [at] etan [dot] org, (718)596-7668; (917)690-4391 Anthony DiCaprio, Center for Constitutional Rights (CCR), (212)614-6456 jsond [at] cja [dot] org, Center for Justice and Accountability (CJA), 415-544-0444 x303

The East Timor *Action* Network (ETAN) today hailed U.S. Federal Court Judge Alan Kay's order holding Indonesian General Johny Lumintang liable for \$66 million for his role in systematic human rights violations following East Timor's overwhelming vote for independence in 1999.

The six plaintiffs or their estates were granted \$10 million each in punitive damages. Compensatory damages ranged from \$750,000 to \$1.75 million each.

"It has been established... that Lumintang has responsibility for the actions against plaintiffs and a larger pattern of gross human rights violations," wrote Judge Kay. "[H]e - along with other high-ranking members of the Indonesian military -

planned, ordered, and instigated acts carried out by subordinates to terrorize and displace the East Timorese population ... and to destroy East Timor's infrastructure following the vote for independence."

Last March, Judge Kay presided over three days of hearings in Washington, DC, during which the court heard testimony of the plaintiffs and expert witnesses. The plaintiffs were victims of Indonesian military and militia violence. The decision was issued last month. (The text of the judge's findings can be found at <http://www.etan.org/news/2001a/10lumjudg.htm>.)

To date, the case against General Lumintang is the only one brought in any jurisdiction against a high-level Indonesian commander for the destruction following East Timor's August 30, 1999 UN-organized vote. General Lumintang chose not to defend himself in court.

"This judgment sends a strong message that the Indonesian military, police, and political leaders responsible for 1999's devastation of East Timor must be held accountable. Indonesia clearly lacks the will and East Timor the resources and access to defendants, to prosecute ranking officials responsible for these crimes against humanity," said John M. Miller of ETAN, which supported the suit. "An international tribunal is essential to uphold international human rights standards and to end the impunity of the Indonesian military. While this judgment is no substitute for an international tribunal, at least one member of the Indonesian command has been brought to justice," Miller added.

"The people of East Timor have been searching for justice for nearly three decades. The overwhelming violence that took place after August 30, 1999 vote affected nearly every person in East Timor. The United States is distinctly and unfortunately able to empathize with this profound suffering and it is appropriate that a U.S. court is the first in the world to find the defendant, along with other high-ranking members of the Indonesian military, responsible for the violence in East Timor," said Anthony DiCaprio of the Center for Constitutional Rights, an attorney for the plaintiffs.

"The tragic events of September 11 have reminded us all that attacks on innocent civilians are never justified," said Joshua Sondheim of Center for Justice and Accountability, an attorney for the plaintiffs. "The court's ruling sends a message that if those responsible for grave human rights abuses against civilians want to enter the United States, they will be held accountable under U.S. law ."

In 1999, Lumintang, as vice chief of staff, was second in command of the Indonesian army. Following the August 30, 1999 UN-organized referendum, the Indonesian military and militia that operated with their support systematically destroyed East Timor, murdering at least 2000 East Timorese and destroying 70-80 percent of the infrastructure. Three-quarters of the population was forced from their homes.

In his ruling, Judge Kay cited the principle of command responsibility where "a commander may be criminally or civilly responsible for crimes committed by subordinates." He said that Lumintang is "both directly and indirectly responsible for human rights violations committed against" the plaintiffs. Evidence of direct involvement included his signature on certain key documents. He is also liable because as a member of the TNI high command he knew or should have known that subordinates were involved in systematic rights violations in East Timor and he failed to act to prevent or punish the violations.

Plaintiffs who traveled to Washington to testify in the proceedings included an East Timorese victim of Indonesian military and militia violence, whose brother was killed and father injured in post-election attacks. The father testified via videotape. Two other East Timorese targeted by the Indonesian military in September 1999 during the scorched earth campaign from Indonesia also testified: a mother whose son was killed, and a man who was shot by Indonesian soldiers and subsequently had his foot amputated.

The Megawati administration's recently amended decree establishing a special human rights court on East Timor in Indonesia falls far short of fully addressing the military's role in orchestrating the violence and devastation. It only covers April and September 1999 in three out of Timor's 13 districts. This excludes many atrocities that occurred outside of those time periods and locations, as well as the systematic coordination of the scorched-earth campaign by senior level security forces personnel as noted by both Indonesian and UN commissions of inquiry and, now, by Judge Kay.

"The lack of justice for the people of East Timor flies in the face of the recent emphasis on justice and rule-of-law expressed by both Presidents Bush and Megawati during the Indonesian president's recent visit to the White House. Although the Indonesian military remains above the law, terrorizing and killing civilians throughout the archipelago, the Bush administration seeks to reward it with prestigious military assistance," said Karen Orenstein, Washington Coordinator for ETAN.

Lt. Gen. Lumintang is currently secretary general of the Ministry of Defense. He was trained by the U.S. under the Pentagon's IMET (International Military Education and Training) program and had been a past commander in East Timor.

In 1992, a judgment for \$14 million was issued in a similar case against Indonesian General Sintong Panjaitan for his involvement in the Nov. 12, 1991 Santa Cruz massacre of over 270 East Timorese.

The Lumintang lawsuit, like the Panjaitan case, is based in part on the Alien Tort Claims Act of 1789 which allows non-citizens to sue for acts committed outside the United States "in violation of the law of nations or a treaty of the United States." The 1991 Torture Victim Protection Act reaffirms the 1789 law and gives U.S. courts jurisdiction over claims by

citizens involving torture and extra-judicial killing occurring anywhere. Lawsuits can only go forward if the defendant is served legal papers while in the U.S.

Lumintang was personally served notice of the civil suit on March 30, 2000, while visiting the Washington, DC area. After he failed to answer the charges, including crimes against humanity, summary execution and torture, a judge declared Lumintang in default.

Counsel for the case are the Center for Constitutional Rights in New York, the San Francisco-based Center for Justice and Accountability and the Washington, DC law firm of Patton, Boggs.

For the text of Judge Kay's "Findings of Fact and Conclusions of Law" and more information about the Lumintang and Panjaitan cases, see <http://www.etan.org/news/2000a/11suit.htm>

Dr. Clinton Fernandes, (Australia), Senior Lecturer, Strategic Studies, Australian Defense Force Academy, University of New South Wales

### Accountability - Civil suits for victim redress



Submitted by npearson on Sat, 11/21/2009 - 11:04.

Clinton, Thank you so much for sharing this example regarding East Timor. A number of non-governmental organizations in the United States have been successfully applying the two significant laws mentioned in your article:

***"...the Alien Tort Claims Act of 1789 which allows non-citizens to sue for acts committed outside the United States "in violation of the law of nations or a treaty of the United States. The 1991 Torture Victim Protection Act reaffirms the 1789 law and gives U.S. courts jurisdiction over claims by citizens involving torture and extra-judicial killing occurring anywhere. Lawsuits can only go forward if the defendant is served legal papers while in the U.S."***

New Tactics has an excellent tactical notebook written by Sandra Colliver, the former executive director of the [Center for Justice and Accountability](#), [Reparations: Using civil lawsuits to obtain reparation for survivors of human rights abuses and to challenge the impunity of their abusers](#), that provides a step-by-step understanding of how such civil suits can be useful for gaining a level of redress and reparations for victims.

[http://www.newtactics.org/sites/newtactics.org/files/Coliver\\_Reparations\\_update2007.pdf](http://www.newtactics.org/sites/newtactics.org/files/Coliver_Reparations_update2007.pdf)

As you mentioned, the [Center for Constitutional Rights](#) has used this process among others. I would like to mention that the [International Labor Rights Fund](#) has also successfully used these laws to gain redress and compensation regarding crimes committed by international corporations. This article, [Alien Tort Claims Act: Holding Corporations Accountable for Human Rights Violations in the Global Economy](#), by Terry Collingsworth that was written a number of years ago (2003) but provides an excellent overview of how ILRF is applying this tactic to hold corporations (Total, Coca Cola, Del Monte, Exxon Mobile, etc) accountable for such acts as forced, slave labor in Burma and Colombia.

<http://www.laborrights.org/news/11490>

Although these suits do not provide for criminal sentences, they do provide an avenue for accountability and target abusers in such a way as to limit their freedom of movement. They can no longer travel anywhere they would like with impunity.

Do people have other kinds of examples from your countries regarding efforts to hold those who have committed torture accountable for their actions? Nancy Pearson, New Tactics in Human Rights Program Manager

### Kenya Civil society accountability mechanism-National Accord



Submitted by rapudo on Sun, 11/22/2009 - 10:05.

In Kenya, the Security reforms process has been ongoing coupled with constitutional change. The Civil society in Kenya has been work taking the linkages between police reform at the peace process, building capacity to engage on National Agenda 4 and their constitutional reform issues critical to the National Reconciliation Accord that was mediated by Koffi Annan's AU Eminent Person Panel.

The outcome of extensive debate among a number of civil society stakeholders has been the establishment of the Usalama Reform Forum. This is a forum of civil society practitioners who have come together to promote security sector reform in Kenya and specifically police reform. The initiative developed out of a conference held as far back as November 2008 and has since then consolidated into the Usalama Forum.

The Forum is managed through a steering committee which includes the Kenya National Commission on Human Rights; PeaceNet-Kenya, Saferworld, Kenya Muslim Youth Alliance, Eastern Africa Institute of Security Studies, Eastern Africa Peace Institute, Africa Research Foundation, Kibera Community Policing Committee, Socio-Economic Rights Foundation, Amani-Parliamentary Forum, Nairobi Peace Forum, ChemChemi Ya Ukweli, Africa Policing Civilian Oversight Forum and the Commonwealth Human Rights Initiative. It is structured both at National and decentralized level . These include:

- 1) Nairobi Usalama Forum: is part of the ongoing dialogue between the Kenya National Commission on Human Rights and the Police Station Commanders across Nairobi. The intention is to establish appropriate frameworks for human rights observance in policing across Nairobi. The Forum has met once and is expected to be sustained through regular contacts
- 2) Nyanza Usalama Forum: Like the Nairobi Forum, The intention is to establish appropriate frameworks for human rights observance in policing across Nyanza.
- 3) Western Usalama Forum: Like the other forums, this Forum is part of the ongoing dialogue between the Kenya National Commission on Human Rights and the Police Station Commanders across Western province. The intention is to establish appropriate frameworks for human rights observance in policing across Western Province.
- 4) North Rift Usalama Forum: This forum brings together the KNCHR, Peace Net-Kenya and other CSO actors to address conclusively all the security issues across the North Rift. The Forum has established an implementation strategy.
- 5) Northern Kenya Usalama Forum: This forum brings together the KNCHR, Peace Net-Kenya and other CSO actors to address conclusively all the security issues across the North Rift. The Forum has established an implementation strategy.

Usalama has also managed to establish good relations with both the Administration Police and the Kenya Police. The strategy of the Forum is focused on three themes, legislative reform, institutional development and police accountability. In the latter theme we are among others seeking ways to operationalise the common standards for policing along the concept ideas we discussed previously. The Forum has also made extensive input into the Police Reform Task Team.

Over the next few weeks we plan to host a number of public forums to which we will invite you. We are looking forward to partnership to help us run the processes.

## Kenya Civil Society Experience



Submitted by npearson on Sun, 11/22/2009 - 11:33.

Thank you for sharing this process that Kenya has been undertaking.

I'm very interested to learn more about:

- How the law enforcement officers and structures have been involved?
- What has been their level of participation and input in the process?
- What role will they be playing in the upcoming public forums taking place in the various provinces and regional areas of Kenya?

Your experiences will be highly valuable to share with others facing similar challenges, I hope you'll come back to this dialogue and share about the how the process goes and ideas that emerge from the public community forums.

Nancy Pearson, New Tactics in Human Rights Program Manager

## accountability - civil society



Submitted by Alice Verghese 5675kln on Mon, 11/23/2009 - 08:19.

leadership and lines of responsibility :

In "democratic" countries where "emergency regulations" are imposed for a host of reasons (fighting terrorism is a popular one) the question of leadership, with clear lines of responsibility is often lacking. For example, in the Philippines where the IRCT along with member centers have been working for over 10 years have experienced **New Emergency Regulations** (ER, or Emergency Miscellaneous Provisions and Powers Regulations, EMPPR) were imposed on 14 August 2005. The regulation is loosely worded. Notably the legislation strengthens impunity allowing prosecution exemptions for members of the security forces deemed to be acting in "good faith."(Regulation 19)

Not only police officers and soldiers, but also so-called "public officers" and those specifically authorized by the President may make arrests under the ER. In addition, the ER allows joint operations of arrest between the army and the police without clarifying the respective responsibilities of these two forces. Contrary to sections 24 to 26 of the Evidence Ordinance, under the ER, confessions to senior police officers may also be used as evidence in court. Another worrying issue is the question of the leadership during "emergency".

According to the Philippine Constitution the civilian authority is, at all times, supreme over the military. However, Armed Forces Philippines (AFP) maintains that it "takes the leading role and the Police the supporting role. This vagueness further contributes to creating a climate of impunity since responsibilities are not clearly identified. Although I agree with a lot that has been said about community policing, eventually, it is worth mentioning that the army in the Philippines relies upon civilians for fighting terrorism, by using the Citizens Armed Forces Geographic Units (CAFGU) further blurring the line of responsibilities. Such units are frequently accused of abuses, victims pointing out to the fact that CAFGUs are not adequately trained whereas they are armed. AFP provides them with 48 hours training on international humanitarian law.

I raise this as I don't believe this is peculiar to Philippines but may resonate with others in other parts of the world. The clear lines of responsibilities of the police distinguished from and army /military under "ordinary or "emergency" situations and drawn to the notice of the public is crucial for accountability.

### Police Commissions, Councils and their roles in Accountability



Submitted by Cecil B. Griffiths on Tue, 11/24/2009 - 17:19.

Col. Cecil B. Griffiths, (Liberia) Founder and President of the Liberia National Law Enforcement Association (LINLEA).

In many countries, police commissions or councils have been established to provide some form of accountability to police functions. In Liberia, discussions are ongoing regarding setting up of an oversight mechanism for the police to address accountability. Are there best practices when it comes to the use of police commissions to address accountability issues within the police?

Training definitely can play a significant role in providing the knowledge, skills and awareness for policed officers in preventing torture. However, some training programs may be sub-standard. Even when trainings are well tailored, we cannot be sure that police officers will not disregard what they have been taught.

Many of my colleagues have mentioned the importance of supervision in following up on officers conduct and behavior. But we have seen situations in which supervisors themselves are not qualified to lead. In many police services, promotions may not be based on merit.

When torture and other forms of police abuses are not sanctioned by the police administration, such misconduct can be addressed by effective supervision, training and effective policy guidelines which are implemented. However, when torture is sanctioned by police executives, then it becomes difficult to handle.

Have police commissions been able to address the issue of political appointments of police executives who must dance to the tune of the president rather than abide by the rule of law, a situation which can promote torture?

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## CHALLENGES (access, credibility, contradictions, structures)

Submitted by New Tactics on Tue, 11/17/2009 - 14:50.

In this major theme area of **challenges**, please share your questions, ideas, stories and experiences regarding the following areas:

- **Access**
  - How do human rights professionals gain access to law enforcement structures and trainees?
  - What are the various ways in which both law enforcement (from within) and organizations external to law enforcement structures are provided access to new trainees and those already in the field?
- **Credibility**
  - What makes human rights professionals credible in the eyes of law enforcement when they provide **training**?
  - How can human rights professionals make trainings relevant to realities of law enforcement work?
- **Contradictions regarding law and practice**
  - How does law enforcement training address the dilemma of laws that contradict universally accepted standards of human rights? Does it mean that law enforcement officers are doing a fine job when just abiding by laws?
  - How are questions and practices addressed where the organization can claim fully clean hands in any torturous activities, but “under the table” render these activities acceptable and provide superficial investigations that leave perpetrators not seriously-punished or without punishment?
- **Hierarchical law enforcement structures**
  - What barriers face those who have completed law enforcement trainings when they enter the field where veteran officers without such training hold rank?
  - Are training tactics that raise the awareness of law enforcement officers to the considerable sanctions (where they exist) against violators effective?

### Challenges - Access to law enforcement structures

Submitted by evgenchev on Wed, 11/18/2009 - 00:54. Evgeni Genchev



In our experience, a real useful access, we have had only when there were truly motivated officers and structures for reforms concerning policing and human rights. Also when there was an external pressure for human rights reforms in the police it helped very much. Such was the accession process to EU which Bulgaria has undergone. Now the priorities of the EU have changed, they are no more concerned with human rights, but in the effectiveness of the police work, so working with the police on human rights issues has become difficult.

### Motives for Human Rights support

Submitted by eommar on Fri, 11/20/2009 - 19:12.



Ibrahim Elghazawi, PhD Humphrey Fellow School of law University of Minnesota

Thanks Evgeni , I do agree totally with you , it happened many times when the support of human rights issues was a mixture of external pressure and internal official adherence to both external and internal heat coming from NGOs sometimes, influential international powers, or even internal active human rights advocacy societies, but in any case once the move towards human rights awareness start, it is usually easier to further enhance and deepen the training "dose" content...it is real struggle but persistence and full conviction of human rights Nobel cause is really helpful to keep the pot boiling.

### Challenges - Credibility

Submitted by evgenchev on Wed, 11/18/2009 - 02:24.



Evgeni Genchev We have always put as an important issue in our meetings and trainings of the police officers in human rights the question: "What is the police officer's personal benefit from abidance of human rights and not practicing violence?" The answer is that no normal human being wants to feel guilty or a perpetrator and practicing violence is dehumanizing and demoralizing for the police officer himself. It's against his personal dignity. This has always had a good resonance with the police officers. Also practicing violence hinders the professional police work, because in court no testimonies taken with violence would go. Also there is real risk for a police officer to be dismissed and even been brought to trial for a complaint of violence.

### Incentives and non-incentives

Submitted by Jem Stevens on Wed, 11/18/2009 - 10:24.



Thanks for this input - I find it very useful. I think it comes down to the incentives for police officers to respect human rights. We should therefore also consider the possible non-incentives, such as orders from superiors or rewards (i.e. promotions) for actions that violate human rights. This might be a particular problem in conflict situations for example. It is clear that following orders is not a defense. At the same time, security forces

depend on hierarchy and discipline. I'd be interested to hear experiences on how these issues have been approached in trainings.

Jem Stevens Asia-Pacific Programme Officer Association for the Prevention of Torture

### Incentives and non-incentives



Submitted by eommar on Wed, 11/18/2009 - 12:21.

I just would like to draw the light to an important fact here, the division between torture as a practice of LEOs, and torture as tool for brining about official targets (such as political suppression for the sake of the ruling party), and there is great space between the two, I worked on human rights training on both levels and here are some observations:

1- Incentive-giving policy would work nicely on the individual level of LEOs practices, but wouldn't have any luck on the other Policy-oriented practices, so it is not productive and better be replaced.

2-Incentive policy is an imperative not only for the sake of human rights respect of the civilians in the community, but mainly for the sake of the officer himself, as he needs to feel able to live in a nice level of living conditions.

3- On the policy-oriented human rights violations, the perpetrators go freely without punishments, or with superficial ineffective reactions.

4- Accountability can be perused in the individual malfunctioning level of LEOs, but nearly impossible on the other line.

### Challenges: Training of Police & Prision Officers& Justice Bodies



Submitted by TAYalew on Thu, 11/19/2009 - 05:33.

In our case, since we were implementing advocacy and capacity building training on international and national laws against torture and the effects of torture with the fund from the EU delegation here in Ethiopia in the year 2008. We have faced challenges in screening these target groups. Especially in the capital, Addis

Ababa the Concerned federal governmental authorities were not voluntary to sign a project agreement. Since, the objectives of the training were to conduct similar trainings in the eight major regional cities of the country signing the agreement with the federal government were very important. However, we have created contact with each of the regional concerned governmental authorities and provided all the trainings in each of the regions successfully. Is there any one who might faced similar challenges in your context?

### Hierarchical law enforcement structures



Submitted by evgenchev on Thu, 11/19/2009 - 07:45. Evgeni Genchev

In Bulgaria the police has a totalitarian tradition of being a repressive instrument. So arbitrariness has been the law for the police officers (than called millionaires). So human rights is something foreign to the police culture and only the cases when policemen get in trouble because of violating human rights makes them being thoughtful about it. In the trainings, I am not sure this is the accurate word, because we do seminars more to inform and warn, we explain them that violations of human rights will not be supported by their superiors when they become disclosed. So to violate human rights is a personal decision and responsibility and a violation of the laws. Also we tend to include in the seminars high ranking officers to support our statements.

### "State security"



Submitted by eommar on Thu, 11/19/2009 - 09:06.

In any police setting, there is such a shady area called "state security", which constitute a taboo for outsiders, unfortunately this concept is very vague and has blurring borders, so what is considered "state security" is a big mystery and police usually holds this concept tightly, when it comes to what can be considered as state security issue, you'll face: repressive attitudes- curtailed activities- hidden plans- extra-judicial trials- secret prisons- suspicious cooperation with other similar agents in other countries- huge array of human rights abuses-total support from the ruling systems. I'm talking about an area of police activity that does exist in every country, but with different levels and different mechanisms, even the States, such a leading world power in democracy, have such a line of security taboo (where many violations were committed in the name of national security and war against terrorism). So police totalitarianism is not a concept imprint in just one or several countries, but in every country they have it, with different rates, the privilege that a democratic country has which makes it in advantageous position in terms of human rights issues- is that the community has its own conviction and can change the ruling party from power when they feel that they should. Where as in other countries where democracy is a decorative ornament in the political life, you will not have such a wary community or a democratic atmosphere that enables people to topple their rulers if they go beyond the lines of people interests.

## Challenges: Addressing "state security"



Submitted by npearson on Thu, 11/19/2009 - 11:35.

Ibrahim,

Thank you for raising this very challenging area regarding training of law enforcement for prevention of ill-treatment and torture. As you so eloquently stated, this is a concern in every country in the world. It is challenge within the law enforcement structures but also a challenge to inform the general population as well. [The Center for Victims of Torture](http://www.cvt.org) (<http://www.cvt.org>) has been very active and working to address this "state security" aspect here in the United States with a "Campaign to Ban Torture." It has involved a wide constituency - including many former military and law enforcement people - working to raise the issue. The Campaign targeted the presidential candidates in 2008. The effort resulted in President Obama signing an Executive Order to Ban Torture on his first day of office. However, the efforts and work have not stopped there. The Campaign to Ban Torture outlined a set of six principles - each of which require action to implement and ensure an end to ill-treatment and torture. Perhaps these principles would be helpful for others to see if they would be useful as they work within the context of their own government structures to stop ill-treatment and torture.

- **The "Golden Rule."** Do not employ any interrogation methods that would be unacceptable if used against Americans.
- **One national standard.** Adopt one national standard for treatment of prisoners.
- **The rule of law.** Acknowledge all prisoners to our courts or the International Red Cross. Allow prisoners to prove their innocence through a fair and just process.
- **Duty to protect.** Do not transfer any person to countries that use torture.
- **Checks and balances.** Allow Congress and the courts access to information necessary to provide oversight of our detention and interrogation policies.
- **Clarity and accountability.** Hold accountable all U.S. officials who authorize, implement, or fail in their duty to prevent the use of torture.

I would be interested to know if law enforcement trainings provide a set of easy to remember principles - and if so, what you have found most useful to law enforcement personnel.

Nancy Pearson, New Tactics in Human Rights Program Manager

## Easy to remember principles



Submitted by Ralph. on Fri, 11/20/2009 - 05:43. Ralph Crawshaw

The notion of 'easy to remember principles' is a good one Nancy. These can be derived from the international standards on the treatment of detainees.

Apart from the treaty provisions prohibiting torture and ill-treatment, and requiring humane treatment of detainees (for example in articles 7 and 10 respectively of the International Covenant on Civil and Political Rights), there are very specific provisions in non-treaty instruments.

The most relevant of these for detainees in police custody are the Body of Principles for the Protection of All Persons Under any Form of Detention or Imprisonment. These are very specific and detailed and include basic safeguards such as requiring detainees to be able to have access to lawyers, family and friends; requiring the recording of details of detainees and their detention; enabling them to make complaints about their conditions of detention, habeas corpus and so on. They also embody very specific standards on interviewing suspects which I feel I must quote:

### *Principle 21*

1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.

2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgment.

It is useful to read these standards with those of principle 15 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials:

15. Law enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened.

So - no force on detainees except for reasons of self-defense of maintaining order! And certainly no grounds for using any form of force in the interrogation process.

Thinking of 'easy to remember principles' - it's a good training exercise to get participants to read these instruments and devise their own list of principles.

By the way I'm a bit concerned about one of the principles you cite, namely:

**The rule of law.** Acknowledge all prisoners to our courts or the International Red Cross. Allow prisoners to prove their innocence through a fair and just process.

Under the rule of law it's not for prisoners to prove their innocence, it's for the prosecution to prove guilt - ie the presumption of innocence.

### Reply - Principles, Rule of Law, & Innocent until proven guilty



Submitted by npearson on Mon, 11/23/2009 - 17:33.

Ralph, I wanted to be sure that I responded your post where you stated:

**Ralph. wrote:**

By the way I'm a bit concerned about one of the principles you cite, namely:

**The rule of law.** Acknowledge all prisoners to our courts or the International Red Cross. Allow prisoners to prove their innocence through a fair and just process.

Under the rule of law it's not for prisoners to prove their innocence, it's for the prosecution to prove guilt - ie the presumption of innocence.

I want to thank you for raising this important concern regarding my [precious post](#). [The Center for Victims of Torture](#) "Campaign to Ban Torture" was based on the document "[Declaration of Principles for a Presidential Executive Order on Prisoner Treatment, Torture and Cruelty](#)".

We were trying to address the issue of the black hole of Guantanamo and others that would not consider evidence of innocence or give a process for a prisoner to take the offensive in proving their innocence. We know that the basic principles of American justice are supposed to include that one is innocent until proven guilty. But the paradigm that the Bush Administration was using for Guantanamo was more akin to prisoners of war in the sense that they declared their right to hold someone without trial until the end of the war. Not only were there no methods of prosecuting individuals, there was also no mechanism for the prisoner to demonstrate that they, in fact, were not engaged in any form of warfare. This seemed like another Kafkaesque injustice from the Bush Administration that Americans would be against, if they knew that it was going on.

On the other hand, I do want to highlight that we did not incorporate this notion into the draft executive order we prepared for the new Administration based on the principles, which was signed by President Obama. I hope this response answers your concern. --Nancy Pearson, New Tactics in Human Rights Program Manager

### State security



Submitted by Ralph. on Sat, 11/21/2009 - 09:00. Ralph Crawshaw

Ibrahim,

Whilst I agree with you that the notion of 'state security is a 'dark spot of state activities' I don't think that it is vague. It seems perfectly clear that it is sometimes considered acceptable to commit serious crimes and human rights violations to protect state security. That is not vague. Nancy has referred to torture and I would also add violations of the right to life - in other words (in this context) unlawful killings by the state that probably amount to murder. I don't believe that such activities, to use your words 'protect the state and the interests of the people'. It is not in the interests of the people, that the state within whose jurisdiction they live carries out unlawful killings and torture in their name. Neither do such actions protect the state. It is quite clear that atrocities by the state against their internal or external enemies, whether they are classified as armed opposition groups or terrorists or whatever, actually make the situation worse - create more terrorists, armed opponents etc. For example when the terrible pictures of detainee abuse in Abu Ghraib were broadcast around the world, I wonder how many young Muslim men and women joined the ranks of terrorist and other armed opposition groups in order to retaliate?

I would also like to respond to point 3 in your list of issues in which you say 'training LEOs sometimes must be realistic not to touch on this issue, it is usually taken for granted as an out-of-discussion topic (this is a main stream universally)'.

I don't agree that this, or any issue, should not be discussed on a training programme for police. The question of unlawful state killings and torture must be addressed very seriously in human rights programmes otherwise participants may be left with the impression that there are some circumstances in which it is acceptable for serious crimes and human rights violations to be committed by the state. If they are left with that impression after a human rights programme then the training has been a complete waste of time.

Briefly, the points that need to be made on this matter on human rights programmes for police are that:

1. Torture is a very serious crime and is absolutely prohibited. There are no circumstances whatsoever in which it should be practiced. Those who commit torture should be prosecuted and severely punished.
2. The right to life is a non-derogable right, and unlawful killings by state officials should lead to the prosecution and punishment of the perpetrators for the crime of homicide.
3. In a state of emergency that threatens the life of the nation, there may be some derogations from some human rights. Typically this means, for example, that police and other security officials may be given wider powers of arrest and detention to deal with the threat. But torture and unlawful killings remain prohibited absolutely.
4. Serious human rights violations like unlawful killings and torture do not contribute to state security, they detract from it. For example they make it more difficult to get intelligence from that part of the population from which members of terrorist or armed opposition groups are recruited and they actually assist recruitment to those groups.
5. Human rights violations by police or other security agencies are symptoms of a lack of professionalism and competence in those agencies. It means that they lack the necessary technical skills and resources to be able to deal with terrorist and other threats effectively.

Any suggestion from a human rights trainer that there are some circumstances in which police, or any other state official, may abuse their powers and violate human rights completely undermines the purposes of the human rights programme, undermines the protection of human rights generally, and undermines the rule of law in the country in which the training is taking place. In other words, as a training programme, it's been a disaster.

### Sensitivity of Framing Training on Human Rights



Submitted by eommar on Sat, 11/21/2009 - 13:12.

Thanks Ralph.. You opened a delicate issue, and I don't think that what you said is far from what I said, let me clear that:

**Firstly: Vague:** when I said vague issue, I meant that it doesn't bear a clear cut control or norm to the limits of its meaning while we agree on the basics, still this issue is blurring between different ruling powers in every country, where priorities are interchangeable, so what is considered a state security matter during "A" administration might not be so in when "B" administration comes to power, that is why we witness a massive change in the top security agents leadership usually taking place at the very early stage when new administration assumes office. **Also vague:** Vague as the depth of this notion, even in very same time, is not identical amongst world countries, so we have very elastic concept even if it has its basics common.

**Secondly:** When I said not to touch on this issue in training in human rights, *I definitely didn't mean that I'm against it*, on the contrary I'm fully supporting it as human rights advocate, and see that as a significant right to any people to discuss their inalienable right of determining their basic interests and concerns. But I, being realistic and aware of the delicacy of how and where a particular issue can be raised, meant that human rights training program that is usually conducted in foreign countries have practical limitations, and if these programs are not perusing a touchy trajectory on some considerations, they will not meet a slight chance to be conducted in some countries, and to be clear, it is not advisable to go to country "A" where the top power came to office by a military coup, and try to initiate a program on "people's right to choose their rulers" as such program will not have even slight chance to be hosted in this country.

**Thirdly:** I said realistic more than once, as some human rights institutes, driven by enthusiasm and western world stable practices of democratic life, may get trapped in elusive vision that all world communities are enjoying the same rights of freedom of speech and of the same distance to Internationally accepted standards of human rights, and this is really misleading as they may design training schemes that is fully compatible with their norms, but wouldn't find a similar welcoming tones from some targeted countries (most probably totalitarian). So we are facing a dilemma;

- We either stick to our internationally and democratically recognized standards and risk losing a chance to present the effect of human rights training in other deeply needed subject-such as torture fighting to this country.
- Or we reprioritize the rights -based topics to suit most the more -needed challenges in this particular country without having to go through this "problematic issue", and in such a case we will not waste an opportunity to support human rights cause in a yet needed area.

**An example:** To clarify my stand I would give an imaginary example, it is live and realistic but I wouldn't name a country, suppose that we have "A" country where the situation characterized by:

- Totalitarian system (no democracy) .
- Law enforcement agent with high rates of human rights abuses because of lack of training and personal reasons.

In that situation it clear that if we target effective human rights training it is better to focus on LEOs situation as it would be the most effective line of training in this very particular example, it doesn't mean that others are not important but it means that training will be most effective when conducted in this very particular sphere.

**Fourthly:** In my opinion, based on my practical observation in several occasions, Human Rights training for LEOs is not advisable to target some political issues- while drafting program curriculum for some foreign countries- as such a program can be easily interpreted as a call for revolution or viewed as unwelcomed intervention into what is considered "Internal Affairs". Based on that, it is better that we be wary to that fact: **Challenges of training on human rights in a third world country is not identical to these existing in a western country setting that is what I meant by Realistic".**

Finally I have a very fresh example, I was invited to give some lectures on Human Rights in Armed conflicts with one International Institute, the program was planned to take place in an African country in November, and everything was nicely arranged, and at the last moment a political stance occurred in that country towards the country to which the organizing institute belongs, and all of a sudden the program was delayed as the country didn't allow it at the last moment (remember that I'm talking about a situation that happened to me recently, and through which a human rights program was cancelled because of something very irrelevant to human rights cause itself) that is what I meant also when I said realistic, and considerate to this sensitive issues.

## RE: [New Tactics Dialogues: Training Law Enforcement for Prevent



Submitted by eommar on Sat, 11/21/2009 - 11:52.

Hi Ralph.. Again you said" ***"Any suggestion from a human rights trainer that there are some circumstances in which police, or any other state official, may abuse their powers and violate human rights completely undermines the purposes of the human rights programme, undermines the protection of human rights generally, and undermines the rule of law in the country in which the training is taking place. In other words, as a training programme, it's been a disaster"***.

In that I totally agree with you, and it seems that I wasn't clear enough while expressing my thoughts, nothing out of what I said can be interpreted as a support to the idea that there may be a justification under any circumstances for LEOs to commit human rights violations, even while seeking state security concerns, as this can be very destructive and will open the gate for limitless violations under the same title.

## [State] Security



Submitted by Ralph. on Sun, 11/22/2009 - 04:12.

Hello Ibrahim,

Thanks for the response and clarification. I agree that some subjects could not be included on human rights programmes for police in non-democratic countries. For example rights to representative government and so on. However in the current climate states, including democratic states, are using the so-called 'war on terror' as an excuse to attack and diminish human rights. 'State security' is given as a reason for legislating against human rights and as an excuse for unlawful and brutal behaviour by police and other state officials.

That is why I made the final point which you agree with that teachers and trainers of human rights should be uncompromising in their defence. Thanks for developing this interesting topic with me.

## Human Rights Priorities and the need to change



Submitted by eommar on Sun, 11/22/2009 - 09:59.

Thanks Ralph I'm glad that we reached a common sense in that topic, and I do agree that even in democratic states "state Security" concept was substituted with "War on Terror", and plays the same role of human rights suppression, it the historic contest between power and rights, and I admire the persistence of human rights organizations, that play a magnificent role in disclosing any suspicious attitudes coming from the power sources in the community. But on the other side of the issue, challenges of human rights are formidable worldwide, I'll give a single example that shed the light on one single cause, children, there are over 25.000 children die every morning because of lack of food, diseases, and poor health care. Most of them, around 65% are in Africa continent. One another shocking fact to show the immense need for reprioritization of the way countries spend their money is the fact that 1.5 day expenditure of the Pentagon on military issues is sufficient to eliminate Malaria from Africa forever (some 1.5 Billion\$ ). So we do have a solid cause when we defend human rights and urge our countries to make the change. It is not that easy but for sure many positive moves have been achieved in this direction worldwide and the strife still needed to bring more and more positive steps. Ibrahim

## Re: state security



Submitted by ClintonFernandes on Thu, 11/19/2009 - 16:53.

Interestingly, although people were shocked by some of the humiliation photos that surfaced in the aftermath of the Iraq war, many of those techniques (stripping, taunting, etc) were used in Resistance To Interrogation courses that are common in some NATO armies. So you could follow the Golden Rule and still employ interrogation methods that the average citizen would be shocked by. Dr. Clinton Fernandes, (Australia), Senior Lecturer, Strategic Studies, Australian Defense Force Academy, University of New South Wales

## Influential tools for deterring official torture



Submitted by eommar on Fri, 11/20/2009 - 19:45.

Thanks Nancy... In this serious issue, I used to describe it as a mine-field that no one, of the civilians or NGOs, or even the law enforcement officers themselves in most levels, can predict its depth or width, it is so vague and always kept as dark spot of state activities concerning protecting the state and the interests of its people, but let me try to clarify some issues that can be helpful in that context:

1. No matter how NGOs try to present a human-rights -based model for acceptable treatment, it remains difficult to penetrate this national security circle; it has been looked at as inviolable domain.
2. Even when this delicate matter of national security is discussed publicly in parliaments in some democratic countries , the outcome used to be the same , square zero , and still many vague spots and shady tactics that can only be known to the public long after the time it was empowered.
3. Training LEOs sometimes must be realistic not to touch on this issue, it is usually taken for granted as an out-of-discussion topic (this is a main stream universally).
4. I think it still helpful , from psychological and emotional perspectives, and whenever the country system allows, to present a well shaped package of principles, like those you mentioned in your comment, as the pressure from NGOs, and community based calls when integrated into it, can be a solid consideration before the high executives eyes while framing the country orientation in that respect.

Ibrahim Elghazawi, PhD Humphrey Fellow School of law University of Minnesota

## challenge - training and organizational structures



Submitted by Walter Suntinger on Mon, 11/23/2009 - 08:02. Walter Suntinger

The following remarks are mainly based on my experience as an external human rights trainer/consultant within the Austrian police system.

One of the main challenges that I see concern the appropriate integration of (human rights) training within police organizational structures in order for it to be sustainable.

*"Forget what you have learned in police school, what policing really is you will learn here"*. This is a standard phrase that young recruits hear when they join the practical police work in Austria (and probably in most countries)

This sentence expresses very well the very real dilemma; and I would like to raise the following points:

- It is relevant to stress that there is a difference between theoretical knowledge (acquired in school and trainings) and practical knowledge (acquired in practical work). Practical knowledge is usually the more relevant one.
- This is particularly pertinent also for human rights training content as the normative human rights principles are often questioned by police practitioners as theoretical, going against practical considerations. ("we do not have time to think so much, we have to act on the spot").
- Using sociological insight from the work of Pierre Bourdieu, it is also relevant to remember that recruits have to cope with the particular behavioural/cognitive structures in the practical police field (having "magnetic force" on new members) and will have to adapt their "habitus" accordingly. This might mean that if a human rights approach/habitus has been acquired in police training it might lead to frictions with the more "classical habitus" of older colleagues without human rights trainings.
- I have found the work of Chan "Fair Cop: learning the art of policing" very helpful in this regard ( for a book review see <http://www.accessmylibrary.com/article-1G1-139784498/fair-cop-learning-art.html>)

These considerations should have consequences for the concrete training set-up which should be linked to organizational concerns with a view to creating an environment that is support of human rights (put differently: where a human rights habitus can be developed and maintained) . In the Austrian police training context we are currently considering the following points in order to make human rights training more sustainable:

- Include within the initial training elements which make recruits aware of the forces of they will be exposed to when they the practical police field.
- Make these mechanisms which might lead to a tensions with upholding human rights the object of systematic reflection in order to support a human rights habitus
- Strengthen the way police recruits are accompanied when entering the practical police work.

## Lessons learnt re working on policing issues & useful resources



Submitted by Anneke Osse on Tue, 11/24/2009 - 04:29.

Over the years Amnesty International has built up considerable experience in working with police officers and on human rights issues. Here are some of our main lessons learnt:

If you intend to work on policing issues, and maybe explore opportunities to engage with the police, it is critical to have a sound understanding of what policing is all about. We noticed all too often that there are misjudgments and

stereotypical ideas about the police (and for the record, also within the police about human rights advocates). These are not helpful. For enhancing an understanding of policing Amnesty International's Dutch section published (in 2006) ' Understanding policing, a resource for human rights advocates'. The book is available in English, Russian, Spanish, Brazilian Portuguese and Indonesian. The full texts (including those of the translated versions) can be downloaded from our website at [www.amnesty.nl/policeandhumanrights](http://www.amnesty.nl/policeandhumanrights)

A related lesson learnt is that work on policing should start with a thorough analysis of the situation addressed. I know this sounds somewhat simple, but all too often we found that human rights groups, including ourselves!, unfortunately jump into working on policing without proper preparation. Related to this is that we learnt, that it is important to institutionalize work on policing and try to move beyond work that stems from personal relations and contacts with individual police officers. Though personal relations and 'one off' event's like for example a lecture on human rights at the police academy, can certainly be a good starting point it is worth aiming to develop more long term relations, as well as a long term strategy specifying aims and objectives. Such a strategy turned out to be also helpful in preventing being used for internal police politics. A tool for making a contextual analysis as well as a tool for developing a strategy can both be found in Understanding Policing, as well as a separate download on the website referred to above.

Finally we learnt about the importance of communication with the human rights community, as there may be (fellow) human rights NGOs raising their eyebrows when learning that one of them is considering engaging with the police. The key word is, as so often, transparency. By doing so one can explain what are the reasons for engaging with the police and what are the means adopted. Also, a joint strategy can be developed (jointly with the human rights community) where some NGOs engage whereas others keep more distance.

Elsewhere in this On line Dialogue reference was made to the Council of Europe Police and Human Rights Program. A number of years ago there was an interesting initiative by this program in cooperation with police from around the Council of Europe, working together in what then was called the European Platform on Police and Human Rights (in which also Amnesty International then participated). Though the platform no longer exists, it did publish a number of relevant publications. Worth mentioning in particular are " Police and NGOs, why they can and should work together" and " Police have rights too!". The first gives a number of practical guidelines for both police and human rights advocates when considering engaging. The second proves to be a valuable tool to open the door towards police officers, for example in a training situations, as it clearly underlines that human rights are not just for ' them and not for us' but are in fact those rights to which every human being is entitled, including police officers.

Unfortunately the publications of the Council of Europe cannot (easily) be found on the internet. However, if you contact us we can arrange for you to get a copy (by e-mail), or we can provide New Tactics with the PDFs so that they can forward them.

On our website [www.amnesty.nl/policeandhumanrights](http://www.amnesty.nl/policeandhumanrights) many relevant links and resources can be found including a range of documents published by Amnesty International over the years that are useful resource information for those stepping into the work on policing, including:

- [10 Basic Human Rights Standards for Law Enforcement Officials](#) (1998). AI Index: POL 30/004/1998.
- [A 12-Point Guide for Good Practice in the Training and Education for Human Rights of Government Officials](#) (1998). AI Index: ACT 30/001/1998.
- [Guns and policing. Standards to prevent misuse](#) (2004). AI Index: ACT 30/001/2004.
- [Policing to protect human rights: A survey of police practices in countries of the Southern African Development Community, 1997-2002](#) (2002). AI Index: AFR 03/004/2002.
- [Rights at risk: Amnesty International's concerns regarding security legislation and law enforcement measures.](#) (2002). AI Index: ACT 30/001/2002.

I hope these resources are useful. Anneke Osse

## How to shape policing setting?

Submitted by eommar on Tue, 11/24/2009 - 10:42.



**Anneke** ; Thanks for your analysis, in fact you touched on an issue that is more frequently faced nowadays, specially in post-civil war era, it is how to best formulate a policing setting, I have a relatively fresh experience, that goes back to my work with UN peacekeeping mission in Bosnia, 2001-2002, and here are some remarks:

1. During armed conflicts and civil wars, police usually becomes involved in the problem itself, so instead of being a support to keep security it becomes part of the chaotic situation.
2. In absence of strong civil society associations it quite difficult to bring police to community-based practices, as the authoritarian aspect of police becomes more obvious.
3. One of the most effective ways to expedite community recovery from chaos and rule of law collapse is to rebuild police institute strong and effective enough to pump stability and security into the community.
4. One of the most helpful lessons was the deep need to depoliticize police forces completely, it was disastrous to have police involved in the conflict and affiliated with one party against the other.
5. While framing Policing functionality, the civil community should be represent to reflect on the community-based interest of police work.
6. A huge step to depoliticize police was the creation of Police Commissioner to be the highest executive officer in the ministry of internal affairs, who is responsible for the overall executive and professional work of the police.

7. Through that project the minister of internal affairs was presented as a political figure responsible for the political aspect of police not the executive, and he more represents the ministry in the government and make sure of the full functionality of police as a whole without interfering at the executive activities.
8. In re-framing police agency, many challenges are faced concerning :needed training, gender balance, ethnic balance(in areas where ethnicity plays a role), financial restraints(security is a very costly burden), and most importantly regaining the trust of a community and change the unpleasant image police took on during the troubled time.

So the issue of setting police functionality with the necessary accountability- to-the community principle well established, is a pre-requisite for community stability and development, that is why we witness that stable countries are usually those with a well -set law enforcement agencies and vice versa, in chaotic countries we see the LEOs are corrupt, bungling, aggressive, laymen ..etc Thanks again for raising this issue. –Ibrahim

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## CONCERNS OF LAW ENFORCEMENT OFFICERS THEMSELVES

Submitted by New Tactics on Tue, 11/17/2009 - 14:54.

In this major theme area of **concerns of law enforcement officers themselves**, please share your questions, ideas, stories and experiences regarding the following:

- **Rights of Law Enforcement Officers**
  - How are concerns and rights of individual law enforcement officers regarding such areas as pay, time-off, working conditions, equipment, disciplinary actions and grievance procedures, etc., addressed in trainings?
- **Ethical Issues and Concerns**
  - In what ways do trainings explore the ethical structure of law enforcement practice that entails a higher level of responsibility and accountability?
  - How can trainings provide opportunities to explore situations and contexts where legal obligations contradict ethical commitments?
- **Addressing traumatic stress and burnout issues**
  - What training tools and methods have you found helpful with law enforcement personnel for raising their awareness of these issues and building their coping skills?
  - What are the barriers that face law enforcement personnel in building support and assistance for addressing traumatic stress and burnout?

### Rights of law enforcement officers and ethical structure



Submitted by eommar on Tue, 11/17/2009 - 15:33. Ibrahim Hassan Omar Elghazawi, PhD Humphrey Fellow Human Rights Center University of Minnesota:

These two topics are of great significance, in fact they both raise several issues, and I would love to share them with you to have your input :

#### **First: Concerns of law enforcement officers:**

- Are law enforcement officers entitled, on equal basis with other public employees, to get fully paid holidays and vacations?
- How would working more than 8 hours a day affect performance nature?
- How far a community can expect LEOs effective role when they themselves are under heavy stress form their work place?
- Will the community witness some difference when law enforcement officers concerns are efficiently addressed?
- How can poor working conditions reflect on the personal line of performance?

**Second: Professional Ethics of law enforcement officers:** Every profession has an ethical structure of practice, that ethical standard is sometimes holding a particular job occupant in a higher level of responsibility than individuals in other profession are. **Within law enforcement setting** this ethical structure is largely true in terms of police work...in that context several questions are raised:

- Are LEOs held in a higher level of responsibility and accountability than other public employees in the community? And why?
- If the answer is "yes" would that entail additional benefits to LEOs to justify their being held in higher level of accountability?
- What would happen if legal obligations contradict ethical commitments of LEOs?
- Will the ethical structure for LEOs be a guarantee to keeping the police role sticking to the community interests?
- Is the ethical structure for LEOs considered part of the community ethical entity ? or is it rather part of that one of official state and ruling system?
- What difference would it make for the police ethics to be community –based or Government-based?

### Training and corruption?



Submitted by Anneke Osse on Wed, 11/18/2009 - 03:31.

I think the issue of human rights of police officers is a crucial one. All too often (especially) rank and file officers find themselves more or less at the mercy of their superiors. This is almost all-encompassing: when they can take leave (if at all), transfers to the other side of the country, promotion possibilities, equipment and also available training opportunities, and many other issues.

In quite a few countries these issues are directly related to (internal) corruption. Police have to pay to be able to enter the force, to enter training and then again to enter any kind of follow up training or training for particular jobs. 'Entrance fees' paid can be as high as 3000 US dollars. Where does the money go to? Quite often this is a public secret: everyone knows what are the more lucrative positions within the force. Yet what can be done to counter this phenomenon?

## Police officers are human



Submitted by eommar on Tue, 11/24/2009 - 10:32.

Thanks Anneke..I like what you said and find it very relevant, as it gives a realistic vision of officer's sufferings, and although many wouldn't pay attention to this particular side of police issues, it is crucial in shaping officer's attitude in general and specifically in terms of human- rights- related police practices. I really needn't to say that one who lost respect wouldn't be able to give it to others.... In some African countries, police officers stay more that 15 hrs a day on duty, and sometimes one may spend few consecutive days in work places without extra benefits or commensurate time off. And they hardly have holidays with their families or vacations, adds to marginalization in decision making process, if we sum up all these and link them with low-pay factor and poor level of policy-planning transparency you will have an explosive outcome. What would we expect out of all these miserable mess. Ibrahim Hassan Elghazawi, PhD Humphrey Fellow Human Rights Center School of law University of Minnesota

## More on corruption



Submitted by mpringle on Sat, 11/21/2009 - 23:51.

I quite agree that corruption is a terrible blot on the human rights landscape. For your information earlier this year the Geneva based International Council on Human Rights Policy issued an extremely interesting report titled *Corruption and Human Rights: Making the Connection*. The report develops a conceptual framework enabling users to describe, in specific terms, how violations of human rights may be linked to particular acts of corruption. It sets out why those working on corruption and those working on human rights have reasons to cooperate, and delineates the main features of the two traditions of practice. It also builds links between specific acts of corruption and specific violations of rights – recognizing that the links are sometimes indirect and that in some cases corruption may not violate human rights, strictly understood. I would certainly urge interested persons to have a look at the report. Here is the link <http://www.ichrp.org/en/projects/131?theme=8>

## Negative Resilience



Submitted by CHigson-Smith on Wed, 11/18/2009 - 10:11.

In my opinion some of the better work on police traumatic exposure looks at resilience and coping strategies. Dr Merle Friedman proposes that we talk about "negative resilience", a coping style based on avoidance, denial, numbing, dissociation and often supported by substance abuse. The word resilience is important since Dr Friedman suggests that many police officers survive multiple exposures in the line of duty over many years using this approach. The word negative is appropriate because it is a very limited form of resilience that comes at a cost. The primary cost is the loss of a full range of human emotion and with it the potential damage to relationships, passion for life, caring about other people and the work, and so forth. So many police officers start out in their careers with a vision of themselves protecting the innocent and building safer societies, and then over time this vision gets eroded by the realities of the work. And of course, there is very thin line between just doing the job because it's your work and corruption.

The longer term cost is that ultimately Dr Friedman argues that negative resilience crumbles leaving the officer without adequate internal resources to resolve experiences of trauma and loss.

A broader understanding of the impact of repeated exposure to life threatening events helps us draw together issues of poor performance, burn out, work related PTSD, corruption, substance abuse, and breakdowns in personal and professional relationships - all problems that plague policing agencies across the world.

We need to be training new police officers in healthy coping and positive resilience. An example is training officers how to consciously strengthen their psychological defenses for situations in which they are in danger or dealing with aggressive offenders (something that most police officers in my experience do naturally) and then consciously opening their defenses again when they are in safe places, having an important conversation with a colleague or at home with partners and children (something that in my experience many police officers are less able to do).

## Human rights of police officials



Submitted by Ralph. on Wed, 11/18/2009 - 11:54.

'The human rights of police' is a very important subject and I prepared a paper on this which might be useful. It's 9 pages long and (because of its length) I may be committing a very serious breach of etiquette for this sort of exercise by offering it here - Nancy please tell me if that is the case and I'll apologize profusely and smite my breast in contrition.

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**BEGIN ARTICLE** (Note: download a PDF of this article using this link:

<http://www.newtactics.org/sites/newtactics.org/files/The%20Human%20Rights%20of%20Police.pdf>)

## **THE HUMAN RIGHTS OF POLICE UNDER THE INTERNATIONAL SYSTEM FOR THE PROTECTION OF HUMAN RIGHTS**

Policing is an exacting vocation – emotionally, intellectually and physically. It can be dangerous and uncomfortable. Whilst due regard for the human rights of police cannot remove all of the dangers and discomforts, it can remove some and it can alleviate others. It is important to attend to the human rights of police in order to promote the well being of police, and in order to reinforce a culture supportive of human rights within police agencies. The relationship between human rights and policing is needlessly contentious and incongruous, and it is helpful to consider the human rights of police within the context of this broader relationship.

### **The relationship between human rights and policing**

This relationship can be usefully regarded as having four components: respect, protect, investigate, and entitlement.

#### **Respect**

Police are required to respect human rights in the exercise of their powers. This aspect of the relationship is the most commonly addressed, because one of the primary purposes of human rights is to protect people from abuse of power by the state. Human rights limit police powers, exercised on behalf of the state, to use force, to deprive people of their liberty, and to carry out search and surveillance activities or operations. They require humane treatment of detainees. Equally, the lawful and reasonable exercise of police powers may legitimately limit human rights. Most of the jurisprudence of human rights institutions concerning police acts or omissions arises from this aspect of the relationship. **Protect** Police are expected to protect human rights in the performance of their functions. For example in their crime prevention task police endeavor to prevent murder and other unlawful killings. Failure to do so can, in certain circumstances, mean that the right to life has been violated.(1) In their investigative function police are required to gather evidence and present it to courts in order that guilt or innocence may be decided. When these processes are carried out lawfully the right to a fair trial is reinforced. That right is subverted through the presentation of false evidence, or evidence unlawfully or unfairly obtained.(2) When police maintain or restore order they contribute to the protection of all human rights, for when social order breaks down all human rights are vulnerable.

#### **Investigate**

Police have a duty to investigate human rights violations because, in the first instance, some violations, such as violations of the right to life and of the prohibition of torture, are very serious crimes. Furthermore, human rights instruments (3) and the jurisprudence of human rights institutions (4) require that alleged or suspected violations of human rights should be investigated. Whilst it has not been specified that police should carry out these investigations, indeed in some cases it would not be appropriate for them to do so, in many cases it is inevitable that police will investigate. Prompt, impartial and effective investigation of human rights abuse reinforces other measures to ensure respect for and protection of human rights, including human rights of police.

These three aspects of the relationship between human rights and policing are often contested by some police officials. In effect they argue that they are justified in violating human rights in order to deliver effective policing. The claim that police officials, law enforcement officials, need to break the law in order to enforce the law is incongruous. In fact it is absurd and it is inimical to human rights and subversive of the rule of law.

#### **Entitlement**

Every police official is entitled, as is every other person, to human rights. Furthermore police officials, as members of a particular type of occupational group, have specific needs and entitlements in relation to human rights. These points are developed in the next section.

### **The human rights of police officials**

#### **The universality of human rights and the obligations on states to secure human rights**

Human rights derive from the inherent dignity and worth of the human person and they are universal, indivisible and interdependent. These characteristics of human rights indicate their inclusivity; they apply to all members of the human family. Article 2 of the Universal Declaration of Human Rights states that everyone is entitled to all of the rights and freedoms set forth in the Declaration without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The obligation to secure human rights rests upon states. All member states of the United Nations are bound under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.(5) States are also bound, under the various human rights treaties to which they are parties, to ensure respect for and protection of the rights of individuals within their jurisdiction according to the terms of those treaties. For example, article 1 of the European Convention on Human Rights requires High Contracting parties to secure to everyone within their jurisdiction the rights and freedoms defined in Section 1 of the Convention. Article 14 of the Convention stipulates that the enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination. It then lists a number of grounds similar to those set out in article 2 of the Universal Declaration. Article 13 of the Convention requires that everyone whose rights and freedoms as set forth in the Convention are violated shall have an effective remedy before a national tribunal notwithstanding that the violation has been committed by persons acting in an official capacity.(6)

In sum, everyone is entitled to human rights, including police officials. States are required to secure those rights to all within their jurisdiction without discrimination and, when they fail to do so, they have to provide an effective remedy for the

violation. When they fail to do that, providing certain other conditions are fulfilled, an individual can have recourse to an international institution, for example the European Court of Human Rights, to secure redress.

Although it is not a common occurrence, police officials have had recourse to international institutions in order to secure their rights. For example, in *Halford v. the United Kingdom*, (7) the applicant, a senior police official, claimed that calls made from her home and her office telephones were intercepted for the purposes of obtaining information to use against her in proceedings she was bringing at an Industrial Tribunal. She had instituted those proceedings alleging that she had been discriminated against on grounds of sex. The European Court of Human Rights concluded that the conversations held by Ms Halford on her office telephones fell within the scope of the notions of "private life" and "correspondence". The Court found that there had been a violation of Article 8 of the Convention, which protects the right to private and family life, in relation to the interception of calls made on the applicant's office telephones, but felt that there was insufficient evidence to suggest that calls made from her home telephone were being intercepted.

In *Munoz Hermoza v. Peru* (8) the author of the communication was an ex-sergeant of the Guardia Civil (police). He alleged that he had been temporarily suspended from the Guardia Civil on 25 September 1978 on false accusations of having insulted a superior but, when he was brought before a judge on 28 September 1978 on that charge, he was immediately released for lack of evidence. Nevertheless, by administrative decision dated 30 January 1984, he was discharged from service. The author claimed that after having served in the Guardia Civil for over 20 years he had been arbitrarily deprived of his livelihood and of his acquired rights, including accrued retirement rights, thus leaving him in a state of destitution, particularly considering that he had eight children to feed and clothe. He then spent 10 years going through numerous and diverse domestic administrative and judicial instances seeking reinstatement in the Guardia Civil, without success.

In considering the merits of this case, the Human Rights Committee noted that the concept of a fair hearing, as set out in article 14.1 of the International Covenant on Civil and Political Rights, necessarily entails that justice be rendered without undue delay. It reviewed the multifarious domestic procedures followed by the author, observing in particular that an administrative review kept pending for seven years constituted an unreasonable delay, and concluded that such a seemingly endless sequence of instances and the repeated failure to implement decisions were incompatible with the principle of a fair hearing.

The Committee was of the view that the events of this case disclosed a violation of article 14, paragraph 1, of the International Covenant on Civil and Political Rights. The State party was under an obligation, in accordance with the provisions of article 2 of the Covenant, to take effective measures to remedy the violations suffered by Rubén Toribio Muñoz Hermoza, including payment of adequate compensation for the loss suffered.

### **The specific nature of the entitlement of police to human rights**

It is a fundamental principle of human rights protection that human rights apply equally to all members of the human family, and this principle should not be lost in distinguishing between the differing needs and entitlements of various social groups. However, it is recognised that special provisions have to be made to secure the human rights of vulnerable categories of people, for example women and children.(9) Moreover, it is evident that some groups, for example occupational groups, will regard some human rights as more important than others; that different conditions need to be fulfilled in order to secure the human rights of different groups; and that states have differing types of obligations to secure rights for the various groups. For example it is to be expected that the right to freedom of opinion and expression (10) will be regarded as extremely important by journalists, whereas police officials may consider that the right to equal access to public service (11) has great importance because unfair criteria for appointments to public service may have prevented them from following their chosen profession.

Regarding the conditions that need to be fulfilled to secure human rights for different occupational groups, and differing obligations on states in this respect, it is instructive to consider the requirement on states to protect the right to life. The conditions to be fulfilled in order to protect the right to life of a journalist, or a delegate of the International Committee of the Red Cross, working in a war zone, are different to those to be fulfilled in order to protect the right to life of a police official. They each require information and skills, hence training and briefing, and they each require equipment. However, because the nature of their tasks and the conditions under which they carry them out differ, their training needs and equipment differ. Furthermore, as police officials are state officials there is a direct obligation on the state to train and equip them, in fact the obligation is wider than that, whereas the state has no such direct obligation in relation to the journalist and the ICRC delegate.

In order to illustrate the nature and extent of the obligation on the state to protect the right to life of police, and how it may happen that a state fails to meet this obligation, I would like to recall a situation that arose during a human rights programme for police I was conducting in a Member State of the Council of Europe for the Council. During a discussion on the right to life the participants explained that a large number of police officials had been killed in the course of their duties during the previous year. They gave a figure for police deaths that seemed excessively high, even though the incidence of violent crime in that country was also high. In spite of the large number of murders of police, the participants claimed that not one of the incidents had been analyzed with a view to taking preventive and protective action in the future. Hence no changes had been made in selecting, training, equipping, briefing and deploying police officials in response to the killings. If their account was accurate then, clearly, there had been a gross failure on the part of the police leadership and the government, and the state had not met its obligation to protect the right to life of its police officials.(12)

International standards for police on equipment, including protective equipment, and on selection, training, and counselling, are set out in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. (13) These principles express professional, practical standards on the use of force and firearms by police, and on the personal safety of police officials. Whilst not legally binding, they indicate some of the conditions that need to be fulfilled by states in order that they may meet their treaty obligations to protect the right to life of all those involved, including police, in operations where force or firearms may be used by police.

It is not my purpose in this paper to examine the full range of human rights from the point of view of police entitlements, but some of the economic social and cultural rights clearly have great significance for police. For example, the right to just and favourable remuneration ensuring an existence worthy of human dignity (14) is important for police officials everywhere, and for the communities they serve. Governments need to ensure that police pay and conditions of service are sufficient to maintain the human dignity of police officials, and to provide a bulwark against corruption. The onus on governments in this respect is particularly strong because human rights treaties allow for the imposition of lawful restrictions on members of armed forces and of the police in the exercise of the right to freedom of association with others, including the right to form and join trade unions for the protection of their interests. (15)

### **The rights of police in times of armed conflict**

Police officials are generally insufficiently aware of the principles and provisions of international humanitarian law, or the law of armed conflict, that are relevant to police officials and police operations in times of armed conflict. The purposes of this branch of public international law are to regulate the conduct of hostilities and to protect victims of armed conflicts. International humanitarian law imposes obligations on parties to armed conflicts, and comes into force only when armed conflict occurs. Its provisions are not generally expressed as rights, but the obligations they impose on parties to armed conflicts can provide forms of protection to police officials in ways similar to some human rights.

International humanitarian law consists of two sets of treaty law ("Hague Law" and "Geneva Law") plus a number of customary rules. The two strands of treaty law are distinguished in that Hague Law governs the conduct of hostilities - the permissible means and methods of warfare, whereas Geneva Law is concerned with the protection of victims of war. An example of Hague Law is the 1907 Hague Convention IV Respecting the Laws and Customs of War on Land. Since they first entered into force many of the Hague Regulations have been developed or superseded by the Geneva Conventions and their Additional Protocols. In fact the distinction between the two sets of treaty law is not now quite so marked, as they are merging to some extent through these later treaty provisions. Geneva Law is largely contained in the four Geneva Conventions of 1949. These treaties make provision for combatants who become victims of war - either as sick, wounded or shipwrecked casualties, or prisoners of war (in the first, second and third Conventions), and for the protection of civilians in time of war (in the very long and detailed fourth Convention). Apart from article 3 Common to all four Conventions, all of the Conventions' provisions concern the protection of victims of international armed conflicts. In 1977 two Protocols Additional to the 1949 Geneva Conventions were adopted. The first Protocol, relating to international armed conflicts, up-dates and elaborates existing rules of combat as well as rules for the protection of war victims, bringing about the partial fusion of "Hague" and "Geneva" law referred to above. The second Protocol supplements the provisions of article 3 Common to the 1949 Geneva Conventions, which contains a number of obligations binding on the parties to non-international armed conflicts.

The relationship between police and international humanitarian law can be characterised in much the same terms as those used in characterising the relationship between police and human rights - police officials are required to comply with its provisions, and to protect victims of armed conflict and the civilian population. They may be called upon to investigate crimes arising out of armed conflict; (16) and they can benefit from various forms of protection available under international humanitarian law.

The provisions of international humanitarian law relevant to police and police operations in times of conflict are many and detailed. My purpose in raising this matter in this context is simply to point out that there are benefits arising for police officials when this branch of law is complied with, just as there are when human rights law is complied with. For example, in an international armed conflict, some members of armed law enforcement agencies that have been incorporated into the armed forces of a party to a conflict have combatant status.(17) This means that they have some forms of protection on the battlefield, and are entitled to treatment as prisoners of war in the event of capture by the adverse party. However, the majority of police, as members of civilian police agencies, would have civilian and not combatant status in the event of such a conflict. This means that they would be entitled to the protection afforded to the civilian population set out in 1949 Geneva Convention IV and 1977 Additional Protocol I.

1949 Geneva Convention IV relating to the protection of civilians requires any civilian, military, police or other authorities who in time of war assume responsibilities in respect of protected persons, to possess the text of the Convention and be specially instructed as to its provisions.(18) 1977 Geneva Protocol 1 requires any military or civilian authorities who, in time of armed conflict, assume responsibilities in respect of the application of the Conventions and the Protocol, to be fully acquainted with the text thereof.(19) Perhaps these obligations on High Contracting Parties could also be regarded as rights of police officials.

### **Concluding remarks**

The focus of this conference on the human rights of police officials is to be welcomed. The human rights of police are an extremely important aspect of the relationship between human rights and policing. Focusing on this aspect should enable the relationship to develop into one that is less contentious and incongruous.

## Notes and References

1. See, for example, *Osman v. the United Kingdom* (judgement of 28 October 1998, *Reports of Judgements and Decisions* 1998-VIII) in which the European Court of Human Rights observed that article 2 of the European Convention on Human Rights may imply, in certain well-defined circumstances, a positive obligation on the authorities to take preventive operational measures to protect an individual whose life is at risk from the criminal acts of another individual.

2. See, for example, *Barbera, Messegue and Jabardo v. Spain*, judgement of 6 December 1988, Series A no 146, in which the European Court of Human Rights had reservations about some crucial aspects of the way in which the evidence had been taken and the conduct of the trial proceedings, including the accused confessions. In this respect, the Court observed that when they made their confessions to the police, they had already been charged but did not have the assistance of a lawyer, although they did not appear to have waived their right to one. Accordingly these confessions, which had been obtained during a long period of custody in which they were held incommunicado, gave rise to reservations on the part of the Court. The Court concluded that the proceedings in question, taken as a whole, did not satisfy the requirements of a fair and public hearing, and that there had been a violation of article 6. 1 of the European Convention on Human Rights. 3. See, for example, article 12 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which requires that each state party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction. 4. See, for example, *McCann and Others v. the United Kingdom*, judgment of 22 September 1995, Series A no. 324, in which the European Court of Human Rights held that there should be some form of effective official investigation when individuals have been killed as a result of the use of force by the state.

5. Article 55 (c).

6. Article 2.1 and 2. 3 (a) of the International Covenant on Civil and Political Rights embodies similar provisions. 7. Judgment of 25 June 1997, *Reports of Judgments and Decisions* 1997-III. 8. Communication No. 203/1986: Peru 17/11/88. <DIV> CCPR/C/34/D/203/1986. <DIV ALIGN=center>9. See, for example, the Convention on the Elimination of All Forms of Discrimination against Women adopted by UN General Assembly resolution 34/180 of 18 December 1979; and the Convention on the Rights of the Child adopted by UN General Assembly resolution 44/25 of 20 November 1989. 10. Article 19 of the Universal Declaration of Human Rights, and article 10 of the European Convention on Human Rights. 11. Article 21.2 of the Universal Declaration of Human Rights.

12. I am aware that the Council of Europe attempted to arrange for some technical assistance from a police agency of another Member State in order to provide a proper response to this situation but do not know if, or how, it was resolved.

13. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August – 7 September 1990. See also the European Code of Police Ethics (Recommendation [2001] 10 adopted by the Committee of Ministers of the Council of Europe on 10 September 2001). 14. Article 23.3, Universal Declaration of Human Rights. Article 7 of the International Covenant on Economic, Social and Cultural Rights.

15. See, for example, articles 22 and 11 of the International Covenant on Civil and Political Rights the European Convention on Human Rights respectively.

16. The requirement for police officials to investigate such crimes may arise in a number of ways. For example, each of the Geneva Conventions obliges high contracting parties to provide effective penal sanctions for persons committing or ordering to be committed grave breaches of the Conventions. They are also required to search for such persons and bring them, regardless of nationality, before their own courts or hand them over for trial to another high contracting party concerned. (Articles 49, 50, 129 and 146 of the four Conventions respectively). See also article 85 of 1977 Geneva Protocol I. Grave breaches are acts such as willful killing and torture or inhumane treatment when committed against those protected by the Conventions. Police could be involved in various stages of the processes required by these provisions, including investigations.

Furthermore, in 1988 the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court adopted the Rome Statute of the International Criminal Court. This Court has jurisdiction with respect to the crime of genocide, crimes against humanity, war crimes and the crime of aggression. The Statute entered into force on 1 July 2002, and the Chief Prosecutor took office in 16 June 2003. When the Court begins its operations, police agencies in different countries will be involved in investigating crimes subject to the jurisdiction of the Court.

17. Article 43. 3 1977 Geneva Protocol I. 18. Article 144. 19. Article 83.2

### Acknowledgement

I would like to thank Professor Kevin Boyle of the University of Essex for his comments on the first draft of this paper.

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**END ARTICLE**

## Resource: Human Rights of Police Article - in PDF format



Submitted by npearson on Wed, 11/18/2009 - 14:13.

Ralph, Thank you so much for sharing this in-depth article on this very important topic area.

It can be rather difficult to read pieces of such length on line. I've made it into a PDF available here titled "[The Human Rights of Police](#)" for people to have the opportunity to download it in that format to read. I think it is a great resource for people to have.

(<http://www.newtactics.org/sites/newtactics.org/files/The%20Human%20Rights%20of%20Police.pdf>)

I have also placed the article in the New Tactics group that has been formed regarding this topic: [Police Training to prevent human rights abuse](#) - if you are interested to join this group, just follow the link and click on the "join" button.

Nancy Pearson, New Tactics in Human Rights Program Manager

## Officers rights to join Police Association can be curtailed



Submitted by Cecil B. Griffiths on Wed, 11/18/2009 - 18:39.

In many developed countries, police officers have the right to join police associations or unions. But in Africa and other developing countries police officers in active service are barred from becoming members of police associations. In Africa two countries stand out in respecting the rights of officers to associate: South Africa, which allows police officers to join the trade unions, and Liberia, which also allows law enforcement officers to join the law enforcement association. Ghana and other countries only allow for retired officers to join the police association.

My question is why are some governments hesitant in allowing police officers in active service in becoming members of a police association? Is that not a violation of the officers rights? Can any one give reasons for this?

## Re: Officers rights to join Police Association can be curtailed



Submitted by eommar on Wed, 11/18/2009 - 20:19.

I do believe that that ban is based on the false idea of having an officer who is totally committed and completely devoted to his official organization, it might be the fear from side effects on officers after such involvement, as they may end up with developed ideas and turn against their leadership or lose some loyalty towards their political systems, also it might be considered as a waste time for an officer-according to their view- to go and partake in this association or another, which might divert officers attention away from their work and duties. After all none of these allegations would change the face of such ban, it is real violations of many rights. Ibrahim

## Re: Officers rights to join Police Association can be curtailed



Submitted by Clinton Fernandes on Wed, 11/18/2009 - 21:03.

Article 23 of the UDHR:

Everyone has the right to form and to join trade unions for the protection of his interests.

Yes, it's a violation of the officers' rights. As for why, I'd suggest that one reason might be the usual one in other professions - unionized police personnel could increase their bargaining power in wage negotiations.

## Officers' rights to join police association can be curtailed



Submitted by Ralph. on Thu, 11/19/2009 - 04:08.

This is an interesting discussion and it's important to be aware of the nature of the right to freedom of association. It is not an absolute right - there are only two absolute rights - the prohibition of torture and the prohibition of slavery.

For example the right to freedom of association is protected by article 22 of the international Covenant on Civil and Political Rights as follows:

### Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

So we can see in paragraph 2 that governments are allowed to limit this right in relation to military and police. The same limitation is permitted in the American Convention on Human Rights(article 16) and the European Convention on Human Rights (article 11).

### Police Unions vs. Police Associations



Submitted by Cecil B. Griffiths on Thu, 11/19/2009 - 18:48.

Thanks Ralph for the references. I now see the basis for some governments refusing to allow police officers to join unions or associations.

Notwithstanding, one would ask, Why would some governments allow police officers to join professional associations, and others would not. Can we say those countries and governments that allow officers to enjoy their rights to associate are more democratic? Can we distinguish between police unions and professional police associations? If governments are afraid of allowing the unionization of their police force, don't they see the tremendous benefits that can be brought to bear on the officers, and to the image of the profession itself, if the association really projects a professional outlook and programs? Col. Cecil B. Griffiths, (Liberia) Founder and President of the Liberia National Law Enforcement Association (LINLEA)

### Police Unions v Police Associations



Submitted by Ralph. on Fri, 11/20/2009 - 05:17. Ralph Crawshaw

I think that the distinction between unions and associations is a good one to make Cecil.

Probably the main reason for governments seeking to limit the right to freedom of association of police officials and military is to ensure that they don't have the right to strike. Generally trade unions are seen as having the strike option at their disposal whereas associations do not.

Putting the right to strike aside, there are obvious advantages for governments to allow representative bodies for police so that their members' interests can be represented and presented to governments.

Associations, or unions without the power to strike, seem to be a good way of achieving this.

### Concerns of law enforcement officers



Submitted by TAyalew on Fri, 11/20/2009 - 03:10.

During the year 2008, our Center had provided training on the international and national laws against torture and its effects in the eight major regional cities of the country. And during the training the trainees, especially in the regional cities had participated actively and raised questions and discussed very carefully. Most of them were not well aware of the international definition of torture that the Federal Government of Government of Ethiopia had signed. After the end of the training almost 90% percent of the trainees had filled in the evaluation questionnaire that they had found the training as important. Even three of the prison institutions in the regional states had invited us to visit their prison and talk with the prison inmates. And this was very amazing by our Center and important. Thus, concerns of law enforcement bodies are very important. Tekeste Ayalew ,Senior Program Officer , Rehabilitation Center for Victims of Torture in Ethiopia (RCVTE)



## STORIES OF IMPACT AND EFFECTIVENESS

Submitted by New Tactics on Tue, 11/17/2009 - 14:59.

In this major theme area of **impact and effectiveness**, please share your stories, questions, ideas, and experiences regarding the following:

- Impact and effectiveness
  - How do we know human rights training and education initiatives make a difference?
  - What you have found useful in helping to identify impact and effectiveness?
- Stories of success
  - What stories can you share about law enforcement training that have shown areas of success or effectiveness in preventing ill-treatment and torture?
  - What models of training have you found most effective?
  - What kinds of "do" and "don't do" tips can you provide?

### Over the years the [APT]



Submitted by mpringle on Wed, 11/18/2009 - 02:51.

Over the years the Association for the Prevention of Torture (APT) has been involved in the training of a range of public officials who come into direct contact with persons deprived of their liberty. These have included police, prison staff, judges and prosecutors. One of the questions we repeatedly ask ourselves is are we making a difference and, if so, how much of one? When the New Tactics team were drawing up the list of topics for this on-line dialogue the issue of impact of human rights education and training initiatives was one we at the APT were very keen to explore and discuss with others. Thus, I would be extremely interested to learn more about the experiences of our colleagues in this respect. Many thanks!

### Training efficiency



Submitted by eommar on Wed, 11/18/2009 - 11:51.

In fact it could be hard to gauge to which extent a training in human rights was a success, I have been working in training field in that subject for years both in Egypt and African countries as part of international activities in the field of Human Rights, and I can be sure about some points:

1. Training on Human Rights subjects can be more effective when conducted - as strategic obligation- within a decision-making level of officials, while training schemes should focus on individual violations while framing a program to a large-base personnel.
2. Training shouldn't focus on theoretical international standards of human rights, but better have them integrated in a more practical models of human rights plans.
3. Training can be more effective when addressing human rights from realistic stance and not from "above View" level, it means that being idealist wouldn't do any good, but being accountable is more real.
4. In many cases, I had an impression of great value added to law enforcement agents after training was over, and that can be detected easily through the course delivery line and full involvement in talk and discussion.
5. Still the need does exist widely to pump more and disseminate training of human rights to wider groups of decision makers and med-level officials, where training can be more productive and reflective on policy-reviewing levels, and effective in bringing about tangible changes to current realities.

Ibrahim Hassan Elghazawi, PhD Humphrey Fellow Human Rights Center School of law University of Minnesota

### More on evaluating impact...



Submitted by mpringle on Fri, 11/20/2009 - 09:36.

Dear Ibrahim,

Please accept my belated thanks for your above thoughts, which were most useful. After reading your comment I was wondering whether in the course of your work in Egypt and in various African countries you had conducted follow-up training events for the same police officers, which incorporated some form of impact evaluation relating to the first activity? We have tried to employ this type of approach in our detention monitoring training. Thus, we conduct an initial training event of around three days, including an initial visit, and then six or so months later we return to see how the monitors are getting on in practice. This gives the participants the opportunity to discuss the problems and challenges they have come across and allows us some insight into the effectiveness of the project. Your thoughts would be very welcome. Thank you very much.

## Assessing Human Rights training

Submitted by eommar on Sun, 11/22/2009 - 10:03.



Thanks Matthew ...It is quite difficult to do the "Accurate Evaluation Step", the reason simply in any country is more or less the same, let me express how I do vision this important issue:

1- Don't expect any quick responses to your training efforts, such a change is really slow and takes years to achieve tangible improvements.

2- In the area where torture and ill-treatment happen mostly because of individual misdemeanors, training can be most effective, and usually we can integrate the superior level of LEOs into the campaign against torture or human rights violations, by imposing serious sanctions and implementing existing laws that incriminate such activities.

3- The success in the previous hypothesis dictates also getting the media involved in the heart of the efforts to shed the light on any infringements and disclose the violators.

4- Training efforts didn't do much change when focused on base-level officers in countries that exercise human rights violations systematically as part of its usual suppressive attitudes.

5- In some cases it was really helpful trying to integrate as high level officers as possible in these programs, sometimes as trainees, and also as instructors, where we can convey the message of human rights advocacy through them, in such cases normally- when we get key officers in training - we get more attention and much easier environment for the training process to take place smoothly.

6- I would recommend to have a flexible curriculum for training, that range between several related topics prioritized differently to suit diverse needs, you switch between them according to each location, it is sometimes helpful to be sensitive to some topics when you conducting training in some countries.

7- It is not advisable, for human rights training, to target political rights (for instance) or political freedom in a country that have totalitarian systems, as in case you manage to organize a program with such an agenda (in most cases you can't), you probably will have marginalized trainees of no practical significance attending it, which makes training waste time and efforts.

8- When I remember that any training program only hosts some 20 or 30 of, or more rarely over 40 trainees, I do realize that there are other tens of thousands of officers who didn't have chance to attend, that means practically that the impact can be very slow and tottering, here the programs that target high commanding level are more productive as they are authority within the setting of LEO agents, meaning that they have the impact needed to influence their subordinates. Ibrahim Elghazawi, PhD Humphrey Fellow School of law University of Minnesota;

## Police as perpetrators and education



Submitted by Jeanne.Sarson on Sat, 11/21/2009 - 07:03. Jeanne Sarson, Canada

Philip, Thanks for your comments. Three questions re education of the police:

1. I was wondering whether Texas has laws re torture that are applicable to charging both State and non-State torturers?
2. Re the education of police: What happens legally in the situation if, for example, a police person tortures a prisoner and then, when off duty inflicts torture elsewhere such as in the home?
3. Re the education of police: And furthermore, considering that perpetrators use their positional power as a tool for controlling the victimized person, how would the case be handled - is the police person considered to be engaging in State torture, i.e., abuse of power or non-state?

Respectfully submitted, Jeanne Sarson

## Jeanne: Thanks for your



Submitted by philyons on Mon, 11/23/2009 - 21:03.

Jeanne: Thanks for your question. As to the first one, Texas does have laws that prohibit the improper infliction of bodily harm in the form of assault statutes and aggravated assault statutes depending on the extent of the harm. Those statutes are applicable, irrespective of whether the perpetrator is a state actor. In addition to standard assault liability, state actors may be liable for added penalties under statutes that specifically reach state action (e.g., our "Official Oppression" statute). Also, public officials who are "acting under color of law," are also liable under federal law if they engage in conduct that constitutes a violation of civil rights.

As to your second question, the harm inflicted on a prisoner would subject the officer to: (a) federal civil rights liability, (b) state official oppression liability, and (c) state assault or aggravated assault liability [incidentally, the protection against double jeopardy only applies where the same jurisdiction is involved; thus, the officer could be liable simultaneously under federal and state law for the same conduct]. The same harm inflicted against a spouse, for example, would subject the perpetrator only to assault or aggravated assault liability because the perpetrator is not acting under color of law.

Your final question turns on a determination as to whether the person is "acting under color of law." This involves a case-by-case determination. The more the conduct relates to the performance of the officer's duties, the more it is likely to be found to be under color of law. The more the conduct seems to be private, the less likely it is to be found to be under color of law.

Respectfully, Philip Lyons, (USA), Executive Director, Texas Regional Center for Policing Innovation, (TRCPI) and Faculty Professor, Sam Houston State University, College of Criminal Justice

## Success: Police and migrant community exchange training program



Submitted by npearson on Sun, 11/22/2009 - 21:32.

Ibrahim,

I wanted to come back to one of your points regarding [assessing human rights training](#). You said,

*"When I remember that any training program only hosts some 20 or 30 of, or more rarely over 40 trainees, I do realize that there are other tens of thousands of officers who didn't have chance to attend, that means practically that the impact can be very slow and tottering, **here the programs that target high commanding level are more productive as they are authority within the setting of LEO agents, meaning that they have the impact needed to influence their subordinates.**"*

I want to share a program that has been operating in Austria that specifically offers their training to higher level officer for the very purpose of influencing their subordinates.

The [International Centre for Cultures and Languages](#) (ICCL) in Vienna adapted the "TANDEM©" program— originally created for language learning— to human rights education with police and migrant populations in a unique and profound way called "intercultural-TANDEM©." You can read more about this innovative training program in a NewTactics tactical notebook - [TANDEM©: A process for cross-cultural \exchange between police and migrants](#) ([http://www.newtactics.org/sites/newtactics.org/files/Hirtenlehner\\_Tandem\\_update2007.pdf](http://www.newtactics.org/sites/newtactics.org/files/Hirtenlehner_Tandem_update2007.pdf))

The program was designed by the ICCL in Vienna in response to several violent interactions between the police and migrants in Austria. The result has been "Tandem© Learning", a cultural contact program that improves intercultural understanding. The intercultural-Tandem© program involves a series of interactions between 20 to 25 high level police officers and an equal number of migrants from other countries. The interactions occur mainly in structured group settings and in one-on-one Tandem© pair relationships. Over 150 high level police officers and about the same number of migrants have participated in this life changing intercultural experience.

The Tandem© program currently operates as part of a larger police-training course. Officers must apply for participation in the program, which consists of seven four-hour training sessions augmented by several informal activities involving the tandem pairs.

Although the program benefits from its affiliation with the police training course, it is possible that this model could also be implemented and succeed independently. I'd be interested to hear what others think of this kind of police training program. Nancy Pearson, New Tactics in Human Rights Program Manager

## Re: TANDEM program



Submitted by eommar on Tue, 11/24/2009 - 10:34.

Nancy; I knew about the "TANDEM" program and appreciate the efforts invested in it to bring that kind of mutual understanding between LEOs and individuals, but this was targeting only immigrant community in a single country, what about other sectors of the community? I want to say that any effort is highly needed to bring about a tangible change in attitudes and trends of LEOs in many countries. From the other hand I look at any project, no matter how tiny it is, as a move ahead in the long way of the Nobel struggle to protect human rights worldwide. and I wish if such program-"TANDEM" program- can be generalized in other European countries concerning immigrants and asylum seekers, as I know that these groups are facing a lot of difficulties specially from police in these countries. Ibrahim

## Please comment on draft proposal



Submitted by Vernon Huffman on Wed, 11/18/2009 - 16:42.

Because police officers are trained and equipped to use weapons, they are subject to a culture which glorifies violence. In fact, while it may be expedient, violence is expensive and relatively ineffective in the long term. The proposed program exalts officers who use non-violent methods to de-escalate and defuse tense situations without threat or force. Our goal is to build a police culture that realistically views violence as a last ditch alternative which can be prevented by skilled officers, and to enable officers to learn the skills of non-violence.

We don't come in as outside experts, telling police officers how to do their job. Every experienced officer has used non-violent techniques. We encourage them to "learn by teaching," describing their experiences in a video interview. We then edit and distribute those videos, elevating successful uses of non-violent strategies and techniques. Over time, we continue to check back with reinforcements, interwoven with interviews from other police forces.

Training includes four stages:

- Introduction of concepts and distribution of pamphlet;
- Video recorded individual interviews;
- Distribution of departmental DVD;
- Distribution of “best of” DVDs.

### Where can these resources be found?



Submitted by npearson on Wed, 11/18/2009 - 17:25.

Vernon,

Thank you for sharing this very interesting and innovative way of having police officers share their experiences and non-violent techniques.

Where can these videos be found? Do you have any curriculum regarding how police officers have used these videos within the context of training up and coming police officers or those already in the field?

Nancy Pearson, New Tactics in Human Rights Program Manager

### Clarification



Submitted by Vernon Huffman on Wed, 11/18/2009 - 19:22.

I'm proposing to make the videos, Nancy, in a yet-to-be-approved program of continuing police education starting in Corvallis, Oregon. I'm eager to hear suggestions for how we might improve or promote the proposal.

### Verbal Judo Training of NYPD



Submitted by ninasingh on Wed, 11/18/2009 - 19:54.

Vernon, I had heard good things about the 'Verbal Judo' training of NYPD officers. Please check if they can be of some relevance ?

### Verbal Judo: training police officers on nonviolent tactics



Submitted by kantin on Thu, 11/19/2009 - 15:13.

Thanks for sharing this, Nina! I had never heard of Verbal Judo before you mentioned this. After some research, I found that there is a [Verbal Judo Institute](#) and also found a [YouTube video of a police officer's testimony of the effectiveness of 'Verbal Judo.'](#) I would like to hear from others who have undergone or led similar trainings. Thanks! Kristin Antin, New Tactics Online Community Builder

### Clarification and Story of Video Training Success



Submitted by npearson on Wed, 11/18/2009 - 22:27.

Vernon, Thank you for the clarification. I'm so sorry I misread your post and intention.

The idea of providing videos of police officers themselves sharing their experiences and skills in non-violent methods of response is a good one. It has been used very successfully in a training model that I am aware of and that has been written about in one of our New Tactics tactical notebooks.

[Police Training: Opening the door for professional and community-oriented policing](#)

This tactical notebook shares how Forum-Asia (FA)—as a regional NGO, and Arie Bloed, as a foreign consultant with expertise in the design and development of a unique computer-based police training program—engaged and enlisted the support of top leadership of the Royal Thai Police (RTP) to implement this computerized training program in Thailand.

The training modules feature 'generic' Constitutional and Legal Policy Institute (COLPI) training modules originally developed for use in former socialist countries. They have been highly applicable to the further professionalization of police in many other countries. The training features a wide variety of video scenarios where police are provided with options for response and an opportunity to discuss and think through the consequences of those action choices.

The computer-based police training program provides an excellent tool to help police more effectively address their own immediate day-to-day policing challenges, introduces the ideas of community policing, more accountability and transparency while also serving to build mutual trust, acknowledgement and support.

I hope this provides you with some ideas of how to possibly "pitch" your own proposal for creating your videos.

I hope others will respond with their ideas. Nancy Pearson, New Tactics in Human Rights Program Manager

## Draft Questions

Submitted by Vernon Huffman on Thu, 11/19/2009 - 13:39.



Dear Officer \_\_\_\_\_,

We are videotaping interviews with police officers as part of a continuing education project. You have been scheduled at \_\_\_\_\_ on \_\_\_\_\_. Your participation in this project is completely voluntary. Your experience will help to teach other officers the reality of your profession. Thank you. During the interview we encourage you to tell us about how you or someone you observed was able to de-escalate a tense situation without violence or threat. We want you to feel free to relax and express yourself completely. If it will help, you are welcome to bring notes you write as reminders. The following questions may help you to remember particular incidents.

1. Perpetrators of violence have often been victims. Having frequently experienced violent response, they can be surprised by an act of kindness, a service, or an expression of praise or gratitude. Are there examples you have seen?
2. Emotional escalation can lead to violence. Perpetrators may be in a very emotional state due to circumstances which may include mental illness or the use of drugs. Please tell us how being calm and centered has eased emotional escalation.
3. As humans, we get swept up emotionally. Have you ever needed to explain your emotions in nonthreatening terms? Have you explored the needs behind your own and others emotional reactions?
4. People want to know they are heard and understood. Have you used reflexive listening and empathy to de-escalate a potentially violent situation? Has reframing a message helped to focus a potential perpetrator toward positive action?
5. Cultural and language differences may get in the way of communication. Please talk about times you have circumvented these barriers to establish common ground with those who are different.
6. Sometimes taking a situation too seriously can be dangerous. Can you remember a time when humor or pleasant distraction helped to refocus a potentially threatening situation?
7. People often view police officers as symbols of authority, against which they may have legitimate grievances. Have you succeeded in working with angry victims to find appropriate routes to justice?
8. Most people react defensively when they feel intimidated. Has showing vulnerability, weakness, or self sacrifice helped to prevent defensive reactions?
9. How do you let people know you are not their enemy?

You may think of other stories that are not captured by the questions above. Please feel free to share how a situation was improved without violence or threat. Your responses will be edited for brevity and clarity and you will receive a DVD of your interview mixed with others from your department. In the future, we plan to do compilations of the best of these interviews, which we will share with you. Please sign the attached release form and bring it with you to the interview. Thank you.

## Excellent questions to explore in "soft skills" trainings



Submitted by npearson on Thu, 11/19/2009 - 14:17.

Vernon, Thank you for sharing these questions. It seems to me these would make great questions to explore within the context of what Nina has shared in her post regarding ["soft skills" training](#) courses. These questions related specifically to behavioural skills that would make it possible for a law enforcement officer to transform a potentially volatile and dangerous situation into a situation where the underlying problem can be effectively resolved.

I'm interested to hear if these kinds of questions and scenarios are part of the training curriculum within law enforcement trainings. Nancy Pearson, New Tactics in Human Rights Program Manager

## Soft Skill Training: Content and Pedagogy



Submitted by ninasingh on Sat, 11/21/2009 - 08:02.

In view of the fact that policing is increasingly becoming community centric, the incorporation of 'soft skills' becomes even more important for inculcating right values, relevant expertise and a positive attitude. Soft skills include concepts like communication, leadership, problem solving, motivation, team building and negotiation that have direct bearing on the behavior and attitude of police persons. These skills sensitize the police to the changing social realities and help in law enforcement .

As far as the methodology and pedagogy of these trainings is concerned they include: (1) high degree of interaction between the learners and faculty, (2) multiple methods of service delivery, (3) assessment to enhance competency and self confidence and (4) employment of technology that mirrors their actual work environment.

In Rajasthan three days module of 'soft skill' training has been prepared for the frontline police i.e the staff of all ranks posted in police stations. It is highly interactive and customized to their work and living environment to facilitate a better understanding appreciation of complex situations in which they work. These training courses are being imparted by civilian trainers who are professionals. But these trainers also undergo an orientation course to understand the police working to answer the complex questions and dilemmas of policing. It is mandatory for the police staff to attend the refresher course six months after the completion of the main training course on soft skills. The refresher course is of two days. The objective of the refresher course is to test the retention of the concepts taught in the main course. The feedback has been excellent so far.

Nina Singh, (India), Inspector General of Police, Rajasthan, Indian Police Service (IPS)

## Stories of success



Submitted by evgenchev on Thu, 11/19/2009 - 09:13. Evgeni Genchev

As a result of our work with the police on human rights, there were some new regulations about detainment by the police. There is an obligatory set of documents to fill in. Time of beginning of police detention is to be the moment of the detention and not the moment the person is brought to the police station. Also the detained person wish or refusal for lawyer, medical care and phone call is to be documented. Established were permanent commissions for human rights in the police on central and regional levels. Human rights issues were included in the regular continuing education of the policemen. All this hasn't eradicated police violations of human rights, but is a clear signal for the direction for the police development.

## Role and Impact of Media



Submitted by eommar on Thu, 11/19/2009 - 09:32.

One of the impacts of human rights training is to limit human rights violations , in Egypt now there are rigorous public prosecution inspection targeting police detentions, and according to the rules of criminal procedural law a person must not be detained more than 24 hours without warrant, although this rule had been ignored for long, fortunately it is now respected seriously, this is an improvement that occurred in recent years, but it can't be only for human rights training, but the media is active in disclosing any violation than ever, which poses great pressure over law enforcement agency to be very strict with violators ( several officers are in prison now for committing crimes concerning torture specifically) , so the tools for improvement can be several factors and not only one, and it is a fact that the law by itself is not enough to safeguard human rights, but we need also good law enforcement agency, literate community that know how to frame LE attitudes.

## Showing police candidates videos of officers on trial for human



Submitted by vbicak on Thu, 11/19/2009 - 15:51.

### **Showing police candidates videos of officers on trial for human rights violations in order to dissuade them from misconduct**

Dr. Biçak compiled footage of the prosecutions of police officers charged with violating human rights into a 90-minute video. Candidates at the police academy are shown the tape, in conjunction with a human rights course, to combat misconceptions about human rights, remind them that police officers can and will be prosecuted for misconduct, encourage empathy for the accused and remind them of the need to protect their human rights. Dr. Biçak also gives the recruits a questionnaire at the beginning and end of their training to track changes in their attitudes toward human rights. While most begin the course believing that human rights are an impediment to police work and that the concept did not encompass the protection of their own rights, the questionnaire showed that most developed a more open mind by the end of their training. This tactic has been implemented during pre-service, second-level training in the Faculty of Security Sciences for those who will become high-ranking policemen.

Professor Dr. Vahit Biçak, [www.vahitbicak.com](http://www.vahitbicak.com)

## Training of Law enforcement Bodies



Submitted by TAYalew on Mon, 11/23/2009 - 07:41.

I have understood from the documents reserved at RCVTE that the Center had provided trainings for law enforcement agencies in different regional cities of the country. And according to the documented files I have understood that the training was interesting and I found out that the content of the training was what to be given for the law enforcement bodies. But now according to the new legislation 621/09 RCVTE will never be involved in any advocacy activities except in capacity building of different law enforcement bodies and other concerned governmental and non governmental authorities including civil society organizations. Here is a question for different organization representatives who are participating in this dialogue and had participated in capacity building training or related capacity building activities for law enforcement and related bodies. Specially for Nancy, could you tell us your experience about the contents of the capacity building training activities for law enforcement bodies and related bodies.

Yohannes Beshah Executive Director

## Curricula



Submitted by mpringle on Mon, 11/23/2009 - 10:43.

Just before the weekend Nancy sent an email to the participants, urging us to share more about our training curriculum modules, the methodologies and the resources which we use. I recall attending a very interesting two-day conference a few years ago on these very issues. The event was titled the *First Conference of the Council of Europe's Network of Police and Human Rights Coordinators* and was held in Strasbourg on 14 – 15 April 2005. The network of police and human rights coordinators was organized by the Council of Europe's *Police and Human Rights – Beyond 2000* Programme and was a forum for work throughout the Council's 47 member countries on police and human rights, aimed at boosting cooperation and sharing good practice in relation to the human rights training and education of police officers. During this particular meeting the participants discussed a number of important matters, including:

- European good practices in policing and human rights;
- Setting up a data collection of European police curricula with a view to possible common approaches in the area of policing and human rights;
- Setting up a pool of European police and human rights trainers.

At the time the idea of setting up of some form of database, which would pool these resources together, struck me as a very worthy idea. However, I have no idea if anything came of the idea – does anyone know? Does anyone know of similar initiatives in other regions?

## Curricula: Council of Europe database information

Submitted by Michael Kellett on Tue, 11/24/2009 - 06:24.

Michael Kellett writes;

Work started to develop the database but funding ran out and the staff member initiating it left the organisation. I think it exists now in a very basic form. If any one wants to find out more about it the person responsible for it now is Martin Zeman (martin.zeman [at] coe [dot] int )

## Training Components/Resources



Submitted by T Ayalew on Tue, 11/24/2009 - 01:08.

Dear Nancy,

This is specifically for what you have asked in you e-mail! In regards to the resources that we use, We have screened two resource persons who specializes in Criminal laws and Human rights and four facilitators from the Center for the eight of the trainings in the eight major regional cities of the country. These resource persons had prepared training manual and other training support documents for the trainees. In addition, the Center had prepared more than fifteen different types of Information Education and Communication (IEC) Materials, like brochures, posters, stickers, leaflets, factsheets, posters, pamphlets etc. The training methodology that we used were participatory approach and during the training almost of the trainees had participated starting form the institution up to individual level and personal experiences were also been reflected. Any other .....

Tekeste Ayalew . Senior Program Officer , Rehabilitation Center for Victims of Torture in Ethiopia (RCVTE)