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Human Rights Standards and Practice for the Police

*Expanded Pocket Book
on Human Rights for the Police*



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NOTE

This guide is designed to be a readily accessible and portable reference for police officers. It is organized into major human rights topics of concern to the police, such as investigations, arrest, detention and the use of force. Under each topic, there is a section summarizing the relevant international human rights standards, followed by a “practice” section containing recommendations for applying those standards.

The sources for the human rights standards and practice are listed at the end of the guide. They include the principal United Nations human rights treaties and the many specialized declarations and bodies of principles on law enforcement which have been adopted by the United Nations.

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Application of General Human Rights Principles

Human Rights Standards

International human rights law is binding on all States and their agents, including law enforcement officials

Human Rights is a legitimate subject for international law and international scrutiny

Law enforcement officials are obliged to know, and to apply, international standards for human rights

Human Rights Practice

- Adopt a comprehensive human rights policy for your organization
- Incorporate human rights standards into standing orders for the police
- Provide human rights training to all police, at recruitment and periodically
- Cooperate with national and international human rights organizations

Ethical and Legal Conduct

Human Rights Standards

Human rights derive from the inherent dignity of the human person

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

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

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

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

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

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

Human Rights Practice

All police officials

- Enrol in in-service training programmes to understand better your legal powers and their limitations
- Remember that “obedience to superior orders” may not be invoked to justify serious human rights violations such as unlawful killings and torture
- Familiarize yourself with both internal and external complaints and reporting procedures
- Report breaches of the law and human rights violations

Command and supervisory officials

- Provide in-service training to ensure that all police officials understand fully their legal powers and the legal rights of citizens
- By example and good command and management practice, ensure that all police officials maintain respect for the dignity of all persons
- Ensure that all police policy and strategy, and orders to subordinates, take into account the requirement to protect and promote human rights
- Ensure that all reports and complaints of human rights violations are fully and properly investigated
- Develop and enforce standing orders incorporating international human rights standards

- Develop an ethical code of conduct for your police service, incorporating the international standards addressed under this topic

Policing in Democracies

Human Rights Standards

The police shall provide for the protection of public safety and the rights of all persons

The police shall be an independent organ of the Executive and shall be subject to the direction of the courts and bound by their orders

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

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

Members of the police shall exercise their functions, powers and duties as impartial servants of the general public and the Government of the day

No member of the police may participate directly in political activities

No member of the police may be ordered or forced to exercise his or her functions or powers or deploy police resources to promote or undermine any political party or interest group, or any member of such a party or group

The police have the duty to uphold the rights of and afford protection to all political parties, persons and organizations equally without fear or favour

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

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

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

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

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

Human Rights Practice

All police officials

- Maintain political independence and impartiality at all times
- Carry out all duties impartially and without discrimination on such grounds as race, colour, sex, language, religion or politics

- Protect and respect the human rights of all persons, including rights essential to political processes
- Maintain and preserve social order so that democratic political processes can be conducted constitutionally and legally

Command and supervisory officials

- Ensure that policies and strategies of the police agency are based on respect for democratic government
- Devise means to discover the specific needs of the local community, and respond to those needs
- Ensure that the composition of the police agency is representative of the entire community through fair and non-discriminatory recruitment and management policies and practices
- Ensure that recruitment procedures and training programmes are designed to recruit and retain police officials willing and able to meet the demands of democratic policing under democratic government

Non-Discrimination in Law Enforcement

Human Rights Standards

All human beings are born free and equal in dignity and rights

Human rights derive from the inherent dignity of the human person

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

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

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

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

It shall not be considered unlawfully discriminatory for the police to enforce certain special measures designed to address the special status and needs of women (including pregnant women and new mothers), juveniles, the sick, the elderly, and others requiring special treatment in accordance with international human rights standards

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

Human Rights Practice

All police officials

- Become familiar with the community you serve. Meet with leaders and representatives of various ethnic and racial communities
- Participate in foot patrols and community service activities in ethnically diverse neighbourhoods
- Speak out against ethnic or racial stereotyping or slurs in the community, and in the police station
- Participate in ethnic/race-relations training programmes offered by your service
- Speak to minority group members in the communities you serve, to learn their needs, complaints and suggestions. Be sensitive and responsive

Command and supervisory officials

- Organize in-service training to sensitize police to the importance of good ethnic/race relations and fair, non-discriminatory law enforcement
- Develop a race-relations plan of action, in consultation with various ethnic communities

- Issue clear orders on appropriate comportment, language and attitudes vis-à-vis various ethnic and racial groups
- Evaluate your recruitment, hiring and promotion policies, to ensure fairness amongst various groups
- Actively recruit members of ethnic and racial minorities, and of groups under-represented in your police service
- Establish mechanisms to receive, continuously, the complaints and suggestions of members of ethnic, racial, religious and linguistic groups in the community
- Adopt community policing strategies
- Appoint a minority-relations coordinator within your service
- Punish discriminatory, insensitive or otherwise inappropriate professional behaviour
- Reward officer initiatives supportive of better community relations
- Provide in-service training in ethnic/race relations for all police officials

Police Investigations

Human Rights Standards

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

Everyone has the right to security of the person

Everyone has the right to a fair trial

Everyone is to be presumed innocent until proven guilty in a fair trial

No one shall be subjected to arbitrary interference with his or her privacy, family, home or correspondence

No one shall be subjected to unlawful attacks on his or her honour or reputation

No pressure, physical or mental, shall be exerted on suspects, witnesses or victims in attempting to obtain information

Torture and other inhuman or degrading treatment is absolutely prohibited

Victims and witnesses are to be treated with compassion and consideration

Confidentiality and care in the handling of sensitive information are to be exercised at all times

No one shall be compelled to confess or to testify against himself or herself

Investigatory activities shall be conducted only lawfully and with due cause

Neither arbitrary, nor unduly intrusive, investigatory activities shall be permitted

Investigations shall be competent, thorough, prompt and impartial

Investigations shall serve to identify victims; recover evidence; discover witnesses; discover cause, manner, location and time of crime; and identify and apprehend perpetrators

Crime scenes shall be carefully processed, and evidence carefully collected and preserved

Human Rights Practice

All police officials

- Develop standardized procedures for the recording of information during investigations
- When in doubt about the legality of an investigatory activity, inquire with superiors, where possible, before proceeding
- Treat all suspects as innocent persons, politely, respectfully and professionally
- Keep a detailed record of all interviews conducted

- Enrol in in-service training to sharpen your investigation skills
- Always advise the victim, witness or suspect of his or her rights before interviewing
- Before proceeding to any investigatory action, ask yourself: Is it legal? Will it hold up in court? Is it necessary? Is it unduly intrusive?
- Never seek or rely on a confession as the basis for a case. Rather, the purpose of investigation should be to secure independent evidence
- Seek a warrant, or court order, whenever possible, before conducting searches. Warrantless searches should be the exception, carried out only when reasonable and with due cause: when incidental to a lawful arrest; when free consent is granted; or when obtaining a warrant in advance would be impossible in the circumstances
- Know the community to which you are assigned. Develop proactive strategies for preventing crime, including through awareness of risks existing in your community

Command and supervisory officials

- Establish administrative mechanisms to expedite the investigatory process
- Establish standing orders emphasizing legal safeguards for investigations

- Provide training programmes on legal standards and effective scientific techniques for investigations
- Establish strict supervisory procedures for the management of confidential information
- Establish, in concert with relevant social agencies, victim-support mechanisms
- Establish policies which limit reliance on confessions
- Develop community policing strategies, enabling police to be closer to the community and therefore to information vital to the prevention and solving of crimes
- Solicit technical cooperation, including, where necessary, from international technical policing programmes, on current techniques and technologies for police investigations
- Announce and enforce strict penalties for violations of regulations regarding the legality of investigatory practices

Arrest

Human Rights Standards

Everyone has the right to liberty and security of the person and to freedom of movement

No one shall be subjected to arbitrary arrest or detention

No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law

Anyone who is arrested shall be informed, at the time of the arrest, of the reasons for his or her arrest

Anyone who is arrested shall be promptly informed of any charges against him or her

Anyone who is arrested shall be brought promptly before a judicial authority

Anyone who is arrested has the right to appear before a judicial authority for the purpose of having the legality of his or her arrest or detention reviewed without delay, and shall be released if the detention is found to be unlawful

Anyone who is arrested has the right to trial within a reasonable time, or to release

Detention pending trial shall be the exception rather than the rule

All arrested or detained persons shall have access to a lawyer or other legal representative and adequate opportunity to communicate with that representative

A record of every arrest must be made and shall include: the reason for the arrest; the time of the arrest; the time the arrested person is transferred to a place of custody; the time of appearance before a judicial

authority; the identity of involved officers; precise information on the place of custody; and details of interrogation

The arrest record shall be communicated to the detainee, or to his or her legal counsel

The family of the arrested person shall be notified promptly of his or her arrest and place of detention

No one shall be compelled to confess or to testify against himself or herself

Where necessary, an interpreter shall be provided during interrogation

Human Rights Practice

All police officials

- Review regularly, for a clear understanding, your powers of arrest and the procedures to adopt upon and following arrest
- Participate in training to develop and maintain the necessary interpersonal skills, and especially skills of communication, to enable you to effect arrests expertly, discreetly and with due respect for human dignity
- Where resistance is not evident, attempt calm, polite, disarming language when effecting an arrest, resorting to strong, authoritative tones only when necessary

- Develop and maintain the necessary technical and tactical skills to enable you to carry out arrests expertly, discreetly and with due respect for human dignity
- Develop and maintain skills in the use of handcuffs and other means of restraint
- Develop your self-confidence, including through self-defence skills
- Study carefully the chapter on the use of force, as it applies to arrests
- Seek an arrest order/warrant whenever possible
- Carry a small card in your uniform, setting out the rights of an arrestee, and read those rights, verbatim, to the arrestee once he or she has been secured
- Study conflict-resolution techniques, through in-service training or community education programmes
- Keep careful arrest records, with detail as the first rule of thumb

Command and supervisory officials

- Issue and enforce clear standing orders on arrest procedures
- Provide continuous training to all officers on procedures for arrest, the rights of the arrested, and techniques for effecting arrest safely and humanely

- Provide training in interpersonal skills, conflict-resolution techniques, self-defence and the use of restraint mechanisms
- Develop standard forms for the recording of arrest information, based on this chapter and the laws and procedures for arrest in your jurisdiction
- When arrests can be planned in advance, ensure that a range of options is available, and that planning, preparation, briefing and tactics adopted are appropriate to the circumstances and conditions under which the arrest is to be made
- Debrief the officers involved after every arrest, and carefully check the arrest record to be sure it is complete
- Establish procedures to ensure the unhindered access of legal counsel to arrested persons

Detention

Human Rights Standards

Pre-trial detention shall be the exception, rather than the rule

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person

Everyone charged with a penal offence shall be presumed innocent until proven guilty in a fair trial

No detainee shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, or to any form of violence or threats

Detained persons shall be held only in officially recognized places of detention, and their family and legal representatives are to receive full information

Juveniles are to be separated from adults; women from men; and unconvicted persons from convicted persons

Decisions about the duration and legality of detention are to be made by a judicial or equivalent authority

The detainee shall have the right to be informed of the reason for detention and any charges against him or her

Detainees have the right to contact with the outside world, to visits from family members, and to communicate privately and in person with a legal representative

Detainees shall be kept in humane facilities, designed to preserve health, and shall be provided with adequate food, water, shelter, clothing, medical services, exercise and items of personal hygiene

The religious and moral beliefs of detainees shall be respected

Every detainee shall have the right to appear before a judicial authority, and to have the legality of his or her detention reviewed

The rights and special status of women and juvenile detainees are to be respected

No one shall take advantage of the situation of a detained person to compel him or her to confess or to otherwise incriminate himself or herself or another person

Measures for discipline and order shall be only those set out in law and regulations, shall not exceed those necessary for safe custody, and shall not be inhumane

Human Rights Practice

All police officials

- Enrol in training programmes to sharpen your counselling, riot-control, first-aid, self-defence, conflict-resolution and supervisory skills
- Study the entry review and assessment records of all detainees to be aware of persons at risk
- Facilitate visits by clergy, legal representatives, family members, inspectors and medical personnel
- Study and employ modern best practice techniques for interviewing
- Wear a clearly visible identity badge at all times
- Do not enter the facility carrying a firearm, except to transport a detainee outside
- Carry out regular, periodic checks of detainees, to ensure safety and security
- Consult closely with medical personnel on all matters of diet, restraint and discipline

- Report immediately any suspicion of mistreatment of detainees, physical or mental
- Never use restraint instruments for punishment. Use them only where necessary to prevent escape during transfer; on certified medical grounds; or on the order of the Director, where other methods have failed, for the purpose of preventing injury to the detainee or others, or damage to the facility
- Facilitate the use of recreational materials, books and writing materials
- Carefully study rules on the use of force
- Review and follow relevant recommendations set out below for command and supervisory officials

Command and supervisory officials

- Establish, disseminate and enforce, and regularly review, standing orders on the treatment of detainees
- Provide specialized training to all staff having duties in detention facilities
- Adopt special measures to ensure respect for religious and moral beliefs of detainees, including dietary customs
- Enforce a three-point notification system, giving the detainee: notice of the reason for his or her detention (immediate); notice of charges (prompt); and notice of his or her rights (twice: concurrent with notifica-

tion of reason, and again with notification of charges)

- In making assignments, arrange to have officers supervising detainees independent from arresting officers and investigating officers
- Meet periodically with the prosecutor, a judge, police investigators and social workers, to assist in identifying persons for whom detention is no longer necessary
- Assign female staff to guard, search and supervise female detainees. Prohibit the entry in female sections of male staff, except in emergencies
- Assign a special room, separate from family visit areas, for detainees to meet privately with legal counsel
- Arrange a meeting area for normal face-to-face visits, with a grille, table or similar divider between visitor and detainee
- Strongly prohibit, immediately investigate and severely punish, including through initiation of criminal action, every act of torture or cruel, inhuman or degrading treatment or punishment
- Provide for meals, meeting basic dietary needs, at regular times, and with no more than 15 hours between morning and evening meals
- Assign at least one officer with training in psychological care and counselling, including suicide prevention, to be on duty at all times

- Assess all detainees, upon entry, for signs of illness, injury, alcohol or drug intoxication, and mental illness
- Handle minor matters of discipline discreetly and routinely. Handle more serious matters through pre-established procedures, the existence of which has been explained to all detainees upon entry
- Officers in detention areas should not carry firearms except when transporting detainees outside the facility
- Train all officers assigned to detention areas in non-lethal control methods and in riot-control techniques and equipment use
- Require all detention officers to wear clearly visible identity badges, to facilitate accurate reporting of violations
- Establish a positive relationship with the International Committee of the Red Cross (ICRC) and other such organizations
- Establish and announce an appropriate range of penalties for police violations, from suspension, pay docking and termination, to criminal prosecution for serious violations

Use of Force and Firearms

Human Rights Standards

Use of force

Everyone has the rights to life, security of the person, and freedom from torture and cruel, inhuman or degrading treatment and punishment

Non-violent means are to be attempted first

Force is to be used only when strictly necessary

Force is to be used only for lawful law enforcement purposes

No exceptions or excuses shall be allowed for unlawful use of force

Use of force shall always be proportional to lawful objectives

Restraint is to be exercised in the use of force

Damage and injury are to be minimized

A range of means for differentiated use of force is to be made available

All officers are to be trained in the use of the various means for differentiated use of force

All officers are to be trained in the use of non-violent means

Accountability for the use of force and firearms

All incidents of the use of force or firearms shall be reported to and reviewed by superior officials

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

Officials who refuse unlawful superior orders shall be given immunity

Officials who commit abuses of these rules shall not be excused on the grounds that they were following superior orders

Permissible circumstances for the use of firearms

Firearms are to be used only in extreme circumstances

Firearms are to be used only in self-defence or defence of others against imminent threat of death or serious injury

or

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

or

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

and

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

Intentionally lethal use of force and firearms shall be permitted only when strictly unavoidable in order to protect human life

Procedures for the use of firearms

The officer is to identify himself or herself as a police official

and

The officer is to give a clear warning

and

The officer is to allow adequate time for the warning to be obeyed

but

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

or

if it is clearly pointless or inappropriate in the circumstances to do so

After the use of firearms

Medical aid is to be rendered to all injured persons

The relatives or friends of those affected are to be notified

Investigations are to be allowed where requested or required

A full and detailed report of the incident is to be provided

Human Rights Practice

All police officials

- Enrol in training programmes to improve your skills in first aid; self-defence; the use of defensive equipment; the use of non-lethal instruments; the use of firearms; crowd behaviour; conflict resolution; and personal stress management
- Acquire and practise the use of shields, defensive vests, helmets and non-lethal instruments
- Acquire, practise and utilize a range of means for the differentiated use of force, including non-lethal incapacitating weapons
- Participate in stress-counselling activities
- Carefully store and secure all firearms issued to you
- Assume that every firearm is a loaded firearm
- Study and employ techniques for persuasion, mediation and negotiation

- Plan in advance for the gradual, progressive use of force, beginning with non-violent means
- Be alert as to the physical and mental state of your colleagues, and intervene where necessary to see that they receive appropriate care, counselling or training

Command and supervisory officials

- Establish and enforce clear standing orders on the use of force and firearms
- Provide regular training in first aid; self-defence; the use of defensive equipment; the use of non-lethal weapons; the use of firearms; crowd behaviour; conflict resolution; stress management; and persuasion, mediation and negotiation
- Acquire and issue defensive equipment, including helmets, shields, bullet-proof vests, gas masks and bullet-proof vehicles
- Acquire and issue non-lethal incapacitating and crowd-dispersal instruments
- Acquire the broadest possible range of means for the differentiated use of force
- Provide for periodic assessments of officers, to gauge continuously their mental and physical health and suitability to judge the necessity and use of force and firearms
- Provide stress counselling for all officers involved in the use of force

- Establish clear reporting guidelines for every incidence of the use of force or firearms
- Strictly regulate the control, storage and issuing of firearms, including procedures for ensuring that officers are accountable for arms and ammunition issued to them
- Prohibit the use of weapons and ammunition which cause unwarranted injury, damage or risk
- Periodically check to ensure that only officially issued weapons and ammunition are being carried by officers. Provide appropriate sanctions for any officer found in possession of non-official-issue materials (especially such items as fragmentation, hollow-point or dum-dum bullets)
- Develop strategies to reduce the risk that officers will be forced to use firearms

Civil Disorder, States of Emergency and Armed Conflict

Civil disorder

Human Rights Standards

All measures for the restoration of order shall respect human rights

Restoration of order shall be achieved without discrimination

Any limitations on rights shall be only those determined by law

Any action taken and any limitations on rights shall be solely for the purpose of securing respect for the rights and freedoms of others, and for meeting the just requirements of morality, public order and the general welfare

Any action taken and any limitations on rights shall be only those consistent with the requirements of a democratic society

No exceptions are permitted with regard to the right to life; the right to freedom from torture; the prohibition of slavery; the prohibition of imprisonment for failure to fulfil a contractual obligation; the prohibition on ex post facto laws; the recognition of everyone as a person before the law; or the right to freedom of thought, conscience and religion

Non-violent means shall be attempted before the use of force

Force shall be used only when strictly necessary

Force shall be used only for lawful law enforcement purposes

Force applied shall be proportional to the lawful law enforcement objectives

Every effort shall be made to limit damage and injury

A range of means for the differentiated use of force shall be available

No unnecessary limitations on the rights to free speech, assembly, association or movement shall be imposed

No limitations shall be imposed on freedom of opinion

The independent functioning of the judiciary shall be maintained

All wounded and traumatized persons shall be immediately cared for

Human Rights Practice

All police officials

- Adopt community policing strategies, and monitor levels of social tensions between various groups in society, and between those groups and the authorities
- Be alert as to any preparations for unlawful demonstrations
- Be tolerant of unlawful, but peaceful, non-threatening assemblies, so as not to escalate the situation unnecessarily
- Establish contacts with representatives and individuals in the crowd
- Where it is necessary to disperse a crowd, always leave a clear and obvious corridor of escape
- Deal with a crowd as a group of independently thinking individuals, not as a single-minded mass

- Avoid unnecessarily provocative tactics
- Develop crowd-control techniques which minimize the need for the use of force
- Enrol in training programmes to improve your skills in first aid; self-defence; the use of defensive equipment; the use of non-lethal instruments; the use of firearms; crowd behaviour; conflict resolution; and personal stress management
- Acquire and practise the use of shields, defensive vests, helmets and non-lethal instruments
- Acquire, practise and utilize a range of means for the differentiated use of force, including non-lethal incapacitating weapons
- Study and employ techniques for persuasion, mediation and negotiation
- Plan in advance for the gradual, progressive use of force, beginning with non-violent means

Command and supervisory officials

- Issue clear standing orders on respect for peaceful, free assembly
- Introduce community policing strategies, and monitor levels of social tensions between various groups in society, and between those groups and the authorities
- Instruct officials to be tolerant of unlawful, but peaceful, non-threatening assemblies, so as not to

escalate the situation unnecessarily. The paramount objectives to be remembered in developing crowd-control strategies are the maintenance of order and safety and the protection of human rights, not the enforcement of legal technicalities regarding permits or unlawful but non-threatening behaviour

- Establish and enforce clear standing orders on the use of force and firearms
- Provide regular training in first aid; self-defence; the use of defensive equipment; the use of non-lethal weapons; the use of firearms; crowd behaviour; conflict resolution; stress management; and persuasion, mediation and negotiation
- Acquire and issue defensive equipment, including helmets, shields, bullet-proof vests, gas masks and bullet-proof vehicles
- Acquire and issue non-lethal incapacitating and crowd-dispersal instruments
- Acquire the broadest possible range of means for the differentiated use of force
- Establish clear reporting guidelines for every incidence of the use of force or firearms
- Strictly regulate the control, storage and issuing of firearms, including procedures for ensuring that officers are accountable for arms and ammunition issued to them
- Prohibit the use of weapons and ammunition which cause unwarranted injury, damage or risk

- Develop strategies to reduce the risk that officers will be forced to use firearms

States of emergency

Human Rights Standards

States of emergency may only be declared in conformity with the law

States of emergency may only be declared where a public emergency threatens the life of the nation, and where ordinary measures are plainly inadequate to address the situation

States of emergency must be officially declared before exceptional measures may be taken

Any exceptional measures must be strictly required by the exigencies of the situation

Any exceptional measures must not be inconsistent with other requirements under international law

Any exceptional measures must not discriminate solely on the basis of race, colour, gender, language, religion or social origin

No exceptions are permitted with regard to the right to life; the prohibition of torture and cruel, inhuman or degrading treatment; the prohibition of slavery; the prohibition of imprisonment for failure to fulfil a contractual obligation; the prohibition on ex post facto laws; the recognition of everyone as a person before the

law; or the right to freedom of thought, conscience and religion

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

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

If the penalty for an offence is reduced by law subsequent to a commission of the offence, the offender must benefit from the lighter penalty

Armed conflict

Human Rights Standards

During armed conflicts and occupation, police are to be considered non-combatants, unless formally incorporated into the armed forces

Police have a right to abstain from fulfilling their functions under occupation, by reason of conscience, and this shall not result in an alteration of their status

Humanitarian law applies in all situations of armed conflict

Principles of humanity must be safeguarded in all situations

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

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

Acts prohibited in all circumstances include:

- murder
- torture
- corporal punishment
- mutilation
- outrages upon personal dignity, including rape
- hostage-taking
- collective punishment
- executions without regular trial
- cruel, inhuman or degrading treatment or punishment

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

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

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

Human Rights Practice

All civilian police officials

- Undergo training in the requirements of human rights and humanitarian law during armed conflict
- Undergo training in first aid, disaster management and civil defence procedures
- Learn your agency's strategies for the maintenance of order and protection of the civilian population during periods of conflict
- Cooperate closely with medical services, firefighters, civilian authorities and the military
- Pay special attention to the special needs of particularly vulnerable groups during such periods, including refugees and displaced persons; children; and the injured

Civilian police commanders and supervisors

- Provide training to all officials in the requirements of human rights and humanitarian law during armed conflict
- Provide training in first aid, disaster management and civil defence procedures
- Develop clear strategies for the maintenance of order and protection of the civilian population during periods of conflict

- Develop standard emergency cooperative procedures for coordinated action with medical services, fire-fighters, civilian authorities and the military
- Issue clear instructions on the civilian status of the police during armed conflict

Police incorporated into armed forces during armed conflict

- Learn and apply the “soldier’s rules”, as follows:
 - “Be a disciplined soldier. Disobedience of the laws of war dishonours your army and yourself, and causes unnecessary suffering. Far from weakening the enemy’s will to fight, it often strengthens it
 - “Fight only enemy combatants and attack only military objectives
 - “Destroy no more than your mission requires
 - “Do not fight enemies who are ‘out of combat’ or who surrender. Disarm them and hand them over to your superior
 - “Collect and care for the wounded and sick, be they friend or foe
 - “Treat all civilians, and all enemies in your power, with humanity
 - “Prisoners of war must be treated humanely and are bound to give information only about their identity. No physical or mental torture of prisoners of war is permitted
 - “Do not take hostages

- “Abstain from all acts of vengeance
- “Respect all persons and objects bearing the emblem of the Red Cross or the Red Crescent, the white flag of truce, or emblems designating cultural property
- “Respect other people’s property. Looting is prohibited
- “Endeavour to prevent any breach of the above rules. Report any violation to your superior. Any breach of the laws of war is punishable”

Protection of Juveniles

Human Rights Standards

Children are to benefit from all the human rights guarantees available to adults. In addition, the following rules shall be applied to children:

Children shall be treated in a manner which promotes their sense of dignity and worth; which facilitates their reintegration into society; which reflects the best interests of the child; and which takes into account the needs of a person of that age

Children shall not be subjected to torture; to cruel, inhuman or degrading treatment or punishment; to corporal punishment; or to life imprisonment without chance of release

Detention or imprisonment of children shall be an extreme measure of last resort, and detention shall be for the shortest possible time

Children shall be separated from adult detainees

Detained children shall receive visits and correspondence from family members

A minimum age for criminal responsibility shall be established

Non-judicial proceedings and alternatives to institutional care shall be provided for

The child's privacy shall be respected, and complete and secure records are to be maintained and kept confidential

The use of physical restraints and force on children shall be exceptional, employed only when all other control measures have been exhausted and failed, and shall be employed for the shortest possible time

Weapons shall not be carried in juvenile institutions

Discipline shall respect the child's dignity, and shall instil a sense of justice, self-respect and respect for human rights in the child

Officials dealing with juveniles shall be specially trained and personally suited for that purpose

Periodic as well as unannounced visits of inspectors to juvenile facilities shall be provided for

Parents are to be notified of any arrest, detention, transfer, sickness, injury or death

Human Rights Practice

All police officials

- Enrol in specialized training on the effective and humane treatment and care of juvenile offenders
- Participate in educational programmes for children, to help in preventing juvenile crime and juvenile victimization
- Get to know the children in your duty area, and their parents
- Be alert to places and adults presenting criminal risks, and to the presence of children in such places or in contact with such adults
- If children are seen away from school during school hours, investigate and notify parents and school authorities
- Promptly investigate any evidence of neglect or abuse of children in their homes, communities or police facilities
- Meet regularly with social workers and medical professionals to discuss children's issues relating to your work
- For non-serious crimes, return juvenile offenders to parents or social agencies

- Keep all records pertaining to children in separate and secure storage
- Report to superiors any information indicating that a colleague is not appropriately suited to deal with juveniles

Command and supervisory officials

- Encourage the use of a variety of arrangements as alternatives to institutional treatment of children, including care, guidance and supervision orders; counselling; probation; foster care; educational and vocational training programmes; and other appropriate and proportional measures
- Keep complete and secure records on all detained juveniles, including identity; reasons for commitment; day and hour of admission, transfer and release; details of notifications to parents; physical or mental health problems; and staff charged with care and treatment
- Establish procedures for direct complaints and communications to be made by juvenile detainees to the director of the institution, or to judicial authorities, and to social agencies
- Assist in the development and implementation of community programmes for the prevention of juvenile crime
- Recruit, hire and specially train personnel expert in and appropriately suited to dealing with juvenile offenders

- Provide for periodic review and revision of policies for the treatment of juvenile offenders, in consultation with social agencies, medical personnel, the judiciary and community representatives
- Establish expedited procedures for bringing detained juveniles before a court, where judicial action is appropriate
- Establish close liaison and cooperation with juvenile justice, child protection, medical and social agencies
- Develop strategies for regular attention to children in especially vulnerable circumstances, such as extreme poverty, homelessness, abusive households, or high-crime areas
- If possible, establish a special juvenile unit for expert attention to juvenile crime and juvenile victimization incidents
- Issue clear orders on the confidential handling of juvenile records
- Closely supervise staff assigned to deal with juveniles, and investigate and redress any incidents of abuse, mistreatment or exploitation of children

The Human Rights of Women

Human Rights Standards

Women are entitled to the equal enjoyment and protection of all human rights in the political, economic, social, cultural, civil and all other fields

These rights include, inter alia, the rights to life; equality; liberty and security of the person; equal protection under the law; freedom from discrimination; the highest attainable standard of mental and physical health; just and favourable conditions of work; and freedom from torture and other cruel, inhuman or degrading treatment or punishment

Violence against women may be physical, sexual or psychological, and includes battering, sexual abuse, dowry violence, marital rape, harmful traditional practices, non-spousal rape and violence, sexual harassment, forced prostitution, trafficking in women, and exploitation-related violence

Violence against women, in all its forms, violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms

Police shall exercise due diligence to prevent, investigate and make arrests for all acts of violence against women, whether perpetrated by public officials or private persons, in the home, in the community, or in official institutions

Police shall take rigorous official action to prevent the victimization of women, and shall ensure that revictimization does not occur as a result of the omissions of police or gender-insensitive enforcement practices

Violence against women is a crime and must be treated as such, including when it occurs within the family

Arrested or detained women shall not suffer discrimination and shall be protected from all forms of violence or exploitation

Women detainees shall be supervised and searched by female officers and staff

Women shall be detained separately from male detainees

Pregnant women and nursing mothers shall be provided with special facilities in detention

Law enforcement agencies shall not discriminate against women in recruitment, hiring, training, assignment, promotion, salary, or other career and administrative matters

Law enforcement agencies shall recruit sufficient numbers of women to ensure fair community representation and the protection of the rights of female suspects, arrestees and detainees

Human Rights Practice

All police officials

- Treat domestic violence crimes as legally equivalent to other assaults
- Respond promptly to domestic violence and sexual violence calls; inform victims of available medical, social, psychological and material support; and provide transportation to a safe place

- Investigate domestic violence thoroughly and professionally. Interview victims, witnesses, neighbours and medical professionals
- Prepare detailed reports of domestic violence incidents and follow up carefully, both with superiors and with the victim; check reports against previous incidents in the files; and take all necessary action to prevent reoccurrence
- After medical, administrative and other procedures have been completed, offer to accompany a victim of domestic violence to her home to move her personal effects to a safe place
- Enrol in training to develop your skills in aiding and protecting victims of domestic violence
- Cooperate closely with medical professionals and social agencies in handling cases of domestic violence
- Ensure that a female officer is present during all contact with women offenders, and with women victims of crime. Defer completely to female colleagues, where possible
- Separate female from male detainees. Be sure that female officers supervise and search female detainees
- If male, abstain from, and discourage, gender-insensitive conversations and jokes with male colleagues
- Ask female colleagues for their feelings and perceptions on any policies, practices, behaviour or atti-

tudes which are gender-specific, initiate improvements yourself, and support them in their efforts to do so

Command and supervisory officials

- Issue and enforce clear standing orders on prompt and effective responses to domestic violence calls and on the legal equivalence of domestic violence to other forms of assault
- Provide regular training to officials on addressing violence against women
- Establish a special police unit for domestic violence calls, and consider assigning social workers to serve jointly in such units with police
- Establish close liaison and joint strategies with medical professionals, social agencies, local “safe houses”, and relevant community organizations
- Assign female officers to deal with female victims of crime
- Review recruitment, hiring, training and promotion policies to remove any gender bias
- Assign female officers to carry out all searches and supervision of female detainees, and separate female from male detainees
- Provide for special detention facilities for pregnant women and nursing mothers

- Adopt policies prohibiting discrimination against officers on the basis of pregnancy or maternity
- Establish open channels of communication for complaints or recommendations by female officers on issues of gender bias
- Increase patrols and preventive action in high-crime areas, including foot patrols and community involvement in crime prevention, to reduce the risk of violent crimes against women

Refugees and Non-Nationals

Human Rights Standards

Refugees

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

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

Refugees are entitled to all basic human rights, with the exception of certain political rights, but, if unlawfully within the territory, certain limitations on movement

may be applied in the interests of public order and health

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

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

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

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

Refugees lawfully within the territory of a State have the right to freedom of movement and residence

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

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

No refugee shall be expelled except on grounds of national security or public order, and only on the basis

of a decision reached in accordance with due process of law

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

Non-nationals

Non-nationals include foreigners and stateless persons

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

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

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

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

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

Procedural guarantees for expulsion include the right to be heard, the right to review by a competent authority, the right to representation, the right to appeal to a

higher authority, enjoyment of full facilities to pursue a remedy, the right to remain pending an appeal, and the right to be informed of available remedies

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

Collective or mass expulsions are prohibited

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

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

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

Human Rights Practice

All police officials

- Be alert to any evidence of xenophobic or racist activity in your duty area
- Cooperate closely with immigration authorities and social agencies assisting refugees and non-nationals
- In areas with high immigrant concentrations, reassure residents of their right to seek police protection and assistance without fear of being deported

- Remind colleagues that unlawfully present non-nationals are not criminals, nor criminal suspects solely by virtue of their immigration status
- Provide visible security for refugee shelters and camps

Command and supervisory officials

- Issue clear orders on the special vulnerability and protective needs of refugees and non-nationals
- Develop cooperative schemes with community representatives to combat racist and xenophobic violence and intimidation
- Organize foot patrols in areas of high refugee concentration, and consider establishing police substations in such areas
- Establish special units, with the necessary legal training, linguistic skills and social skills to work with terms of reference focusing on protection, rather than enforcement of immigration laws
- Police agencies charged with border control and immigration law enforcement should provide specialized training in the rights of refugees and non-nationals, and in procedural guarantees afforded to such groups
- Liaise closely with social agencies providing support services to refugees and non-nationals in need

The Human Rights of Victims

Human Rights Standards

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

Victims shall have access to mechanisms of justice and prompt redress

Redress procedures shall be expeditious, fair, inexpensive and accessible

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

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

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

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

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

The privacy and safety of victims shall be protected

Unnecessary delay in the handling of victims' cases shall be avoided

Offenders should, where appropriate, make restitution

Governments should make restitution where public officials are at fault

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

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

Human Rights Practice

All police officials

- Inform all victims, in clear and understandable language, of available legal, material, medical, psychological and social assistance, and, if they so desire, put them directly in contact with such assistance
- Keep a roster of contacts to hand, with all information on available services for assistance to victims
- Carefully explain to victims their rights, their role in legal proceedings, the scope, timing and progress of such proceedings, and the disposition of their cases
- Provide transportation to medical services, and to the victim's residence, and offer to check the security of the premises and to patrol the area
- Enrol in victim-assistance training

- Keep records on victims secure, and carefully protect their confidentiality. Inform victims of measures that will be taken to these ends
- Return any recovered property of the victim as soon as possible after completing necessary procedures

Command and supervisory officials

- Provide victim-assistance training to all officials
- Establish close cooperative procedures with medical, social, legal and other victim-assistance agencies and programmes
- Establish victim-assistance units, composed of police officials (male and female), medical or paramedical professionals, social workers and counsellors, for rapid deployment
- Establish official victim-assistance guidelines, ensuring prompt, proper and comprehensive attention to the legal, material, medical, psychological and social assistance needs of victims
- Review crime records, in developing preventive strategies, with a focus on preventing revictimization
- Assign designated officers to follow and expedite victims' cases in seeking redress and justice

Police Command and Management

Human Rights Standards

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

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

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

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

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

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

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

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

All incidents of the use of force or firearms shall be reported to and reviewed by superior officials

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

Officials who refuse unlawful superior orders shall be given immunity

Confidential information is to be handled securely

All police candidates shall be of appropriate mental and physical character

All police are to be subject to continuous and effective reporting and review procedures

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

Human Rights Practice

Command and supervisory officials

- Develop a voluntary ethical code of conduct for law enforcement officials

- Issue clear and binding standing orders on respect for human rights in all areas of police work
- Provide entry-level and continuous in-service training to all officials emphasizing the human rights aspects of police work contained in this guide
- Develop careful screening processes for new recruits and periodic assessments of all officers, to determine appropriate character for law enforcement duties
- Develop community policing strategies, as indicated in the chapter below
- Establish and enforce strict guidelines for record-keeping and reporting
- Establish an accessible mechanism for receipt of complaints made by members of the community, and fully investigate and redress all such complaints
- Develop a plan to ensure that the composition of the police agency is representative of the entire community, including fair and non-discriminatory recruitment and management policies
- Solicit technical assistance from international and bilateral programmes, to develop techniques and technical policing skills and capacities for proper and effective law enforcement
- Establish and announce an appropriate range of penalties for police violations, from suspension, pay docking and termination, to criminal prosecution for serious violations

- Strictly regulate the control, storage and issuing of weapons and ammunition
- Carry out periodic, unannounced spot checks on detention facilities, police stations and substations, and also inspect weapons and ammunition being carried by police to ensure that they comply with official regulations
- Establish close cooperative relationships with other law enforcement agencies, judges and prosecutors, medical facilities, social service agencies, emergency services, the media and community organizations
- Develop specialized units to professionalize police attention to juveniles, victims, crowd situations, women's detention facilities, border control, and so on

Community Policing

Human Rights Practice

- Establish a partnership between police and law-abiding members of the community
- Adopt a community relations policy and plan of action
- Recruit from all sectors of the community
- Train officers to deal with diversity

- Establish community outreach and public information programmes
- Liaise regularly with all groups in the community
- Build contacts with the community through non-enforcement activities
- Assign officers to a permanent neighbourhood beat
- Increase community participation in policing activities and community-based public safety programmes
- Involve the community in identifying problems and concerns
- Use a creative problem-solving approach to develop responses to specific community problems, including non-traditional tactics and strategies
- Coordinate policies, strategies and activities with other government agencies, and with non-governmental organizations

Police Violations of Human Rights

Human Rights Standards

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

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

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

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

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

Investigations of violations shall be prompt, competent, thorough and impartial

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

Crime scenes shall be carefully processed

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

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

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

Human Rights Practice

Command and supervisory officials

- Issue clear standing orders, and provide regular training, on protection of the human rights of all persons who come into contact with the police. Emphasize that all officers have both the right, and the duty, to defy unlawful superior orders and to report such unlawful orders to a higher official at once
- Remove from service any official implicated in a human rights violation, pending the outcome of an appropriate investigation. If the official is found to be guilty (after a trial), criminal and disciplinary sanctions should be imposed. If innocent, the official's name should be cleared, and all benefits restored
- Issue a clear statement of policy, and corresponding orders, requiring full disclosure and the cooperation of all officials with both independent and internal investigations
- Establish, and strictly enforce, heavy sanctions for interference or non-cooperation with internal and independent investigations
- Review regularly the effectiveness of the chain of command within the agency, and take prompt action to strengthen that chain of command where indicated
- Provide clear guidelines on the preparation of reports, the collection and preservation of evidence,

and procedures for protecting witness confidentiality

- Provide entry-level and continuous in-service training to all officials emphasizing the human rights aspects of police work contained in this guide
- Develop careful screening processes for new recruits and periodic assessments of all officers, to determine appropriate character for law enforcement duties
- Establish an accessible mechanism for receipt of complaints made by members of the community, and fully investigate and redress all such complaints
- Strictly regulate the control, storage and issuing of weapons and ammunition
- Carry out periodic, unannounced spot checks on detention facilities, police stations and substations, and also inspect weapons and ammunition being carried by police to ensure that they comply with official regulations

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Sources for Human Rights Standards and Practice

The summaries of human rights standards and practice contained in this guide are based on the human rights sources listed below. For the full text of any of these instruments, please contact:

Office of the United Nations High Commissioner for Human Rights

Palais des Nations
8-14 avenue de la Paix
CH-1211 Geneva 10
Switzerland

Tel: +41 22 917 9159

Sources

Universal Declaration of Human Rights

International Covenant on Civil and Political Rights

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Convention on the Rights of the Child

International Convention on the Elimination of All Forms of Racial Discrimination

Convention on the Elimination of All Forms of Discrimination against Women

Code of Conduct for Law Enforcement Officials

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Declaration on the Protection of All Persons from Enforced Disappearance

Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions

Guidelines on the Role of Prosecutors

Declaration on the Elimination of Violence against Women

United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice

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