

International Police Standards Guidebook on Democratic Policing

Senior Police Advisor to the OSCE Secretary General



Geneva Centre for the
Democratic Control of
Armed Forces (DCAF)

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Full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in setting up the lasting order of peace, security, justice and co-operation in Europe.

CSCE, Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Copenhagen 1990), Preamble.



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About the OSCE

With 56 participating States from Europe, Central Asia and North America, the Organization for Security and Co-operation in Europe (OSCE) forms the largest regional security organization in the world.

The OSCE is a primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in its area. It has 19 missions or field operations in South-Eastern Europe, Eastern Europe, the Caucasus and Central Asia.

The Organization deals with three dimensions of security - the politico-military, the economic and environmental, and the human dimension. It therefore addresses a wider range of security-related concerns, including arms control, confidence- and security-building measures, human rights, national minorities, democratization, policing strategies, counter-terrorism and economic and environmental activities. All 56 participating States enjoy equal status, and decisions are taken by consensus on a politically, but not legally binding basis.

About DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security sector actors such as police, judiciary, intelligence agencies, border security services and the military. www.dcaf.ch

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Introduction to the Toolkit

Legislating for the security sector is a complex and difficult task. Many lawmakers thus find it tempting to copy legislation from other countries. This expedites the drafting process, especially when the texts are available in the language of the lawmaker, but more often than not, the result is poor legislation.

Even after being amended, the copied laws are often out of date before coming into effect. They may no longer be in line with international standards or they may not fully respond to the requirements of the local political and societal context. Copied laws are sometimes inconsistent with the national legislation in place.

In some cases, there is simply no model law available in the region for the type of legislation that is needed. This has been the case in the Arab region, where the security sector has only slowly begun to be publicly debated. It is thus difficult to find good model laws for democratic policing or for parliamentary oversight of intelligence services.

It is therefore not surprising that many Arab lawmakers have felt frustrated, confused, and overwhelmed by the task of drafting legislation for the security sector. They found it difficult to access international norms and standards because little or no resources were available in Arabic. Many of them did not know where to search for model laws and several were about to give up. Some eventually turned to DCAF for assistance.

The idea of a practical toolkit for legislators in the Arab region came when practitioners began looking for a selection of standards, norms and model laws in Arabic that would help them draft new legislation. Experts from the Arab region and DCAF thus decided to work together and develop some practical tools.

Who is this toolkit for?

This toolkit is primarily addressed to all those who intend to create new or develop existing security sector legislation. This includes parliamentarians, civil servants, legal experts and nongovernmental organisations. The

toolkit may also be helpful to security officials and, as a reference tool, to researchers and students interested in security sector legislation.

What is in the toolkit?

The bilingual toolkit contains a series of booklets in English and Arabic that provide norms and standards as well as practical examples in various areas of security sector legislation. The first two series deal with police legislation, as Arab demand for support has been highest in this area.

Series 1 (in dark blue colour) contains three booklets, which can be considered together as the main framework of international norms and standards for democratic policing, namely the *Guidebook on Democratic Policing* (OSCE), the *European Code of Police Ethics* (Council of Europe), and the *Ten Basic Human Rights Standards for Law Enforcement Officials* (Amnesty International).

Series 2 (in orange colour) provides some practical examples of (National) Police Legislation. The Editorial Board has carefully selected examples of national legislation from different regions of the world, which promote a community oriented policing model. These examples not only represent approaches from different cultural and societal backgrounds, such as Africa, Asia or Europe, but also show a variety of state models and police organisation.

The Indian *Model Police Act, 2006* has been drafted by the Police Act Drafting Committee, set up by the Union Ministry for Home Affairs, and circulated to all states and territories to be used as model for drafting state police acts. India is a federal parliamentary republic comprised of 28 states and 7 union territories. The constitution ascribes authority over police to the states. Each state and union territory thus has its own police force. At the union level, federal police agencies, which are part of the Ministry of Home Affairs, support the states in their duties.

In Japan, the *Police Law, 1954* and the *Police Duties Execution Law, 1948* are very early models of community-based policing. Some experts praise Japan for devising the concept of community

policing. The largely centralised but federal parliamentary monarchy counts 47 prefectures within an ethnically homogenous society, which provides for a national police system with a structure of prefectural police agencies and a national police agency at the top of the hierarchy. The national police agency is in charge of creating and implementing policies and standards.

In the 9 provinces of the federal parliamentary Republic of South Africa, the national, provincial and local governments all have legislative and executive authority. The South African Police Service reports to both national and provincial governments. Promulgated in 1995, shortly after the end of apartheid, the *South African Police Service Act (No 68 of 1995)* establishes the South African Police Service according to community-based, democratic standards.

In Sweden, a decentralised unitary state and parliamentary monarchy, there are 21 independent police authorities governed by a national police service, which reports to the Ministry of Justice. The *Police Act (1984:387)* defines the organisation of the police bodies on national and district levels. It also lists the police's duties and its powers.

In Switzerland, a federal state with direct democracy and strong subsidiary federalism, authority over the police lies with the 26 Cantons (states). The Canton of Zurich has recently developed new police legislation. In 2004, the cantonal parliament approved the *Law for the Organisation of the Police*, which defines the relations between the different cantonal police forces. The *Police Law 2008*, adopted by referendum, regulates the relation between the police and the public and defines police powers and duties.

Additional series will be added as the needs arise. The existing series can easily be expanded through the addition of new booklets, based on demand from the Arab region.

For the latest status of publications please visit: www.dcaf.ch/publications

What is the purpose of this toolkit?

The toolkit seeks to assist lawmakers in the Arab region in responding to citizens' expectations. Arab citizens demand professional service from police and security forces, which should be effective, efficient and responsive to their needs. They want police and security organisations

and their members to abide by the law and human right norms and to be accountable for their performance and conduct. The toolkit thus promotes international standards in security sector legislation, such as democratic oversight, good governance and transparency.

The toolkit offers easy access in Arabic and English to international norms as well as examples of legislation outside the Arab region. This allows to compare between different experiences and practices.

The scarcity of Arab literature on security sector legislation has been a big problem for Arab lawmakers. The toolkit seeks to address this deficiency. One of its aims is to reduce time lawmakers spend on searching for information, thus allowing them to concentrate on their main task. With more information becoming available in Arabic, many citizens and civil society groups may find it easier to articulate their vision of the type of police and security service they want and to contribute to the development of a modern and strong legal framework for the security sector.

Why is it important to have a strong legal framework for the security sector?

A sound legal framework is a precondition for effective, efficient and accountable security sector governance because:

- It defines the role and mission of the different security organizations;
- Defines the prerogatives and limits the power of security organizations and their members;
- Defines the role and powers of institutions, which control and oversee security organizations;
- Provides a basis for accountability, as it draws a clear line between legal and illegal behaviour;
- Enhances public trust and strengthens legitimacy of government and its security forces.

For all these reasons, security sector reform often starts with a complete review and overhaul of the national security sector legislation. The point is to identify and address contradictions and the lack of clarity regarding roles and mandates of the different institutions.

Introduction to the Guidebook

The police are the most visible manifestation of government authority responsible for public security. While being under enormous pressure throughout the OSCE area to counter the rising tide of organized crime and the new threats to international and national security, including those emanating from terrorism, the police must operate in accordance with national and international law and respect human rights at all times.

The OSCE participating States “consider the democratic political control of [...] the police to be an indispensable element of stability and security.”¹ In the course of supporting a democratization process in post-conflict societies, as well as societies in transition, a growing emphasis has been placed on the rule of law. This has revealed the lack of a standardized conceptual foundation to guide these police-related activities, resulting in a number of different approaches towards implementing police training as well as police reform programmes.

The OSCE Senior Police Adviser, in concert with OSCE participating States and partner organizations has, therefore, sought to further operationalize preexisting norms, standards, good principles and lessons learned and to make these norms and standards accessible for practitioners concerned with policing and the administration of justice in the form of a workable and easy-to-read document: The Guidebook on Democratic Policing.

This Guidebook contributes to fulfilling the requests of the OSCE participating States to work “with other international organizations in the creation of political and legal frameworks within which the police can perform its tasks in accordance with democratic principles and the rule of law”² and to provide information regarding lessons learned and best policing practices in countering new security challenges.³

The Guidebook is designed to assist OSCE staff dealing with police and law enforcement issues as well as police practitioners and policy-makers working to develop and strengthen democratic policing. It is intended to serve as a reference to good policing practice and internationally adopted standards. As a living document, it will be

open to the inclusion of newly adopted standards and future examples of good practice.

The Guidebook articulates the objectives of democratic police services and forces; the importance of their commitment to the rule of law, policing ethics, and human rights standards; the essential nature of police accountability to the law and to the society they serve; as well as the need for their cooperation with the communities, recognizing that effective policing requires partnership with the communities being served. Furthermore, the Guidebook elaborates on structural and managerial aspects within the police which are considered necessary to achieve and sustain democratic policing.

Each of these principles of democratic policing is further elaborated in the Guidebook and referenced to relevant in-depth studies and international standards or commitments.

The Guidebook is the ‘key’ to ‘unlocking’ these documents for the reader. All documents which are referenced are available on a CD-ROM that is enclosed in the Guidebook. With respect to academic articles, only those could be included on the CD-ROM for which the publishers provided copyright.

Kevin Carty
Senior Police Adviser to the OSCE Secretary General

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 - Geneva Centre for the Democratic Control of Armed Forces (<http://www.dcaf.ch/>);
 - Independent Commission on Policing for Northern Ireland (<http://www.belfast.org.uk/>);
 - International Committee of the Red Cross (<http://www.icrc.org/>);
 - International Peace Academy (<http://www.ipacademy.org/>);
 - National Institute of Justice (<http://www.ojp.usdoj.gov/nij/>);
 - Open Society Justice Initiative (<http://www.justiceinitiative.org/>);
 - South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (<http://www.seesac.org/>);

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- Council of Europe (<http://www.coe.int/>);
- Interpol (<http://www.interpol.int/>);
- United Nations (<http://www.un.org/>);
- Amnesty International (<http://www.amnesty.org/>);
- Common Assessment Framework (<http://www.eipa.nl/CAF/CAFmenu.htm>);
- Commonwealth Human Rights Initiative (<http://www.humanrightsinitiative.org/>);
- Foundation 'Policing for a Multi-Ethnic

Key Principles of Democratic Policing

1. Objectives of Democratic Policing

The police are the most visible manifestation of government authority. Their main duties are to:

- maintain public tranquillity and law and order;
- protect and respect the individual's fundamental rights and freedoms;
- prevent and combat crime; and to
- provide assistance and services to the public.

Police officers will enhance the legitimacy of the State if they demonstrate in their daily work that they are:

- responsive to public needs and expectations; and
- use the authority of the State in the people's interest.

2. Upholding the Rule of Law

While pursuing these objectives, the police must:

- operate in accordance with the domestic

law and the international law enforcement standards accepted by the OSCE participating States; and

- demonstrate commitment to the rule of law in practice.

Legislation and written policies governing the police should be:

- clear;
- precise; and also
- accessible to the public.

3. Police Ethics and Human Rights

In order to live up to the public's trust, the police must adhere to a code of professional conduct and demonstrate:

- professionalism; and
- integrity.

This code should reflect the highest ethical values, expressed in:

- prohibitions; and
- imperatives of police work.

The police have particular powers to:

- temporarily deprive people of their freedom;
- limit the full enjoyment of their rights; and,
- in extreme circumstances, to use even lethal force.

Therefore, police officers must perform their duties in accordance with:

- universally agreed standards of human rights; and
- civil and political rights.

Protection and preservation of life must be their highest priority.

4. Police Accountability and Transparency

Democratic policing requires that the police be and consider themselves to be accountable to:

- the citizens;
- their representatives;
- the State; and
- the law.

Therefore, their activities – ranging from

- the behaviour of individual police officers to
- the strategies for police operations to
- appointment procedures or to
- budget management –

must be open to scrutiny by a variety of oversight institutions.

Furthermore, a central feature of democratic policing is the understanding that the consent of the people is required. Prerequisites for gaining public support are

- providing transparency in police operations; and
- cultivating communication and mutual understanding with the public the police serve and protect.

5. Police Organization and Management Issues

States are obliged to create a structural and managerial environment that will enable the police to effectively and efficiently implement the provisions of the rule of law, domestic and international law, and accepted human rights standards.

This includes issues such as:

- the chain of command;
- regulations on supervision;
- the composition of the police;
- the rights of police personnel; and
- the provision of adequate resources and training.

1 • Objectives of Democratic Policing

1. The police are the most visible manifestation of government authority performing the most obvious, immediate and intrusive tasks to ensure the well-being of individuals and communities alike.⁴

Policing as a Public Service

2. The main duties of the police are to maintain public tranquillity, law and order; to protect the individual's fundamental rights and freedoms – particularly life –; to prevent and detect crime; to reduce fear; and to provide assistance and services to the public.⁵ Progress towards democratic policing is made when there is a shift “from a control-oriented approach to a more service-oriented approach”⁶, where the primary concern of law enforcement remains focused on proactive crime prevention.⁷
3. Democratic police develop and implement their activities according to the needs of the public and the State and emphasize assistance to those members of the community in need of immediate help.⁸ The police must be responsive to the community as a whole⁹ and strive to deliver their services promptly, and in an equal and unbiased manner.¹⁰ Through their activities the police should be part of society's common efforts to promote legal protection and a sense of security.
4. Upon request, the police shall assist other public institutions in performing their services when prescribed by the law.¹¹

Democratic Objectives

5. When intervening in conflicts, the police must be guided by the principle that “everyone shall be subject to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the right and freedom of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society”¹². The police can therefore be considered the gatekeepers of equality, integration and cohesion¹³ in a time of rapidly changing composition of the population in most major cities.¹⁴

6. What problems are brought to the police to be resolved – and by which segments of society – as well as how the police respond are clear indicators of the extent to which democratic policing practices have been adopted.¹⁵
7. The police will enhance the legitimacy of the States if they demonstrate in their daily work that they are responsive to public needs and expectations, and they use the authority of the State in the people's interest.¹⁶ (See also § 21.) If the police carry out their responsibilities in a way that reflects democratic values, the cause of democracy and the legitimacy of the State are advanced.¹⁷
8. Public trust and confidence in the police are prerequisites for effective policing. Without this trust the public will not be willing to report crimes and provide the police with the information needed to work successfully.¹⁸ (See also §§ 20, 88, 110 and 124.)
9. Furthermore, democratic policing requires that the police simultaneously stand outside of politics and protect democratic political activities and processes (e.g. freedom of speech, public gatherings, and demonstrations). Otherwise, democracy will be threatened.¹⁹ (See also §§ 65 and 139.)

2. Upholding the Rule of Law

The Role of the Police

10. Everywhere the police are under pressure to counter rising crime and the threats to international and national security including those resulting from international terrorism. However, the police must at all times operate in accordance with domestic²⁰ laws (such as constitutions, criminal codes and police acts) and international law enforcement (and human rights) standards²¹ and demonstrate commitment to the rule of law in practice²²
11. Legislation and written policies governing the work and conduct of the police should be clear, precise and also accessible to the public. These policies and guidelines should define the functional roles of the police, and the agencies' values, missions, goals and priorities. They should also provide for clear rules, regulations and best practices for the execution of specific police tasks. Furthermore they should cover the legal regulation of police power as well as precise definitions of criminal offences. Making these policies and regulations available to the public permits police performance to be measured.²³ (See also §§ 80, 87, 107 and 117.)
12. "Police personnel shall be subject to the same legislation as ordinary citizens, and exceptions may only be justified for reasons of the proper performance of police work in a democratic society."²⁴ (See also §§ 9 and 139.)
13. The police must always verify the lawfulness of their intended actions²⁵ and should refrain from carrying out any order they know, or ought to know, is unlawful.²⁶ Police officers should also prevent and rigorously oppose any (police-committed) violations of the law and international standards.²⁷ "Police personnel, at all levels, shall be personally responsible and accountable for their actions or omissions or for orders to subordinates."²⁸ (See also §§ 26 and 90.)
14. The police must intervene in situations where and when law and order are endangered – even if police officers are off-duty – always within their means to do so.

15. When intervening, police officers must identify themselves as police officers.²⁹
16. The police are obliged to enforce the law regardless of a suspect's social standing or organizational or political affiliation.³⁰

Co-operation within the Criminal Justice Sector

17. While the police and other entities of the criminal justice sector must form interrelated entities with functional relationships to ensure lawful, due, effective and fair criminal proceedings in respect of detained suspects, "the police shall, as a general rule, have no judicial functions"³¹ and "should be deprived of their judicial powers wherever these exist"³². The police must strictly respect the independence and the impartiality of judges.³³ In "countries where the police are placed under the authority of the public prosecutor or the investigating judge, the police shall receive clear instructions about the priorities governing criminal investigation policy and the progress of the criminal investigation in individual cases. The police should keep the superior criminal investigation authorities informed of the implementation of their instructions; in particular, the development of criminal cases should be reported regularly"³⁴.
18. The need for functional relationships among all entities of the criminal justice sector also implies that reform of one entity is only effective and sustainable if the other entities are reformed, too.
19. Furthermore "the police shall not take the role of prison staff, except in cases of emergency"³⁵.

3. Police Ethics and Human Rights

Police Ethics

20. In order to live up to the public's trust, the police must demonstrate professionalism and integrity by adhering to a code of professional conduct.³⁶ In view of limited resources and the need to set priorities for action, police must use discretion when enforcing the law. Police discretion, however, "is only permissible and desirable when it is fairly in the interest of justice"³⁷, and when it conforms to guidelines and the code of professional conduct. This code should reflect the highest ethical values³⁸ expressed in prohibitions and imperatives of police work. The police must demonstrate a high degree of integrity in their performance, be willing to resist temptations to abuse police powers, and adhere to these values.
21. The police must execute their duties in a skilful, honest, impartial and efficient manner, considering only the public interest and the people they serve.³⁹ (See also §§ 7 and 118.)
22. Police officers should take proper care of and maintain equipment and should spend financial resources efficiently.⁴⁰
23. Police officers should abstain from any activity outside the police which is likely to interfere with the impartial performance of their police duties or which may give rise to the impression amongst the public that this might be the case.⁴¹

Corruption Issues

24. Police officers must not allow their private interests to interfere with their public position, and it is their responsibility to avoid such conflicts of interests.⁴² They must never take advantage of their position for their private interest or that of their families, close relatives, friends, and persons or organizations with whom they have or have had a relation.⁴³
25. Corruption constitutes a serious criminal offence, which needs to be covered specifically in domestic laws.⁴⁴ Moreover, corruption perverts the fair distribution of police services. Both aspects are severely damaging to the

public image of the police and the authority of the State.

26. Therefore, police officers shall not commit, but rather oppose any act of corruption.⁴⁵ Corruption includes the direct or indirect offer, or the solicitation or acceptance, "whether directly or indirectly, by a police officer of any money, article of value, gift, favour, promise, reward or advantage, whether for himself/herself or for any person, group or entity, in return for any act or omission already done or omitted or to be done or omitted in the future" in or in connection with the police officer's position or "performance of any function connected with policing".⁴⁶ (See also § 13.)
27. Ethical dilemmas, however, may arise in view of the blurry line between proper and improper acceptance of gratuities. "Gifts whose purpose and outcomes are the cementing of good relationships in the community and whose net value is trifling may well be appropriate and may not be seen as impacting on the perceived impartiality of the organization or the single officer."⁴⁷ Nevertheless, the strongest argument against the acceptance of gratuities is based on the principle of fair distribution of police service and the idea that the provision of policing is deemed to be a public good, which is indivisible, and which everybody has the right to receive.⁴⁸ (See also § 111.)
28. The fight against corruption requires the application of anti-corruption policies and codes of conduct for the correct, honourable and proper performance of police officers, as well as effective measures to implement those policies at all levels of the police.⁴⁹ An effective solution must target not only the root problem of low incomes, and in particular opportunities in certain types of policing for receiving bribes, but must also enhance the efficacy of the discipline and sanctions systems.⁵⁰
29. Thus, the "cautious anticipation of the dangers that might result from certain types of policing" in connection with the knowledge of the financial background of police officers and their potential conflicts of interest gained by demanding declarations of assets, should lead to the careful "selection of less vulnerable officers"⁵¹. Further administrative measures

could include removing opportunities for corruption by taking some decisions out of the hands of police officers, or by rotating officers on a regular basis.⁵²

30. There is a need for an effective mechanism to oversee and enforce the high anti-corruption standards and to guarantee fair and thorough investigations and bring to justice (see oversight institutions, Chap. IV.1) without fear, favour, affection or ill will those who engage in corruption and dishonesty,⁵³ regardless of their rank.
31. Moreover, police agencies should establish measures and mechanisms to facilitate the reporting of acts of corruption to appropriate authorities, and oblige their officers to report to the appropriate authority acts or omissions which constitute or may constitute corruption.⁵⁴
32. The police agencies must take appropriate measures to provide protection from potential retaliation or intimidation for witnesses and experts who testify to acts of corruption and, when appropriate, for their relatives and other persons close to them.⁵⁵
33. In addition, the fight against corruption within the police requires public reporting on the adequacy, application and effectiveness of the anti-corruption system,⁵⁶ as well as participation by civil society (see co-operation with communities, Chap. IV.2).

Human Rights

34. The police have particular powers (including the authorization to potentially use force) to temporarily deprive people of their freedom, to limit the full enjoyment of their rights (for example, to stop, question, detain and arrest, seize property, take fingerprints and photographs and conduct intimate body searches) and, under extreme circumstances, to use even lethal force. Furthermore, the police have, in many instances, the discretion to decide whether and how to use these powers.⁵⁷ They must, however, always adhere to upholding the rule of law, in accordance with the best international standards and the procedural rules and policies laid down in the applicable national and local laws.
35. In the performance of their duty, law enforcement officials must respect and protect human dignity and maintain and uphold basic human rights as well as civil and political rights.⁵⁸

Discrimination Issues

36. In accordance with the democratic principle of equality before the law, the police are obliged to protect all citizens equally without discrimination and without distinction as to sex, race, colour, language, religion, opinion, social, national or ethnic origin, property, birth or other status.⁵⁹
37. According to international human rights standards, States are obliged to provide for “the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution”⁶⁰. Moreover, vulnerable groups or persons should enjoy particular protection.⁶¹
38. The protection and promotion of persons belonging to national minorities is an “essential factor for democracy, peace, justice and stability within, and between [OSCE] participating States”⁶². Therefore, the police must strive to use their special and unique powers to combat acts motivated by racism and xenophobia.⁶³
39. Guaranteeing the equal protection of all before the law also prohibits the police from discriminating against any person on the basis of race, gender, religion, language, colour, political opinion, national origin, property, birth or other status.⁶⁴ (see also §§ 126 and 129.)
40. “Discriminatory policing has the effect of criminalizing entire communities and denying them justice.”⁶⁵ In this context, special attention must be paid to the practice of ethnic profiling. Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Biased profiling (i.e. selecting individuals solely based on a common trait of a group), however, must be avoided.⁶⁶ For instance, “being a member of a specific (ethnic) group who are stereotypically assumed to be more likely to be involved

in crime cannot be used as grounds for suspicion⁶⁷. The discriminatory practice of “profiling of Roma and Traveller groups tends to be Europe-wide”⁶⁸ and has been recognized by the OSCE participating States as a particular problem.⁶⁹

41. Inappropriately high levels of law enforcement in minority communities, taking the form, for example, of disproportionate numbers of patrols among, or menacing behaviour towards specific groups or certain communities – by sometimes heavily armed units must be avoided.⁷⁰
42. Closely related to the gender aspect of nondiscrimination is the issue of sexual harassment by police officers. Police officers are strictly prohibited from sexually harassing anyone.⁷¹

Police Investigations

43. Police investigations must be based on reasonable suspicion of an actual or possible offence or crime.⁷² Public information that serves to initiate police investigations must be evaluated and acted upon in an unbiased and effective manner.
44. In their (investigative) work police officers must be committed to the presumption of innocence until a suspect is found guilty by a court,⁷³ as well as to the principle of a due investigative process.
45. Interviews by the police (of witnesses, victims and suspects) must be conducted in a language which the persons interviewed understand. Before interviewing, police officers must identify themselves and others present during the interview. Police must inform the persons interviewed of the reasons for the interview, their rights and the procedure applicable to the investigation. Persons interviewed must be informed of their right to contact a lawyer and to have the lawyer present during the interrogation if provided for by law. (For more on support of victims and witnesses see §§ 52-54). Furthermore, suspects must be informed of any charge against them.⁷⁴ Suspects must not be obliged to plead their case, to answer any questions, or to incriminate themselves or their next of kin nor to confess guilt. Obtaining

a confession or any other statement by the use of force, torture (see also § 77) or the threat of using such means, or by using drugs must be prohibited and made punishable.⁷⁵ Clear rules or guidelines must also be established for interviewing persons who are under the influence of drugs or alcohol.⁷⁶

46. Records should systematically be kept of the time at which interviews start and end, of any request made by the persons interviewed, and of the persons present during each interview.⁷⁷
47. Furthermore, police investigations must be “sensitive and adaptable to the special needs of persons, such as children, juveniles, women, and minorities including ethnic minorities”⁷⁸. Women, in particular, are in need of unbiased, immediate and empathic support in cases of domestic violence and sex crimes, as well as trafficking and sexual exploitation.⁷⁹
48. In the course of investigations, police may only interfere with an individual’s right to privacy (including private life, family life, home and correspondence) when strictly and legally necessary and only to achieve a legitimate objective.⁸⁰ Information and documents acquired by the police must be treated appropriately and with all necessary confidentiality.⁸¹ (See also § 98.)
49. New technological means allow for increasing intrusion into the privacy of citizens (and the use of deception) and have the potential for damaging not only privacy and freedom of expression but also public trust in the authorities.⁸² In order to “maintain a fair balance between ensuring public safety through law enforcement measures and securing the rights of individuals”⁸³, legislative frameworks governing the performance of undercover investigations must be developed. The performance management of the practice includes internal control mechanisms (supervision, guidelines, authorization procedures, budget, performance management, review of results), as well as external oversight mechanisms (judicial control, democratic parliamentary control, control by data protection officials).⁸⁴ (See also § 84.) Although specific types of police-related activities may justify restrictions in

transparency because of public or national security concerns, these activities nevertheless must not be left unchecked by the appropriate civilian authorities. (See also § 98.)

50. Strict control by a data protection official is also necessary to ensure that the “collection, storage, and use of personal data by the police shall be carried out in accordance with international data protection principles and, in particular, be limited to the extent necessary for the performance of lawful, legitimate and specific purposes.”⁸⁵ Particular attention must also be paid to rules on exchanging information between the police and other elements of the criminal justice system, and on exchanging data at the international level.⁸⁶
51. The supervisory authority should also take measures to inform the public of the “existence of files which are the subject of notification as well of its rights with regard to these files”. “Data subjects should be able to obtain, where appropriate, rectification of their data which are contained in a file.”⁸⁷

Support of Victims and Witnesses of Crime

52. The police must provide necessary support to victims of crime without discrimination, and with compassion and respect for their dignity. They should ensure their health and safety in a constructive and reassuring manner.⁸⁸ “Police officers should inform the victim about the possibilities of obtaining assistance, practical and legal advice, compensation from the offender and State compensation. The victim should be able to obtain information on decisions made with regard to their case and on the outcome of the police investigation. In any report to prosecuting authorities, the police should give as clear and complete a statement as possible of the injuries and losses suffered by the victim.”⁸⁹
53. In order to protect witnesses of a crime from acts of intimidation or revenge, appropriate legal measures and specific witness protection programmes should be set up. “The main objectives of these programmes should be to safeguard the life and personal security of witnesses, their relatives and other persons close to them. Witness protection programmes should offer various methods of protection:

these may include giving witnesses and their relatives and other persons close to them an identity change, relocation, assistance in obtaining new jobs, providing them with body-guards and other physical protection.”⁹⁰

Moreover, acts of intimidation of witnesses should be “made punishable either as separate criminal offences or as part of the offence of using illegal threats.”⁹¹

54. Police officers must have “adequate training to deal with cases where witnesses might be at risk of intimidation”⁹².

Arrest and Detention

55. In cases of a breach of the law, police are obliged to support the judiciary in bringing offenders to justice. In doing so, they must respect fundamental human and civil rights and ensure that proper care is taken of people in custody.⁹³ Depriving persons of their liberty should be as limited as possible and conducted with consideration for the dignity, vulnerability and personal needs of each detainee.⁹⁴
56. The police should, to the extent possible and in accordance with domestic law, promptly inform persons deprived of their liberty - in a language which they understand - of the reasons for the deprivation of their liberty and of any charge against them. They shall also without delay and in advance of their custodial interrogation inform them of their rights and of the procedure applicable to their case.⁹⁵ “Persons deprived of their liberty by the police shall have the right to have the deprivation of their liberty notified to a third party of their choice, to have access to legal assistance and to have a medical examination by a doctor, whenever possible, of their choice.”⁹⁶ Parents or guardians of a juvenile detainee must be informed about the fact.⁹⁷
57. “Clear rules or guidelines should exist on the way in which police interviews are to be conducted. They should address, inter alia, the following matters: the informing of the detainee of the identity (name and/or number) of those present at the interview; the permissible length of an interview; rest periods between interviews and breaks during

an interview; places in which interviews may take place; whether the detainee may be required to stand while being questioned; the interviewing of persons who are under the influence of drugs, alcohol, etc. It should also be required that a record be systematically kept of the time at which interviews start and end, of any request made by a detainee during an interview, and of the persons present during each interview.”⁹⁸

58. Detainees must not be obliged to plead their case, to answer any questions, or to incriminate themselves or their next of kin, nor to confess guilt. Obtaining a confession or any other statement by the use of force, torture (see also § 77) or the threat of using such means, or by using drugs must be prohibited and be made punishable.⁹⁹ According to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the practice of blindfolding persons in police custody – in particular during periods of questioning – should be “expressly prohibited”.¹⁰⁰
59. “The questioning of criminal suspects is a specialist task which calls for specific training if it is to be performed in a satisfactory manner”.¹⁰¹
60. A systematic custody record should be kept for each detainee,¹⁰² including documentation of reason, date and time in and out of the detention facility, precise information on the place of custody, the identity of the officers involved, property inventory and meals provided.¹⁰³ The custody record should be communicated to the detainees or to their legal counsel.¹⁰⁴ Detainees should be monitored closely, particularly when they have not been through an intake and medical screening process.¹⁰⁵
61. The police must provide for the safety, health, hygiene and appropriate nourishment of persons in the course of their custody. Police cells should be of a reasonable size, have adequate lighting and ventilation and be equipped with a suitable means of rest.¹⁰⁶
62. The police should, to the extent possible, separate persons deprived of their liberty under suspicion of having committed a criminal offence from those deprived of their

liberty for other reasons. There will ordinarily be a separation between men and women, as well as between adults and juveniles, unless they are members of the same family.¹⁰⁷

63. Law enforcement officials, in their relations with persons in custody or detention, may not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened.¹⁰⁸ (See more on the use of force below, §§ 67-74.)
64. Detainees have the right to be brought promptly before a judge or other officer authorized by the law to decide about the lawfulness of their detention.¹⁰⁹

Maintaining Public Order and Safeguarding Democratic Freedoms

65. Policing in a democratic society includes safeguarding the exercise of democratic activities. Therefore, police must respect and protect the rights of freedom of speech, freedom of expression, association, and movement, freedom from arbitrary arrest, detention and exile, and impartiality in the administration of law.¹¹⁰ “In the event of unlawful but non-violent assemblies, law enforcement officials must avoid the use of force or, where this is not possible, limit its use to the minimum”.¹¹¹ (See also §§ 9 and 67-74.)
66. In dispersing violent assemblies, firearms may be used only when less dangerous means prove ineffective and when there is an imminent threat of death or of serious injury. “Firing indiscriminately into a violent crowd is never a legitimate or acceptable method of dispersing it.”¹¹² (See also §§ 67-74.)

Use of Force

67. The police must have as their highest priority the respect for and the protection of life.¹¹³ This principle has particular applications for the use of force by police.
68. While the use of force is often indispensable to proper policing – in preventing a crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders¹¹⁴ police officers must be committed to the principle

that the use of force must be considered as an exceptional measure, which must not be executed arbitrarily, but must be proportionate to the threat,¹¹⁵ minimizing damage and injury, and used only to the extent required to achieve a legitimate objective.¹¹⁶

69. Law enforcement officials may not use firearms or lethal force against persons except in the following cases: to act in legitimate “self-defence or the defence of others against the imminent threat of death or serious injury; to prevent the perpetration of a particularly serious crime involving grave threat to life; to arrest a person presenting such a danger and resisting their authority; or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.”¹¹⁷
 70. If forced to use firearms, “law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident”¹¹⁸.
 71. Law enforcement officials must ensure that assistance and medical aid are rendered to any injured or affected person at the earliest possible moment¹¹⁹ and that relatives or close friends of the injured or affected person are notified at the earliest possible moment.¹²⁰
 72. Police officers should be trained in proficiency standards in the use of force, “alternatives to the use of force and firearms, including the peaceful settlement of conflict, the understanding of crowd behaviour, and the methods of persuasion, negotiation and mediation, as well as technical means, with a view to limiting the use of force and firearms.”¹²¹ Practical training should be as close to reality as possible. Only officers whose proficiency in the use of force has been tested and who demonstrate the required psychological skills should be authorized to carry guns.¹²²
 73. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.¹²³ (See also § 89.)
 74. The disproportionate use of force has to be qualified as a criminal offence.¹²⁴ Instances of the use of force must therefore be investigated to determine whether they met the strict guidelines. (See also § 89.)
- ### **Torture, Enforced Disappearance, and other Cruel or Degrading Treatment**
75. Torture or other cruel or degrading treatment cannot be practiced or tolerated, even in the case of ‘exceptional circumstances’¹²⁵ such as a state of war, or any other threat to national security. Therefore, when combating crime or terrorism, there should be no permission for or tolerance of obtaining evidence from detainees through the use of torture.¹²⁶
 76. “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”¹²⁷. (See also § 58.)
 77. According to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, States shall ensure that all acts of torture are offences under their criminal laws.¹²⁸ (See also §§ 45 and 58.)
 78. Furthermore, extrajudicial, arbitrary or summary executions and enforced disappearances are strictly forbidden.¹²⁹
 79. Alleged human rights violations must be reported and independently investigated. (See also §§ 83-94.)

4. Police Accountability and Transparency

Accountability and Control

80. While citizens voluntarily provide the police with their consent for applying the monopoly of force to maintain social control and enforce their civil, political and economic freedoms, democratic police services have the obligation to have their powers checked and controlled by the public through accountability processes.¹³⁰ (See also §§ 11, 107 and 117.)
81. Therefore, “efficient measures to ensure the integrity and proper performance of police staff”¹³¹ need to be developed. (See also § 116.)
82. In Copenhagen in 1990, the OSCE participating States solemnly declared that the police must be under the supervision of, and accountable to, civil authorities.¹³² (See also § 113.)

Oversight Institutions

83. Police accountability means that police activity – ranging from the behaviour of single police officers to the strategies for police operations, appointment procedures or budget management – is open to observation by a variety of oversight institutions.
84. Oversight institutions may include the executive (policy control, financial control and horizontal oversight by government agencies), the legislature (members of parliament, parliamentary commissions of enquiry), the judiciary,¹³³ as well as human rights commissions, civilian complaint review boards or independent ombudspersons. Furthermore, the media can play an important role in providing the public with information on police activities. Ultimately, democratic police services can be distinguished by their submission to, and acceptance of, outside supervision and examination and the degree of openness of these examinations.¹³⁴ (See also § 49.)
85. Most civilian oversight institutions deal with public complaints against the police. The degree to which they are involved in the complaints process, however, varies substantially. While some oversight organizations take

responsibility for receiving and investigating complaints – sometimes only in cases of serious misconduct or if internal investigations appear faulty – others are limited to overseeing and reviewing investigations carried out by the law enforcement agencies themselves. Similarly, while some bodies have no influence on the punishment of misconduct, others can make recommendations on disciplinary action or even have the power to impose sanctions.¹³⁵

86. Without external oversight mechanisms, police leaders would have the freedom not to investigate or punish misconduct, which could lead to ineffective internal control. External oversight mechanisms may also achieve greater impartiality (at least in the public’s view) in the investigation of serious allegations against police officers. Furthermore, they may be better placed to encourage police officers to give evidence against other officers, particularly against supervisors.
87. Nevertheless, external oversight mechanisms have to be complemented by internal control and oversight, because in a number of instances internal investigation mechanisms might have structural advantages such as a greater amount of resources, more available data (police archives; witness reports; police officer statements), and better knowledge of the police environment. Furthermore, these structural advantages may inspire more confidence among accused officers that the enquiry will be fairly conducted, increasing their willingness to co-operate with investigators. Either way, police agencies must investigate all allegations of misconduct to ensure the integrity of their operations and personnel. Minor offences might be investigated by an immediate superior, while more serious offences need to be investigated by police bodies outside the immediate chain of command, such as internal investigation units, or ad-hoc disciplinary committees composed of senior police officers,¹³⁶ or even by external civilian oversight bodies, particularly when it comes to investigations against high-ranking officers. Information on the procedures to be followed after registering complaints should be made available to the public to motivate them to file justified complaints. Even anonymous complaints have to be investigated, and, although these

may be difficult to investigate, the agency should carefully review each complaint for validation before discrediting or ignoring it.¹³⁷ Investigation and disciplinary procedures must carefully balance the rights of the citizen and the rights of the officer.¹³⁸

88. In any case, some form of civilian oversight and transparent handling of the results of investigations are an important way to enhance public confidence in the police and to achieve legitimacy with the community. Public trust in the police can easily be destroyed by improper police action, particularly when follow-up investigations or administrative action are not prompt, thorough, and/or appropriate.
89. Governments and law enforcement authorities should establish effective reporting and review procedures that are activated automatically, every time injury or death is caused by the use of force, or when firearms are used by law enforcement officials.¹³⁹ (See also §§ 73 and 74.)
90. If police officers report cases of police misconduct to their superiors, as demanded by the UN Code of Conduct, and notice that such reports are not followed by investigations, they may report the cases of misconduct outside the chain of command.¹⁴⁰ (See also § 13.)
91. Complaint data should be collected and analyzed by the police together with external expert groups to identify the underlying causes of misconduct, and to address these causes directly. This problem-oriented approach would make it possible to identify those officers who repeatedly attract complaints and to apply remedies such as counselling, training, and changes in assignment. Furthermore, complaints data could be used to identify police policies, tactics and trends in behaviour that fail to meet requirements of national regulations and international standards, which carry the potential for significant numbers of complaints and therefore need to be reviewed and/or changed.¹⁴¹
92. In addition to addressing issues of police misconduct, the introduction of police inspection services is an essential means of evaluating the general quality of police operations, ensuring that the agency's policy goals are pursued, identifying the needs for

additional resources and changes of policies and ensuring that control is maintained throughout the police service.¹⁴²

93. In order to fulfil their mandate, external and internal oversight bodies need sufficient resources, legal powers and independence from executive influence.¹⁴³ Closely related to these factors, oversight institutions need political support from governments, parliaments and police leadership. Moreover, public pressure and the involvement of the media can play a significant role in supporting their task.
94. Furthermore, civilian oversight bodies not only need political support and resources but also protection by law to conduct their independent investigations. This protection is provided by the UN principles relating to the status and functioning of national institutions for the protection and promotion of human rights.¹⁴⁴

Police-Public Partnership

95. A central feature of democratic policing is the notion of policing with the consent of the people. Since the police cannot assume that they always act with the consent of (all) citizens, they must constantly work to ensure that the public supports their work.¹⁴⁵ A prerequisite for gaining public support is providing for transparency of police operations and cultivating communication and mutual understanding between the public and the police.¹⁴⁶ Without consulting the public, the police would be imposing their services rather than be serving in a responsive manner.¹⁴⁷ Measures to achieve transparency and communication include the public dissemination of reports on crime and police operations, the establishment of mechanisms for the public to request police service, the creation of forums for open discussion of crime and safety problems, and the introduction of community-based policing.

Mechanisms for Requesting Police Service

96. Interaction with the community implies that the police are accessible to the public where and when needed. The police must have a certain level of readiness and sufficient resources that

they can adequately respond to public needs when it comes to accidents, crimes and other emergencies. The most immediate means of communication to provide protection of life and property are emergency telephone lines that citizens may use to call for assistance. The way these telephone lines are used – whether only in desperate need, or also for trivial reasons when there is a need for authoritative intervention – is an indicator of the relationship between the police and citizens¹⁴⁸ and of the extent to which democratic policing practices have been adopted.¹⁴⁹ (See also §§ 6 and 52.)

Police-Media Relations

97. The most effective and efficient way of complying with the demand for transparency is by informing the public through the media. However, policies have to be developed that govern what information should be released, for example, information that raises public confidence or gives a feeling of safety, or general facts about the objectives of the police and how the police work. Information that must not be publicized includes that which would compromise police investigations and confidential information relevant for maintaining public security or the presumption of innocence.¹⁵⁰ Sound cooperation with the media also requires guidelines for media contacts, clearly defined roles for spokespersons and media training for officers.¹⁵¹ (See also §§ 48, 49 and 103.)

Public Dissemination of Reports

98. Public information reports include crime statistics, clear-up rates for crimes, public security perceptions, reports on human rights records of the police or corruption cases within the police and other public oversight reports. These reports describe police activities, the security situation and the public's perception of safety. They allow for public evaluation of police performance by assessing the level of divergence of policing results and actions from laws and written policies, as well as the cost-efficiency of those activities.¹⁵²

Creation of Forums for Open Discussions

99. Effective policing must be based on good cooperation and trust between the police

and the public. Otherwise the police will not receive the information (intelligence,

criminal complaint files/ reports of crime, witness statements) they need to do their job. In addition to the one-way instruments of communication for conveying information mentioned above, interactive community outreach programmes, such as the creation of formal or informal forums for open discussions between the police and representatives of all communities, are particularly valuable for eliciting the views of the public and for promoting the exchange of views and co-operation. This can lead to communities getting involved in crime prevention programmes, including by developing problem-solving coalitions, and to the development of a sense of mutual responsibility for enhancing public safety. In addition to the support of the residents in local communities, the police will need the support of local authorities to be successful in their work. In certain cases, other departments may be better suited than the police to solve social problems in a community.¹⁵³

100. The idea of creating such forums for open discussion is derived from the community-based policing approach, which aims at fostering co-operation between the police and the population in identifying and resolving issues of concern to the citizens, for example, problems of crime, social disorder or the overall quality of life in the community.¹⁵⁴

101. Examples of such interactive means of communication are community advisory boards, joint police-community workshops, public meetings, open police days or community contact points at police stations.¹⁵⁵ All these forums should be open to representatives of broad sectors of communities.

102. These interactive forums help to educate the public regarding official procedures and policies, as well as the community's rights and responsibilities. They permit police actions to be discussed (including sharing of personal experiences by police officers and members of the public) and empower the population to actively engage in the issues that relate to their sense of safety and security and to

give their input regarding their concerns and how they think their neighbourhood should be policed – for example, where and when police patrols are necessary.¹⁵⁶ In these forums patterns of crime and problems of disorder can be identified and lists of common concerns can be compiled, thus giving the police the opportunity to deal with these problems proactively.¹⁵⁷

103. In addition to interactive public forums, another important instrument for obtaining the views of the public is the conducting of public surveys (see public dissemination of reports).
104. Community police forums will be most effective if the police – complementing similar efforts by civil society groups – explain the overall purpose and proper functioning of such institutions to the local population.¹⁵⁸ Otherwise, false expectations and inefficient use of such forums will lead to frustration and a loss of hard-earned confidence on all sides.

Community-Based Policing Projects

105. Community outreach activities designed to reduce crime and promote public safety may result in community-based policing projects.
106. There is no single universal formula for community-based policing and any community-based policing programmes must be formulated and implemented taking into account local political and cultural environments.¹⁵⁹
107. Community-based policing approaches should provide police officers with the skills and structure to respond locally and to determine policing priorities in partnership with the community. Dedicated community policing officers/community policing teams should be assigned to permanent neighbourhood patrol in specific geographical areas, serving as contact points as well as guarantors for law and order. They need to remain in the same area for several years to establish trust. Where practical, police officers should patrol on foot because this allows for much better interaction with citizens as opposed to driving around in cars. They need special communication

and conflict resolution skills (including mediation skills), because neighbourhoods within the communities can often be split with respect to the legitimacy of particular lifestyles and their views on appropriate forms of policing.¹⁶⁰ They should be empowered by their superiors to solve local issues in partnership with the community they serve.

Outreach to Minority Communities

108. What is true for co-operation with the public in general also holds true, in particular, for co-operation with minority groups and proves to pose an even more challenging task for the police. Not only do the police face structural challenges to their efforts to engage with these minorities – such as the diversity of languages, religions, customs or other cultural characteristics – but minority groups often are reluctant to co-operate with the police because of distrust, particularly if they have previously been subjected to regular police abuse.¹⁶¹ In the case of immigrants these experiences are sometimes ‘imported’ from abroad. Furthermore these communities often prefer traditional ways of resolving disputes within the community.¹⁶² (Re-)building the trust of these minorities in the police is essential if such groups are to abandon parallel security structures.

Co-operation with Civil Society Groups

109. Special community outreach projects are necessary to reach minority communities. In these projects, police should co-operate with community-based social services, human rights and other NGOs and religious organizations which play a critical role as part of information-sharing networks.¹⁶³ The challenge of selecting the most appropriate representative bodies can be met by using selection criteria such as the NGOs’ stability, accountability and authentic representation of their constituencies.¹⁶⁴
110. When reaching out to specific parts of the community, it is important for the police not to convey the impression that they will treat different groups differently, giving preference to some and thus losing their

impartiality, particularly when dealing with conflicts between the communities.

111. Cultivating close connections with communities can result in ethical dilemmas for police officers when they are offered gratuities, which could easily be interpreted as crossing the blurred line to corruption.¹⁶⁵ (See also § 27.)
112. While community-based policing focuses on preventing or combating a wide spectrum of problems, and addresses all parts of the community, examples of specific community-based policing projects are neighbourhood watches, environmental clean-ups, or school visits and the organization of youth camps to build trust between children and the police, and between children from different ethnic/cultural/social backgrounds. Topics to be dealt with in the latter can be traffic safety, anti-drug education, or dealing with violence and other forms of unacceptable behaviour, thereby reducing crime and victimization amongst young people.¹⁶⁶

5. Police Organization and Management Issues

Chain of Command and Operational Autonomy

113. The police are subject to the effective direction and control of the appropriate civil authorities (see also § 82).¹⁶⁷ "The participating States consider the democratic political control of [...] the police to be an indispensable element of stability and security."¹⁶⁸ There must, however, be a separation, with a representative of the Government having the responsibility for policy setting, oversight and review, while the police leadership exercises competency and control over operational management.¹⁶⁹
114. The police organization must provide for a clear chain of command and allotment of competencies within the police. It should always be possible to determine who is ultimately responsible for an act or omission by police personnel.¹⁷⁰
115. Senior police officers should be given sufficient operational responsibility to be able to make operational decisions autonomously. These decisions must be in accordance with the law and subject to review by legislative, executive and judicial powers.¹⁷¹ Political authorities maintain the right to examine the procedural correctness of police actions as well as the way their policy has been implemented.¹⁷²
116. While democratic governments often have a role in appointing the most senior police leaders, other appointments and promotions (see also §§ 128 and 137) should be regarded as an internal police matter;¹⁷³ where the governing authorities only have the right to question and confirm transparent selection results.¹⁷⁴ Additional transparency can be achieved by involving service commissions or civilian oversight bodies.¹⁷⁵
117. Decentralization and deconcentration of decision-making and resource management is particularly important in the context of communitybased policing. (See also §§ 11, 80 and 107.)

Supervision

118. Since senior officers should act as role models for junior officers, they should demonstrate compliance with required codes of conduct and policing standards in their everyday work.¹⁷⁶ To uphold the values and ethics of police work, these values must be articulated regularly and consistently to ensure that they are clearly understood throughout the organization.¹⁷⁷ This is particularly important with respect to legal rules which leave room for interpretation in order to avoid the abuse of discretionary powers.¹⁷⁸ (See also § 21.)
119. Supervisory practice must promote an ethos of empowerment, support and personal development of individuals.
120. Police agencies must have systems of supervision in place to assess the performance of their police officers. Democratic policing requires ongoing quality control of the service delivered to the public. Quality may be measured directly as compliance with a standard, indirectly by customer/community appreciation or through its impact. Total Quality Management (TQM) models seek to continuously improve administrative processes using analytical tools and teamwork involving all police employees and focusing on procedures that are instrumental in promoting quality.¹⁷⁹
121. Supervisors must take responsibility for the performance of officers and must verify compliance with codes of conduct and human rights standards through regular unannounced and independent inspections.¹⁸⁰ (See also §§ 87 and 92.)
122. Senior officials shall also be held responsible if they know, or should have known, that police officers under their command are violating human rights and/or specific regulations or rules governing the execution of police duties.¹⁸¹
123. The supervisory reporting system and routines to carry out the analysis of these reports should help identify trends, improve training and employee safety, and provide timely information for the agency addressing issues of concern with the public. Early and

accurate reporting helps establish and maintain agency credibility.¹⁸²

Composition of the Police

124. In a world of growing ethnic and cultural diversity within States and rising tensions between different groups, the role of the police is crucial in maintaining the very fabric of our societies. They must therefore act with unquestionable fairness towards all groups.¹⁸³ Furthermore, in order to enjoy the confidence of the entire population, the police must be representative of the community as a whole.¹⁸⁴
125. The percentage of women in the police is generally not proportionate to the composition of the population, where women often are the majority. Women are particularly rare at the strategic, managerial and policy-making levels. Therefore, there is the need for an increase in the recruitment of women and for their integration at all levels in all agencies.¹⁸⁵ This not merely to implement international legal obligations (of equality under the law) but rather to significantly improve the performance of the police. (See also § 129.)
126. Confidence and trust in the police may be particularly low among minority populations who have previously experienced biased, and possibly repressive, treatment by the police (e.g. not receiving adequate protection, being criminalized). In order not to (further) strain majority-minority relations,¹⁸⁶ and to avoid the development of parallel structures in the society with the potential of creating security vacuums in the minority parts of society, the police must firmly and consistently tackle crime motivated by ethnic hatred. Police-minority relations must be cultivated and co-operation and mutual understanding strengthened.¹⁸⁷
127. One important step to win the trust of minority communities is to integrate them into the police throughout all ranks and functions. Their integration not only serves as a confidence-building measure, but also provides the police with a range of knowledge and skills that are required for working in a multicultural environment.¹⁸⁸ (See also § 129.)

Recruitment

128. The recruitment, hiring, assignment and promotion policies of police agencies must be free of any form of unlawful discrimination.¹⁸⁹ (See also §§ 116 and 137.)
129. Recruitment policies should ensure adequate inclusion of women and national minorities in the police.¹⁹⁰ While any recruitment campaign must be directed at the whole society, specific steps are usually required in order to raise the percentage of women and minorities in the police.
130. Statistical targets should be set for increasing the representation of women and minorities and in extraordinary circumstances, and for a limited time only, special recruitment measures might be considered to quickly redress an imbalance.¹⁹¹
131. Job descriptions and selection criteria, however, must not be targeted at women and minority groups and should be applicable to all parts and communities of the society. The selection and promotion of police officers must be transparent and based on their knowledge, skills, attitudes and good character (no record of convictions for serious crimes), but not on their affiliation to specific (political) groups. To lower the standards for minority groups or to prefer applicants proposed by specific (political) groups, will only damage their credibility. Educational disadvantages of certain minorities, such as language problems, might be compensated for by pre-service training.¹⁹²
132. The recruitment and integration of women and national minorities is also required to prepare the police environment for cultural diversity. A culturally neutral environment must be created in which women, men and all communities feel comfortable and measures should be introduced to ensure that all police officers are accepted and treated equally within the police organization. Therefore, any sexually offensive symbols and publications, and linkages to specific religious or national symbols related to one side in an ethnic conflict should be removed from police facilities.¹⁹³

133. Existing staff as well as new officers should be made aware of acceptable standards of behaviour in a gender-equal and multicultural service. Effective internal complaint mechanisms must be in place, and women and minorities should be encouraged by their superiors to make complaints when they experience discrimination or harassment.¹⁹⁴

Retention

134. After recruitment and training, officers should be encouraged to stay in the police. Important issues affecting their decision to stay will be the working environment, their appointments, and their future career opportunities.¹⁹⁵
135. As with respect to training facilities, the working environment must be culturally neutral and all officers must be treated equally. The establishment of staff associations, mentors and oversight institutions helps to create and maintain such environments.¹⁹⁶
136. With respect to appointments, the possibility of the isolation of female or minority officers must be avoided. Since the police also have the task of being role models for society, the multicultural character of the police should be visible in all units and regions, not only in specifically multicultural ones.¹⁹⁷ Police officers should be encouraged to acquire experience through working in mixed communities other than their own.¹⁹⁸

Promotion and Career Development

137. With respect to promotions, female officers and officers belonging to minorities must receive the same opportunities for additional education making them eligible for higher ranking positions. The process of promotion itself must be transparent and based solely on the officers' experience and merit (assessed by using written tests and oral interviews as well as assessment centres), and not on their affiliation with particular communities or political groups.¹⁹⁹ (See also § 117.)
138. There should be clear policies and political support (by political and police leadership) with respect to recruitment of women and minorities, including professional

standards for treating minorities²⁰⁰ as well as the readiness on behalf of the minority communities to integrate themselves into the State authorities. While top-down direction for integrating women and minorities is important, real implementation must be at the local level.²⁰¹ Partnerships with women and minority organizations on the local level can be of great help.²⁰² (See also §§ 109-110.)

Rights of Police Personnel

139. "Police staff shall as a rule enjoy the same civil and political rights as other citizens. Restrictions to these rights may only be made when they are necessary for the exercise of the functions of the police in a democratic society, in accordance with the law, and in conformity with the Universal Declaration of Human Rights"²⁰³. (See also §§ 9 and 12.)
140. "Police staff shall enjoy social and economic rights, as public servants, to the fullest extent possible."²⁰⁴ They shall have the right to organize or to participate in representative organizations. They should also be entitled to remuneration that is adequate to encourage the high level of professional standards expected from them. Furthermore, they should receive social security coverage, and be provided with special health and security measures, including equipment and training, and operational procedures, taking into account the particular character of police work.²⁰⁵
141. Officers who act according to the law and professional codes are "entitled to the active moral and physical support of the community"²⁰⁶ they serve and to be treated with respect by their superiors and colleagues. The human factor is fundamental to achieving and maintaining a democratic police. Therefore, the status of police officers should be such that it provides them with recognition by and support of the community.²⁰⁷
142. Police officers shall not face administrative sanctions or other penalties if they report a violation of the police code of conduct by other officers that has occurred or is about to occur.²⁰⁸ Officers who have filed a report must be protected against any acts of retaliation.

143. "Disciplinary measures brought against police staff shall be subject to review by an independent body or a court."²⁰⁹ As ordinary citizens, police officers have the right to defence, fair and due trial and to be silent in criminal proceedings against them.²¹⁰ "Public authorities shall support police personnel who are subject to ill-founded accusations concerning their duties."²¹¹

Equipment

144. Governments should provide police services with suitable and appropriate equipment necessary to effectively conduct police work.²¹²
145. Police agencies should be provided with nonlethal and defensive alternatives to firearms, such as non-lethal incapacitating weapons, and passive protective equipment such as shields, helmets, bulletproof vests and armoured means of transportation.²¹³

Training

146. In general, training aims to expand the trainees knowledge and to improve their skills. Modern learning and training programmes include elements of both trainer-centred and student-centred learning. The trainer-centred or didactic training approach focuses on presenting knowledge and information from trainer to student by instructing or lecturing, keeping the student in a rather passive role. The student-centred learning approach puts the focus of training upon the needs of the students, involves their active participation and follows an experiential learning cycle. This includes referring to previous experience and using case studies based on real life incidents. This approach is based on the assumption that adults relate their learning to what they already know and that they learn best if they are provided with examples which they can understand from their own experience.²¹⁴ Changing values and attitudes, including stereotypes, which are often deeply rooted among adults, is particularly challenging and requires skilful trainers and long-term processes.²¹⁵
147. Initial and continuing in-service training and education should be made available in all

areas of police activities at regular intervals and for all ranks of the police. The training must reflect the principles of democratic policing.²¹⁶ This means, in an operational context, that the police should be trained in applying the law, police ethics (including those related to corruption), codes of conduct and human rights standards.²¹⁷ During the training it is, however, not enough to talk about ethical principles as abstract entities. They need to be tested against real and concrete policing dilemmas in the form, for example, of role plays.

148. Training needs must be identified by operational personnel. For all kinds of training, review procedures must exist.
149. Training should not only ensure that officers are fully aware of the sanctions that will be applied if they break the rules, but also that democratic values and international standards in policing and human rights are an essential part of the beliefs of every professional police officer.
150. Training for policing in multicultural environments/communities should focus on issues such as cultural and religious awareness, mediation and community relation skills, problem-solving and partnership approaches, language training, and training in human rights.²¹⁸
151. In order to raise the awareness of police officers of their integral role in the community they serve, civilian trainers should be included in the training staff of police academies. Some lectures might even be delivered at public or private universities, where police cadets would be learning together with full- or parttime students. Subjects might include constitutional law, criminal matters and human rights.²¹⁹

6. Conclusions

152. While being under enormous pressure throughout the OSCE area to counter the rising tide of organized crime and the new threats to international and national security, including those resulting from terrorism, the police are also required to maintain tranquillity, to prevent and solve local crimes and enhance the quality of life by promoting a sense of security.
153. While pursuing their objectives, the police must operate in accordance with domestic and international law and respect human rights at all times. States have to ensure that domestic legislation does not contradict international laws and human rights standards.
154. States must also provide the legislative and structural requirements for functional relationships between the police, administrative authorities, other elements of the criminal justice system as well as the communities the police work in, in order to ensure effective, efficient and fair policing.
155. Furthermore, democratic policing requires that the police be accountable for their actions to the law, the State and the whole public they serve. Key requirements for accountability are the maintenance of effective and efficient instruments of internal and external oversight, as well as transparency and the cultivation of a co-operative police-public partnership.
156. Even if police become “superbly professional, technically proficient and with sparkling integrity, they would still lack legitimacy without negotiating their mission, strategies and tactics with local and national communities.”²²⁰
157. Moreover, policing must be predictable. It must be clear what the public can expect from the police, and these expectations should be realistic.
158. Furthermore, public satisfaction will be significantly influenced by the way the police behave in their interaction with the public, for example, whether they meet the public

with respect and politeness and whether they take requests for help seriously and provide a professional response.

159. The police must send a strong signal to all within and outside the organization that – because of their high professional standards – they “will perform well, be open and approachable, and not tolerate the abuse of power, corruption, neglect of duty ... or any misconduct”²²¹, nor will they cover any acts of wrongdoing.
160. This signal, moreover, has to be sent by every single officer. The police must therefore ensure that they invest in appropriate training and education for their personnel and that the performance of every single officer is evaluated regularly.
161. Effective and efficient international co-operation, which promotes the principles of democratic policing, will diminish the threats to international and domestic security and will enhance the public’s perception of safety. Hopefully the Guidebook will provide a conceptual basis for such endeavours.

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- ¹³ See Foundation 'Policing for a Multi-Ethnic Society', Rotterdam Charter: Policing for a Multi-ethnic Society (Rotterdam, 1996), Art. 1.4; and High Commissioner on National Minorities (HCNM), Recommendations on Policing in Multi-Ethnic Societies (The Hague, 1994), Rec. 1, p. 7.
- ¹⁴ See Foundation 'Policing for a Multi-Ethnic Society', Rotterdam Charter (op.cit., note 13), Art. 2.1.
- ¹⁵ See Council of Europe, Recommendation No. R (85) 4 on Violence in the Family (1985); William Lewis/Edward Marks, "Overview", in: James Burack/William Lewis/Edward Marks, Civilian Police and Multinational Peacekeeping – A Workshop Series. A Role for Democratic Policing (National Institute of Justice, Washington, 1999), pp. 1f.; Council of Europe, Codes of Conduct for Public Officials (op.cit., note 9), Art 5.3; Council of Europe, European Code of Police Ethics (op.cit., note 5), § 23; and Council of Europe, Assistance to Crime Victims (op.cit., note 7).
- ¹⁶ See Bayley, Democratizing the Police Abroad (op.cit., note 4), p. 14; United Nations Best Practices Unit, Handbook on United Nations Multidimensional Peacekeeping Operations. Chapter VII: Police, Judiciary and Corrections Aspects of Rule of Law (New York), p. 3; and Office of the United Nations High Commissioner for Human Rights (OHCHR), Human Rights and Law Enforcement, Professional Training Series, No. 5 (New York/Geneva, 1997), p. 48.
- ¹⁷ See Travis, Policing in Transition (op.cit., note 4), p. 2.
- ¹⁸ See David Greenwood/Sander Huisman (eds.), Transparency and Accountability of Police Forces, Security Services and Intelligence Services, (DCAF, Geneva, 2005), p. 14.
- ¹⁹ See Council of Europe, Codes of Conduct for Public Officials (op.cit., note 9), Art. 4.2; Council of Europe, European Code of Police Ethics (op.cit., note 5), § 43; Bayley, Democratizing the Police Abroad (op.cit., note 4), p. 14; Bruce/Neild, The Police That We Want (op.cit., note 5), p. 18; and Commonwealth Human Rights Initiative, Police Accountability (op.cit., note 5), p. 18.
- ²⁰ The term 'domestic' hereafter shall encompass all levels of administrative division within a single country, such as local; tribal; state/provincial; and federal/national.
- ²¹ See United Nations, International Covenant on Civil and Political Rights (op.cit., note 5), Art. A(3); CSCE, Conference on Security and Co-operation in Europe. Final Act (Helsinki, 1975), Chap. 1, Art. VII, p.7; United Nations, Code of Conduct for Law Enforcement Officials (op.cit., note 5), Arts. 1 and 5; Council of Europe, Declaration on the Police (op.cit., note 5), Art. 1; Council of Europe, Codes of Conduct for Public Officials (op.cit., note 9), Art. 4.1; and Council of Europe, European Code of Police Ethics (op.cit., note 5), § 3.
- ²² See United Nations, Commissioner's Guidance for Democratic Policing in the Federation of Bosnia-Herzegovina, (op.cit., note 5), Principle 1.
- ²³ See Council of Europe, European Code of Police Ethics (op.cit., note 5), § 4.
- ²⁴ Council of Europe, European Code of Police Ethics (op.cit., note 5), § 5; see also Council of Europe, Declaration on the Police (op.cit., note 5), Part. B, §§ 9 and 11; Crawshaw, Human Rights and Policing (op.cit., note 10), p. 14; Collin Lewis, Complaints Against Police. The Politics of Reform (Annandale, 1999), pp. 9f.; and Commonwealth Human Rights Initiative, Police Accountability (op.cit., note 5), p. 17.
- ²⁵ See Council of Europe, European Code of Police Ethics (op.cit., note 5), § 38.
- ²⁶ See Council of Europe, Declaration on the Police (op.cit., note 5), Apps. A, § 4; and Council of Europe, European Code of Police Ethics (op.cit., note 5), § 39.
- ²⁷ See United Nations, Code of Conduct for Law Enforcement Officials (op.cit., note 5), Arts. 7 and 8; and Council of Europe, Declaration on the Police (op.cit., note 5), Part A, §§ 7 and 10.
- ²⁸ Council of Europe, European Code of Police Ethics (op.cit., note 5), § 16.
- ²⁹ See United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), Art. 10; Council of Europe, European Code of Police Ethics (op.cit., note 5), §§ 14 and 45; and Council of Europe, The CPT Standards. "Substantive" Sections of the CPT's General Reports (2004), p. 7, § 39.
- ³⁰ See Bruce/Neild, The Police That We Want (op.cit., note 5), p. 37; and Council of Europe, European Code of Police Ethics (op.cit., note 5), §§ 16, 36, 38, 39 and 40;
- ³¹ Council of Europe, European Code of Police Ethics (op.cit., note 5), § 8; see also § 9.
- ³² Hungarian Helsinki Committee, The Budapest Recommendations (1999), Art. 10.
- ³³ See United Nations, Basic Principles on the Independence of the Judiciary (1985), Arts. 1, 3 and 4.
- ³⁴ Council of Europe, European Code of Police Ethics (op.cit., note 5), § 9.
- ³⁵ Council of Europe, European Code of Police Ethics (op.cit., note 5), § 9.

- cit., note 5), § 10.
- ³⁶ See United Nations, Commissioner's Guidance for Democratic Policing in the Federation of Bosnia-Herzegovina, (op.cit., note 5), Principle 3; Council of Europe, Codes of Conduct for Public Officials (op.cit., note 9), Arts. 1, 2, 3 and 4; and Council of Europe, European Code of Police Ethics (op.cit., note 5), Definition of the Scope of the Code and § 63.
- ³⁷ Lewis, Complaints Against Police (op.cit., note 24), p. 11; see also Council of Europe, Codes of Conduct for Public Officials (op.cit., note 9), Art. 7.
- ³⁸ See United Nations, Commissioner's Guidance for Democratic Policing in the Federation of Bosnia-Herzegovina, (op.cit., note 5), Principle 3.
- ³⁹ Council of Europe, Codes of Conduct for Public Officials (op.cit., note 9), Art. 5.2.
- ⁴⁰ See Council of Europe, Codes of Conduct for Public Officials (op.cit., note 9), Art. 23; and Commission on Accreditation for Law Enforcement Agencies (CALEA), Standards for Law Enforcement Agencies (Fairfax, 2006), p. 26-1.
- ⁴¹ See Council of Europe, Codes of Conduct for Public Officials (op.cit., note 9), Arts. 8, 9, 13, 14, 15, 16, 18, 19, 20 and 21.
- ⁴² See Council of Europe, Codes of Conduct for Public Officials (op.cit., note 9), Art. 8.
- ⁴³ See Council of Europe, Codes of Conduct for Public Officials (op.cit., note 9), Art. 13.
- ⁴⁴ See Interpol, Global Standards to Combat Corruption in Police Forces/Services (2002), Art. 4a; Council of Europe, Resolution (97) 24 on The Twenty Guiding Principles for the Fight Against Corruption (1997), Art. 2; and Council of Europe, Criminal Law Convention on Corruption (Strasbourg, 1999), Arts. 2, 3, 17 and 19.
- ⁴⁵ See United Nations, Code of Conduct for Law Enforcement Officials (op.cit., note 5), Art. 7; Council of Europe, Declaration on the Police (1979), Part A, § 2; Council of Europe, Codes of Conduct for Public Officials (2000); and Council of Europe, European Code of Police Ethics (op.cit., note 5), § 46.
- ⁴⁶ See Interpol, Global Standards to Combat Corruption in Police Forces/Services (op.cit., note 43), Art. 2a; see also Art. 2b.
- ⁴⁷ Peter Neyroud, "Policing and Ethics", in: Tim Newburn, Handbook of Policing (Portland, 2005), p. 589; see also Council of Europe, Codes of Conduct for Public Officials (op.cit., note 9), Arts. 18, 19 and 20.
- ⁴⁸ See Tim Newburn, Understanding and Preventing Police Corruption: Lessons from the Literature (Police Research Series Paper 110, London, 1999), p. 9.
- ⁴⁹ See United Nations, International Co-operation for Crime Prevention and Criminal Justice in the Context of Development (1990), Art. A.8; Hungarian Helsinki Committee, The Budapest Recommendations (op.cit., note 32), Art. 5; United Nations, Code of Conduct for Law Enforcement Officials (op.cit., note 5), Art. 7; Council of Europe, European Code of Police Ethics (op.cit., note 5), § 21; and United Nations Office on Drugs and Crime (UNODC), United Nations Convention against Corruption, Arts. 5 and 8(2).
- ⁵⁰ See Council of Europe, The Twenty Guiding Principles for the Fight Against Corruption (op.cit., note 44), Art. 10; Council of Europe, Criminal Law Convention on Corruption (op.cit., note 44), Art. 19(1) and (2); Newburn, Understanding and Preventing Police Corruption (op.cit., note 47), p. 46; Council of Europe, Codes of Conduct for Public Officials (op.cit., note 9), Art. 25.2; and Frank Harris, The Role of Capacity-Building in Police Reform, OMIK, Department of Police Education and Development, (Pristina, 2005), p. 26.
- ⁵¹ Newburn, Understanding and Preventing Police Corruption (op.cit., note 48), p. 46; see also Council of Europe, Declaration on the Police (op.cit., note 5), Part. B, §§ 4 and 5; and Council of Europe, European Code of Police Ethics (op.cit., note 5), §§ 20 and 32.
- ⁵² See Newburn, Understanding and Preventing Police Corruption (op.cit., note 48), p. 46.
- ⁵³ See Council of Europe, The Twenty Guiding Principles for the Fight Against Corruption (op.cit., note 44), Art. 3 and 7; Council of Europe, Criminal Law Convention on Corruption (op.cit., note 44), Arts. 2, 3, 17 and 19; Interpol, Global Standards to Combat Corruption in Police Forces/Services (op.cit., note 44), Art. 4(d) and (f); and UNODC, United Nations Convention against Corruption (op.cit., note 49), Art. 8(6).
- ⁵⁴ See Council of Europe, European Code of Police Ethics (op.cit., note 5), § 46; and UNODC, United Nations Convention against Corruption (op.cit., note 49), Art. 8(4).
- ⁵⁵ See Council of Europe, Criminal Law Convention on Corruption (op.cit., note 44), Art. 22; and UNODC, United Nations Convention against Corruption (op.cit., note 49), Art. 32(1).
- ⁵⁶ See Council of Europe, The Twenty Guiding Principles for the Fight Against Corruption (op.cit., note 44), Art. 16.
- ⁵⁷ See Lewis, Complaints Against Police (op.cit., note 24), pp. 1 and 10; Council of Europe, European Code of Police Ethics (op.cit., note 5), Definition of the Scope of the Code; and Council of Europe, The CPT Standards (op.cit., note 29).
- ⁵⁸ See United Nations, Universal Declaration of Human Rights (op.cit., note 5); United Nations, International Covenant on Civil and Political Rights (op.cit., note 5); United Nations, Code of Conduct for Law Enforcement Officials (op.cit., note 5), Art. 2; CSCE, Charter of Paris (op.cit., note 5), p. 3; and Council of Europe, European Code of Police Ethics (op.cit., note 5), § 3.
- ⁵⁹ See United Nations, Universal Declaration of Human Rights (op.cit., note 5), Art. 7; CSCE, Final Act (op.cit., note 20), Art. 6; Council of Europe, Declaration on the Police (op.cit., note 5), Part A, §§ 2 and 8, and Part B, §

- 4; CSCE, Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Copenhagen, 1990), Art. 5.9; Foundation 'Policing for a Multi-Ethnic Society', Rotterdam Charter (op.cit., note 13), Arts. 1.4, 1.6, and 1.7; Amnesty International, 10 Basic Human Rights Standards for Law Enforcement Officials (op.cit., note 10), Standard 1; Council of Europe, Codes of Conduct for Public Officials (op.cit., note 9), Arts. 5(3), 7, 9, 16(2) and 18; Council of Europe, European Code of Police Ethics (op.cit., note 5), §§ 40 and 52; and Council of Europe, European Commission against Racism and Intolerance (ECRI), General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination (2003).
- ⁶⁰ United Nations, International Convention on the Elimination of All Forms of Racial Discrimination (1965), Art. 5(b); see also United Nations, Universal Declaration of Human Rights (op.cit., note 5), Art. 2; United Nations, Convention on the Elimination of All Forms of Discrimination against Women (1979); Council of Europe, Declaration on the Police (op.cit., note 5), Part A, § 8; and Amnesty International, 10 Basic Human Rights Standards for Law Enforcement Officials (op.cit., note 10), Standard 1.
- ⁶¹ See United Nations, Convention on the Rights of the Child (1989), Preamble, Arts. 2(2) and 3(1); CSCE, Charter of Paris (op.cit., note 5), Art. 11; CSCE, Copenhagen Document (op.cit., note 59), Art. 25.4; CSCE, Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (Moscow, 1991), Arts. 38 and 41.1; United Nations High Commissioner for Human Rights, Human Rights and Law Enforcement (op.cit., note 16), p. 77; Amnesty International, 10 Basic Human Rights Standards for Law Enforcement Officials (op.cit., note 10), Standard 1; Council of Europe, European Code of Police Ethics (op.cit., note 5), §§ 18, 25, 44, 49 and 54; and European Platform for Policing and Human Rights (EPPHR), Why and How Human Rights NGOs and Police Services Can and Should Work Together (2004), p.15.
- ⁶² OSCE, Charter for European Security (op.cit., note 2), Art. 19.
- ⁶³ See Foundation 'Policing for a Multi-Ethnic Society', Rotterdam Charter (op.cit., note 13), Introduction; Council of Europe, European Code of Police Ethics (op.cit., note 5), § 30; and Council of Europe, National Legislation to Combat Racism and Racial Discrimination (op.cit., note 59), § 7.
- ⁶⁴ See United Nations, Universal Declaration of Human Rights (op.cit., note 5), Art. 2; Council of Europe, European Convention on Human Rights/Convention for the Protection of Human Rights and Fundamental Freedoms (1950), Art. 14 and Protocol 12; United Nations, International Convention on the Elimination of All Forms of Racial Discrimination (op.cit., note 60), Arts. 2 and 5; United Nations, International Covenant on Civil and Political Rights (op.cit., note 5), Arts. 2 and 3; United Nations, Code of Conduct for Law Enforcement Officials (op.cit., note 5), Arts. 1 and 2; United Nations, Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (1993), Art. 2.2; and Council of Europe, European Code of Police Ethics (op.cit., note 5), § 40.
- ⁶⁵ Ben Bowling/Coretta Phillips, "Policing Ethnic Minority Communities", in: Tim Newburn, Handbook of Policing (Portland, 2005), p. 549.
- ⁶⁶ See Hungarian Helsinki Committee, The Budapest Recommendations (op.cit., note 32), Art. 14; CALEA, Standards for Law Enforcement Agencies (op.cit.; note 40), Art. 1.2.9; and HCNM, Recommendations on Policing in Multi-Ethnic Societies (op.cit., note 13), Rec. 16, p. 24.
- ⁶⁷ Bowling/Phillips, "Policing Ethnic Minority Communities" (op.cit., note 65), p. 537.
- ⁶⁸ HCNM, Recommendations on Policing in Multi- Ethnic Societies (op.cit., note 13), Rec. 16, p. 24.
- ⁶⁹ See OSCE, Charter for European Security (op.cit., note 2), Art. 20.
- ⁷⁰ See Trevor Jones/Tim Newburn/David Smith, Democracy and Policing, (Policy Studies Institute, London, 1994), p. 46.
- ⁷¹ See CALEA, Standards for Law Enforcement Agencies (op.cit.; note 40), p. 26-1.
- ⁷² See Council of Europe, Declaration on the Police (op.cit., note 5), Part A, § 8; and Council of Europe, European Code of Police Ethics (op.cit., note 5), § 47.
- ⁷³ See United Nations, Universal Declaration of Human Rights (op.cit., note 5), Art. 11(1); United Nations, International Covenant on Civil and Political Rights (op.cit., note 5), Art. 14(2); CSCE, Copenhagen Document (op.cit., note 58), Art. 5.19; Amnesty International, 10 Basic Human Rights Standards for Law Enforcement Officials (op.cit., note 10), Standard 7; Council of Europe, European Code of Police Ethics (op.cit., note 5), § 48; and Harris, The Role of Capacity-Building in Police Reform (op.cit., note 50), p. 23.
- ⁷⁴ See CSCE, Moscow Document (op.cit., note 61), Art. 23 ii, iii; Council of Europe, European Code of Police Ethics (op.cit., note 5), §§ 50, 53, 55 and 57; Hungarian Helsinki Committee, The Budapest Recommendations (op.cit., note 32), Art. 12; International Committee of the Red Cross (ICRC), Human Rights and Humanitarian Law in Professional Policing Concepts (Geneva, 2002), p. 23; and Council of Europe, The CPT Standards (op.cit., note 29), pp. 6-7, §§ 36 - 39.
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- ⁷⁶ See Council of Europe, The CPT Standards (op.cit., note 29), § 39, p. 7.
- ⁷⁷ See Council of Europe, The CPT Standards (op.cit., note 29), § 39, p. 7.
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- 11 concerning Sexual Exploitation, Pornography and Prostitution of, and Trafficking in, Children and Young Adults (1991); Council of Europe, Recommendation No. R (2000) 11 on Action against Trafficking in Human Beings for the Purpose of Sexual Exploitation (2000); and Council of Europe, Rec(2001) 16 on the Protection of Children against Sexual Exploitation (2001).
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- ⁸³ Council of Europe, Rec(2005) 10 on "Special Investigation Techniques" in Relation to Serious Crimes including Acts of Terrorism (2005), Preamble.
- ⁸⁴ See Council of Europe, Use of Personal Data in the Police Sector (op.cit., note 82), Principles 1-8; and Council of Europe, "Special Investigation Techniques" in Relation to Serious Crimes including Acts of Terrorism (op.cit., note 83), Arts. 1-3.
- ⁸⁵ Council of Europe, European Code of Police Ethics (op.cit., note 5), § 42; see also Council of Europe, Use of Personal Data in the Police Sector (op.cit., note 82), Principles 1-5 and 7-8.
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- ⁹⁰ Council of Europe, Recommendation No. R (97) 13 concerning Intimidation of Witnesses and the Rights of the Defence (1997), Arts. 14-15; see also Art. 51; and Council of Europe, Rec(2005) 9 on the Protection of Witnesses and Collaborators of Justice (2005), Arts. 1, 2, and 8-28.
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- ⁹⁴ See CSCE, Moscow Document (op.cit., note 61), Art. 23; and Council of Europe, European Code of Police Ethics (op.cit., note 5), §§ 50 and 54.
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- ⁹⁷ See ICRC, Human Rights and Humanitarian Law in Professional Policing Concepts (op.cit., note 74), p.23.
- ⁹⁸ Council of Europe, The CPT Standards (op.cit., note 29), § 39, p. 7.
- ⁹⁹ See OMIK, Human Rights and Law Enforcement (op. cit., note 75), p. 13; and Amnesty International, 10 Basic Human Rights Standards for Law Enforcement Officials (op.cit., note 10), Standard 8.
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- ¹⁰¹ Council of Europe, The CPT Standards (op.cit., note 29), § 34, p. 10.
- ¹⁰² See Amnesty International, 10 Basic Human Rights Standards for Law Enforcement Officials (op.cit., note 10), Standards 6 and 8; and Council of Europe, European Code of Police Ethics (op.cit., note 5), § 54.

- ¹⁰³ See United Nations, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988), Art. 12; and CALEA, Standards for Law Enforcement Agencies (op.cit., note 40), pp. 71-3 and 72-5.
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- ¹⁰⁶ See United Nations, Code of Conduct for Law Enforcement Officials (op.cit., note 5), Art. 6; Council of Europe, Declaration on the Police (op.cit., note 5), Part A, § 14; Amnesty International, 10 Basic Human Rights Standards for Law Enforcement Officials (op.cit., note 10), Standard 7; and Council of Europe, European Code of Police Ethics (op.cit., note 5), § 56..
- ¹⁰⁷ See United Nations, Standard Minimum Rules for the Treatment of Prisoners (1955), Art. 8 (a) and (d); United Nations, Convention on the Rights of the Child (op.cit., note 61), Art. 37(c); United Nations, Guidelines for the Protection of Juveniles Deprived of their Liberty (1990), Art. 29; Council of Europe, European Code of Police Ethics (op.cit., note 5), § 54; and Amnesty International, 10 Basic Human Rights Standards for Law Enforcement Officials (op.cit., note 10), Standard 8.
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- ¹¹¹ United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (op.cit., note 29), Art. 13; see also Amnesty International, 10 Basic Human Rights Standards for Law Enforcement Officials (op.cit., note 10), Standard 4; and Council of Europe, European Code of Police Ethics (op.cit., note 5), § 37.
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- ¹¹⁴ See United Nations, Code of Conduct for Law Enforcement Officials (op.cit., note 5), Art. 3(a).
- ¹¹⁵ See United Nations, Code of Conduct for Law Enforcement Officials (op.cit., note 5), Art. 3; and Council of Europe, European Convention on Human Rights (op.cit., note 64), Art. 2.
- ¹¹⁶ See United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (op.cit., note 29), Art. 5(a) and (b); CSCE, Moscow Document (op.cit., note 61), Art. 21.1; and Council of Europe, European Code of Police Ethics (op.cit., note 5), § 37.
- ¹¹⁷ United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (op.cit., note 29), Art. 9.
- ¹¹⁸ United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (op.cit., note 29), Art. 10.
- ¹¹⁹ See United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (op.cit., note 29), Art. 5(c).
- ¹²⁰ See United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (op.cit., note 29), Art. 5(d).
- ¹²¹ United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (op.cit., note 29), Arts. 19 and 20.
- ¹²² See United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (op.cit., note 29), Art. 19; and Council of Europe, European Code of Police Ethics (op.cit., note 5), § 29.
- ¹²³ See United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (op.cit., note 29), Art. 6; and United Nations, Code of Conduct for Law Enforcement Officials (op.cit., note 5), Art. 3(c).
- ¹²⁴ See Commonwealth Human Rights Initiative, Police Accountability (op.cit., note 5), p. 27.
- ¹²⁵ United Nations, Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984), Art. 2.2.
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Guidelines (Strasbourg, 2005).

- ¹²⁷ United Nations, Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (op.cit., note 125), Art. 1.1; see also Commonwealth Human Rights Initiative, Police Accountability (op.cit., note 5), p. 26.
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