

**10 BASIC HUMAN RIGHTS  
STANDARDS FOR LAW  
ENFORCEMENT OFFICIALS**

- All governments are required to adopt the necessary measures to instruct law enforcement officials, during basic training and all subsequent training and refresher courses, in the provisions of national legislation in accordance with the UN Code of Conduct for Law Enforcement Officials as well as other basic international human rights standards applicable to law enforcement officials.

## **Background**

- Everyone shares responsibility to uphold the Universal Declaration of Human Rights (UDHR) in its entirety. Nevertheless the UDHR contains a number of articles which are particularly relevant for law enforcement work.
- Everyone has the right to life, liberty and security of person.
- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- All are equal before the law and are entitled without any discrimination to equal protection of the law.

- No one shall be subjected to arbitrary arrest and detention.
- Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which they have had all the guarantees necessary for their defense.

- Everyone has the right to freedom of opinion and expression.
- Everyone has the right to freedom of peaceful assembly and association, and no one may be compelled to belong to an association.

## **Basic Standard 1:**

- Everyone is entitled to equal protection of the law,
- without discrimination on any grounds, and especially against violence or threat.
- Be especially vigilant to protect potentially vulnerable groups such as children, the elderly, women, refugees, displaced persons and members of minority groups.

- Guidelines / Suggested Action Items:
- a. All police personnel must carry and use Miranda Warning
- Cards that contain English and Filipino versions. If possible,
- produce an additional Miranda Warning Card using the
- vernacular or most common language/dialect in your area of jurisdiction.

- Police service must be non-selective. Provide the same quality of service to all people regardless of their age, sex, economic and political status, religion, ethnic background, and any other status.



## **Basic Standard 2:**

- Treat all victims of crime with compassion and respect, and in particular protect their safety and privacy.

## **Guidelines / Suggested Action Items:**

- Treat all citizens and victims of crime with compassion and respect, with utmost consideration for their need for safety and privacy.
- It must be remembered that under the law, all arrested persons and detainees are still considered innocent and have the right to due process.
- Only the court can determine their guilt or innocence. Even when they are already convicted by the court, they still have the right to be treated humanely, with full respect and dignity.

## **Basic Standard 3:**

- Do not use force except when strictly necessary and to the minimum extent required under the circumstances.

## **Guidelines / Suggested Action Items:**

- Whenever the lawful use of force is unavoidable, police officers must:
- Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved.
- Minimize damage and injury, and respect and preserve human life
- Ensure that all possible assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment

- Re-orient police personnel about the Use of Force Doctrine or Use of Force continuum with emphasis on the use of lethal force only as a last resort.
- Re-train police personnel in proper arrest procedures with emphasis on non-lethal tactics, weapons retention techniques, and officer safety measures.
- Where injury or death is caused by the use of force by police officers, they shall report the incident promptly to their superiors, who should ensure that proper investigations of all such incidents are carried out.

## **Basic Standard 4:**

- Avoid using force when policing unlawful but non-violent assemblies. When dispersing violent assemblies, use force only to the minimum extent necessary.

# Guidelines / Suggested Action Items

- Everyone is allowed to participate in peaceful assemblies, whether political or non-political, subject only to very limited restrictions imposed in conformity with the law and which are necessary in a democratic society to protect such interests as public order and public health. The police must not interfere with lawful and peaceful assemblies, otherwise than for the protection of persons participating in such an assembly or others.

- If possible, arrange for a meeting with protest leaders/organizers prior to the actual day of protest demonstrations.
- An open dialogue would help the police establish “ground rules” and communication lines with protest leaders/organizers which are necessary to prevent miscommunication and possible outbreak of violence.



- Whenever appropriate, deploy properly trained and equipped female CDM personnel as front liners. Previous experience showed that there is less agitation on the part of protesters and lower incidence of violence when female CDM personnel are made as front liners.

## **Basic Standard 5:**

- Lethal force should not be used except when strictly unavoidable in order to protect your life or the lives of others.

# Guidelines / Suggested Action Items

- Police officers must not use firearms except for the following objectives and only when less extreme means are insufficient to achieve these objectives:
- In self-defense or in defense 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 the police officer's authority, or to prevent his or her escape

- Provide for warnings to be given, if appropriate, when firearms are to be discharged.
- Provide for a system of reporting and investigation whenever police officers use firearms in the performance of their duty.

## **Basic Standard 6:**

- Arrest no person unless there are legal grounds to do so, and the arrest is carried out in accordance with lawful arrest procedures.

# Guidelines / Suggested Action Items

- To make sure that an arrest is lawful and not arbitrary, it is important that the reasons for the arrest and the powers and identity of arresting officers are known.
- All police personnel must carry and use Miranda Warning Cards in informing persons arrested, detained or under investigation about their rights under the law.

## **Basic Standard 7:**

- Ensure all detainees have access promptly after arrest to their family and legal representative and to any necessary medical assistance.

## **Guidelines / Suggested Action Items**

- Ensure that duty personnel have contact details of nearby
- hospitals and clinics in case the persons arrested, detained and those under investigation require emergency medical care.
- Police officers or other competent authorities must ensure that all detainees are fully able in practice to avail themselves of the right to notify family members or relatives immediately of their whereabouts and others should be able to visit a detainee as soon as possible after he or she is taken into custody. Relatives and others should be able to correspond with the detainee and make further visits regularly to verify the detainee's continued well-being.



## **Basic Standard 8:**

- All detainees must be treated humanely.
- Do not inflict, instigate or tolerate any act of torture or ill-treatment, in any circumstances, and refuse to obey any order to do so

# Guidelines / Suggested Action Items

- Documentation of investigation procedures as a tool
- for training and performance evaluation;
- Recording of proof about the proper, fair, and legal
- conduct of police investigation in defense to possible
- harassment suits.

## **Basic Standard 9:**

- Do not carry out, order or cover up extrajudicial executions or "Disappearances", and refuse to obey any order to do so.

# Guidelines / Suggested Action Items

- No one should be arbitrarily or indiscriminately deprived of life. An extrajudicial execution is an unlawful and deliberate killing carried out by, or on the order of, someone at some level of government, whether national, state or local, or with their acquiescence.
- When in doubt about a specific order, seek clarification and guidance from the direct superior or from higher headquarters.
- In some cases, it may be advisable to request for written
- instructions or orders to ensure that specific missions or
- police interventions are legal and duly authorized.

- The need to disobey an unlawful order should be seen as ***a duty, taking precedence over the normal duty to obey orders.*** The duty to disobey an unlawful order entails the *right to* disobey it.

## **Basic Standard 10:**

- Report all breaches of these Basic Standards to your senior officer and to the office of the public prosecutor.
- Do everything within your power to ensure steps are taken to Investigate these breaches.

- All violations of human rights by the police or other law enforcement personnel, including any breaches of these Basic Standards, should be investigated fully, promptly and independently, for instance by the office of the public prosecutor. The main objective of these investigations is to establish the facts and to bring to justice those responsible:

- End.
- Thankyou.