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COMMISSION ON HUMAN RIGHTS  
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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement\* submitted by the Commonwealth Human Rights Initiative, a non-  
governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2006]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

1. People's ability to access justice is one of the most important indicators of the value and emphasis placed on the protection of human rights. One important way in which access to justice is facilitated – or impeded – is by the quality of the police service in that community. Democratic, accountable policing protects human rights and helps realise both democracy and development.
2. The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international NGO working towards the practical realisation of human rights. CHRI looks particularly at human rights violations in the less developed regions of the world, including South Asia, where it is based, Africa, where it has a regional office, and the Pacific.
3. CHRI recognises the key importance of policing in ensuring access to justice for communities, and in securing the protection of human rights across the world. Policing represents the coalface of access to justice; often it is the first and most vital interaction people have with the justice system. The approach of the police can support and protect human rights. However, in many cases, in countries big and small, less developed or developed, across all of the world's regions, poor policing leads to human rights violations.
4. CHRI also recognises the complex and problematic issues faced by proponents of police reform. In many countries, budgetary pressures mean the police are not adequately resourced. Dictatorial or colonial legacies and a lack of expertise can prevent the growth of an accountable, democratic police force. However, it is lack of political will that is the highest hurdle; politicians and governments who benefit from partisan, oppressive policing are resistant to reforming a system that supports them, despite the dire impact of that system on their communities and the human rights of their people.
5. United Nations documents support the value of democratic policing.

Article 3 of the Universal Declaration of Human Rights states that “everyone has the right to life, liberty and security of person”. This right, which is directly related to good policing, is at the core of the global human rights framework, encapsulated in the Bill of Rights.

The UN Code of Conduct for Law Enforcement Officials requires that “in the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.” The Code of Conduct also lays down accountability as a basic tenet of good policing.

Principle 24 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states that “governments and law enforcement agencies shall ensure that superior officers are held responsible if they know...that law enforcement officials...are resorting...to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.”

6. Democratic policing is based on the idea that the police are protectors of the rights of citizens and the rule of law, while ensuring the safety and security of all equally.

Increasingly, the fundamental purpose of policing is seen as being the protection and fulfilment of human rights for all. As the primary agency responsible for protecting human security, the police are particularly responsible for turning the promise of human rights into reality. Respect for human rights is central to everyday police work. Unlike any other agency of government, the police are given wide powers, including the authority to use force. This power to infringe on people's freedoms carries with it a heavy burden of accountability. Good systems of governance require that the police account for the way they carry out their duties, especially for the way they use force. This ensures that the police will carefully consider the methods that they use to protect peace and order and that incidents of police misconduct or abuse of their powers will be dealt with harshly.

7. Democratic policing is both a process – the way the police do their work – and an outcome. A democratic police organisation is one that:
  - is accountable to the law, and not a law unto itself. The rule of law applies to police and the government as it applies to the people. Democratic policing requires that the police act within their boundaries, within international laws and standards, and within internal disciplinary systems and the criminal law;
  - is accountable to democratic structures and the community. To ensure that the police do not become overly controlled by a single seat of power, democratic police independently answer to all three branches of governance, as well as to the community;
  - is transparent in its activities. Most police activity should be open to scrutiny and subject to regular reports to outside bodies;
  - gives top operational priority to protecting the safety and rights of individuals and private groups. The police must primarily serve the people and be responsive to the needs of individuals and members of groups – especially those who are vulnerable and marginalised;
  - protects human rights. This requires the police to protect the right to life and dignity of the individual, as well as the exercise of democratic freedoms – freedom of speech, freedom of association, assembly and movement. They must also ensure freedom from arbitrary arrest, detention and exile, and impartiality in the administration of the law;
  - provides society with professional services; and
  - is representative of the community it serves.
8. A key feature of democratic policing – in line with the checks and balances that characterise democratic systems of governance – is that the police are formally held to account in a number of ways for their performance, as well as any misconduct. CHRI advocates an oversight model comprised of external oversight by the three arms of government plus one independent body. The three wings of government include democratically elected representatives, an independent judiciary and a responsible executive. The independent body could be a statutory civilian body, such as an Ombudsman or Human Rights Commission, but is ideally a body set up to deal solely with public complaints about the police.

9. Poor policing exists across the world. Countries with small populations, with large populations, in all regions and with diverse states of development, all suffer human rights violations as a result of undemocratic, unaccountable policing. Three examples are provided below – the Maldives, Uganda and Bangladesh. These examples are indicative of the kinds of issues faced by millions of people in hundreds of diverse communities across the world.
10. The people of the Maldives have suffered at the hands of a repressive, dictatorial regime and its police force for decades. Police intimidation, endemic corruption, torture and brutality have all been hallmarks of the Maldives Police Service. A human face of the problems associated with the Maldives Police is Jenny Latheef, a human rights activist and Amnesty International prisoner of conscience, allegedly beaten by police.
11. Policing in Uganda is a story of military involvement, illegal arrests and detentions, torture and brutality, corruption and partiality. Recently, Dr Besigye, a high profile opposition leader, returned to the country from exile, and was arrested and detained immediately, on charges of treason and rape. Dr Besigye maintains his innocence and claims that his arrest and subsequent detention are politically motivated, and aimed at ensuring that he is not in a position to contest future elections.
12. Corruption, torture and political interference all appear to be part of a day's work for the Bangladeshi police. In 2004 alone, Bangladeshi police took an estimated \$US250 million in bribes. Saleem Samad, a Bangladeshi journalist, spent fifty days behind bars after being charged with being involved with the production of a documentary about the country's political situation. At the hands of the police, Samad describes appalling conditions, brutality, and torture. The arrest and detention were politically motivated and carried out by a police too close to the government.
13. An improvement in policing is vital to ensure access to justice and to protect human rights. This can be brought about by a renewed emphasis on the importance of democratic and accountable policing. CHRI urges the Human Rights Commission to express its support for police reform, with particular reference to nations where human rights violations are occurring, and its support for the principles of democratic and accountable policing.
14. CHRI further urges the Human Rights Commission to influence the various UN mechanisms that deal in areas impacted by policing – such as the Committee Against Torture, relevant Special Rapporteurs and appropriate Independent Experts - to recognise the importance of good policing, identify policing as an issue within their mandate, and pursue democratic, accountable policing as a goal, within the context of their particular area of work.