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Abstract	Human rights training for police is one of the typical activities proposed for improving the human rights performance of police. This contribution explores basic didactical principles of effective human rights trainings for police, as well as some characteristics of police organizations and police culture that are relevant for understanding how to shape human rights trainings for police. From the practical perspective of a human rights trainer, the author discusses some basic competencies that police officers should have, what they should know about human rights, which skills they would need to acquire for successfully handling human rights principles in practical work, and which attitudes should underlie and support police work on the basis of a human rights approach.
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Chapter 13 1
Police Training and International Human 2
Rights Standards 3

Walter Suntinger 4

Contents 5

13.1 Introduction 00 6

13.2 The Setting: Human Rights Training of Police 00 7

 13.2.1 What Is Training and What Is Human Rights Training? 00 8

 13.2.2 The International Legal Framework for Human Rights Training of Police ... 00 9

 13.2.3 Integrating Human Rights in Police Training 00 10

 13.2.4 Didactics: Principles of Effective Human Rights Trainings 00 11

 13.2.5 Human Rights Training in the Broader Context of Police Organizations 00 12

13.3 Dimensions and Elements of Human Rights Training 00 13

 13.3.1 Introduction: The Triangle of Human Rights Education 00 14

 13.3.2 Knowledge and Understanding About Human Rights 00 15

 13.3.2.1 Foundational Knowledge 1: Human Dignity, Human Rights,
 and Corresponding Obligations 00 16

 13.3.2.2 Foundational Knowledge 2: The Double Role of Police
 with Regard to Human Rights 00 17

 13.3.2.3 Specialized Knowledge: Human Rights Norms and Procedures ... 00 18

 13.3.3 Skills and Human Rights 00 19

 13.3.3.1 Operational Skills 00 20

 13.3.3.2 Analytical and Reflection Skills 00 21

 13.3.4 Attitude and Human Rights 00 22

13.4 Conclusions 00 23

References 00 24

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some characteristics of police organizations and police culture that are relevant for 28
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32 skills they would need to acquire for successfully handling human rights principles
33 in practical work, and which attitudes should underlie and support police work on
34 the basis of a human rights approach.

35

13.1 Introduction

36 Human rights training for police is one of the most commonly proposed and
37 actually employed activities for improving human rights performance of police.
38 Whenever police behave in a way that violates human rights, the call for more and
39 better training of police in human rights is quickly voiced. Often, however, it
40 appears that human rights trainings are conceived as stand-alone activities that
41 are not embedded in an overall strategic approach to improving police performance:
42 they are often dealt with as if they were an end in themselves and not a tool in a
43 broader reform endeavor.¹ An approach to human rights training that aims at having
44 real impact on the ground and produces concrete change in human rights perfor-
45 mance would rather recognize that any training effort needs to be designed in a
46 strategic way, placing it into a broader perspective of competence development of
47 police personnel and the characteristics of police organizations.

48 The aim of this paper is, therefore, to explore such a broad perspective on police
49 training in human rights and to show some basic elements of such an approach, both
50 in terms of didactics and of content.

51 In a first part, this contribution deals with some basic notions of human rights
52 education and training as they apply to police training. It briefly outlines the
53 international legal framework for police training, proposes some considerations to
54 be taken into account when integrating human rights in police training, and explores
55 basic didactical principles of effective human rights trainings for police. Further-
56 more, it discusses some characteristics of police organizations and police culture
57 that are relevant for understanding how to shape human rights trainings for police.

58 The second part presents some major substantive and methodological elements
59 of human rights training in a police context. Using the triangle of human rights
60 education—knowledge, skills and attitudes—as an organizing concept, it discusses
61 some basic competencies that police officers should have, more precisely what they
62 should know about human rights, which skills they would need to acquire for
63 successfully handling human rights principles in practical work, and which atti-
64 tudes should underlie and support police work on the basis of a human rights
65 approach.

66 My perspective on this topic is a practical one. I started to get involved in human
67 rights training of police in the 1990s in Austria. Coming from an NGO as well as an
68 academic background, I quickly faced some major challenges in the concrete

¹Sganga (2006), p. 72.

training setting: how to make a rather theoretical topic accessible to an audience 69
 that is practically minded? How can the (cultural) gulf between an outsider's 70
 perspective (often seen as moralistic) and the insiders' perspective be bridged so 71
 that a meaningful communication process can be constructed? Can human rights be 72
 presented as being useful for meeting the specific challenges and problems that 73
 police are facing? How can a communication process be organized that makes 74
 critical (self-)reflection possible? 75

I have tried to develop tentative answers to these questions in a practical way, 76
 i.e. by testing out different approaches in practical police capacity-building settings 77
 and by using interdisciplinary academic insights, in particular from legal sciences, 78
 pedagogy, psychology, and sociology, for reflecting upon it. These approaches have 79
 then found expression, among others, in a training manual for Austrian police 80
 trainers² and in a manual of the EU Fundamental Rights Agency for European 81
 police trainers.³ Further insights were gained in two EU Twinning projects with the 82
 Turkish National Police and in the context of police monitoring. What follows is, 83
 thus, some reflections on my professional experience in doing human rights train- 84
 ings for police and developing training tools, supported by academic insights that 85
 proved to be useful to me as a practitioner. It is thus necessarily a subjective view.⁴ 86

13.2 The Setting: Human Rights Training of Police 87

13.2.1 What Is Training and What Is Human Rights Training? 88
 89

At the most general level, the Oxford Dictionary defines training as “the action of 90
 teaching a person or animal a particular skill or type of behaviour.”⁵ More specific 91
 to an organizational context, training can be seen as “Organized activity aimed at 92
 imparting information and/or instructions to improve the recipient’s performance or 93
 to help him or her attain a required level of knowledge or skill.”⁶ 94

These two definitions highlight important aspects relevant to any training. 95
 Firstly, it is about the development of competencies at different levels—knowledge, 96
 skills, attitudes—of those participating in it. Secondly, training is about the 97
 enhancement of performance so that certain activities are carried out in a better 98
 way. One might add that training is also an essential element of any change process 99

²Suntinger (2005).

³Fundamental Rights Agency (2013).

⁴It is pertinent to remember that some subjectivity or relativity is inevitable in any, including academic, perspective. “*Relativity ... is by definition inherent in every point of view, as a view taken from a particular point in social space*”, Bourdieu (1989), p. 122.

⁵<http://www.oxforddictionaries.com/definition/english/training> (accessed 5 September 2016).

⁶<http://www.businessdictionary.com/definition/training.html>, (accessed 5 September 2016).

100 that organizations undergo in order to adapt to concrete realities and related
101 challenges.

102 Such an understanding of training in general is useful for approaching the
103 specificities of human rights education and training. A good starting point is the
104 UN Declaration on Human Rights Education and Training, adopted by the UN
105 General Assembly in 2011.⁷ According to its Article 2 para.1, “human rights
106 education and training comprises all educational, training, information,
107 awareness-raising and learning activities aimed at promoting universal respect for
108 and observance of all human rights and fundamental freedoms and thus contribut-
109 ing to, inter alia, the prevention of human rights violations and abuses by providing
110 persons with knowledge, skills and understanding and developing their attitudes
111 and behaviours, to empower them to contribute to the building and promotion of a
112 universal culture of human rights.”

113 Human rights training thus involves (1) different types of educational and
114 training activities⁸ that are (2) aimed at implementing human rights, preventing
115 human rights violations, and, ultimately, developing a culture of human rights
116 (3) by steering learning processes at the level of knowledge, skills, and attitudes.
117 (4) These activities should have an empowering effect on duty bearers, as well as
118 right holders.

119 The UN Declaration goes on to state that human rights education and training is
120 “a. education **about human rights**, which includes providing knowledge and
121 understanding, of human rights norms and principles, the values that underpin
122 them and the mechanisms for their protection, b. education **through human rights**,
123 which includes learning and teaching in a way that respects the rights of both
124 educators and learners; c. education **for human rights**, which includes empowering
125 persons to enjoy and exercise their rights and to respect and uphold the rights of
126 others” (Art 2 para 2, emphasis added).

127 The Declaration also highlights the fact that “human rights education and
128 training is a lifelong process that concerns all ages,” and it gives the didactical
129 instructions that “human rights education and training should use languages and
130 methods suited to target groups, taking into account their specific needs and
131 conditions” (Art 3).

132 Taking these concepts and principles seriously, human rights training of police
133 should be based on a comprehensive change perspective that has the clear objective
134 of implementing human rights in police practice and that is strategically aware of
135 the different dimensions of learning in response to concrete needs. Police personnel
136 should be equipped with the necessary knowledge, skills, and attitudes, as well as
137 the tools and adequate structures, in order to implement human rights. They should

⁷UN Doc. A/RES/66/137, 19 Dec 2011 <http://www2.ohchr.org/english/issues/education/training/UNDHREducationTraining.htm>; for a critical review of the UN Declaration on Human Rights Education and Training see Gerber (2011).

⁸This contribution uses education and training in an interchangeable way. Regularly, human rights education (HRE) is used as an umbrella term, see Gerber (2011).

be empowered to respect and uphold human rights and also, as right holders, to exercise their own human rights.⁹ Furthermore, police training should be shaped in a way that is respectful of human rights and thus contributes to internalizing human rights values.

13.2.2 The International Legal Framework for Human Rights Training of Police

It is well established in international human rights law that States have an obligation to undertake human rights training for police. Article 10 para. 1 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)¹⁰ contains an explicit obligation to include the prohibition of torture in the training of law enforcement personnel,¹¹ including the police. According to the CAT Committee, this obligation encompasses, i.a., training on the provisions of the Convention, on methods to detect signs of torture, on interrogation techniques; sensitization with regard to the needs of groups in situations of vulnerability; as well as evaluation of training programs.¹² The monitoring bodies of other UN human rights treaties have inferred similar obligations from treaty provisions. More precisely, training of law enforcement officials is required by the positive obligation to fulfill concrete human rights, in particular the prohibition of torture and ill-treatment, the right to personal liberty, as well as the right to nondiscrimination. The Human Rights Committee, established under the International Covenant on Civil and Political Rights (ICCPR),¹³ has stated in its General Comment 20 of 1992 with regard to the prohibition of torture and other ill-treatment in Article 7 ICCPR: “Enforcement personnel, medical personnel, police officers and any other persons involved in the custody or treatment of any individual subjected to any form of arrest, detention or imprisonment must receive appropriate instruction and training. States parties should inform the Committee of the instruction and training given and the way in which the prohibition of article 7 forms an integral part of the operational rules and ethical standards to be followed by such persons.”¹⁴ The Committee for the Elimination of Racial Discrimination, the

⁹See Sganga (2006), p. 74.

¹⁰GA res. 39/46, 10 December 1984, UN Doc. A/39/51 (1984).

¹¹International standards regularly use the term “law enforcement officials” as an umbrella term for “all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.” Commentary to Art 1 of the UN Code of Conduct for Law Enforcement Officials. This contribution uses the term “Law Enforcement Official” and “Police” in an interchangeable way.

¹²See e.g. Concluding observation on the second periodic report of Namibia, 1 February 2017, UN Doc. CAT/C/NAM/CO/2, see also Nowak and McArthur (2008), pp. 394–395.

¹³GA res. 2200A (XXI), 16 December 1966, UN Doc. A/6316 (1966).

¹⁴General Comment 20/1992, United Nations (2008a), p. 201 (para.10).

167 monitoring body of the International Convention for the Elimination of All Forms
168 of Racial Discrimination,¹⁵ has issued the general recommendation that “[l]aw
169 enforcement officials should receive intensive training to ensure that in the perfor-
170 mance of their duties they respect as well as protect human dignity and maintain
171 and uphold the human rights of all persons without distinction as to race, colour or
172 national or ethnic origin.”¹⁶ And the Committee monitoring implementation of the
173 UN Convention for the Elimination of Discrimination Against Women¹⁷ has put it
174 in this way: “Gender-sensitive training of judicial and law enforcement officers and
175 other public officials is essential for the effective implementation of the
176 Convention.”¹⁸

177 In addition to these obligations following from international treaties, there are
178 soft law instruments that contain explicit obligations regarding the training of law
179 enforcement officials. The UN Declaration on Human Rights Education and Train-
180 ing provides that States should undertake human rights training for all, including
181 State officials (Art 3 para 2) and, more specifically, for law enforcement officials
182 (Art 7 para 4). Other soft law instruments contain more detailed provisions and
183 guidelines for training of law enforcement officials. The UN Basic Principles on the
184 Use of Force and Firearms by Law Enforcement Officials (BPUFF)¹⁹ of 1990 are
185 most explicit. “All law enforcement officials . . . [shall] receive continuous and
186 thorough professional training” (18) and “those law enforcement officials who are
187 required to carry firearms should be authorized to do so only upon completion of
188 special training in their use” (19). More specifically, Basic Principle 20 stipulates
189 that “Governments and law enforcement agencies shall give special attention to
190 issues of police ethics and human rights, especially in the investigative process, to
191 alternatives to the use of force and firearms, including the peaceful settlement of

¹⁵G.A. res. 2106 (XX), 21 December 1965, U.N. Doc. A/6014 (1966).

¹⁶General Recommendation XIII/1993, United Nations (2008b), p. 276 (para.2).

¹⁷GA res. 34/180 of 18 December 1979, UN Doc. A/34/46.

¹⁸General Recommendation 19/1992, United Nations (2008b), p. 334 (para. 24 (b)). The general recommendation Nr. 19 on violence against women is currently in a process of being updated. The new draft circulated by the Committee for the Elimination of Discrimination against Women (2016) goes far beyond the 1992 version and reflects the involvement of thinking. States should “provide mandatory, recurrent and effective capacity-building, education and training for the judiciary, lawyers and law enforcement officers, including forensic medical personnel, legislators, health-care, education and social personnel, including that working with women in institutions such as residential care homes and prisons, to equip them to address gender-based violence against women adequately.” This should include: “i. The impact of gender stereotypes and unconscious bias, including their contribution to gender-based violence against women and inadequate responses in front of it, ii. The understanding of the situations of women, including those affected by intersectional discrimination, who are victims/survivors of gender-based violence, and ways to address them and eliminate factors, such as secondary victimization, that weaken women’s confidence in State institutions, and iii. Domestic legal provisions and institutions on gender-based violence against women, international standards and associated mechanisms and their responsibilities in this context. UN Doc. CEDAW/C/GC/19/Add.1 (para.15. (d)).

¹⁹Resolution adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1990.

conflicts, the understanding of crowd behaviour, and the methods of persuasion, 192
negotiation and mediation, as well as to technical means, with a view to limiting the 193
use of force and firearms.” Furthermore, “[l]aw enforcement agencies should 194
review their training programmes and operational procedures in the light of partic- 195
ular incidents” (20). 196

These UN standards regarding the obligation to training law enforcement offi- 197
cials are supplemented by standards at the regional level. The European Code of 198
Police Ethics, adopted by the Committee of Ministers of the Council of Europe in 199
2001,²⁰ states that “[p]olice training, which shall be based on the fundamental 200
values of democracy, the rule of law and the protection of human rights, shall be 201
developed in accordance with the objectives of the police” (26), that “[g]eneral 202
police training shall be as open as possible towards society” (27), and that “[g] 203
eneral initial training should preferably be followed by in-service training at regular 204
intervals, and specialist, management and leadership training, when it is required” 205
(28). Furthermore, “[p]ractical training on the use of force and limits with regard to 206
established human rights principles [...] shall be included in police training at all 207
levels” (29). And finally, “[p]olice training shall take full account of the need to 208
challenge and combat racism and xenophobia” (30). 209

Furthermore, the recommendations of the European Committee for the Preven- 210
tion of Torture (CPT), established by the European Convention for the Prevention 211
of Torture and Other Inhuman or Degrading Treatment or Punishment,²¹ are 212
relevant. The CPT has put forth a set of substantive standards that should contribute 213
to preventing torture and that also deal with training. In its Second General Report, 214
the CPT emphasizes “the great importance it attaches to the training of law 215
enforcement personnel (which should include education on human rights matters 216
...). There is arguably no better guarantee against the ill-treatment of a person 217
deprived of his liberty than a properly trained police or prison officer. Skilled 218
officers will be able to carry out successfully their duties without having recourse 219
to illtreatment and to cope with the presence of fundamental safeguards for 220
detainees and prisoners. [...] In this connection, the CPT believes that aptitude 221
for interpersonal communication should be a major factor in the process of 222
recruiting law enforcement personnel and that, during training, considerable 223
emphasis should be placed on developing interpersonal communication skills, 224
based on respect for human dignity. The possession of such skills will often enable 225
a police or prison officer to defuse a situation which could otherwise turn into 226
violence, and more generally, will lead to a lowering of tension, and raising of the 227
quality of life, in police and prison establishments, to the benefit of all 228
concerned.”²² In this connection, the CPT “encourages national authorities to 229
seek to integrate human rights concepts into practical professional training for 230

²⁰Rec(2001)10, 19 September 2001.

²¹26 November 1987, ETS 126.

²²European Committee for the Prevention of Torture (2015), pp. 20–21 (para. 59, 60).

231 handling high-risk situations such as the apprehension and interrogation of criminal
232 suspects; this will prove more effective than separate courses on human rights.”²³

233 In subsequent reports, the CPT has stressed the relevance of professional training
234 in the areas of questioning of criminal suspects²⁴; of dealing with irregular
235 migrants, both in detention²⁵ and during deportation²⁶; of juveniles held in police
236 custody²⁷; and of combating impunity, which sabotages “[a]ll efforts to promote
237 human rights principles through strict recruitment policies and professional train-
238 ing.”²⁸ Rather, “[p]ositive action is required, through training and by example, to
239 promote a culture where it is regarded as unprofessional – and unsafe from a career
240 path standpoint – to work and associate with colleagues who have resort to
241 ill-treatment, where it is considered as correct and professionally rewarding to
242 belong to a team which abstains from such acts.”²⁹

243 What is very clear from the above is the fact that States have far-reaching
244 obligations to provide for appropriate training of law enforcements officials, cov-
245 ering a broad range of issues and targeting the dimensions of knowledge, skills, and
246 attitudes. Partly, international standards are quite clear with regard to the content
247 and the modalities of training. It is interesting to note their strong focus on practical
248 skills, as well as on attitudes, in order to effectively contribute to respecting and
249 upholding human rights.

250 In addition, there are a series of initiatives within international governmental and
251 nongovernmental organizations that have shaped the contemporary understanding
252 of human rights training of police, in particular in the context of reform of police
253 organizations in countries of transition from authoritarian to democratic rule.
254 Human rights training has been a prominent part of police reform within UN field
255 operations,³⁰ the Council of Europe is continuously supporting police reform in its
256 member states,³¹ and the Organization for Security and Co-operation in Europe has
257 developed tools for police reform, including a “Guidebook on Democratic Polic-
258 ing”³² and “Guidelines on Human Rights Education for Law Enforcement
259 Officials.”³³

²³Ibid., p.29 (para. 60, footnote 1).

²⁴Ibid., p.9 (para. 34).

²⁵Ibid., p.70 (para.77).

²⁶Ibid., p.77 (para. 28) and p.81 (para. 42).

²⁷Ibid., p.85 (para. 100).

²⁸Ibid., p.102, para. 25.

²⁹Ibid., p.102, para. 26.

³⁰See e.g. O’Neill (2004).

³¹See e.g. Murdoch and Roche (2013).

³²OSCE (2006).

³³OSCE (2012a).

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13.2.3 Integrating Human Rights in Police Training

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The impact of human rights training on the ground will depend on the way it is integrated in police training. Thus, careful designing of this process of integration is needed. And, indeed, the above-described international standards regarding human rights training and the accompanying practice of the monitoring bodies have already given indications as to how human rights should be made part of police training. It is the OSCE Guidelines on Human Rights Education for Law Enforcement Personnel where the clearest strategic approach has been developed: “Considering the pivotal role law enforcement officials play in respecting, protecting and fulfilling human rights, human rights should be an integral part of all training for law enforcement officials, such as in investigation and arrest, the use of firearms and force, and reporting and communication with the public. This is necessary in order to ensure human rights-based training does not become dissociated from operational reality. Thus, an integrated holistic approach, rather than just teaching human rights as a separate subject, is encouraged. It is, however, advisable to provide one or more introductory sessions on human rights to present the legal framework and historical background of human rights in order to contribute towards the development of a solid basis for the acquisition of skills, knowledge and values during more in-depth professional training.”³⁴

Several points are relevant here.

First, human rights should be made an integral part of all training for police. This is in particular so with regard to regular police work and practices, from investigation techniques to arresting persons and dealing with conflicts, including the use of force and firearms. In addition to this being strongly stressed by international standards and the work of international monitoring bodies (see above Sect. 13.2.2), there are further good reasons for such an approach. From a didactical perspective, programs that embed human rights in classical police training have the advantage of making it practically relevant to a police audience that might be hesitant to accept theoretical trainings.³⁵ Experience in Austria where operational training regarding the use of force explicitly includes human rights, in the particular the principles of necessity and proportionality, is very positive.³⁶ Attention by operational police trainers to the importance of human rights enhances the perception of legitimacy of human rights as such. From an impact perspective, professional skills development is as regularly seen as most effective. The biggest empirical study on torture prevention says the following: “We found that training in all sectors had a positive impact, on police, prison staff, judges and prosecutors, as well as monitors and complaint handlers. [. . .] the country specific studies appear

³⁴OSCE (2012a), p. 16.

³⁵Chan (2003), p. 304.

³⁶Fundamental Rights Agency (2013), pp. 104–105; for an interview with the highest police officer in Austria regarding this approach. http://www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2011/03_04/files/POLIZEL_MACHT_MENSCHEN_RECHTE_II.pdf.

297 to show that training that focuses on developing professional skills is more likely to
298 be effective than training that simply familiarizes trainees with relevant human
299 rights norms.”³⁷ In particular, there is empirical evidence that professional investigation
300 skills reduce the reliance on confession and thus the risk of torture.³⁸

301 Second, an integrated holistic approach does not rule out the need for having a
302 separate subject on human rights. Introducing police to the basic ideas and conceptual
303 framework of human rights—the foundational knowledge (see Sect. 13.3.2)—
304 constitutes the basis for successfully applying it in all activities in a self-assured and
305 professional way. The extent to which human rights is taught as a separate subject
306 will depend on the particular context and target audience.

307 Third, some areas of necessary change, in particular those areas where prevalent
308 attitudes can be seen as the sources of concrete human rights problems, might need
309 special didactical settings of learning and reflection. Diversity and
310 nondiscrimination trainings are a clear case in point. This is recognized by international
311 human rights monitoring bodies,³⁹ and it is part of the training landscape in
312 many police training settings.

313 Fourth, as suggested by the UN Declaration on Human Rights Education and
314 Training, a continual process of learning should be instituted. In the specific context
315 of police, initial training should be followed by in-service training, which geared
316 toward police personnel at large. In addition, human rights should be part of the
317 training of police personnel in the context of career development.⁴⁰

318 Fifth, like any other professional training, human rights education for police
319 should be evaluated. This is an area that still seems to be widely neglected.⁴¹
320 Evaluation of human rights training activities is essential in order to gauge what
321 participants have learned, to understand which approaches and methods have been
322 successful and what could be improved in order to reach the objectives of training
323 programs.⁴²

324 Sixth, training should be linked to the broader context of police organizations.
325 Training activities should allow for discussion of follow-up measures at an organizational
326 level that make sure that the lessons learned and competencies gained are
327 fed back into police structures and operation. Conversely, operational practice,
328 challenges on the ground, and ways to handle them in accordance with human
329 rights should inform the choice of topics and methodology of training.⁴³ (For the
330 broader organizational perspective, see Sect. 13.2.5.)

³⁷Carver and Handley (2016), p. 632.

³⁸Ibid., p. 99.

³⁹See above under Sect. 13.2.2. and e.g. European Commission on Racism and Intolerance, General Policy Recommendation No.11, 29 June 2007, CRI(2007)39.

⁴⁰Art 28 European Code of Police Ethics (2001), Sganga (2006), p. 80.

⁴¹It is a regular recommendation of the CAT Committee to states to “develop and apply a methodology for evaluating the effectiveness of educational and training programmes relating to the Convention and the Istanbul Protocol.” See e.g. UN Doc.CAT/C/LKA/CO/5 27 January 2017; OSCE (2012b), p.43 et seq.

⁴²Equitas and OHCHR (2011).

⁴³See UN Basic Principles on the Use of Force and Firearms, Principle 20.

13.2.4 *Didactics: Principles of Effective Human Rights Trainings* 331 332

Proper attention also needs to be given to the didactical setting for carrying out 333
concrete human rights trainings with a view to achieving impact. There is substan- 334
tial academic and practical knowledge about adult learning, i.e. the conditions and 335
processes that influence whether and how adults can best learn and the objectives of 336
training activities can be achieved.⁴⁴ This section will be limited to some consid- 337
erations that seem to be particularly relevant in a police context and that have the 338
potential of enhancing the quality of training if systematically taken into account. 339

Contextualization: training programs for police need to be developed in light of 340
the specific context in which they take place. This refers to the main human-rights- 341
related problems that are caused by the way policing in a specific country is done, as 342
well as to the structure of police, its operational style, and its place within the 343
overall setting of the criminal justice system.⁴⁵ 344

Audience specificity and needs orientation: like any training, police training 345
should be specifically addressed to the particular audience and should take the 346
needs of participants as the point of departure. It will make a difference whether 347
training is designed for police recruits or for police leadership, both in terms of 348
content and in the choice of methods. Tailor-made needs assessments are important 349
tools for being as close and relevant to participants as possible.⁴⁶ 350

Clarity about the objectives of training and the desired outcomes: when the 351
concrete target audience is defined and their needs are known, it is important to 352
clearly determine what you want to achieve—what is the desired outcome of a 353
training; which change, at which dimension, is envisaged? Determining the objec- 354
tives of a training program is a crucial element, “the single most important 355
ingredient for designing active training programs.”⁴⁷ Directing the design process 356
toward a desired outcome or objective greatly helps to figure out the steps that are 357
needed to reach it, in particular which topics need to be dealt with by which 358
methodologies. It is current state of the art of police training tools to explicitly 359
state the objectives or expected outcomes both of training programs as well as of 360
particular parts or elements of it.⁴⁸ 361

Real-life problem solving: participants in adult trainings regularly want to see 362
the practicality of the topics addressed. This is clearly the case in police context. 363
Focus on actual practical problems that police officers face in the real world helps 364
not to “lose” them. It ensures that conceptual and theoretical notions are in fact 365

⁴⁴For a classic book on adult learning see Knowles (1998), for an adult training handbook, Silberman (2006).

⁴⁵Sganga (2006), p. 81.

⁴⁶Silberman (2006), p. 21 et seq.

⁴⁷Silberman (2006), p. 41.

⁴⁸e.g. OSCE (2012b), Fundamental Rights Agency (2013), United Nations (2000).

366 applied to the concrete situations from their experience and are thus considered to
367 be relevant and useful.

368 Furthermore, the following principles of adult learning are worth keeping in
369 mind: the level of content should be moderate and should ensure that concentration
370 on the most critical learning areas is possible. It is useful to distinguish clearly
371 between what is essential (need to know) and what is desirable (nice to know). Also,
372 any professional training should strive to achieve a balance between affective, AUS
373 behavioral, and cognitive learning: training is not only about gaining knowledge
374 and understanding of relevant concepts and facts (cognitive), but it is also about
375 fostering attitudes (affective) and developing and practicing skills (behavioral).
376 And lastly, a variety of learning techniques should be used as this contributes to a
377 helpful learning environment. It does so by keeping interest alive and by managing
378 the consequences of fluctuating energy levels. Furthermore, as humans learn in
379 different ways (auditory, visual, kinaesthetic learners), a variety of techniques is
380 indispensable for meeting the different learning needs of participants.

381 A further crucial issue concerns the selection of trainers as this determines the
382 general atmosphere of a training to a considerable extent. In a police context in
383 which human rights are regularly an emotionally charged topic and where a certain
384 resistance to a human rights approach might be expected, this is particularly
385 relevant. A tandem of trainers, one internal and one external, has proved to be
386 very helpful. A trainer from within the police is culturally close enough to the
387 audience so as to have the insider knowledge and to earn the trust of participants.
388 An external trainer can be useful in bringing a perspective from outside. Again, this
389 will depend on the target audience and on the learning objectives of the particular
390 training.

391 Finally, the social setting and group dynamics of the training must be considered
392 carefully. The UN Declaration on Human Rights Education and Training insists
393 that human rights education is also *through* human rights, which includes “learning
394 and teaching in a way that respects the rights of both educators and learners” (Art
395 2 para 2). Trainers need to develop sensitivity toward situations in training settings
396 that raise human rights issues, including when human dignity might be taken
397 lightly. Questions of freedom of expression and the right to participation, as well
398 as nondiscrimination issues, regularly pop up in training dynamics. Being sensitive
399 to them not only helps living up to one’s own responsibility regarding human rights;
400 concrete situations can also be used as didactical tools for highlighting the rele-
401 vance of human rights to all human interaction.

402 Furthermore, I have found the approach developed by Carl Rogers regarding the
403 “necessary and sufficient conditions”⁴⁹ of any helping relationships (which include
404 education and training) particularly helpful. Rogers’ basic assumption is that if
405 certain conditions are present, then personal development and learning will happen.
406 Central among these conditions are the following three: firstly, the trainer should be
407 a congruent, genuine, integrated person, with a clear sense of his or her own

⁴⁹Rogers (1992).

position. Secondly, the trainer should have an essentially nonjudgmental attitude 408
 toward the other persons, accepting the experience of others as it is. Thirdly, the 409
 trainer should show an empathic understanding of the other person, his or her 410
 internal frame of reference. Empathetic understanding means to sense the other 411
 person's private world as if it was your own, but without losing the "as if" quality.⁵⁰ 412

In my experience, these three attitudinal competencies are highly beneficial and 413
 useful in the sensitive context of human rights training for police where fundamen- 414
 tal questions regarding one's identity and self-understanding come up and one's 415
 deepest moral convictions are touched upon. These three competencies are also 416
 clearly in line with the basic attitudes and values that undergird human rights. 417

13.2.5 Human Rights Training in the Broader Context 418 of Police Organizations 419

Contemporary thinking about human rights education and training stresses that 420
 educational activities should not take place in isolation but that the organizational 421
 environment and other possible measures and interventions to address existing 422
 human rights problems need to be taken into account.⁵¹ This is certainly highly 423
 relevant to the context of human rights training for police. 424

Several issues merit consideration when approaching human rights training for 425
 police in a systematic and comprehensive way so as to enhance its impact on the 426
 concrete human rights situation. 427

As mentioned above, training activities should be linked to practical police work 428
 in two ways: processes should exist for supporting transfer of training content back 429
 into police structures and operations, and lessons from operational practice should 430
 inform the choice of topics and methodology of training. More generally, insights 431
 from organizational theory need to be taken into account: the effect of training will 432
 be limited if it is not supported by organizational structures and a conducive work 433
 environment.⁵² Human rights need to be visibly acknowledged within the organi- 434
 zation by internal decision-making processes like selection of personnel, advance- 435
 ment, communication and information strategies, management and leadership 436
 functions, disciplinary procedures, etc.⁵³ Put differently, prevailing organizational 437
 realities can undermine the objectives of human rights training. In particular, "the 438
 idea of a recalcitrant police culture being an impediment to reforms is one that has 439
 general currency"⁵⁴ in social scientific research of police. 440

⁵⁰Ibid., p. 829.

⁵¹Equitas and OHCHR (2011), p. 2.

⁵²Tracey et al. (1995).

⁵³Suntinger (2012), p. 622.

⁵⁴Chan (2007), p. 324.

441 Police culture is not a clearly defined concept. Most often it refers to the way
442 police officers on the street perceive and evaluate the social world and concrete
443 situations and take action accordingly. This “street cop culture”⁵⁵ can be very
444 different from the “management cop culture,” which rather finds expression in
445 official statements regarding its mission, strategies, etc. Organizational research
446 shows that it is the peer group, and thus cop culture, and not so much the larger
447 organization that influences individual behavior.⁵⁶

448 A recent ethnographic study on police culture in the UK has summarized the
449 main findings of police research regarding the core characteristics of police culture
450 in the following way: “Police [...] have an exaggerated sense of mission towards
451 their role and crave work that is crime oriented and promises excitement. They
452 celebrate masculine exploits, show willingness to use force and engage in informal
453 working practices. Officers are continually suspicious, lead socially isolated lives
454 and display defensive solidarity with colleague. They are mainly conservative in
455 politics and morality, and their culture is marked by cynicism and pessimism. The
456 police world view includes a simplistic, decontextualised understanding of crimi-
457 nality and officers are intolerant towards those who challenge the status quo.”⁵⁷

458 These cultural characteristics are reproduced through on-the-job socialization as
459 officers try to adapt to the demands of the police vocation. A study of a class of
460 police recruits in New South Wales, Australia, has shed an interesting light on this
461 socialization process. Using the theoretical concepts of Pierre Bourdieu, Janet Chan
462 has shown how this interplay between the police environment and individual
463 recruits works.⁵⁸ The habitus (dispositions, schemes of perception, and apprecia-
464 tion)⁵⁹ of young recruits is strongly influenced by his or her interaction with the
465 structures of the police field. This field is seen to exert a magnetic force on those
466 who find themselves in it and who internalize the characteristics of the prevailing
467 structures. Police recruits, who enter the field of police as new participants in a
468 weak position of power (of different forms of capital⁶⁰), undergo a process of
469 learning and of adjustment of their habitus. “The metamorphosis from a new recruit
470 to a police constable involved some major shifts in attitudes and values – changes in
471 the habitus. By the end of their field training, most probationers felt that they had
472 changed as a person. [...] Not surprisingly, the cohort had picked up some typical
473 elements of the occupational habitus of street-level policing: cynicism, dislike of
474 paperwork, and distrust of management and outsiders, including the general pub-
475 lic.”⁶¹ However, this process of adaptation is not a uniform process, and the field of
476 policing is susceptible to change, including in sensitive areas, such as willingness to

⁵⁵Ruess-Ianni and Ianni (2005), p. 297.

⁵⁶Ibidem.

⁵⁷Loftus (2010), p. 1.

⁵⁸Chan (2003).

⁵⁹Bourdieu (1989), p. 19.

⁶⁰Ibid., p. 17.

⁶¹Chan (2003), p. 305.

report misconduct by colleagues.⁶² Still “aspects of the habitus can be quite 477
 recalcitrant.”⁶³ The above-quoted more recent study of police culture in the UK 478
 reaches the following conclusion: “In the context of the reform, it is significant that 479
 the renowned features remain virtually untouched by initiatives aimed at changing 480
 everyday assumptions and behaviour.”⁶⁴ 481

Such knowledge is highly relevant for shaping training programs as it helps to 482
 put training and its potential for contributing to change into a realistic perspective.⁶⁵ 483
 Two issues seem relevant. First, it is important to recognize that police culture is 484
 quite stable, and police habitus, including attitudes toward others, cannot be easily 485
 changed. Second, if real change is to be achieved, the broader context needs to be 486
 taken into account. This would include intertwining of training and early practice so 487
 that experience and its effect on recruits’ habitus can be adequately reflected upon; 488
 recruitment processes of police, including screening in the light of attitudes toward 489
 human rights; attention to the role that human rights play in promotion within and 490
 dismissal from the police organizations; as well as the messages regarding human 491
 rights that come from leadership. Furthermore, broader societal developments, such 492
 as a greater willingness toward questioning authority or, conversely, greater accep- 493
 tance of harsh stances toward crime, might be relevant. 494

13.3 Dimensions and Elements of Human Rights Training 495

13.3.1 Introduction: The Triangle of Human Rights Education 496
 497

The purpose of this section is to present and discuss some main areas and issues of 498
 human rights training for police in the light of the considerations and principles 499
 outlined above. Again, it needs to be stressed that the approach reflects my own 500
 experience of what might be helpful ways of shaping human rights trainings. 501

The following presentation is structured along the triangle of human rights 502
 education, which is nowadays commonly used as an organizing principle and 503
 device for designing human rights training programs. Learning objectives (see 504
 above Sect. 13.2.4) can be formulated along the three dimensions of the competen- 505
 cies that police officers should acquire: knowledge and understanding, skills, 506
 attitudes, and values. As will be seen in the discussion below, these dimensions 507

⁶²Chan (2007), p. 343.

⁶³Ibid., p. 324.

⁶⁴Loftus (2010), p. 17.

⁶⁵For more on this see the very interesting study of human rights education for police in Germany of Günther Schicht, who explicitly situates human rights education in the context of a detailed description of police culture, Schicht (2007), pp. 29–46.

508 cannot be neatly separated from each other. Certain topics will be relevant for more
509 than one dimension of learning.

510 High-quality training will find a proper balance among these dimensions in line
511 with the particular objectives of the training program. This balance is related to the
512 desirability of having a good mix of cognitive, behavioral, and affective learning
513 techniques (see Sect. 13.2.4). AU7

514 Human rights trainings pose specific challenges with regard to finding the right
515 balance between these dimensions. First, as human rights come primarily in the
516 form of legal standards, there is a danger to focus strongly on presentations of the
517 law of human rights in the form of lecturing and presentations. And in the light of
518 the vastness of relevant legal knowledge—the contributions in this book are telling
519 proof of this—it is easy to succumb to the temptation to deal with it comprehen-
520 sively. Second, cognitive learning techniques are often preferred because they are
521 easier to use than more challenging didactical techniques. There might even be a
522 (culture-specific) reluctance to get involved in participatory techniques of learning.
523 Depending on the context, such reluctance might be a very legitimate consideration
524 because of the sensitive nature of discussions about human rights. Lectures might
525 be the only option in more formal settings, e.g. involving higher-rank police
526 officials.

527 As a result, this can lead to an overrepresentation of the knowledge part to the
528 detriment of the development of skills and, in particular, of attitudes, what can be
529 called the “knowledge fallacy” of human rights training. It is fundamental to
530 remember that human rights trainings that stay at the cognitive level will only
531 have limited effects and will not be able to address the full range of human rights
532 issues. Human rights raise basic moral questions and cannot be reduced to legal
533 standards only, despite the fundamental importance of the legal aspects of human
534 rights. Furthermore, human rights touch upon the fundamental attitudes of human
535 beings, e.g. how they see the world, themselves, and others. The relevance of
536 attitudes becomes apparent when one starts looking at root causes of human rights
537 violations, e.g. excessive stereotyping, in-group/out-group categorization.

538 Structuring trainings in a thoughtful manner around the three dimensions of
539 learning, having clear objectives in mind, goes a long way toward avoiding the
540 knowledge fallacy and achieving a proper balance between these dimensions.
541 Furthermore, it is essential to select content strategically, being aware of the
542 limitation of the human mind to digest information. The art of training is about
543 finding the right measure in this regard. Simple prioritization devices (“need to
544 know” versus “nice to know”) can be helpful for steering the way.

545 The following sections give an overview of what these dimensions contain. As
546 the nature and scope of this paper does not allow for going into a detailed
547 discussion, only selected issues will be dealt with. More can be found in other
548 documents, in particular the Police Training Manual of the EU Fundamental Rights
549 Agency and the OSCE Guidelines on Human Rights Education for Law Enforcement
550 Officials.

13.3.2 Knowledge and Understanding About Human Rights 551

Knowledge and understanding is the first part of the three dimensions of learning. In the light of the above considerations regarding the knowledge fallacy, I have found it helpful to differentiate between what could be called foundational knowledge on the one hand and more specialized knowledge on the other hand.

Foundational knowledge and understanding refers to some key concepts with regard to human rights and policing that all participants in police trainings should fully grasp. The Manual of the Fundamental Rights Agency follows such an approach by proposing two initial modules that deal with these basic issues, which can be said to constitute the core ideas of a human rights perspective to policing.⁶⁶

13.3.2.1 Foundational Knowledge 1: Human Dignity, Human Rights, and Corresponding Obligations 562
563

The first point concerns the idea of human rights and their functions in a democratic society. “The idea of human rights is as simple as it is powerful: treating people with dignity.”⁶⁷ The human rights edifice can be seen as standing on two basic pillars: (1) the central idea of human dignity of every human being that is concretized in specific human rights, (2) the corresponding obligations to respect and ensure human dignity and human rights.

Human dignity is a good starting point of all discussion about human rights. Human dignity as inherent in every human being is a powerful idea, not only because it is firmly enshrined in international and national legal documents but also—and probably more importantly—because people relate to it emotionally; they feel when human dignity is violated, when their worth as a human being is diminished.⁶⁸ Thus, as human beings, we seem to have a tendency to be sensitive toward violations of dignity, and we have a moral compass and empathy, which allow us to feel with and act for those whose dignity is violated. The central idea of human dignity is concretized in specific human rights norms and standards, laid down in a vast array of legally binding and nonbinding international instruments. These human rights are universal, indivisible, and interdependent. They pertain to

⁶⁶Fundamental Rights Agency (2013).

⁶⁷John Ruggie, former UN Special Rapporteur on Business and Human Rights, UN Doc A/HRC (Draft Guiding Principles).

⁶⁸It is interesting to note that this central importance of the concept of human dignity and, more generally, of humanistic principles is increasingly supported by empirical research. The work that prison researcher Alison Liebling has carried out on the quality of life in prison is one of the most advanced ones in this regard. She has made clear that values such as humane treatment, fairness and legitimacy among interviewed prisoners and staff are rated highly for assessing quality of life in prison, positively influencing the overall well-being and creating better and safer prison climate. Liebling (2011).

581 all human beings, without any distinction made on the basis of certain character-
582 istics. Obviously—and this is regularly an important part of human rights
583 training—police officers have human rights. AUB

584 The second pillar brings into focus the ethical and legal implications of the idea
585 of human dignity and human rights. Human rights carry responsibilities and
586 obligations. At the ethical level, this brings the responsibility of human beings to
587 act toward each other in a particular way. The well-known Golden Rule—as an
588 ethical principle, found in religious and nonreligious ethical systems worldwide—is
589 regularly an excellent starting point for this discussion. “Do not do unto others what
590 you do not want others do to you” (the negative version), or “Do unto to others what
591 you would like them do to you.”⁶⁹ (the positive version). Human rights can be seen
592 as a modern expression of this principle. Ethically, this could read: act in a way that
593 you respect and promote human dignity of yourself and others. Translated into the
594 technical language of international human rights law, State officials have the AU9
595 obligation to respect, protect, and fulfill these human rights:⁷⁰

- 596 • Negative obligation to respect human rights: the State must not take action that
597 restricts human rights unduly. State organs, including the police, have to refrain
598 from actions that are not based on law or are not necessary to achieve a
599 legitimate aim. Unjustified interferences with human rights constitute human
600 rights violations.
- 601 • Positive obligation to protect human rights: the State is obliged to take positive
602 measures to protect human rights of one person against human rights abuses by
603 another person (at the horizontal level). Failure by State organs, including the
604 police, to take reasonable and appropriate steps to protect constitutes a human
605 rights violation.
- 606 • Positive obligation to fulfill human rights: the State is obliged to take positive
607 measures to ensure that human rights are implemented. This includes legislative,
608 administrative, judicial measures. Failure to take reasonable and appropriate
609 steps constitutes a human rights violation.

610 States thus have comprehensive negative and positive obligations so that every
611 person under their jurisdiction can enjoy his or her human rights.

612 Linked to this, it is useful to discuss the specific functions that human rights
613 serve in a democratic society based on the rule of law. As a fundamental part of
614 State constitutions, human rights provide the ground rules for the exercise of State
615 functions, and they contribute to creating an environment in which human beings
616 “can shape their lives in accordance with liberty, equality and respect for human
617 dignity.”⁷¹ More specifically, human rights help satisfy the needs of human beings

⁶⁹For different versions of the Golden Rule see Fundamental Rights Agency (2013), p. 35.

⁷⁰It has become standard to understanding obligations regarding human rights, using the trias of obligations: respect—protect—fulfill, in particular in the context of UN human rights treaties, notwithstanding the fact that the texts of the treaties might use different language; see Nowak (2003), pp. 48–51.

⁷¹Nowak (2003), p. 1.

by securing the conditions for their fulfillment, they protect core human values (like life, physical and psychological integrity, freedom, security, dignity, equality) against abuse by the State (respect) and against abuse by other people (protect), and they help remedy situations of exclusion and marginalization. Finally, they provide a mechanism for balancing out the different legitimate interests that exist in society and thus serve as a kind of conflict resolution device.

13.3.2.2 Foundational Knowledge 2: The Double Role of Police with Regard to Human Rights

The second key concept in the context of police training refers to the self-understanding and perceived role of the police within the State structure and the wider society. Which role do police have on the basis of a human rights approach?

The starting point for discussing this issue is the abovementioned types of State obligations that result from human rights law: police have a negative obligation to respect human rights, as well as a positive obligation to protect human rights.⁷² Regularly, police officers know about and focus on the negative obligation to respect human rights, i.e. the limits that human rights set to police powers and actions. Thus, they might see them primarily or even exclusively as an obstacle and a potential threat to effective police work. On the other hand, they are much less aware of the positive role of police with regard to human rights, i.e. the fact that their daily work actually serves to protect human rights. This broader perspective on human rights often comes as a real surprise to those who encounter it for the first time, although it can squarely be based on international human rights law. The consequence of such an approach is that a positive image of police as a “social service of great importance”⁷³ can be constructed: as an institution that is fundamentally concerned with protecting human rights. So the fundamental dichotomy is not anymore police effectiveness versus human rights or security versus human rights but rather how the different human rights and interests involved can be balanced with each other in an adequate way, guided by the underlying principles of human rights.

Obviously, such an image of a police comprehensively based on human rights is one that might be difficult to reconcile with the reality of policing and the public image of police in many countries. So its concrete usefulness will depend on the context. However, this positive framing⁷⁴ of police as an organization protecting human rights has major advantages for dealing with the challenges of human rights implementation in a training setting, but also beyond. The creation of a positive

⁷²For reasons of simplicity and concrete relevance in a police context, the discussion here only deals with the positive obligation to protect.

⁷³Basic Principles of the Use of Force and Firearms, preambular paragraph 1.

⁷⁴Regarding the importance of framing of issues for decision making see Tversky and Kahneman (1981).

653 self-understanding and police identity with regard to human rights⁷⁵ tends to
654 develop greater openness to engage with the more critical issues of human rights
655 as well, including the ever-present risks of abuse that is linked to their special
656 position as having the monopoly on the use of force. It also helps to initiate and
657 maintain dialog with external stakeholders, including with nongovernmental
658 human rights organizations.

659 As a further element contributing to self-understanding, it is important to discuss
660 the relationship between professionalism and human rights. Several points are
661 relevant. First, the practically most relevant human rights principles of necessity
662 and proportionality of means are also principles of professional policing and have
663 been developed independently of and prior to human rights.⁷⁶ Applying them
664 requires highly developed professional skills (see below Sect. 13.3.3). Second,
665 acting in accordance with human rights will contribute to guaranteeing the profes-
666 sional quality of police work so that, i.a., its results can be used in court pro-
667 ceedings. Third, there is empirical evidence that better developed professional
668 skills, in particular with regard to investigation techniques (including interviewing
669 and the use of technical means), reduce the risks of human rights violations, in
670 particular ill-treatment and torture.⁷⁷ It is thus no exaggeration to state that profes-
671 sional policing is in most cases tantamount to acting in line with human rights.

672 13.3.2.3 Specialized Knowledge: Human Rights Norms and Procedures

673 Several other more specific areas of knowledge will supplement these basic points
674 of foundational knowledge and should be integrated into training programs
675 according to the needs and interests of participants and in light of the learning
676 objectives. These include the historical development of human rights; basic ele-
677 ments of the system of (international) human rights protection; important interna-
678 tional human rights documents; specific contents of human rights norms relevant to
679 police work, including the prohibition of torture and ill-treatment and the principle
680 of nondiscrimination; State institutions that protect human rights, such as courts,
681 national human rights institutions, national preventive mechanisms, as well as
682 social movements and organizations that work for human rights.⁷⁸

683 As one can see from this enumeration, much of this knowledge on human rights
684 is related to the law. Human rights law can come from national law, in particular
685 State constitutions, as well as from international law. National laws normally figure

⁷⁵On the importance of sense-making in an organizational perspective, as applied to police, see Chan (2007).

⁷⁶A good example for this is the development of German police law, see Schröder (2015), pp. 330–331.

⁷⁷Carver and Handley (2015), pp. 78–81 and 99.

⁷⁸For more on possible knowledge content see OSCE (2012b), pp. 24 et seq., Fundamental Rights Agency (2013), p. 14, Crawshaw (2008).

prominently in any discussion of human rights related to police practice, and this is obviously useful for being close to the reality of police. It is advisable, however, to also deal with international human rights law as many innovative normative developments come from this international level.⁷⁹

13.3.3 Skills and Human Rights

In order for human rights to become a living reality, a certain set of skills, i.e. “the ability to do something well,”⁸⁰ are essential. It is through these skills and supporting attitudes (see Sect. 13.3.4) that human rights principles can be internalized, which is probably the only sustainable way of respecting and protecting them.

13.3.3.1 Operational Skills

As mentioned already, the principles of necessity and proportionality are central to human rights; they run like a red thread through human rights law and also police law. While having a sound knowledge about the principles of necessity and proportionality is important, any police training must be geared toward developing the skills to apply these principles in practice. Police officers need to be able to assess potential risks, think of different options of action, and identify the least intrusive measures in order to achieve a legitimate aim, balance out the different interests involved, etc. And they should be able to do all this in stressful or even dangerous situations where everything passes very quickly, in the “heat of the moment.”

Operational skills encompass situation and risk assessment skills; communication skills, including intercultural communication; skills of peaceful settlement of conflicts; the understanding of crowd behavior; the methods of persuasion, negotiation, and mediation’ tension-defusing skills; physical skills; use of firearms in line with necessity and proportionality; interviewing of suspects and witnesses; skills for dialoguing with the community and external stakeholders, including with minority communities.

In terms of training programs, an adequate amount of time should be dedicated to the developing and maintaining of these skills, and suitable didactical forms should be used, primarily experiential training formats, such as scenario training. From a human rights perspective, it would be advisable to include human rights considerations explicitly in the reflection and analysis of practical training.

⁷⁹Sganga (2006), pp. 82–83; Schicht (2007), p. 51, whose research found that international human rights law was practically absent in police training in Germany.

⁸⁰<http://www.oxfordlearnersdictionaries.com/definition/english/skill?q=skill>, (accessed 28 February 2017).

718 **13.3.3.2 Analytical and Reflection Skills**

719 In addition to operational skills for applying human rights in concrete settings, any
720 self-assured way of using a human rights perspective requires a set of analytical
721 skills. These skills allow to assess concrete situations in the light of human rights
722 and to decide whether a certain behavior is in compliance with human rights or not.
723 In other words, these skills help answer the question “what is a human rights
724 violation?”—a question frequently raised in human rights trainings.

725 This analytical process is based on human rights law and is typically applied in
726 the case law of human rights courts.⁸¹ In a simplified version, this analysis involves
727 two basic steps:

- 728 • In a first step, the concrete human rights applicable to a concrete situation are
729 identified, and it is asked whether the State has taken an action that interferes
730 with the human rights identified or whether the State is obliged to take an action
731 to protect/fulfill the human rights identified.
- 732 • In a second step, the State’s interference with a human right or the omission of a
733 required measure is analyzed with regard to its possible justification. Regularly,
734 a central element of this analytical process is the test of necessity and propor-
735 tionality. Interferences with human rights that are not based on the law, do not
736 pursue a legitimate aim, or are not in line with the principles of necessity and
737 proportionality constitute a human rights violation (obligation to respect). The
738 omission of appropriate measures that States can be reasonably be expected to
739 take constitutes a human rights violation (obligation to protect/fulfill).⁸²

740 Applying this analytical process to concrete case scenarios of police action or
741 omission has proved to be very helpful and has been appreciated by participants in
742 trainings, for several reasons.⁸³ Firstly, it helps police trainees to arrive at well-
743 founded human rights assessment of a situation or action, including of their own
744 actions. Secondly, it helps to understand and discuss the decisions of international
745 and national human rights bodies. Thirdly, possessing these analytical skills also
746 serves as a basis for professional communication with relevant stakeholders,
747 including nongovernmental human rights organizations. Lastly, this analytical
748 process empowers police officers as right holders to claim their own human rights
749 within the police organizational structures.⁸⁴

⁸¹Nowak (2003), pp. 56–61.

⁸²For a detailed presentation of this approach, including case studies, see Fundamental Rights Agency (2013), Module 3, p. 69 et seq.

⁸³On the basis of experience in human rights education for police in Austria where this approach is systematically used for more than a decade, see Suntinger (2005).

⁸⁴Fundamental Rights Agency (2013), Module 6, p.161 et seq.

13.3.4 Attitude and Human Rights

750

The causes and sources of human rights violations often lie at the level of the attitude, e.g. discriminatory patterns of thinking, lack of respect toward certain groups of people. Attitudes are “the way that you think and feel about somebody/ something; the way that you behave towards somebody/something that shows how you think and feel.”⁸⁵

Recommendations of international human bodies often ask States to initiate training or other measures to tackle the attitude dimension of human rights implementation. This dimension is also firmly integrated in modern training approaches, as found, e.g., in the OSCE Guidelines on human rights education for law enforcement officials and in the Police Training Manual of the Fundamental Rights Agency. The latter proposes the following list of attitudes to be given attention to in trainings: “respect for oneself and for others based on the dignity of all persons; valuing and commitment to equality; equality with respect to sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation; confidence in considering human rights as a goal and basis of police work; awareness of one’s own responsibility; empathy towards others, including for non-dominant parts of society; open mindedness; valuing of and willing to engage with external stakeholders, including communities and monitoring institutions; openness to reflection; readiness to learn from mistakes; preparedness to deal with criticism; acceptance of diversity in society and its implication for policing.”⁸⁶

It is obvious that this is the most difficult dimension of any training, certainly the one where it is most difficult to know whether concrete results are achieved. Also, as discussed above (Sect. 13.2.5), social science research suggests that attitudes are strongly shaped by the environment and the prevailing police culture, with consequences for what training programs can achieve. Furthermore, change in attitudes might take place over time and cannot be measured easily.

AU11

As it is beyond this contribution to discuss this part in any detailed way, I will only mention some considerations. First, a comprehensive understanding of the role of police with regard to human rights, in particular their positive role in protecting human rights, has the potential of translating into and fostering of a positive attitude toward the values underpinning human rights. Reframing of police as an agent for human rights protection allows positive self-identification with human rights and makes it easier to create openness toward considering problematic police behavior and to initiative process of critical self-reflection. Also, a plausibly argued link between professionalism and human rights opens the space for a sober and nuanced discussion of the dilemmas involved in police work, as well as self-reflection.

⁸⁵<http://www.oxfordlearnersdictionaries.com/definition/english/attitude> (accessed on 24 February 2017).

⁸⁶Fundamental Rights Agency (2013), p. 15.

789 Finally, the notion that human rights might benefit police officers as right holders
790 helps break the widespread notion that human rights are only for those affected by
791 police action.

792 Second, several of the characteristics of police culture, as described above, are
793 located at the attitudinal level, and these attitudes might run counter to those that
794 undergird human rights. It is helpful in a training setting to be aware of these
795 characteristics, in particular those related to cynicism about and stereotyping
796 toward certain segments of society, as well as those leading to mutual protection
797 and solidarity even in case of serious misconduct. Any police trainer will come
798 across these discussions, obviously when questions regarding the investigation of
799 allegation of ill-treatment and related human rights come up.

800 Third, there is a growing trend to make attitudinal issues around discrimination
801 and policing in increasingly diverse societies as a subject matter of specific training
802 programs. Diversity and nondiscrimination trainings, intercultural communication,
803 countering hate crimes, including of a homophobic and transphobic nature are
804 nowadays widely found in police training settings.⁸⁷ These initiatives are partly a
805 reaction to particularly grave human rights violations, partly to a more general trend
806 toward greater societal awareness of discrimination and successful campaigning by
807 social movements. The evolution of this trend is clearly visible, e.g., in the new
808 draft General Recommendations 19 of the CEDAW committee (see FN 18 above).
809 However, trainings attempting to mold participants' attitudes are particularly chal-
810 lenging and need to be carefully conceived in order to reach the target audience and
811 not be derided by participants as overly moralizing and missionary or, in the words
812 of participants in a police study in Australia, as "warm and fuzzy stuff"⁸⁸ that is not
813 relevant to police practice. There is, however, clearly positive experience with
814 diversity trainings for police, e.g. in Austria, carried out in cooperation with the
815 Anti-Defamation League and using well-tried methods of awareness raising.

[AU12]

816 13.4 Conclusions

817 This contribution has tried to present a somehow tentative but still coherent picture
818 of what I have found useful to take into account when developing human rights
819 education programs for police. My overall conclusions are as follows.

820 First, it is of fundamental importance to take a strategic approach to human
821 rights education for the police. This includes thinking through the following
822 questions thoroughly: what is the context in which a particular police organization
823 operates, and what are its characteristics? Who is the target audience? What are the
824 concrete needs of participants? Which change should be achieved and by which

⁸⁷ See Module 5 of Fundamental Rights Agency (2013), p. 133 and Annex 4.

⁸⁸ Chan (2003), p. 303.

didactical choices and methods? And how does the training link to other human- 825
rights-related initiatives involving the police? 826

Second, taking a strategic and impact-oriented outlook at training involves 827
finding the right measure with regard to three basic challenges: balancing the 828
relevant learning dimensions of knowledge, skills, attitude; balancing theoretical 829
and practical training; and balancing the need for reduction on the one the one hand 830
and the need for keeping the required complexity. 831

Third, training needs to be understood as one of many measures to achieve 832
human rights change within the police and cannot be seen as panacea or an end in 833
itself. It is necessary to develop a realistic understanding of training in the broader 834
organizational context based on relevant social scientific research. Such an under- 835
standing should be present in police training institutions, but also with police 836
management and also external stakeholders. 837

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Author Queries

Chapter No.: 13 417623_1_En

Query Refs.	Details Required	Author's response
AU1	In the sentence 'Often, however, it appears that human rights trainings... ', please check if change made from 'an end in itself' to 'an end in themselves' is acceptable.	
AU2	Please check if edit made to the sentence 'In subsequent reports, the CPT has stressed...' is ok.	
AU3	Please check if edit made to the sentence 'It is interesting to note their strong focus on...' is ok.	
AU4	Reference "OSCE (2006), Carver and Handley (2015)" are present in the text but not present in the list. Please provide the reference in the list or delete it from the text.	
AU5	In the sentence 'Also, any professional training should strive to ... ', please confirm if it is indeed 'effective' training and not 'effective' training.	
AU6	Reference citation "Suntinger (2013)" has been changed to "Suntinger (2012)". Please check.	
AU7	In the sentence 'This balance is related to the desirability of...' please confirm accuracy of the phrase 'affective learning techniques'.	
AU8	Please check if insertion of 'is' is correct here: 'Obviously—and this is regularly an important part of human rights training'.	
AU9	Please check if edit made to the sentence 'Translated into the technical language of...' is ok.	
AU10	In the sentence 'The creation of a positive self-understanding ... tends to create ', 'create' was changed to 'develop' to avoid redundancy. Please check if appropriate.	
AU11	'Furthermore, change in attitudes might place over time' was changed	

	to 'Furthermore, change in attitudes might take place over time.' Please check if correct.	
AU12	In the sentence 'Third, there is a growing trend to make...', please check if insertion of 'as' before 'a subject matter' did not alter its intended meaning.	
AU13	Reference "Amnesty International (2015)" was not cited anywhere in the text. Please provide a citation or delete the reference from the reference list.	

Uncorrected Proof