

Critical Triggers:

IMPLEMENTING INTERNATIONAL STANDARDS FOR POLICE FIREARM USE



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A lesson in crowd control: Czech police officers in riot gear train in August 2000.

Modern, professional policing is a complex task. This chapter focuses on a specific but crucial aspect of this task, namely the use—and misuse—of force and firearms by law enforcement officials.

Police decisions to use armed force have broad repercussions for the societies they are meant to protect. In the first instance, police use of force and firearms is a core human rights issue. Under international law, states are sworn to respect the human rights of their citizens. National policing is a key testing ground of that commitment—and of a state's commitment to the rule of law generally.

The use or misuse of firearms by police is equally a factor in small arms proliferation. When civilians do not trust the state to provide security, they often fall back on local structures—and on themselves—to fill the gap. The most immediate consequences are a rise in individual gun ownership and the risk of spiralling levels of armed violence. If the public has little or no confidence in state security forces, measures to control small arms and remove surpluses from society are less likely to succeed.

This chapter highlights critical issues relating to the implementation of international standards for police use of force and firearms. Its sample of examples from high, middle, and low-income countries illustrates the many challenges and problems arising in this area worldwide.

Police firearm misuse involves a violation of such fundamental human rights as the right to life and the right not to be tortured or subjected to cruel, inhuman, or degrading treatment or punishment. The chapter reviews the normative framework that governs the use of force and firearms by law enforcement officers at both the international and national levels, including the *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*. A number of other human rights norms are also relevant. These rules apply both to societies at peace and to those that have declared states of emergency.

Although national rules vary considerably in their formulation, it appears that certain critical principles are ever more widely shared. In general, states accept that any use of force by police must be limited to what is necessary under the circumstances and proportional to the objective at hand. In almost all states that have signed up to international civil and political rights standards, these principles—necessity and proportionality—restrict any form of firearm use by police to situations involving self-defence, or the defence of members of the public against a direct threat to life or limb.

With this background, the chapter moves to specifics, comparing state practice with relevant norms in a wide range of areas that shape the legitimate and illegitimate use of force by police.

As awareness of the importance of public perceptions has spread, modern policing has begun to emphasize the need for police officers to develop and sustain the trust of the communities in which they work. Such an approach contrasts with the more militaristic policing traditions still prevalent in many parts of the world, especially in post-colonial societies, which frequently concentrate on the protection of the state and ruling elites, rather than that of citizens. Strong links between the police and the community are crucial to promoting good policing practices, minimizing the recourse to firearms, and enhancing human security.

Police use of force and firearms is a core human rights issue.

This chapter also reviews the specific rules governing the use of firearms against persons in custody or detention, vulnerable persons, and crowds. Standards and practices relating to the selection and training of police officers, police equipment, and weapon storage are equally essential to preventing recourse to excessive or inappropriate force. Systems that oversee police conduct and ensure that officers are held accountable for excessive force or firearm misuse serve to deter further abuses and generally uphold the rule of law.



A Manila police officer disperses two opposing political factions in the Philippines in May 1998.

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In many parts of the world, political manipulation, or institutionalized corruption and criminality have led to the breakdown of security and policing systems. Yet policing institutions—even when devastated by civil war—can be rebuilt. The final section of this chapter illustrates some of the difficulties of reforming police structures in post-conflict societies.

This chapter's selection of national practices demonstrates that a large number of states around the world are not adhering to international policing standards.

Policing that is consistent with the requirements of the *UN Basic Principles* requires significant resources—not least for training, equipment, and the establishment and operation of oversight mechanisms. A number of developing countries, however, are succeeding in their efforts to comply with such standards, with or without international assistance. Resources are clearly important for good policing, but ultimately it is political commitment that determines whether it is firmly rooted in respect for human rights.

Although there is some good news, policing in many countries appears to fall well short of international standards.