

Policing from a Human Rights Perspective

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Abstract:- The community, the government, and the international community all suffer when human rights are violated during an investigation. Because of this, this study aims to determine why and how police breach the fundamentals of human rights and what steps should be done to protect them when conducting investigations. Every civilization has a police force that is charged with maintaining law and order, upholding justice, the rule of law, preventing crime, and defending human rights. It is the job of the police to carry out the process of arrest, search, and seizure in accordance with the law without neglecting duties; regardless of the circumstances in which the police find them, they should act towards every human person with a sense of duty and care for human rights. The arrest, search, and seizure protocols established to guarantee the preservation of human rights must be followed by the police. Human rights and policing are two notions that go hand in hand. Contrary to popular assumption, however, effective law enforcement and respect for human rights are incompatible. It is important to question whether this is indeed the case and whether the idea of human rights is one that has only lately been introduced and is more akin to a restriction on the police force. It is argued that the idea of human rights is incompatible with efficient law enforcement because the latter would necessitate occasionally "bending the laws".

Keywords:- Policing, Law Enforcement Officers, Human Rights; Human Rights-Friendly Policing.

I. INTRODUCTION

In a democratic system, the primary duty of the police is to uphold the law impartially and to act as a law enforcement agency, with no regard for the wishes, indications, or desires of the government that are in opposition to or do not follow the laws or the Constitution. The police have a duly accepted service-oriented role in providing relief to individuals in distress circumstances and are expected to be taught and be well equipped to conduct the service oriented functions. Police officers will be more in tune with their service-oriented position and, as a result, with the defense of the general public's human rights, the more sincerely they carry out their duties. When every government agency operates in accordance with the guiding principles of human rights, the protection of human rights should be actually accomplished. Because of the nature of its powers and functions, the police department is the most significant government entity responsible with protecting human rights (De Rover, 1998: 149-150).

The maintenance of peace and order, which is a necessary element of the complete and efficient implementation of human rights, is the reason that police organizations exist (Wilson, 1950:17). The only way the government can fulfill its obligation to defend citizens' human rights from public and private intrusions is by performing the police's role properly (Crawshaw, et. al, 1998: 9). This suggests a direct connection between the police's responsibilities and the defense of human rights. By defending human rights, the police's corresponding obligations toward those rights serve to restrain their own authority. They are the end consequence of a legally required compromise. Based on this compromise, the police are entitled to use their authority only as permitted by law and in the course of their official tasks. The conflicted balance between ensuring a free and secure society and individual human rights has led to the creation of the police's authority (Crawshaw, et. al, 1998: 10). They are designed to allow the police to carry out their duties without approving an unjustified or excessive interference with personal freedoms and rights.

The police must always remember that the obligations placed on them that constrain their authority are necessary to protect the rights of all people. Regardless of the situation they are in, the police should treat every person with respect for their rights and a feeling of obligation. The police must carry out the arrest and seizure procedures in accordance with the law without skipping any steps. The police have a responsibility to treat people in their care humanely and with respect since everyone's fundamental human rights are inextricably linked to their natural human dignity (Drzewicki, 1996: 65). The theme that goes across all of the aforementioned documents is that effective policing necessitates a complete dedication to and thorough engagement in the defense of citizens' human rights. Most of the time, the thought may not be expressed clearly, but the underlying stream, ethos, and emphasis are always present. The themes and analyses that follow will make this reality quite evident. These are the areas where the police and the public interact. Each of these subjects has a variety of facets, therefore individual chapters may have been written on them. However, every effort has been made to address the key points in each of these subjects. Given how closely related these topics are, there was some overlap in the information when discussing them.

II. HUMAN RIGHTS CONCEPT

Formerly known as the "Rights of Man," the term "human Rights" is now used to refer to them. When Eleanor Roosevelt learned that some regions of the world did not understand the rights of women to include those of men, she encouraged the usage of the term "human rights" in the 1940s. The term "natural rights" had been superseded earlier by the rights of man (American Academy of Arts and Sciences Journal, 1985: 173). Human rights are by definition an inalienable moral obligation. That that is due to every human being simply because he is human, something that all men everywhere, at all times, ought to have, something that no one may be deprived of without serious affront to justice (Fowler, 1987: 70).

The aforementioned definition should be closely followed to understand what human rights are and how they are developed. The phrase "Human Rights" denotes both their nature and their origin: they are rights that one has just by virtue of being a human (Asfaw, 1987:6). If a right is deemed to be a human right, it is generic and universal in nature and is held by all people in the same manner (Claude & Weston, 1992:17). Because they are people, all people should be entitled to basic human rights. All people and all human beings share a commitment to upholding human rights, regardless of their race, gender, sexual orientation, language, religion, nationality, ethnic background, familial situation, or political or other convictions (Gane, and Mark Mackarel, 1997: 19). All people have the right to human rights, regardless of their differences. The "fundamental rights and freedoms that all human beings have" are referred to as human rights. All people have inherent rights, regardless of their race, nationality, location of residence, sex, ethnicity, skin tone, religion, language, or any other status. Without exception, each of us has an equal claim to our human rights. All of these rights are mutually dependent, indivisible, and interconnected.

The word "Human Rights" can be defined as "the legal entitlements which every individual as a human being holds," according to De Rover (1998:68). These rights are universal and belong to everyone, regardless of wealth, gender, or criminal or innocent status. The inalienable and unalienable rights of every individual to life, security of person, liberty, and the right to be treated humanely and in accordance with the law are referred to as "human rights" for the purposes of this study. Human rights are also evolving. This means that there isn't a set, complete list of human rights. They participate in a dynamic movement that constantly adds new members and permits outgoing ones to disappear as societal and economic circumstances alter. It is not a corpus of law with fixed provisions determined by statutes created more than a century or even a decade ago. Instead, it is a useful set of broad ideas that may be applied to the fundamental idea of humans living in a variety of varied, frequently changing contexts (Freeman, 2011:12).

Regardless of a person's citizenship, race, or language, they are entitled to human rights, which are universal, inalienable, and indivisible rights related to human dignity.

Human rights' main purpose in society is to oppose existing rules, customs, institutions, and practices; however, how they are actually put into reality depends on particular social settings. However, what does the idea of human rights express. According to Donnelly, every man has some rights just by virtue of being a person. (Donnelly, 2003: 290). They are fundamentally moral rights since they place a priority on the life and dignity of people. This point of view emphasizes a fundamental human rights principle, namely "humanity," even though it does not explain why specific individuals should have rights.

Human rights, according to the UN High Commissioner for Human Rights, are universal legal protections for individuals and groups against government actions that trample upon fundamental liberties and human dignity. Above all, human rights law holds governments accountable and forbids them from taking certain actions. The following are some of the most frequently stated aspects of human rights: they are universal, equal, and interdependent; they are guaranteed worldwide; they are legally protected; they are focused on protecting people and actors; and they cannot be waived or taken away (United Nations, 2001).

The Commonwealth, on the other hand, asserts that there are numerous definitions of human rights and that individuals may disagree and fight about the appropriate significance of the various specific rights. Examining the many perspectives on the nature, source, and effects of human rights will be crucial when dealing with them; in other words, human rights can be described in a variety of ways. It might be characterized as commonly acknowledged standards of fairness and justice that each person possesses owing to their humanity, or as moral rights that are due to everyone equally simply because they are human beings (**Commonwealth, 2006**). As stated in the Universal Declaration of Human Rights (UDHR), which was adopted by the UN General Assembly on December 10 of that year:

"Every human being is born free and with equal rights to dignity. People should behave toward one another in a brotherly manner since they have reason and conscience".

According to Mubangizi (2004), human rights are frequently referred to by a variety of terms, including fundamental rights, basic rights, natural rights, and common rights. To avoid confusion, natural and common rights are those that are believed to belong to all men and women due to their shared human nature and are shared by both men and women. Fundamental and basic rights are those that cannot be restricted by any legislation or act of the state and are outlined in the country's fundamental law. Human rights are defined as those that belong to a person, or in other words, as those that one has simply by virtue of being a human, according to the explanation. To be entitled to human rights, one only needs to be a human being; no further qualifications are necessary (Mubangizi, 2004:2).

Human rights are frequently defined, expressed, or guaranteed by law at the international level in the form of treaties, conventions, customary international law, general principles, and other legal instruments that are acknowledged by nearly all States, specifically the 192 sovereign nations that are members of the United Nations. Governments are also required by international human rights legislation to take specific actions or refrain from taking specific actions in order to advance and defend the fundamental liberties and rights of individuals or groups. These rules are designed to stop government employees from abusing their positions of authority. It is vital to stress that respect for human rights remains inviolable over the performance of police responsibilities and functions until it is demonstrated that the exercise of particular rights runs opposed to the requirements of morality, law and public order, and the general welfare of the people. Furthermore, no one is required to grant you these rights, and no one is permitted to revoke them or otherwise deprive you of them. Your rights must be upheld everywhere you go, just as you must uphold the rights of others. In a democratic society, police officers occupy a unique position since the state grants them the authority to use force when required. Police acts and the use of force are severely constrained by human rights, which hold them to the standards of necessity, proportionality, and legality. These limitations aid in ensuring that police respect human rights and aim to utilize the least invasive methods possible when taking action.

Police personnel must not only uphold human rights but also actively defend them, such as by arresting a suspect when necessary to safeguard the rights of others. Human rights are the cornerstone of police activity due to this obligation to defend. Human rights are those aspects of life that enable us to reach our greatest potential and hone our intellectual and spiritual abilities. An atmosphere like this rejects generalizations about people and upholds their inherent worth. Human rights are not only a theoretical idea for philosophers and lawyers; they have an impact on every man, woman, and child in society on a daily basis. Human Rights Declaration of the United Nations Article 28 Everyone is entitled to a social and international system that allows them to fully exercise their human rights and freedoms as outlined in this Declaration. In order to preserve the conditions necessary for the implementation of human rights, which include preserving public order, upholding the law, preventing and detecting crime, and providing help and service to the general public, the police are crucial.

Regardless of a person's citizenship, race, or language, they are entitled to human rights, which are universal, inalienable, and indivisible rights related to human dignity. Human rights' main purpose in society is to oppose existing rules, customs, institutions, and practices; however, how they are actually put into reality depends on particular social settings. According to Donnelly, every man has some rights just by virtue of being a person (Donnelly, 2003: 290). These are fundamentally moral rights since they place a priority on the life and dignity of people. This point of view emphasizes a fundamental human rights principle, namely "humanity," even though it does not explain why specific

individuals should have rights. Human rights are liberties like life, liberty, security, and other assurances to which all persons as members of the human race have the right. They are typically considered as unalienable rights or claims that every person has against the state or society just because they are a person.

Human rights have been described as fundamental moral protections that people in all nations and cultures are said to be entitled to just by virtue of their humanity. The term "rights" implies that these protections belong to specific people who can exercise them, that they are of great value, and that adherence to them is required rather than optional. Human rights are frequently believed to be independent in the sense that they exist and are available as standards of justification and criticism whether or not they are recognized and upheld by the legal system or officials of a country. They are also frequently held to be universal in the sense that all people have them and should be able to enjoy them (Nickel, 1987: 34).

The moral doctrine of human rights seeks to define the essential conditions for each person to have a life that is at least minimally good. Human rights, such as the right to torture and the right to health care, seek to define both the necessary adverse and advantageous conditions for living a minimally good life. Since 1948, when the Universal Declaration of Human Rights was first adopted, this aim has been codified in other declarations and legal agreements, most notably the European Convention on Human Rights (1954) and the International Covenant on Civil and Economic Rights (1966). These three volumes together make up the core of a moral system that many believe can serve as the equivalent of an international bill of rights for the current geopolitical order (Fagan, 2005).

As a result, the doctrine of human rights is perfectly positioned to give people a potent tool for morally evaluating the legitimacy of the modern national and global forms of political and economic authority that stand in our way and assert their control over us. The importance of the human rights doctrine in modern moral and political discourse cannot be understated. For many of its most ardent proponents, the human rights theory seeks to offer a morally sound foundation for governing the current geopolitical system. Human Rights refer to the "basic rights and freedoms that all human beings have." Rights are inherent to all human beings, regardless of nationality, place of residence, sex, national or ethnic origin, skin color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent, and indivisible. According to the Universal Declaration of Human Rights (UDHR) proclaimed by the United Nations General Assembly in December 10, 1948:

"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

The function of the police has many elements, including that of a service provider, the most obvious representation of the government, with a monopoly on the use of force, and a margin of discretion in a position that necessitates making decisions immediately in potentially complicated circumstances. Police personnel must be held accountable for their acts and exhibit a high level of professionalism in order to fulfill these many requirements. Mechanisms for internal and external control and oversight make up police accountability structures:

- The judiciary, legislative bodies like parliamentary human rights committees, ombuds institutions or human rights commissions, civilian complaint boards, national prevention mechanisms set up under the UN Optional Protocol to the Convention against Torture, national equality and non-discrimination bodies, NGOs and the media are all examples of external mechanisms in a democratic system.
- The UN and the European level both have international human rights organizations. Probably the two organizations with the greatest effect on police in Europe are the ECtHR and the European Committee for the Prevention of Torture.
- Internal procedures for control and review support those on the outside. These include leadership responsibility, internal reflection and assessment of operations with a view to feeding back relevant results into the organization, and internal complaint and investigation systems.

III. HUMAN RIGHTS AND POLICING

One way that nations can comply with or violate their commitments under international law, which is to ensure that the rights and freedoms of people living under their authority are respected and protected, is through the use of policing. The degree to which police officials' attitudes and behaviors toward the people and organizations they regularly and personally encounter with as part of their work as police officers determines how well certain of these commitments are fulfilled.

Human rights-friendly police is a notion that is currently in its early stages of development. The terms "human friendly policing" and "public friendly policing" are interchangeable (Fasihuddin, 2012). The definition of this notion in this essay refers to a kind of police that is proactive, safeguarding, and committed to upholding human rights. One such policing strategy is HRFP, which is carried out by police departments with adequate funding and by the use of trained officers who treat everyone they come into touch with in a civil and lawful manner. Beginning with the victims, perpetrators, witnesses, common visitors, and community members are all included in this. Under this approach, the police are considered as defenders of the human rights of all citizens in general, as well as of minorities and/or individuals who are denied their freedom. In this study, the definitional framework is further explained.

➤ *Colonial or regime policing designates the police as guardians of the state rather than as protectors of the people. It frequently shows a focus on upholding law and order without making any mention of safeguarding human rights. In a colonial setting, the police would:*

- Mostly respond to the ruling government rather than the people;
- We are in charge of managing populations, not defending the neighborhood;
- A propensity to uphold the rights of a single dominant group; and
- Must remain outside the community (CHRI 2007)
- The alternative is democratic policing. It is founded on the concept of responsibility. An impartial police force is one that:
 - Is subject to the law and does not operate independently of it;
 - has obligations to democratic institutions and the public;
 - Is open and honest about its operations;
 - places defending individual rights and safety as the primary operating priority;
 - Non-governmental organizations that defend human rights;
 - Provides specialized services; and
 - It serves as a good representative of the neighborhood.

A democracy's police force is solely focused on maintaining safe neighborhoods and applying the law impartially and without discrimination to everyone. The International Police Task Force of the United Nations.

➤ *Transparency*

Another essential component of democratic policing is transparency, which accountability helps to promote. To help the police system become more transparent, the key findings of external mechanisms should be disclosed. Police must cooperate with the media in a reasonable manner, keeping in mind data security and the presumption of innocent, in order to maintain transparency. The public release of records, including crime statistics and the findings of internal investigations, as well as the creation of channels of connection with communities, are all examples of transparency.

➤ *Professionalism and Effectiveness*

Professionalism is necessary to ensure that human rights are the standard for policing, and it also tends to increase it. Professional information collecting and evidence collection lessens the incentive to coerce confessions, supporting the ban on torture and other cruel treatment. Successful questioning of a suspect needs legal and sociological knowledge as well as a variety of talents, including rhetorical, psychological, and analytical abilities. The officer must also scrupulously adhere to human rights norms. Upholding professional standards, ethical standards, and technical policing aptitude all depend on one another. Technically inept police officers are more prone to act inappropriately to achieve their goals. A police officer who relies on inappropriate behavior to achieve objectives will also not acquire the technical policing abilities required to

become a qualified professional. Human rights organizations seek for the use of technical skills that are best applied in best practice to oppose police. The pursuit of goals in the least invasive manner could be viewed as the "art of policing".

➤ *Trust and Confidence*

Effective police work necessitates the confidence and trust of the general populace. If a specific segment of the populace does not believe that the police are there to protect and respect them, effective policing is not possible. It is crucial that police develop relationships with the public and set up effective communication channels. Building confidence is facilitated by policies that ensure police accountability and transparency. Establishing institutionalized engagement with communities through venues for open discussion, community advisory boards, and open days are all parts of programs to actively reach the populace. The development of suitable communication mechanisms can be influenced by the community policing strategy. Evidently, establishing and keeping trust requires a clear acceptance of and adherence to human rights. The nondiscrimination concept is especially important in interactions with marginalized populations.

Trust and confidence are necessary for a police officer to work professionally with the general people. Police officers who act sexually inappropriately with a member of the public they have interacted with at work weaken their profession, betray trust, take advantage of an imbalance of power, behave impolitely, and may even commit a crime. Such actions may also reflect poorly on other police officers and have an adverse effect on how well they get along with the communities they serve.

➤ *Relationship between Human Rights and Police*

The International Covenant on Civil and Political Rights (1948) and the Universal Declaration of Human Rights (1948) both list protection of one's life, liberty, and security as essential human rights (1966). Preventing crime, looking into crime, and maintaining public order are the three basic police duties. So, upholding social order, or the general public's order, is a core police duty. Similar to this, the basic purpose of human rights is to safeguard, advance, and uphold certain fundamental human interests, such as public order. The fact that upholding social order is essential to both law enforcement and human rights indicates that safeguarding those rights is in and of itself a police role. Via their police forces, the states guarantee that their citizens' human rights are protected. The entire social system will be viewed as failing if the police are unable to safeguard the people's lives, liberties, and security.

On the other hand, the human rights values also govern how the police operate and provide their services. Additionally, the protection against double standards and retrogression is meant to shield citizens against abuse at the hands of law enforcement officers, regardless of the authority they may be using or the duties they may be carrying out. The essence of human rights friendly policing as envisioned in this study is this reciprocal interaction,

interdependence, and co-relation of human rights protection and police activity (Crawshaw, 2010).

IV. FEATURES OF DEMOCRATIC POLICING

- In fact, democratic ideals must guide all forms of law enforcement. Individuals' rights are best protected by democratic governments, whose police have fully embraced and put into reality the type of policing that is founded on strong democratic principles. So, for any policing to be considered democratic, the following characteristics must be present;
- Rather of being a law unto itself, the police system is subject to the law. Demonstrating a great respect for the law, particularly the constitution and human rights law, are democratic police institutions. The police, like all members of the government, are required to conduct themselves in accordance with local laws as well as international standards and rules, including the obligations related to human rights outlined in international law. Infractions by police officers are subject to disciplinary action both internally within police organizations and externally in the criminal justice system;
- It is also answerable to democratic political systems. Since the police are a government entity, they have to answer to the government. In a democratic society, the police are held accountable for their actions and use of resources by elected representatives of the people, such as parliaments, legislatures, or municipal councils. Democratic police institutions are also held "horizontally" accountable to other governmental departments, such as the Treasury or Finance Departments for their financial performance and occasionally the Public Service Commissions or Departments of Administration for their adherence;
- Places defending individual and private group rights and safety as its top operating priority. The public must be the police's first priority. The police should be receptive to the needs of many community members, especially those who are weak, marginalized, or disadvantaged;
- Upholds human rights, particularly those necessary for democratic political participation. Democratic policing entails police that upholds and respects human rights and places a priority on preserving an individual's life and dignity. This necessitates that the police take extra precautions to safeguard the liberties that define a democracy, including the freedoms of speech, association, assembly, and mobility, as well as the freedom from arbitrary detention, expulsion, and arrest. The police may find themselves in a tough situation under a democratic system if, for instance, they are obligated to uphold human rights while also enforcing harsh laws. These circumstances;
- Demand the expert application of trained police judgement, which must always err on the side of (CHRI, 2007).

In a nutshell, the police are in charge of defending the public's rights. Only when there is a breach or violation of the laws, which are in place to safeguard the same offenders

and the rest of society, may some rights be denied. Nonetheless, there are situations when police work outside the bounds of national laws and current professional codes. Also, in democratic regimes where the police are responsible to state laws and support the democratic principles of the rule of law and respect for citizens' rights, police can best defend the rights of citizens.

➤ *Police Officers as Law Enforcers*

Police are authorized to use force when it's necessary to uphold the law, deter crime, and prevent it from happening. No statute has more jurisdiction over police as law enforcers than the human rights code. All laws ought to be applied and construed strictly in conformity with human rights standards, according to accepted legal doctrine. Police safeguard human rights such the right to property, life, physical and mental integrity, personal liberty, and security when they stop or identify a crime.

➤ *Police Officers as Service Providers*

In the past, police were largely considered a force and a tool of state control. This viewpoint has changed, and now many people view police as public servants who serve the community. Police officers serve as service providers who protect people's human rights by spotting crimes and putting a priority on preventing crimes and human rights violations. Governmental agencies like the police collaborate with non-state entities like communities to recognize and address issues with crime and disorder. In order to better serve the public, state representatives like the police interact with local communities.

A stronger emphasis on crime prevention than on crime detection and on initiatives to address the root causes of crime results from this perspective of police. International human rights instruments, such the UN Code of Conduct for Law Enforcement Authorities and the Council of Europe's Declaration on the Police (1979) and The European Code of Police Ethics (2001), also make unambiguous reference to police as service providers (1979). The OSCE Guidebooks on Democratic Policing (2006), Good Practices in Developing Police-Public Partnerships (2008), and Police and Roma and Sinti: Good Practices in Building Trust and Understanding (2010)² contain comprehensive instructions on how to carry out important changes.

➤ *Policing and Human Rights – are not in Conflict: “Human Rights are the Objective of Policing.”*

- The police play a critical role in upholding human rights. The foundation and goal of police are human rights;
- It is in everyone's best interest for human rights to be upheld and respected in order to ensure lasting social harmony. In order to keep society peaceful, police play a crucial role. They contribute to preserving and defending respect for human rights by identifying and averting crimes;
- People's rights by establishing clear guidelines for legality, necessity, and proportionality, effective policing can be improved. These values bolster the rule of law and instill confidence in the government;

- By assuring a higher respect for human rights when police acquire evidence that is later utilized in court proceedings, policing that is based on human rights serves to improve the successful administration of justice. The prevention of evidence being declared inadmissible due to wrongdoing is made possible by respecting human rights.

➤ *Policing and Human Rights – are in Conflict: “Human Rights are Merely an Obstacle to Police Work.”*

- Everyone has a claim to human rights since they are founded on human dignity. The human rights of a criminal can be constrained to a certain amount, with detention often affecting not just the right to personal freedom but also the right to privacy and family through restrictions on visiting hours, phone use, or general detention rules. But, a complete denial of a criminal's rights would contradict the concept of human rights, which guarantees at least a minimal level of humanity and dignity under all circumstances.
- Not comprehending the advantages of human rights for a just, peaceful, and inclusive society, for both individuals and the police, indicates a lack of awareness of the benefits of human rights. Make sure to have a detailed discussion of the purposes of human rights as well as the role of the police in protecting human rights if a negative perception of human rights emerges.
- In serious situations, like child abuse, it may be difficult for some participants to see why an alleged abuser should be treated with respect and dignity, and this viewpoint may come up in the training session. Arguments with such strong emotions present specific difficulties for the trainer. Before responding on an academic level by making reasons, the trainer should deal with the emotional component clearly, in this case by noting how challenging it is to treat those who have committed horrific things with dignity. The basic arguments mentioned above can then be introduced and discussed. The instructor should make care to emphasize the idea that human rights are indivisible and unalienable and should not be bestowed in a selective manner. On the basis of "why they have rights at all and how they are limited," the rights of criminals can then be explored.

The police's latitude for action as well as their capacity to foster confidence and collaborate with the public are important additional linked problems.

➤ *The Police's Margin of Discretion*

What makes the police's job so challenging is juggling competing interests while taking the right actions to uphold their duties to respect and protect. In accordance with the concepts of necessity and proportionality, police must limit their interference with a suspect's human rights to the absolute minimum. But, police must also provide adequate protection to a person in danger at the same time. While police officers are working, this balancing act results in a setting that is emotionally trying and difficult.

Despite the fact that laws define a structure and offer instructions for carrying out police tasks, some operational independence and discretion nevertheless exist. Laws can never cover every possible circumstance that a police officer can face, such as when to stop an automobile or how to handle unpleasant or confrontational behavior. A police officer who has a margin of discretion can adjust his or her approach to each unique circumstance while taking into account all the pertinent circumstances of each case. But in order to exercise this discretion, the police officer must also present a professional demeanor and a strong sense of accountability.

Police sometimes have to make decisions in difficult, ambiguous, and emotionally taxing situations, such as conflicts or violent crimes, which makes the right use of discretion extremely challenging. When something goes wrong or there is an issue, police are summoned. They are forced to make snap decisions in the heat of the moment, frequently in a matter of seconds and without planning. Police supervisors and judges, in contrast, assess and analyze police actions after the event, after the outcome has been determined and when there has been enough time for analysis. It is inevitable that the two viewpoints will diverge, and people who afterwards analyze the events will never be able to fully comprehend the situation in its dynamics at the time. It is precisely when defining the scope of police discretion—particularly in tense circumstances—that ethical and human rights principles—not as facts, but as internalized attitudes—become particularly pertinent. The norms of equality and proportionality—including considering less intrusive means or ceasing if the harm from police action would obviously outweigh its benefits—are of the utmost importance from the perspective of human rights.

➤ *Trust and Partnership with the Public: Central to Policing*

The institution of the police should enhance people's perceptions of their own and the general public's security. The police must address the fundamental causes of the public's emotions of unease, as well as varied requirements and interests, while also addressing worries. Building community trust is a crucial duty for the police, one that has an impact on how they engage and communicate with the public. Take a police presence in a public area as an illustration. Its presence can give the public a sense of security and protection, but it can also create a sense of fear and unease, leading people to believe that "something must be wrong" and that they are in danger. This is especially true if the police are fully equipped. Trust in the police is equivalent to faith in the state because they are the state's most obvious representative. Without it, the public won't be willing to report crimes or give police the data they need to do their jobs well. Those who are disadvantaged in society frequently lack trust.

V. HUMAN RIGHTS ABUSE BY POLICE

People in the community typically interact with the criminal justice system for the first time through the police. Regrettably, this experience has been tainted by pervasive corruption, unauthorized detention and arrest, disproportionate use of force, and a lack of response to concerns. These are all signs of a police force operating under a system and without being held responsible for its acts (CHRI, 2007).

➤ *Illegal Arrest and Detention*

Without a doubt, such actions violate citizens' fundamental rights, which are safeguarded by Article 8 of the European Convention. Similar to this, Article 17 of the International Covenant on Civil and Political Rights states that no person shall be the target of arbitrary or unlawful intrusions into his or her right to private, family, home, or correspondence, or of unlawful attacks on his or her honor or reputation. The most frequent police-related complaint brought to the Commission of Human Rights and Administrative Justice concerns illegal arrest and imprisonment. The Constitution forbids detaining someone for longer than 48 hours before bringing them before a court, yet this rule is frequently broken. Police in the Volta area had detained a guy on suspicion of theft, according to a May 2006 Chronicle newspaper report. This incident serves as an illustration of the wrongdoing that frequently occurs. The suspect spent three and a half days in custody, had his or her request for release denied, and was not given the chance to appear in court within 48 hours (Tamakloe, 2006).

➤ *The Police and the use of Force*

The law permits police to use physical force. Nonetheless, in many autocracies, one-party regimes, and even some democracies, the employment of the police is misunderstood as a tool of the ruling elite to retain control over the general populace (CHRI, 2007). The use of force is restricted under accountable police systems and must be carried out in accordance with more general legal frameworks, such as international law, state commitments, domestic policing law, individual rights, and the functioning of the criminal justice system. In addition to the law of the land as it pertains to every citizen, professional regulations, standards of conduct, and norms also place restrictions on policing (ibid).

Blood in the streets, wounds on victims, and burial plots are signs of excessive use of force in policing. Police in Ghana frequently employ excessive force, as shown by the blood on the streets, the wounds the victims are carrying, and the burial plots. Excessive use of force can take many forms. For example, in 2006, there were a number of high-profile shootings in which police murdered unarmed civilians while subsequently claiming to have feared the victim was an armed robber. The stadium riots in Accra in 2001 demonstrated the police organization's incapacity to manage crowd control without resorting to excessive use of force; 126 people were murdered as a result of the police response (ibid).

➤ *All Police Officials to Upheld Human Rights*

- Always uphold political neutrality and independence
- Do all obligations impartially and without regard to factors like race, color, sex, language, religion, or politics;
- Uphold and defend everyone's human rights, including those that are necessary for political processes;
- Preserve social order so that democratic political processes can be carried out in accordance with the law and the constitution.

➤ *Commanding and Directing Personnel:*

- Guarantee that the police department's policies and tactics are founded on respect for democratic government;
- Create strategies to identify the community's unique needs and address them;
- Ensure that the police department's membership is reflective of the entire community by implementing fair and nondiscriminatory hiring and management procedures;
- Guarantee that hiring practices and training programs are created to attract and retain police officers who are able and willing to satisfy the requirements of democratic policing under democratic rule.

➤ *The Dilemma of Policing*

Police must use the least amount of force necessary to defend citizens' rights. The police's job is to support the establishment of such social and international order. For instance, they must defend the laws that protect residents' lives. There shouldn't be a clash between policing and human rights. Police work entails defending human rights (Sydney, 2007). The first line of defense in the defense of human rights is a police force that is functional. Its members carry out their duties in a way that does not rely on intimidation and brute force, but rather on respect for the law, integrity, and professionalism.

➤ *Police Powers*

The primary duties of the police are to protect the public by preventing crime, holding criminals accountable, and upholding law and order. To carry out these obligations, you must have some kind of power:

• *Arrest*

In the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, the word "arrest" has been defined. The process of detaining someone after learning of their alleged involvement in an offense or as a result of official action.

• *The Goals of Making an Arrest in Law Enforcement are:*

- ✓ To prevent someone from performing or executing an unlawful act;
- ✓ To allow an inquiry into an alleged illegal act committed by the person detained to be conducted;

- ✓ To bring a person before a court so that any charges brought against them can be considered.

• *Search and Seizure*

Police are given the authority to search people and their property, as well as to seize any goods they suspect of being used in a crime. In particular, searches of people, their residences, other property, and vehicles, as well as the interception of letters, phone messages, or other communications, must be fully authorized and required for legitimate law enforcement purposes.

➤ *Investigate*

The first step in the administration of justice is the investigation of crimes. The goal of an investigation into a crime is to gather evidence, locate the offender, and present that evidence in court. It is the process through which those who have allegedly committed crimes are brought before the court. Investigation has been described as the following more specifically. The systematic pursuit of the truth is largely focused on clarifying the crime scene on the basis of both objective and subjective evidence. Subjective traces are the evidence of people...who are directly or indirectly involved in the act of crime. Objective traces can be categorized as the material proof and the objective explanation thereof, which is the so-called mute, indirect, or circumstantial evidence. Therefore, conducting a thorough investigation into a crime involves keeping a close eye out, asking thoughtful questions, and compiling data that will disclose the truth (Nherere and Engelbronner-Kolff, 1993).

- Ascertain that every person has a right to security;
- Everybody is entitled to a fair trial;
- Until a crime is established, everyone is deemed innocent;
- No one shall be arbitrarily subjected in their private residence, with their family;
- No one shall be subjected to unlawful attacks on his or her honor, reputation;
- Subjects, witnesses, or victims shall not be subjected to coercion from anyone;
- Act professionally and kindly, treating all suspects as though they are innocent.

➤ *Detained Person(S)*

Those who are being held have the following rights:

- The right to humane and hygienic conditions during the arrest, including enough water, food, sanitation, housing, and rest, as necessary, taking into account the amount of time spent in police custody;
- The right to speak with and visit with family members, friends, and, if necessary, consular officials or an embassy;
- The right to access already-existing medical facilities, to request and receive emergency medical aid, and to request and receive a medical examination;
- The right to interpreters as well as the right to information in accessible formats;

- The ability to request release on bail or a bond while under investigation, being questioned by a law enforcement official, or appearing in court;
- The right to immediately contest the legitimacy of their arrest before an appropriate legal authority.
- The right to unrestricted access to complaint and enforcement channels.
- The right to reasonable accommodations, which guarantees people with disabilities equal access to substantive and procedural rights.

• *The United Nations' instructions for the police and law enforcement. The following are some directives from the UN regarding the importance of upholding human rights in their work:*

- ✓ Ethics and legal behavior: Officials must respect human dignity and rights, report laws, codes, and guidelines to advance human rights in a nondiscriminatory environment;
- ✓ Obeying higher orders is not a defense for violating human rights through torture and illegal killing;
- ✓ Ensuring that police officers are aware of the people's legal rights and powers;
- ✓ Police should defend the populace impartially and fearlessly;
- ✓ Speak against the ethnic or racial stereotyping or slurs in the community; Reward the police officer who has good terms with people relationships;
- ✓ Neighborhood policing.

➤ *Selected Human Rights Principles That Are Important for Policing*

The Universal Declaration of Human Rights was endorsed by the UN in 1948. Although it wasn't the first time the idea of human rights was discussed or even used, it was the first time a universal understanding of what those rights entailed. People's ability to exercise their human rights should never be based on their ethnicity, gender, class, sexual orientation, abilities, or any other aspect of their identity. Since everyone is born with the same rights, regardless of where they reside, their gender, color, or religious, cultural, or racial background, they are universal. In terms of police, the following Selected Human Rights Standards apply:

• *The Right to Life*

No one, not even the government, has the right to take another person's life. This means that no one may be given a death sentence by a judge. Because of this privilege, neither the general public nor the government are permitted to murder you. The government must enact laws that safeguard human life and defend you if your life is in danger because it is their duty to uphold human rights. The right to life is frequently brought up in conversations about conflict, police brutality, the death penalty, and self-defense.

• *The Right to Freedom from Torture and Inhumane Treatment*

This right is one of the "negative" rights in the UDHR, which means freedom from something. It states that no one should be subject to "torture or to cruel, inhuman, or degrading treatment or punishment." This applies to medical and scientific experimentation, meaning that no one should be subjected to it without consent. The UDHR specifically says that the government needs to protect people with disabilities because they are at an increased risk for degrading treatment. This means that no one can be put in prison without good reason; be detained without trial; be tortured in any way or be treated or punished in a cruel, inhuman or degrading way. It means that all humans have a right to be free from all forms of violence from either public or private sources. Arrested, detained and accused persons any arrested person has a right to a lawyer and cannot be forced to speak or to make a confession. Prisoners must be kept in proper living conditions and may have visits from family members.

• *The Right to Equal Treatment before the Law*

According to a 2017 assessment by the South African Human Rights Commission, this right is the one that is most frequently infringed in South Africa. Everyone is equal and deserves to be treated similarly, according to the right. You have the right to live without being subjected to discrimination on the basis of your race, gender, sex, marital status, ethnic or social origin, color, sexual orientation, age, disability, religion, conscience, belief, culture, language, or place of birth, among other factors. According to the right to equal protection, which is guaranteed by laws like the US Constitution, people must be treated fairly under the same circumstances as others. A person's human rights are violated when they are treated differently by the law because of factors like race or gender. Equal protection is outlined in Article 7 of the UDHR: "All are equal before the law and are entitled to equal protection of the law without any discrimination.

• *The Right to Privacy*

Nobody, not even the government, has the authority to search your home or property or even seize your assets without first going through the required legal procedures. Your privacy in communication cannot be violated by the government, including by accessing your mail or listening to your phone calls. The right to privacy is recognized in more than 150 national constitutions. It shields citizens from intrusive government or corporate surveillance. This right is defined as freedom from "arbitrary interference with his privacy, family, home, or correspondence" in Article 12 of the UDHR".

• *The Right to Asylum*

This privilege has been in existence since the dawn of time. It frequently included a religious element. Churches were permitted to defend anyone who sought refuge inside or on church grounds, including criminals. People who are forced to leave their native nations due to persecution are now protected under the right to refuge. Along with the

1951 Convention Relating to the Status of Refugees, it is listed in the UDHR.

- *The Right to Marry and Have Family*

According to this right, every person of "full age without any restriction based on race, nationality, or religion" has the right to wed and have children. Additionally, both parties in the marriage must freely and voluntarily consent. No one has the right to wed a non-consenting party. As a result of the fact that the right to marry is not unaffected by national legislation, some marriages (such as those between close relatives) may be prohibited.

- *The Right to Freedom of Thought, Religion, Opinion, and Expression*

Everyone has the freedom to express their thoughts, practice their faith, and alter their beliefs. This is true for both private practice and communal action. The freedom to "seek, receive, and impart information and ideas through any media" is likewise protected by this right. "Freedom of expression" or "freedom of speech" is regarded as the most significant right in many nations. Discussions on what constitutes "protected speech" are common.

- *The Right to Work*

Several work-related issues are covered by this right. Everyone has the right to work, as well as the right to "favorable conditions" and unemployment insurance. Additionally, people must have the freedom to organize and join unions as well as the right to equal remuneration for equally hard work. Worldwide, the concept of "equal pay for equal work"—which interacts with discrimination based on race and gender—remains a contentious topic.

- *The Right to Education*

Although all human rights are interconnected, many people believe that the right to education should be given top priority worldwide. Education shall be free through primary school, according to the UDHR. It should be possible to pursue postsecondary education as well as technical and professional training. The accessibility of its higher education system is a problem in the United States, where student debt is a significant issue. Women and girls still encounter enormous obstacles to education on a global scale.

- *The Right To Social Services*

"Social services" make sure everyone lives up to a specific standard. This requirement is "adequate" for an individual's and their family's well-being and health, according to Article 25 of the UDHR. That provides security in the event that someone is unable to work due to disease, unemployment, etc., as well as clothing, housing, food, water, and medical treatment. Although the UDHR does not mention "universal healthcare," individuals utilize Article 25 to support this objective.

VI. CONCLUSION

The strange thing is that we frequently forget that everyone has rights, including police officers. Justice won't be able to bring those responsible to justice for a very long time. Two institutions have been established in order to protect rights and social interests. The law of the land ultimately determines the nature of a human act. As we usually read in the press or in the media, the police frequently claim that human rights organizations are stopping them from carrying out their tasks. Police officers routinely deal with physical handling, the use of force to detain or arrest someone, mob control, and disruptions of the peace when carrying out their jobs. The human rights commission looks at these circumstances to determine whether the procedures are being followed. Therefore, if the police officers uphold the law, there will never be any violations of human rights because they are there to safeguard them. The way the police department treats the populace is the cause of its bad reputation. The government has put in place a variety of initiatives to enhance public perception of the police and make police officers more approachable, with the human rights commission playing a crucial role. To help officers better understand the role that police play in defending human rights, instruction on human rights problems is included in all police training programs.

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