



AMNESTY INTERNATIONAL AND THE POLICE — BETWEEN WATCHDOG AND CONSTRUCTIVE DIALOGUE



Anja Bienert
The Netherlands

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Abstract: The article provides an overview over the evolution of the relationship and dialogue between Amnesty International and police agencies. Amnesty International — being an international human rights organisation whose endeavour is primarily to end violations of human rights — finds itself easily and almost naturally at an opposing side to law enforcement officials. However, departing from a rather antagonistic relationship at the very beginning there is now much more constructive dialogue taking place in many countries of the world.

This evolution is due to two aspects:

1. An increased recognition within police agencies that compliance with and protection of human rights is not an impediment to, but an integral part of good policing.
2. An improved understanding of the challenges and difficulties of the policing work within Amnesty International, recognising also the role of the police as a protector of human rights, and not just looking at the police as a potential violator of human rights.

As a result, today, constructive dialogue takes place and can take different formats such as bilateral talks, workshops, conferences etc. Difficulties and challenges, however, remain when subjects are sensitive (e.g. ethnic profiling, identification tags for police officers) or where Amnesty International is asked to assume responsibilities of the police (substituting in training activities or giving advice for operational choices) — which it cannot and will not do. Still, experience shows that constructive dialogue towards better respect and protection of human rights is possible between Amnesty International

and the police and this article illustrates this with some concrete examples.

Amnesty International was created to mobilise civil society against human rights abuses by State authorities. Its mission statement (Amnesty International, n.d.) is as follows:

‘Amnesty International is a global movement of more than 3 million supporters, members and activists in over 150 countries and territories who campaign to end grave abuses of human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. ‘We are independent of any government, political ideology, economic interest or religion, and are funded mainly by our membership and public donations.’

This statement and self-understanding of Amnesty International explains to a large extent what has shaped the relationship between law enforcement agencies and Amnesty International over a long period of time.



AN ANTAGONISTIC RELATIONSHIP

Human rights protect the individual against abuse of power by the State and its representatives. An organisation that speaks out against violations of human rights — thus by nature acts committed (or omitted) by State agents — finds itself therefore easily in an antagonistic relationship with the State. This is in particular the case with regards to those who have specific powers that can easily be abused, such as the powers invested in law enforcement agencies to arrest, to detain, to use force and firearms, and to carry out searches and seizure.

Furthermore, the endeavour to work for the respect of human rights of all persons, including those who have committed breaches of the law (or are suspected thereof) easily leads to a perception among police that Amnesty International would seek to 'defend criminals' or people who otherwise disturb public order in the course of demonstrations.

Starting from that point of view the relationship is 'naturally' antagonistic. Amnesty International's view of the police will first of all look at where the police violate or otherwise do not respect human rights — and will criticise them. The focus is thus on the 'dark side' of policing. With this specific focus, police perceives AI to be biased, and not understanding the role and the challenges of police. This was aggravated by the fact that police in many countries of the world considered (and in some countries still considers) human rights as an impediment to 'good' and efficient policing. This antagonistic relationship easily leads to a 'dialogue of the deaf' where neither side is listening to the other side.

ONLY HUMAN RIGHTS COMPLIANT POLICING IS GOOD POLICING

Fortunately, over the years the relationship has evolved. Universally, respect for and protection of human rights became more and more recognised as the overarching element and principle of

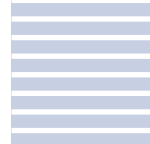
policing. The 1979 UN Code of Conduct for Law Enforcement Officials and the 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials are significant steps in that regard. These international standards highlight the active role police should play in upholding and protecting human rights, and today it is recognised that only human rights compliant policing can be considered 'good' and efficient policing.

Recognising this important role of the police as protectors of human rights, Amnesty International realised more and more the need to engage in a constructive dialogue with law enforcement officials on how best to ensure human rights compliance in police work.

THE POLICE AND HUMAN RIGHTS PROGRAMME OF THE DUTCH SECTION OF AMNESTY INTERNATIONAL

An illustration of this evolution on both sides is the creation of the Police and Human Rights Programme at the Dutch section of Amnesty International ⁽¹⁾. It started with an initiative of a group of Dutch police officers, who were members of Amnesty International and who wanted to organise themselves with a view to contributing to change and better human rights compliance of the police in the Netherlands. They did so through the creation of an informal police network. Their discussions and reflections very much nurtured the thinking process of the Dutch Section of Amnesty International about the police and triggered the decision to get more competence and expertise on policing in order to change the focus from the classical 'blame game' to constructive dialogue. This led to the creation of the Police and Human Rights Programme, whose main task is to advise Amnesty International staff members and other human rights activists on police work, improve the understanding of the role and operational challenges of the police, including the high risk of police to become victims themselves and the need to give due consideration to the rights of police officers. The book 'Understanding Policing' (Osse, 2006) today is a particularly important

⁽¹⁾ See the website of the Programme: <http://www.amnesty.nl/policeandhumanrights>.



tool in that regard as it seeks to foster among human rights activists a better understanding for the difficult, complex and often even dangerous character of the police work.

CONSTRUCTIVE DIALOGUE

In addition, in many countries police have realised that they cannot escape public scrutiny. If they try to do so the public will not trust them and will be hostile toward them. However, police are highly dependent on trust of all parts of the population and their willingness to cooperate with the police; in the end distrust and hostility are counterproductive to good and efficient policing. Thus police have to make the best out of it and use public scrutiny to gain the trust of the population and as a means of self-evaluation. Openness to public scrutiny then also provides room for a more constructive dialogue with human rights organisations such as Amnesty International.

Today, constructive dialogue is taking place in many countries; this can be in public round tables where specific issues are discussed, or in bilateral talks that are publicly known, but whose content may sometimes remain confidential depending on the agreements made. Amnesty International also often organises public events, demonstrations etc. where it is necessary to engage in dialogue with the police in order to balance interests of public order and safety with the right to peaceful assembly and protest. An example how this took place successfully ⁽²⁾ demonstrates how apparently opposing interests, i.e. legitimate security concerns in relation to a high level State visit (Russian President Vladimir Putin's visit to Amsterdam in April 2013) on the one hand and the right to freedom of expression on the other — can be successfully reconciled. Open and trustful discussions about the feasible and the unfeasible led to a modus operandi where it was possible for Amnesty International to express its human rights concerns and that this reached the addressee of the message, while at the same time not jeopardising security with demonstrators not getting too close to the State visit.

REMAINING CHALLENGES

With all these improvements in mutual respect and understanding, problems still persist.

SENSITIVE SUBJECTS: ETHNIC PROFILING

Some subjects are particularly sensitive and difficult to address in a constructive dialogue. Ethnic profiling is such an example. While Amnesty International fully accepts profiling as a legitimate and necessary policing technique; it is opposed to profiling if the underlying assumptions are exclusively based on ethnicity, race or other parameters of visual appearance. Amnesty International considers such an approach as per se discriminatory. It is sometimes quite surprising how passionately many police officers react in that regard. They seem to perceive this as an accusation of racism.

However, the intention of Amnesty International when criticising ethnic profiling is rather to create an understanding of the impact of this approach on those who are repeatedly affected by stop and search practices exclusively motivated by criteria of appearance. Furthermore, Amnesty International strongly believes that this technique is also inefficient and counterproductive. The affected groups start to feel harassed and discriminated against as potential criminals and they will lose trust and confidence in the police. There is thus a risk of alienating an entire group, and police run the risk of depriving themselves of an important source of information when members of these groups are no longer willing to talk to the police. Too often, stop and search activities based on optical parameters without additional objective criteria will also bind resources for relatively unsuccessful activities, while more sophisticated, focused and tested objective criteria might lead to greater efficiency (higher 'hit rates') with less input of resources ⁽³⁾; this would also contrast the problematic consequence of a self-fulfilling prophecy, in which police will receive 'evidence' of their own assumptions of the 'criminal character' of a specific group compared to other people who will be considered less involved in criminal activity, only by the fact that they are not stopped, and consequently never identified as suspects. And finally, where policing parameters

⁽²⁾ Available on Youtube: <http://www.youtube.com/watch?v=xH3BNo85Ixo>.

⁽³⁾ See for instance examples presented in Open Society Justice Initiative (2012).



are so relatively simple, those individuals and groups with criminal intentions can easily take measures to avoid such criteria.

Amnesty International would like to have a constructive discussion with police on that subject, but in many situations the sensitivity of the subject still prevents this from happening.

SENSITIVE SUBJECTS: POLICE ACCOUNTABILITY AND IDENTIFICATION OF POLICE OFFICERS

A subject of similar sensitivity is Amnesty International's call in many countries to ascertain that police officers can be identified — either through name tags or number tags — including in the context of public assemblies. Here again, it seems that this request is perceived by many police officers as a personal accusation that treats them as potential 'criminals' and puts their personal security at risk, while Amnesty International considers this as an indispensable measure of transparency and public scrutiny.

GETTING TO CHANGE

Achieving and measuring effective change is sometimes another difficulty: even though a dialogue may be very open and trustful and human rights related problems are identified and acknowledged by the police themselves, this does not necessarily lead to effective change in the way policing is done — or — at least it is very difficult to get to know the precise improvement measures taken by the police. This, however, is essential to judge whether the dialogue is indeed as open, trustful and constructive as it may be described by those involved.

KEEPING THE DISTANCE

An important limitation to constructive dialogue also deserves to be mentioned: Amnesty International cannot assume responsibilities of the police; operational choices of how to do policing in a given context are the exclusive responsibility of the police. Thus, while it will always be possible to comment on the human rights consequences of specific policing approaches, Amnesty International cannot and will not discharge the police of their duty to make the appropriate operational choices and

of the obligation to assume full responsibility for these choices.

A similar consideration applies for training and human rights education of police officers. Too often, Amnesty International receives requests from law enforcement agencies to provide for large scale human rights education of police officers. However, in the first place, it is the responsibility of the police institutions themselves to ensure that all members of the agency know and understand human rights and are able to carry out their work in compliance with human rights. But even more importantly, it is Amnesty International's strong belief that human rights education as a standalone activity is not conducive to better respect of and for human rights. It must be embedded in an overall culture of human rights respect within the institution, as demonstrated through human rights compliant policies and procedures as well the indispensable measures to enforce them, leaving no space for impunity in relation to violations of human rights.

And finally, even where constructive dialogue takes place, it must always be clear from the onset that Amnesty International cannot and will not give up its watchdog function. When things go wrong, Amnesty International will still speak out and call for all necessary corrective measures in relation to human rights violations, including bringing those to justice who have committed serious human rights violations. Constructive dialogue cannot and will not go as far as putting Amnesty International's independence and impartiality at risk.

CONCLUSION

As a conclusion, constructive dialogue between Amnesty International and the police:

- is possible;
- requires that both sides understand and respect each other's function;
- remains difficult on certain subjects; and
- will not and may not affect Amnesty International's watchdog function when it comes to human rights violations.



REFERENCES

Amnesty International (n.d.). Who we are.

Retrieved from <http://www.amnesty.org/en/who-we-are>.

Open Society Justice Initiative (2012). Reducing Ethnic Profiling in the European Union: A Handbook of Good Practices. New York: Open Society Foundations.

<http://www.opensocietyfoundations.org/publications/reducing-ethnic-profiling-european-union-handbook-good-practices> .

Osse, A. (2006). Understanding policing: A resource for human rights activists. Amsterdam: Amnesty International Nederland.