CHAPTER 1234

Protection of Human Rights: Police Functions

SECTION abc d

The Protection of Human Rights and the Prevention of Discrimination

Introduction

This section examines various aspects of the protection of human rights, including the protection of children and their rights, as well as the prevention of discrimination. The prevention of discrimination is very important in itself and central to the protection of human rights.

In the commentary the importance of the police role in protecting human rights and protecting children and their rights is emphasised. Some of the ill-effects of discrimination are identified and obligations on police arising out of these are considered.

Under the sub-heading 'Essential information for a Presentation', concerning protection of human rights, provisions of treaty and non-treaty instruments that embody a general obligation to protect human rights are identified, as are specific human rights that can be protected by police. Provisions of treaty instruments that protect children and their rights are set out. Concerning prevention of discrimination, there are accounts of provisions giving an entitlement to human rights without discrimination, of international instruments designed to counter specific forms of discrimination, of the rights to equality before the law and to equal protection of the law, and of non-discrimination provisions relating to measures of derogation.

Key Points

The key points to this topic are that:

• all human beings are born free and equal in dignity and rights;
• policing is one of the means by which states meet their general obligation under international law to promote respect for and observance of human rights;

• policing is one of the means by which states meet their obligations under international law to protect specific human rights;

• policing is one of the means by which states meet their obligations under international law to protect children and their rights;

• everyone is entitled to their rights and freedoms without discrimination on such grounds as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

• all are equal before the law and are entitled without any discrimination to equal protection of the law;

• all are entitled to equal protection against unlawful discrimination;

• policing is an essential factor in protecting people against discrimination and enforcing laws designed to prevent discrimination.

**Commentary**

**The Protection of Human Rights**

The sections in the preceding chapter of this manual addressed the legal requirement on police to respect human rights in the exercise of their powers. Police may exercise only those powers granted to them under the law and may not exceed their powers. However, the obligations on police in relation to human rights go beyond the requirement to respect human rights. They also have a duty to protect human rights. In fact, the protection of human rights is a police function.

Police protect human rights in a general sense because, in their efforts to contain crime and disorder, they contribute to conditions that are necessary for the enjoyment of all human rights. Clearly human rights cannot be realised without social order, and social order, as characterised by tolerable levels of criminality and low levels of social tension or civil unrest, is dependent, in part, upon effective policing. In this sense policing, through the performance of all of its functions, can be seen as a positive factor in the protection of all human rights.

Police also protect specific human rights in specific ways, and this aspect of human rights protection is examined below under the sub-heading 'Essential Information for a Presentation'.

Prompt, effective and impartial investigation of allegations of human rights abuse is an important element of human rights protection. As some human rights abuses are extremely serious crimes (violations of the right to life, for example, or violations of the prohibition of torture) police may be required to investigate allegations of such