

Commonwealth Expert Group on Policing – Briefing paper Commonwealth Human Rights Initiative

Background

There has been considerable – and increasing – discussion about the state of policing in the Commonwealth, and the urgent need for reform. A tangible way to take forward this need is the establishment of a Commonwealth Expert Group on Policing.

Following discussions at the 2005 Commonwealth Heads of Government Meeting (CHOGM), in December 2005, CHRI wrote to the Commonwealth Secretary General, looking to his leadership to establish an Expert Group.

Why is an Expert Group on Policing crucial?

In very simple terms, democratic governance requires democratic policing. The Commonwealth has committed itself to pursuing democratic governance. Policing and safety issues pose some of the most significant governance challenges in the Commonwealth. Good policing is crucial to democracy, development and the practical realisation of human rights. Poor policing can mean serious human rights violations become a way of life for communities and prevents members of the community from engaging in their own governance.

An Expert Group is a crucial step forward to help support good governance in Commonwealth countries and assist with the transformation of societies to achieve political, economic and human development.

Why a Commonwealth Expert Group on Policing?

The Commonwealth's shared colonial history has left its countries with a mutual legacy of colonial-style policing. This shared history means that each Commonwealth member state faces many of the same policing issues. A coordinated, pan-Commonwealth approach is the most efficient and effective way to assist member states to improve the quality of their policing, and ensure effective democracy and development. The Expert Group will be able to contribute to better policing where individual, piecemeal efforts have not succeeded. This approach also allows the existing Commonwealth networks to operate to help implement recommendations and ensure effective change.

Commonwealth Expert Groups have an excellent record of pulling together skilled authorities from around the Commonwealth and making recommendations that have influenced members of the Commonwealth and the wider international community.

The Commonwealth boasts some of the best policing practices in the world. The Expert Group would be an opportunity to showcase these practices and to positively impact the lives of those in Commonwealth communities. An Expert Group will also establish the Commonwealth Secretariat as an international leader on policing issues, building on its existing police human rights training work.

Where does the mandate to establish the group come from?

Numerous mentions in declarations and communiqués call for the Commonwealth to promote human rights and ensure good governance standards. Access to justice and police accountability are central to realising these notions.

In 2003, the Commonwealth Expert Group on Development and Democracy stated that Commonwealth governments should commit themselves to ensuring “a police force that responds to the law for its operations and the government for its administration” and that this should be “fully held to account”. In 2002, Commonwealth Law Ministers also mandated the Commonwealth Secretariat to assist in training for police officers in order to entrench greater respect for human rights.

Commonwealth member states are extremely supportive of the creation of an Expert Group. Commonwealth based civil society and police organisations have also been vocal in their calls for an Expert Group to look at policing. Member states, civil society and police organisations are all looking to leadership from the Secretariat to set up an Expert Group.

The 2005 Commonwealth People's Forum (CPF) and the 2005 Commonwealth Human Rights Forum (CHRF) both called on the Commonwealth to "establish a Commonwealth Expert Group on policing to develop guidelines on training, accountability mechanisms, legal regimes and mutual professional support to ensure democratic policing." Another civil society event, held immediately prior to the 2005 Commonwealth Law Ministers Meeting called on the Commonwealth to "develop Commonwealth Principles on Policing based on democratic principles and international standards", one of the key tasks of such an Expert Group.

CHRI's 2007 report to CHOGM, which considers the impact of anti-terrorism legislation on policing, throws further weight behind the need for an Expert Group on Policing, and calls on the Heads of Government to "mandate the Commonwealth Secretariat to establish a police expert group to guide and assist police practices and operations, including counter-terrorism policing throughout the Commonwealth".

What would be the mandate of the group?

The Expert Group should be mandated to:

- Examine policing structures in Commonwealth member states, with a particular emphasis on mechanisms for accountability;
- Develop Commonwealth Principles on Policing based on democratic principles and international standards;
- Assess legislative and structural alternatives to promote transparency in policing and democratic policing in member states;
- Evaluate human rights education and general training programmes of police in member states; and
- Develop guidelines on training, accountability mechanisms, legislative regimes and recommendations on ensuring mutual professional support to ensure democratic policing.

Who would make up the group?

The Expert Group should be made up of around six pre-eminent Commonwealth experts on policing. It should be diverse include academics, civil society, and experts with policing experience. It should reflect the diversity of the Commonwealth, and include members from the Pacific, Caribbean, Africa and Asia.

How would the Expert Group complement and extend the work of the Commonwealth Secretariat on policing?

The Commonwealth Secretariat, through its Human Rights Unit, is already engaged with policing issues within a human rights framework. Following on from the Commonwealth Law Minister's mandate to the Commonwealth Secretariat to assist in police training, the Human Rights Unit developed a training manual for police in Western Africa that was then further developed into a human rights training manual for all Commonwealth police. An Expert Group on Policing would help consolidate this work and extend the reach and impact of the Unit's work far beyond training.