

HUMAN RIGHTS

1. Introduction

Human Rights legislation exists to protect everyone from abuse of power, disrespect or neglect, particularly when there are no other legal safeguards. Human rights and equality are inextricably linked. Equality is treated as a fundamental human right in the core international human rights treaties and conceptually human rights and equality derive from the same fundamental principle – equal respect for the inherent dignity of all.

Cambridgeshire Police Authority is committed to its duty to complying with its duties with regard to Human Rights as well as other streams of equality and diversity, with an underlying principle of equality before the law. In the same way in which equality and diversity affect the organisation, human rights duties will be incorporated into everything we do. Human rights are to be mainstreamed into the work of the Police Authority.

This human rights policy applies to the way the Authority treat all members of the public and how it monitors the work of the Constabulary, but it is necessary in the course of its work for the Constabulary and Authority to ensure that appropriate attention to the way the human rights of the following groups are particularly affected:

- Those suspected of, or charged with, committing crimes;
- Victims of crime;
- Witnesses;
- Those detained in police custody; and
- Constabulary officers and staff

Also, cutting across all of the Constabulary and Authority's work, they pay particular attention to the rights of under-represented groups.

2. **Legislative Background**

Everyone is entitled to certain minimum necessary fundamental rights and freedoms to enable them to flourish. The Human Rights Act 1998 underpins basic ethical norms and provides a framework for balancing the rights of an individual against those of the wider community.

Cambridgeshire Police Authority is required to act compatibly with the rights in the Human Rights Act. The Act also imposes some 'positive obligations' on public bodies to take proactive steps to secure peoples' human rights. The Act can provide a framework for public bodies to plan and deliver public services.

The rights contained in the Human Rights Act:

- The right to life
- The right not to be tortured or treated in an inhuman or degrading way
- The right to be free from slavery or forced labour
- The right to liberty
- The right to a fair trial
- The right to no punishment without law
- The right to respect for private and family life, home and correspondence
- The right to freedom of thought, conscience and religion
- The right to freedom of expression
- The right to freedom of assembly and association
- The right to marry and found a family
- The right not to be discriminated against in relation to any of the rights contained in the European Convention on Human Rights
- The right to education
- The right to peaceful enjoyment of possessions
- The right to free elections

3. Internal Capability and Compliance

Cambridgeshire Police Authority has in this document a human rights policy and will produce an action plan in relation to this and the main content of the Equality Scheme.

To demonstrate the commitment to fulfilment of human rights duties the Police Authority has both a Member and Officer who lead on human rights. The Committee structure is such that at present all equality and diversity issues (which include human rights) are covered by the terms of reference of the Scrutiny and Audit Committee.

All members, officers and volunteers of the authority are to receive appropriate and ongoing human rights training.

4. External Focus for the Police Authority

Cambridgeshire Police Authority needs to ensure that effective training is in place and that appropriate questions are asked on custody visits. They also need to ensure that Custody Visitors are aware of their crucial role in monitoring the rights and entitlements of detainees in custody and they should feed back into the Authority immediate concerns and provide regular reports which the Authority will monitor.

The Police Authority has a communications strategy which should ensure that the authority demonstrates how it will meet its human rights duties.

5. Monitoring the Constabulary

The Police and Justice Act 2006 places a duty on police authorities to monitor the performance of the police force for its area in complying with the duties imposed by the Human Rights Act 1998.

Cambridgeshire Police Authority has an obligation to monitor the performance of the Constabulary against meaningful standards derived from the rights in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). This should not be retrospective but monitors how the police are complying with their obligations now. The work should not duplicate the work of other bodies such as the IPCC, HMIC, EHRC, NPIA etc and partnership organisations. It may only be necessary to obtain and review reports from these bodies then make recommendations issued by them when related to compliance with the HRA.

The aforementioned standards, of which there are 79, fall into the following categories:

- Protecting the public;
- The prohibition on ill-treatment;
- The use of force;
- Investigation and follow-up in cases of death or serious injury;
- Public order;
- Criminal investigations;
- Surveillance;
- Informers or undercover officers;
- Search and seizure;
- Arrest and detention;
- Reasons;
- Access to a lawyer;
- Questioning;
- The right to be brought promptly before a court;
- Bail;
- Children; and
- Victims.

As part of the Police Authority performance monitoring processes, the performance of the police force as a whole should be monitored for compliance with the HRA. The areas to be monitored are:

- Training
- Policy
- Complaints, discipline and civil actions against the police
- Human rights awareness;
- Information or reports from partner organisations.

The Police Authority need to ensure that there is appropriate monitoring of force staff awareness of human rights and assess the effectiveness of human rights training within the Constabulary.

The Police Authority should ensure that force policies and impact assessments are monitored for human rights compliance.

6. Equality Implications

Human Rights are central to the delivery of an efficient and effective police service. Monitoring compliance will complement Police Authority duties in promoting equality and diversity and will have a considerable impact on public perception and confidence.