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The Need for a Human Rights Education Initiative to Create A Culture of Human Rights Friendly Law Enforcement

**A Position Statement of Human Rights Educators USA (www.hreusa.net,
<http://www.hreusa.net/contact.php>)**

Presented to: the Civil Society Consultation on UPR Implementation: Civil Rights and Discrimination Recommendations Related to Law Enforcement, US State Department UPR Working Group 1, Pre-Submitted July 28, 2016 for Consultation Scheduled for August 4, 2016

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Summary of Recommendations:

HRE USA makes the following specific recommendations to Working Group 1 and to the United States government generally in regard to Civil Rights and Discrimination Recommendations Related to Law Enforcement:

1. Undertaking a nationally coordinated effort in cooperation with state and local governments to bring law enforcement in the United States into compliance with the UN Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly in 1979 and with the human rights treaties ratified by the United States.
2. Disseminate to state and local law enforcement agencies, state and local governments and the general population, information on these internationally recognized and US State Department promoted standards.
3. Identify the U.S. Department of Education as one of the “Lead Agencies” for implementation of the United States’ obligations to educate the civil population about human rights standards, including those applicable to law enforcement, and
4. Direct the Department of Education to work in collaboration with the U.S. Departments of State, Justice and any other appropriate federal agencies and in coordination with stand and local educational agencies, public and private institutions of higher education and civil society organizations.

HRE USA Position Statement on Need for Law Enforcement-Related Human Rights Education

Need to Improve the Human Rights Literacy of the United States

It is critically important that Americans start grounding the issues we address in this country that involve relationships between groups (races, genders, ethnicities, cultures, etc.) and the treatment of individuals within the discourse of human rights. Nowhere is this discourse more needed than in the critical conversations currently taking place about the conduct of law enforcement in communities of color in the United States. Such discourse takes place too infrequently here in the United States because too many Americans are functionally illiterate about human rights and the various international agreements (declarations, covenants, conventions, codes, etc.) that express them. When the term "human rights" is interjected into a discussion of issues like police conduct, it soon becomes apparent that most public officials and most members of the public on all sides of the given issue don't know what the phrase encompasses or understand the inherent origins of those rights which are globally recognized as "human rights."¹ Thus the term "human rights" gets hurled back and forth, but few look more deeply into what is really meant by human rights compliant law enforcement.

When law enforcement personnel do receive "human rights training," it is too often presented in a remedial, even judgmental context – after accusations of police brutality have been leveled and while the community is reeling from the latest video of a police shooting of a Black or Native American civilian. This is not the best way to inculcate a deep understanding of and respect for human rights. It would be far better if job-related human rights training tapped into an existing understanding of the fundamental principles of universal human rights as they apply to all persons and as they impact interactions between civilians and police.²

Amnesty International Findings on US Compliance with UN Code of Conduct for Law Enforcement

A recent Amnesty International study found that not one of the 50 states has laws on police conduct that meet all the standards of the UN Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly in 1979. What's particularly ironic is that the US State Department has featured the UN Code of Conduct for Law Enforcement Officials on one of its IPP pages (this one posted in 2009) as a recommendation to OTHER countries regarding how they should manage their law enforcement personnel (<http://iipdigital.usembassy.gov/st/english/texttrans/2009/02/20090210090311ajesrom0.1053278.html#axzz4EDHLroCw>).

HRE USA recommends that the US Department of Justice send the same recommendation out to law enforcement agencies and state and local governments here at home. More than such a notification, however, a teaching and learning enterprise designed to bring adults (not just law enforcement officers, but public officials and civilians generally) is clearly needed if law

enforcement agencies in the United States are to become more consistently compliant with the human rights standards which the US State Department urges upon other nations.

Resources and Strategies for Domestic Education on Law Enforcement and Human Rights

Domestic study groups on the UN Code of Conduct could begin with the excellent guidebook published by the International Committee of the Red Cross, *International Rules and Standards for Policing*, available for download without cost on the ICRC website (<https://shop.icrc.org/regles-et-normes-internationales-applicables-a-la-fonction-policiere-et-aux-forces-de-l-ordre.html?store=default>.) or available in paper copy for 2 Swiss Francs plus shipping. The ICRC document provides an excellent, readable overview of international human rights laws that apply to law enforcement activities in domestic situations other than armed conflict (and, at the end, discusses IHL standards applicable to armed conflict as well).

Need for Education to Prepare Future Law Enforcement Personnel and Civilians Generally to Understand and Embrace Human Rights Friendly Law Enforcement

Such an effort at a more general education of the civil population regarding human rights, while clearly preferable to the current educational void, still represents a somewhat late start in a process which should begin in the elementary grades of every child's public education. Universally applicable human rights which young people (future law enforcement officers and future civilians) have encountered and engaged with all through school are far more likely to be understood and embraced when they are later encountered in specialized training.³

Therefore, HRE USA would like to see such material included not only in police training and in public processes to set local standards for police conduct, but also in public school education. The ICRC material could also constitute a short unit in any civics class. Such lessons would forward the goal of many human rights and humanitarian law treaties that the civil population of a country should be generally educated about the provisions and expectations of such treaties (see CERD, Article 7, 4th Geneva Convention, Article 144, comparable language in the other three Geneva Conventions, etc.).

In addition to whatever programs of specialized training for law enforcement officers, corrections officers, immigration officials, etc. may be developed by the United States government and the states and localities to remediate current practices that violate human rights, the United States needs also to undertake a conscientious effort to introduce Americans to the fundamental principles of human rights, arising from our common humanness, from the earliest grades of their public education through the most advanced levels of their professional education.⁴

For the United States to seriously undertake an effort to inculcate the practices and values of human rights friendly policing into domestic law enforcement, a foundational introduction to human rights education within the K-12 educational experience is necessary. Only within such a

framework can the United States achieve the goals which it has undertaken in its response to the 2015 UPR review:

- ‘conduct[ing] human rights awareness-raising activities for law enforcement officers’,
- ‘support[ing] human rights training for civil servants who need it’, ...
- ‘guarantee[ing] the enjoyment of human rights of the minorities and vulnerable groups in the country’, ...
- ‘tak[ing] measures and comprehensive programs aimed at developing sensitivities among cultures, creating the climate of mutual respect and expanding protection against all forms of discrimination’, and
- ‘tak[ing] effective measures to counter intolerance, violence, and discrimination against members of all minority groups’,

and its commitment to “tak[e] steps to strengthen federal-level coordination, and ... consider[] ways to improve implementation” of the United States’ human rights treaty obligations.⁵

Need to Involve the US Department of Education in Education for a Culture of Human Rights in Law Enforcement – Rationale and Recommendations

The promised “steps to strengthen federal-level coordination” in ways that “improve implementation” at “all levels of government,” must fully involve the U.S. Department of Education and leverage its unique mechanisms for coordination with state and local educational agencies and with the public and private college and university systems. Otherwise, these interventions will fail to make use of efficient and effective mechanisms that are already in place.

HRE USA makes the following specific recommendations to Working Group 1 and to the United States government generally in regard to Civil Rights and Discrimination Recommendations Related to Law Enforcement:

5. Commit to undertaking a nationally coordinated effort in cooperation with state and local governments to bring law enforcement in the United States into compliance with all the standards of the UN Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly in 1979.
6. In connection with this effort, disseminate to state and local law enforcement agencies, state and local governments and the general population, information on these internationally recognized, and US State Department promoted standards, using generally understandable and available educational materials, including, but certainly not limited to, those contained in the International Committee of the Red Cross, *International Rules and Standards for Policing*, available for download without cost on the ICRC website (<https://shop.icrc.org/regles-et-normes-internationales-applicables-a-la-fonction-policiere-et-aux-forces-de-l-ordre.html?store=default>.)
7. Identify the U.S. Department of Education as one of the “Lead Agencies” for implementation of the United States’ obligations to educate the civil population about

human rights standards applicable to law enforcement, about human rights treaty provisions regarding education of the civil population and about human rights generally and

8. Direct the Department of Education to work in collaboration with the U.S. Departments of State, Justice and any other appropriate federal agencies and in coordination with stand and local educational agencies, public and private institutions of higher education and civil society organizations, utilizing all appropriate programs that engage with these entities.

¹For example, a 2011 Heritage Society report, part of its “Understanding America” series, pronounced that the “principle of inalienable natural rights—fundamental rights that government neither creates nor can take away—isn’t the same as the thoroughly modern idea of ‘human rights.’” The learned author pontificated that “although both are universal, natural rights most emphatically do not come from government. Government only secures these rights,” whereas “Human rights, as popularly understood, are bestowed by the state or governing body.” (from <http://www.heritage.org/research/reports/2011/06/how-should-america-think-about-human-rights>). This position, while grossly inaccurate, at least stopped short of promoting the conspiracy found in a Federalist Society article (and quoted by fear mongers all through cyberspace) that human rights education represents “the United Nations takeover of K-12 education in America” (from an article by Jim Kelly, Director of International Affairs for the Federalist Society for Law and Public Policy Studies²). Unfortunately, “radical” opponents of the Federalist/Heritage point of view have themselves sometimes presented human rights education as a potentially hegemonic threat allegedly embedded in the “Common Core” state standards (not true either) (See http://lawprofessors.typepad.com/human_rights/2015/05/call-for-papers-teaching-human-rights.html and the underlying CFP to which it refers).

² This concept was an underlying principle of the Organic Social Studies curriculum, first developed in the late 1950s, which demonstrated through a successful elementary grade curriculum that fundamental concepts of social sciences should “begin in first grade and grow in depth and complexity as the child matured,” so that adult students would better grasp them when they encountered them in their professional education. (see Blanchard, Senesh and Patterson-Black, in *The Social Studies*, 90: 2, 63 —67 (1999)

³ See endnote 2 above.

⁴ See endnote 2 above.

⁵ These statements are taken from the United States final responses to the UPR report and recommendations, as contained in the *Addendum of the United States of America to the Report of the Working Group on its Universal Periodic Review* submitted August 31, 2015 (<https://geneva.usmission.gov/2015/09/01/addendum-of-the-united-states-of-america-to-the-report-of-the-working-group-on-its-universal-periodic-review/>).