



# An Garda Síochána

## Policy Document

### Human Rights

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<b>Approved by</b>	Garda Executive
<b>Introduced by</b>	HQ Directive 19/2019
<b>Policy Owner</b>	Executive Director Legal

## Purpose

The vindication of human rights is a key policing objective, and forms the very basis of policing. Garda members and Garda Staff (Garda Personnel) play a vital role in ensuring that citizens enjoy their rights to live free from violence, abuse and crime. Garda Personnel also help preserve an environment in which people can live free from fear and enjoy other rights and freedoms.

A suite of material is provided in order to formalise the human rights principles that are already operated within the Garda service, namely: a 'Human Rights Framework', 'Human Rights Screening Tool' and 'A Human Rights Based Approach to Policing – Operational Guidance Document'.

The introduction of these documents will:-

- ensure An Garda Síochána and Garda Personnel alike are fully aware of the human rights standards which must be respected and protected by An Garda Síochána and Garda Personnel in the performance of their functions including in relation to operational decision making and the preparation and implementation of operational orders;
- ensure that Garda Personnel can safely and effectively carry out their statutory and common-law duties in a human rights compliant manner;
- ensure that Garda Personnel accurately document all relevant information including the rationale for decisions and action taken/inaction, contemporaneously with every event in which they are engaged, which is essential in ensuring accountability as required;
- ensure that the development of all policies, procedures and guidance is supported by a comprehensive framework of human rights standards for use in embedding relevant human rights principles throughout the documents and ensuring they are drafted in a human rights compliant manner;
- ensure that training and training materials are supported by a comprehensive framework of human rights standards for use in embedding relevant human rights principles in the training environment;
- provide a framework of human rights standards against which all policies, procedures, guidance, training, training material, decision making, operational orders and practice is to be measured when reviewing and monitoring human rights compliance;
- implement the Public Sector Equality and Human Rights Duty under the Irish Human Rights and Equality Commission Act 2014 (section 42).

## Scope

This Policy and all associated documentation apply to members of An Garda Síochána and Garda Staff. It also applies to Police Officers from the Police Service of Northern Ireland (PSNI) seconded to An Garda Síochána in accordance with Section 53, Garda Síochána Act 2005.

**Human Rights Framework** - The Human Rights Framework is a comprehensive human rights resource for An Garda Síochána. It is a reference point for policy drafters, training and operational personnel for identifying key human rights engaged in any particular circumstance. In particular, it provides a detailed overview of human rights law, the relevance of human rights to policing and it addresses each right on a right by right basis. The Human Rights Framework is supported by the Human Rights Screening Tool.

**Human Rights Screening Tool** – The Human Rights Screening Tool provides a structure for the development, implementation and monitoring of human rights compliance consistently across the three pillars of policy, training and operations. This Screening Tool is to be utilised in conjunction with the Human Rights Framework by those developing and implementing policy, developing and implementing training material, developing and implementing operational orders and inspection by supervisory officers, inspection and review teams or other agreed processes ensuring key human rights principles are embedded throughout the documents. The Human Rights Screening Tool provides a set of questions



which act as prompts to ensure that human rights standards, which are provided for in the Human Rights Framework, are met in accordance with legal obligations. The Human Rights Screening Tool is accompanied by guidance notes on a question by question basis.

**A Human Rights Based Approach to Policing – Operational Guidance Document** - Garda Personnel in their daily duties, be it operational or administrative, will apply human rights standards in accordance with the Human Rights Framework. In doing so, they will be guided by this Operational Guidance Document. This Guidance Document provides general guidance to Garda Personnel so that they may be aware of how human rights are to be observed in the course of their work. It sets out what human rights based policing actually entails and provides specific guidance to applying human rights standards to policing.

## Policy Statement

Garda Members have a very special position with regard to human rights, because while they must always respect the rights of individuals, they also have the power and obligation on occasion to curtail these rights (for example through stop and search or arrest). It is important to act with fairness, self-control, tolerance and impartiality when carrying out these duties.

Garda Personnel should also, as far as is practicable, carry out their functions in co-operation with, and with the aim of securing the support of the community. It is essential that in the performance of their duties, Garda Personnel respect and protect human dignity and maintain and uphold the human rights of all persons. With that in mind, all actions taken must be in accordance with the principles of legality, necessity, proportionality, accountability and non-discrimination. It is important to act with integrity towards members of the public and colleagues so that confidence in An Garda Síochána continues to be secured and maintained.

## Compliance

Compliance with this Policy and accompanying associated document(s) is mandatory for all members of An Garda Síochána and Garda Staff.

## Related Documents (*if relevant/appropriate*)

- 1) Garda Decision Making Model
- 2) Human Rights Framework
- 3) Human Rights Screening Tool
- 4) A Human Rights Based Approach to Policing – Operational Guidance Document

## Legal & Human Rights Screening

This Policy has been legal and Human Rights screened in terms of the respective obligations placed on An Garda Síochána for the subject area concerned.

## Ethical Standards & Commitments

Every person working in An Garda Síochána must observe and adhere to the standards and commitments set out in the [Code of Ethics](#) for An Garda Síochána and uphold and promote this Code throughout the organisation.



### **Policy & Procedure Review**

This Policy and associated documents will be reviewed 12 months from its date of effect and every three years thereafter.

### **Disclaimer**

This document is not intended to, nor does it represent legal advice to be relied upon in respect of the subject matter contained herein. This document should not be used as a substitute for professional legal advice.

