

# INTERNATIONAL STANDARDS TO PREVENT POLICE GUN VIOLENCE



In many countries the global and regional proliferation of small arms means that police and other law enforcers are under extreme pressure to counter rising levels of violent gun crime and are expected to confront armed offenders. In the process, ill-trained and ill-disciplined officers with guns sometimes kill, maim, and mistreat innocent people whom they are supposed to protect. Increasingly, police, customs and other law enforcement officers are also called upon to detect illicit gun traffickers, mark firearms, process firearms licenses, collect illicit firearms and persuade communities to report illegal firearms. Such efforts are often thwarted by corrupt police practices and a lack of trust from communities.

A new IANSA briefing paper<sup>[1]</sup> explains the essential common principles and procedures which the United Nations has recommended to ensure that all law enforcement agencies will restrict their use of force to a minimum, keep their firearms under strict control, and prevent officers from committing acts of gun violence or other abuse.

## UN rules for the use of firearms by law enforcement officials

These UN rules draw on worldwide expertise and experience and are designed to strengthen the rule of law and to minimize and eradicate violence. The rules apply to a wide range of law enforcers who exercise police powers, especially the powers of arrest or detention, even if they are private contractors or soldiers.<sup>[2]</sup> According to the UN rules on law enforcement, police and other personnel, including soldiers, assigned to law enforcement tasks must always try to protect the right to life, liberty, and security of person – they may only use lethal force when there is a direct or imminent threat to life or of life-threatening injury. This could be in self-defence or to stop another person being killed. If official force is to be exercised to the minimum extent necessary, police should be equipped with means other than firearms to disperse violent assemblies and in any case should not use force against a peaceful assembly just because it is unlawful.<sup>[3]</sup>

## Respect for human rights, democratic oversight and accountability

To prevent, reduce and eradicate the proliferation and misuse of small arms, governments must, amongst other things, create conditions for the highest standards of policing and respect for human rights. That requires investing more resources in professional policing based on the agreed international standards and to ensure that, in the words of the UN General Assembly, “*all law enforcement agencies are representative of and responsive and accountable to the community as a whole.*”<sup>[4]</sup> Specific UN rules are designed to prevent acts of violence by law enforcers being perpetrated against young people<sup>[5]</sup>, and racial and ethnic communities<sup>[6]</sup> as well as women<sup>[7]</sup> and others based on their actual or perceived gender identity or sexual orientation.<sup>[8]</sup>

Some positive steps by governments and police moving towards a greater respect for the UN standards have been reported.<sup>[9]</sup> Actions of law enforcement officials, especially related to the use of weapons, should be subject to public scrutiny, parliamentary oversight and all officers should be included in the scope of penal statutes defining criminal liability for all violent, predatory, and harmful acts. Only then can governments provide protection to women, men, and children through legitimate actions by security forces that respect human rights and gain the widespread support from civil society that is needed to curb the flow and use of illicit arms.

## Militarization, policing and armed conflict

Evidence tends to show that militarization of policing and relying on the military for policing leads to an increase of crime and civilian complaints about abuse and disaffection, so is counterproductive especially in the longer term. UN rules for the use of force in policing are different from those rules applicable to recognised combatants engaged in armed conflict. Although both sets of rules regarding the use of force aim to protect lives, the policing rules are more restrictive. In particular, the UN law enforcement rules require the use of non-violent means wherever possible, failing which appropriate force must be kept to a minimum, while the intentional use of lethal force may only be made when strictly unavoidable to protect life. Provided that soldiers abide by the laws of war and international criminal law, in combat situations they can shoot to kill or injure enemy combatants.[10] UN police and military personnel may serve together in a task force with UN rules of engagement under a unified and centralized UN command structure.[11]

## Recommendations

- All governments and police authorities should promote, publicise, incorporate in law and practice UN standards for law enforcement officials including the UN Code of Conduct for Law Enforcement Officers and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Police training should emphasise human rights and alternatives to the use of firearms.
- States should explicitly include the promotion and adherence to these UN standards on the use of force and firearms in the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Manufacture and Trade in Small Arms and Light Weapons In All Its Aspects when it is reviewed by States in 2024.
- Bilateral and institutional donors, including agencies of the United Nations, should require national and local authorities to adhere to these UN standards in all international assistance projects that they fund, particularly where such projects involve community safety.
- All states should assess recipient states' adherence to UN standards when considering whether to export or supply arms to forces or agencies involved in law enforcement, and should not supply firearms, ammunition or other weapons that present an unwarranted risk of injury or abuse.
- Civil society organizations and individuals should help promote awareness of and strict adherence to these UN principles by governments and law enforcement organisations.

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[1] Brian Wood, [International Standards to Prevent Police Gun Violence](#), IANSA Briefing Paper, September 2023.

[2] Article 1 of the [UN Code of Conduct on Law Enforcement Officials](#), 1979, and the [UN Basic Principles for the Use of Force and Firearms by Law Enforcement Officials](#), 1990.

[3] [UN Guidance on the Use of Less-Lethal Weapons in Law Enforcement](#), Office of the United Nations High Commissioner for Human Rights, Geneva, 2020.

[4] UN General Assembly resolution 34/169 adopting the Code of Conduct for Law Enforcement Officials.

[5] [UN Rules for the Protection of Juveniles Deprived of their Liberty](#) – see rules 4 and 65 – and [Convention on the Rights of the Child](#), 1989, article 19.

[6] [International Convention on the Elimination of All Forms of Racial Discrimination](#), 1965, article 5.

[7] [UN Declaration on the Elimination of Violence against Women](#), 1993, article 1.

[8] International Covenant on Civil and Political Rights (1966) especially Article 2. See for example Andrew Flores (2021), '[Social Acceptance of LGBTQI People in 175 Countries and Locations, 1981 to 2020](#)', Los Angeles, UCLA School of Law Williams Institute.

[9] For examples, see Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Christof Heynes, UN doc. A/HRC/26/36, 1 April 2014, Part II, section D, domestic laws on the use of lethal force by law enforcement officials.

[10] The laws of war, or what is nowadays referred to as International Humanitarian Law (IHL), comprise many treaties and international customary rules – see for example Ben Saul and Dapo Akande, [The Oxford Guide to International Humanitarian Law](#), OUP, 2020. International criminal law is now encapsulated in the Rome Statute of the International Criminal Court, adopted 17 July 1998, entered into force 1 July 2002.

[11] UN Department of Peacekeeping Operations, [Authority, Command and Control in United Nations Peacekeeping Operations](#), Department of Operational Support, Policy Ref 2019.23, 25 October 2019.