



## Declaration of Paris

November 2024

*We, members of the Independent Police Complaints Authorities' Network,*

- Ombudsman of the Republic of Croatia (CROATIA)
- Independent Police Complaints Authority (DENMARK)
- Independent Office for Police Conduct (ENGLAND AND WALES)
- Chancellor of Justice (ESTONIA)
- Défenseur des Droits (FRANCE)
- Special Investigation Service (GEORGIA)
- Parliamentary Commissioner to the Federal Police (GERMANY)
- Greek Ombudsman (GREECE)
- Garda Síochána Ombudsman Commission (IRELAND)
- Parliamentary Ombudsman (MALTA)
- Commissioner for Human Rights (POLAND)
- Protector of Citizens of the Republic of Serbia (SERBIA)
- Human Rights Ombudsman (SLOVENIA)

Gathered, in Paris on November 8<sup>th</sup> 2024, in the premises of the Defender of Rights to share our expertise on subjects of common interest and launch a call on the national and European authorities to take positive action to ensure that the dignity and rights of persons with disabilities are respected by law enforcement,

*Recalling* the Preamble of the Charter of the United Nations proclaiming the commitment of the member states to the fundamental rights, to the dignity and value of the human person,

*Recalling* the international and European standards, in particular the United Nations Convention on the Rights of Persons with Disabilities, under which, States must:

- Ensure that public authorities and institutions act with respect for the rights and fundamental freedoms of persons with disabilities without any discrimination (Article 4),
- Take measures, including for the identification and elimination of obstacles and barriers to accessibility to emergency services and the provision of live assistance and intermediaries, including guides, readers and professional sign language interpreters to facilitate accessibility to buildings and other facilities open to the public (Article 9),
- Whether they are respondents, defendants or witnesses, ensure effective access to justice for persons with disabilities on an equal basis with others, and promote appropriate training for police and prison staff (Article 13),

- Ensure that if persons with disabilities are deprived of their liberty through any process, they are treated on an equal basis with others, and treated in compliance with the Convention, including by provision of reasonable accommodation (Article 14),
- Ensure that persons with disabilities can exercise the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice (Article 21),

*Recalling* the European Convention for the Protection of Human Rights and Fundamental Freedoms, guaranteeing for all, without discrimination on any ground, the right to life, the right not to be subjected to torture, nor to inhuman or degrading treatment and punishment, the right to liberty and security, as well as the States' obligations to prevent failures by the security forces and to react to such failures, in particular by those tasked with ensuring effective investigations and providing effective remedies to individuals,

*Recalling* also the provisions of the Recommendation 10 (2001) of the Committee of Ministers of the Council of Europe on the European Code of Police Ethics, under which:

- The main purposes of the police in a democratic society governed by the rule of law are to maintain public tranquillity and law and order in society, to protect and respect the individual's fundamental rights and freedoms, to provide assistance and service functions to the public (Article 1),
- Police personnel must act with integrity towards the public and with particular consideration to the situation of individuals belonging to especially vulnerable groups (Article 44),

*Emphasising* the development by the European Commission of a "Strategy for the rights of persons with disabilities 2021-2030", including objectives of improvement in terms of access to justice, legal protection, freedom and security for persons with disabilities,

*Emphasising* the obligation of all States to ensure that the rights of persons with disabilities are respected and that they benefit from reasonable accommodation,

*Inspired* by the cases considered by the members of the IPCAN, as well as by their reports and national recommendations,

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*Convinced* of the importance of cooperation, the common adoption of high standards and the promotion of good practice to achieve the respect of the texts aforementioned guaranteeing the fundamental rights of persons with disabilities;

*Noting* violations of the rights of persons with disabilities by law enforcement throughout the States of the IPCAN members, including harassment, discrimination and excessive use of force and restraint,

*We recommend* our public authorities to:

- Integrate a specific provision in codes of ethics of law enforcement agencies or legislation thereof in order to adapt to and better address the particular needs of persons with disabilities, regardless of the type of disability;
- Provide sufficient and effective training to law enforcement personnel on how to behave with persons with disabilities in all their diversity, both in their initial and continuous training, for them to be able to recognize their specific vulnerabilities and to assess appropriately the special needs of persons with disabilities;

*Noting* in particular occurrences of disproportionate use of force and restraint on persons with mental disorders, in which they are targeted because of a lack of knowledge about mental disorders among law enforcement,

*Understanding* that the law enforcement personnel are not expected to be mental health professionals, we recommend our public authorities to:

- Regulate strictly the use of force on persons with mental disorders and promote methods of containment rather than methods of restraint when in contact with persons undergoing mental health crises, wherever possible;
- Ensure that police officers, when involved in escorts to mental health care units, especially in cases of imminent risk of self-destructive or aggressive behaviour, act with special care and assist appropriately the medical personnel;
- Provide sufficient and effective training on the treatment and the interactions with persons with mental disorders, both in their initial and continuous training, with a particular emphasis on de-escalation techniques;
- Ensure that law enforcement agencies develop protocols and guidelines for responding appropriately and effectively to complex situations involving persons with mental disorders;
- Encourage awareness-raising among the police on the topic of mental health, especially for emergency call handlers that must deal with calls related to mental health;

*Noting* the considerable lack of accessibility of police services and the sometimes degrading or inhuman conditions of detention of persons with disabilities, sometimes resulting in disproportionate use of force or mistreatment, in particular in the cases addressed by the IPCAN's members especially for persons with sensory impairments or mobility issues,

*We recommend* our public authorities to:

- Ensure the full accessibility of police services and detention infrastructures;
- Ensure that the conditions for receiving statements or complaints be adapted to persons with disabilities, regardless of the type of disability, namely that they be provided with a sign language interpreter or simultaneous written or visual translation in their communications with the police and security service;
- Ensure specifically that the detention conditions are adapted for persons with sensory impairments, in order for them not to suffer further sensory deprivation which could constitute inhuman treatment;
- Ensure specifically the full accessibility of police stations, custody cells, and prison facilities, which are rarely adapted to persons with mobility impairments and wheelchair users,
- Encourage police and prison authorities to show greater flexibility in adapting to the needs of persons with disabilities;

*Finally*, we, members of the *Independent Police Complaints Authorities' Network*, also commit to our own accountability regarding:

- The respect of the principle of reasonable accommodation in the implementation of our missions and duties within our own structures but also in the relations with our service users and other external collaborators;
- The close follow-up of responses to our recommendations in our own countries.