



Finding the right balance:  
towards a human rights  
assessment framework for  
counter-terrorism policing

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*Is it possible to protect people from terrorism and protect their rights at the same time? Are liberty and security compatible?*

Irene Khan, Secretary General of Amnesty International (2005)

*I believe the appropriate balance  
needs to be struck between  
countering terrorism and human  
rights. I believe we have struck the  
right balance*

Then Australian Attorney General, Philip  
Ruddock July 2007

Dr Mohamed Haneef



# Police talk human rights: cautiously

“I think the thoughts of the membership at the current time, without the extra education that’s required to change the organisational mindset, is it’s probably just a bit of a waste of time and it’s just more things that’ll clog the system up. It’s viewed fairly cynically. I view it fairly cynically.”

# Police talk human rights: general principles

“[police] won’t say it’s human rights, but they’re talking about, you know, helping the community, serving the community.”

“basic credo [of] fairness and frankness”

# Police talk human rights: policing is human rights

“Our argument is human rights are policing.”

“[L]aw enforcement is the protection of human rights. That’s what it is.”

“[P]rotecting people's rights is a key and core function of policing and that's been the case since the inception of modern policing as a concept.”

# Police talk human rights: balancing

“[U]nderlying law enforcement is people’s right to live essentially and I see our role as protecting human rights, not impacting on human rights, but in all those sort of things there’s a balance ... [but] you can’t have your head in the sand and say there’s an absolute right at every stage of a person’s existence to every one of those rights. Sometimes they have to be curtailed because we live in a world that is under a particular sort of threat at the moment and that’s terrorism.... [some police] think, like most police forces, that the balance swings too far one way sometimes.”

# When human rights are restricted or limited:

- there must be a *legitimate aim* or purpose which permits the limitation of the full enjoyment of the particular right
- any restriction must be *prescribed by law*
- the limitation must be ‘*necessary in a democratic society*’ or proportionate to its aim.

*[W]e must find ways of reconciling security with liberty, since the success of one helps the other. The choice between security and liberty is a false choice ... Our history has shown us that insecurity threaten liberty. Yet if our liberties are curtailed, we lose the values that we are struggling to defend.*

National Commission on Terrorist Attacks upon the United States (9/11 Commission) *Report* (2004), 395.