



POLICE AND HUMAN RIGHTS IN AFRICA

1. Introductory Remarks

Welcome to the first newsletter on police and human rights in Africa. The newsletter is a result of the fruitful cooperation between the African Commission on Human and Peoples' Rights (African Commission), the Danish Institute for Human Rights (DIHR) and the African Policing Civilian Oversight Forum (APCOF).

Good police community relations are critical to effective policing with due regard to the respect of human rights. At the same time police must be confident of their own safety and communities must be confident of the positive presence that police bring.

The African Commission on Human and Peoples' Rights (African Commission) has a crucial role in relation to its promotion mandate in the form of conferences and seminars, human rights trainings for the police, dialogue building and information sharing; but also in relation to its protection mandate in form of monitoring the situation of policing and human rights by ensuring that the issue is addressed in all State Reports, the support to police accountability mechanisms as well as legal frameworks for police reform.

Civil Society plays a critical role in supporting the work of the African Commission and I therefore welcome the partnership between the Danish Institute for Human Rights and APCOF with the Commission in the area of police and human rights in Africa.

Commissioner Med Kaggwa, ACHPR Special Rapporteur on Prisons and Conditions of Detention in Africa

2. Focal Point on Police and Human Rights Appointed at the Secretariat of the African Commission on Human and Peoples' Rights

During the NGO Forum that preceded the 50th Ordinary Session of the African Commission on Human and Peoples' Rights (African Commission), held from 19 -21st October 2011 in Banjul, The Gambia, a resolution on Policing and Human Rights in Africa was adopted by the participants to the Forum.

The Resolution outlined the importance of a police that upholds the principles of the Rule of Law in the maintenance and enforcement of law and order and the promotion of citizen's safety in a manner compliant with the rights enshrined in Articles 1, 5 and 6 of the African Charter on Human and Peoples' Rights.

While recognizing the growing demands placed on police by national and transnational crime threats as well as the limited budgets, lack of training, poor equipment, poor working conditions, disregard of the human rights of police officers, and corruption within the police force, the resolution raised concerns on the disregard of human rights standards and Codes of Conduct by the police which has led to failure to protect citizens, harassment, inappropriate use of force by the police, lack of accountability, extrajudicial killing and summary executions, arbitrary and illegal arrests and torture as well as inappropriate police responses to public order and policing of assemblies.

The resolution also acknowledged the importance of human rights as a critical facet of security sector reforms and the unique position of the African Commission as an independent continental organization to champion an African dialogue on policing and human rights and the need for other relevant actors such as State Parties, National Human Rights Institutions, national police agencies and civil society organizations to work together to promote policing compliant with human rights.

In that regard, the resolution called on the African Commission to:

- Establish a focal point responsible for policing and human rights within the African Commission and ensure policing is a specific and consistent theme of State Reports and country visits. Such a focal point will include representation from the police, the state and civil society;
- Support the facilitation of regional conferences on policing and human rights to build towards a continental conference on Policing and Human Rights.

It was within this context that the Danish Institute for Human Rights (West Africa Program) engaged the Secretariat of the African Commission on the basis of a formal cooperation on the establishment of a focal point on Police and Human Rights within the Secretariat as a first step towards the creation of Focal Point within the Commission.

Thus on 1st August 2012, Tem Fuh, Legal Officer at the Secretariat was appointed as Focal Point. The main area of responsibility of the Focal Point will be to facilitate preparations for a conference on police and human rights in Africa in 2013.

Furthermore, the Focal Point will organise together with DIHR, APCOF and Cleen Foundation different side events on police and human rights during the sessions of the Commission. The Focal Point will also create a database of material on police and human rights as well as a list of experts with a focus on Africans.

Over time part of the Commission's web-side will be dedicated to the area of police and human rights.

3. Conference on Police and Human Rights 2013

At its 40th session in 2006 the Commission adopted a resolution on 'Police reform, accountability and civilian oversight'. Both the report from the 40th and the 41st session speak of the intention of the African Commission to organise seminars on building the culture of peace and human rights for the police.

To give effect to the Commissions stated intention, a conference on 'Police and Human Rights in Africa' will be organized in 2013. The conference will be organised by the Commission in collaboration with APCOF, Cleen Foundation and DIHR.

Participants to the Conference will be drawn from the police and state representatives, national human rights institutions as well as civil society.

Topics for the conference will be:

1. Human rights training and recruitment
2. Codes of conduct
3. Community policing models
4. Oversight mechanisms
5. Role of the African Commission

One of the key challenges in the coming months will be to secure proper funding for the conference.

4. Debates form the Seminar of Policing and Human Rights at the 51st session

The discussion was co-hosted by APCOF, DIHR, Cleen, the West African Civil Society Institute and Hurisa. The organisations formed part of a growing focal group on Police and Human Rights (the Focal Group) established at the NGO Forum preceding the 50th ACHPR session

Nondumisa Nsibande of POWA discussed the issue of policing and gender based violence based on the practical experiences of her organisation working with survivors in Johannesburg South Africa. She noted particular concerns regarding police reluctance to take on cases of domestic violence, as this was often perceived as a family matter. Often important information that would assist victims was withheld. Resourcing was often used by the police to explain poor response. Among the strategies adopted was the support of dialogues between police and legal aid highlighting the importance of swift accessto essential services.

Ababacar Ndiaye of APCOF spoke on the utility of civil society and police working together to develop accepted Codes of Conduct. The process allowed for structured dialogue

between police and communities on a vision for policing and to share the experiences and frustrations of attempting to meet these aspirations.

Chinedu Nwagu of Cleen addressed the importance of adequate resourcing for the police against the main headings of capacity, conditions of service and support. It was important that police were trained and equipped adequately to perform against the standards expected of them. This needs to be complemented with acceptable conditions of service. Community support was the third important agreement but was largely dependent on the manner in which the police behaved. Malamine Tamba of UNOWA, speaking on his personal capacity spoke of the importance of promoting human rights in police and the training and institutional arrangement necessary to support often significant cultural shifts required in organisation particularly in a post conflict situation.

Zied Elheni of FAJ in Tunisia spoke on the experiences of police in the events of the protests and government change in Tunisia and the challenges the police and citizenry experienced adapting to changes. The importance of building the dialogue on police and human rights was more urgent than ever. Bodies such as the International Labour Organisation had done commendable work building the dialogue between labour, employers and government. A similar dialogue between police the citizens and government was necessary.

Lisbet Ilkjaer of the DIHR spoke on the subject of increasing insecurity in the Sahel and the importance of addressing issues of human security, police resourcing and community relationship building. Often critical aspects of ordinary peoples relationship with the police and their access to police services of building safety were overlooked in favour of reform models that gravitated towards more militarised and technology driven responses to threats of terrorism, and trafficking. Looking at security reform it is crucial to take into account also the aspects of development and justice and human rights and to ensure that the context is understood before introducing security models.

Mohamed Mabassa Fall of FIDH emphasised the importance of working with the recipients of policing and the development of the demand agenda as a counter balance to the considerable resources spent on supply side police reform.

In the discussion to follow participants highlighted the need to augment the agenda with a discussion on corruption.

5. Launch of first Newsletter at the 52nd session in the Ivory Coast, Yamoussoukro

During the 52nd session of the Commission in October 2012 in the Cote d'Ivoire, the Newsletter will be launched and the 2013-conference on Police and Human Rights will be discussed.

CONTACTS

**African Commission, Tem Fuh : tem_fuh@yahoo.com
DIHR, Lisbet Ilkjaer : lik@humanrights.dk
APCOF, Sean Tait : sean@apcof.za**