



Policing and Human Rights: Developing an Agenda for Action

Workshop Outcomes Report

Johannesburg, 23 and 24 October 2012

1. Introduction

During the 2011/12, APCOF partnered with academics, civil society organisations and police organisations from across the Southern African region to undertake a 10-country review of countries' compliance with the *SARPPCO¹ Code of Conduct for Police Officials*. The study included reviews of Angola, Botswana, Lesotho, Namibia, Malawi, Mozambique, South Africa, Swaziland, Zambia and Zimbabwe, and was launched at this workshop.

In October 2012, government and civil society representatives were brought together in a workshop to review the overall findings of the report, and to make recommendations on actions to be taken in the region. The workshop was attended by representatives from all of the countries noted above, except Angola. Representatives from Tanzania were also present. Presentations were made by participants from 8 of the 10 countries included in the study: the countries not included in the presentations were Angola and Zimbabwe.

This workshop report presents the outcomes of the workshop. In particular, it records recommendations about actions to be taken at the regional and country level, as well as in terms of specific thematic areas such as regional safety and security, and gender.

2. Policing and Human Rights: 10-country study on Southern African countries' compliance with the SARPPCO Code of Conduct for Police Officials

The SARPPCO Code of Conduct was approved in August 2001 and is intended as a set of minimum standards for policing in the SADC region. It is founded on principles such as respect for all human life, reverence of the law, integrity, respect for property and service excellence. It recognises that human rights norms and ethical practices are essential aspects of professionalising the police services in the region. The Code of Conduct outlines 13 articles, which are intended to guide police organisations in terms of achieving these objectives. In terms of the 2001 Harare Resolution, each SARPPCO

¹ SARPPCO is the Southern African Police Chiefs Cooperation Organisation. The organisation was established in August 1995, and its Secretariat became Interpol's Regional Bureau for Southern Africa in 1997. In 2009, SARPPCO was integrated into the Southern African Development Community (SADC)

member state of SARPCCO undertakes to take measures to implement the Code of Conduct nationally, adapting it to its own requirements. A further commitment was made for SARPCCO to oversee the implementation of the Code of Conduct, and to develop a training plan for its implementation.²

In 2011, APCOF developed indicators against the 13 Articles of the Code of Conduct, and tested these in Lesotho, producing the report, *The Police as Friend and Helper to the People: Assessing the Lesotho Mounted Police performance in terms of the SARPCCO Code of Conduct*.

The 10-country study sought to review other Southern African countries' performance against the Code of Conduct, with a view to establishing a baseline against which to measure the progress of police organisations in the region in meeting the human rights standards articulated in the Code of Conduct. The findings are detailed in the report.

3. An Agenda for Action: Proposed Actions at the Country and Regional Levels

Workshop discussions produced the following in terms of actions to be taken.

3.1. At the Regional Level

SARPCCO must be encouraged to:

- Promote its own Code of Conduct,
- Raise awareness and demystify SARPCCO to civil society,
- Promote active participation in civil society initiatives, lobby SADC,
- Promote society-centric policing (democratic policing),
- Promote SARPCCO responsiveness to national policing excesses.

APCOF needs to play an important role through the following actions:

- Maintain the momentum gained through the work that has been undertaken already
- Circulate reports on police reform and continue to share information
- Co-ordinate follow-up activities at the country level
- Ensure a link with continental initiatives
- Strengthen relationships and sharing with Francophone countries

Critical interventions and strategic entry points for promoting change in terms of police accountability:

- Establish a theme around which regional advocacy and campaigning can take place. For example, "enhancing trust between police and communities"
- Establish a relationship with SADC CNGO, as a means of developing relations with SADC

² SARPCCO (2001) *Harare Resolution on the SARPCCO Code of Conduct for Police Officials*

- Engage the Inspector-Generals/Commissioners of police at the national level, in order to create entry points into regional structures in SADC, and into SARPCCO.
- Raise funds for a regional seminar on this issue for police management from SADC countries, and work towards a regional approach to police accountability
- Through APCOF, look towards learning and exchange with other regions, e.g. ECOWAS
- APCOF needs to continue to promote further actions in the region, i.e. organising training, creating platforms for debate, seminars for civil society, etc.
- Hold regional forums/conferences (for example, as side events at the sessions of the African Commission on Human and Peoples' Rights)
- Profile actions that appreciate the jobs being done by honest and hardworking police in the region
- Focus on improving the working conditions of the police, and services for police that address trauma experienced on the job
- Continue to share lessons, experience, best practises and challenges

3.2. *All Countries in the Region*

- The findings of the study should be launched, with civil society and the police being invited
- There may be reluctance from the police to attend a public meeting, and separate meetings could be organised for private feedback to the police
- There is a need to engage all interested parties (the broader human rights community in the country) in discussions on police reform, and to build a local agenda for action of what must change and how to activate those changes This can be initiated through offering training or seminars on a key issue or concern in relation to policing, and engage interested parties in this way
- There is a need to find an entry point to begin these conversation with police
- It is important to build a coalition of interested organisations.
- There are current entry points in Mozambique, Lesotho and Swaziland, which should be taken advantage of
- The above should be done at country level within a 6-month period
- A follow-up meeting should be organised to assess progress

3.3. *Country-level Actions to be Taken*

3.3.1. Botswana

Critical interventions and strategic entry points for promoting change in terms of actions of the police:

- Education: more human rights needs to be provided in police training; human rights training should be taken more seriously and police should be more diligent in its implementation. This applies to new recruits and the retraining of officers in the field
- Enforcement of the rule of law (impunity for past wrong-doing): This should be taken more seriously e.g. In the case of John Kilafhati, the killers were given an 11-

year term but unconfirmed reports say that they received presidential pardons and are back at work. This may send the wrong message to the public

- Parliamentary Committee overseeing the police: Botswana does not have a specialised committee in parliament, and such a committee is necessary for effective parliamentary oversight of the police
- Independent human rights commission: The country has been advocating for the establishment of such a commission, which could assist in investigating complaints of police abuse
- Domesticating regional instruments: Instruments such as the SARPCCO Code of Conduct are by and large not binding.

3.3.2. Lesotho

Critical interventions and strategic entry points for promoting change in terms of actions of the police:

- The report should be launched in the country
- Information needs to be shared more widely, and efforts need to be made to package relevant messages on this issue
- Focus on strengthening relationships with the Lesotho Mounted Police Service, and encourage greater accessibility of information and a mutually beneficial relationship
- Strengthen oversight bodies
- Seize opportunities with the new government
- Seek opportunities with ACHPR
- Collect and update information available, and build a database of information
- Popularise and contextualise police oversight and community outreach
- Lobby for a police budget that is sufficient to professionalise the police

3.3.3. Malawi

Critical interventions and strategic entry points for promoting change in terms of actions of the police:

- Operationalisation of the Lay Visitors scheme will improve the situation of persons detained by the police
- Operationalise the Independent Complaints Commission
- Campaign for CSOs to become involved in the human rights training provided to the police
- Strengthen civil society formations on human rights
- Improved Parliamentary oversight

3.3.4. Mozambique

Critical interventions and strategic entry points for promoting change in terms of actions of the police:

- Democratise the sector based on interaction with community
- Building pragmatism of police accountability

- Speed up participative reform in the judicial administration system
- Define implementable democratic strategies for the security sector
- Increase training of police and justice administration as whole, in democracy and human rights

3.3.5. Namibia

Critical interventions and strategic entry points for promoting change in terms of actions of the police:

- Namibian launch of the report
- Stakeholder workshop with civil society and Nampol
- Establish the civil society advocacy agenda
- Promote peer learning and sharing of best practises

3.3.6. South Africa

Key Issues:

- Despite a Code of Conduct, and its mandate to uphold the Constitution and the law, perceptions of the police in South Africa, there are negative perceptions of the police, and a range of problems have emerged from inspections of 858 police stations including: general lack of command and control and poor levels of discipline and high levels of corruption; poor service delivery and maladministration; neglected and under-resourced detective service; and incompetent station commanders (who lack supervising skills, experience and discipline)
- Other areas of concern in the SAPS include: the loss of firearms (6572 lost between 2008-2012); internal accountability problems in the SAPS; increasing number of incidents of criminality, misconduct and brutality undermines public trust
- A significant police oversight infrastructure has been established (including the IPID), but further investment is required in terms of the enormity of the task
- The media, and especially investigative journalists, can play a significant role in exposing problems in police, as well as pushing forward (and assisting) investigations of crime by the police. However, the police are deeply suspicious of the media (this is often as a result of the views of the police leadership), and reluctant to work with the media.

Critical interventions and strategic entry points for promoting change in terms of actions of the police:

- The problems in the police are significant and it is possible that a judicial Commission of Inquiry into the service and its leadership is required
- The National Development Plan recommends a range of actions that need to be taken – these should be implemented urgently
- Strengthening civil society empathy with ordinary police officers who are serious about their jobs is critically important at this time. Such officers have little control over the nature of police leadership

- Current investment in police oversight is substantial, but there is a need for further investment in the IPID (given the size of their mandate), and the urgent appointment of a new Director
- The role of civil society in police oversight and accountability is also critical. Structures such as Community Police Forums have an important role to play, but have never matured in terms of this role. There is also a need to provide opportunities for ordinary people to engage on this issue
- There is also a need to provide regulation and oversight of the private security industry, given its size and its range of policing functions
- Police leadership throughout the system (from the station level upwards) seems to be a critical factor in terms of the nature of policing that is provided. This needs far greater attention in South Africa

3.3.7. Swaziland

Critical interventions and strategic entry points for promoting change in terms of actions of the police:

- Training of the police on human rights issues: the police need to involve civil society stakeholders in developing the contents of the training
- Make efforts to bring relevant CSOs and communities into the discussion
- Conduct regional human rights and policing assessments
- There is a need to recognise those police that perform well
- Alignment of legislation and Constitution with international norms and standards
- Conduct independent audit and publishing findings
- Peer pressure from international police bodies and unions may also play an important role

3.3.8. Zambia

Critical interventions and strategic entry points for promoting change in terms of actions of the police:

- Need for an Ombudsman to consider a range of matters including: what leads to arrest and detention; prison overcrowding; juveniles in detention; bail and record keeping
- Strengthen legal framework on torture: legislation needs to be aligned with UNCAT
- Continuous training of police in human rights, particularly as this relates to international human rights conventions
- Increased advocacy and engagement on human rights issues between government and civil society. The new government provides a renewed opportunity to engage
- The government has recognised the importance of oversight. Oversight institutions need to be strengthened

3.4. Thematic Discussions

3.4.1. Gender and Policing in the Region

Key Issues:

- Internal police issues relating to gender:
 - Employment and recruitment: women very much underrepresented. Women are often found in lower echelons of the service and in administrative positions
 - Women are seen to be better at dealing with vulnerable groups, which has serious implications for the potential for their promotion – they are often left to jobs that women are ‘supposed to be good at’. Male officers in similar jobs are seen as ‘less manly’- as the work is considered to be more like social work than policing
 - There is a reluctance of male officers to accept women police officers in the field. Marikana- would this have been different if women police officers had been there?
- External policing issues relating to gender:
 - Customary law limiting women’s recourse to law and policing services.
 - Action Point: Establishment of specialised units to look into cases of victimisation
 - Looking at the language is disabling: ‘special or minority need’ and vulnerability. Seeing women as victims; suggesting that it deviates from the gender norm.
 - Resourcing needs are also affected by gender norms.

Critical interventions and strategic entry points for promoting change in terms of actions of the police:

- Identify gender discriminatory legislation that brings women into conflict with the law and denies them police protection
- Establishment of a specialised service in each country to address matters of sexual and gender-based crimes. Matters such as scope, reach, resourcing, training, all need to be defined
- Define what is a “good enough” minimum standard of service, given contexts of SARPPCO countries
- Removal of gender discriminatory laws and adopt standards for responding to gender sensitive issues
- Constantly monitor gender representation in police at all levels – do this from SADC regional perspective
- Undertake studies to explore whether women police officers are indeed better at certain functions than others, and whether they would be less likely to commit abusive actions such as those in Marikana. Women police officers are sometimes considered to be less corrupt. Can more women in the police service change the culture to becoming a more sensitive one? These are also issues that should be studied
- Some groups are at additional risk of police abuse: e.g. sex workers, LGBTI persons. Greater attention is needed in terms of assuring their protection

3.4.2. The SADC Peace and Security Architecture

Key issues:

- Weaknesses of the Strategic Indicative Plan of the Organ (SIPO 2)
 - It is 2 years late
 - The absence of civil society engagement
 - It fails to address the fragile relationship between the Organ and the International Cooperating Partners (ICPs)
 - Strategic areas have been under-resourced
- Strengths of SIPO 2
 - It has brought policing responsibilities into the Organ's functional structure – focus on cross-border crimes and domestic threats
 - There is a greater emphasis on monitoring and evaluation

Critical interventions and strategic entry points for promoting change:

- Strengthening civil society engagement in regional processes
- Organise joint peace and security programs and initiatives
- Engage with SADC Parliamentary Forum
- We need to find other entry points to engage with SARPPCO and SADC
- We need to explore how the 'national committees' are to be engaged and used

4. Planning Forward

- APCOF will continue to connect participants and researchers through its new website, and its newsletter. We will seek to build a regional network through this process.
- We should not be too concerned with the formalisation of its actions. Rather we should seek to ensure that communication continues to take place at the national and regional levels
- We need to seek to increase the range of civil society stakeholders with an interest in this issue, at the national and regional levels

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Presenters: Prof Mpho Molomo (Univ. of Botswana), Pefole Katleho (Transformation Resource Centre, Lesotho), Peter Chinoko (Catholic Commission for Peace and Justice, Malawi), Albino Forquilha (FOMICRES, Mozambique), Ben Nyqvist (Urban Trust of Namibia), Lungile Mnisi (Coalition of Concerned Civics, Swaziland), Edgar Mainza (SACCORD, Zambia), Gareth Newham (Institute for Security Studies, South Africa), Mzilikazi wa Afrika (The Sunday Times, South Africa), Sean Tait (APCOF), Trevor Maisiri (International Crisis Group), Lisa Vetten (Independent Researcher, South Africa)

Chairs: Amanda Dissel (Independent Researcher, South Africa), Janine Rauch (Independent Researcher, South Africa), Louise Ehlers (Open Society Initiative for Southern Africa)

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About APCOF: The African Policing and Civilian Oversight Forum is a network of African policing practitioners from state and non-state institutions. It is active in promoting police reform through strengthening civilian oversight over the police in Africa. APCOF takes the view that strong and effective civilian oversight assists in restoring public confidence in the police; promotes a culture of human rights, integrity and transparency within the police; and strengthens working relationships between the police and the community. APCOF achieves its goals through undertaking research; providing technical support and capacity building to state and non-state actors including civil society organisations, the police and new and emerging oversight bodies in Africa. APCOF was established in 2004, and its Secretariat is based in Cape Town, South Africa.

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