



DIALOGUE ON HUMAN RIGHTS AND POLICING

28–29 April 2016
Johannesburg, South Africa



Hosted by the
African Policing Civilian Oversight Forum

In partnership with the
South African Human Rights Commission



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ACRONYMS AND ABBREVIATIONS

| | |
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| APCOF | African Policing Civilian Oversight Forum |
| CEO | Chief Executive Officer |
| CPF | Community policing forum |
| CSO | Civil society organisation |
| CSP | Civilian Secretariat for Police |
| EU | European Union |
| IPID | Independent Police Investigative Directorate |
| LGBTI | Lesbian, gay, bisexual, transgender and intersex |
| MOU | Memorandum of understanding |
| NDP | National Development Plan |
| NGO | Non-governmental organisation |
| POPCRU | Police and Prisons Civil Rights Union |
| SAHRC | South African Human Rights Commission |
| SANDF | South African National Defence Force |
| SAPS | South African Police Service |
| SJC | Social Justice Coalition |
| UCT | University of Cape Town |
| UNAIDS | Joint United Nations Programme on HIV and AIDS |

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I BACKGROUND

The Dialogue on Human Rights and Policing was held in Johannesburg, South Africa from 28–29 April 2016 as a joint initiative of the African Policing Civilian Oversight Forum (APCOF) and the South African Human Rights Commission (SAHRC).

The Dialogue brought together role-players in policing, including government, oversight bodies, Chapter 9 institutions and civil society organisations (CSOs), to gather and discuss key issues pertaining to policing and human rights in South Africa. The Dialogue sought to contribute to building a South African consensus on promoting human rights in policing by:

- Creating a space for constructive discussion between various stakeholders to engage on human rights-related policing issues;
- Supporting and encouraging South African contributions and inputs into police policy developments; and
- Encouraging stakeholders to share experiences and comparative analysis of human rights in the policing context.

The Dialogue was supported by the European Instrument for Democracy and Human Rights. Since 2002 it has provided support to over 100 projects in South Africa working on a range of human rights issues, including the rights of asylum seekers and refugees, the fight against torture and ill-treatment, children’s rights, women’s rights, and the protection of, and respect for, cultural and gender diversity.



Dr D Titus (SAHRC), Hon. Nkosinathi Nhleko (Minister of Police), Amb. Marcus Cornaro (EU Ambassador to South Africa)

II DIALOGUE OPENING

Ms Lulama Duma, acting chief executive officer (CEO) of SAHRC, Mr Sean Tait, Director of APCOF and Amb. Markus Cornaro, European Union Ambassador to South Africa welcomed participants to the Dialogue on Human Rights and Policing.

South Africa's Constitution promotes a vision of a human rights-compliant policing. However, there has been increasing public disquiet around the extent to which these rights are upheld in South Africa today as violence continues to plague policing in the democratic era. This includes both violence by police, violent clashes between police and protesters, and violence against the police. However, if the police violate human rights they are not only violating individual rights, but that of democracy and the justice system that is meant to protect citizens' rights and human rights. In a real sense, police officers are the day-to-day defenders of human rights.

Although adherence to the rule of law applies to the police in the same way that it applies to every member of the public, achieving the appropriate balance between police powers and individual liberty is an old debate; a difficult and conflictual one.

The excessive use of force by police officers, including unjustified shootings, physical abuse and rough treatment, persists all over the world. Reports by human rights organisations have raised concerns about questionable police identity checks, including ethnic profiling, mistreatment in detention, and other issues globally.

It is difficult to establish whether police misconduct has become more prevalent, or whether it is more visible and recognised as communities become more aware of their rights. It is, however, evident that in recent years, demonstrations fuelled by citizen frustrations, and high levels of crime, inequality and poverty, continue to generate new challenges for policing.

Working in a challenging environment does not justify misconduct and violation of human rights by the police in any country. Human rights can only be protected when the rule of law is upheld. There is a clear link between the role of the police, the behaviour of police officers and human rights.

A new policy framework for policing is in Parliament and seeks to address the deficits in both the current legal framework for policing and in the action and impunity of individual officials. However, a number of critical areas such as demilitarisation, the Code of Ethics, and the mechanics of proposed new facilities (such as the police board), all proposed in South Africa's National Development Plan (NDP), remain under-developed in terms of our understanding and response.

Civil society organisations have an important role to play in policy development, implementation, and oversight of policing and in building just, equitable and inclusive societies all over the world. All South Africans must put effort into ensuring a culture of human rights-compliant policing. Police must fully embrace the democratic values, including respect for human dignity, freedom, equality and respect for the rule of law.

The Dialogue is an opportunity to critically reflect on key interventions and practical steps to address the institutional challenges that hinder progress towards rights-compliant policing and community safety.

III KEYNOTE ADDRESS BY HON. NKOSINATHI NHLEKO, MINISTER OF POLICE

Democratic South Africa is protected by the Constitution. The institutions of state help give effect to the Constitution. Tensions will arise in any democracy. This provides the opportunity for development, but may also lead to regression which could find expression in the apparatus of state exercising, or attempting to exercise, its authority in a way that suggest its powers are above those of the people.

Security is an all-encompassing and holistic concept that enables people to live in peace and harmony, enjoy equal access to resources, as well as to transform and develop their lives. The objective of national security is to go beyond merely achieving an absence of war and physical violence, and to also include the consolidation of democracy, respect for human rights, social justice,

sustainable economic development and protection of the environment. Threats to national security are not limited to external military aggression, but include poverty, social injustice, socio-economic deprivation and the abuse of human rights.

As per section 198 of the Constitution, the final responsibility for safety and security should be taken out of the hands of the security apparatus and should be placed squarely in the jurisdiction of the duly elected Parliament and Executive. Sections 206 and 207 of the Constitution deal specifically with political responsibility and control of these forces. Civilian oversight should be constitutionally enshrined. Security ministries should be civilian ministries. Parliamentary oversight of the security services is constitutionally enshrined and right of the public to access information is provided.

The police service is legally empowered to deprive citizens of their rights, such as the right to liberty, but under clear circumstances provided in law. This is a responsibility that needs to be exercised with consideration and caution. South Africa has established checks and balances over the police to ensure that the police act with due regard to the rule of law and human rights enshrined in the South African Bill of Rights. Professional and effective police training and management helps promote the observance of the law and of rights.

Developing detective skills and the detective service and crime intelligence are key priorities. Policing should be informed by crime intelligence analysis and geographical pattern analysis so that police can make decisive and meaningful interventions.

Public order policing capacitation, instruments, equipment, as well as a review of the standing orders on managing crowds and public protest are in the terms of reference of the expert panel on implementing the Farlam Commission's recommendations.

The police are part of the very communities they protect. Many officers put their lives at risk to do this. They must protect themselves but remain within the ambit of the law. Police must be seen to promote and protect procedural and substantive fairness so that people who approach the police for services leave better than when they arrived.

Policing of informal settlements is a challenge for the South African Police Service (SAPS). Infrastructure such as access roads and lights is key to improving policing. Collaborative efforts with municipalities and other government departments and communities form part of Government's policy approach and is contained in the White Paper of Safety and Security. It requires the efforts of all to implement.

Government alone cannot produce a transformed police service with a renewed focus on protecting the Constitution. Such an outcome can only be achieved through collaboration with the state, the police, civic organisations, non-governmental organisations (NGOs), private companies, state-owned entities and society at large. The Dialogue is welcomed and is the beginning of a renewed process of cooperation between all South Africans as they strive to deepen and develop the rights and values enshrined in the Constitution and hard won.

IV HUMAN RIGHTS AND POLICING IN SOUTH AFRICA

Panellists: Mr Fanie Masemola (Deputy National Commissioner of Police), Mr Mark Rodgers (Civilian Secretariat of Police), Prof. Elrena van der Spuy (University of Cape Town) and Dr Danny Titus (South African Human Rights Commission).

Chair: Dr Remember Miamingi (South African Human Rights Commission).

A panel discussion on Human Rights and Policing in South Africa was presented followed by a question and answer session. The main observations of the session were:

Progress and performance in the SAPS

The mandate of the SAPS as contained in Section 205 of the Constitution is to prevent, combat and investigate crime, to protect and secure the inhabitants of South Africa as well as their property, and to uphold and enforce the law. This mandate is linked to the achievement of the National Development Plan (NDP) Outcome 3: 'all people in South Africa are and feel safe'. The reference to 'feeling safe' relates to the public perception of safety and security, and 'are safe' relates to the very

high levels of serious crime in the country. The performance of the SAPS is subject to scrutiny by internal and external oversight bodies.

Many interesting and challenging conversations have taken place on the progress towards democratic policing in South Africa over the last 25 years. These have happened in workshops, symposia, conferences, *bosberade*, panel discussions and dialogues. Codes of conduct, policy papers, guidelines, handbooks and manuals have been produced in this time, but progress towards human rights-compliant policing in South Africa remains uneven.

There has been an underestimation of the extent to which the police have been vulnerable to political interference. Experts also underestimated the structural factors of inequality that would render policing more difficult and dangerous. The policing of the poor looks different to what idealists had in mind in 1994, and the Khayelitsha Commission has made it clear that there is less access to justice for people living in urban ghettos in South Africa.

An in-depth analysis of the performance of the SAPS has recently been conducted. This included analysis into the numbers and types of outstanding case dockets, and the extent of compliance with the Criminal Law (Forensic Procedure) Act. The activities of the National Crime Combating Forum and the National Support Services Forum, performance reviews of the detective service, and national strategic planning session have all contributed to ongoing efforts to determine whether the SAPS is on track to deliver on its constitutional mandate and obligations, supported by its 'back to basics' policing approach.

New policing policy

The White Paper on the Police builds on the NDP and provides an overarching policy framework that calls for a democratic approach to policing – one that is aligned to the norms and values expressed in the Constitution. It emphasises the importance of a policing approach which is demilitarised, community-centred, rights-based and accountable. The White Paper stresses the importance of continuous improvement in training and the professionalisation of the police service in this rights-based philosophy. Human rights in policing must be reinforced at all stages of police training.

The White Paper reinforces the importance of strong oversight mechanisms that ensure that police conduct is subject to regular review and oversight. Community policing forums (CPFs) are seen to play a vital role in educating and empowering communities to appreciate their role in developing joint solutions and ensuring localised oversight and accountability of the police.

The White Paper draws attention to the establishment of the National Police Board and the development of a 'code of ethics and professional police practice'. The South African Police Service Act will be amended to support effective implementation of the White Paper. This will be supported and complemented by other policy and strategy.

Vulnerable and marginalised communities continue to experience high rates of victimisation. Research conducted in 2010 showed that approximately only 8% (1 in 13) of women raped by a non-partner reported the incident to the police. While the reasons for non-reporting are complex, the criminal justice system must reduce the barriers to reporting such incidents. Building safe and resilient communities depends on integrated efforts across government; and drawing in role-players from civil society, business and academia. A policy that aims to 'reduce barriers to reporting sexual offences and domestic violence' is being finalised to ensure appropriate responses to such crimes, and to minimise secondary victimisation.

The White Paper on Safety and Security complements the White Paper on the Police. They are interrelated documents that flow from one another to set up clear roles and responsibilities within a shared responsibility for safety and security. Now that both have been adopted, there is a need for implementation plans to move the process forward towards meaningful change. Proper implementation mechanisms are envisaged to implement these policies from national level all the way down to provincial and local levels, streamline allocation of budgets, plan interventions around safety, crime and violence prevention, and develop proper monitoring and evaluation mechanisms to assess impact. This is a challenge that requires commitment and buy-in from all stakeholders.

The Civilian Secretariat for Police (CSP) is scoping and modelling the role and function of the National Police Board. This will be an independent and permanent facility that will review police training,

discipline, promotion and recruitment. Initial thinking is that it should be legislatively enabled under an amended South African Police Service Act.

Towards human rights-compliant policing

Julia Hornberger's book *Policing and Human Rights: The meaning of violence and justice in the everyday policing of Johannesburg* refers to human rights being present in South Africa as a doctrinal discourse, but at the same time being absent in practice.

The broad-based consensus on the desirability of human rights-compliant policing that came from the global community and Western designs, lasted for 15 years into the democratic era, but that consensus seems to have broken down over the last ten years. Public concern about crime has gone up; the difficulty of translating good policy into practical action has become evident; the policing environment continues to be demanding and very dangerous; and there is doubt about the sacredness of human rights in many communities.

In the police itself, the relationship between policing and human rights has proved to be more fraught and tenuous than was originally assumed. Advocates of human rights have realised that human rights is not a doctrine that can be poured down the throats or forced on the police as if they are empty vessels. To do so is to ignore the personal agency of police officers.

This complex intersection of contextual, operational, bureaucratic and cultural constraints has complicated the project of implementing human rights-compliant policing. A culture of impunity has taken shape. There is little consolation from elsewhere in the world. All over the world, policing is more challenging than it was 25 years ago.

The SAPS is revising its legal and policy framework to ensure it supports human rights-compliant policing. Human rights training for new police officers has taken place in all nine provinces and refresher courses have been held. The current framework includes standing orders which regulate the treatment of arrested persons; the treatment of persons in custody; the treatment of the property of an arrested person; medical treatment of an arrested person; and release from SAPS custody. There are also national instructions to deal with search and seizure, the right to privacy, children in custody, roadblocks, victim empowerment and the prevention of torture.

The *Iqabane* field guide and newsletter is published by the SAPS to educate members about their human rights obligations under the Constitution and other laws. Outdated and unconstitutional legislation is under review.



Adv. Vuzi Pikoli Western (Western Cape Police Ombudsman), Hon. Francois Beukman (Chair, National Assembly Portfolio Committee on Police), Ms Phumeza Mlungwana (Social Justice Coalition) and Mr Robbie Raburabu (Acting National Spokesperson, IPID) participate on a panel on accountable policing and human rights

While the SAPS is trained to respect human rights, some members infringe on them. These infringements include the killings by police of Andries Tatane, Mido Macia, Khulekani Mpanza and the striking miners at Marikana. Internal committees within the police have been established to mitigate the risk of such events happening again. The SAPS is committed to learning from its mistakes and to collaborating with civil society to improve its practice.

The SAPS remains committed to the memorandum of understanding (MOU) it signed with the SAHRC in 2015.

The MOU provides for a conflict resolution mechanism between the SAHRC and the SAPS as the parties strive to promote human rights in policing. The thematic areas covered by the MOU include: curriculum review and development; visiting lectures; overcoming resistance to change in the SAPS about adopting a human rights culture; research; monitoring and evaluation; and information and media.

The human rights content of the SAPS curriculum will be reviewed with regard to the protection of human rights while exercising powers of arrest, search and seizure; the policing of gatherings and demonstrations; and the use of force, including lethal force. The 'visiting lectures' theme envisages mutual learning and support through inputs from external human rights resource persons and experts inside the SAPS. The research theme envisages gathering internal research about current practices, for example, arrests, search and seizure operations, etc., and making it available to the broader research community. The MOU envisages joint outreach activities to educate and inform members of the public about policing and human rights.

In addition to this MOU, Section 11 of the South African Human Rights Commission Act of 2013 makes provision for advisory committees to advise and make recommendations to the Commission. There are currently committees established on preventing torture, policing and correctional services. The SAHRC also monitors South Africa's international commitments to implement human rights, including the International Covenant on Civil and Political Rights. In March 2016, a 16-member delegation comprising representatives of government and NGOs delivered South Africa's first report to the United Nations Human Rights Committee on its implementation of the Covenant.

Among other things, the UN Committee recommended that South Africa should consider amending its Torture Act to: provide civil remedies for victims of torture; expedite the implementation of the recommendations of the Farlam Commission; revise policies and laws regarding public order policing and the use of force, including lethal force by law enforcement officials; and ensure that all policing laws, policies and guidelines are consistent with Article 6 of the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Other recommendations were made in respect of: corporal punishment; violence, ill-treatment, torture and deaths in custody; poor prison conditions; and human trafficking. The Committee concluded that the Covenant must be domesticated and its content disseminated to people in South Africa in a form that they can understand. South Africa is required to submit its second report on implementing the Covenant in four years' time.

The road ahead

Stakeholders acknowledge the extraordinary difficulties at hand, and commit themselves to a critical, constructive and pragmatic engagement with the challenges that lie ahead. Recent protests have made South Africans re-examine their embedded assumptions about political life and the principles that guide governance.

Three critical issues inform the current debate of policing. The first is whether the SAPS is in a crisis or whether the crisis in the SAPS may reflect a crisis in the state more broadly. The second is that there is no one culture of police and policing, and cultures can be contradictory. The third is whether the SAPS rules that are spread over thousands of pages are effective. There are always formal rules and informal rules, and there is a danger when the informal rules become more important than the formal ones.

A vision for policing in South Africa is the SAPS as an organisation performing in compliance with democratic policing principles such that communities, including migrant communities, are satisfied

with its performance. That is something can only be brought about through collaboration between the police and communities. The SAPS must ensure meaningful reductions in crime, violence and victimisation, and it must serve communities using a human rights-based approach enshrined in the Constitution. The NDP calls for 'a professional, well-resourced and highly-skilled' police service, and the implementation of a range of policy and strategy interventions that would strengthen the ability of the police to deal with crime and violence.

V PANEL DISCUSSION: POLICING, MILITARISATION, USE OF FORCE AND DEMOCRATIC POLICING IN SOUTH AFRICA

Panellists: Mr Eldred De Klerk (member of the Farlam Commission Task Team), Major General Leon Gossmann (SAPS) and Ms Annelize Van Wyk (former chair of the National Assembly Portfolio Committee on Police).

Chair: Mr Faizel Ally (Civilian Secretariat of Police).

A panel discussion on Policing, Militarisation, the Use of Force and Democratic Policing in South Africa was presented and followed by a question and answer session. The main observations of the session were:

Democratic policing

Democratic policing is a paradox because it puts the expectations of communities who depend on the security forces to secure law and order, up against the human rights enshrined by the Constitution. Democracies are based on the freely given consent of the people who are governed. The police must exercise their powers to protect democracy and should operate with the people's approval. In order to exercise their functions, the police have the monopoly on the use of force to maintain order and enforce laws. However, in the process of exercising their power to search, arrest and detain, they can they can disrupt people's freedom, invade privacy and have an enormous invasive impact on people's lives.

Democratic policing is not about militarisation, the use of force and professionalisation. Democracy is about values, ethics, process, dialogue, engagement, agreed standards and prescripts regarding how we do what we do and the reasons why we do it.

The core of democracy is participation, and this means the police should include South Africans in policing activities through community policing forums (CPFs). Sector policing has gained momentum over the last few years and has led to closer relations between the SAPS and the communities it serves. The SAPS must be responsive to the diverse needs of communities.

Looking back in history, the 11 police forces that were merged to form the SAPS were seen to be keeping an unjust political system in place. They were policing the people, not crime. The new SAPS went on a roadshow to explain to officers on the ground that they were now a democratic police that had to respect human rights. The training curriculum was changed, recruitment policy was updated, and plans were formulated to put the new values into place.

Crime has been a prominent political issue since the 1990s. Parties canvass on the promise to make South Africa safe by being tough on crime. On 11 March 2010, this narrative culminated in the Minister of Police informing Parliament that the police would go back to being a force, and that a new rank system would be introduced. This is in direct contradiction with the Constitution that refers to a police service. He said the police would be waging 'a people's war against criminals', that every war needs a general, and that the attitude, thinking and operational duties of the police would need to change. The Minister was responding to society saying it is tired of crime and violence, that the SAPS is failing the people, and that the police must go to war. The rank of lieutenant was created to enable warrant officers to be promoted.

There has not been a significant change in crime statistics since 2010. A police officer does not get respect just by wearing a uniform and the insignia of rank. Effective policing still depends on having police on the street, investigating crime, preparing case dockets and presenting dockets to the prosecutor.

The demilitarisation discourse now is about good police conduct and an unwavering commitment to a civilian police that embraces a human rights culture. It must demonstrate an approach to policing that is fair and professional, and its conduct must be subject to regular review and oversight. Many transformation processes are under way to turn the SAPS into what it wants to become. Transformation requires both managerial will and political will, and it will take a generation to achieve.

Effective command and control is necessary and it must be exercised 24 hours a day. Professional management is necessary at police station level. Management at station level must be improved and the right people must be appointed to all key positions. The branch detective head must be able to manage detectives who have a current caseload of over 200 cases each. There are large volumes of instructions and operating procedures, but these should be simplified so that police officers can understand what is expected of them.

Discipline is essential in the way that police officers execute their duties, with consequences for wrongdoing, opportunities for retraining and the correcting of inappropriate behaviour.

Retraining and reskilling are necessary for a professional police service. Recruitment and selection is important. The SAPS should recruit and select people who want to make a career in the police, not just people looking for a job. The SAPS should have a discussion with young police officers about what kind of career they want to build for themselves, and expose them to the training they need to realise their ambitions. It would be better to recruit fewer new officers, select the ones that want to make a career in the police and train them properly.

Reliance on the use of key performance indicators can provide perverse incentives for the police to arrest a certain number of people to show that they are being effective, even if that means many of these cases never make it to court. If it looks as if the arrest figures are below target towards the end of the month, the police may go out and arrest sex workers and release them the next day without charging them. This shows that the measures of effectiveness need to change. The time has arrived to consider the impact of arrests on the whole criminal justice system. Police may not hold suspects for more than 48 hours without charging them, but if the suspects go to court, they may be remanded and spend up to 18 months in prison while they await trial. If a person steals food for lack of money, he or she will definitely be unable to afford bail set at R500. The police should focus on more serious crime.

Litigation is often used to defend the police against claims. Most claims come from what happens in the visible frontline police environment, especially relating to the actions of young police officers. Experienced members are leaving the SAPS, leaving a larger proportion of junior officers ('juniorisation'). When there are not enough experienced warrant officers, station commanders and cluster commanders, there is a risk that junior police members will not be actively mentored and managed. The contingent liability for claims must come down over the next five years.

There is not enough emphasis on wellness in the SAPS. Officers who have been exposed to trauma should be compelled to go for counselling and be taken off duty until the counsellor says they are fit to go back.

The South African Police Service Act is based on the interim (1993) Constitution, and it needs to be amended to bring it in line with the current (1996) Constitution.

Communities should be educated and informed about what level of service they can expect when they go to a police station.

The SAPS is subject to more oversight than any other government department – there is oversight from the Portfolio Committee in the National Assembly, the Select Committee in the National Council of Provinces, the Civilian Secretariat for Police, the Independent Police Investigative Directorate (IPID) and the SAHRC. This provides many opportunities for the SAPS to get feedback on its performance that can be used to turn itself into the professional police service that South Africans want.

Public order policing

The relationship between the SAPS and the people is strained. Increased community protests and police corruption and brutality, including the events at Marikana in 2012, have damaged the image of the police in the eyes of the public. This has led to calls for the police to use less force and become

demilitarised. The legitimacy of the police has been called into question, and people have taken the law into their own hands because they do not trust the police.

When the police are called to respond to protests, this is most often a manifestation of problems in other sectors, for example, the lack of effective provision of housing, sanitation or water. Communities are increasingly voicing their discontent with the slow pace of service delivery and transformation of society, and persistent allegations of police brutality and the disproportionate use of force continue to place strain on community–police relations. A comparative analysis of SAPS data for the 2013/2014 and 2014/2015 financial years shows increases across all categories of ‘crowd-related’ incidents, and a 20% increase in ‘unrest-related’ incidents.

Police officers are often expected to intervene ‘downstream’ when a problem should have been solved ‘upstream’. For example, when officials fail to take responsibility for solving problems related to water and electricity service delivery, the consequence may be a downstream service delivery protest that turns violent. Members of the public and state officials must take responsibility for their actions.

The people who are appointed to lead public order policing units have been trained, and they are required to reflect on their operational experience and make necessary corrections. The SAPS tries to balance the right to protest with the right to enforce the law. SAPS policy is to try to find out what is going on when people start spontaneously marching or protesting. If the protest is peaceful, police escort the protestors to where they are going, rather than trying to disperse them immediately. The law requires that a case must be registered and investigated if no permission has been granted, and police will consider whether to charge people afterwards. If a protest is violent, the police will disperse or arrest the participants. The SAPS will take video evidence in case it is needed for a prosecution. The reaction to every protest depends on the operational commander on the scene, and the extent to which a protest is violent.

The South African National Defence Force (SANDF) may only be used in police operations if the President approves a request for this, as was done in the case of Operation Fiela. The military never does frontline policing; it only supports police in their work. The police also makes use of military aircraft when the SANDF is acting in support of a police operation.

When the SAPS changed the national instruction on the policing of public order events in 2014, it undermined everything South Africans wanted in the first 20 years of democracy. It removed the consensual policing approach.

The task team set up on the recommendation of the Farlam Commission will review all policy regulations and law regarding assemblies, and recommend reform to bring these in line with international human rights.

A ‘use of force’ policy is in the final stages of adoption. It is meant to ensure that the level of force used is not disproportionate. It aims to build the necessary skill and capacity among police officers to reduce the risk that they could arbitrarily deprive people of their human dignity.

The SAPS has adopted a code of ethics to entrench an organisational culture that provides transparency in its conduct and that guides the use of discretionary powers. The SAPS code of conduct is based on the Constitution, and police members are measured against this code. Citizens can lodge complaints against members who do not adhere to this code.

VI PANEL DISCUSSION: ACCOUNTABILITY AND CODES OF CONDUCT

Panellists: Mr Robbie Raburabu (IPID), Hon. Francois Beukman (Chair National Assembly Portfolio Committee of Police), Ms Phumeza Mlungwana (Social Justice Coalition) and Adv. Vusi Pikoli (Western Cape police Ombudsman).

Chair: Mr Sean Tait (APCOF).



Participants discuss issues of policing and human rights

A panel discussion on Policing, Human Rights and Institutional Challenges in South Africa was presented followed by a question and answer session. The main observations of the session were:

Professionalisation of the police

The NDP states that a professional police service is needed in order to achieve the vision of a South Africa that is free from the fear of crime by 2030. The NDP places significant emphasis on achieving professionalism through adherence to standards of professional police conduct guided by a code of conduct and a code of ethics. The major challenge of the SAPS codes include that they make broad sweeps across vital professional policing standards, most notably the use of force, torture, treatment of victims of crime and the protection of persons in custody. These codes need to be disaggregated to speak to specific police responsibilities at member management and organisational level.

Publicly available statistics on SAPS misconduct and ill-discipline suggest that the SAPS is facing a crisis of legitimacy; a loss of trust among the public. This is the result of well-publicised accounts of police brutality. A single act of misconduct can severely damage the reputation of the entire police service. In 2002, an Afrobarometer public opinion survey found that 38% of South Africans believed that 'most' or 'almost all' police are involved in corruption. Nine years later, this figure had increased to 51%.

The NDP states that 'discipline in a modern police organisation is based on self-discipline and leadership'. The SAPS started reviewing its 2006 Disciplinary Regulations more than seven years ago. The 2013 Draft Disciplinary Regulations have a well-defined focus on misconduct and the impact this has on the public perception and professional image of the SAPS. Over the past two financial years (2012/2013–2013/2014), the three leading causes of misconduct in the SAPS were: common law or statutory offences; being absent from work without reason or permission; and failure to comply with, or contravening an act, regulation or legal obligation. The most common outcome of SAPS disciplinary hearings was a finding of 'not guilty'. IPID investigated 5 745 cases against

members of the SAPS during the 2012/2013 financial year, almost 70% of which involved assault. In 2012, an internal criminality audit conducted by the SAPS revealed that 1 448 members had a total of 3 204 convictions on serious criminal offences. The National Commissioner of Police established several boards to assess the fitness of the 1 448 police members to remain in the SAPS. However, before the process could be concluded, the Police and Prisons Civil Rights Union (POPCRU) stopped the boards in 2013 through the Labour Court, which ruled that the boards are unlawful, void and without any legal force or effect. A new compact between police management and labour is required to address this impasse.

Professional policing standards, which are institutionalised through a code of conduct and code of ethics, can have a notable impact on undesirable behaviour, if they have adequate institutional support.

Mandated oversight bodies should request a review of the professional policing standards of the SAPS. The principle of discipline within the SAPS must shift from command and control to a principle of leadership and self-discipline that is guided by strong codes of professional policing standards and behaviour. The professional policing standards of the SAPS must be reviewed to address issues like the use of force, and it must be enforced and supported by the organisational structure. The SAPS should consider best-practice models from regional and international law enforcement agencies, and learn from their successes and failures.

Oversight and human rights-compliant policing

The SAPS is responsible for the proper administration of law and order in order to provide a safe environment in which people can enjoy their basic human rights. Police officers are vested with high levels of autonomy and authority. In the performance of their duties, they must respect and protect human dignity, and maintain and uphold the human rights of all persons. The exercise of this power affects a number of fundamental human rights, including the rights to liberty and to a fair trial.

Human rights-compliant policing means policing in compliance with international standards, such as the International Covenant on Civil and Political Rights and the African Charter on Human and People's Rights. It means avoiding the use of force, but being able and willing to use force lawfully and proportionately when strictly necessary, and to account for its use afterwards.

A primary function of policing is to maintain law or restore social order. The state relies on the police to respond to civil disturbance which threatens life, property or national security. It is the state's responsibility to ensure that the police response to civil disorder is conducted within the parameters of international and regional human rights standards. Effective oversight mechanisms are therefore necessary to ensure that law enforcement agencies and officials operate within the law, to ensure accountability, and to enhance public confidence in the police.

Section 206(6) of the Constitution provides for the establishment of an independent police complaints unit to provide independent oversight of the SAPS and municipal police services. The Independent Police Investigative Directorate (IPID) was established in 2012 in terms of the Independent Police Investigative Directorate Act of 2011. IPID investigates matters as and when necessary, but still accepts cases from members of the public, Parliament, ministries, the Civilian Secretariat for Police and MECs responsible for policing.

IPID's work is constrained by a lack of capacity. There are 414 approved staff posts, well below the level of 535 personnel recommended for this function by the Department of Public Service and Administration in 1997. Budget cuts in the 2015–2018 period have compelled IPID to scale down its expansion strategy and hindered improvements to its information and communication technology infrastructure. Also, IPID lacks the research capacity to make recommendations for improving police policies and procedures. The organisation would like to have some research capacity to communicate consolidated findings that can lead to improvements in police systems, not to duplicate what other research organisations do.

Equality in policing

The Social Justice Coalition (SJC) is an activist social movement established in 2008 that runs two campaigns: the Safety and Justice for All Campaign, and the Clean and Safe Sanitation Campaign. It is a membership-based organisation with 12 branch structures in communities around Khayelitsha in

Cape Town. The SJC works through building partnerships with ward councillors, community forums, community organisations, NGOs, academic institutions and government officials.

Khayelitsha's people live in formal houses, backyard dwellings and shacks. Many young adults are unemployed. Infrastructure is poor. In townships like Manenberg and Khayelitsha on-going exclusion and injustice rooted in deep race, gender and class inequalities manifest as high levels of crime.

Policing in Khayelitsha is not as good as it should be. It is characterised by: a lack of visible policing; the abuse of police power; a lack of communication with victims and families; a refusal to accept charges in some cases of rape, murder and domestic violence; unlawful arrests and detention; little progress with the investigation of serious crimes; a lack of professional policing; and a lack of willingness of the SAPS to engage with people's concerns.

The SJC and other organisations, like the Treatment Action Campaign, educate communities about how court processes work. People need to know what is happening with their cases. If a case goes to court, the complainant must be informed. If a case is thrown out of court and the suspect is released, the complainant must be informed. The police cannot arrest someone just for the sake of being able to say they have someone in custody.

The SJC lodged a formal complaint and asked the Premier of the Western Cape to appoint a commission to investigate allegations of police inefficiency in Khayelitsha and the breakdown in relations between the Khayelitsha community and the police. The National Commissioner of Police refused to engage, saying that the people of Khayelitsha are safe, and that there was no need for visible policing, or policing in informal settlements. The commission was delayed by a year because the Minister tried to stop it, first by lodging an application in the Western Cape High Court, where he lost the case, and then in the Constitutional Court, where he lost again. The Khayelitsha Commission made 20 recommendations for the SAPS to improve its relationship with the local community, but most of these have not been implemented.

One of the good things the SAPS did after the Khayelitsha Commission report was released was to appoint a new cluster commander. He has tried very hard to build relationships with the community, listened, and found out what the community knew about crime hotspots that the police do not know.

The allocation of police resources in Cape Town is irrational. The 15 least-resourced police precincts in Cape Town coincide with densely populated, predominantly black African or coloured neighbourhoods. The least resourced precincts are also the areas that have the highest incidence of murder, according to SAPS statistics. Twenty years into democracy, police resources are still skewed towards rich areas and away from coloured and black African areas. There are about ten murders in Camps Bay every year, an area that is allocated a lot of police resources, and 300 in Khayelitsha, where there are too few police resources.

Some detectives are better than others, but no detective can manage 200 open case dockets at a time. There are some good police officers, but some of the things they should be doing fall outside their control. The SJC tries to work on what its members want, as well as trying to address systematic challenges in preventing crime.

The SAPS has not responded to the SJC's call for fair policing, just as the City of Cape Town has failed to respond to the SJC's call for proper sanitation, because poor communities are not treated as well as wealthy ones. There are political agendas at work from both sides. The SJC has been accused by the African National Congress (ANC) as being a supporter of the Democratic Alliance (DA) for its work around the Khayelitsha Commission. On the other hand, the DA has accused the SJC of being a supporter of the ANC for its work to secure sanitation for Khayelitsha. It is time to get away from the mentality that wealthier people have more rights than poor people do.

The SAPS has acknowledged that the population of Khayelitsha is growing, and that three police stations are not enough. Land was identified in Makhaza for a new police station, but there is still no station there. Resources must be distributed fairly, and everyone is entitled to equal treatment under the Constitution.

The SJC has called for the theoretical resource allocation model that the police have been using to be scrapped. The SJC has been forced to take the Minister and the National Commissioner to court to force them to revisit the discriminatory allocation of police resources so that the process can

begin from scratch. Resources should go to specialised units like the ones that deal with families and children to make people feel safe enough to want to report crimes.

New oversight mechanisms – the Police Ombudsman

The SAPS Standing Order 101 is about dealing with complaints against the police in cases where the SAPS investigates its own members. There are departments of community safety in various provinces, but most of them have no legislative mandate to act on complaints, they pass complaints on to other bodies.

The Office of the Western Cape Police Ombudsman is established by provincial legislation. Section 206(3) of the Constitution provides that provinces are entitled to monitor police conduct; to oversee the effectiveness and efficiency of the police service; to promote good relations between the police and the community; to assess the effectiveness of visible policing; and to liaise with the cabinet member responsible for policing with respect to crime and policing in the province. Section 206(5) permits provinces to investigate, or appoint a commission of inquiry into, any complaints of police inefficiency or a breakdown in relations between the police and any community; and make recommendations to the cabinet member responsible for policing.

To protect the integrity of the office and render an impartial service, the Ombudsman is an independent institution that does not take orders from politicians, police or communities. The vision of the office is a society where there is mutual respect between the police and communities so that people are afforded the human dignity provided for in the Constitution. For the Constitution to be a living document, there must be a way of ensuring good service delivery and promoting efficiencies and relations between the police and communities.

Section 206(6) provides that an independent police complaints body (IPID) must investigate any alleged misconduct of, or offence committed by, a member of the police service in the province. IPID investigates issues that border on criminal conduct like torture, assault, rape and the discharge of firearms. The Ombudsman's office deals with 'soft' issues, like poor service delivery, that are not catered for anywhere except in the Constitution. All complaints that are received by the Office are investigated. Examples of complaints submitted include: slow police response times; poor communication between complainants and police; poor police investigations; poor crime scene management; cases where police failed to subpoena witnesses to appear in court; the loss of police dockets; and poor treatment of people in police stations.

The Ombudsman's office tries to identify systemic weaknesses in the police and what can be done to make police service delivery more efficient. It seeks to resolve problems by building good relationships with all the players in the criminal justice system value chain, as well as with IPID, the office of the Public protector, the SAHRC, the magistracy and the judiciary. Good relations between the Office and the Department of Health have enabled the identification of factors that may contribute to prison overcrowding, for example, a backlog in post-mortems and toxicology tests. The Ombudsman's office is only a year old, and has cultivated good relations with the police. The Ombudsman has coercive powers, but its preferred approach is persuasion and moral authority. More than 50% of matters referred to the Office have been resolved without the institution of a formal investigation. All that was required was a call to the relevant station commander. Building confidence is a process, and trust must be earned.

VII PANEL DISCUSSION: RIGHTS-COMPLIANT POLICING AND COMMUNITY SAFETY

Panellists: Lt Gen Nhlanhla Mkhwanazi (SAPS), Adv. Kathleen Hardy (Socio-Economic Rights Institute), Dr Andrew Scheibe (COC Netherlands), Mr Steven White (Northern Ireland Police Service (Rtd)) and Commissioner Mohamed Ameerma (South African Human Rights Commission).

Chair: Dr Marlene Richter (Sonke Gender Justice).



Commissioner Mohamed Ameerma (SAHRC), Dr D Titus (SAHRC), Hon. Nkosinathi Nhleko (Minister of Police)

A panel discussion on Rights-Compliant Policing and Community Safety in South Africa was presented followed by a question and answer session. The main observations of the session were:

The SAPS framework for rights-compliant policing

The SAPS is working on enhancing its capacity for human rights-compliant policing through enhanced vigilance, clear policies, strategies, and acting against human rights violations by police members in holding cells. The SAPS is committed to upholding the rights of people and creating a safe and secure environment. It acts on complaints lodged at police stations, investigates crime, ensures that criminals are brought to book, and seeks to address the causes of crime, together with other stakeholders. It also educates and trains its members on human rights. The police function in a violent society, and policies, such as the policy on the use of force, regulate how the police can function in a way that respects human rights. A more community-orientated form of policing began in 1994 with the establishment of community policing forums, sector policing, the rural safety strategy, and closer community relations. The SAPS may not be perfect, but it is on the right track to create safer communities for the future. Corrective actions have been taken to address the mistakes of the past and to prepare the men and women in blue for the future.

Human rights-compliant policing as a public health issue: sex workers, drug users and LGBTI

Sex workers, people who use drugs and LGBTI people are at extreme risk of having their human rights violated by police. This is a public health issue because they are identified by Joint United Nations Programme on HIV and AIDS (UNAIDS) as ‘key populations’ – groups that often suffer from punitive laws or stigmatising policies, and who are therefore among the most likely people to be exposed to HIV. Engaging with key populations is critical to responding to the HIV/AIDS epidemic across the world.

There are 153 000 sex workers in South Africa and the HIV prevalence of female sex workers in Johannesburg is 71.2%. A 2013 study of 1 129 sex workers found that 55% of them, and 66% of sex workers who operate on the street, reported experiencing police violence in the previous 12 months.

About one in seven South Africans will develop a substance use disorder in their lifetime. The HIV prevalence of people in South Africa who inject drugs is 14%. A 2015 survey of 2 000 drug users accessing health services reported 28 cases of assault, 14 cases of detention without cause, eight cases of extortion, and 157 cases of medical supplies being confiscated or broken. A total of 82% of these violations were committed by, or in the presence of, police.

Key populations engage in illegal behaviours that are not well understood by others, and they are subject to harsh moral judgements and discrimination. Community pressures and police arrest quotas makes them particularly vulnerable to repeated arrest. Once they are in the criminal justice system, they are subjected to health risks, the risk of getting a criminal record, exposure to organised crime, and a decreased likelihood of 'recovery'.

Professionalism requires police to be respectful of the dignity of people, and have empathy for them. Police training should include sex workers and drug users. There must be consequences for illegal action, and an effective performance management system for police officers.

Human rights-compliant policing of key populations requires: ensuring the safety and wellbeing of all within a clear human rights framework; protecting and including the most vulnerable groups through community-centred initiatives; addressing police discrimination; enhancing the capacity of police to work appropriately with vulnerable groups; and building relationships with key populations.

Human rights-compliant policing: The theory vs the practice

The White Paper on Police and the NDP both speak about the development of an accountable, professional, competent and highly skilled police service. They also speak about the police playing an effective role in protecting and facilitating the participation of all people, including vulnerable groups, in all areas of their social, cultural, economic and political life. They say that this should be underpinned by an approach that is demilitarised, community-centred, rights-based and accountable.



Lt. Gen. Nhlanelo Mkhwanazi (SAPS) responds to questions from the floor

However, talk at the current conference about a war against criminals, a people's war, conflict between the values in our Constitution and protecting communities and stopping crime, seems to bear a different message. It was almost implied by one of the police generals who addressed the conference that it is not possible to have both human rights-compliant policing and community safety. Most people would agree that the police have a very broad mandate and they work in very difficult circumstances in informal settlements and elsewhere.

When it comes to vulnerable groups, the police seem to fall short. Two weeks ago, a mother in an informal settlement in North West had to go to KwaZulu-Natal and leave her child behind with the father. When she came back, the mother discovered that her daughter had been repeatedly raped by her father. It took a lot of convincing to get her to report what had happened, but with the support of some of the women in the community, she went to the police station, where the police mocked and ridiculed her. They asked her what did she expect would happen when she left her daughter as the only woman in the home?

Another example is a recent judgment in the Eastern Cape against police officers who had tortured an unlawfully arrested person. The judge awarded a higher level of damages in that case because the police had fabricated evidence to hide their culpability.

Evidence was fabricated (planted) and evidence was hidden from the Farlam Commission. The Farlam Commission itself said it could not be certain that it had seen all the evidence in relation to Marikana. There may be difficulties at station level, but the tone is set at the top. Senior police management was involved in fabricating evidence and covering up evidence about Marikana. The now suspended National Commissioner spoke about Marikana as being an example of the best of responsible policing.

The police cannot get the most basic things right. A police officer at Marikana who had been found guilty of recklessly handling an R5 rifle before Marikana, but had not yet been sentenced, was then issued with an R5 and placed on duty. Not a single police officer has yet been internally disciplined for what happened at Marikana.

The findings of the Farlam Commission are no bar to an internal inquiry, particularly because the evidence is available, and many police members are aware of the evidence that was placed before this commission. The Minister of Police spoke about the swift implementation of the Farlam Commission's recommendations, but it has now been four years after the event, and not a single police officer has been disciplined. The recommendations of the Khayelitsha Commission are just not being implemented.

The research exists, the institutions are in place, and experts have testified before the Khayelitsha Commission and the Farlam Commission. These commissions refer to two separate events involving the same police service, and yet no measures are being put in place. There are very serious police issues that need to be addressed before it is possible to talk about rights-compliant policing and community safety.

Learning from the experience of change in other police services

It is important for a transformation process to adopt a strategic, comprehensive approach using an agreed framework that focuses on: 1) an agreed vision of success (what improved policing will look like); 2) a strategic plan with clear priorities, principles, policies and practices; 3) political will; 4) community involvement and support; 5) enabling legislation; 6) appropriate resources: finance, personnel, skills and information infrastructure; 7) oversight; 8) leadership; and 9) time.

The starting point is to recognise the need for change. After 30 years of bloody conflict in Northern Ireland, the police (who had the dual role of community policing and state security) were heroes to 50% of the population, and not trusted or respected by the other 50%. In other words, the police were part of the problem.

An agreed vision and a plan was devised to show what success would look like. The political peace agreement was ratified by the whole community, and a comprehensive plan was drawn up to enable a new beginning to policing in Northern Ireland. There were major changes to recruitment, training, management and oversight. The police service was demilitarised and its focus shifted to a community-based and human rights-focused organisation with clear accountability and oversight, and a decentralised structure.



Mr Stephen White (former police chief of Northern Ireland, independent expert on policing)

A strategic plan with clear principles, priorities, policies, procedures and practices was drawn up, enabled by legislation and supported by political parties. In addition, it involved communities. There had to be a way of dealing with the past and looking to the future. For that reason, a police foundation was established to mark sacrifices and honour achievements, and a severance scheme was introduced for members who did not want to become part of the new police service. A code of ethics was introduced, as well as human rights training and new ways of managing public order. Community safety partnerships were put in place, as well as a Policing Board, an Independent Police Ombudsman, a Human Rights Commission, and an Equality Commission that provided for 50:50 recruitment of the groups that had previously been at war with one another.

Leadership that exemplifies, motivates and communicates effectively is essential. Some examples include: involving the community in training the police to become skilled problem-solvers and community servants; focusing on the change management process; developing leadership; promoting decentralisation; separating state security from community policing; improving command and control at major events; using the media to generate support; engaging with critics; and not being afraid of having uncomfortable conversations.

A professional police service is outward-looking, open to change, uses best practices, is open to learning from others, and adapts what it has learned. There are times when it is necessary to bring in specialists, for example, experts in dealing with cybercrime. The Northern Ireland Police Service invested a lot of time and money in developing leaders of the future by sending them around the world, mentoring them, and ensuring minorities were well represented. The example must come from the top. Good leaders can simplify the complex. It is more important to know how to make good decisions about when to use a firearm than to know how to shoot a firearm. The Police Service brought many people who had been affected by crime into its training. It felt that no male officer should be training male officers about female rape. It would be better to bring in a victim of such a crime or a witness to such a crime. Initially the Police Service thought Amnesty International and other international groups wanting to intervene were poking their noses into its business. However, it decided to bring them into its training and operational briefings because it realised they brought a valuable voice.

VIII SUMMATION, WAY FORWARD AND CLOSURE

Conversations like the ones held at this conference about rights-compliant policing can help shape the way forward for the SAPS, and the SAHRC that will continue to act without fear, favour or prejudice to support human rights for the upliftment and benefit of society.

The minister of Police had correctly pointed out: 1) there is no difference between a human rights agenda and an African agenda; 2) it is not possible to separate human rights from national security, and abuse of human rights has an impact on national security; and 3) it is necessary to address human rights-compliant policing collaboratively. The issues are too big for any single party to face alone.

He said nobody should underestimate the complexity of meeting this challenge. This has an impact on the environment that people live in, the concerns about crime, the fear of police in the difficult environment that they work in, the risks they are exposed to, the difficulty of taking policy into practice, the assumptions that everybody shares the same rights agenda, the role that politics plays, and the need to engage on each of these aspects to take the process forward.

Unpacking some of the issues in a more practical way brought up issues such as recruitment, training, supervision, oversight, orientation to democratic policing, performance management and performance indicators.

Among the specific recommendations for the police to consider and which could easily accommodate broader stakeholder inputs were:

1. Review the SAPS Code of Conduct to include acceptable professional policing standards for: human rights, torture, the use of force, the treatment of persons in custody and victims of crime, respect for the code, corruption, confidentiality and property rights.
2. Review the SAPS Code of Ethics to reflect the values, mission and vision of the SAPS, with focus on the use of force, reporting improper behaviour, adherence to orders and instructions, confidentiality and fitness for work.
3. Integrate the SAPS Code of Conduct and Code of Ethics into the disciplinary procedures and performance appraisal system of the SAPS, as per the NDP. The link between good behaviour and promotion should be made very clear as an institutional principle.
4. Enforce the SAPS Code of Conduct and Code of Ethics through periodic checks on whether the code is understood and practised.
5. Provide training on ethics throughout the careers of police members.

New mechanisms such as the National Police Board proposed by the NDP should be established and the much awaited Police Act amendments must be pursued urgently.

A positive development during the conference was the appointment by the Minister of Police of two panels: one to oversee the implementation of the Farlam Commission's recommendations, another to look into the transformation and the implementation of the NDP in the SAPS more broadly. The Minister's commitment to constructive and collaborative engagement with civil society was a good omen for the future of these processes.

Participants had begun a journey together, and the SAHRC had offered to use its Section 11 mandate to engage with IPID, the Ministry of Police, civil society and others to further the discussion on human rights-compliant policing.

As offered by the SAHRC, dialogues such as this should be continued and APCOF and the SAHRC will engage to host a follow-up discussion. A key upcoming milestone was the SAHRC's report to Parliament. Participants looked forward to working with the Commission to take the conversation forward and keep the goodwill that was evident during the current conference alive.

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#POLICINGDIALOGUE



Criminology UCT @UCTCrim Apr 29

IPID: There is not a problem with the training #police are receiving. There is a problem with the management. #policingdialogue @APCOF



APCOF @APCOF Apr 29

Hon Beukman "Policy doesn't always translate into practice" Independence of IPID must be strengthened #PolicingDialogue



SAHRCommission @SAHRCommission Apr 28 Johannesburg, South Africa

#PolicingDialogue will encourage contributions by SAfricans to police policy, & ask "what needs to be done to strengthen rights and policing"



Andrew Faull @AGFaull Apr 28

"New challenges call for new laws and frameworks. SA should be commended for plans to reform public order policing" #policingdialogue



SAHRCommission @SAHRCommission Apr 28 Johannesburg, South Africa

"Rights can only b protected when rule of law flourishes. There is firm link btwn police, their behaviour&human rights"-EU #policingdialogue



Andrew Faull @AGFaull Apr 28 Johannesburg, South Africa

"We have all these instructions against torture but we are still torturing." @SAHRCommission's Comm. Titus #policingdialogue @APCOF



Andrew Faull @AGFaull Apr 29 Johannesburg, South Africa

Former police Chief disagrees with Mkhwanazi: better to teach decision making than skill: WHEN to shoot, not HOW to shoot. #PolicingDialogue



Goedgedacht Forum @GGD_Forum Apr 29

Leadership should drive change, communicate effectively and motivate members #policingdialogue



The Citizen News @TheCitizen_News Apr 29

#PolicingDialogue #yj Q&A #Pikoli More than 50% of matters through the Ombud have been resolved without instituting an investigation

The South African Human Rights Commission

The South African Human Rights Commission (SAHRC) is South Africa's national human rights institution. It is mandated by Section 184 of the Constitution of the Republic of South Africa, Act 108 of 1996 to:

- promote respect for human rights and a culture of human rights;
- promote the protection, development and attainment of human rights; and
- monitor and assess the observance of human rights in the Republic.

The SAHRC is bestowed with the power to:

- investigate and to report on the observance of human rights;
- take steps to secure appropriate redress where human rights have been violated;
- carry out research; and
- to educate.

The African Policing Civilian Oversight Forum

The African Policing Civilian Oversight Forum (APCOF) is a not-for-profit trust working on issues of police accountability and governance in Africa. APCOF promotes the values which the establishment of civilian oversight seeks to achieve, namely: to assist in restoring public confidence; developing a culture of human rights, promoting integrity and transparency within the police; and good working relationships between the police and the community. While APCOF is active in the field of policing, its work is located in the broader paradigm of promoting democratic governance and the rule of law.



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www.apcof.org

www.sahrc.org.za