



African Policing Civilian Oversight Forum

Statement to the 54th session of the ACHPR Banjul , October 2013.

The African Policing and Civilian Oversight Forum 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.

In 2006 the African Commission on Human and Peoples Rights (the African Commission) noted that the police are an important actor in building democracy and upholding human and peoples rights. Their important role can influence progress either a positively where these rights are upheld or negatively where they are disregarded.

Across the world scholars agree that weakening rule of law guarantees and adopting permissive attitudes toward police abuse in a perceived trade off for improved effectiveness does more harm than good.

- There is marginal deterrent value.
- It reduces law enforcement effectiveness by alienating the public.
- It weakens the authority of the law.
- It scapegoats the police.
- It effects police job satisfaction.
- It wastes community and state resources
- It places police officers at risk

Oversight mechanisms are recognised as a key to address police misconduct and impunity.

APCOF recognises that several factors militate against police oversight in Africa. They include

- the colonial and post-colonial legacies of authoritarian rule;
- lack of autonomy of policing institutions;
- lack of an appropriate normative and legal framework;
- weak institutional capacity;
- pervasive insecurity.

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In 2006 the African Commission voiced its concern that in many African states, there exist no independent policing oversight mechanisms, to which members of the public may report police misconduct and abuse of their powers for redress and that where they do exist they are often directly under police authorities. The African Commission noted that accountability and the oversight mechanisms for policing forms the core of democratic governance and is crucial to enhancing rule of law and assisting in restoring public confidence in police; to developing a culture of human rights, integrity and transparency within the police forces; and to promoting a good working relationship between the police and the public at large.

The African Commission resolved to call on State Parties of the African Charter on Human and Peoples Rights (the African Charter) to take measures in terms of Articles 1 and 5 of the African Charter to ensure that police forces respect the dignity inherent in the individual during the discharge of their duties in the maintenance of law and order. The African Commission urged State Parties to the African Charter to establish independent civilian policing oversight mechanism where they do not exist and which shall include civilian participation.

Madam chair we would like to commend the Government of Kenya in their establishment of the Africa's newest Police Oversight body, The Kenyan Policing Oversight Authority (IPOA). Its mandate offers every opportunity to achieve on the effectiveness indicators identified by the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions in his 2009 study on police oversight precipitated by the 2007 post election violence events in Kenya.

We further commend the Government of South Africa for the efforts taken to strengthen and expand the mandate of the Independent Police Investigative Directorate (IPID) to provide for the compulsory reporting and investigation of all sexual crimes involving police officers or occurring on police premises and of all allegations of torture. The latter mandate is further strengthened by the recent criminalisation of torture in South Africa.

Unfortunately however despite few highlights, police oversight across much of our continent remains woefully undeveloped.

In April 2013 in our statement to the African Commission we highlighted some of the challenges faced by police oversight agencies across the continent in the implementation of their mandate. These challenges remain of concern and require our collective efforts to resolve.

In conclusion, we call on the African Commission to continue to place emphasis on this important area in its on going work to promote and protect human rights in Africa and in doing so to systematically review state reports to ensure efforts are being made to promote the functionality of oversight mechanisms where they exist, and to encourage establishment of oversight mechanisms where they are absent from the policing frameworks.