

**Side Event**

**Police Compliance with the Rights of Women Under the Luanda Guidelines: Principles and Challenges**

**24 October 2016**

**Banjul, The Gambia**

As part of an ongoing collaboration to strengthen the promotion and protection of human rights by Africa’s police services, the African Commission on Human and Peoples’ Rights (ACHPR), African Policing Civilian Oversight Forum (APCOF) and Danish Institute for Human Rights (DIHR) held a side event on Police Compliance with the Rights of Women under the Luanda Guidelines: Principles and Challenges. The event took place at 17:30 on Monday 24 October 2016 in Banjul, The Gambia, and was attended by approximately 50 persons attended the event.

The side event was moderated by **Hon. Commissioner Maya Fadel**.

**Hon. Commissioner Med S.K. Kaggwa**, the ACHPR Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, introduced this important side event that fits very well with the overall theme of this 59th Ordinary Session, Women’s Rights, our Collective Responsibility, as follows from 2016 as the African Union Year of Human Rights with a special focus on women.

Hon. Commissioner Kaggwa mentioned that the African Commission Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa, adopted at the 55th Ordinary Session of the African Commission, held in Luanda, Angola in 2014 (the Luanda Guidelines), provide a rights-based approach to arrest and police detention with a focus on vulnerable groups, including women. In this light, the side event considered the relevant principles of the Luanda Guidelines, the challenges in this respect, and shared experiences.

In her presentation **Melody Kozah, Research and Project Officer, APCOF**, focused on how the Luanda Guidelines promote the rights of women. The Luanda Guidelines contain a rights- based approach to pre-trial detention, arrest and detention with Chapter 7 dealing with vulnerable groups. It is important to recall that the Luanda Guidelines do not create new rights but rather concretise and operationalise the rights of persons and the obligations of states that already exist.

The Luanda Guidelines contains general safeguards for women and girls, such as the principle that women and girls must be searched by women; that women and girls must be detained with women and girls only; and that supplies must be provided for women’s particular hygiene needs. There are particular rules for the protection of the rights of women with caretaking obligations as the treatment of such women has significant socio-economic consequences, not only for the women in question but also for their children and families. Thus, States are obliged to take into account the best interest of the child and to give women the opportunity to make provisions for the care of children and even to consider alternatives to detention. If the State does not provide alternatives to detention, the State needs to provide for the special needs of children being brought into detention facilities with the mothers and for the special needs of pregnant women. States need to take steps to ensure that nursing mothers have what they need, including that their dietary needs are adhered to.

**Hon. Commissioner Kaggwa** thanked Melody Kozah for focusing on the groups that are among vulnerable within the detention system.

The next presentation was made by **Police Commissioner Nènè Ouedraogo of the Burkina Faso Police Service** who spoke about the experience of women police officers and on the added value of having women in the police service. Having women as police officers is, when compared to the long story of law enforcement, something quite recent.

Women in police services add considerable value and enable the police to respect and protect the rights of women:

* Certain procedures can only rightfully be done by women officers; for example, women must only be searched by other women.
* When women are in police custody, their rights are sometimes violated by police. But it is very seldom that women officers are involved in serious violations of women’s rights. In this way, women officers can also help change the attitude of police more generally, including the attitude of male police officers.
* It tends to be easier for women detainees to express their needs, in particular their most intimate needs, to female officers; this helps safeguard the rights of women detainees.
* When women do police work, they tend to use their intuition, including to read the situation. This is an important asset when interrogating persons of interest, victims and witnesses and when investigating cases in general. With respect to cases involving gender issues, such as cases of family violence and other types of violence against women, sexual abuse of women and the much rarer cases of women who have killed their husband, often due to repeated abuse, it is particularly beneficial for women to take the lead.

Regrettably, there are too few women officers available to ensure that they are involved in circumstances where this is appropriate or beneficial, such as to conduct searches of women. Similarly, there are, in many cases, not enough cells especially for women.

State should prioritise the recruitment of women officers. However, is not enough to recruit more women into the police service; the police services should also take steps to ensure that women have access to training and mentoring to ensure their promotion to positions with decision making powers. In such positions, women officers can be spokespersons for the rights of women, in particular of women in custody, and help to ensure the provision of facilities necessary for women detainees.

**Hon. Commissioner Fadel** noted that it is important to recognise that the work of police officers is not only for men. There is a need to mobilise more women to be police officers as this is important for the social and psychological situation of detainees and for others in contact with police.

**The Policing and Human Rights Focal Point at the Secretariat, Josiane Tapsoba**, proceeded to presented the 8th African Newsletter on Policing and Human Rights. The 8th Newsletter celebrates 2016 as Human Rights Year with a particular focus on Women in line with the African Union designation. Thus, the Newsletter contains articles of police women explaining their experiences and challenges working in the police and how they do a difference with relation to women victims, detainees, etc.

The Newsletter also includes other articles, such as an outline of the Lay Visitors’ Scheme in Malawi, a scheme aimed at promoting implement the Robben Guidelines and the Luanda Guidelines relating to detainees. There is also an article by the director of the police school of Niger on the gaps between the principles in the Luanda Guidelines and the reality on the ground. In line with earlier editions of the Newsletter, it contains an overview of the steps taken by the ACHPR relating to policing and human rights since the 7th Newsletter. Josiane Tapsoba strongly encouraged the participants to read the Newsletter as it is a unique opportunity to get some inside information on women’s experience working in the police in Africa.

The 8th Newsletter was handed out to the participants. It will also be made available on the website of the ACHPR.

Before giving the floor to the participants, **Hon. Commissioner Fadel** noted that this is the first time the African Commission has held an event with such a clear focus on women police officers.

**Hon. Commissioner King** found the presentation of Police Commissioner Ouedraogo particularly interesting. She wondered what the police do with women suspects in police stations without any provisions for detaining women suspects. Where are such detainees kept? Or are they maybe not detained at all?

The **State Representative of Malawi** concurred with the views of Police Commissioner Ouedraogo on the added value of female police officers. Female police officers are doing very well in Malawi, not least as investigators, where women police officers have made breakthroughs in important cases. Malawi is trying to improve cells for women detainees. As for children, under law they should not be in prison but rather in rehabilitation centre.

The **State Representative of Liberia** provided information about Liberia’s programme to recruit more women police officers. As for prisons, women are not kept in the ordinary sections but in special sections for women and children. The Ministry of Justice is currently making video recordings of the situation in prisons and police stations to be used to improve the situation and raise funds.

The **State Representative of Ghana** asked if the African Union has a policy for the percentage of women officers that a national police service should have. Even though more men than women commit crimes, there are more women than men in Africa and, thus, a need for women to take care of women.

The **State Representative of Sudan** stated that the present police in Africa was inherited from the colonial powers; prior to that Africa had its own way of law enforcement. In some ways it seems as if police in Africa are still adhering to the old values and ways of doing things inherited from the colonial powers whereas police in Europe has moved on. There is a need for a new way of thinking, e.g. sensitising police that demonstrators are not enemies which is a view inherited from the colonisers. Africa must develop its own codes on how to treat women with children and these children when in custody; the rights of children must be taken better into account and be better researched, all in light of African values. Sudan has had women police officers since 1960s, now women officers have even reached the rank of general.

There is also a need to look at the dress code for police officers. Why is European style of dress still used? It is too hot for Africa where the temperature can reach above 40 degrees. A dress code must be found that fits the values of Africa and the weather and that reflect African values and add to international thinking.

The **Representative of the Uganda Human Rights Commission** thanked the panellists. The Representative welcomed the Luanda Guidelines and committed to ensuring that they are implemented in Uganda. Women inmates face more challenges then men. An example is the need for sanitary pads; women inmates really suffer, there is still no law and policy in Uganda addressing this issue, and prisons say that they have no budget for such items. Budget lines are also needed to take care of inmates that are pregnant as prisons have no facilities for pre- and ante-natal care and nowhere to give birth; there have been cases of miscarriages. The detention facilities for women are sometimes overcrowded.

It is not enough to ensure that women are employed as police and prison officers; it is also important to make sure that women police and prison officers are not discriminated against as it sometimes the case. Based on the contention that women are weak, women police and prison officers are given less attractive jobs, less promotion etc.

In order to ensure that human rights are protected, the Uganda Human Rights Commission trains police and prison officers in human rights and does unannounced visits to police stations and prisons.

The **Representative of Liberia Human Rights Commission** emphasised the benefit of a diverse police service which will help to secure human rights for women and girls. States must take steps to ensure that women police officers are given posts of responsibility so that they can effect change, based on their knowledge and experience. A woman police officer will better understand when a woman comes to report rape; a man might be sensitive and understanding but a woman will be better. Women will also be more understanding of issues relating to sanitary pads and other hygiene needs.

The **Representative of the Kenya National Commission on Human Rights** stressed the need to implement the Luanda Guidelines, not least as they relate to the rights of women with children and of children coming into prison with their mothers. Kenyan regulations contains no specific provisions on the rights of children that are accompanying their mothers, only that mothers can take children up to eight years of age with them in prison. It is necessary with steps to protect children who are with their mothers in prison as, for instance, children considerably below the age of eight are able to understand how humiliating it is for their mothers to be searched etc. The Kenya National Commission on Human Rights works on these issues, e.g. by visiting prisons.

The **Representative of the Rwanda Commission on Human Rights** informed that it uses the Luanda Guidelines when visiting visit prisons. In Rwanda, women detainees are kept separate from men and have their own prisons. Children can only stay with their mother in prison until the age of three after which they must be sent to other family outside of prison. The Rwanda Commission on Human Rights has done an examination of women in prison for abortion and the relevant laws are being revised.

**The Representative of the International Committee of the Red Cross** proposed that the national departments of health and/or of education step in to help fill budgetary deficits to cater for the special needs of women and children in prisons.

A **representative of civil society from Malawi** wondered whether it might be useful to synergise work done to train police on human rights and the training of lower level magistrates. Whereas police officers tend to understand the reasons for keeping women with children and pregnant women out of prisons, lower level magistrates tend not to appreciate the challenges associated with such detention.

A **representative of civil society from Mauritania** mentioned that Mauritania does have women police officers and that they do add value. However, women officers must also be placed in decision making positions and they must be trained in human rights. Women officers can help to improve the relationship between police and society and can help reducing tensions between civil society and police while promoting dialogue, especially relating to women.

A **representative of Senegal Trust Africa** stressed that women police officers are particularly important in situations in conflicts where they can help prevent rape and other forms of abuse. Therefore it is important that women are part of peace keeping forces. The African Union should be encouraged to ensure that women are always part of peacekeeping.

Following the questions from the floor, **Hon. Commissioner Fadel** provided an opportunity for panellists to respond.

**Melody Kozah** thanked participants for the many comments. She emphasised that the Luanda Guidelines help to reinforce the rights already contained in the African Charter, such as the right to dignity (which then translates , for example, to the need to provide sanitary towels to women detainees). The Luanda Guidelines specifically highlight the preference for alternatives to detention for pregnant women or women with small children. She noted that a number of countries have established special crèches for children that are accompanying their mothers to prison, but that it remains a preference to provide alternatives to detention.

**Commissioner Nènè Ouedraogo** similarly thanked participants for the comments. In reply to the question on what to do with a woman suspect in the absence of space for custody specifically for women, Commissioner Ouedraogo said that the police contact the prosecutor’s office and inform them about this issue. The prosecutor must then provide guidance, e.g. if the woman could be release on surety. If custody cannot be avoided, the police will do their best to find a solution, as no woman police officer will put women detainees in the same cell as males. A solution, for example could be to place the woman in an office at the police station.

In Burkina Faso approximately 750 police officers are recruited every year, including many women. Women help change the mind-set of the whole institution.

To improve respect of women’s rights, the police school in Burkina Faso considers all human rights instruments that deal with women’s rights, and these are used in training and in pocket guides for police officers.

With respect to uniforms, the Burkina Faso police have made specific uniforms for women.

It would be welcome to look at synergies between training for police officers and for lower level magistrates. In this light, Commissioner Ouedraogo particularly advocated for sensitising judicial officers to use flexible measures for small thefts rather than treating the theft of a biscuit in the same way as the theft of millions of dollars; it is shocking to see a woman sent to prison for stealing a biscuit in a time of need.

In relating to the issue of quotas for women officers, **Josiane Tapsoba** referred to the Maputo Protocol which provides that women should be represented equitably in law enforcement. The question is how to implement that?

In his closing remarks, **Hon. Commissioner Kaggwa** mentioned that the panellists had responded to most of the issues raised by participants. From his experience from Uganda, he was aware of cases of male officers harassing women officers and also using their power to “punish” female officers, e.g. by sending them to the rural areas. It is important to keep in mind how good women police officers, not least investigators, can be, meaning that there is no reason why women police officers should not be able to rise in the ranks. In this respect Hon. Commissioner Kaggwa was pleased to hear about police women in Sudan achieving the rank of general, but among how many male generals? Hon. Commissioner Kaggwa noted that when he was in Sudan and met the senior state officials, which did not include one woman police officer; it is important that women are not appointed for show. In the view of Hon. Commissioner Kaggwa, it is not for the African Union to make quotas; this must be up to the countries to decide.

Finally, Hon. Commissioner Kaggwa thanked the panellists for their important statements, the facilitator, the participants and the partners of his Special Mechanism, APCOF and DIHR and Josiane Tapsoba.

\*\*