



Conference on Police Reform in West Africa

24–27 November 2010
Dakar, Senegal

Edited and compiled by Sean Tait, Lisbet Ilkjaer, Monique Alexis and Elrena van der Spuy



AFRICAN POLICING CIVILIAN OVERSIGHT FORUM



THE DANISH INSTITUTE
FOR HUMAN RIGHTS



OSIWA
OPEN SOCIETY INITIATIVE FOR WEST AFRICA



CLEEN
FOUNDATION
...Justice Sector Platform

Conference on Police Reform in West Africa

24–27 November 2010, Dakar, Senegal

Edited and compiled by
Sean Tait, Lisbet Ilkjaer, Monique Alexis and Elrena van der Spuy



AFRICAN POLICING CIVILIAN OVERSIGHT FORUM



THE DANISH INSTITUTE
FOR HUMAN RIGHTS

© 2011 African Policing Civilian Oversight Forum (APCOF) and the Danish Institute for Human Rights (DIHR)

ISBN 978-1-920489-30-4

All rights reserved.

No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form, or by any means, without the prior permission of the publisher.

Published by APCOF and the DIHR:
African Policing Civilian Oversight Forum
2nd Floor, The Armoury
Buchanan Square
160 Sir Lowry Road
Woodstock
Cape Town
South Africa
www.apcof.org

Danish Institute for Human Rights
Strandgade 56
1401 København K
Denmark
www.humanrights.dk

Layout and printing: COMPRESS.dsl, South Africa | www.compressdsl.com

Contents

Abbreviations and acronyms	V
1. Conference and workshop: Summary and reflections	1
Workshop themes	1
Observations and reflections	2
2. Conference on police reform in Francophone West Africa	5
Police reform experiences in Francophone West Africa	5
Police reform experiences in Anglophone West Africa	7
Police reform and indicators for change, <i>Lisbet Ilkjaer, DIHR</i>	8
Key elements of police reform, <i>Lisbet Ilkjaer, DIHR</i>	10
Crime prevention and policing in Francophone Africa, <i>Serges Bruno, ICPC</i>	11
Maximising the opportunities available in international police cooperation for local police reform, <i>Elena van der Spuy, University of Cape Town</i>	12
Building the network	13
3. Workshop on police and human rights in West Africa	15
Utility of regional and national codes of conduct, <i>Prof. Alice Hills, University of Leeds</i>	15
Police codes of conduct in West Africa: A DIHR study in Mali, Burkina Faso and Niger, <i>Ababacar Ndiaye and Lisbet Ilkjaer, DIHR</i>	17
A police perspective: The code of conduct for United Nations police officers, <i>Mody Berethe, UNPKO</i>	17
Human rights of police officers in a democracy, <i>Janine Rauch, ASSN</i>	19
Human rights and police officers, <i>Cecil Griffiths, President, LINLEA</i>	20
Supervision of the conduct of police officers in the Montreal Urban Community Police, <i>Lt Micheline Bourret</i>	21
Experiences with training police officers in human rights, <i>Lisbet Ilkjaer and Monique Alexi, DIHR</i>	22

Contents

3. Workshop on police and human rights in West Africa (continued)

Presentation of the project on drafting a police manual on human rights in Niger, <i>Police Chief Superintendent Amadou Seybou</i>	23
WAPORN and promoting human rights compliant policing in West Africa, <i>Kemi Asiwaju, Deputy Director, Cleen Foundation, Nigeria</i>	25
The CHRI and promoting human rights compliant policing in the Commonwealth: The experiences of the Network for Improved Policing in South Asia, <i>Wilhelmina Mensah, CHRI</i>	26
Francophone human rights network: Inter-African Union for Human Rights, <i>Abdoul Azize Badiane, UIDH, and Lisbet Ilkjaer, DIHR</i>	27
The role of the ACHPR in promoting human rights in policing in West Africa, <i>Prof. E Alemika, University of Jos</i>	28
Discussion	30
Recommendations	31
APPENDIX A: The project partners	32
APPENDIX B: List of participants	33
APPENDIX C: List of conference papers on the CD	34

Abbreviations and acronyms

ACHPR	African Commission on Human and Peoples' Rights
APCOF	African Policing Civilian Oversight Forum
ASSN	African Security Sector Network
AU	African Union
CHRI	Commonwealth Human Rights Initiative
CSO	civil society organisation
ECOWAS	Economic Community of West African States
DIHR	Danish Institute for Human Rights
ICPC	Intentional Centre for the Prevention of Crime
LINLEA	Liberia National Law Enforcement Association
NIPSA	Network for Improved Policing in South Asia
NGO	non-governmental organisation
OSIWA	Open Society Initiative for West Africa
RECs	regional economic communities
TOC	transnational organised crime
UIDH	<i>Union Interafricaine des Droits de l'Homme</i>
UNPKO	United Nations Peace-Keeping Operations
WAPCCO	West African Police Commissioners Cooperation Organisation
WAPORN	West African Police Reform Network



1

Conference and workshop: Summary and reflections

On 24–27 November 2010 the African Policing Civilian Oversight Forum (APCOF), The Danish Institute for Human Rights (DIHR), the Cleen Foundation and Open Society Initiative for West Africa (OSIWA) facilitated two back-to-back discussions in Dakar, Senegal. The first discussion focused on ‘Police Reform in Francophone Africa’ and the second on ‘Police and Human Rights in West Africa’.

The structure of a double-themed debate was innovative. The preparatory meeting on police reform in Francophone West Africa provided an opportunity for Francophone practitioners drawn from the ranks of police and gendarmerie, civil society, and civilian police oversight structures to strengthen their networking on policing. The domination of the police reform debate by Anglophone experiences had been identified as one of the limiting factors to building a truly West African network on police reform. The opportunity for a Francophone discussion was therefore deemed important as a precursor to discussions with Anglophone counterparts on police and human rights in the region.

The agenda for the conference on Police Reform in Francophone Africa was structured so as to provide an initial update on policing in the region before focusing on key elements of police reform, the role of police in crime prevention, maximising opportunities for police cooperation and building a network on police reform in West Africa.

The conference, of which this report is one outcome, aimed to:

- » exchange experiences and learn from developments in police organisations in Francophone and Anglophone West African countries;
- » promote public participation in police development with the aim of building human rights compliance and improving police–community relations in West Africa;
- » identify priority areas for the development of programmes on police reform in West Africa; and
- » support the ongoing development of the West African Police Reform Network.



Workshop themes

The workshop which followed directly after the conference on 26 and 27 November was structured along five interrelated themes, described below.

The ECOWAS draft code of conduct and national codes of conducts in West Africa

The Economic Community of West African States (ECOWAS) draft code of conduct, once adopted, will provide an agreed normative framework for policing to which the agencies themselves have subscribed. The discussion during this theme of the workshop focused on the extent to which the code can be operationalised and supported in the pursuance of effective and human rights compliant policing in the region.

Human rights of police officers

Whereas police officers are entitled to all the same rights as ordinary civilians, there are rights that affect the police particularly in their work, such as rights on duty, rights in the workplace, rights to proper working conditions and rights in disciplinary or criminal proceedings. The discussion during this theme focused on states' responsibilities towards police officers.

The role of the ACHPR in promoting policing and human rights

The role of the African Commission on Human and Peoples' Rights (ACHPR) in respect of policing is grounded in the African Charter on Human and Peoples' Rights. State parties voluntarily undertake to recognise the rights, duties and freedoms contained in the Charter and 'undertake to adopt legislative and other measures to give effect to them'.¹ Article 3 of the Charter guarantees everyone equality before and equal protection of the law. Police and other law enforcement institutions seek to ensure fulfilment of these Charter obligations. Under Article 45 of the Charter, the Commission's mandate extends to formulating or laying down standards aimed at solving legal problems relating to the protection and promotion of human and peoples' rights and fundamental freedoms in Africa, ensuring the protection of human and peoples' rights under the Charter, and interpreting the provisions of the African Charter. The discussion under this theme of the workshop focused on how collaborative partnerships can support the work of the Commission.

Civil society networks and promoting human rights compliant policing

Public involvement in democratic oversight is crucial to ensure accountability and transparency across the security sector. Among the roles the public play are to act as watchdog and to provide an index of public contentment. The discussion during this theme of the workshop focused on the extent to which domestic and regional networks can support the development of more human rights compliant policing in the region.

Exchanges on experiences with training of police officers in human rights

The discussion focused on the different experiences from police and civil society with training police officers in human rights in West Africa. While the theme of safety and security ran through all discussions, it was grounded in an uncontested understanding by police and civil society practitioners alike that a police service that recognises and upholds human rights and establishes a relationship of trust with communities is among the most effective in combating crime and violence.

At the conclusion of the four days, stakeholders agreed that there is a strong need for reform of the police in Francophone West Africa and the promotion of the principles of democratic policing. The prospects for police reform are strengthened when stakeholders find a common agenda. This is no easy task, yet it is in this very collective that the opportunity for success lies. The value of networks such as APCOF² and its affiliated West African network the West African Police Reform Network (WAPORN)³ was recognised. An ongoing task for these networks is to identify strategic entry points and galvanise and support local partners.

The conference organisers hope that this report will support the networking developed during the conference with the view to promoting effective and rights compliant policing across West Africa. The report of this conference is a summary of proceedings. The papers presented are made available on CD and distributed with this report.



Observations and reflections

Police reform in West Africa

The West African region extends from Senegal, Gambia, Cap Verde, Guinea Bissau, Guinea, Sierra Leone and Liberia in the extreme West, to Mali, Burkina Faso and Niger in the Sahel, and Ivory

1 Article 1, African Charter on Human and Peoples' Rights.

2 Detail on APCOF is available in Appendix A at the end of the report.

3 Detail on WAPORN is provided in Chapter 3 of this report, on page 25.

Coast, Ghana, Togo, Benin and Nigeria along the Gulf of Guinea. The region is home to more than 257 million people and some of the world's poorest nations. Half of all West Africans live in Nigeria with its 131 million inhabitants, while the smaller countries in the region (Gambia and Guinea Bissau) average about two million inhabitants. Cap Verde is the smallest in population, with 420 000 citizens. The demographics of a young population, of poverty and a history of conflict that characterise the region correlate with high rates of economic and social crime in the region. Forty-five per cent of West Africans are under 15 years old and 87% of the population of the region survives on less than a subsistence-level income. The region has been ravaged by war and conflict. Sierra Leone and Liberia have just emerged from several years of civil war; the crisis like the one in Ivory Coast continues to impoverish and destabilise the region and insecurity prevails in Casamance in southern Senegal as well as in northern Niger and in Nigeria's Plateau and Delta provinces.

Against an all too familiar backdrop of resource constraints, poverty, conflict and human rights violations, police and policing in West Africa enters the new decade confronted by new crimes, threats and challenges. As elsewhere the police are of crucial importance in West Africa's attempts at regulating social order. They are the first link in the criminal justice chain through which states can address the security and justice concerns of its citizenry. However, across West Africa, police, gendarmes and security forces are viewed with suspicion and distrust. Security forces continue to be viewed as protectors of governments and ruling elites rather than the population at large. Many police and security forces continue to exhibit features of military and authoritarian systems.

It is recognised that policing that provides safety and security but also upholds and promotes human rights is vital to achieving development goals. Over recent decades, extensive effort – at regional and international levels – has gone into constructing a framework for policing that contributes to its effectiveness and promotes a rights-based approach to security. Police reform is no longer merely a domestic concern. Police practitioners recognise true security rests on the foundation of the security of nations generally. This global inter-connectedness has facilitated many more regional and international conversations about security and policing strategies.

On 30 September 2010, Interpol and the Belgium presidency of the European Union held a conference to 'address the urgent challenges of transnational and cross border crime in West Africa'.⁴ The objective was to note current initiatives and partners, exchange viewpoints and identify concrete proposals for enhanced police cooperation in the West African Region. The conference confirmed that 'the current EU internal security strategy framework recognised interdependence in Europe's internal and external security'.⁵ It is important however that this joint security paradigm be grounded in a police that recognises and upholds human rights.

At a regional level, alongside the newly formed West African Police Commissioners Cooperation Organisation (WAPCCO) there are two important mechanisms that can be valuable allies in promoting human rights and accountability in policing. ECOWAS is one of the regional economic communities (RECs) in Africa and a building block of the African Union (AU). Besides promoting freedom of movement and close cooperation in the fields of education and health between member states, ECOWAS has a court of justice and a mechanism for dealing with conflicts in the region. The ECOWAS draft code of conduct for security forces, once adopted, will provide an agreed normative framework for policing to which the agencies themselves have subscribed.

Another mechanism of course is the ACHPR, headquartered in Banjul. The role of the ACHPR in respect of policing is grounded in the African Charter on Human and Peoples' Rights. Under Article 45 of the Charter, the Commission's mandate extends to formulating standards aimed at solving legal problems relating to the protection and promotion of human and peoples' rights and fundamental freedoms in Africa; ensuring the protection of human and peoples' rights under the Charter; and interpreting the provisions of the African Charter. At its 40th session the ACHPR passed

4 Symposium on 'The External Dimension of EU Police Cooperation: Towards a global and integrated international policing in West African countries', Interpol, 30 September 2010.

5 Ibid.

a resolution recognising ‘policing as a basic foundation in building democracy, promoting human and peoples’ rights and alleviating poverty without which democratic practices, economic, and social development and the promotion of human rights are constrained and even jeopardised’. They called on states 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;
- » adopt laws and regulations implementing the guidelines contained in the Resolutions of the African Commission on the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel and Inhuman and Degrading Treatment or Punishment in Africa, otherwise known as the Robben Island Guidelines, as far as they relate to policing in Africa; and
- » establish, where they do not exist, independent civilian policing oversight mechanisms which include civilian participation.

While the existence of these instruments is important, it is their practical implementation that will provide the opportunity for addressing challenges such as arbitrary arrests and detentions, and the violation of the physical integrity of those arrested and detained. The implementation of the above mentioned instruments also holds promise for improving the working conditions of security agencies.

Conclusion

The two discussions in Senegal came at a time of an increasing focus on policing in the West African region with the view to counter trafficking in human beings, drugs, weapons and terrorism. Often technical and information-management support are identified as issues requiring ameliorative attention.⁶ However it is clear that among the most critical limitations in police capacity in West Africa are basic police skills to: deliver a service to the public; handle witnesses and victims; work with community groups; and adhere to basic ethical standards of conduct. Such basic skills are critical to building trust between police agencies and communities.

The deliberations in Senegal provided a much needed opportunity for members of police organisations and civil society institutions to take stock of police organisational developments within the region and to situate those discussions within a broader social and political context of post-conflict reconstruction and state building in West Africa. A conversation between Francophone and Anglophone parts of West Africa is critical to our understanding of differences and commonalities in the project of police reform in a region forged by different colonial traditions. This report captures key aspects of those conversations with the view to identifying points for strategic intervention. The challenges confronting the police are manifold. Police organisations in West Africa continue to be constrained by a lack of resources, weak infrastructure, undue political interference from the centre and adversarial relations with the public at large. Opportunities for reform do however exist. It is critical to capitalise on these opportunities so as to build – bit by bit – a more humane and effective police service in West Africa.

⁶ Ibid.

2

Conference on police reform in Francophone West Africa



Police reform experiences in Francophone West Africa

While police reform in every jurisdiction is unique, Francophone jurisdictions display commonalities based in part on the history they share with the French legal system that they inherited. Whereas jurisprudence is an integral part of the legal system inherited from British colonialism, Francophone countries rely on civil law and often continue to rely directly on French Law, which is ill-suited to the West African context. In addition to the inquisitorial role played by the judiciary, Francophone countries generally have three services with a policing mandate: the national police, the national guard and the gendarmerie. The first two are very often located under the ministry of interior or ministry of security, whereas the gendarmerie is usually located in the ministry of defence. The overlap of mandate is often confusing and creates competition for resources. As in many Anglophone jurisdictions, oversight and complaint mechanisms remain weak.

Kassoum Kambou, Magistrate, Councillor of the Court of Cassation, Burkina Faso, identified in his opening remarks the challenges to police reform in Francophone Africa as echoing those in Anglophone jurisdictions. They included:

- » the culture of impunity;
- » the lack of independent complaint mechanisms;
- » the lack of political will for true reform;
- » utilisation of the military in policing duties;
- » poor training; and
- » the poor working conditions of the police.

These weaknesses often result in ills associated with bad policing, including extra-judicial killing, torture, arbitrary arrests and detentions as well as the violation of the physical integrity of those arrested. Promoting police reform requires respect for the rule of law. The role of civil society is crucial – not only for acting as a watchdog, but also in supporting reform efforts in a constructive and cooperative manner.

In a brief roundup of events⁷ the conference participants discussed recent developments in policing in the region.

Senegal

Djibril Aziz Badiane, Chairman of the Organisation nationale des droits de l'homme (ONDH) (National Human Rights Organisation) of Senegal, Deputy Chairman of the Union interafricaine des droits de l'homme (Inter-African Union for Human Rights) and representative for West Africa

⁷ The conference and workshop papers are available on the CD distributed with this report.

Some of the most important recent reform initiatives in the police in Senegal have been the integration of women in the police (1981) and reform in relation to the laws of detention regarding mandatory provision of lawyers and doctors (1999). In 2000 proximity policing (or community policing) was introduced in order inter alia to build trust between the police and the citizens. Courses in human rights and police ethics were introduced at the police school and special measures were taken to protect minors. In 2009 the statutes for the police were redrafted in relation to the recruitment of new police officers. Senegal has developed a complaint system and the police have an obligation to engage the public. This has seen significant public interaction between the police and communities over the past few years.

Burkina Faso

Pascal Sindgo, Police Superintendent, Burkina Faso, and Guigma Lasmani Franck, S. Senior Officer, doctoral student in public law and political science at the CEDSI, Burkina Faso

While many Burkina continue to fear and distrust the police, the country has embarked on a broad reform programme. A new security policy was introduced in 2003, with an emphasis on prevention. Proximity (community) policing was introduced in 2005 and has sought to integrate local safety needs into policing strategies. A municipal police force has been created. In a collaboration project with the Montreal police, special local community units have been created. The units are also mandated to receive complaints. A code of conduct for the Burkina police has been developed. Having recognised the need for different skills and competencies within the police, recruitment has also been opened up to civilians. Burkina has an active civil society that takes up human rights violations committed by the police and lobbies on issues such as arbitrary arrest, extra-judicial killings, torture and the violation of stipulated periods of detention. In 2010 there has been a special focus on conditions of detention.

Ivory Coast

Counsellor Hervé Gouamene, Attorney before the Court, Chairman of the NGO 'Actions pour la protection des droits de l'homme' (APDH) (Action for the Protection for Human Rights), Côte d'Ivoire, and Mr Charles R. Diet (Côte d'Ivoire), Energy Auditor, Deputy Chairman of the NGO 'Centre pour la réduction stratégique de la pauvreté pour une Afrique unie' (CRESPAU) (Centre for the Strategic Reduction of Poverty for a United Africa)

The reputation of the Ivorian police has deteriorated during the current political crisis. They are viewed as perpetrators of human rights violations, including summary execution, violent repression of demonstrations, illegal detentions, torture and corruption. Complaint mechanisms have been scaled back and impunity has increased.

Mali

Ibrahima Diallo, Mali Police, and Police Chief Superintendent Seybou Amadou, Director of the École nationale de police et de la formation permanente (National Police Academy for Training and Continuing Education)

The police in Mali continue to be influenced heavily by their colonial heritage. They were not demilitarised until 1992. Recently proximity policing has been introduced inter alia to transform and improve the image of the police. In 2010 the police redrafted their statutes and developed a code of ethics.

Niger

Sidi Abdou, Niger

The Niger police bear a heavy colonial legacy. Infrastructure is poor and police numbers are low. The police have worked towards becoming more professional, introducing improvements in salaries and career plans, and becoming less susceptible to political interference. The independence of the police was legislated in 2004 and reinforced again by new legislation in 2010. A 2008 law on reform of the police focused on structural reforms, including recruiting, training and the development of infrastructure. Special units have been introduced, including public order units. Considerable effort has been made to integrate human rights into the basic and in-service training of police officers.

Togo

Etsri Hihédéva Clumson-Eklu, 'l'Association Togolaise des Droits de l' Homme' (ATDH)

Proximity policing exists in Togo, but remains largely dysfunctional. Violations of human rights and the rule of law are common in the policing of public demonstrations.

Benin

Constant Gnacadja, West Africa Network for Peacebuilding (WANEP-Benin)

The police were separated from the army in 1991. They continue to be poorly paid and work under difficult conditions. Corruption is high and many citizens suspect that the police are involved in high-level trafficking. The relationship between the police and communities is poor and considerable effort needs to be made to re-establish dialogue. In 2003 a report of the status of the police was drafted, but the recommendations were never implemented.



Police reform experiences in Anglophone West Africa

Liberia

Col. Samuel F. Dakana, Deputy Director/Deputy Inspector-General for Administration, Liberia National Police and Cecil B. Griffiths, President, Liberia National Law Enforcement Association (LINLEA)

The 2003 Peace Agreement provided for the reform and reorganisation of the police. The objective was to develop a civilian police force. Efforts were made to clear the police ranks of those who had committed human rights violations. All police officers had to reapply for their positions. Recruitment was based on agreed criteria; an internal control system was established as well as an external complaints mechanism. More than 4 000 police officers have been trained under the new system and more than 16% of these were women. In 2005 initiatives were taken to establish community policing as part of the reorganisation process. The aim was to build confidence between the police and citizens, to improve the infrastructure and the working conditions for police officers as well as improve the transparency of the police.

Nigeria

Kemi Okenyodo, Cleen Foundation

The image of the Nigerian police remains negative. The police are perceived as inefficient, corrupt and guilty of violating human rights. The federal government has established a reform committee, which has made recommendations for reforming the police. However, some civil society groups have been excluded from the committee. Many draft laws on the police have been presented to Parliament and currently there are efforts to harmonise these different pieces of legislation. Oversight mechanisms exist both at an internal and external level. Along with the Police Service Commission, citizens can address their complaints to the National Commission of Human Rights as well as to the Ombudsman. However public confidence in these mechanisms is low. The media play a very important role in the reform by publishing detailed reports of police activities.

Sierra Leone

Allieu Vandi Koroma, Centre for Accountability and Rule of Law (CARL), Sierra Leone

All institutions, including the police, ceased functioning during the conflict. Since the ending of hostilities there have been several reconstruction and reform initiatives. An internal oversight and control system has been established. Community policing has been established in the country. Despite all of these initiatives, the police continue to be seen as corrupt, brutal, and inclined towards the excessive use of force. The police are susceptible to political interference and known criminals are recruited into the police organisation.

Cameroon

Polycarp Ngufor Forku (SP), Head, Human Rights Unit National Advanced Police School Yaounde-Cameroon, and Dr Eban Ebai (PhD), Cameroon

The police are challenged with a double colonial heritage from both Anglophone and Francophone traditions. However the system is gradually being harmonised. The multiple-party system introduced during the nineties brought with it a certain degree of democratisation of the police. Community policing was introduced but, despite these efforts, the police are still viewed with suspicion. They are generally seen as corrupt and unaccountable.

Ghana

Mina Mensch, Commonwealth Human Rights Initiative (CHRI)

Following a negative 2004 report on policing in Ghana there have been several attempts to improve the image of the police. Community policing was introduced and efforts made to tackle corruption. Substantial reforms however are still to be made. Oversight mechanisms are weak as a result of poor capacity and resources.



Police reform and indicators for change

Lisbet Ilkjaer, Dansih Institute for Human Rights (DIHR)

Indicators are tools of measurement to help assess whether defined objectives are being met and are therefore crucial in any transformation project. What you cannot measure, you cannot manage. Using indicators enables us to know if there is progress in relation to the objectives that have been fixed. In taking forward police reform in West Africa, building cooperation between European and West African police or building the West African Network on Police Reform, it is important to be able to measure progress in terms of performance effect and impact. The DIHR has developed indicators for change with the assistance of the national police in Niger.⁸

Understanding the advantage of indicators

The police themselves need to be convinced of the advantage of using indicators. Indicators should be perceived as an essential part of good management within the organisation because they are steering instruments that assess whether defined objectives are being met or not.

Developing objectives and related indicators

Indicator development is the natural consequence of developing a strategic plan. Indicators are developed in order to assess if defined objectives are met and therefore must be clear, unambiguous and measurable. It is important that the police have ownership of the indicators and that they are developed by the police themselves and not external consultants. It is important to develop indicators in relation to the performance, effect and impact of police work.

Strengthening data-gathering capabilities/means of verification

Technical and resource challenges should be taken into account when developing indicators. These range from weak data collection to the shortage of computers and intermittent electricity. These limitations must be taken into consideration and international development partners can provide valuable support by investing in the improvement of the countries' technological infrastructure.

Development projects can reinforce the importance of measurement and the collection of data. Any system of measurement must be designed to minimise the burden of data collection and analysis. Verification cannot only rely on quantitative information, but also needs qualitative information. Citizen and officer surveys are also important if effect and impact are to be measured.

While the concept of indicators is relatively simple, developing and measuring against agreed indicators is a complex and expensive exercise. This is complicated by the fact that many public institutions in West Africa have not given priority to keeping rigorous and systematic statistics very often because this is not part of their culture and there is therefore a lack of data and trustworthy statistics in most of the region. Certain data are collected but this is mostly in order to satisfy the

⁸ Ilkjaer, L. & Bouremia, S.S. 'A model for developing performance indicators in Niger'. *International Journal of Police and Management* 12(2).

needs of the administration. It is therefore important to construct indicators against what is feasible in terms of data collection.

Because it is such an important area, support can come from international partners. This however is no substitute for the fact that the police agency itself takes a lead role in developing and implementing the tools of measurement.

Creating a focal point within the police for monitoring the indicator system

Police should give consideration to setting up a focal point which can monitor the indicators and follow progress. This focal point could be located in the statistics department or a similar unit within the police and it should be in close contact with other institutions that collect information relevant to police performance, such as relevant ministries, statistical offices as well as other security services.

Developing a programme of indicators requires partnerships

It is important that all relevant state and non-state actors participate in the development of indicators. Partnership will strengthen cooperation between the police and other stakeholders in and outside of government and is in line with the principles of community policing and democratic policing.

Ensuring political and managerial support

It is important that there is the necessary political and managerial back-up to achieve genuine reform.

Examples of performance, effect and impact indicators relevant to the police

<p>Objective: to increase capacity of the police in Niger</p> <ul style="list-style-type: none"> • training in indicators, transparency, communication, drafting reports and computer skills; • in-service training system in place; • documentation centre established; • transparent career plans developed; • standardised working methods developed and documented.
<p>Objective: to act openly and transparently in relation to the public of Niger</p> <ul style="list-style-type: none"> • legal framework allows for transparency; • communication strategy developed; • information service established; • standardised police report formats introduced in all districts ensuring proper data collection; • number of computers available in each district; • annual report published; • degree of general information shared with the public (e.g. annual reports, statistics); • degree of information on specific case shared with the public.
<p>Objective: to increase cooperation with civil society in Niger</p> <ul style="list-style-type: none"> • number of concrete partnerships with civil society organisations; • community policing strategy developed; • number of foot patrols; • degree of information coming from the public helping the police in their work.
<p>Objective: to increase accountability of the police in Niger</p> <ul style="list-style-type: none"> • independent oversight body investigating complaints against the police established; • the degree of authority given to such a body; • information from existing oversight bodies is recorded and made public; • efficient planning and budget system in place; • systematised revision of budget in place; • transparent procedures and criteria for the promotion of officers are developed; • number and type of complaints against the police; • number and type of sanctions taken against the police; • data on use of force and firearms recorded.

Examples of performance, effect and impact indicators relevant to the police (cont.)

Objective: to improve safety and justice for the population in Niger

- strategies to reduce crime developed;
- crime rate, number of arrests, prosecutions and convictions;
- degree of public satisfaction with the police;
- degree of cooperation with the gendarmerie and the security force (GNN).



Key elements of police reform

Lisbet Ilkjaer, DIHR

Police and security organisations vary considerably with regard to structure, organisation, mandate, and context, even within the same region. If police agencies in West Africa, especially in Francophone West Africa, want to modernise, the responsible ministries should encourage the transformation of the police from a force into a service in order to identify constructive ways forward.

What is expected from the process is that police and security organisations are based on legal mandates and the principles of transparency, accountability, impartiality, and accessibility while maintaining open and transparent mechanisms for recruitment and appointment procedures. Increased professionalism and principles of democratic policing entail elements such as education and training as well as institutional reform with the necessary political support.

The DIHR has supported the development of strategic plans in cooperation with partners in several countries. In order to manage an institution or an organisation, it is crucial to have a strategy and a plan on how to do this which considers the overall objective, the specific objectives, the implementation process, the costs, etc. One can say that a good strategy is the basis for obtaining good performance, effect and impact. A strategic plan allows the partner to be in the driver's seat and proactive in relation to funding.

The point of departure in such a plan will of course be the legal mandate of the police and the texts describing its missions. The process is based on a model that acknowledges that the vision and plan must be cognizant of local context. Traditionally this is an area where consultants are used to draft the strategy; however, in order to ensure ownership it is crucial that the strategic plan is developed by the police themselves since they are best informed of their needs as an institution and of the best methods of implementation. This ensures an understanding of the context, challenges and needs as well as the development of capacities in order to ensure sustainability. It is important to take into account the language, cultural, religious and political aspects in the region. Finally, if foreign partners decide to engage in police reform long-term involvement is important for sustainable results.

The elements of a strategic plan

1. Vision, mandate and mission

An analysis of the relevant police legislation and national policies in this area will give the content for these three categories. It is important that the plan remains mandate-driven and not problem-driven, which is why the process should not begin with a situational analysis. Sometimes it is clear from the abovementioned process that legislation and the norms of an organisation do not support the ideals of democratic policing. In these cases, the national police should formulate a vision document with an 'ideal mandate', giving directions as to where to improve the mandate of the police, which then results in legislative reform of the police in the given country.

2. Values and principles

Such principles could be: rule of law, democratic governance, separation of powers, protection of human rights and freedoms (especially prohibition of torture, right to privacy, proportionate use of force, legal arrest and detention, prohibition of discrimination, freedom and equality)

professionalism, transparency, integrity, political neutrality, accountability, internal control and participatory management. Each value and principle will have a short explanation of what it signifies. The police in question must give their definitions and perceptions.

3. *Main business areas*

The main business areas are derived from the mandate and the mission statements. A thorough description of each area and what the police are expected to achieve within these areas should be made. Examples of such areas could be: legislation and norms, public order, criminal police, specialised police, control mechanisms and administration.

4. *Situational analysis*

This part of the plan includes an analysis of strengths weaknesses, opportunities and threats, and will eventually help to guide the police on sequencing interventions.

5. *Strategic interventions, objectives and indicators (performance, effect and impact)*

Based on the acquired knowledge of the mandate as well as the current situation, the police can now formulate strategic Interventions, objectives and indicators. All three types of indicator should be developed and linked to each of these strategic interventions. Indicators should also include their means of verification and the potential sources of data.

6. *Description of working methods*

This section in the plan will describe the work methods the national police will use to implement the interventions in order to achieve maximum impact.

7. *Implementation structure*

The implementation structure needs to be linked to the organisational structure of the national police in order to avoid parallel structures. Sometimes the abovementioned process results in the police deciding to change an existing structure so that it corresponds to the findings in relation to the main business areas and/or the strategic interventions.

8. *Programming table*

Business area	Intervention	Objective	Activities	Responsible	Performance indicators	Budget	Date



Crime prevention and policing in Francophone Africa

Serges Bruno, International Centre for the Prevention of Crime (ICPC)

The ICPC is an international forum for exchanges on crime prevention and community security for the use of governments, local authorities, public entities, specialised institutions and NGOs. It provides information which can be converted into action to improve policies and interventions for more effective reduction of crime, violence and insecurity. The following are a few examples of ICPC initiatives:

- » workshop on strategies and best practices in crime prevention in particular in relation to urban areas and youth at risk – Bangkok, 2005;
- » conference on the role of the police in crime prevention – Oslo, 2007;
- » seminar on integrating community policing into a broader crime prevention approach – Cape Town, 2007; and
- » colloquium on 'Women's safety: a shared global concern' – Mexico, 2008.

The police and crime prevention

In any discussion of the role of the police in crime prevention, the subject of the police and the community cannot be ignored. The police cannot act alone, particularly in preventing criminal behaviour. They must act together with others: the public, the institutional environment, associations, local, regional and national government, academics and the private sector. The police must act together with others and not just for others: community policing underpins the role of the police in crime prevention.

There has been no real change in the tasks assigned to police forces over the past 50 years. On the other hand, the demands made on police services have changed significantly. The following are some examples: so-called marginal behaviour (begging and vagrancy), the availability and use of illegal drugs, domestic violence, sexual offences and terrorist attacks.

Including crime prevention in the tasks of the police service shows a desire to build a democratic force. It is also a recognition of the complexity of the causes of delinquency; it opens up the police to civil society and its trends; and encourages an egalitarian police service that is accountable to the public.

The four principles underlying community policing are as follows:

- » getting closer to the citizens of the country (informing citizens of the services provided, establishing the needs of communities and taking them into account as a priority);
- » partnering with other institutions (such partnerships provide resources and the training recommended for police officers);
- » providing an approach to problem resolution (training recommended for police officers); and
- » strengthening of preventive measures, which are just as important as enforcement and investigation (training recommended for police officers).

Crime prevention is not only an issue for the police. The latter should contribute to devising local strategies that address the various factors at the source of crime, and then see that they are implemented. Such strategies need the close cooperation of local institutions and bodies.



Maximising the opportunities available in international police cooperation for local police reform

Elrena van der Spuy, Centre of Criminology, University of Cape Town

It is worth considering how security or police cooperation between countries, regions and continents may impact on the police reform project pursued at national or regional levels. Does political cooperation open up or close down (sabotage) the space for domestic police reform?

Police cooperation of course is not a new phenomenon. It is however true that in the contemporary era, police cooperation has become denser and deeper. The density of current cooperative linkages has been driven by many factors. For example, processes of economic and political regionalisation create a conducive context within which the linkages and alliances between security agencies may be strengthened. Common security threats, whether real or imagined, such as drugs, terror and environmental crime also create powerful incentives for cross-national collaboration and an exchange of intelligence. Lastly, advances in modern technology greatly facilitate closer cooperation.

Cooperation may take many different forms. Cooperation may be ad hoc or organised, covert or overt, informal or formal. Often cooperation may obscure competition between agencies. Different agencies may enter into cooperative agreements for competing and even contradictory objectives.

The effects of greater cooperation between police and security agencies include a degree of harmonisation between legal systems, a certain standardisation of policy frameworks, growing uniformity in police training, and even the synchronisation of policing systems and procedures from one country to another. A key question to explore – in the context of our discussions over the last

two days – is whether police cooperation aids or undermines the quest for democratic policing. Much depends on how cooperation, harmonisation and standardisation relate to the oversight and accountability of police systems. Vigilance is required since greater cooperation between police agencies and security organs from one country to the next may come at the expense of transparency. Cooperation in pursuit of a war on drugs or a war on terror has in the recent past made for more secrecy rather than greater openness. Such secrecy has been justified in the interests of national or global security. So in conclusion, police cooperation may provide opportunities for setting normative rules for interaction which support models of policing that are democratic. There is however no guarantee that democratic dividends will necessarily follow in the wake of denser and deeper networks of cooperation.



Building the network

The impact of colonialism, reinforced by dictatorial post-independence governments in both Francophone and Anglophone jurisdictions, has resulted in the police being generally perceived as instruments of regime control rather than being in the service of the population. This is exacerbated by ongoing corruption, brutality and broader inefficiency in the criminal justice system. The police confront poor working conditions as well as an overall lack of resources. Across the region there are police agencies, governments and citizens who are making concerted efforts to promote police reform, but it is also clear that in many countries there is a lack of political will to initiate genuine reforms.

The demand for police reform from the police agencies themselves is largely driven by a desire to become more efficient and effective. It is primarily civil society that advocates a human rights approach to policing. These demands however should not be viewed as mutually exclusive.

A dilemma often faced by the police is that the very objective of providing immediate citizen safety runs the threat of alienating the population it intends to protect. The legitimacy of the police may be undermined by them not being able to protect and as well as their being seen as too heavy-handed. The police must strive to serve and protect the local population in a manner consistent with human rights and democratic values. This has been demonstrated as being among the more effective strategies to combat even the most serious of crime problems in volatile contexts. Further, if the police are to be more efficient in crime prevention, they must work closely with other partners.

Dialogue and cooperation between the police and civil society is critical if reform is to be achieved.

Specifically participants noted:

- » At the Abuja Workshop in 2006, the police were urged to integrate democracy and human rights into their training. Though a committee was set up, no progress was evident. This conference is another opportunity to reinforce the exchange of information on policing, reform and human rights in the region.
- » If the police are to be more effective in crime prevention they must work closely with other partners. Such cooperation is only possible if there is trust between the parties.
- » An annual newsletter could make good practices known to others.
- » Civil society's capacity to engage police authoritatively should be strengthened.
- » Focal points should be appointed within national police to link with civil society.

The conference agreed that important activities for promoting police reform can include:

- » Awareness should be raised among police that working with communities in democratic and transparent ways can have a real impact on police effectiveness and the safety of officers. There should be the ongoing promotion of dialogue, awareness-raising and knowledge-building in the area of democracy, policing and human rights. A regular newsletter from the African Policing Civilian Forum (APCOF) or West African Police Reform Network (WAPORN) could be used to disseminate good practices. Institutions should be encouraged to organise training and seminars in collaboration

with the police where police personnel can exchange ideas. Civil society's capacity should be strengthened on these issues. Focal points should be appointed within national police agencies to link with civil society.

- » Texts and practices regarding policing and police reform should be made available more widely. Non-state actors should lobby for reform and base advocacy on sound research.
- » All relevant actors must be included in the police reform process. The following state actors should be included: Parliament, governmental institutions (police and the security sector, relevant ministries such as security, interior, defence, finance and justice), national institutions (national human rights institutions, commissions against corruption and other relevant commissions) as well as the local political representatives, civil society organisations (including those specialised in security and reform), research institutions, the media, religious and traditional leaders, defence lawyers and local communities. Dialogue forums can be useful tools for sharing and reflecting on complex information while developing an agenda for reform.
- » The implementation of standards is the business of anyone and everyone concerned with promoting effective rights-based policing. This should be taken forward through a variety of ways including lobbying and advocacy work supported by research.
- » The ECOWAS code of conduct represents an important opportunity for a common agenda. Networks such as WAPORN can be valuable in assisting the implementation of the code and facilitating its observance. Likewise the African Charter on Human and Peoples' Rights (ACHPR) resolution on policing is a framework around which to build local-, regional- and continental-specific responses to challenges that face police agencies in Africa.
- » Given the complexity of the terrain, a networked approach represents one of the few options. Networks on police reform are recognised as critical facilities in promoting ethical and accountable policing. These represent the potential to reach wider constituencies and to translate concepts of national security for local-level consumption. The degree to which local communities can internalise the need for accountable policing that delivers safety in turn deepens the role these communities can play in sustaining the demand for greater accountability.⁹
- » Local role-players can benefit immensely from support at regional and continental level in their efforts to deepen and move forward the police-reform agenda.¹⁰ Networks therefore, such as APCOF and WAPORN, are valuable assets to police reform in the region. It is made more so by the fact that WAPORN is a network which includes the police, oversight practitioners and civil society.
- » An important task for networks like APCOF and WAPORN is to identify strategic entry points and support local partners in achieving their goals. The stakeholders must find a common agenda. This is no easy task, yet it is in this very collective that the opportunity for success lies. Ultimately, it is no different from the challenge thrown to community policing that local communities build trust and partnerships between themselves and the police in the search for common security.

9 See Forman, J. 'Security Sector Reform: What role for civil society'. In *Civil Society and Security Sector Reform*, Caparini, M., Fluri, P., Molnar, F., eds, DCAF, 2006.

10 See Ball, N. 'Civil Society, Good Governance and the Security Sector'. In *Civil Society and Security Sector Reform*, Caparini, M., Fluri, P., Molnar, F., eds, DCAF, 2006.

3

Workshop on policing and human rights in West Africa

Policing that provides safety and security but also upholds and promotes human rights is recognised as vital to achieving development goals, including economic growth and democracy. Over the past fifty years extensive effort at regional and international level has gone into constructing a framework for policing that promotes a rights-based approach to security to promote and support democratic governance and development.

The African Policing Civilian Oversight Forum (APCOF), the Cleen Foundation and the Danish Institute for Human Rights (DIHR) with funding from the Open Society Initiative for West Africa (OSIWA) hosted this workshop to discuss the progress already made in West Africa and to identify practical strategies to promote greater accountability and compliance with human rights in West Africa.



Utility of regional and national codes of conduct

Prof. Alice Hills, University of Leeds

A number of international and regional police codes are available. They represent agreed normative frameworks, and are desirable in that they promote humane forms of policing that respect people's dignity and human rights. Most have been ratified or supported by the relevant regional and/or national security institutions and actors. Unfortunately, however, there is usually a yawning gulf between the rhetoric and the reality. Any discussion on the utility and implementation of codes must therefore be weighted towards their operationalisation.

I don't want to comment on the utility of codes. Some form of benchmarking seems desirable, and it seems sensible to develop regionally based codes which acknowledge the political, social and policing realities of a specific region. I want to focus on implementation, not least because meaningful implementation is unlikely to take place in the foreseeable future.

We can talk about implementation in terms of procedural issues, which tends to be the rather mechanical way adopted by many donors and inter-governmental organisations (IGOs) such as ECOWAS and the UN. Or we can talk about the problems of coordination and cooperation, not least because both terms are ambiguous and usually mean whatever the strongest partner wants them to mean. But procedural approaches do not address the real problem. It is true that we have significant experience of implementing regional codes in, most notably, western Europe. But EU-style coordination works only within the EU's sphere of influence because it is only there that the EU has the carrot and stick needed to ensure that actors/states align their actions with Brussels. And even then there are major issues (e.g. EU standards and procedures are often subverted by police and politicians in the western Balkans).

In fact, the real obstacles to implementation are more fundamental than simply procedural misalignment. They are to do with the social and political context in which implementation is to take

place and the nature of the actors it relies on. In the case of West Africa, they are linked to the sub-region's seemingly chronic politicisation, corruption, and inefficient and incompetent policing. None of this is new yet it is surprising how often it is neglected in discussions of implementation.

In practice, the sub-region's political and security elites appear to accept the desirability of a regional code, but lack the political will to ensure its effective implementation. Or, to put it slightly more positively, the record suggests that ECOWAS' members aren't committed to a code based on liberal ideas and ideals as such, but they are pragmatically and, perhaps, politically, committed to accommodating certain aspects of what the codes represent.

This means that we need to tip the balance in favour of regional codes of practice. In other words, we need – ideally – to influence the thinking of the policy-makers and practitioners concerned. This may be impossible, but what we can do is make a more accurate analysis of the nature of the issues obstructing implementation. In order to do this we need to bear in mind issues such as the following:

- » We should concentrate on the value of what is being offered, rather than the way in which it is received, and why it is received as it is. We would do better to refocus our attention onto the response of those charged with implementing the codes.
- » We need to ask why police should pay any attention to codes in the first instance: what is in it for them? A chief officer may calculate that adherence will enhance his chances of an international appointment, but why should a mid-ranking officer bother?
- » The implementation of formal codes may be problematic, but there is one regional code that is superbly resilient and successful. It is the informal, occupational code that police officers across the region understand, and it is about ensuring personal security in societies where such security is otherwise lacking. We should ask why the informal code is so successful, and identify what insights we can learn from it.
- » We need to know much more about how, why and when police agree and cooperate in Anglophone Africa, let alone in Francophone and Lusophone Africa.

A strategy based on naming and shaming is a waste of time because, as Transparency International and Amnesty International know only too well, it is difficult to shame many of the spoilers involved. We should consider a different way of presenting codes. Forget appeals to human rights legislation, accountability, etc., it might be better to present codes as an aspect of modern, professional, international policing that provides access to desirable technical skills, international training courses and so forth. Take the case of transnational organised crime (TOC). West Africa is formally signed up to cooperating on TOC, and has had some success in terms of regional cooperation. This suggests that we should forget normative goals and sell regional codes in terms of professional policing and enhancing national security. Indeed, Interpol might provide a better guide on how to influence police than international human rights legislation as such. Rather than relying on shared values, Interpol successfully promotes a shared technical vocabulary, and attractive opportunities for networking and accessing the wider policing world.

To conclude, while governments and institutions seek to enhance their legitimacy by adopting the language of international and regional codes, the acceptability and operationalisation of the codes and their associated procedures depends on political contingencies, functional requirements, peer pressure and social realities, rather than moral conviction.

This suggests that we should adopt an interest-based approach if we are to bridge the gap between rhetoric and reality. We need to focus on the knowledge and skills that are facilitated by regional codes, rather than the values. Police like tacit, utilitarian and empirical forms of knowledge, rather than the disembodied and codified forms of knowledge associated with human rights legislation and international policing standards. As West Africa's informal police code shows, successful codes of practice are essentially a goal-mediated selective process.



Police codes of conduct in West Africa: A DIHR study in Mali, Burkina Faso and Niger

Ababacar Ndiaye and Lisbet Ilkjaer, DIHR

National codes of conduct are an area of special interest for the police who wish to see their work guided by agreed norms and standards. A code of police conduct can be a key pillar in articulating a reform agenda or in developing police human rights training. It can also be a common point of departure in the interaction between the police and their stakeholders including the people, human rights institutions and civil society organisations.

The DIHR has initiated a study with three national police services in Francophone Africa: Burkina Faso, Mali and Niger. The three countries are very alike; they have a close relationship and cooperate in many fields, such as security, health and education. They share common characteristics. They are all states with political, educational and judicial systems inherited from the French colonial period, and they are all semi-desert, landlocked countries with small economies and where donor support contributes significantly to the state's budget.

Recently the issue of security in these countries has been brought to the fore. Terrorist groups such as Al Queda in the Lands of the Islamic Maghreb (AQIM) have been behind several kidnappings in Niger and are suspected of being involved in organised crimes such as trafficking in people and drugs, and weapons smuggling. The three countries work closely together on the security agenda to maximise scarce available resources to control the northern desert regions. There is a genuine wish from these countries to base policing on the principle of democratic policing.

The general objective of the study is to promote the synergy between the three police services in relation to the human rights aspects of codes of conduct. The study makes available to the three national police services an analysis of the challenges linked to the human rights aspects of the codes of conduct. It also provides a regional forum where the three national police services meet to discuss the findings of the study and the challenges of implementing the codes on human rights.

The field studies in the three countries were carried out by two experts from the region – Ali Daoda, a sociologist from Niger, and Ababacar Ndaye, a lawyer from Senegal and member of APCOF – in close cooperation with the police services, which acted as focal points during the studies. Furthermore, a judge from each of the countries reviewed and commented on the study and the Unesco Chair was responsible for the final legal analyses.

The study will be published in 2011. With regards to the national codes of conduct, some of the findings included the importance of political will in implementing the codes and the impact of the codes on: changing mindsets among the managers; strengthening human rights training; depoliticising promotions within the police; promoting cooperation between judges; promoting internal and external oversight; and the establishment of a mechanism that tracks the implementation of human rights in the field. All three police services remain conscious of the need to move towards a synergy in order to better manage common challenges in dealing with crime. A positive effect of conducting this study has been precisely this mapping out of many more common areas of cooperation than just the codes of conduct.

The study also commented on some of the challenges of implementation. Among these was that the codes lack to some extent a contextualisation of the West African reality, heavily influenced as they are by European national codes of conduct, particularly the French.



A police perspective: The code of conduct for United Nations police officers

Mody Berethe, UN Peace-Keeping Operations (UNPKO)

The code of conduct of UN police on mission focuses on the actions and behaviour of UN police in the field. It provides for rules of behaviour with regards to:

- » conduct as a UN police officer;
- » working with mission assets;
- » sexual activities;
- » immunity and privileges;
- » consequences of misconduct; and
- » preventive role as a UN police officer.

At its most basic UN police officers are expected to understand the mandate of the mission; be dedicated to the overall goals of the United Nations; treat everyone with respect, courtesy and consideration; be sensitive to the local culture, traditions and religions; conduct themselves in a professional and disciplined manner; act with impartiality; and be discreet in handling confidential information.

Misconduct is defined as any criminal or non-criminal act, omission, or act of negligence committed in violation of UN rules and regulations, administrative instructions and directives. An act of serious misconduct is one which results in serious damage/death/injury to an individual or the mission; whereas a minor act of misconduct is one which results in minor damage/injury to an individual or the mission.

Offences are categorised into category 1 or category 2 offences.

Category 1 offences include:

- » serious or complex fraud;
- » other serious criminal act or activity;
- » sexual exploitation and sexual abuse;
- » abuse of authority or staff;
- » conflict of interest;
- » gross mismanagement;
- » waste of substantial resources;
- » all cases involving risk of loss of life to staff or to others, including witnesses; and
- » substantial violation of United Nations regulations, rules or administrative issuances.

Category 2 offences include:

- » personnel matters;
- » traffic-related incidents;
- » simple thefts;
- » contract disputes;
- » office management disputes;
- » basic misuse of equipment or staff;
- » basic mismanagement issues;
- » infractions of regulations, rules or administrative issuances;
- » harassment; and
- » simple entitlement fraud.

In addition police officers are not permitted to:

- » accept any honour, decoration, favours, gift or remuneration from any government or non-governmental sources prior to the approval of the special representative of the Secretary General;
- » use the office or knowledge gained from their official functions for private gain, financial or otherwise, or for the gain of others;
- » engage in activities that are incompatible with their duties, including giving public statements that may adversely reflect on their status as peacekeepers; or
- » communicate to any person, organisation, official or not, or other source, knowledge and information gathered during official activities, except as appropriate in the normal course of their duties or as authorised by the police commissioner.

Privileges and immunities accorded to UN staff, and persons with the status of experts on mission, pertain only to the discharge of their official duties. Functional immunity does not exempt such UN personnel from prosecution for criminal offences, violations of host country laws or any other acts of misconduct.

Sanctions include financial liabilities (paternity and/or otherwise), internal disciplinary action, repatriation and termination of contract, waiver of immunity, potential prosecution, and no further UN service.



Human rights of police officers in a democracy

Janine Rauch, African Security Sector Network (ASSN)

Drawing on the work *The Police that We Want*, by D. Bruce and R. Neild (2005), five areas of rights of police officers in a democracy are apparent, and are described below.

Right to equity and fairness in recruitment, promotion and remuneration

The fact that police are citizens means that they are entitled to the rights, privileges and benefits of citizenship. This means, among other things, that they should not be discriminated against in the process of recruitment into the police service – the criteria for selection are essentially uniform for all applicants.

The police service is, however, the most public face of government. Their work is also of a highly sensitive nature, and requires interaction with community members on a regular basis. If a police service is constituted similarly to the population as a whole, community members are far more likely to accept and identify with it, and be willing to place some level of trust in it. Imbalances in the representation of different population groups can also be linked to the legacy of discrimination and it is fair and necessary that steps be taken to correct these imbalances.

Similar considerations apply to the promotion policy within the organisation. Career advancement should be based on merit. Care must be taken, however, to ensure that the concept of merit applied is one that supports the broad objectives of democratic policing and is not culturally biased. It may even be appropriate to provide specific support to selected police officers from groups previously discriminated against to enhance their prospects for promotion.

Promotion and remuneration policies also need to be fully transparent. This will contribute to positive morale as well as a level playing field, as secretiveness inevitably causes distrust and feeds perceptions of unfair treatment.

Conditions of service

Central to recognising the rights of the police as democratic citizens is the right to decent basic conditions of service. What is fair and decent will vary from one society to another. The police should, at a minimum, receive pay and other benefits on a comparable scale to other public service sectors. Furthermore, their hours of work should not be unreasonable, and their superiors and colleagues should treat them with respect.

Due process

The police should enjoy the same rights of due process enjoyed by ordinary civilians in criminal matters. One complex issue in this regard relates to the right to silence.

The police are public servants who exercise powers not available to ordinary members of the public, including powers to use force and to arrest. It appears reasonable to require that the police are fully accountable for their actions, particularly if these are performed in the course of their duties. This would appear to imply that the police should be regarded as having a duty to answer questions during a criminal or internal disciplinary investigation or inquiry.

The argument for the police to be fully accountable for their actions is particularly compelling where someone is killed by a police officer using the authority of the law. Frequently in such incidents the

only witnesses, if any, are police officers, who may even have been involved in the fatal use of force. In the light of the drastic consequences of police actions of this kind, it would appear reasonable to argue that police members should be fully accountable in relation to them.

Nevertheless, the principle that the police should have the rights of ordinary citizens means that, at least, they should have the right to remain silent in criminal proceedings against them. While they may be placed under an obligation to answer questions for managerial or disciplinary purposes, such 'compelled statements' may not be used against them in criminal proceedings without their consent.

Right to organisation

The right of the police to form trade unions is a complex issue and not universally accepted. The European Convention on Human Rights, for instance, accepts that restrictions on the rights of police, armed forces and civil servants may be imposed. These may take the form of restrictions on the rights of police to join trade unions, or restrictions on the activities of police labour organisations (European Platform for Policing and Human Rights, undated, p.13).

While it is accepted that police labour rights may be curtailed in some way, this does not mean that they should be denied all labour rights. Basic rights to form organisations to represent their interests and to engage in collective bargaining should therefore also be enjoyed by police.

Right to safety

The requirement that the police expose themselves to danger is implicit in their occupation. But this does not mean that the risks which they face can simply be taken for granted. Due regard must be paid to police safety. Equipment, training and operational procedures should all support and enhance officers', as well as the public's, safety.



Human rights and police officers

Cecil Griffiths, President, Liberia National Law Enforcement Association

Many police administrators in Africa do not respect or uphold the rights of officers. Several experiences from Liberia taken up by the Liberia National Law Enforcement Association (LINLEA), an association enforcement professionals, reveal some of the recurring challenges.

During the transition era a police officer was detained for over five months for allegedly passing classified information to the defence minister of Guinea. The police authorities refused to charge him or respond to a writ of habeas corpus issues against them. Finally, following intense pressure from LINLEA and the courts, the officer was finally released.

Several police officers accused of involvement in armed robbery were summarily dismissed, displayed before the press and charged. The court acquitted the officers due to a lack of sufficient evidence, but the officers' reputations had already been damaged.

Two senior correction officers were arbitrarily dismissed by the justice minister following a jailbreak. A review of the grounds for dismissal established that it was arbitrary, and LINLEA is seeking the re-instatement of the officers.

An officer was suspended indefinitely for gross insubordination by the administration of the Special Security Service and was later dismissed for filing a complaint against the service to LINLEA on the grounds of arbitrary punishment. The President of Liberia had to intervene before the officer was re-instated.

Some of the rights LINLEA believe officers should have are:

- » the right to due process relative to the internal investigations and adjudication of complaints, whether administrative or criminal in nature;
- » the right to appeal, including the right to appeal to an independent body;

- » the right to vote, but not to engage in partisan politics;
- » the right to decent workplace (some police stations in Monrovia lack toilet facilities for both staff and detainees);
- » the right to adequate protection against harm or adverse conditions, including not deploying officers to:
 - > combat armed robbers when they are not armed, or
 - > control traffic in rainy conditions without rain gear;
- » the right to good working conditions, which includes the number of hours worked (in developed countries, officers have specified number of hours to work and for any additional time, they are paid overtime; in most African countries, this is not the case – officers sometimes work up to 12 hours a day on consecutive days without days off);
- » the right to equal treatment and opportunities with regards to promotions and appointments;
- » the right to an accommodation allowance when officers are transferred to outstations that lack police barracks;
- » the right to decent working conditions in relation to the provision of equipment, supplies, transportation, electricity (including use of solar panels) and uniforms; and
- » the right to adequate insurance, including life and medical coverage.

Advocacy areas for addressing the human rights of both citizens and police officers include:

- » de-politicising police services, with the appointment of administrators based on merit rather than political preferences, and with those appointed having sound leadership skills and a commitment to addressing human rights;
- » effective internal control systems;
- » an effective external civilian oversight body;
- » encouraging the establishment of police professional associations/unions, such as LINLEA, with commitments, if necessary, to not strike but seek legal means to address grievances instead;
- » organising both local and regional associations (there are plans to establish the West African Association of Law Enforcement Professionals);
- » putting in place regional initiatives to promote human rights standards such as organising regional conferences/meetings to bring heads of police forces in the region together to discuss human rights issues, and administrative mechanisms for promoting effective operations and control (such meetings can also serve as peer-review mechanisms on human rights);
- » advocating for adequate financial resources for police services; and
- » advocating for the upholding of the rights of officers.



Supervision of the conduct of police officers in the Montreal Urban Community Police

Lt Micheline Bourret, Montreal Police Service, Canada

During the conference on the reform of West African police services, the absence of any independent recourse for citizens as well as a lack of respect for human rights shown by certain police officers in the course of their duties were noted. This is the background to the presentation of this short paper, which concerns the mechanisms that provide a framework for the duties and standards of conduct of police officers in their dealings with the public in the Montreal police service.

The Montreal police service (MUCP) is a municipal organisation which is also governed under provincial and federal law.

When a citizen is dissatisfied with work done by a police officer, he can, merely by making a phone call, lay a complaint with the supervisor of the officer involved. The supervisor contacts the complainant and takes the appropriate measures. Often at this point, the supervisor will inform the citizen of other types of recourse available to him/her for laying a complaint. The supervisor must report all steps taken with regard to the citizen, as well as with regard to any members of staff involved, to the officer in command of his station. The Professional Standards and Internal Affairs Unit of the MUCP will then draw up a report on any steps taken. This mechanism makes it possible to detect any inappropriate behaviour as well as to identify any dysfunctionality in interactions with the public.

All police officers of the province are subject to the Quebec code of ethics. The Police Ethics Committee is an independent body with the task of ensuring the application of this code. Thus, any citizen who feels that the police officers who dealt with him/her failed to comply with this code may obtain a complaint form on the internet and send it directly to the Ethics Committee.

There is a Human Rights and Youth Rights Commission, which is an independent provincial body entrusted with seeing to the application of the Quebec Charter of Human Rights, which may hear any person who believes that their rights have been infringed during police action.

There is also a Canadian Human Rights Commission, which is an independent federal body responsible for ensuring the application of the Canadian Charter of Human Rights, and which may hear anybody who believes that his rights have been infringed during police action.

Lastly, a citizen can have recourse to the civil courts by instituting proceedings against police officers or even the police service to obtain compensation for damages suffered during police action.

Any police body, regardless of its stage of development, should develop mechanisms which provide a framework for the respect of human rights as well as for relations with the public in the course of police work. This is the foundation for establishing and maintaining a bond of trust and respect between the public and the forces of law and order.



Experiences with training police officers in human rights

Lisbet Ilkjaer and Monique Alexis, DIHR

Training provides a window of opportunity to start working with the police. The Danish Institute for Human Rights (DIHR) has been involved in the training of police in human rights for the past ten years. It began when the Danish National Police School asked if the DIHR would be responsible for the human rights training of the police.

The DIHR has developed a method that assures ownership by the police and at the same time ensures expertise from civil society. The method is also being used in relation to other target groups, such as national guards, judges, etc.

In 2002 the national police service in Niger and the DIHR initiated a partnership based on a request from the police; in 2004 the national guard, which also has police missions, asked for a similar partnership. In 2008 the justice ministry in Niger asked for a partnership with the DIHR because it realised that the police knew much more about human rights than judges. Three manuals have been drafted in Niger so far, for the national police, the national guard and for judges.

Many police officers in Niger still need to be trained in human rights. But for the past four years human rights have been integrated into the curriculum at the national police school, not only as a separate subject – with topics like the use of force and firearms, investigations, vulnerable groups, rights of police officers – but also as an integrated subject in the criminal procedure modules. Furthermore, the police participate in training on human rights organised by civil society and the most important effect of this is the improved dialogue between police and citizens. The challenge for Niger's national police is now to implement an efficient in-service training system which includes the human rights module. What is interesting in Niger is that the current police director holds a master's degree in human rights.

In developing police human rights training manuals, the DIHR uses a phased approach. The first step is to make sure that the necessary political and managerial back up is present. There needs to be a will to develop a manual on human rights for the police and, most importantly, to integrate it permanently into the police curriculum. Initial meetings normally ensure this commitment with the minister responsible for the police (interior, security or other).

This is followed with the establishment of a working group which will develop the manual. The working group normally involves: two high-ranking police officers with excellent knowledge on the roles of the police as well as training expertise; one member from civil society with knowledge on human rights and policing; and one member from university with expertise in human rights. In order to prevent the manual from becoming too academic, the competencies of group members with regards to training and pedagogy should not be neglected.

The third step is to carry out a study that looks at the police's perception and understanding of human rights issues pertaining to police work. The study should preferably be conducted by a sociologist and provide the necessary context knowledge needed for the working group to draft the manual. Ideally, the working group should participate in formulating the terms of reference for the study together with the DIHR.

This is then followed by the development of the manual and guides. The manual is written by the group. The role of the DIHR is to coach and comment on the manual during seminars. During the process of developing the manuals, there is often one common issue in that the police themselves do not know their own roles. Therefore, a very useful chapter on the role of the police is often included in the manual. Other chapters are, for example, public order, the use of force and firearms, vulnerable groups, rights of police officers, etc. The manual is tested on a group of police officers as well as reviewed by an external editor. The group also produces small guides that can be handed out to individual police officers. Finally, the manual is presented to the relevant minister or to the director of police.

The fifth step is for the group to develop a training programme for the trainers responsible for training those who will use the manual. The final seminar is exclusively focused on pedagogical tools such as how to: make presentations and training tools; develop evaluation forms; and formulate an implementation plan, including the integration of the training module in both the basic and in-service training of police personnel. This step prepares the working group to train the trainers in the use of the manual, including the ability to pass on the substance of the manual as well as give methodological advice on 'how to train'.

The final step is an evaluation of the effect of the manual and the training on police performance. This step will often take place a couple of years after the initial implementation. For example, many police officers from Niger are participating in peace-keeping missions. Several of these officers have automatically become the human rights experts of these missions, notably those who participated in writing the manuals and in the human rights training. This has been the case in both the DRC and Haiti.



Presentation of the project on drafting a police manual on human rights in Niger

Police Chief Superintendent Amadou Seybou, coordinator for the Projects for Drafting a Training Manual, Guides and Booklets on Human Rights

Contact was made with the DIHR in 1999. A senior official in the general directorate of the Niger national police participated in a conference on 'The role and training of the Police in societies undergoing a transition to democracy', organised by the DIHR in Copenhagen in March 2001. This made it possible to draw on the experience of the DIHR in providing support for the training of police officers in human rights issues in various countries, particularly in Africa.

In 2002, the 'Project for drafting a training manual in human rights for use by the National Police' was launched together with the DIHR. This project, unique in Francophone Africa, was implemented

by three partners: the DIHR, the national police and the faculty of economic and legal science (FSEJ) of the Abdou Moumouni University of Niamey.

Establishment of a working group

The first stage of this project will be to establish a working group, consisting of two senior police officers, a coordinator, the inspector general of police, a former director general of the national police, and the director of the national police college, a police chief superintendent who is a training expert and rapporteur of the activities of the group; the working group also included two FSEJ researcher-lecturers who are experts in law, and a writer who is an expert in human rights, a human rights activist and a member of the executive bureau of the Niger Association for the Defence of Human Rights. This diversity of experience, rather than being a handicap, threw up very interesting points of view which led to improvements in the type and contents of the manual.

The working group was tasked with drafting a training manual and two pocket guides for police officers and peace officers, planning and implementing the training of instructors and, lastly, introducing the new material into the police curriculum.

Collecting information and legal texts

The DIHR proposed a working method and various documents on human rights. Information was gathered on subjects such as training at the national police college, access conditions to the college, ranks, training curricula and the legal subjects taught. The following legal texts were collected: the Constitution, international conventions ratified by Niger, the Penal Code, the Criminal Procedure Code, decrees related to the activities of the police, the Police Statute as well as the Internal Regulations of the Police.

Drafting the manual

A table of contents was discussed and adopted. The first two chapters that were written for the manual turned out to be too theoretical to fulfil the expectations of the police, who are looking for practical and concrete information. The fact that the manual needed to be 'practical' was raised time and again during seminar discussions. After revision, the two chapters were tested by instructors at the national police college in March 2003 and then corrected.

The first draft of the manual was reviewed with the group in Copenhagen in 2003. Once back in Niger the group revised all the chapters and took into account the comments made in Copenhagen. The manual was finalised and formatted in October 2003 and submitted for assessment by an external reader before being sent to the DIHR for final comments.

Every effort was made for the manual to provide very concrete information on the subject of police actions. Exercises are given at the end of each chapter and the answers are provided at the end of the manual. Teaching advice is also given to instructors. More than five hundred copies of the manual were printed for basic training in the national police college as well as for continuing education in the field.

Drafting the guides

The group also drew up two guides on human rights for, firstly, police officers and inspectors, and secondly, police commissioners and senior officers. The contents of the guides are exclusively taken from the manual, accompanied by illustrations for police officers and inspectors. The guides allow a police officer, in a short space of time, to get an idea of the legal texts that are applicable to any given situation that he has to deal with (whether it relates to the maintenance of order with regard to legal procedure, recourse to force, the use of firearms or the treatment of vulnerable persons).

A sociological study

During its sitting, the group expressed the need for a sociological survey within police ranks. This survey made it possible to record the opinions of police officials on their perception of human rights and the image that the public have of the police. This sociological study made it possible for the

group to collect information on the working environment of the police (factors, attitudes, etc.), the degree to which the human rights dimension is taken into account during police activities, and citizens' perceptions of the police environment and police activities. The results of the study were presented to the police authorities and to the Ministry of the Interior and Decentralisation.

Training of instructors

National police college instructors in Niamey and the regions of Agadez, Diffa, Dosso, Maradi, Tahoua, Tallabéry and Zinder were trained on the contents of the manual as well as on its use. A module on appropriate teaching and training techniques for a given context was also included.

Implementing the manual

The authorisation of the Ministry of the Interior and of the Niger national police was needed to introduce a human rights training programme into the police training curriculum. The plan for implementing the manual was basically centred on integrating the course in human rights into the National Police College training curriculum, in continuing education activities and in providing the police with manuals, guides, documents and legal texts relating to human rights.



WAPORN and promoting human rights compliant policing in West Africa

Kemi Asiwaju, Deputy Director, Cleen Foundation, Nigeria

A regional onference on 'Police and Policing Reform in West Africa' was held in Abuja, Nigeria from 11–13 December 2006. It aimed to map advances, reversals and challenges in policing in West Africa as well as identify priority areas for programmatic intervention.

At its conclusion the conference resolved that to establish the West African Police Reform Network (WAPORN). The network would:

- » share information;
- » develop expertise in police reform;
- » undertake exchange programmes;
- » advance best practice;
- » undertake research initiatives;
- » organise seminars of police reform in various countries;
- » collect information from countries and make it available to interested parties;
- » establish national structures/working groups to engage governments on reform initiatives; and
- » affiliate with the African Policing Civilian Oversight Forum (APCOF).

The focus of advocacy and reform for WAPORN has been on the following issues:

- » political context of policing;
- » legal framework of policing;
- » internal control systems;
- » community partnership in policing;
- » legal accountability, civilian control and oversight of policing;
- » adequate resources for developing effective investigative, intelligence and operational capacity of the police and law enforcement agencies; and
- » regional oversight mechanisms of policing in West Africa.

Issues raised that warranted special attention included:

- » legal framework;
- » internal controls;
- » community partnership; and
- » civilian oversight.

Cleen, as the secretariat, has successfully engaged the Network on a number of projects, including research into internal police controls, the implementation of the Police Station Walkthrough Assessment developed by Altus, the internship programme at Cleen and training for policing elections.

The challenges WAPORN grapples with include the limited participation by members and the need to review and revitalise the steering committee after certain members resigned from their organisations or left the sector.



The CHRI and promoting human rights compliant policing in the Commonwealth: The experiences of the Network for Improved Policing in South Asia

Wilhelmina Mensah, Commonwealth Human Rights Initiative (CHRI)

The CHRI is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth associations founded the CHRI because they felt that while the member countries had both a common set of values and legal principles from which to work and a forum within which to promote human rights, there was relatively little focus on human rights issues.

The CHRI's objectives are to promote awareness of and adherence to the Harare Commonwealth Declaration, the Universal Declaration of Human Rights, and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth member states.

The CHRI's police reforms programme aims to realise increased demand for and achievement of police accountability and reform throughout the Commonwealth. The police reforms programme targets policy-makers, police organisations, activists at the grassroots level, civil society groups, the media and the general public to further its aims for reform and the implementation of democratic policing. It seeks to do this through a combination of advocacy, education, research and networking.

The CHRI's work in South Asia outside India started in 2007 when it convened a regional roundtable conference on South Asian policing, which was attended by over 50 representatives from India Bangladesh, Sri Lanka, the Maldives, Pakistan, the United Kingdom and Northern Ireland. Delegates hailed from across government, civil society, media, human rights institutions and police organisations, and met to discuss and debate the trends, commonalities and challenges of policing in South Asia.

In November 2009, the CHRI concluded a two-day conference in New Delhi entitled 'Police Reform in South Asia – The Role of Civil Society'. The result of this conference was the creation of a regional network of like-minded civil society organisations involved in the field of police reform. This network has been entitled NIPSA – the Network for Improved Policing in South Asia – and was created to strengthen our efforts in initiating police reform throughout the region and to do it in a symbiotic manner. NIPSA aims to build a network of likeminded groups and individuals across the region to work together on issues of policing. It is an attempt to share experiences (both successes and failures) and develop a common understanding of what is not working and then to devise specific ways forward. The CHRI serves as the secretariat for NIPSA.

Given the nascent stage of NIPSA at this point, the priority is to:

- » identify ways in which NIPSA can be a useful means to advance critical thinking on how policing in South Asia can improve; and
- » establish an effective and useful platform for information sharing on what better policing means precisely and how it relates to the socio-political realities of individual jurisdictions in the region.

The focus in the first half of 2010 was to ensure that the NIPSA website is a useful, comprehensive resource for members and the public for information pertaining to policing in South Asia.

This effort will be complemented by the monthly issuance of a NIPSA e-newsletter that will solicit NIPSA members from around the region to contribute written pieces on a relevant/pressing police-related issue.

In order to further advance a regional understanding of how policing can be improved, it will be important to educate the South Asian public about this poorly understood issue. Thus, a Facebook account for NIPSA has been set up that seeks to identify people interested in this issue and to direct their attention to the website and monthly e-newsletter so as to raise the profile of the need for better policing throughout South Asia.

NIPSA is first and foremost intended for civil society organisations interested or involved in some form of police reform within South Asia. NIPSA is a means to raise the capacity of such organisations in understanding the complexities of what better policing actually entails. In addition, as the network becomes more established and sophisticated in its approach, NIPSA will seek to reach out to the public to (at the very least) inform them of an issue they may not have previously considered. With policing affecting people in all parts of the region, and given the lack of knowledge people generally have about the limits of police powers, NIPSA could potentially be a means to educate the public about policing in South Asia. For 2010 our target groups include the educated middle class, all classes of police officers including lower ranks (depending on their use of the internet), and students, particularly in the streams of law, political science or sociology.

Challenges include:

- » *Participation of partners:* Participation presents a grave challenge. The response so far has been negligible and we need to find ways to get them to interact with NIPSA a little more.
- » *Contributions:* NIPSA is a 70% CHRI product, and we need to reduce this margin to at least 50% by the end of the year. If the CHRI's input didn't exist, this initiative would have died immediately. Get partners to write more? Increase the number of articles every month? This might also work against us by increasing the number of disappointments we have to face as well.
- » *Technical support:* The consultant will ensure that NIPSA remains far more up-to-date than before, with a technician directly responsible for its maintenance and the creation of the monthly newsletter. Does this mean we could cut the content by half and issue a bi-monthly newsletter?
- » *Formal membership structure:* Will this work in our favour or against us? Formal membership with a memorandum of understanding between the secretariat and members under an official NIPSA banner will ensure that partners have certain deliverables. However, will partners have sufficient time or motivation to perform their tasks? It is really worth formalising NIPSA?
- » *Public involvement:* Getting the public involved is the most difficult piece of the puzzle. Do we need to find ways to heighten public interest in the issue in general, or do we seek out those who are already interested in it, wherever they may be? Also, is it appropriate to target countries on a monthly basis, i.e. by shifting the focus from India to Pakistan when the month changes, and subsequently just rotate them, or according to wherever the sensational issues pop up? Do we advertise through the normal advertising channels in the mass media, or stay restricted to the internet because we are regional and the mass media must be handled differently in each jurisdiction.



Francophone human rights network: Inter-African Union for Human Rights

Abdoul Azize Badiane, UIDH, and Lisbet Illjaer, DIHR

The Inter-African Union for Human Rights (*Union Interafricaine des Droits de l'Homme*, UIDH) was established in 1992 by 18 human rights organisations and it covers Africa's five zones. The network has observer status at the African Commission on Human and Peoples' Rights and is headed up by Burkina Faso. It is clear that a pan-African civil society network can and should play a crucial

role in relation to the police and the protection of human rights. This is especially true in Francophone West Africa, which has currently experienced several transitions.

However, a pan-African network like the UIDH is grappling many challenges that it needs to address in order to become efficient as well in the area of policing and human rights. Some of the challenges are:

- » providing more effective information in all relevant languages;
- » scarce funding;
- » a lack of permanent staff members;
- » how to expand to new countries; and
- » how to effectively engage with other networks.

The UIDH and the Danish Institute for Human Rights (DIHR) have worked in a partnership on the Strategic Plan 2011–2013, which aims to strengthen the network. The plan has three main focuses: consolidating the individual sections; consolidating the network; and reinforcing the network's institutional capacity.

Many of the objectives within the three areas are relevant to human rights compliant policing. Amongst the most important of these are to:

- » create a data bank on the human rights resource base in Africa (human rights organisations, legal documents, human rights experts, etc.);
- » create a data bank on efficient working tools within the area of human rights, such as how to conduct good training and write manuals, human rights reports, etc.;
- » develop an annual report on the human rights situation in Africa;
- » denounce human rights violations on the continent;
- » organise mediation missions to conflict areas; and
- » participate with a strong voice at international human rights events in New York, Geneva, etc.

At this point the network is much more present in Francophone than Anglophone Africa, which, as mentioned above, is one of its challenges. Conferences like the present one are crucial for civil society organisations in Africa – first as an opportunity to dialogue directly with the police on human rights and second as an opportunity to engage with other networks from the continent with an interest in human rights and policing.



The role of the ACHPR in promoting human rights in policing in West Africa

Prof. E Alemika, University of Jos

There is a need to develop common codes and standards for police forces and policing in Africa. In particular, the police forces need such codes and standards, beyond the laws that established them, to guide their objectives, planning and operations. The need for codes and standards that embody the principles of democratic policing is particularly urgent in Africa because of the following historical and contemporary conditions:

- » African police forces were created by colonial rulers who emphasised para-military public order policing aimed at securing the regime.
- » The colonial laws that established the police forces in Africa have not been substantially revised to reflect the principles of democratic policing.
- » In view of the colonial origin of the police forces and the police acts and regulations in the various countries, the police are not generally accountable and therefore repress citizens with impunity.
- » The politicisation of recruitment, promotion, deployment, discipline, funding and control as well as the tenure of police chiefs undermines professionalism and the institutionalisation of the principles of democratic policing.

- » African police forces are generally poorly regarded by citizens because they are considered to be unresponsive, repressive, inefficient and corrupt.
- » The absence of partnerships between the police and citizens has led to ineffective police responses to crime and disorder problems in communities, and to residents' resorting to vigilantes to guard communities.
- » Community vigilantes generally operate in a violent and repressive manner that further threatens individual safety and freedoms.
- » The police themselves are often victims of bad governance and are frequently denied rights to decent working conditions and appropriate remuneration.

In view of the foregoing conditions, there is a need to develop instruments that will guide (a) the organisation, administration and powers of the police; (b) the principles and goals of policing operations; (c) the responsibilities and rights of the police. In addition, such codes and standards should specify the responsibilities of the state, police forces and civil society in organising, administering, equipping and overseeing the conduct and operations of the police.

A common standard and code for African police forces will be very useful given the efforts to achieve integration at regional and continental levels in Africa. Further, a common code represents shared values among nations and this will promote its implementation in the different countries due to its moral and political significance. Police forces in Africa are involved in peacekeeping within and outside Africa and a common police code and standard will enhance professionalism and democratic policing.

The Africa Policing Civilian Oversight Forum (APCOF) has tried to engage the African Commission for Human and Peoples' Rights (ACHPR) so that the continental body can develop a code and standard for African police forces, including the responsibilities of the state towards the institutionalisation of democratic policing. Although the ACHPR has issued a statement which in principle indicated its support for such a code and standard, it has not shown sufficient commitment to working either independently or in partnership to develop appropriate instruments. There is an urgent need to develop a code and standard that will address the rights of citizens, victims, suspects, witnesses and police officers within the context of the African Union's human rights promotion and protection structure and mechanism.

The ACHPR is an organ of the African Union for the promotion and protection of human rights on the continent. Therefore in 2006, APCOF opened communication with the Commission. A few Commissioners showed interest in working with the Forum.

Police forces are the public faces of governments. Besides, the police are critical for the protection of human rights. Where the police are major violators of human rights, there is no other way of protecting the rights of ordinary citizens.

The Commission, in 2006, passed a resolution in respect of the organisation, conduct and deployment of armed forces and security services. However, it has failed to develop the necessary instruments that African states would be obliged to implement. The Commission needs to take up its responsibility to the peoples of Africa. Resolutions and Declarations require concrete steps towards implementation before they can produce the desired effect.

APCOF has engaged some regional bodies. The engagement with the police chiefs in East Africa has been relatively successful. A common standard for policing in East Africa has been developed. In this and other related matters, APCOF has also engaged or established partnerships with the relevant police authorities in southern Africa. This too promises to be a productive engagement.

In the West Africa region, the Economic Community of West Africa (ECOWAS) has developed a range of instruments, including a protocol on democracy and good governance, and a resolution on a code for armed forces and security services. However, there is no definitive and elaborate code and standard for police forces. There is an association of West African police chiefs, which meets annually.

The lessons and actions we can derive from the Forum's engagement with the ACPHR and regional police authorities include the following:

- » Work from bottom up, that is, engage the appropriate national police authorities in collaboration with national CSOs to promote police standards and codes at national level
- » Engage regional economic communities on the continent to develop codes and standards for their respective regions. In West Africa, APCOF may partner with WANEP, WANSER, etc., to engage ECOWAS. A similar approach should be adopted in the central, eastern, northern and southern Africa regions.
- » These communities should be engaged simultaneously while continuing advocacy at the ACHPR.
- » APCOF should consider developing model standards and codes of conduct for police forces and officers which relevant NGOs and networks will be encouraged to endorse. The model can be used for advocacy by APCOF, NGOs and networks across the continent.
- » APCOF should act more in leading or driving networks rather than being the sole sponsor of the model.
- » There should also be a campaign at the African Union Commission, not just at the ACPHR.



Discussion

In the discussion that followed, the benefits of networking and the importance of WAPORN were acknowledged. The importance of a strong secretariat to facilitate effective networking was noted. More partners such as the DIHR should be involved in the development of WAPORN to add support. Strategic partnerships should also be formed with entities such as the AU, the ACHPR, and the UIDH.

The revitalisation of the WAPORN steering committee, to make it fully representative of the region and include representation from Cote D'Ivoire and Guinea, is important. Local participation should be deepened, as should the interaction between WAPORN and the APCOF network. Effective communication with WAPORN and between WAPORN and APCOF is critical.

It is important to use the opportunities in more developed regions like West Africa to help build networks in regions such as central Africa. Participation from Cameroon and the DRC was important and should be encouraged.

The network needs focused projects around which to build interaction and an identity. A dedicated budget and programme officer and an annual action plan and report on activities would assist in building the network.

The absence of the ACHPR at the conference was regrettable. Police agencies in Africa need significant reform, particularly with regards to upholding and protecting human rights. The impact of poor policing on eroding human rights was widely recognised. In 2006 the ACHPR issued a resolution on promoting civilian oversight of policing. While initial planning of the Commission acknowledged the importance of focusing on the security forces and human rights, little effort has been made to take this forward. Attempts to support and partner with the ACHPR to achieve these objectives have not been successful.

In the face of poor leadership from the AU and the ACHPR on issues of police reform, civil society needs to become more engaged. Mechanisms such as the code of conduct and vehicles such as WAPORN provide important points of engagement not only for civil society but also for networks of reform-minded police.



Recommendations

The workshop participants discussed three questions:

- » What issues can we identify to advocate at the ACHPR to promote human rights in policing?
- » What strategies do we use to advocate these issues at the ACHPR?
- » What strategies do we use to encourage the implementation of the ECOWAS code of conduct?

A number of issues to advocate at the ACHPR were raised, namely:

- » deepening and taking forward the 2006 resolution on police and police oversight;
- » raising awareness and addressing the ills associated with pre-trial detention; and
- » adopting and applying the draft ECOWAS code of conduct.

Recommended strategies to pursue with the ACHPR included:

- » WAPORN, APCOF and other partners should work with the ACHPR to develop resources for police agencies to assist them to fulfil their obligations in respect of the African Charter. This could include resource packs on:
 - > policing compliant with human rights – human rights police training from African countries could be collated and shared among police agencies;
 - > guidelines on the management of, and draft protocols on, police use of force;
 - > approaches and tactics for appropriate crowd management;
 - > best practice on policing elections based on positive experiences from around the continent;
 - > case studies on police cooperation with CSOs and other criminal justice system stakeholders;
 - > model training programmes and model conditions of employment.
- » A resolution on minimising and reducing the risks associated with pre-trial justice could be proposed at the ACHPR. Pre-trial detainees experience poor health outcomes, conditions that are typically worse than those for sentenced inmates and, where detention is in a police lock-up, more likely to experience torture and ill-treatment or be victims of corruption. A guideline or resolution on pre-trial detention could also be a way of deepening and making the 2006 resolution on police and human rights more practical.
- » WAPORN, APCOF and other partners could work with the ACHPR to develop information packs on selected UN reports like the Resolution on Human Rights and Administrative Justice, or reports of the special rapporteurs, such as on extra-judicial killing and civilian oversight of the police.
- » The ACHPR could be lobbied to establish a special focus on police and policing.
- » The NGO Forum could be approached to have police and policing as a standard item on its agenda.
- » The seminar proposed by the ACHPR on police and human rights has not yet been held; WAPORN and APCOF should both advocate that this takes place and also offer to assist the Commission in its actualisation.

Recommended strategies to pursue with the ECOWAS code of conduct included:

- » support for its adoption and implementation; and
- » collaboration on its popularisation.

The West African Civil Society Forum, based in Ghana, was a further stakeholder with whom WAPORN and APCOF could build relations and seek cooperation on issues they have in common.

APPENDIX A

The project partners

The **African Policing and Civilian Oversight Forum (APCOF)** is a network of African policing practitioners drawn from state and non-state institutions. It is active in promoting police reform through civilian oversight over policing. It believes that the broad value behind the establishment of civilian oversight is to assist in restoring public confidence, develop a culture of human rights, integrity and transparency within the police and promote good working relationships between the police and the community. It achieves its goal through raising awareness and sharing information on police oversight and providing technical assistance to civil society, the police and new and emerging oversight bodies in Africa. APCOF was established in 2004 as a coalition of police oversight bodies and practitioners in Africa.

The **Danish Institute for Human Rights (DIHR)** is a national human rights institution working both with states and NGOs. The DIHR has drafted a strategy for West Africa focusing especially on the Francophone countries in the region. The strategy focuses on capacitating state actors, civil society and state-mandated independent institutions to promote legal frameworks which protect rights efficiently, especially those of vulnerable groups. One of the intervention areas is 'security'. Building local capacity in the region is one of the most important objectives of the West Africa strategy.

The **Cleen Foundation** (formerly known as Cleen, the Centre for Law Enforcement Education) is an APCOF member. Cleen is a non-governmental organisation, established in January 1998 with the mission of promoting public safety, security and accessible justice through the strategies of empirical research, legislative advocacy, demonstration programmes and publications, in partnership with government and civil society.

The **Open Society Initiative for West Africa (OSIWA)** promotes the ideals of an open society where functioning democracy, good governance, the rule of law, basic freedoms, and citizens' empowerment prevail. OSIWA collaborates with advocacy groups, governments and other donors to create initiatives that enhance civil society.

APPENDIX B

List of participants

Country	Name	Organisation	Email
Benin	Constant Gnacadja	WANEP	gnaconstant@gmail.com
Burkina Faso	Guigma Lasmani Franck	Police	guyfrancesco@yahoo.fr
Burkina Faso	Kambou Kassoum	Societe	fujekambou@yahoo.fr
Burkina Faso	Thiombiano Lofama Prosper	MBDHP	lafamaje@yahoo.fr
Cameroon	Eban Ebai	University of Dschang/CLEEN	ebanebai@yhao.com
Cameroon	Ngufor Forkum Polycarp	Human Rights Unit National Advanced Police School Yaounde	nguforp@yahoo.com
Democratic Republic of Congo	Alain Kateta B.B	ADH-RD	a_kateta@yahoo.fr / ongdroadr_kga@yahoo.fr
Denmark	Lisbet Ilkjaer	DIHR	lik@humanrights.dk
Denmark	Monique Alexis	DIHR	mal@humarights.dk
Ghana	Mina Mensal	CHRI	abondzewah@yahoo.co.uk
Ghana	Murtala Touray	WANEP	mtouray@wanep.org / murtalatouray@yahoo.com
Guinea	Foromo Frederic Loua	MDT	fredforomo@yahoo.fr
Ivory Coast	Diet Degman Roland	Assemblée Nationale/CRESRAU	dietdegnan@yahoo.fr
Ivory Coast	Gouamene Heide	APDH	evgonamn@yahoo.fr
Liberia	Samuel F Dakana	National Police Training Academy	sfdakana@yahoo.com
Mali	Ibrahima Diallo	Mali National Police	Babagale51@yahoo.com
Mali	Mamadou Sangare	Mali National Police	mozsangonet@yahoo.fr
Mauritania	Seybuu Amadea	Police	kandoheuva@yahoo.fr
Niger	Aaziz Madiane	OMDH	aabndiane@yahoo.fr
Niger	Mairiga Ibrahaitima	DIHR	Mairiga1961@yahoo.fr
Niger	Sidi Abdols	Societe Avile	abdoulayz@yahoo.fr
Nigeria	Etannibi Alemika	University of JOS/ CLEEN/APCOF	alemikae@yahoo.com
Nigeria	Kami Okonvodo	Cleen Foundation	asiwaji@cleen.org
Nigeria	Stanley Ibe	Open Society Justice Initiative	sibe@justiceinitiative.org
Senegal	Josephine Sau	Police Nationale Senegalese	jsana@hotmail.fr
Sierra Leone	Allein Vandi Koroma	CARL-SL	vanduski@yahoo.com
South Africa	Janine Rauch	ASSN	janinerauch@iafrica.com
Togo	Clumson Eklou Etsri	ATDH	atdhs1990nefest@yahoo.fr
Togo	Agokla Kossi M	UNREC	kagokla@unrec.org
UK	Alice Hills	University of Leeds	a.ehills@leeds.ac.uk

APPENDIX C / ANNEXE C

List of conference papers on the CD Liste du contenu du CD

FOLDER 1: Conference DOSSIER 1 : Conférence

01. Conference Programme
24 and 25 November 2010 (English)
02. Conference Programme
24 et 25 Novembre 2010 (French)
03. Opening of conference (French)
04. Senegal civil society (French)
05. Burkina Faso Police 1 (French)
06. Burkina Faso Police 2 (French)
07. Burkina Faso Police Résumé (French)
08. Burkina Faso Police Power Point (French)
09. Burkina Faso civil society (French)
10. Ivory Coast civil society 1 (French)
11. Ivory Coast civil society 2 (French)
12. Mali Police (French)
13. Mali Police Power Point (French)
14. Niger Police (French)
15. Niger civil society (French)
16. Benin civil society (French)
17. Togo civil society (French)
18. Guinea civil society (French)
19. Liberia Police (English)
20. Liberia civil society (English)
21. Cameroon Police (English)
22. Cameroon civil society (English)
23. Cameroon civil society (French)
24. Nigeria civil society (English)
25. Working groups (English and French)
26. Summary Day 1 (French)
27. Indicators (English)
28. Indicateurs (French)
29. Article performance indicators
in Niger (English)
30. Article performance indicators
in Niger (French)
31. Rob Davis: RAND Indicators (English)
32. Strategic plan (English)
33. Plan stratégique (French)
34. International Centre for the Prevention
of Crime (French)
35. Police Cooperation and Project Police
Reform (French)
36. Diagram DFID (English)
37. Diagram DFID (French)

FOLDER 2: Workshop DOSSIER 2 : Atelier

01. Programme HR and Policing
26 and 27 November 2010 (English)
02. Codes of conducts civil society perspective
(English)
03. Draft ECOWAS code (English)
04. Draft ECOWAS code (French)
05. DCAF towards an African code (English)
06. Principes Directeurs Police Nations Unies
(French)
07. European Code of Police Ethics (English)
08. European Code of Police Ethics (French)
09. Human Rights of Police Officers
(English and French)
10. Human Rights of Police Officers speaking
notes (English)
11. Human Rights of Police Officers in Liberia
(English)
12. 'Police officers have rights too' brochure
(English)
13. Training police and human rights (English)
14. Training police and human rights (French)
15. Training human rights police in Niger (French)
16. West Africa Police Reform Network (English)
17. Complaint mechanisms ICHR (English)
18. Complaint mechanisms Police Montreal
(French)
19. ACHPR resolution on police reform 2006
(English)