

## **Police Accountability: A Right Not a Privilege**

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The police: the protectors of law, order and all that is good, defending the weak and powerless? Or are the police those from whom the weak and powerless need protection? The answer and the mental images sparked off in one's mind will be very different depending on where in the world you are.

In some police forces worldwide, there have been reports of beatings of prisoners in custody, of physical punishments on the streets and the shooting of innocents in the pursuit of the guilty.

Not only are the right to life and the right to freedom from torture and cruel and degrading treatment infringed as in the examples above but also the right to free speech, the right to liberty and the right to be innocent until proven guilty. Despite later apologies from those in authority in some cases, these types of incidents are not acceptable. It points to the worrying conclusion that often police services are not accountable, as they should be, to Government, to the citizens of the country or to the law itself. Apologies, whilst they serve the purpose of acknowledging that wrong has been done, are too little and too late.

That being said, what does it really mean for a country to have a police service that is not accountable to its citizens or the Government? There are several repercussions of this state of affairs, none of which are conducive to a people with full faith in those that are mandated to protect them. Firstly, a lack of police accountability means a lack of trust; not only trust in the police, but also in the Government and other ruling forces of a country.

For example, in 2004, the public in Cameroon, Ghana, Kenya, Malaysia, Nigeria, Pakistan and South Africa all viewed their police as among the most corrupt of the public services and 92% of people in Ghana had, at one time or another paid a bribe to the police. Rather than showing complicity with the actions of the police, I think this high percentage of people who had paid a bribe, actually shows an acceptance or resignation with the situation as they have always known it. For the police to be really effective in their role in their country, people must feel that they can trust them. Best practice would mean that the community feels that they are involved, in a sense, in the policing of their area.

Secondly, and perhaps most importantly, a lack of police accountability undermines the enjoyment of citizen's of their supposed inherent human rights. This is seen clearly in the examples used throughout this article. It is clear that insufficient accountability in the police leads to the right to life, the right to protection from torture, cruel and degrading treatment, the right to freedom of speech, the right to liberty and the right to protection from discrimination being infringed or denied. For example, in Mozambique, in the first five months of 2005, at least two prisoners died whilst in the satisfactory accountability would incorporate accountability to the law, to democratic government structures and the community, transparency in all activities, the prioritizing of the protection of safety and

human rights, the provision of professional services to society, and representation of the community it serves.

This must be done through several channels, such as replacing legislation, reviewing roles within the service, organizational restructuring, making recruitment more representative and developing training and implementing strategies that will make the best use of resources. CHRI pinpointed both South Africa and Northern Ireland as places that had adopted very significant changes, such as the implementation of the South African Police Service Act 1995 and the establishment of the external supervisory mechanism of the Policing Board, respectively.

A lot of the above issues were raised several years ago when the Archer Report on the condition of the Police Service in Ghana was released in 1997. The policing system in Ghana dates back as far as 1821 when the colonial masters employed Gold Coast Corps and Royal Corps to work for them. Obviously, there have been several changes and transformations of the force since then, until, under the 1992 Constitution, it became the Ghana Police Service and was placed under the public service, headed by the Inspector-General of Police.

The Archer Report included recommendations to make recruitment more representative, to reorganise the structure of the service with the addition of new departments and roles, to improve facilities for training and to set out more clearly the roles and responsibilities of each rank within the Service among many other things. The Government's acceptance of these recommendations shows their commitment to reform in the Police Service. They have responded to several of the points, for example, one of the most important recommendations about equipping the Service with enough vehicles for a more rapid response to incidents and implementing training in human rights and riot control. However, more must be done. There must be substantive changes in the opinions and attitudes of those actually carrying out policing on the streets of Ghana.

The relevant sections in Ghana's Constitution to policing do reflect the UN's Code of Conduct for Law Enforcement Officials, such as ensuring the respect and protection for human dignity and upholding human rights, the prohibition of torture, and the use of force only when necessary. This is a very positive step but yet we are still hearing of infringements of these rights. It does not seem to be a case of revising legislation in Ghana but of enforcing and giving more authority to the legislation that is already in place.

In the U.S State Department's Country Report on Ghana for 2005, they pointed out that there are still some problems in the Police Service, including an excessive use of force and corruption. Yes, we are stepping forward and making progress, for example, the establishment this year of the new Police Council, but the speed is slow and the journey has not yet finished. Custody of the police due to police beatings and often discrimination pervades policing: in the UK in 2003, black people were six times more likely to be stopped and searched than white people.

Under the 1992 Constitution of Ghana, these rights plus others are enshrined. For example, Article 13 states that no one 'shall be deprived of his life intentionally except in the exercise of the execution of a sentence of a court in respect of a criminal offence under the laws of Ghana of which he has been convicted.' However, an incident in Dansoman, a suburb of

Accra, in April 2006 shows that this is not always the case. On the 21st April this year, a patrol team of policemen were pursuing some suspected armed robbers. During the incident, four innocent people, including two women, were shot and killed by the police, depriving them of their lives. Clearly, the above occurrence in Dansoman does not fit into the above exception in Article 13. There are many other examples, such as several smaller and more localized examples and of course the Accra Stadium Disaster, where 126 deaths were recorded. The Commission of Inquiry into that tragedy found that it was partly due to the over-reaction of the police. Article 19(2)(c) of the Constitution holds that one charged with a criminal offence shall be presumed to be innocent until they are proven or have pleaded guilty. However, a 2004 survey on Police-Community Relations in Ghana, found that 44% of people arrested were presumed to be guilty from the time of their arrest, which is indicative that this right is not being completely enforced.

This small cross-section of fundamental human rights and the ways in which they have been denied throughout the world through the actions of various police services, is by no means exhaustive, but it does serve to show that there are challenges with police accountability, and the very serious effects of those challenges.

The next thing to be undermined in a country that suffers under insufficient police accountability is its democratic development and the rule of law. Insufficient accountability indicates secrecy surrounding the administration of institutions and the carrying out of official duties. When secrecy pervades institutions, such as the police, it adds to the creation of an atmosphere of mistrust and it undermines the idea that citizens have an active role in the running of their country. When the police deny guilt or plead justification for actions, such as beating those in police custody, it continues to emasculate the foundations of democracy in a country, which is especially damaging in a country like Ghana where those foundations have only fairly recently been laid down.

Having looked at the repercussions of a lack of police accountability within a country, we will now build a picture of what a fully accountable service would look like. According to a report by the Commonwealth Human Rights Initiative in 2005, 'democratic policing is based on the idea of the police as protectors of the rights of citizens and the rule of law', and the transformation to this must be through holistic reform.

In a CHRI report on the accountability of police throughout the Commonwealth, it was stated that "the conduct of the police is an important barometer of the state of governance, and their performance can significantly shape the social health of nations".

If this is true, then the accountability of the police within Ghana indicates that the 'social health' of Ghana is in need of treatment.