'Police Accountability and Effectiveness in Eastern Africa' Conference
Nairobi, Kenya
11-13th June 2007

Concluding Statement

Over three days representatives from Burundi, Kenya, Rwanda, Tanzania and Uganda met in Nairobi to discuss policing accountability and effectiveness in the Eastern African region. The conference was convened by Kenya National Commission on Human Rights (KNCHR), African Policing Civilian Oversight Forum (APCOF) and Commonwealth Human Rights Initiative (CHRI). The conference was opened by the Honourable Mr Justice J. E. Gicheru, Chief Justice of Kenya, who stated that the effectiveness of the police in any society depends on its accountability to the rule of law and the people.

Participants included members of civil society, national human rights institutions, police oversight agencies, judiciary, academia, government bodies, diplomatic corps, international organisations and media.

The conference discussed specific and regional experiences of policing in the context of terrorism and counter-terrorism, elections and crime. Whilst there was a lot of variation in experiences across the region, there were also similarities in the opportunities and challenges to promoting police accountability and effectiveness.

The proceedings took place against the background of a number of attacks on police and civilians and a sense of heightened insecurity in Kenya. Delegates commended the police for their speedy response to the explosion in Nairobi on 11 June 2007, but reaffirmed that police must operate within the framework of human rights, the rule of law, and established principles of policing. Additionally delegates were disappointed by the last-minute withdrawal from the event by police in the region, despite their involvement in its planning and organisation.

The importance of accountability and oversight is evident in the role that police play in facilitating free, fair and impartial elections. Yet police effectiveness is undermined by partisan political interference and manipulation to control elections.

Despite extraordinary powers attributed to countering terrorism, negative effects of anti-terrorism legislation in terms of harsh policing of communities and reduced accountability are being felt across the spectrum of criminal justice. The combination of these factors has reduced police effectiveness. Participants noted that the community's negative experience of policing is often due to police use of excessive force, torture and brutality, enforced disappearances and, in extreme cases, extra-judicial killings. These negative experiences are often exacerbated by poor effectiveness, inadequate oversight and a lack of accountability.

Challenges for police include training, resources, conditions of pay, lack of or inadequate equipment, closed police cultures, arbitrary use of powers, negative public perception, competing demands and priorities, militarisation and politicisation, and unclear and sometimes undetectable lines of authority.

Participants recognised that police effectiveness depends upon legitimacy in the eyes of the community and that communities must understand the role and challenges of police to ensure their security needs are met. Effective responses to crime depend upon partnership and trust between police and the communities in which they operate, which are essential elements of strong accountability.
Despite these challenges, participants affirmed their commitment to working with policing agencies towards effective, accountable policing.

Strategies for engagement:
- engage with the African Commission for Human and Peoples' Rights in developing a specific focus on independent civilian policing oversight mechanisms, including civilian participation, as per its resolution at the 40th session;
- share information, good practice and lessons learned across civil society organisations within Eastern Africa as well as broader regional and international partnerships;
- support ongoing dialogue with regional and international mechanisms including but not limited to the Great Lakes International Conference, the East African Community, the National Human Rights Institutions Coordinating Committee for Africa, African Policing Civilian Oversight Forum (APCOF), and the International Network of Independent Oversight of Policing (INIOP);
- raise awareness around issues of police effectiveness and accountability;
- support police in clarifying and confirming their role and independence distinct from other security forces;
- reform of national laws to ensure compliance with international human rights and policing standards and principles;
- lobby for public and political support to promote the establishment of effective oversight mechanisms;
- engage with media to accurately report all sides of community and police experiences;
- call on governments to support and encourage engagement of police, civil society and other actors towards realising effectiveness and accountability;
- consider the establishment of an Eastern African network on police accountability and effectiveness that can take these issues forward.