

Human Rights and Policing: A Case Study of Zimbabwe

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Abstract

Zimbabwe is a country where the issue of human rights evokes contentious debate. The gradual deterioration in the rule of law in the country since the attainment of independence in 1980 has raised questions on the fundamental principles of policing and human rights, (Hatchard 1993). It has become common knowledge that the framework for establishing the rule of law in Zimbabwe has fallen short of the expectations of the citizens and the international community. The Zimbabwe Republic Police (ZRP) being the sole law enforcing agency has had to contend with accusations of human rights violations which is proof that they are facing serious challenges in their attempt to balance human rights protection with national security, and public order. Human rights organizations are of the opinion that the Zimbabwe Republic Police (ZRP) have abdicated its constitutional functions, responsibilities and obligations. Police officers are responsible for some of the most serious human rights and rule of law violations in Zimbabwe today. There is also consensus on the fact that far-reaching reforms and reorientation are necessary to bring Zimbabwe's policing operations into conformity with constitutional and international human rights standards. The purpose of this paper is to discuss the role of the police in protecting human rights. The paper critiques the ZRP law enforcement in the context of human rights instruments ratified by Zimbabwe and discuss how the ZRP has responded to the pressure of operating in a politically polarized society. The paper also discusses the impact of police activities on the country's human rights record and make recommendations on how the police can improve on the protection of human rights. (270)

Key Words: Policing, Police Force, Human Rights, Responsibilities, Obligations

Abbreviations

ACHPR African Charter on Human and Peoples' Rights

CAT Convention against Torture

CEDAW Convention on the Elimination of all forms of Discrimination against Women

CID Criminal Investigation Department

ICCPR International Covenant on Civil and Political Rights

MDC Movement for Democratic Change
 NCA National Constitutional Assembly
 NGO Non Governmental Organisation
 POSA Public Order and Security Act
 SADC Southern African Development Community
 SAHRIT Human Rights Trust of Southern Africa
 SARPPCO Southern African Regional Police Chiefs
 Cooperation Organisation
 UDHR Universal Declaration of Human Rights
 UN United Nations
 ZANU PF Zimbabwe African National Union-Patriotic Front
 ZRP Zimbabwe Republic Police

Background

In many countries in Southern Africa governments are failing in their primary duty to provide the public with an honest, efficient police service that ensures the rule of law and environment of safety and security. Policing that helps create an environment free from fear and conducive to the realization of people's human rights is the only legitimate policing. It is important to note that the existing police systems in many countries are a legacy of colonial rule that have been shaped by post-colonial histories. Kempton Makamure is of the opinion that Africans have never been practically considered as beneficiaries of human rights by elaborating that leading Africans in government and intellectual circles have inherited the mentality as evidence has shown that they do not respect human rights such as the right to life, dignity, and to the enjoyment of democratic freedom, (Zhangazha, 2012) This has inevitably affected policing in African countries where brutality, torture, extra-judicial executions, lack of due process, impunity, corruption and discrimination have become the order of the day.

The complicity of the ZRP in the violation of human rights in Zimbabwe is not accidental. One of the most important axioms of government rule in a democracy is that of separation of powers. Government must not only make and interpret laws but also have the ability to enforce them. The police make up part of the executive branch of the government, operate as part of the criminal justice system and operate at all levels of the government. Section 93(1) of the constitution of Zimbabwe provides the mandate of the ZRP as follows:

There shall be a Police Force, which, together with such other bodies as may be established by law for the purpose, shall have the function of preserving the internal security of and maintaining law and order in Zimbabwe.

The constitutional mandate of the police positions the ZRP as an institution for guaranteeing and protecting Human rights. The police are therefore expected to work within the confines of the constitutional mandate and the context of international standards which are informed by international human rights instruments. It is important to observe that the Zimbabwean society has been changing since independence. The authoritarian and stratified society is on its last legs and a more permissive, participatory and open society is taking its place. Institutions designed for the authoritarian society have to adapt to the changes and policing is one area that needs to be overhauled by bringing a new ethic in policing, (Cronje et al 1997)

The Zimbabwe Republic Police

The Zimbabwe Republic police was established in 1980 after the independence of Zimbabwe from Britain. Its predecessor, the British South Africa Police, (BSAP), was used as a tool of oppression and the laws which it enforced were brutal and oppressive. The ZRP comprises more than 20,000 police officers and is centrally controlled, with the command centre situated in Harare. It is hierarchically divided into specialized units, namely the Regular Force (commonly known as the Duty Uniform Branch), the Traffic Branch, the Police Protection Unit (PPU), the Support Unit (a paramilitary branch of the organization), the Criminal Investigation Department (CID), the Staff Branch, the Technicians' Branch and a Police Constabulary (Police Act, 1996).

The Conceptual framework of Human Rights and Policing in Zimbabwe

A primary assumption underlying this paper is that all policing in the country is done within the framework of International human rights standards. Some of the international instruments ratified by Zimbabwe include the following:

- United Nations International Covenant on Civil and Political Rights
- United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- United Nations International Convention on the Elimination of All Forms of Racial Discrimination
- United Nations International Covenant on Economic, Social and Cultural Rights
- United Nations Convention on the Rights of the Child
- African Charter on Human and Peoples' Rights
- Protocol to The African Charter on Human and Peoples' Rights on The Establishment of an African Court on Human and Peoples' Rights
- Protocol to The African Charter on Human and People's Rights on The Rights of Women in Africa
- African Convention on Preventing and Combating Corruption.
- African Charter on the Rights and Welfare of the Child

Non-treaty based standards relevant to policing

Whilst they do not retain the same binding powers of the treaties, there are a number of guidelines and principles which have been developed by the United Nations and regional bodies in order to facilitate the implementation of the rights enshrined in the treaties.

- Code of Conduct for Law Enforcement Officials General Assembly Resolution 34/169 of 17 December 1979
- The UN Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment
- The UN Basic Principles for the Use of Force and Firearms by Law Enforcement Officials
- The UN Basic Principles for the Treatment of Prisoners
- Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa
- The Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa
- Harare resolution on the SARPCCO Code of Conduct for Police Officials
- The SADC Principles and Guidelines Governing Democratic Elections

The sources of human rights standards relevant to policing are mainly derived from these treaties and international law. The effect of international law in Zimbabwe is that it does not become immediately applicable on ratification or accession of treaties. Zimbabwe follows the dualist theory, which views international law and national law as distinct systems with no jurisprudential relationship. For international law to become applicable at the national level it has to be incorporated normally through an act of parliament. (Hatchard 1993) The relevant treaties creating binding legal obligations on human rights standards relevant to policing in Zimbabwe are the ICCPR and the ACHPR. These have both been ratified by Zimbabwe.

States have an obligation to implement treaty provisions of human rights instruments that they are party to. The obligations include requiring states to refrain from interfering with rights of its citizens, adopting national legislation to ensure its conformity with the treaty concerned among others. Police are state players with clearly defined roles who are expected to respect human rights in their work. (Bezuidenhout & Nel 1995)

The role of the police in Zimbabwe

The policeman in Zimbabwe today is seen as a symbol of increasingly bitter social debate over law enforcement. It is therefore necessary for the ZRP to develop its role concept according to the expectations of the community it serves. The major problem with this/its role is the need to serve numerous highly diversified communities and consensus is difficult to achieve. Too often as is the case with Zimbabwe, police agencies play elitist political games while giving lip-service to the needs of the powerless segments of the community. In Zimbabwe this has led to the conclusion by the powerless that the ZRP are/is there to serve the interests of the rich and powerful.

According to Section 93(1) of the constitution policing can be seen as a means in the protection of human rights especially civil and political rights and by its contribution to the maintenance of social order. (Constitution of Zimbabwe) This social order is important in the enjoyment of human rights, as provided for in Article 28 of the UDHR. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully realized. In his power point address at the 10th AGM of International Police Executive Symposium in Bahrain, Commissioner General Chihuri outlined the following as the core business of the ZRP: (www.cityofdubuque.org)

1. To identify criminal offenders and criminal activity and where appropriate to apprehend offenders and participate in subsequent court proceedings
2. Preventing crime
3. Preserving peace
4. Protecting property from malicious injury
5. Suppressing all forms of civil commotion or disorder that may occur in any part of Zimbabwe.

From the above roles it is clear that ZRP are entrusted with the duty of maintaining law and order which is necessary for the enjoyment of human rights. When carrying out the above, police should always apply human rights standards. The main examples of human rights standards that should be adhered to when using this police power are: right to life, prohibition against torture, liberty, privacy, and protection of the law, expression, assembly and association. Police powers entail great responsibilities and impact heavily on the relationship between police and the public. If the police do not respect human rights or fail to apply human rights standards; the relationship with the public will be impaired and will make policing difficult. Effective policing requires maximum co-operation with the public

The nature of human rights violation in Zimbabwe

Despite the roles spelt out above by the Commissioner General of Police the performance of the police leaves much to be desired. There are a number of areas in which the police commit human rights violations in Zimbabwe. These include; during the investigation, interrogation, detention, when dealing with the vulnerable groups and when policing political activities. The ZRP has been accused of violating human rights through torture, excessive use of force and unlawful arrest and detention: Amnesty International 2011 reported the rampant use excessive force by the ZRP who were implicated in numerous cases of torture, assault and ill-treatment of especially members of the political opposition and those critical to government. On 22 April Tinashe Chimedza former ZINASU president was brutally assaulted by police officers and was hospitalized (Amnesty international 2005). This brought criticism from local and international observers: another case of arbitrary arrest and torture which got international attention in 2005 was that of Lovemore Madhuku an NCA activist who was severely beaten when police broke up a peaceful demonstration outside parliament (Amnesty International 2005). Such human rights abuses are contrary to the provisions of Article 9 of the ICCPR provides for the right to liberty and security of the person. It prohibits arbitrary arrest or detention and it provides that deprivation of liberty should only be on grounds and procedures established by law

The right to liberty of a person is a fundamental human right that is essential for the enjoyment of all other rights. The power to arrest and detain directly impacts on the right to liberty. Most countries empower police to deprive a person of his or her liberty when there is reasonable grounds for suspicion that the person has committed an offence, when it is reasonably considered necessary to prevent the person from committing an offence and when it is necessary to maintain or restore public order. A person deprived of their liberty requires special and humane forms of protection, as they are vulnerable to ill treatment and torture. The ICCPR provides forms of protection for people deprived of their liberty In Zimbabwe however it has become common practice for the police to conceal the whereabouts of detainees from lawyers and family: (Amnesty International 2009). The case of Jestina Mukoko, Director of the Zimbabwe Peace Project (ZPP) is a clear illustration of police intransigency.

Local and international human rights groups have received numerous reports of widespread arbitrary arrests by members of the ZRP without any charges ultimately being brought against detainees. An example of this is the case of Women of Zimbabwe Arise (WOZA), whose members have been detained on numerous occasions, with charges that have subsequently been dropped or have yet to be ascertained.

The numerous arrests and detentions have given the ZRP the chance to mete out their own brand of justice on people they consider to be undesirable element of society which is a clear violation of article 9 of the UNDHR. The WOZA case is just one example of how the police are using arrests and detention as a form of punishment.

The history of policing by the ZRP since independence has shown that the police force is guilty of failing to observe the fundamental rights enshrined in the constitution and international covenants. The torture of Madhuku and Chimedza mentioned above were a serious violation of human rights statutes. Torture is a particularly serious breach of human rights and is strictly prohibited and condemned by international law in the following instruments; the UDHR, ICCPR, and Code of Conduct for Law Enforcement Officials and the Convention Against Torture. It is ironic that in a country that claims to have a police force that protects the rights of the people most of the vocal opposition politicians and civil society activists bear marks of physical torture by the police: The prohibition of torture is absolute and without exception. There is no justification for torture whether on the grounds of superior orders, or exceptional circumstances such as a state of war or threat of war, a threat to national security, internal political instability or any other public emergency. (UNDHR, Article 5). The scope of prohibition of torture covers all aspects of law enforcement and is not limited to detention only. The role of the police with regard to this right is to abstain from torturing suspects. Torture can be a sign of a lack of basic investigative skills when the aim is to obtain a confession or information (Amnesty International 2002). In Zimbabwe it appears that the police have given themselves the power to punish people considered to deserve cruel treatment. The fact that the country has not ratified the convention against torture is giving the police room to resort to torture.

Excessive use of force

There have been many reported cases of excessive use of force by the police in arrests and in response to civil disorder. Inadequate training in minimum force techniques and inappropriate equipment can be the cause of the problem. Use of force often leads to injury or death. By using lethal force the police have violated the principles of necessity and proportionality. It is important to note that the excessive force issue is a symptom that the police–citizen transactions are seriously impaired. (Cronje 1997)

Article 6.1 of the ICCPR provides that everyone has the inherent right to life, which shall be protected by law. It also prohibits the arbitrary deprivation of life. State Parties should take measures not only to prevent and punish deprivation of life by criminal act, but also to prevent arbitrary killings by their own security forces. The deprivation of life by the authorities of the State is a matter of the utmost gravity. Arbitrary deprivation of life includes deaths arising from torture and ill treatment. The role of the police is to prevent and to detect unlawful killings by bringing offenders to justice. In the performance of their duties police should not arbitrarily deprive persons of their right to life, by for instance using excessive force or firing randomly. (SARPCCO 2003) In the majority of cases of police interventions in public demonstrations in Zimbabwe, deaths have been reported.

During forced evictions which were part of the Murambatsvina campaign of 2005 (Operation Restore Order) the police fired teargas directly into the homes of residents and at Porta farm a man suffering from tuberculosis died shortly after being exposed to the gas. The indiscriminate use of excessive force led to many deaths including those of children. (Amnesty International 2005) One other example of the use of lethal force is Gift Tandari, Youth Chairman of the National Constitutional Assembly who was shot dead by police on 11 March 2007 during a rally organized by the Save Zimbabwe Coalition. To date no official investigation into the events surrounding his death has been carried out. The police's failure to justify the use of firearms in this case is a cause for concern human rights activists and citizens.

The use of the paramilitary police, which is popularly called "Black Boots", has complicated the situation in the country. The Support Unit is always implicated in cases involving the use of lethal force. Although they get different training and they are a paramilitary force they are often co-opted into the regular force. They have been deployed to control food queues in urban areas where they have used the baton as their weapon of choice in order maintenance. Their actions suggest ignorance of the law and human rights issues and a deliberate disregard for the all the standards and conventions that Zimbabwe is party to.

Unlawful detention and deaths in custody

Ill treatment and even deaths in custody have been reported since 1980 in Zimbabwe. Deaths in police custody or detention are common. Some of those who have died have been in formal custody while others have not been registered as detainees in police records. Some deaths have been due to torture and negligence while some were summarily executed. (Amnesty International 2002)

Detention, like arrest, involves the deprivation of a person's liberty. Detainees in police custody have not been convicted of any crime. They are suspects in respect of whom the presumption of innocence applies. Police conduct towards detainees should be humane and in strict compliance with the law and guidelines governing treatment of people in custody. This is particularly important when police are interviewing or interrogating persons suspected or accused of committing a crime. Detainees are subject to a legally sanctioned process and they are a category of persons who benefit from specific forms of protection based on the following principles; prohibition of torture and ill treatment and requirements for humane treatment. The most common allegation against the police is that they routinely disregard basic rights of detainees, such as free access for detainees to their lawyers, access to family members, medical personnel and courts. Without these basic protections, individuals in police detention are at increased risk of torture, disappearance and other serious human rights violations.

The MDC National Youth Chairperson, Solomon Madzore and 28 other party activists have been incarcerated since June 2011 up to June 2012 when their trial finally kicked off in the High Court of Zimbabwe. For up to twelve months the police and the state have been arguing that they are still gathering evidence against the accused.

Freedom of Association and Assembly

Zimbabwe has seen a gradual shrinking of the political space since 1980, causes of which are outside the scope of this paper. What is of interest is the complicity of the police in that development. The ZRP has gained notoriety over the hounding of opposition politicians and other people or organizations with divergent ideas from those of government.

History is replete with examples of the police's unholy alliances with political tyranny. Terms such as "police – state" and "secret police" symbolize policing at its worst. The ideal situation would be where the police take position of neutrality when political issues are involved hence the need to strike a balance between professional competence and responsiveness to legitimate political pressure which reflect the needs of the people.

The ICCPR to which Zimbabwe is party provides for the rights to Freedom of Association and Assembly in Articles 21 and 22. These rights enable people to freely assemble and associate with others, including the right to form and join trade unions for the protection of their interests. People are therefore entitled to assemble and associate peacefully with each other in rallies or demonstrations. It should be noted that these rights are not absolute. These rights are enjoyed subject to restrictions requiring the respect for the rights and freedoms of others, public order and safety, national security and public health and morals. The police will be called upon to put these restrictions into effect in circumstances where it is deemed necessary in a democratic society. Despite the ICCPR and constitutional provisions the ZRP have been seen to deliberately violate these human rights in their quest to serve the interests of the ruling elite. People's freedom of expression has not been spared either.

Political manipulation of the police has subverted the rule of law and undermined the professionalism of officers. The police have been used to suppress public meetings, demonstrations and opposition party campaigns. Trade unionists, human rights monitors, journalists and youth activists have constantly been harassed by the police. (Amnesty International 2002)

Statements of allegiance to the ruling party by the Police Commissioner General have discredited the police in the eyes of observers. Several human rights standards oblige the police to be impartial and fair for instance Article 26 of the ICCPR provides that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. The Police Act does not allow officers to align themselves with any political party yet Commissioner General Chihuri has been reported to have stated that "failure to support the government of the day is tantamount to rebellion, which is a punishable offence" (Amnesty International 2002 p27).

It is important to note that it is a violation of human rights to deny police officers the right to exercise their own right to thought and freedom to express political beliefs. The two reports issued by the ZRP entitled “*Opposition forces in Zimbabwe: A trail of violence*” and *Opposition forces in Zimbabwe: The naked truth vol.2* aimed at portraying opposition parties and civic organizations as anti government. These reports are clear testimony to the unholy alliance between the police and the government.

www.kubatana.net/docs/demgg/zrp_naked_truth_0705.pdf)

Challenges of Observing Human Rights in Policing

Human rights knowledge on its own is not sufficient to encourage respect of human rights by the police hence the need to put in place mechanisms to help the police officers to observe human rights in the execution of their duties. The police face major challenges in addressing human rights issues some of which are discussed below.

Legislation

Although the police can easily be apportioned all the blame for human rights abuses it is important to also look at their operating environment objectively. As law enforcers they are expected to enforce the legislation passed by parliament whether they are democratic or not. In Zimbabwe, there exist some pieces of legislation that do not meet the international minimum human rights standards. An example is The Public Order and Security Act, (POSA) which impinges on the rights of freedom of association which is a violation of Article 9 of the UNDHR. Enforcement of POSA by the police will and has resulted in human rights violations. Through POSA the police were able to harass opposition political parties. It is such a legislative environment that has resulted in the development of a culture of impunity in the police force.

Political Interference

From the arguments raised above it is clear that the ZRP has been politicized, to the extent that the ZRP feels confident to express publicly its partisan views. The fact that the top officials of the police force are veterans of the Liberation struggle tells a lot about the police’s impartiality. It is now a common belief that the police are being used as instruments of partisan politics and a major fear is that the country might degenerate into a police-state where the police will be used as the muscle in the quest to create a totalitarian state. Although the official statements from the organization claim impartiality and independence from the government, statements from senior government officials suggest otherwise. The President of the country was quoted as having said after the beating of ZCTU leaders by the police, ‘...the police were right in dealing sternly with the ZCTU leaders. Some people are now crying foul that they were assaulted, yes, you get a beating. When the police say move, move. If you don’t move, you invite the police to use force.’ (www.kubatana.org/*Partisan policing: An obstacle to human rights and democracy in Zimbabwe October 2007*) This statement can be construed to mean that the police were carrying out presidential orders when they attacked the ZCTU members. This status quo has compromised the position of junior officers who have to make a choice between following superior orders and persecution. Amnesty International (2005) recorded cases of officers who were deployed to remote rural areas for refusing to follow certain orders from their superiors.

Impact of political interference on policing

Police –citizen transactions have implications on the public image of the police. The image of the ZRP has taken a battering due to their complicity in politically motivated violence in the country. Political policing has created a tense and fearful environment which is a direct contradiction of the provisions of the Police Act. Political manipulation of the police by senior government officials has to a large extent subverted the rule of law and has negatively affected professionalism. It is a fact that policing is political due to the fact that it is about the exercise of power however in a democracy the exercise of that power must be independent of external interference.

Lack of Oversight Complaints Mechanisms

The concept of civilian oversight of policing, basically involves people from outside the police having a role in calling the police to account for their actions. As the powers that individual officers and the organization are considerable their oversight is important. The police have to balance accountability to internal managerial and discipline systems, international laws and standards, the community and other clients. Accountability helps to increase public confidence in any organization. (Chukwuma 2006 www.cleen.org)

The Commissioner General Chihuri's Bahrain address cited in the earlier sections of this paper seems to suggest that the police oversight mechanism is water-tight. He gives the impression that the force is open to public scrutiny and avenues for complaints are open and effective but hard evidence on the ground shows that in terms of accountability the police have not lived up to the expectations of the people. Due to over politicization and corruption the police have failed to generate useful and realistic pictures of the human rights situation in the country. Politically sensitive issues have not been investigated for example the death of Gift Tandari discussed above has yet to be investigated.

Allegations of violations of human rights by the police should be investigated, the victims offered redress and the perpetrators brought to justice. The situation in the country has frustrated many in the police force and has led to resignations especially by junior officers. (Amnesty International 2002)

Recommendations for Improving Policing

There is a need to take action urgently to address human rights violations by the police in Zimbabwe. Strategies should be formulated to bring police operating procedures in line with international and regional human rights standards. A number of challenges need to be addressed if the ZRP is to become the defender of rights it purports to be. The following strategies must be adopted:

Ensure accountability

There is need to set up effective, adequately resourced and independent bodies that are empowered to investigate complaints against the police. The police needs to balance their accountability to internal managerial and discipline systems, law (including international law and standards), community and other clients.

Conforming to International human rights and policing standards

Zimbabwe as a member of SARPCCO should strive to have their national legislation conform with international human rights standards, as it would be meaningless to discuss human rights and policing at the regional level when the national systems do not protect human rights for instance there is an urgent need to ratify the Convention Against Torture and Inhuman Treatment (CAT). Strengthening national police services capacity for protecting human rights therefore becomes a necessary foundation for the SARPCCO regional framework to work.

Working within the SARPCCO framework

The adoption of the SARPCCO Code of Conduct by Southern African police chiefs is a commendable step in that they have recognized that their activities and operations should be based on the respect for the rule of law. This protocol could serve to disseminate best practices and strengthen respect for human rights in the sub region although it is a "soft-law" it is a big step in the right direction. (SARPCCO 2003)

Building partnerships

Business and company support is needed and should be encouraged where it contributes to the promotion of human rights standards. All police services should seek civil society partnership to ensure better funding of their activities. NGOs play an important role in the promotion of all human rights and in humanitarian activities at national, regional and international levels, by among others; increasing public awareness of human rights issues, conducting human rights education, training and research, and the promotion and protection of all human rights and fundamental freedoms. The government must acknowledge the expertise of NGOs and other civil society groups in human rights issues and work towards building better relationships with them.

Ensure the integrity of the police

In light of Article 8 of the SARPCCO Code of Conduct enshrines the concept of public trust as an integral component for effective law enforcement. Police officers should conduct themselves in a trustworthy manner so that they re-establish public confidence in the ZRP. Article 9 of the same code deals with the issue of corruption and abuse of power areas where a lot needs to be done. There is need therefore to put in place a strong integrity system which will be based on honesty and truth as the core foundation. The existence of corruption in the ZRP has resulted in violations of human rights and a loss of confidence in the organization. (SARPCCO 2003, The Outpost 2007 p11)

Service excellence

It is important for the police to strive for service excellence. The principle covers the quality of work done by officers and ensures that professional service is rendered. The public has a right to expect quality service from the police. The failure by the police to live up to the expected service excellence has resulted in the atmosphere of impunity which has come to characterize the ZRP. (SARPCCO 2003) The standard of service rendered is integral to the respect and confidence with which a community views its police service hence the need to train the police regarding the relationship between their execution of duty and their duty to protect human rights.

Transforming Police Culture

The culture of a society is the way of life of its members, the collection of ideas and habits, which they learn, share, and transmit from generation to generation. The police like any community have its own culture which has developed over the years. (Radelet & Carter 2005)

Subservience to superior orders

Like any other police service, the ZRP enjoys a culture of subservience to superior orders. This trait has often resulted in serious problems when junior officers are given unlawful orders. Whenever officers are accused of violating human rights they often claim to be following superior orders. There therefore appears to be a deliberate effort to ignore the provisions of the Code Of Conduct for police officials which maintains that it is incumbent upon the state to ensure that no disciplinary or criminal sanction is brought to bear on an officer who refuses to carry out an order to use force and firearms or reports the unlawful use of force by other officers (SARPCCO 2003) The way forward here is only the operationalization of the existing codes.

Superiority complex

Over the years the police have come to view themselves as better than the rest of society. This has created conflicts with the communities they are supposed to serve. (SARPCCO 2003) Although overnight cultural changes are not expected there is need to overcome negative cultural traits by creating new ones. Police culture must be influenced towards the incorporation of human rights based practices.

Ethical re-orientation

The police in Zimbabwe need to ensure that their conduct is governed by a set of the right rules and principles and their conduct is based on legality. Police work demands a high degree of ethical professionalism due to the fact that the community does not expect the police to break the law. It is therefore imperative that the senior ranks must set a good example and put adequate measures to deal with unethical behavior in the organization.

De-politicization of the police

The government should end the political use of the police and allow the organization to operate in an environment where professionalism can be established. Promotion in the organization should be based on merit to ensure efficiency and professionalism. The promotion of former combatants of the liberation war to senior positions has to a great extent affected the integrity of the organization. The political misuse of the police is often seen in the selective denial of the right to public assembly. The ZRP need to desist from harassing the media especially media perceived to be critical to government. There is need for the police to mend their relations with the media, a move that will go a long way in sprucing up the image of the organization.

Police training and human rights

Effective training of all police officers is vital to ensure that the conduct of policing conforms to international human rights standards. It is encouraging to note that human rights are being taught as an intrinsic part of police training in the country. A glimmer of hope was provided when 1500 officers received human rights training from 1998 to 1997 from the Legal Resources foundation and further training of police trainers in 1998 by the Human Rights Trust of Southern Africa (SAHRIT) (Amnesty International 2002) Training on human rights should be a permanent component of police training programmes and should be budgeted for adequately.

Conclusion

One single expectation of Government, which is shared by all people, is security and protection of human rights. This paper has concentrated on those aspects and has highlighted the need for reform in policing in Zimbabwe.

The change advocated for in this paper is one that is inspired not by those delivering the service, but from the clients. There is need to improve the standard, reliability, consistency, and responsiveness of the service. There is also need to ensure that the police do their work effectively. The challenge to the state is to provide the means which will enable police officers and support staff to work better and to do their job free from complicated and time consuming procedures, unnecessary to achieve results or to protect basic rights. It is time to focus on preventing crime and protecting the victims, and to place the weight of society behind this drive to reform the police because sustaining the denial of human rights in any society is a structural cause of high intensity conflict.

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Human Rights Instruments

1. International Covenant on Civil and Political Rights
2. International Covenant on Economic, Social and Cultural Rights
3. Convention Against Torture, Cruel, Inhuman, Degrading Treatment or Punishment
4. UN Code of Conduct for Law Enforcement Officials (General Assembly Resolution 34/169 of 1979)
5. UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (General Assembly Resolution 45/166 of 1990)
7. SARPCCO Code of Conduct for Law Enforcement Officials
- 8 Zimbabwean Constitution.