

8th AUGUST 2014
PRESS STATEMENT

TO ALL MEDIA HOUSES

POLICE RECRUITMENT: A SHAME AND A SHAM

The Kenya National Commission on Human Rights (KNCHR) and the Police Reforms Working Group-Kenya (PRWG-K)¹ wishes to note with concern the unfolding confusion on public recruitment into the National Police Service. Whereas there has been diverse views from different agencies on the transparency or lack of it with regard to the process and fully aware of a court case calling for, inter alia, the nullification of the entire recruitment process and its outcome we wish to note as follows:

- The history of policing in Kenya has been flaunt with glaring tribalism, nepotism, favouritism and lack of accountability and transparency in recruitment, transfers and promotions within the National Police Service (NPS). Not surprising therefore, the promulgation of a largely progressive constitution in 2010 was hailed as a new dawn for comprehensive police reforms in the country among other initiatives that had gone into police reforms agenda in the country.
- Among the national values and principles of governance encapsulated in article 10 of the Constitution are transparency, accountability, integrity and participation of the people. As such, an evaluation of the police recruitment process must be measured against these fundamental hallmarks acting to guide all state officers, state organs, public officers and all persons involved in a constitutional and legal public process not least the police recruitment exercise.
- Further, article 246 of the Constitution provides for the National Police Service Commission (NPSC) as the only institution legally mandated to undertake recruitment into the National Police Service. Delegation of the recruitment function as envisioned under section 10 of the National Police Service Commission Act must meet the constitutional and legal threshold on transparency and accountability.
- The National Police Service Commission, The Independent Policing Oversight Authority (IPOA) and the office of the Inspector General of Police (IGP) are fairly new institutions created under the Constitution of Kenya 2010 ostensibly to spearhead police reforms in Kenya. Ideally, it is expected that the three institutions would work together towards transformative and democratic policing in the country in redeeming public trust and confidence in the National Police Service and spearheading the Force to Service Reforms in all aspects of policing.

Having monitored the national police recruitment exercise and its aftermath we wish to state as follows:

- The recruitment process was no doubt riddled with serious cases of malpractices including corruption and discrimination, recruitment being undertaken in non-gazetted centres and unwarranted extension of recruitment time. Such malpractices must be thoroughly addressed through an independent probe to guarantee non-repetition. It is our considered view that the multi-agency working group convened by the NPSC to audit the recruitment complaints places the commission as a judge, jury and executioner in its own case. Such a shallow audit cannot redeem an irredeemably flawed recruitment exercise and thus calling upon the NPSC to delink itself from the audit and give chance to the other agencies to carry out this exercise.
- We wish to note that the current debacle could have been avoided had the NPSC developed and published recruitment regulations in line with section 28 (f) of the National Police Service Commission Act. In the absence of these guidelines the process was left open to abuse. Indeed varying standards were used in different recruitment centres across the country at the discretion of the officers in charge of various recruitment centres.
- In consideration of the foregoing, we demand the nullification of the recruitment exercise and its outcome with immediate effect and instead the NPSC immediately develops gazettes the recruitment regulations to guide a fresh transparent recruitment drive. In this regard we stand in support of the legal action commenced by IPOA and will be seeking to enjoin in this matter should no corrective action be taken by close of business Monday, August 11 2014.
- The NPSC, IGP and IPOA are constitutionally bound to serve all Kenyans with utmost integrity, transparency and accountability. To rid the National Police Service of the ills of the past, these three institutions must work and complement each other. Regrettably the police recruitment exercise has not only served to expose the tensions between them but also antagonizes the full realization of police reforms in the country. We are concerned that their antagonism, if not urgently addressed, might prove the killer blow to an accountable and people-centred NPS envisaged under article 244 of the constitution.

- Finally, we commit to remain vigilant, monitor and continue to advocate for and support comprehensive police reforms to realize a reformed, transformed, people-centred and service-oriented National Police Service.

Signed by:



The Kenya National Commission on Human Rights (KNCHR)

And

The Police Reforms Working Group-Kenya¹ members who include:

- Independent medico-Legal Unit (IMLU)
- Kenya Human Rights Commission (KHRC)
- International Centre for Jurists-Kenya (ICJ-K)
- International Centre for Transitional Justice (ICTJ)
- Rights Promotion and Protection Centre (RPP)
- Legal Resources Foundation (LRF)
- Federation of Women Lawyers in Kenya (FIDA-K)
- Kenyans for Peace with Truth and Justice (KPTJ)
- Coalition on Violence Against Women (COVAW)
- Centre for Minority Rights (CEMIRIDE)
- National Coalition for Human rights Defenders (NCHRD)
- Usalama Reforms Forum