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JUSTICE, SECURITY AND THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT IN AFRICA

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APCOF

African Policing Civilian Oversight Forum

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CONTENTS

OVERVIEW

The Sustainable Development Goals (SDGs) were adopted by the United Nations (UN) in September 2015 as an ambitious 2030 global development agenda to replace the Millennium Development Goals (MDGs). The SDGs have been cautiously lauded for including justice and security related Goals 11 and 16, which are potentially transformative for the justice and security sector, and an element absent from the MDG framework. However, transformation will only be achieved if significant efforts are made at the global, regional and national level to understand how the justice and security targets and indicators will be framed, implemented and measured in this new era of international development cooperation.

Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable

Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

This discussion paper:

- Gives a brief introduction to the SDGs and provides a justification for urgent action by justice and security sector stakeholders in terms of linking and integrating justice and security in development planning (**Chapter 1**).
- Reviews the SDGs and Targets to identify (**Chapter 2**):
  - The role of justice and security sector institutions[1] in assisting states to achieve the SDGs (i.e. justice and security as an *enabler* of sustainable development); and
  - The transformative potential of the SDGs on justice and security sector institutions (i.e. justice and security reform as an *outcome* of sustainable development).
- Identifies a crucial gap in the global SDG framework: namely, the development of national and regional indicators, based on the global High Level Indicators, to give effect to the peace, justice and security aims of the SDGs in a regional or national context (**Chapter 3**).
- Sets out issues for consideration in the development of a methodology and process for national and regional indicator development (**Chapter 3**)
- Makes recommendations for next steps (**Chapter 4**) based on the need for contextualised national and regional indicators that take account the linkages between sustainable development and justice/security sector reform in post-conflict and peaceful societies.

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[1] For the purposes of this discussion paper, security and justice sector institutions are limited to civilian institutions. This paper does not consider the role of military institutions.

CHAPTER 1

INTRODUCTION

INTRODUCTION TO SDGs

The 17 SDGs and their 169 targets were adopted by the UN on 25 September 2015 to continue global efforts to address poverty, inequality, injustice and climate change by 2030.[2] The SDGs build on the 8 MDGs, which aimed to alleviate poverty, hunger, disease, gender inequality, access to water and sanitation between 2000 and 2015.

While there is general consensus that the MDGs were successful in making progress in a number of development areas, particularly poverty reduction,[3] the absence of justice and security goals have been identified as a weakness within the global agenda. The 2030 agenda sought to address this by setting a broader and more ambitious framework that seeks to address the root causes of poverty by, *inter alia*, establishing a clear link between peace, security, justice and sustainable development. Elements that were absent from the MDGs, such as the rule of law, governance and justice, are now within Goals 11 and 16 of the SDGs, in formal recognition of the importance of peaceful and inclusive societies to development.

The final SDG outcome document is open to broad interpretation in terms of how to implement and measure the peace and security aims within Goals 11 and 16. Conceptually, peace, security and justice goals and targets are seen as both 'outcomes' and 'enablers' of sustainable development. Draft High Level Indicators are currently in development by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators (IAEG),[4] and are expected to be finalised in March 2016. Once finalised, these broad thematic indicators will require national and regional indicators at the regional and national levels to assist with conceptualisation of security and justice aims, the prioritisation of interventions, and effective measurement of implementation progress.

INTEGRATING JUSTICE AND SECURITY INTO SUSTAINABLE DEVELOPMENT PLANNING

As the African Union (AU) and African states begin planning SDG related programs, an early focus on the intersection between justice, security and development by states and their stakeholders (including technical partners) is important for a number of reasons:

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[2] United Nations General Assembly, 'Transforming Our World: the 2030 Agenda for Sustainable Development', UN Doc A/RES/70/1, 21 October 2015.

[3] Poverty reduction goals were achieved in Tunisia, Egypt, South Africa, Botswana, Guinea, Namibia and Swaziland, with Senegal and Uganda close to achieving the goal. See, Abdoulaye Mar Dieye, 'Statement – Director of UNDP's Regional Bureau for Africa at the High-Level Side event on the SDGs: African Perspectives', 28 September 2015, available at http://www.africa.undp.org/content/rba/en/home/presscentre/speeches/2015/09/28/head-of-undp-afruca-on-the-sdgs-the-african-perspective.html.

, 11 July 2012, OSCE Doc FSC.GAL/96/12, at p. 5.

[4] Africa is represented in the IAEG by Algeria, Botswana, Cabo Verde, Cameroon, Senegal, Tanzania and Uganda.

- As the MDGs were a priority in most African countries, it is important to ensure that implementation of the SDG framework does not simply continue on the same track, but effectively integrates justice and security issues as new, critical and inter-related areas of development.
- SDG Goals 11 and 16 represent new thematic areas in the global development agenda, and therefore require significant effort to understand and map a way forward to ensure a comprehensive and practical approach to their implementation and measurement.
- Constraints on democratic policing, equal access to justice, and to safety and crime prevention in Africa are recognised as having hindered efforts to achieve the MDGs. Therefore, a justice and security focus in regional and national development planning should be approached as both an enabler of sustainable development, and as an outcome of sustainable development.

The inclusion of justice and security issues in the new global development agenda will influence the practice of security sector reform, particularly in Africa where the AU has long established links between effective SSR and sustainable development. How effectively the indicators for these justice and security goals are articulated and owned, and how successfully the relevant stakeholders interact with this new global development agenda, will be important to future planning and the outcome of not only the SDGs but to security sector reform more generally.

CHAPTER 2

JUSTICE AND SECURITY WITHIN THE SUSTAINABLE DEVELOPMENT GOALS AND TARGETS

This section of the discussion paper reviews the SDGs, Targets and draft High Level Indicators to identify the key linkages between justice, security and the 2030 development agenda. In terms of Goals 11 and 16, which expressly deal with security and justice issues, the link is clear, with security and justice sector reform amongst the outcomes of successful implementation of each Goal and their corresponding targets. The achievement of other Goals, such as Goal 3, which promotes access to health, have a role for justice and security sector actors as enablers of sustainable development. In the health context, for example, the justice and security sector will contribute to the achievement of Goal 3 by taking measures to reduce overcrowding in places of detention to promote disease reduction and improved health outcomes for persons who are in conflict with the law and deprived of their liberty.

A full review of the SDGs, targets and high-level indicators is a useful exercise for two reasons. First, it provides a clear indication of the scope of the relationship between development, security and justice beyond just Goals 11 and 16. Second, by undertaking a holistic review, gaps in the current high level indicator framework are revealed, which can inform the development of national and regional indicators by justice and security sector actors to support to programme and strategy development within police organisations. This is an important entry point for locating and domesticating the 2030 development agenda in local capacity building. A schematic overview of this section is provided in ***Annex 1***.[5]

GOAL 3: ENSURE HEALTH LIVES AND PROMOTE WELL-BEING FOR ALL AT ALL STAGES

> **TARGET 3.3: By 2030, end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases.**

For justice and security sector: improve conditions of detention

Target 3.3 and its corresponding indicators seek to reduce rates of infection and disease. All forms of detention, including police custody, pre-trial detention and prisons, create high-risk environments for the transmission of HIV/AIDS, tuberculosis, other communicable infections and diseases, and insect-born diseases such as malaria. Rates of infection in detention contributes to epidemics in communities to which detainees return upon their release.[6]

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[5] For a full overview of the linkages between the SDGs and human rights standards see the comprehensive DIHR guide available online at http://www.humanrights.dk/our-work/sustainable-development/human-rights-sdgs

[6] See, Louise Edwards, 'Pre-Trial Justice in Africa: An Overview of the Use of Arrest and Detention, and Conditions of Detention', APCOF Policy Paper No. 7, February 2013; and Martin Schönteich, 'Presumption of Guilt: The Global Overuse of Pre-trial Detention', Open Society Justice Initiative, 2014.

The justice sector can contribute to infection and disease reduction by taking measures to address overcrowding in places of detention,[7] improving the physical conditions of detention, and ensuring that adequate health care is provided to persons deprived of their liberty.[8]

TARGET 3.6: By 2020, halve the number of global deaths and injuries from road traffic accidents

For justice and security sector: detection, enforcement and prevention of dangerous or illegal road user activity

The reduction of deaths and injuries from road traffic accidents directly coopts the justice system. Road death statistics are particularly high in a developing context, with road fatalities per 100,000 population three times higher in developing countries as compared to the global average. Beyond the state's responsibility for ensuring road safety through infrastructure development and the regulation of vehicles and licenses, police have an important role to play in terms of detection, enforcement and prevention of dangerous or illegal road user activity.

To support the achievement of Target 3.6, the police will need to establish deterrence strategies, including high visibility police operations, to promote change in road user behaviour. However, these strategies should focus on promoting road safety, not maximising the number of infringement notices issued. High visibility policing operations should be carefully monitored to reduce the risk of corruption. Further, the entire criminal justice sector should take steps to ensure effective investigation and prosecution of death and injury resulting from vehicle-related incidents.

GOAL 5: ACHIEVE GENDER EQUALITY AND EMPOWER ALL WOMEN AND GIRLS

Target 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

For justice and security sector: prevention, detection, investigation and prosecution of violence all against women and girls

The elimination of all forms of violence against women and girls requires justice and security sector responses to the prevention, investigation and prosecution of violence, and capacity building within justice and security institutions to promote awareness, sensitivity, specialist training and effective provision of victim services. Further, effective accountability and monitoring mechanisms should be in place to prevent, detect, investigate and prosecute

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[7] Including, for example, through measures to reduce the rates of arbitrary arrest and detention, or improving case flow management across the criminal justice chain.
[8] Including, for example, testing, counselling and treatment, as well as risk management policies and practices within places of detention.

violence and discrimination against women and girls in a policing, prison or other justice sector context.

GOAL 8: PROMOTE SUSTAINED, INCLUSIVE AND SUSTAINABLE ECONOMIC GROWTH, FULL AND PRODUCTIVE EMPLOYMENT AND DECENT WORK FOR ALL

TARGET 8.8: Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment

For justice and security sector: protect the labour rights, provide extensive skills and safety training, ensure safety protocols are in place to prevent officers from working alone, and provide debriefing and counselling after critical or traumatic events

Achieving Target 8.8 has relevance to the experience of individual security and justice sector personnel as employees of the state. Security and justice sector work can be hazardous and requires specialist training to manage risks. For example, police and prison services should provide extensive skills and safety training, ensure safety protocols are in place to prevent officers from working alone, and provide debriefing and counselling after critical or traumatic events.

The role of police and other security and justice sector institutions in achieving Target 8.8 will therefore need to address the broader issue of understanding how the SDGs address both the demand and supply side of justice.

GOAL 10: REDUCE INEQUALITY WITHIN AND AMONG COUNTRIES

TARGET 10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration polices

For justice and security sector: prevention, detection, investigation and prosecution of human trafficking

Target 10.7 and its associated targets coopts the justice and security sector into systems of migration that include effective responses to human trafficking. Police and other relevant actors will need to develop policies and programmes that take preventative approaches to human trafficking, facilitate investigations, deliver specialist training, provide victim services, and promote the non-discriminatory application of criminal law to non-nationals.

GOAL 11: MAKE CITIES AND HUMAN SETTLEMENTS INCLUSIVE, SAFE, RESILIENT AND SUSTAINABLE

TARGET 11.1 – safe and affordable housing; TARGET 11.2 – safe and reliable public transport; TARGET 11.3 – urban planning; TARGET 11.7 – access to safe public spaces;

TARGET 11.A – strengthened development planning; TARGET 11.B – disaster risk management

For justice and security sector: detection, investigation and prosecution of crime, and police involvement in crime prevention planning and implementation.

Concepts of safety are linked to effective policing and justice sector responses to the detection and investigation of crime, and to police involvement in crime prevention planning and implementation. The achievement of Goal 11 requires multi-sectorial support, within which a role for the police in terms of crime prevention and detection is clearly provided, in terms of the following:

- Adoption by police agencies of evidence-based methods for crime prevention, such as intelligence-led policing, community safety partnerships, and coordination with other relevant safety and development agencies.
- Participation by police in human settlement planning to ensure that urban design and planning promotes safety.
- Evidence-based allocation of policing resources, directed to ensuring that adequate services are provided to informal settlements and slum areas, transit points and public spaces.

GOAL 16: PROMOTE PEACEFUL AND INCLUSIVE SOCIETIES FOR SUSTAINABLE DEVELOPMENT, PROVIDE ACCESS TO JUSTICE FOR ALL AND BUILD EFFECTIVE, ACCOUNTABLE AND INCLUSIVE INSTITUTIONS AT ALL LEVELS

Goal 16 is the centrepiece of the SDGs approach to peace, justice and security and is a new thematic area within the global development agenda. The relationship between poverty, inequality, crime, security and access to justice is well understood. Exposure to crime and violence is more acute for those who experience high levels of inequality, poverty or poor access to services.[9]

The impact of inequality on the justice system is also well documented. For example, arbitrary arrest, police custody and pre-trial detention has a disproportionate impact on society's most vulnerable and marginalised people, with pre-trial detainees more likely to be poor and without the means to afford legal assistance, bail or bond.[10] Manfred Nowak, former UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has observed that:[11]

In reality, most victims of arbitrary detention, torture, and inhuman conditions are usually ordinary people who belong to the poorest and most disadvantaged sectors of society, including those belonging to the lowest classes, children, persons with

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[9] United Nations Office on Drugs and Crime, 'Global Study on Homicide 2013: Trends, Contexts, Data', March 2014.

[10] See, Louise Edwards, 'Pre-Trial Justice in Africa: An Overview of the Use of Arrest and Detention, and Conditions of Detention', APCOF Policy Paper No. 7, February 2013; and Martin Schönteich, 'Presumption of Guilt: The Global Overuse of Pretrial Detention', Open Society Justice Initiative, 2014.

[11] Open Society Foundations, 'The Socioeconomic Impact of Pre-trial Detention', Open Society Justice Initiative, 2011.

disabilities and disease, gays, lesbians, bisexual, transgendered persons, drug addicts, aliens and members of ethnic or religious minorities or indigenous communities.

TARGET 16.1: Significantly reduce all forms of violence and related deaths everywhere

For justice and security sector: crime prevention strategies, based on cooperative, developmental, rights-based and evidence-based approach as part of broader policing and justice sector safety and security frameworks

The draft high level indicator for Target 16.1 proposes to measure the number of victims of intentional homicide by age, sex, mechanism and where possible type of perpetrator, per 100 000 population. As a core component of police work, the prevention, detection and investigation of serious crime such as homicide means that the police and justice sector will play an important role in both reducing homicides, and improving detection, investigation and prosecution rates.

Crime and violence is increasingly recognised as one of the foremost development and social challenges of the 21st century, and links with a range of individual, micro, societal and structural risk factors, such as increased poverty, inequality, social exclusion, unemployment and inadequate services are well documented.[12] Homicide and violence are recognised as concurrent contributors to instability and insecurity at the national and sub-regional levels. It is concerning therefore that violent deaths are predicted to increase from 149,000 to 165,000 per year in sub-Saharan Africa by 2030, a region which already records 31 percent of all homicides globally.[13] The justice and security sector have an important role to play if African states are to achieve Target 16.1, both in terms of the prevention as well as the detection and investigation of serious crime such as homicide.

At the international, African regional and national levels, significant efforts have been made to approach crime prevention from a cooperative, developmental, rights-based and evidence-based framework. Rather than focus solely on a law enforcement approach, APCOF and other practitioners have located crime prevention and safety initiatives within a broader developmental framework. A strict law enforcement approach is often at odds with access to justice and can have a detrimental impact on development given that policing 'crackdowns' tend to have a disproportionate impact on the poor, vulnerable and marginalised.[14]

Therefore, the approach to implementation of Target 16.1 by justice and security sector actors should take into account the following:

- Cooperation and collaboration between sectors. While the criminal justice system is a key stakeholder in crime and violence prevention, APCOF advocates integrated service delivery and the important role of health systems, social development

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[12] Independent Evaluation Group, 'Transforming Our World: Aiming for Sustainable Development Using Independent Evaluation to Transform Aspirations to Achievements', The World Bank, 2015.

[13] United Nations Office on Drugs and Crime, 'Global Study on Homicide 2013: Trends, Contexts, Data', March 2014, at 5 and 11.

[14] Eric Pelser (ed.), 'Crime Prevention Partnerships: Lessons from Practice', Institute for Security Studies, Pretoria, 2002.

structures and education systems to address the risk factors that contribute to crime and violence.

- A developmental approach to take into account multiple influences on the risk of experiencing and perpetrating violence. This approach will promote interventions to address the risk factors for crime, while also identifying how contributions can be made to building resilience of individuals, families and communities.
- An evidence-based approach that draws on what has worked in preventing crime and violence, particularly in a development context. Strengthening information and data management systems in Africa, with a focus on promoting reliable data to enable states to effectively plan, monitor and implement crime and violence prevention strategies is also key. Police may also require support to improve the collection, analysis and dissemination of crime statistics. Crime statistics should include data disaggregated by age, sex, type of offence, and be released at regular intervals to allow for evidence-based allocation of policing resources.

TARGET 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children

For justice and security sector: prevention, detection, investigation and prosecution of all forms of violence and torture of children, specialist training and provision of victim support services

There is two agreed indicators for target 16.2, the third indicator is marked with an asterix and not yet agreed:

16.2.1 Percentage of children aged 1-17 who experienced any physical punishment and/or psychological aggression by caregivers in the past month

16.2.2 Number of victims of human trafficking per 100,000 population, by sex, age group and form of exploitation

16.2.3* Percentage of young women and men aged 18-24 who experienced sexual violence by age 18

Effective justice sector responses to violence, including sexual violence, against children will need systems and processes that strengthen the prevention, detection, and investigation of crimes, specialist training and the provision of victim support services. The justice and security sector must also take steps to ensure that children who are in conflict with the law are not subject to abuse by police or correctional services officials and that, if violence is experienced in a custodial setting, that redress through independent complaints mechanisms is available to victims.

TARGET 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all

For justice and security sector: strategies to reduce the number of pre-trial detainees, and systems and processes to improve crime detection, reporting, investigation, and trust in justice and security sector institutions.

The proposed high-level indicators for Target 16.3 propose two separate measurements: the first will measure the number of unsentenced detainees as a percentage of the overall prison population;[15] and the second will measure the percentage of victims of violence who report their victimisation to relevant authorities[16]. Each is discussed separately below.

PRE-TRIAL DETENTION
A pre-trial detention indicator as an important lens through which to examine and address unequal access to justice, as pre-trial detention systems coopt and invite a critical assessment of the performance and coordination of all key justice sector institutions: the police, judiciary, correctional services/prisons, prosecution, legal aid providers, oversight mechanisms and health services. In other words, a focus on measuring pre-trial detention provides an entry point for considering more systemic justice issues, in terms of the elements required for:

- Efficient, responsive and professional criminal justice systems.
- Effective diversion, rehabilitation and reintegration programmes.
- Effective restorative justice programmes and interventions.

Additionally, a focus on pre-trial detention in the African context is welcome as it highlights a critical but often over-looked area of criminal justice reform. Approximately 43.3 percent of detainees across Africa are pre-trial detainees, although this figure may be significantly higher as it does not include the number of people held in police custody on any given day. Pre-trial detainees often exist in the shadows of the criminal justice system as their detention and treatment are not subject to the same level of judicial and other oversight as sentenced prisoners. Overall, pre-trial detainees experience poorer outcomes than sentenced prisoners in relation to their conditions of detention, the risk of torture and other ill-treatment, corruption and the right to life.[17]

The African Commission on Human and Peoples' Rights (ACHPR) have adopted Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, the implementation of which is supported by draft measurement tools to promote implementation of the Guidelines. The tool, which consists of three checklists, will be instructive in terms of the development of national and regional SDG indicators for pre-trial justice in the African context, and are provided at *Annex 2*. The first checklist sets out the legal and policy framework for arrest, police custody and pre-trial detention, and the second measures the extent to which a national pre-trial detention system is improving over time in terms of effectiveness, fairness and efficiency.

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[15] Criminal justice practitioners in Africa, including ACPOF, have expressed reservation at the proposed pre-trial justice indicator to measure the progress made in achievement of Target 16.3. APCOF and others have called for an indicator that measures the duration of pre-trial detention, worded in terms of: 'percentage of total pre-trial detainees who have been held in detention for more than 6 months while awaiting trial, sentencing or a final disposition'.
[16] This indicator is still under discussion
[17] See, Louise Edwards, 'Pre-Trial Justice in Africa: An Overview of the Use of Arrest and Detention, and Conditions of Detention', APCOF Policy Paper No. 7, February 2013; and Martin Schönteich, 'Presumption of Guilt: The Global Overuse of Pretrial Detention', Open Society Justice Initiative, 2014.

VICTIMISATION AND REPORTING

The second proposed high-level indicator for Target 16.3 will measure the percentage of victims of violence who report their victimisation to relevant authorities. The rate at which the community reports crime and victimisation to the relevant authorities, which includes the police, is an indicator of community confidence in the police and justice sector to effectively and efficiently respond to crime. Target 16.3 therefore provides an entry point for examining the performance of the police in terms of their crime detention and investigation functions, and specifically:

- Capacity and resources to support:
  - o Effective crime detection; and
  - o Intelligence-led investigations.
- Investigation clearance rates and conviction rates.
- Training, including basic and in-service training, as well as specialist training for detective services and other specialist units.
- Availability of investigative support services, such as forensic laboratories.
- Community engagement, including community policing structures and victim support services.

TARGET 16.4: By 2030, significantly reduce illicit financial and arms flow, strengthen the recovery and return of stolen assets and combat all forms of organised crime

For justice and security sector: engagement of sub-regional frameworks as an entry point for the establishment of national specialist units to prevent, detect and investigate organised crime and arms proliferation that cooperatively engage at the regional and sub-regional levels.

The police, and justice system more generally, have an important role to play in relation to Target 16.4 through the establishment of specialist units to prevent, detect and investigate organised crime and arms proliferation. Further, sub-regional intergovernmental mechanisms can provide a useful entry point for discussions at the regional and national level, given the cross-border and regional security implications of organised crime and arms proliferation.

Enhanced cooperation in cross-border policing and mutual assistance is being addressed by Africa's Regional Economic Communities (RECs) through the establishment of cooperation frameworks and regional standards for policing, which provide a ready platform for discussions about Target 16.4. For example, the Southern African Regional Police Commissioners Organisation (SAPRCCO) was established in 1995 to enhance cooperation between police organisations in Southern Africa, with the principle objective of addressing cross-border issues, joint crime management, intelligence sharing and cooperation in police training.[18] Similarly, the East African Community (EAC), which was established to deepen economic, political, social and cultural integration in the region with a view to promoting

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[18] Southern African Police Chiefs Cooperation Organisation, 'Mandate and Guiding Principles, available at http://sarpcco.org/index.php/about/mandate, accessed on 8 December 2015.

peace and security has, amongst its aims, the harmonisation of police training and grades, and cooperation in cross-border policing operations.[19]

To support harmonisation in cross-border policing, both SAPRCCO and the EAC have developed a common normative standard for policing in their respective regions, which frame policing within a democratic and rights-based framework. Further support to these sub-regional organisations to operationalise the frameworks could inform work to promote achievement of Target 16.4.

TARGET 16.5: Substantially reduce corruption and bribery in all their forms

For justice and security sector: anti-corruption initiatives provide an entry point for reform to address supply side policing challenges, including recruitment, training, remuneration, and accountability frameworks.

It is well understood that corruption has a negative impact on the internal and external legitimacy, and the effectiveness of, justice and security sector institutions, and erodes public confidence in law enforcement. In South Africa, for example, the police are perceived by the community as one of the least trusted public institutions, with demands for bribery and favours cited as a key reason for low levels of confidence.[20]

The adoption of anti-corruption strategies has a transformative potential for justice and security sector institutions, as effective and holistic approaches address myriad supply side challenges. To promote the achievement of Target 16.5, national justice and security institutions should be encouraged and supported to adopt wide-ranging strategies that take into account the following:

- Recruitment and training systems that promote integrity, honesty, high ethical standards and expertise.
- Levels of remuneration that support a reasonable standard of living, and which remove incentives to engage in corrupt activities.
- Removal of perverse incentives such as quotas and 'paperless' stop and search, arrest and custody to reduce opportunities for corruption.
- Establish transparent and effective systems for revenue collection and handling of property and evidence, and procurement.
- Ensure mechanisms for accountability and oversight monitor the above systems, and have the mandate and powers to prevent, detect, investigate and address corruption.

TARGET 16.6: Develop effective, accountable and transparent institutions at all levels

For justice and security sector: reform efforts should be centred on principles of democratic policing, with a strong emphasis on effective, transparent and independent oversight mechanisms for justice and security institutions.

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[19] East African Community, 'Development Strategy 2011-2012 to 2015/2016', available at http://www.eac.int/index.php?option=com_docman&task=doc_view&gid=650&Itemid=163, accessed on 8 December 2015.

[20] See, for example, Stats SA, 'Victims of Crime Survey 2015, Pretoria, at 34.

The proposed indicators to measure achievement of Target 16.6 target both the supply (expenditure as a percentage of original approved budget) and demand (proportion of the population satisfied with their last experience of public service[21]) elements of justice and security sector institutions.

African and global discourse on strengthening the effectiveness, accountability and transparency of justice and security sector institutions has centred on understanding the principle of democratic control, and emphasises the interdependent and mutually reinforcing notions of the rule of law and human rights in a justice and security context.[22]

In broad terms, democratic control of security and justice sector institutions requires, at a minimum:[23]

- Formal accountability to democratically elected authorities, including executive control, legislative oversight, judicial control, and independent oversight by designated civilian authorities.
- Adherence by oversight structures and security sector institutions to the rule of law, good governance, human rights and gender equality.
- Transparency, including in relation to operational decisions, public expenditure and policy formation.
- Clearly delineated roles and relationships between security sector institutions and civilian authorities.

TARGET 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels

For justice and security sector: address supply side drivers within justice and security sector institutions, such as recruitment, promotion and training, to ensure that the demographic profile of institutions is representative of the population.

Achievement of Target 16.7 will be measured by the proportion of positions in public institutions compared to national demographics for age, sex, disability and population group. As institutions of the state, the performance of justice and security actors in terms of Target 16.7 will contribute to the state's overall achievement, and will promote institutions that are representative of the communities they serve.

Review and reform of recruitment policies and procedures, deployment and transfer policies and procedures, as well as environmental and social factors that influence human resources within the justice and security sector, are needed to ensure that the profile of these institutions is representative of national populations.

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[21] This indicator is still under discussion

[22] See, for example, African Union, 'Policy Framework on Security Sector Reform', preamble at article 28(e); United Nations General Assembly and Security Council, 'Report of the Secretary-General: Securing peace and development – the role of the United Nations in supporting security sector reform', UN Doc A/62659 – S/2008/39, 28 January 2008, at [1].

[23] See, Bayley D, 'Changing the guard: Developing democratic police abroad', 2006, Oxford University Press, 2006; African Union, 'Policy Framework on Security Sector Reform', article 22; United Nations Human Rights Council, 'Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: Study on police oversight mechanisms', UN Doc A/HRC/14/24/Add.8, 28 May 2010; Bruce D and Neild R, 'A handbook for oversight of police in South Africa', Centre for the Study of Violence and Reconciliation, 2005, Johannesburg; Commonwealth Human Rights Initiative, 'Police Accountability: Too Important to Neglect, Too Urgent to Delay', 2005, New Delhi; Ebo, A., 'Towards a Code of Conduct for Armed and Security Forces in Africa: Opportunities and Challenges', Geneva Centre for the Democratic Control of Armed Forces, *Policy Paper*, March 2005, at p. 4.

TARGET 16.10[24]: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements

For justice and security sector: establish and implement access to information laws, and ensure internal training and accountability, as well as external oversight, is in place to prevent, detect, investigate and punish human rights violations by justice and security sector institutions and personnel.

On first reading, Target 16.10 appears to promote the broad goals of human rights promotion and access to information. However, the draft indicator, which is still to be finalised by the IAEG, limits the scope of Target 16.10 to freedom of expression by measuring the number of verified cases of killing, kidnapping, enforced disappearances, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates. This measurement is important to promoting and protecting democratic spaces; however, the narrow scope of this high level indicator is a lost opportunity within the SDG framework to consider human rights and access to information more broadly.

In terms of the current construction of high level indicators for Target 16.10, the security and justice sectors will contribute to its achievement by adopting and implementing laws and strategies that promote the political independence of security sector institutions, and procedures to protect and promote the right to freedom of assembly, access to information and freedom of expression. Oversight mechanisms should also be established and supported to ensure that extrajudicial executions, and other gross violations of human rights against the target groups are prevented, detected, investigated and prosecuted.

In addition, given the limited scope of the current Target, the development of national and regional indicators for justice and security sector institutions in the African context should give a broader interpretation to this Target to include measurements in the following terms:

- Establishing and implementing laws and policies to promote access to information in terms of the African Commission on Human and Peoples' Rights Model Law on Access to Information.
- Improve data collection and dissemination to promote transparency in terms of justice and security sector planning, distribution of resources, interventions and programmes, and to support oversight and measurement of effectiveness.
- Promotion and protection of human rights, measured in terms of states' ratification of UN and AU human rights treaties, and engagement with UN and AU human rights reporting systems, such as the Universal Periodic Review, African Peer Review Mechanism, state reports to the African Commission on Human and Peoples' Rights, and state reporting to UN treaty body review mechanisms.

TARGET 16.A: Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime

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[24] Target 16.8 and 16.9 that concern developing countries' inclusion in institutions and global governance and birth registration respectively are not considered directly relevant for policing and therefore not included in this section.

For justice and security sector: technical and other assistance through AU and African sub-regional cooperation structures to promote a rights based approach to the prevention of violence and combating of terrorism

The role of justice and security sector actors in crime and violence prevention has been set out in relation to Goals 11 and 16.1, above, and apply in this context, with the additional element of international cooperation and capacity building. As discussed above, the emphasis on peace and security within sub-regional cooperation mechanisms such as the EAC and SARPCCO, provide a useful entry point for international cooperation and capacity building.

In relation to combating terrorism, the principles of democratic control of security and justice sector institutions, set out above in relation to Target 16.6, above, should be promoted as the basis on which anti-terrorism laws and operations are established and carried out, with technical assistance and cooperation striking a balance between increasing policing powers and the need for a rights-based and transparent approach to operations, and the need for detection and prevention activities, including anti-radicalisation strategies.

TARGET 16.B: Promote and enforce non-discriminatory laws and policies for sustainable development

For justice and security sector: technical and other assistance through AU and African sub-regional cooperation structures to promote a rights based approach to the prevention of violence and combating of terrorism

Target 16.b will be measured in terms of the percentage of the population who report having felt discriminated against or harassed within the last 12 months on the basis of a ground of discrimination prohibited under international law[25].

Discriminatory policing and justice sector practices are well documented in Africa, so too the commensurate impact on access to justice, particularly for marginally and socially disadvantaged groups.[26] The legal framework for policing and justice sector management should prohibit discrimination on grounds that are consistent with the African Charter on Human and Peoples' Rights, and supported by training and internal oversight to ensure non-discriminatory application of the law. External complaints and oversight mechanisms should be in place to receive and investigate complaints of discrimination from the public, and to provide systemic monitoring of justice and security sector institutions in terms of prohibited forms of discrimination.

Justice and security sector institutions should also be supported to collect data and release statistics on their annual performance, disaggregated by age, sex, national or ethnic origin, race, and other relevant categories, to assist in the monitoring of performance in terms of non-discrimination.

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[25]This indicator is still under discussion
[26] See, for example, Louise Edwards, 'Pre-Trial Justice in Africa: An Overview of the Use of Arrest and Detention, and Conditions of Detention', APCOF Policy Paper No. 7, February 2013; and Martin Schönteich, 'Presumption of Guilt: The Global Overuse of Pretrial Detention', Open Society Justice Initiative, 2014.

CHAPTER 3

IMPLEMENTATION AND MEASUREMENT OF THE SDGS IN AFRICA FROM A JUSTICE AND SECURITY PERSPECTIVE

THE NEED FOR NATIONAL AND REGIONAL INDICATORS

Constraints on equal access to justice, and to safety, in Africa are recognised as having contributed significantly to hampering the achievement of the MDGs.[27] As a new thematic area in the global development agenda, the SDGs' justice and security-related Goals and Targets require significant effort to understand and to map a way forward to ensure that comprehensive and practical approaches are taken to implementation at the regional, sub-regional and national levels. Namely:

- There is no agreed framework for how to properly measure progress made in achieving Goal 16 and others[28], beyond the draft High Level Indicators, which do not provide a comprehensive framework for understanding justice and security issues.
- The Targets and draft High Level Indicators for peace and security focus on armed conflict and cross-border security, and remain largely silent on specific outcomes in terms of the role of justice and security sector institutions at a national level in promoting safety, violence prevention and access to justice.

It is unlikely that cascade, or national and regional indicators, based on the draft High Level Indicators will be developed at the global level. By their nature, national and regional indicators require a level of contextualisation, and detail that do not lend themselves to global development.

There is no 'one-size fits all' approach to the development of national and regional indicators for justice and security sector institutions at the regional, sub-regional and national levels. Rather, based on best practice for the development of indicators and standards, the approach should reflect on African and international normative standards applicable to the sector under transformation, be subject to a development methodology that is inclusive, and the framing of indicators that are responsive to the unique historical, political, economic and social context.

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[27] See, for example, Independent Evaluation Group, 'Transforming Our World: Aiming for Sustainable Development Using Independent Evaluation to Transform Aspirations to Achievements', The World Bank, 2015. See also, United Nations General Assembly, 'Report of the Secretary-General: A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015', UN Doc A/68/202, 26 July 2013.

[28] In the post-2015 Summit outcome document there are some provisions to outline the Follow-up and Review mechanisms to measure progress more broadly. The focus is on voluntary national reviews but also regional and global reporting. There are some guiding principles for the national review; e.g. participation, inclusiveness etc, but this framework is still not well developed.

THE COMMON AFRICAN POSITION: INSIGHT INTO THE POTENTIAL FOCUS OF NATIONAL AND REGIONAL INDICATORS AT THE AU LEVEL

The common african position (cap)[29] on the 2030 development agenda provides some indication of the approach that may be taken by the au to promote implementation of the sdgs through, possibly, national and regional indicators.

The CAP frames implementation of the SDGs in Africa as taking a 'common' but 'differentiated' approach, with the development of regionally-specific basket indicators based on six development priorities known as 'pillars'. The fifth pillar concerns 'peace and security' interests and focuses on addressing the root cause of conflict, and preventing the outbreak of conflict. Accordingly, the AU's implementation focus will likely be directed towards cross-border and regional security arrangements and the prevention of armed conflict, rather than non-conflict related justice and security concerns.

However, other stakeholders, such as RECs and technical partners, can utilise the emphasis on a 'differentiated' process to provide for the development of sub-regional and national specific national and regional indicators to allow for the contextualisation of SDG Targets and measurements, particularly for non-conflict states. In that context, the work of AU mechanisms such as the AU Peace and Security Secretariat and the African Commission on Human and Peoples' Rights provide a normative framework and a ready entry point for SDG implementation and measurement. Two key frameworks are discussed below: the AU Policy Framework for Security Sector Reform (AU SSR Framework) and the African Commission on Human and Peoples' Rights (ACHPR).

The AU SSR Framework[30] was adopted in January 2013 to guide SSR processes across the continent. It represents an important step in fostering African ownership and delivery of SSR activities, and provides an African character to prevailing SSR approaches. The policy sets out the normative framework for the monitoring and implementation of SSR at the national, sub-regional and regional levels, and promotes cooperation between AU mechanisms, RECs and states. Given the focus on the CAP on conflict prevention, the AU SSR Framework will play an important role in terms of supporting an African approach to implementing and measuring the non-conflict justice and security aims of the SDGs. Other relevant AU standards and policies that will inform the measurement of SDG implementation include the Agenda 2063,[31] AU Convention

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[29] African Union, 'Common African Position (CAP) on the Post-2015 Development Agenda, undated, available at http://www.uneca.org/sites/default/files/uploaded-documents/Macroeconomy/post2015/cap-post2015_en.pdf, accessed on 1 October 2015.

[30] African Union, 'Policy Framework on Security Sector Reform', African Union Commission, Addis Ababa, Ethiopia, available at http://www.peaceau.org/uploads/au-policy-framework-on-security-sector-reform-ae-ssr.pdf, accessed on 1 December 2015.

[31] African Union, Agenda 2063: The Africa We Want', Second Edition, August 2014, available at http://agenda2063.au.int/en/sites/default/files/agenda2063_popular_version_05092014_EN.pdf, accessed on 23 December 2015.

on the Prevention and Combating of Terrorism,[32] and the Windhoek Declaration (Silencing the Guns – Terrorism, Mediation and Armed Groups).[33]

Similarly, the ACHPR is progressively developing a normative African framework for access to justice. Over the past few years, it has adopted Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa,[34] a Model Law on Access to Information,[35] and the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines). These normative standards can form the basis of national and regional indicators, and provide sector specific standards to inform the AU SSR Framework implementation.

RECs have also developed their own regional standards, which provide further detail on the normative standards against which SDG implementation can be measured. For example, the EAC's Common Standards for Policing in the East African Community,[36] and the SARPCCO Code of Conduct for Police Officials.[37]

Taken as a whole, the AU approach to justice and security in this context includes the following norms against which the achievement of SDG justice and security aims can be measured:

- Democratisation, democratic governance and democratic control of security institutions.
- Rule of law.
- International and regional human rights law.

[32] Organization of African Unity, 'OAU Convention on the Prevention and Combating of Terrorism', Adopted at Algiers on 14 July 1999, available at https://treaties.un.org/doc/db/Terrorism/OAU-english.pdf, accessed on 1 November 2015.

[33] African Union, 'Silencing the Guns – Terrorism, Mediation and Armed Groups', adopted by the 6th Annual Retreat of Special Envoys and Mediators on the Promotion of Peace, Security and Stability in Africa, Windhoek, Namibia, 21-22 October 2015, available at http://www.peaceau.org/uploads/auc-mediation-retreat-windhoek-declaration-22-10-2015.pdf, accessed on 23 December 2015.

[34] African Commission on Human and Peoples' Rights, 'Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa', 2003, available at http://www.achpr.org/instruments/principles-guidelines-right-fair-trial/, accessed on 1 November 2015.

[35] African Commission on Human and Peoples' Rights, 'Model Law on Access to Information for Africa', Banjul, available at http://www.achpr.org/files/news/2013/04/d84/model_law.pdf, accessed on 1 November 2015.

[36] Commonwealth Human Rights Initiative and African Policing Civilian Oversight Forum, 'Common Standards for Policing in East Africa', 2010, available at http://www.humanrightsinitiative.org/publications/police/common_standards_for_policing_in_east_africa.pdf, accessed on 20 November 2015.

[37] Southern African Regional Police Chiefs Co-operation Organisation, 'Harare Resolution on the SARPCCO Code of Conduct for Police Officials', adopted at the SARPCCO 6th Annual General Meeting, 27 – 31 August 2001, Mauritius.

CHAPTER 4

A METHODOLOGY AND PROCESS FOR THE DEVELOPMENT OF NATIONAL AND REGIONAL INDICATORS

METHODOLOGY

A methodological framework for the development of national and regional indicators will be required to promote a contextualised measurement of SDG achievement at the sub-regional and national levels across Africa. The development of the framework is beyond the scope of this paper, however, there are three types of indicators that should be considered by the AU, RECs, and technical partners seeking to engage at the sub-regional and national level, based on the good practice, and the development of indicators in justice and security sector reform elsewhere on the continent.[38]

Consideration should be given to the nature of the indicator, what it seeks to measure, and at what level the measurement will take place (e.g. strategic or performance). Broadly, there are three types of indicators that can be taken into account in the development of national and regional indicators for the SDGs[39]:

- Strategic indicators: these can be used at the highest policy level to measure progress in achieving the overarching purpose.
- Institutional indicators: these measure objectives or outcomes.
- Activity level indicators: these measure the daily activities of the justice and security sector institution with a view to promoting institutional goals within the development context.

Reporting and monitoring mechanisms should be built into the indicator development, with dedicated mechanisms at a regional or national level to regularly receive reports from the relevant institutions, and other stakeholders, on compliance, and to issue regular recommendations on improving implementation.[40]

Consultations with all relevant stakeholders should form part of the methodology to assist with identifying the sources of data, and to ensure that the basket of indicators at the regional and national level are:

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[38] See, for example, A. Dissel and S. Tait, 'Implementing the Southern African Regional Police Chief Cooperation Organisation Code of Conduct', January 2011, Cape Town, available at http://www.apcof.org/files/7056_APCOF_Indicators_Eng.pdf, accessed on 28 November 2015. See also, Sustainable Development Solutions Network, 'Indicators and A Monitoring Framework for the Sustainable Development Goals: Launching a data revolution for the SDGS', Revised working draft (Version 7), 20 March 2015, available at http://unsdsn.org/wp-content/uploads/2015/03/150320-SDSN-Indicator-Report.pdf, accessed on 20 November 2015; and Independent Evaluation Group, 'Transforming Our World: Aiming for Sustainable Development Using Independent Evaluation to Transform Aspirations to Achievements', The World Bank, 2015.

[39] The OHCHR approach to human rights relevant indicators suggest an alternative approach, namely the formulation of structural, process and outcome indicators. This typology could also be considered in the further development of the framework. See: http://www.ohchr.org/EN/Issues/Indicators/Pages/framework.aspx

[40] Organisation for Security and Co-operation in Europe, Forum on Security Co-operation, 'Annual Discussion on the Implementation of the Indicators on Politico-Military Aspects of Security', Vienna, 11 July 2012, OSCE Doc FSC.GAL/96/12, at p. 5.

- Adapted and relevant to each regional, sub-regional or national context.
- Easy to use but sensitive enough to track progress.
- Linked to the global High Level Indicators that will be finalised by the IAEG in 2016.

PROCESS FOR THE ESTABLISHMENT OF NATIONAL AND REGIONAL INDICATORS

The justice and security aims of the SDGs are new thematic areas in the global development agenda and will require significant effort to understand and map a way forward to ensure a comprehensive and practical approach to implementation, national and regional indicator development, and measurement.

An immediate priority will be efforts to link justice and security reform, which is already underway in some form in most African states, to the SDG implementation and measurement agenda. Below is a discussion of the elements that could be included in a process by the AU, RECs and technical partners to promote linkages between justice, security and the SDGs in terms of both indicator development and measurement, namely: dissemination and awareness raising, partnerships and focal points and mapping and domestication.

DISSEMINATION AND AWARENESS RAISING

Drafting the SDGs involved significant contributions from states, intergovernmental organisations and civil society with access to the negotiations in New York. The UN also initiated processes such as 'A Million Voices',[41] to gather inputs on the 2030 development agenda from across the globe. However, there remains a disconnect between the negotiations in New York, and the final outcome document, particularly in terms of new and emerging areas of global development such as peace and security. It will be critical, therefore, to initiate discussions and provide training at the regional, sub-regional and national levels to inform the development of national and regional indicators to ensure the inclusion of justice and security as both an enabler and outcome of the SDG agenda.

PARTNERSHIPS AND FOCAL POINTS

Experience from other UN or regional standards development and implementation indicates that information does not always flow between the foreign ministry, who often negotiates, and the relevant line ministries, who are responsible for implementation at the national level. The early establishment of focal points within relevant departments at the AU, REC and national levels will be critical to ensuring that the justice and security agenda is incorporated as part of SDG indicator development and monitoring. Also important is the identification of strategic partnerships with AU and UN mechanisms, civil society and academia at the national level to inform the development of contextualised national and regional indicators in relation to justice and security.

Often, discussions about the challenges of guaranteeing human security, and the roles and responsibilities of various stakeholders in achieving that aim, are contested, particularly in a national context. The process of developing national and regional indicators within a development context can provide a platform for positive dialogue between stakeholders by

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[41] United Nations Development Group, 'A Million Voices: The World We Want', 2013, available at http://www.undp.org/content/undp/en/home/librarypage/mdg/a-million-voices--the-world-we-want.html, accessed on 2 November 2015.

focusing on standard setting, measurement indicators and forward planning within a shared and common framework of sustainable development.

To ensure that the development of national and regional indicators is more than a political process (with the adoption of a measurable sustainable development plan as the end goal, rather than a starting point in a process towards effective implementation, measurement and review), and owned by the national, sub-regional and regional actors, full participation of all relevant stakeholders is important. This will include relevant intergovernmental mechanisms, senior officers and officials from justice and security institutions, national human rights institutions, relevant ministries, parliamentarians, technical partners, and civil society. Further, an inclusive approach can promote the development of indicators that are specific to the social and political context in which implementation will take place, and the nature of the actors on which implementation and measurement will rely.

MAPPING AND DOMESTICATION

At all levels, there is a need to elaborate on the core questions and areas for consideration in linking sustainable development implementation with justice and security. Accordingly, regional, sub-regional and national mapping exercises should be encouraged, with methodologies that include identifying the linkages with regional standards, assessing existing justice and security reform, existing development plans and priorities, ongoing law reform process, and possible legislative and policy gaps. The mapping exercises should also be conducted with a view to ensuring that the indicator development is contextualised for the operational reality of the region or state, and to identifying potential entry points for implementation, such as training and auditing.[42]

Mapping and planning for justice and security in the 2030 development agenda should also take account of lessons learned from the success of the MDGs in Africa. The UNDP has published a paper that highlights the bases on which the MDGs were successful, and the type of interventions that may support the uptake of the SDGs in Africa. Amongst the factors for positive achievement were:

- National ownership and political will.
- Innovative policies and programmes.
- Global partnerships and financing.
- Sustained advocacy and monitoring.

Mapping and domestication processes should also seek to identify possible sources of funding the SDGs in terms of justice and security. Goal 17 specifically contemplates cooperation and technical support at the global and regional level. The inclusion of justice and security as both an enabler and outcome of sustainable development will provide new entry points for technical and financial support, and donors should be engaged from the outset on the importance of these new thematic areas to sustainable development. The means of implementation will need to consider both the financing of goals as well as crucial elements such as participation, transparency, accountability, researching and promoting these elements as core priority actions at regional and national levels.

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[42] A. Hills, 'Utility of regional and national indicators', in S. Tait, L. Ilkjaer, M. Alexis and E. van dur Spuy (eds), *Conference on Police Reform in West Africa*, 24 – 27 November 2010, Dakar, Senegal, at p. 15.

CHAPTER 5

RECOMMENDATIONS

Global discourse on how to frame peace and security in the context of the SDGs has focused on conflict prevention and cross-border security concerns (including terrorism), however practice in the security and justice sectors across Africa indicates that the challenges posed to sustainable development from a peace and security perspective and will require a more nuanced approach that takes into account governance, rule of law and human rights compliance in security and justice sector institutions in conflict, post-conflict and peaceful societies.

The final SDG outcome document, its Targets and draft High Level Indicators are open to broad interpretation in terms of implementing and measuring peace, justice and security aims.

In the African context, there is an immediate opportunity to draw the links between justice and security as both an outcome and enabler of sustainable development, and to promote national and regional indicators to promote implementation and monitoring of justice and security aims that are both common and differentiated across the continent. It is in the implementation and monitoring of the national and regional indicators that practical achievement of the SDGs in a national or regional context will be observed.

This paper therefore recommends the following:

- Security and justice sector reform actors and their stakeholders in Africa should actively advocate the inclusion of justice and security aims in regional and national SDG planning, with a focus on establishing national and regional indicators to provide detail and contextualisation for the implementation of the SDG Goals, Targets and their High Level Indicators.
- Regional and national SDG implementation planning should include a role for justice and security institutions as both an enabler and an outcome of sustainable development:
  - As an enabler, the role of the justice and security institutions should be reviewed in terms of all SDG Goals, Targets and High Level Indicators, with national and regional indicators to track the progress made by these institutions in promoting and supporting the achievement of the SDGs.
  - As an outcome, the justice and security sector institutional reform required to promote to the successful achievement of Goals 11 and 16 should be included in regional and national sustainable development planning, with national and regional indicators developed to track reform and transformation in a way that is regionally and nationally contextualised.
- The process for engaging decision-makers on justice, security and development in the implementation of the 2030 development agenda should take account of:
  - Existing agreed normative standards for justice and security sector institutions in Africa.
  - Participatory and inclusive methodologies for the development of national and regional indicators at the regional, sub-regional and national levels.
  - Development of national and regional indicators that are contextualised to promote their relevance to the implementation and monitoring environment, without diminishing normative standards, and taking account of the CAP's 'common but differentiated' approach.

ANNEX 1
SDGS AND POLICING

The indicators below are current as of 2 September 2015, and include all indicators reviewed and discussed at the second meeting of the IAEG-SDGs, held in Bangkok from 26 – 28 October 2015.

Green indicators are those for which there is general agreement (or small modification proposed), based on the fact that less than 25% of respondents have strong concerns/expressed need to discuss on priority basis; no strong opposing views by members. The green indicators are taken to have been tentatively agreed by the IAEG members.

Grey indicators require more in-depth discussion or methodological development.

SDG Goals (all)	Relevant Targets	Relevant Draft Indicators (at Nov 2015)	Relevance to Policing in Africa
Goal 1: End poverty in all its forms everywhere	-	-	-
Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture	-	-	-

SDG Goals (all)	Relevant Targets	Relevant Draft Indicators (at Nov 2015)	Relevance to Policing in Africa
Goal 1: End poverty in all its forms everywhere	-	-	-
Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture	-	-	-
Goal 3: Ensure healthy lives and promote well-being for all at all ages	Target 3.3: By 2030, end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases.	Number of new HIV infections per 1,000 uninfected population (by age, sex, and key populations) (green) TB incidences per 1,000 persons per year (green) Malaria incident cases per 1,000 person per year (green) Estimated number of new hepatitis B infections per 100,000 population in a given year (green) Number of people requiring interventions against neglected tropical diseases (green)	All forms of detention, including police custody, create high risk environments for the transmission of HIV, tuberculosis, other communicable infections and diseases, as well as insect-borne disease such as malaria. Rates of infection in detention contributes to epidemics in communities to which detainees return upon release. Reduce overcrowding by reducing arbitrary arrest and detention, and improving case flow management to reduce the average length of time spent in detention by persons in conflict with the law. Improve conditions of detention. The management of detention facilities should include the provision of adequate health care services, including testing, counselling and treatment, as well as risk management.

SDG Goals (all)	Relevant Targets	Relevant Draft Indicators (at Nov 2015)	Relevance to Policing in Africa
	Target 3.6: By 2020, halve the number of global deaths and injuries from road traffic accidents	Number of road traffic fatal injury deaths per 100,000 population (age-standardized) (green)	Deterrence strategies, including high visibility police operations, are required to promote a change in road user behaviour (NB the focus of such strategies should be to promote road safety, not to maximize the number of infringement notices issued). High visibility policing operations should be carefully monitored to reduce the risk of corruption.

Effective investigations of death and injury resulting from a vehicle-related incident. |
| Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all | - | - | - |
| Goal 5: Achieve gender equality and empower all women and girls | Target 5.2: Eliminate all forms of violence against women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation | Proportion of ever-partnered women and girls (age 15-49) subjected to physical and/or sexual violence by a current or former intimate partner, in the last 12 months (green)

Proportion of women and girls (aged 15 – 49) subjected to sexual violence by persons other than an intimate partner, since age 15 (green) | Effective police responses to violence against women, including preventive approaches, effective investigations, specialist training and provision of victim services.

Effective accountability and oversight structures to combat violence against women, in all forms and taking into consideration intersectional discrimination, by police officials. |
| Goal 6: Ensure availability and sustainable management of water and sanitation for all | - | - | - |

SDG Goals (all)	Relevant Targets	Relevant Draft Indicators (at Nov 2015)	Relevance to Policing in Africa
Goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all	-	-	-
Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all	Target 8.8: Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment	Frequency rates of fatal and non-fatal occupational injuries and time lost due to occupational injuries by gender and migrant status (green)	Police work is hazardous and requires specialist training to manage the risks. Police organisations should have extensive safety and skills training, ensure safety protocols are in place to prevent officers in the field working alone, and provide de-briefing and counselling after critical or traumatic events.
Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation	-	-	-
Goal 10: Reduce inequality within and among countries	Target 10.7: Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies	This indicator is not on the list anymore, but there is a similar indicator at 16.2: 16.2.2 Number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation	Effective police responses to human trafficking, including preventive approaches, effective investigations, specialist training, non-discriminatory policing and provision of victim services.
Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable	Target 11.1: By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums	Proportion of urban population living in slums, informal settlements, or inadequate housing (green)	Concepts of safety are linked to effective policing responses to the detection and investigation of crime and to policing practices in the field of crime prevention.

SDG Goals (all)	Relevant Targets	Relevant Draft Indicators (at Nov 2015)	Relevance to Policing in Africa
	Target 11.2: By 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons.	Proportion of the population that has convenient access to public transport (green)	Policing structures and strategies should integrate crime prevention approaches, as well as crime detection, to promote community safety.

Police organisations should be included in human settlement planning to ensure that urban design promotes safety.

Police should adopt knowledge-based methods to as part of crime prevention strategies, including intelligence-led policing, community safety partnerships, and coordination with other relevant safety and development agencies.

Police resources should be directed to ensuring that adequate policing services are provided to informal settlement and slum areas, transit points and public spaces, in an evidence-based way. |
| | Target 11.3: By 2030, enhance inclusive and sustainable urbanization and capacity for participatory, sustainable human settlement planning and management in all countries. | "Ratio of land consumption rate to population growth rate" with further research as in France's proposal to also address the issue of "quality of life" (green) | |
| | Target 11.7: By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities. | The average share of the built-up area of cities that is open space in public use for all (green)

Proportion of persons subjected to physical or sexual harassment by perpetrator and place of occurrence (last 12 months) (grey) | |
| | Target 11.a: Support positive economic, social and environmental links between urban, peri-urban and rural areas by | 11.a.1 Proportion of population living in cities that | |

SDG Goals (all)	Relevant Targets	Relevant Draft Indicators (at Nov 2015)	Relevance to Policing in Africa
	strengthening national and regional development planning.	implement urban and regional development plans, integrating population projections and resource needs, by size of city	
	Target 11.b: By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, resilience to disasters, and develop and implement, in line with the Sendai Framework for Disaster Risk Reduction 2015-2030, holistic disaster risk management at all levels.	11.b.1 Proportion of local governments that adopt and implement local disaster risk reduction strategies in line with the Sendai Framework for Disaster Risk Reduction 2015-2030d	
Goal 12: Ensure sustainable consumption and production patterns	-	-	-
Goal 13: Take urgent action to combat climate change and its impact (acknowledging that the United Nations Framework Convention on Climate Change is the primary international, intergovernmental forum for negotiating the global response to climate change)	-	-	-

SDG Goals (all)	Relevant Targets	Relevant Draft Indicators (at Nov 2015)	Relevance to Policing in Africa
Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development	-	-	-
Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss	-	-	-
Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels	Target 16.1: Significantly reduce all forms of violence and related death rates everywhere	Number of victims of intentional homicide by age, sex, mechanism and where possible type of perpetrator, per 100,000 population (green) Conflict-related deaths per 100,000 people (disaggregated by age, sex and cause) (grey) Percentage of the population subjected to physical, psychological or sexual violence within the last 12 months. (Noted that France has serious reservations) (green)	Crime prevention strategies as part of broader policing strategy (*see notes on Goal 11*) Crime statistics should include data disaggregated by age, sex and type of offences (at a minimum), and be released at regular intervals. Police accountability and oversight architecture in relation to policing methods and performance in the prevention, detection and investigation of police use of force and killings.
	Target 16.2: End abuse, exploitations, trafficking and all forms of violence against and torture of children.	(green) 16.2.1 Proportion of children aged 1-17 years who	Juvenile justice response by policing, in line with the international normative framework, should be in place to promote the protection of children in

SDG Goals (all)	Relevant Targets	Relevant Draft Indicators (at Nov 2015)	Relevance to Policing in Africa
		experienced any physical punishment and/or psychological aggression by caregivers in the past month Number of detected and non-detected victims of human trafficking per 100,000; by sex, age and form of exploitation (green) Percentage of young women and men aged 18 – 29who experienced sexual violence by age 18. (grey)	relation to police contact, including from violence by the police and from other detainees in police custody. Effective police responses to violence, and sexual violence, against children, including preventive approaches, effective investigations, specialist training and provision of victim services.
	Target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all.	Percentage of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognised conflict resolution mechanisms (also called crime reporting rate). (Choose between current proposal with modification or other suggestions) (grey)	Confidence in the police as reflected in reporting rates. Performance of the police in terms of key functions, in particular: - Effective intelligence-led investigations - Crime detection rates - Investigation clearance rates - Training, including basic and in-service training, as well as specialist training in relation to detective services - Existence of support services such as forensic laboratories

SDG Goals (all)	Relevant Targets	Relevant Draft Indicators (at Nov 2015)	Relevance to Policing in Africa
		Unsentenced detainees as percentage of overall prison population (green)	The proposed measurement is not the best measure of pre-trial detention, and should rather consider the average length of time that detainees are held in pre-trial detention. Role of the police in relation to pre-trial detention is important, and policing performance should be measured in relation to: - Analysis of statistics on the number of people stopped and searched, arrested, charged and held in police custody to determine the extent of arbitrary arrest, and whether the use of arrest by the police is appropriate, non-discriminatory and within the limits of the law. - Number of criminal matters that are withdrawn or struck off the court roll, versus the number which result in a conviction or acquittal, to determine the quality of police dockets (i.e. investigations) - Information on the use of police bail - Average length of detention in police custody (i.e. adherence to the 24 or 48 hour rule)
	Target 16.4: By 2030, significantly reduce illicit financial and arms flow, strengthen	Total value of inward and outward illicit financial flow (in current US$) (grey)	Police strategies are required to combat the proliferation of weapons, and specialist units should

SDG Goals (all)	Relevant Targets	Relevant Draft Indicators (at Nov 2015)	Relevance to Policing in Africa
	the recovery and return of stolen assets and combat all forms of organized crime.	16.4.2 Proportion of seized small arms and light weapons that are recorded and traced, in accordance with international standards and legal instruments	be established to specifically prevent, detect and investigate organized crime. Police organisations should have clear guidelines or operating procedures on the storage, issuance and auditing of police weapons.
	Target 16.5: Substantially reduce corruption and bribery in all their forms	Percentage of persons who had at least one contact with a public official, who paid a bribe to a public official, or were asked for a bribe by these public officials, during the last 12 months.	Adoption and implementation of anti-corruption policies for the police; criminalize corruption by the police (rather than disciplinary, need to take criminal action) Recruitment and training to promote high levels of integrity, honesty, ethical standards and expertise. Ensure remuneration of police officers enables them to maintain a reasonable standard of living to remove incentive to engage in corruption. Remove perverse incentives in relation to stop and search, arrest and custody to reduce the opportunities for corruption. Effective systems for revenue collection, handling property and evidence, to deter corruption. Procurement systems that are based on transparency and efficiency.

SDG Goals (all)	Relevant Targets	Relevant Draft Indicators (at Nov 2015)	Relevance to Policing in Africa
			Mechanisms for accountability and oversight to monitor systems and measures established to prevent, detect, punish and eradicate corruption.
	Target 16.6: Develop effective, accountable and transparent institutions at all levels.	16.6.1 Primary government expenditures as a proportion of original approved budget, by sector (or by budget codes or similar) Proportion of population satisfied with their last experience of public service (green)	Effective mechanisms for before the fact oversight: - Policy and legislation - Establishment of oversight institutions - Police instructions Effective mechanisms for after the fact oversight - Investigations of police abuse (internal and external accountability mechanisms) - Recommendations - Disciplinary action - Prosecutions
	Target 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels	Proportion of positions (by age, sex, disability and population group) in public institutions (national and local legislature, public service, and judiciary) compared to national distributions. (green)	Ensure that the profile of the police in terms of age, sex, and population group, is representative of the population.
	Target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements	Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel,	Measures and strategies to ensure political independence of the police, and procedures on the protection of the right to access to information, freedom of assembly and expression.

SDG Goals (all)	Relevant Targets	Relevant Draft Indicators (at Nov 2015)	Relevance to Policing in Africa
		trade unionists and human rights advocates in the past 12 months (grey)	
	Target 16.a: Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.		See comments in Targets 16.1 (crime prevention strategies) and 16.3 (confidence in the police, and police performance in relation to the detection and investigation of crime).
	Target 16.b: Promote and enforce non-discriminatory laws and policies for sustainable development	Percentage of population reporting having personally felt discriminated against or harassed within the last 12 months on the basis of a ground of discrimination prohibited under international human rights law. Disaggregate by age, sex, region and population group. (green)	Legal framework for policing should prohibit discriminatory application of policing powers, police should receive training on non-discrimination, and internal and external accountability and oversight mechanisms should monitor police performance in relation to non-discrimination. Disaggregated data should be released on the use of stop and search, arrest, police custody, and number of complaints.
Goal 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development	Target 17.9: Enhance international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the sustainable development goals, including through	The dollar value of financial and technical assistance, including through North-South, South-South, and triangular cooperation, committed to developing	Support should be provided to African mechanisms, such as the African Commission on Human and Peoples' Rights, and African-based technical experts to support the integration of policing-related issues in national development planning.

SDG Goals (all)	Relevant Targets	Relevant Draft Indicators (at Nov 2015)	Relevance to Policing in Africa
	North-South, South-South and triangular cooperation		
	Target 17.18: By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts.	17.18.1 Proportion of sustainable development indicators produced at the national level with full disaggregation when relevant to the target, in accordance with the Fundamental Principles of Official Statistics 17.18.2 Number of countries that have national statistical legislation that complies with the Fundamental Principles of Official Statistics 17.18.3 Number of countries with a National Statistical Plan that is fully funded and under implementation, by source of funding	Data collection and dissemination systems, including crime reporting, should be enhanced and supported. Regional and national level indicators on police performance in relation to the SDGs should be developed.

ANNEX 2

CHECKLISTS FOR MONITORING COMPLIANCE
Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa

EXPLANATORY NOTE

Monitoring compliance with the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa ('the Luanda Guidelines') is an important aspect of promoting and monitoring the implementation of the African Charter on Human and Peoples' Rights and the Guidelines at the national level. Three checklists have been developed for use at a **national level** to monitor the extent to which the Luanda Guidelines are being implemented at the law and policy, administrative and station/facility levels:

- Checklist 1: Measuring the extent to which national legislative and policy framework for arrest, police custody and pre-trial detention comply with the Luanda Guidelines (pages 2 - 23).
- Checklist 2: Measuring the extent to which the Luanda Guidelines are implemented in practice in terms of arrest, police custody and pre-trial detention (pages 24 - 33).
- Checklist 3: Monitoring conditions of detention in police custody and pre-trial detention (pages 34 - 38).

These three checklists incorporate measurement indicators that draw on the requirements of the African Charter and the Luanda Guidelines. They are intended for use at the national level by States, National Human Rights Institutions and civil society organisations as part of monitoring and evaluation work.

The checklists have been developed as a generic example, and will need to be adapted for the national context to take into account national legislation, regulations and policies, and the national structure of law enforcement and criminal justice.

The African Commission acknowledges that not all African States have in place the data collection and dissemination systems that will allow for the collection of information as contemplated in these checklists. However, the Checklists have been developed as a 'good practice' example of the type of information that States should be collecting and disseminating to promote effective monitoring and evaluation of the pre-trial detention system.

Further, they have been designed to support the type of data collection that will inform the development of reform policies and programmes that are evidence based and targeted at known and quantifiable challenges within the system. The checklists can therefore be used as a guide for State Parties in the development of effective data and information collection systems, or for National Human Rights Institutions and civil society in their advocacy for strengthened criminal justice system data collection, dissemination and reform.

CHECKLIST 1
Legal and Policy Framework for Arrest, Police Custody and Pre-Trial Detention

EXPLANATORY NOTE

This checklist concerns the legal and policy framework for arrest, police custody and pre-trial detention. It is primarily intended for use by legal officers within relevant State Ministries and Institutions - for example, the Ministry of Justice, the National Police Service or the National Correctional Service to provide an overall assessment of the extent to which the national legislative, policy and administrative framework for arrest, police custody and pre-trial detention in a State is compliant with the Luanda Guidelines. However, National Human Rights Institutions and civil society organisations may also find this checklist relevant to their work in monitoring national legal frameworks, or as an advocacy tool to promote strengthened legal protections for arrest, police custody and pre-trial detention at the national level.

The Luanda Guidelines encourage State Parties to adopt legislative, administrative, judicial and other measures to give effect to the Luanda Guidelines, and ensure that the rights and obligations contained therein are always guaranteed in law and practice (Guideline 44). By completing this checklist, States will have an indication of the extent to which national legal and policy frameworks provide for a rights based approach to arrest, police custody and pre-trial detention, and what further action in terms of legislative and policy form is required to achieve compliance.

The Checklist is divided into four categories:

- Category 1: Legislative, policy and administrative framework for Arrest
- Category 2: Legislative, policy and administrative framework for Police Custody
- Category 3: Legislative, policy and administrative framework for Pre-Trial Detention

Checklist 1 is a generic tool, and will need to be adapted by State Parties for application in a national context.

MODEL CHECKLIST

CATEGORY 1: ARREST

Legislative, Policy and/or Administrative Requirement of the Luanda Guidelines	Source of the Requirement in National Law, Regulations or Policy (identify specific provisions in national law)	Level of Compliance of National Law, Regulation or Policy with the Requirements of the Luanda Guidelines	Further Observations or Commentary
Right to liberty and security of the person The right to liberty and security of the person in Article 6 of the African Charter on Human and Peoples' Rights is guaranteed by law (Luanda Guideline 1)	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	
Lawful arrest The law provides that an arrest can only be carried pursuant to a warrant or where the arresting official has *reasonable grounds* to suspect that a person has committed an offence or is about to commit an arrestable offence (Luanda Guidelines 2 and 3(a))	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	

Officials authorised to arrest The law provides that an arrest can only be carried out by a law enforcement official or by other competent officials or authorities authorised by the law for this purpose (Luanda Guideline 3(a)).	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	
Lawful use of force during arrest The use of force and firearms by law enforcement officials during an arrest is provided for in law and policy (Luanda Guideline 3(c)(iii), and is consistent with the following requirements: • The use of force and firearms is a measure of last resort and limited to circumstances in which it is strictly necessary in order to carry out an arrest (Luanda Guideline 3(c)(I)) • If the use of force is absolutely necessary, the level of force must be proportionate and always at the most minimal level necessary (Luanda Guideline 3(c)(ii).	Source: Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	

• The use of firearms is strictly limited to the arrest of a person presenting an imminent threat of death or serious injury, or to prevent the perpetration of a serious crime involving grave threat to life, and only when less extreme measures are insufficient to make the arrest (Luanda Guideline 3(c)(ii)	Source:		
Rights of an arrested person The law provides the following protections for all persons under arrest (Luanda Guideline 4), and a requirement that arrested persons are notified of these rights at the time of their arrest, both orally and in a language and format that is accessible and understood by the arrested person (Luanda Guideline 5): • The right to be free from torture and other cruel, inhuman or degrading treatment or punishment. • The right to be informed of the reasons for arrest and any charges.	Source: Source: Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	

• The right to silence and freedom from incrimination.	Source:		
• The right of access, without delay, to a lawyer of choice, or if the person cannot afford a lawyer, to a lawyer or other legal service provided by state or non-state institutions.	Source:		
• The right to humane and hygienic conditions during the arrest period, including adequate water, food, sanitation, accommodation and rest, as appropriate considering the time spent in police custody.	Source:		
• The right to contact and access a family member or another person of their choice, and if relevant, to consular authorities or embassy.	Source:		
• The right to urgent medical assistance, to request and receive a medical examination and to obtain access to existing medical facilities.	Source:		
• The right to information in accessible formats, and the right to an interpreter.	Source:		

• The right to apply for release on bail or bond pending investigation or questioning by an investigating authority and/or appearance in court.	Source:		
• The right to challenge promptly the lawfulness of arrest before a competent judicial authority.	Source:		
• The right to freely access complaints and oversight mechanisms.			
• The right to reasonable accommodation, which ensures equal access to substantive and procedural rights for persons with disabilities.	Source:		
Searches prior to, during and after arrest The law provides that searches are carried out in a manner that is consistent with the inherent dignity of the person and the right to privacy, and in conducting searches, officials are subject to regulations or standing	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	

orders that ensure (Luanda Guideline 3(d)): • For all types of searches, including pat-down searches, strip searches and internal body searches, the official is the same gender as the suspect. • Suspects are informed of the reason for the search prior to the official conducting the search. • A written record of the search is made, and is accessible to the person searched, his or her lawyer or other legal service provider, family members and oversight authorities. • Provide a receipt to the suspect for any items confiscated during the search. • Strop searches and internal body searches are always conducted in private. • Internal body searches are only conducted by a medical professional and only upon informed consent of the suspect, or by a court order.	Source: Source: Source: Source: Source: Source:		

Arrest and Custody Registers The law and regulations require arresting authorities to maintain, and provide access to, an official arrest and custody register in accordance with Part 4 of the Luanda Guidelines.	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	
Availability of alternatives to arrest The law provides alternatives to the use of arrest, particularly for minor crimes (Luanda Guideline 1(c)).	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	
Protecting the rights of vulnerable persons and persons with special needs during arrest The law provides for measures to protect the rights of persons with special needs, such as children, women (especially pregnant and breastfeeding women), persons with albinism, the elderly, persons with HIV/AIDS, refugees, sex workers, on	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	

the basis of gender and sexual identity, persons with disabilities, refugees and asylum seekers, other non-citizens, stateless persons, racial or religious minorities in accordance with the provisions of Part 7 of the Luanda Guidelines.			
Complaints and Oversight Mechanisms The law provides for the establishment and operation of complaints and oversight mechanisms for law enforcement in terms of Luanda Guidelines 37, 38, 41 and 42.	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	

Legislative, Policy and/or Administrative Requirement of the Luanda Guidelines	Source of the Requirement in National Law, Regulations or Policy	Level of Compliance of National Law, Regulation or Policy with the Requirements of the Luanda Guidelines	Further Observations or Commentary
Police custody as a measure of last resort The law provides that police custody is an exceptional measure of last resort, and provides for alternatives to police custody, including court summons or police bail and bond (Luanda Guidelines 6(a)).	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	
Separation of categories of detainees The law provides that children are held separately to the adult population, and that women are held separately from the male population.	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	

Safeguards for persons in police custody		Tick one selection	
The law provides the following safeguards for all persons in police custody (Luanda Guidelines 7 and 27):	Source:	☐ Compliant ☐ Partially Compliant ☐ Not Compliant	
• Presumptive right to police bail or bond.	Source:		
• Prompt access to a judicial authority to review, renew and appeal decisions to deny police bail or bond.	Source:		
• Maximum duration of police custody, prior to the presentation of a suspect to a competent judicial authority, of no more than 48 hours.	Source:		
• Access to appropriate facilities to communicate with, and receive visits from, families at regular intervals, and subject to reasonable restrictions on supervision as are necessary in the interests of security.	Source:		
• Access to confidential and independent complaints	Source:		

mechanisms while in police custody.			
Access to legal services for persons in police custody The law provides for the establishment of a legal aid service framework through which legal services are provided free of charge for suspects or accused persons who are unable to afford a lawyer (Luanda Guideline 8(a)). The law provides that all persons detained in police custody have the following rights in relation to legal assistance (Luanda Guideline 8(d)): • Access without delay or restriction to lawyers and other legal service providers, at the latest prior to and during any questioning by an authority, and thereafter throughout the criminal justice process. • Confidentiality of communication, between legal service providers and accused persons.	Source: Source: Source: Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	

• The means to contact a lawyer or other legal service provider of choice, or state-sponsored free legal assistance if the accused person cannot afford a lawyer.	Source:		
• The right to access case files and have adequate time and facilities to prepare a defence.	Source:		
The rights of an accused person during questioning and confessions The law, regulations and standing procedures provides for the following rights of an accused person during questioning and confession (Luanda Guideline 9):	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	
• Freedom from torture and other cruel, inhuman or degrading treatment or punishment.	Source:		
• Informed of the right to the presence and assistance of a lawyer or other legal service provider during questioning.	Source:		
• The right to a medical examination, with the results of each medical examination	Source:		

recorded in a separate medical file, access to which is governed by rules of medical confidentiality. • The presence and services of an interpreter, if required. • The right to remain silent. The law provides that information about every questioning session be recorded by the authority carrying out the questioning, and include information about the duration of questioning, intervals between questioning, identify of the officials carrying out the questioning, confirmation that the detained person was availed the opportunity to seek legal assistance or a medical examination. The law provides for the audio or audio-visual recording of questioning and confessions.	Source: Source: Source: Source:		
Conditions of detention in police custody	Source:	*Tick one selection* ☐ Compliant	

The law provides minimum standards for conditions of detention in police custody, including standards of accommodation, nutrition, hygiene, clothing, bedding, exercise, physical and mental healthcare, contact with the community, religious observance, reading materials, support services, and reasonable accommodation, in accordance with the Mandela Rules (Luanda Guidelines 24 and 25(g)). The law provides for physical and mental health assessment screenings, and a process provided in regulation or policy for the diversion of persons to mental healthcare facilities if required (Luanda Guideline 25(h)).	Source:	☐ Partially Compliant ☐ Not Compliant	
Use of force, restraints and punishment against persons in police custody The law provides that the use of force against persons in police custody is a measure of last resort, and limited to circumstances in which it is strictly necessary, proportionate and always at the minimum level necessary	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	

(Luanda Guidelines 3(c)(i), 3(c)(iii) and 25(b)). The law provides for the regulation of the use of permissible restraints, and the type of restraints, consistent with the presumption of innocence and inherent dignity of the person (Luanda Guideline 25(d)). Disciplinary measures against persons in police custody are set out in policy or standard operating procedures, and consistent with the inherent dignity of the person, humane treatment, and limitations on the use of force (Luanda Guideline 25(e)).	Source: Source:		
Transfer of detainees between police facilities and other places of detention The law provides that any transfer of detainees is only permitted in accordance with the law, and that detainees are only moved between official gazetted places of detention, and their movements recorded in an official register (Luanda Guidelines Part 4 and 25(i)).	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	

Protecting the rights of vulnerable persons and persons with special needs in police custody The law provides for measures to protect the rights of persons with special needs, such as children, women (especially pregnant and breastfeeding women), persons with albinism, the elderly, persons with HIV/AIDS, refugees, sex workers, on the basis of gender and sexual identity, persons with disabilities, refugees and asylum seekers, other non-citizens, stateless persons, racial or religious minorities in accordance with the provisions of Part 7 of the Luanda Guidelines.	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	
Complaints and Oversight Mechanisms The law provides for the establishment and operation of complaints and oversight mechanisms for law enforcement in terms of Luanda Guidelines 37, 38, 41 and 42.	Source:	*Tick one selection* ☐ Compliant ☐ Partially Compliant ☐ Not Compliant	
Custody Registers		*Tick one selection*	

The law and regulations require custodial authorities to maintain, and provide access to, an official arrest and custody register in accordance with Part 4 of the Luanda Guidelines.	Source:	☐ Compliant ☐ Partially Compliant ☐ Not Compliant	

CATEGORY 3: PRE-TRIAL DETENTION

Legislative, Policy and/or Administrative Requirement of the Luanda Guidelines	Source of the Requirement in National Law, Regulations or Policy (identify specific provisions in national law)	Level of Compliance of National Law, Regulation or Policy with the Requirements of the Luanda Guidelines	Further Observations or Commentary
Pre-trial detention as a measure of last resort The law provides that pre-trial detention is a measure of last resort, and only to be used where necessary and where no other alternatives are available (Luanda Guideline 10(b)).	Source:	*Circle one option* Compliant Partially Compliant Not Compliant	

Procedures and safeguards for pre-trial detention orders by judicial authorities		Circle one option	
The law provides that judicial authorities shall only order pre-trial detention (Luanda Guidelines 10(c) and 11(a)):	Source:	Compliant

Partially Compliant

Not Compliant | |
• On grounds that are clearly established in law and not motivated by discrimination of any kind.	Source:		
• If there are reasonable grounds to believe that the accused has been involved in the commission of a criminal offence that carries a custodial sentence, and there is a danger that he or she will abscond, commit further serious offences, or if the release of the accused will not be in the interests of justice.	Source:		
The law provides that if pre-trial detention is ordered, judicial authorities impose the least restrictive conditions that will reasonably ensure the appearance of the accused in all court proceedings and protect victims,	Source:		

witnesses, the community or any other person (Luanda Guideline 11(b).	Source:		
The law provides that judicial authorities provide written reasons for their decision, and to demonstrate that they have considered alternatives prior to making a pre-trial detention order (Luanda Guidelines 11(c) and (d)).	Source:		
The law provides that the burden of proof on the lawfulness of pre-trial detention orders and any subsequent extensions lies with the State (Luanda Guideline 11(g)).	Source:		
The law provides for a process for the regular and systematic review of pre-trial detention orders in accordance with Luanda Guideline 12. The law provides for pre-trial detention custody limits, and makes provision for the delay in legal proceedings in accordance with Luanda Guideline 13.	Source:		
Safeguards for persons who are subject to pre-trial detention orders		*Circle one option*	

The law provides that persons who are subject to pre-trial detention orders are provided with information on court sessions and any adjournment of court sessions (Luanda Guideline 10(e)), and have legal representation at all court hearings (Luanda Guideline 11(f)).	Source:	Compliant Partially Compliant Not Compliant	
The law provides that all persons have the right to a fair trial, within a reasonable time, in accordance with the provisions of the African Commission on Human and Peoples' Rights Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (Luanda Guideline 10(d)).	Source:		
The law provides that pre-trial detainees are only held in formally recognised and gazetted places of detention, and that they are placed in facilities as close to their home or community as possible (Luanda Guidelines 10(f) and (g)).	Source:		
The law provides that pre-trial detainees have regular and confidential access to lawyers or other	Source:		

legal service providers (Luanda Guideline 14(c)).			
Conditions of detention in pre-trial detention The law provides minimum standards for conditions of detention in pre-trial detention, including standards of accommodation, nutrition, hygiene, clothing, bedding, exercise, physical and mental healthcare, contact with the community, religious observance, reading materials, support services, and reasonable accommodation, in accordance with the Mandela Rules (Luanda Guidelines 24 and 25(g)). The law provides for physical and mental health assessment screenings, and a process provided in regulation or policy for the diversion of persons to mental healthcare facilities if required (Luanda Guideline 25(h)).	Source: Source:	*Circle one option* Compliant Partially Compliant Not Compliant	
Use of force, restraints and punishment against persons in pre-trial detention	Source:	*Circle one option* Compliant Partially Compliant	

The law provides that the use of force against persons in pre-trial detention is a measure of last resort, and limited to circumstances in which it is strictly necessary, proportionate and always at the minimum level necessary (Luanda Guidelines 3(c)(i), 3(c)(iii) and 25(b)).	Source:	Not Compliant	
The law provides for the regulation of the use of permissible restraints, and the type of restraints, consistent with the presumption of innocence and inherent dignity of the person (Luanda Guideline 25(d)).	Source:		
Disciplinary measures against persons in pre-trial detention are set out in policy or standard operating procedures, and consistent with the inherent dignity of the person, humane treatment, and limitations on the use of force (Luanda Guideline 25(e)).			
Transfer of detainees between pre-trial detention facilities and other places of detention	Source:	*Circle one option* Compliant Partially Compliant	

The law provides that any transfer of detainees is only permitted in accordance with the law, and that detainees are only moved between official gazetted places of detention, and their movements recorded in an official register (Luanda Guidelines Part 4 and 25(i)).		Not Compliant	
Complaints and Oversight Mechanisms The law provides for the establishment and operation of complaints and oversight mechanisms for pre-trial detention facilities in terms of Luanda Guidelines 37, 38, 41 and 42.	Source:	*Circle one option* Compliant Partially Compliant Not Compliant	
Protecting the rights of vulnerable persons and persons with special needs in pre-trial detention The law provides for measures to protect the rights of persons with special needs, such as children, women (especially pregnant and breastfeeding women), persons with albinism, the elderly, persons with HIV/AIDS, refugees, sex workers, on	Source:	*Circle one option* Compliant Partially Compliant Not Compliant	

the basis of gender and sexual identity, persons with disabilities, refugees and asylum seekers, other non-citizens, stateless persons, racial or religious minorities in accordance with the provisions of Part 7 of the Luanda Guidelines.			
Separation of categories of detainees The law provides that children are held separately to the adult population, and that women are held separately from the male population, in accordance with Part 7 of the Luanda Guidelines.	Source:	*Circle one option* Compliant Partially Compliant Not Compliant	
Custody registers The law and regulations require pre-trial detention authorities to maintain, and provide access to; an official custody registers in accordance with the Luanda Guidelines Part 4.	Source:		

CHECKLIST 2
Measuring the Effectiveness and Efficiency of Pre-Trial Detention Systems

This checklist concerns how to measure the extent to which a national pre-trial detention system is meeting the overall objective of the Luanda Guidelines: a rights-based approach to pre-trial detention that respects the rights of persons in relation to arrest, police custody and pre-trial detention, while also promoting efficiency, effectiveness and confidence in the criminal justice system.

This checklist includes six categories, with sub-categories, to guide on the collection and analysis of data capable of measuring of progress over time. The categories are:

- Risk to Liberty, Movement and Privacy
- Duration of Pre-Trial Detention
- Compliance with Conditions of Release
- Effectiveness and Efficiency of the Criminal Justice System
- Conditions of Detention
- Community Confidence in the Effectiveness and Efficiency of the Criminal Justice System

The categories allow for analysis of the effectiveness, fairness and validity of current law enforcement practices. For example, if there are significant disparities between the number of arrests versus the number of people held in pre-trial detention, this will raise questions about whether the police are using their arrest powers appropriately, and whether alternatives to arrest and custody are in place and being used. Similarly, analysis of data on the number of persons held in pre-trial detention beyond maximum time limits invites an examination of the factors that may be contributing to delays in the trial process, such as delays in investigations, constraints on human and financial resourcing within the court system, or lack of access to legal services for defendants. If there is a significant proportion of pre-trial detainees who are receiving non-custodial sentences, or terms of imprisonment that are less than time spent in pre-trial detention, this can raise issues in relation to the appropriateness of pre-trial detention orders, and the affordability and appropriateness of measures imposed on detainees. Measuring community perceptions of the effectiveness and efficiency of the criminal justice system also provides an important indicator of whether measures are improving, and the extent to which the expansion of non-custodial measures such as bail, may be received by the community.

To make an effective measurement requires accessible, reliable and disaggregated data. States should consider the implementation of data collection and analysis systems, if they are not already in place. Disaggregated data, based on age, gender, national or ethnic origin, and geographical location will allow analysis of any socio-economic or discriminatory practices in relation to exposure by particular categories of persons to arrest, custody and pre-trial detention.

Category	Sub-Category
Risk to Liberty, Movement and Privacy	• Number of people stopped and searched • Number of people arrested without warrant? • Number of people charged with a criminal offence • Number of people detained in police custody • Number of people held in pre-trial detention
Duration of Pre-Trial Detention	• Duration of pre-trial detention • Number of defendants held in pre-trial detention in excess of the maximum time period stipulated by law
Compliance with Conditions of Release	• Number of defendants complying with bail and other conditions of release from pre-trial detention
Effectiveness and Efficiency of the Criminal Justice System	• Number and proportion of pre-trial detainees who had legal representation at all stages of their criminal proceedings • Number and proportion of pre-trial detainees who were acquitted • Number and proportion of pre-trial detainees who had their matters withdrawn • Number and proportion of pre-trial detainees who had their matters struck off the court roll • Number and proportion of pre-trial detainees who were convicted and received a non-custodial sentence • Number and proportion of pre-trial detainees who were convicted and received custodial sentences shorter than the duration of their pre-trial detention
Conditions of Detention	• Number and proportion of police custodial facilities that exceed official occupancy capacity • Number and proportion of pre-trial detention facilities that exceed official occupancy capacity • Number and proportion of police custodial facilities and pre-trial detention facilities that meet minimum national standards for accommodation, hygiene, clothing/bedding, nutrition, access to health, communication and recreation
Community Confidence in the Effectiveness and Efficiency of the Criminal Justice System	• Reduction in the number of reported contact crimes • Proportion of the population who feel safe, as measured in official surveys • Proportion of households that are satisfied with police services in their area, and the way courts deal with the perpetrators of crime, as measured in official surveys • Number of complaints received by internal and external oversight authorities

Category	Sub-Category	
	• Number of complaints resolved by internal and external oversight authorities	