



# African Policing Civilian Oversight Forum

**Statement to the 56<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights  
Banjul, The Gambia  
April 2015**

**Response to the Report of the Special Rapporteur on Prisons and Conditions of Detention,  
Hon. Commissioner Med S.K. Kaggwa**

**Prepared by the African Policing Civilian Oversight Forum (APCOF)**

The African Policing Civilian Oversight Forum (APCOF) is active in promoting police reform through strengthening civilian oversight over the police in Africa. APCOF takes the view that strong and effective civilian oversight assists in restoring public confidence in the police; promotes a culture of human rights, integrity and transparency within the police; and strengthens working relationships between the police and the community.

APCOF congratulates the Special Rapporteur on Prisons and Conditions of Detention for his leadership in the development and adoption by the African Commission of the Guidelines on Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa. The adoption and launch of the Guidelines was an important first step in the Commission's work to promote a rights-based approach to criminal justice in Africa. The success of the Luanda Guidelines in achieving its aims will be measured by the extent to which they are known and implemented by stakeholders, including in the ordinary work of the Commission, by States, National Human Rights Institutions, and civil society.

**We therefore call on the African Commission to build on the momentum achieved by the adoption and launch to promote implementation of the Guidelines by all stakeholders.** In particular, the African Commission could consider a range of strategies, including:

- Popularisation, endorsement and use of the Guidelines by a range of continental and sub-regional African mechanisms, professional associations and civil society networks.
- Development of implementation tools for States Parties to the African Charter, to promote the operationalisation of the Guidelines in national contexts.
- Capacity and technical support by the Commission at national and sector level to support implementation of the Guidelines.

Further, encouraged by the African Commission's participation at the Panel Discussion on the Role of Police Officers in the Promotion of Human Rights Complaint Policing on the margins of the 56<sup>th</sup> Ordinary Session, and the publication and launch of the Policing & Human Rights Newsletter, **APCOF calls on the African Commission to maintain its institutional focus on policing and human rights as a key thematic and cross-cutting human rights issue.**



## African Policing Civilian Oversight Forum

Finally, APCOF draws the Commission's attention to a multi-stakeholder project to decriminalise and declassify laws that marginalise the poor. Petty and outdated offences contribute significantly to arbitrary arrest and detention, overcrowding in pre-trial facilities, and exposure by vulnerable persons to a range of human rights abuses as a result of unnecessary or arbitrary contact with the criminal justice system.

In view of the Luanda Guidelines, and the Ouagadougou Declaration and Plan of Action on Accelerating Prison and Penal Reform in Africa, APCOF and its partners **call on the African Commission to encourage States to declassify certain petty offences into administrative or non-arrestable offences or offences for which a prison sentence may not be imposed, in order to ensure more proportional responses to petty offences, and to ease the resource burden these offences create for the police and prisons.**

For further information, contact:

**Sean Tait**

Director

African Policing Civilian Oversight Forum (APCOF)

Cape Town, South Africa

E: [sean@apcof.org.za](mailto:sean@apcof.org.za)

T: +27 21 447 1818

W: [www.apcof.org.za](http://www.apcof.org.za)