



African Policing Civilian Oversight Forum

APCOF Statement in Response to the Report of the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa

59th Ordinary Session of the African Commission on Human and Peoples' Rights

24 October 2016

Madam Chairperson,

Honorable Commissioner and Special Rapporteur on Prisons, Conditions of Detention and Policing In Africa,

APCOF welcomes the report of the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa on his activities since the 58th Ordinary Session of the African Commission. The work of Honourable Commissioner Med S.K. Kaggwa in this important role has raised the profile of the critical intersection between policing, prisons and human rights in Africa, and has resulted in the development of a number of important normative standards that provide authoritative interpretation of African Charter rights in the criminal justice context. As APCOF, we have been privileged to work in support of the Special Rapporteur's mandate, and look forward to continuing to provide support as and when it is requested.

Since the 58th Ordinary Session of the African Commission, there have been a number of important developments in relation to this special mandate area. First, we commend Commissioner Kaggwa for his ongoing commitment to raising awareness and supporting implementation of the Commission's *Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines)*, which were adopted during the Commission's 56th Ordinary Session in 2014 in Luanda, Angola. Recently, APCOF has provided technical support to Commissioner Kaggwa for the development of a *Luanda Guidelines Implementation Toolkit*, which includes, amongst others:

- Training manuals for law enforcement officials on the use of arrest and police custody.
- Model checklists, including an inspections template for monitoring custody conditions.
- Model forms and registers for adaption and use at police station level.
- Legal referencing for the Luanda Guidelines to assist lawyers in applying the Luanda Guidelines to their domestic reform and litigation work.

As part of the consultation process on the Implementation Toolkit, pilot training was provided to senior police officials and trainers from Tanzania, Mali, Burkina Faso and Niger, to test and strengthen the implementation resources, and promote their use by police organisations once they are signed off by the Commission. The response to the training was very positive, and it also assisted in promoting the Luanda Guidelines as a vital tool for police organisations as they move towards a more rights-based approach to arrest and detention, in line with the African Charter and other international human rights standards.

The inspections template for monitoring conditions of custody was also presented at a seminar for police and prison officials in Abidjan, Côte d'Ivoire, where it is now in use by civil society partners in a joint project with the Ministry of Justice to improve conditions of detention for pre-trial detainees in Ivoirian correctional facilities. In South Africa, work is underway to develop a system for the regular inspection of police cells, based on the tools contained in the Implementation Toolkit. In 2017, the resources available in the Implementation Toolkit will be the subject of further APCOF technical support to partners in a number of other countries, including Malawi, Ghana, Zimbabwe and Uganda.

Another highlight APCOF seeks to raise is the development of a report on the extent to which the rights enshrined in the African Charter, and operationalised in a pre-trial detention context by the Luanda Guidelines, are respected for persons with disabilities in Kenya. The report, which will soon be released as a joint publication of Kenya's National Gender and Equality Commission, highlights the very real challenges faced by persons with disabilities in the pre-trial context. Using the Luanda Guidelines as the normative standard, the report makes targeted recommendations to police and prison authorities in Kenya to improve the protection and promotion of human rights for persons with disabilities in this specific context.

As a way of promoting the practical realisation of the Luanda Guidelines, APCOF has also been promoting the declassification and decriminalisation of petty offences in Africa. At the 58th Ordinary Session of the Commission, Commissioner Kaggwa spoke about the rights implications of the ongoing criminalisation of poverty in Africa through the existence and enforcement of petty offences laws, which unfairly and arbitrarily target the poor and other marginalised groups. Since April, APCOF and its partners have been developing draft *Principles on the Declassification and Decriminalisation of Petty Offences in Africa* for consideration by the Special Rapporteur as a means of giving normative weight to this important but overlooked area of criminal justice decolonisation and reform.

Again, APCOF commends Honorable Commissioner Kaggwa on his work as Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, and we look forward to continuing our support to him in promoting and protecting human rights in this critical thematic area.

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