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**Luanda Guidelines Training for Tanzanian Law Enforcement Officials**

**Held on 22 – 24 August 2016**

**Zanzibar Beach Hotel**

On 22 – 24 August 2016, the Commission for Human Rights and Good Governance (CHRAGG), in partnership with the African Policing Civilian Oversight Forum (APCOF) held three days of training on the African Commission on Human and Peoples’ Rights (ACHPR) Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines) for law enforcement officials from Tanzania Mainland and Zanzibar. The training was held with support from the Open Society Foundations (OSF).

**Background to the Training**

The training was based on a draft manual on a rights-based approach to arrest, police custody and pre-trial detention that APCOF has developed in consultation with the ACHPR Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa to promote national implementation of the Luanda Guidelines.

The collaboration between CHRAGG and APCOF to pilot the ACHPR Luanda Guidelines training manual was an outcome of a 2014 meeting held at CHRAGG’s offices in Dar es Salaam, and chaired by the Special Rapporteur, Hon. Commissioner Med S.K. Kaggwa. During that meeting, stakeholders from CHRAGG, APCOF, ACHPR, Tanzania’s law enforcement agencies, relevant Ministries and civil society organisations, discussed the opportunities to implement the Luanda Guidelines in Tanzania, and identified law enforcement officials training as a key priority.

The purpose of the training was to sensitise Tanzanian law enforcement officials on the African Charter on Human and Peoples’ Rights (ACHPR) and the Luanda Guidelines, and to provide detail on how these regional normative standards affect their day-to-day work at the national level in relation to arrest, police custody, pre-trial detention, and the use of force at the local level.

**Opening**

The training was officially opened by Omary O. Makungu, Chief Justice of Zanzibar. Additional welcome remarks were provided by Hon. Tom B. Nyanduga, Chairperson of CHRAGG, and Ms. Louise Edwards, Programme Manager, on behalf of APCOF.

**Facilitators**

The training was facilitated by Louise Edwards, Mr. Sean Tait, Executive Director of APCOF, and Mr. Michael Dynes, Regional Police and Gendarmerie Delegate, International Committee of the Red Cross (ICRC).

**Attendees**

The training was attended by 50 officials, including representatives of CHRAGG, the Tanzania Police Force (TPF), the Tanzania Prison Service (TPS), Correctional Facilities (CF), and the Ministry of Constitutional and Legal Affairs. Attendees were drawn from across a number of regions, including Dar es Salaam, Zanzibar, Morogoro, Pwani, Unguja and Pemba.

**Programme**

*Module 1: Introductory Session*

The training commenced with an overview of the Luanda Guidelines and the ACHPR’s focus on policing and pre-trial detention issues, facilitated by Louise Edwards (APCOF). Participants were sensitised on the structure of the Luanda Guidelines, which were made available for the training in Swahili by the ICRC. A short video on the causes and consequences of prolonged pre-trial detention, was screened, and was followed by a discussion on the extent to which the challenges identified by the ACHPR are reflected in the Tanzanian context.

*Module 2: What are human rights? How do they apply to policing?*

Louise Edwards (APCOF) led participants through a discussion on the normative framework for human rights in Africa, as developed by the ACHPR, and how it applies to law enforcement work. Participants were introduced to the Luanda Guidelines structure and content, and asked to compare the challenges identified by the African Commission on Human and Peoples’ Rights in relation to a rights-based approach to arrest and detention across Africa to the situation in Tanzania.

*Module 3: Detention*

Sean Tait (APCOF) provided participants with information on the detention continuum, which begins at stop and search, and the extent to which the framework for arrest and detention in Tanzania complies with the requirements of the Luanda Guidelines.

*Module 4.1: Rule of Law and Non-Discrimination*

Louise Edwards (APCOF) led a discussion on two key concepts in the Luanda Guidelines: the requirement that law enforcement officials act in accordance with the rule of law, and promote the right to non-discrimination. The explanation of these two concepts was followed by case studies, in which participants were asked to apply Luanda Guidelines principles on non-discrimination to scenarios involving the rights of persons with disabilities, children in conflict with the law, and women.

*Module 4.2: Proportionality & Module 4.3: Procedural Guarantees and the Rights of Detainees*

Michael Dynes (ICRC) led an interactive discussion on the issue of proportionality, and discussed, through activities and case studies, the Luanda Guidelines standards on the use of force, and a rights-based approach to the use of arrest. Participants were then introduced to the procedural guarantees that must exist at the time of arrest and police custody, and through discussion and case studies, applied these principles to common situations faced by police and prison officials.

*Module 4.4: Accountability and Transparency*

Sean Tait (APCOF) provided participants with a theoretical framework for the importance of transparency and accountability in the law enforcement environment. Participants were asked to identify their accountability stakeholders, and the session concluded with a discussion about the challenges and opportunities in Tanzania for improving the accountability through record keeping and interaction with the CHRAGG.

*Luanda Guidelines Toolkit: Checklists and Model Forms of Policing*

Louise Edwards (APCOF) introduced the draft Luanda Guidelines toolkit, which is currently in development by the ACHPR. Following an introduction of the key tools, such as the model letter of rights, model checklist for detention monitoring, and other forms and registers for use at a police station or prison, participants were asked to review the documents with a view to identifying those aspects of the documents that could be utilised in the Tanzanian context.

**The way forward**

The final session of the training tasked participants to identify practical ways in which the Luanda Guidelines can be taken forward in Tanzania. Following group discussions, a number of ways to promote practical implementation of the Luanda Guidelines were identified by participants:

Awareness Raising

* Individual responsibility to sensitise our subordinate officers about the rights of suspects and interview procedure according to the Criminal Procedure Act and the Luanda Guidelines, and in relation to vulnerable groups.
	+ Potential modality: in-house training at each institution to raise awareness of Luanda Guidelines
* Sensitisation of senior management on the Luanda Guidelines is required, in relation to the following:
	+ The need for on-job training for law enforcement agencies. This mechanism is there within existing structures (e.g. police and prisons have weekly lectures – a forum that can be used to disseminate the Luanda Guidelines).
* Community Policing Programme and Strategies– when meeting with the community, we can use the opportunity to sensitise the community about their rights and how they can exercise those rights.
	+ Potential modality: Community Policing Forums can be used as the way in which to promote community awareness.
	+ Translate and summarise for community sensitisation.
* Using the media to raise awareness and promote sensitisation on the Luanda Guidelines.
* ‘Pocket book’ for law enforcement agencies which summarises a translated version of the Luanda Guidelines.
* Summarise the rights in a simple way through posters (including similar to the pictorial example provided by ICRC) which will be displayed at police stations.
* Training infrastucture is there, and look to include the Luanda Guidelines into the current training materials, from recruitment through to promotional courses.

Behavioural change

* Using the Luanda Guidelines to inform individual behavioural change, which will promote improved relationship between police and the community

Record keeping

* Check forms currently in use in police and prison, and at CHRAGG, for compliance with the Luanda Guidelines

Bail and Bond

* Commitment to providing bail to persons charged with petty offences or other offences that attract short sentences.
	+ NB: Challenge of file flow, particularly for serious offences

Oversight and Accountability

* It is upon us to be transparent first – behavioural change at station level. Can affix notices at the stations to explain the complaints procedure at the station.
* ‘Suggestion boxes’ at police stations which will be read and reviewed by station managers.
* CHRAGG to take the role of overseeing these initiatives, and to provide further guidance to police and prison services on the Luanda Guidelines.

Working Conditions

* It is within our capacity to ensure that cells (and station, in general) are clean, and to oversee provision of clean water and food.

Institutional coordination

* Institutions with similar functions should proactively seek cooperation. For example, DPP, police and prisons should establish a communication or cooperation mechanism to discuss key and common challenges. CHRAGG could establish a forum for the key criminal justice sector institutions from state and non-state to discuss and problem solve on the various challenges in relation to arrest, police custody and pre-trial detention

**Closing**

The training was officially closed by Hon. Hamdani Makame, Commissioner of Police, Zanzibar, following remarks from representatives of the training participants and Mr. Sean Tait, on behalf of APCOF.