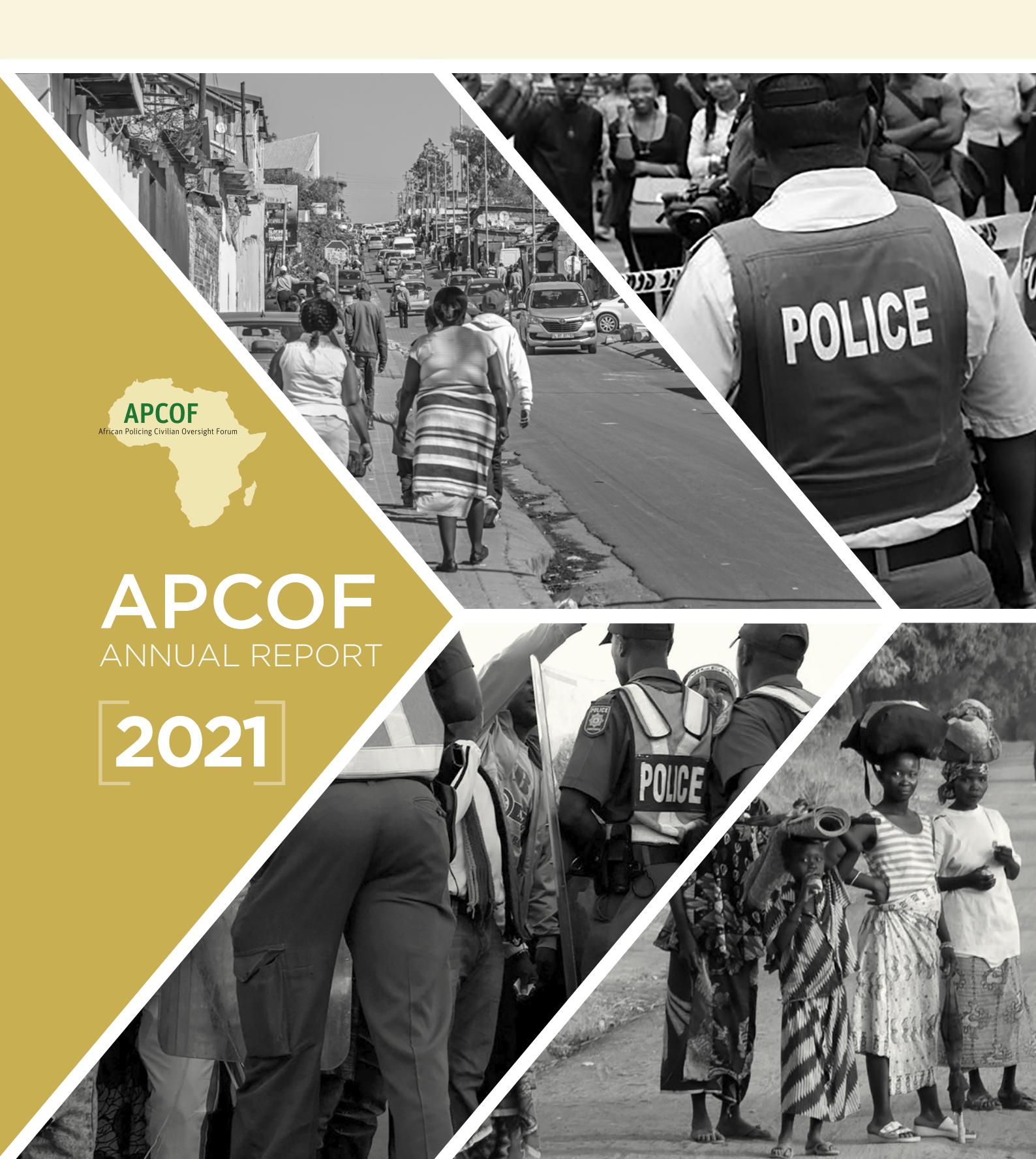




APCOF

ANNUAL REPORT

2021



AFRICAN POLICING CIVILIAN OVERSIGHT FORUM

ANNUAL REPORT

[March 2020–February 2021]



Published by African Policing Civilian Oversight Forum (APCOF)

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Produced by COMPRESS.dsl | 800478 | www.compressdsl.com

Cover photo credit: Alamy and iStock

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Abbreviations and acronyms

ACHPR	African Commission on Human and Peoples' Rights
AMSHeR	African Men's Sexual Health and Research
APCOF	African Policing Civilian Oversight Forum
AU	African Union
CERD	Committee on the Elimination of Racial Discrimination
CHRiPS	Centre for Human Rights Implementation and Policy Support
CSPS	Civilian Secretariat for Police Service
DIHR	Danish Institute for Human Rights
EAC	East African Community
EAPCCO	East African Police Chiefs Cooperation Organisation
IEC	Independent Electoral Commission
IPID	Independent Police Investigative Directorate
IPOA	Independent Police Oversight Authority
ISS	Institute for Security Studies
NANHRI	Network of African National Human Rights Institutions
NPM	National Preventive Mechanism
OPCAT	Optional Protocol to the Convention Against Torture
PAP	Pan-African Parliament
SADC	Southern African Development Community
SAHRC	South African Human Rights Commission
SAPS	South African Police Service
SARPCCO	Southern African Regional Police Commissioners Cooperation Organisation
SERI	Socio-Economic Rights Institute
SOP	Standard Operating Procedure
SSR	Security Sector Reform
UCT	University of Cape Town
UN	United Nations
UNCAT	United Nations Convention against Torture
UNPOL	United Nations Police

About APCOF

Vision and mission

The African Policing Civilian Oversight Forum (APCOF) is a not-for-profit trust working on issues of police accountability and governance in Africa. APCOF promotes the values which the establishment of civilian oversight seeks to achieve, namely: assisting to restore public confidence; developing a culture of human rights, and promoting integrity and transparency within the police; and maintaining good working relationships between the police and communities.

While APCOF is active in the field of policing, its work is located in the broader paradigm of promoting democratic governance and the rule of law. APCOF emerged from the recognition of the need to promote police accountability in Africa. The establishment of APCOF was driven by the view that African knowledge, expertise and networks were essential drivers for achieving greater accountability. APCOF was established in 2004 as a coalition of police oversight bodies and practitioners and was registered in 2006 as a not-for-profit company under South African company law. In 2012, APCOF was reregistered as a trust in a move that shifted the role of APCOF's continental network from a fiduciary role to a strategic one. This allowed flexibility for new members to join while maintaining a cost-effective system of administrative governance, which is now invested in the APCOF Trust.

Objectives

- ▶ Promote police accountability;
- ▶ Advocate for, and support the development of, institutions and mechanisms for oversight of the police;
- ▶ Create and sustain public confidence in the police;
- ▶ Develop a culture of good governance, human rights, integrity, transparency and accountability within the police; and
- ▶ Promote good working relationships between the police, civil society and community.

APCOF works at the continental, regional and national levels, offering a methodology that seeks to embed intervention strategies that are mutually reinforcing at different levels. For example, domestic efforts can benefit from support at the regional and continental level, while the comparative experiences from other jurisdictions can further provide useful insight and support to local and other regional efforts.

In order to meet its strategic goals, APCOF adopts a mix of the following methods:

- ▶ **Research:** Setting baselines and measuring individual countries' progress in terms of police oversight mechanisms and general police accountability, while also providing technical support and conducting original research into pressing policing concerns.
- ▶ **Networking and partnership-building:** This involves building and servicing regional networks, sharing information and learning, and encouraging debate across countries and regions.
- ▶ **Advocacy:** APCOF works directly with politicians and government functionaries, including the police, to strengthen interest in and support for police oversight and broader police accountability.
- ▶ **Technical support:** APCOF works directly with institutions responsible for police oversight with a view to assisting them with appropriate policies, practices and skills to carry out their functions effectively.
- ▶ **Training and capacity-building:** APCOF supports the development of capacity among state and non-state actors to undertake police oversight activities.

In Memoriam

APCOF trustees, staff and associates were deeply saddened in 2021 with the tragic passing of our colleagues and friends, trustee **Christof Heyns**, and founding patron and advisory board member **Innocent Chukwuma**.

Christof Heyns was the Director of the Institute for International and Comparative Law in Africa at the University of Pretoria, a member of the United Nations Human Rights Committee. He had also served as the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions from 2010 to 2016.

Innocent Chukwuma was the founder of and Executive Director of CLEEN Foundation, and later held the position of West African Head of the Ford Foundation.

He was a key figure in the founding of APCOF and remained involved through APCOF's now 25 years.

May their spirits and work in building human rights and accountable policing live on.

Chairperson's report



It is my pleasure to present the APCOF annual report for 2021.

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It is, however, with great sadness at the untimely passing of two stalwarts of APCOF governance over the past year, **Prof. Christof Heyns** and **Mr Innocent Chukwuma**.

Prof. Christof Heyns served as trustee of APCOF and was a colleague and collaborator in the field of human rights and police accountability. He was Director of the Institute for International and Comparative Law in Africa and Professor of Human Rights Law at the University of Pretoria. He served as United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions and was a serving member of the UN Human Rights Committee. He passed away on 23 March 2021.

Innocent Chukwuma passed away on 3 April 2021. Born in 1966, Innocent was one of the pioneers and leaders of democratic police reform and police accountability in Africa. In 1998, Innocent founded the CLEEN Foundation, Nigeria's first civil society organisation promoting police accountability. Innocent participated in the founding conference at which APCOF was established in 2004, and was one of APCOF's Advisory Board members at his death. He was the director of the Ford Foundation's West Africa office.

2020–2021 was also a period dominated by the global COVID-19 pandemic. While maintaining relevant health protocols and striving to meet the concerns of staff, APCOF has managed to migrate most of its work affected by movement and travel restrictions online. As trustees, we commend the APCOF staff for their diligence and focus during this difficult time.

It is also within the context of the pandemic that APCOF took up the challenges of the time and worked with its partners to: identify and expose the expansion of law enforcement powers; identify the challenges of police use of violence and unlawful use of force in the exercise of new powers; address the impact of the exercise of emergency powers on vulnerable and marginalised groups; amplify the voices, and reinforce the concerns, of people impacted; and convene wider national networks around shared domestic reform goals to build public support to challenge the normalisation of emergency law enforcement powers.

This work has seen the development of independent web-based platforms for effective and sustained reporting of incidents and the impact of the use of increased law enforcement powers, and the deployment of civil society monitors to observe and report abuse of law enforcement powers, as well as the development of legal literacy materials for increased knowledge and awareness. It also resulted in the expansion of advocacy efforts through public awareness seminars and the publishing of opinion pieces in leading local newspapers,

and the presentation of targeted, policy-relevant submissions to government and continental human rights mechanisms to influence outcomes. These initiatives have supported and developed the capacity of civil society to ensure that the full impact of the exercise of expanded law enforcement powers on human rights protections and safeguards is identified, documented and recognised as a serious concern. In addition, through advocacy interventions, civil society organisations can effectively seek legal redress for victims, and reverse the deployment of expanded law enforcement powers and functions.

Among the many other highlights, the year saw the successful hosting of the 2020 Regional Conference on the Decriminalisation of Petty Offences in Africa, held from 14 – 16 September 2020 in partnership with the African Commission on Human and Peoples' Rights (ACHPR) under the theme 'Policing Pandemics: Balancing Rights'. Comprehensive reviews of Kenyan and Sudanese progress towards meeting the Common Standards for Policing in East Africa were undertaken. Together with partners from the University of Pretoria's Centre for Human Rights and Institute for Comparative Law in Africa, and African Men for Sexual Health and Rights (AMSHeR), APCOF presented an advanced human rights course in Police Oversight and Vulnerable Groups. The course was held over Zoom from 7–11 September 2020, and attended by over 40 students from across Africa.

My thanks go to my fellow trustees, the director of APCOF, staff, our development partners and stakeholders for making 2020–2021 a success.

***Ms Tapiwa Gandidze* (Chair)**

Governance

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APCOF is governed by a Board of Trustees comprising:

- ▶ **Ms Tapiwa Gandidze (Chairperson)**
Director of the Cape Town office of labour firm Cheadle Thompson & Haysom, and a lecturer at the University of the Western Cape.
- ▶ **Mr Greg Cronje (Treasurer)**
Chartered Accountant and Registered Auditor. Former finance director at the Open Society Foundation for South Africa, and senior manager at Ernest & Young and Ngubane & Co. He is currently a financial consultant.
- ▶ **Adv. Pansy Tlakula**
Immediate past Chairperson of the African Commission on Human and Peoples' Rights (ACHPR), the South African Independent Electoral Commission (IEC), and Commissioner on the South African Human Rights Commission (SAHRC). She is currently the South African Information Regulator and Commissioner and a member of the United Nations Committee on the Elimination of Racial Discrimination (UNCERD).
- ▶ **Ms Annelizé Van Wyk**
Former member of the South African National Assembly and past chairperson of the National Assembly Portfolio Committee on Police. She is currently a security sector reform consultant focussing on parliamentary oversight.
- ▶ **Prof. Elrena van der Spuy**
Deputy Dean of the Department of Public Law at the University of Cape Town (UCT), and former Director of the Centre for Criminology at UCT.
- ▶ **Prof. Christof Heyns (deceased)**
Director of the Centre for Comparative Law in Africa at the University of Pretoria and a member of the United Nations Human Rights Committee (UNHRC). He was the past United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions.

The Trustees are responsible for the administrative, financial and content integrity of the organisation and are supported by an Advisory Board responsible for strategic direction.

Advisory Board

- ▶ **Ababacar Ndiaye**
Independent Human Rights Consultant, Senegal.
- ▶ **Adv. Rommy Mom**
Nigerian Police Service Commission, Nigeria.
- ▶ **Amina Bouayache**
Chair, National Human Rights Council, Morocco.
- ▶ **Amir Suleiman**
African Centre for Justice and Peace Studies, Uganda.
- ▶ **Dr Benson Olugbuo**
Country Director, Center for Civilians in Conflict, Nigeria.
- ▶ **Edith Kibalamu**
Director, Kituo Cha Kitaba, Uganda.
- ▶ **Prof. Etannibi Alemika**
Dept of Sociology University of Jos, Nigeria.
- ▶ **Florence Simbiri-Jaoko**
School of Law, University of Nairobi, Kenya.
- ▶ **George Monyoncho Morara**
Past Vice-Chairperson, Kenyan National Human Rights Commission, and member of Board of Trustees, National Coalition of Human Rights Defenders , Kenya.
- ▶ **Valentine Collier**
Independent Consultant and past Chairperson, Independent Police Complaints Board, Sierra Leone.
- ▶ **Ann Makori**
Chairperson, Independent Policing Oversight Authority, Kenya.
- ▶ **Kemi Oknyodo**
Director, Rule of Law and Empowerment Initiative, Nigeria.

Staff

► **Sean Tait – Director**

Sean is the founder and Director of APCOF. He holds an Honours degree in Criminology from the University of Cape Town. He is the former Director of the Criminal Justice Initiative at the Open Society Foundation for South Africa, and the former Executive Director of the non-governmental organisation UMAC. His areas of expertise include policing, police accountability, crime prevention, and peace building.

► **Louise Edwards – Programmes and Research Director** Louise (B.A. (Arabic), L.L.B, L.L.M (International Law)) has spent the past 10 years working on police accountability across Africa. Her focus has included the provision of technical legal assistance to organs of the African Union, Regional Economic Communities and national stakeholders in the drafting and implementation of regional legal standards for rights-based policing.

► **Themba Masuku – Programme Manager**

Themba was previously a consultant at the Institute for Security Studies (ISS) and a Programme Manager at the Centre for the Study of Violence and Reconciliation (CSVN), where he spent 10 years working mainly on police reform and collective violence projects. In 2016, he served in the Panel of Experts on Policing following the Marikana Commission of Enquiry recommendation. Academically, he holds a Master's degree in Social Sciences (MSocSci) from the University of KwaZulu-Natal and a Bachelor of Laws degree from the University of South Africa (UNISA).

► **Helene van der Watt – Office Manager**

Helene holds a project management certificate from the University of Cape Town and has more than 20 years' experience in the field of administration, grants and programme management. Prior to joining APCOF she worked as a Programme and Grants Administrator for the Open Society Foundation of South Africa.

► **Abdirahman Maalim Gossar – Project and Research Officer**

Abdirahman holds a Master of Laws degree from Stellenbosch University. His focus is largely International Criminal Law and International Human Rights Law and his thesis addressed the question of terrorism and counter terrorism in Africa.

► **Melissa Cawthra – Project and Research Officer**

Melissa is a Project and Research Officer at APCOF. She holds a Master of International Affairs, specialising in International Security, from the Paris School of International Affairs (Sciences Po).

► **Chumile Sali – Project and Research Officer (resigned October 2020)**

Chumile is a human rights activist based in Cape Town, South Africa. Chumile is currently working as a Project Officer for African Policing Civilian Oversight Forum (APCOF). Chumile previously worked with the Social Justice Coalition (SJC) serving as the Head of Safety and Justice Programme and a Campaigns Manager. Chumile holds a Bachelor of Laws (LL.B) degree from the University of the Western Cape.

Achievements

2020	Publication of Simplified Principles for the Decriminalisation of Petty Offences in Africa.
2019	Technical support to the Pan-African Parliament (PAP) on the development and adoption of the Model Police Law for Africa in October 2019.
	Technical support to the East African Police Chiefs Cooperation Organisation (EAPCCO) on the development and adoption of monitoring indicators and measures for the Common Standards of Policing in the East African Community (EAC).
	Technical support to EAPCCO on the development and adoption of a Model Operating Procedure for Interviews of Suspects and Persons of Interest.
	Technical support to the Malawi Police Services in the review and adoption of the Standing Orders on Policing Assemblies and Use of Force.
2018	Technical support to the Southern African Development Community (SADC) in the approval of the Guideline on Crime and Violence Prevention.
2017	Technical support to ACHPR in the adoption of the Principles for the Decriminalisation of Petty Offences in Africa.
	Development and production of a toolkit on the implementation of Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa for the ACHPR.
2016	Technical support to ACHPR in the adoption of the Guidelines for the Policing of Assemblies by Law Enforcement Official in Africa.
	Technical support to EAPCCO in the adoption of a regional standard operating procedure (SOP) on Public Order Policing.
	Production of a toolkit on the implementation of Guidelines on Arrest, Conditions of Police Custody and Pre-trial Detention (the Luanda Guidelines) for the ACHPR.

2015	Successful advocacy to expand the mandate of the ACHPR's Special Rapporteur on Prisons and Conditions of Detention to include policing.
	Co-publication of a biannual newsletter on policing and human rights in Africa.
	Provision of technical support to the operationalisation of the Sierra Leone Independent Police Complaints Board.
	Publication and launch of the Police and Human Rights Training Manual for the East Africa Community and EAPCCO.
2014	Adoption of Guidelines on Arrest, Conditions of Police Custody and Pre-trial Detention (the Luanda Guidelines) by the ACHPR.
2013	Establishing a police and human rights focal point at the ACHPR.
	Development and presentation of an annual advanced human rights course for the Centre of Human Rights at the University of Pretoria.
	Development seminar for the SADC Parliamentary Forum on police oversight and the role of parliamentarians.
2012	Acceptance by the EAC of police SOPs on: Arrest and Detention, Stop and Search, Use of Force, and Public Order Management.
2011	Development of training material on investigator skills for independent police oversight mechanisms and provision of training support to various entities including the Kenyan Independent Police Oversight Authority (IPOA) and South African Independent Police Investigative Directorate (IPID).
2010	Development of monitoring indicators for the Southern African Police Chiefs Cooperation Organisation's Code of Conduct for Police Officials and an assessment of the application of the Code of Conduct in the SADC region.
2009	Approval by EAC Ministers of Security, and EAPCCO of Common Standards for Policing in the EAC.
2008	A continental audit of police oversight in Africa.
2006	Adoption of a resolution at the ACHPR on the importance of external police oversight in the promotion and protection of human rights.

Projects

COVID-19 policing and rights

Since March 2020, when governments across the world introduced states of emergency and disaster as part of efforts aimed at preventing the spread of COVID-19, there has been a clear trend towards the introduction of extraordinary law enforcement powers. This has manifested in, *inter alia*: the use of digital surveillance systems to enforce quarantines and other COVID-19 related measures; extended policing powers to enforce preventive measures, impose fines, restrict freedom of speech, and the right to protest and assemble with others; increased detention powers; and the removal of judicial oversight over the exercise of law enforcement powers. APCOF has been active in exposing, resisting and calling for the roll-back on the ‘mission-creep’, being the normalisation and legitimisation of extraordinary law enforcement powers introduced under the guise of implementing public health measures and preventing the spread of COVID-19.

In South Africa, APCOF works with, amongst others, the C19 People’s Coalition (the Coalition), an emerging civil society initiative, collectively seeking to ensure that South Africa’s response to the COVID-19 crisis is one that is rooted in social justice, respect for human rights and democratic principles. A key activity in support of the work of the Coalition over the period was to build on, maximise and consolidate the gains made by the Coalition to promote continued monitoring and protection of human rights in the implementation of the current South African state of disaster regulations, and also ensure sustained respect for human rights principles once the state of disaster is lifted. This was done through supporting the development of a website, report.org.za, an independent platform run by the Coalition and aimed at serving as a reporting mechanism for violations of laws by law enforcement officials. The platform has been further developed, expanded and redesigned, to include a range of rights literacy materials and key service providers’ helplines.

APCOF made a submission to the National Assembly’s Portfolio Committee on Police regarding the policing of COVID-19 lockdown restrictions in South Africa. Specifically, APCOF argued for strengthening oversight over the South African Police Service (SAPS); ensuring that provisions such as alternatives to arrest for violations of COVID-19 regulations are complied with, policing responses to xenophobia are appropriate, that guidelines on the use of force are clear and strictly enforced; for the continued access and operationality of police stations, and that accountability for private security is strengthened.

In Nigeria, APCOF works on this project with the CLEEN Foundation. A key event in Nigeria at the outset of the COVID-19 pandemic and which formed the focus of the country strategy, was the establishment of an independent investigative panel of inquiry, established by the National Human Rights Commission, to investigate complaints of police brutality and other extrajudicial killings perpetrated by the dissolved Special Anti-Robbery Squads (SARS) and other police units. A total of 30 state governments subsequently constituted judicial panels of inquiry to receive and investigate complaints of police brutality or related

extrajudicial killings, to evaluate the evidence presented and other surrounding circumstances, draw conclusions as to the validity of the complaints, and recommend compensation and other remedial measures, where appropriate. During the reporting period, the CLEEN Foundation, in collaboration with the Network on Police Reform in Nigeria (NOPRIN), established the nationwide Civil Society Observatory on Police Reform, which functioned as state coordinators and legal practitioners across the 30 states panels, to observe, document and report outcomes of the proceedings of the judicial panels of inquiry.

Together with the Afro Asian Association on Justice Development (AAAJD), a partnership between the CLEEN Foundation, the International Commission of Jurists (ICJ) Kenya, and the Tata Institute for Social Studies in India, APCOF led the development of a webinar series to build literacy and advocacy on rights and COVID-19. The series included discussions related to the protection of rights under COVID-19 restrictions, with themes including detention, policing, assembly and public participation, governance for access to justice, surveillance and the protection of privacy.

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APCOF also partnered with the Vienna-based Alliance for Justice and Crime Prevention, and Fixed, to host a series of five webinars to respond to the crisis in urban safety accelerated by COVID-19 through collective learning, reflection and problem solving. The webinars were developed as part of the preparation for the United Nations (UN) Congress on Crime Prevention and Criminal Justice in March 2021 as a platform for civil society to participate productively in setting the urban safety agenda for the future, and to offer tools and practices for the implementation of integrated urban safety in local environments.

APCOF also provided support to the ACHPR to implement resolution 447 on upholding human rights during situations of emergency and in other exceptional circumstances. The resolution tasks the Focal Point on Human Rights in Conflict Situation in Africa to: (1) monitor and report on the adoption and enforcement of states of emergency laws and practices in Africa to ensure that they comply with human rights norms and principles; and (2) develop a set of guidelines on adhering to fundamental human rights when declaring states of emergency or disaster on the continent. APCOF's support to the ACHPR extended to compiling information relevant to the monitoring and reporting of state responses to COVID-19, and also to providing technical support for the development of the guidelines. This initiative seeks to not only support the shift in focus of regional human rights bodies towards strengthening their ability to monitor the use and abuse of security powers and extraordinary legislations, but also to support their recommendations for rights-based responses to future emergencies, which emphasise public health approach to the challenge, over the use of securitised, law enforcement approach.

Decriminalisation of petty offences in Africa

As part of its ongoing effort to promote rights-based approaches to arrest and detention, APCOF supports continental efforts towards the decriminalisation of petty offences in Africa.

APCOF led the organisation of the 2020 Regional Conference on the Decriminalisation of Petty Offences in Africa, held from 14–16 September 2020, in partnership with the ACHPR, under the theme ‘Policing pandemics: Balancing rights’. The conference served as the soft launch of the Simplified Versions of the Principles on the Decriminalisation of Petty Offences in Africa (the Principles), which were developed to support greater public awareness of the Principles at local levels. In May 2020, APCOF also led a webinar on mobilising affected communities to use the Principles.

WEBINAR

**DECRIMINALISATION OF PETTY OFFENCES IN AFRICA:
ADVOCACY AND MOBILISING DIRECTLY
AFFECTED COMMUNITIES**

The African Policing Celibate Oversight Forum (APCOF) will host a webinar to discuss advocacy and mobilisation of directly affected communities in the context of the Regional Campaign to Promote the Decriminalisation of Petty Offences in Africa.

TUESDAY
19 MAY 2020
(16:00 GMT)

To promote the engagement of directly affected communities in the work of the Campaign, APCOF is bringing together experts in the issues of advocacy and community mobilisation to share their experiences:

- Temara Ledger, Amnesty International's Madagascar Programme Advisor, will discuss advocacy that targets government, and how to engage partners.
- Cyrus Gobbi from Souqatreza, a Cape Town-based community organisation, will share his experiences of working with directly affected communities.
- Maria-Giovanni Logu, an African consultant working for the International Drug Policy Consortium, will provide information about the Consortium's advocacy work and the involvement of sex workers and other marginalised groups in their project.

The session will be moderated by APCOF Project and Research Officer, Chamele Sali.

To join the webinar, please contact APR to receive an invite. If you are a member of an affected community organisation, who may provide you with the link to join using the WebEx platform.

For more information on the Regional Campaign to promote the Decriminalisation of Petty Offences in Africa, please visit www.pettoffences.org

Building democratic and rights-responsive policing

Promoting the Common Standards for Policing in the East African Community

APCOF and the East African Police Commissioners Cooperation Organisation (EAPCCO) are collaborating to promote the implementation of the Common Standards for Policing in Eastern Africa adopted by the East African Community (EAC) and EAPCCO in 2010. During the period under review, APCOF finalised two studies related to the project:

- ▶ an analysis of the Common Standards for Policing against regional and international standards on gender and policing, with recommendations to strengthen the gender component of the Common Standards and their implementation; and
- ▶ a study on the barriers to women's participation in the Uganda Police Force, with recommendations to address the challenges and to ensure the inclusion of more women in operational policing across Uganda.

APCOF also undertook a review of the progress made towards meeting the Common Standards in Sudan and Kenya.

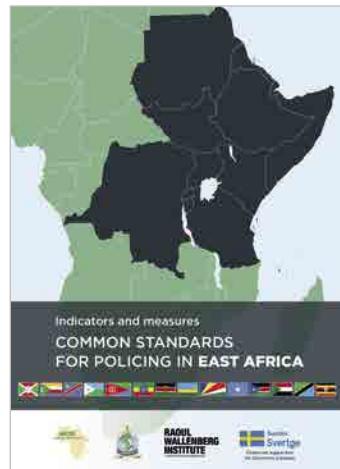
Promoting democratic policing at the local level

APCOF is working with the Afro-Asia Association for Justice Development (AAAJD) to develop a framework of indicators and measures for democratic policing as a means to understand the extent to which international and domestically agreed human-rights obligations are prioritised and implemented at local level.

This initiative seeks to develop and make available a transferable methodology and set of tools to assess progress towards democratic policing at local level, against an agreed set of principles for policing behaviour. These principles are developed on the basis of international human rights law and the philosophy of democratic policing. The indicators are designed in a manner that will allow them to be adapted at local and station level to guide and affirm the positive relationships sought between communities and the police. A pilot testing of the approach will be undertaken next year. The initiative aims to promote accountability at the local point of service delivery, and to serve as a catalyst for building better relations between local police and the communities they serve.

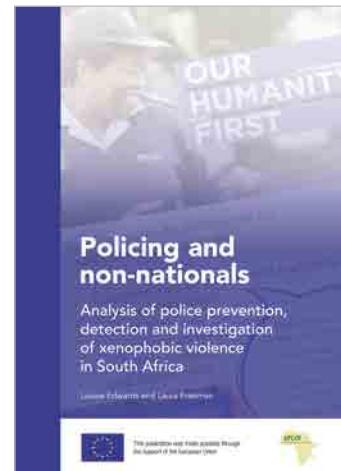
Supporting the development of the capacity of police to prevent and respond to xenophobic violence and related hate crimes

APCOF, with support from the European Union, is undertaking a programme to improve the capacity of the South African Police Service (SAPS) to prevent, detect and respond to xenophobic violence and related hate crimes. Despite significant progress having been made towards the promotion of the principle of non-discrimination, equality and dignity for all persons, the country has been experiencing recurring xenophobic violence and anti-immigrant sentiment against non-nationals and others on the basis of their national origin. These occurrences have a serious impact on the lives and livelihoods of groups that are especially vulnerable to human rights violations. The project seeks to support capacity needs in South African policing to prevent



xenophobic attacks and related intolerance. Central to this effort is an aim to promote equitable and non-discriminatory services by the SAPS.

The project includes four distinct and interdependent processes to allow for an effective data-led and evidence-based programme. It is designed to address the identified needs and constraints of the SAPS by providing the necessary technical support to improve service delivery. The research undertaken during the year under review was located within an analysis of the existing legal, policy and operational framework for policing xenophobic violence in South Africa, and the expectations of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP). It took the form of a deficit analysis of the SAPS and of the policing environment more generally, of the oversight and accountability environment (the South African Human Rights Commission, the Civilian Secretariat for Police Service, and the Independent Police Investigative Directorate), and the role of community policing forums as an early warning mechanism.



The research analyses deficits in the legal framework for the policing of non-nationals, as well as gaps in the implementation of the framework from an operational perspective. The findings argue that implementation is problematic from a human rights perspective, and that there is 'over-policing' (profiling/targeting of non-nationals) as well as 'under-policing' (poor SAPS service delivery to non-nationals). The project investigates the causes of over- and under-policing, the role of SAPS recruitment and training to manage these phenomena, and it compares international and local processes to address xenophobic violence and related hate crimes.

Dignity and diversity training for the South African Police Service

APCOF continues to provide capacity to COC Netherlands and the South African Police Service's (SAPS) Employee Health and Wellness Unit to deliver a 'Dignity and Diversity Training Programme' to SAPS members. The programme aims to reduce violence and human rights violations, and to develop harm-reduction strategies, with regard to the policing by the SAPS of sex workers, people who use drugs, and lesbian, gay, bisexual, transgender and intersex people.

Advanced human rights course on police oversight and accountability in Africa

From 7–11 September 2020, APCOF, together with partners from the University of Pretoria's Centre for Human Rights and Institute for Comparative Law in Africa, and African Men for Sexual Health and Rights (AMSHeR), presented an advanced human rights course, 'Police Oversight and Vulnerable Groups'. The course was held over Zoom and attended by over 40 students from across Africa. Topics presented included global and regional standards in human rights and policing (presented by APCOF); human rights and public health; human rights-based approaches to vulnerability; dignity and diversity of key populations; policing and discrimination; policing key populations; effective and sensitive approaches to domestic and gender-based violence; policing people who use drugs; policing and persons with disabilities; the role of internal and external oversight mechanisms; use of force against vulnerable communities during COVID-19; facilitating the participation of key populations in assemblies; the role of the judiciary and strategic litigation; and designing, policing and living in safer communities.

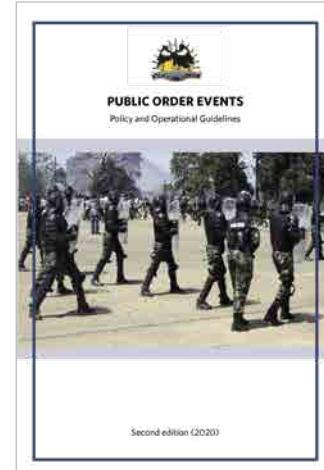
Policing assemblies

APCOF provided technical support to the Malawi Police Service to revise their Policy and Guidelines on the Use of Force and Public Order Management. Following extensive in-country consultations during 2019, and internal police consultations in the interim, the Policy and Guidelines were signed off by the Inspector General for Police and were published for distribution to stations in October 2020.

Promoting safety in urban precinct management

A consortium comprised of APCOF and Fixed was contracted by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH to provide technical support to a project to undertake a scoping study on safety aspects in precinct management, provide capacity support and give practical inputs on existing precinct management plans in two selected municipalities.

The project included the research and drafting of a report that explores the relevance of different safety considerations in the context of precinct management, including unpacking safety in precincts and setting safety as a core consideration in precinct management that outlines the roles and responsibilities of different stakeholders. It also involved the development of a user-friendly guide booklet aimed at creating awareness of the importance of safety, and a step-by-step-guide on how to integrate safety promotion in precinct management and provide direct support to two selected municipalities, uMsunduzi and Steve Tshwete local municipalities, as well as support to the integration of safety into precinct management plans for Edendale and Mhluzi. This support included capacity building and support for the development of a precinct safety plan.



Strengthening police oversight

Independent custody monitoring

APCOF supports the establishment of a system of independent custody monitoring of SAPS detention facilities. APCOF published *Promoting the effectiveness of South Africa's National Prevention Mechanism: A case for civil society collaboration*, which proposed a framework for ensuring engagement between civil society and South Africa's new National Preventive Mechanism (NPM). This publication is key to APCOF's advocacy efforts, and technical support, to the NPM as it establishes its scope and working methods.

PROMOTING THE EFFECTIVENESS OF SOUTH AFRICA'S NATIONAL PREVENTIVE MECHANISM: THE CASE FOR CIVIL SOCIETY COLLABORATION

The establishment of South Africa's National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is a significant development in the field of human rights. It is a mechanism for the UN Human Rights Committee to prevent and combat the violation of human rights in the country. While the NPM is unique in its nature and function, it is also a tool for the government to independently monitor all powers of discretion of liberty. It considers feasibility in terms of developing institutional institutions, including how to incorporate the work of civil society organisations (CSOs) in its existing mechanisms. To leverage this positive approach, it is important that the effectiveness and transparency of the NPM is maintained and strengthened. As part of this approach, APCOF has developed a study that highlights the strategic benefits of integrating CSOs into the workings of the NPM, by drawing on the legal and practical rationale for their establishment and reflecting on the functioning of NPMs in other jurisdictions.

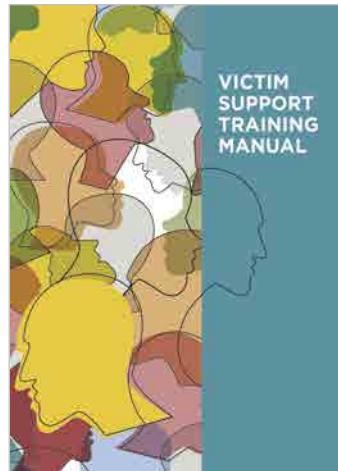
To launch the study and promote dialogue between the NPM and its CSO stakeholders on this critical issue, APCOF is having an interactive webinar on 1 November and 21 October 2020:

- Abdullah Chetty – White Star Subcommittee on Prevention of Torture Vice-Chair
Country Representative for South Africa
- Alison Lomax – Executive Director of Health Africa
- Levy Dube – Head of Democracy & Human Rights
- Iain Bullock – Senior Advisor, Associate for the Prevention of Torture
- Madeleine Meier (Moderator) – Policy and Research Officer, APCOF

Please RSVP to info@apcof.org.za by 20 October 2020, who will process your booking to join the interactive via Zoom.

Building the capacity of the Kenyan Independent Policing Oversight Authority (IPOA)

APCOF partnered with the Danish Institute for Human Rights (DIHR), the University of Pretoria, the Centre for Human Rights Implementation and Policy Support (CHRIIPS) and the Independent Policing Oversight Authority of Kenya (IPOA) on a project to improve investigative capacity of IPOA personnel. As part of the programme, APCOF has completed a manual for IPOA on victim support, in support of the operationalisation of the Kenyan Victim Protection Act. As part of the programme, APCOF contracted trainers and managed the logistics to successfully complete the training of 75 IPOA investigators in victim support during January 2021.



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Assessing the impact of civilian police oversight

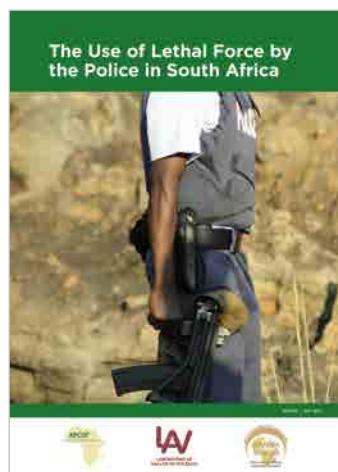
APCOF has entered into an agreement with the Independent Police Investigative Directorate (IPID) to collaborate on the development of a system to measure IPID impact and to assist in developing a system of case prioritisation.

Principles for effective investigative interviewing

APCOF participated in the steering committee and legal drafting committee for the development of international Principles on Effective Interviewing for Investigations and Information Gathering. The Principles were developed under the auspices of the work of former UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Mendez, and aim to change how state authorities question individuals. The Principles are grounded in science, law and ethics, and provide guidance on how rapport-based interviewing is more effective in obtaining accurate information while also being respectful of the human rights of persons questioned.

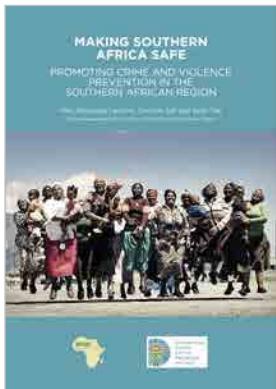
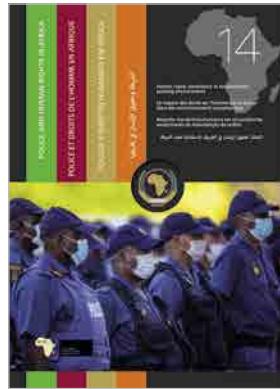
Use of lethal force

APCOF entered an agreement with the Network of African National Human Rights Institutions (NANHRI) to undertake research into the use of force in several countries in a collaboration with Prof. Ignacio Cano and the Centre for the Study of Violence at the University of Rio de Janeiro. A study on the use of lethal force in South Africa, based on IPID data has just been completed.

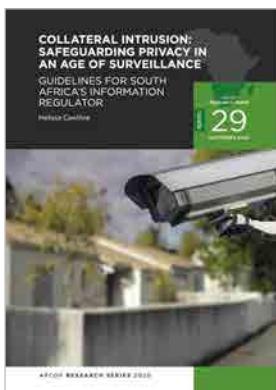


APCOF in print

APCOF and its partners at the Danish Institute for Human Rights (DIHR), supported the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, Commissioner Manuela, to publish the 14th edition of the Commission's Police and Human Rights Newsletter on the theme of human rights compliance in extraordinary policing environments. APCOF contributed an article on the role of law enforcement in implementing the African Union's efforts to 'silence the guns' in 2020.



APCOF published a research paper, *Making Southern Africa Safer, Promoting Crime and Violence Prevention Guidelines in the Southern African Region*, in collaboration with the International Centre for the Prevention of Crime.



APCOF's research briefs included *Promoting the Effectiveness of South Africa's National Prevention Mechanism, A Case for Civil Society Collaboration* by Abdirahman Maalim Gossar and *Collateral Intrusion: Safeguarding Privacy in the Age of Surveillance* by Melisa Cawthra.



Financial statements

for the year ending 28 February 2021

THE AFRICAN POLICING CIVILIAN OVERSIGHT FORUM TRUST (NO: IT 1900/2012)

STATEMENT OF FINANCIAL POSITION AT 28 FEBRUARY 2021

	2021 R	2020 R
ASSETS		
Non-current assets		
Equipment	84 529	139 849
Current assets		
Accounts receivable	84 529	139 849
Accrued income	12 926 796	13 041 863
Cash and cash equivalents	64 600	238 600
Investments	94 079	–
Loan receivable	8 329 310	8 575 458
	4 438 808	4 227 805
	–	–
Total assets	<u>13 011 325</u>	<u>13 181 711</u>
RESERVES AND LIABILITIES		
Reserves		
Accumulated funds	7 596 369	6 244 574
Equipment fund	1 556 963	1 312 106
Sustainability fund	84 529	139 849
Current liabilities		
Accounts payable	5 954 877	4 792 619
Deferred income	5 414 956	6 937 138
Provision for leave pay	886 187	1 173 397
	4 284 508	5 657 936
	244 261	105 805
Total reserves and liabilities	<u>13 011 325</u>	<u>13 181 711</u>

THE AFRICAN POLICING CIVILIAN OVERSIGHT FORUM TRUST (NO: IT 1900/2012)

STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 28 FEBRUARY 2021

	2021 R	2020 R
INCOME	9 444 318	8 968 121
Grants and donations	8 920 892	8 243 956
Consultancy income	126 408	186 245
Fair value adjustment on investment	(33 109)	46 621
Foreign exchange gains	16 064	15 386
Interest received	414 063	475 913
EXPENDITURE	8 092 523	9 147 255
Administration costs	1 775 986	2 132 213
Accounting and administration	133 552	193 795
Annual report	26 747	–
Audit fees	120 017	177 427
Bank charges	13 333	43 864
Board meetings	–	17 292
Communication	30 578	10 580
Computer expenses	–	19 596
Depreciation	55 320	57 441
General expenses	37 805	37 774
Insurance	22 709	20 624
Interest paid	–	431
Internet and website	68 788	47 460
Legal fees	37 467	16 215
Membership fees	5 862	1 824
Printing, stationery and postage	36 382	73 943
Provision for leave pay	138 456	105 805
Rent, water and electricity	418 643	401 434
Repairs and maintenance	12 222	28 956
Salaries and contributions	609 768	839 646
Staff training and development	8 169	27 668
Travel costs	168	10 438
Programme costs	6 316 538	7 015 042
Events and meetings	41 898	2 088 431
Accommodation	2 563	509 685
Conferences, meetings and workshops	29 999	427 648
Travel costs	9 336	1 151 098
Publications	900 989	1 520 405
Research and consulting	1 129 924	862 094
Salaries and contributions	4 120 610	2 544 111
Visibility actions	123 117	–
SURPLUS/(DEFICIT) FOR THE YEAR	1 351 795	(179 134)

APCOF Donors

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European Union



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Government of Sweden

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Afro-Asian Association for Justice Development (AAAJD)





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