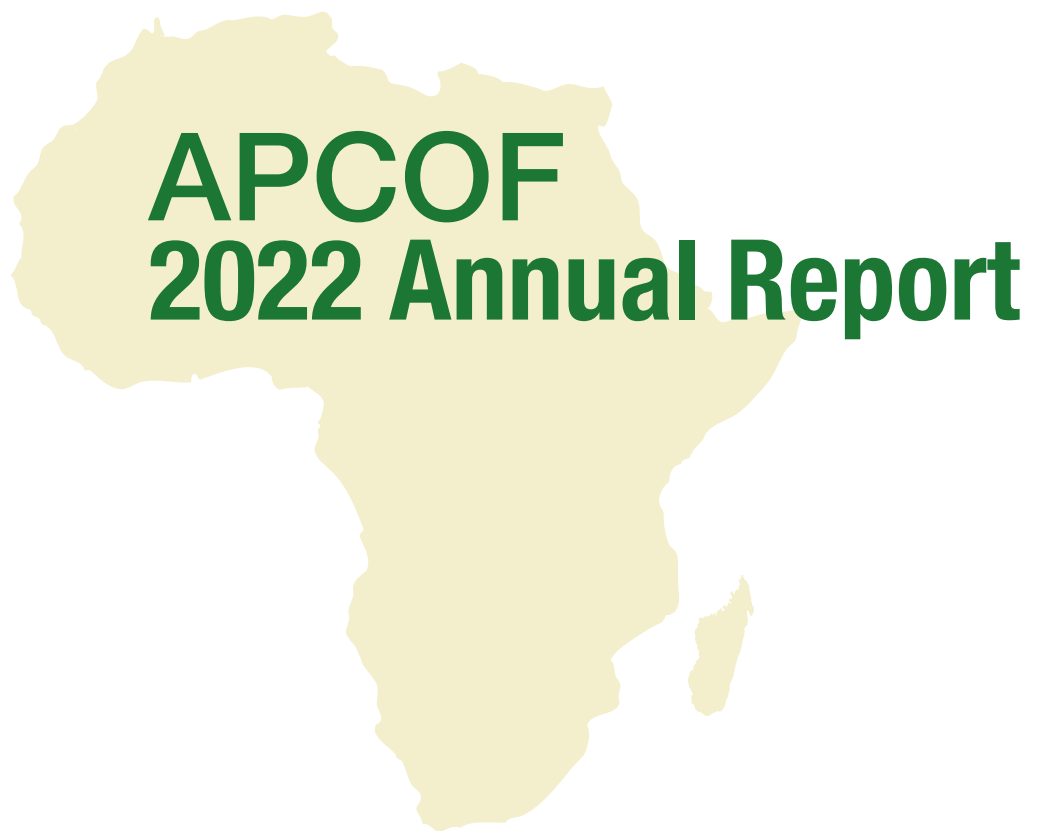
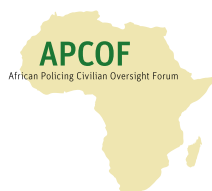


APCOF 2022 Annual Report



AFRICAN POLICING CIVILIAN OVERSIGHT FORUM





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Chairperson's statement

It is my pleasure to present the APCOF annual report for 2022.

Following the untimely passing of two stalwarts of APCOF governance over the past years, Prof. Christof Heyns and Mr Innocent Chukwuma, we are pleased to welcome Dr Sandy Africa as a trustee. Sandy Africa is an Associate Professor in Political Sciences at the University of Pretoria and is well known for her work in strengthening democratic control and oversight of the security services, particularly on the African continent. Her knowledge will bring new insights to APCOF.

As always, the year was a busy one filled with significant highlights and milestones. We successfully completed and launched our report on excessive use of force by police in South Africa. The research was a collaboration with the Network of African National Human Rights Institutions (NANHRI) and the Laboratory for the Analysis of Violence (LAV) of the State University of Rio de Janeiro to measure the incidence of use of force in Africa as part of a comparative study with Latin America. The event generated considerable press interest and was covered by print, radio and TV media. APCOF is now collaborating with its partners and local partners in Kenya – the Kenya National Commission on Human Rights (KNCHR), IPOA and the Independent Medico-Legal Unit (IMLU) – to undertake a study on use of force in Kenya.

We continue to work with EAPCCO to deepen and promote the Common Standards for Policing in Eastern Africa. These standards set out a common rights-based approach to policing in the region. Outcomes for the year

included detailed assessments for Uganda, Kenya and South Sudan on progress towards meeting these Common Standards.

We continued our efforts at combatting and preventing torture, supporting the development of South Africa's National Preventive Mechanism (NPM). Together with the University of Bristol, we were awarded a contract to develop the governance and institutional model, and supporting strategic and human resource plans, for the NPM.

Further afield, APCOF's expertise was recognised as it was invited to participate in the development of a set of international Principles on Effective Interviewing for Investigations and Information Gathering. Launched on 9 June 2021, the Principles 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.

In partnership with the South African Human Rights Commission (SAHRC) and the South African Police Service (SAPS), APCOF was again able to facilitate the 5th National Dialogue on Policing and Human Rights. It was attended, and contributions made, by a range of stakeholders from government, academia and civil society. The focus of the 2022 dialogue was on understanding the extent, underlying causes and impact of arbitrary arrest, and developing responsive human rights solutions to this criminal justice issue.

APCOF again partnered with the Centre for Human Rights at the University of Pretoria to deliver three Advanced Human Rights Courses (AHRCs) on the themes of Accountable Policing: Oversight and the Criminal Justice System; Policing and Vulnerability in Africa; and Policing Lockdown: Accountability and Oversight of the Criminal Justice System in the Time of COVID-19. The latter drew input from a broad spectrum of rights bodies, including: Hon. Solomon Dersso, chairperson of the ACHPR; Prof. Fionnuala ní Aoláin, UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism; Prof. Héléne Tigroudja, UN Human Rights Committee; and Pedro Vaca Villareal, Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights.



Ms Tapiwa Gandidze
*Chairperson APCOF
Trustees*

APCOF remains a key member of the Global Campaign to Decriminalise Poverty and Status and sponsored and co-sponsored many advocacy initiatives associated with the Campaign. Key among these was a side event to the 31st session of the UN Commission on Crime Prevention and Criminal Justice (UN CCPCJ) entitled 'Decisive Action to Reform Laws that Criminalise Poverty and Status', which was co-sponsored by Campaign partners and the governments of South Africa, the USA, Austria and Mexico. The event functioned as a working session for member states, UN bodies and civil society actors to set out goals and decisive action to decriminalise poverty and status, linked to the work of the UN Crime Commission and other international mechanisms and initiatives.

My thanks go to my fellow trustees, the director of APCOF, staff, our development partners and stakeholders for making 2021–2022 a success.

About APCOF

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: helping to restore public confidence; developing a culture of human rights; 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 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 the 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 levels, 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 country's 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. The main vehicle for this is the online environment, utilising an updated website as well as social media.
- ◆ **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.

Governance

APCOF is governed by a Board of Trustees comprising:

Ms Tapiwa Gandidze (Chair)

Director at Norton Rose. She was previously a director of the Cape Town office of Cheadle, Thompson and Haysom, and a lecturer at the University of the Western Cape.

Ms Annelize Van Wyk (Vice Chair)

Past member of the South African National Assembly and past chairperson of the National Assembly Portfolio Committee on Police. She is now a security sector reform consultant focusing on parliamentary oversight.

Mr Greg Cronje (Treasurer)

Chartered accountant and registered auditor. Past 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 a commissioner on the South African Human Rights Commission. She is currently the South African Information Regulator and Commissioner and a member of the United Nations Committee on the Elimination of Racial Discrimination (UN CERD).

Prof. Elrena van der Spuy

Emeritus professor in the Faculty of Law of the University of Cape Town (UCT). She previously served as deputy dean of the Department of Public Law and past director of the Centre for Criminology at UCT.

Dr Sandy Africa

Associate professor in Political Sciences at the University of Pretoria (UP), and currently serving as deputy dean for Teaching and Learning in the Faculty of Humanities. Her research is centred on peacebuilding, security sector reform and governance, and access to security information. She holds a PhD in Public Management from the University of the Witwatersrand in South Africa.

APCOF Strategy 2020–2025

The programmatic areas around which the APCOF Strategy 2020–2025 coalesces are:

Building and sharing knowledge

APCOF will continue its partnership with academic institutions to develop academic courses on police governance, accountability and oversight.

Research

APCOF will continue to build on the strengths of evidence-based advocacy. Research needs will be identified and undertaken to support an agenda of:

- ◆ Deepening the local application of rights and standards;
- ◆ Understanding and responding to the challenges of developing police oversight;
- ◆ Building knowledge of the particular trajectories of state and non-state policing in Africa; and
- ◆ Understanding responses to substantive questions such as those related to arrest and detention, the management of assemblies, use of force, police budgeting, anti-corruption, technology, privacy and policing, conditions of police service and states of emergency crises and accountability.

Promoting human rights and democratic policing standards

APCOF will maintain and deepen its work in the following areas:

- ◆ Promote implementation regional standards for policing.
- ◆ Promote the development of democratic policing at local level.

- ◆ Support the implementation of human rights and democratic policing standards for groups particularly vulnerable to abuses in the policing context because of their status, or an intersection of one or more statuses, including the poor, migrants and refugees, youth, and on the basis of gender identity or sexual orientation.
- ◆ Address key emerging and cross-cutting issues for policing such as climate change, the economic impact of prolonged states of emergency during the COVID-19 pandemic.

Supporting the development of systems of police accountability

APCOF will continue to promote and support systems of accountability in a number of ways, including:

- ◆ Support to the development of emerging accountability mechanisms.
- ◆ Maintain active and supportive partnerships with the South African Independent Police Investigative Directorate, the Nigerian Police Service Commission, the Kenya Independent Policing Oversight Authority, the Sierra Leone Independent Police Complaints Board, the Malawi Independent Police Complaints Board, and the Lesotho Police Inspectorate.
- ◆ Develop and apply systems for monitoring and evaluating the impact of police oversight mechanisms.
- ◆ Support civil society in generating, finding, accessing and/or using data (qualitative or quantitative) on policing and oversight.

Networking

APCOF will build and maintain its role on a range of regional and international platforms and networks.

Previous achievements

2020	Publication of Simplified Principles for the Decriminalisation of Petty Offences in Africa.
2019	Technical support to the Pan African Parliament in the development and adoption of a Model Police Law for Africa.
	Technical support to the East African Police Commissioners Cooperation Organisation (EAPCCO) in the development and adoption of monitoring indicators and measures for the Common Standards for Policing in Eastern Africa.
	Technical support to EAPCCO in the development and adoption of a Model Operating Procedure for Interviews of Suspects and Persons of Interest.
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 and the adoption by the African Commission on Human and Peoples' Rights (ACHPR) of 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 and the adoption by the ACHPR of Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa.
	Technical support to and the adoption by EAPCCO of a regional Standard Operating Procedure (SOP) on Public Order Policing.
	Production of a toolkit on the implementation of the 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 bi-annual newsletter on Policing and Human Rights in Africa.
	Publication and launch of Police and Human Rights Training Manual for the East African Community (EAC) and EAPCCO.
	Publication and launch of Police and Human Rights Training Manual for the East African Community (EAC) and EAPCCO.

2014	The 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 Policing Oversight Authority (IPOA) and the South African Independent Police Investigative Directorate (IPID).
2010	Development of monitoring indicators for the Southern African Police Chiefs Cooperation Organisation Code of Conduct for Police Officials and an assessment of the application of the Police 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	The adoption of a resolution at the ACHPR on the importance of external police oversight in the promotion and protection of human rights.

Projects

Xenophobia and migration

Supporting the development of the SAPS to effectively prevent and respond to xenophobic violence and related hate crimes

APCOF is working to strengthen police prevention, detection and investigation of xenophobic violence and related hate crimes. The first phase of this European Union-funded project involved an extensive analysis of deficiencies in: (a) the SAPS policies and practices related to the prevention of violence against migrants and xenophobic violence; (b) current oversight and monitoring capacity of IPID and the Civilian Secretariat of Police (CSP) regarding policing responses to these incidents; and (c) the role of Community Policing Forums (CPFs) in the prevention and early warning of these crimes.

The first research report, 'Policing and Non-Nationals: Analysis of Police Prevention, Detection and Investigation of Xenophobic Violence', was completed and launched on 3 June 2021. The research analyses deficits in the legal framework for the policing of non-nationals, as well as gaps in the implementation from an operational perspective. It reflects on the human rights concerns of 'over-policing' (profiling/targeting of non-nationals) and 'under-policing' (poor SAPS service delivery to non-nationals). The report investigates the causes of over- and under-policing, the role of SAPS recruitment and training to manage these phenomena, and compares international and local processes to address xenophobic violence and related hate crimes.

The second research report focuses on the role of CPFs in preventing xenophobic violence and related hate crime. Entitled 'Policing and Non-Nationals: Community Police Forums and Xenophobic Violence in South Africa', it examines the role under law and policy that CPFs can play in the prevention of xenophobic violence and related hate crimes in South Africa. It also explores the challenges inherent in the regulatory framework and its implementation that have resulted in critical failures. The report encourages a broader understanding of 'prevention' in the context of the role of CPFs, and makes recommendations to bolster their role in the context of implementing the National Action Plan to Combat Racism, Racial Discrimination, Xenophobic Violence and Related Intolerance.

APCOF launched its third and final research report, titled 'External Police Oversight: Accountability and Xenophobic Violence in South Africa', on 15 March 2022. This report explores the challenges inherent in the



spheres of legislation, policy and practice regarding the role of external oversight in monitoring the implementation of the report's recommendations to the SAPS. The research engages with the critical question of the capacity of external police oversight bodies.

APCOF has also completed two of the three training manuals planned under this work. These manuals focus on, respectively, policing diversity and legal literacy regarding migration and refugee legislation for police officers, and on community efforts to understand and respond to xenophobic violence.

Study on migration and law enforcement

APCOF participated in an African Commission continental round-table discussion on migration and human rights in Africa, co-hosted by the Danish Institute for Human Rights (DIHR). During the meeting it was agreed to undertake a study on the impact of law enforcement on the rights of migrants, refugees and asylum seekers, given that the study is a collaboration with the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa.

Subsequently, APCOF was contracted by the DIHR to provide technical assistance to the Commission to conduct the study. The methodology will draw on the expertise available on the continent in understanding the human rights challenges facing these groups in the enforcement of both immigration law and ordinary criminal law. This will include specific consideration of the way in which the criminal justice system is used in the management of migration across the continent, and the significant human rights challenges posed by the use of force in the policing of migrants, refugees and asylum seekers.

Decriminalisation of poverty and status

APCOF continues to play a key coordination role in the Global Campaign to Decriminalise Poverty and Status.

APCOF participated in the conceptualisation and facilitation of the Campaign, which convened on 25 March 2021 and was attended by over 200 participants. It promoted the visibility of the African Court's Advisory Opinion, and expanded the reach of the Campaign to other regions, including the Caribbean, South Asia, the Americas and Europe. APCOF partnered with the Southern African Litigation Centre and the Open Society Foundation-Human Rights Initiative (OSF-HRI) to draft a standard communiqué for African attorneys-general to highlight the opinion and its consequences at the national level. APCOF also presented on the issue during a panel discussion convened by the Irish Rule of Law Project, and a meeting of the Special Interest Group for prosecutors and public officials as part of the Global Law Enforcement and Public Health Association's 2021 international conference.

APCOF co-hosted a side event on 21 September 2021 with the UN Office on Drugs and Crime (UNODC) at the Heads of Law Enforcement Meeting for Africa (HONLAF), a subsidiary body to the UN Commission on Narcotic Drugs (CND), to discuss the shift towards the decriminalisation of petty offences in Africa and what a public health response can present by way of an alternative to policing generally and drug policing more specifically.

On 16 March 2022, APCOF co-organised a side event at the 65th session of the CND,

entitled 'Challenging the Criminalisation of Poverty and Marginalisation in Africa, and Beyond'. The side event presented the emerging initiatives on the reform of drug laws in Africa, and their connection with efforts to decriminalise petty offences and to realise justice for marginalised populations. The event was co-sponsored with the Embassy of Ghana in Austria, Penal Reform International, the International Drug Policy Consortium, and the Campaign to Decriminalise Poverty and Status.

APCOF assisted in planning and coordinating the Global Campaign's virtual seminar, titled 'Counting the Cost of Exclusion: Linking Criminal Law, Political Exclusion and Socio-Economic Inequality'. The seminar explored the complex interplay between social, economic and political exclusion, and criminalisation. Presentations were made by experts from intersecting fields of criminal, economic and spatial justice, as well as development, including Balakrishnan Rajagopal, UN Special Rapporteur on the Right to Adequate Housing; Clifton Cortez, World Bank Global Adviser on Sexual Orientation and Gender Identity; and Professor Sana Ben Achour, Professor of Public Law at the University of Carthage in Tunisia. The seminar discussed further opportunities for interdisciplinary collaboration. APCOF provided the opening statement for the seminar and developed the final report.

APCOF co-sponsored a side event to the 31st session of the UN CCPCJ entitled 'Decisive Action to Reform Laws that Criminalise Poverty and Status'. Other event co-sponsors included UNODC; the UN High Commissioner for Refugees (UNHCR); the governments of South Africa, the USA, Austria and Mexico; and civil society partners from the International Legal Foundation, OSF,

Penal Reform International, and Community Advice Offices South Africa. The event sought to function as a working session for member states, UN bodies and civil society actors to set out goals and decisive action to decriminalise poverty and status, linked to the work of the UN Crime Commission and other international mechanisms and initiatives. Following the event, APCOF began work in collaboration with the civil society partners to develop an action plan and proposed a resolution for adoption at the next UN CCPCJ.

APCOF coordinated and presented the submission of a statement to the 71st Ordinary Session of the ACHPR, held from 21 April 2022 to 13 May 2022, on behalf of the Global Campaign. The statement focused on the socio-economic impact of the criminalisation of petty offences. It called on the ACHPR to continue to collect and share disaggregated data on homelessness through research and engagement with civil society; to engage with stakeholders to use data for evidence-based policies and decision-making in designing services for the homeless and the poor; and to utilise existing soft-law tools within both the African and the UN human rights systems that collectively urge states to repeal laws and measures that criminalise life-sustaining activities in public spaces, and/or criminalise and penalise homeless people or behaviour associated with being homeless.

APCOF continues to provide support to the Network of African National Human Rights Institutions (NANHRI) for the development of a scorecard to measure the implementation of the Principles on the Decriminalisation of Petty Offences in Africa by African states. During the period under review, APCOF developed a workplan for achieving a pilot scorecard to launch at the forthcoming Campaign

conference, and a draft questionnaire for NHRIs to assist in populating the scorecard.

COVID-19 justice project

APCOF and Fair Trials International, a UK-based partner, were funded to lead a global coalition to expose, resist and roll back on the mission-creep, normalisation and legitimisation of extraordinary law enforcement powers introduced in the name of public health protection and COVID-19 prevention.

APCOF collaborated with the Centre for Human Rights at the University of Pretoria to conceptualise, develop and present an intensive week-long advanced human rights course on the impact of COVID-19 management strategies on the criminal justice system, entitled 'Policing Lockdown: Accountability and Oversight of the Criminal Justice System in the Time of COVID-19'. This course was held from 24–28 May 2021 and examined key issues exposed in criminal justice systems during the COVID-19 pandemic, including the increasing securitisation of public health enforcement, the dangers of over-reach by the criminal justice architecture, and the pressures on oversight mechanisms.

Included in the course was a high-level public panel to explore issues around rules that govern derogation from the obligation of states to respect and promote human rights, as well as limitation provisions in international rights instruments, the factors that activate the application of these provisions, methods of building in safeguards and sunset clauses to ensure they are time-bound, necessary and proportional, and what special considerations need to be factored into policymaking.

The panel included Hon. Solomon Dersso, chairperson of the ACHPR; Prof. Fionnuala ní Aoláin, UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism; Prof. Hélène Tigroudja, UN Human Rights Committee; and Pedro Vaca Villareal, Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights.

APCOF also partnered with the Vienna-based Alliance of NGOs on Crime Prevention & Criminal Justice to host a series of five webinars to respond through collective learning, reflection and problem solving to the crisis in urban safety accelerated by COVID-19. The webinars were developed as part of the preparation for the UN Congress on Crime Prevention and Criminal Justice in March 2021 as a platform for civil society to participate 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 supports the ACHPR in the conceptualisation of a normative framework on adhering to human and peoples' rights under states of emergency or disaster facilitated under its Resolution 447. These guidelines will seek to assist member states to meet their African Charter obligations.

APCOF facilitated and presented at a meeting with the ACHPR. The purpose of the meeting was to update all of the relevant stakeholders on the progress being made on the Resolution 447 guidelines, to review the roadmap and to determine how to move forward with the guidelines.

Following this meeting, APCOF finalised and submitted a first draft of the guidelines to the African Commission.

Democratic policing

Promoting the Common Standards for Policing in the East African Community

APCOF continues to work with EAPCCO to deepen and promote the Common Standards for Policing in East Africa. These standards set out a common rights-based approach to policing in the region. Contained in this work are detailed assessments for Uganda, Kenya, Sudan and South Sudan on progress towards meeting these Common Standards against a set of measures and indicators adopted by EAPCCO following technical support from APCOF.

APCOF published an updated assessment of the extent to which the Common Policing Standards have been implemented in Uganda, focusing on the period between 2019 and 2021. This followed a validation meeting held in Kampala attended by members of the Uganda Police Force (UPF), the Uganda Human Rights Commission and civil society. The overall objective of the review was to determine the progress made by the UPF in implementing the Common Standards since an earlier assessment in 2019. More specifically, it involved tracking the extent to which the previous recommendations had been implemented, as well as the gaps or challenges that prevented their full implementation.

The research found that, while some progress had been made towards operationalising the Common Standards and implementing the recommendations from the previous assessment, these efforts had been constrained by a number of external and internal factors. External factors included the spread of the COVID-19 pandemic, the 2021 elections, and judicial, legislative and political developments

that resulted in the militarisation of the police. Internal factors included a failure to popularise key documents, such as the Police Service Charter, a lack of independent external oversight of UPF members, and insufficient training of police officers. The research report further revealed that reactive measures were insufficient in dealing with systemic human rights violations and deeply entrenched norms. The report concluded by providing a number of recommendations on how to further implement the standards.

Flowing from the recommendations of the Uganda assessment, a study was undertaken into the barriers to women's recruitment and retention into the UPF. APCOF and its local partner, the Centre for Justice Studies and Innovation (CJSI), hosted a dissemination meeting and action planning workshop on the findings of the study.

APCOF and its local partner the Police Reforms Working Group-Kenya hosted a validation meeting on the assessment of the progress the Kenyan National Police was making towards the Common Standards for Policing. The meeting was attended by members of the Kenyan National Police and civil society.

APCOF and its country partner the South Sudan Human Rights Commission hosted a validation meeting on the Common Standards for Policing in South Sudan and the progress the South Sudan National Police Services was making towards the Common Standards for Policing. The meeting was attended by members of the South Sudan National Police, the South Sudan Human Rights Commission and civil society.

APCOF has also developed a guideline to assist EAPCCO in developing intervention points

aimed at ensuring an engendered approach to implementing the common policing standards. This flows from earlier research on assessing the Common Standards for Policing through a gender lens. While certain member states have their own gender-equality policies and plans in place, the guideline seeks to provide practical implementation steps to ensure that existing policies and plans are implemented and harmonised where possible.

As part of its project with The Raoul Wallenberg Institute (RWI), APCOF is working to scope the possibility of providing support to the Economic Community of West African States (ECOWAS), to contribute to the development of a normative standard for policing in the region. The Common Standards for Policing would be a politically agreed set of standards across the 15 ECOWAS member states, based on international and regional law that applies to each state and local progressive developments/ good practice, nuanced to address the particular challenges within the region. A research paper recommending the issues to be covered by the standards has been completed and submitted to ECOWAS, with a request that the issue be further explored through the legislative sub-committee of the West African Police Chiefs Cooperation Organisation (WAPCCO).

Promoting democratic policing at local level

APCOF is funded by the Afro Asian Association for Justice Development (AAAJD) to pilot and refine a methodology to promote democratic policing at local level. This initiative ultimately seeks to develop and make available a transferable methodology and tools to assess progress towards democratic policing at local level, against a locally agreed set of principles for policing behaviour. Principles

which are used to identify the characteristics of democratic policing are developed on the basis of international human rights law and the philosophy of democratic policing.

The intervention is now being piloted in two sites. In Cape Town, APCOF contracted the Safety Lab to work in Mitchells Plain. In Abuja, Nigeria, APCOF works with the CLEEN Foundation to pilot the project in Kubwa, a suburb of Abuja. In both pilots, the initial basket of indicators has been set. The process will now develop and apply an assessment tool and then move towards action planning around agreed deficits.

African Commission on Human and Peoples' Rights

APCOF was invited to participate in the annual partners' planning meeting, convened by the ACHPR Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, Commissioner Maria Teresa Manuela. The purpose of the meeting was to validate the Special Rapporteur's workplan, and to identify partners with whom she can take particular activities forward. APCOF reaffirmed its commitment to participating in the development of the 'use of force' training guide, coordinating engagement with the Global Campaign to Decriminalise Poverty and Status, and producing a Policing and Human Rights Newsletter with DIHR ahead of the October public session of the ACHPR. APCOF also used the opportunity to continue its advocacy for the inclusion of a study on arbitrary arrest and alternatives to conditions of arrest on the commissioner's agenda, and signalled its interest in remaining part of the working group to support the upcoming study on conditions of detention in prisons and police custody in Africa.

APCOF made a number of statements during the 71st and 72nd Ordinary Sessions of the African Commission. This included statements to the:

- ◆ Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa. APCOF's statement drew on the findings of its research report into rights-based policing in Kenya discussed above, and dealt with two interrelated issues: (a) concerns regarding increased incidents of extrajudicial and summary execution of suspects by law enforcement officials in Kenya; and (b) non-cooperation by law enforcement officials with the Independent Policing Oversight Authority.
- ◆ Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa, advocating for the inclusion of a law enforcement focus in the Commission's proposed study on the violation of human rights of migrants.
- ◆ Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, urging that in the Commission's proposed study on prisons and places of detention in Africa, a focus be given to other places of detention, including police custody and migration detention.
- ◆ Chairperson of the Committee for the Prevention of Torture in Africa, calling on the Commission to: (a) urge South Africa to implement the findings of the NPM report into conditions of detention in police custody; (b) implement the National Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, including measures to address xenophobia within policing; and (c) encourage African states to take note of the Méndez Principles on Effective Interviewing for Investigations and Information Gathering.

- ◆ The Commission as a whole, under Item 3 'Human Rights Situation in Africa', on: (a) the continued use of states of emergency or disaster by African states in response to the COVID-19 pandemic; and (b) xenophobic violence and related hate crimes in South Africa.

Use of force

APCOF launched its report on excessive police use of force in South Africa on 24 August 2021. The research was a collaboration between APCOF, NANHRI and the Laboratory for the Analysis of Violence (LAV) of the State University of Rio de Janeiro to measure the incidence of use of force in Africa as part of a comparative study with Latin America. The event generated considerable press interest and was covered by print, radio and TV media. APCOF is now collaborating with the KNCHR, IPOA and IMLU to undertake a study on the use of force in Kenya.

APCOF collaborated with the Institute for International and Comparative Law in Africa in research to map the training of law enforcement officials on the use of force in Africa as part of the study mandated by African Commission Resolution 43. The research aimed to understand: (a) how use of force training is currently approached; (b) where the gaps in promoting a rights-based approach to the use of force are evident (both in terms of scope and content, including emerging issues such as the use of less lethal weapons), and how the Special Rapporteur could usefully provide a resource to address those gaps; and (c) whether there are any good practice examples from within the continent that can be shared. The research is complete and was presented to a validation meeting, convened by the African Commission in Pretoria.

The recommendations of the study included that member states:

- ◆ **Undertake a continuous review of training:** the ACHPR guidance can be used in this review, either through benchmarking or incorporating the principles and scenarios.
- ◆ **Place human rights at the centre of the approach:** the ACHPR guidance is not a replacement for national training on the use of force, but guides law enforcement trainers on how to embed human rights principles into use of force training.
- ◆ **Provide theoretical and practical delivery of the training:** the ACHPR guidance on key human rights principles that apply to the use of force (theory) and situational-based scenarios to allow trainees to apply human rights principles in practice.

At that meeting, APCOF presented a concept note for the training tool, which will be designed to draw on the recommendations and good practice identified by the study. The concepts were accepted and APCOF will now continue working with the Institute for International and Comparative Law in Africa and other partners to develop this further.

Training and seminars

Advanced Human Rights Course on Accountable Policing: Oversight and the Criminal Justice System

APCOF again partnered with the Centre for Human Rights at the University of Pretoria to deliver an AHRC on Accountable Policing: Oversight and the Criminal Justice System. The most recent course was attended by over 40 students, comprised of both post-graduate

students and working professionals. The programme was updated from previous years, with the course structured to provide students with the overarching framework for rights-based and democratic policing and accountability, and an exploration of national oversight and accountability frameworks, before delving into specific thematic areas. This approach included lectures on the following modules: introduction to key international and regional human rights standards relevant to policing and criminal justice systems, democratic policing and accountability; national oversight and accountability frameworks; use of force; regulating and monitoring public gatherings; surveillance and its impact; basic guarantees during arrest and detention to prevent and combat torture; effective and non-coercive interviewing and the prevention of torture; the right to life and the duty to investigate; the impact of new technologies on police oversight; internal police discipline; oversight during situations of emergency; the important role of legitimacy and building trust; and access to justice in states of emergency.

Advanced Human Rights Course on Policing and Vulnerability

In partnership with the Centre for Human Rights at the University of Pretoria and the Global Law Enforcement and Public Health Association, APCOF presented an online course on Policing and Vulnerability in Africa from 13 to 17 September 2021. The aim of the course was to provide insight into the impact that police can have on the enjoyment of human rights by various segments of the population, including those who are discriminated against on the basis of sex or gender identity, disability or xenophobia, as well as those who are marginalised because of economic or social conditions, or because of drug use or sex work.

Police Human Rights Dialogue

In partnership with the SAHRC and SAPS, APCOF facilitated the 5th National Dialogue on Police and Human Rights. It was attended by a range of stakeholders from government, academia and civil society. The focus of the 2022 dialogue was on understanding the extent, underlying causes and impact of arbitrary arrest, and developing responsive human rights solutions to this criminal justice issue.

African Security Sector Network training on security sector reform

APCOF is a member of the African Security Sector Network (ASSN). Supported by GIZ, the ASSN is collaborating with ECOWAS to present a three-day training in three West African member states – Guinea-Bissau, Gambia and Senegal – to disseminate and promote awareness of the ECOWAS Policy Framework for Security Sector Reform and Governance. From 21 to 23 February 2022, APCOF participated in a workshop for Gambia and on 14 to 16 March 2022 for Senegal. At both, APCOF gave input on police oversight and accountability, including a special segment on the Model Police Law for Africa.

Model Police Law

APCOF co-hosted a webinar with the Pan African Parliament (PAP) on 22 April 2021 to discuss the recently adopted Model Police Law for Africa. The event brought together Africa's lawmakers, practitioners and human rights overseers to discuss the Model Police Law and how it can complement the efforts of the ACHPR and the African Union (AU) to build peace and promote the rule of law and human rights.

Effective interviewing

APCOF participated in the development of a set of international Principles on Effective Interviewing

for Investigations and Information Gathering. Launched on 9 June 2021, the Principles 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 being respectful of the human rights of persons questioned.

South African National Preventive Mechanism

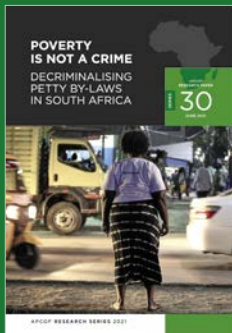
APCOF, together with the University of Bristol, was awarded a contract by the SAHRC to develop the governance and institutional model and supporting strategic and human resource plans for the NPM. During the period under review, APCOF and University of Bristol concluded the consultancy with three main outputs. First, a draft consultation report setting out the findings of the governance and institutional review and the modelling for a new structure, together with a draft three-year strategic plan and human resource plan. Second, consultations with the NPM Steering Committee on the draft plan, followed by a broader consultation on 20 April 2022 that included other relevant government stakeholders and civil society, to discuss the new model. Third, APCOF submitted a final report, strategy and human resource plan to the SAHRC on 31 March 2022 reflecting the comments received by stakeholders.

Since the finalisation of the initial consultancy, APCOF has been requested to provide further support to the SAHRC and the NPM Unit as it negotiates the implementation of the new model and strategic plan.

APCOF was invited by the SAHRC to present a training module on 1 February 2022 to its human rights officers on police custody monitoring.

APCOF in print

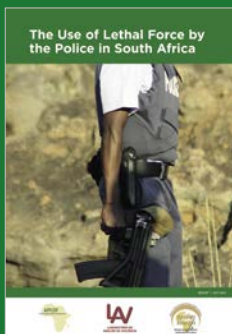
APCOF research publications included:



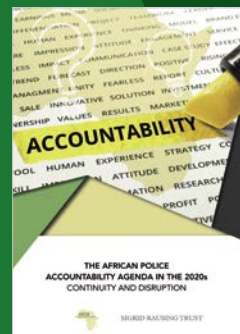
Poverty is not a crime: Decriminalising petty by-laws in South Africa, APCOF Research Paper No. 30, 2021.



Women in the Uganda Police Force: Barriers to women in operational policing, 2021.



Why rights-based policing responses to pandemics are good for the police and good for policing, 2021.



The African accountability agenda in the 2020s: Continuity and disruption, 2021.



The use of lethal force by the police in South Africa, 2021.



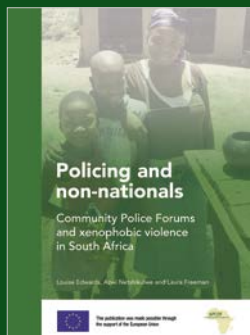
Common Standards for Policing in Eastern Africa: Review of the Common Standards through a gender lens, 2021.



Policing and non-nationals:
Analysis of police prevention, detection and investigation of xenophobic violence in South Africa, 2021.



Assessment of the South Sudan National Police Service's progress towards meeting the Common Standards for Policing in Eastern Africa, 2022.



Policing and non-nationals:
Community Police Forums and xenophobic violence in South Africa, 2021.



Assessment of the Uganda Police Force's progress towards meeting the Common Standards for Policing in Eastern Africa, 2022.



Policing and non-nationals:
External police oversight, accountability and xenophobic violence in South Africa, 2022.



Assessment of the Kenya National Police Service's progress towards meeting the Common Standards for Policing in Eastern Africa, 2022.

20 Financial statements

THE AFRICAN POLICING CIVILIAN OVERSIGHT FORUM TRUST (NO: IT 1900/2012) STATEMENT OF FINANCIAL POSITION AT 28 FEBRUARY 2022

	2022 R	2021 R
ASSETS	15 909 039	13 011 325
Non-current assets	115 303	84 529
Equipment	115 303	84 529
Current assets	15 793 737	12 926 796
Accounts receivable	79 206	64 600
Accrued income	489 587	94 079
Cash and cash equivalents	10 573 572	8 329 310
Investments	4 651 372	4 438 808
Loan receivable	—	—
Total assets	15 909 039	13 011 325
RESERVES AND LIABILITIES	15 909 039	13 011 325
Reserves	8 062 921	7 596 369
Accumulated funds	1 809 389	1 556 963
Equipment fund	115 303	84 529
Sustainability fund	6 138 229	5 954 877
Current liabilities	7 846 119	5 414 956
Accounts payable	1 002 232	886 187
Deferred income	6 501 578	4 284 508
Provision for leave pay	342 308	244 261
Total reserves and liabilities	15 909 039	13 011 325

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

STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 28 FEBRUARY 2022

	2022 R	2021 R
INCOME	9 330 304	9 444 318
Grants and donations	8 515 851	8 920 892
Consultancy income	301 054	126 408
Fair value adjustment on investment	672	(33 109)
Foreign exchange gains	40 114	16 064
Interest received	472 613	414 063
EXPENDITURE	8 863 752	8 092 523
Administration costs	1 972 741	1 775 986
Accounting and administration	154 857	133 552
Annual report	26 181	26 747
Audit fees	105 561	120 017
Bank charges	31 968	13 333
Communication	38 217	30 578
Computer expenses	31 896	—
Depreciation	64 951	55 320
General expenses	62 313	37 805
Insurance	26 573	22 709
Internet and website	54 719	68 788
Legal fees	38 429	37 467
Membership fees	8 986	5 862
Printing, stationery and postage	53 764	36 382
Provision for leave pay	98 047	138 456
Rent, water and electricity	427 556	418 643
Repairs and maintenance	51 458	12 222
Salaries and contributions	681 887	609 768
Staff training and development	7 195	8 169
Travel costs	8 183	168
Programme costs	6 891 011	6 316 538
Events and meetings	187 286	41 898
Accommodation	12 140	2 563
Conferences, meetings and workshops	160 844	29 999
Travel costs	14 302	9 336
Publications	772 331	900 989
Research and consulting	1 732 813	1 129 924
Salaries and contributions	4 173 982	4 120 610
Visibility actions	24 600	123 117
SURPLUS/(DEFICIT) FOR THE YEAR	466 552	1 351 795

APCOF donors

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