



African Policing Civilian Oversight Forum

NGO observer status no. 372

Statement to the 73rd Ordinary Session of the African Commission on Human and Peoples' Rights

20 October to 9 November 2022

Banjul, The Gambia

ITEM 4: Human Rights Situation in Africa

Honourable Chairperson and Commissioners,

The African Policing Civilian Oversight Forum welcomes the opportunity to make this statement to the 73rd Ordinary Session of the African Commission on Human and Peoples' Rights. We are a not-for-profit Trust based in Cape Town, South Africa, working on issues of police accountability and governance in Africa.

APCOF remains concerned about the outstanding submission by South Africa of its report to the Commission under articles 62 and 26 of the African Charter and the Maputo Protocol, respectively.

South Africa last submitted a report in 2015, which was a combined second to sixth periodic reports under the African Charter and the Initial Report under

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the Maputo Protocol. We acknowledge that late reporting and non-reporting by State Parties to the African Charter and the Maputo Protocol is a challenge that affects all the African regions. Regardless, South Africa's delay in fulfilling its reporting obligations undermines efforts by the African Commission, South African civil society, and South Africa itself to analyse and report on measures taken to implement its regional treaty obligations.

Since South Africa's last report in 2015, there have been several critical human rights issues that APCOF has raised with the Commission related to its work. This includes:

- Risks to human rights faced by [detainees in police custody and migration detention](#).
- [Torture and other ill-treatment](#) by police officers.
- The [use of force](#) by police in crowd control and management situations, and [gaps in the legal framework](#) for the use of force that do not comply with the Commission's interpretation of Article 4.
- The findings of the first reports of the [National Preventive Mechanism](#), including patterns of abuse by police in KwaZulu Natal, the state of neglect and decay of South African Police Service custody facilities, and the prolonged detention of migrants in police cells.
- [Xenophobic violence and related hate crimes](#) and the failure by police to adequately prevent, detect and investigate incidents.
- Lack of effective police response to [gender-based violence](#).
- Non-compliance with Charter rights in the context of Covid-19 [emergency and disaster measures](#).

The country review process will offer an important opportunity for a considered Commission response to these, and other rights concerns, in order to shape South African policy planning, development and implementation of its regional human rights obligations.

We urge the Commission to call on South Africa to comply with its obligations and submit its report in terms of its commitment under article 62 of the African Charter and article 26 of the Maputo Protocol.

We further call on the Commission to encourage South Africa to ensure the process of developing its report is participatory, including participation by different stakeholders and interest groups.

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