



African Policing Civilian Oversight Forum

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Statement under Item 4: Human Rights Situation in Africa

**79th Ordinary Session of the African Commission on Human and Peoples' Rights
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The African Policing Civilian Oversight Forum (APCOF) welcomes this opportunity to make a statement to the African Commission on Human and Peoples' Rights (ACHPR) under item 4 of its agenda for the 79th Ordinary Session.

This year marks the 10th anniversary of the adoption by the ACHPR of the Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa. The Guidelines trace the steps from the moment of arrest until trial, providing a practical framework to safeguard human rights, ensure transparency and accountability, and to improve coordination between the various criminal justice institutions involved in systems for pre-trial justice. In doing so, they reinforce the importance of a criminal justice system built on core human rights principles, and aim to ensure fewer arbitrary arrests and a more rational and proportionate use of pre-trial detention.

The Guidelines have been recognised across Africa, and globally, as a progressive response to concern about the human rights impact of unnecessary and arbitrary use of arrest and pre-trial detention across Africa. Following the adoption of the Guidelines, significant efforts were made by the

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ACHPR, and its technical partners at APCOF, the Open Society Foundations and the United Nations Development Programme (UNDP) to ensure that the Guidelines were utilised in setting regional and national agendas on pre-trial detention. A review of that strategy revealed that the objective was met to some degree, with the Guidelines being referenced and utilised by international and regional human rights mechanisms, international civil society organisations, and by states, courts, national human rights institutions and civil society organisations at national level. This includes, amongst others, in Cote d'Ivoire, Ghana, Gambia, Kenya, Malawi, Sierra Leone, South Africa, Tanzania, Togo, Tunisia, Uganda, and Zimbabwe. Significantly, 25 April, which was the date of adoption, has been recognised by national human rights institutions and civil society organisations as Africa Pre-Trial Detention Day, with commemorative events held annually across the continent.

While this is encouraging, the human rights challenges that the Guidelines sought to address remain urgent across our continent. Depending on the sub-region, between 30-60% of all detainees in Africa are awaiting trial. The unnecessary and arbitrary use of pre-trial detention, and of arrest and police custody, continues to be a major contributing factor to prison overcrowding. Prolonged and arbitrary detention also continues to expose accused persons to the risk of serious human rights violations such as torture and ill-treatment, fuels corruption, and has significant socio-economic impacts on detainees, their families and communities. Over-reliance on pre-trial detention is also a waste of scarce state resources and undermines the rule of law.

The occasion of the 10th anniversary of the Luanda Guidelines provides an opportunity for all stakeholders to reflect on the challenges of pre-trial detention, and to commit to taking immediate steps to implement the Luanda Guidelines in a national context. In support of this, APCOF urges the ACHPR to intensify its work to promote human rights-based approaches to arrest, police custody and pre-trial detention in Africa, across all its relevant mandate areas. In particular, we call on the ACHPR to:

- Reinforce the Luanda Guidelines in its promotion and monitoring work, including through state reporting and country visits;
- Hold states to account for human rights violations resulting from arbitrary and abuse arrest, police custody and pre-trial detention practices;
- Create opportunities for dialogue between African states, national human rights institutions and civil society organisations on ideas, progress and challenges in reducing pre-trial detention across Africa.

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