



**Statement to the African Commission on Human and Peoples' Rights
85th Public Ordinary Session
Banjul, The Gambia**

21 – 30 October 2025

Submitted by the African Policing Civilian Oversight Forum

ACHPR Observer Status No. 372

Honourable Chairperson, Commissioners,

The African Policing Civilian Oversight Forum,ⁱ on behalf of the Global Campaign to Decriminalise Poverty and Status,ⁱⁱ welcomes the opportunity to make this statement to the 85th Public Ordinary Session of the African Commission on Human and Peoples' Rights. Our statement concerns the urgent need for the Commission to address shrinking civic space across Africa, and to take action against the growing criminalisation of dissent, poverty and status.

Campaign partners across Africa have extensively documented how colonial-era petty offence laws are routinely used to target the poorest and most marginalised.ⁱⁱⁱ In its adoption of the *Principles on the Decriminalisation of Petty Offences in Africa*,^{iv} the Commission acknowledged that these laws, which remain in force in many African countries, are relics of the colonial era, used as tools for social control, repression and marginalisation on the basis of poverty and status. Over the past few years, the work of the Campaign has also increasingly highlighted how the same colonial-era logic of criminalisation is being extended to silence human rights defenders, journalists, and communities who exercise their right to freedom of association and assembly to protest injustice.^v

Across Africa, outdated colonial-era sedition and public order laws are being revived and weaponised against those seeking to exercise their rights to freedom of expression, assembly and association. These laws, designed to protect executive authority, operate to shield governments from criticism, and accountability. These include vaguely drafted colonial-era sedition and public order laws, to newer laws such as cybercrime, "unlawful" or "unauthorised" assembly, or terrorism. Continued overuse of criminal law by states, including arbitrary and discriminatory criminal laws, has led to a number of human rights violations. These perpetuate stigma, harmful gender stereotypes and discrimination.

Those who are criminalised are deprived of the protection of the law. Criminalized communities, and particularly women, are often more likely to need the very protection they are denied.^{vi}

While misuse of these laws to suppress dissent and criticism of government is prevalent across much of Africa, we've seen recent high-profile examples of this pattern of law enforcement in a number of countries. In Kenya, recent protests marking the Saba Saba anniversary resulted in nearly 1,500 arrests, with the use of charges under terrorism, criminal and cybercrime laws being described as a weaponisation of the law to silence dissent.^{vii} In Nigeria, journalists have been arrested for violations of cybercrime laws, often without resultant charges, for reporting on corruption.^{viii} Sedition laws continue to be used to silence reporting and dissent, including in Lesotho where activist Tšolo Thakeli was charged after criticising the Prime Minister in a video about youth unemployment.^{ix} In Eswatini, pro-democracy members of parliament received long sentences under the Sedition and Subversion Activities Act for advocating for political reform, and pro-democracy protestors and human rights lawyers have also been prosecuted or threatened with prosecution in terms of these and similar laws.^x

The African Charter on Human and Peoples' Rights enshrines the right to freedom of expression, association, and assembly, as well as the right to participate in public life. The systematic misuse of criminal law to punish poverty and activism undermines these protections.

We therefore urge the African Commission to:

1. **Adopt a resolution** condemning the continued use of colonial-era sedition, public order, and similar laws to criminalise dissent, and call on State Parties to the Charter to repeal or amend them in line with the Charter, the Guidelines on Freedom of Association and Assembly.^{xi}
2. **Integrate the issue of the criminalisation of activism** into its ongoing work on decriminalising petty offences through implementation of the Principles on the Decriminalisation of Petty Offences^{xii} and the African Court on Human and People's Rights Advisory Opinion in this regard,^{xiii} recognising them as interconnected tools of repression that target the poor and those who defend them.
3. **Strengthen protection mechanisms** for human rights defenders facing criminalisation, including by mandating the Special Rapporteurs on Policing, Human Rights Defenders, and Freedom of Expression to jointly monitor and report on this trend.

Submitted on behalf of APCOF (Observer Status 372) by:

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ⁱ <https://apcof.org>

ⁱⁱ <https://decrimpovertystatus.org>

ⁱⁱⁱ Further resources, including research and reporting, is available at <https://decrimpovertystatus.org/petty-offences-in-africa/> and <https://decrimpovertystatus.org/resources-catalogue/>

^{iv} <https://achpr.au.int/en/node/846>

^v See, for example: <https://decrimpovertystatus.org/?resources=global-study-on-the-impact-of-counter-terrorism-on-civil-society-and-civic-space>, <https://decrimpovertystatus.org/?resources=front-line-defenders-global-analysis-2022> and <https://decrimpovertystatus.org/?resources=annual-convening-2022-report>

^{vi} The *8 March Principles for a Human Rights-Based Approach to Criminal Law Proscribing Conduct Associated with Sex, Reproduction, Drug Use, HIV, Homelessness and Poverty* provide a clear, accessible and practical legal framework based on international criminal law and international human rights law https://www.icj.org/wp-content/uploads/2023/03/Principles-Report_English.pdf.

^{vii} See, for example, <https://www.theguardian.com/global-development/2025/aug/08/kenya-weaponises-law-mass-arrests-crackdown-critics-protesters>

^{viii} See, for example: <https://www.hrw.org/world-report/2025/country-chapters/nigeria>

^{ix} See, for example, <https://www.theguardian.com/global-development/2025/jun/30/tsolo-thakeli-sam-maketane-lesotho-activist-unemployment-video>

^x See, for example, <https://www.amnesty.org/en/latest/news/2024/07/eswatini-authorities-must-quash-convictions-and-sentences-of-former-mps>. See also: <https://www.icj.org/resource/eswatini-independent-lawyers-under-increasing-threat-in-a-repressive-climate/>.

^{xi} <https://achpr.au.int/index.php/en/soft-law/guidelines-freedom-association-and-assembly-africa>

^{xii} <https://achpr.au.int/en/node/846>

^{xiii} See also, <https://www.african-court.org/cpmt/details-advisory/0012018>.