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Statement in response to the activity report of the Special Rapporteur on the Rights of Women in Africa

75th Ordinary Session of the African Commission on Human and Peoples' Rights

Item 5: Activity Reports of the Members of the Commission & Special Mechanism

Honourable Chairperson and Commissioners,

The African Policing Civilian Oversight Forum (APCOF) welcomes the opportunity to make a statement in response to the activity report of the Special Rapporteur on the Rights of Women in Africa. We make this statement as a founding member of the [Global Campaign to Decriminalise Poverty and Status](#).

We welcome the Commission's efforts to promote implementation of its Principles on the Decriminalise of Petty Offences in Africa, but remain deeply concerned about the impact of criminalisation of poverty and status on the rights of women in Africa, the steady [increase in the detention of women](#), and the [feminisation of poverty](#).

As the Special Rapporteur may be aware, the [Cape Declaration on Decriminalising Poverty and Status](#) was adopted by consensus in 2022 during the Campaign's annual conference. The meeting was attended by 113 participants from 28 countries, which included the African Commission's Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa. The Declaration highlights the impact of the criminalisation of poverty on women, such as the routine enforcement of laws that criminalise life sustaining activities in public places. This includes laws that criminalise vagrancy, loitering, begging, sleeping and eating in public, trading, sex work, or being idle and disorderly. The enforcement of these laws results in a range of fundamental human

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rights violations, including arbitrary and discriminatory arrest, the use of lethal force, torture and inhumane conditions of detention, and arbitrary detention. These unjust outcomes undermine the promise of substantive equality under the African Charter and its Maputo Protocol. They also contradict efforts to ensure women's socio-economic and political development, including achievement of gender equality under Goal 5 of the 2030 Sustainable Development Agenda.

The Cape Declaration calls on the international community, civil society and all other relevant stakeholders (including the African Commission) to take immediate actions to address the criminalisation of poverty, status and activism and its impacts.

Accordingly, APCOF and the Campaign call on the Commission, through the mandate of the Special Rapporteur on the Rights of Women in Africa, to encourage Africa states to implement the Principles on the Decriminalisation of Petty Offences in Africa, including specifically to:

- Review and repeal all laws and practices that criminalise poverty and status, such as those that criminalise homelessness, debt, life sustaining activities in public spaces, all aspects of sex work, and morality;
- Ensure that all reform efforts recognise the feminisation of poverty and address laws, policies and procedures that target or disproportionately impact women; and
- Using qualitative and quantitative methods, understand and address the gendered harms that result from the criminalisation of women and girls based on their gender and status.

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