

COMMUNIQUE



REGIONAL CONFERENCE ON THE DECRIMINALISATION OF PETTY OFFENCES IN AFRICA

Held in Accra, Ghana, from 3-4 October 2018

Across Africa, many people, especially the poor and other disadvantaged groups, are arrested and even detained for the transgression of minor offences, such as loitering, being a 'rogue and vagabond', use of abusive language, disorderly behaviour, begging, public insult and being idle. Many of these offences date back to the colonial-era. The *Campaign on the Decriminalisation and Declassification of Petty Offences in Africa* has as its aim reform in law, policy and practice that would address the arbitrary and discriminatory nature of these laws and by-laws and their enforcement.

On 25 October 2018, the African Commission on Human and Peoples' Rights (ACHPR) will launch the *Principles on the Decriminalisation of Petty Offences in Africa*. These Principles are unique in the world and seek to provide guidelines to ensure that criminal laws relating to petty offences are not used in an arbitrary and discriminatory manner against poor and disadvantaged persons in society.

On 3-4 October 2018, 15 civil society organisations and five National Human Rights Institutions (NHRI) met in Accra, Ghana, met to develop sub-regional strategies to ensure the dissemination and implementation of the Commission's *Principles on the Decriminalisation of Petty Offences in Africa*, and to strengthen collaboration between the ACHPR, NHRIs and civil society organisations. The Conference was opened and guided by Commissioner Teresa Manuela, Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, who made opening remarks that reiterated the importance of collaborative efforts between the ACHPR, NHRIs and civil society organisations to promote and encourage implementation of the Principles by State Parties to the African Charter. She expressed her hope that

others would join the regional campaign to promote the decriminalisation of petty offences in Africa, given the importance of the issue to the realisation of key African Charter rights, including freedom from discrimination, ill treatment and arbitrary arrest.

At the Conference, the Network of African National Human Rights Institutions (NANHRI) launched its Baseline Assessment Report on enhancing the role of National Human Rights Institutions (NHRIs) in the campaign to decriminalise petty offences. NHRIs from Malawi, South Africa, Kenya, Ghana and Cote d'Ivoire, also outlined their strategies to ensure implementation of the Principles.

Participants at the Regional Conference undertook to -

- Promote the implementation of the *African Commission on Human and People's Rights Principles on the Decriminalisation of Petty Offences in Africa*;
- Collaborate with all stakeholders, including governments and NHRI, to use the Principles as a resource to encourage law, policy and practice reforms.
- Work with States and civil society organisations to support democratic policing practices to build trust between the police and the public, and eliminate harmful policing practices such as arbitrary arrests, unnecessary detention, excessive use of force and extortion;
- Encourage dialogue on the use of constructive alternatives to arrests and prosecution to deal with problematic behaviour in public spaces that do not pose a threat to public safety;
- Engage in strategic litigation where necessary to accelerate and strengthen the decriminalisation of petty offences; and
- Work towards an Africa-wide campaign to rid ourselves of colonial era crimes and other predatory forms of law enforcement.

National and regional campaign partners are:

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| <input type="checkbox"/> AdvocAid, Sierra Leone | <input type="checkbox"/> Malawi |
| <input type="checkbox"/> Africa Criminal Justice Reform (ACJR), regional | <input type="checkbox"/> Commonwealth Human Rights Initiative (CHRI), Ghana |
| <input type="checkbox"/> African Policing Civilian Oversight Forum (APCOF), regional | <input type="checkbox"/> Human Rights Awareness and Promotion Forum (HRAPF), Uganda |
| <input type="checkbox"/> Centre for Accountability and the Rule of Law (CARL), Sierra Leone | <input type="checkbox"/> International Commission of Jurists-Kenya (ICJ), Kenya |
| <input type="checkbox"/> Centre for Human Rights Education Advice and Assistance (CHREAA), | <input type="checkbox"/> Lawyers Alert, Nigeria |
| | <input type="checkbox"/> Môme Droits pour Tous Guinée, |

Guinea

- Network of African National Human Rights Institutions (NANHRI), regional
- Open Society Foundations, regional
- Pan-Africa Lawyers Union (PALU), regional
- PRAWA, Nigeria
- Southern Africa Litigation Centre (SALC), regional

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Date: 18 October 2018