

[Subscribe](#)[Past Issues](#)[Translate](#) ▼[RSS](#) 📡WWW.PETTYOFFENCES.ORG

Campaign to Decriminalise Petty Offences in Africa 2018 Newsletter

Across Africa criminal justice systems are inundated with cases involving people charged with outdated, colonial era petty offences that pose little threat to public safety. Laws against loitering, being a 'rogue or a vagabond', or having no 'ostensible means of assistance', amongst others, are used to target the poor, minorities, and marginalised groups, including persons with disabilities.

The **Campaign for the Decriminalisation and Declassification of Petty Offences in Africa** comprises of like-minded human rights organisations engaging in legislative reform, strategic litigation and advocacy activities seeking to remove outdated and petty offences. We also seek to reduce prison overcrowding and advocate against arrests and detention for petty offences. Below are some of our activities in 2018.

[We need your help - please join our campaign!](#)



Forthcoming: "Poverty is not a crime" photo exhibition on the impact of petty offences in Africa

On 25 October 2018, the Open Society Foundations will host a photo exhibition at the upcoming African Commission on Human and Peoples' Rights 63rd Ordinary Session in Banjul, The Gambia. The exhibition documents the impact of the use of petty offences on the poor and marginalised in four African countries, Malawi, Kenya, Ghana and Sierra Leone. Its opening coincides with the formal launch of the Commission's Principles on the Decriminalisation of Petty Offences in Africa. Participants at the Session are encouraged to attend the exhibition opening and to view these inspiring images.



Forthcoming: African Commission to launch Principles on the Decriminalisation of Petty Offences in Africa

The Principles on the Decriminalisation of Petty Offences in Africa will be launched by the African Commission on Human and Peoples' Rights on 25 October 2018 at its 63rd Ordinary Session in The Gambia. The African Commission consulted widely on the Draft Principles prior to their adoption in November 2017. The development of the Principles was supported by the African Policing Civilian Oversight Forum (APCOF).

[Click to read more](#)



Regional News: NANHRI launches research report on NHRIs and petty offences

On 3 October 2018, the Network of African National Human Rights Institutions (NANHRI) launched its baseline assessment report in Accra, Ghana, titled **Enhancing the Role of NHRIs in the Decriminalisation of Petty Offences in Africa**. The report focuses on the work of the Kenya National Commission on Human Rights, the Commission on Human Rights and Administrative Justice of Ghana, the Malawi Human Rights Commission, the South African Human Rights Commission and the National Commission on Human Rights of Cote d'Ivoire.

[Click to read more](#)



Regional News: Regional Conference on the Decriminalisation of Petty Offences in Africa

The Campaign on the Decriminalisation of Petty Offences hosted a regional conference in Accra, Ghana, on 3 and 4 October 2018. The conference was opened by the African Commission Special Rapporteur for Prisons, Conditions of Detention and Policing in Africa, Honourable Commissioner Teresa Manuela. The conference developed sub-regional plans for the implementation of the Principles on the Decriminalisation of Petty Offences in Africa.

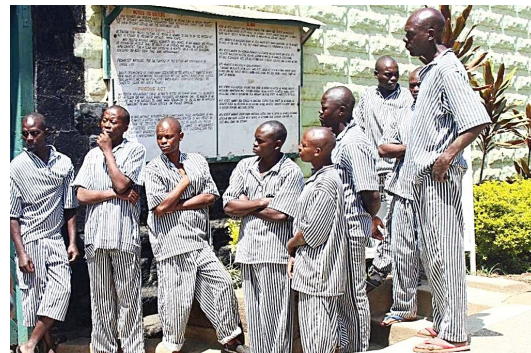
[Click to read more](#)



Sierra Leone News: Attorney General to address 'Petty Crimes'

In July 2018, the Attorney General and Minister of Justice, Charles Francis Margai, said he will work together with judges to solve issues around petty crimes. He suggested community service as an alternative to imprisonment for minor offences.

[Click to read more](#)



Kenya News: Director of Public Prosecutions considers alternatives to arrests

In May 2018, the Director of Public Prosecutions, Dorcas Oduor, noted that people who commit petty offences often end up in prison because they cannot afford bail or fines. He proposed the urgent development of alternatives to arrest and structural changes to the criminal justice system.

[Click to read more](#)



Malawi News: Director of Public Prosecutions issues guidelines on prosecuting minor nuisance-related offences

The Director of Public Prosecutions, Mary Kachale, issued guidelines for prosecutors on when prosecution can be instituted for minor nuisance-related offences. The development of the guidelines was supported by the Centre for Human Rights Education, Advice and Assistance (CHREAA) and the Southern Africa Litigation Centre (SALC). In January 2018, CHREAA conducted training for police on the use of vagrancy laws and the new guidelines.

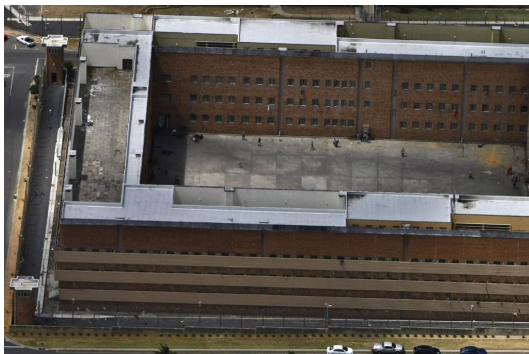
[Click to read more](#)



Malawi News: CHREAA and SALC challenge constitutionality of sweeping exercises and vagrancy law

Whilst one of the rogue and vagabond offences was **declared unconstitutional in January 2017**, police continue to use the remaining offence of "not having a visible means of subsistence" to arrest people. CHREAA and SALC are now challenging the offence and the practice of arbitrary arrests during sweeping exercises in the Malawi High Court. The offence of "having no visible means of subsistence" exists throughout Africa and campaign partners PALU and SALC submitted a request for advisory opinion on the offence to the African Court in May 2018.

[Click to read more](#)



South Africa News: Minister of Justice notes decriminalisation of petty offences as an option to reduce prison overcrowding

In a speech on 25 July 2018, Minister of Justice and Correctional Services Michael Masutha said that drastic steps need to be taken to reduce South Africa's prison population, including decriminalisation of certain non-violent crimes. This followed a [dialogue on human rights and policing](#) hosted by the SAHRC and APCOF in May 2018 which featured the need to



Kenya News: ICJ-Kenya raises concerns about impact of petty offences on prison overcrowding

In July 2018, the International Commission of Jurists Kenya (ICJ-Kenya) reiterated its concerns that petty offences target mainly the poor, vulnerable groups like street families, hawkers, drug addicts, the LGBT community, drunk and disorderly people, touts and even human rights defenders. They noted that many of the persons arrested for petty offences can't pay the amount fined hence end up in jail thus making the prisons

decriminalise petty offences.

[Click to read more](#)



Ghana News: Criminal justice sector stakeholders engage on petty offences

In June 2018, the Commonwealth Human Rights Initiative launched its research report [“Decriminalising and Declassification of Petty Crimes in Ghana”](#). Key stakeholders in the human rights and justice sector, including the Commission on Human Rights and Administrative Justice (CHRAJ), a member of the Council of State, representatives of the Ghana Police Service, Legal Aid, the Attorney-General’s Department, Ministry for the Interior and the Ghana Prisons Service attended the launch.

[Click to read more](#)



Nigeria News: PRAWA notes prison overcrowding worse due to arrests for petty offences

In July 2018, Prisoners Rehabilitation and Welfare Action (PRAWA) provided input into the Nigeria Prison Service Amendment Bill. They noted that alternatives to arrest and

more congested every time. ICJ-Kenya also raised the need to decriminalise petty offences on various [radio programmes](#) and at its [Annual Criminal Justice Conference](#) in July 2018.

[Click to read more](#)



Kenya News: Committee on Criminal Justice Reform, KNCHR and ICJ-Kenya engage stakeholders on petty offences

The National Council on the Administration of Justice Committee on Criminal Justice Reform (NCAJ-CCJR) was established by the Chief Justice in 2017 to reform Kenya’s criminal justice system. The Committee’s formation followed ICJ-Kenya research on, [“Law and Policy on the Petty Offences and Practices Affecting Populations at the National Level and in Kisumu, Mombasa, and Nairobi Counties”](#). During 2018, the NCAJ-CCJR, [KNCHR](#) and ICJ-Kenya engaged stakeholders to lobby for criminal justice reform and decriminalisation of petty offences.

[Click to read more](#)



Nigeria News: Lawyers Alert challenges arbitrary police arrests

Lawyers Alert, with the support of SALC, has filed a case in the Abuja High Court challenging the unlawful arrest of sex workers by the Abuja Environmental Protection Board. The case is bolstered by a positive [decision of the](#)

imprisonment should be considered for petty offences. They also raised concern about the outdated manner in which the Bill dealt with persons with psychosocial disabilities who had not committed any offence. The need to decriminalise petty offences to reduce overcrowding was also raised in [local media](#). [Click to read more](#)

[ECOWAS Court](#) in October 2017. The ECOWAS case of *Dorothy Njemanze and three others versus the Federal Republic of Nigeria* centred on the violent, cruel, inhuman, degrading and discriminatory treatment the plaintiffs suffered at the hands of the Abuja Environmental Protection Board. The ECOWAS case was brought by the Institute for Human Rights and Development in Africa, IHRDA, Alliances for Africa, Nigerian Women Trust Fund, and OSIWA. [Click to read more](#)



Zimbabwe News: Harare court acquits vendors after street protest

In February 2018, a Zimbabwe court acquitted three informal traders, who had been on trial for allegedly committing public violence late last year. Their arrest followed a protest against the Zimbabwe police and Harare City Council joint operation code-named "Restore Sunshine City", aimed at removing vendors from trading in Harare's central business district. The accused were represented by Zimbabwe Lawyers for Human Rights.

[Click to read more](#)

India News: Delhi High Court declares begging offence unconstitutional

In August 2018, the Delhi High Court declared various sections of the Bombay Prevention of Begging Act of 1959 unconstitutional. The Court held that "criminalising begging is a wrong approach to deal with the underlying causes for the problem. It ignores the reality that people who beg are the poorest of the poor and marginalised in society." The Court held that criminalising begging denies them the "right to communicate and seek to deal with their plight".

[Click to read more](#)



Uganda News: HRAPF concerned by continued use of vagrancy offences to target key population groups

In Uganda, a number of offences relating to being 'idle and disorderly' and 'rogue and vagabond',

Regional News: Africa Criminal Justice Reform says vagrancy and related offences impact on children's access to justice

At the Continental Conference on Access to Justice for Children in Africa, held in Addis Ababa

commonly referred to as vagrancy offences, exist – and they are being used to exploit and extort many people from key populations. [HRAPF research](#) suggests that most arrests made under vagrancy charges are made purely for the purpose of extortion. HRAPF also raised concern about [police abuse of sex workers](#). [Click to read more](#)

in May 2018, ACJR gave a presentation on the impact of laws which criminalise poverty on children's access to justice. [ACJR criminal justice audits](#) conducted in Kenya, Malawi, Mozambique and Zambia showed that many persons were in remand facilities for offences such as loitering, being idle and disorderly, being a rogue and 'vagabond, nuisance, touting and minor municipal contraventions.

[Click to read more](#)



Copyright © *2018* *pettyoffences.org*, All rights reserved.

www.pettyoffences.org

Our mailing address is:

AnnekeM@salc.org.za

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).



This email was sent to <<Email Address>>

[why did I get this?](#) [unsubscribe from this list](#) [update subscription preferences](#)

SALC · 1 Hood Avenue/ 148 Jan Smuts Avenue · Rosebank, Johannesburg 2196 · South Africa