

COMMUNIQUE



'POVERTY IS NOT A CRIME' CAMPAIGN ON THE DECRIMINALISATION AND DECLASSIFICATION OF PETTY OFFENCES IN AFRICA.

It remains the case that too 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, public insult and being idle. Many of these offences date back to the colonial-era. The 12 partner organisations of the campaign on the *Decriminalisation and Declassification of Petty Offences in Africa* have as their collective aim reform in law, policy and practice that would address the arbitrary and discriminatory nature of these laws and by-laws and their enforcement.

It is against this background that on 20 – 21 June 2018 the partner organisations and Open Society Foundations (Human Rights Initiative) met in Johannesburg, South Africa, to review achievements and challenges of the campaign and also to plan ahead. We are also pleased that the campaign has now grown from the original six to 12 partner organisations. For more information on the campaign, please see www.pettyoffences.org

The partners undertake to promote the adoption and implementation of the African Commission on Human and People's Rights (ACHPR) Principles on the Decriminalisation of Petty Offences in Africa - ACHPR/Res. 366 (EXT.OS/XX1) 2017 and encourages stakeholders, including governments and National Human Rights Institutions (NHRI), to use the Principles to affect law, policy and practice reforms.

We call on civil society organisations to engage their respective governments on the decriminalisation and declassification of petty offences in an effort to seek constructive and progressive solutions and avoid litigation.

The partners call on states and civil society organisations to support policing practices that 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.

We encourage 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.

We undertake to document and disseminate results showing the benefits of alternative to arrest and imprisonment, the declassification and decriminalisation of petty offences to the public and decision-makers, as well as the harmful consequences of the continued enforcement of these laws.

The partners further support the current Request for Advisory Opinion at the African Court on Human and Peoples' Rights (AfCHPR) to determine to which extent vagrancy laws and by-laws violate the rights protected under the African Charter on Human and People's Rights and other African human rights instruments. The partners also call for all interested parties to intervene in support of this process.

Lastly, the partners call on other civil society organisations across the continent to join the campaign and build this to an Africa-wide campaign to rid ourselves of colonial era crimes and other predatory forms of law enforcement.

The campaign partners are:

- AdvocAid
- Africa Criminal Justice Reform (ACJR)
- African Policing Civilian Oversight Forum (APCOF)
- Centre for Accountability and the Rule of Law (CARL)
- Centre for Human Rights Education Advice and Assistance (CHREAA)
- Commonwealth Human Rights Initiative (CHRI)
- Human Rights Awareness and Promotion Forum (HRAPF)
- International Commission of Jurists (Kenya) (ICJ)

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

For more information:

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