

Resolution on conducting a Study on Prisons and Conditions of detention in Africa - ACHPR/Res.557 (LXXV) 2023

Jun 15, 2023

The African Commission on Human and Peoples' Rights, meeting in its 75th Ordinary Session, held in hybrid format Banjul, The Gambia, from 03 to 23 May 2023

Recalling its mandate to promote and protect human rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

Reaffirming the importance of respecting the objectives and principles of the African Charter in promoting and protecting the fundamental rights of all, including those of detainees and prisoners;

Recalling further its decision taken at its 20th Ordinary Session held in Grand Bay, Mauritius, in October 1996, which defined the mandate and appointed a Special Rapporteur on Prisons and Conditions of Detention in Africa, as a mechanism for monitoring prisons;

Bearing in mind the provisions of the African Charter on Human and Peoples' Rights, the Protocol on the Rights of Women in Africa, the African Charter on the Rights and Welfare of the Child, the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and other international human rights instruments ;

Reflecting on several other instruments, such as the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, the Kampala Declaration on Prison Conditions in Africa and the Plan of Action adopted at the Kampala Seminar on Prison Conditions in Africa, the Kadoma Declaration, the Ouagadougou Declaration and Plan of Action, the Robben Island Guidelines, the Guidelines on Arrest, Police Custody and Preventive Detention in Africa (Luanda Guidelines), together with the implementing instruments and the Principles on the Decriminalization of Petty Offences;

Convinced that a study on prison and detention conditions would contribute to providing data and information on the contextual situation, the extent and scope of the problem, and the recommendations to highlight strategies and measures to be put in place to prevent human rights violations ;

Mindful of the deteriorating situation of the rights of prisoners and detainees in Africa ;

Recognizing the urgent need to remedy the human rights violations occurring in prisons and detention centres throughout the African continent;

Recalling also the meeting held virtually on 27 and 28 April 2023, at the initiative of the African Commission through its Special Mechanism on Prisons, Conditions of Detention and Policing in Africa, and in collaboration with participants in the Regional Conference focusing on state delegates, NHRI representatives, magistrates, prison experts and NGOs, with particular focus on prison conditions in Africa;

Recognizing the urgent need to address human rights violations occurring in prisons and detention centres across the African continent, and the devastating impact of inhuman and degrading treatment of detainees on their physical and mental health, dignity and social well-being, with negative repercussions on their self-esteem, which greatly interferes with their return to society;

Affirming the responsibility of African States to respect, protect and promote fundamental human rights and freedoms, including the rights of detainees;

Expressing its deep concern at the persistent reports of human rights violations in African prisons and detention centres, including overcrowding, lack of access to health care, food and drinking water, accommodation in inadequate facilities, physical and sexual violence, and denial of a fair trial as well as legal assistance for the most vulnerable;

Noting the particularly harmful impact of imprisonment on women and their children, as demonstrated during the pandemic, and recognizing the gendered pathways to imprisonment (such as women's particular vulnerability to poverty and gender-based violence), the Commission intends to carry out specific research in this area and on best practice in gender-sensitive alternatives to imprisonment;

Noting with appreciation the efforts of some African States to reform their prison systems and improve the conditions of detention;

The Commission:

1.**Decides** to conduct a study on prisons and conditions of detention in Africa, with a view to identifying the root causes of registered human rights violations and making recommendations for reform;

2.**Invites** all African human rights actors working in this field to cooperate fully with the Commission in the conduct of the said study;

3.**Requests** the mechanism to report on the results of the study within two years.

Done at Banjul, the Gambia, 23 May 2023