



The Ouagadougou Conference on Penal and Prison Reform in Africa

Between 18-20 September 2002, 123 delegates from 38 countries including 33 African countries met in Ouagadougou under the high patronage of the President of Burkina Faso. The President of the African Commission on Human and Peoples' Rights, Ministers of State, Prison Commissioners, Judges and international, regional and national non-governmental organizations all worked together to find ways of accelerating penal reform in Africa. The three days of intensive deliberation produced the Ouagadougou Declaration on Accelerating Penal and Prison Reform in Africa which was adopted by consensus at the closure of the conference with the request that it be forwarded to national governments, the African Union and the 12th Session of the United Nations Commission on Crime Prevention and Criminal Justice.

The conference hosted by the Government of Burkina Faso, held under the auspices of the African Commission of Human and People's Rights was co-organised by Penal Reform International, Association Pénitentiaire Africaine and Burkina Faso Ministry of Justice. The conference was opened by the Prime Minister Mr Paramanga Ernest Yonli.

The conference was a follow up from the 1st Pan African conference on prison and penal reform in Africa held in Kampala, Uganda 1996. The Kampala Declaration on Prison Conditions in Africa and Plan Action has been the benchmark and guiding document for prison and penal reform in Africa, and had called for a further such gathering to revisit prison and penal reform in Africa.

During the conference, there were interventions from leading African experts of criminal justice systems across Africa, from trans-national organisations and other international representatives.

Critical themes covered included: Prison conditions in Africa since the Kampala Declaration 1996; reducing the use of imprisonment; the role of civil society; prison conditions and treatment of prisoners, good prison management and self sustainability of the prison services, alternatives sanctions to imprisonment, including the successful and internationally replicated African model of community service; reducing remand prison population; juvenile justice; an integrated approach to criminal justice and penal reform and an African Charter on Prisoners Rights.

Delegates presented models of good practice in penal and prison reform that have been developing and implemented since the Kampala Declaration in 1996. One of the key examples being the work of Dr Vera Chirwa, the Special Rapporteur on Prisons and Conditions of Detention in Africa, (ACHPR). Other models included good management of prison resources from Rwanda (biogas – see p. 2) and Malawi (prison farms); an integrated approach to criminal justice from Uganda; community service from Zimbabwe, Kenya and Burkina Faso; monitoring prison conditions, Burundi; prisoners rights, Morocco.

Following the presentation and acclaim and adoption of the Ouagadougou Declaration: Accelerating Prison and Penal Reform in Africa the conference was closed by the Minister of Justice, Boureima Badini.

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Penal Reform International, African Commission on Human and Peoples' Rights, Association Pénitentiaire Africaine

The Ouagadougou Declaration on Accelerating Prison and Penal Reform in Africa

Recognising that there has been progress in raising general prison standards in Africa as recommended by the Kampala Declaration on Prison Conditions 1996

Recognising also the specific standards on alternatives to imprisonment contained in the Kadoma Declaration on Community Service Orders in Africa 1997; and on good prison administration set out in the Arusha Declaration on Good Prison Practice 1999

Noting the recognition given to these African standards by the United Nations as complementary to the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Declaration on the Basic Rights of Prisoners and the United Nations Standard Minimum Rules for non-custodial measures (the 'Tokyo Rules')

Mindful of the key role played by Africans in formulating an agenda for penal reform through the 1999 Egham Conference on 'A New Approach for Penal Reform in a New Century'

Noting with satisfaction the important practical steps that have been taken to implement these standards at an African level through the activities of the African Commission on Human and Peoples' Rights and its Special Rapporteur on Prisons and Conditions of Detention

Commending the practical measures that have been taken by prison authorities in African countries to apply these standards in their national jurisdictions

Recognising that notwithstanding these measures there are still considerable shortcomings in the treatment of prisoners, which are aggravated by shortages of facilities and resources

Welcoming the growing partnerships between Governments, non governmental organizations and civil society in the process of implementing these standards

Emphasising the importance of a criminal justice policy that controls the growth of the prison population and encourages the use of alternatives to imprisonment

The participants at the second pan-African Conference on Prison and Penal Reform in Africa, held in Ouagadougou, Burkina Faso between 18-20 September 2002, recommend

1. Reducing the prison population

Criminal justice agencies should work together more closely to make less use of imprisonment. The prison population can only be reduced by a concerted strategy. It should be based on accurate and widely publicized information on the numbers and kinds of people in prison and on the social and financial impact of imprisonment. Reduction strategies should be ongoing and target both sentenced and unsentenced prisoners

2. Making African prisons more self-sufficient.

Further recognition should be given to the reality that resources for imprisonment are severely limited and that therefore African prisons have to be as self sufficient as possible. Governments should recognize, however, that they are ultimately responsible for ensuring that standards are maintained so that prisoners can live in dignity and health.

3. Promoting the reintegration of offenders into society

Greater effort should be made to make positive use of the period of imprisonment or other sanction to develop the potential of offenders and to empower them to lead a crime-free life in the future. This should include rehabilitative programmes focusing on the reintegration of offenders and contributing to their individual and social development.

4. Applying the rule of law to prison administration

There should be a comprehensive law governing prisons and the implementation of punishment. Such law should be clear and unambiguous about the rights and duties of prisoners and prison officials. Officials should be trained to follow proper administrative procedures and to apply this law fairly. Administrative decisions that impact on the rights of prisoners should be subject to review by an independent and impartial judicial body.

5. Encouraging best practice

Further exchange of examples of best penal practice is to be encouraged at national, regional and international levels. This can be enhanced by the establishment of an all-African association of those involved in penal matters. The rich experience available across the continent can best be utilized if proven and effective programmes are progressively implemented in more countries. The Plan of Action to be developed from the proceedings of the Ouagadougou Conference will serve to further such exchange.

6. Promoting an African Charter on Prisoners' Rights

Action should be taken to promote the draft African Charter on Prisoners' Rights as an instrument that is appropriate to the needs of developing countries of the continent and to refer it to the African Commission on Human and Peoples' Rights and the African Union.

7. Looking towards the United Nations Charter on the Basic Rights of Prisoners

The international criminal justice community should look towards developing a United Nations Charter of Basic Rights for Prisoners with a view to strengthening the rule of law in the treatment of offenders. African experience and concerns should be reflected in this Charter, which should be presented to the 11th United Nations Congress on the Prevention of Crime and Criminal Justice in Bangkok, Thailand, 2005.