

ACHPR/Res. 348(LVIII) 2016: Resolution on the Collaboration between the African Commission on Human and Peoples' Rights and Partners on Promoting The revised United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 58th Ordinary Session, held in Banjul, The Islamic Republic of The Gambia, from 6 to 20 April 2016;

Recalling its mandate to promote and protect human and peoples' rights under the African Charter on Human and Peoples' Rights (the African Charter);

Recalling further Article 4, 5 and 6 of the African Charter which enjoins Members States to guarantee the right to life and integrity of person, respect for the dignity inherent in a human being and prohibition of all forms of torture, arbitrary arrest and detention of persons;

Mindful that States Parties to the African Charter bear the responsibility for people deprived of their liberty and have the obligation to improve prison conditions and protect the human rights of prisoners, detainees and all persons deprived of their liberty in Africa;

Concerned that the conditions of prisons and prisoners in many African countries are some of the poorest in the world with high congestion rates, the overuse of pre-trial detention, poor sanitation and lack of access to proper medical care, with few rehabilitative programmes, educational or vocational opportunities, among others;

Considering the Commission's Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa and the Guidelines and measures for the prohibition and prevention of torture, cruel, inhuman or degrading treatment or punishment in Africa; to ensure better protection and promotion of rights of prisoners and pre-trial detainees;

Cognizant of Article 45(1) (c) of the African Charter, which mandates the Commission to cooperate with other African and international Institutions concerned with the promotion and protection of human and peoples' rights; and the 'Addis Ababa Road Map' agreement between the special procedures of the United Nations Human Rights Council and the special mechanisms of the Commission, aimed at fostering cooperation between the two entities with the common objective to promote and protect human rights;

Noting Resolution UN-Doc A/Res/70/175, adopted by the United Nations General Assembly on 17 December 2015, adopting the United Nations Revised Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) as a source of standards relating to treatment in detention, and as the key framework used by monitoring and inspection mechanisms in assessing the treatment of prisoners;

Supporting the adoption by the United Nations of the Revised Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules);

The Commission:

- i. **Encourages** all stakeholders to draw inspiration from the Mandela Rules in order to fill the existing gaps in the applicable laws, policies and practice with the view to enhance a better treatment for detainees;
- ii. **Commits** itself through the work of the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, to collaborate with Partners and other stakeholders to promote and disseminate the Revised Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules).

Done in Banjul, The Islamic Republic of The Gambia, 20 April 2016