

<b>AFRICAN UNION</b>		<b>UNION AFRICAINE</b>
<b>الاتحاد الأفريقي</b> <b>African Commission on Human &amp; Peoples' Rights</b>		<b>UNIÃO AFRICANA</b> <b>Commission Africaine des Droits de l'Homme &amp; des Peuples</b>
<p><i>No. 31 Bijilo Annex Lay-out, Kombo North District, Western Region, P. O. Box 673, Banjul, The Gambia</i>  <i>Tel: (220) (220) 441 05 05 /441 05 06, Fax: (220) 441 05 04 E-mail: <a href="mailto:au-banjul@africa-union.org">au-banjul@africa-union.org</a>; Web: <a href="http://www.achpr.org">www.achpr.org</a></i></p>		

**Rules of Procedure of the Committee for the prevention of Torture in Africa**  
**(CPTA)**

**Background and justification:**

The Committee for the Prevention of Torture in Africa (CPTA), was established by the African Commission on Human and Peoples' Rights (African Commission) pursuant to its mandate under Articles 5 and 45 of the African Charter on Human and Peoples Rights (African Charter) through the adoption of Resolution 61(XXXII) 02 on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines or RIG), in October 2002.

Formerly known as the Follow-up Committee on the Implementation of the Robben Island Guidelines, the CPTA was established as the special mechanism of the African Commission dedicated to addressing the issue of torture with the specific mandate of, among others, promoting and facilitating the effective implementation of the RIG within member States as well as developing and proposing to the African Commission strategies for the effective prohibition and prevention of torture in Africa

The CPTA adopts the present rules of procedure, which take into account relevant issues to be considered by any mechanism looking forward to accomplishing effective torture prevention work. These constitute a tool guiding operational aspects relevant to the CPTA mandate, including, inter alia; CPTA internal meetings, membership, internal organisation, conduct of missions, reporting and cooperation with other actors.

### **Article 1: Membership**

1. Members of the Committee shall comprise of the African Commission, the Association for the Prevention of Torture and any prominent African Experts as the Commission may determine.
2. Members of the Committee shall be appointed for a period of two years renewable.
3. The Bureau of the Committee shall be composed of a Chairperson and Vice-chairperson appointed by the African Commission.
4. The Chairperson of the Committee shall be its spokesperson. In his/her absence the Vice President shall deputize for him/her. Nonetheless each member can be designated by the Chairperson to speak on behalf of the Committee on specific issues or in specific contexts.
5. The Bureau with the assistance of the Secretariat shall coordinate the activities of the Committee.

### **Article 2: Resignation**

1. In the event of resignation, the member concerned shall address a letter to the Chairperson of the Committee who will convey it to the Chairperson of the African Commission for approval.
2. If in the unanimous opinion of other members of the Committee, a member has stopped discharging her/his duty by repeated absence, non active contribution to the work of the Committee or serious violations of these rules,

the Committee can submit to the Chairperson of the Commission a proposal of a measure of expulsion and replacement of the member concerned. In such a case the latter shall be given an audience to present his/her explanations.

### **Article 3: Meetings of the Committee**

1. The Committee shall meet at least twice a year at the Commission's headquarters or at any other venue decided on by its Bureau.
2. The Chairperson of the Committee shall convene its meetings. The dates of meetings are set two months in advance by the Chairperson in consultation with other members.
3. The Secretariat in consultation with the Bureau shall prepare the draft agenda no later than 1 month prior to the meeting. The first item on the provisional agenda of any meeting shall be the amendment and adoption of the agenda and order of business.
4. The Secretariat shall transmit all working documents in English and French to the members of the Committee at least ten (10) working days in advance of the meeting.
5. Three out of five of the Committee members shall constitute its quorum.
6. Decisions of the Committee shall be taken by consensus, except where a vote is called for by a member. The Chairperson shall have the casting vote in the event of a tie.

### **Article 4: Secretariat**

1. The secretarial functions to the Committee shall be held by the Secretariat of the African Commission with specific staff member(s) dedicated to assisting the Committee in the implementation of its mandate.

### **Article 5: Division of tasks within members**

1. The Bureau shall assign tasks to members of the Committee as the need arises.

2. Each member of the Committee shall take advantage of any activity or initiative, not necessarily emanating from the CPTA, to promote the Robben Island Guidelines and inform other members accordingly for the purpose of institutional memory and coordination of inter-session activity reporting

## **Article 6: Country missions of the Committee**

### ***6 a. Aim of missions***

1. The Committee can, on the invitation of a Government or at its own initiative, conduct a mission to a Member State of the African Union, aimed at promoting and facilitating the implementation of the Robben Guidelines, monitoring and evaluation of the situation of torture or providing advice or technical support to national actors for the effective prohibition and prevention of torture and cruel, inhuman or degrading treatment or punishment.
2. All members are entitled to participate in country missions depending on the availability of funding.

### ***6 b. Preparation of missions***

1. The Secretariat shall prepare, for the benefit of each Committee member, documentation on the country to be visited, as complete as possible, drawn from the Commission's archives or from any other relevant sources including reports of UN human rights mechanisms, National Human Rights Institutions and civil society organisations.
2. The Secretariat, in coordination with the Bureau, shall draft terms of reference defining objectives and programme of the mission, which are sent to the Government of the Member State together with a draft list of authorities or institutions the delegation would like to meet.

3. Drawing from the preliminary documentation and information on the country, the Bureau may identify specific priority issues that the mission shall focus on.
4. The mission programme shall be drawn up in the most accurate manner possible in collaboration with the country's authorities before the commencement of the mission.

#### *6 c. Conduct of a mission*

1. On the first day of the mission the Committee shall hold a meeting with the authorities of the host country to finalize its program.
2. A meeting with the civil society is necessary and if possible should be held at the beginning of the mission.
3. The Committee shall meet, at the highest level possible, relevant authorities in regard to the objectives of the mission.
4. A one day seminar shall be organized where possible during the mission bringing together all the stakeholders concerned with the issue of torture.
5. Places of detention shall be visited including among others, places of remand, prisons and psychiatric hospitals.
6. Private interviews with persons deprived of liberty shall be conducted during visits to places of detention.

#### *6 d. End of a mission*

1. The Committee shall hold a consultation before the end of the visit to establish the points of consensus on the mission.
2. A meeting with the Authorities of the host country at the highest possible level shall provide it with the opportunity to voice its first impressions.
3. A press conference shall be held and a communiqué issued at the end of the mission.

#### ***6 e. Reporting on missions and follow up***

1. The Secretariat in consultation with the Bureau shall prepare and circulate a draft report of the mission to members.
2. The Mission Report shall be adopted at the first meeting of the Committee following the mission or via email, if the Committee is unable to meet, after which the report shall be tabled for adoption by the African Commission thereafter.
3. The adopted report shall be sent to the Government of the host country to make its comments within 60 days from the day the report is sent. The Report and the comments of the Government shall be made public.
4. A follow up on the Report shall be elaborated for the effective implementation of the recommendations contained therein.

#### **Article 7: Urgent appeals and other actions on matters of emergency**

1. The Committee may issue urgent appeals on matters of emergency.
2. The Committee may also issue position statements or press releases on specific matters or situations of concern
3. If during mission or any other activity, the Committee comes across a situation of torture or ill-treatment, it shall report to relevant authorities as a matter of emergency and seek for remedies.

#### **Article 8: Cooperation**

1. The Committee shall establish relations of cooperation with the States, the National Human rights institutions, the National Preventive Mechanisms, the United Nations Agencies, the Non-Governmental Organizations and any other relevant partner with whom it may undertake joint activities relevant to its mandate.
2. The Committee may develop specific memorandum of cooperation with any relevant partner for the effective implementation of its mandate.

### **Article 9 Confidentiality**

The work and documents of the Committee shall be kept confidential so long as it is not published.

### **Article 11: Financial resources and budget**

1. The African Commission shall fund the Committee which may also seek external funding.
2. The Committee shall establish its work plan and budget each year on the basis of its strategic plan. Changes of activities and their financial implications during the year must be discussed by the Committee on ad hoc basis.

### **Article 12: Reporting to the African Commission**

1. The Chairperson shall present the report of the Committee at each Ordinary Session of the Commission.
2. The Committee shall also present to the Commission, annually, an analytical progress report on the implementation of the Robben Island Guidelines highlighting new developments in torture prevention and/or providing authoritative and guiding views on specific issues for the effective prohibition and prevention of torture in Africa

Done in Robben Island  
South Africa  
26 August 2012