



Panel- Committee for the Prevention of Torture in Africa (CPTA)

59th Ordinary Session of the African Commission

Monday, 24 October 2016

10:30 am - 12:15 pm

Banjul, Islamic Republic of The Gambia

Presentation on Added Value of the Draft General Comment on the Right to Redress for Victims of Torture and other Ill-treatment; 6th Edition CPTA Newsletter dedicated to enhancing awareness on women's right to freedom from torture and other ill-treatment

Thank you Honourable CPTA Chairperson for giving me the floor.

Thank you Distinguished participants for your attention.

As earlier highlighted by the CPTA Vice-chairperson, the Committee for the Prevention of Torture in Africa, since its establishment in 2002, has worked to ensure the protection of women from torture and other ill-treatment.

Because the Vice-chairperson has already touched on CPTA's mandate and the Committee's contribution to enhancing women's rights, I will not go into the details of elaborating on CPTA's activities as relates to the rights of women. Instead, I will brief you on two (2) documents prepared by the Committee which discuss the gender-specific or contextual harm suffered by women and the need to craft unique solutions to address these violations. These documents are the draft General Comment on the Right to Redress for Victims of Torture and other Ill-treatment under Article 5 of the African Charter (the Draft General Comment on the Right to Redress), and the Committee's 6th Edition Newsletter – *Africa Torture Watch*.

The CPTA undertook to prepare the General Comment further to its 2015/2016 Operational Work Plan which tasks the CPTA to provide technical tools to State

Parties and other relevant actors on the effective prohibition and prevention of torture, and to respond appropriately to the needs of victims.

The CPTA is in the process of developing a General Comment on the Right to Redress, which sets out the scope and content of victims' right to redress in specific contexts pertinent to the Continent. It aims to assist State Parties to the Charter and other stakeholders provide redress to victims of torture and other ill-treatment.

The right to redress encompasses the right to an effective remedy and to full and adequate reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

The Committee held several consultative meetings to gather inputs from stakeholders and to foster greater ownership over the eventual text and aid in its implementation. The Committee also received a number of comments on the zero draft of the General Comment which it had uploaded on the Commission's website.

With regards to the specific contexts of women, the General Comment recognises that:

- i. Individual, institutional, structural or systemic inequalities exist, and discrimination, marginalization and other disadvantageous situations are widespread placing certain persons or groups at heightened risk to acts of torture and other ill-treatment. It recognises that there may be intersections in terms of the characteristics or status which place persons or groups at heightened risk. Such intersections could be a woman with disability, who is at risk because she is a woman and also because she is a person with disability. In view of this, the General Comment calls on States to adopt reparative measures as appropriate that are transformative and address the individual, institutional and structural aspects that constitute the cause of torture.
- ii. The General Comment also recognises that the identification of survivors/victims of torture should be made on a case-by-case basis and that it should be guided by the particular harm experienced by the

individual, rather than exclusively focus on the act or omission itself. In view of this, the General Comment calls on States to take into account the particular effects of sexual and gender based violence, and the particular experiences of women subjected to torture and other ill-treatment.

- iii. The General Comment notes the wide prevalence of sexual and gender based violence perpetrated against women and girls and the particular harms they suffer, which is why it has an entire section on Sexual and Gender Based Violence. Acts of sexual and gender based violence may amount to a form of torture and other ill-treatment in view of the specific, traumatic and gendered impact of the violence on the victims, including individual, family and collectives. These acts could be physical or psychological acts, committed against victims without their consent or under coercive circumstances. Coercive circumstances may occur in public or private life and include force, or coercion caused by fear of violence, duress, detention, psychological oppression or abuse of power. The General Comment recognises that acts of sexual violence, particularly rape is systematically used as a tool of war in armed conflict.

The General Comment recognises that effective redress for acts of sexual and gender based violence is hindered by the fact that such incidents are often hidden, are over-looked as taboos, or cause stigma, feelings of guilt or shame, and fear of retribution. And the unavailability of support or the lack of information about available support often prevent victims from coming forward.

In view of this, the General Comment calls on States to devise comprehensive strategies to remedy sexual and gender based violence to ensure systemic transformation and to prevent re-occurrence. It provides that such strategies should be specially adapted to the needs of victims, their interests and priorities, as defined by the Victims and include the

dismantling of discriminatory socio-cultural patterns, gender stereotypes and patriarchal structures.

These are some of the issues relating to women which are highlighted in the draft General Comment on the Right to Redress. The CPTA will present the draft General Comment to the Commission for its consideration, at the 60th Ordinary Session.

I now wish to just briefly present to you, the CPTA's latest Newsletter – the 6th Edition of *Africa Torture Watch*, which the Committee prepared as part of efforts to celebrate 2016 as the year of human rights in Africa with a focus on women. You will notice that the Newsletter has a trilogy of articles which explore women's right to be free from torture and other ill-treatment.

The first article by Elizabeth Kalekye Kyalo, provides the contexts within which women face torture and other ill-treatment in the public and private spheres, and how the Robben Island Guidelines assist in the protection of women.

The second article by Onyema Afulukwe discusses how the forcible detention of women in healthcare facilities could amount to torture and other ill-treatment, the article actually also touches on Millicent's story.

The third article by Annah Moyo discusses how violation of Article 5 of the African Charter impacts the rights of women in Africa, the article highlights the gender-specific consequences of Article 5 violations.

I wish to inform you that copies of the Newsletter are available just outside the hall. We also have copies of the Robben Island Guidelines available in the four AU working languages. Copies of these documents are also available on the Commission's website.

Thank you for your attention.