


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

ACTIVITY AS THE CHAIRPERSON OF THE COMMITTEE FOR THE PREVENTION OF TORTURE IN AFRICA

Madam Chair:

In November 2009, at the 46th Ordinary Session, the African Commission adopted a Resolution on the Change of Name of the Robben Island Guidelines Follow-up Committee to the Committee for the Prevention of Torture in Africa (CPTA) and the Reappointment of the Chairperson and Members of the CPTA.

I also want to inform the 47th Session that there was a planned RIG Workshop for the North Africa region which was supposed to take place from 28 to 31 March in the Democratic Peoples' Republic of Algeria. However, due to reasons beyond our control we had to postpone the Workshop.

As Chair of the CPTA, I want to thank the Algerian Government for confirming their readiness to host this important Workshop. As we indicated in our diplomatic note to the Esteemed Ministry of Foreign Affairs of the Democratic Peoples' Republic of Algeria, the Workshop was only postponed and we will be writing to the Esteemed Ministry proposing another date. Thank you very much for your understanding.

Now let me proceed to the activities I undertook during the inter-session.

1. On 26 April 2010, I Chaired a Meeting of the CPTA in Dakar, Senegal, to discuss its terms of reference and work plan for 2010 / 2011 and strategies for their effective implementation. The CPTA also discussed possible partnership/cooperation with OPCAT mechanisms (SPT & NPM) and other relevant national, regional and international stakeholders including NGOs.

2. On 27 April, I participated in Dakar, Senegal, in a regional seminar on the OPCAT in Africa, jointly organised by the African Commission, Amnesty International, Senegal and the Association for the Prevention of Torture. Some of the objective of that Workshop was:
 - Promoting prompt ratification of the OPCAT in signatory States;

 - Encouraging the exchange of experience and good practices on the establishment and the functioning of National Preventive Mechanisms in Africa and;

 - Creating a regional dynamic and encouraging interaction and cooperation between African National Preventive Mechanisms, between National Preventive Mechanisms from different regions as well as with the UN sub-Committee on the Prevention of Torture and the CPTA.

3. **Madam Chair:** I also organized a one day workshop Strategic Consultative Meeting on 29 April on the Robben Island Guidelines, again in Dakar, Senegal. Unfortunately I was unable to attend that Workshop due to a sudden death in the family. Commissioner Bitaye who is also a Member of the CPTA deputized for me. The objective of that Workshop was:
 - (a) To enhance the knowledge of participants to engage with the implementation of the Rig;

 - (b) Develop strategies for the effective of implementation of the Rig;

 - (c) Identify relevant roles and responsibilities for participants who will form

a nucleus of activism for CPTA activity in there various countries.

4. I am informed, **Madam Chair**, that the Workshop came up with concrete proposals to assist in the tacking this most heinous form of human rights violations.

Situation of Torture in Africa

Freedom from torture is an inalienable human right. It is an affront to human dignity, but yet it is routinely practiced around the continent. I do not have available data to give a robust analysis of the situation of torture on the continent, but you only have to take a look at the various reports from African and international human rights organisations about the practice of this most despicable form of human rights violations. Very few states on the continent can lift its 'head' high enough to say we do not have problems in that area.

Recommendations

Madam Chair,

The eradication of the practice of torture in the Africa has been one of the major challenges taken up by the African Commission. In order to ensure adequate protection for Africans against torture and other cruel, inhuman or degrading treatment or punishment, the African Commission has adopted universally applicable standards. These standards, as we all know, were ultimately embodied in the Robben Islands Guidelines.

- Can States Parties to the Charter and our other civil society collaborators do more to promote the RIG? Many of our friends from States come in front of us twice a year to deliberate with us as to the best way to secure human rights, but how many of those States Parties present at this 47th Session actually promote the RIG in their countries? How many of their police and military academies have the RIG as part of the curriculum for their trainees? Is it not time we transform our rhetoric into concrete actions? As Chair of the CPTA I make my office available for such collaboration.
- States Parties must commit themselves to ensure that education and information are included in the training of law enforcement personnel and any other persons who may be involved in the custody, interrogation or treatment of persons deprived of their liberty and to

keep under systematic review rules, instructions, methods and practices, as well as arrangements for the custody and treatment of those persons.

- As a Commission, we are equipped with mechanisms, activities and structures aimed at the effective implementation of these human rights commitments. It is involved in following and intervening both in individual cases or patterns of alleged torture and ill-treatment. The African Union can also assist States concerned to address gaps in the rule of law, the lack of democracy and fundamental freedoms and the insecurity that give rise to practices of torture and ill-treatment.
- Individuals deprived of their liberty are to be treated with humanity and with respect for the inherent dignity of the human person. States are to endeavour to take measures, as necessary, to improve the conditions of individuals in detention or imprisonment.
- Torture and ill-treatment are banned under international law. There is an international consensus that these abuses violate the inherent dignity of the human person and are not justified under any circumstances. The prohibition of torture and ill-treatment is found in all major international and regional human rights treaties. International law provides detailed provisions for the investigation and prosecution of torture as a crime. Apart from a handful of states in Africa, the majority have not criminalised torture. What is the difficulty?
- At this 47th Session we have listened as accusations of torture are levied against some states. The rebuttals have been quick by those states. As Chair, I can say this – that all allegations of torture must not only be promptly investigated, but that those found guilty of such crimes be punished.
- **Madam Chair**, in Africa, six countries have ratified the OPCAT (Benin, Liberia, Mali, Mauritius, Nigeria and Senegal), whereas ten others have signed and not yet ratified the OPCAT (Burkina Faso, Republic of the Congo, Cameroon, Gabon, Ghana, Guinea, Madagascar, Sierra Leone, South Africa and Togo). Can we do more to promote prompt ratification of the OPCAT in signatory States? But we can do more. The OPCAT, as you know, is predicated on the creation of a method of global prevention of acts of torture from occurring in places of detention worldwide through the Subcommittee on Prevention and national bodies, within State Parties. We can start the process of designating effective NPMs in the States Parties which have not yet established NPMs.