

**Keynote Address – Secretary General of the Association of the prevention of Torture,
Mark Thomson**

Assessment of the impact of the Robben Islands Guidelines (RIG)

Good morning, chairperson of South African HR Commission , president on NANHRI and our generous host,

Madame chairperson of the CPTA and African Commission,

Representatives of the OHCHR,

Honorable Deputy Minister of Justice and Constitutional Development,

Distinguished participants, ladies and gentlemen,

Thank you for joining us in this three days seminar to examine what can be done to improve the prevention of torture in Africa on the occasion of the 10th anniversary of the adoption of the African Union’s Robben Islands Guidelines on the prohibition and prevention of torture in Africa

We have set ourselves the task of reviewing what has happened since the guidelines were adopted and to consider ways forward in the continent as a whole.

I am sure the significance of conducting this review in South Africa is not lost on any of you. We are back in the birth place of this important human rights initiative. Not only did the workshop to draft the guidelines take place in Cape Town and Robben Islands in February 2002 but the proposal to make the symbolic link with the notorious former prison was made a year earlier, just up the road in Pretoria, by a South African police Officer.

To start this review, allow me to take you back to the Guidelines themselves which propose a broad series of measures under three main headings of: prohibition , prevention, and redress.

On prohibition , measures include:

- Ratification of regional and international instruments as well as implementing them in national law
- Cooperation with regional and international mechanisms
- Criminalization of torture through national legislation
- Upholding non-refoulement
- Combating impunity
- Complaints and investigations procedures

On prevention , measures includes:

- Procedural safeguards for all persons deprive of liberty
- Specific safeguards during pre-trial process

- Provision of decent conditions of detention
- Oversight mechanisms
- Training of detaining authorities
- Empowerment of civil society

On redress , measures include:

- Protection of victims and witnesses
- Reparation of victims including rehabilitation

Therefore, an impressively comprehensive series of measures based on international human rights law ,which reflect the African union’s contribution to tackling torture.

Furthermore, to facilitate the promotion and implementation of these measures, the African Commission established a “follow up Committee” with a mandate to: disseminate the RIG, propose strategies to implement the RIG, facilitate national implementation , report regularly to ordinary sessions of the African Commission.

To further clarify its role this body has been renamed the “ Committee for the Prevention of Torture in Africa” or the CPTA.

The AC Committee with the support with the OHCHR and the APT have helped disseminate the RIG in five languages. The committee has ensured that questions related to RIG implementation are systematically asked to all states reporting to the commission. Furthermore they have conducted promotion seminars with the police in Nigeria and Liberia and conducted promotion missions to Benin, Uganda, and Mauritania.

The CPTA have also been invited to international meetings to explore cooperation with relevant international and regional mechanisms. However , differences in mandates, access to places of detention, confidentiality and resources have complicated the navigation to the desired outcome of cooperation. In which case this seminar ought to explore novel ways around some of the stumbling blocks.

As time is short let me shift your attention to national development linked to the RIG, over the last ten years. These have been mainly on three fronts:

- First with initiatives to criminalize torture
- Secondly on the development of oversight mechanisms in particular NHRIs and now the NANHRI.
- Thirdly on the ratification and implementation of the OPCAT.

The seminar has been designed to enable us to examine how key national actors are the driving forces behind these national initiatives but they have progressed in the context of the existence of the RIG, the OPCAT and the UN’s promotion of effective NHRI’s.

Internationally it is important to note the use of the RIG by the UN Special Rapporteur on Torture, the reference made to the RIG in the UPR process of the UN Human Right Council .

Clearly there is scope for more reference to the RIG especially by the CAT and HRCH. However, certainly the cooperation with the UN's Subcommittee for the Prevention of torture is where there exists the most potential for RIG and OPCAT synergies.

The OPCAT has of course been a particularly significant development in Africa since 2002. Now 10 states in Africa have ratified the OPCAT and 9 states have signed 4 NPMs have been designated but we have yet to see them functioning effectively.

The existence of the RIG certainly facilitated the OPCAT process in Africa so far. It not only made it easier to persuade States to ratify the OPCAT but also changed political will to take measures to tackle torture. Whilst the RIG set out the measures to tackle torture the OPCAT opened up broad national debates on existing mechanisms and legislation to consider what reforms were necessary to legally conform to OPCAT requirements. Hence the complimentary yet difference soft and hard international law.

The biggest challenge now with the OPCAT in Africa and other regions is that National Preventive Mechanisms must get up and running and been seen by everyone to make their contributions to reduce the risks of torture and other ill treatment. I would go as far to suggest that this be a priority for all of us.

If we agree on that focus it has implications for all our work. For the work of the CPTA, the SPT, the OHCHR, NHRIs, Governments and civil society etc...

For example, could the CPTA and NANHRI team up to assist future NPMs and advice OPCAT states parties?

It also opens up the possibility to review how we cooperate together to achieve that aim.

For the RIG to have future impact even the next ten years, I propose that new partnerships need to be forged by this seminar.

To inspire all of us in this important tasks allow me to conclude by quoting the Chairperson of the Robben Island Workshop, African Commissioner Andrew Chigovera of Zimbabwe who stated in 2002: “ the implementation of the Guidelines has to be encouraged at national level. This needs cooperation, dialogue and the endeavor of several actors such as appropriate States Authorities, Parliamentarians , National Human Rights Institutions and the whole civil society”

Thank you for your attention