Welcome to the 2017 edition of *Africa Torture Watch*, the Newsletter of the Committee for the Prevention of Torture in Africa (‘Committee’ or ‘CPTA’).

This year is of particular significance to the Committee which is celebrating 15 years since the adoption of the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (‘the Robben Island Guidelines’ or ‘RIGs’), by the African Commission on Human and Peoples’ Rights at its 32nd Ordinary Session.

During that time, awareness and advocacy against torture and ill-treatment has grown exponentially across Africa. Our populations now know far more than ever before, particularly that their states are prohibited from using torture on them under any circumstance. Yet this knowledge has unfortunately in far too many instances not translated into actual prevention of state or indeed non-state sponsored torture.

The Committee and all stakeholders of good will therefore have to stay unbowed in their continuing interventions: combating torture is not a transient undertaking; it has to be galvanised continuously.

Towards that galvanising aim, I am very pleased that the Commission this March adopted a General Comment on torture and redress which the Committee has worked hard to prepare during the last couple of years. The Committee trusts that the interpretive content in the General Comment will provide invaluable insights to state and non-state actors as they seek to ensure that victims of torture receive full redress. For me, the practical aspects of the General Comment are backed solidly by the philosophical framing which anchors the Comment: that the overarching aim of reparation is to provide healing to victims of torture and other ill-treatment, which entails making whole that which has been broken and wounded. Its aim is to break the cycle of violence at the individual and collective levels.

The main focus of this year’s edition of the Newsletter is prevention of torture. A member of the Subcommittee on the Prevention of Torture, Mari Amos, explains key tools for torture prevention around the world. This article dovetails into Jean-Baptiste Niyizurugero’s article on the value which the Optional Protocol to the Convention against Torture rings to the prevention of torture. This article is an update on Jean-Baptiste Niyizurugero’s article on the value which the Optional Protocol to the Convention against Torture rings to the prevention of torture. This article explains that legislative frameworks are integral to the overall framework for preventing torture. Finally, Albab Tesfaye provides a brief overview of General Comment No. 4 on torture and redress. This Newsletter also provides updates on the work which the Committee undertook since its last update in the

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April 2016 Sixth Edition of *Africa Torture Watch*.

I remain very conscious of the need to bridge the gap between norm-creation and norm-enforcement, and the Committee and all stakeholders must keep exploring and deploying innovations to prevent states from torturing individuals.

Have a good read!
The African Commission on Human and Peoples’ Rights (the Commission), with a view to ensuring peoples’ right to freedom from torture, cruel, inhuman or degrading treatment or punishment (ill-treatment) as enshrined under Article 5 of the African Charter on Human and Peoples’ Rights (the African Charter), adopted the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (‘the Robben Island Guidelines’ or ‘RIGs’) at its 32nd Ordinary Session in October 2002.

The Robben Island Guidelines is a soft-law instrument which seeks to prevent and eradicate torture and other ill-treatment in Africa. It is an essential tool which States may use in fulfilling their national, regional and international obligations to strengthen and implement the prohibition and prevention of torture and other ill-treatment. The Commission and other stakeholders can also use the Guidelines to remind States and other parties of the actions they should take to prevent torture and other ill-treatment.

The Committee for the Prevention of Torture in Africa (‘CPTA’ or ‘Committee’) was established following the adoption of the Robben Island Guidelines. Formerly known as the Follow-up Committee on the Implementation of the Robben Island Guidelines, the CPTA was established by the Commission at its 35th Ordinary Session in May 2004, to promote the implementation of the Robben Island Guidelines and help the Commission deal effectively with the issue of torture in Africa. More specifically, CPTA is mandated to organise, with the support of interested partners, seminars to disseminate the RIGs to national and regional stakeholders; to develop and propose to the Commission strategies to promote and implement the RIGs at the national and regional levels; to promote and facilitate the implementation of the RIGs within State Parties; and to make a progress report to the Commission at each Ordinary Session.

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Since its establishment, the CPTA has worked for the promotion and implementation of the Robben Island Guidelines as well as other crucial instruments in the area of torture prevention and prohibition, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). As enshrined in the Robben Island Guidelines, the CPTA also continues to encourage African States to become parties to the Optional Protocol to CAT (OPCAT) and strives for the establishment of effective National Preventive Mechanisms (NPMs) in State Parties.

In October 2017, CPTA will celebrate the 15th Anniversary of the Robben Island Guidelines. This would be an appropriate juncture for the CPTA to reflect on its work thus far, take stock of its achievements, the challenges remaining, and the prospects going forward.

Further to its mandate under the RIGs, the CPTA continues to collaborate with various stakeholders to ensure the prohibition and prevention of torture and other ill-treatment in the continent, including State Parties, national human rights institutions (NHRIs), international organisations, civil society organisations (CSOs), Special Mechanisms of the Commission, and other relevant actors.

Where it identifies Article 5 violations, the CPTA intervenes by transmitting letters of appeal to State Parties, in which it requests the concerned State to provide clarification on the matter, draws the State’s attention to its obligations under the African Charter, the RIGs and other relevant instruments, and requests it to take specific measures to remedy the situation. Further, the Committee offers its expertise in the area of torture prohibition and prevention where communications which allege violation of Article 5 are filed before the Commission.
As part of its mandate to provide technical tools to State Parties and other relevant actors, the CPTA: initiates resolutions on Article 5 areas for consideration by the Commission; publishes its annual report on the situation of torture and other ill-treatment in Africa; publishes an annual report on specific Article 5 issues; publishes its annual newsletter; works with partners to disseminate useful documents on the prevention of torture; and develops practical guidelines for the interpretation and development of different aspects of Article 5 to assist State Parties and relevant actors effectively implement their obligations.

Membership of the CPTA as at May 2017

Commissioner Lawrence M. Mute - Chairperson
Mr. Jean-Baptiste Niyizurugero - Vice-Chairperson
Commissioner Lucy Asuagbor - Member
Commissioner Med S. K. Kaggwa - Member
Commissioner Solomon Ayele Dersso - Member
Mme Hannah Forster - Member
Mr. Malick Sow - Member

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The Added-value of the OPCAT Preventive Approach in Combating Torture by Jean-Baptiste Niyizurugero, CPTA Vice-Chairperson

The 1993 Vienna Declaration and Plan of Action declared that efforts to eradicate torture should first and foremost concentrate on prevention, and it called for the early adoption of an optional protocol to the United Nations (UN) Convention Against Torture (CAT), to establish a preventive system of regular visits to places of detention. Similarly, Guideline 43 of the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment (Robben Island Guidelines), calls upon African States to support the adoption of an Optional Protocol to CAT. The Optional Protocol to CAT (OPCAT) was later adopted on 18 December 2002 and it entered into force on 22 June 2006.

Almost 15 years after its adoption and 10 years after its entry into force, many still question the necessity of a specific torture-prevention instrument, what its added-value is, and what a prevention approach is. This article explores the conceptual and practical dimensions of the OPCAT preventive approach.

Why the need for a specific treaty on prevention of torture and other ill-treatment?

The adoption of the OPCAT was in response to the challenge faced in ensuring that every individual is protected from torture, cruel, inhuman or degrading treatment or punishment. While the obligation to prohibit torture and other ill-treatment is found in a wealth of human rights instruments, States still fail to meet their existing obligations to prohibit and punish acts of torture and other ill-treatment. Similarly, there is not much focus on States’ obligation to take effective measures to prevent torture and other ill-treatment,\(^2\) which could be the result of a lack of understanding of what prevention entails.

**The specificities of the OPCAT preventive approach**

The OPCAT aims to prevent torture and other ill-treatment, to strengthen the protection of persons deprived of their liberty and to ensure the full respect of their human rights. To this end, it establishes a system in which regular visits to all places of detention within a State Party’s jurisdiction are undertaken by international and national monitoring bodies.\(^3\) On the basis of these visits, recommendations on improving domestic prevention measures are submitted to the authorities. This approach is driven by the fact that persons deprived of their liberty are vulnerable to, and thus most at risk of being subjected to torture and other ill-treatment, and other human rights violations since places of detention are, by definition, closed to the outside world. Consequently, the premise of the OPCAT is that the more open and transparent places of detention are, the less abuse will take place.

**Pro-active monitoring of places of detention**

The OPCAT establishes two types of monitoring bodies: the Subcommittee on Prevention of Torture (SPT)\(^4\) at the international level, and National Preventive Mechanisms (NPMs)\(^5\) at the national levels. Both the SPT and NPMs are expected to pro-actively conduct regular visits to places of detention without the need for specific authorisation. When a State ratifies the OPCAT it gives its express consent to allow regular, announced or unannounced visits, to all places of detention. These preventive visits enable the OPCAT bodies to identify risk factors, analyse both systemic faults and patterns of failures, and propose solution-oriented recommendations. Thus, the OPCAT can be viewed as an operational treaty with a focus on places of detention.

**Emphasis on cooperation**

Abuses can arise for a variety of reasons such as a policy of state repression, negligence, mismanagement of relevant institutions, lack of resources, and poor or inadequate staff training and oversight systems. Rather than focusing on public condemnation of violations committed, the OPCAT bodies analyse the context in all dimensions of their monitoring work to identify the causes of torture or shortcomings that can lead to such abuses and propose solutions to address them. The ultimate objective of the OPCAT is to mitigate the risks, and to this end, OPCAT bodies are expected to work constructively with national authorities in implementing their recommendations. Thus, the OPCAT preventive approach is based on a process of continuous cooperation and dialogue in order to assist State Parties to implement any changes and measures necessary to prevent torture and other ill-treatment.

**Visits to places of detention as a tool to a more holistic approach**

Visits to places of detention are central to the OPCAT preventive system. The possibility of being subjected to unannounced external scrutiny can have a significant deterrent effect. However, visits in themselves are not enough to prevent torture and other ill-treatment. Article 2 of CAT recognises that prevention of torture and other ill-treatment requires a range of legislative, administrative, judicial and other measures. Thus for prevention to be successful, it must involve a holistic approach directed at the society as a whole. The objective of prevention is to create an environment that reduces occurrence of torture and other ill-treatment. Therefore, visits to places of detention serve as a key tool for OPCAT bodies to make practical recommendations to improve

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2. Articles 2 and 16 of UNCAT.
3. Article 1 of OPCAT.
4. Article 2 of OPCAT.
5. Articles 3 and 17 of OPCAT.
acts of torture in any territory under its jurisdiction. There could and should be activities that States undertake to fulfil the obligation to prevent.

The Optional Protocol to CAT (OPCAT) was adopted on 18 December 2002 by the UN General Assembly, and entered into force following its twentieth ratification on 22 June 2006.

The OPCAT provides for two mechanisms of prevention – the Subcommittee on Prevention of Torture (SPT) which works at the international level and National Preventive Mechanisms (NPMs) which operate at the national level. While the set-up and mandate of the SPT as a UN treaty body is clearly stipulated under OPCAT, there is no provision under OPCAT which outlines the criteria for the set-up and operationalisation of NPMs, which task falls upon States to determine.

What impact do these two mechanisms bring in the human rights arena?

The SPT, which has a purely preventive mandate, commenced operations in February 2007. SPT works in the field, and its operational function consists of visiting places of detention in State Parties, including “traditional” closed institutions such as prisons, and also having unrestricted access to all places where persons deprived of their liberty may be held. Thereby, the SPT visits pre-trial detention centres, immigration detention centres, juvenile justice establishments, mental health and social care institutions, military establishments and any other place where people are or may be factually deprived of their liberty.

In addition, the SPT can interview, in private, persons deprived of their liberty and any other person who, in the SPT’s view, may be able to assist it with relevant information including government officials, NPMs, representatives of national human rights institutions, non-governmental organisations, custodial staff, lawyers, doctors and family members. People who provide information to the SPT must not be subject to any form of sanction or reprisal for the information provided.

The SPT also has an advisory function which consists of providing assistance and advice to State Parties and NPMs and it has published elaborate guidance documents, position papers and assessment tools for that purpose. In the fulfilment of its mandate, the SPT cooperates with the relevant UN bodies as well as with other international, regional and national institutions and organisations.

Over the years there have existed different national institutions with a human rights protection mandate, but their role has mostly been reactive, such as investigating violations, and

United Nations’ Tools for Torture Prevention by Mari Amos, Member of the SPT, Focal point for Europe

The United Nations (UN) Convention against Torture (CAT) was adopted in 1984. Of great relevance to the prevention of torture is Article 2 of CAT which obliges each State Party to take effective legislative, administrative, judicial or other measures to prevent

Conclusion

The OPCAT is essential to achieve the preventive obligation set out in Articles 2 and 16 of CAT, of which it is intended to complement. As encouraged by the CPTA, States that have ratified CAT should also ratify the OPCAT.

Although ratification is a positive indicator of States’ commitment, there is need for effective implementation of the ratified treaty. At the time of writing, there are 83 State Parties to the OPCAT, worldwide, including 21 from Africa. Unfortunately, out of the 21 African State Parties, only 7 have established their NPMs. The CPTA calls upon State Parties to the OPCAT to establish independent, credible and effective NPMs. The success of the OPCAT preventive approach in a country depends significantly on the effectiveness of its NPM.


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not proactive. The concept of NPMs takes a proactive approach in that NPMs should be engaged in activities aimed at prevention while at the same time tackling the general patterns in the society, rather than dealing with individual cases and complaints on isolated issues, however unfortunate and inexcusable the violations may be. OPCAT prescribes the visit of places of detention as the primary task of NPMs, similar to that of the SPT. Other activities NPMs should engage in include awareness raising, trainings, commenting on existing and draft laws, examination of interrogation practices and rules, cooperation with State Parties and other stakeholders.

For several years, the SPT has been cooperating with State Parties as well as the NPMs by, for example, holding discussions about their practical concerns and elaborating on suitable models, legal frameworks and practises; exchanging reports; and participating in regional or national events and trainings. The SPT encourages State Parties and NPMs to utilise and benefit from the knowledge and insights of practitioners in the field to enable them to have targeted dialogue, including with the SPT. On its end, the SPT has a great pool of information gathered and processed from the 83 State Parties and 64 NPMs around the world.

Eradication of torture is a joint effort and the SPT calls on all the African State Parties to CAT to ratify OPCAT and establish well-functioning NPMs. SPT stands ready to provide assistance to State Parties undertaking this process.

Preventing Torture through Legislation: The Important Role of Anti-Torture Legal Frameworks by Juergen Schurr, Head of Law and Policy, REDRESS

A comprehensive anti-torture legal framework is central to the effective prohibition and prevention of torture. It provides States with the tools required to meet their obligations regarding the prohibition of torture under international law, including the African Charter on Human and Peoples’ Rights (African Charter), namely the obligations to prevent, prohibit and punish torture and provide redress to victims where it occurs. Article 2 of the United Nations (UN) Convention against Torture (CAT) for instance requires States to take effective legislative, administrative, judicial or other measures to prevent acts of torture. This is reflected in Article 1 of the African Charter, which similarly requires States to adopt legislative measures to protect and to give effect to the rights enshrined in the Charter, including Article 5, which prohibits torture and other ill-treatment.

States are therefore required to ensure that their legal frameworks give effect to their obligations. States can do so through the amendment of existing legislation or by introducing a specific ‘anti-torture act’. In recent years, a number of countries, including African States, have adopted anti-torture legislation or are in the process of doing so. In Uganda, for instance, Parliament adopted the Pre-

8. See the NPM assessment tool, particularly point 9 for the list of activities:
Equatorial Guinea, Libya, Madagascar, Tunisia, Senegal, and, to some extent, Kenya.

Apart from criminalising torture, States should also ensure that their domestic legal frameworks provide for an absolute and non-derogable prohibition of torture in line with international standards. Relevant legislative or constitutional provisions should expressly state that circumstances such as state or threat of war, internal political instability, threats to national security or any other public emergency must not be invoked as justification to resort to torture and other ill-treatment. Domestic legislation should also prohibit the expulsion or extradition of an individual to a country where that individual is at risk of being subjected to torture. This would provide a legal basis for the fight against impunity and enshrine effective safeguards to reduce the risks of torture and other ill-treatment, in particular during arrest and detention. The exclusion of evidence obtained under torture is another important safeguard to be included in domestic legislation and practice.\(^9\)

The drafting of anti-torture legislation is a complex and, as on-going efforts in Kenya and Nigeria for instance demonstrate, lengthy process that requires persistence and continued support from civil society organisations (CSOs). Consultation from the outset with a range of experts, including from the Committee for the Prevention of Torture in Africa (‘CPTA’ or ‘the Committee’), the UN Committee against Torture as well as CSOs is important in order to ensure that the drafting process is informed by regional and international standards, and that the legislation addresses the needs and gaps.

As the continent’s primary mechanism monitoring State Parties’ compliance with Article 5 of the African Charter, the CPTA is ideally placed to support and encourage State Parties to adopt and implement comprehensive anti-torture legislation. While anti-torture legislation is important, its effectiveness depends on the functioning of key institutions which are necessary to ensure effective implementation. Legislative reforms must therefore go hand in hand with the reform of key institutions, such as the judiciary and law enforcement, as well as the establishment of independent and effective complaints and oversight mechanisms.

\(^9\) Guideline 4 of the Robben Island Guidelines.
Commission Adopts General Comment No. 4 on the Right to Redress for Victims of Torture and other Ill-treatment under Article 5 of the African Charter by Albab Tesfaye, CPTA Secretariat

The Committee for the Prevention of Torture in Africa (‘CPTA’ or ‘the Committee’), in its Fifth and Sixth Edition Newletters, published in April 2015 and April 2016, respectively, highlighted the development process of the General Comment on the Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment under Article 5 of the African Charter on Human and Peoples’ Rights (General Comment on the Right to Redress). Following nearly two years of tremendous work by the CPTA and its partners, the Commission considered the General Comment on the Right to Redress and adopted it subject to amendments, at its 21st Extra–Ordinary Session, held in Banjul, The Gambia, from 23 February to 4 March 2017.

In developing the General Comment, the Committee employed a comprehensive consultation process that saw various consultative meetings with a range of stakeholders, including state representatives, experts from national human rights institutions (NHRIs), civil society organisations (CSOs) and the academia. The Committee had also published the zero draft General Comment on the Commission’s website to receive inputs from stakeholders and the general public.

The General Comment on the Right to Redress is the first-ever regional instrument on the right to redress for victims of torture and other ill-treatment.

This General Comment complements the United Nations (UN) Committee against Torture’s General Comment No. 3 on the Implementation of Article 14 of CAT. It however highlights specific contexts pertinent to the African continent, such as the difficulty of victims in Africa in obtaining redress.

In addition to providing authoritative interpretation of the right to redress for victims of torture and other ill-treatment, the General Comment provides concrete and practical steps that State Parties should take to provide redress in specific contexts, including conflict and post-conflict situations, as well as instances where there is collective harm, where perpetration of sexual and gender-based violence amounts to torture and other ill-treatment, or where perpetrators of violations are non-state actors. The General Comment underlines that States are required to ensure a victim-centred approach to redress and emphasises that the ultimate goals of redress and reparation are transformation and healing for victims.

Update on CPTA Activities

1. Panel Discussion - Zero Draft General Comment on the Right to Redress for Victims of Torture and other Ill-treatment at the April 2016 NGO Forum

The Committee for the Prevention of Torture in Africa (‘CPTA’ or ‘the Committee’ organised a Panel Discussion on the Zero Draft of the General Comment on Redress on 5 April 2016, at the April 2016 NGO Forum, held in Banjul, The Gambia, on the margins of the 58th Ordinary Session of the African Commission on Human and Peoples’ Rights (the Commission). The aim of the Panel was to introduce participants of the NGO Forum to the zero draft and receive feedback on the same. The CPTA received invaluable feedback.

The Panel comprised of Hannah Forster who is an Expert Member of CPTA, Albab Tesfaye from the CPTA Secretariat, and the following Reference Group Members: Andrew Songa from the Kenya Human Rights Commission (KHRC), Juergen Schurr from Redress, Anna Moyo from the Centre for the Study of Violence and Reconciliation (CSVR), and Kristen Petersen from Civil Society Prison Reform Initiative (CSPRI).

Panel Discussion — NGO Forum—April 2016

2. Regional Seminar on Promoting the Implementation of CAT and the Robben Island Guidelines: The Obligation to Criminalise Torture

From 5 to 6 April 2016, the Vice-Chairperson of CPTA, Jean-Baptiste Niyizurugero, represented the Committee in the “Regional Seminar on Promoting the Implementation of the UN Convention against Torture and the Robben Island Guidelines: the Obligation to Criminalise Torture” held in Accra, Ghana. The Vice-Chairperson made a presentation on key provisions of the African Charter on Human and Peoples’ Rights (the African Charter) and the Guideline and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (‘RIGs’ or ‘Robben Island Guidelines’) relating to the prohibition and prevention of torture.

3. Panel Discussion - Zero Draft General Comment on the Right to Redress for Victims of Torture and other Ill-treatment at the 58th Ordinary Session of the Commission

On 8 April 2016, the CPTA organised a Panel Discussion on the Zero Draft of the General Comment on Redress, during the 58th Ordinary Session of the Commission, held in Banjul, The Gambia. The objective of the Panel was to introduce participants of the 58th Ordinary Session to the zero draft General Comment and to receive feedback on the same. The Committee received invaluable feedback. The Panellists included the CPTA Chairperson, Anna Moyo from CSVR and Juergen Schurr from Redress.

4. Resolution ACHPR/Res. 343 (LVIII) 2016 on the Right to Dignity and Freedom from Torture or Ill-Treatment of Persons with Psychosocial Disabilities in Africa

The Committee shepherded a Resolution on the Right to Dignity and Freedom from Torture or Ill-Treatment of Persons with Psychosocial Disabilities in Africa, which was adopted by the Commission at its 58th Ordinary Session, held from 6 to 20 April 2016, in Banjul, The Gambia.13

5. Annual Report on the Situation of Torture and Ill-Treatment in Africa

The CPTA Chairperson presented the Committee’s Annual Report on the Situation of Torture and Ill-Treatment in Africa at the 58th Ordinary Session of the Commission held in April 2016, in Banjul, The Gambia. The Report is included in the CPTA Chairperson’s Inter-session Activity Report (November 2015 – April 2016) for the 58th Ordinary Session.14

6. Indicative Questions for Periodic State Reporting in respect of Article 5 of the African Charter

The Committee with input from stakeholders, prepared indicative questions with respect to Article 5 of the African Charter to guide State Parties as they prepare periodic state reports for presentation to the Commission in line with Article 62 of the Charter. These indicative questions, published on the CPTA webpage on 17 June 2016, may also be used by NHRIs, NGOs and other stakeholders as they prepare alternative reports for submission to the Commission.15

7. Second Drafting Retreat to Incorporate Inputs on the Zero Draft General Comment on the Right to Redress for Victims of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment under Article 5 of the African Charter on Human and Peoples’ Rights

The CPTA, in collaboration with CSVR and Redress convened the Second Drafting Retreat from 15 to 17 August 2016, in Nairobi, Kenya. The Meeting brought together 16 participants inclusive of CPTA Members and experts in the field of redress for victims of torture and ill-treatment.

The First Drafting Retreat, held from 1 to 3 February 2016, generated the zero draft of the General Comment which was then uploaded on the Commission’s website for feedback from stakeholders. Within the three months

set deadline, the Committee received twenty-three (23) contributions from various stakeholders.

The Second Drafting Retreat aimed to review the zero draft General Comment taking account of the feedback received from stakeholders.

8. Meeting between CPTA and Members of SPT

The Human Rights Implementation Centre of the University of Bristol (HRIC) organised and facilitated a Meeting between the CPTA and Members of the UN Subcommittee on the Prevention of Torture (SPT) on 5 September 2016, in Bristol, the United Kingdom. The Meeting discussed the mandates and modes of operation of the two Institutions and identified potential areas of collaboration, on the basis of short-term, midterm and long-term initiatives.

9. CPTA Panel to Commemorate 2016: African year of human rights with a particular focus on the rights of women

Within the framework of commemorative activities to mark 2016 as the “African human rights year, with a particular focus on the rights of women”, the Committee organised a Panel, on 24 October 2016, during the 59th Ordinary Session of the Commission. The Panel showcased the human rights situation of women in Africa as seen from the prism of CPTA’s mandate of preventing and eradicating torture and other ill-treatment, highlighting the achievements made, the challenges remaining, as well as the prospects going forward.

During the Panel, CPTA also engaged stakeholders, including State Parties, national human rights institutions (NHRIs), civil society organisations (CSOs), partners and other key human rights actors to ensure an interactive session.

The Panel comprised of the CPTA Chair, Lawrence Mute, and Vice-Chair, Jean Baptiste Niyizurugero, Albab Tesfaye from the CPTA Secretariat, Nonhlanhla Sibanda from CSVR, Onyema Afulukwe from the Centre for Reproductive Rights, and Milicent Awuor Omuya who is a survivor of torture.

The Panel identified the following concerns: structural and systemic inequalities place certain persons or groups at higher risk of torture and other ill-treatment; prevalence of harmful traditional practices such as female genital mutilation and wicked widowhood practices; impunity for acts of torture and other ill-treatment committed by both state and non-state actors; prevalence of sexual and gender-based violence; lack of full and effective redress; and weak preventative mechanisms.

The following recommendations to State Parties were also made: adopting specific anti-torture legislation which should include the gendered impact of acts of torture and other ill-treatment on women, and ensuring its implementation; outlawing and enforcing sanctions against harmful traditional practices which could amount to torture and other ill-treatment; conducting prompt, impartial and effective investigations into allegations of acts of torture and other ill-treatment, and addressing impunity by holding perpetrators of these acts, whether state or non-state actors, accountable; and ensuring full redress for victims/survivors of torture, encompassing the right to an effective remedy and to full and adequate reparation.

10. Report on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of Persons with Disabilities in Africa, with Special Focus on Women with Disabilities

This thematic report explores how torture and other ill-treatment has been inflicted on women with disabilities within the African continent, and also makes recommendations on measures
that States should take to remedy this situation. The CPTA Chairperson presented the Report at the Commission’s 59th Ordinary Session of the Commission held from 21 October to 4 November 2016, in Banjul, The Gambia. The Report is included in the CPTA Chairperson’s Inter-session Activity Report (April – October 2016) for the 59th Ordinary Session.16

11. Meeting on Legislative Frameworks to Combat Torture in Africa

On the margins of the 59th Ordinary Session of the Commission, Redress and CPTA held a meeting on Legislative Reforms to Combat Torture in Africa. The event brought together law reform experts from Nigeria, Tunisia and Uganda, as well as CPTA members, CSOs and State representatives participating on the margins of the 59th Ordinary Session. The Meeting took place in the context of collaboration between Redress and the CPTA to support domestic efforts to introduce comprehensive anti-torture legislative frameworks.

12. 18th EU-NGO Human Rights Forum

Madam Hannah Forster, Expert Member of the CPTA, represented the Committee at the 18th EU-NGO Human Rights Forum, which took place from 1 to 2 December 2016, in Brussels, Belgium. The objective of the Forum was to identify ways to reinforce EU and Member State action to prevent, fight and redress torture at home and worldwide.

13. Seminar on Pre-Trial Detention and Prevention of Torture

Mr Malick Sow, Expert Member of the CPTA, represented the Committee at a Seminar organized by DIGNITY – Danish Institute against Torture on 9 December 2016, in Tunis Tunisia. The objectives of the Seminar were to discuss the international and regional standards in pre-trial detention, and how pre-trial detention and torture relate, experience sharing from various countries, discussing the Tunisian experience on pre-trial detention.

14. Compilation of Documents on Torture Prevention by CPTA and SPT

HRIC facilitated the preparation and publication of this Compilation which comprises relevant international and regional torture prevention documents, as part of the collaborations between SPT and CPTA.

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### Status of Ratification of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol (OPCAT) in African States

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**Update:**

*Central African Republic and Sao Tome and Principe ratified CAT on 11 October 2016 and 10 January 2017 respectively;*

*South Sudan, Cape Verde, and the Central African Republic ratified OPCAT on 30 April 2015, 1 April 2016 and 11 October 2016 respectively;*

Status of ratification data can be accessed at:
