Foreword

Welcome to the 2016 edition of Africa Torture Watch, the Newsletter of the Committee for the Prevention of Torture in Africa (‘CPTA’ or ‘Committee’).

The CPTA is a special mechanism of the African Commission on Human and Peoples’ Rights (the Commission) dedicated to the fight against torture and other forms of ill-treatment on the Continent.

The Committee wishes to join the rest of Africa in celebrating 2016 as the year for human rights in Africa with particular focus on the rights of women. This issue of Africa Torture Watch indeed is part of our contribution towards seeking the protection of women from suffering acts of torture and other cruel, inhuman or degrading treatment or punishment.

Africans do hold their mothers, sisters and daughters in high regard. It is hence an extreme and unacceptable paradox that public and private spaces continue to be stalked by officials and individuals intent on committing sexual and other violence on women. It can never be soon enough for Africa’s State and non-State actors to act on oft-made resolutions which condemn the violence or misogyny perpetrated on women without taking effective steps to offer remedies. Different forms of remedies, whether judicial or non-judicial, must be availed to individuals who have suffered torture or ill-treatment. The Committee continues to stress that a particularly essential part of redress involves pledging and ensuring non-repetition.

The articles in this issue of Africa Torture Watch explore women’s right to be free from torture or ill-treatment. A trilogy of articles provide the contexts within which women face torture or ill-treatment in the public and private spheres, and how the Robben Island Guidelines assist in the protection of women. The forcible detention of women as amounting to torture is also discussed. The last article in the trilogy explains how violation of Article 5 of the Charter impacts women’s lives in Africa.

The Newsletter also provides updates on the work which the Committee has continued to undertake during the last one year.

As I wish you all well throughout this year of celebrations, I wish to take this opportunity to congratulate the Republic of South Sudan and the Republic of Rwanda for their ratification in 2015, respectively, of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Optional Protocol to CAT. I call on all African States which are not party to these anti-torture instruments to take the key step of ratifying or acceding to them.

Have a good read!

Lawrence M. Mute (Chairperson of CPTA)
About the Committee for the Prevention of Torture in Africa

The African Commission on Human and Peoples’ Rights (the Commission), with a view to ensuring peoples’ right to freedom from torture and 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 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. 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 cruel, inhuman or degrading punishment or 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.

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). The CPTA also continues to encourage African States to become party to the Optional Protocol to CAT and strives for the establishment of more and effective National Preventive Mechanisms in State Parties.

Membership of the CPTA as at April 2016

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

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The Robben Island Guidelines and the Protection of Women
by Elizabeth Kalekye, Assistant to the CPTA Chairperson

Introduction

2016 is the year of human rights in Africa, with particular focus on the rights of women. The year marks a veritable watershed in the continental human rights trajectory: 2016 marks the 35th anniversary of the adoption of the African Charter and the 30th anniversary of its entry into force; the 25th anniversary of the operationalisation of the Commission; and the 10th anniversary of the operationalisation of the African Court on Human and Peoples’ Rights (the Court). 2016 also marks the 13th anniversary of the Protocol to the African Charter on the Rights of Women in Africa (the Maputo Protocol). The year marks, commemorates and celebrates these significant milestones in Africa’s continental human rights progression.

Article 5 of the African Charter prohibits torture and cruel, inhuman and degrading treatment or punishment. The Commission’s understanding of the meaning of torture is guided by Article 1 of CAT. The Commission’s jurisprudence is in fact exceedingly robust on this matter. It notes that torture is the intentional and systematic infliction of physical or psychological pain and suffering in order to punish, intimidate or gather information and can be perpetrated by both State and non-State actors. Further, the Commission states that cruel, inhuman or degrading treatment or punishment should be interpreted so as to extend the widest possible protection against abuse, whether physical or mental.

The Commission adopted the Robben Island Guidelines in 2002 in order to further the understanding of States’ obligations under Article 5 of the Charter to provide guidance towards implementation. The Robben Island Guidelines is divided into three parts: on the prohibition of torture, on the prevention of torture, and on responding to the needs of victims of torture.

Instances of torture against women in Africa

Women remain victims of discrimination and harmful practices across Africa. Torture against women may occur in the public or private spheres and may be carried out by both State and non-State actors.

i. Torture and ill-treatment in the public sphere

Rape and sexual violence

Rape and sexual violence have been used as forms of torture especially in conflict situations in Africa. Rape and sexual violence have monumental effects on victims, including: isolation from the community, sexually transmitted diseases, unwanted pregnancies, and forced abortion or denial of abortion. The Commission has passed a number of resolutions on sexual violence, most recently Resolution 283 on the Situation of Women and Children in Armed Conflict and Resolution 284 on the Suppression of Sexual Violence against Women in the Democratic Republic of Congo. These Resolutions take note of the persistence of various forms of sexual violence in situations of armed conflict and denounce the impunity enjoyed by perpetrators of such violence.

Women in places of detention also face the risk of sexual violence and rape. Where officers offer ‘special treatment’ to detainees in exchange for sex or threaten to deny them of certain entitlements, it can never be argued that a woman has thereby ‘consented’ to a sexual relationship, even if this appears to be the case.

Women who identify as lesbian or transgender live in constant fear of ‘corrective’ or ‘curative’ rape, which is claimed to ‘cure’ or make them ‘straight’. South Africa has one of the highest incidences of ‘corrective rape’. Lesbian women, particularly those who reside in poor black communities, live in constant fear. They may be attacked not just by strangers, but also by family members, friends, acquaintances or neighbours. They are taunted and harassed and are unable to live a life of dignity and equality.

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2. Ibid.
4. Ibid.
5. Communication 245/98 Media Rights Agenda v Nigeria.
The Commission, in ACHPR/Res.275 (LV)2014: Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity notes that ‘corrective rape’ is a form of violence perpetrated against individuals due to their real or imputed sexual orientation or gender identity. The Resolution calls on States to end such acts of violence including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence.

Violence against pregnant women and denial of reproductive rights

Despite the guarantees on sexual and reproductive health rights under Article 14 of the Maputo Protocol and its general comments, women still face multiple challenges relating to accessing reproductive health care. Many African countries have restrictive anti-abortion laws, and even where abortion is permitted, bureaucratic hurdles negate the benefits of including procurement of abortion in the law.

On violence against pregnant women, the High Court in Kenya recently held that detaining two women in a maternity hospital after child birth over unpaid maternity fees was arbitrary, unlawful and unconstitutional. The Court held that the detention and the abusive treatment the women were subjected to violated their rights to health, dignity, liberty and freedom of movement, and non-discrimination (on grounds of sex and socio-economic status), as well as their freedom from cruel, inhuman or degrading treatment. Women with disabilities are often subjected to forced sterilisation without their free, prior and informed consent, which may amount to torture or ill-treatment.

Corporal punishment

Corporal punishment, defined as physical punishment with the deliberate infliction of pain, intended as correction or punishment is still prevalent around the continent. Under Sharia law, corporal punishment can be handed down to women suspected of adultery, alcohol related offences and those wearing indecent clothing. Corporal punishment may take the form of caning, flogging, whipping, and in some instances, stoning or amputation. The Commission has determined that “there is no right for individuals, and particularly the government of a country to apply physical violence to individuals for offences. Such a right would be tantamount to sanctioning State sponsored torture under the Charter and contrary to the very nature of this human rights treaty.”

ii. Torture and ill-treatment in the private sphere

Intimate partner violence

Married women are often on the receiving end of physical violence, which is usually accompanied by insults, varied forms of humiliation, and threats to kill or harm them or their family members (often children). Such acts of violence tend to escalate over time and may result in death or permanent disfigurement. It is the duty of the State to ensure that proper laws criminalise intimate partner violence; and where such laws are in place, to ensure their proper implementation.

12. General Comment 1 on Article 14 (1) (d) and (e); and General Comment 2 on Article 14.1 (a), (b), (c) and (f) and Article 14.2 (a) and (c).
15. Convention on the Rights of Persons with Disabilities, articles 12, paragraphs 4 and 23, para 1 (b) and (c) and Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, E/CN.4/2005/51, paras 9 and 12.
17. Communication 236/00 - Curtis Francis Doeble v Sudan.
18. Note 9 above.
Female genital mutilation

Female genital mutilation (FGM) involves the deliberate infliction of severe pain and suffering, the effects of which include: severe bleeding, chronic infections, painful sexual intercourse and complications during childbirth. FGM amounts to torture as it is often performed to young girls who are powerless or defenseless, using rudimentary tools, and it causes both physical and psychological pain. The Maputo Protocol prohibits FGM and it requires States Parties to take all necessary legislative and other measures to ensure the eradication of the practice. Certain countries in Africa including Nigeria, Togo and Kenya have passed legislation prohibiting FGM. However, implementation still remains a major challenge.

How the Robben Island Guidelines can protect women

The Robben Island Guidelines seeks to address the torture and ill-treatment of women, as follows:

i. Prohibition of torture

The Robben Island Guidelines highlight the following measures to be taken by States so as to prohibit torture:

a. Ratification, domestication and implementation of relevant regional and international instruments including CAT and OPCAT. These instruments seek to ensure that women are protected from all forms of violence, harmful practices and discrimination that may amount to torture or ill-treatment. States should also be urged to ratify the Maputo Protocol.

b. Co-operation with the Commission and its Special Rapporteurs, including the Special Rapporteur on the Rights of Women in Africa, the Special Rapporteur on Arbitrary, Summary and Extra-judicial Executions in Africa and the Special Rapporteur on Prisons and Conditions of Detention in Africa. States should also co-operate with the CPTA and the United Nations (UN) treaty bodies and UN special procedures.

c. Defining torture in accordance with Article 1 of CAT and adopting legislation criminalising torture. States should also pay particular attention to the gender aspects of torture and ill-treatment. This would ensure that the acts committed against them are classified as torture and they then have a right to seek redress.

d. Establishment of accessible and fully independent mechanisms where individuals may lodge complaints on allegations of torture or ill-treatment. This is particularly important to victims of rape, sexual violence or intimate partner violence, who find it extremely hard to report these incidences due to the associated stigma.

ii. Prevention of torture

The Robben Island Guidelines highlight the prevalence of torture in places of detention and lay down guidelines on basic procedural safeguards for persons deprived of their liberty; safeguards during the pre-trial process; conditions of detention; mechanisms of oversight; training and empowerment and civil society education and empowerment. All these are important as they ensure that women who are in conflict with the law are for instance detained in appropriate detention facilities.

iii. Responding to the needs of victims

The Robben Island Guidelines recognize the need for reparation of individual victims of torture and note that families and communities that have been affected by torture and ill-treatment can be classified as victims. The reparation contemplated includes rehabilitation, appropriate medical care and appropriate compensation and support.

Conclusion

The Robben Island Guidelines do contain important provisions which if properly implemented would support prohibition and prevention of torture in the continent. The Guidelines provide adequate protection of all persons including women and groups like families and communities which can be classified as victims.

State and non-State actors should continue to use and publicise the roles which the Guidelines may play to protect women from acts of torture or ill-treatment.

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20. Article 5 (b), Maputo Protocol.

by Onyema Afulukwe-Eruchalu, Senior Legal Advisor for Africa, Center for Reproductive Rights

The forcible detention of women in both public and private healthcare facilities after child birth for their inability to pay the full medical bill is a widespread practice on the continent, yet little has been done to address the issue. Women who are detained are frequently exposed to physical and verbal abuse by healthcare workers and suffer neglect, including denial of food, adequate clothing and a place to sleep. They also do not receive the required post-natal care services, increasing their risks of maternal injuries and death. In certain instances, women who had successful births are detained along with their new-borns, in the same ward as those who experienced stillbirths, or those who lost their new-borns soon after delivery. In this instance, there is a particular psychological cruelty to being detained in a maternity ward, surrounded by other women and their new-borns. What all of these women usually have in common is their vulnerable situation in society such as having low-income, living in rural areas, or being widows or women whose husbands abandoned them during their pregnancy.

Millicent and Margaret are two women with low income who delivered at Pumwani Maternity Hospital (Pumwani), one of Kenya’s biggest public healthcare facilities, and were forcibly detained because they were unable to pay the medical fees. Millicent worked as a laborer and is living with HIV, while Margaret is a mother of five and worked as a hairdresser. Millicent had initially gone to a clinic whose fee she could afford, but was referred to Pumwani because her baby was in breech position, and her bill at Pumwani was more than she could pay. She was detained for 24 days (21 September to 15 October 2010). During this time, she suffered both physical and verbal abuse from nurses, was given insufficient food, and was requested to share beds with other women detainees. Millicent contracted pneumonia as she slept on the cold cement floor next to a flooding toilet. She was never examined by a doctor throughout her detention period. One of her children fell ill while Millicent was in detention, because the child was unable to receive the regular medical care needed. The then Mayor of Nairobi heard of Millicent’s detention and paid off her bill to ensure her release.

Margaret was first detained in 1991 for 7 days at Pumwani following the birth of her child at the age of fifteen. She had not planned to give birth at Pumwani again, but on 9 November 2010, Margaret was on her way for antenatal services at a healthcare facility whose fees she could afford, when she suddenly started to bleed. A cab took her to the nearest health facility—Pumwani. She underwent an emergency Caesarean section and was to have been discharged on 13 November 2010. Once it became known that she could not pay the full bill, she was immediately secluded in a separate ward and monitored by hospital staff and guards to ensure she would not escape. She was also required to start sleeping on the floor without adequate bedding. A complaint to the nurses resulted in her surgery stiches no longer being cleaned. Margaret was released on 19 November 2010, 6 days after she was detained, subsequent to the settlement of the hospital fee by her relatives who had raised the money. She left the hospital with her stitches unattended to and the surgery site smelling due to lack of medical attention.
On 17 September 2015, the High Court of Kenya in Nairobi delivered a ground-breaking decision—the first of its kind in the African region—on the detention and mistreatment of these two women, following the filing of their case by the Center for Reproductive Rights (the Center). The Court held that Millicent’s and Margaret’s detentions were arbitrary, unconstitutional, and violated a host of rights including the right to be free from cruel, inhuman or degrading treatment. It found that both the abuse Millicent and Margaret experienced at the hands of healthcare workers as well as the harsh conditions of their detention amounted to cruel, inhuman and degrading treatment. The Court awarded them monetary damages amounting to 1.5 Million Kenyan Shillings (15,000 USD) for Millicent who was detained for 24 days, and 500,000 Kenyan Shillings (5000 USD) for Margaret who was detained for 6 days. To ensure other women in Kenya do not have similar experiences, the Court mandated the Kenyan Government to undertake both legislative and policy measures to end these detentions.

This decision holds great promise for women in Kenya and all over Africa where governments are yet to be held accountable for these detentions and other violations of rights that amount to cruel, inhuman and degrading treatment. The Government of Kenya has appealed the decision.

Torture and Gender: How Violation of Article 5 Impacts Women’s Rights in Africa

by Annah Yvonne Moyo: Acting Advocacy Manager, Centre for the Study of Violence and Reconciliation (CSVR)

2016 is the “African Year of Human Rights with particular focus on the Rights of Women”. This theme, which was declared by the African Union Heads of State and Government, necessitates a reflection on how violation of Article 5 of the African Charter impacts on women in Africa. Different forms of exploitation and degradation including slavery, torture and other forms of ill-treatment affect women differently. In this regard, the impact and reporting of torture is markedly different from that of men.

Article 5 of the African Charter provides for the right to the respect of dignity inherent to all human beings and also prohibits all forms of exploitation including torture. While both men and women have been subjected to torture by state and non-state actors across Africa, rape as a form of torture has frequently been used on women rather than men. Rape has been used against women suspected of terrorism or against women allegedly associated with persons suspected of terrorism, to obtain information and to punish them for their alleged roles in the terrorist activity. Rape has also been used as a weapon of war during conflicts and it is mostly women who have been recorded as victims in such instances. Refugee women fleeing war-torn countries have shared their experiences of rape by both state and non-state actors before and during their flight in search of refuge.

Research conducted by the Centre for the Study of Violence and Reconciliation (CSVR) on gender and torture explains how sexual torture or rape aims to destroy an individual’s identity and sexual functioning. Literature also discusses rape as a form of torture, as distinctly traumatic with prolonged, repeated exposure and also describes it as the “most traumatising human experience”. The same Research also found that while males may sometimes or often experience sexual torture, females are more likely to experience sexual methods of torture, or almost always do.

According to the CSVR Research, the social and psychological impacts of rape as a form of torture on women includes social stigma, community and family blame and rejection, sexually transmitted infections (STIs), pregnancy, subsequent challenges with sexuality, body image, intimacy, shame and humiliation. Given women’s social and cultural roles embraced in most African societies, they sometimes suffer unique social and cultural harm, including blame, rejection by a spouse, social exclusion or threats to life and well-being, as a result of stigma and religious or cultural practices.

23. Ibid.
24. Ibid.
25. This was feedback from one of the panellists interviewed for the research above.
Pregnancy is another gender-specific consequence of rape which often presents severe emotional, physical and social trauma for women. The gender role of women in society such as caring for children and keeping a home also becomes difficult when a woman is struggling from the trauma of rape. Women who have been victims of sexual torture such as rape often “do not have time to be overwhelmed so they numb their needs and keep going” in fulfilling their gender specific role which leads to depression. Women tend to side-line their own suffering and trauma related to their torture experience. Given the stigma and the gender role of women in society, cases of rape of women as a form of torture often go unreported. From the clinical work carried out by CSVR, victims of sexual torture do not disclose their experiences immediately during trauma counselling. A relationship of trust built over a number of counselling sessions with the victim provides a comfortable environment for women victims of sexual torture to disclose their experience. Non-disclosure of sexual torture is also worsened by appointing a male counselor to assist a female torture victim, a problem which can be solved by adopting a gender sensitive approach to trauma counselling.

In the light of all these challenges around gender and torture, it is important to maximise the theme of the year to interrogate how to advance the rights of women victims of torture and ensure their redress, through gender-sensitive lens, taking into account their lived traumatic experiences. The Commission’s Resolution on the Right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence provides important guidance for States to ensure adequate and comprehensive reparation for victims of sexual violence including rape as a form of torture. The Commission’s jurisprudence further provides that failure to prevent and respond to acts of rape and other forms of sexual violence can amount to torture in violation of Article 5. The jurisprudence gives guidance that can be further developed, replicated and implemented and it also forms a strong foundation to build upon for redressing sexual torture and rape.

General Comment on the Right to Redress for Victims of Torture and Ill-treatment

In the Fifth Edition of the CPTA Newsletter, published in April 2015, the Committee communicated that it was instituting a process for preparing general comments in line with the CPTA’s overall mandate of ensuring the absolute prohibition and eradication of torture in Africa.

The CPTA is mandated to promote and facilitate the implementation of the Robben Island Guidelines by States Parties for the effective prohibition and prevention of torture in Africa. Strategic objective 4 of the CPTA’s Operational Work Plan 2015/2016 tasks the CPTA to provide technical tools and make recommendations to States Parties and other relevant actors on the effective prohibition and prevention of torture as well as on responding to the needs of victims. One of the means identified by the CPTA to realise this is the preparation of general comments on Article 5 of the African Charter. Such general comments would serve as practical guidelines for the interpretation and development of different aspects of Article 5 and help State Parties to effectively implement their obligations under the Charter.

26. This was feedback from one of the psychologist panelist interviewed for the research.
sessions/42nd/resolutions/111/.
At the 56th Ordinary Session of the Commission, held in Banjul, The Gambia, from 21 April to 7 May 2015, the Committee organised a Panel on Torture where States expressed their views on the need for further interpretations of Article 5 of the Charter. It also held a Meeting on the side-lines of the Session with civil society representatives which among other matters discussed the pertinence of a general comment on Article 5.

Following these discussions, the Committee decided to develop its first general comment on the right to redress due to the extensive gap identified in the area. The Robben Island Guidelines neither comprehensively set out nor adequately explain implementation of the right to adequate redress. While victims’ right to redress is firmly enshrined within a range of regional and international instruments, significant challenges exist that currently prevent victims from realising their rights, in addition to a lack of clarity, context and extensiveness of the right to redress specifically in the African context. Victims of torture and ill-treatment in many parts of the continent are unable to obtain redress because of the absence of effective policy, legislative and administrative measures and institutional arrangements.

The General Comment would: provide its interpretation on the right to redress for victims of torture and ill-treatment with a view to assisting State Parties and other stakeholders to meet their obligations under the African Charter; emphasise the importance of adequate redress for victims and what this entails in practice including the scope and content of the right; reflect victims’ needs and experiences on the continent; offer concrete, practical suggestions to State Parties on how to overcome obstacles preventing victims from obtaining redress; assist those working with victims in understanding the actions expected of them at the domestic level; and provide guidance to State Parties in implementing the decisions of the Commission in communications where it found Article 5 violations and recommended States to provide adequate redress to victims.

To move this process forward, the CPTA and its partners have carried out a number of activities.

From 6 to 7 July 2015, CPTA, in collaboration with the Redress, CSV, and the Kenya Human Rights Commission, convened a Technical Meeting on the Drafting of the General Comment on the Right to Redress for Victims of Torture and Ill-Treatment under the African Charter. The Technical Meeting explored the normative framework of the right to redress, the status quo regarding victims’ access to redress on the continent and identified good practices as well as challenges and gaps at the national, regional and international levels that the General Comment could usefully address.

From 1 to 2 October 2015, a Meeting of the Pan-African Reparations Initiative (PARI) on “Regional Consultation: PARI’s Inputs and Comments to the General Comment on Redress” was convened in Johannesburg, South Africa. Further inputs were received from stakeholders on the development of the General Comment at this Meeting.

From 1 to 3 February 2016, the Committee in collaboration with partners organised a Drafting Retreat to develop the first draft of the General Comment. The participants at the Drafting Retreat actively contributed to discussions in plenary and the drafting processes in working groups over the course of 2.5 days. The CPTA has uploaded the zero draft of the General Comment on the ACHPR website for further inputs from stakeholders and the general public. These inputs will be used to improve the draft General Comment.

**Update on CPTA Activities**

**i. Panel on Torture at the 56th Ordinary Session of the Commission**

On 22 April 2015, the CPTA organised a Panel on Torture on the margins of the 56th Ordinary Session of the Commission. Panellists included Commissioner Lawrence Murugu Mute, Chairperson of the CPTA, Anna Moyo, Advocacy Officer at the CSV, and Juergen Schurr, Legal Advisor at the Redress. State representatives, international organisations, national human rights institutions (NHRIs), civil society organisations (CSOs) and members of the Commission were in attendance.

Panellists highlighted the mandate and activities of CPTA; advances made by State Parties in the prevention and prohibition of torture in Africa; the successes of the Commission in executing its torture prevention and prohibition mandate with the support of CPTA.

The Panel focused on the need to address the gaps identified in the interpretation of Article 5 of the African Charter, and therefore the need to prepare interpretive instruments for guidance such as general comments.

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Potential areas which a general comment could address were identified and discussed. The Panel received feedback from Commissioners, State delegates and NHRIs.

**ii. Meeting with Partners at the 56th Ordinary Session**

On 22 April 2015, the Chairperson of CPTA met 20 participants representing 12 CSOs to discuss possible areas of collaboration. The Meeting was guided by the 2015/2016 CPTA Operational Work Plan which comprises strategic objectives with specific activities. Various areas of collaboration were identified, some of which have been implemented. Participants at the Meeting also agreed to liaise amongst themselves and endeavour to forward consolidated proposals to the CPTA.

**iii. Technical Meeting on the Article 5 General Comment in Ghana**


The Meeting brought together key experts to initiate the process for developing a General Comment, identify some of the major issues the General Comment could take into account and map out future steps in the drafting of the General Comment. Through plenary presentations, discussions and group work, participants explored the normative framework of the right to redress; the status quo regarding victims’ access to redress on the continent; and good practices as well as challenges and gaps at the national, regional and international levels that the General Comment could usefully address.

On the basis of the gaps and challenges identified in the existing normative framework as well as the law and practice in a variety of countries, participants identified and discussed key issues to be considered in drafting the General Comment, including legislative framework, government responses/interventions, judicial proceedings and other platforms to obtain redress, and implementation of the general comment.

**iv. Joint Meeting with the Special Rapporteur on Prisons and Conditions of Detention in Africa on ‘Implementing the Guidelines on Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa and Combating Torture’ in Ghana**

The Special Rapporteur on Prisons and Conditions of Detention in Africa and the CPTA organised a Joint Meeting on Implementing the Guidelines on Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines) and Combating Torture on 8 July 2015 in Accra, Ghana.  

The Joint Meeting identified areas and opportunities to strengthen rights based approaches to pre-trial detention and to combat torture in Ghana. CPTA noted the cross-cutting issues addressed by the Luanda Guidelines, and highlighted the value added of the Guidelines to various special mechanisms of the Commission, particularly CPTA. It was highlighted that the Luanda Guidelines reiterate and add to the provisions of the Robben Island Guidelines as well as the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa. The Meeting stressed the need to increase awareness of the Luanda Guidelines and ensure their accessibility and implementation at the domestic level given their great relevance in offering guidance to stakeholders.

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v. Visit to the Commission of Human Rights and Administrative Justice (CHRAJ) in Ghana

On 9 July 2015, Members of CPTA took part in a Working Visit to the Commission of Human Rights and Administrative Justice of Ghana (CHRAJ), where possible areas of collaboration between CHRAJ and the CPTA as well as the Commission in general were discussed. The CPTA indicated that it wishes to engage in further talks with Ghana in relation to the Convention against Torture Initiative (CTI). 36

vi. Pan-African Reparations Initiative (PARI) Regional Consultation on the Drafting of the General Comment on the Right to Redress in Johannesburg, South Africa

From 1 and 2 October 2015, CSVR hosted a regional consultation of the “Pan African Reparations Initiative” (PARI) to gather inputs and comments on CPTA’s General Comment on the Right to Redress. In addition to the CPTA Chairperson, the Meeting brought together experts and representatives from various members of PARI, including CSOs from across the continent. Participants shared experiences and good practices in assisting victims to obtain redress through avenues ranging from community approaches, to traditional and judicial mechanisms. 37

vii. Drafting Retreat – General Comment on the Right to Redress for Victims of Torture and Ill-treatment under Article 5 of the African Charter

The CPTA, in collaboration with Redress and Civil Society Prison Reform Initiative (CSPRI), convened a Drafting Retreat from 1 – 3 February 2016, in Cape Town, South Africa. 38 The Meeting brought together 16 participants including Members of the CPTA and other experts in the area of redress for victims of torture and ill-treatment. The Retreat generated a zero draft of the General Comment, taking account of the outcomes of the previous Meetings. The CPTA has uploaded the zero draft of the General Comment on the ACHPR website for further inputs from stakeholders and the general public. These inputs will be used to improve the draft General Comment.

36. The Republic of Ghana is one of the key initiators of the CTI, founded as a global Initiative marking thirty (30) years of CAT. CTI aims to achieve universal ratification of CAT by 2024, and to identify and address challenges in ratifying and implementing the CAT.


## 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:** South Sudan ratified CAT on 30 April 2015 and Rwanda ratified OPCAT on 30 June 2015.