

Africa Torture Watch

Eighth Edition

April 2019



Committee for the Prevention of Torture in Africa

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Foreword

Dear readers,

On behalf of the Committee for the Prevention of Torture in Africa (CPTA), I welcome you to the 8th Edition of *Africa Torture Watch*. I am particularly pleased to introduce an edition of the Newsletter for the first time since my appointment as Chairperson of the CPTA in October 2017. Regrettably, due to circumstances beyond its control, CPTA was not able to issue its regular annual Newsletter in 2018. However, I wish to assure readers that CPTA intends to continue issuing its annual Newsletter on a regular basis, to bring various issues of torture and ill-treatment in Africa to light, and to update its readers on CPTA activities.

In line with CPTA's standard practice, the identified theme for the 8th Edition of *Africa Torture Watch* is the *Prevention of Torture and other Ill-treatment*. The United Nations Convention against Torture (UNCAT) defines torture as an act by which severe pain or suffering is intentionally inflicted on a person in order to extract information or a confession, or to punish, intimidate, or coerce. "Torture seeks to

annihilate the victim's personality and denies the inherent dignity of the human being". Sadly, this affront to human dignity is all too common in the African continent, although I should also add that torture and ill-treatment is systematically used around the world.

While redress for victims of torture and ill-treatment is essential, we must strive to ensure that acts of torture and ill-treatment are not committed in the first place. In fact, the Commission's General Comment No. 4 on the African Charter on Redress for Victims of Torture and Other Ill-treatment, adopted in 2017, provides that the ultimate goal of redress is transformation, by dealing effectively with the factors which allow for torture and other ill-treatment. Redress in this regard aims to restore human dignity and prevent torture from recurring.

The Robben Island Guidelines, which the CPTA was established to implement, speak extensively to the prevention

of torture and other ill-treatment. The articles in this 8th Edition of *Africa Torture Watch* relate to the prevention of torture, more specifically the importance of basic procedural safeguards in the first hours of detention to prevent torture; prevention of torture through the ratification and implementation of UNCAT; and, in line with the African Union theme for 2019, the basic measures that should be taken to protect migrants and refugees from torture and ill-treatment.

Finally, following our tradition, this Newsletter presents an update on CPTA activities and the status of ratification of UNCAT and the Optional Protocol to UNCAT by African States.

I wish you a good read!

Hatem Essaiem



**Chairperson
of CPTA**

About the Committee for the Prevention of Torture in Africa (CPTA)

In October 2002, at its 32nd Ordinary Session, the African Commission on Human and Peoples' Rights (the Commission), adopted the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa ('Robben Island Guidelines' or 'RIGs'), to expound on Article 5 of the African Charter on Human and Peoples' Rights (the African Charter), which prohibits torture, cruel, inhuman or degrading treatment or punishment (ill-treatment).

The Robben Island Guidelines 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 Committee for the Prevention of Torture in Africa ('CPTA' or 'Committee'), formerly known as the Follow-up Committee on the Implementation of the Robben Island Guidelines, was established by the Commission at its 35th Ordinary Session in May 2004, to promote the implementation of the Robben Island Guidelines. More specifically, CPTA is mandated to disseminate the RIGs to national and regional stakeholders; to promote and facilitate implementation of the RIGs within State Parties and at the regional level; and to make a progress report to the Commission at each Ordinary Session.

The CPTA promotes implementation of the Robben Island Guidelines and other crucial instruments in the area of torture prevention and pro-

hibition, including the United Nations Convention against Torture (UNCAT) and the Optional Protocol to UNCAT (OPCAT). It also strives for the establishment of effective National Preventive Mechanisms (NPMs) in African States in accordance with OPCAT.

The CPTA further, initiates resolutions on Article 5 issues; publishes its annual report on the situation of torture and other ill-treatment in Africa, annual thematic report on a specific Article 5 issue, and 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 April 2019

Commissioner Hatem Essaïem - Chairperson
Mr. Jean-Baptiste Niyizurugero - Vice-Chairperson
Commissioner Lawrence M. Mute - Member
Commissioner Lucy Asuagbor - Member

Commissioner Maria Teresa Manuela - Member
Commissioner Solomon Ayele Dersso - Member
Mr. Malick Sow - Member
Mme Hannah Forster - Member

For more information on the CPTA, contact the Secretariat of the African Commission

*31 Bijilo Annex Layout
 Kombo North District, Western Region,
 P.O. Box 673, Banjul, The Gambia
 Tel: (220) 4410505/4410506
 Email: au-banjul@africa-union.org; tesfayea@africa-union.org
 Web: www.achpr.org
 Skype: CPTA.ACHPR*

Newsletter Editorial Team

Commissioner Hatem Essaïem: CPTA Chairperson
Mr. Jean-Baptiste Niyizurugero: CPTA Vice-Chairperson
Ms. Albab Tesfaye Ayalew: CPTA Secretariat

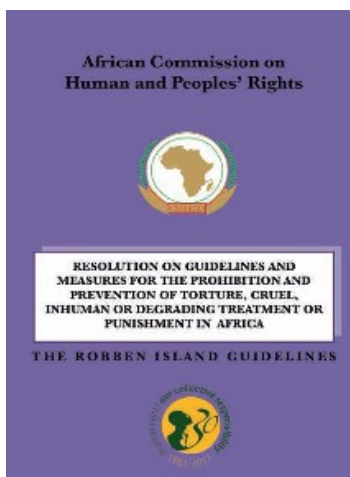
Basic Procedural Safeguards and Preventing Torture in the First Hours of Detention *by Jean-Baptiste Niyizurugero, CPTA Vice-Chairperson*

Introduction

The exercise of a State's policing duty entails an imbalance of power. A person arrested is automatically in a situation of vulnerability. "As the police have special powers, such as the lawful use of force, a person arrested or detained is completely in the hands of the law enforcement agents, a situation of risk where abuse and torture may take place".¹ This is why human rights law provides that in such a situation, the authorities have an obligation to protect and respect detainees' rights.

The *Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa* (RIGs) provide that the detention of all persons must be "controlled by properly and legally constructed regulations. Such regulations should provide a number of basic safeguards, all of which shall apply from the moment when they are first deprived of their liberty".² Additionally, the United Nations (UN) Human Rights Council Resolution 31/31 on Safeguards to Prevent Torture during Police Custody and Pre-trial Detention,³ urges all States to adopt and implement legal

and procedural safeguards to protect the human rights of detainees during police detention. Recognizing these imperatives, an international expert-led process to develop a set of guidelines on investigative interviewing and associated procedural safeguards during these high-risk stages is currently underway.⁴



The RIGs highlight the following basic procedural safeguards applicable from the very outset of arrest: access to lawyer; notification of family; access to medical examination; and notification of rights to the person deprived of liberty. As indicated in the RIGs, this is a non-exhaustive list. A range of complementary measures are applicable during police custody and pre-trial detention, including,

among others, the registration of arrests, audio-visual recording of interviews, and judicial review of arrests.

This article discusses the four basic procedural safeguards provided under the RIGs and their relevance in protecting persons in police custody against torture and ill-treatment.

Basic procedural safeguards: an effective means to prevent torture

Various human rights mechanisms and experts steadily state that "the risk of torture and other ill-treatment is significantly greater during the first hours of police custody".⁵ These mechanisms recommend that States should put in place and implement safeguards to reduce the risk of torture and other abuses during this risky period.

A research study, commissioned by the APT to answer the question "does torture prevention work?"⁶ found that implementation of safeguards in the first hours and days after arrest is the most important means of preventing torture. At the same time, it revealed that a significant gap exists between the law and practice. Thus, in discussing the relevance of each of the four safeguards below, we will also highlight implementation challenges and good practices that can help bridge this gap.

1. APT *Monitoring Police Custody, a Practical Guide* 2013, available at https://apt.ch/content/files_res/monitoring-police-custody_en.pdf.

2. Guideline 20 of the RIGs.

3. Resolution A/HRC/RES/31/31, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/083/67/PDF/G1608367.pdf?OpenElement>.

4. APT *Developing International Guidelines on Investigative Interviewing and Associated Safeguards* 2018, available at <https://www.apt.ch/en/universal-protocol-on-non-coercive-interviews/>.

5. Joint Statement by UN Special Rapporteur on torture and former Special Rapporteurs on torture in 2017, available at https://www.apt.ch/content/files/OpenLetter_26June_UN_SRTs_InvestinSafeguardstoPreventTorture_EN.pdf.

6. APT *Yes, Torture Prevention Works* 2016, available at <https://apt.ch/en/resources/yes-torture-prevention-works-insights-from-a-global-research-study-on-30-years-of-torture-prevention/?cat=17>.

Right of access to a lawyer

It is a fundamental principle of international law that all persons who are deprived of their liberty have a right to be assisted by a lawyer of their choice or to free legal aid. Most African States provide for the right to assistance by a lawyer in their criminal procedure legislation.

Early access to a lawyer constitutes a critical safeguard. It plays an important role in ensuring that detainees are aware of their other rights and that they can exercise them effectively. Timely intervention by legal aid providers improves the fairness of the criminal justice process and constitutes a deterrent against abuses.

However, access to a lawyer does not always extend to the critical moments of detention by the police. Some countries do not have a legal aid system and/or have a limited number of qualified lawyers. This leaves many of the most vulnerable detainees without basic legal assistance.

To overcome these challenges, some countries have tried providing paralegal services in police stations and courts. In some cases, assistance by paralegals has empowered suspects to challenge their detention.

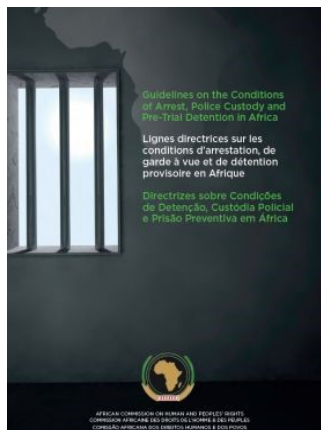
Another challenge is the misunderstanding of the lawyer's role by the police, who tend to believe that his/her intervention will undermine the investigation process. Lawyers' access to their clients during custody is thus often denied.

"Early access to a lawyer constitutes a critical safeguard."

The right to access to a lawyer should be enshrined in law and provided from the start of custody. Communication between lawyers and their clients should not be delayed or subject to other limitations. Any restrictions on the right of access to a lawyer from the moment of arrest should be exceptional, prescribed by law, and adequately justified and limited in duration.

Right to medical examination

The right to medical examination for persons under arrest is also a basic safeguard contained in both the RIGs and the *Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa* (the Luanda Guidelines).⁷



Medical examination is a means to prevent torture and ill-treatment as it provides a way to report, record and end potential abuse. Medical reports also contribute to ending impunity by serving as evidence for the prosecution of suspects of torture.

However, there are gaps in the implementation of this right, as very often, this right is not given the seriousness it deserves. There are examples of doctors signing examination reports without seeing the detainee, delivering false medical reports covering up cases of torture or withholding information from the detained persons and their lawyers.

"Medical examination is a means to prevent torture and ill-treatment..."

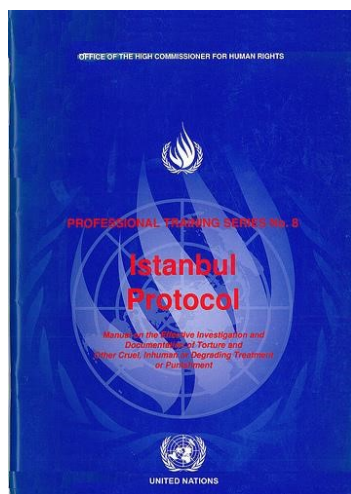
In some countries, due to lack of resources, systematic medical examinations by a qualified doctor for each detainee is not possible. The alternative could be allowing a prompt examination by other medical professionals such as nurses working under the supervision of a doctor.

In many cases, detainees are required to pay for all independent medical services, unless it is life-saving treatment. This restricts access to this fundamental right, particularly for poor people.

The lack of means and forensic skills by medical doctors is also a challenge to detecting potential cases of torture and other ill-treatment. As some forms of torture leave no physical marks, evidence can be easily missed. As such, trainings on documenting torture and other ill-treatment can ensure that medical practitioners are better able to detect

7. Luanda Guidelines, available at http://www.achpr.org/files/special-mechanisms/prisons-and-conditions-of-detention/guidelines_arrest_police_custody_detention.pdf.

and record abuses. In this regard, training programmes on the *Istanbul Protocol*⁸ should be encouraged.



Right to notification of family

Notification of a family member or appropriate third person protects detainees against isolation, torture and enforced disappearances. Beyond the immediate psychological benefits for both the detainee and relatives, effective communication with a detainee's family contributes to building confidence in the justice system, and improves access to other essential services, including access to a lawyer, food, clothes, bedding, and healthcare.

“...effective communication with a detainee's family contributes to building confidence in the justice system...”

Active police cooperation and good will is needed to ensure that the right

to contact and access family members is effective. Officers' proactiveness can help overcome practical difficulties, such as a lack of family members' contact numbers or police's lack of budget for making phone calls.

Some good practices observed include cases when police officers use the detainee's own mobile phone to contact the family. In cases where contact cannot be made by phone, a police officer is sent to notify families in person. When the family is far away from the place of arrest and do not have a telephone, the police can delegate the nearest police station to inform them.

Notification of rights

Notification of rights is critical to the effective implementation of the other safeguards. In October 2016, the African Commission on Human and Peoples Rights published a toolkit containing a series of resources to assist States in implementing the Luanda Guidelines.⁹ It includes a model 'letter of rights' that can be used to notify detainees. The letter of rights is a good practice and States are encouraged to adapt this tool to their national context.

However, some practical challenges remain. A letter may not always be appropriate, particularly if detainees are illiterate or do not understand the language used. Legal language can also be difficult to understand, even for people with higher educa-

tion. It is also important that the detainees understand the rights about which they are notified. Police sometimes see notification of rights as a simple formality. It is a good practice for detainees to not only sign the letter of rights as a proof of notification, but to also keep a copy and have the ability to review their rights afterwards. When a letter of rights is developed, States and institutions should use simple language that people can easily understand, and make sure that any communication is made in the detainee's language.

“Notification of rights is critical to the effective implementation of the other safeguards.”

Conclusion

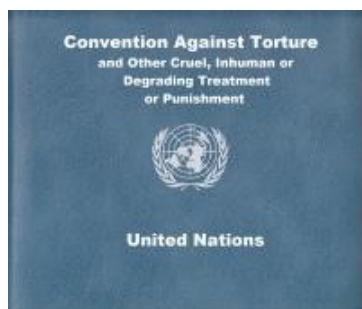
It is incontestable that the existence of basic procedural safeguards in national legal frameworks and their implementation in practice contributes to the protection of persons deprived of their liberty. In Africa, there are a number of challenges in this regard. There is need for further guidance on integrating the safeguards in national laws and regulations. Information about good practices and alternatives on to implementation is also rare. It would be worthwhile for the Committee for the Prevention of Torture in Africa to consider drafting an authoritative view on the relevance of basic procedural safeguards to preventing torture and ill-treatment.

8. OHCHR *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* 2004, available at <https://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>.

9. Toolkit available at [http://www.achpr.org/files/special-mechanisms/prisons-and-conditions-of-detention/conditions of arrest police custody toolkit.pdf](http://www.achpr.org/files/special-mechanisms/prisons-and-conditions-of-detention/conditions%20of%20arrest%20police%20custody%20toolkit.pdf).

Promoting State-to-State Dialogue on Ratification and Implementation of the UN Convention against Torture in Africa by Ramses Joseph Cleland, Ambassador and Permanent Representative of Ghana to the United Nations in Geneva AND Omar Zniber, Ambassador and Permanent Representative of Morocco to the United Nations in Geneva

The African Commission's Robben Island Guidelines¹⁰ explain the absolute prohibition of torture and other ill-treatment enshrined in Article 5 of the African Charter on Human and Peoples' Rights (African Charter). In Part A, the Guidelines call on African States, amongst other things, to ratify or accede to the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (UNCAT or Convention). The vast majority of States have heeded this call, and Africa is on the verge of regional universality, which is an exciting Pan-African prospect. 50 African States are already party to the Convention, of which six ratified in the past five years. Many others are working conscientiously to give effect to its provisions.



The Governments of Ghana and Morocco, as part of the "*Convention against Torture Initiative*" (CTI),¹¹



have been working collaboratively with a number of African States as well as the African Commission's Committee for the Prevention of Torture in Africa (CPTA), to advance ratification and implementation of the UNCAT in Africa and globally. CTI is inter-governmental and cross-regional, working through confidential dialogue and international cooperation and by providing technical assistance to States. The CTI's approach is constructive ("no name, no shame") and based on equality and respect between States. Our ultimate aspiration is that the risk of torture is reduced and that people everywhere can live in peace and justice.

Proudly, we can report that 36 African States have so far participated in at least one CTI event in Africa, variously in *Marrakech* (2015), *Accra* (2016), *Fes* (2017), *Entebbe* (2017) and *Dakar* (2018). We have been welcomed to visit to countries and carry out in-country seminars. On many of these activities, we were pleased to partner with the CPTA, and in 2018, CPTA expressed its support to African States for ratification processes.¹²

There are many reasons to ratify and implement UNCAT.¹³ To start, the Convention commits and guides States, through an incremental process of improvement, on effective torture prohibition, prevention, punishment and redress for victims. In this way, UNCAT complements Article 5 of the African Charter by elaborating steps States should take to realise the prohibition *in practice*.

"CTI is inter-governmental and cross-regional, working through confidential dialogue and international co-operation"

Ratifying and implementing the

10. Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa, 2002.

11. CTI was established in 2014, at the 30th anniversary of UNCAT as a 10 year initiative. Alongside Ghana and Morocco, CTI is a collaboration with Chile, Denmark, Fiji and Indonesia. Find out more at: <https://cti2024.org/>.

12. Hatem Essaïem, CPTA Chairperson *Inter-Session Activity Report* (May to October 2018), para. 28, at http://www.achpr.org/files/sessions/63rd_os/inter-act-reps/312/comm_essaïem_63_act_report_cpta_eng.pdf.

13. See for an overview, *CTI's 10 Good Reasons to Ratify UNCAT*, at <https://www.cti2024.org/en/why-ratify-uncat/>.

Convention supports institution building, the rule of law and the administration of justice. In the case of Ghana, for example, joining UNCAT, and later the Optional Protocol, have inspired safer and better managed correctional facilities. Ghana has invested in training, has allocated resources for the construction of a new modern prison, and through a specific justice initiative has reduced the remand prison population and overall overcrowding. In Morocco, UNCAT ratification has led to greater openness to domestic and international bodies to visit Morocco's places of detention, while legislative reforms have been instigated and are ongoing.

No State has a perfect record in this area, yet there are many measures we can each take to prevent and respond to excesses, adapted to our national contexts. Becoming party to UNCAT is an opportunity to review,

improve or update existing laws, regulations, policies and procedures. Several African States have introduced specific anti-torture legal frameworks after having ratified the Convention, such as those adopted in Kenya, Madagascar, Nigeria, South Africa and Uganda, and we congratulate them for doing so. In other countries, UNCAT has offered an opportunity for consultation, allowing a space for justice and healing after historic violence or discriminatory policies. The Gambia, for instance, ratified UNCAT in September 2018 as part of their national process of transition and reconciliation.

"Becoming party to UNCAT is an opportunity to review, improve or update existing laws, regulations, policies and procedures."

All of these UNCAT-inspired reforms

build resilience, promote political stability, encourage economic investment, de-incentivise corruptive practices, and advance the Sustainable Development Goals (especially SDG16). In these modern times, there is no place for torture on our continent. The growing goodwill and the plethora of positive examples, even as there remain challenges, give us many reasons to be hopeful across Africa. We encourage you to join us.

About CTI:

The CTI is an initiative *by States for States* being spearheaded by the Governments of Chile, Denmark, Fiji, Ghana, Indonesia and Morocco, supported by a full-time [Secretariat](#), based in Geneva, as well as a Group of Friends active in Geneva and New York, open to all UN Member States. More information about the CTI and the Group of Friends is available here: <http://www.cti2024.org/en/about-the-cti/> or by contacting info@cti2024.org.

Basic Safeguards to Protect Migrants and Refugees from Acts of Torture and Ill-treatment *by Albab Tesfaye Ayalew, CPTA Secretariat*

The African Union dedicated 2019 as the year of refugees, returnees and internally displaced persons (IDPs), in recognition of the plight suffered by this group of "at risk" persons. The Thematic Report of the Chairperson of the Committee for the Prevention of Torture in Africa (CPTA), of October 2018, focused on migrants and refugees of African origin, the acts of torture and other ill-treatment directed towards these groups, and measures required to address the

problem.¹⁴

During the 63rd Ordinary Session of the African Commission on Human and Peoples' Rights (the Commission), held from 24 October to 13 November 2018, in Banjul, The Gambia, the CPTA organised a Panel on the Situation of Migrants at Risk of Torture and other Ill-treatment in Africa, in collaboration with the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons

and Migrants in Africa.¹⁵ The Panel aimed at promoting the rights of migrants and bringing to light the severe abuses and threats of abuse faced by migrants, with a Gambian returnee from the Central Mediterranean route detailing his first-hand experience of beatings, torture and humiliation at the hands of smugglers and law enforcement agents.

"The African Union dedicated 2019 as the year of refugees, returnees and internally displaced persons."

14. Hatem Essaïem, CPTA Chairperson, *Inter-Session Activity Report & Report on the Situation of African Migrants at Risk of Torture and other Ill-Treatment* (May to October 2018), available at http://www.achpr.org/files/sessions/63rd_os/inter-act-reps/312/comm_essaïem_63_act_report_cpta_eng.pdf.

15. ACHPR Joint Press Release on the Panel on the Situation of Migrants at Risk of Torture and other Ill-treatment in Africa: *Alternative Approaches* 27 October 2018, available at <http://www.achpr.org/press/2018/10/d431/>.

The 2018 International Organisation for Migration (IOM) Report also provides a perspective on the situation. The Report states that while the vast majority of people migrate “for reasons related to work, family and study” the small group of migrants who “leave their homes and countries for other compelling reasons, such as conflict, persecution and disaster [...] demand collective attention and action as they frequently find themselves in highly vulnerable situations”.¹⁶

‘Irregular migrants and refugees are deprived of many fundamental human rights, including the routine violation of their right to dignity.’

Indeed, irregular migrants and refugees are deprived of many fundamental human rights, including the routine violation of their right to dignity which is inherent in a human being, and enshrined under Article 5 of the African Charter on Human and Peoples’ Rights (the African Charter). Article 5 of the African Charter further prohibits torture, cruel, inhuman or degrading punishment and treatment. The prohibition of and protection from torture and other ill-treatment has evolved into a peremptory norm or *jus cogens*, whereby States cannot derogate

from their responsibility to ensure that all persons – irrespective of their legal status – are not subjected to torture or other ill-treatment.¹⁷

Although long-term strategies that address the root causes of irregular migration are necessary – there are actions countries of origin, transit and destination need to take to ensure that irregular migrants and refugees are treated with respect to their inherent dignity, and are not subjected to acts of torture and other ill-treatment.

First, all African States but one, have ratified the African Charter and have obligations arising from the Charter, including taking the necessary legislative or other measures to give effect to the rights enshrined in the Charter. The Robben Island Guidelines further elaborates on State Parties’ obligations under Article 5 of the African Charter. Second, nearly all African States have ratified the UN Convention against Torture (UNCAT), with States’ obligations also arising from this treaty.

“States are also obliged to amend discriminatory policies, laws or practices which put migrants and refugees in situations of vulnerability.”

In addition to torture prevention measures such as criminalising torture, enacting and implementing anti-torture legislation, and sensi-

sation/awareness raising efforts, African States are also obliged to amend discriminatory policies, laws or practices which put migrants and refugees in situations of vulnerability. Some of these policies, laws or practices include lack of proper identification documents; arbitrary detention or deportation; failure by States to observe the principle of *non-refoulement*; lack of human rights-centric policies; and lack of domestic legal and administrative frameworks and procedures on migrants, refugees or asylum seekers which comply with international human rights standards.

States should also ensure that migrants and refugees have access to justice and redress, where their rights are violated.



Further, in line with the *2030 Agenda for Sustainable Development*, but also the recently concluded Global Compact for Migration, States should cooperate internationally to ensure safe, orderly and regular migration involving full respect for the dignity, human rights and the humane treatment of migrants re-

16. IOM *World Migration Report* 2018, p. 13, available at http://publications.iom.int/system/files/pdf/wmr_2018_en.pdf.

17. Vienna Convention on the Law of Treaties adopted on 23 May 1969, Article 53; KASTO Jalil, “*Jus Cogens and Humanitarian Law*”, in *International Law Series*, Vol. 2, Kingston, Kall Kwik, 1994, 95 pp 23-26.

regardless of the migration status of refugees and of displaced persons.¹⁸

To conclude, States should adhere to their regional and international obli-

gations, including the various refugee, migrant and anti-torture instruments and standards they are party to, and put the rights of migrants,

refugees and IDPs at the centre of their national policies and legislation.

Update on CPTA Activities

i. Meeting of the CPTA and Adoption of the 2018 – 2019 CPTA Operational Work Plan

The Committee for the Prevention of Torture in Africa ('CPTA' or 'Committee') met from 23 to 24 April 2018, in Nouakchott, Mauritania, on

to identify the way forward under its new leadership. In this regard, the Committee adopted its 2018 – 2019 Operational Work Plan, which focuses on four strategic objectives, namely: awareness raising and advocacy; capacity building of stakeholders; development of studies

On 27 and 28 June, the CPTA Chairperson participated in a Seminar to monitor the project to combat unjustified pre-trial detention in 10 Ivorian prisons, organised in Yamoussoukro by FIACAT and ACAT-Côte d'Ivoire. The Seminar brought together several Ivorian magistrates, police, gendarmerie and prison administration officials.



the margins of the 62nd Ordinary Session of the African Commission on Human and Peoples' Rights (the Commission), held from 25 April to 09 May 2018. This was the Committee's first meeting under the leadership of Commissioner Hatem Essaiem, who was appointed as Chairperson of the CPTA through *Resolution ACHPR/Res. 387(LXI)* adopted during the Commission's 61st Ordinary Session, held from 1 to 15 November 2017.

During the Meeting, the former CPTA Chairperson, Commissioner Lawrence Mute, presented a comprehensive report on the key CPTA activities, successes and challenges during his Chairmanship. The Meeting allowed the Committee to reflect on its successes and short-comings, as well as

and guidance documents; and institutional strengthening of the CPTA.

ii. Commemoration Ceremony of the International Day in Support of Victims of Torture

On 26 June 2018, the CPTA Chairperson attended the commemoration ceremony of the International Day in Support of Victims of Torture, and launch of the training module on the prevention of torture and ill-treatment in Abidjan, Cote d'Ivoire. Authorities of Cote d'Ivoire and non-governmental organisations also attended the commemoration ceremony.

iii. Seminar to Assess the Project to Combat Unjustified Pre-trial Detention in 10 Ivorian Prisons

iv. Workshop on Legislative Drafting Techniques of Anti-Torture Laws for Francophone African States

From 10 to 12 October 2018, the CPTA Chairperson participated in a Workshop on legislative drafting of laws against torture that was organized to capacitate 14 French-speaking countries, in Dakar, Senegal. The Workshop brought together mainly members of parliament and officials of ministries of justice. The Workshop was organised by the Convention against Torture Initiative (CTI), Redress and the Commission.



[Legislative Drafting Workshop, Dakar, Senegal, 10 to 12 October 2018]

18. UN General Assembly *Transforming our World: the 2030 Agenda for Sustainable Development* 25 September 2015, para 29, available at http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf.

The Workshop was organised in response to requests from a number of African governments for technical support in drafting anti-torture laws to implement key provisions of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).

v. Panel on the Situation of Migrants at Risk of Torture and other Ill-treatment in Africa: Alternative Approaches

On 25 October 2018, the CPTA Chairperson facilitated a *Panel on the Situation of Migrants at Risk of Torture and other Ill-treatment in Africa: Alternative Approaches*, during the 63rd Ordinary Session of the Commission, held from 24

October to 13 November 2018, in Banjul, The Gambia.¹⁹ CPTA organized the Panel in collaboration with the Special Rapporteur on Refugees, Asylum Seekers, Mi-

grants and Internally Displaced Persons (the Special Rapporteur) and the International Detention Coalition (IDC). Panellists included the CPTA Chair; the Special Rapporteur; Judge Malick Sow, CPTA Member; Dr Aquinaldo Mandlate, IDC Member; and Mr Mamina Jallow, Member of the Gambian Returnees from Backway Association.

Gambia to Libya in hopes of reaching Europe for a better life.



[Panelist Mamina Jallow, Member of the Gambian Returnees from Backway Association]

vi. CPTA Report on the Situation of African Migrants at Risk of Torture and other Ill-treatment

The CPTA's Annual Thematic Report for 2018 related to African migrants and refugees who are at risk of torture and other ill-treatment. This thematic report highlights how African migrants and refugees are increasingly being subjected to acts of torture and other ill-treatment. It also makes recommendations on measures that should be taken to address this problem. The CPTA Chairperson presented the Report at the Commission's 63rd Ordinary Session, held from 24 October to 13 November 2018. The Report is included in the CPTA Chairperson's Inter-session Activity Report (May – October 2018) for the 63rd Ordinary Session.²⁰



of migrants; and a testimony by Mr Jallow who shared his experience of abuse, beatings, and other ill-treatment while travelling from The

October to 13 November 2018, in Banjul, The Gambia.¹⁹ CPTA organized the Panel in collaboration with the Special Rapporteur on Refugees, Asylum Seekers, Mi-

19. ACHPR "Joint Press Release on the Panel on the Situation of Migrants at Risk of Torture and other Ill-treatment in Africa: Alternative Approaches" 27 October 2018, available at <http://www.achpr.org/press/2018/10/d431/>.

20. Commissioner Hatem Essaiem "Inter-Session Activity Report & Report on the Situation of African Migrants at Risk of Torture and other Ill-Treatment presented at the 63rd Ordinary Session of the Commission" October 2018, available at http://www.achpr.org/files/sessions/63rd_os/inter-act-reps/312/comm_essaiem_63_act_report_cpta_eng.pdf.

vii. Seminar on a Universal Protocol on Investigative Interviewing and Associated Safeguards: The Tunisian Experience

On the occasion of the Second Steering Committee Meeting for the development of a Universal Protocol for Investigative Interviewing and Associated Safeguards, the Association for the Prevention of Torture (APT), in partnership with the Danish Institute against Torture (DIGNITY), organised a Seminar which brought together Tunisian State and non-State actors on 12 December 2018, in Tunis. Participants at the Seminar also included the CPTA Chairperson, and Juan Men-

dez, Former UN Special Rapporteur on Torture and other Cruel, Inhuman and Degrading Treatment or Punishment. The Seminar raised awareness about the Universal Protocol development process and the Protocol's importance in preventing torture and other ill-treatment. It also created a platform for Tunisian authorities to share their experience in implementing key safeguards, and the interview techniques they use in criminal investigations.

viii. Meeting with the UN High Commissioner for Human Rights

The CPTA Chairperson attended the African Union Executive Council and the 32nd Ordinary Summit of the Assembly of Heads of State and Government, held in Addis Ababa, Ethiopia, from 7 to 11 February 2019. On 11 February 2019, on the margins of the Summit, a delegation of the Commission led by the Chairperson of the Commission, met with the UN High Commissioner for Human Rights, Ms. Michelle Bachelet. In his capacity as CPTA Chairperson, Commissioner Hatem, presented the mandate and activities of the CPTA, after which possible areas of collaboration with the UN bodies were discussed.

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

		UNCAT		OPCAT	
No.	Country	Signed	Ratified/ Acceded	Signed	Ratified/ acceded
1.	Algeria	26/11/85	12/09/89	x	x
2.	Angola	24/09/13	x	24/09/13	x
3.	Benin		12/03/92	24/02/05	20/09/06
4.	Botswana	08/09/00	08/09/00	x	x
5.	Burkina Faso		04/01/99	21/09/05	07/07/10
6.	Burundi		18/02/93		18/10/13
7.	Cameroon		19/12/86	15/12/09	x
8.	Cabo Verde		04/06/92	26/09/11	01/04/16
9.	Central African Republic		11/10/16		11/10/16
10.	Chad		09/06/95	26/09/12	x
11.	Comoros	22/09/00	25/05/17	x	x
12.	Congo		30/07/03	29/09/08	x
13.	Cote d'Ivoire		18/12/95	x	x

		UNCAT		OPCAT	
No.	Country	Signed	Ratified/ Acceded	Signed	Ratified/ acceded
14.	Democratic Republic of Congo		18/03/96		23/09/10
15.	Djibouti		05/11/02	x	x
16.	Egypt		25/06/86	x	x
17.	Equatorial Guinea		08/10/02	x	x
18.	Eritrea		25/09/14	x	x
19.	Eswatini		26/03/04	x	x
20.	Ethiopia		14/03/94	x	x
21.	Gabon	21/01/86	08/09/00	15/12/04	22/09/10
22.	Gambia	23/10/85	28/09/18	x	x
23.	Ghana	07/09/00	07/09/00	06/11/06	23/09/16
24.	Guinea	30/05/86	10/10/89	16/09/05	x
25.	Guinea Bissau	12/09/00	24/09/13	24/09/13	x
26.	Kenya		21/02/97	x	x
27.	Lesotho		12/11/01	x	x
28.	Liberia		22/09/04		22/09/04
29.	Libya		16/05/89	x	x
30.	Madagascar	01/10/01	13/12/05	24/09/03	21/09/17
31.	Malawi		11/06/96	x	x
32.	Mali		26/02/99	19/01/04	12/05/05
33.	Mauritania		17/11/04	27/09/11	03/10/12
34.	Mauritius		09/12/92		21/06/05
35.	Morocco	08/01/86	21/06/93		24/11/14
36.	Mozambique		14/09/99		01/07/14
37.	Namibia		28/11/94	x	x
38.	Niger		05/10/98		7/11/14
39.	Nigeria	28/07/88	28/06/01		27/07/09
40.	Rwanda		15/12/08		30/06/15
41.	Sao Tome and Principe	06/09/00	10/01/17	x	x
42.	Senegal	04/02/85	21/08/86	4/02/03	18/10/06

		UNCAT		OPCAT	
No.	Country	Signed	Ratified/ Acceded	Signed	Ratified/ acceded
43.	Seychelles		05/05/92	x	x
44.	Sierra Leone	18/03/85	25/04/01	26/09/03	x
45.	Somalia		24/01/90	x	x
46.	South Africa	29/01/93	10/12/98	20/09/06	x
47.	South Sudan		30/04/15		30/04/15 (a)
48.	Sudan	04/06/86	x	x	x
49.	Tanzania	x	x	x	x
50.	Togo	25/03/87	18/11/87	15/09/05	20/07/10
51.	Tunisia	26/08/87	23/09/88		29/06/11
52.	Uganda		03/11/86	x	x
53.	Western Sahara Territory	x	x	x	x
54.	Zambia		07/10/98	27/09/10	x
55.	Zimbabwe	x	x	x	x

Update:

Comoros and The Gambia ratified UNCAT on 25 May 2017 and 28 September 2018 respectively; Madagascar ratified OPCAT on 21 September 2017;

Status of Ratification of UNCAT and OPCAT can be accessed at:

https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?Treaty=CAT&Lang=en

https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?Treaty=CAT-OP&Lang=en