

Resolution on the right to rehabilitation for victims of torture as an essential component of the prevention of torture in Africa

WE, the undersigned organisations,

HAVING convened a meeting on realizing the right to rehabilitation and reparation in Africa on April 18, 2015 at the margins of the NGO Forum for the 56th Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR);

NOTING with concern that:

- The practice of torture continues to persist in Africa with accountability remaining a primary challenge along with a limited appreciation for the plight of victims of torture especially with regard to redress and more specifically their rehabilitation needs;
- While the reparation components of restitution, compensation, satisfaction and guarantees of non-repetition are well defined, the concept of rehabilitation lacks sufficient clarity and is translated narrowly as opposed to holistically;
- The traumatic experiences of victims of torture makes it difficult for them to regain their lives after the violation and to fully function as individuals within society;
- Psychological effects and social factors associated with torture affect communities as well as victims, yet there is a tendency to forget secondary victims of torture in dialogue with states;
- Funding of rehabilitation services remains a serious issue and affects the ability of rehabilitation services to reach all potential victims of torture. The financial burden of providing rehabilitation services rests entirely with civil society organisations in the majority of the African continent;
- There is an urgent need for effective institutional mechanisms on the ground to ensure that victims of torture are able to access appropriate rehabilitation services;
- Lengthy and slow court processes negatively affect torture victims' ability to achieve full rehabilitation where there is a risk of re-traumatisation as a result of the stress, disillusionment and frustration caused by lengthy legal procedures. In addition, courts rarely award rehabilitation measures as part of compensation awards.

Hereby URGE the African Commission to:

- Call on States to implement domestic laws prohibiting torture and to include within their domestic legal frameworks, clear provisions on the obligation to provide rehabilitation for victims of torture, in line with their obligations under the African Charter and international human rights law;
- Call on states that have not ratified the UN Convention against Torture (UNCAT) and its Optional Protocol (OPCAT) to do so urgently;
- Continue to promote the implementation of the Robben Island Guidelines in its dialogue with States, and in particular encourage States to recognise their obligations under Part III of the Guidelines: to ensure that all victims of torture and their dependants are offered appropriate medical care, have access to

appropriate social and medical rehabilitation and are provided with appropriate levels of compensation and support;

- Encourage States which are undergoing Transitional Justice processes to make clear and explicit provisions for rehabilitation of victims of torture in a manner that embodies a holistic interpretation of rehabilitation to include physical, psychological, social, legal and financial services;
- Recognise in its work with States that accountability for torture and the rehabilitation of torture victims are complementary components in the fight against torture;
- Recognise in its work with states that the rehabilitation of torture victims is even more essential because of the general absence of accountability for victims of torture;
- Recognise in its work with states that secondary victims of torture must not be forgotten in the reparations and rehabilitation process and that failure to rehabilitate secondary victims will exacerbate the wider and long-term effects of torture on society;
- Encourage states to provide access to justice and effective remedies, including rehabilitation for victims of torture through the criminal justice system;
- Encourage states to collaborate with civil society organisations providing rehabilitation and legal services to torture victims to (1) understand the essential element that rehabilitation plays in compensation to victims of torture and (2) to provide training to judges to calculate quantum, based on the rehabilitation needs of the individual and associated costs of rehabilitation services to provide rehabilitation;
- Recommend to the Committee for the Prevention of Torture in Africa (CPTA) to initiate follow up steps with states in relation to recommendations it makes in its country reports on implementing the Robben Island Guidelines, and in particular Part III of the Guidelines;
- Enhance the monitoring mechanisms within the mandate of the Commission so as to ensure that States are effectively held to account for non-compliance with article 5 of the African Charter and the Robben Island Guidelines.

COMMIT to work with the African Commission and governments to:

- Share knowledge and expertise on the extent of torture and the rehabilitation needs of torture victims and associated costs of providing rehabilitation services;
- Provide support to state authorities to promote the need for rehabilitation for torture victims and develop national strategies for implementing mechanisms to improve access to and funding of rehabilitation services;
- Provide training to domestic courts on the importance of rehabilitation being a part of compensation awarded in cases brought by victims of torture;
- Engage on a regular basis with the African Commission to offer support in its promotional mandate.

Banjul, the Gambia 19 April 2015

Signed by the following organisations:

African Centre for Treatment and Rehabilitation of Torture Victims

Centre for the Study of Violence and Reconciliation (CSV), South Africa

Counselling Services Unit (CSU), Zimbabwe

Independent Medico-Legal Unit (IMLU), Kenya

Kenya Human Rights Commission (KHRC), Kenya

Prisoners Rehabilitation and Welfare Action (PRAWA), Nigeria