



A MILESTONE FOR THE PROTECTION OF TORTURE VICTIMS IN AFRICA AS FIRST REGIONAL INSTRUMENT ON THEIR RIGHT TO REDRESS IS ADOPTED

09 March 2017 - The first-ever regional instrument on the right to redress for victims of torture and other prohibited ill-treatment has been adopted by the African Commission on Human and Peoples' Rights (the African Commission), the institution responsible for the promotion and protection of human rights in Africa.

The General Comment on the Right to Redress for Victims of Torture and Cruel, Inhuman or Degrading Punishment or Treatment was adopted during the African Commission's Extraordinary Session on 27 February 2017, the Commission announced today.

Human rights organisations REDRESS, the Centre for the Study of Violence and Reconciliation (CSV), the Kenya Human Rights Commission (KHRC) and the Civil Society Prison Reform Initiative hailed the adoption of the General Comment as a milestone for the protection of victims of torture in Africa.

The General Comment offers much needed clarification to African Member States on their obligations towards victims of torture and ill-treatment under Article 5 (right to be free from torture and ill-treatment) of the African Charter on Human and Peoples' Rights.

The African Union's existing human rights instruments do not comprehensively clarify how the right to redress must be implemented. This has often impeded African Member States from providing an effective remedy and full reparation to victims of torture and other ill treatment.

The General Comment identifies concrete and practical steps States need to take to provide redress to victims of torture and other ill treatment in specific contexts, including during conflict and post-conflict situations, in cases of gender-based violence amounting to torture or other ill-treatment, in situations resulting in collective harm, and where perpetrators are non-State actors.

The General Comment also sets out the African Commission's understanding and interpretation of the right to redress, based on its jurisprudence, regional and international instruments and in light of specific African realities and contexts such as the legacies of colonialism, apartheid and violent oppression.

Recognising that significant challenges exist that prevent victims across the continent from accessing redress, the General Comment emphasises that States must ensure that victims are at the centre of the redress process. In providing redress, States must aim at addressing root causes for torture and ensure healing for victims.

"Measures of reparation must respond to the actual harm suffered by the victims and the General Comment promotes this goal by highlighting healing as a central objective. Redress is not an event - States must view it as a journey that they take with victims to address multiple layers of trauma and breaking the cycles of violence within the society," the organisations said.

The Draft General Comment was developed by the African Commission's Committee for the Prevention of Torture in Africa (CPTA) and included various consultative meetings across Africa as well as written submissions.

REDRESS, CSVr, KHRC and CSPRI supported the CPTA and constituted a Reference Group that provided technical support to the CPTA during the development process of the General Comment.

"In adopting this General Comment on the right to redress, the African Commission makes clear that it expects African Member States to take positive action so as to fulfil their obligations to provide full redress to victims of torture and ill-treatment," the organisations said. **"We are hopeful that this new instrument will lead to more victims obtaining the justice they deserve."**

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Notes to editors:

- **The African Commission on Human and Peoples' Rights (ACHPR)** is the African Union institution responsible for ensuring the promotion and protection of human and people's rights throughout the African continent.
- **The African Charter on Human and Peoples' Rights** is the main regional instrument providing for the promotion and protection of human rights and basic freedoms in Africa.
- **The General Comment on the Right to Redress for Victims of Torture and Cruel, Inhuman or Degrading Punishment or Treatment** was adopted on 27 February 2017 as announced by the Commission on 9 March 2017: http://www.achpr.org/files/sessions/21st-ee/info/communique-21eos/21_extra_session_communique_final_eng.pdf.

The General Comment was developed by the African Commissions Committee for the Prevention of Torture in Africa after almost two years of consultations with experts on torture prevention and prohibition (particularly in the area of victims' right to redress), academics, medical and legal practitioners, states and civil society organisations working with victims of torture in the continent. This process included two drafting retreats – the first one on 1-3 February 2016 in Cape Town, South Africa, and the second one on 15-17 August 2016 in Nairobi, Kenya. It also included a technical meeting on 6-7 July 2015 in Accra, Ghana. The draft was uploaded to the African Commission website in March 2015 and was opened for comments until 30 June 2016. The Commission received 24 submissions from various stakeholders which were considered during the drafting process. The General Comment will be formally launched at the African Commission's 60th Ordinary Session to be held from 8 to 22 May 2017.