

Committee on the Prevention of Torture in Africa - 75OS

May 20, 2023

INTRODUCTION

1.This report is submitted in accordance with Rules 25 (3) and 64 of the Rules of Procedure (2020) of the African Commission on Human and Peoples' Rights (the Commission) which invite each subsidiary mechanism and each member of the Commission to present , at each Ordinary Session of the Commission, a written report on the activities undertaken between two ordinary sessions.

2.This report on the situation of torture and other ill-treatment in Africa is prepared in accordance with the terms of reference of the Committee for the Prevention of Torture in Africa (the Committee or CPTA) which mandates the Committee to ensure the implementation 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). The Robben Island Guidelines provide concrete guidance to state and non-state actors on how to implement Article 5 of the African Charter on Human and Peoples' Rights (the African Charter) which provides that: Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.[Article 5 of the African Commission on Human and Peoples' Rights' <<https://www.achpr.org/legalinstruments/detail?id=49>>.]

3.I therefore submit this report in my capacity as Chairman of the Committee, Member of the Commission and in my capacity as Country Rapporteur of the Republic of Djibouti, the Republic of Guinea, the Republic of Mauritius, the Republic of Madagascar and of the Republic of Sudan.

4.This Report is presented on the occasion of the 75 th Ordinary Session of the Commission. It summarizes the intersessional activities carried out within the framework of the various mandates entrusted to me. This Intersessional Report covers the period between the end of the 73rd Session and the beginning of the 75th Ordinary Session of the Commission, i.e., the period from November 11, 2022 to May 2, 2023.

5.During the period covered by this report, I participated in all the activities scheduled in the Commission's Work Plan.

6.With the lifting of travel restrictions by the African Union and thanks to the collaboration with our partners, we were able to organize and participate in face-to-face activities. The other activities were carried out through webinars.

7.The detailed account of these activities is contained in this report structured in four parts namely the present introduction, the activities carried out during the intersession, the report on the situation of torture and other ill-treatment in Africa and the recommendations.

I.ACTIVITIES CARRIED OUT DURING THE INTERSESSION

8.During the intersessional period, I took part in the following activities: on the one hand in my capacity as President and/or member of a Subsidiary Mechanism (A) and as a member of the Commission (B) on the other hand.

A.ACTIVITIES UNDER THE FRAMEWORK OF THE SPECIAL MECHANISMS

1.PRESIDENT OF THE COMMITTEE FOR THE PREVENTION OF TORTURE IN AFRICA
•7TH COLLOQUIUM OF THE INPT OF TUNISIA

9.I participated, in my capacity as President of the CPTA, in the work of the 7th International Colloquium of the National Authority for the Prevention of Torture in Tunisia, the theme of which was impunity. The meeting took place on November 22 and 23, 2022 at Hotel Laico Tunis.

10.I have been invited to make preliminary remarks on behalf of the African Commission on Human and Peoples' Rights at the opening ceremony. I exposed the work and the fight of our Commission against impunity on the continent with regard to the perpetrators of acts of torture and degrading treatment. Human rights defenders from all continents took part in the symposium and shared their experience.

•MEETING WITH DIGNITY-TUNIS

11.On December 9, 2022, I had a working meeting with Ms. JO-Anne Prudhomme, representative of Dignity in Tunisia.

12.The meeting allowed us to explore opportunities for collaboration between the CPTA and her organization. We decided upon the concept of organizing a meeting of North African countries in Tunisia to disseminate the Abidjan rules and the Mendez principles.

•ABIDJAN RULES OPERATIONALIZATION WORKSHOP

13.The Senegalese capital hosted the first meeting to disseminate the Abidjan Rules from December 12 to 14, 2022. The workshop funded by the European Union gathered forty human rights defenders around the members of the CPTA and the experts involved in the formulation of the Rules, to work on three (3) practical cases.

14.They practiced the implementation of the Abidjan Rules by applying them to the 3 proposed cases. The meeting was successful and instilled additional motivation to pursue the task of popularizing the Abidjan Rules.

15.However, the removal of funding for this operation forced us to review our plans and schedule virtual meetings for the remaining three areas.

•PARTICIPATION IN THE INTERNAL MEETING OF THE COMMITTEE FOR THE PREVENTION OF TORTURE IN AFRICA

16.Committee held an internal meeting on December 13, 2022 in Dakar, Senegal. The objectives of this meeting were to:

- i.Take stock of the year 2022;
- ii.Contact newly appointed Committee members; and
- iii.Schedule the year 2023.

17.At the end of this meeting, the Committee, among other things, determined the theme of the CPTA for the year 2023 which is "Torture and vulnerable groups" and defined the activities for the coming year, namely the finalization during year 2023, of the drafting of case-law in relation to Article 5 of the African Charter.

•PARTICIPATION IN THE REGIONAL CONFERENCE ON THE OPTIONAL PROTOCOL TO THE INTERNATIONAL CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (OPCAT) MENA

18.The Office of the High Commissioner for Human Rights organized on 11 and 12 January 2023 a regional conference in Beirut to commemorate the 20th anniversary of the OPCAT. The seminar brought together States Parties from North Africa and Middle East (MENA).

19. Invited to speak at the opening ceremony, in the presence of the Minister of Justice of Lebanon and the President of the SPT, I recalled that 53 African States are parties to the UNCAT and that 23 countries of the continent have ratified the OPCAT while eight have already signed it. Furthermore, I pointed out that among all the countries in the MENA region, only the following four African countries have ratified the optional protocol to the convention on torture: Morocco, Mauritania, Tunisia and Sudan.

20. During the panel dedicated to the role of regional organizations in supporting States Parties and complementarity with International Human Rights Organizations, I presented the Commission's efforts to disseminate the protocol, ensure its application and encourage African countries to set up independent and operational national bodies for the prevention of torture.

• PARTICIPATION IN THE SUB-REGIONAL CONFERENCE ON THE OPTIONAL PROTOCOL TO THE INTERNATIONAL CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (OPCAT) WEST AFRICA

21. The Office of the High Commissioner for Human Rights, the Senegalese Government and the Association for the Prevention of Torture organized a regional conference in Dakar on the 17th and 18th of January to commemorate the 20th anniversary of the Optional Protocol to the United Nations Convention. The theme of the conference was: "Advancing Torture Prevention in West Africa: Challenges and Ways Forward".

22. The conference brought together around forty participants from the West African region and representatives of international and regional bodies fighting against torture.

23. During my intervention on the complementarity between regional and international bodies, I pointed out that eleven out of the sixteen countries in the West African region have ratified the Protocol. This is the result of the efforts of regional and international organizations working in symbiosis with NGOs and the civil society actors to prevent torture on the continent. I also took the opportunity to present the Abidjan Rules and state the achievement it represents in the prevention of torture in Africa.

• PARTICIPATION IN THE CIVIL SOCIETY SUMMIT FOR A TORTURE-FREE TRADE

24. As part of the United Nations campaign for torture-free trade, the team comprising Omega Research Foundation (UK), Amnesty International, Center for Victims of Torture (US) and Harvard Law School's International Human Rights Clinic organized the Torture-Free Trade Civil Society Summit from the 18th to the 19th of January 2023.

25. As I was unable to participate in the summit to which the Committee was invited, two (2) Expert members of the CPTA were appointed to participate in the summit on behalf of the CPTA.

• AWARENESS RAISING AND TRAINING WEBINAR FOR THE DISSEMINATION OF THE ABIDJAN RULES

26. As part of the implementation of its 2023 AWP, the Committee organized on March 9, 2023 the awareness raising and training webinar for the dissemination of the Rules establishing and operating the alert and reporting mechanism of situations of torture and other cruel, inhuman or degrading treatment or punishment to the African Commission on Human and Peoples' Rights (The Abidjan Rules).

27. This webinar gathering English-speaking African countries was aimed at disseminating and taking ownership of the Abidjan Rules. More specifically, this webinar aimed at:
i. Checking the status of implementation of international and regional instruments for the prevention of torture on the continent;

- ii. Introducing the Committee for the Prevention of Torture in Africa;
- iii. Presenting and going through the general operational process of the Abidjan Rules;
- iv. Presenting the ODDH partnership procedure with the CPTA in the context of the implementation of the Abidjan Rules;
- v. Simulating practical cases of torture case alerts;
- vi. Empowering all stakeholders in the effective use of the Abidjan Rules.

28. This webinar was carried out under my supervision and gathered Expert Members of the Committee as well as more than 30 whistleblowers (International Organizations, NHRIs, NGOs, lawyers, etc.) from various English-speaking countries in Africa.

29. Under the terms of this activity, the Committee notes on the one hand the marked interest of the participants in the prevention of torture in Africa and the dissemination of the Abidjan Rules and on the other hand, their willingness to collaborate with the Committee for the effective implementation of these Rules.

30. The Committee deplores, however, the lack of financial means which does not allow for the organization of face-to-face activities on the dissemination of the said Rules, as those physical activities would have been more impactful.

2. PRESIDENT OF THE ADVISORY COMMITTEE ON BUDGETARY AND SATFF MATTERS

31. The report on the activities of this Committee will be presented in Private Session.

3. ACTIVITIES CARRIED OUT AS COUNTRY RAPPORTEUR

i. REPUBLIC OF DJIBOUTI

32. In my capacity as Country Rapporteur of the Republic of Djibouti under Resolution ACHPR/Res.540 (LXXIII) 2022, with the assistance of the Secretariat of the African Commission on Human and Peoples' Rights (the Secretariat), an introductory correspondence for contact-making has been transmitted to the State party to the African Charter on Human and Peoples' Rights (the African Charter).

33. Furthermore, following the expulsion of the delegation of the International Federation for Human Rights (FIDH) from the Republic of Djibouti, along with the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, we sent a letter of urgent appeal to the Republic of Djibouti.

34. In its commitment to collaborate with the Commission and to maintain cordial relations with it, the Republic of Djibouti has transmitted its response to the concerns raised by the Commission.

35. The Republic of Djibouti clarified that while the request for a professional visa for the two (2) members of the FIDH delegation was in progress and delayed at the Embassy of the State Party in Brussels due to the organization of the legislative elections of February 24, 2023, the delegation "circumvented the legal procedure in force by obtaining an e-visa, which it should be recalled, is only valid if the purpose of the trip is tourism, trade or transit.

36. The State Party adds that it is due to the execution of their mission on Djibouti's territory while the delegation was in violation of the rules of legal procedures, that it "invited the members of the FIDH to leave the territory and to come back with a permit of stay in accordance with their mission."

ii. REPUBLIC OF GUINEA

37. In my capacity as Country Rapporteur of the Republic of Guinea under Resolution ACHPR/Res.540 (LXXIII) 2022, with the assistance of the Secretariat of the African Commission

on Human and Peoples' Rights (the Secretariat), an introductory correspondence for contact-making has been transmitted to the State party to the African Charter on Human and Peoples' Rights (the African Charter).

iii.REPUBLIC OF MADAGASCAR

38.In my capacity as Country Rapporteurs for the Republic of Madagascar under Resolution ACHPR/Res.540 (LXXIII) 2022, with the assistance of the Secretariat of the African Commission on Human and Peoples' Rights (the Secretariat), an introductory correspondence for contact-making has been transmitted to the State party to the African Charter on Human and Peoples' Rights (the African Charter).

iv.REPUBLIC OF MAURITIUS

39.In my capacity as Country Rapporteurs for the Republic of Mauritius under Resolution ACHPR/Res.540 (LXXIII) 2022, with the assistance of the Secretariat of the African Commission on Human and Peoples' Rights (the Secretariat), an introductory correspondence for contact-making has been transmitted to the State party to the African Charter on Human and Peoples' Rights (the African Charter).

v.REPUBLIC OF SUDAN

40.In my capacity as Country Rapporteurs of the Republic of Sudan under Resolution ACHPR/Res.540 (LXXIII) 2022, with the assistance of the Secretariat of the African Commission on Human and Peoples' Rights (the Secretariat), an introductory correspondence for contact-making has been transmitted to the State party to the African Charter on Human and Peoples' Rights (the African Charter).

41.Following the confrontation between the Sudanese armed forces and the Rapid Support Forces in the Republic of Sudan, and in collaboration with Commissioner Solomon Ayele Dersso, the Commission's focal point in conflict situations, we first called on the authorities of the State Party to address the current situation, then condemned the perpetration of such acts, which flagrantly violate the rights and freedoms guaranteed by the African Charter, and finally appealed to the State Party to take the necessary measures for an immediate cessation of hostilities and a restoration of respect of human rights.

B.ACTIVITIES CARRIED OUT AS A MEMBER OF THE COMMISSION

- SECOND MEETING TO VALIDATE THE GUIDELINES ON THE USE OF FORCE

42.The second validation meeting of the Training Guidelines on the Use of force by Law Enforcement and Corrections Officers in Africa was held on the 24th and 25th of November 2022 in Lusaka. The meeting organized by the Commissioner Rapporteur Prisons, Conditions of Detention and Policing was financed by the European Union.

43.I participated with Honorable Commissioner Maya Sahli-Fadel, Vice-President and Honorable Commissioner Maria Teresa Manuela, Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, as well as a group of experts in this field. The meeting allowed for the improvement and strengthening of the Guidelines in view of their forthcoming adoption.

- PARTICIPATION IN THE 36th EXTRAORDINARY SESSION

44.Like my colleagues, I took part in the activities of the 36th Extraordinary Session, held virtually on December 9, 2023. This session was devoted to the adoption of the work plan for the year 2023 as well as to the pending Resolutions from the last ordinary session.

- PARTICIPATION IN THE 74th ORDINARY SESSION

45.Like all my fellow Commissioners, I took part in the works of the 74th Private Ordinary Session of the Commission from February 21 to March 7, 2023. This session took place virtually.

The final communiqué reflected the results of the Session.
•VALIDATION MEETING OF THE STUDY “AFRICAN RESPONSES TO MIGRATION AND GUIDING PRINCIPLES”

46. On March 18, 2023, Honorable Commissioner Maya Sahli -Fadel, the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa (the Special Rapporteur) organized a virtual meeting on the validation of the Study on African Responses to the Issue of Migrants and the Protection of Migrants in Africa and the African Guiding Principles on the Human Rights of All Migrants.

47. This validation meeting came as an outcome of the mission entrusted by the Commission to the Special Rapporteur in Resolution 481. The Special Rapporteur had been asked to undertake a study on African responses to the issue of migrants and their protection in Africa and, on the basis of this study, to draw up guiding principles on the protection of the rights of migrants, asylum seekers and refugees. The meeting allowed the stakeholders to make amendments to the study carried out for its validation and its subsequent adoption by the Commission.
•MEETING OF THE COMMISSION WITH PROFESSOR MOUKOKO

48. In my capacity as a member of the Commission, I participated in the meeting of the Commission with Professor Moukoko and experts from Deloitte on the reform of the organs of the African Union on April 4, 2023.
•PROMOTION MISSION IN SUDAN

49. In my capacity as a member of the Commission and Country Rapporteur, I sent a request for a Promotion mission to the Republic of Sudan.

50. However, this mission has not yet been carried out, as the Commission is still awaiting official authorization from the State Party to the African Charter.
II. REPORT ON THE SITUATION OF TORTURE AND OTHER ILL-TREATMENT IN AFRICA

51. The term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for the purposes, in particular, of obtaining from him or a third person information or a confession, to punish for an act which he or a third person has committed or is suspected of having committed, to intimidate or put pressure on him or to intimidate or put pressure on a third person, or for any other reason based on any form of discrimination, where such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. [Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>>.]

52. The Committee promotes the implementation of the Robben Island Guidelines and other important instruments in the prevention and prohibition of torture and other ill-treatment, including the United Nations Convention against Torture (UNCAT) and the Optional Protocol to the UNCAT (OPCAT). It also strives to establish effective National Preventive Mechanisms (NPMs) in African States, in line with the OPCAT.
A. Positive developments
1. UNCAT

53. UNCAT primarily calls on states to criminalize torture. To date, the following fifty-two (52) African States have ratified the UNCAT: South Africa, Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Comoros, Congo, Côte d'Ivoire, Djibouti, Egypt, Eritrea,

Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Equatorial Guinea, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Morocco, Mauritius, Mauritania, Mozambique, Namibia, Niger, Nigeria, Uganda, Central African Republic, Democratic Republic of Congo, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, Sudan, South Sudan, Swaziland, Chad, Togo, Tunisia and Zambia[OHCHR, Status of Ratification Interactive Dashboard: Convention Against Torture and Other, Cruel, Inhuman, or Degrading Treatment or Punishment , <<https://indicators.ohchr.org/>> last accessed March 31, 2023 .].

54.Only two (2) African States have not yet ratified the UNCAT: the United Republic of Tanzania and Zimbabwe[Ibid.].

55.In November 2022, the UN Committee Against Torture considered the periodic reports of Chad, Malawi, Somalia and Uganda.
2.OPCAT

56.The OPCAT is designed to help states meet their existing obligations to prevent torture and other forms of ill-treatment by creating a system of regular visits to places where people are or may be deprived of freedom.

57.To date, the following twenty-three (23) African States have ratified the OPCAT: South Africa, Benin, Burkina Faso, Burundi, Cabo Verde, Gabon, Ghana, Liberia, Madagascar, Mali, Morocco, Mauritius, Mauritania, Mozambique, Niger, Nigeria, Central African Republic, Democratic Republic of Congo, Rwanda, Senegal, South Sudan, Togo and Tunisia[OHCHR, Status of Ratification Interactive Dashboard: Convention Against Torture and Other, Cruel, Inhuman, or Degrading Treatment or Punishment , <<https://indicators.ohchr.org/>> last accessed March 31, 2023.].

58.Eight (8) other African States are signatories of the OPCAT: Angola, Cameroon, Congo, Guinea, Guinea-Bissau, Sierra Leone, Chad and Zambia[*ibid.*].

59.The UN Sub-Committee for the Prevention of Torture visited South Africa between February 26 and March 9, 2023 and is due to visit Madagascar between April 16 and April 27, 2023[OHCHR press release, <https://www.ohchr.org/en/press-releases/2023/02/un-torture-prevention-b...> , last accessed March 1, 2023.].
3.OTHER POSITIVE DEVELOPMENTS

60.On December 1, 2022, the African Court on Human and Peoples' Rights rendered two judgments concerning the death penalty sentencing in Tanzania of Marthine Christian Msuguri and Ghati Mwita. The Court reiterated that the imposition of a death penalty violates Article 5 of the African Charter, relating to the right to human dignity. The Court found that the psychological impact of a death sentence constitutes inhuman and degrading treatment and urged the Tanzanian authorities to change the death penalty laws[Marthine Christian Msuguri v United Republic of Tanzania [2022] Application No. 052/2016; ghati Mwita v United Republic of Tanzania [2022] Application No. 012/2019].

61.In March 2023, the UN Human Rights Committee reviewed Zambia's periodic report. Among the positive findings, the Committee commended the Zambian government for its endeavor towards abolishing death penalty and its continued efforts to improve the living conditions of those imprisoned[OHCHR Press Release, In Dialogue with Zambia, Experts of the Human Rights Committee Commend the Abolition of the Death Penalty and Measures to Improve Prison Conditions, Raise Issues Concerning Violence against Women and Girls, March 3, 2023, <https://www.ohchr.org/en/news/2023/03/dialogue-zambia-experts-human-rights-committee-commend-abolition-death-penalty-and> , last accessed April 4, 2023].

B.Negative Developments in the field of Prohibition and Prevention of Torture and Other Punishment or Ill-Treatment in Africa
1.COMMITTEE AGAINST TORTURE

62.In November 2022, the UN Committee against Torture noted, among a range of concerns relating to Chad, the alleged use of lethal weapons by security forces during presidential elections and the establishment of the Military Council of transition in April 2021. It also remains concerned about allegations of torture by state agents and the lack of accountability that contributes to a climate of impunity[OHCHR, UN Committee against Torture press release, <https://www.ohchr.org/en/news/2022/11/committee-against-torture-adopts-...> , last accessed April 4, 2023; UN Committee against Torture Concluding Observations for Chad, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.as... , last accessed April 4, 2023.].

63.Regarding the Malawi State Report , in November 2022 the UN Committee against Torture highlighted, among a range of concerns, reports of severe prison overcrowding and poor conditions of detention, as well as placing people in pre-trial detention for prolonged periods. He also noted that the legislation does not properly define torture and does not prohibit the admissibility of confessions obtained under torture or ill-treatment[Ibid; UN Committee against Torture Concluding Observations for Malawi, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.as... , accessed April 4, 2023.].

64.In November 2022, regarding the State of Somalia report, the UN Committee against Torture noted, among a range of concerns, the lack of definition of torture as a specific offense in legislation and the lack of establishment of a national institution for the defense of human rights. It also noted reports of torture and other ill-treatment, including gender-based violence, committed by the National Intelligence and Security Agency, the Somali National Army and other actors. The Committee was also concerned about the practice of public executions and reports of overcrowding and poor conditions in Somali prisons, as well as life-threatening conditions of detainees in detention centers under the control of 'Al- Shabaab[Ibid; UN Committee against Torture Concluding Observations for Somalia, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.as... , last accessed April 4, 2023.].

65.When considering Uganda's national report , in November 2022, the UN Committee against Torture noted, among a range of concerns, reports that torture and other ill-treatment continue to be widespread and frequently practiced in the country. The Committee urged the authorities to ensure that complaints of torture or other ill-treatment are promptly investigated, in accordance with international standards[Ibid; UN Committee against Torture Concluding Observations for Uganda, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.as... , last accessed April 4, 2023.].

2.COMPLIANCE WITH THE OPCAT

66.In accordance with Article 17 of the OPCAT, States Parties must establish, designate or maintain a "National Preventive Mechanism" within one year of ratifying or acceding to the treaty.

67.The United Nations Subcommittee on Prevention of Torture reports that the following eight (8) African States are not in compliance with Article 17: Benin, Burundi, Central African Republic, Democratic Republic of Congo, Gabon, Ghana, Liberia and Nigeria[UN Subcommittee on Prevention of Torture, <https://www.ohchr.org/en/treaty-bodies/spt/non-compliance-article-17> ,

last accessed March 31, 2023.].

3.SECURITY MEASURES, TERRORISM AND TORTURE

68.Robben Island Guidelines provide that “public order”, “national emergency”[Guideline 10 of the Robben Island Guidelines.] or “superior orders”[Guideline 11 of the Robben Island Guidelines.] should not be used as a justification or excuse for torture and other ill-treatment. Torture has been used against terrorism suspects or against people allegedly associated with terrorism suspects, in order to obtain information and to punish them for their alleged role in the terrorist act. Terrorist groups have also used means close to torture on populations.

69.With regard to the DRC, a report published on October 5, 2022, by the Joint United Nations Human Rights Office and the United Nations Stabilization Mission in the DRC, indicates that between April 1, 2020, and the April 30, 2022, 93% of recorded cases of torture and other ill-treatment were documented in areas affected by armed conflict. It was reported that in many cases the abuses were committed by security forces, acting alone or in collusion with others[OHCHR, Torture and Impunity Widespread in DRC's Conflict Areas , October 5, 2022, <<https://www.ohchr.org/en/press-releases/2022/10/torture-and-impunity-wi...> report> last accessed February 24, 2023.].

70.In November 2022, the UN Committee Against Torture highlighted reports from Chad that those suspected of terrorism-related offenses are often unable to obtain examination by an independent doctor to prove that 'they were tortured. There are also reports of 44 deaths of suspected Boko Haram members in N'Djamena following allegations of torture and other ill-treatment[UN Committee Against Torture, Concluding Observations for Chad , November 2022, < <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2F...> > last accessed December 2, 2022.].

71.In Somalia, there are reports of excessive use of force by state agents against terrorism suspects[Committee against Torture, Summary Record for the 1949th Meeting November 2022, <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/580/74/PDF/G2258074.p...>; last accessed December 9, 2022.]. According to a November 2022 report, Somali National Army special forces allegedly tortured and killed a man by suffocation after arresting him for driving a vehicle containing explosives out of Guriceel district[Joint Report by Civil Society Organizations of Somalia for the 75th Session of the Convention against Torture, November 2022, <[https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.as... %2FSOM %2F50557&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.as...%2FSOM%2F50557&Lang=en)>, last accessed April 4, 2023.]. There are also reports of detention centers run by Al- Shabaab where women are forcibly married and men chained and tortured to death. Torture and other ill-treatment such as stoning, public whipping and amputation are used as forms of punishment by their keepers[Ibid.].

72.In November 2022, the UN Committee against Torture highlighted reports that in Ethiopia, human rights defenders, political opponents, civil society activists and journalists who criticized the Government have been subjected to torture and threatened with criminal charges of terrorism[UN Committee Against Torture, List of issues in relation to the second periodic report of Ethiopia, November 2022, <[https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2F... %2F](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2F...%2F)> last accessed February 29, 2023.].

73.In Mozambique, a report published in November 2022 documents the fact that military operations largely ignore reparations for victims of human rights abuses at the hands of terrorist groups such as Al- Shabab[Human Rights Watch, Five Years On, Justice Still a Dream for Cabo Delgado Victims, November 24, 2022, <https://www.hrw.org/news/2022/11/24/five-years-justice-still-dream-cabo...> , last accessed April 3, 2023.].

74. On November 11, 2022, UN experts called for the immediate release of Alaa Abdel Fattah, a British -Egyptian blogger and activist, detained for his human rights activities and charged with terrorism-related offenses in Egypt. His multiple arrests, detentions, convictions in absentia, ill-treatment, prolonged pre-trial detention and unfair trial raise concerns [OHCHR, UN Experts call for immediate release of Alaa Abdel Fattah, Office of the United Nations High Commissioner for Human Rights, November 11, 2022, <<https://www.ohchr.org/en/press-releases/2022/11/un-experts-call-immediate-release-alaa-abdel-fattah>> last accessed November 11, 2022.].

75. In December 2022, the United Nations Committee against Torture expressed concern at continuing reports of police brutality and excessive use of force, threats and arbitrary arrests in Somalia, against human rights defenders, journalists and suspected terrorists [UN Committee against Torture, Concluding observations on the initial report of Somalia, December 2, 2022 CAT/C/SOM/CO/1*].

76. On December 30, 2022, auxiliary forces of the government of Burkina Faso reportedly killed more than 80 civilians in Nouna, Kossi, after an attack by militant islamists on a local gendarmerie post [Amnesty International, Burkina Faso: Perpetrators of Nouna killings must face justice, January 10, 2023, <<https://www.amnesty.org/en/latest/news/2023/01/burkina-faso-perpetrator...-must-face-justice/>> last accessed January 10, 2023.]. Additionally, on January 12 and 13, 2023, it was reported that at least 50 women were abducted near the village of Arbinda, which has been besieged by armed groups since 2019. The abductions are believed to have been carried out by members of these armed groups [OHCHR, Türk alarmed at abduction of at least 50 women in Burkina Faso , January 16, 2023, < <https://www.ohchr.org/en/press-releases/2023/01/turk-alarmed-abduction...-women-burkina-faso> >, last accessed January 16, 2023.].

77. In January 2023, it was reported that in Algeria, the trials of 54 people sentenced to death for events in the Kabylie region, including the lynching of an activist, were marred by allegations of torture and unfair trials [Amnesty International, Algeria: Mass death sentences marred by unfair trials, torture claims , January 2023, < <https://www.amnesty.org/en/latest/news/2023/01/algeria-mass-death-sente...-by-unfair-trials-torture-claims/> > last accessed January 2023.].

78. On January 31, 2023, UN experts called for an immediate investigation into allegations of torture and crimes against humanity committed in Mali by government forces and the private military group called "Wagner Group" since 2021. According to the experts, since 2021, they have received an increasing number of complaints concerning executions, mass graves, acts of torture, rape and sexual violence, looting, arbitrary detentions and enforced disappearances, perpetrated by the Malian armed forces and their allies in the ongoing conflict [OHCHR, Mali: UN Experts Call for Independent Investigation into Possible International Crimes Committed by Government Forces and 'Wagner Group, January 31, 2023 <<https://www.ohchr.org/en/press-releases/2023/01/mali-un-experts-call-independent-investigation-possible-international-crimes>> last accessed February 24, 2023.].

79. In January 2023, the UN Committee against Torture took note of reports that in Tunisia, terrorism suspects do not benefit from fundamental safeguards against torture, which exposes them to human rights violations [UN Committee Against Torture, List of issues prior to reporting, January 2023, <[https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2F...;](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2F...) last accessed January 21, 2023.].

4. EXTRAJUDICIAL, ARBITRARY EXECUTIONS AND ENFORCED DISAPPEARANCES

80. The right to life is expressly guaranteed by Article 4 of the African Charter which enshrines the absolute prohibition of arbitrary deprivation of life. In its jurisprudence, the African Commission has also held that executions may constitute cruel, inhuman and degrading treatment or punishment [Communication 277/03: Spilg and Mack & Ditshwanelo (Kobedi) v Botswana (ACHPR 2011) para 167.]. Enforced disappearances place people outside the protection of the law, making them vulnerable to torture and other rights violations. Enforced disappearance is an ongoing violation that can affect a range of interrelated rights, including the right to life, freedom, security of person and personal integrity.

81. Regarding Eswatini, calls have been made for an investigation into the murder of lawyer and human rights defender Thulani Maseko, allegedly committed by mercenaries hired by the monarch of the Kingdom of Eswatini [African Center for Democracy and Human Rights press release, < <https://www.acdhhs.org/2023/02/petition-for-an-independent-investigatio...-and-lawyer-maseko-thulani/> > , last accessed April 3, 2023. See also Human Rights Watch, Press Release January 25, 2023, < <https://www.hrw.org/news/2023/01/25/eswatini-activist-rights-lawyer-brutally-killed> > last accessed January 25, 2023; Amnesty International, Press Release February 21, 2023, < <https://www.amnesty.org/en/latest/news/2023/02/eswatini-investigation-i...> > last accessed February 21, 2023.].

82. In Eritrea, December 7, 2022, marked 10 years since the arbitrary detention and enforced disappearance of Ciham Ali, who was arrested at the age of 15 while trying to flee Eritrea. She has been held incommunicado since December 2012. Ciham is the daughter of Ali Abdu, a former information minister now in exile after an attempted coup [Amnesty International, Eritrea: Ten years on, Ciham Ali's ongoing enforced disappearance 'a disgrace', December 7, 2022 < <https://www.amnesty.org/en/latest/news/2022/12/eritrea-ten-years-on-ciham-alis-ongoing-enforced-disappearance-a-disgrace/> > last accessed December 2022.].

83. On February 4, 2023, Morris Mabior Awikjok Bak, a critic of the government of Southern Sudan and Director general of the National Security Service, has reportedly been arbitrarily arrested or abducted in Kenya. He is believed to have been forcibly returned to the South Sudanese capital and is being held incommunicado in a National Security Service detention center, although his exact whereabouts are uncertain [Amnesty International, South Sudan: Authorities must clarify fate and whereabouts of detained critic, February 25, 2023, < <https://www.amnesty.org/en/latest/news/2023/02/south-sudan-authorities-...-fate-and-whereabouts-of-detained-critic/> > last accessed April 4, 2023.].

5. TORTURE IN PLACES OF DETENTION, POOR CONDITIONS OF DETENTION AND ARBITRARY DETENTION

84. Robben Island Guidelines recognize that persons deprived of their liberty are vulnerable to torture and other ill-treatment and establish fundamental safeguards to prevent these forms of abuse. They also encourage states to improve conditions in places of detention [Guideline 34 of the Robben Island Guidelines.] and reduce overcrowding [Guideline 37 of the Robben Island Guidelines.]. Poor conditions of detention can be equated with torture and other ill-treatment.

85. In November 2022, it was reported that in Cameroon, Chief Ewume John, a senior Cameroonian military officer, was involved in seven reported incidents of torture between 2021 and 2022, affecting 11 people [Center for Human Rights and Democracy in Africa, The Government of Cameroon should urgently open an investigation into all reported acts of torture by Chief Ewume John (Chief Moja Moja) in the Southwest Region, November 9, 2022, < <https://www.chrda.org/the-government-of-cameroon-should-urgently-open-an-investigation-into-all-reported-acts-of-torture-by-chief-ewume-john-chief-moja-moja-in-the-south-west-region/> > last accessed November 9, 2022; OMCT, Cameroon: Authorities must hold a military

leader in the Southwest Region accountable for torture, November 21, 2022, < [https://www.omct.org/en/resources/statements/cameroon-authorities-must-...- torture](https://www.omct.org/en/resources/statements/cameroon-authorities-must-...-torture) > last accessed April 4, 2023.].

86. On December 1, 2022, a report noted that in Ghana, the practice of shackling people in mental health facilities continues despite a ban on this treatment in 2017. Cases of ill-treatment, rape, confinement in cages and forced labor were also reported[Human Rights Watch, Ghana: Chaining People with Mental Health Conditions Persists, December 1, 2022, < <https://www.hrw.org/news/2022/12/01/ghana-chaining-people-mental-health...> > last accessed April 4, 2023.].

87. In the DRC, on February 10, 2023, National Intelligence Agency agents reportedly detained comedian Junior Nkole and his brother Serge Nkole. Junior and Serge were reportedly beaten in detention. Serge was later released but, at the time of writing, Junior is still being held without legal assistance and without having been brought before a judicial authority within 48 hours of his arrest, which is against national law. His last contact with his family was a week after his detention[Human Rights Watch, Satire in Congo is No Laughing Matter, February 27, 2023, < <https://www.hrw.org/news/2023/02/27/satire-congo-no-laughing-matter> > last accessed April 4, 2023.].

88. In Sudan, on February 13, 2023, it was reported that three Sudanese Armed Forces officers abducted and sexually assaulted a female patient at Al- damizin Hospital in the Blue Nile while posing as doctors. The African Center for Justice and Peace Studies has urged Sudanese authorities to investigate the allegations, saying security agents have used rape and sexual violence to silence women since the military coup of 2021[African Center for Justice and Peace Studies, Blue Nile: Sexual assault against a female patient by SAF soldiers in Aldamizin town, February 17, 2023, <<http://www.acjps.org/blue-nile-sexual-assault-against-a-female-patient-by-saf-soldiers-in-al-damizin-town/>> last accessed April 4, 2023.].

89. In Sudan, on February 25, 2023, Mr. Aldigil Adam Mohamed Ishaq died while in custody at Sraf Police Station Umrah. Mr. Ishaq is believed to have died from injuries sustained during his arrest and detention[African Center for Justice and Peace Studies, Sudan: Urgent call for investigation into the custodial death of a detainee in SRAF Omrah police station in north Darfur, March 2, 2023, <[http://www.acjps.org/sudan-urgent-call-for-investigation-into-the-custo...- north-darfur/](http://www.acjps.org/sudan-urgent-call-for-investigation-into-the-custo...-north-darfur/)> last accessed March 2, 2023.].

6. EXCESSIVE USE OF FORCE AGAINST PROTESTERS

90. In accordance with Commission Resolution 474 on Prohibition of Excessive Use of Force by Law Enforcement in African States, the use of force by law enforcement and public security forces must comply with the principles of legality, necessity, proportionality and responsibility and must not endanger human life[African Commission on Human and Peoples' Rights, ACHPR/Res. 474 (EXT.OS/XXXI) 2021, <<https://www.achpr.org/sessions/resolutions?id=505>> last accessed April 4, 2023.].

91. On October 20, 2022, security forces reportedly opened fire indiscriminately on protesters, killing 50 people and wounding dozens more in several towns across Chad, including the capital, N'Djamena. The forces also reportedly beat protesters and arbitrarily arrested hundreds of people[Human Rights Watch, Chad: Scores of Protesters Shot Dead, Wounded, October 26, 2022, <<https://www.hrw.org/news/2022/10/26/chad-scores-protesters-shot-dead-wo...>; last accessed October 26, 2022.].

92. In Zimbabwe, on January 14, 2023, police arrested and allegedly physically assaulted members of the political opposition party, Citizens Coalition for Change (CCC), including their lawyer. They were charged with participating in a gathering with the intent to promote public violence, breaches of the peace or bigotry under Article 37 of the Penal Code [Amnesty International, Zimbabwe: Arrest of members of opposition shows an escalating crackdown against freedom of association and assembly, January 17, 2023, <<https://www.amnesty.org/en/latest/news/2023/01/zimbabwe-arrest-of-membe...>; last accessed January 17, 2023].

93. On January 1, 2023, more than 20 people were killed and dozens more injured in Somaliland, a breakaway region of Somalia, in clashes between anti-government protesters and security forces, during protests against President Muse Bihi Abdi [Abdiqani Hassani, At least 20 people killed in clashes in Somaliland, Reuters, January 2, 2023, <<https://www.reuters.com/world/africa/least-20-people-killed-clashes-som...> /> last accessed January 2, 2023; Garowe Online, More than 20 'pro-greater Somalia' protesters killed in Lasanod , December 31, 2022, <<https://www.garoweonline.com/en/news/somalia/more-than-20-pro-greater-s...-protesters-killed-in-lasanod>> last accessed December 31, 2022].

94. On February 22, 2023, concerns were raised over reports in Sudan of continued use of lethal force, including the use of live ammunition, beatings and the deployment of tear gas cannons against demonstrators [REDRESS, UN Expert Urged to Address Ongoing Extrajudicial Executions in Sudan, February 22, 2023, <<https://redress.org/news/un-expert-urged-to-address-ongoing-extrajudici...>; last accessed February 22, 2023].

7. ASSAULT OF LGBTQIA+ PEOPLE

95. In Africa, lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual and other (LGBTQIA+) people constantly face human rights challenges, as well as institutional violence. In its Resolution 275, the Commission condemned the increasing incidence of violence and other human rights violations, including murders, rapes, assaults, arbitrary imprisonments and other forms of persecution of persons based on their assumed or actual sexual orientation or gender identity. The Commission called on states to end all acts of violence and abuse, whether committed by state or non-state actors, including by enacting and effectively enforcing appropriate laws prohibiting and punishing all forms of violence, including those directed at people on the basis of their imputed or actual sexual orientation or gender identity, ensuring that the perpetrators of such acts are properly investigated and prosecuted, and establishing court proceedings that respond to the needs of victims [African Commission on Human and Peoples' Rights Resolution 275 <https://achpr.au.int/en/adopted-resolutions/275-resolution-protection-a...> , accessed April 3, 2023 .].

96. At the time of writing, 32 African states had laws criminalizing homosexuality [Human Dignity Trust, <https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/> , last accessed April 3, 2023.], and three states applied the death penalty in response to same-sex relationships (Mauritania, Nigeria, Somalia) [Ibid.].

97. On November 25, 2022, a report detailed a range of issues faced by LGBTQIA+ people in Sudan, where there are barriers to effectively investigating torture [REDRESS, Submission to the UN Rapporteur on Torture: The duty to investigate crimes of torture in national law and practice , November 25, 2022, < https://redress.org/wp-content/uploads/2022/11/UN-Special-Reporter-on-Torture_submission-on-investigations.pdf > last accessed December 1, 2022].

98. In February 2023, a report notes that in Egypt and Tunisia, at least 20 LGBTQIA+ activists have been arbitrarily arrested in the past year [Human Rights Watch, All This Terror Because of a

Photo: Digital Targeting and Its Offline Consequences for LGBT People in the Middle East and North Africa , February 21, 2023, < https://www.hrw.org/sites/default/files/media_2023/02/lgbt_mena0223web_0.pdf > last accessed February 22, 2023.].

99.In Kenya, Edwin Chinoba, a prominent LGBTQIA+ activist, was suffocated to death in his home[Writing Africanews , Kenya: Murdered LGBTQ activist was suffocated to death, January 11, 2023, < <https://www.africanews.com/2023/01/11/kenya-murdered-lgbtq-activist-was-suffoca...> > last accessed January 20, 2023.].

100.In Ghana, in November 2022, it was reported that attacks against LGBTQIA+ people persisted, while an anti-LGBTQIA+ bill continued to be considered by Parliament[Colin Stewart, Ghana official falsely claims 'no known record' of anti-gay violence; anti-LGBTQ attacks persist, 76 crimes, February 1, 2023, < <https://76crimes.com/2023/02/01/ghana-official-falsely-claims-no-known-...-lgbtq-attacks-persist/> > last accessed February 2, 2023.].

101.In the DRC, in February 2023, a report highlights that incidents of violence and discrimination against LGBTQIA+ people are commonplace and notes that trans and lesbian people have been arbitrarily arrested, beaten and sexually assaulted in police custody[Moses Manoël-Florisso , Congo: A neglected region with forgotten victims, 76crimes, February 20, 2023, < <https://76crimes.com/2023/02/20/congo-a-neglected-region-with-forgotten...> > last accessed April 4, 2023.].

8.ASYLUM SEEKERS, REFUGEES, MIGRANTS AND TORTURE

102.The rights of migrants are protected by the African Charter on Human and Peoples' Rights, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), as well as other international and regional instruments. However, during the intersession, asylum seekers, refugees and migrants continued to be exposed to a series of human rights violations, including torture and other ill-treatment. In accordance with international law, people should not be returned or sent to (non-refoulement principle) countries where they risk being tortured or ill-treated.

103.A report released in October 2022, following an independent UN Human Rights Council fact-finding mission to Libya in July 2022, found that specific violations were being committed against migrants in detention, including sexual violence, enforced disappearances and threats of torture [OHCHR, Nowhere but back: Assisted return, reintegration and the human rights protection of migrants in Libya , October 11, 2022, < <https://www.ohchr.org/en/documents/reports/nowhere-back-assisted-return...-and-human-rights-protection-migrants> > last accessed April 4, 2023.]. It has also been reported that migrants are coerced into accepting "assisted return" to their country of origin after being threatened with torture and other forms of abuse [OHCHR, Libya: UN human rights report details violations of migrants' rights amid' assisted return' programs , October 11, 2022, < <https://www.ohchr.org/en/press-releases/2022/10/libya-un-human-rights-r...> > last accessed November 2, 2022.]. Tens of thousands of people returned to Libya have reportedly been victims of abuses that the United Nations calls possible crimes against humanity[UN Human Rights Council, Report of the Independent Fact-Finding Mission on Libya, July 2022, < <https://reliefweb.int/report/libya/report-independent-fact-finding-miss...-version-enar> > last accessed October 14, 2022; OHCHR , Nowhere but back: Assisted return, reintegration and the human rights protection of migrants in Libya , October 11, 2022, < <https://www.ohchr.org/en/documents/reports/nowhere-back-assisted-return...-and-human-rights-protection-migrants> > last accessed April 4, 2023.].

104. In Uganda, in November 2022, the UN Committee against Torture expressed concern over reports of torture and other ill-treatment of refugees in Bidibidi Refugee settlement, especially to refugees from South Sudan [UN Committee against Torture, Concluding Observations on the 2nd Periodic Report of Uganda , December 6, 2022, [https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?filepath=/dha/doc/2022/11/20221129_UGA_0001_2022.pdf) , last accessed December 18, 2022.].

105. In South Sudan, a visit by the UN Special Rapporteur on Trafficking in Persons took place between the 5th and 14th of December 2022 due to reports of sexual exploitation, forced labour, child marriages and forced marriages among refugees, internally displaced persons and returnees. [OHCHR, South Sudan: UN human rights expert to assess trafficking in persons, December 2022, < [https://www.ohchr.org/en/press-releases/2022/12/south-sudan-un-human-ri...-assess-trafficking-persons](https://www.ohchr.org/en/press-releases/2022/12/south-sudan-un-human-rights-expert-to-assess-trafficking-in-persons) > last accessed December 18, 2022.]

106. In December 2022, reports submitted to the United Nations Human Rights Committee regarding Algeria reported that black migrants were being held in refoulement centers or camps in unsanitary conditions [UN Human Rights Committee, Report on follow-up to the concluding observations of the Human Rights Committee , December 5, 2022, < <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2F...%2FKTW02xb2Rujy%2FhkH5iB%2Fg%3D%3D> > last accessed December 18, 2022]. There are also reports of migrants being beaten (physically and sexually assaulted) in detention centers [*ibid.*].

107. A report released in January 2023 claims that in Eritrea and Cameroon, forcibly returned asylum seekers have faced arbitrary detention and other forms of abuse [Human Rights Watch, Africa: Conflicts, Violence Threaten Rights : Improve Civilian Protection, Accountability for Abuses, January 12 2023, < <https://www.hrw.org/news/2023/01/12/africa-conflicts-violence-threaten-rights> > , accessed April 4, 2023.].

9. ATTACKS ON PEOPLE WITH ALBINISM

108. The Commission's "Resolution on the Prevention of Attacks and Discrimination against Persons with Albinism" on the continent recognizes the widespread discrimination, stigma and social exclusion against persons with albinism and calls States Parties to take effective measures to eliminate all types of discrimination against persons with albinism and to accelerate public education and awareness-raising activities [ACHPR/Res.263 (LIV) 2013: Resolution on the Prevention of Attacks and Discrimination Against Persons with Albinism, adopted November 5, 2013, < <https://www.achpr.org/sessions/resolutions?id=283> >].

109. On October 20, 2022, the United Nations Independent Expert on the enjoyment of human rights by people with albinism presented a report highlighting the ongoing challenges faced by human rights defenders working with people with albinism, people with albinism, as well as the community itself [UN Independent Expert on the enjoyment of human rights by persons with Albinism, Human rights defenders working on albinism , December 27, 2022, < <https://www.ohchr.org/en/documents/thematic-reports/ahrc5236-human-righ...-defenders-working-albinism-report-independent> > last accessed April 4, 2023.]. The independent expert also reported on a visit to Madagascar, noting various issues regarding people with albinism, including attacks, ongoing fear and insecurity [UN Independent Expert on the enjoyment of human rights by persons with Albinism, V isit to Madagascar, Report of the Independent Expert on the enjoyment of human rights by persons with albinism, December 27, 2022, < <https://www.ohchr.org/en/documents/country-reports/ahrc5236add1-report-independent-expert-enjoyment-human-rights-persons> > last accessed April 4, 2023.].

110. In November 2022, an increase in attacks against people with albinism was reported in Tanzania [The Chanzo Reporter, 'Fear As Albino Persecution Makes a Comeback in Tanzania' (The Chanzo, November 7, 2022) < <https://thechanzo.com/2022/11/07/fear-as-albino-persecution-makes-a-comeback-in-tanzania/> > last accessed November 8, 2022.].

111. In Malawi, on November 30, 2022, a 3-year-old girl was ritually murdered for the use of her body parts [Mwayi Mkandawire, 'Three-year-old girl with albinism murdered in Kasungu' (Malawi 24, December 1, 2023) < <https://malawi24.com/2022/12/01/three-year-old-girl-with-albinism-murdered-in-kasungu/> > last Accessed December 2, 2022.]. The country has been reported to remain unsafe for people with albinism [Ritual Killing in Africa, Malawi continues to be unsafe for people with albinism - another murder of an albino child, December 03, 2022, < <https://www.ritualkillinginafrica.org/2022/12/03/malawi-continues-to-be-unsafe-for-people-with-albinism-another-murder-of-an-albino-child/> > last accessed January 1, 2023.].

112. On January 21, 2023, it was reported that in Nigeria, discrimination against people with albinism persists despite laws protecting them [Radio Nigeria, How discrimination affects Albinos freedom, January 21, 2023, < <https://radionigeria.gov.ng/2023/01/21/how-discrimination-against-albin...> > last accessed February 1, 2023.].

III. RECOMMENDATIONS

113. In view of the above, the following recommendations are made, particularly with regard to the CPTA's mandate to prevent and prohibit torture and other ill-treatment:

- i. States that have not yet done so should ratify the UNCAT.
- ii. States that have not yet done so should ratify the OPCAT, and establish National Preventive Mechanisms to monitor places of detention.
- iii. All States should criminalize torture and other ill-treatment in accordance with the UNCAT.
- iv. All States should ensure that no statement obtained by torture is admitted as evidence in any proceedings, except against a person accused of torture, when the evidence is intended to prove that a statement was made.
- v. All states should ensure that all measures and restrictions imposed during the COVID-19 pandemic that may have facilitated or amounted to torture or ill-treatment are fully removed.
- vi. States should take steps to avoid the use of general laws such as anti-terrorism legislation, emergency laws and other state security laws to carry out arrests, searches and arbitrary detentions contrary to international and regional standards.
- vii. States should take measures to improve conditions of detention in accordance with the Guidelines on Conditions of Arrest, Police Custody and Pretrial Detention in Africa (Luanda Guidelines).
- viii. States should review their national legislation to protect individuals from enforced disappearance, torture and other ill-treatment by prohibiting incommunicado detention, prolonged solitary confinement and criminalizing the use of secret or unauthorized detention centers, in accordance with the Robben Island Guidelines and the OPCAT.
- ix. States should establish mechanisms empowered to receive complaints of torture and other ill-treatment.
- x. States should promptly, thoroughly, independently and impartially investigate all allegations of torture and other ill-treatment and ensure that perpetrators are held accountable and subjected to appropriate sanctions reflecting the gravity of the offences, in accordance with relevant international and regional standards.
- xi. States should ensure that security personnel do not use excessive force against civilians and that they respond to demonstrations in accordance with the Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa.

- xii. States should respect and protect the rights of individuals or groups most at risk of torture and other ill-treatment, including people with intellectual or psychosocial disabilities, homeless people, women and children, people with albinism, the LGBTQIA+ community, migrants, refugees and internally displaced persons, and ensure that the perpetrators of these acts are held accountable.
- xiii. States should ensure that victims of torture and other ill-treatment are entitled to all forms of reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence, in accordance with General Comment No. 4 of the African Charter on Human and Peoples' Rights: Right to Reparation for Victims of Torture and Others Cruel, Inhuman or Degrading Treatment or Punishment (Article 5).
- xiv. All parties to conflicts must respect international humanitarian law, as set out in the Geneva Conventions, in their treatment of civilians and civilian objects.
- xv. States should ensure that they implement the recommendations made by the African Commission on Human and Peoples' Rights and United Nations bodies to prohibit and prevent torture and other ill-treatment.
- xvi. Anyone with information regarding allegations of torture and other ill-treatment should bring these allegations to the attention of the CPTA.