

ACHPR/Res.105(XXXXI)07: RESOLUTION ON THE PREVENTION AND PROHIBITION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 41st Ordinary Session in Accra, Ghana, from 16 to 30 May 2007:-

Considering the provisions of the African Charter on Human and Peoples' Rights which mandates the African Commission to promote human and peoples' rights and ensure their protection in Africa,

Bearing In Mind Article 5 of the Universal Declaration of Human Rights which stipulates that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, and that torturing a human being is an affront to human dignity and remains a crime under international law,

Recognising that the prohibition of torture and other cruel, inhuman or degrading treatment or punishment is also affirmed in Article 7 of the International Covenant on Civil and Political Rights, in the United Nations Convention against Torture (UNCAT), and, in particular, in the relevant regional instruments such as the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, and the Protocol to the African Charter on Human and Peoples' Rights on the Right of Women in Africa,

Recalling the African Commission's Resolution on the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines), adopted at its 32nd Ordinary Session held in Banjul, The Gambia, from 17 to 23 October 2002, and the African Commission's continuous work towards the implementation of the Resolution by States Parties,

Further Recalling the Robben Island Guidelines and measures for the prohibition and prevention of torture and other cruel, inhuman or degrading treatment or punishment in Africa, which were endorsed by the 2nd Ordinary Session of the Assembly of Heads of States and Government of the African Union, held from 4 to 12 July 2003 in Maputo, Mozambique,

Recalling Also that the Robben Island Guidelines impose obligations on States to take measures to prevent torture, combat impunity and create mechanisms of oversight,

Considering Further that African States have recognised the absolute need to take concrete measures to further the implementation of existing provisions on the prohibition of torture and cruel, inhuman or degrading treatment or punishment, especially as enshrined in Article 5 of the African Charter on

Human and Peoples' Rights, and in the Grand Bay Declaration and Plan of Action adopted by the 1st Ministerial Conference on Human Rights in Africa, on 16 April 1999, in Mauritius,

Noting that Articles 1 and 43 of the Robben Island Guidelines relate to the ratification of regional and international instruments, and invite States to ratify and implement the Optional Protocol to United Nations Convention Against Torture of 18 December 2002,

Deeply Concerned by the continued prevalence of acts of torture and other cruel, inhuman or degrading treatment or punishment in the region,

Further Recalling the Follow-up Committee to the Robben Island Guidelines set up by the African Commission, at its 32nd Ordinary Session held in Banjul, The Gambia, from 17 to 23 October 2002,

Affirming the importance of the Follow-up Committee to the Robben Island Guidelines established by the African Commission, and the Committee's determination to ensure full compliance by States,

Emphasizing the importance of African States to take action to prevent and combat torture and other cruel, inhuman or degrading treatment or punishment:

1. **CALLS** on all States Parties to ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocol thereto, of 18 December 2002, without reservations;
2. **URGES** States Parties to implement the Robben Island Guidelines and Measures, and to ratify all regional and international instruments dealing with the prevention of torture;
3. **FURTHER URGES** States Parties to criminalise and penalise all acts of torture, promote and support cooperation with international mechanisms, establish complaints and investigation procedures, establish and support training and awareness-raising programmes for enforcement agents ;
4. **REQUESTS** States Parties to cooperate with, and fully assist, the Follow-up Committee in the performance of its mandate;
5. **REQUESTS** States Parties, when they submit their Initial and Periodic Reports in compliance with Article 62 of the Charter, to inform the African Commission of the concrete measures that they are taking to implement and operationalise the Robben Island Guidelines.