

Background and objectives of the Africa roundtable

In April 2010, the APT held a Regional Conference on the Prevention of Torture in Africa in Dakar, Senegal. The outcome document, the Dakar Action Plan (see annex), provides an eight-point road map aimed at guiding states in fulfilling their obligations to prevent torture and other ill-treatment (hereinafter "torture"). It includes, inter alia, recommendations for the effective implementation of the United Nations Convention against Torture, the OPCAT and the Robben Island Guidelines (RIG). In order to build on the momentum generated by the Dakar Conference, the Africa Roundtable will aim to:

- Take stock of **progress in the ratification and implementation of the OPCAT** in Africa since the Dakar Conference
- Examine the **achievements, challenges and good practices** in NPM designation, establishment and functioning in the region
- Find concrete **priorities, strategies and ways forward** to ensure effective **NPMs in Africa**, including through implementation of the Dakar Action Plan

To prepare for the Africa Roundtable, the APT will hold an Africa Strategic Consultative Meeting on 9 November 2011. The roundtable will build on the Consultative Meeting discussions, taking into consideration the OPCAT Global Forum deliberations.

Overview of the situation of the OPCAT in Africa

The OPCAT in Africa

As of October 2011, **ten African States have ratified** the OPCAT (Benin, Burkina Faso, Democratic Republic of the Congo, Gabon, Liberia, Mali, Mauritius, Nigeria, Senegal and Togo). Four of these have designated their NPMs (Mali, Mauritius, Nigeria and Senegal). In addition, **nine African States** have shown their interest in the prevention of torture by **signing the OPCAT** (Cameroon, Cape Verde, Ghana, Guinea, Madagascar, the Republic of the Congo, Sierra Leone and South Africa). The OPCAT ratification **processes are well advanced** in several African countries, including Cameroon, Ghana and South Africa.

National Preventive Mechanisms

Senegal and Nigeria have opted to create **new institutions as NPMs**. This option has also been proposed in Benin and Togo, while South Africa is considering designating a new decentralised structure as NPM. On the other hand, Mali and Mauritius have chosen to **designate their National Human Rights Commissions** as NPMs. Ghana is also exploring this possibility.

Actors actively promoting OPCAT ratification and implementation

Many African States have an active **civil society** and established national human rights institutions (**NHRIs**) that are involved in **campaigns** to promote the ratification and implementation of the OPCAT. Inter-institutional committees and ad-hoc working groups gathering government representatives, NHRIs and civil society organisations have been formed in Benin, Ghana, Togo and South Africa. These actors draw up strategies for the ratification of the OPCAT in their respective countries, organise seminars and conferences on the OPCAT and draft NPM legislation proposals. For instance, in Senegal, several civil society organisations have formed a national coalition playing an important role in OPCAT-

related advocacy. This coalition was key in mobilising forces for the adoption of NPM legislation in the country.

Overview of the Progress and Challenges of the OPCAT in Africa five years after its entry into force

1. Momentum for OPCAT ratification and implementation

The **Dakar Conference** created a momentum for OPCAT ratification and implementation, as well as the prevention of torture more generally in the region. **Four African countries** (Burkina Faso, the Democratic Republic of the Congo, Gabon Togo) have **since ratified** the OPCAT. In other countries (such as Ghana and South Africa) there have been **accelerated ratification processes** through national consultations including all relevant stakeholders.

2. Progress by regional and international mechanisms

The **Committee for the Prevention of Torture in Africa** (CPTA) has succeeded in identifying the roles and responsibilities of different actors in order to build up cooperation, network and interaction towards the effective implementation of the RIG. In October 2010, the **Subcommittee on Prevention of Torture** (SPT) membership increased from 10 to 25, including for the first time two experts from Africa (Burkina Faso and Mauritius). As of October 2011, the SPT has carried out three visits to African countries, namely Benin, Liberia and Mauritius. The Government of Benin has taken the important step of publishing the SPT report of its visit to Benin, providing a good example of implementation of the Dakar Action Plan.

3. Challenges faced – NPM designation and functioning

Despite important achievements, the OPCAT implementation process in Africa is still facing many challenges. In particular, there have been significant **delays in establishing effective NPMs** as required by the OPCAT; the effective functioning of established NPMs is jeopardised by a structural lack of resources, expertise and organisational clarity; some NPMs have not been created by a “public, inclusive and transparent process of establishment” as recommended by the SPT; access to information on the work of existing NPMs is limited; and the contacts between NPMs and the SPT are still sporadic. Additionally, the CPTA is suffering from a shortage of resources and limited support from States.

Proposed concrete ways forward for discussion

It is expected that a variety of torture prevention actors from Africa will participate in the roundtable, providing the opportunity to explore **concrete ways to address the challenges above**. The roundtable will focus on the following questions:

1. Which concrete **strategies, priorities and actions** could ensure the timely designation and effective functioning of NPMs in Africa? Who are the **key actors** in this endeavour and what are their **roles**?
2. Why are the outcomes of consultative **NPM designation processes** sometimes not respected in the region? How can this be addressed?
3. How can **NPM resource constraints** be addressed and overcome?
4. Given the challenges thus far, are **new NPMs** a viable option in the region?
5. How can the **Dakar Action Plan** be used to contribute to better OPCAT implementation in the region?
6. Could a **regional network on torture prevention** in Africa contribute to more effective OPCAT implementation, through the exchange of strategies, lessons learnt and good practices?