



association pour la prévention de la torture  
asociación para la prevención de la tortura  
association for the prevention of torture



## Yaoundé Declaration

### THE TENTH BIENNIAL CONFERENCE OF THE NETWORK OF AFRICAN NATIONAL HUMAN RIGHTS INSTITUTIONS (NANHRI)

The Tenth Biennial Conference of the Network of African National Human Rights Institutions, which took place in Yaoundé, Cameroon on 21–23 October 2015, addressed the theme of *"Prohibition and Prevention of Torture: Successes, Challenges, Opportunities and the Role of NHRIs"*.

**We**, the participants at this conference, organised jointly by the Network of African National Human Rights Institutions (NANHRI) and the Association for the Prevention of Torture (APT) and hosted by the National Commission on Human Rights and Freedoms of Cameroon (NCHRF), in cooperation with the European Union (EU), the Office of the High Commissioner for Human Rights (OHCHR), the Commonwealth and the Organisation Internationale de la Francophonie (OIF):

**Express** deep concern regarding the continued prevalence of torture and other cruel, inhuman or degrading treatment or punishment in many states in Africa, and the need to urgently address this terrible violation of fundamental human rights in all its dimensions.

**Express** deep concern regarding the impact on fundamental human rights and freedoms of emerging challenges, such as terrorism and migration.

**Reaffirm** that acts of torture and other cruel, inhuman or degrading treatment or punishment are absolutely prohibited in international and regional human rights and humanitarian law. No exceptional circumstances can justify the use of such practices in all their forms and manifestations. This prohibition should be made explicitly in the constitutions, laws, policies and national practices of states.

**Further reaffirm** the obligations of States to prohibit and prevent torture and other cruel, inhuman or degrading treatment or punishment, as stated in international human rights instruments, such as the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and its Optional Protocol.

**Recognise** the Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa as a crucial African instrument designed to assist States to meet their obligations and to guide other stakeholders in their actions to effectively prohibit and prevent torture.

**Recognise** the importance of the Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa as a key document for ensuring that the practice of arrest, police custody and pre-trial detention are conducted in accordance with the African Charter on Human and Peoples' Rights.

**Recognise** the importance of the Nairobi Declaration, which underlines the advocacy role of NHRIs in the implementation of existing provisions and the importance of their involvement in the development of operational tools on the prohibition and prevention of torture.

**Note** the agreement at the February 2012 Addis Ababa Regional Consultation for Africa to enhance cooperation between the United Nations and regional Human Rights Mechanisms on the Prevention of Torture and the protection of Victims of Torture, especially people deprived of their liberty.

**Consider** the important role of National Human Rights Institutions in the promotion and protection of human rights.

**Acknowledge** the efforts by NANHRI and APT in the prohibition and prevention of torture through their three year joint project entitled 'A Continent United against Torture', launched in Rabat, Morocco in 2011.

**We hereby agree and commit as follows:**

1. To further prioritise torture prevention and good administration of justice in our promotion and protection of human rights mandates, as enshrined in the Paris Principles.
2. To cooperate with international, regional and national mechanisms and initiatives relevant to the prohibition and prevention of torture and the rehabilitation of torture victims.
3. To designate institutional focal points to address issues of torture and to liaise with relevant mechanisms, such as the African Commission Committee for the Prevention of Torture in Africa (CPTA).
4. To provide reports on progress made in the promotion and implementation of the Robben Island Guidelines, the Luanda Guidelines and this Declaration in our periodic reports to the African Commission, in line with the affiliate status of National Human Rights Institutions.
5. To use our advisory mandate to ensure that there is coherence between our national legislation and practice and our international and regional obligations, including the Robben Island Guidelines and the Luanda Guidelines, and to advise on the enactment of comprehensive anti-torture legislation that addresses, inter alia, the criminalisation of torture, the needs of victims and the protection of witnesses.
6. To advocate for ratification of the United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (UNCAT) in countries that have not yet done so, and for its effective implementation.
7. To advocate for the ratification of the Optional Protocol to the Convention against Torture (OPCAT) and to promote a transparent and inclusive decision making process, involving civil society, that leads to the designation of an effective and OPCAT-compliant National Preventive Mechanism (NPM).

8. To conduct, in cases where the NHRI emerges as the best choice to be designated as NPM, in depth self-assessments of the capacity to take up such a mandate and advocate for any reforms necessary to ensure the effective discharge of the NPM mandate.
9. To receive complaints and investigate allegations of torture and to take necessary action when faced with alleged violations of the fundamental right not to be subjected to torture and other cruel, inhuman or degrading treatment, in line with relevant Paris Principles obligations.
10. To contribute to the training of law enforcement officers and other public officials, including by ensuring that human rights standards and principles—particularly relating to the prohibition and prevention of torture—are included in training curricula and course materials for such officials; and by delivering training and awareness-raising programmes.
11. To contribute to a reduction in the over-use of pre-trial detention, including by promoting legal and policy reforms on: alternatives to incarceration, para-legal based interventions, duty solicitors at police stations, and pre-trial evaluation.
12. To keep an accurate list of all places of deprivation of liberty and to monitor these places, including through the use of unannounced visits and to work together with other actors, including civil society organisations, to propose and implement solutions.
13. To coordinate and fully cooperate with the NPM if established as a separate institution.
14. To continue to exchange knowledge, experiences and good practices on the prevention of torture within NANHRI and to work with other relevant stakeholders, such as the Association for the Prevention of Torture (APT), on the implementation of torture prevention strategies, including by addressing new human rights challenges, especially those related to migration and to terrorism.
15. To conduct these torture prohibition and prevention activities as part of a comprehensive institutional strategy.

*Further propose that the 25<sup>th</sup> of April each year be recognised as Pre-Trial Detention Day in Africa.*

*Finally agree that the next NANHRI biennial conference be held in Rwanda in 2017.*

Adopted in Yaoundé, Cameroon

23 October 2015.