



**Africa Torture Prevention Conference**  
*27 – 28 April 2010, Dakar, Senegal*

**Outcome document**

**The Dakar Plan of Action: 8 points for Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Africa  
(Dakar Plan of Action)**

From the 27 to 28 April 2010, the Association for the Prevention of Torture (APT) and Amnesty International Senegal, in collaboration with the African Commission on Human and Peoples' Rights (ACHPR), jointly organised a timely regional conference on Prevention of torture with a particular focus on the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The event was held under the auspices of the Ministry of Justice of Senegal and brought together representatives from States Parties and Signatories to the OPCAT, including Government Ministries, National Human Rights Institutions, National Preventive Mechanisms (NPMs), the United Nations Sub-Committee for Prevention of Torture (SPT), the United Nations Office of the High Commissioner for Human Rights, the African Commission on Human and Peoples' Rights, the Economic Community of Central African States, as well as Civil Society Organisations.

The two day focused discussion on torture prevention in Africa led to the adoption of the following "Dakar 8 point Plan for Prevention of Torture in Africa".

**The participants at the Africa Torture Prevention Conference,**

**Considering** the obligation of States to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment as reaffirmed in:

- the UN Convention against Torture and other cruel, inhuman or degrading treatment or punishment (UNCAT, Articles 2 and 16) and its Optional Protocol (OPCAT),
- the African Charter on Human and Peoples' Rights (Article 5)
- the International Covenant on Civil and Political Rights (Articles 7 & 10);
- the Guidelines and Measures for the Prohibition and Prevention of Torture and other Cruel, Inhuman or Degrading Punishment or Treatment in Africa (Robben Island Guidelines);

**Recalling** the need for States to take concrete measures to implement their torture prevention obligations, in particular the provisions in the OPCAT, and especially the establishment of National Preventive Mechanisms;

**Noting** that regular monitoring of all places where persons are, or may be, deprived of their liberty is one of the most effective tools to prevent torture and other forms of ill-treatment;

**Building** on the steps already taken by African countries to effectively prevent torture and other forms of ill-treatment;

**Adopt and propose** the following plan of action and steps to be taken by States, the African Commission on Human and Peoples' Rights, National Human Rights Institutions, National Preventive Mechanisms, civil society organizations, as well as by any other relevant actors:

**1. Ensure an effective framework to prevent torture and other forms of ill-treatment**

- a) Utilise and strengthen existing oversight mechanisms of all places of detention, including visits by judges, magistrates, national human rights institutions, civil society organizations and internal inspecting mechanisms;
- b) Assess the domestic compliance of national legislation with the UNCAT and other international and regional norms, and if missing, adopt legislation criminalising torture;
- c) Strengthen legal and procedural safeguards related to deprivation of liberty, including providing for access to lawyers, medical practitioners, and access to families and third parties;
- d) Ensure the independent investigation of individual complaints;
- e) Promote a culture of prevention with a wide range of actors, through public awareness campaigns and trainings on human rights and, in particular, prevention of torture and ill-treatment;
- f) Acquire credible information on the treatment of persons deprived of their liberty.

**2. Take steps to sign and ratify the Optional Protocol to the UN Convention against Torture (OPCAT)**

- a) African States that are already party to the UNCAT should further demonstrate their commitment to prevention of torture by signing and ratifying the OPCAT;
- b) African States that have signed the OPCAT should take all the necessary measures to ratify it as soon as possible;
- c) Current and future African States Parties should present independent and competent experts as candidates for the 28 October 2010 elections of the UN Subcommittee on Prevention of Torture.

**3. Promote public, transparent and inter-sectoral dialogue on the effective implementation of the OPCAT**

- a) National examinations on the implementation of the OPCAT should include all relevant actors, such as: parliamentarians, governmental officials, national human rights institutions, civil society organizations, relevant unions, victims of torture and organisations representing persons deprived of their liberty;
- b) Relevant civil society organizations are encouraged to form coalitions to strengthen their role and impact in the OPCAT ratification and implementation campaigns;
- c) National dialogue should be followed by the establishment of inter-sectoral OPCAT working committees / groups to ensure the ratification of the OPCAT, designation, establishment, and effective functioning of the NPM.

**4. Decide and develop the most appropriate NPM according to the national context**

- a) Acknowledge that the purpose of the OPCAT and NPM is to prevent torture and other forms of ill-treatment through: regular and frequent visits to all places of detention; collecting credible information on risks of abuses; engaging in constructive dialogue and intervening with concrete and tailored measures to reduce risks and improve conditions of detention; and reporting on the treatment, conditions and administration of places of deprivation of liberty;
- b) Consider all possible NPM options on the basis of the analysis of existing monitoring bodies in light of OPCAT criteria taking into account their effectiveness, and devise the most appropriate structure taking into consideration the UN Subcommittee on Prevention of Torture views;
- c) Designate NPM by law or constitutional amendment;
- d) Anchor key elements of the NPM mandate in its founding legislation, including a wide definition of places of deprivation of liberty; NPM powers and guarantees; composition and necessary financial resources; and functional independence;

- e) Establish separate NPM budget and guarantee public funding;
- f) Request the OPCAT Special Fund, managed by the UN OHCHR, to provide funds for NPM educational programmes once funds become available.

**5. Establish composition and clear internal organization of the NPM**

- a) NPM members must be nominated and appointed in an open and transparent process;
- b) NPMs should be comprised of independent and committed experts coming from a wide range of expertise as provided for in the OPCAT including social workers and psychologists. Experts should also be seen to be credible and neutral;
- c) NPMs should be gender balanced and, where relevant, representative of different ethnic groups;
- d) When designating an existing institution as NPM, the budget should be ring-fenced and a separate unit should be created;
- e) Clear rules of procedures should be established, including decision-making processes.

**6. Establish strategy and working methods for the NPM**

- a) Make provision for the employment of full-time staff, contracting of part-time staff and volunteers, and contracting in experts;
- b) Provide training and capacity development to NPM members and staff;
- c) Provide for cooperation and collaboration with other oversight and monitoring bodies;
- d) Determine frequency of visits, monitoring methods and tools, protocols and provide for a monitoring programme on unannounced and scheduled visits;
- e) Draft strategic planning for the NPM;
- f) Ensure NPM engagement and dialogue with persons deprived of their liberty before, during and after visits;
- g) Ensure ongoing dialogue and relationship with detention authorities to prevent torture and other forms of ill-treatment from occurring, and find solutions to improve the treatment and conditions of people deprived of their liberty;
- h) Take measures to prevent reprisals against people, especially persons deprived of their liberty, who communicate with the NPM. This could include specific provisions in the NPM founding legislation, as well as conducting follow-up communication and visits;
- i) Create procedures for monitoring and follow-up of recommendations and persevere with authorities to ensure their implementation;
- j) Preventive monitoring should entail analysis and understanding of all factors which lead to abuses in places where people are deprived of their liberty, and compiling reports on findings;
- k) The NPM should regularly review its working methods and assess its impact in order to strengthen capacity and improve its effectiveness.

**7. Encourage NPMs to make relevant recommendations for improvement of treatment and conditions for people deprived of their liberty.**

- a) Explore cost effective and realistic recommendations for improvements with immediate, short term and long term objectives;
- b) The NPM should have the capacity to respond to immediate concerns of torture or ill-treatment, including referring individual cases to relevant institutions;
- c) NPM annual reports should be publicised and disseminated to international, regional and national actors.

**8. Cooperate and collaborate with national, regional and international actors and partners**

- a) Ensure ongoing dialogue between NPMs and parliamentarians and judiciary to change policies and practice;

- b) NPM should, where relevant, establish partnerships and cooperation with community based structures and civil society organizations to have greater outreach and access to information;
- c) Create an interface between the UN Subcommittee on Prevention of Torture (SPT), the Committee for the Prevention of Torture in Africa (CPTA), and National Preventive Mechanisms, to exchange information, to conduct trainings, to convene workshops and seminars, and to coordinate joint publications on torture prevention issues in Africa;
- d) Explore collaboration between National Preventive Mechanisms and African Economic Communities;
- e) The State should account regularly to the UN Committee against Torture (CAT), the Universal Periodic Review of the Human Rights Council (UPR), the African Commission on Human and Peoples' Rights (ACHPR), and Special Procedures of these bodies (including CPTA and UN Special Rapporteur on Torture) on national compliance with the UNCAT, the OPCAT, the Robben Island Guidelines and other relevant instruments;
- f) NPMS should create networks to facilitate exchange of information and best practices.

*Done in Dakar, 28 April 2010*