



association for
the prevention
of torture



Preventing torture in Africa: Lessons and experiences from National Human Rights Institutions



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The **Association for the Prevention of Torture (APT)** is an independent non-governmental organisation based in Geneva, working globally to prevent torture and other ill-treatment.

The APT was founded in 1977 by the Swiss banker and lawyer Jean-Jacques Gautier. Since then the APT has become a leading organisation in its field. Its expertise and advice is sought by international organisations, governments, human rights institutions and other actors. The APT has played a key role in establishing international and regional standards and mechanisms to prevent torture, among them the Optional Protocol to the UN Convention against Torture (OPCAT).

The APT's vision is a torture free world where the rights and dignity of all persons deprived of liberty are respected.

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The **Network of African National Human Rights Institutions (NANHRI)** - formerly known as the Coordinating Committee of African National Human Rights Institutions - is the regional representative body that brings together about 42 African National Human Rights Institutions. The Network of African National Human Rights Institutions is currently registered under Kenyan law as an independent legal entity. The Network seeks to support and strengthen National Human Rights Institutions in Africa. The Network's activities are coordinated by the Secretariat of African National Human Rights Institutions.

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Introduction

About this report

This report marks the end of a three-year project entitled “A Continent United Against Torture”, a collaboration between the Network of African National Human Rights Institutions (NANHRI) and the Association for the Prevention of Torture (APT), which sought to strengthen the role and capacity of African NHRIs to prevent torture.

The publication is based on a questionnaire sent to all participating NHRIs and reflects the structure of the questionnaire. The responses of each NHRI are presented on one page, in alphabetical order by country. It outlines in which project-activities they took part over the three-year period and the impact it has had on their work to prevent torture.

NHRIs, important actors in torture prevention

The project stems from a recognition that National Human Rights Institutions (NHRIs) are among the most important actors in the field of torture prevention. As independent institutions, they create a bridge between government and civil society, and between a state’s international obligations and implementation at the domestic level.

This project has sought to build the torture prevention capacity of African NHRIs in a number of key areas, identified by NHRIs themselves as priorities. We did this by organising activities on detention monitoring, investigating allegations of torture, reducing the overuse of pre-trial detention, and training public officials. Each activity involved an online course, where participants could get to know each other and become familiar with the basics of the topic, followed by a face to face training workshop, where we could really go in depth, share experiences and help NHRIs to plan next steps.

An empowering and inspiring project

As this report shows, these activities and the project’s opening and closing conferences, held in six countries across the continent, have resulted in a number of impressive initiatives and activities by participating NHRIs. In follow-up discussions with African NHRIs, we have been blown-away by the innovative and creative ways that they have used their new skills and knowledge to more effectively prevent torture.

This report and the accompanying videos¹ cover the full breadth of these activities and initiatives, although it is worth highlighting some examples here as well:

On **detention monitoring**, the project included two training activities, for anglophone NHRIs in Uganda and for francophone institutions in Togo. These activities aimed to build and strengthen the knowledge and skills of participants on detention monitoring, particularly relating to the methodology of preparing, conducting and following up on visits. After the workshop, the Algerian Commission, for example, wrote and published their own detention monitoring manual and extended their visits beyond prisons to include police custody, juvenile detention centres, secure medical wards, and psychiatric hospitals.

On **investigating allegations of torture**, the project held an online course and then a three-day workshop in Johannesburg, South Africa. This workshop – which also helped to mark the 10th anniversary of the *Robben Island Guidelines on the prevention of torture in Africa* – sought to help NHRIs develop the skills, knowledge and resources they need to properly investigate and document suspected cases of torture. After the activity, the Commission on Human Rights and Administrative Justice of Ghana took steps to train its staff on better identifying signs of psychological torture and torture that does not leave physical marks. This includes the use of techniques to better identify victims through interviews, as well as more effective procedures for maintaining confidentiality, particularly during debriefing sessions with the authorities.

On **training public officials** the project again conducted an online and face to face workshop, in Yaoundé, Cameroon. The objective of this training was to enhance the capacity of the African NHRIs to identify the training needs of law enforcement personnel with regards to torture prevention and to develop institutional strategies to better respond to these needs. Following the training, the Nigerian National Human Rights Commission, for example, used the project tools to push for the end to forced confessions and their replacement by scientific policing practices. This has included training of security personnel on better interrogation practices and the provision of expert support to law enforcement training more generally. The commission also became involved in the development of the police training curriculum.

¹ Four films on the implementation of each project theme by four NHRIs from around the continent are available on our websites: www.appt.ch and www.nanhri.org

Reducing the overuse of pre-trial detention was the subject of the third and final online and face to face training, taking place in Kigali, Rwanda. Here, NHRIs identified the causes and consequences of the overuse of pre-trial detention and worked to develop institutional strategies which can contribute to a reduction, including through reference to and cooperation with the African Commission on Human and People's Rights *Luanda Guidelines*, which deal with conditions of police custody and pre-trial detention in Africa. Following the workshop, the Mauritanian NHRI organised training workshops for magistrates all over the country on how they could implement the recommendations contained in the *Luanda Guidelines*.

High level institutional commitment

In addition to these thematic activities, the project included two high-level opening and closing conferences, in Rabat, Morocco and in Yaoundé, Cameroon. The heads of NHRIs that gathered for these two events drafted and committed to two landmark documents: The *Rabat Declaration* and The *Yaoundé Declaration*. Included in the annex to this document, these declarations include long-term and specific commitments to torture prevention by African NHRIs that will ensure the sustainability and impact of the project, long after its completion.

Continuing joint efforts

The examples shared in this report and many more have enriched our knowledge and helped us to grow our understanding of NHRIs and their role in torture prevention. We hope that they will now inspire others to take initiatives and share ideas of their own, on the African continent and in other regions of the world. This project is only one small step. It is one part of APT long-term engagement with NHRIs that will continue both in Africa and beyond for a continent and a world free from torture.

Jean-Baptiste Niyizurugero
APT Africa Programme Officer

Ben Buckland
APT NHRI Advisor

Project outcomes and ways forward

Overall, the project enhanced the capacity of the NANHRI Secretariat to provide better services to its members, including facilitating training workshops, sharing information and best practice. The Secretariat now has knowledge, skills and experience in building the torture prevention capacities of its members. The network is now recognised among members and other stakeholders as a key player in advocating for a torture free continent. The project increased capacities of the Secretariat in a number of ways including:

Increased relevance to NHRIs as a resource centre for expert services

Throughout the project, NANHRI has been able to develop a network of experts who have been very valuable in offering capacity building services to its membership whenever the need arises.

Enhancing the networks standing and visibility regionally

The project has enhanced the secretariat's capacity to provide relevant and timely support to its members. For example, the project enhanced the network's ability to organise training and create platforms for sharing best practices and experiences among its members. This includes "breaking the language barrier" by organising joint workshops for its Anglophone and Francophone members.

Similarly, the project enhanced NANHRI's standing and visibility among its membership and other torture prevention stakeholders on the continent, thus contributing to regional dynamics in the prohibition and prevention of torture. At all the capacity building and best practise sharing workshops conducted across the continent, government officials and other stakeholders were invited to participate and share their perspectives. This helped the network to improve networking between its members and other stakeholders.

Of particular importance was the high level closing ceremony that was held alongside NANHRI's Biennial Conference in Yaoundé, Cameroon. The event attracted civil society organisations, law enforcement personnel, representatives of the African Commission on Human and Peoples' Rights (ACHPR) and the African Court, OHCHR, the Commonwealth and others. This conference yielded a declaration that recommitted NHRIs on the prohibition and prevention of torture.

In addition, the conception of an African Day of Pre-trial Detention, which emerged from the training workshops, was a key success in the Secretariat's work in advocating for reforms in the criminal justice system in Africa. Efforts are underway to ensure that the day is adopted by the ACHPR. Already, African NHRIs are set to commemorate the day this year on the 25th of April, the day the Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa were adopted.

Enhanced knowledge and skills in designing and implementing capacity building projects

The project empowered the secretariat in seeking creative solutions to challenges encountered by its members in the protection of persons deprived of liberty. Through the three-year project, the NANHRI Secretariat gained important skills and knowledge in designing and implementing training programmes for its members. The Secretariat also improved its ability to monitor and evaluate projects, having participated in the development of action plans and working on follow up among its members.

The network benefited from communication and visibility strategies that came with the project. As a result, NANHRI's following on social media increased by up to 60%. Moving forward, the Secretariat is in a position to provide better visibility and communication campaigns for its projects.

In addition, the project introduced new learning methods, including the so-called "learning incubator," where thematic workshops were conducted on specific issues of interest as defined by network members. The involvement of international and regional expertise was very valuable for the Secretariat staff in terms of knowledge transfer. The other learning methodology that the secretariat found very helpful was "blended learning" (used for the two detention monitoring activities), which combined distance learning and on-site training workshops on core elements of detention monitoring methodology, including a practice visit to a detention facility.

Exposure to innovative training methodologies

A key learning point was overseeing the on-line training through a Virtual Learning Environment (VLE) Platform. This was particularly important to the network's future capacity building projects, where on-line training will be a cost effective and sustainable way to reduce the high cost of conducting face to face workshops.

Improved expertise to organise capacity building workshops

Although NANHRI has previously been involved in organising training workshops, this project was unique in terms of the calibre of participants and technicalities involved. The network gained much needed experience by successfully organising five training activities, despite the heavy logistical efforts needed (South Africa, Uganda, Togo, Cameroon, Rwanda) with the fifth activity, the high level closing ceremony, that coincided with its biennial conference.

Ways forward

The outcome of the closing conference of the project was the adoption of the *Yaoundé Declaration*, which outlines concrete actions to prevent torture. The 15-point Declaration includes a strong commitment from the 44 participating national human rights institutions to make torture prevention and good administration of justice a strategic priority. The meeting participants also proposed that 25 April each year will be recognised as Pre-Trial Detention Day in Africa. The *Yaoundé Declaration* symbolises the way forward for NHRIs to continue their efforts towards being effective national torture prevention ambassadors and actors of change.

Gilbert Sebihogo
Executive Director, NANHRI Secretariat

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- Benson Chakaya, Programmes Officer

From the APT:

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Resources

Manuel de visite des lieux de détention en Algérie (Manual on the monitoring of places of detention in Algeria): <http://cncppdh-algerie.org/images/PDF/MTG-Fr.pdf>

Photo: Launch of NCCPPHR manual on visits to places of detention.



ALGERIA



National Consultative Commission for the Promotion and Protection of Human Rights

How did you participate in the project?

- Monitoring of places of detention (Togo)
- Training of public officials (Cameroon)

What have you done as a result of the project?

Lessons learned from the project were incorporated in the NCCPPHR manual on visits to places of detention.

The National Commission made presentations to those responsible for detention facilities with a view to concluding a memorandum of understanding or agreement on the pursuance of monitoring visits.

What impact has the project had? What are the most important changes resulting from your participation in the project?

Participants in the various project activities communicated relevant information to all Commission members and staff. In the future this will result in more skilled teams able to undertake visits to places of detention in accordance with relevant international and regional norms and standards and ensure the best possible protection of the rights prisoners.

The knowledge acquired during the training was shared with managers and colleagues responsible for participating in the development of the aforementioned manual.

Lessons learned from the project and the two training workshops in Togo and Cameroon allowed beneficiaries to become familiar with the concepts and standards presented, which have been largely reflected in the manual prepared by the NCCNPPHR.

Following the workshops and in compliance with the manual subsequently produced by the NCCPPHR, monitoring was extended to detention facilities other than those usually visited. These included police custody premises, juvenile detention centres, medical centres holding people deprived of their liberty, and psychiatric facilities.

Regarding the monitoring of prison conditions, the manual took into account relevant feedback solicited from the teams in charge of carrying out visits (and the multiplication of the latter) in measuring the degree of implementation of the project recommendations.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

The manual on detention visits was launched at a training session organised in collaboration with an external partner (Penal Reform International - MENA Office), held exclusively for officials responsible for law enforcement.

The NCCPPHR plans to organise a series of training courses for civil society audiences on the preparation and conduct of prison visits. The commitment of civil society is very important for the sustainability of the project.

Good practices and knowledge thereof related to the monitoring of places of detention have contributed to the preparation of a varied training programme for public officials, which will be delivered in the near future.



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Photo: Monitoring visit by the NHRC to Koudougou prison.

BURKINA FASO



National Human Rights Commission

How did you participate in the project?

- Investigation of allegations of torture (South Africa)
- Training of public officials (Cameroon)

What have you done as a result of the project?

We undertake monitoring visits to prisons with a view to preventing torture and other cruel, inhuman or degrading treatment or punishment. These visits will complement the mandate of the national preventive mechanism against torture once the mechanism is established and operational.

Discussion meetings were held with government officials, parliamentarians, local elected representatives, professional bodies and civil society organisations working in the field of human rights.

We were able to share with them information disseminated during a training workshop NHRC Burkina organised in Koudougou in December 2014 focused on technical aspects of visits to places of detention.

From the moment the NHRC receives a complaint of torture, the relevant procedures are applied to ensure that the investigation is conducted in the most effective manner possible and to reduce the risk of retaliation against those making the allegations.

What impact has the project had? What are the most important changes resulting from your participation in the project?

The project has enabled the NHRC to focus its intervention on torture, although the process of establishing a national preventive mechanism (National Observatory for the Prevention of Torture-NOPT) is still under way in Burkina Faso. Moreover, the bill on the reform of the NHRC has not eroded the mission of this body to fight against torture. The NHRC will thus contribute to the work of the NOPT.

We at the Commission have become conscious of our role in the prevention of torture. To this end, together with the support of our partners, we initiated and organised a training workshop on torture and places of detention that included technical aspects of monitoring visits to prisons. Furthermore, we plan to organise in the last quarter of 2015 visits to places of deprivation of liberty in

the country, during which meetings will be held with the management personnel of these facilities, mainly to discuss their specific training needs.

The Yaoundé workshop helped develop new approaches to the training of public officials. These approaches have not yet been systematised, but the development of the Commission's manuals will correct this gap by making available to the institution the good practices learned in Yaoundé.

In December 2015, the Commission conducted a round of visits to places of detention (detention and correctional centres, gendarmerie and police commissariat cells) in three regions of Burkina Faso (Boucle du Mouhoun, Centre-East and Centre-West). To do this, the Commission developed a monitoring template inspired by the practices and training modules of African NHRIs on technical aspects of monitoring visits to places of detention. These visits allowed the Commission members to observe first-hand actual detention conditions and the treatment of detainees. They also provided an opportunity to meet with those in charge of the detention facilities in these locations.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

As part of its reform, the Commission will maintain its training programme to ensure that relevant stakeholders understand and respect human rights principles. Furthermore, the Commission will retain its oversight role vis-à-vis places of detention. These two activities will reinforce the Commission's role in the fight against torture.

The NHRC has retained the issue of torture in its action plan 2015-2018, although it foresees no specific activities regarding the training of public officials and allegations of torture. Generally speaking, however, such training is planned.



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Photo: Chairperson of the Commission Nationale Indépendante des Droits de l'Homme du Burundi (CNIDH), Jean-Baptiste Baribonekeza, with other NHRI colleagues during the project closing conference in Cameroon.

BURUNDI



Independent National Human Rights Commission

How did you participate in the project?

- Monitoring places of detention (Togo)
- Investigating allegations of torture (South Africa)
- Training of public officials (Cameroon)
- Reducing overuse of pre-trial detention (Rwanda)

What have you done as a result of the project?

The workshop sharpened our knowledge of investigations into allegations of torture. We designed an INHRC action plan for the prevention of torture which was discussed and adopted at a workshop co-organised by the INHRC in August 2014. In addition, the INHRC-Burundi has created best-practise index cards for detention visits (prisons and cells) which incorporate principles that were developed during the training. We also used the knowledge acquired in drafting the INHRC alternative report on the implementation of the Convention against Torture.

We often exchange on the way to improve monitoring places of detention. Check-lists for monitoring prisons and cells were adopted.

What impact has the project had? What are the most important changes resulting from your participation in the project?

Commissioners and executives often hold awareness-raising training sessions for administrative, police and military authorities and are sometimes approached by partners to give presentations, including on the role of the INHRC in preventing human rights violations.

We are always mindful of the absolute nature of the prohibition of torture and other cruel, inhuman or degrading treatment during workshops organised for administrative, police and military authorities and at public meetings and events in Burundi.

The use of police custody and pre-trial detention is very common in Burundi. Visits cover all places of detention because abusive treatment can take place in all such places in the country. Every time we

visit a place of detention we exhort judicial police officers to favour freedom rather than detention, except in very serious cases.

Detention visits are conducted by an INHRC team composed, at a minimum, of a commissioner and a member of the INHRC permanent staff. The idea of working with medical staff and experts whenever information exists about acts of torture greatly interests us. However, since the workshop the INHRC has not required medical expertise for that purpose, although we did make use of such expertise with regard to a mentally ill detainee.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

Our action plan includes activities designed to protect victims and witnesses from reprisals in particular by organising awareness-raising sessions for administrative and police authorities and referral to the judicial authorities.

The INHRC has a formal mandate to prevent torture and other inhuman, cruel or degrading treatment.



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Photo: Project activity on training of public officials in Cameroon.

CAMEROON



National Commission on Human Rights and Freedoms

How did you participate in the project?

- Investigation of allegations of torture (South Africa)
- Training of public officials (Cameroon)
- Training to reduce the overuse of pre-trial detention (Rwanda)
- Monitoring of places of detention (Togo)

What have you done as a result of the project?

We conducted a debriefing session and the various manuals and tools presented during training have been made available to all staff and transcribed in a simplified format.

The lessons learned have indeed been incorporated in the implementation of the various activities and action plans, in particular as regards reflection on the establishment of a National Mechanism for the Prevention of Torture.

The NCHRI is more focused on the prevention of torture as it now has the tools to better respond to this issue. One of the lessons learned from the workshop concerns the excessive use of pre-trial detention and the use of alternatives to imprisonment in order to decongest prisons.

What do you consider to be the most important changes resulting from your participation in the project?

The project has helped improve the capacity of the NCHRI to respond to allegations of torture. Information exchange platforms have also been created for the sharing of experience in the prevention and fight against torture.

One of the lessons learned from the workshop relates to medical evidence. The collection of medical evidence by forensic experts is therefore now recommended. As part of this process, the NCHRI now seeks to include a physician in its team visits to detention facilities, and a handbook of guiding principles for medical personnel investigating allegations of torture is being developed.

Staff in charge of investigations are especially equipped to act promptly in dealing with an allegation of torture, in order to gather the relevant information rapidly.

Our procedures have been strengthened following the training and emphasis has been placed on the importance of detecting and responding to signs of psychological torture.

The choice of interviewees is generally determined by the objectives of a detention visit. To reduce the risk of reprisals in investigating allegations of torture, visiting teams seek to conduct their interviews with detainees in private.

The methodology of training of public officials was the main focus of the workshop. As a result, the dynamic of our training sessions is now more constructive and aims to encourage learners to discuss problems and solutions themselves.

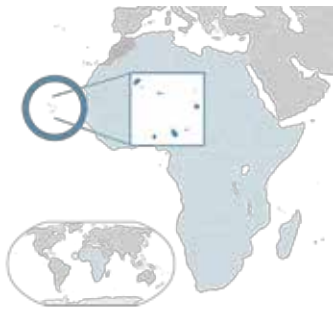
The NCHRI seeks to ensure a constructive dialogue with the authorities.

Finally, following the workshop, our method of formulating recommendations has changed notably and is now more in line with the "SMART" model.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

The various upcoming projects related to the workshop themes are:

- Reflection on the establishment of a National Preventive Mechanism against Torture;
- The establishment of human rights focal points in police stations and gendarmerie brigades, in collaboration with the United Nations Centre for Human Rights and Democracy in Central Africa;
- The development of a procedures manual for use by physicians to investigate allegations of torture.



CAPE VERDE



National Commission on Human and Peoples' Rights

How did you participate in the project?

- Investigation of allegations of torture (South Africa)
- Closing conference of the project (Yaoundé, Cameroon)

What have you done as a result of the project?

- Strengthened awareness campaigns among security forces and institutions in the prevention of torture;
- Visited all places of detention in the country;
- Organised training on the issue of torture for all NCHPR staff;
- Published the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention;
- Established a working group to prepare the report on the Convention against Torture. The group comprised representatives of the Prosecutor General of the Republic, the Superior Council of the Judiciary, the Ministries of Justice, Interior and National Defence, and the NCHPR;
- Integrated the theme of torture into the National Police Officers' Training Course that the NCHPR delivers at the National Police Training School.

What impact has the project had? What are the most important changes resulting from your participation in the project?

The training gave us a broader vision and greater

practical knowledge of how best to care for victims of torture. As a result, we now prepare prison visits in more detail in order to take into account all aspects of the monitoring work involved.

One of the lessons learned from the workshop related to the necessary preparations for detention visits and how to deal with cases of torture. Chapter 8 of the "Preventing Torture" handbook distributed during the workshop provided details on how best to prepare for such visits. This information proved very useful during the visits NCHPR teams made to prisons and other places of detention in the months following the workshop.

The project increased our capacity to raise awareness of the issue of torture.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

The NCHPR's Second Human Rights and Citizenship Action Plan provides for the creation of a National Preventive Mechanism against torture. The plan is awaiting approval by the Council of Ministers.

The NCHPR has also advocated for OPCAT which Cape Verde is currently in the process of ratifying.

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Photo: Visit of the NCHPR to Cadeia Central da Praia.





IVORY COAST

National Human Rights Commission

How did you participate in the project?

- Training of public officials (Cameroon)
- Reducing overuse of pre-trial detention (Rwanda)
- Monitoring places of detention (Togo)

What have you done as a result of the project?

The most important change/benefit for our institution resulting from our participation in the workshops is increased knowledge and understanding of the insidious forms of torture and the need for preventive work through training and monitoring visits to places of detention.

What impact has the project had? What are the most important changes resulting from your participation in the project?

The personnel in charge of detention visits are increasingly sensitive to issues related to torture and visits are an opportunity to sensitise prison officials and judicial police officers in the prevention of torture.

The lessons learned from the workshops are integrated in the work of the NHRC. In fact, participants are now attending sub-commission thematic workshops or meetings where they are

passing on what they learned. This will provide guidance to Commission members in their investigations of allegations of torture in places of detention as well as in psychiatric facilities.

The 2015-2018 action plan includes measures to strengthen advocacy for ratification of OPCAT by Côte d'Ivoire in line with UPR recommendations, and the establishment of a National Preventive Mechanism to be hosted by the NHRCCI and operational on a permanent basis.

The initial periodic report of Côte d'Ivoire to the UN Committee against Torture awaited since 1995 is still in the process of being produced.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

Pursuant to Article 2, paragraph 9 of the Law establishing the NHRC, this body must conduct visits to prisons and all other places of detention upon authorisation to do so by the public prosecutor, the government commissioner attached to the military tribunal or any other public authority who may wish to witness the visits. The personnel in charge of detention facilities will continue their work to prevent torture.

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How did you participate in the project?

- Training of public officials (Cameroon)
- Reducing overuse of pre-trial detention (Rwanda)

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Photo: Distribution of certificates to participating officers by the authorities of Comoros; the President and Vice-President of the NCHRF, and the Delegate in charge of security at the ICRC in Pretoria, during the Mohéli training.

COMOROS

National Commission on Human Rights and Freedoms



What have you done as a result of the project?

Following the participation of the NCHRF in the workshops on training of public officials and on the overuse of pre-trial detention, held in Yaoundé and Kigali, respectively, our institution carried out the following activities:

- Meetings of NCHRF executive office and support staff to review the lessons learned, followed by a meeting of the NCHRF Executive Board and partners to validate 2015-2017 strategic plan.
- Advocacy to persuade the political authorities to criminalise torture.
- Awareness-raising sessions for media and civil society organisations on the over-use of pre-trial detention, the fight against torture, the *Luanda Guidelines* and the provisions of the new penal code severely punishing acts of torture.
- Organisation of discussion and consultation meetings to raise awareness of detainees' basic rights and the obligations of law enforcement officials and penitentiary staff in this respect.
- Organisation of sensitisation and capacity-building workshops for law enforcement officials and prison staff on the *Luanda Guidelines* and the provisions of the new penal code severely punishing acts of torture.
- Regular unannounced visits to places of detention.
- Contributed to ensuring that prevention of torture was included among the priority issues in the "Katiba" Green Paper on Defence & Security.

These activities were carried out in partnership with ICRC-Pretoria, UNICEF and UNDP-Comoros.

In March 2015, the NCHRF conducted an unannounced visit to Moroni prison, to assess the degree of implementation of the *Luanda guidelines* by law enforcement officials and penitentiary staff and to inform detainees of their rights, including the rights not to be subjected to torture, to lodge complaints and to receive legal assistance.

In June 2015, in partnership with the ICRC, the NCHRF organised follow-up training workshops for law enforcement personnel in Moroni (Grande Comore) and in Mutsamudu (Anjouan) on the *Combat against Torture: Norms and Mechanisms* compliant with the new *Luanda guidelines*. A similar workshop was organised in November 2015 in Fomboni/ Mohéli. Its objectives were to:

- Encourage the acquisition of new knowledge on torture and its impact on victims.
- Raise awareness among law enforcement officials of their obligations and responsibilities

with regard to the prohibition of torture in line with international law and the *Luanda guidelines*.

With UNDP support, the NCHRF organised a workshop in November 2015 in Mutsamudu (Anjouan) on human rights, the basic rights of people deprived of liberty and the conditions of recourse to the use of force by law enforcement personnel. Some of the training themes discussed:

- Responsibilities and powers of law enforcement personnel;
- Policing/search and seizure;
- Use of force and firearms;
- Practical cases;
- Ethical and legal standards in the application of the law;
- Protection of detained minors.

What impact has the project had? What are the most important changes resulting from your participation in the project?

The main changes can be summarised as follows:

- Strengthened partnership between the NCHRF, relevant government sectors, judges and law enforcement agencies, and facilitation of NCHRF interaction with the judiciary and authorities dealing with penal cases;
- New approach to conditions of detention and interrogation in line with the *Luanda guidelines*;
- Criminalisation of torture in national legislation;
- Prosecution and sentencing of perpetrators of torture, including law enforcement personnel;
- Strengthened capacity of all NCHRF members;
- Proven expertise in human rights on all levels;
- Courage, bravery and determination in addressing all problems related to ensuring respect for human rights;
- Leadership in the promotion, protection and defence of human rights.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

- Integration of this dimension in our 2015-2017 strategic plan, more related activities in the field.
- Strengthened partnership with relevant government sectors, especially with judiciary officials, judges, law enforcement agencies, civil society organisations, bi- and multi-lateral partners.
- Resource mobilisation.



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Photo: Eugenia Apiah of the Commission on Human Rights and Administrative Justice during the project activity on monitoring places of detention, in Uganda.



Commission on Human Rights and Administrative Justice

How did you participate in the project?

- High-Level Conference (Morocco)
- Detention monitoring (Uganda)
- Reducing overuse of pre-trial detention (Rwanda)
- Investigating allegations of torture (South Africa)

What have you done as a result of the project?

We have redesigned our detention monitoring tools to give more attention to pre-trial detention. We have also developed an action plan to raise awareness of both the Luanda Guidelines and the Robben Island Guidelines with key stakeholders. Part of this is also an ongoing effort to improve coordination among relevant stakeholders on these issues.

A review is ongoing of the case handling manual of the Commission in order to accommodate changes made as a result of our participation in the project. This is also the case with regards to our privacy and confidentiality policy, which now covers medical and other experts that we work with during our monitoring work.

We have also conducted internal training for staff in the research and human rights departments on the contents of the different project workshops.

What impact has the project had? What are the most important changes resulting from your participation in the project?

During the project, we learnt a lot about conditions of arrest, procedural guarantees and the rights of detained persons during their arrest. This has been put into immediate practice by our investigators, including in relation to a current case involving the clandestine arrest and detention of an individual who was not told the reasons for his arrest and asked to pay bribes before being granted bail.

What are the most important changes resulting from your participation in the project?

We are now better equipped to look for and to identify signs of non-physical (psychological) torture and torture that does not leave physical marks. This includes the use of techniques to better

identify victims through interviews, as well as more effective procedures for maintaining confidentiality, particularly during debriefing sessions with the authorities.

We have also incorporated the consideration of pre-trial detention into our process for choosing which places of detention to monitor: this has led to greater monitoring of police stations, for example. Externally, we have also cooperated with the African Policing Oversight Forum, the police, prisons, and the Attorney General's Department to implement the Luanda Guidelines.

Our reports have also been redesigned as a result of the project. The way they are written and the recommendations made are now more specific.

What about sustainability? Which changes will remain once the project has finished? How will you continue your torture prevention efforts?

All investigators in the Greater Accra Regional Office have received training through an internal workshop in order to mainstream the lessons-learned of the project. We have also worked to redesign our monitoring tools, which will have a lasting impact on our work, particularly in relation to pre-trial detainees.



GUINEA BISSAU

National Human Rights Commission

How did you participate in the project?

- Investigation of allegations of torture (South Africa)

What have you done as a result of the project?

The lessons learned are being applied in our work with prisoners and prison staff.

What impact has the project had?

We have an upcoming project to carry out investigations in the different detention centres.

What are the most important changes resulting from your participation in the project?

We have incorporated some aspects of the project in the NHRC action plan, which contribute in an essential way to the institutional dynamic. In particular, we will develop a training plan for the Commissioner on information processing methods in relation to cases of torture.



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Photo: Participants in the workshop in investigating allegations of torture in South Africa.



GUINEA CONAKRY

National Observatory of Democracy and Human Rights

How did you participate in the project?

- Investigating allegations of torture (South Africa)

What have you done as a result of the project?

Lessons learned at the workshop will help strengthen our capabilities to develop our three-year institutional action plan which is expected to be finalised by the end of the year.

What are the most important changes resulting from your participation in the project?

We have not yet begun. Lessons learned at the workshop will help strengthen our capabilities to develop our three-year institutional action plan which is expected to be finalised by the end of the year.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

A national action plan for the prevention of torture is now being elaborated.

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How did you participate in the project?

- Training public officials (Cameroon)
- Reducing overuse of pre-trial detention (Rwanda)
- Investigating allegations of torture (South Africa)

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Photos:

Top: Detainees working on Shikusa GK prison farm, where human rights violations occur at times during farm work. Portrait: Kagwiria Mbogori, chairperson of the Kenya National Commission on Human Rights.

KENYA

National Commission on Human Rights



What have you done as a result of the project?

The commission has sensitised prison officers on matters concerning human rights and against torture and how to report human rights violations to established reporting mechanisms. Most prison officers are now aware of the consequence of exposing inmates to any act of torture while they are in detention.

As a consequence of the training, we gained better understanding of the link between torture and pre-trial detention. We further “institutionalised” the knowledge upon returning to Kenya by having a Friday afternoon training at the KNCHR’s North Rift Regional Office during which we took members of staff through the discussions at the training and the proposed recommendations for National Human Rights Institutions. We have additionally raised the issue of pre-trial detention during court user committee (CUC) meetings with a specific request to the CUC to ensure mechanisms are put in place to reduce the loss of court files (a situation that further prolongs trials and increases pre-trial detention).

We have also conducted investigations into the alleged torture of detainees at Shikusa Farm Prison by having a discussion with the inmates, after which we raised their concerns with the prison administration and agreed on measures to reduce the incidences of ill-treatment.

What impact has the project had? What are the most important changes resulting from your participation in the project?

Prison officers have started observing and respecting the rights of inmates. This has led to reduction in the number of complaints reported in relation to torture of detainees by prison officers.

The relationship between detainees and prison officers has improved, replacing a situation in which prison officers were seen as dangerous by detainees.

Detainees and prison officers are now in a better position to report torture and unfair detention to human right institutions.

The Judiciary, especially in Kitale is in the process of finalising the installation of lockable cabinets in the Registries to minimise the loss of court files.

Following investigations upon receipt of an anonymous complaint from Shikusa Farm prison, detainees reported (during a follow up visits) that the condition of life had improved and instances of ill-treatment had greatly reduced.

What are the most important changes resulting from your participation in the project?

The commission is raising the issue of pre-trial detention with the relevant court-users committees, in order to better address the root causes. These committees include members of the judiciary, prison service, police, and probation service and court prosecutors. The commission has now increased the tempo of seeking for funds to facilitate more training and sensitisation of prison officers on respect for human rights.

During a follow up visit at Shikusa GK Prison, detainees confirmed that instances of ill-treatment had greatly reduced and were grateful to the KNCHR for its intervention.

During prison inspection/visits, the participating officers will pay attention to pre-trial detention and propose ways of reducing the same.

What about sustainability? Which changes will remain once the project has finished? How will you continue your torture prevention efforts?

Setting out mechanisms that ensure detainee working hours and conditions are re-evaluated to ensure compliance with standards set out in law and practice and Increase and improve the food quality and quantity to the minimum standard set out under CAP 90 of Laws of Kenya.

Human Rights officers stationed at GK Prison farms are more accessible and diligent in monitoring human rights abuses within the facility, receiving and investigating human rights abuses with a view of sharing this information with the prison administration and KNCHR. The torture prevention efforts will be monitored through regular visits and interactions with officers in detention facilities and lobbying the Government of Kenya to increase funding for upkeep of inmates and improving detention facilities.

As prison inspection/visits will be conducted, the issue of pre-trial detention will be looked into amongst other human rights violations. To ensure sustainability, the KNCHR continues to empower duty bearers (prison officers) to infuse the Human Rights Based Approach in prison work. Efforts are equally made to empower the inmates to claim their rights and report complaints on violation of their rights for further processing and possible redress.



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Photo: Participants in the training on investigating allegations of torture in South Africa.

MADAGASCAR



Independent National Human Rights Commission

How did you participate in the project?

- Investigation of allegations of torture (South Africa)

What have you done as a result of the project?

- In-house training on the prevention of torture taking into account lessons learned from the APT-NANHRI Project;
- Training on ensuring respect for the physical integrity of detainees;
- Meetings between NANHRI and civil society entities on ways to end abuse (violence, torture) committed publicly and routinely by law enforcement personnel in their handling of demonstrations by trade unionists and university students demanding respect for their basic rights.

What do you consider to be the most important changes resulting from your participation in the project?

NHRI investigations of allegations of torture based on the following standard procedures:

- Producing photographic evidence of injuries and speedy medical certification
- Securing the trust of victims and showing them genuine empathy
- Interviews with parents and witnesses
- Clarification of the facts and establishment of responsibility
- Management and protection of witnesses
- Securing medical expertise

In circumstances that prevent a victim of abuse from daring to come forward, investigations to strengthen evidence can be advanced to the extent possible prior to the meeting with the NHRI:

- Information gathered at the site of the judicial inquiry
- Cross-checking of facts in the FKT

By sharing the lessons learned at the workshop, the INHRC may seek more opportunities to ensure their implementation and the means to do so. This will necessitate:

- a continuation of internal training
- gradually moving forward and developing the effective implementation of measures to investigate allegations of torture
- in collaboration with human rights entities, advocating against the abusive conduct of the authorities in utilising law enforcement as a means to exert pressure and violate basic rights
- ensuring that law enforcement officers are sensitised to these issues

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

Article 4 of the newly established Independent National Human Rights Commission (INHRC) stipulates the following provisions:

- Referral to the competent authorities of all cases of rights violations, ranging from the practice of torture and cruel, inhuman or degrading treatment, the existence of places of secret detention, enforced disappearances, and discrimination
- Informing and sensitising public prosecutors, judges and members of judiciary police regarding human rights norms will have priority
- Investigations of cases of torture will be subject to new planning
- Physicians and psychologists will be involved in this planning process
- The frequency and modalities of visits to places of detention will be regulated in a formal framework



How did you participate in the project?

- Detention monitoring (Uganda)
- Training public officials (Cameroon)
- Reducing overuse of pre-trial detention (Rwanda)
- Investigating allegations of torture (South Africa)

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Photo: Representative of the MHRC at the closing conference in Cameroon.



Human Rights Commission

What have you done as a result of the project?

The importance of capacity building cannot be over-emphasized. We work with many stakeholders (including the police and the judiciary) and we now find ourselves better positioned to engage them from a position of knowledge. During the project we also revised the police training manual. The knowledge that we gained on torture and ill-treatment went a long way to ensuring that the manual is substantive and informative.

Institutionally we have worked to incorporate the knowledge and skills gained during the project into our detention monitoring. As a result of the project, our staff are better trained and better able to carry out monitoring and torture prevention activities. We have institutionalised knowledge through, for example, an internal workshop on investigations and effective detention monitoring. Here, we discussed the difference between preventive monitoring and reactive investigations and the links between them.

What impact has the project had? What are the most important changes resulting from your participation in the project?

While some individual officers still commit torture, there is now a high-level of appreciation and understanding of human rights issues in general within the Malawi Police Service.

We are discussing alternatives to pre-trial detention with relevant actors, including the police. The changes are small for now. It is a gradual process.

What do you consider to be the most important changes resulting from your participation in the project?

The project came at a time when we set up a new Civil and Political Rights Directorate with six new officers who needed training. Torture and ill-treatment are key civil and political rights, so participation in this project was very beneficial and strategic.

The project was also helpful in relation to state party reporting. In 2013-14 we were involved in the state party and our alternative report on the Covenant on Civil and Political Rights (CCPR). We were able to integrate issues of torture and ill-treatment from a much more informed position. We are now developing the state party report and alternative

report on the Convention against Torture and everything we gathered through this project will help us to produce a better report.

Our understanding of torture and ill-treatment has also changed. We now better understand, for example, the ways in which it is linked with forced confessions. We also have a better understanding of alternatives to pre-trial detention, which can be implemented on the ground.

When conducting detention monitoring, we now apply the "do no harm" principle. For example, we now use better interview practices. Before participating in the project, interview subjects were chosen randomly, or we interviewed those who seemed vocal or open. Following the project, we realised that being vocal is not the only aspect to consider – sometimes, it is better to choose those who are too quiet. We also began using focus group discussions as a way of exploring some issues. Individual interviews are also now all conducted in private. All our recommendations are now also "double SMART".

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

We have made a paradigm shift towards a more collaborative approach to combatting torture. In the past, we "named and shamed". We are now moving towards joint monitoring, with the involvement of the police, prison officials and prison inspectorate. We work together to analyse the implications and human rights obligations for each situation. We have created a high level dialogue group with the Malawi police where we address macro policy issues and grow ownership of our recommendations. The police have also accepted us as a strategic partner and our relationship is no longer based on suspicion. The project has enabled us to produce very good reports and present a compelling body of evidence to these discussions.

Another way of looking at the benefits of this project is the trickle-down effect for the rights holders: the people of Malawi. Behind the stories are real people, who have been subjected to torture. The most fulfilling component of the project is being able to make a difference for the marginalised and underprivileged, who would not have recourse to formal justice mechanisms if it was not for the role of human rights institutions.



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Photo: President of the CNDH, Kadidia Coulibaly Sangare, visiting a prison in Ségou.



National Human Rights Commission

How did you participate in the project?

- Investigation of allegations of torture (South Africa)
- Monitoring of places of detention (Togo)

What have you done as a result of the project?

After participating in the project, I first related the knowledge received to other members of Commission. I then applied it in my everyday work, especially after the opening of a CNDH-Mali reception bureau for complaints and allegations of torture. I preside over this bureau which reports to the president on its findings. Depending on the case, the bureau assists torture victims to take legal action if they so wish. NHRC-MALI is conducting increasingly frequent detention visits, either independently or in partnership with human rights organisations.

What impact has the project had? What are the most important changes resulting from your participation in the project?

The project has had the effect of improving the way we conduct detention monitoring visits, teach activists from other human rights organisations the methodology of such visits, and establish a collaborative relationship with detention facility officials.

Remarkable changes are noticeable in the behaviour of those in charge of detention centres insofar as they are more welcoming and open to collaboration. Visiting teams are no longer perceived negatively by supervisors and their managers, although a certain degree of suspicion persists in some cases.

Other noticeable impacts relate to our strengthened capabilities and knowledge with regard to the issue of torture and its prevention, and improved technical aspects of our visits to places of detention. In short, my way of working has changed completely.

What are the most important changes resulting from your participation in the project?

We have improved our guidelines on monitoring places of detention and established a reception mechanism for complaints including allegations of torture. Also, we now include doctors in our monitoring teams during detention visits.

The training has enabled us to improve our work and enhance our capacity to provide informed counsel on human rights norms and violations thereof to actors dealing with detention matters, including magistrates and police officers. I now realise that what we formerly regarded as assault in reality constitutes torture.

Since the workshops, my working methods have changed. I now never interview detainees in the presence of prison wardens, and only conduct interviews after consulting medical assistants. Findings are limited to credible allegations. I have a guide manual for interviews and hearings. A report including recommendations is published after each visit. The findings of these visits also appear in the NHRC's annual report to the authorities.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

Since the NHRC of Mali is also the National Prevention Mechanism, I think we will continue to work on the prevention of torture, which is part of the Commission's mandate.

The most important benefit has been our enhanced knowledge of torture which has led to modification of the NHRC's overall vision. In my capacity as general rapporteur, I use that knowledge to improve the content of our reports whose main focus is on factual evidence in relation to acts of torture and on relevant international norms.



How did you participate in the project?

- Investigation of allegations of torture (South Africa)
- Training of public officials (Cameroon)
- Training on how to reduce the overuse of pre-trial detention (Rwanda)
- Monitoring places of detention (Togo)

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Photo: International Day in Support of Victims of Torture, discussions in Mauritania.

MAURITANIA

National Human Rights Commission



What have you done as a result of the project?

- Produced a guide manual on detention visits
- Adopted guidelines for the drafting of reports on detention visits and recommendations
- Established procedures to follow up on recommendations
- We organised regional workshops with law enforcement officials and prison guards focused on the absolute prohibition of torture and emphasising the personal liability of offenders.
- At the institutional level, training workshops were organised for judges on the Luanda Guidelines on conditions of arrest and pre-trial detention. The workshops were held in the northern (Nouadhibou Inchiri, Atar, Zouerate) and eastern regions (Kiffa, Nema, Aoun). Training sessions were also held on the Robben Island Guidelines for judges and prison guards.

What impact has the project had? What are the most important changes resulting from your participation in the project?

The project has helped to strengthen the institution's capacity in the prevention of torture and treatment of information on human rights violations through knowledge sharing with colleagues in the training sessions organised as part of the project.

Institution members and staff enhanced their skills in relation to investigative techniques and procedures, the monitoring of places of detention, enhancing their knowledge of the basic rights of detainees, and the protection of victims of torture.

This training was organised for NHRC members and staff during a retreat in February 2015: participants were introduced to best-practise investigative techniques for conducting unannounced or scheduled monitoring visits, as authorised under the NHRC's official mandate.

They learned the most effective ways of gathering information during detention monitoring visits while protecting their sources.

A monitoring team of ten members, composed with due regard for gender balance, was formed and its leader designated by consensus. Each visit was preceded by a meeting to fix objectives.

The APT-NANHRI project strengthened the capacity of NHRC members for analysis and the formulation of recommendations. After completion of the project various workshops were held for actors involved in detention matters to share information on the draft law to establish a National Preventive Mechanism.

Clear procedures were then developed for application by NHRIs upon receipt of allegations of torture. The details are as follows:

- to the extent possible, the credibility of the allegations is assessed
- the services of a doctor is engaged to determine the medical evidence related to the allegations
- responsibility is established and the perpetrators are identified
- the judicial authorities are contacted to initiate legal proceedings
- a NHRC advisor is designated to follow the case

Have you taken any other measures following the workshop to reduce the risk of retaliation when you investigate allegations of torture? Give details.

The following additional precautions are being taken:

- The investigation is pursued by conducting discreet enquiries, with due regard for ensuring the anonymity of the information sources concerned;
- To the extent possible, detainees are interviewed in private, away from public scrutiny;
- The Double-SMART model applicable to detention visits and the formulation of recommendations has been introduced;
- Recognition of the need not only to monitor pre-trial detainees and those in solitary confinement, but also to systematically check prison records with a particular focus on the health conditions at entry and the measures taken to address detainee health treatment inequality.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

- Co-organisation of a workshop on the practical modalities for implementation of the law passed in August 2015 to establish an NPM, promulgated by the President of the Republic
- Organisation of internal meetings to share knowledge with NHRI staff and members
- Organisation of training sessions for officials responsible for applying the law (judges, prison warders) on the Luanda Guidelines and the Robben Island Guidelines which can have a significant impact on the prevention of torture.
- Organisation of workshops on the issues of pre-trial detention and prison overpopulation for personnel responsible for application of the law.



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Photo: Prison visit by the National Human Rights Commission.

MAURITIUS



National Human Rights Commission

How did you participate in the project?

- Monitoring places of detention (Uganda)
- Training of public officials (Cameroon)
- Reducing overuse of pre-trial detention (Rwanda)
- Investigating allegations of torture (South Africa)

What have you done as a result of the project?

- Presented to colleagues the general system defined under the aegis of the United Nations and relevant human rights norms applicable to the prison environment;
- Presented to colleagues an overview of the main tools and mechanisms available to control and monitor places of detention;
- Drew the attention of colleagues to certain categories of potential human rights violations that prison officials should take particular care to prevent;
- Animated a training session on the theme of Monitoring and Recommendations (replicating the training received in Kigali, Rwanda).

What impact has the project had? What are the most important changes resulting from your participation in the project?

The training enhanced my knowledge and gave me the tools to conduct visits to various places of detention, with a view to preventing the torture and ill-treatment of detainees in the most effective manner possible. It gave me greater insight into the importance of issues requiring particular attention, such as pre-trial detention, arbitrary arrest, and preventive detention, all forms of incarceration that should constitute exceptional measures (in line with international conventions) and prison staff training.

The project enabled us to make the following changes:

- Provide information on international human rights norms applicable to the work of prison staff and promote the development of the skills needed to transform that information into practice;

- Educate prison staff on their particular role in promoting and protecting human rights, and their own impact on human rights in their daily work;
- Reinforce the respect of prison staff for the faith, dignity and basic rights of detainees;
- Give penitentiary administration officials the means to deliver effective training and teaching sessions on human rights.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

The control of detention centres by our national preventive mechanism is one of the most effective ways to fight against torture and ill-treatment. Our unannounced visits and actions will continue in this direction. However, this monitoring work must be accompanied by the formulation of recommendations that must be in line with international norms and followed up.



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Resources

Réflexion sur la mise en place au Maroc d'un MNP au titre de l'OPCAT (Reflection on the creation of an OPCAT compliant NPM in Morocco): http://www.cndh.ma/sites/default/files/cndh_-_mnp_22_08_14_-_pdf
Rapport thématique du CNDH sur les prisons au Maroc (Thematic report by the NHRC on prisons in Morocco): http://cndh.ma/sites/default/files/crise_des_prisons_-_rapport_integral.pdf
Rapport thématique du CNDH sur les peines alternatives (Thematic report by the NHRC on alternative sentences): http://www.cndh.ma/sites/default/files/les_peines_alternatives.pdf



Photo: Delegates from the Moroccan NHRC at the project closing conference in Cameroon.



National Human Rights Council

How did you participate in the project?

- Investigation of allegations of torture (South Africa)
- Training of public officials (Cameroon)
- Training to reduce overuse of pre-trial detention (Rwanda)
- Monitoring of places of detention (Togo)

What have you done as a result of the project?

Under the provisional NHRC plan regarding legal studies, the department of studies, research and documentation has planned for the year 2016 a "Study on the extent of the use of preventive detention, the situation of persons in preventive detention, and comparative proposals for legislative reform." This will form the basis for the preparation of a memorandum containing the relevant NHRC recommendations for the reform of legislation and practices in force which will be submitted to the authorities concerned.

What impact has the project had? What are the most important changes resulting from your participation in the project?

As part of the training and capacity-building programmes prepared by the NHRC for future members and staff of the NPM whose functions will be discharged by the NHRC.

The latter has drawn up an inventory of areas to be monitored during visits to places of detention. It has also planned several training sessions some of which will focus on the prison conditions of pre-trial detainees, who are among the most vulnerable categories of prison populations.

Furthermore, in formulating recommendations for its various reports, the NHRC takes into account the SMART model provisions and guidelines as presented at the Kigali project workshop.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

Following Morocco's accession to OPCAT on 24 November 2014, a bill was prepared and submitted to parliament to allow the NHRC, as the NPM, to operate at the national level and to exercise functions recognised by OPCAT to prevent

torture and ill-treatment in places of detention. The NHRC contributed to the development of this bill, in accordance with the Belgrade Principles.¹

Once the bill is passed, the NHRC will exercise its functions as the NPM. It will be supported by 12 partner mechanisms (regional human rights commissions) that will enable it to achieve the OPCAT objectives at the national and regional levels through a decentralised system comprising a central NPM supported by 12 regional NPMs.

¹ Belgrade Principles on the relationship between National Human Rights Institutions and Parliaments (Belgrade, Serbia, 22-23 February 2012).



NAMIBIA

Office of the Ombudsman

How did you participate in the project?

- Detention monitoring (Uganda)
- Training public officials (Cameroon)
- Reducing overuse of pre-trial detention (Rwanda)
- Investigating allegations of torture (South Africa)

What have you done as a result of the project?

We integrated a pre-trial detention perspective into the ombudsman's police inspections. This knowledge improved the inspections and made them more effective overall, particularly regarding the way we deal with complaints relating to torture and other inhumane treatment. We also started a country-wide police training project on torture, which included drafting a new manual and conducting a countrywide media campaign.

What impact has the project had? What are the most important changes resulting from your participation in the project?

When we conduct monitoring visits to prisons and police stations, we now know what to look for (including signs of torture, overuse of pre-trial detention, and implementation of procedural guarantees such as access to a lawyer). We also critically assess registers, particularly relating to

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Resources

Police Training Manual: <http://www.ombudsman.org.na/reports/special-reports/finish/4-special-reports/191-prevention-of-torture>

Photos: Participants in a training session for police officers.



dates and time before appearance before a judge and the provision of medical care.

Following each training workshop, lessons-learned were shared with colleagues through special briefings, chiefs' meetings, as well as peer-to-peer, during visits themselves.

We also changed our focus to direct more attention towards attitude change rather than a reactive approach focused on assigning fault and blame: hence our nationwide police training programme and the development of our police training manual, both of which were initiated as a result of the workshop.

In our interactions with police officers, we also reinforce the lessons of the training by discussing issues like pre-trial detention with them.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

Country-wide training of police officers will continue. We are also playing an active role in the domestication of the UNCAT by enacting torture legislation. A draft bill has already been prepared.





NIGER

National Observatory of Human Rights and Fundamental Freedoms

How did you participate in the project?

- Training on how to reduce the overuse of pre-trial detention (Rwanda)
- Monitoring of places of detention (Togo)

What have you done as a result of the project?

We shared the lessons learned with focal points at a meeting of the Commission held in mid-October 2015.

During our investigation mission in Diffa and Zinder we reminded the various prosecutors to take into account the Guiding Principles of the African Commission to prevent the excessive use of pre-trial detention.

What impact has the project had? What are the most important changes resulting from your participation in the project?

Following an investigation on 15 June 2015 into the death of a prisoner in the civil prison of Kolo, we recommended a regulatory and legislative reform of pre-trial detention.

What do you consider to be the most important changes both at the personal and institutional levels resulting from your participation in the project?

We submitted to our partners the terms of reference for visits to all places of custody and prisons. We are currently seeking more funding that will enable us to conduct a comprehensive review and update of the situation regarding pre-trial detention.

We seek to create a parliamentary commission on human rights. A focal point has already been identified and we are at an advanced stage of assuring implementation of this project.

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How did you participate in the project?

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- Training public officials (Cameroon)
- Reducing overuse of pre-trial detention (Rwanda)
- Investigating allegations of torture (South Africa)

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Photo: Training workshop organised by the National Human Rights Commission.

NIGERIA



National Human Rights Commission

What have you done as a result of the project?

We now monitor more systematically places where there is a high risk of torture, including police cells but also punishment cells within prisons. We also pay greater attention to pre-trial detainees during our visits.

In addition, we now take more steps to protect the identity of those who contact us, in order to prevent reprisals. Following the workshop we now interview detainees in private and select detainees for interview in a way that makes it harder for the authorities to later identify the origin of a complaint.

We “stepped down” the lessons of the project with colleagues in the NHRI, including through in-house training on: investigating allegations of torture, on monitoring places of detention and on reducing overuse of pre-trial detention. We have also shared the lessons with our partners through training that we have conducted with human rights monitors more generally, including on the Luanda Guidelines.

What impact has the project had? What are the most important changes resulting from your participation in the project?

The changes we have seen as a result of our participation in the project include our detention monitoring methodology. Instead of going in and having the detention facility staff select detainees for us to interview, we now chose who we interview. Another is taking time to look at things in detail and identifying punishment cells.

There has also been more follow up on reports and report validation by presenting it before the prison authorities and stakeholders for validation before making it public. This has helped build a relationship of trust with prison officers.

Prison officers have been trained by the Commission on Criminal Justice Reform and the need to treat detainees with dignity.

What is the most important thing that has changed as a result of the project?

We have made changes to the methodology we use when monitoring places of detention. We now make unannounced visits and more immediate “on the spot” investigations, following allegations of torture and ill-treatment. Monitors also pay closer attention to torture and ill-treatment in both punishment

cells and regular detention. The visit methodology has also been improved through the revision of our detention monitoring checklists. With regards to pre-trial detention this means, for example, a greater focus on detention registers and the general case management system. We also now pay special attention to persons in situations of vulnerability.

We are also using the project tools to push for the end to forced confessions and their replacement by scientific policing practices. This has included training of security personnel on better interrogation practices and the provision of expert support to law enforcement training more generally. The commission is also involved in the development of the police training curriculum.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

The Commission now has increased detention monitoring capacity, which will have an ongoing and lasting impact. In part this is due to internal training on the content of the workshop which has been carried out with key staff. Our recommendations are now also “SMART-E” and specific to each intervening agency. In relation to our recommendations we now also cooperate more closely with law enforcement and other relevant agencies to prevent future violations.

We are also using the lessons-learned from the project to strengthen our advocacy for the passage of anti-torture legislation, currently before the national assembly, if passed this will have a lasting impact.

On the issue of pre-trial detention, we are now working more systematically with the justice sector. After each prison visit, recommendations are made to the authorities. Then, the Chief Judge conducts a follow-up visit to conduct hearings, which lead to the release of pre-trial detainees. The Luanda Guidelines are a reference document in our work on this issue.

Because of the project we have been able to build and foster relationships with other NHRIs around the region. This shared willingness to engage on the issue of torture prevention will help to keep it on the agenda in the future.



How did you participate in the project?

- Detention monitoring (Togo)
- Reducing overuse of pre-trial detention (Rwanda)

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Photo: Participants in the workshop on pre-trial detention which took place in Rwanda.

RWANDA

National Commission for Human Rights



What have you done as a result of the project?

The APT-NANHRI project helped us to accomplish our overall mission of protection and promotion of human rights, especially in carrying out investigations on complaints relating to torture and ill-treatment, visits to custodial places with the purpose of inspecting whether the rights of detainees are respected, and educating and sensitising the population on matters relating to human rights. The Rwanda NCHR carries out investigations relating to the right to life and freedom from torture.

As a result of the project, participants learnt how to monitor the rights of detainees in prisons and police custody and how to analyse all aspects of detention (including treatment and conditions). This helped the Commission to implement this responsibility and reporting with recommendations to relevant institutions.

Pre-trial detention cases are reported and discussed between Commissioners and Commission staff.

Participants from the Commission shared with their colleagues what they learnt from the workshop. For example, before monitoring the rights of detainees in May 2015 after the session on pre-trial detention held in Kigali, sharing with all staff was very useful.

After the workshop, changes were made to improve visiting methodology and to produce more effective recommendations.

Within the Commission, people have discussed the issue of pre-trial detention and they understand the obligation of the state to ensure accountability and provide effective remedies to all persons who are victims of illegal or arbitrary arrest and detention, or torture and ill-treatment while in police custody or pre-trial detention. Such persons have the right to seek and obtain effective remedies for the violation of their rights.

The Commission is going to conduct a legal study looking at gaps, opportunities and compliance of national legislation with the Luanda Guidelines. The study will also look at whether national laws offer alternatives to pre-trial detention and ways in which it can be replaced by alternative measures such as close supervision, intensive care or placement with a family, in an education setting or home, or other place of safety.

After the workshop, the Commission have used the African Commission Guidelines as a basis to prepare new internal guidelines on monitoring of prisons and police custody.

What is the most important thing that has changed as a result of the project?

The important benefit for us from the workshops is that the NCHR has a well trained staff with regard to prevention of torture. The workshops have also contributed to the development of training materials.

The excessive overuse of pre-trial detention will certainly influence the choice of place of detention to visit because it always leads to overcrowding in prisons and overcrowding is strongly linked to ill-treatment.

Now, during a visit, the Commission holds discussions with the director of the prison, it explains the importance of the separation of categories of detainees. It recommends to the detaining authorities to hold pre-trial detainees separately from the convicted prison population. The Commission should also ensure that the detaining authorities take the necessary measures to provide for special needs of vulnerable groups/persons, in accordance with Part 7 of the guidelines.

Participants additionally learnt how the guidelines can promote more effective and fair pre-trial detention, and how they can protect and promote the rights of people subject to arrest, police custody and pre-trial detention.

From the workshop participants also learnt how to prepare a SMART report, with clear recommendations following detention visits.

The Commission has worked to ensure that our summary reports include the principal concerns in regard to issues such as the adequacy and condition of detention facilities; prison registers or lists of detainees; personal hygiene; medical care and health condition of detainees; water; food and nutrition; outdoor recreation or other physical exercise; family and other visits; other contact without the outside world; treatment when arrested or during detention; length of pre-trial detention; disciplinary cells and nature of disciplinary punishment; violence among detainees; prison rules and complaint mechanisms.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

The Commission has changed the way it monitors prisons, especially regarding the analysis of all aspects of detention (including treatment, conditions, administration, compliance with norms in practice).



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Photo: View of a prison in Senegal.



National Human Rights Commission

How did you participate in the project?

- Training of public officials (Cameroon)

What have you done as a result of the project?

As is standard practice, the person who represented the NHRC in the project drafted a fairly comprehensive activity report with all the information required, and subsequently shared it with all Committee members and staff.

What impact has the project had? What are the most important changes resulting from your participation in the project?

The methods taught have often been used, particularly during visits to prisons and police stations. The question of torture was discussed a lot, especially with regard to the moments when people are brought into police custody. Before and after interviewing detainees we asked officers how interrogations were conducted and how detainees held in police custody were treated. We also took this opportunity to impress upon police officers and prison staff the need to respect the basic human rights of detainees, both those held in police custody or pre-trial detention and others serving confirmed prison sentences. In addition, we have largely followed the techniques learned in conducting individual interviews with detainees.

What do you consider to be the most important changes both at the personal and institutional levels pursuant to your participation in the project?

The NHRC member who participated in the project, proposed that a training programme on ways to combat torture target police and gendarmerie cadets still enrolled in training schools. This choice is justified by the fact that serving police and gendarmerie personnel are engaged in another project on which we are partnering.

Given that one of our strategic partners (the National Observatory of Places of Detention - ONLPL) conducts this training programme, we decided to develop a similar programme. However, to rule out any idea of competition we decided to change the target audience. Consequently, instead of training serving law enforcement personnel the programme will address police and gendarmerie cadets to familiarise them very early on with international mechanisms against torture and more generally those that defend and promote respect for human rights.

The methods adopted in this new training programme are mainly drawn from those taught at the Yaoundé workshop.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

Most of the lessons learned from the project have already been integrated into the NHRC action plan.



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Photo: Mbedle Lourence Mushwana, President of the South African Human Rights Commission, at the project closing conference in Cameroon.

SOUTH AFRICA



South African Human Rights Commission

How did you participate in the project?

- Training public officials (Cameroon)
- Investigating allegations of torture (South Africa)

What impact has the project had? What are the most important changes resulting from your participation in the project?

The SAHRC does not investigate torture in practice. This is because in South Africa the Independent Police Investigative Directorate (IPID) is legally mandated with investigating claims of torture and police brutality against the South African Police Service (SAPS). Furthermore, the Judicial Inspectorate for Correctional Services (JICS) is tasked with investigating claims of torture against the Department of Corrections (DCS).

Should a complaint of torture be laid at the SAHRC, it is directly referred to either IPID or JICS. In certain cases, such as the death Mr. Andries Tatane and the Marikana matter, the SAHRC will get involved and an investigation is conducted. This culminates in a report and recommendations being produced.

Rather, the Prevention of Torture and Human Rights in Law enforcement portfolio at the SAHRC focuses on policy analysis, research, and working with the established expert advisory stakeholders and their respective activities. Currently, the SAHRC complaints handling procedures indicate that all complaints are dealt with at the nine provincial offices. The research associate is based at the SAHRC head office, and thus does not deal with complaints on a day to day basis. Although on request, information of torture and policing is provided to all provinces.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

In order for the training received from NANHRI and the APT to be useful the SAHRC would have to start liaising on training with the SAPS and DCS officials. Currently the SAHRC is liaising with the IPID, JICS, SAPS, and DCS in attempting to reduce the number of torture and police brutality cases. At present the SAHRC has signed a Memorandum of Understanding (MOU) with the SAPS. Within this MOU an allowance is made for the SAHRC to

provide input into the SAPS training manuals. This would be considered an opportunity for the training received to be implemented on a broader, more policy based approach. The MOUs with the SAPS clearly state that the SAHRC would be allowed to review training materials and human rights manuals and would be a start to the implementation of the training received by NANHRI and the APT. It is envisaged that this will occur, and that, if possible, more training by NANHRI and the APT would be needed. Moreover, additional SAHRC personnel would need to be involved in the training.

Another avenue for consideration is that in early 2015, a meeting was conducted with the National Commissioner for DCS. During this meeting it was requested that the SAHRC review the current manual on human rights. Should this request be granted, it would allow for the training received from NANHRI and the APT to be implemented.

The SAHRC currently does not have the capacity to start training the SAPS and/or DCS officials. There is opportunity for the SAHRC advocacy unit in collaboration with Commissioner Titus and his research associate to work together to implement such training. In addition, it should be noted that this would have to be done through an official channel, which is documented, so that the training could be monitored and evaluated continuously.



SUDAN

National Commission for Human Rights

How did you participate in the project?

- Investigating allegations of torture (South Africa)

What have you done as a result of the project?

We integrated the project themes into our strategic plan (2014–18). We also organised training workshops in both 2014 and 2015 on handling complaints relating to torture and ill-treatment. Specific training on investigating allegations of torture was also conducted by project participants for the intake desk officer and the secretary of the complaints committee.

We also adopted new bylaws on complaints and developed a new Complaints Manual for individuals and civil society organisations who deal with the Commission. This was the culmination of a two month follow-up project for which we applied for additional funding and support.

What impact has the project had? What are the most important changes resulting from your participation in the project?

What's the most important thing that has changed as a result of the project? Either at the individual level, the institutional level or something else.

We have changed our interview practices. In particular, we listen more carefully and we are careful to not promise things that we can't deliver. We also work more with experts in fields where the NHRI itself does not have relevant expertise. This includes medical experts, as part of an ongoing project in 2015, funded by the Japanese government and UNDP.

We have also worked with relevant stakeholders, including the police, NISS, General Prosecutor, and civil society organisations to reduce the risk of reprisals. With this working group we held a three day workshop to develop draft language on the issue, to be further discussed and agreed.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

We are organising a series of "dialogue workshops" for national stakeholders on the issue of torture prevention. These will also focus on how to "activate" the national laws on this issue.

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Photo: Justin Yaac Nyuol, Acting Chairperson of the Human Rights Commission of Sudan, at the project closing conference in Cameroon.



TOGO

National Human Rights Commission

How did you participate in the project?

- Investigation of allegations of torture (South Africa)
- Training of public officials (Cameroon)
- Reducing overuse of pre-trial detention (Rwanda)
- Monitoring of places of detention (Togo)

What have you done as a result of the project?

The APT-NANHRI project has prompted the Commission to focus more on monitoring places of detention.

After the training we drafted a report a copy of which was given to all divisions. We also proposed to share the content of the training with the Commissioners at their next plenary meeting.

What do you consider to be the most important changes both at the personal and institutional levels resulting from your participation in the project?

Compliance with monitoring guidelines; preparation of detention visits; and the aspects to be observed during visits (consultation of the various records in the primary survey units); and collaboration with the administration.

Prior to the training, we were under the impression that only unannounced visits could enable violations



to be uncovered. However, after the training we started to first focus on collaboration with the administration before carrying out visits, and we found the experience quite conclusive.

When drafting recommendations we strive to take into account all the parameters of the SMART model before transmitting the recommendations to the appropriate authorities.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

We plan to apply the Luanda Guidelines in our upcoming activities (visits to places of detention, training the various actors involved in penal issues covered by the Luanda Guidelines).

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Photo: Participants in the workshop on monitoring places of detention in Togo.



How did you participate in the project?

- Detention monitoring (Uganda)
- Training public officials (Cameroon)
- Reducing overuse of pre-trial detention (Rwanda)
- Investigating allegations of torture (South Africa)

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Photo: CHRAGG Chairman, Hon. Bahame Tom Nyanduga (centre), poses for a group photograph with his team. On his left are: The Commission's Vice-Chairman, Hon. Iddi Ramadhani Mapuri and Hon. Commissioner Rehema Msabila Ntimizi. And on his right are: Hon. Commissioner Kevin Mandopi and Hon. Commissioner Salma Ali Hassan. Standing (L-R) are: Hon. Commissioner Mohamed Khamis Hamad, Hon. Commissioner Ali Hassan Rajab and CHRAGG's Executive Secretary, Mrs. Mary Massay.

TANZANIA



Commission for Human Rights and Good Governance

What have you done as a result of the project?

The Commission developed an Intra-Agency Monitoring of Detention Facilities Tool. This tool was used during the 2013/2014 inspections of police custody, prisons and juvenile and pre-trial detention facilities which involved different stakeholders such as investigations officers, medical personnel, social welfare officers and law enforcement.

The training on prevention, monitoring and investigation of torture was conducted with CHRAGG officers, public officials and law enforcement. The aim of this seminar was to sensitise the participants on concepts, effects and ways of preventing torture in the country.

CHRAGG developed and installed an SMS system of receiving complaints of torture by mobile phone. Those wishing to report cases of torture are directed to write SMS: REPORT followed by the message and send it to +255 754 460259. This system has simplified procedures for receiving complaints. It is also cheap and quick and covers a wide area of the country.

Knowledge and skills acquired through participation in the project activities was shared among the staff through briefing sessions, training reports and using ToT strategy with each department. This enhanced knowledge and understanding on the concept of torture and prevention and investigations techniques among Commission staff.

What impact has the project had? What are the most important changes resulting from your participation in the project?

The Commission identified systemic areas and institutions in which torture prevails. The main causes of torture were noted to be lack of awareness on human rights to some of the law enforcers, old ways of relying to torture as way of soliciting information from the victim and excessive use of power. The institutions entrusted to enforce and institute laws were identified to be leading in cases related to torture.

As a result of the project activities, there is an improvement in skills in terms of prevention, investigation, monitoring, documentation and reporting of cases and issues related to torture. The Commission has also improved its strategies and procedures in monitoring and assessing the

situation of detention facilities in the country.

The sensitisation seminars on torture, held for law enforcement and other stakeholders have raised awareness on human rights as well as prevention of torture. These efforts help to bring about desired change in dealing with detainees and in soliciting information.

The inspections of detention facilities conducted using an intra-agency monitoring tool and knowledge and skills gained from the project activities and recommendations forwarded to respective authorities have contributed to an improvement in the situation of detention facilities country-wide.

What's the most important thing that has changed as a result of the project? Either at the individual level, the institutional level or something else.

Skills and knowledge gained from the project activities have raised awareness on torture prevention, training public officials, monitoring detention and reducing overuse of pre-trial detention among the staff. At the institutional level, project activities enabled the Commission to improve its monitoring and investigation techniques on prevention of torture, training public officials, inspections of detention facilities and making SMART recommendations.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

Training activities and sensitisation programmes on prevention of torture for law enforcement, medical personnel, media, social welfare officers and CHRAGG investigation officers will be incorporated into the Commission Strategic Plan.

The Commission will strengthen cooperation and collaboration with regional and international organisation which deals with prevention of torture. CHRAGG has prepared lobbying and advocacy strategies to enhance ratification and domestication of the UN Convention against Torture.

The Commission will also continue and extend its Legal Services to the victims of torture in courts, police custody and other detention facilities. This will enable detainees with financial problems to access their rights to legal representation.



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Photo: Christopher Odyek Ogwang of the Uganda Human Rights Commission, during the project activity on monitoring places of detention, in Uganda.

UGANDA



Human Rights Commission

How did you participate in the project?

- Detention monitoring (Uganda)
- Training public officials (Cameroon)
- Reducing overuse of pre-trial detention (Rwanda)
- Investigating allegations of torture (South Africa)

What have you done as a result of the project?

Within the commission we have an established system for sharing the results of training attended by our staff. This includes several presentations for staff, including one for high-level staff (Directors, Chairperson, Commissioners and other senior officials), as well as a “research room” where we store all material from different training courses so that it can later be accessed by all staff. This system always includes a discussion of how we can integrate best-practices and lessons-learned into our work.

What impact has the project had? What are the most important changes resulting from your participation in the project?

When we cross-reference the origin of complaints of torture and ill-treatment with the groups we have trained, we find a significant reduction following our training. Officers we have trained are not involved. Overall, we have measured an improvement in the respect for the rights of persons deprived of their liberty and a reduction in the use of torture and ill-treatment by the Security Agencies.

What's the most important thing that has changed as a result of the project?

We have worked to strengthen reporting mechanisms within places of detention, so that people can contact us more easily. This goes hand in hand with our complaints-handling procedure manual and the steps we have taken as a result of the project to reduce reprisals.

We are also working more on indirect prevention now, to complement our earlier (and ongoing) direct prevention efforts. This includes a greater use of unannounced visits and engagement in constructive dialogue with the authorities, including members of the judiciary. In addition, our monitoring teams are now more diverse and now include independent

medical experts, as well as commission staff. We have also begun to use independent interpreters during monitoring visits.

We also work with a greater range of actors, including all institutions under the Justice Law and Order Sector, which includes the UHRC, police, prisons, Directorate of Public Prosecution, the judiciary and civil society organisations.

Our detention monitoring strategy now also pays more attention to pre-trial detention, including in the choice of places to visit and the number of interviews we hold with pre-trial detainees during each visit. Overall, our visit strategy now focuses on thematic areas, which allows us to better target places with a high risk of serious human rights violations, such as torture. Before the project we only used random sampling to select places to visit.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

We have conducted a number of training and training of trainer activities, including with police officers, which will continue in the future. These have, so far, targeted police officers, prison officers, crime preventers, and UPDF officers. This has also included involvement in creating a human rights curriculum for the Uganda Police Force.

One of the innovative steps we have taken has been to involve former perpetrators in this training. By getting them to present on, for example, the rights of suspects, we feel this has a great deal of weight and impact with serving officers.

Before our participation in the project we did not produce visit reports for the police and prison officials following a monitoring visit. We now do this, alongside a debrief for the team and the prison and police authorities, which will help to ensure implementation of our recommendations. In addition, our reports now also use SMART recommendations.



How did you participate in the project?

- Detention monitoring (Uganda)
- Reducing overuse of pre-trial detention (Rwanda)
- Investigating allegations of torture (South Africa)

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Photo: Participants in the training on detention monitoring in Uganda.

ZAMBIA



Human Rights Commission

What have you done as a result of the project?

The Commission achieved a number of concrete milestones towards criminalisation of torture in Zambia:

A Commemoration Day in Support of Victims of Torture (to raise public awareness on the right to protection from Torture) is ongoing since 2013 and has resulted in support from Government in the process of coming up with an Anti-Torture Bill;

Holding of a **National Symposium on Torture** with the Law Development Commission to cultivate national understanding, appreciation and consensus on the need and efforts towards criminalisation of torture in Zambia; it resulted in the rolling out of nationwide consultative meetings as part of the road map towards enacting an Anti-Torture Law.

Incorporation of an Anti-torture Campaign in the Strategic Plan 2014-2016 in order to provide a strategic focus for the implementation of the campaign against torture in Zambia.

HRC Staff Capacity Building in Anti-Torture Campaign Advocacy to enhance understanding of torture among HRC staff, familiarise it with the framework and tools of an advocacy campaign on torture, analyse them and share good experiences from different parts of the world. The five-day training provided critical reflection and understanding of different aspects of torture and led to the commitment by HRC and Amnesty International to formalise its partnership in fighting torture as well as addressing other human rights issues in the country.

Development of an Anti-Torture Campaign Strategy and Bill following the staff training, It will provide comprehensive, well-organised, coordinated and focused guidance to the campaign towards criminalisation of Torture in Zambia. The implementation of the Strategy will continue up to 2019.

Holding of four **Consultative Workshops** for stakeholders on the **Criminalisation of Torture** and improvement of conditions in police and prison detention facilities in Zambia.

Public Activities Against Torture: as per its mandate, the HRC carried out information programmes on torture, radio programmes, community sensitisation and training for law enforcement officers; research and publications on human rights such as the Annual State of

Human Right Report; investigation of allegations of torture; application of the 1955 UN Standard Minimum Rules for the Treatment of Prisoners when inspecting conditions of prisons and other places of detention.

Engagement of Members of Parliament from several Committees on Anti-Torture Campaign: an engagement workshop was held in November 2015, in Siavonga, presentations were made on the prohibition of torture as per Article 15 of the Zambian Constitution, UNCAT, Zambia's obligations to end and punish acts of torture, the existing gaps and efforts being made by the Commission to come up with legislation criminalising torture.

What impact has the project had? What are the most important changes resulting from your participation in the project?

One of the important changes has been the willingness of law enforcement officers to engage in dialogue on criminalising torture. Before the engagement in 2015, there was visible resistance to discussing the prohibition of torture. The dialogue has included the need to equip law enforcement officers with investigative skills and to procure appropriate forensic technology to assist in solving criminal cases.

The notable change has been the response by the police service in taking action in matters reported to them by the Commission in ensuring that the perpetrators are brought to justice.

Further the partnership between the Commission and the Zambia Medical Association has been strengthened with the aim of providing training to Medical Practitioners to enable them identify torture cases.

The engagement with Parliamentarians has won the Commission support from Members of Parliament who have since 2014 been calling for strengthening the Human Rights Commission.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

The Commission in 2016 and beyond will focus on the Campaign Against torture to achieve the objectives it has set itself. The Commission has secured funding to support the said objectives for the period 2016-2018. These activities will feed into the ordinary mandate of the Commission.



Contact

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Photo: Participants in the training of public officials in Cameroon.

ZIMBABWE



Human Rights Commission

How did you participate in the project?

- Detention monitoring (Uganda)
- Training public officials (Cameroon)
- Reducing overuse of pre-trial detention (Rwanda)
- Investigating allegations of torture (South Africa)

What have you done as a result of the project?

1. The ZHRC held a two-day training event on the prevention of torture, targeting all staff. The training was held in 2015 and included resource persons from civil society organisations (CSO) and government as well as testimonials from individuals who had been subjected to torture in the past.
2. The ZHRC has prepared a position paper to encourage the Government of Zimbabwe to ratify the Convention against Torture (UNCAT) as well as the Optional Protocol. The ZHRC argues in the position paper that the ratification of UNCAT will lead to the enactment of laws that better protect citizens from acts of torture.
3. In carrying out detention monitoring and inspection visits, the Monitoring and Inspection teams are alive to the torture aspect of their work and have included a section in the monitoring tools, to find out if there has been torture perpetrated by prison officers in prisons and other places of detention.
4. In August 2015, the ZHRC held a training workshop for staff and Commissioners, on Treaty Body Mechanisms, the UPR and Monitoring Places of Detention. The training was facilitated by resource persons from Uganda, amongst others, who stressed the need for inspectors to be alert to cases of torture in places of detention. The training also looked at the legal aspects of monitoring places of detention such as the International Law provisions on torture.

What impact has the project had? What are the most important changes resulting from your participation in the project?

The ZHRC has been active for just over a year since the appointment of the Secretariat and the project has assisted in building the foundation of the Commission in terms of capacity building. The project has filled a knowledge gap on pre-trial detention, international law provisions on torture and what needs to be done to combat it. As stated above, the ZHRC held a training workshop on prevention of torture as a result of the APT-NANHRI training, which also influenced the monitoring tools that were later developed by the Commission.

What's the most important thing that has changed as a result of the project?

1. The monitoring tools drafted by the Monitoring and Inspections Unit will be applied during all monitoring and inspection visits and will assist in identifying cases of torture and in providing recourse to victims.
2. The Commission is in the process of lobbying the Government to ratify the Convention against Torture and its Optional Protocol.

In terms of sustainability, what changes resulting from the project will remain in place? How will you continue to work on the prevention of torture?

1. Torture prevention will continue to be one of the functions of the ZHRC. With a Complaints and Investigations Department, if any cases of torture arise in the future, these can be dealt with by that Unit.
2. Staff of the ZHRC have been trained on torture prevention and as long as the staff are in office, they can identify where torture has been perpetrated. However, for the same reason, there is need for continued training so that all staff are aware of torture prevention.

ANNEX 1

Overview of Project Activities

High Level Opening Meeting

Rabat, Morocco, 7–8 September 2011
23 participants from 13 NHRIs
Hosted by the National Council for Human Rights of Morocco

Investigating allegations of torture

Johannesburg, South Africa, 23–24 April 2013
30 participants from 28 NHRIs
Hosted by the South African Human Rights Commission

Monitoring place of detention (for English-speaking NHRIs)

Kampala, Uganda, 19–22 November 2013
15 participants from 11 NHRIs
Hosted by the Uganda Human Rights Commission

Monitoring place of detention (for French-speaking NHRIs)

Lomé, Togo, 19–22 May 2014
14 participants from 11 NHRIs
Hosted by the Commission Nationale des droits de l'homme du Togo

Training of public officials

Yaoundé, Cameroon, 17–18 November 2014
21 participants from 21 NHRIs
Hosted by the National Commission on Human Rights and Freedoms of Cameroon

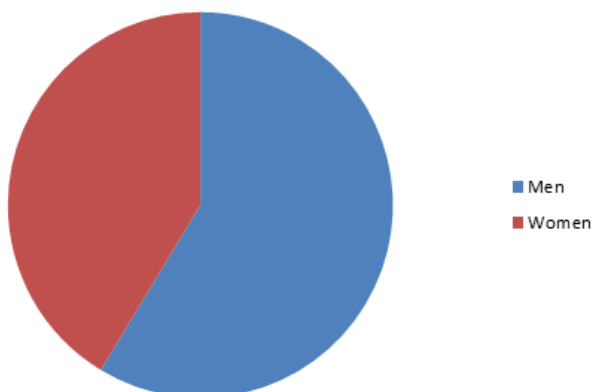
Reducing the overuse of pre-trial detention

Kigali, Rwanda, 19–21 May 2015
21 participants from 24 NHRIs
Hosted by the National Commission for Human Rights, Rwanda

High Level Closing Meeting

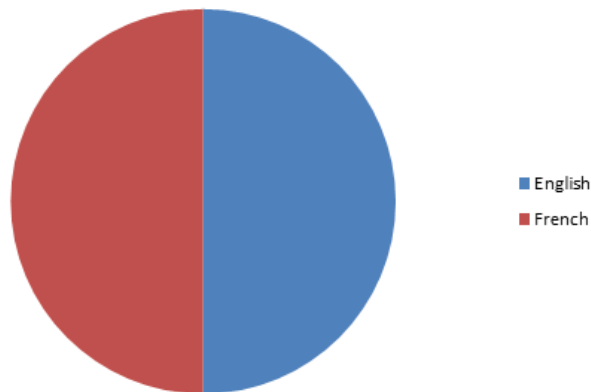
Yaoundé, Cameroon, 21–23 October 2015
45 participants from 40 NHRIs
Hosted by the National Commission on Human Rights and Freedoms of Cameroon

Gender distribution in training activities



61 men, 43 women

Language distribution in training activities



52 Francophone, 52 Anglophone

ANNEX 2

Rabat Declaration:

High-level conference on the role of National Human Rights Institutions in Preventing Torture in Africa - Outcome declaration:

“A continent united against torture”

We, the members of the Network of African National Human Rights Institutions (NANHRI), participants of the high-level conference on the role of National Human Rights Institutions in Preventing Torture in Africa that took place in Rabat, Morocco, from 7-8 September, 2011,

Recalling that acts of torture and other cruel, inhuman or degrading treatment or punishment are absolutely prohibited in national constitutions, regional and international human rights law and can never be justified, and that this should be reflected in national legislation;

Considering the obligations of States to prohibit and prevent these acts from happening;

Deeply concerned about the persistence of torture and cruel, inhuman or degrading treatment or punishment;

Equally concerned about the overuse and length of pre-trial detention and the overcrowding and deplorable conditions in many places of detention amounting to inhuman and degrading treatment;

Considering the important role of National Human Rights Institutions in the promotion and protection of human rights in compliance with the Paris Principles;

Decide to further enhance the role of National Human Rights Institutions as leaders in the prevention of torture through their Network of African National Human Rights Institutions;

Commit to fully and actively support the implementation of the 3 year project entitled “a continent united against torture: Promotion of the role of NHRIs in the prevention of torture”,¹

Decide to prioritise in the framework of this project the topics identified by the African NHRIs;

Commit to offer each other mutual support in order to further develop and implement the following issues as discussed in the conference:

- Assist each other through joint action on strategic cases or issues, including on obtaining public buy-in for reducing the overuse and length of pre-trial detention, the overcrowding and deplorable conditions of detention;
- Facilitate the creation of inclusive national platforms against torture with a view to making the idea of torture unacceptable in our societies, and organise public events to commemorate the international day against torture on the 26 of June, thereby promoting further a human rights culture;
- Advocate for the ratification of the Optional Protocol to the UN Convention against Torture (OPCAT) and promote a transparent and inclusive decision making process leading to the designation of effective and OPCAT-compliant National Preventive Mechanisms (NPM);
- NHRIs should take the initiative for initiating an inclusive consultation process with government, civil society and other relevant stakeholders on the establishment of NPMs;
- In cases where the NHRI emerges as the best choice as future NPM, underline the necessity for NHRIs to conduct in depth self-assessments of their capacity to become an NPM and, if needed, advocate for the adaptations/changes/reforms necessary to ensure that they will be able to effectively discharge the NPM mandate;

¹ As outlined in the “Convention de partenariat entre le Réseau des institutions nationales africaines des droits de l’homme et l’Association pour la prévention de la torture 2011-2013”, signed on 5th of November 2011.

- Provide training and continuous support to NHRI members and staff so that they can best fulfil the difficult task of preventing torture and attending to torture survivors' needs and defending their rights;
- Initiate the development of national action plans against torture and regularly audit them, and create national think tanks or working groups with stakeholders from the judiciary, parliament, the executive and the civil society, to lead the process and develop a comprehensive strategy on preventive issues including, among others:
 - Interaction with relevant regional and international human rights mechanisms;
 - Domesticate the UN Convention against Torture through appropriate legislation which includes criminalising torture;
 - investigation of allegations of torture and other forms of ill-treatment and ensure prompt prosecution of alleged perpetrators;
 - Training of law enforcement officials and other relevant actors;
 - Monitoring places of detention;
 - Responding to the needs of victims, and take the initiative to ensure that necessary services are made available by the State for victims support and rehabilitation
 - Take all steps to ensure that victims receive adequate redress;
 - Exchange of knowledge, experiences and best practices on the above mentioned topics among NHRIs and encourage exchange of experience among other stakeholders, in particular parliamentary committees.

Done in Rabat, 08/09/2011

ANNEX 3

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 25th 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



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