

ACHPR/Res.303 (LVI) 2015 Resolution on the Right to Rehabilitation for Victims of Torture

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 56th Ordinary Session held from 21 April to 7 May 2015 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in Africa pursuant to the African Charter on Human and Peoples' Rights (the African Charter):

Recalling Article 5 of the African Charter which enshrines the right to the respect of the dignity inherent in a human being and prohibits all forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment;

Further recalling its Guidelines and Measures for the Prohibition and Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment in Africa (The Robben Island Guidelines), in particular the obligation to ensure that all victims of torture and their dependants are offered appropriate medical care, have access to appropriate social and medical rehabilitation and are provided with appropriate levels of compensation and support;

Bearing in mind that while reparation components including restitution, compensation, satisfaction and guarantees of non-repetition are well defined, the concept of rehabilitation lacks clarity;

Mindful that rehabilitation includes medical and psychological care as well as available and adequate legal and social services;

Recognising that rehabilitation services are inadequate and unable to reach all potential victims of torture, primarily due to financial constraints;

Noting the persisting acts of torture with impunity and the lack of understanding with regards to the needs of victims of torture, particularly rehabilitation;

Concerned about lengthy court processes which adversely affect the rehabilitation of torture victims;

Mindful that the traumatic experiences of victims of torture makes it difficult for their proper reintegration into society;

Further mindful that torture affects not only direct victims, but also families and communities;

Noting that there is an urgent need for effective institutional mechanisms to ensure that victims of torture are able to access appropriate rehabilitation services;

The Commission:

1. *Calls on* State Parties to implement domestic laws prohibiting torture and to include clear provisions on the obligation to provide rehabilitation for victims of torture, in line with regional and international standards;
2. *Urges* State Parties to ensure that all victims of torture and their dependants are offered appropriate medical care, have access to appropriate social rehabilitation and are provided with adequate compensation;
3. *Encourages* State Parties which are undergoing transitional justice processes to include explicit provisions on the rehabilitation of victims of torture;
4. *Calls on* State Parties to guarantee the right to justice and ensure that perpetrators of torture are brought to justice;
5. *Calls on* regional and international organisations, civil society and other actors to provide State Parties with the necessary support to meet the needs of victims of torture;
6. *Encourages* State Parties to put into practice the provisions of the Robben Island Guidelines;
7. *Urges* State Parties which have not done so to ratify and implement the United Nations Convention against Torture (CAT) and its Optional Protocol (OPCAT);
8. *Undertakes* to work with State Parties and other relevant actors to ensure rehabilitation for victims of torture, in particular through the adoption and implementation of national strategies.

Done in Banjul, The Gambia, on 7 May 2015