

ACHPR/Res. 343(LVIII) 2016: Resolution on the Right to Dignity and Freedom from Torture or Ill-Treatment of Persons with Psychosocial Disabilities in Africa

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 58th Ordinary Session, held in Banjul, The Islamic Republic of The Gambia, from 6 to 20 April 2016:

Recalling its mandate to promote and protect human and peoples' rights under the African Charter on Human and Peoples' Rights (the African Charter);

Further recalling Article 5 of the African Charter on the right to dignity, freedom from torture, cruel, inhuman or degrading punishment and treatment, and Article 6 of the African Charter which provides that an individual may not be arrested or detained arbitrarily;

Reaffirming the rights enshrined in the Convention on the Rights of Persons with Disabilities, and in particular, the right to equal recognition before the law, the prohibition of arbitrary deprivation of liberty, the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, and the right to receive treatment on the basis of free and informed consent;

Noting that human dignity is an inherent right which all human beings are entitled to without discrimination on the basis of disability;

Deeply concerned by the violation of the rights to dignity, freedom from torture or ill-treatment, and freedom from arbitrary deprivation of liberty of persons with psychosocial disabilities by some State and non-State actors;

Noting that such violations include forced treatment without the prior, free and informed consent of the persons concerned, forced sterilisation, beatings, chaining, food deprivation and forced detention;

Further noting that at the heart of the right to dignity lies the right to enjoy a full and decent life;

The Commission:

- i. **Calls on** State Parties to adopt the necessary measures to ensure that persons with psychosocial disabilities enjoy legal capacity on an equal basis with others in all aspects of life;
- ii. **Calls on** State Parties to review and amend mental health laws which have been used as a basis for the torture or ill-treatment of persons with psychosocial disabilities;

- iii. *Calls on* State Parties, national institutions for the promotion of human rights and human rights NGOs to monitor on a regular basis, using effective mechanisms, institutions which provide services to persons with psychosocial disabilities;
- iv. *Requests* the Working Group on Older Persons and Persons with Disabilities to work with relevant stakeholders to monitor implementation of this resolution; and
- v. *Requests* the African Union Commission to fast-track the process of adopting the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.

Done in Banjul, The Islamic Republic of The Gambia, 20 April 2016