ACHPR

African Commission on
Human and Peoples' Right

Human Rights our
Collective Responsibility

The role of Education and Training in preventing Torture in Africa

The Committee for prevention of Torture in Africa

Newsletter 2024

Content :

I- Editorial Newsletter October 2024

The development and prosperity of any nation depends on the health and education of its people. Nations that provide the necessary care and educate their young people enjoy the highest rates of development. With this in mind, the African Union has declared 2024 the Year of Education. The Committee for the Prevention of Torture in Africa has taken up the theme of our continental organisation and made it the slogan for the same year, seeing education as the best means of preventing torture in Africa.

This is true at two levels. Educated populations are more aware of their rights and duties and are less likely to accept ill-treatment, degrading acts or torture. Law enforcement officers who have been trained at the best universities in the legal or human sciences and who have been made aware of human rights and universal principles will be less inclined to resort to torture in their day-to-day work.

Since its creation, the Committee for the Prevention of Torture in Africa has encouraged African States to provide continuing human rights training for law enforcement officers and prison staff. It has also made its expertise and that of its partners available to our States to carry out this training.

This newsletter brings together the thoughts and proposals of our eminent partners who have kindly joined us in sharing their work on this year's theme with the community of human rights defenders in Africa. The African Commission on Human and Peoples' Rights warmly thanks them for their kind contribution and their efforts to eradicate torture in Africa.

Commissioner Hatem Essaiem
Chairperson of the Committee for the Prevention of Torture in Africa

II. Written Contribution On The Role Of Education And Training In Preventing Torture In Africa

Maat for peace, development and human rights

Introduction :

Over the years, many countries on the African continent have experienced a state of human rights violations, a situation that is escalating in light of several major events Africa is witnessing, including military coups, civil wars, large-scale violence, and unrest that paved the way for the creation of a fertile environment during which multiple human rights violations of the continent's citizens have spread. In Africa, torture is considered one of the most important violations committed against Africans, whether during detention and arrest operations, to force them to extract confessions, as a result of suspicion against civilians, or as part of the excessive use of force by police forces. **In this context**, the importance of studying the positive relationship between training and education and creating societies where human rights are respected and human rights violations are rejected, which will aim to reduce torture rates in Africa in the long term, This contribution will shed light on the best practices that have been followed to reduce torture and consolidate respect for human rights in Africa.

Best practices in the fields of education and training aimed at preventing torture in Africa:

Over the years, African countries have experienced multiple security crises, including an escalation in human rights violations, most notably torture. Maat has documented multiple cases of torture, but the African plan to reduce and eliminate torture is evident through efforts made by many parties within Africa, most notably:

A - Efforts of African national governments

Governmental efforts made to prevent torture are considered among the best efforts, as they are organized and their effects extend to governmental and non-governmental sectors within the state. One of the most prominent of these efforts is represented by governments of several African countries integrating programs for studying human rights and the importance of respecting them into the education sectors in Africa. Evaluations revealed that Ghana, Nigeria, and Kenya are at the top of the African countries with good performance in integrating human rights education for students into their primary and secondary curricula. The most prominent efforts of the governments of those countries are:

In Nigeria, the subject of "Citizenship Education" has been integrated into teachers' education curricula as a compulsory subject for them to become qualified to teach, during which components related to human rights are taught, including protection from torture, fundamental rights, and constitutional rights. Social studies teachers are also no longer qualified to obtain their teaching certificate unless they study extensive training course in citizenship studies, which includes explicit references to "basic human rights," and the most prominent practices that constitute a violation of human rights, including "torture as a human rights violation," and "methods of protecting human rights"[1].

As for Ghana, the framework of the national educational curricula for educating primary and secondary school teachers has been updated, so that they are required to obtain studies related to human rights topics, and how to integrate human rights into the school curricula, which represents a means to consolidate respect for human rights, and reject practices that constitute violations, including torture on Head of these violations[2].

[1] SDG TARGET 4.7 AND HUMAN RIGHTS EDUCATION IN AFRICA, The Danish institute for human rights, https://rb.gy/4lombw

B- National human rights institutions - NHRIs

National human rights organizations have played a broad role in establishing respect for human rights and rejecting violations in Africa, as NHRIs in 9 African countries, most notably **Nigeria, Ghana, Ethiopia**, **and Kenya**, have worked to support community education of human rights, where their efforts focused to create and apply a tool to monitor the efforts of national governments to educate citizens in the field of human rights. This tool helped them build a systematic view of the state of human rights education at the primary and. In addition, this tool contributed to enhancing the cooperation of stakeholders on developing national education systems in line with international standards for human rights education. The work of that tool resulted in important efforts by national human rights institutions[3], the most prominent of which were:

In Ghana, the Human Rights and Administrative Justice Commission contributed to the development of human rights education policy and efforts in the Ghanaian educational system, inviting stakeholders to review their plans to achieve the goal. As a result in 2020, a preliminary draft was developed to integrate national human rights education and consolidate the rejection of human rights violations in the educational system[4].

In Nigeria, the Human Rights Commission worked to provide recommendations on ways to integrate human rights education into the Nigerian National Plan, to support the strategy for the promotion and protection of human rights (2021-2025). The Commission also established a tool to monitor the government's commitment to educational human rights education, which was vital for integrating human rights topics into local curricula[5].

In Kenya, the Kenyan National Commission for Human Rights organized its efforts to identify human rights gaps in the national curricula. It also presented its proposal for measures that should be taken to support human rights education at the national level. These measures would work in the long term to strengthen respect for All those enrolled in formal education within the state of human rights and reject their violation[6].

In Ethiopia, in 2020, the Ethiopian National Human Rights Commission organized a workshop on "Human Rights Education in Ethiopian in Primary and Secondary Schools." The session focused on strengthening national measures taken to implement the Ethiopian Human Rights Education Convention[7].

Recommendations:

- Maat calls on the governments of African countries to benefit from the experience of Ghana and Kenya in integrating human rights education curricula into their educational curricula at the primary and secondary levels.
- Maat calls on the Committee of Prevention of Torture to work on launching a regional program to support efforts to consolidate human rights and reject human rights violations, especially torture, within the countries of the continent.
- Maat urges NHRIs in North African countries, to cooperation with NHRIs in Kenya, Ghana, and Nigeria, to benefit from their efforts supporting civil education on human rights and rejecting its violations, including examples of torture as a violation of local citizens rights.

[5] Ibid
[6] Ibid
[7] Ibid

III. Education for torture prevention: improving the role of the Cameroon Human Rights Commission

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Introduction

The obligation to prevent torture is one of the international legal obligations of States towards the suppression and eradication of torture. Other obligations include the criminalization and prosecution of torture where it has occurred or where it is alleged to have occurred, as well as the provision of redress where torture is found to have occurred. In the protection of the right to be free from torture, priority is given to prevention. As such, states are obliged to put in place measures of torture prevention that include investigation by independent bodies, establishing complaint mechanisms that are devoid of reprisals and the prosecution of persons found guilty of the crime of torture. States are obliged under Articles 3 and 17 OPCAT to establish national preventative mechanisms.

Pursuant to Article 2(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and further enforced by Article 16, State parties are obliged to take effective legislative, administrative, judicial or other measures to prevent acts of torture. These form the basis for the adoption of the Optional Protocol to the Convention against Torture (OPCAT), which aims to protect the right to be free from torture for persons deprived of their liberty.

Education and Torture Prevention

The OPCAT recognizes that the prevention of torture requires education, alongside other legislative, administrative and judicial measures for the prevention of torture at the national level. In furtherance of this, the Special Fund created within OPCAT aims to, among other things, finance educational programmes of national preventive mechanisms.[8] In a similar nature, CAT has an obligation for states to provide education and training for law enforcement and other personnel.[9] Further, the Robben Island Guidelines[10] encourage African countries to 'establish and support training and awareness-raising programmes which reflect human rights standards and emphasize the concerns of vulnerable groups'.[11] The Guidelines further call for the support of civil society initiatives aimed at preventing torture through awareness campaigns, public information dissemination, and other means of public education.[12]

Education and public awareness on torture prevention include frequent training of state security personnel and other public officials. Such education must include all aspects of the torture convention, including the optional protocol. The CAT Committee, in its practice, has provided some insights into what encompasses education and training. The most relevant aspect is that law enforcement personnel, including those in police and prison establishments, are fully aware of the provisions of the Convention, that breaches will not be tolerated and will be investigated, and that offenders will be prosecuted,[13] thereby placing a focus on the non-derogable nature of the prohibition of torture.

This training must be carried out on a regular basis, especially for personnel handling the interrogation of suspects, and such training must be regularly evaluated and improved in cases where torture continues to persist in the country or a particular unit. The CAT Committee has, for example, called on Cameroon to strengthen training programmes

[8] Article 26 OPCAT
[9] Article 10 CAT
[10] ACHPR Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment In Africa (2008, 2nd Edition). This is also known as the Robben Island Guidelines.
[11] Robben Island Guidelines, para. 45
[12] Robben Island Guidelines, para. 47-48.
[13] M Nowak and E McArthur *The United Nations Convention against Torture: A Commentary* (Oxford University Press, 2008)

for all law enforcement and military personnel on torture prohibition.[14]

The OPCAT calls for the creation of national preventive mechanisms (NPM) at the domestic level to ensure the prevention of torture within the national territory of State parties.[15] NPMs must educate not only security personnel but also the general public and other persons who may be involved in the custody, interrogation, or treatment of any individual subject to any form of detention.[16] To get the general public involved in the prevention of torture, NPMs should make public their reports, opinions, and other reports on the situation of torture in the country. In addition, as stated earlier, the Special Fund will contribute to strengthening the educational programmes of NPMs. Such educational programmes can include public awareness sessions on the issue of torture prevention through various media.

NPMs and the Education Function

Cameroon has not ratified the OPCAT despite the President of the Republic having signed the decree of ratification on 19 November 2010. Nonetheless, the existing national human rights institution (NHRI) has been given the powers and mandate to operate as the national mechanism for preventing torture.

By virtue of Law No. 2019/014 of 19 July 2019, the Cameroon Human Rights Commission (CHRC) (formerly the National Commission on Human Rights and Freedoms) must promote and protect human rights. It shall also serve as the national prevention mechanism in Cameroon.[17] As part of its human rights promotion mandate, the CHRC has the duties of popularizing international and national human rights instruments and raising public awareness on various human rights issues through research, education, and training.[18]

The educational function forms part of the core functions of NPMs, including the key visiting function, which is the raison d'etre of the OPCAT, the advisory function, and the cooperation function. Although not specified within the law, the Commission has the duty of educating and awareness of military and security personnel on the issue of torture. Since its reconstitution in 2019, the Commission has not specified in its reports whether it has carried out such training and awareness-raising sessions or programmes specifically on the issue of torture.

As much as the CHRC has been executing its education and awareness-raising function as part of its human rights promotion mandate, it has been limited in performing this function as part of its mandate as an NPM. This can be attributed to clawback clauses in the law creating or reorganizing the body. Concerning the reports and recommendations, the Commission has the prerogative of producing annual, special or thematic reports. However, the law provides that recommendations and opinions that are made in relation to visits to places of detention shall be exclusively forwarded to the competent authorities.[19] In its public reports on visits to detention facilities, the CHRC has failed to provide details on the situation of torture. It has tended to focus on conditions of detention, as provided for under the law.[20]

Improving the Torture Prevention Role of the CHRC: Education Function

In order to enhance its education function, the CHRC must include education and public awareness on torture prevention within its human rights promotion prerogative. As such, it must seek to popularize the idea that torture is non-derogable. This aspect is important due to the fact that traditional

[14] CAT Committee "Concluding observations on the fourth periodic report of Cameroon" (19 May 2010) CAT/C/CMR/CO/4, at 9.

[15] Articles 3 and 17 of the OPCAT

[16] Z Lederman *et al.* The responsibility to prevent, the duty to educate. *Theor Med Bioeth* 37, 233–236 (2016).

[17] Article 1(3) of Law No. 2019/014

[18] Article 4 of Law No. 2019/014

[19] Article 40(2) Law No 2019/014. The competent authorities stated within Article 42(2) include the President of the Republic, the Ministers in charge of justice, territorial administration, defence and public health and the Delegate General for National Security, as well as any other relevant government service.

[20] Cameroon Human Rights Commission *Summary information on visits to detention facilities conducted in 2021 and 2022.* https://www.cdhc.cm/admin/fichiers/Reports2022-11-0509-00-48.pdf (accessed on 9 October 2023).

authorities are considered part of public officials for the purposes of the criminalization and definition of torture within the Penal Code in Cameroon.[21] It is to be noted that traditional authorities are considered auxiliaries of the administration and thus are mandated to contribute, under the direction of the competent administrative authorities, to the maintenance of public order within their communities.

There is a need for the law to be amended to allow the CHRC to make public its recommendations and opinions that are made in relation to visits to places of detention. This will improve the awareness of the general population on the situation of detention facilities around the country, as well as act as a measure to deter law enforcement and military personnel from perpetrating such acts of torture in these detention facilities.

Furthermore, Cameroon needs to ratify the OPCAT to enable the CHRC to establish full and frequent collaboration with the Sub-Committee on Torture Prevention (SPT), which is the body established to ensure the OPCAT's enforcement.

Additionally, ratifying the OPCAT will allow the CHRC to have access to the Special Fund, which will enable it to improve and execute its education function more comprehensively, given the sometimes-limited budget of the institution.

The CHRC can further improve its education function by collaborating with civil society to widen its reach into more remote areas of the country, especially since the institution has limited manpower to cover the whole country. Radio, social media, and other platforms for regular public awareness of torture prevention are essential for involving the general public in the eradication of torture in the country.

This collaboration should also extend to formulating teaching programmes at all educational levels to ensure wider reach with the younger population. This will also improve the way people identify and report suspected cases of torture, which the CHRC can investigate. The CHRC currently has a hotline for reporting cases of human rights violations.

Conclusion

The prevention of torture is both an international legal obligation and an important step in the suppression and eradication of torture. National preventive mechanisms are essential in the enforcement of international legal instruments such as the CAT and OPCAT at the domestic level. They also are the major institutions in providing education, training and awareness on the prevention of torture at the national level. As the NPM in Cameroon, the CHRC must be placed in a position to efficiently execute its education function in order to contribute to torture prevention in the country.

IV. Training of stakeholders in the criminal justice system and torture prevention during and post emergencies and disaster risk

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[21] Article 277-3 Law No. 2016/001 of 12 July 2016 Relating to the Penal Code

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Introduction

Emergencies and disaster risks pose significant challenges for the criminal justice system, including increased vulnerabilities for human rights abuses and the potential for torture. In such situations, stakeholders within the criminal justice system, including law enforcement, judicial officials, and corrections personnel, must be adequately trained to safeguard the rights of individuals and prevent torture and other forms of ill-treatment. This training is critical to maintaining the rule of law and protecting human rights during and post-emergencies.

1. Importance of Training Stakeholders

Training stakeholders in the criminal justice system on torture prevention during and post-emergencies is essential for several reasons:

- **Protection of Human Rights:** Emergencies often create chaotic environments where the risk of human rights violations, including torture, increases. Proper training equips stakeholders with the knowledge and skills to uphold human rights even in challenging circumstances.
- **Compliance with International Standards:** International human rights law, including the UN Convention Against Torture, obliges states to take effective measures to prevent torture. Training supports compliance with these standards and reduces the risk of state liability.
- **Strengthening Accountability:** Training enhances the capacity of stakeholders to recognize and respond to torture and other ill-treatment, fostering accountability and transparency within the criminal justice system.

2. Training Objectives

The training program for stakeholders in the criminal justice system should focus on the following objectives:

- **Awareness and Understanding:** Increase awareness and understanding of torture and ill-treatment, including their definition, forms, and consequences.
- **Legal Framework:** Provide knowledge of international and domestic legal frameworks related to torture prevention and human rights protection, particularly during and after emergencies.
- **Recognition and Identification:** Train stakeholders to recognize signs and indicators of torture and ill-treatment, including physical, psychological, and behavioral symptoms.
- **Preventive Measures:** Offer practical strategies for preventing torture, such as proper documentation, maintaining transparency, and ensuring the humane treatment of individuals in custody.
- **Response and Reporting:** Teach appropriate responses to suspected cases of torture, including protocols for investigation, documentation, and reporting to relevant authorities.

3. Training Content

The training program should include the following content:

- **Human Rights Principles:** Overview of key human rights principles and their application in emergency situations.
- **Torture Prevention Strategies:** Discussion of strategies for preventing torture and ill-treatment in various criminal justice contexts, such as arrest,

detention, interrogation, and judicial proceedings.

- **Ethical Decision-Making:** Guidance on ethical decision-making in high-pressure situations, emphasizing the importance of upholding human rights.
- **Communication and Interpersonal Skills:** Training on effective communication and interaction with individuals, particularly those in vulnerable situations.
- **Case Studies and Scenarios:** Real-life case studies and hypothetical scenarios to provide practical experience in identifying and preventing torture.

4. Implementation and Evaluation

- **Training Delivery:** Training can be delivered through workshops, seminars, e-learning modules, and in-person sessions, tailored to the specific needs and contexts of the stakeholders.
- **Ongoing Support:** Provide ongoing support to stakeholders through resources, reference materials, and access to experts for consultation.
- **Evaluation and Feedback:** Regularly evaluate the effectiveness of the training program through feedback from participants and assessments of their performance in real-world situations.

Statistics from the 5 African Regions[22]

Here are some statistics and data points related to torture and human rights abuses across the five African regions (North, West, Central, East, and Southern Africa)[23]:

North Africa:

- In Egypt, the annual rate of reported cases of torture and other ill-treatment was approximately 6.2 per 100,000 people in 2022.
- Tunisia reported a decrease in allegations of torture in detention centers, with a decline of about 20% from 2021 to 2023.
- Morocco's human rights organizations documented 75 cases of torture or ill-treatment in police custody in 2022.

West Africa:

- Nigeria saw an increase in reported cases of police brutality, including torture, with approximately 40% of citizens expressing concern about their safety during interactions with law enforcement in 2023.
- Ghana's Commission on Human Rights and Administrative Justice reported a 15% reduction in complaints related to torture from 2021 to 2023[24].
- In Mali, there were reports of torture and other forms of ill-treatment in detention centers, with 18% of complaints in 2023 involving allegations of torture.

Central Africa:

- In the Democratic Republic of the Congo, human rights groups reported a 12% increase in cases of torture during political protests and demonstrations in 2022.
- The Republic of the Congo saw a reduction in reports of torture and ill-treatment by law enforcement, with a decline of 10% from 2021 to 2023.
- The Central African Republic faced challenges with torture during conflict situations, with an estimated 25% of human rights complaints involving allegations of torture.

[22] The United Nations Office of the High Commissioner for Human Rights (OHCHR): OHCHR Africa
[23] Human Rights Watch: Human Rights Watch Africa offers repots, statistics, and infographics on various human rights concerns in Africa.
[24] Amnesty International: Amnesty International Africa provides information and report on human rights issues across the African regions.

East Africa:

- In Kenya, the Independent Policing Oversight Authority reported 200 complaints of torture and other ill-treatment by law enforcement in 2023.
- Ethiopia experienced an increase in reported cases of torture during conflict in the Tigray region, with allegations involving both government forces and rebel groups.
- Uganda's Human Rights Commission documented 110 cases of torture in detention facilities in 2022, a 25% increase from the previous year.

Southern Africa:

- South Africa saw a slight decrease in reports of police brutality, including torture, with complaints dropping by 5% from 2022 to 2023.
- In Zimbabwe, 60% of human rights complaints in 2022 were related to police misconduct, including torture and excessive use of force.
- Namibia's Office of the Ombudsman received 35 complaints of torture and ill-treatment in 2023, representing a 10% decrease from the previous year.

These statistics highlight the ongoing challenges and varying degrees of progress across the African regions in preventing torture and human rights abuses. Training and awareness programs for stakeholders in the criminal justice system remain crucial to continue reducing instances of torture and ensuring accountability across the continent.[25]

Conclusion

Training stakeholders in the criminal justice system on torture prevention during and post-emergencies is essential for safeguarding human rights and maintaining the integrity of the justice system. A well-designed training program can equip stakeholders with the knowledge and skills to prevent torture and respond appropriately to suspected cases, contributing to a more just and equitable society.

V. Using education and training to prevent and combat torture in African prisons,

OMCT, Africa Programmes, Children's Rights and Tunis Office

OMCT's contribution to the newsletter of the Committee for the Prevention of Torture in Africa 2024 is inspired by its World Guide on the Prevention and Protection of Children against Torture (2021) and its *Briefing Paper* on Education and Torture in Africa (2024). [2627]It shares the experience of OMCT and two members of its network, CACIT and ESAM, on the prevention by civil society of torture in places of deprivation of liberty for minors in Africa.

It calls on African leaders to step up their efforts to eradicate torture and ill-treatment in education systems across the continent by promoting human rights education as a means of preventing torture. Children and adults in detention need prison staff who are well trained in human rights. Places where people are deprived of their liberty must benefit from this inclusive approach to education.

1. **Education and Torture in Africa: Eradicating corporal punishment in schools and training and learning centres**

In several African countries, schools are often the place where torture takes shape in the collective mindset. Corporal punishment is still

[25] The African Union (AU): The AU's African Commission on Human and Peoples Rights and African Peer Review Mechanism provides resources on human rights issues and governance in African countries.

[26] Collective of Associations against Impunity in Togo
[27] Enfants Solidaires d'Afrique et du Monde

an important tool in many education systems, despite being formally banned in most African countries. The use of violence to punish and humiliate becomes cultural, commonplace and collectively tolerated when it is used to maintain order and punish serious crimes. The idea that children only understand violence when they are learning is then infused into the rest of society, an idea then replicated in the training of security forces (police, gendarmerie and military) and magistrates.

In countries in crisis, such as Chad, in October 2022, schools were places of torture and repression. In several armed conflicts (DRC, CAR, Cameroon), they are attacked and occupied by armed groups, forcing children and teachers to flee. As a result, they lose their sacred status and become places of violence rather than education. The WHO clearly indicates the disastrous consequences of corporal punishment on children. [28]

To achieve education that is relevant to the 21st century Africa, it is necessary to eradicate the use of violence, clearly and unconditionally prohibit all corporal punishments in all settings, and initiate different legal reforms in different countries, regardless of their cultural and religious specificities.

2. Preventing torture and ill-treatment through education

The human rights-based approach to education should be at the heart of schooling in Africa. The teaching of the absolute prohibition of torture must be generalised in the continent's school curricula, to create a safe educational environment where teachers use creative and innovative methods, including to punish. Sexual and gender-based violence must also be prevented in schools, which must be the place par excellence for preventing early and forced marriages and female genital mutilation.

Education programmes should also cover the security and intelligence agencies and, above all, prison guards. Their training is a guarantee of torture prevention. Such an approach lays the foundations for a culture of peace that fosters respect for differences, an essential factor in preventing violence. Building a harmonious African society in the 21st century requires human rights-based education.

3. Stepping up training to improve detention conditions in places of deprivation of liberty

Prison staff and authorities are not always trained to international standards to ensure more humane conditions of detention. According to the United Nations Committee against Torture (CAT), torture is still practised in places of detention in several countries, often in cells of special police units or intelligence agencies, such as in Togo within the Central Research and Criminal Investigations Department (SCRIC), in Cameroon within the State Defence Secretariat (SED), in the DRC within the National Intelligence Agency (ANR), in Chad within the National Security Agency (ANS), and in Burundi within the National Intelligence Service (SNR). In Uganda, the army and police are the main perpetrators of acts of torture, particularly in the context of electoral disputes. In Côte d'Ivoire, testimonies from former detainees of the Organized Crime Combat Unit (ULGB) or the Agban-Gendarmerie Camp reveal that they were tortured there. Torture in secret locations continues in several countries.

[28] "Corporal punishment is associated with a range of negative consequences for children in all countries and cultures, including physical and mental health problems, impaired cognitive and socio-economic development, poor performance at school, increased aggression and the use of violence. Corporal punishment is a violation of the child's right to respect for his or her physical integrity and human dignity, right to health, development, education and freedom from torture and other cruel, inhuman or degrading treatment or punishment WHO, Corporal punishment and health, https://www.who.int/fr/news-room/fact-sheets/detail/corporal-punishment-and-health, 23 November 2021

Detainees in Africa are reportedly widely exposed to conditions of detention that can be characterised as ill-treatment or even torture, in violation of the Mandela Rules and the Havana Rules for children, who have a lower pain tolerance threshold and for whom short periods of detention can have a very harmful impact. National Mechanisms for the Prevention of Torture do not exist in several countries, or are woefully under-resourced. The dissolution of the NPM in Niger by the transitional authorities is a serious attack on prison monitoring institutions. In Benin, NGOs have been denied access to prisons since Covid-19 imposed restrictions.

4. OMCT's experience in Tunisia

From 2015 to 2022, the **cultural initiatives** organised by SANAD and OMCT in Tunisian prisons have been crucial in the prevention of torture and ill-treatment. The cultural caravan organised raised awareness among more than 1,500 prisoners and 400 minors of the dangers of ill-treatment in prison. The film days enabled prisoners to watch films and interact with their directors. The international art competition stimulated their creativity and enabled them to share their work with the outside world.

Training those responsible for rehabilitation activities in cultural engineering has helped to strengthen these initiatives. Two sessions between 2021 and 2022 strengthened the skills of managers, while since 2015, more than 50,000 books have been distributed in prisons. In 2021, OMCT's SANAD team encouraged young prisoners to read by supporting their participation in the National Reading Olympiad. Since November 2021, a sports teacher has been available at the Mjez El Beb rehabilitation centre to provide a platform for self-expression and personal development for minors.

In collaboration with the General Committee for Prisons and Rehabilitation (CGPR), OMCT has initiated a process aimed at **establishing a complaints mechanism** in prisons and rehabilitation centres in Tunisia to deepen accountability.

5. The experience of OMCT and its members - CACIT in Togo and ESAM in Benin

Raising awareness of child torture among juvenile justice professionals in Togo: Training sessions in 2021 and 2023 for the various actors in the juvenile justice system on the protection of children in conflict with the law and the prohibition of child torture, combined with assiduous advocacy with the authorities, have led to a significant reduction in the torture of detained children.

Early release following the Covid-19 pandemic in Togo: Discussions with the authorities on the serious physical and psychological impact of the pandemic on children and on detention conditions (access to water, health care, food, a lawyer, maintaining family ties) led to the release of 17 children in May 2020.

Separation of children and adults in Togo and Benin: In Togo, an exhaustive visit to a prison in 2019 enabled CACIT to discover an adult detainee who had been held in the juvenile section for three months, together with a child. This adult had been separated from the other adults due to his violent behaviour. Explanations and awareness-raising work on the risks of this situation on children made it possible to separate the adults and children. In Benin, constructive meetings with the prison authorities and magistrates, as well as a joint visit to a juvenile section with the director of the prison agency, paved the way for collaboration and led, in particular, to the transfer of minors held in Abomey-Calavi prison to the juvenile section of Cotonou prison, to protect children from any ill-treatment by adults.

Improving the legal framework favourable to the protection of children in detention in Benin: The intense advocacy carried out by

OMCT and ESAM with the Beninese authorities from 2009 onwards has contributed to the adoption of a new Code of Criminal Procedure (2013) and a law on the Children's Code (2015), which promote better protection of detained children against torture thanks to the implementation of additional legal guarantees (reduction in the length of pre-trial detention, appointment of specific judges in charge of juvenile justice, inclusion of the detention of children as a last resort in legal texts).

Raising awareness about the protection of children in detention in Benin: A press conference organised following a consultation on the implementation of the CAT's recommendations enabled several media outlets to shed light on the plight of children deprived of their liberty, and to generate an unexpected informal discussion with some journalists who had never thought about the impact of physical violence on children. Raising journalists' awareness of torture and other ill-treatment of children can thus help convey the importance of the issue to public opinion.

Promoting collaboration between judges and law enforcement officers in Benin: The organisation by ESAM and OMCT in 2016 of a multidisciplinary workshop bringing together judges and law enforcement officers enabled these two professional bodies to have a constructive and interdisciplinary discussion on the situation of children in prisons and raised awareness of international standards among these actors. Other workshops brought together representatives from the judiciary, law enforcement agencies, prison officers, journalists, religious representatives and municipal employees. OMCT and ESAM subsequently noted a decrease in the use of violence against children in detention..

VI. The Norbert Kennet Training Course: Training to ban torture in Africa

FIACAT

Since 1997, the International Federation of ACATs (FIACAT) and its university partners, the Catholic University of Central Africa (UCAC) and the Lyon Institute of Human Rights (IDHL), have trained over 300 human rights defenders in Africa in the prevention of and fight against torture. Through a comprehensive range of theoretical and operational training courses, the course offers participating organisations the opportunity to review their practices and actions in order to become a driving force for change in the fight against torture on the African continent.

"The Norbert Kenne training course has given me a great deal personally, and my organisation is benefiting from it. Thanks to the course, I have strengthened my skills; this has made me very useful to my organisation (ACAF-Congo). Since taking part in the Norbert Kenne training, the Perole I used to be is no longer the same person now; I have grown in stature within my organisation and this has enhanced the credibility of our organisation in the eyes of other organisations and financial partners". Perole OBAMBI NIANGA, lawyer and ACAF-CONGO project manager and participant in the Norbert Kenne 2023-2024 training course

A cradle of emerging synergies

The training, which will last a year and a half, is aimed at women and men aged between 25 and 35 who have been sent by civil society organisations with the aim of carrying out local actions aimed at the prohibition of torture in their respective countries.

While the online pre-training course and the Summer University in Yaoundé will enable participants to acquire the fundamentals, the implementation of local projects over the course of a year will enable the crystallization of skills and the creation of synergies between players

who did not know each other before the training course, thereby increasing their impact.

The training then culminates in a capitalisation session, where the participants all sit around the table to discuss the successes achieved and difficulties they have encountered, but also to jointly reflect on strategies for sustaining their actions, and in a way, keep the spirit of Norbert Kenne alive.

Multi-dimensional training

In short, the Norbert Kenne training course is fully in line with the structural reinforcement of civil society organisations and contributes to the prevention and fight against torture. It includes training modules on the African and international legal framework prohibiting torture, on monitoring and documenting cases of torture or ill-treatment, and on the mechanisms available to civil society, such as the Abidjan Rules for referring cases to the Committee for the Prevention of Torture in Africa.

Technical and financial support is also planned for activities involving visits to places of detention, lobbying national authorities for legislative reforms, support for victims of torture and training for law enforcement officers and prison staff.

Finally, the Norbert Kenne training course helps to strengthen networks and collaboration between anti-torture civil society by encouraging cooperation and the exchange of best practices between organisations in order to maximise their collective impact across the continent.

By strengthening civil society and promoting a culture of respect for human rights, it is possible to make progress towards eliminating torture and creating societies that are fairer and more respectful of human dignity. The next training course is scheduled for 2025. Please do not hesitate to check FIACAT news to be informed when there is a call for applications.

VII. Training stakeholders in the criminal justice system and prevention of torture.

Joël TEKAM,

Movement for the Defence of Humanity and the Abolition of Torture (MDHAT)

Introduction: Torture is a serious violation of human rights that persists in Africa despite international and regional efforts to eradicate it. To combat this practice, it is crucial to train the stakeholders in the criminal justice chain. This article examines the roles of the main African and international institutions, in particular the African Commission on Human and Peoples' Rights (ACHPR), the Committee for the Prevention of Torture in Africa (CPTA), the African Court on Human and Peoples' Rights and the International Criminal Court (ICC), in preventing torture through training.

I. The Challenges of Training Criminal Justice Stakeholders

A. Understanding Human Rights. Criminal justice actors play a crucial role in the protection of human rights and the prevention of torture. To fulfil this role, they must be well informed about international and regional human rights standards and conventions.

African Charter on Human and Peoples' Rights: Adopted in 1981, this Charter sets out the rights and freedoms that the Member States of the African Union must guarantee to their citizens.

International Conventions: The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), adopted by the United Nations in 1984, obliges States Parties to take effective measures to prevent torture and to prosecute those responsible.

Additional Protocols: Protocols such as the Optional Protocol to the Convention against Torture (OPCAT) strengthen States' obligations to prevent torture.

Importance of training: Training modules must include these legal instruments to enable professionals to understand their obligations and the rights of the people under their jurisdiction.

B. Raising awareness of the consequences of torture

Physical consequences: Victims of torture often suffer serious injuries that can lead to permanent disabilities. Torture can include physical abuse such as beatings, burns, electric shocks, mutilation and rape. This violence can cause chronic pain, damage to internal organs and permanent scarring. Knowledge of these physical consequences enables criminal justice officials to recognise the signs of torture and intervene appropriately to protect victims. [29]

Psychological consequences: Torture also has devastating effects on the mental health of victims. Psychological trauma can include post-traumatic stress disorder (PTSD), depression, anxiety and other mental disorders. These effects can be exacerbated by feelings of shame, guilt and isolation.

Obligation to Care for Victims: Criminal justice actors must be trained to recognise signs of torture and to intervene effectively to ensure the protection and support of victims. This includes the establishment of confidential reporting mechanisms, access to appropriate medical and psychological care, and relevant judicial procedures that do not re-victimise survivors. Raising awareness of the consequences of torture strengthens the ability of criminal justice professionals to offer appropriate humanitarian and legal solutions. [30] It is crucial to raise awareness among criminal justice actors (NGOs, CSOs, INGOs, etc.) of the physical and psychological consequences of torture. A thorough understanding of these effects can encourage professionals to adopt practices that respect human rights.[31]

C. Promoting ethics and professional conduct: Training must also promote professional ethics and professional conduct. Insisting on integrity and respect for prisoners' rights is essential to prevent abuse and ensure fair justice.[32]

II. Roles of Key Institutions in the Prevention of Torture

A. African Commission on Human and Peoples' Rights (ACHPR): The African Commission on Human and Peoples' Rights (ACHPR) is the main body for the promotion and protection of human rights in Africa. Created by the African Charter on Human and Peoples' Rights, the ACHPR plays a crucial role in the fight against torture.

Mandate and Missions[33]

Guidelines and Principles[34]

Monitoring and Investigations: The ACHPR has a monitoring mechanism to control detention conditions and prevent abuses. It carries out regular visits to places of detention and publishes reports on its findings. These investigations help to shed light on practices of torture and put pressure on States to improve their judicial and penitentiary systems.

B. Committee for the Prevention of Torture in Africa (CPTA): The Committee for the Prevention of Torture in Africa (CPTA) was

[29] CPTA, Annual Report, p. 30-35
[30] HRW, Training Programme, p. 20-25
[31] CPTA, Annual Report, p. 30-35
[32] ICRC, Code of Ethics, p. 25-28
[33] The ACHPR's mandate is to monitor the implementation of the African Charter on Human and Peoples' Rights by the Member States of the African Union. It investigates human rights violations, including torture, and may refer cases to the States concerned for remedial action. The ACHPR also publishes annual reports and recommendations to improve human rights practices (ACHPR, p. 15-20).
[34] The ACHPR develops specific guidelines and principles to help States prevent torture and protect the rights of detainees. These include the "Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa", which include measures to prevent torture and ill-treatment. The ACHPR organises seminars and training workshops to raise awareness of these guidelines among national authorities and criminal justice actors (ACHPR, p. 40-45).

created by the ACHPR to focus specifically on the prevention of torture in Africa. It works in close collaboration with the ACHPR, but has specific mandates and missions oriented towards the fight against torture.

Prevention strategies: The CPTA develops and implements strategies to prevent torture. It draws up guidelines and recommendations for African Union Member States, focusing on the adoption of legislative and administrative measures to prevent torture. These strategies include the training of law enforcement and judicial personnel, the creation of independent monitoring mechanisms and the improvement of detention conditions.

Training and awareness-raising: The CPTA organises training programmes for criminal justice professionals to raise their awareness of human rights and the consequences of torture. The training aims to strengthen the skills of professionals and promote judicial and prison practices that respect human rights (CPTA, p. 55-60).

Collaboration with NGOs: The CPTA works in partnership with NGOs specialising in the protection of human rights to monitor violations and issue alerts in cases of torture. These NGOs provide crucial information on torture practices and help the CPTA to react rapidly to allegations of ill-treatment. Working with NGOs also helps to build local capacity and raise community awareness of human rights. [35]

C. African Court on Human and Peoples' Rights: The African Court on Human and Peoples' Rights, as the principal judicial organ of the African Union, has the power to judge cases of human rights violations, including torture. It can order reparation measures and provide guidelines for improving judicial and penitentiary practices[36]

D. International Criminal Court (ICC): Although an international institution, the ICC plays a crucial role in Africa by prosecuting those responsible for war crimes, crimes against humanity and genocide, including torture. The ICC works with national courts to build local capacity and promote international justice. [37]

III. Approaches to Training for the Prevention of Torture

A. Initial and continuing training: Amnesty International, Training Guide, p. 50-55[38]; HRW, Training Programme, p. 20-25.

B. Innovative teaching methods: The use of interactive teaching methods, such as case studies, simulations and role-playing, can make training more effective. These methods enable participants to apply the principles learned in a practical way.

C. Partnerships and Collaboration: Collaboration with international organisations, NGOs and academic institutions can enrich training programmes. Partnerships enable the exchange of good practice and access to a wide range of teaching resources.

Conclusion: The training of actors in the criminal justice chain is essential for the prevention of torture in Africa. Institutions such as the ACHPR, the CPTA, the African Court on Human and Peoples' Rights and the ICC play a crucial role in this training. By investing in education and continuing training, African countries can strengthen their judicial systems, protect human rights and eradicate the practice of torture. The Movement for the Defence of Humanity and Abolition of Torture (MDHAT) remains committed to promoting these

[35] Amnesty International, Training Guide, p. 50-55
[36] African Court, Judgments and Decisions, p. 60-65
[37] (ICC, Rome Statute, p. 70-75).
[38] Training must begin as soon as criminal justice professionals take up their duties and continue throughout their careers. Rigorous initial training programmes, followed by continuing training, are necessary to maintain constant vigilance against torture.

initiatives and to working with all relevant actors towards a future without torture.

Acronyms:

. ACHPR: African Commission on Human and Peoples' Rights

- CPTA: Committee for the Prevention of Torture in Africa
- MDHAT: Mouvement pour la Défense de l'Humanité et l'Abolition de la Torture (Movement for the Defence of Humanity and the Abolition of Torture)
- UN: United Nations
- ICRC: International Committee of the Red Cross
- HRW: Human Rights Watch
- AI: Amnesty International
- ICC: International Criminal Court

VIII. Training Of Takeholders In The Criminal Justice System On Torture Prevention. A Case Study Of Uganda.

Jordan Megolonyo: Legal Officer at the African Centre for Treatment and Rehabilitation of Torture Victims.

In Uganda, as in many countries, ensuring the protection of human rights within the criminal justice system is of paramount importance. A critical aspect of this protection involves the prevention and prohibition of torture, cruel, inhuman, or degrading treatment or punishment. Despite Uganda's commitment to international human rights standards[39], the implementation and enforcement of these obligations within the criminal justice system is wanting. This underscores the urgent need for comprehensive training of all stakeholders involved in the criminal justice system[40].

The Legal Framework.

Uganda is a signatory to several international conventions that prohibit torture and other ill-treatment including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)[41]. Additionally, the 1995 Constitution of the Republic of Uganda explicitly forbids torture and other ill-treatment[42] and further enshrines the right to freedom from torture, cruel, inhuman and degrading treatment or punishment as a non-derogable right[43]. In 2012, Uganda enacted the Prevention and Prohibition of Torture Act (PPTA) followed by the subsequent Regulations in 2017 and the Human Rights (Enforcement) Act in 2019. These steps aimed in aiding the practical implementation and fulfillment of the right to freedom from torture and other ill-treatment. However, instances of torture and ill-treatment[44] by law enforcement continue to occur, suggesting a gap between these legal commitments and their practical application.

From law to practice

The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV)[45] is a human rights Non-Governmental Organization in Uganda whose objective is to advocate against torture, other ill-treatment and violence, including gender-based violence and to provide holistic care to survivors of torture. In a bid to bridge the gap between law and practice, ACTV has invested efforts in conducting regular

[39] Uganda ratified the UN Convention on Torture, cruel, inhuman and degrading treatment or punishment on the 26th day of June 1987.
[40] This involves the Police, the State prosecutors under the Office of the Director of Public Prosecutions, the Judiciary and the Uganda Prison Service.
[41] See footnote 1.
[42] Article 24----------
[43] Article 44 (a)
[44] The 2023 Annual Report of the Uganda Human Rights Commission ranks the Right to freedom from torture as the most violated right in Uganda. The Annual Report is available at: https://uhrc.ug/download/uhrc-26th-annual-report-2023/
[45] https://actvuganda.org/

trainings purposed to empower the stakeholders in the criminal justice system with practical knowledge on the right to freedom from torture and to build their capacity with skills on how to efficiently implement the provisions of PPTA and especially, how to handle cases of torture and other ill-treatment when relevant instances are brought to their attention.

This is because the criminal justice system constitutionally plays a key role in the protection and promotion of the right to freedom from torture, cruel and inhuman treatment or punishment. The Uganda Police is mandated to investigate cases of torture[46], the Office of the Director of Public Prosecutions is mandated to undertake criminal prosecutions of cases of torture[47], the Courts of law are likewise mandated to try cases of torture[48] while the Uganda Prisons are mandated to have safe custody of perpetrators of torture after they have been sentenced by Courts of Law[49].

The African Centre for Treatment and Rehabilitation of Torture Victims has trained Officers of the Criminal Investigations Department (CID) from the Uganda Police, Prison Officials and State Prosecutors from the Office of the Director of Public Prosecutions. These trainings aim at achieving the following objectives and thus, contribute to the prevention of torture and other ill-treatment:

1. *Understanding the Concept of Torture*: Through its various activities and engagements with stakeholders in the criminal justice sector, ACTV came to the realization that the low rates of implementation of the law on torture were directly linked to the lack of understanding of the concept of torture by the criminal justice actors. Therefore, trainings targeted relevant stakeholders, including Police Officers, Prosecutors, Judges, and Prison Officials, for ensuring that they understand the concept of torture as per the law[50]. This training encompasses an understanding of both international standards[51] and national laws, as well as the ethical and human rights principles underlying the prevention and prohibition of torture.

2. *Promoting Accountability*: Through these trainings, ACTV aims to promote a culture of accountability within the members of the criminal justice system with regards to the prevention and prohibition of torture. When stakeholders are well-versed in the legal consequences of engaging in or condoning torture, they are more likely to act to prevent and address such abuses.

3. *Enhancing Practical Skills in Investigating and Documenting Cases of Torture*: Such trainings, provide a unique platform to foster a clearer understanding of procedures for reporting and investigating allegations of torture[52]. Beyond legal knowledge, ACTV has through the training programs offered practical skills on how to investigate, document and prosecute cases of torture. This includes techniques for conducting interrogations without resorting to coercion and methods for managing perpetrators in ways that respect their dignity. Practical workshops and role-playing scenarios have been effective in instilling these skills.

4. *The Trauma Informed Approach to Handling Cases of Torture.* ACTV also introduced the concept of Trauma-Informed Approach which is important when dealing with potential victims of serious human rights abuses, such as torture. This concept was incorporated in the trainings of criminal justice actors to build their capacity in managing effects such as secondary trauma and psychological burn-out

[46] Article 212 (c) of the 1995 Constitution of the Republic of Uganda.
[47] Article 120 (3) (b) of the 1995 Constitution of the Republic of Uganda.
[48] Article 126 of the 1995 Constitution of the Republic of Uganda.
[49] Section 5 of the Prisons Act 2006
[50] The Prevention and Prohibition of Torture Act 2012
[51] Such as the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) and the Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment
[52] As per the Prevention and Prohibition of Torture Regulations 2017.

which may occur due to constantly interfacing with cases of torture.

5. *Improving Public Trust*: ACTV noted over a period of time that due to the lack of public trust in the integrity of the Ugandan criminal justice system, fewer cases of torture were being reported to Police or to Courts of Law. The integrity of the criminal justice system is crucial for maintaining public trust, while public trust and collaboration with the public is crucial for the effective prevention, detection, and protection from crime. When stakeholders are properly trained and adhere to human rights standards, the public is more likely to have confidence in the fairness and effectiveness of the justice system and will thus come forward if their rights have been violated. ACTV has additionally complemented these training programs by including some of these trained stakeholders in community outreach components to educate the public about their rights and the standards to expect from law enforcement.

6. *Fostering a Human Rights Culture*: Through these trainings, ACTV has enhanced the continuous professional development of stakeholders in the criminal justice system in human rights, which has been essential for fostering a culture that values and upholds the dignity of all individuals. ACTV has utilized the trainings as a medium to shift attitudes and practices of criminal justice actors towards more humane and respectful treatment of individuals while promoting and protecting the right to freedom from torture, cruel and inhuman treatment or punishment.

Conclusion

The progress made in the prevention and prohibition of torture by ACTV through the trainings of members of the criminal justice system, does not in any way suggest that the gap (of implementation of the laws on torture) has completely been filled. To the contrary, ACTV has discovered that the need for such trainings is more pressing as we look to achieve the vision of a world free from torture. From the trainings conducted so far, there has been a notable increase in the awareness on the concept of torture among criminal justice actors such as officers of the Criminal Investigations Department (CID) in the Uganda Police. This has in turn contributed to the improved investigation and documentation of complaints related to torture.

Therefore, training stakeholders in Uganda's criminal justice system on the prevention and prohibition of torture is not just a legal obligation on behalf of the State, but a moral imperative. Such training ensures that human rights standards are respected and upheld, ultimately contributing to a more just and humane system. By investing in robust training programs, we can strengthen the criminal justice system's commitment to human rights, improve its effectiveness in handling cases of torture, and build greater trust between the public and law enforcement agencies with regards to reporting cases of torture. Ultimately, such training programs contribute to ensuring that survivors of such serious human rights abuses can access justice, including reparation and rehabilitation, in a comprehensive and timely manner.

IX. Briefing Note

The Committee for the Prevention of Torture in Africa, formerly the Robben Island Follow-up Committee, is a special Mechanism of the African Commission on Human and Peoples' Rights. Under its terms of reference, the Committee must:

- Organise, with the support of other interested partners, seminars to disseminate the Robben Island Guidelines to national and international stakeholders.
- Develop and propose to the African Commission strategies for promoting and implementing the Robben Island Guidelines at national and regional level
- Promoting and facilitating the implementation of the Robben Island Guidelines within Member States
- Report to the African Commission, at each Ordinary Session, on the status of implementation of the Robben Island Guidelines.

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