

## **Thematic Recommendation (NGO/TREc/00 -05-09) on the Prevention and Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

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We, participants of the Forum on the Participation of NGOs Forum in the 45<sup>th</sup> Ordinary Session of The African Commission on Human and Peoples' Rights and the 19<sup>th</sup> African Human Rights Book Fair, held at the Kairaba Beach Hotel in Banjul, Gambia, from 9- 11 May 2009,

**Considering** that the African States have recognized the absolute and intangible character of the prohibition of torture and cruel, inhuman or degrading treatment or punishment as enshrined in article 5 of the African Charter on Human and People's Rights,

**Considering** the usefulness and importance of the Robben Island Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa, which were adopted by The African Commission on Human and Peoples' Rights in October 2002 and endorsed by the Assembly of Heads of State and Government of the African Union in 2003,

**Recalling** the establishment of the Follow-up Committee on the Implementation of the Robben Island Guidelines by the African Commission on Human and Peoples' Rights in 2004,

**Recognising** the need to reinforce the mandate of the Follow-up Committee on the implementation of the Robben Island Guidelines for an effective prevention of torture and other cruel, inhuman, degrading treatment or punishment,

**Concerned** by the continued prevalence acts of torture and other cruel, inhuman or degrading treatment or punishment and the need to act for the prevention of such acts,

**Recommend** to the African Commission on Human and Peoples' Rights to:

### **A. On Torture:**

1. **Incorporate** the prevention of torture in the mandate of the Follow-up Committee on the implementation of the Robben Island Guidelines;

2. **Change** the name of the current Follow-up Committee on the implementation of the Robben Island Guidelines into the “**Committee for prevention of torture in Africa**”;

3. **Include** within the mandate of the “**Committee for prevention of torture in Africa**”, inter alia, the possibility of in-country missions which could include preventive visits to places of detention, redress and support for victims

4. **Urge** Member States to establish National Preventive Mechanism and to report to the Commission on the implementation strategies for prevention of torture and redress for victims

## **B. On Prisons:**

### **1. Call on the African Commission to Urge** Member States

- i. to create awareness on the rights of the prisoners; on their human rights as well as best prison practice amongst staff
- ii. to set up mechanism to address the issue of the poor conditions of treatment of awaiting trial prisoners, Juvenile, Women, HIV prisoners and other vulnerable groups in prison and their families .
- iii. to carry out steps to divert mentally ill persons from prisons to therapeutic settings
- iv. to ensure that detainees and human rights defenders have access to medical care
- v. to increase subvention to prisoners
- vi. to develop strategies which would seek to address decongestion of prisons, and to particularly accelerate the hearing of cases of detainees to enable them to either be charged or dismissed

2. **Urge** the Commission to set up a special mechanism to support the work of the Special Rapporteur on Prison including set up a working group to assist him/her in the discharge of his mandate.

3. **Request** the Commission to develop a compendium on good prison practices in Africa and this should also include facts and figures on imprisonment and condition of detention in Africa.

4. **Request** the Special Rapporteur on Prisons and Conditions of Detention in Africa to produce a report on the issue of mentally ill persons in African Prisons.

Done in Banjul, 10<sup>th</sup> May 2009