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Special Bulletin on Reparation for Victims of Torture in Africa

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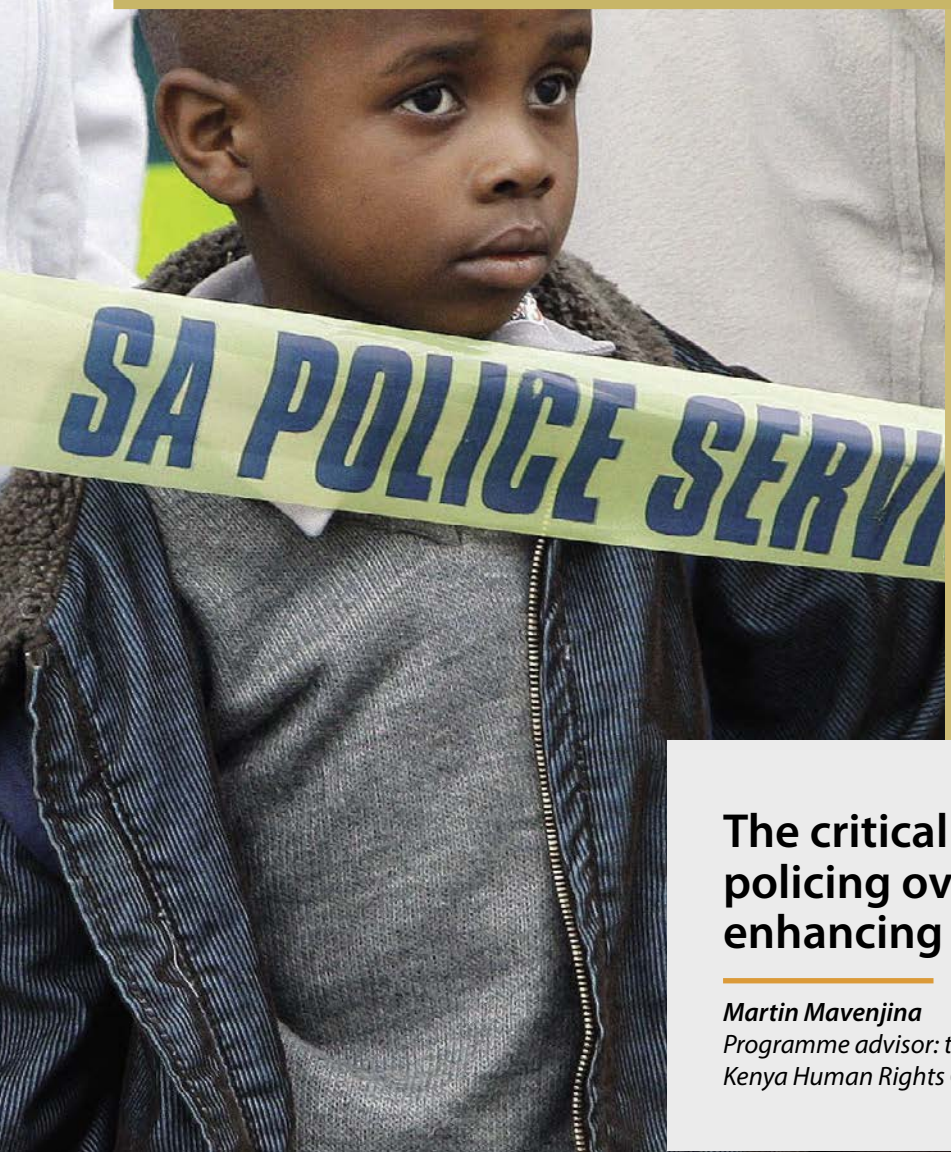

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The critical role of independent policing oversight bodies in enhancing police accountability

Martin Mavenjina
Programme advisor: transitional justice,
Kenya Human Rights Commission

Law enforcement agencies are supposed to play a critical role in maintaining law and order, preventing crime, and comply with constitutional standards of human rights and fundamental dignity, and, more importantly, foster and promote relationships with the broader society. The enactment of numerous laws and policies should ensure that police officers discharge their duties with diligence and respect for human rights and the rule of law. However, this has not been the case in many African countries, where the police have on numerous occasions been implicated in cases of serious human rights violations and abuse of power, through: arbitrary arrests; torture; extortion; indiscriminate use of force; unlawful arrests; extra-judicial executions; enforced disappearances; corruption; and the unlawful disruption of peaceful demonstrations amongst others. The political class in some countries has used law enforcement agencies not only as a tool of repression, but also to settle political scores.

The arguments for police accountability in recent years have shared a common idea around a system of checks and balances to prevent police abuse of power. Such checks have either been through internal mechanisms within the police or through external oversight bodies. Given the bias and lack of objectivity associated with internal investigations of police misconduct, external oversight bodies seem to provide the best solution to the challenge of police accountability. In Africa, countries like South Africa, Nigeria and Kenya have established external oversight mechanisms to deal with numerous human rights violations committed by the police with a view of holding them to account.

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In South Africa, the premier police oversight body, the Independent Police Investigative Authority (IPID, formerly the known as the Independent Complaints Directorate) oversees both the South African Police Service and the Metropolitan Police Service. It conducts independent and impartial investigations of identified criminal offences allegedly committed by members of the South African Police Service, including deaths that take place in police custody or as a result of police action and police misconduct. IPID reports annually to parliament and proposes reforms to reduce the incidents of the behaviour that gives rise to complains. During IPID's first seven years, criminal convictions were secured in 1.3 per cent while disciplinary convictions were secured in 3.2 per cent of cases. IPID also successfully investigated 32 106 of the 42 365 cases that they received.[1]

The Nigerian Constitution provides two critical mechanisms of police oversight: the Police Council and the Police Service Commission. The first layer of oversight for the police is the Police Council, which is made up of the President, the Governor of each state in Nigeria, the Chair of the Police Service Commission and the Inspector-General of Police. The Council is mandated to oversee the organisation and administration of the police (excluding operational or staffing matters), generally supervise the police and advise the President on the appointment of the Inspector-General of Police.

The second layer of oversight is the Police Service Commission that is made up of a Chair and between 7 and 9 members as set out in legislation. Under the relevant act, these members must be drawn from a cross-section of the community and include a retired judge, a retired senior police officer, and representatives of each of the Chamber of Industry and Commerce, media, women's organisations and human rights organisations. The Constitution empowers the Commission to appoint police officers (except for the Inspector-General – this power sits with the Police Council) and dismiss and exercise disciplinary control over the police. In addition to the Police Council and Police Service Commission, Nigeria has a national human rights commission (NHRC) which is empowered to investigate allegations of human rights violations. The powers of the NHRC are limited, however, in that its findings are only advisory and that it does not have any prosecutorial or quasi-judicial powers.

In Kenya, the Independent Policing Oversight Authority (IPOA) is a civilian oversight mechanism that was established through an act of parliament to provide civilian oversight over the police in Kenya. The IPOA has since its establishment investigated deaths and serious injuries caused by police misconduct; monitored, reviewed and audited the Internal Affairs Unit of the National Police Service; conducted inspections of police premises; and monitored policing operations. Since inception the IPOA has received and processed 18 166 complaints and concluded 2 625 investigations. As a result, the Authority has secured 13 convictions, while 95 case files were before courts at 31 December 2020. In addition, 378 police operations have been monitored while 2 389 inspections have been conducted in various police premises and facilities across the country. As per the IPOA's 2020 Annual Report, it has investigated 330 cases. Out of these, 95 cases were recommended for closure as they required no further action. Forty-five case files were forwarded to the Office of the Director of Public Prosecutions for action, and at 31 December 2020, 15 had been cleared pending registration in court. Additionally, the IPOA attended 142 court sessions across the regions and had a total of 95 cases pending in court.[2]

A handbook on police accountability, oversight and integrity by the United Nations Office on Drugs and Crime, states that for police accountability to be fully effective, it must involve multiple actors and institutions performing multiple roles, in order to ensure that police operate in the public interest.3 As these actors and institutions often represent particular interests, it is crucial to have a complementary independent institution overseeing the entire system. Independent bodies include national human rights institutions, also known as human rights commissions, operating under the Paris Principles.

Conclusively, independent policing oversight bodies continue to play a critical role in ensuring that police powers and resources are used responsively and responsibly for the common good. Good policing is policing with legitimacy on the basis of public consent, rather than repression. It is therefore important for African countries to strongly consider establishing internal and external mechanisms to investigate and punish police misconduct, and set priorities for policing that addresses community needs. African states can draw valuable lessons from Kenya, South Africa and Nigeria on the importance and urgent need for police accountability. Equally important is the critical role played by oversight mechanisms external to the police, like parliament and independent constitutional human rights bodies.

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1 Bruce, David (2020) *Are South Africa cops accountable? Results of Independent Police Directorate Investigations*. Cape Town: African Policing Civilian Oversight Forum (APCOF). Available at 025-aresouthafricascopsaccountable-resultsofindependentpoliceinvestigativedirectorateinvestigations-davidbruce.pdf

2 *IPOA Annual report 2020*. Nairobi: Independent Policing Oversight Authority. Available at ANNUAL REPORTS | The Independent Policing Oversight Authority (ipoa.go.ke)

3 United Nations Office on Drugs and Crime (2011) Handbook on police accountability, oversight and integrity. Vienna: UNODC. Available at Handbook on police accountability, oversight and integrity

An overview of General Comment No. 4: strengthening the right to redress for victims of torture

Nyasha Mpani
Fellow, Centre for the Study of Violence and Reconciliation

The essence of redress is change, and this change should be sustainable and be seen in all facets of the society

The 21st Extraordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) adopted a General Comment on the right to redress for victims of torture and other cruel, inhuman, or degrading punishment or treatment (torture and other ill-treatment) (the General Comment). This General Comment was adopted under Article 5 of the ACHPR with the goal of further strengthening the existing provisions on the right to redress in instruments adopted by the Commission, in particular the Robben Island Guidelines. The General Comment was adopted after meticulous and thorough consultations were conducted among state and non-state actors, including experts in the area and academics. General Comment No. 4 is directed at states and how states can secure redress for victims of torture.

Defining redress

According to General Comment No. 4, the right to redress entails the right to an effective remedy and to adequate, effective and comprehensive reparation. The essence of redress is change, and this change should be sustainable and be seen in all facets of the society – i.e., social, economic and political structures and relationships. Member states are obliged to provide redress by putting in place legal, administrative and institutional processes that are conducive to redress. Furthermore, the right to redress requires reparation, which according to the General Comment includes restitution, compensation, rehabilitation, satisfaction (including the right to the truth) and guarantees of non-repetition.

As a right, reparation is important as it recognises and facilitates the journey of coming to terms with the torture and other ill-treatment and dealing with the consequences of trauma and other injuries. More so, reparation has physical, psychological, social, cultural and spiritual dimensions and helps break the cycle of violence at individual, family, collective, institutional and societal levels.

It is imperative that the right to redress be context specific. Context includes general policing, detention, imprisonment, post- and ongoing conflict situations, legacies of the colonial experience, and the fight against terrorism. In addition, context can include individual, institutional, structural and systemic inequalities, as well as discrimination, marginalisation and other disadvantageous situations. Context is important if effect is to be given to the right to redress, as it allows individual victims and victimised communities to determine how best to realise this right.

Centring the victim in the redress process

The right to redress is based on the victim and seeks to protect, support and advocate for the victim. According to the African Charter on Human and Peoples' Rights (the Charter), a victim is a person who individually or collectively suffers harm, including physical or psychological harm, through acts or omissions that constitute violations of the Charter.[1] It can also mean or include affected immediate family or dependents of the victim, as well as persons who suffered harm while intervening to assist victims or to prevent victimisation. The redress process therefore seeks to ensure that this group of people receives justice for violations against them.

The General Comment reiterates that it is the prerogative of member states to protect the dignity of victims at all times and

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State parties are required to

adopt specific measures to address the barriers

that prevent access to redress

ensure that victims are at the centre of the redress process. The process needs to use a victim-centred approach to redress and should be cognisant of the harm suffered by victims. The process demands that the experiences and realities of victims are entirely reflected. The adage 'nothing for us without us' should be the go-to rule in this process, as it helps member states and practitioners in this field to ensure that victims have ownership of the redress process.

The process of redress demands that victims are given the right to play an active participatory role, without fear of stigma or reprisals. It is important that prompt, full and effective access to redress is given to victims. Promptness is a pillar in the redress process and should be held to during hearing claims for civil damages and when victims seek other means of reparation. Failure to provide prompt access to redress constitutes denial of redress.

Furthermore, the right to redress requires the state to make sure its institutions have the necessary legal mandate and independence, as well as adequate financial, human, technical and other resources to effectively provide redress. More so, those who are in volatile situations such as detention or are marginalised, discriminated against and disadvantaged should be given access to full and effective redress. Clinical and legal services for those who need trauma counselling and legal advice should be part and parcel of the redress process.

The right to redress also mandates that there be protection against intimidation, retaliation and reprisals against victims. The right to redress demands that victims, witnesses, their relatives and members of their communities enjoy protection before, during, and after the judicial and other proceedings they pursue to obtain redress. While it is a fundamental component of redress, this protection also needs to be extended to investigators, lawyers, healthcare personnel, human rights defenders, monitoring bodies, and any other individual or institution assisting victims in accessing redress. It is imperative that support and protection be given to victims to avoid situations where victims are tied to the perpetrator.

Situating reparations in the redress process

Reparations are an important component of the redress process. The right to redress demands that victims receive adequate, effective and comprehensive reparation. Redress requires that victims obtain reparation in a fair and non-discriminatory manner. In providing reparation, the situation of victims should be considered. This includes victims' culture, personality, history and background. The right to redress stresses a victim-centred approach to providing reparation as critical.

The right to redress also mandates

that there be protection against intimidation,

retaliation and reprisals against victims

For collective harm, the right to redress advocates for the state to provide redress. Collective harm can be branded as torture and other ill-treatment perpetrated against structurally disadvantaged, persecuted, marginalised or otherwise discriminated groups. These can be groups of people who suffered individually, but who may have developed a common identity because of their shared experience. It can be a particular community that self-defines or self-identifies as a collective or is collectively occupying a shared geographic area. In addition, collective harm can be persons who may have been subjected to torture and other ill-treatment in a manner that constitutes a violation of their other collective rights. The right to redress stresses the need to take into account the voices and socioeconomic needs of the most vulnerable members of the collective. In instituting reparation for collective harm,

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the right to redress is clear that the individual's right to reparation should not be ignored either.

The right to redress advocates redress should be provided for sexual and gender-based violence. According to the General Comment, sexual and gender-based violence includes rape, domestic violence, verbal attacks and humiliation, forced marriage, isolation, dowry-related violence, trafficking for sexual exploitation, enforced prostitution, indecent assault, denial of reproductive rights including forced or coerced pregnancy, abortion and sterilisation, forced nudity, mutilation of sexual organs, virginity tests, sexual slavery, sexual exploitation, sexual intimidation, abuse, assault or harassment, forced anal testing, and any form of violence of comparable gravity.

In addition to ensuring that victims of sexual and gender-based violence obtain redress, state parties are required to adopt specific measures to address the barriers that prevent access to redress. The state is obliged to ensure: adequate documentation; criminalisation of all forms of sexual and gender-based violence; accountability of perpetrators; support to victims at all stages of the legal process; identification of the causes and consequences of sexual and gender-based violence and all necessary measures to prevent and eradicate it; efficient and accessible reparation programs and participation of victims in the elaboration, adoption, and implementation of the programs; unimpeded and regular access to comprehensive healthcare, including sexual and reproductive healthcare services, physical rehabilitation, psychological and psychosocial support, and socioeconomic support; and the dignity and safety of victims as well as confidentiality and privacy.

In the context of armed conflict, the right to redress posits that states should provide redress to these victims. In armed conflicts, cases of torture and other ill-treatment are rife. The right to redress obliges the state to investigate and prosecute those responsible for torture and other ill-treatment and to provide redress to victims. The state should create a conducive and an enabling environment that allows different independent institutions, protecting powers, humanitarian agencies, civil society organisations, regional observer missions, the media and other stakeholders to document, report, investigate and provide assistance to victims of torture and other ill-treatment. Unwarranted restrictions to these activities hinder victims from realising their rights to redress.

Furthermore, in the context of transitional justice, redress for victims of torture and other ill-treatment is a matter of primary interest. The right to redress mandates transitional justice mechanisms to seek to understand and document the institutionalisation of torture and other ill-treatment, work to eliminate opportunities for their continued use, and occasion institutional and legal reforms. Victims should also be given the right to information on the incidences accountability and guarantees of non-repetition.

Challenges hampering the right to redress

While it is important that victims of torture access the right to redress, it should be noted that a number of challenges hamper them. Some of the challenges are complex and require political will to be addressed. These challenges include:

- Lack of comprehensive anti-torture legislation;
- Laws that legalise or permit torture and other ill-treatment;
- The absence of effective policies, programmes, administrative measures and institutional arrangements designed to give effect to this right;
- Impunity, gaps in the rule of law, and corruption;
- Inadequate torture prevention safeguards and lack of implementation of legislation where it exists, especially in conflict and post-conflict states; and
- Discrimination, marginalisation and socioeconomic challenges, as well as institutional and structural inequalities.

These challenges, while not exhaustive, hinder redress and, in some instance, also cause re-traumatisation of victims.

The right to redress obliges the state to investigate and prosecute those responsible for torture and other ill-treatment and to provide redress to victims

Conclusion

The right to redress is crucial for victims of torture and other ill-treatment. The right places victims at the centre in order to protect them from re-traumatisation and ensure they receive justice. States have a significant role to play in making sure victims realise this right. Most importantly, political will is needed to make sure this right is realised. Different organisations that work with victims need to be protected and given support by governments so that they can push for the realisation of this right for victims. Several challenges hinder the right to redress, which range from lack of political will, to impunity and gaps in the rule of law, and to structural inequalities. These challenges need to be addressed if victims are to enjoy their right to redress as enshrined in the Charter.

1 www.lawjournals.org; www.un.org/ola/en

Discriminatory torture of LGBTIQ+ persons[1]

Chris Esdaile
Legal Advisor, REDRESS

In April 2020 the Inter-American Court of Human Rights (IACtHR, or the Court), the highest human rights body in the Americas, issued a landmark judgment in the case of *Azul Rojas Marín and Another v. Peru*.[2] The case sets new standards regarding the protection of LGBTIQ+ persons from violence.

There have been other decisions in the regional human rights systems dealing with LGBTIQ+ rights. These have focused on a range of issues, such as gender identity and equality,[3] custody rights,[4] pension rights for cohabiting couples,[5] and the need to protect demonstrators from homophobic violence.[6] However, the case of Azul Rojas Marín presented the first opportunity for a human rights court to consider a complaint submitted by someone tortured because of their identity as an LGBTIQ+ person.

What happened to Azul?

Azul Rojas Marín is a transgender woman, who at the time of the events identified as a gay man. She was detained by members of the Peruvian police when she was walking home in February 2008. They insulted her and made derogatory remarks about her sexual orientation. She was forcibly taken to a police station and kept there for almost six hours. During her detention, and amid continual insults, Azul was stripped naked, beaten repeatedly, and anally raped with a police baton.

Azul reported the crime to the authorities, but they did not believe her, did not investigate properly, and revictimised her during the investigation. Her criminal complaint in Peru was eventually dismissed.

Key implications of the IACtHR judgment

Arbitrary detention

The Court considered that the lack of a legal basis for Azul's detention and the existence of discriminatory elements together inferred that she was detained based on her sexual orientation,[7] which automatically rendered the arrest arbitrary.

The case sets new standards regarding the protection of LGBTIQ+ persons from violence

The purpose of the torture

The IACtHR concluded Azul was anally raped while in detention, and that this amounted to torture as the intentionality, severity and purposive elements were met. Further, the Court expanded the list of specific purposes by which sexual violence can constitute torture, to include the motive of discrimination based on the sexual orientation or gender identity of the victim. The Court found that sexual violence that involves anal rape, especially when carried out amid constant insults and with a tool of authority such as a police baton, shows that the specific motive of the crime was to discriminate against Azul.[8]

The Court went further to label it as a hate crime given that it was the result of prejudice, and stated that the crime threatened the freedom and dignity of the whole LGBTIQ+ community.[9]

Duty to investigate discriminatory violence

The IACtHR reiterated its case law regarding due diligence in cases of sexual violence but extended its application to violence against LGBTIQ+ persons. Notably, the Court found that when investigating violence states have a duty to take all necessary steps to clarify if it was motivated by prejudice and discrimination.[10]

The Court also noted that investigations in such cases should avoid the use of stereotypes, which were a recurrent feature of the investigation.[11] For example, the truth of her declaration was questioned on the basis of her sexuality, and inquiries were made about her past sex life.

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Reparations

The IACtHR ordered very holistic forms of reparation for both individual as well as societal harm. In addition to awarding compensation to Azul and her mother, the Court ordered that there should be a public ceremony to recognise the state's international responsibility,[12] and the provision of rehabilitation to Azul for physical and psychological harm.[13]

Perhaps most notably, the Court ordered Peru to adopt a protocol for the effective criminal investigation of violence against members of the LGBTIQ+ community. The protocol shall be binding under domestic law, instruct state representatives to abstain from applying stereotypes, and include due diligence standards developed by the Court in the judgment.[14] The Court instructed the state to provide relevant training to members of the justice system and the police, and to collect data on all cases of violence against members of the LGBTIQ+ community.

Conclusion

This is the first case decided by an international tribunal to conclude that torture can take place with the specific purpose of discriminating against a person because of sexual orientation or gender identity. The case has the potential to influence law and policy beyond the Americas in cases regarding 'discriminatory torture' and the arbitrary detention of LGBTIQ+ people, and sets new due diligence standards to ensure the effective investigation of these cases.

1 This article is based on a longer article which first appeared in *EJIL:Talk!*, the blog of the European Journal of International Law: https://www.ejiltalk.org/discriminatory-torture-of-an-lgbti-person-landmark-precedent-set-by-the-inter-american-court-azul-rojas-marin-and-another-v-peru/ . A more detailed briefing on the case is available here: https://redress.org/wp-content/uploads/2009/04/Azul-Rojas-Marin-Briefing-Note-07.2020.pdf

2 IACtHR, *Azul Rojas Marín and Another v. Perú*, Preliminary Objections, Merits, Reparations and Costs, Judgment of 12 March 2020, Series C No. 402.

3 IACtHR, Advisory Opinion OC-24/17, *Gender identity, and equality and non-discrimination with regard to same-sex couples*, 24 November 2017

4 IACtHR, *Atala Riffo and daughters. v. Chile*, Merits, Reparations and Costs, Judgment of 24 February 2012, Series C. No. 239

5 IACtHR, *Duque v. Colombia*, Preliminary Objections, Merits, Reparations and Costs, Judgment of 26 February 2016, Series C No. 310.

6 European Court of Human Rights: *Identoba and others v. Georgia*, Judgment of 12 May 2015; M.C. and A.C v Romania, Judgment of 12 April 2016.

7. Azul judgment, para 128.

8 Ibid., para 163-164.

9 Ibid., para 165.

10 Ibid., para 196.

11 Ibid., para 202.

12 Ibid., para 232-234.

13 Ibid., para 236.

14 Ibid., para 242-243.

Expose police violence using the Protest Toolkit!

The Protest Toolkit provides guidance on **how to collect evidence of torture and ill-treatment during protest**.

In two key parts, the Toolkit contains:

1. An **Illustrated Guide** for collecting evidence of torture & ill-treatment during protest & detention AND
2. **Documentation Forms** for documenting and reporting torture and other human rights violations during protest

The tools have been designed by leading forensic experts at the **International Rehabilitation Council for Torture Victims (IRCT)**, the **Independent Forensic Expert Group (IFEG)**, and the **Human Rights Center at the University of California, Berkeley** based on their extensive experience in the field of torture investigation and documentation.

Both parts of the toolkit are ready to download In PDF form from the IRCT website at irct.org/protesttoolkit, which can then easily be shared over WhatsApp and other messaging services. The Illustrated Guide, which is specially designed for use on mobile phones, can also be easily viewed and shared on Instagram at @ protesttoolkit. We ask you for your support in SHARING this resource with all those who you believe may benefit from it.

For questions or inquiries about the Protest Toolkit do not hesitate to reach out to the IRCT's Advocacy team (James Lin jkl@ irct.org and Rhona Goodarzi rgo@irct.org).

The Mendez Principles

The **African Policing Civilian Oversight Forum (APCOF)** served on the steering and drafting committee of the Mendez Principles for Effective Interviewing for Investigation and Information Gathering (the Principles), sets out over six principles, an approach to improving the efficiency, fairness and outcomes of investigations and the administration of justice. The Principles were among others developed to address the risks of torture and cruel and inhuman treatment present in coercive interview practice. It seeks to protect the inherent dignity and human rights of all persons before, during and after questioning and does this by providing a common set of standards, and an evidence-based, practice-oriented, and human rights-compliant framework for conducting interviews. The Principles are grounded in the notion of legitimacy both in terms of their substance and their multi-party development, and offer a unique insight into this paradigm shift in interviewing. The Principles are available at https://interviewingprinciples.com/

Strengthening the South African National Preventive Mechanism

The African Policing Civilian Oversight Forum (APCOF) and Rachel Murray and Debra Long from the **Human Rights Implementation Centre (HRIC)** have been working in partnership on a project, commissioned by the South African Human Rights Commission, to assist with ongoing efforts to strengthen the South African National Preventive Mechanism (NPM). The project has involved extensive independent research to identify areas of reform. Based on the findings of this research, practical recommendations have been developed to improve the overall governance and functioning of the NPM, and strengthen compliance with the Optional Protocol to the UN Convention against Torture.

Women Empowerment and Rehabilitation Trust

Women Empowerment and Rehabilitation Trust (WERT), based in Harare, Zimbabwe, was set up in 2015 to create safe spaces for female victims and survivors of gender-based violence. It provides post gender-based violence services such as health and wellness, psychosocial support, legal aid and economic empowerment initiatives. WERT carries out family and community awareness-raising activities that seek to eliminate the harmful social practices that perpetuate gender-based violence. WERT also carries out advocacy efforts at national, regional and international level aimed at influencing changes in policy and legislative framework that has a bearing on gender-based violence.

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WERT is appreciative that developments to end violence against women have been largely broadened to include issues pertinent to women and girls (including rape and other forms of sexual abuse, trafficking and domestic violence, to mention a few) which resulted in a deconstruction of the public and private divide. The adoption of the Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW Convention) in 1979, and the issuing of General Recommendations No. 19 on Violence against Women in 1992 and the 2017 General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19 are decisive steps forward. A major development paving the way forward came in January 2008, when the Committee Against Torture published General Comment No. 2 clarifying in paragraph 18 that where state authorities failed to exercise due diligence to prevent, investigate, prosecute and punish non-state actors, state officials should be viewed as being complicit or responsible under the Convention.

WERT is carrying out Project Empower, where this year has thus far carried out seven nationwide information booths to raise awareness so that girls and women can identify cases of trafficking within the borders of Zimbabwe.

WERT carries out family and community awareness-raising activities that seek to eliminate the harmful social practices that perpetuate gender-based violence

Submission to UN Committee against Torture highlights violence against LGBTIQ+ persons in Kenya

On 18 March 2022, **REDRESS** and their Kenyan partners, the **National Gay & Lesbian Human Rights Commission (NGLHRC)**, made a submission to the Committee against Torture as part of its examination of Kenya's treaty obligations, which took place from 19 April to 13 May 2022.

The submission draws the Committee's attention to the discriminatory violence suffered by individuals identifying or perceived as LGBTIQ+ in Kenya, which often amounts to torture or other forms of ill-treatment. It also puts forward a number of recommendations for legislative and policy reforms, as well as educational initiatives which, if effectively implemented by the state, could increase the legal protection of LGBTIQ+ persons, and strengthen the state's capacity to prevent and respond to violence against the LGBTIQ+ community.

The submission draws on the work of NGLHRC and other civil society organisations in Kenya who, despite the challenges, continue to support LGBTIQ+ persons who are victims of violence.

The submission is available here, and is part of REDRESS's ongoing work on violence against LGBTIQ+ persons in Africa. In this regard, REDRESS is working alongside a small number of local organisations in Kenya, Malawi, South Africa and Uganda on advocacy initiatives on this topic, and on legal casework to improve LGBTIQ+ torture survivors' access to justice. Further information can be found here.

REDRESS's Kenyan partner is The National Gay and Lesbian Human Rights Commission (NGLHRC), an independent human rights institution working for legal and policy reforms towards equality and full inclusion of sexual and gender minorities in Kenya. Its mission is to promote and protect the equality and inclusion of LGBTIQ+ individuals and communities in Kenya, and advance their meaningful participation in society. Learn more about their work here.

Implementing anti-torture standards in common law Africa: Report identifies good practices and way forward

On 1 April 2022, **REDRESS** and the **Convention against Torture Initiative (CTI)** launched their joint report entitled *Anti-Torture Standards in Common Law Africa: Good Practices and Way Forward*. (available here) The launch was marked by an online event 'Towards Torture Prevention and Eradication in Common Law Africa' which was held on Friday 1 April.

The report reviews the anti-torture legal and regulatory framework in The Gambia, Ghana, Kenya, Nigeria, South Africa, Sudan, Uganda and Zimbabwe and provides an analysis of standards in place to prevent, prohibit and respond to torture and other ill-treatment in these states. In particular, the report examines the following thematic areas:

- Definition of torture;
- Legal and procedural safeguards for persons deprived of their liberty;
- Non-admission (exclusion) of evidence obtained by torture and other ill-treatment;
- The prohibition of refoulement;
- Complaints and investigations mechanisms;
- Accountability: jurisdiction, prosecution, and procedural barriers to accountability, including amnesties, immunities and statutes of limitation; and
- Redress.

Through a review of these areas, the report showcases positive examples of domestic legal protection against torture and other ill-treatment in the region to inspire action towards strengthening the domestic implementation of UNCAT across common law in Africa.

It also identifies challenges experienced by states to prevent and respond to torture and other ill-treatment. The report outlines measures and proposals that can be considered by states and their institutions at the legal and policy level and provides recommendations based on international and regional standards, as well as inspired by existing measures adopted by states in the region.

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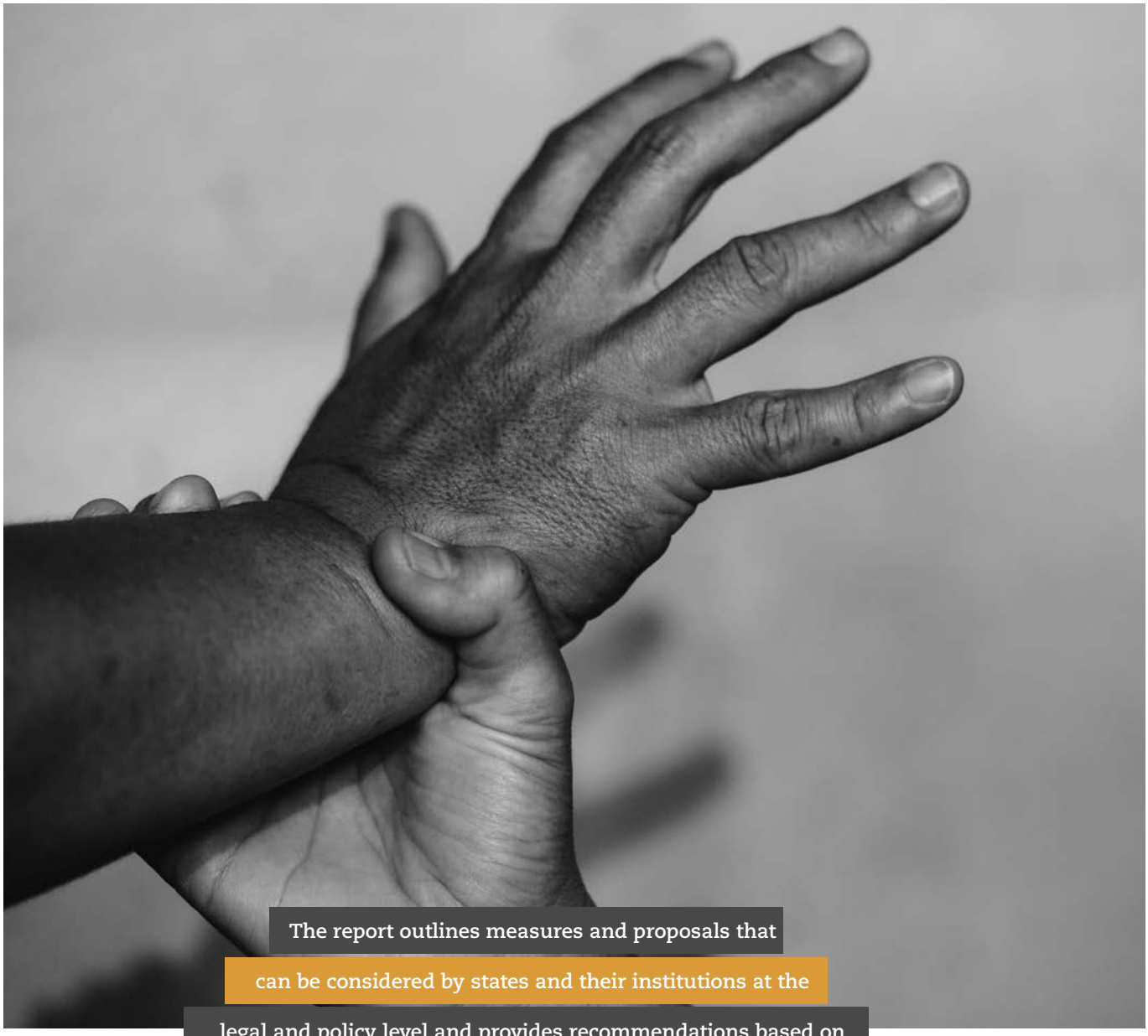
The report is hoped to serve as a tool for key stakeholders in the region, and though it focuses on particular states it attempts more broadly to highlight some shared challenges that seem most prevalent considering the eight countries covered as a whole. While every state in the region faces contextually varying challenges, the findings and recommendations contained in the report could be used to strengthen the anti-torture protection framework in other countries in Africa beyond those reviewed in the report.



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EDITORS: Centre for the Study of Violence and Reconciliation

Nyari Pariola and Jasmina Brankovic

This publication is a knowledge output that is published by the Pan African Reparations Initiative (PARI).

About PARI

The Pan African Reparations Initiative (PARI) is a loose network of 47 organisations working with and advocating for the rights of victims of torture and ill-treatment in Africa. The network was birthed on the margins of the NGO Forum and the Open Session of the African Commission on Human and People's Rights in Ivory Coast in October 2012.

Objectives of PARI

PARI brings together organisations assisting victims of torture in Africa with their access to reparation- including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Through concerted advocacy and lobbying efforts, PARI aims to ensure that best practices on catering for the rights of victims are prioritised and highlighted and that African human rights mechanisms such as the African Commission on Human and people's Rights (ACHPR) prioritise the rights of victims of torture for reparation. Although reparation is a big component of the work of PARI, other problematic issues around torture jurisprudence shall also receive attention.

PARI achievements to date

PARI engages in various joint activities towards strengthening the torture and reparations jurisprudence and practice in Africa: These activities include:

- Joint events on the margins of the African Commission Session / NGO Forum
- Inputting to the Drafting of General Comment(s)
- Specific advocacy initiatives of ACHPR mechanisms beyond CPTA
- Publication of the Pan-African Reparation Perspectives Newsletter
- Sharing learnings and best practices on reparation and torture prevention in Africa through an e-mail list-serve
- Production of a Rehabilitation Manual and a Manual on Redress for practitioners in the field.

Current members of the network include:

Actions pour la Protection des Droits de l'Homme ; African Centre for Treatment and Rehabilitation of Torture Victims ; African Policing Civilian Oversight Forum (APCOF); African Network against Extrajudicial Killings and Enforced Disappearances (ANEKED); Amnesty International; Article 5 Initiative; Association for the Prevention of Torture; Basic Needs- Ghana; Cairo Institute for Human Rights Studies; Centre for Human Rights and Rehabilitation; Centre for the Study of Violence and Reconciliation; Centre de Réhabilitation des Victimes de la Torture (AJPNV)- Chad; Consortium des Associations de Jeunes pour la Défense des Victimes de Violences en Guinée; Collectif Des Familles de Disparus en Algérie; Counselling Services Unit; Egyptian Initiative for Personal Rights; Fédération internationale des ligues des droits de l'homme; Gambian Center for Victims of Human Rights Violations; Human Rights Implementation Centre; Healing of Memories; Independent Medico Legal Unit; International Rehabilitation Council for Torture Victims; Kenyan Human Rights Commission; Khulumani Support Group; Legal Resources Center-South Africa; Liberian Association of Psychosocial supporters (LAPS); Medical Association for Rehabilitation of Torture Victims; Mental Health Uganda; Pan-African Lawyers Union; Projet de Monitoring des Détentions Avant-Procès en Cote d'Ivoire; Prisoners' Rehabilitation and Welfare Action (PRAWA); REDRESS; Rencontre Africaine pour la Défense des Droits de l'Homme; Rescue Alternatives Liberia; Solidarity Action for Peace; Save Congo Human Rights NGO Forum; South Africa Trauma Centre; Tree of Life- Zimbabwe; The National Working group on Transitional Justice- Tunisia; The Youth for Peace and Non Violence Association; Dullah Omar Institute, University of Western Cape; Validity Foundation; Women Empowerment and Rehabilitation Trust; Women in Liberation and Leadership (WILL); World Organization against Torture; Zimbabwe Lawyers for Human Rights; Zimbabwe Human Rights NGO Forum.

For further information and/or to join PARI, please contact Nyari Pariola, CSVR,

at nparIola@csvr.org.za or paricoalition@gmail.com.

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