

THE RIGHT TO REHABILITATION FOR TORTURE VICTIMS IN AFRICA

A REGIONAL PERSPECTIVE



The right to rehabilitation for torture victims in Africa

Victims of torture and ill-treatment have suffered a serious violation of their rights. Whether they have been subjected to physical or mental torture, the effects go far beyond the immediate physical or psychological pain. In fact, torture has a traumatic and life-changing impact, which requires multiple interventions in order to restore dignity and enable the victim to be as fully functional as possible.

The positions adopted in this paper flow from a movement-wide policy adopted by IRCT members worldwide.

The right to rehabilitation for torture victims in Africa:

Torture victims have an explicit right to rehabilitation as an integral part of the right to reparation under international human rights and international humanitarian law. The African Charter for Human and Peoples' Rights (Article 5) prohibits torture, cruel, inhuman or degrading punishment and treatment and Article 14 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment specifically raises the right to rehabilitation.

Part III of the Robben Island Guidelines,¹ adopted by the African Commission in 2002, recognises the obligation on states to offer reparations to victims of torture, and calls on states to ensure that all victims of torture and their dependents are offered appropriate medical care; have access to appropriate social and medical rehabilitation and are provided with appropriate levels of compensation and support.

More specifically, General Comment 3² of the UN Committee against Torture defines the right to rehabilitation within the frame of international human rights law. It underlines that all torture victims have a right to rehabilitation, which should be:

- Holistic, including medical and/or psychological treatment, social, vocational and legal support
- Available, appropriate and accessible without discrimination
- Provided in a way that guarantees the safety and personal integrity of the victims, their family and their caretakers
- Provided at the earliest possible point in time after the torture event
- Provided without a requirement for the victim to pursue judicial remedies, but solely based on recommendations by a qualified health professional

- Provided in close consultation with the victim and tailored to meet the specific needs of each individual victim
- Adequately funded by national governments.

What obligations do states have to ensure the right to rehabilitation for torture victims?

Based on the norms of international human rights law, the IRCT³ urges states to:

Ensure that:

- The domestic legal framework provides an effective right to rehabilitation for torture victims.
- State policies and budgets enable availability and accessibility of appropriate holistic rehabilitation services to all victims of torture and ill-treatment within their jurisdiction.
- All victims of torture and ill-treatment have a genuine free choice between state or non-state services, that all costs associated with the services are covered by the state (either directly or indirectly) and that the validity of non-state services are fully recognised.
- Victims of torture and ill-treatment have access to rehabilitation services at the earliest point in time, including by giving access based on a mental and physical health evaluation rather than on the pursuit of remedies.
- Victims pursuing remedies are afforded victims' status and psychological support at the earliest possible point in time.

Create a safe, trusting and enabling environment for accessing and providing rehabilitation services, including measures to:

- Prevent and sanction any act of reprisal or intimidation against victims, their families or service providers.
- Fully respect medical ethics including principles of confidentiality and 'do no harm'.
- Avoid any restrictions on operation or funding for non-state actors providing rehabilitation services.

Ensure transparency through regular reporting, including disaggregated data, on measures taken to implement the right to rehabilitation with full respect for victims' right to confidentiality;

Recognise the obligation under Article 14 of the UN-CAT does not relate to available resources and cannot be postponed.

1. Resolution on the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (The Robben Island Guidelines), adopted at the 32nd ordinary session of the African Commission, Banjul, The Gambia, October 2002.

2. General Comment No. 3 (2012): Implementation of article 14 by State parties, CAT/C/GC/3, 12 December 2012.

3. As underlined in the Copenhagen Declaration on Right to Rehabilitation, issued by IRCT's Council, 31 March 2014 (available at: www.ircct.org).

Right to rehabilitation in Africa: a regional perspective

Rehabilitation services provided to torture victims by the IRCT's members in Africa:

In Africa, 23 rehabilitation centres across 18 countries are members of the IRCT and provide holistic health-based rehabilitation services to torture victims. This includes providing any of the following, depending on the needs of the clients and available resources:

- Medical care
- Psychosocial counselling
- Physiotherapy etc.
- Legal redress and support, advocacy
- Community reconciliation and community therapy
- Livelihood support and economic rehabilitation
- Socio-therapy and social integration

Implementing the right to rehabilitation for torture victims in Africa

Some of the specific challenges with implementing the right to rehabilitation for torture victims in Africa include:

- The context within which torture rehabilitation services are offered in Africa varies widely. Services are primarily provided by NGOs with scant state provision. The resources made available are not in proportion to the scale of torture and the numbers affected.
- There are tens of thousands of torture victims due to civil conflicts and forced migration; those living in protracted refugee situations and those fleeing as part of mass movements. Providing rehabilitation services in these contexts is challenging and needs urgent attention.
- Few states have prohibited torture in their domestic legislation. Only nine countries in Africa have adopted domestic legislation outlawing torture.

- Many countries criminalise torture by making amendments to the Penal Code which in most cases does not make provision for the right to rehabilitation. Legislation prohibiting and preventing torture needs to be comprehensive.

- Rehabilitation and compensation for victims is inadequately covered by national legal mechanisms.

- Payment of compensation awards by the courts or other quasi-judicial bodies is often subject to delays and can be a lengthy process which has a negative psychological impact on victims and survivors of torture. These processes should be expedited without compromising anyone's rights to a fair trial.

- Protection and support of victims and witnesses filing complaints or claims for compensation needs to be guaranteed in all African states.

- Providers of rehabilitation services to torture victims need protection against legal restrictions, funding cuts and violence towards staff and clients.

- In some states, mental health care services are still excluded from the primary health care system. This contributes to the inadequacy of psychological rehabilitation services for all torture victims; in particular affecting prison inmates who may not receive any services.

- Prisons remain the least funded organ of many criminal justice systems in Africa. With most resources utilised primarily for security purposes, inmate rehabilitation (especially for torture victims) ranks low on many priority lists.

- Governments continue to use secret detention, which in addition to a host of human rights violations, means that victims held in these facilities do not have access to rehabilitation service providers and other critical support.

- The protection of human rights must not be undermined in the fight against terrorism and treatment of detainees, e.g. in Cameroon, Chad, Kenya, Niger, Nigeria, Somalia and Uganda.

- There is a lack of funding from states, either directly or indirectly, of rehabilitation services for torture victims.

About the IRCT

The International Rehabilitation Council for Torture Victims (IRCT) is an independent, international health-based human rights organisation, which promotes and supports the right to rehabilitation of torture victims. The vision of the IRCT is a world without torture. The IRCT's strategy for 2015-20 focuses on ensuring that the entitlement to rehabilitation for torture victims is delivered. The IRCT's objectives are to be a leading hub of global knowledge on health-based rehabilitation and to lead global consensus-making processes on the right to rehabilitation's contents, scope and standards. Since its establishment in 1985, the IRCT has evolved into a movement of 144 member centres, in seven regions and 74 countries, and is now the world's largest membership-based civil society organisation working in the field of torture rehabilitation. According to the last census carried out by the IRCT, an estimated 100,000 torture victims receive treatment by member centres in a wide range of contexts.

As an organisation with a democratic structure, IRCT's policies, views and values are the result of consensus building processes, and have been endorsed by the critical mass within the movement. The knowledge and expertise of the membership is fundamental to IRCT's work. Member centres identify priorities for change and influence the legislation and policies in their specific national context. The IRCT supplements these efforts by standard setting at international and regional human rights fora and with key organisations. The IRCT, as well as a number of its members, hold Observer Status with the African Commission.

The IRCT's members in Africa

The IRCT has 23 members across 18 countries in Africa who provide holistic health-based rehabilitation services to torture victims.

Country	Centre
Burundi	Solidarité d'Action pour la Paix/Grand Lacs (SAP/GL)
Cameroon	Trauma Centre Cameroon (TCC)
Chad	Association Jeunesse pour la paix et la Non Violence/ Centre de Rehabilitation des Victimes de la Torture (AJPNV)
DRC	Save Congo [1][2] Centre Mater Misericordiae (CMM)
Egypt	El Nadeem Center for Psychological Management and Rehabilitation of Victims of Violence
Ethiopia	Rehabilitation Centre for Victims of Torture in Ethiopia (RCVTE)
Kenya	Centre Against Torture (CAT-Kenya) Independent Medico-Legal Unit (IMLU) [2] Mwatikho Torture Survivors Organization (MATESO)
Liberia	Rescue Alternatives Liberia (RAL) Liberia Association of Psychosocial Services (LAPS)
Morocco	Association Medicale de Rehabilitation des Victimes de la Torture (AMRVT)
Nambia	People's Education Assistance and Counselling for Empowerment (PEACE)
Nigeria	Prisoners Rehabilitation And Welfare Action (PRAWA) [1][2]
Rwanda	UYISENGA N'MANZI
Senegal	Le Centre de Soins des Victimes de Violences Rehabilitées, Centre Africain pour la Prévention et la Résolution des Conflits (VIVRE-CAPREC) [2]
Sierra Leone	Community Association for Psychosocial Services (CAPS)
South Africa	Centre for the Study of Violence and Reconciliation/Trauma and Transition Programme (CSVR) [2] The Trauma Centre for Survivors of Violence and Torture (TCSVT)
Sudan	Amel Center for Treatment and Rehabilitation of Victims of Torture (ACTRVT)
Uganda	African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) [1][2]
Zimbabwe	Counselling Services Unit (CSU) [2]

[1] The organisation has a representative in IRCT's Council.

[2] The organisation has Observer Status with the African Commission.

Join us on 26 June 2015 and be part of the global movement promoting the Right to Rehabilitation (R2R)

www.irct.org/26june <http://twitter.com/withouttorture> <http://www.facebook.com/WorldWithoutTorture>

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