

Concept Note

International Conference on Practices of National Preventive Mechanisms in Africa

23-24 June 2023

Savoy Hotel

Marrakesh, Kingdom of Morocco

General Background:

On 18 December 2002, the General Assembly of the United Nations adopted the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (OPCAT or Optional Protocol). Under this Optional Protocol, states must establish, maintain or designate a national body to prevent torture, known as the National Preventive Mechanism (NPM). These mechanisms conduct, among other prerogatives, regular visits to places of deprivation of liberty.

Since then, NPMs continued to gain prominence and recognition for their roles in preventive monitoring, as State and non-state actors are increasingly embracing the instrument and acknowledging its contribution in promoting the effectiveness of human rights. Furthermore, as mechanisms focusing on local implementation of the international human rights instruments in places where persons are or may be deprived of liberty, NPMs hold the potential to bring considerable and substantial transformations. However, several issues continue to be raised especially with regard to the effectiveness of NPMs as they are facing several key challenges.

The effectiveness of NPMs depends on several elements related to legal, human, financial and infrastructural resources. The lack of any of these elements impacts NPMs' work and places them in front of challenges that sometimes lie beyond the scope of legal texts implementation. In responding to these challenges, NPMs shall be equipped with adequate funding, staff, and resources to carry out their mandates effectively. In this regard, it is crucial to consolidate the foundation of expertise and establish conditions that ensure proper functioning of these mechanisms.

In Africa, as of May 2023, 23 countries have ratified the OPCAT and 15 NPMs have been established. The efficiency of African NPMs varies across countries and regions as most of them are still facing considerable challenges. Some face challenges that include limited resources, restrictive legal and operational environments, capacity building, and limited networking opportunities.

The effectiveness of any NPM depends upon sustainable efforts at the individual and collective levels. At the national levels, networking and cooperation hold important significance in the context of preventing torture. Through the consolidation of strong

bonds and cooperation with various stakeholders, including human rights organizations and governmental bodies, NPMs can strengthen their efficacy and resilience, which could enable them to overcome the obstacles they encounter and reach substantive and impactful outcomes.

At the regional, continental and international levels, collaboration among NPMs plays a significant role in providing them with appropriate tools and adequate support to advance their agendas. Collaborative ventures should be pursued, and active participation in regional and international meetings should be sought to share information, promote best practices and create opportunities for peer learning.

In commemoration of the 75th anniversary of the Universal Declaration of Human Rights, the National Human Rights Council (CNDH), in cooperation with the South African Human Rights Commission (SAHRC) will organize, on 23-24 June 2023, a conference in Marrakech on “**Practices of National Preventive Mechanisms (NPMs) in Africa: Exploring emerging challenges and opportunities**”. The conference will bring together African NPMs, NHRIs, experts, and representatives of international organizations and networks, to examine the challenges and developments with regard to existing legal and institutional frameworks in Africa, identify current and emerging practices related to the mandates of NPMs, and address the challenges they are facing. Through shared learning, it is hoped that the debates will explore opportunities for addressing these challenges.

The conference also seeks to identify strategies that can enhance the efficiency of African NPMs through fostering networking opportunities and promoting collaborative efforts. Additionally, the event aims to facilitate the exchange of ideas and experiences between NPMs and various stakeholders, including the Subcommittee on the Prevention of Torture, the Committee for the Prevention of Torture of the Council of Europe, the International Committee of the Red Cross, the Association for the Prevention of Torture, and renowned experts operating in this field.

The conference will include several panel discussions. The panels will delve into the complex structural challenges faced by African NPMs, such as limited resources, legal frameworks, and infrastructure limitations. They will also seek to showcase best practices and explore innovative approaches and avenues of collaboration among NPMs and other continental and international partners. The final session will be dedicated to the presentation of the final Conference Document summarizing the main conclusions and key recommendations.

I. Main themes of the Conference:

NPMs in Africa: the road from legal texts to practical comprehensive implementation:

Notable advancements in terms of normative and legislative measures in preventing torture and other ill-treatment were introduced in many African countries. However, in many contexts, evolving realities present new challenges that still need to be addressed. Some of these emerging challenges include the shrinking operational manifested through restrictive laws, intimidation, and funding difficulties, which raise the issues of maintaining the autonomy and integrity in such environments.

Furthermore, and in many cases, the efficacy of African NPMs is only measured against their ability to compel authorities to fulfill their obligations by implementing conclusions and recommendations. However, some suggest that this approach can only be relevant if several conditions are met, and in the contemporary contexts surrounding African NPMs' work, it is certainly difficult to deliver an overview that is complete and true to realities.

Additionally, amidst the widespread debate on the efficiency of NPMs in Africa, particular inquiries emerge: while some argue that, in many cases, torture prevention is transitioning from a context marked by "opposition" between some stakeholders, to a context wherein most parties recognize the imperative to address the challenges of torture prevention, and therefore, engage in cooperation efforts, others argue that cooperation cannot produce significant outcomes in circumstances where financial and operational limitations persist.

Based on the following issues, the discussions will attempt to explore different NPMs' contexts and discuss avenues that are likely to help build a common understanding of the complexity of challenges and their multidimensional implications:

- Why is it important to consider both qualitative and quantitative indicators when assessing the effectiveness of African NPMs in torture prevention efforts?
- How significant are the legal, human, financial, and infrastructural resources in determining the effectiveness of NPMs in Africa?
- Is there a way to overcome the challenges posed by financial and operational limitations?

NPMs in Africa: emerging cooperation opportunities

NPMs are facing common challenges that further put into test their effectiveness. The COVID-19 pandemic, as an example, underscored the need for them to adopt innovative and flexible strategies and engage in practice sharing with peers, as they are, in essence, components of the prevention system established by the OPCAT.

It is also crucial for established NPMs to share information on the strategies they adopted to overcome the challenges they encountered during their developmental

phases. In this regard, some established African NPMs have successfully engaged in constructive dialogue with their national authorities, and therefore avoided, to some extent, the emergence of new barriers.

Through collaborative efforts, NPMs can capitalize on their collective knowledge, share best practices, enhance their overall effectiveness and establish, together, a cohesive front in the global efforts against torture and other ill-treatment.

In light of all contexts and developments at the African level, the discussions on emerging opportunities will showcase certain experiences and good practices and provide recommendations and answers to the following elements:

- To what degree does collaboration and good practices sharing among NPMs enhance the overall effectiveness of NPMs at the national levels?
- How to further enhance collaboration among NPMs and with various stakeholders, such as the Subcommittee on the Prevention of Torture, the CPT of the Council of Europe, the International Committee of the Red Cross, the Association for the Prevention of Torture, and other stakeholders?

II. Methodology

A. Participants

The panels will bring together participants from NPMs, national human rights institutions, international, regional and sub-regional human rights mechanisms, and NGOs.

B. Format

The Panels' discussions will be held over two days followed by interactive discussions. A moderator will facilitate the discussions assisted by Rapporteurs who shall report back to the participants during the last panel.

III. Expected outcome

An outcome document summarizing the main conclusions and key recommendations will be drafted by the sessions' rapporteurs and presented to the participants.