

DECLARATION OF GRAND-BASSAM

We Mediators and Ombudsman of African countries, members of AOMA, participants at the 2017 Grand-Bassam Workshop, coming from Benin, Burkina Faso, Burundi, Cape Verde, Chad, Cote d'Ivoire, Gabon, the Gambia, Ghana, Niger, Nigeria, Senegal, Sierra Leone, Soudan, South Africa, Tanzania, Zambia and Zimbabwe,

note with great concern persistent practices of torture and other cruel, inhuman or degrading treatment or punishment in Africa; we are aware of an urgent need for our combined commitment and effort toward taking the required measures to address these matters under a holistic approach;

voice our anxiety about the impact of such practices on the fundamental rights of the peoples of our continent as they confront new and serious challenges;

take the occasion to reaffirm that acts of torture and other cruel, inhuman and degrading treatment or punishment are absolutely prohibited under international and regional human rights law as well as by international humanitarian law, and that they remain unjustified in all circumstances, however exceptional;

support the obligation incumbent on governments to ban and prevent acts of torture and other cruel, inhuman and degrading treatment or punishment as stated in international human rights instruments, notably the Convention against Torture and Other Cruel, inhuman or degrading Treatment or Punishment and its optional Protocol;

support the obligation incumbent on States to enshrine this ban in their constitutions, legislations, national policies and national practices;

recognize as a major African instrument the Robben Island Guidelines for the prohibition and prevention of torture in Africa, which were adopted to help states implement their obligations and to guide all

involved parties in actions taken to prohibit and prevent torture, strongly and efficiently;

note the particular relevance of the Luanda Guidelines over conditions under which should be conducted arrests and pre-trial detention in Africa, these Guidelines being a key tool to ensure that practices governing arrests, police custody and pre-trial detention are compliant with the African Charter on Human and Peoples' rights this in cooperation with the Africa Union;

consider important the responsibility assigned to mediator and ombudsman as an institution for the promotion and protection of human rights in Africa in general, and those of vulnerable groups in particular;

recognize the efforts made by the International Ombudsman Institute and the Association for the Prevention of Torture, by the Association of African Ombudsmen and Mediators and, in particular, by the Mediator of the Republic of Cote d'Ivoire in favor of an effective ban on torture in Africa as well as preventive action;

We have agreed and are committed to:

1. Give high priority to the prevention of torture and the proper administration of justice in the framework of our mandate of Mediators and Ombudsman;
2. Carry out research visits in places of detention and cooperate with all the actors concerned under an overall institutional strategy;
3. Use our counseling and watchdog mandate to ensure that legislations and national practices are harmonized with relevant international and regional obligations including the Robben Island and Luanda Guidelines, and to promote the adoption of an overall anti-torture legislation which would cover not only the ban and prevention of torture but also the needs of victims of violations and the protection of witnesses;
4. Lobby in favor of the ratification of the United Nations Convention against torture and other cruel, inhuman or degrading treatment or punishment by the countries of the African Ombudsman and Mediators'

Association (AOMA) who have not yet ratified it, and for its effective implementation;

5. Conduct a similar lobbying effort to obtain ratification of the optional Protocol to the anti-torture Convention (OPCAT) and to advance an inclusive decision-making process leading to establishing a National Prevention Mechanism that complies with OPCAT;

6. Fully cooperate with the National Prevention Mechanism (NPM) if it is established as a distinct institution;

7. Construct and adopt a common strategy for banning and preventing torture in AOMA countries together with a Code of Conduct to which an award will be attached (the “Ombudsman Award of Grand-Bassam”) to single out the best institutional program in this field;

8. Promote cooperation and exchange of good practices between Ombudsmen and Mediators in the AOMA group of countries, provide for a Focal point at the AOMA secretariat and organize work and training sessions on the issue with the African Ombudsman Research Center (AORC);

9. Encourage the institution of Mediators and Ombudsman to cooperate with civil society organizations, traditional opinion leaders and religious figures;

10. Cooperate with other national, regional or international actors on autonomous or joint initiatives to bring to public attention April 25, the African Day for Pre-trial Detention, and June 26, International Day in support of the Victims of Torture.

Grand-Bassam, February 28, 2017

For the participants, President N’Golo Coulibaly,

President emeritus of AMP-UEMOA, 1st Vice-President of AOMA,
Member of the Governing Body of IOI, Mediateur of Republic of Cote
d’Ivoire

