Implementation of the Prevention and Prohibition of Torture Act 2012

Outcome document of the Workshop held on 7th – 8th February 2012

PLAN OF ACTION / ROADMAP

Preamble

The participants at the Workshop on the implementation of Prevention and Prohibition of Torture Act 2012, organized by the Uganda Human Rights Commission (UHRC), in collaboration with the African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) and the Association for the Prevention of Torture (APT), in Kampala, Uganda, from 7 – 8 February 2013;

Reiterating that torture and other cruel, inhuman or degrading treatment or punishment must be punished as a violation of human rights and fundamental freedoms stipulated in the Uganda Constitution Articles 24 and 44(a), the Robben Island Guidelines, the Universal Declaration of Human Rights, the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (UN CAT) and other international human rights treaties;

Expressing deep concerns about the continued prevalence of torture and other cruel, inhuman or degrading treatment or punishment in Uganda and the conviction to urgently address the challenge in all its dimensions;
Noting with satisfaction that in July 2012, Uganda passed a law on the Prevention and Prohibition of Torture criminalising torture and giving effect to the obligation of Uganda as a State party to the UN CAT;

Mindful of the need to implement the newly enacted legislation on the Prevention and Prohibition of Torture Act 2012 through creation of synergies between different stakeholders and partners;

Welcoming the growing partnerships between governments, non-governmental organizations (NGOs) and civil society in the proposed implementation of the Prevention and Prohibition of Torture Act;

Commending the persistent efforts and critical role of Uganda Human Rights Commission, the African Centre for the Treatment and Rehabilitation of Torture Victims, and the Coalition against Torture to alleviate the suffering of victims;

Recognising that the process of implementing the Prevention and Prohibition of Torture Act involves various stakeholders including public prosecutors, the judiciary, police, health workers, army, Uganda Human Rights Commission, Government Ministries, civil society organizations, media practitioners and other professional organizations;

Plan of Action / Roadmap

Recommend the following measures as forming part of a Plan of Action or roadmap to the effective implementation of the Prevention and Prohibition of Torture Act 2012. The recommendations are mainly addressed to specific bodies or institutions, but this document is meant also to serve as a platform and source of inspiration for concrete actions. Therefore, any other actor is welcome to join and contribute to the effective implementation of the Prevention and Prohibition of Torture Act 2012.
PARLIAMENT
1. Ensure coherence between Uganda’s international obligations and the national legislation and practices which address the prevention and prohibition of torture, the needs of victims, and the protection of witnesses;
2. Support the implementation of the Prevention and Prohibition of Torture Act amongst members of the legislature and executive arms of government and other stakeholders;
3. Ensure increased funding to cater for the welfare of law enforcement officers;
4. Encourage Uganda’s ratification of the Optional Protocol to the Convention against Torture (OPCAT) and the establishment of the National Preventive Mechanism (NPM);
5. Ensure adequate resources, capacity building of security agencies to enable the effectively implement the Act;
6. Enact the Witness Protection legislation;
7. Monitor places of detention through visits of its Committee on Human Rights to all places where people are deprived of their liberty.

DIRECTORATE OF PUBLIC PROSECUTIONS (DPP)
1. Take concrete steps to ensure the full implementation of anti-torture legislation;
2. Ensure that a prompt and impartial investigation is commenced wherever there is reasonable ground to believe that an act of torture has been committed;
3. Prosecute criminal cases related to torture in the country;
4. Ensure that all evidence which prosecutors know, or believe on reasonable grounds, to have been obtained by torture, be excluded from the criminal process.

UGANDA POLICE FORCE
1. Enforce the Act by conducting effective, independent, prompt, transparent and impartial investigations into all allegations of torture in order to bring perpetrators to justice and to end impunity.
2. Enforce the Prevention and Prohibition of Torture Act and prevent or detect crimes of torture in society;
3. Recruit additional medical doctors and police surgeons;
4. Lobby for increased resources, facilitation and sustainable funding to acquire the necessary tools for effective investigations such as forensic equipment, finger print data bases for all suspected criminals, lie detectors, motor vehicles and motorcycles, and other investigative equipment;
5. Train and build capacity of the police forces in effective investigations skills in order to avoid resorting to torture as a means of obtaining information from suspects;
6. Develop standard training manuals or guidelines on the Prohibition and Prevention of torture for the police force;
7. Conduct on-going trainings on the prohibition and prevention of torture for serving police officers;
8. Integrate a module on prohibition and prevention of torture in their initial training curriculum.

UGANDA PRISONS SERVICES
1. Take concrete steps to ensure the full implementation of anti-torture legislation;
2. Review the working hours and working conditions inmates;
3. Develop a welfare policy for the UPDF officers;
4. Conduct on-going trainings on the prohibition and prevention of torture for serving prison officers;
5. Integrate a module on prohibition and prevention of torture in their initial training curriculum.

UGANDA PEOPLES DEFENCE FORCES
1. Train UPDF officers on effective investigations skills;
2. Take concrete steps to ensure the full implementation of anti-torture legislation;
3. Develop a welfare policy for the UPDF officers;
4. Conduct on-going trainings on the prohibition and prevention of torture for serving UPDF officers;
5. Integrate a module on the prohibition and prevention of torture in their initial training curriculum.
MINISTRY OF JUSTICE:- FIRST PARLIAMENTARY COUNSEL

1. Develop Regulations to operationalise the Act;
2. Produce simplified version of the Act;
3. Provide legal aid for victims of torture and other affected parties;
4. Enact the witness protection legislation.
5. Provide reports on the progress of the implementation of the Act.

MINISTRY OF FOREIGN AFFAIRS

1. Ratify the Optional Protocol to the United Nations Convention against Torture, and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT);

MINISTRY OF INTERNAL AFFAIRS

1. Take urgent steps to ratify and implement the Optional Protocol to the United Nations Convention against Torture, and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT);
2. Develop and implement National Action Plans against torture and secure sufficient funding to support these plans;
3. Ensure the effective dissemination of the anti-torture legislation to all stakeholders and the general public.

MINISTRY OF FINANCE PLANNING AND ECONOMIC DEVELOPMENT

1. Allocate adequate resources to security agencies to enable the effective implementation of the Act.
2. Adequately fund any other institutions responsible for the implementation of the newly enacted Prevention and Prohibition of the Torture Law.

JUDICIARY

1. Take concrete steps to ensure the full implementation of anti-torture legislation including systematic refusal of any evidence obtained through torture;
2. Develop jurisprudence, dynamic interpretation and use of international and regional standards such as the Convention against Torture (CAT) and the Robben Island
Guidelines for the Prohibition and Prevention of Torture in Africa (RIG) in their decisions.

3. Refuse evidence obtained through torture in line with international and regional standards.
4. Expeditiously hear cases related to torture.

UGANDA LAW REFORM COMMISSION
1. Review and reform, if necessary, existing legislation and policies to conform to the Act.

UGANDA HUMAN RIGHTS COMMISSION

1. **Coordination role**
   a. Coordinate among institutions to avoid duplicity in regard to the implementation of this roadmap;
   b. Advise on reform of institutional practices, legislation and policies on whether they are in conformity with the Act;
   c. Produce annual reports on the progress of prevention of torture and implementation of the anti-torture law.
   d. Convene a meeting with development partners and other relevant actors to share this roadmap or plan of action;
   e. Convene, twice a year, a meeting of relevant stakeholders to share information and discuss the progress on the implementation of the Prevention and Prohibition of Torture Act.
   f. Appoint a focal point person on prevention and prohibition of torture.

2. **Investigative and quasi-judiciary role**
   a. Conduct effective, independent, prompt, transparent and impartial investigations into all allegations of torture in order to bring perpetrators to justice and to end impunity, as well as to ensure that public authorities are held accountable for their actions, in order to build public confidence in the rule of law.
   b. Expeditiously hear cases related to torture and provide appropriate remedies to victims.
3. **Training and production of tools**
   a. Ensure the effective dissemination of the anti-torture legislation to all stakeholders and the general public.
   b. Advocate for Training academies to integrate human rights and particularly a module on Prevention and Prohibition of torture within their curriculum.
   c. Develop an interpretation guide in collaboration with the Ministry of Justice.
   d. Facilitate/Promote the empowerment of law enforcement agencies on effective investigations skills and development of standard training manuals and guidelines for the various target groups;
   e. Develop a compendium of laws relevant to prohibition and prevention of torture which would include the constitution, penal code Act, the Prevention and Prohibition of torture Act and other laws as may be selected;
   f. Produce easy to read pocket books of the Act for law enforcement agencies. The pocket books should be in English and Swahili with explanations for each section of the Act in easy to read language;
   g. Train on the Istanbul Protocol for the medical personnel and dialogue with the Ministry of health on how best to operationalise the Act;
   h. Initiate on-going trainings on the Prevention and Prohibition of Torture Act for relevant practitioners including the Judiciary, Police, Army, Prosecutors, Prisons services, Lawyers etc.

4. **Creating awareness**
   1. Create awareness on prohibition and prevention of torture:-Public Prosecutors (DPP), Police Force (UPF), Prisons services (UPS), Military (UPDF), Members of Parliament, Judicial Officers (e.g. through Judicial Studies Institute, Annual Judges conference), Law Students, Legal practitioners (e.g. CLE Points, ULS), Medical practitioners, primary and secondary school children and the General Public;
   2. Ensure wider accessibility of the Prevention and Prohibition of Torture Act to different government institutions, educational institutions, law enforcement agents, and other
professional bodies. This should include the translation, simplification and the use of all creative strategies to increase the coverage and reach of the document.

3. Create public awareness through electronic and print media, spot messages, talk-shows, music, drama, posters, workshops, community barazas etc.

5. Advocacy
a. Advocate for resources, facilitation and sustainable funding for law enforcement agencies to acquire the necessary tools for effective investigations such as forensic equipment, finger print data base for all suspected criminals, lie detectors, motor vehicles and motorcycles, etc;
b. Lobby for the ratification and effective implementation of the OPCAT;
c. Provide technical support, advocacy, direct support services and mobilize communities to prevent torture and rehabilitate torture victims;
d. Review the Act and advocate for any proposed amendments

6. Monitoring places of detention
a. Regularly monitor and undertake unannounced visits to all places of detention where people are deprived of their liberty.
b. Develop and keep an updated database/inventory of all places of detention within their respective jurisdictions including their locations.

CIVIL SOCIETY ORGANIZATIONS : - COALITION AGAINST TORTURE
a. Ensure wider accessibility of the Prevention and Prohibition of Torture Act to different government institutions, educational institutions, law enforcement agencies, and other professional bodies. This should include the translation, simplification and the use of all creative strategies to increase the coverage and reach of the document.
b. Provide technical support, research, advocacy, direct support services, and mobilize communities to prevent torture and rehabilitate torture victims.
c. Take appropriate measures to support the work related to the implementation of the Act by the Police, UHRC, Judiciary and other relevant institutions aimed at the prevention of torture and rehabilitation of torture victims.
d. Support the effective dissemination of the anti-torture legislation to all stakeholders and the general public;

e. Support in the development of a compendium of laws which include the constitution, penal code Act, the Prevention and Prohibition of torture Act and other laws as may be selected;

f. Produce easy to read pocket books of the Act for law enforcement agencies. The pocket books should be in English and Swahili with explanations for each section of the Act in easy to read language;

g. Training on the Istanbul Protocol for the medical personnel and dialogue with the Ministry of Health on how best to operationalise the Act;

h. Create public awareness through electronic and print media, spot messages, talk-shows, music, drama, posters, workshops, barazas etc.;

i. Advocate for resources, facilitation and sustainable funding for law enforcement agencies to acquire the necessary tools for effective investigations such as forensic equipment, finger print data base for all suspected criminals, lie detectors, motor vehicles and motorcycles, etc;

j. Lobby for the ratification and effective implementation of the OPCAT;

Done in Kampala on 8th February 2013