



United Nations Day in Support of Victims of Torture

The Right to Rehabilitation – Lets make this right a reality!

26 June 2013

The Zimbabwe Human Rights NGO Forum (the Forum), the Zimbabwe Human Rights Association (ZimRights) and the Zimbabwe Association of Doctors for Human Rights (ZADHR) join the rest of the world in commemorating the United Nations (UN) Day in Support of Victims of Torture. The United Nations designated 26th of June each year to celebrate this day, which serves to remind everyone that torture is not only unacceptable but an absolute crime. Under international law, torture in whatever form is prohibited and cannot be justified under any circumstance.

For the second year in succession, the UN has highlighted the importance of the right to rehabilitation for victims of torture by retaining the theme, *The Right to Rehabilitation*. Towards the end of 2012, the **UN Committee Against Torture** published a General Comment on Article 14 of the **Convention Against Torture** which states:

“Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.”

Under the **UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)**, states have an obligation not only to prevent torture and hold perpetrators accountable but also to grant victims the right to receive medical and psychological rehabilitation. Thus, the state has an obligation to provide all victims of torture with holistic and

effective redress that includes compensation, social, psychological and medical care and also access to justice. Providing effective rehabilitation to torture survivors restores their dignity and capacity to lead meaningful lives, and contribute actively to the development of society. Moreover, rehabilitation and redress acknowledge the wrongs of the past and are therefore important elements in preventing further abuse and promoting social healing and reconciliation.

In Zimbabwe acts of torture by state security agents or non-state agents in collusion with state agents have always been committed with impunity especially during major political events. The government has not taken any steps to address this, compensate victims of torture or bring perpetrators to book. For example public interest litigation by the Forum resulted in compensation awards for victims of torture by the courts, some of which were not honoured by the government. Two such cases involve Monday Bopoto Nyandoro and Shylene Tembo, victims of torture by police who were both awarded USD5000 which government still has to pay. The impunity for perpetrators has resulted in a vicious cycle of violence, which has threatened Zimbabwe's prospects of holding free, fair and credible elections. With the elections being imminent in Zimbabwe, it is critical that the authorities express firm commitment to prevent torture before, during and after the elections to enable citizens to participate freely in the democratic processes of their country.

At the 19th Session of UN Human Rights Council, the Government of Zimbabwe made a commitment to ratify the United Nations Convention Against Torture (UNCAT) and its Optional Protocol but to date no concrete measures have been taken in this regard. More so, the Organ on National Healing, Reconciliation and Integration (ONHRI), which was established in 2009 under the Global Political Agreement, has failed to come up with concrete steps towards rehabilitating survivors of torture in line with its mandate of national healing. This points to a lack of political will to deal with torture. The new Constitution under section 4:53 provides for freedom from torture that makes it incumbent upon government to come up with legislative framework that criminalise it.

The Forum, ZimRights and ZADHR therefore implore the government to ratify and domesticate UNCAT and its optional Protocol to pave way for the adoption of institutional and administrative measures to end torture and rehabilitate the survivors.

Forum Members

- Amnesty International-Zimbabwe
- Catholic Commission for Justice and Peace in Zimbabwe
- Gays and Lesbians of Zimbabwe
- Justice for Children
- Legal Resources Foundation
- Media Institute of Southern Africa-Zimbabwe
- Media Monitoring Project of Zimbabwe
- Non-violent Action and Strategies for Social Change
- Research and Advocacy Unit
- Students Solidarity Trust
- Transparency International-Zimbabwe
- Women of Zimbabwe Arise
- Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender
- Zimbabwe Association of Doctors for Human Rights
- Zimbabwe Civic Education Trust
- Zimbabwe Human Rights Association
- Zimbabwe Lawyers for Human Rights
- Zimbabwe Peace Project
- Zimbabwe Women Lawyers Association

