

AFRICAN STATES AND THE RIGHT TO FREEDOM FROM TORTURE: AN INTERNATIONAL PERSPECTIVE

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ABSTRACT

The right to freedom from torture is one of the few non-derogable rights but paradoxically also one of the most violated rights in many African countries. This is the case notwithstanding the fact that almost all constitutions in African countries prohibit torture. African countries are also parties to regional human rights instruments like the African Charter on Human and Peoples' Rights which specifically prohibit torture under article 5. It is worth noting that many African countries are states parties to international human rights and humanitarian law instruments that prohibit torture. The purpose of this article is to critically examine the extent to which African countries have complied with their obligation to put an end to torture under the relevant international human rights and humanitarian law obligations. The article recommends that African countries have to take their obligations under the treaties they ratify seriously to ensure that they put an end to the violations of the right to freedom from torture.