



CSVSR

## The Centre for the Study of Violence and Reconciliation

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20 February 2013

Advocate ME Phindela

Secretary to National Council of Provinces

Parliament of South Africa

Dear Advocate Phindela

**RE: REQUEST FOR AUDIENCE WITH THE NATIONAL COUNCIL OF PROVINCES ON  
COMBATING OF TORTURE OF PERSONS BILL:**

The Centre for the Study of Violence and Reconciliation (CSVSR) is seeking an audience with relevant representatives of the National Council of Provinces (NCOP) to discuss the tabled Combating of Torture of Persons Bill in South Africa.

While we welcome the significant progress made towards adopting anti-torture legislation in the country, CSVSR (and other partner organisations) note that the draft legislation does not holistically address the impacts and effects of torture.

The CSVSR is a South African based non-governmental organisation with a regional outlook and a mandate to build reconciliation, democracy and a human rights culture that ensure the prevention of all forms of violence in South Africa and other African countries. CSVSR has a particular focus on torture management offering psycho-social support to victims of torture. The organisation is well known for work on issues of trauma counseling, rehabilitation and reintegration of people affected by torture South Africa. While in the past CSVSR worked with apartheid era torture survivors/ victims, our current work involves South African and non-South African nationals that have been affected by torture.

In 2012 South Africa made significant progress towards criminalization of torture, through adoption of the Prevention and Combating of Torture of Persons Bill by the Justice and Constitutional Affairs Parliamentary Committee. South Africa signed and ratified the UNCAT in 1997 and CSVSR has been involved in efforts towards domestication of the convention since then. As such CSVSR welcomes this important step and applauds the state's efforts to comply with the international obligation to domesticate the United Nations Convention against Torture (UNCAT). CSVSR is concerned that the proposed legislation does not sufficiently address the

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needs of torture victims and survivors and is largely silent on redress for this group. The Bill in its current form does not sufficiently address the responsibility of the state to provide and ensure redress for victims and survivors of torture.

Redress for torture victims is more than just taking care of traumatised individuals. Research by CSVr and other organisations who work with survivors has demonstrated that all components of redress, namely compensation, rehabilitation, restitution, satisfaction and guarantees of non-repetition, are critical to torture prevention efforts through halting the spiral and culture of violence and building a social consensus on eradicating such abuses.

CSVr believes that anti-torture legislation must have a holistic focus on redress which ensures that: there is restitution for losses suffered by victims; there is guaranteed access to medical and psychological rehabilitation; victims and their families can claim their right to know the truth; there is public accountability; and the state provides guarantees that any repetition of such acts are prevented.

We look forward to the opportunity to meet with you to discuss the above noted and other issues related to this piece of legislation that the NCOP will be considering shortly. We trust our request will meet with your consideration.

Yours faithfully



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