

38th African Union Summit

Facing the Past, Shaping the Future:

Five Essential Actions for Justice and Reparations in Africa by 2025

OMCT Policy paper

As the African Union convenes its 2025 Summit under the theme "***Justice for Africans and People of African Descent Through Reparations***,"¹ the World Organisation Against Torture (OMCT) and its SOT-Torture network, call upon African heads of state to address one of the most enduring legacies of colonial rule: the persistence of torture and ill-treatment across the continent². While the quest for reparations from former colonial powers is a crucial step towards justice, it is equally imperative for African states to confront and dismantle the colonial structures that continue to shape governance, law enforcement, and judicial practices today.

The use of torture, arbitrary detention, and excessive force by security forces are not merely remnants of the past; they are symptoms of a system that has yet to fully decolonize. The endurance of these practices, from authoritarian crackdowns on dissent to the inhumane treatment of migrants and detainees, highlights the urgent need for African governments to take responsibility for the rehabilitation of victims and the reform of institutions that perpetuate these injustices.

OMCT firmly believes that Africa must obtain reparations for past crimes, including slavery, colonialism, and apartheid, which have left lasting economic and political scars on the continent. Many of these past crimes continue to shape unjust international structures that perpetuate poverty, fuel violence, and enable systemic human rights violations, including torture and ill-treatment. The call for reparations is not merely a plea from the oppressed but a demand for fairness and equity, acknowledging the historical injustices that have disadvantaged African nations and people of African descent for centuries.

States that emerged from the brutal legacy of colonialism often perpetuate systemic violence against their own citizens unless they actively confront and dismantle the entrenched structures and cultures of repression inherited from the colonial era. The persistence of torture, enforced disappearances, and police brutality in post-colonial states can be understood as an extension of the coercive mechanisms originally designed to subjugate and control populations under colonial rule³.

The demand for reparations from former colonial powers is not merely a historical grievance but an essential process of reckoning with and rectifying contemporary state violence. The African Court on Human and Peoples' Rights found that the Kenyan government's eviction of

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https://archives.au.int/bitstream/handle/123456789/10607/EX%20CL%201528%20%28XLV%29%20_E.pdf?sequence=1&isAllowed=y

² <https://www.accord.org.za/ajcr-issues/the-colonial-legacy-and-transitional-justice-in-the-democratic-republic-of-the-congo/>

³ Mamdani, Mahmood. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton University Press, 1996. <https://doi.org/10.2307/j.ctvc77c7w>.

the Ogiek community from the Mau Forest violated multiple rights under the African Charter. The Court recognized that such actions were a "perpetuation of historical injustices suffered by the Ogiek,"⁴ underscoring the link between colonial-era dispossession and ongoing human rights violations.

In *Kevin Mgwanga Gunme et al. v. Cameroon*⁵ the ACHPR acknowledged the historical grievances stemming from the colonial-era partition and subsequent unification processes. The Commission emphasized that post-colonial Africa has witnessed numerous cases of domination, whether based on race, religion, or ethnicity, and urged states to address these allegations rather than dismiss them under the guise of sovereignty and territorial integrity. Furthermore, the Commission directed Cameroon to pay compensation to companies in Northwest and Southwest Cameroon that suffered discriminatory treatment by banks, recognizing the economic impact of systemic marginalization.

Reparations, therefore, must not only address the harms inflicted during colonial rule but must also serve as a catalyst for structural transformation. Without this critical introspection and institutional reform, post-colonial states risk perpetuating the very cycles of violence and subjugation that they seek to redress.

The African Union's 2025 theme is a significant step in shifting the global agenda, allowing those who have historically been dominated to shape international cooperation and the development agenda. Reparatory justice must not be seen as a cry for sympathy but as a fundamental call for restructuring global economic and political systems in a way that acknowledges past wrongs and fosters genuine partnership. Addressing these issues is essential for combatting systemic racism, ensuring dignity, and healing historical wounds, ultimately contributing to the prevention of torture and human rights violations in Africa.

1. Justice, Reparations, and Survivor-Centered Approaches

The African Union's 2025 theme underscores the criticality of justice and reparations for historical and systemic injustices, particularly for survivors of torture. A survivor-centered approach, grounded in the principles of dignity and accountability, calls for integrating transitional justice mechanisms, comprehensive psychosocial and medical rehabilitation, and ensuring survivors' active involvement in policymaking. Ending colonial-era conflicts and promoting sustainable peace are essential to preventing further torture and human rights abuses.

The Committee Against Torture (CAT) has provided several observations and recommendations concerning justice, reparations, and survivor-centered approaches in African countries. In its General Comment No. 3 (2012), the CAT elaborated on the implementation of Article 14 of the Convention, emphasizing the right of victims to obtain redress and the importance of comprehensive rehabilitation⁶. The CAT stressed that redress mechanisms must be accessible to all individuals, regardless of their status, and that culturally sensitive collective reparation measures should be available for groups with shared identities, such as minority and indigenous groups. Some of these groups are still victims of violations and practices imposed during the colonial period. Kenya continues to grapple with the persistent issues of enforced

⁴ African commission on human and peoples' rights v. republic of Kenya, Application no.006/2012 judgment

⁵ ACHR, Communication 266/03: Kevin Mgwanga Gunme et al / Cameroon, <https://www.african-court.org/cpmt/storage/app/uploads/public/5f5/5fe/9a9/5f55fe9a96676974302132.pdf>

⁶ General Comment No. 3: Implementation of article 14 by States parties, CAT/C/GC/3, 13 December 2012

disappearances and police brutality, deeply rooted in its colonial past. The lack of accountability and reparations exacerbates these challenges, undermining public trust in law enforcement and the justice system. In May 2022, during its review of Kenya, the CAT had already recommended to the Kenyan government to address issues related to justice and reparations for torture survivors.⁷ Failing to address these issues will irreversibly lead to further state tolerated violence.

1.1 Integrating Transitional Justice Mechanisms

Transitional justice mechanisms, such as truth commissions and reparations programs, are vital for addressing past human rights abuses and providing redress to survivors of torture. The African Union's 2025 theme emphasizes the importance of these mechanisms in achieving justice for Africans and people of African descent. The OMCT has highlighted the need for comprehensive approaches that include legal reforms, institutional accountability, and victim participation. In its 2019 concluding observations on South Africa's second periodic report, the CAT addressed several issues pertinent to justice and reparations. It recommended that the state ensure effective investigations into allegations of torture and provide adequate redress to victims, including rehabilitation services.

1.2 Providing Comprehensive Rehabilitation Services

Survivors of torture require access to holistic rehabilitation services, including medical care, psychological support, and social reintegration programs. OMCT's reports have documented the lack of adequate rehabilitation services in various African countries, exacerbated by limited funding and insufficient political will. In Eritrea, former prisoners have recounted severe torture and the absence of support systems upon release, leading to long-term physical and mental health issues. By 2025, the challenge remains to establish sustainable rehabilitation programs that are accessible to all survivors, particularly in conflict-affected regions.

1.3 Survivor Engagement: Placing Victims at the Heart of Justice and Reparations

Survivors must be at the center of any efforts to combat torture and secure justice. Meaningful participation goes beyond symbolic recognition—it requires ensuring that survivors have a decisive voice in shaping policies, legal reforms, and rehabilitation programs. In October 2024 the OMCT and IRCT organized in Nairobi the first ever torture survivor meeting where the **Nairobi Declaration on Justice, Reparations, and the Rehabilitation of Torture Survivors**⁸ adopted. It underscores that, survivor-led processes foster a more **victim-centered approach**, ensuring that reparations address their specific needs, including medical, psychological, legal, and socio-economic support. However, in many African countries, survivors continue to face systemic barriers, including stigma, lack of access to justice, and exclusion from decision-making processes. As African states engage in discussions on justice and reparations in 2025, it is imperative that they commit to survivor-led mechanisms that empower those affected, ensuring that their experiences drive institutional reforms and accountability measures. Reparations must be transformative, tackling not only the direct consequences of torture but also the underlying structures that enable such abuses to persist.

⁷ https://ccprcentre.org/ccprpages/kenyas-review-by-the-committee-against-torture-great-dialogue-but-recommendations-were-not-comprehensive?utm_source=chatgpt.com

⁸ <https://www.omct.org/site-resources/legacy/FR-Declaration-de-Nairobi.pdf>

2. Strengthening Legal Frameworks Amid Authoritarianism and Conflict

While some states continue aligning national legislation with the UN Convention Against Torture (UNCAT) and its Optional Protocol (OPCAT), authoritarian trends and protracted conflicts threaten to undermine this progress. Strengthening institutional independence, promoting regional accountability mechanisms, and amplifying civil society engagement will be essential to counter these challenges and ensure legal protections against torture and other abuses.

2.1 Aligning National Legislation with International Standards

While some African states have made progress in aligning their national laws with international instruments like the UN Convention Against Torture (UNCAT), authoritarian regimes and ongoing conflicts pose significant obstacles. In 2024, the UN Committee Against Torture (CAT) conducted reviews of Cameroon and Côte d'Ivoire, providing specific recommendations to enhance their compliance with the Convention Against Torture. OMCT's 2024 report on Cameroon highlighted the role of special services in the systematic practice of torture, underscoring the gap between international commitments and domestic implementation. The Committee noted that the penalties for acts of torture were not proportionate to the gravity of such acts and that a statute of limitations still applied to them. It urged Cameroon to take immediate steps to uphold legal safeguards and ensure accountability for these violations and investigate allegations of torture to combat impunity⁹.

Concerning **Côte d'Ivoire**, the Committee recommended to incorporate a definition of torture that aligns with Article 1 of the Convention into its national legislation. This alignment is crucial to ensure that all acts of torture are appropriately criminalized and that perpetrators are held accountable under the law. It recommended that the State party take necessary measures to ensure that victims of torture and ill-treatment obtain full redress, including compensation and the means for as full rehabilitation as possible. This includes medical and psychological care as well as legal and social services¹⁰. As these two countries will organize Presidential elections 2025, efforts to strengthen legal frameworks should not be undermined by political instability and resistance from entrenched power structures.

2.2 Addressing Colonial-Era Conflicts and Fostering Sustainable Peace

Many African nations continue to grapple with conflicts rooted in colonial-era divisions, which have been exacerbated by modern political and ethnic tensions. Countries such as the Democratic Republic of Congo (DRC), Sudan, Libya, and Ethiopia face ongoing violence linked to historical boundaries and governance structures imposed during colonization. OMCT has reported on the pervasive use of torture in these conflict zones, highlighting the urgent need for comprehensive peacebuilding efforts. In the DRC, for example, the conflict resumed in eastern regions involving groups like the M23 rebels, allegedly supported by neighboring countries armed groups and security forces has provoked widespread human rights abuses, including torture, as documented in OMCT¹¹. The humanitarian impact is profound with 3000

⁹ https://www.omct.org/en/resources/news/cameroon-cat-flags-detention-abuses-military-courts-and-gender-based-violence?utm_source=chatgpt.com

¹⁰ https://www.omct.org/en/resources/reports/côte-divoire-impunity-for-past-crimes-and-lack-of-reparation-for-victims?utm_source=chatgpt.com

¹¹ <https://www.omct.org/fr/ressources/declarations/eastern-drc-the-international-community-must-act-on-the-humanitarian-crisis-and-massive-human-rights-violations>

people killed only in Goma, 572 rape cases in a single week, 170 of which involved minors. Additionally, over 400,000 individuals have been displaced since the beginning of 2025 due to escalating conflicts¹².

The crisis is not just a result of recent instability but the continuation of deeply entrenched colonial economic and political structures. The failure to address historical crimes has allowed cycles of violence to persist, with armed groups, state actors, and foreign powers continuing to exploit the country's wealth at the expense of its people. Reparations for colonial injustices must be pursued alongside accountability for ongoing crimes, ensuring that the victims of today do not become another generation abandoned by justice. The African human rights system, including the ACHPR, must play a central role in advocating for the full implementation of past rulings¹³. Similarly, the United Nations should support the long-overdue enforcement of its 2010 Mapping Report's recommendations which meticulously documented 617 serious violations of human rights and international law committed between 1993 and 2003.

As of 2025, challenges include addressing the root causes of these conflicts, promoting inclusive dialogue, and implementing disarmament, demobilization, and reintegration programs to foster sustainable peace.

2.3 Protest, Police Brutality, and Elections in 2025

In 2025, several African nations are set to hold significant elections, including presidential races in Cameroon, Côte d'Ivoire, and Tanzania in October, as well as general elections in the Central African Republic in December. Historically, electoral periods in Africa have been marked by disputes leading to human rights violations, including torture and enforced disappearances. The persistence of these authoritarian practices underscores the enduring influence of colonial-era governance structures, where dissent was brutally suppressed to maintain control. Many of today's repressive tactics mirror those used by colonial administrations, reinforcing a cycle of violence against political opposition. The entrenchment of leaders who have maintained power for extended periods further exemplifies this colonial legacy of centralized authority. For instance, Cameroon's President Paul Biya, in power since 1982, is seeking re-election in 2025, demonstrating how prolonged tenures often involve systematic suppression of opposition and civil liberties¹⁴.

In countries like Chad, Kenya¹⁵, Uganda¹⁶, and Nigeria¹⁷, OMCT has documented instances where security forces have employed arbitrary arrests, torture, and extrajudicial killings to silence opposition voices during peaceful protests. These actions reflect a continuation of repressive tactics rooted in colonial rule, where state power was wielded to quash resistance.

¹² <https://apnews.com/article/congo-children-rape-m23-congo-amry-66e7fc667ca022a02a3f37bf18f80776>

¹³ The 2003 African Commission on Human and Peoples' Rights (ACHPR) case, *Democratic Republic of Congo v. Burundi, Rwanda, and Uganda* (Communication 227/99)

¹⁴ <https://www.amnesty.org/fr/latest/press-release/2018/11/cameroun-les-restrictions-de-la-liberte-dexpression-marquent-un-signal-biya/>

¹⁵ <https://www.omct.org/en/resources/statements/kenya-enforced-disappearances-and-extrajudicial-killings-must-stop-now>

¹⁶ <https://www.omct.org/en/resources/statements/uganda-crackdown-on-activists-protesting-against-large-scale-oil-projects>

¹⁷ <https://www.omct.org/en/resources/news-releases/endsars-campaign-should-lead-to-a-new-police-structure-that-is-torture-free>

The Committee against torture recommendations addressed to these countries are yet to be implemented.

As of 2025, civil society organizations continue to advocate for accountability and the establishment of independent oversight mechanisms to reform policing practices. However, these efforts frequently encounter obstacles due to state resistance and a lack of political will, reflecting the deep-seated challenges in dismantling authoritarian systems inherited from colonial administrations. Addressing these issues requires a comprehensive approach that not only focuses on immediate reforms but also confronts the historical contexts that have shaped current governance practices. This includes acknowledging the colonial roots of authoritarianism and implementing systemic changes to promote transparency, accountability, and respect for human rights during electoral processes and beyond.

3. A Decolonial Approach to Anti-Torture Policies

Addressing the legacy of colonial-era practices in detention systems, governance structures, and security forces is essential for sustainable reform. This includes dismantling oppressive legal frameworks, fostering indigenous justice models, and ensuring reparations account for historically marginalized groups, such as people of African descent and indigenous communities. A decolonial perspective also means rejecting external influence that perpetuates authoritarianism and state violence.

3.1 Dismantling Oppressive Legal Frameworks

Many African countries still enforce colonial-era laws that facilitate repression, torture, and discrimination. Legal systems inherited from colonial rule remain largely intact, often serving as tools of state control. Efforts to reform these oppressive frameworks are slow, facing resistance from political elites and conservative institutions that benefit from maintaining them.

One of the clearest examples of colonial-era legal legacies is the continued use of the **death penalty**, which was introduced and institutionalized by colonial administrations as a tool of control and intimidation¹⁸. In countries like **Nigeria, Uganda, and Kenya**, the death penalty remains enshrined in criminal codes that date back to British colonial rule. These laws, initially designed to suppress resistance and rebellion, continue to be used in modern times, often in violation of fair trial guarantees and disproportionately affecting poor and vulnerable individuals. While some African nations, such as Zambia and Ghana, have recently abolished the death penalty, others continue to uphold it, citing outdated colonial-era statutes.

Another example is the persistence of **vagrancy laws and the criminalization of petty offences**, which disproportionately affect poor and homeless individuals, as well as informal workers. These laws, rooted in colonial-era measures aimed at controlling African populations and restricting their movement, are still enforced in countries like **Zimbabwe, Malawi, and Senegal**. The **African Court on Human and Peoples' Rights (ACHPR) ruling in the 2020 vagrancy laws case**¹⁹ reaffirmed that such laws violate human rights and should be repealed. However, many governments have yet to take significant action.

¹⁸ <https://foreignpolicy.com/2021/11/11/the-death-penalty-isnt-african-its-a-legacy-of-colonialism/>

¹⁹ ACtHPR, Advocate General of the Republic v. The Pan-African Lawyers Union, 2020

Furthermore, some countries still rely on criminal codes and prison laws that have remained largely unchanged since colonial times. For instance, Somalia's Penal Code, enacted in 1962, was heavily influenced by Italian colonial laws and continues to include provisions that criminalize press freedoms and political dissent²⁰. Similarly, Togo's 1933 Prison Law²¹, inherited from French colonial rule, has not been meaningfully reformed and continues to facilitate inhumane detention conditions, arbitrary detention, and lack of oversight mechanisms.

Without urgent reforms, these legal frameworks will continue to perpetuate systemic injustice. As of 2025, decolonizing criminal laws remains a critical but challenging task, requiring strong political will and pressure from civil society.

3.2 Ensuring Humane Treatment in Detention Centers

As of 2025, despite some policy reforms, many African detention facilities continue to operate below international standards, particularly those established during the colonial era. These prisons are not only outdated and severely overcrowded but also reflect the punitive philosophy of colonial rule, where incarceration was used to repress, humiliate, and break political dissidents rather than rehabilitate offenders. The persistence of these structures and policies demonstrates how penitentiary systems in many African states remain anchored in colonial legacies, prioritizing punishment over correction and reintegration.

One striking example is **Douala Central Prison** in Cameroon, originally built by French colonial authorities in the early 20th century. Designed for around 800 inmates, it now holds over 5,000 prisoners in dire conditions²². Reports from human rights organizations have documented severe overcrowding, malnutrition, and systemic abuse within the facility, mirroring the oppressive practices instituted during colonial rule. Similarly, in the **Democratic Republic of Congo**, **Makala Central Prison** in Kinshasa, constructed in 1957 for 1,500 inmates, now holds over 15,000, creating a breeding ground for disease and violence. The lethal consequences of these conditions were evident in September 2024 when a failed escape attempt resulted in at least 129 deaths, exposing the inhumane realities of these colonial-era prisons²³.

In Togo, the Civil Prison of Lomé, another relic of colonial rule, remains emblematic of these enduring injustices. In 2019, the CAT recommended its closure, citing conditions that amount to cruel, inhuman, and degrading treatment²⁴. The UN Subcommittee on the prevention of torture (SPT) further condemned detention conditions in Togo, emphasizing that overcrowding, unsanitary environments, and systemic abuse constitute forms of torture. Addressing the colonial foundations of penitentiary systems in Africa is essential for reforming the continent's prisons. Shifting from punitive, oppressive incarceration policies toward rehabilitative justice is necessary to break away from these inherited structures of repression and ensure the dignity and rights of all detainees.

²⁰ <https://www.omct.org/en/resources/reports/somalia-the-outdated-legal-system-and-the-lack-of-reparations-for-victims-of-gender-based-violence>

²¹ <http://legitogo.gouv.tg/be/wp-content/uploads/2017/03/Pages-from-jo-1933-237-h.pdf>

²² <https://www.omct.org/en/resources/statements/cameroon-unsanitary-conditions-of-detention-lead-to-cholera-outbreak-in-prison>

²³ <https://www.omct.org/fr/ressources/declarations/democratic-republic-of-congo-the-rapes-and-deaths-in-makala-prison-should-be-independently-investigated>

²⁴ Committee against torture (CAT), Final observations, <https://docs.un.org/fr/CAT/C/TGO/CO/3>,

4. Protecting vulnerable groups against torture: Migration, children, women, LGBTQI+

Certain groups, including migrants, children, and women, are disproportionately affected by torture and ill-treatment due to systemic discrimination, legal gaps, and structural inequalities. These vulnerabilities are often rooted in colonial-era laws and policies that continue to shape migration control, juvenile justice, and gender-based violence responses across Africa.

4.1 Migration and torture

Migration across Africa remains fraught with risks of torture and ill-treatment, exacerbated by restrictive border policies, detention abuses, and racialized violence. The externalization of EU border policies—where European states fund African governments to curb migration—mirrors colonial-era strategies of controlling populations for economic and political interests. These policies have not only outsourced border enforcement to African states but have also entrenched a system of racialized migration control that disproportionately exposes African migrants to systemic violence, echoing past colonial exploitation. Furthermore, the prevalence of human trafficking, particularly in transit countries, recalls the darkest chapters of slavery, as migrants are often sold into forced labor or subjected to inhumane treatment with impunity.

Reports by OMCT, including *The Torture Roads* (2021²⁵, 2023²⁶ and 2024²⁷), have documented widespread abuse against migrants in transit and detention centers across the continent. In Niger, Burkina Faso, Mali, Tunisia, Algeria or Libya, the situation remains dire, with documented cases of torture, sexual violence, degrading treatment, expulsions and enslavement of migrants in detention centers. The UN CAT and the ACHPR has repeatedly condemned these abuses, emphasizing states obligation to prevent torture and ensure accountability.

In Tunisia, Algeria and Libya²⁸, racial discrimination against Sub-Saharan migrants has escalated, often fueled by xenophobic rhetoric and violent crackdowns. Migrants in Tunisia have faced forced evictions, physical assaults, and mass expulsions, with some left stranded in desert border regions without access to food or water—amounting to acts of inhuman and degrading treatment under international law²⁹.

A reparative approach to migration justice must include not only accountability for these ongoing abuses but also rehabilitation and reparation for survivors, recognizing the deep-seated colonial roots of today's border control regimes. Addressing migration-related torture requires dismantling these inherited policies and ensuring that border governance prioritizes human rights over externalized repression.

4.2 Protecting Children Exposed to Torture and Other Forms of Ill-Treatment

Children are among the most vulnerable to torture and ill-treatment, particularly in detention, conflict zones, and migration routes. The OMCT has consistently documented the widespread

²⁵ <https://www.omct.org/site-resources/files/The-Torture-Roads.pdf>

²⁶ <https://omct-tunisie.org/wp-content/uploads/2024/05/Migration-et-torture-Pages-EN-OMCT.pdf>

²⁷ <https://omct-tunisie.org/wp-content/uploads/2025/01/Torture-Roads-Volume-3-EN-PAGES.pdf>

²⁸ <https://www.omct.org/site-resources/legacy/Forcibly-displaced-Sudanese-trapped-with-their-hopes-at-North-African-borders-OMCT-LAN.pdf>

²⁹ <https://omct-tunisie.org/wp-content/uploads/2024/05/Migration-et-torture-Pages-EN-OMCT.pdf>

use of corporal punishment, inhuman detention conditions, and state-sanctioned violence against children in Togo³⁰ and Benin prisons. Many states continue to enforce colonial-era punitive approaches, prioritizing repression over protection. Children in detention remain at extreme risk of torture and ill-treatment, often held alongside **adults** in violation of international standards. Reports from OMCT highlight systemic abuses in juvenile justice systems, including arbitrary detention, lack of legal representation, and degrading treatment in overcrowded facilities. In conflict zones, armed groups continue to forcibly recruit children, exposing them to violence, sexual abuse, and psychological trauma with little access to rehabilitation services.

4.3 Addressing Gender-Based Violence: Colonial Legacies, Justice, and Reparations

Gender-based violence (GBV) in Africa is deeply tied to colonial legacies that institutionalized gender oppression, racialized violence, and legal discrimination. Colonial laws criminalizing same-sex relationships, restricting gender expression, and failing to protect survivors of sexual violence remain in force today, enabling state-sanctioned discrimination and torture against women, LGBTQ+ individuals, and other marginalized groups.

The persistence of colonial-era structures has fueled impunity for gender-based torture, particularly in conflict zones. Security forces in Sudan, the DRC, Ethiopia and Libya continue to use sexual violence as a weapon of war, while laws criminalizing LGBTQ+ identities justify ongoing persecution. Survivors of corrective rape, forced sterilization, and sexual enslavement rarely receive justice due to outdated legal frameworks.

Reparations must extend beyond symbolic measures and include legal reforms, psychosocial support, and guarantees of non-repetition. The UN Committee Against Torture (CAT) and the United Nations Independent Expert on sexual orientation and gender identity (SOGI) emphasize decriminalizing LGBTQ+ identities, dismantling colonial-era laws, and ensuring accountability for gender-based violence as essential steps toward justice and reparations.³¹

5. Protecting Human Rights Defenders: Ensuring safety and justice for those who champion freedom

Human rights defenders, journalists, and civil society actors, often at the forefront of anti-torture advocacy, face growing threats across the continent. Developing robust legal protections, ensuring rapid response mechanisms, and providing financial and psychosocial support to defenders are vital to safeguarding their work. Strengthening regional and international solidarity networks will enhance their resilience against state repression and targeted violence.

5.1 Developing Robust Legal Protections for Human Rights Defenders

The end of neo-colonial ties in the Sahel, supported by the people, was expected to bring sovereignty, but the new military rulers have instead clamped down on freedoms. Tactics like enforced disappearances, forced conscription, and torture, such as the forced disappearance of

³⁰ https://www.omct.org/site-resources/legacy/CDH4_RAPPORT-SUR-LES-CONDITIONS-DE-DETENTION-DES-ENFANTS-EN-CONFLIT-AVEC-LA-LOI-VFF2.pdf

³¹ <https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity/sogi-colonialism-and-reparations>

Dr. Daouda Diallo in Burkina Faso³², undermine the promise of democracy. While states have a legitimate right to fight terrorism and protect their populations, the misuse of counter-terrorism measures has disproportionately targeted vulnerable groups, exacerbating conflicts and harming civil society³³. Despite early strides in adopting legal protections for HRDs, such as in Burkina Faso, Mali, and Niger, these laws are now being ignored, and HRDs continue to face repression. A truly decolonized Africa must protect human rights defenders, whose work embodies the freedoms anti-colonial movements once fought for³⁴.

5.2 Human Rights Defenders in Art, Culture, and Heritage

Artists, cultural advocates, and heritage defenders play a crucial role in promoting human rights and preserving collective memory³⁵. However, they often face persecution, censorship, or criminalization. The struggle for reparations, including the return of looted African art and cultural artifacts, must involve cultural defenders to ensure true justice. Excluding them risks continuing historical injustices, as colonial looting not only stole physical items but also erased identities. Protecting cultural defenders is essential for achieving decolonial restitution and justice.

5.3 Human Rights Defenders in Exile

The forced exile of human rights defenders today mirrors the persecution of anti-colonial leaders who were banished for challenging oppressive regimes. Activists from countries like Sudan, Burundi³⁶, Ethiopia³⁷, and Chad are fleeing due to threats, imprisonment, or assassination attempts. Yet, exile does not guarantee safety, as many face continued repression abroad. African states must strengthen asylum protections, and international mechanisms should ensure that exiled HRDs can continue their work without fear of reprisals, similar to how past freedom fighters struggled for justice beyond their homelands.

Conclusion

In conclusion, the African Union's 2025 Summit presents a critical opportunity to confront the enduring legacy of colonialism and its ongoing impact on justice and human rights in Africa. The fight for reparations and the dismantling of colonial-era structures must go hand in hand, addressing not only the historical injustices but also the present-day realities of torture, repression, and systemic violence. By holding both former colonial powers and African governments accountable, we can begin to heal the deep wounds of the past, restore dignity to the African people, and pave the way for a more just, equitable future for all.

³² <https://www.omct.org/fr/ressources/appels-urgents/burkina-faso-disparition-forcée-du-dr-daouda-diallo>

³³ <https://www.omct.org/fr/ressources/declarations/the-misuse-of-counter-terrorism-measures-hurts-the-vulnerable-and-creates-conflict>

³⁴ <https://www.omct.org/fr/ressources/blog/sahel-the-regions-stability-depends-on-the-reinstatement-of-civil-society>

³⁵ <https://www.omct.org/site-resources/files/Briefing-paper-34e-Sommet-de-LUA.pdf>

³⁶ <https://www.omct.org/fr/ressources/declarations/burundi-the-criminalisation-of-human-rights-defenders-must-stop>

³⁷ <https://www.omct.org/en/resources/statements/ethiopia-joint-call-to-halt-crackdown-against-human-rights-groups>