



## CTI REGIONAL SEMINAR

### Implementing the UN Convention against Torture in Latin America and the Caribbean: Sharing experiences of national legislative and institutional frameworks

5-6 April 2017, Santiago, Chile

#### Agenda

Day 1 - Wednesday, 5 April	
9.00-9.25	<p><b>Opening Ceremony</b></p> <p>Welcome</p> <p>H.E. Hernando Muñoz, Minister of Foreign Affairs of Chile H.E. Jaime Campos, Minister of Justice and Human Rights of Chile</p> <p>Keynote speech</p> <p><b>H.E. Michelle Bachelet, President of Chile</b></p>
9.25-9.30	<b>Group photograph / press statements</b>
9.30-10.00	<b>Registration</b>
10.00-11.15	<p><b>Introduction to the seminar programme</b></p> <p>Ms. Audrey Olivier Muralt, Director of the Latin America Regional Office, Association for the Prevention of Torture</p> <p><b>Session 1. The prohibition of torture in international and regional law</b></p> <p><b>Moderator:</b> Mr. Claudio Grossman, President, Inter-American Institute of Human Rights, (elected) UN International Law Commission</p> <p><i>Key substantive provisions of the UN Convention Against Torture</i></p> <p>Mr. Claude Heller, Vice-Chairperson, UN Committee against Torture (CAT)</p> <p><i>Key substantive provisions of the Inter-American Convention to Prevent and Punish Torture (IACPPT) and other regional instruments</i></p> <p>Ms. Soledad García Muñoz, Regional Representative for South America, Inter-American Institute of Human Rights</p> <p><i>An overview of the situation regarding torture and ill treatment in Latin America and the Caribbean</i></p> <p>Ms. Andrea Benavente, Consultant, Office of the High Commissioner for Human Rights Regional Office for South America</p>

	<p><i>Regional overview of anti-torture legislation</i> Ms. Sara Vera López, Project Officer, Association for the Prevention of Torture</p> <p>This session will outline key substantive provisions of the UNCAT, the IACPPT and other regional instruments, present some of the main challenges to preventing torture and ill-treatment in Latin America and the Caribbean, and give an overview of anti-torture legislation in the region.</p>
<b>11.15-11.30</b>	<b>Coffee Break</b>
<b>11.30-13.00</b>	<p><b>Session 2. Approaches to developing anti-torture legislation</b></p> <p><b>Moderator:</b> Ms. Audrey Olivier Muralt, Director of the Latin America Regional Office, Association for the Prevention of Torture</p> <p><i>The constitutional prohibition of torture and how it works in practice</i> Ms. Shameika Prince, Foreign Service Officer, Ministry of Foreign Affairs, Trade and Commerce, Saint Vincent and the Grenadines</p> <p><i>Specific anti-torture legislation</i> Ms. Karolina Castro , General Coordinator to Fight Against Torture, Special Secretariat for Human Rights, Brazil</p> <p><i>Amendment of existing legislation</i> Dr. Antonio Ruiz Ballón , Adviser to the Vice Minister on Human Rights and Access to Justice, Ministry of Justice and Human Rights, Peru</p> <p>This session is an opportunity for States to share their different approaches to prohibiting or criminalizing torture (e.g. through constitutional guarantees, legislative amendment or specific anti-torture legislation), their reasons for opting for particular approaches and how they work in practice.</p>
<b>13.00 – 14.30</b>	<b>Lunch (2<sup>nd</sup> Floor of the Ministry of Foreign Affairs)</b>
<b>14.30 – 16.00</b>	<p><b>Session 3. Defining the crime of torture</b></p> <p><b>Moderator:</b> Ms. Anne Lardy, Legal Adviser, Association for the Prevention of Torture, also providing an overview of the <i>elements of anti-torture legislation</i></p> <p><i>National practices on defining the crime of torture</i> Ms. Maureen Payne, Senator and Parliamentary Secretary, Ministry of Legal Affairs, Justice, Public Safety and Labour, Antigua and Barbuda</p> <p>Ms. Rhadys Abreu de Polanco, General Director of the Human Rights Division, Ministry of Foreign Affairs, Dominican Republic</p> <p>Mr. Ricardo Aníbal Guzmán Loyo, First Security Vice Minister, Ministry of Interior, Guatemala</p>

	<p>Starting with a summary of some of the primary, recommended and optional elements to be included in national laws, panellists will share their own practices of defining the crime of torture and explain what guided those decisions.</p> <p>The session will be guided by the following questions:</p> <ul style="list-style-type: none"> <li>➤ <i>How have States defined torture?</i></li> <li>➤ <i>What are the penalties foreseen for the crime of torture?</i></li> <li>➤ <i>What are the modes of liability foreseen for the crime of torture in national legislation?</i></li> <li>➤ <i>Have they included non-state/private actors in the definition of torture? Why, why not?</i></li> <li>➤ <i>Has cruel, inhuman or degrading treatment or punishment been criminalized explicitly?</i></li> </ul>
<b>16.00 – 16.30</b>	<b>Coffee Break</b>
<b>16.30– 18.00</b>	<b>Session 3. Defining the crime of torture (continued)</b>
<b>18.00– 18.15</b>	<b>Transfer to La Moneda Palace</b>
<b>18.15-19.30</b>	<b>Cultural visit (La Moneda Palace) – optional</b>
<b>20.00 – 21:30</b>	<b>Dinner at the Ministry of Foreign Affairs in the top floor scenic restaurant (17<sup>th</sup> Floor)</b>

<b>Day 2 - Thursday, 6 April</b>	
<b>9:00-10:30</b>	<p><b>Introduction to Day 2 of the Regional Seminar</b> Ms. Audrey Olivier Muralt, Director of the Latin America Regional Office, Association for the Prevention of Torture</p> <p><b>Session 4. Gender perspectives on torture</b></p> <p><b>Moderator:</b> Ms. Marta Maurás, Ambassador at the Chilean Permanent Mission of the UN in Geneva, Ministry of Foreign Affairs, Chile</p> <p><i>Gender perspectives on torture at international law</i> Mr. Claude Heller, Vice-Chairperson , UN Committee against Torture (CAT)</p> <p><i>Regional gender perspectives on torture</i> Ms. Margarette May Macaulay, Rapporteur on the Rights of Women and Vice-President, Inter-American Commission on Human Rights</p> <p><i>National practices – Reflecting gender in anti-torture legislation</i> Ms. María Amelia Espinoza, Director of the Human Rights Unit , Ministry of Justice, Human Rights and Religious Affairs, Ecuador</p> <p>Ms. Lorena Fries, Under-Secretary for Human Rights, Ministry of Justice and Human Rights, Chile</p> <p>The session will share international and regional good practices in defining and/or interpreting the prohibition of torture to be gender-inclusive, and hear from States on how their own legal frameworks have sought to reflect gender perspectives and achieve equal protection.</p> <p>The session will be guided by the following questions:</p> <ul style="list-style-type: none"> <li>➤ <i>How are issues of gender – such as rape and other forms of sexual or gender based violence as well as accountability for the acts of non-state/private actors – taken into account within the UNCAT and regional instruments, and within national legislative practices?</i></li> <li>➤ <i>What are some of the major challenges to ending impunity for such crimes, and the best ways of overcoming them?</i></li> </ul>
<b>10.30-11.00</b>	<b>Coffee Break</b>
<b>11.00-12.30</b>	<p><b>Session 5. Exclusionary Rule</b></p> <p><b>Moderator:</b> Mr. Branislav Marelic Rokov, Director, National Institute of Human Rights, Chile</p> <p><i>National perspectives on the exclusionary rule</i> Dr. Marco Fabricio Feoli Villalobos, Vice Minister of Justice, Ministry of Justice and Peace, Costa Rica</p>

	<p>Ms. Jewel Mayor, Chief Counsel, Office of the Attorney General and Ministry of Legal Affairs, Bahamas</p> <p>Mr. Diego José Góchez Aragón, Director of Treaties and Negotiation, Ministry of Foreign Affairs, El Salvador</p> <p>The UNCAT explicitly provides, in Article 15, that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings. The session will be guided by the following questions:</p> <ul style="list-style-type: none"> <li>➤ <i>Is the exclusionary rule included in national legislation?</i></li> <li>➤ <i>To which forms of evidence does it apply?</i></li> <li>➤ <i>Does it extend to cruel, inhuman or degrading treatment or punishment? If so, how?</i></li> <li>➤ <i>How is the exclusionary rule dealt with during judicial proceedings?</i></li> <li>➤ <i>What are some of the challenges?</i></li> </ul>
<p><b>12.30-14.00</b></p>	<p><b>Lunch (2<sup>nd</sup> Floor of the Ministry of Foreign Affairs)</b></p>
<p><b>14.00-16.00</b></p>	<p><b>Session 6. Institutional and other arrangements to end impunity and to achieve redress and rehabilitation for victims</b></p> <p><b>Moderator:</b> Ms. Anne Lardy, Legal Adviser, Association for the Prevention of Torture</p> <p><i>Removing statutes of limitation</i> Ms. María José Méndez, Director of the Human Rights Section, Ministry of Justice, Paraguay</p> <p><i>Complaints, investigations and prosecution</i> Dr. José Brian Schapira, Sub-Secretary of Human Rights Protection, Secretariat for Human Rights and Cultural Pluralism, Argentina</p> <p><i>Remedies and rehabilitation</i> Ms. Elena Gómez, Director, Latin American Institute for Mental Health and Human Rights, Chile</p> <p>Ms. Madellyn Baquedano Moncada, Human Rights Adviser, Secretariat of Human Rights, Justice, Interior and Decentralization, Honduras</p> <p>This session will focus not only on legislative reform, but also on institutional arrangements that allow for the ending of impunity. The session will address the following questions:</p> <ul style="list-style-type: none"> <li>➤ <i>How are complaints, investigations and prosecution for crimes of torture organized within State structures?</i></li> <li>➤ <i>Are there any special institutional or other arrangements that have been put in place, for example, to protect witnesses and victims, to ensure the</i></li> </ul>

	<p><i>independence and impartiality of the investigation, etc.?</i></p> <ul style="list-style-type: none"> <li>➤ <i>How are amnesty laws and statutes of limitations dealt with?</i></li> <li>➤ <i>Apart from through the incorporation of rights into legislation, how is the right to redress and rehabilitation realized in practice?</i></li> <li>➤ <i>What are some of the challenges?</i></li> </ul>
<b>16.00 -16.30</b>	<b>Coffee Break</b>
<b>16.30 -18.00</b>	<p><b>Session 7. Legislative reform processes related to torture: Role of important actors</b></p> <p><b>Moderator:</b> Ms. Audrey Olivier Muralt, Director of the Latin America Regional Office, Association for the Prevention of Torture</p> <p><i>The decision to be inclusive: lessons learned on the Mexican anti-torture legislative process</i> Mr. Alberto Elías Beltrán, Deputy Attorney General for Legal and International Affairs, Attorney General's Office, Mexico</p> <p><i>The role of National Preventive Mechanisms in promoting anti torture law</i> Mr. Roque Orrego, Commissioner, National Preventive Mechanism, Paraguay</p> <p><i>The role of civil society organisations in promoting the adoption of anti-torture laws</i> Ms. Carolina Carrera, President, Corporación Humanas, Chile</p> <p>The session provides an opportunity to reflect on the role of and collaboration with various actors and institutions in the processes leading to the adoption of torture legislation at the national level.</p> <p>The session will be guided by the following questions:</p> <ul style="list-style-type: none"> <li>➤ <i>How did the legislative process evolve in-country: e.g. was it an initiative from the Government, the Parliament, civil society, other?</i></li> <li>➤ <i>How were other actors and institutions involved in the legislative process?</i></li> <li>➤ <i>What were the mains challenges faced during such processes?</i></li> <li>➤ <i>What are the lessons learned from the experience?</i></li> </ul>
<b>18:00-18:30</b>	<p><b>Closing session</b></p> <p>Open discussion on how the CTI and other partners (OHCHR, UNPD, APT, NGOs) can provide further assistance to States, moderated by Ms. Marta Maurás, Ambassador at the Chilean Permanent Mission of the UN in Geneva, Ministry of Foreign Affairs, Chile.</p> <p><b>Closing remarks</b></p> <p>Ambassadors representing the Core States of the CTI</p>



*Con el apoyo de:*

