



CONVENTION AGAINST TORTURE INITIATIVE
CTI2024.ORG

CTI Statement to the UN Committee against Torture

13 July 2020, 15 mins

Online session runs from 13:00-15:00

(13:15 to be online)

Virtual through Interprefy

Statement by H.E. Frank Tressler, Permanent Representative of Chile to the United Nations in Geneva and H.E. Hasan Kleib, Permanent Representative of Indonesia to the United Nations in Geneva, on behalf of CTI

Check against delivery

Ambassador Tressler

Mr. Chairman, distinguished members of the Committee against Torture, other panelists, and those tuning in online,

Thank you for the invitation to CTI – the Convention against Torture Initiative - to present during this public online session. Before turning to the substance, let me extend a warm welcome to the **new Committee members**, Mr. Erdogan Iscan of Turkey, Ms. Ilvija Puce of Latvia, and Mr. Liu Huawen of China, and **re-elected members**, Mr. Claude Heller of Mexico, Ms. Ana Racu of Moldova and Mr. Sébastien Touzé of France. We congratulate them on their election, and wish you well in your important work.

As this is the first time we are addressing the new members and also noting the public format, let me take a couple of minutes to explain CTI, before turning to a key topic for today's discussion, Covid-19 and its relationship with the UN Convention against Torture - UNCAT. His Excellency, Ambassador Kleib of Indonesia, will follow my presentation, and put on the table a second priority issue that is generating global attention, that of the need for police reform and law enforcement in many countries. He will also add a few remarks about the treaty body strengthening exercise and the Covid-19 period.

[About the CTI]

CTI is an inter-governmental initiative of the Governments of Denmark, Fiji, Ghana, Indonesia, Morocco and my own government, Chile. We came together in 2014 aspiring to ignite a new push to reduce the risks of torture and ill-treatment worldwide, and to see how we could – as governments – share our experiences in a constructive way. We are committed to supporting all UN Member States to ratify the UN Convention against Torture

and to take positive action to implement it, by our deadline of 2024, which will coincide with the 40th anniversary of the Convention.

I am pleased to recount that 16 new States have ratified or acceded to UNCAT since we started, and four since we last met with the Committee, namely Angola, Grenada, Kiribati [*pronounced Kiribas*], and in June this year, Oman. At 170 States parties, we are only 25 shy of a full set of States!

Even in the complex Covid-19 period, we have been able to issue advice in collaboration with the Treaty Section of the Office of Legal Affairs in New York about how States may remotely deposit their instruments of ratification or accession during UN office closures.

Apart from the important work towards universal ratification, CTI aspires to strengthen institutions, policies and practices to reduce and prevent risks of torture and ill-treatment. We have hosted hundreds of public officials and other stakeholders in CTI's annual activities, and have provided confidential technical advice and capacity building services through the CTI Secretariat. We also publish a series of implementation tools on various thematic areas, collecting good state practices and inspiring changes. To date we have issued 9 implementation tools, translated into multiple languages.

I would encourage any States who are not yet in touch with us to do so. Our doors are open.

[Covid-19 and UN Convention against Torture]

It is without doubt that these are challenging times on a number of fronts - for governments, for organisations and for people throughout the world. We are facing one of most serious threats, which is putting unprecedented pressure on our health systems, our economies and our morale, we are witnessing a growing chorus of protests against reports of violence and heavy-handedness in national responses. Not all of this is Covid-19 related. But the pandemic is arguably quite literally bringing out the best and the worst, and showing good practices as well as gaps in our national response efforts.

Regrettably, the consequences of this health disaster go well beyond it. We have seen skyrocketing rates of domestic violence, for example; and the real economic challenges for the poor and marginalised, so many of whom rely on the informal economy. The immediate as well as the longer-term implications of isolation and confinement on the elderly, torture survivors and persons with mental health issues, may require adjustments. Prisons have been sites of serious contagion and spread, while enforcement of quarantine and other restrictions have revealed shortcomings in policing practices, and at its most alarming, cases of assaults, torture and even death have been reported.

Against this background, the **duty to prevent torture and ill-treatment** and the absolute and non-derogable character of the prohibition remain as relevant as ever.

[Positive state practices]

As countries manage the pandemic, some good practices have emerged, and important advice has been issued by the United Nations and other actors. It is worth sharing some of the positive practices we have seen:

- There have been significant efforts to **decongest overcrowded prisons** and other places where people are deprived of their liberty in order to lessen the risk of COVID-19 contagion. For example, some jurisdictions have scheduled early releases of low-risk and/or vulnerable or elderly inmates, postponed the start of prison sentences, or introduced or made greater use of electronic monitoring.
- Some prisons have **modified visits** so they can take place virtually, including communication with lawyers, family members and oversight bodies, through providing access to mobile phones, free-of-charge telephone calls and virtual platforms.
- **Hotlines to report complaints** against various authorities have been set up in some countries, and **remote proceedings** have allowed court hearings to continue.
- At its most humane, we have seen examples of the police and other actors delivering goods to the elderly and vulnerable, providing entertainment in the streets of neighbourhoods, and showing understanding towards the difficulties that the pandemic presents for many families. Best examples are where the citizens feel the police are on their side and they are part of the community.

While this devastating pandemic has challenged us all, it also offers government agencies an **opportunity and incentive** to rethink how criminal justice systems work and how they could be improved.

For example, could States prioritise and promote greater use of non-custodial sentences, such as bail, probation and parole systems or electronic monitoring, to decongest prisons on a more permanent basis?

What have we learned about dignified enforcement of movement restrictions during a health emergency, especially when the measures can place a heavy daily toll on people's lives?

As part of States parties' obligations under Article 11 of UNCAT to review procedures and practices, we would encourage all States to consider how their practices and procedures need to be adjusted to respond better to such situations. As the threat of such health emergencies is predicted to occur with increasing frequency in years to come, we need to think how can we become better prepared for such future situations.

I would conclude my remarks here with a question for the Committee, on whether it plans to refer to the challenges posed by Covid-19 when preparing upcoming List of Issues Prior to Reporting for those States scheduled for upcoming reviews? And second, whether the

Committee will be issuing any specific advice for States parties on key aspects of UNCAT implementation in times of Covid-19, as other bodies have done?

I will now pass the floor to his Excellency, Ambassador Hasan Kleib.

Ambassador Kleib

Thank you Ambassador Tressler.

Mr. Chairman, distinguished members of the Committee, ladies and gentleman,

I would like to turn our attention to another phenomenon that has been gripping the world these past weeks and which has particular relevance for the UN Convention against Torture. On 17 June this year, the UN Human Rights Council's 43rd session, held an urgent debate on the "**current racially inspired human rights violations, systemic racism, police brutality and the violence against peaceful protest.**"

The CTI as a collection of states made a joint statement in that debate, in which we called upon on all UN Member States and police chiefs worldwide to pledge zero tolerance of racism and discrimination, and to review and adjust, wherever needed, laws, policies, procedures and practices to be people-centred and prevention-oriented – "the CTI Police Pledge". We recognised that police and other law enforcement actors in all our societies play an incredibly important role so that ordinary citizens can go about their daily lives without fear. Integrity is fundamental for them to be able to perform their functions safely and effectively, and without it, the social contract is fractured.

As you know, CTI has been working tirelessly over the past few years on issues of police professionalism and police reforms as they relate to UNCAT, by facilitating exchanges, sharing good practices, and advising on positive police standards.

Last October, we held a major **global seminar in Copenhagen**, Denmark. We brought together over 60 participants from 23 countries, the majority at the rank of police commissioner or heads of police academies. The meeting explored how cooperation and innovation could assist with policing, and prevent and reduce risks of ill-treatment and misconduct. Participants shared experiences of how evidence-based and scientifically proven methods help build fair and transparent criminal investigation systems. We were honoured to have Chairperson Dr. Jens Modvig speak about the relevance of UNCAT to policing and law enforcement in the interactive panel.

Also in 2019, my Government hosted a **CTI regional seminar for 18 States from the Asia-Pacific region**, in Bali. Around 70 participants explored national good practices, experiences and challenges in strengthening institutional and legislative frameworks for effective policing and the administration of justice.

Two recommendations from these seminars are worth mentioning here today: the first is that although there are many good tools, guidelines and manuals as well as state

experiences, many police are not aware of them, so there is a need for greater dissemination and engagement. The second was a strong request for more integrated trainings, with the aim to build long-term capacity around new and effective techniques that minimise use of force and that strengthen community cohesion and consultation.

As we take forward CTI's Police Pledge, we will, in collaboration with UN and other partners, be preparing an online and freely accessible police resource kit, and hope to roll out trainings and consultations in the years ahead.

It is clear that UNCAT is a key human rights treaty that speaks directly to these challenges. It lays down a global set of parameters that has at its center the rejection of violence by state authorities, reinforced by the promotion of transparency, accountability and justice. We do not need to re-invent the international framework. What we need instead is leadership and commitment to reforms, covering structural, institutional and individual levels. We look forward to keeping you updated on our progress.

We also hope to contribute to the High Commissioner's report on police reforms and racism as per the adopted resolution.

[Covid-19 and treaty body sessions]

Mr. Chairman, as a final short note and returning to the first topic, it is clear that Covid-19 has interrupted the good work of many of us, including the treaty bodies, and we are looking at new ways to carry out our activities.

It is further predicted that owing to Covid-19 the current financial struggles of the United Nations will only deepen in the years to come as countries rebuild and reinvest in their own economies. Major donors with pegged contributions to percentages of their GDP are also likely to contribute less as their economies shrink. This is a very tough situation for all.

Yet this new normal presents an opportunity, coinciding as it does with the treaty body reform consultations being held this July. CTI submitted a contribution to the reform exercise, as you are aware, and also briefed the Committee last year. In particular we transmitted that small island developing states sought certain accommodations to alleviate the heavy financial, human resource and other burdens of reporting; not only as a request in itself but also so they may overcome one of the biggest obstacles to ratification and UNCAT universality. For all States, we are hoping for simplified outcomes.

During this Covid-19 period, we would encourage the Committee, wherever feasible, to carry out remote reviews. It is important to us as States parties that the review procedures continue. The United Nations has successfully undertaken a number of important meetings through virtual platforms, and governments and other stakeholders are becoming more proficient at it too. We are confident the Committee could undertake something similar, which may also have the added benefit of reducing some of the costs for states and the UN alike in the near-term.

I thank you for your attention.