

**Caribbean Regional Seminar**

**“Sharing experiences and building capacity in the Caribbean:**

**The Fair Administration of Justice and the UN Convention against Torture”**

**4-6 June, Gros Islet, Saint Lucia**

**Joint opening remarks by**

**H.E. Mr. Eduardo Bonilla Menchaca, Ambassador of Chile to Jamaica and concurrent in St Lucia,  
Antigua and Barbuda, Bahamas, Dominica and St Kitts and Nevis**

**H.E. Mr. Ramses Joseph Cleland, Ambassador and Permanent Representative of Ghana to the  
United Nations in Geneva**

*Check against delivery*

*H.E. Mr. Eduardo Bonilla Menchaca, Ambassador of Chile to Jamaica and concurrent in St Lucia, Antigua and Barbuda, Bahamas, Dominica and St Kitts and Nevis*

**Honourable Ministers and Attorneys General,  
Excellencies,  
Madam Chair,  
Distinguished colleagues and friends,**

On behalf of the five governments behind the Convention against Torture Initiative, I am delighted to welcome you to this specially convened seminar for Caribbean States. It is also lovely to be here in wonderful St Lucia.

Since March 2014, the Governments of Denmark, Ghana, Indonesia, Morocco and my own country, Chile, have been leading a ten-year global initiative – the Convention against Torture Initiative or CTI – to achieve universal ratification and to help States improve how they implement this global Convention.

Our initiative works in a constructive - “no name, no shame” - way, often through dialogue in regional settings such as this meeting, bringing together countries that share legal traditions, practical similarities and friendship. This collaborative approach allows us - *as States* - to discuss sensitive issues that we may not otherwise be prepared to discuss in other settings and to engage in frank dialogue about both our good practices as well as our challenges.

The five CTI States are animated by what we know can be achieved through ratifying and implementing the Convention, and we have had the benefit of hearing many good experiences from a wide range of States over the past years.

**So where are we at in reaching our goals?** Worldwide, there are now an impressive 164 State parties to the Convention. Yet, although the prohibition against torture is a *jus cogens* norm of international law, the Convention still does not enjoy universal participation. We are working closely with many of the 31 States that have not yet joined. From our region of Latin America and the Caribbean, the Convention already counts seven Caribbean States as parties,<sup>1</sup> that's a good number, though it still means one-third of the total number of non-States-parties are located in our region.

We are aware and in touch with a number of your governments that are exploring the possibility of ratifying the Convention. We are extremely pleased in this regard that **the Commonwealth of the Bahamas**, represented here today by the Honourable Ellsworth Johnson, Minister of State for Legal Affairs, ratified the Convention on 31 May, a few days ago after a process of national consultation and decision-making. It is exciting for us at the CTI to be able to congratulate the Government of the Bahamas on taking this significant step in this meeting. We will shortly hear about their experience and the process of taking this decision, which we believe is an inspiring one – not only for your neighbours in this region, but also for other regions. We look forward to continuing to support the Bahamas as they move to implement the Convention. Please join me in congratulating the Bahamas! [Applause]

I note too that many of your countries have made voluntary commitments to the Universal Periodic Review (UPR) to accede or ratify the Convention, which is extremely promising. We do appreciate the challenges you may be facing in making these commitments a reality, and we look forward to discussing these with you over the coming days and learning how the CTI and our friends may be able to support your efforts.

Sometimes we are asked by States – such as yours – with good human rights records and which subscribe to the rule of law and open and transparent government, **why should we ratify the Convention against Torture? Why ratify if there is no torture problem?**

These are valid questions and ones we hope we can address during the next couple of days. Let me mention a few good reasons to get us started ...

**First, no State is immune from such problems** – whether they are already a State party or are considering ratifying. In all our countries, there are risks that abuse can be committed by public authorities. We all have had these experiences and continue to be challenged by them. The risk is higher though when appropriate legal and policy frameworks and other practical safeguards are not in place.

**The experience of my country Chile** is a dramatic one, in which too many of our citizens were subjected to horrendous violence including torture and enforced disappearances during a dark period in our history in the 1970s and 80s. For the Chilean government and for Chileans, the UN Convention against Torture has been a guiding light in terms of reinforcing the message for all current and future political leaders that such practices are unacceptable and have no place in our society. Furthermore, the Convention has helped us restructure our legal and institutional frameworks to ensure that such matters are never repeated. Although Chile's experience was extreme, it is regrettably not unique in the world and is one of the reasons why Chile is working hard to eradicate torture and ill-treatment worldwide.

The Convention focuses not only on the most extreme forms of harm, namely torture, but **also on lesser forms of ill-treatment**, such as detention conditions and unlawful use of force by police. That's important to recognise – as systematic low level practices can escalate and cause serious harm through repetition and turning a blind eye. The Convention provides a **practical step-by-step**

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<sup>1</sup> Antigua and Barbuda, Bahamas, Belize, Cuba, Dominican Republic, Guyana, and Saint Vincent and the Grenadines

**guide** explaining the basic elements to prevent and respond to such incidents, with flexibility to adapt them to national considerations. The Convention can help guide us to improve progressively our systems of justice and governance.

**Second**, the eradication of torture and ill-treatment in practice requires not just political will, but also effective laws, policies and institutions, well-trained and supervised police, properly-managed prisons, independent courts, and a vibrant and free civil society. The prevention of ill-treatment is thus not only a justice sector issue, it is also a development issue.

We know that a country will need to invest resources in order to implement the Convention. Let us not be naïve about that. At the same time, we also know that development alongside opportunities for trade and investment is made sustainable through robust structures of good governance – matters at the heart of the UN Convention against Torture. Investing in the justice sector – and thereby implementing the UN Torture Convention – makes good sense.

Next year we will all have to report to the United Nations on SDG16. Acceding to the Convention, or taking greater steps to implement it, will count as important indicators of progress towards the fair administration of justice and securing peaceful and inclusive societies, the focus of SDG16.

A **third good reason** to consider ratifying UNCAT at this time is that many of you are working actively to address issues of corruption including through your participation in the international and regional anti-corruption mechanisms and treaties. This year, at the 37<sup>th</sup> session of the UN Human Rights Council in Geneva, Denmark led a resolution adopted by consensus specifically addressing the linkages between corruption on the one hand, and torture and ill-treatment on the other. At the Lima Summit of the Americas, in April this year, a number of your countries also participated in the adoption of a similar resolution 1/18 on corruption and human rights. Both the UN Convention against Corruption and the UN Convention against Torture are instruments that aim to remove the incentives and opportunities for the abuse of power or position. As we are all too aware, corruption in the justice sector erodes one of the fundamental pillars of our societies. It makes sense to think about how the UN Convention against Torture can support national anti-corruption strategies. This is an evolving debate, and one to which we should stay tuned.

*With these initial thoughts on the UN Convention against Torture, let me now hand over to H.E. Mr. Ramses Joseph Cleland, Ambassador of Ghana to the United Nations in Geneva.*

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*H.E. Mr. Ramses Joseph Cleland, Ambassador and Permanent Representative of Ghana to the United Nations in Geneva*

**Honourable Ministers and Attorneys General,  
Excellencies,  
Madam Chair,  
Distinguished colleagues and friends,**

Let me add my sincere welcome to all of you to this meeting. I echo my fellow Ambassador's words, by saying the Government of Ghana is very pleased to be represented at this meeting, as part of the CTI. The initiative is driven by a shared vision and commitment to fulfilling the potential of the UN's human rights project through (i) universal ratification of the UN Convention against Torture and (ii) its active implementation by all UN Member States.

This year is the **70<sup>th</sup> anniversary of the Universal Declaration of Human Rights**. It is a privilege to be here, in this region, as this declaration is being celebrated. The history of the United Nations and in particular the human rights project that followed in the 1960s and '70s, has strong roots in this region. As we know, the push for binding human rights treaties came from the South.

Ghana's own Mr Quaison-Sackey, who was the first African president of the UN General Assembly in 1964, wrote that the world needs *"a group of countries that will approach international rights as objectively as possible and speak out for justice, morality and human rights."*

Jamaica's Ambassador Egerton Richardson proposed and later chaired the Committee for the International Year of Human Rights in 1968. It was this springboard that led to the current international framework that we enjoy today.

**In my region, Africa**, the Universal Declaration inspired the drafting of Constitutions in more than 20 countries. Only five countries in Africa are left to ratify the Convention – and we believe two more are poised to do so this year. That's an exciting pan-African prospect. Not unlike countries in other regions, many governments in Africa are working to implement progressively the Convention.

**In the Caribbean**, you can be especially proud that all 16 countries have constitutional bills of rights, with 14 containing a clear prohibition against torture and other ill-treatment, while the remaining two include some protection against forms of ill-treatment. All of your constitutions contain protections for persons arrested and against arbitrary detention.

Such **constitutional guarantees** already provide a **workable framework upon which ratification** of the UN Convention against Torture can be based. For those present here today that have not yet taken the leap, I would strongly encourage you to do so, and we are ready to support those efforts. We are confident that your constitutions and rule of law traditions already place you ahead of many other countries.

The experience of my country Ghana in the 1980s is no different from Chile's experience recounted a while ago by Ambassador Menchaca. Torture, arbitrary arrests, enforced disappearances, and killings in the 1980s characterised what has come to be known as the darkest years in Ghana's history, an example of which is the famous unlawful arrest and brutal murder of three High Court judges and a military officer.

From the perspective of my country Ghana, being a party to the Convention has led to many positive changes. It has helped us professionalise our police service, made our justice delivery system more

efficient, and triggered the much needed prison sector reforms to better promote and protect the rights of all detainees.

While the political message to be counted as a party to this Convention is important, it is clear for us that the biggest dividends are and should be those on the ground, in our own countries and for our own societies.

**Before concluding**, let me end by the question Ambassador Bonilla started with – *why ratify the Convention against Torture?*

I would like to re-orient that question - ***why wouldn't a State ratify the Convention?***

If, as governments, we disagree with torture and ill-treatment, then ratification becomes imperative. Ratification sends powerful political messages –domestically, regionally and internationally. This is not about rhetoric. It is important for the world as well as our citizens and residents to know that their governments do not tolerate such practices and that they will be safe in our communities.

Ratification sends a signal to the police and other authorities that ill-treatment is unacceptable in practice. In fact the CTI has found that many law enforcement and prison personnel are among the strongest supporters of joining the UN Convention against Torture, because they can see its practical relevance to their daily work. It's important we listen to them.

Joining the Convention opens up opportunities for domestically driven reviews of existing practices, and can provide a catalyst to change for things that may not be working as effectively as we'd like. We'll have plenty of time to continue to think through these points over the coming days.

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I thank you for taking the time to join us in St Lucia. I hope you will treat this meeting as your own and as a space for constructive discussion and debate on these important topics.

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Let me finally thank Julia Purcell and her team at Wilton Park, our partner for this event, alongside the CTI's Secretariat headed by Dr. Alice Edwards, for getting us around the table and making these discussions possible.