

Annual Forum

29 November 2018, 11:00

Graduate Institute, Geneva

11:05 – 11:25 “A View from CTI: Making progress on the 2018-20 Strategy” *Delivered by H.E. Ambassadors Cleland, Eguiguren and Jespersen*

[Ambassador Cleland]

Excellencies, distinguished delegates, Madam Facilitator, experts, CTI friends and partners, ladies and gentlemen,

We have the task to share with you some of the CTI’s achievements in 2018.

In the spirit of today’s discussions focusing on the Universal Declaration, we will also take this opportunity to reflect on our strategy and approach in achieving our goals – of universal ratification by 2024, and a reduction in incidents of torture and ill-treatment through active implementation of the Convention.

I will start by elaborating on CTI’s approach as well as some of the new elements of our 2018-20 Strategy, before handing over the floor for latest ratification updates from Ambassador Eguiguren. Ambassador Jespersen will follow, and share some of this year’s highlights in terms of supporting States in the very practical areas of implementation. For a fuller account of all our 2018 activities, I would refer you to our forthcoming Annual Report.

Turning to the CTI approach and what we have learned so far ...

Four years ago our five governments launched the CTI here in Geneva. During this short 4-year period, the CTI approach has been welcomed by many interlocutors, as a new way of doing business. CTI’s approach is State-led, cross-regional and seeks to bring interested States together – often in regional settings sharing similar legal traditions and challenges. We also pursue a programme of bilateral exchanges and visits, and provide technical assistance and capacity-building support through the CTI Secretariat.

Our approach is built on the values of international cooperation, mutual respect and equality between States, through which we can listen and share amongst States. The Initiative benefits from the expertise of our many friends and partners. We currently count amongst our Group of Friends, 40 UN Member States, leading international, regional and national organisations and anti-torture experts. If you haven’t already “officially” joined us, please do get in touch.

Our approach is diplomatic – we work at States’ own pace, responding to requests for support, addressing key concerns, and identifying opportunities. We neither name nor shame, as none of us can claim to have a totally clean history in this area. That said, we recognise that we could all do better and that there is value in sharing our experiences through constructive dialogue.

Through this format, we have raised awareness of the global prohibition against torture, and the benefits for the State and her citizens in ratifying and implementing the Convention. This has led to political commitments as well as legal and practical reforms, in a growing number of countries.

CTI’s approach is not the only way to tackle these issues, of course. There are many actors working in this fundamental area of human rights that take different approaches to the CTI, and who are also making significant contributions to preventing, responding to and eradicating the source of ill-treatment. I am pleased that many of them are with us today.

At an event in June this year at the Palais, we released our second strategy, covering the period 2018-20. This strategy learns from our past engagement with States and others, and aims to build on our support for States to ratify and implement the UN Convention against Torture. The strategy benefits from many conversations we had with various stakeholders, including our own CTI Ambassadors’ retreat, as well as a retreat with international and non-government organisations and experts in Glion sur Montreux. Hard copies have been made available in multiple languages at the entrance.

In 2018-20, we intend to enhance our technical and capacity-building work, as well our capital-level engagement. Regarding the latter, we have found governments are especially interested in having direct discussions with CTI at national level. This allows key decision-makers to take the lead domestically, but it also allows a greater array of relevant officials and other stakeholders to be part of the conversation. We will be working more concertedly through our own embassies abroad, as well as reaching out to CTI’s States Friends in-country. We have to date had very strong cooperation with CTI’s Friends in the various countries we have visited, and we are extremely grateful for that level of cooperation.

In February this year I had the privilege to participate in such a visit, when Ghana’s Deputy Minister of Foreign Affairs, Honourable Charles Owiredu led a delegation to The Gambia. Capitalising on the new government and a President oriented to human rights ideals, and travelling with a peaceful purpose, the delegation discussed the UN Convention, the key obligations it entails, and spoke candidly about the many challenges facing the country and how UNCAT ratification could contribute to strengthening the rule of law. The Gambia stood by their word, and on 28th September this year, in the margins of the UN General Assembly, they became the 165th State party to the Convention.

Last month, the CTI Secretariat carried out a follow up seminar for over 40 government officials, prosecutors, magistrates and judges, as well as staff of the newly formed Truth, Reconciliation and Reparations Commission. This seminar was part of a post-ratification package. In opening the seminar, the Gambia’s Minister of Justice, Honorable Abubacarr Tambadou, acknowledged the importance of the Convention, and I quote, “to [help] put in place a new and resilient architecture to uphold the highest standards when it comes to human rights, justice and rule of law.” End of quote.

The Gambia is one of the good news stories. We look forward to celebrating more stories like this one. Let us congratulate them on their ratification and the steps they have already taken towards implementing the Convention.

I would now invite Ambassador Eguiguren to speak further on our ratification goals.

[Ambassador Eguiguren]

Thank you Ambassador Cleland.

Excellences, ladies and gentlemen,

In 2018, we set ourselves a goal of 3 new ratifications. I'm extremely pleased to announce that this year's goal has been met, thanks to the praiseworthy decisions of the **Republic of the Marshall Islands, the Commonwealth of the Bahamas and The Gambia**, which you just heard about.

Join me in congratulating each of them on these recent ratifications [start applause].

As a recap, when we started the CTI in 2014, there were 154 UNCAT States parties, and 41 States that were not party. Now, **at the end of 2018**, we have reached 165 States parties. Only 30 States have yet to ratify UNCAT. Of these 30, 6 have signed the Convention.

The CTI and our friends are working with a number of these countries, and the interest in ratification is growing. Almost all of the non-States-parties have participated in CTI events or meetings, and with some we have had closer collaboration, including through country visits, seminars and bilateral discussions.

To reach our 2024 deadline though, we will need to bolster the pace of ratifications in the next few years. We look forward to hearing from the interactive panel and yourselves on how this may be advanced.

But let us pause and remind ourselves briefly why we are focusing on ratification.

For the CTI Core States, and the many other States supporting our efforts, **one of the main challenges** affecting the absolute prohibition against torture and ill-treatment envisaged in the Universal Declaration is the **lack of universal participation in the Convention**. The Special Rapporteur on Torture, Mr. Nils Melzer, in his report to the General Assembly this year, and who we will hear from shortly, has also noted that the "incomplete adoption of the international framework" against torture is a "primary concern".

So, why is being a State party important? Let me offer you five reflections.

First, reaching universality would reflect an undisputed international view that torture as a practice is unacceptable in all its forms. This would further be strengthened by the withdrawal of remaining reservations. The UNCAT - as **the** subject-specific treaty, - is a particularly important marker in its own right of a global consensus against such harm.

Second, ratifying UNCAT sends a strong political message – internationally and regionally, but also and most importantly, nationally. A zero tolerance policy tells the world as well as a country's citizens and residents that their governments do not tolerate such practices and that they will be safe in their communities.

Third, the Convention provides a clear and practical guide on how States can achieve this, which can be tailored to national contexts. In other words, for the police, the military, correctional services and

other authorities, it offers a practical roadmap for legal and institutional good practices. UNCAT strengthens the rule of law and the fair and efficient administration of justice, which we know from our own countries are the bedrock to sustainable national development. Contrary to some views, CTI's experience to date has been that law enforcement and prison personnel, once they understand and appreciate what UNCAT is trying to achieve, are among the strongest supporters, because they can see its practical relevance to their daily work.

Fourth, through holding public consultations in preparation for ratifying the Convention, awareness can be raised among relevant stakeholders and the public, and this in turn improves citizens' understandings of their rights. That's a positive dividend for the State.

The fifth and final reflection is that the review process through initial and periodic reporting to the Committee against Torture, which we know is arduous at times and requires a lot of preparation, can help us to consider changes to national policies, laws and practices. Chile underwent its periodic review this year. The participation of our Undersecretary of Human Rights with a large delegation from diverse sector of the State, give us the opportunities to identify the steps forward in the implementation, but also the challenges for next years, for example working more in the prevention of torture and in training for law enforcement.

The Universal Declaration has inspired these additional binding treaties – it is good to be reminded why we sign up to them, and why they are beneficial to our citizens and residents,

Before concluding, allow me to briefly mention the torture convention's twin instrument, the Optional Protocol to the Convention against Torture (OPCAT). CTI also raises OPCAT ratification, as relevant and appropriate. In 2018, **one additional State** ratified OPCAT,¹ bringing the total number of States parties to 88.

I now hand the floor to Ambassador Jespersen to share our work on implementation.

[Ambassador Jespersen]

IMPLEMENTATION

Thank you Ambassador Eguiguren.

Excellencies, ladies and gentlemen,

Turning now to implementation...

As you all know, ratification is only the first part of the journey towards building domestic legislative and institutional approaches to counter the risks of torture and other abuses. This is why CTI also holds a number of regional consultations every year on key thematic challenges to preventing or responding to such risks.

Over the past year, representatives from around 80 States have participated in CTI regional events and seminars exploring various aspects of UNCAT implementation.

We held **two major regional events** in 2018 – one covered the Council of Europe region, the other brought together Caribbean States.

In March, the Government of Denmark, in its capacity as Chair of the Committee of Ministers of the Council of Europe and Core State of the CTI, convened a seminar in Copenhagen, on ways to address and respond to torture and other abuse during police custody and pre-trial detention. This event focused on safeguards and police interviewing as key ways to prevent torture and other abuses. The event was co-organised by the European Committee for the Prevention of Torture (CPT), and DIGNITY-The Danish Institute Against Torture, and enjoyed the participation of 23 Council of Europe Member States.

In June, CTI held together with Wilton Park a regional seminar in Gros Islet, Saint Lucia for countries in the Caribbean on the fair administration of justice and the UN Convention against Torture. Five States were represented at ministerial – attorney-general level, while in total there were 40 participants drawn from 17 States (10 Caribbean States and 7 others) as well as Friends of CTI. Topics covered included police professionalism, prison management and reform, and juvenile justice issues.

Both events provided opportunities for governments to share and explore new methods and techniques in policing or prison management, as well as how institutional structures prevent or incentivise abuse in the first place.

In addition to the CTI's two regional events, in April, CTI organised a roundtable on the rule of law, justice sector reform and UNCAT on the sides of the Commonwealth Heads of Government meeting. The event was organized together with the Ghana High Commission in London and the Commonwealth Secretariat. With 18 of the remaining non-States-parties being Commonwealth countries, the Commonwealth is an important forum for the CTI – and with whom we are building closer relations. The event heard from Fiji, Ghana and the United Kingdom on their latest developments.

I also wanted to mention our second technical workshop on legislative drafting of anti-torture laws, which was held in Dakar, Senegal, in September. Supported by the African Commission on Human

and Peoples' Rights and REDRESS, this workshop brought together an impressive 15 States from Francophone Africa, at varying stages of legislative reform; and offered space to discuss technical and policy considerations for such reforms. Through the CTI Secretariat's "remote help desk", we are responding to queries for post-seminar support from a number of countries.

Also in 2018, CTI briefed the Committee against Torture, the Sub-Committee on the Prevention of Torture and the UN Voluntary Trust Fund for Victims of Torture. During the September Human Rights Council, the CTI co-sponsored Fiji's side event, which shared their progress in implementing UNCAT since 2016. Such side events are an effective way to keep the international community updated, and we'd be open to supporting other States in this way.

Finally, we have been delighted to team up with a number of organisations in the conceptual development and preparation of further tools in CTI's series of **UNCAT implementation tools, showcasing good State practices on various themes**. This year we published two tools, one on *non-refoulement*, in partnership with the International Commission of Jurists; the second on rehabilitation for victims of torture, in partnership with the OSCE and the International Rehabilitation Council for Victims of Torture, funded by the Italian and Danish governments. Together they highlight over 50 positive State practices in these two areas.

All of CTI's tools are available for free download on CTI's website. More tools will be uploaded as they become available. We'd also be interested to hear from you if you believe you could benefit from other tools.

All our tools are now available in a number of languages. Let me bring to your attention the "CTI Language Libraries" on our website – with documents available in Arabic, French, Spanish, Portuguese, and some other languages.

Thank you's and partnerships

Last but not least, it only remains for me to thank our 2018 partners, many of whom are displayed on this screen. Whether they be States, or our many international, regional and non-governmental partners and experts, we are immensely grateful for your support, for sharing your expertise and experiences, and for being committed to this fundamental issue for all of us.

We look forward to continuing our partnerships and exploring new avenues for collaboration.

In that vein, we look forward to hearing from you on any comments or updates you may have, and I hand the floor back to Dr. Alice Edwards, Head of the CTI Secretariat.