

Check against delivery

Ratification and implementation of the UN Convention against Torture in the Pacific: Supporting Pacific States with processes of legislative review and drafting anti-torture laws or amendments

CTI High–Level Seminar

InterContinental, Natadola, Fiji

Wednesday 6 – Friday 8 February 2019

Opening remarks by

H.E. Morten Jespersen, Ambassador and Permanent Representative of Denmark to the UN in Geneva

Honourable Prime Minister,

Honourable Ministers,

Your Excellencies,

Madam Chair,

Distinguished participants,

All protocols observed,

[Welcome and thank you to Fiji]

On behalf of the five governments behind the Convention against Torture Initiative, or CTI – Chile, Ghana, Indonesia, Morocco and my own country, Denmark, I am delighted to welcome you all. I also would like to thank you for your interest and participation in this specially convened regional seminar for South Pacific States.

Honourable Prime Minister, the CTI Core States sincerely thank your Government for hosting this event in your beautiful country. And also thank you for Fiji's continued support of and excellent collaboration with us, in capital as well as through your Representation in Geneva.

Let me also take this opportunity to congratulate you on the progress Fiji has been making through embracing the UN Convention against Torture as a positive way to inspire and guide domestic reforms.

For me, it is my first visit to Fiji and to the Pacific region, though it is the second regional event CTI has organized here. Many of your countries participated in CTI's 2016 regional workshop, also kindly hosted by the Government of Fiji. Since then, CTI has visited Samoa in 2017 as part of a diplomatic visit and seminar, and I had the opportunity to visit Tonga together with H.E. Ambassador Cleland of Ghana and Dr Edwards, Head of CTI Secretariat, earlier this week. I believe this region has many positive messages and examples to share and I'm excited about this meeting.

[*About the CTI and aims*]

Let me briefly tell you about CTI and why we are here today: CTI was founded by our five governments in 2014, on the 30th anniversary of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or UNCAT. We have the ambition to achieve universal ratification and improved implementation of UNCAT by 2024. Collectively, we wanted to do something different and profound to prevent and respond to the increasing use of and tolerance of torture and other practices in many parts of the world.

CTI is an initiative *of States for States*. It is supported by a full-time Secretariat based in Geneva. And we work through international cooperation, diplomacy and constructive dialogue, in confidential settings, with the view to sharing experiences and challenges.

At the heart of our work is our intention to eradicate torture, excesses and abuses and to ensure respect of citizens' rights, the rule of law and good governance. We do this with the UN Convention against torture as the baseline. The Convention is the key global instrument setting out a broad framework of measures aimed at prohibiting, preventing and reducing incidents of torture and other ill-treatment. That said, the instrument is

sufficiently flexible giving discretion to adapt those measures to national circumstances. We strongly believe that the Convention equips States with the necessary guidance to effectively tackle incidents or patterns of ill-treatment.

[Ratification]

Since we started CTI, I am pleased to report that 11 new States have ratified the Convention, bringing the total number to an impressive 165 States. We are working closely with many of the remaining 30 States, of which 8 are Pacific States (or 25%) and 18 are Commonwealth countries.

The Pacific is, therefore a region of strategic importance to us at CTI: this is because your countries are known for their strong democratic institutions and rule of law traditions, and have many good experiences to share with others.

Positively, 4 Pacific States – Fiji, the Marshall Islands, Nauru and Vanuatu - are counted among the State parties to UNCAT, and we look forward to hearing some of their experiences over next few days.

At the CTI, we have also noted that many more of your Governments have committed - during the Universal Periodic Review process - to ratifying remaining human rights treaties, including the UN Convention against Torture.

We appreciate these commitments, and hope that this week's proceedings will assist you with taking that process forward.

No country has a perfect track record in this area, we all face challenges. None of these challenges though should stop us signaling internationally, regionally and domestically that we reject torture and ill-treatment in all its forms.

We strongly believe that regional universality of UNCAT ratification in the Pacific together with examples of positive implementation, will not only put your countries in a better position to minimize risks of torture and similar ill-treatment, but it also sends a powerful message when all UN Member States in the region subscribe to the Convention.

We believe all countries in the region are well placed to ratify the Convention: we note that nearly all of your States have constitutional prohibitions against torture and other ill-treatment, or include other protections against forms of ill-treatment. Other safeguards against torture and ill-treatment – such as fair trial rights or limits on deprivation of liberty - are variously included in your constitutions. We also note many specific laws covering several aspects related to the Convention such as policing, investigations, prisons, evidence gathering and extradition, are already in place.

These constitutional and legislative guarantees already provide an important, workable legal framework upon which ratification and subsequent implementation of UNCAT can be based.

That said: a perfect legal framework is not a requirement for ratification. Many countries continue to develop their laws, policies and practices post-ratification – and in fact, it is good practice to keep such matters under ongoing review. My own country, Denmark, for example, has ratified the Convention in 1987, yet our law reform processes to ensure conformity with the Convention are still ongoing. We have had a national committee of experts examining how to incorporate international human rights instruments, including the Convention against Torture, into domestic legislation. We also engage continuously with the UN Committee against Torture in a dialogue to explain why we follow a certain approach and to find out where we can do better. So rather than requiring a perfect legal framework prior to ratification, UNCAT ratification and the UNCAT system as a whole offer an opportunity to States, identifying the basic elements needed to prevent and respond to torture, with flexibility to adapt them to national considerations.

This Seminar hopes to provide good advice on how the Convention is to be reflected in domestic law, which is a valuable exercise in and of itself. These

same discussions can also support preparations – for example, Cabinet submissions or national consultations – on UNCAT ratification.

Over the next days, we will discuss in more detail how the Convention can help guide us to improve progressively our legal framework to effectively prevent and protect against torture, and how the Committee against Torture can provide support and advice on how best to go about this.

[Thank you's]

Let me end this short presentation by thanking our partners for this event:

- I have already mentioned the Government of Fiji – we are extremely grateful to you, Prime Minister, and thank you for your hospitality;
- the Universal Rights Group, represented here by its Director, Mr Marc Limon, and Ms Charlotte Marres, who have provided invaluable logistical support and advice;
- The Regional Rights Resource Team of the Pacific Community, represented by a formidable team being led by Ms Audrey Aumua, with whom we have benefited from their regional experience and expertise and we hope to continue our collaboration beyond this Seminar.

- I would also like to thank the University of Tasmania Law School, with whom we are partnering for the first time and benefiting from our volunteer student note-takers.
- I also need to thank our additional donors – notably the United Kingdom and the Commonwealth Fund.

Most of all, I thank you all for your participation and being represented at such high – level. This, too, in my view, demonstrates the commitment of your countries to work together to tackle these issues. I look forward to the forthcoming discussions, to learn from you, to hear about possible challenges in terms of ratification and implementation, and to explore how we can work together to overcome those challenges.

I hand the floor over to Dr Alice Edwards, Head of the CTI Secretariat, our overall facilitator for this event.

Thank you
