

Convention Against  
Torture Initiative  
2014-2024



ANNUAL REPORT  
2014



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## INTRODUCTION

The Convention against Torture Initiative (CTI) was launched in March 2014 by the governments of Chile, Denmark, Ghana, Indonesia and Morocco in cooperation with the Association for the Prevention of Torture (APT). This first annual report looks back at the activities of the first year of the ten year initiative to achieve universal ratification and implementation of the Convention Against Torture (UNCAT).

Three key priorities have guided the work of the CTI in 2014. 1) Launching the Initiative and defining its purposes, strategies and activities; 2) Placing CTI firmly and visibly on the international agenda; and 3) Reaching out to governments, NGO's and experts to join the Initiative's Group of Friends (GoF). Measured on these key priorities 2014 was a successful first year:

1) The initiative was successfully launched in March with a high-level event in Geneva. The first full-day CTI Forum in September served to give strategic direction to the initiative. The "CTI Brand" (CTI will be **C**onstructive, **T**winning and **I**nspirational) was conceived, and a catalogue of CTI activities aiming to support governments in ratifying and implementing the Convention was developed.

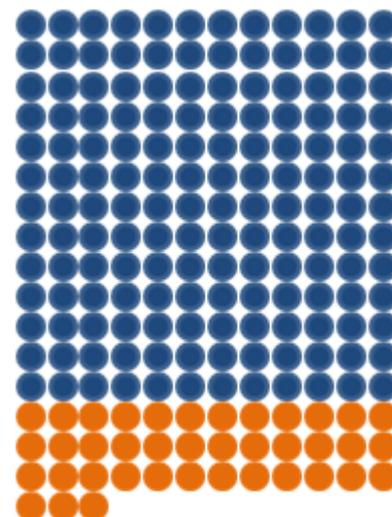
2) Over the course of September and October, the CTI organized meetings in Geneva and in New York which placed CTI firmly on the international agenda. In November the initiative supported the celebration of the 30<sup>th</sup> anniversary of the UNCAT, where the CTI was highlighted and welcomed by the UN Secretary General, Mr. Ban Ki-moon and by the High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein.

3) The CTI Group of Friends was launched in September in Geneva, and by the end of the year, 19 states as well as leading UN experts and a number of NGOs had joined the Group.

The CTI is off to a good start, but the work has just begun. Today, 154 of the 193 UN member states have ratified UNCAT, with an additional two ratifications from observer states. We are still 39 UN Member states short of universal ratification. Twenty of the States parties have never submitted their first report to the CAT and many more States parties struggle with implementation of the Convention. Only 76 states have joined the Optional Protocol (OPCAT).

The CTI and its partners will work to steadily improve the numbers – and, most importantly, improve the destinies of human beings behind these numbers by gradually eliminating the use of torture and cruel, degrading and inhuman treatment in the world.

H.E. Ms. Marta Maurás, Ambassador of Chile  
H.E. Mr. Carsten Staur, Ambassador of Denmark  
H.E. Mr. Sammie Eddico, Ambassador of Ghana  
H.E. Mr. Triyono Wibowo, Ambassador of Indonesia  
H.E. Mr. Mohamed Auajjar, Ambassador of Morocco



State Parties Non State Parties

**Status of ratification of the UNCAT. 156**  
States parties. 39 Non States parties



## TIMELINE OF CTI EVENTS 2014





## ADOPTION OF THE 2014 PLAN OF ACTION

Prior to the official launch of the CTI, the countries behind CTI adopted the 2014 Action Plan which in detail laid down background, goals and visions, objectives, activities and structure for the CTI's first year. The Action Plan also designated the Association for the Prevention of Torture (APT) to support the development of the CTI. The action plan is enclosed as annex I.

The activity targets for 2014 were:

1. To launch the CTI at the 25<sup>th</sup> session of the Human Rights Council
2. To complete a baseline study of states' compliance with UNCAT obligations
3. To convene the first CTI Forum
4. To launch the CTI Group of Friends during the 27<sup>th</sup> session of the Human Rights Council
5. To launch the CTI in New York during the 69<sup>th</sup> session of the General Assembly
6. To develop activities for 2015
7. To publish an annual report

## LAUNCH OF THE CTI

On 4 March 2014 during the 25th session of the Human Rights Council in Geneva, the CTI was launched at a well-attended event moderated by APT's Secretary-General Mark Thomson and with high-level representatives from Chile, Denmark, Ghana, Indonesia and Morocco on the panel. The event was opened by then High Commissioner for Human Rights, Ms. Navi Pillay, who was the first to express unequivocal support for the Initiative while encouraging non-States parties to use the Initiative *"to join the community of those that declare, without hesitation, that torture is unacceptable"*.

As part of the launch, the foreign ministers of Chile, Denmark, Ghana, Indonesia and Morocco published a joint op-ed on the initiative (attached as annex II).





## BASELINE STUDY OF GLOBAL UNCAT COMPLIANCE

In order to identify gaps in implementation of the UNCAT and to initiate discussions among states on ways to monitor the success of the CTI over the next ten years, a provisional global survey of states' compliance with UNCAT obligations was undertaken by the APT, based on 12 key indicators chosen to cover a range of obligations provided in the Convention. (see annex III for the study)

## THE FIRST CTI FORUM

The first CTI full day Forum was held on September 3 in Chavannes-de-Bogis outside Geneva with the active participation of 18 states and 11 experts. (see annexes IV and V for program and list of participants)

The CTI Forum identified common obstacles to ratification and implementation of the UNCAT and provided valuable proposals and suggestions on how to overcome such obstacles. The Forum also discussed possible strategies for the CTI in the years to come. The future potential of the Initiative was put squarely into four main points:



The CTI will be

- a forum for governments and experts facilitating new connections, knowledge sharing, exchange of best practices and expertise across regions.
- a vehicle to publicly highlight the good work and progress being achieved by individual governments on torture prevention.



- a knowledge hub, collecting and developing best practices, guidelines etc. to facilitate government efforts to ratify and implement UNCAT.
- a facilitator of technical assistance to governments in relation to ratification and implementation of UNCAT

A report of proceedings summarizing the deliberations of the Forum was published in October 2014. The report is enclosed as annex VI, along with a press release from the Forum (annex VII).

## **LAUNCH OF THE CTI GROUP OF FRIENDS**

The CTI Group of Friends was launched on 9 September 2014 in Geneva at a CTI briefing held in the margins of the 27th session of the Human Rights Council. More than 60 participants including 33 different states participated, and unequivocal support to CTI was expressed. The briefing provided states with an update on the CTI's achievements and activities so far, including the results of the first CTI Forum, and invited states to join the CTI Group of Friends.

The Group of Friends was introduced as a platform for exchange of knowledge, experiences and ideas on how to overcome obstacles to ratification and implementation of the UNCAT. Governments, civil society organisations and experts who share the vision and ambition of the CTI were invited to join the Initiative. Since the launch of the GoF, 19 states have joined the group along with a number of NGO's, the UN Special Rapporteur on Torture, the chairperson of the CAT and the chairperson of the SPT, see also information sheet on the Group of Friends attached as annex VIII. Outreach will be intensified in 2015 in order to increase the number and regional balance of the Group.



## **HIGH LEVEL EVENT AT THE 69TH GENERAL ASSEMBLY**

On 23 September 2014, during the opening week of the 69th session of the General Assembly in New York, the CTI was introduced at a high level event where the five countries behind the CTI were represented at political level. The event was well-attended with more than 65 participants, including from 25 different states of which five used the occasion to announce their friendship to the CTI.



## **CTI EVENT WITH THE THREE TORTURE RELATED**

### **MANDATE HOLDERS AT THE GENERAL ASSEMBLY**

The Special Rapporteur on Torture, Juan Mendez, CAT Chair Claudio Grossman and SPT Chair Malcolm Evans presented as per tradition their annual reports during an inter-active dialogue at the UN General Assembly on 21 October. The CTI used this opportunity to convene a high-level side event with the participation of the three key UN experts. The side event was attended by around 40 states.

## **BRIEFING OF THE COMMITTEE AGAINST TORTURE**

On 3 November, the Permanent Mission of Denmark to the UN in Geneva and the APT were invited to brief the members of the Committee against Torture on CTI during a closed meeting. All members of the Committee were highly supportive of the CTI and ready to discuss and provide guidance related to areas of the Convention where States parties had been interested to seek further assistance. A mutual commitment to close cooperation on the initiative was given.



## 30TH ANNIVERSARY OF THE CONVENTION AGAINST TORTURE

The 30<sup>th</sup> anniversary of the adoption of the Convention against Torture was celebrated at an event arranged by the Committee against Torture in Geneva on 4 November 2014.

At the event, the CTI was highlighted by the newly appointed High Commissioner for Human Rights, Prince Zeid, who welcomed the Initiative and reiterated that the Initiative had the full support of the OHCHR (full speech in annex IX).



UN Secretary General, Ban Ki-moon, stressed that *“universal ratification and full implementation of the Convention must remain our imperatives. I fully support the Convention against Torture Initiative to achieve universal ratification in the next ten years”* (full speech in annex X).

During the following inter-active debate, the CTI was highlighted and welcomed by a number of states in the room.

Following the event, the CTI hosted a well-visited reception in the Restaurant des Délégués at the Palais des Nations.



## DEVELOPING ACTIVITIES FOR 2015

Based on inputs and discussions during the first CTI Forum, the CTI in December developed a catalogue of possible activities for 2015. The catalogue will be discussed, finalized and endorsed by the governments behind CTI early 2015.

The proposed activities were developed keeping the CTI strategic acronym in mind:

**Constructive.** The CTI takes a constructive approach to the push for ratification and implementation of UNCAT. It is not the role of CTI to “name and shame” but rather to support Governments in their efforts to pursue ratification of UNCAT and to implement the Convention.

**Twinning.** CTI is an initiative by and for equal government partners seeking to enhance exchange of experience and knowledge in order to learn from others with similar challenges – typically in regional settings.

**Inspirational.** CTI will inspire, not proscribe. CTI will inspire, facilitate and motivate. Inspire countries by exposing them to the experience of other countries; facilitate by creating a platform for informal meetings with experts and through the development of useful tools; and motivate by highlighting – in the UN and to the public - government efforts to ratify and implement the convention. (see annex XI)



Annex I:

# Convention against Torture Initiative (CTI)

## Action Plan for 2014

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2 June 2014

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## 1. Introduction

Torture and ill-treatment of persons deprived of their liberty remains a serious global problem undermining the fundamental principles of justice for all. A special global effort is required to tackle this wide-scale violation of people's human rights and dignity.

40 of the 193 Member States of the United Nations have still not ratified the UN Convention against Torture (UNCAT) and of the 155 countries that have, many face various and serious challenges of implementation.

Why focus on the Convention? Because the UNCAT is fundamental to the global fight against torture. It obliges states to protect individuals from torture and to prosecute those who torture. It does not allow persons to be expelled, returned or extradited to a country where they face danger. In cases where the torture or ill-treatment already took place, the Convention requires an investigation into what happened, and gives victims of torture the right to redress, fair compensation, and rehabilitation.

The "Convention against Torture Initiative" (CTI) is a long term engagement promoting inter-State cooperation to help countries overcome obstacles in ratification and implementation of the Convention. Over the next ten years, it will provide coordinated and sustained support in form of legal and technical advice and assistance.

Ending torture and ill-treatment is a truly universal challenge. Only through a joint effort between Governments, the United Nations and other intergovernmental agencies, national institutions, relevant non-governmental organizations and experts, will we be able to combat torture and ill-treatment. The CTI serves as a platform for the broader international constituency against torture.

## 2. The Convention against Torture Initiative

In March 2014, the Governments of Chile, Denmark, Ghana, Indonesia and Morocco marked the 30th anniversary of the UN Convention against Torture (UNCAT) by launching a ten-year global initiative for the universal ratification and implementation of the Convention.

### 2.1 Vision and objectives

By 2024, universal ratification of UNCAT will be a reality. The risk of torture will be reduced as all States parties will be working actively to implement the Convention.

The immediate objectives of the CTI are:

- To identify challenges and barriers to ratification and implementation of the UNCAT
- To address these obstacles through inter-State cooperation, assistance and dialogue.
- To mobilise legal advice and technical assistance to governments on request.
- To build a global platform of States, the UN, national and international NGOs and experts to work jointly to achieve the CTI vision.

## **2.2 Organisation**

The Initiative is spearheaded by the Governments of Chile, Denmark, Ghana, Indonesia, and Morocco.

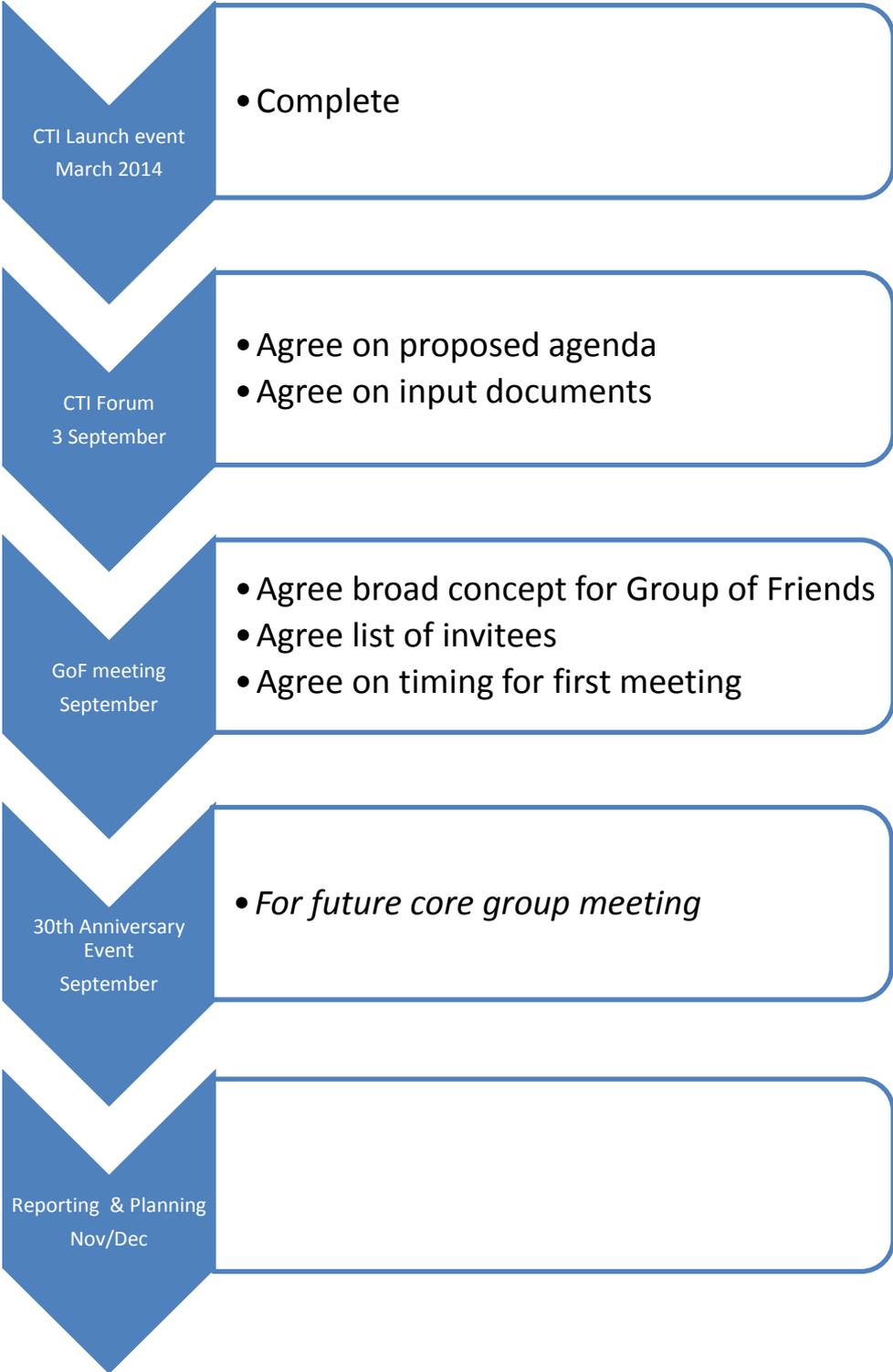
The Association for the Prevention of Torture (APT) is designated to support the development of the CTI.

A broader group of States, NGOs, individual experts from academia etc. will be invited to join the Group of Friends of CTI which will provide advice to and further the Initiative through annual meetings and other shared activities.

The CTI Forum is the main annual event of the CTI and will provide a unique multi-stakeholder platform for sustained and informal exploration of the challenges related to UNCAT ratification and implementation.

**3. Action Plan 2014**

**3.1 Timeline for 2014 and key decisions needed from Core Group**



### 3.2 The launch of the CTI

The launch of the initiative during the 25<sup>th</sup> Session of the Human Rights Council in March 2014 (HRC25) was widely welcomed by a number of States and international institutions and non-governmental actors.

The launch of the CTI took place during a high-level panel event at the Human Rights Council, on 4 March. It was used as an appeal to all States to join us, an opportunity to receive valuable input for the next stages of the initiative and a possibility to identify some of the challenges in regard to universal ratification of the Convention.

Ms. Navi Pillay, UN High Commissioner for Human Rights, made the opening statement. This was followed by statements from Denmark, Morocco, Chile, Indonesia, and Ghana. Panellists then received questions from the floor, moderated by APT. The event was very well attended with representatives from States, IGOs and NGOs.

Following the launch, an oral statement was delivered at the Human Rights Council under Item 3 by the Ambassador from Chile. The statement committed the CTI to promoting public debates to raise awareness of the right to protection from torture; to devising ways to measure adherence to the Convention and to reporting back annually to the UN Human Rights Council and the General Assembly on progress that is being made related to this initiative.

### 3.3 CTI Forum, Geneva, 3 September 2014

The annual CTI Forum will provide input and advise to the overall strategic direction of the CTI, but will also address specific regional and thematic challenges in the implementation of the UNCAT and serve as a platform for identifying ways to provide coordinated and sustained support, in the form of legal and technical advice and assistance, for all Member States of the UN, to ratify and implement the Convention against Torture.

The first CTI Forum will take place on 3 September 2014, in Best Western Hotel in Chavannes-de-Bogis. The objective of this first CTI Forum is to discuss and identify the types of assistance and activities which would be useful for Governments, in their efforts to ratify and effectively implement the UNCAT. A selected number of key States representing all regions, as well as high level representatives and independent experts from the UN, are invited to join this first discussion, which will serve to shape and direct the Initiative in its early phases.

Participants will be presented with a background paper prepared by APT which provides an overview over the *current state of ratification and implementation of UNCAT* (see 1.4). The paper will be based on a global survey of 12 key indicators, and will not list/rank countries, but give an aggregated snap-shot of the state of affairs in order for participants to focus attention on the most immediate issues.

The paper will suggest a list of technical reasons which could be seen as contributing to the various "gaps" in ratification and implementation identified by the survey.

Furthermore, APT will prepare food-for-thought papers on a) possible types of activities (technical assistance, exchange of experience etc.) which could be elaborated by the CTI in order to assist Governments in the process of ratification and with implementation of UNCAT and b) a suggested framework for a CTI strategy, encompassing global and regional levels of activities, a multi-stakeholder approach and the outline for a funding strategy.

#### **Decisions for the Core Group**

1. Approval of the proposed revised agenda
2. Approval of the proposed input documents to be elaborated

### **3.4 Survey of State compliance with UNCAT**

To focus the efforts of the Initiative and to monitor the success of the Initiative over ten years, a survey of States' compliance with UNCAT obligations has been undertaken by the APT. As an input to the discussions at the first CTI Forum in June 2014, an initial survey will assess all States according to 12 key indicators in order to identify gaps in global implementation and ratification of UNCAT. These are: ratification of UNCAT and OPCAT; the absolute prohibition of torture and ill-treatment; prohibition of *refoulement* and use of torture-tainted evidence; criminalisation of torture and a definition in line with that provided in the Convention; establishment of an independent investigations body; prompt access to a lawyer; monitoring of places of detention by independent bodies; effective access to remedies; and submission of periodic reports to the CAT. Survey results will be presented to the Forum in aggregate numbers and will not specify performance of individual countries.

The survey is not intended to show the full scope of UNCAT implementation. It can give only a *flavour* of the areas of obligations which might require further consideration and development in thematic or regional activities of the CTI.

Drawing on discussions and inputs from States during the first CTI Forum, the CTI Core Group will decide on themes and modalities to develop and work on during the first phase of the initiative.

In order to measure progress of the initiative, APT will align indicators with CTI themes and activities. Furthermore, indicators and measurements of these will be discussed with the CAT in order to align CTI and CAT assessments of UNCAT compliance.

If necessary, additional surveys will be made – by APT or other cooperation partners of the CTI – of new or adjusted indicators in order to establish a baseline for CTI activities.

Following further discussions of indicators at the Forum and other 2014 events, the final system for assessing State compliance with the Convention should be presented, ideally towards the end of the year. A survey of compliance will be updated every year by APT, drawing on information from Forum events, regional activities, CTI partner organizations and CAT periodic reviews, to demonstrate progress over the course of the Initiative.

### 3.5 CTI Group of Friends meeting, Human Rights Council 27<sup>th</sup> Session

The CTI will call for a meeting in September 2014 during HRC27 for a wider group of Governments, NGO's, academia, UN-experts who will be invited to participate in the CTI Group of Friends and to possibly contribute to the activities of the CTI.

The Group of Friends is planned as an affiliation of potential partners to provide advice and assistance for the further development of the CTI. The establishment of the Group of Friends will be pursued through the series of events held in 2014, including the Group of Friends Meeting.

The CTI Group of Friends will consist of a Government Group of Friends (GGoF) and a Non-governmental Group of Friends (NGGoF).

All UN member states will be invited to participate in the GGoF, whereas the NGGoF will be on invitation from the Core Group. NGGoF-members will be selected based on expertise, track-record and potential for positively contributing to the objectives of CTI.

Membership to the GGoF or NGGoF will be formalized by a letter from the Danish mission upon request from an UN member state or from any of the invited NGOs and experts. The list of members will be held jointly by Denmark and the APT, who will share CTI information and proposed activities periodically with the GoF.

The CTI Group of Friends will:

- Be held informed about the development of the CTI during annual meetings in Geneva during sessions of the Human Rights Council (in June or September)
- If actively engaged in furthering CTI objectives, be invited regularly to CTI Forum strategy discussions
- (GGoF) Be first in line to benefit from assistance offered through CTI
- (NGoF) Be potential implementing partners for CTI-activities
- Be expected to engage constructively with CTI according to capacities

#### Decisions for the Core Group

1. Discussion and approval of the model for the GoF
2. Discussion and approval of the list of invitees to GoF
3. Timing of GoF meeting

### 3.6 Developing CTI activities

Upon the initial identification of obstacles and needs during the CTI Forum and the establishment of the CTI Group of Friends, main potential cooperation and implementation partners of the initiative should be identified. APT will in consultation with the CTI Core Group and in cooperation with implementing partners develop a catalogue of CTI-activities / mechanism to be initiated in 2015. The overall concept of activities and support mechanisms should be ready to be presented during the CTI Forum in September

Activities could include:

- Regional activities (seminars, workshops etc.) which bring together States with similar challenges, such as small island States, and activities which focus on particular themes, such as reporting to the CAT, rehabilitation, or criminalisation and legal reform. Regional activities can be pursued through regional partners or other regional actors to promote constructive dialogues and/or deliver regional activities.
- Establishment of an expert roster
- Establishment of a voluntary fund for UNCAT implementation (or another funding strategy for CTI generated activities)
- A communication/advocacy strategy including dedicated webpages and online tools

### **3.7 30<sup>th</sup> Anniversary event, General Assembly, New York**

In celebration of the 30<sup>th</sup> anniversary of the adoption of the UNCAT, an event is planned for the 69<sup>th</sup> General Assembly session in New York. The event – to be further discussed with core-group UN missions in New York could be organised around the UN Treaty Event, to draw attention to the core objectives of the CTI and promote signature, ratification and accession at this key annual event. The dates for the 2014 UN Treaty Event have not yet been published, but typically coincide with the opening of the General Assembly session in the last week in September 2014.

Each year the UN Secretary-General identifies a core group of treaties to become the focus of a Treaty Event for that year. Liaison with the UN Treaty Section should confirm that human rights treaties and the UNCAT is again a priority for ratification at the Treaty Event.

Alternatively, an anniversary event could be timed to celebrate the date of UNCAT adoption, on 10 December, or around the presentation of the annual report of the CAT or GA Resolution on torture.

. Finally, the event will serve as a platform for Core Group ministers to announce CTI themes and concrete initiatives for the first phase of the CTI.

### **3.8 Reporting and 2015 Planning meeting**

Following VTI Forum, HRC and UNGA events, the CTI Core Group should meet to reflect on progress, take stock, and look forward to plan the next stage of the CTI.

A short report should also be adopted which records the progress made over the last 12 months. This report could be structured like an annual report, or could publish key lessons of the CTI dedicated to a thematic issue. If appropriate, the report or publication could be translated to enable better dissemination.

### **3.9 28<sup>th</sup> Human Rights Council, 2015**

The Joint Statement by Chile, Denmark, Ghana, Indonesia and Morocco, read during the 25<sup>th</sup> Human Rights Council, committed to regularly report back to the Human Rights Council on the progress made by the CTI.

The CTI should therefore report to the 28<sup>th</sup> session of the HRC, in March 2015, updating the Council on progress and celebrating any achievements over the previous 12 months.

A side event may also be organised to generate interest and ideas in advance of the next CTI Forum.

### **Annex 1:**

## **CTI preliminary indicators**

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### **Ratification**

1. Ratification of the UNCAT
2. Ratification of the OPCAT

*Comment: These benchmarks are achieved when the State either ratifies or accedes to the instrument.*

### **Prohibition**

3. Torture and other forms of ill-treatment prohibited in human rights or constitutional framework
4. Law provides that no person may be returned to country where there is a risk of torture
5. Law provides that statements obtained by torture are not used in proceedings, except against a person accused of torture as evidence the statement was made

*Comment: The absolute prohibition against torture and other forms of ill-treatment must be set out explicitly in human rights instruments at the national level. Obligations relating to non-refoulement and the exclusion of torture-tainted evidence are integral parts of the absolute prohibition against torture and should be explicitly protected in law.*

*The absolute prohibition must also be achieved in practice, but a full analysis of whether this has been achieved is beyond the scope of this analysis.*

### **Accountability (Punishment)**

6. Specific offence of torture included in domestic law
7. Definition of torture in compliance with UNCAT art.1
8. An independent investigation body is charged with promptly investigating complaints or suspicions of torture or ill-treatment

*Comment: The CAT recommends that a specific offence of torture in domestic law is a critical element of UNCAT implementation. The crime must apply a definition in full compliance with that described in art.1 of the Convention.*

*The criminalisation of torture alone is not sufficient. Action must also be taken against those who violate the prohibition. To be effective, investigations should be removed from the State authorities responsible for the alleged abuse, and be conducted promptly and impartially.*

### **Prevention**

9. Access to a lawyer is guaranteed in law and in practice without delay after any form of detention
10. Independent bodies are given access to places of detention to monitor and report on such risks

*Comment: States must take effective measures to prevent torture. Recognising that the risk of torture is greatest in the early stages of detention, access to a lawyer from the first moments of detention is a fundamental safeguard against ill-treatment, and should be protected in law and achieved in practice. Right of access to a lawyer is typically recognised after arrest, but should also apply to anyone deprived of liberty, including those kept in any form of administrative detention.*

*The Special Rapporteur on torture has recommended that regular inspection of places of detention, especially when carried out as part of a system of periodic visits, constitutes one of the most effective preventive measures against torture. Independent NGOs, official bodies such as the judiciary, defence lawyers and physicians, the ICRC, NHRIs and NPMs might be given such access.*

### **Redress**

11. Detainees are provided with effective access to remedies

*Comment: States must adopt legislation to provide victims with effective remedy and the right to obtain adequate and appropriate redress. Such remedies must be available against the State and not just the perpetrator, and be effective in practice. Placing onerous evidentiary burdens on the victim, or requiring the outcome of criminal proceedings would not satisfy this benchmark.*

*It is noted that the right to redress also requires that States award various forms of reparations, including compensation and as full rehabilitation as possible. However, an examination of reparations is beyond the scope of this analysis.*

### **Procedural requirements**

12. State submits timely periodic reports to CAT

*Comment: States parties to the UNCAT must submit initial and periodic reports to the Committee. States parties are often late in the submission of reports, and the Committee sends out reminders to all States parties whose initial reports are overdue and whose periodic reports are more than four years overdue. Recognising that some delay is not such a problem, we suggest that the submission of periodic reports is timely if it is less than three years overdue.*

***General comments: Benchmarks necessarily reduce the comprehensive obligations of the UNCAT to those few obligations which may be objectively determined with either a positive or negative answer. Here, we focus on just 12 benchmarks to give a 'snapshot' of treaty implementation. We recognise that this analysis cannot show the full scope of UNCAT implementation and gives only a flavour of those areas of implementation which might require further development. The analysis should not be understood by any entity as providing the 'blueprint' for full UNCAT implementation.***



Annex II:

### **CTI op-ed – Keeping the promise: a torture free world**

“... no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens but its lowest ones”. That was how Nelson Mandela described the challenge.

All Member States of the United Nations have pledged to achieve the promise of the Universal Declaration of Human Rights: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. Torture is never, under any circumstances justified.

Despite a series of advances over the last 60 years, we are still far from keeping this promise to ‘all peoples and all nations’, as proclaimed by the Declaration. Worse still, over the past ten years we have seen repeated attempts to trivialize, and even defend, the use of torture.

We, the Ministers of Foreign Affairs of Chile, Denmark, Ghana, Indonesia and Morocco, today launch an appeal to our fellow members of the United Nations: We can and we must do a better job to protect all persons from torture and ill-treatment - in all parts of the world. To do so requires new thinking, constructive collaboration and shared responsibilities.

We believe that the starting point must be the universal ratification and implementation of the UN Convention against Torture. This multilateral treaty spells out the measures that States should take to prevent abuses, to protect detained persons, to investigate and prosecute perpetrators of torture, as well as to provide redress.

It has been 30 years since the adoption of the Convention. We now invite all Governments to join us over the next decade to achieve universal ratification and to put the Convention into concrete practice.

We don’t claim to have solved all the problems in our own countries. The recent years have demonstrated that torture and ill-treatment can happen everywhere. But we have taken steps to reduce the risks, by ratifying the Convention, passing anti-torture laws, or taken steps in order to establish detention monitoring measures. And we want to do more.

One of the most regular concerns expressed by fellow States to those undergoing Universal Periodic Review at the UN Human Rights Council has been related to measures and mechanisms to protect people from torture. Let us commit to helping each other to actually act on such recommendations. We appeal to all UN and intergovernmental agencies, national institutions, policy and lawmakers, experts and non-governmental agencies that are able to provide quality advice and sustained support, to come together for maximum coordination, sensible divisions of tasks and creative solution sharing.

As part of the Convention of Torture Initiative we will explore new forms of collaboration. Over the next ten years we will organize thematic fora, the first in Geneva early June, to remove obstacles hindering universal respect and full implementation of the Convention.

We commit to promoting public debates to raise awareness of the right to protection from torture. We commit to devising ways to measure adherence to the Convention and we commit to reporting back



annually to the UN Human Rights Council and the General Assembly on progress that is being made related to this initiative.

Forty Member States of the United Nations have still not ratified the Convention against Torture, and of the 154<sup>1</sup> States that have, many still face challenges of living up to their commitments. We want, once and for all, to remove torture from the toolkit of terror and oppression and to put an end to the profound traumas and societal wounds caused by this violent practice.

\* \* \*

H.E. Minister for Foreign Affairs of Chile, Mr. Alfredo Moreno Charme

H.E. Minister for Foreign Affairs of Denmark, Mr. Martin Lidegaard

H.E. Minister for Foreign Affairs and Regional Integration of Ghana, Ms. Hanna S. Tetteh, MP

H.E. Minister for Foreign Affairs of Indonesia, Dr. R.M. Marty M. Natalegawa

H.E. Minister Delegate for Foreign Affairs and Cooperation of Morocco, Ms. Mbarka Bouaida

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<sup>1</sup> At the time of the publication of the op-ed, the State of Palestine and Eritrea had not yet become parties to the UNCAT.



## Overview of UNCAT ratification and implementation

*Background paper for CTI Forum participants*

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To identify gaps in implementation and to initiate discussions among States on ways to monitor the success of the Convention against Torture Initiative (CTI) over the next ten years, a provisional global survey of States' compliance with UNCAT obligations has been undertaken by the Association for the Prevention of Torture (APT) and International Rehabilitation Council for Torture Victims (IRCT), based on 13 key indicators chosen to cover a range of obligations provided in the Convention.<sup>1</sup>

Information for indicators has been collected from two principal sources: national reports to the Committee against Torture, and concluding observations of the Committee. Consequently, results were only possible from a limited number of States who both ratified the UNCAT and submitted a report to the Committee. Official UN sources were also used to show the status of UNCAT and OPCAT membership, and the periodicity of reporting.

### The indicators used for the survey are:

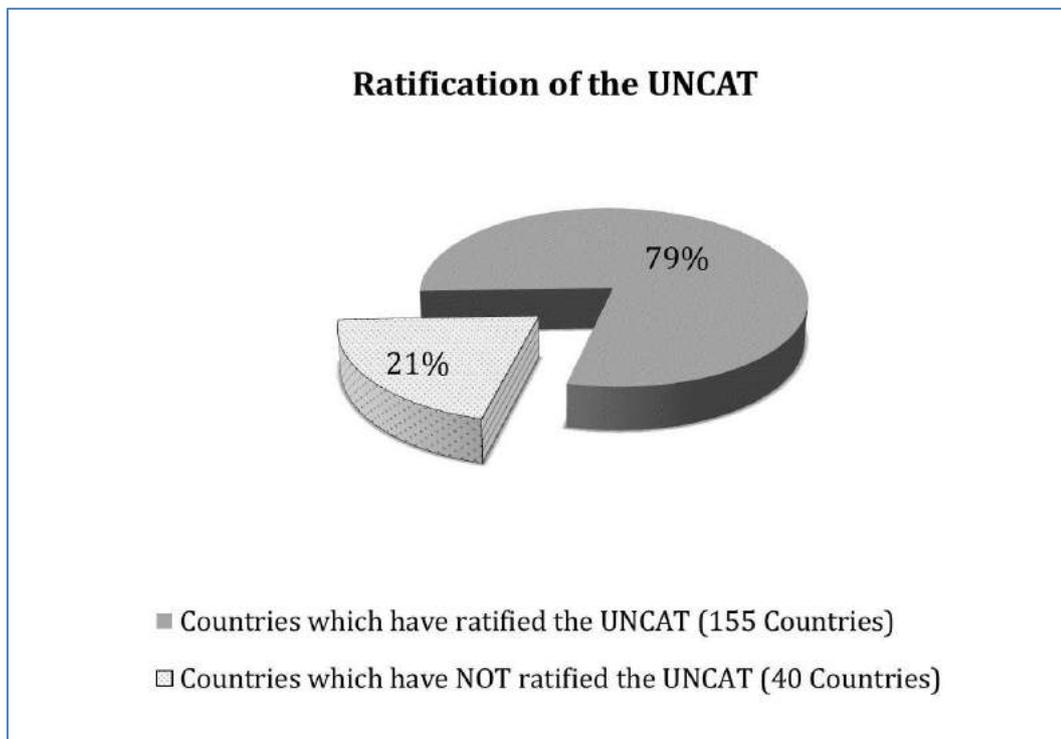
- **Ratification of UNCAT and OPCAT;**
- **The absolute prohibition of torture and ill-treatment;**
- **Prohibition of *refoulement* and use of torture-tainted evidence;**
- **Criminalisation of torture and a definition in line with that provided in the Convention;**
- **Establishment of an independent investigations body;**
- **Prompt access to a lawyer;**
- **Monitoring of places of detention by independent bodies;**
- **Effective access to remedies and specifically, to rehabilitation; and**
- **Submission of periodic reports to the Committee against Torture (CAT).**

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<sup>1</sup> In this analysis, we have necessarily reduced the comprehensive obligations of the UNCAT to those few which may be objectively determined with either a positive or negative answer. Here, we focus on just 13 indicators to give a 'snapshot' of treaty implementation. We recognise that this analysis cannot show the full scope of UNCAT implementation and gives only a flavour of those areas of implementation which might require further development. The analysis should not be understood as providing the 'blueprint' for full UNCAT implementation.

## 1. Ratification (or accession) to the UNCAT and its Optional Protocol

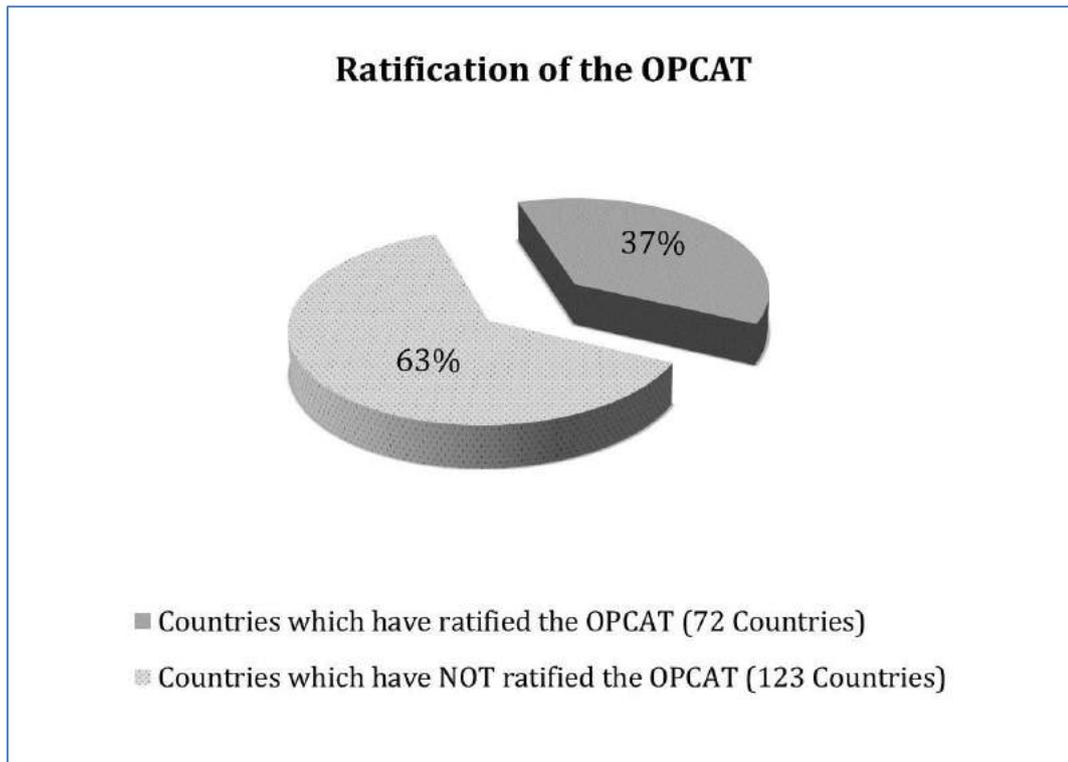
The ratification of human rights treaties is typically seen as the first step in their implementation. A ratification or accession is effective when a State has deposited the instrument of ratification or accession with the Secretary General of the UN.



The adoption of the UN Convention against Torture (UNCAT) is one way for States to adopt specific human rights standards which serve as critical tools to prohibit and prevent one of the worst offenses in international law. Although the appeal of UNCAT ratification is often well understood, States have typically pointed to the perceived costs of adoption, the long and complicated legal reforms anticipated, and the burden of reporting as the principal reasons for their hesitation.

### Key questions:

- How are the costs of ratification understood by States and does this represent a true cost?
- States regularly seek international assistance to achieve the necessary legislative reform. What are the particular legal obstacles which reduce the interest in ratification?
- What are the challenges to effective reporting to the Committee against Torture, and why is reporting perceived to be such a burden?



Unlike the UNCAT, the Optional Protocol to the Convention against Torture (OPCAT) does not set new norms or standards. Instead, it establishes a system of practical visits to places of detention, conducted by national and international bodies, which work in close cooperation with national authorities, identifying gaps in laws and practice to protect the rights and dignity of all persons deprived of their liberty.<sup>2</sup>

Though the OPCAT is a very different treaty to the UNCAT, the perceived obstacles to ratification are similar. The OPCAT anticipates a process of institutional reform which implies the adoption of legal guarantees and the provision of resources for the chosen institution which will perform the visiting role.

**Key questions:**

- **How are the costs of OPCAT ratification understood by States and does this represent a true cost?**
- **What are the particular legal challenges related to OPCAT ratification?**

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<sup>2</sup> For more information on the OPCAT, please see the dedicated APT webpages, at <http://www.apr.ch/en/what-is-the-opcat/>.

## 2. The absolute prohibition of Torture

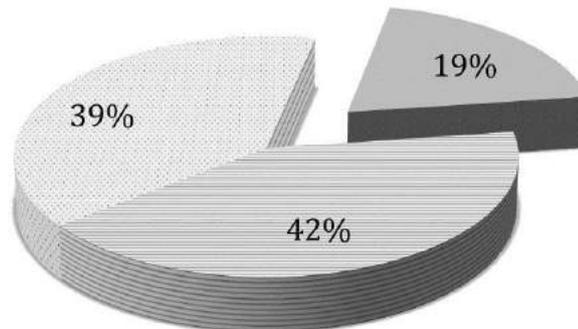
The status of the absolute prohibition against torture or to cruel, inhuman or degrading treatment or punishment is a *jus cogens* principle of international law. It includes not just the obligation of States not to torture, but also the corollary obligations not to send persons to places where they may be tortured, and the obligation not to benefit from the fruits of torture.



Torture and other forms of ill-treatment should be explicitly prohibited in the constitution or in legislation that is given some form of constitutional protection. The chart above reveals that a fair number of States (78 countries) demonstrate an effective prohibition in their national legal system. However, fewer States have prohibited the related obligations to refuse to remove a person to a country where they face a risk of torture (38 countries), or prohibited the use of evidence obtained through torture (49 countries).

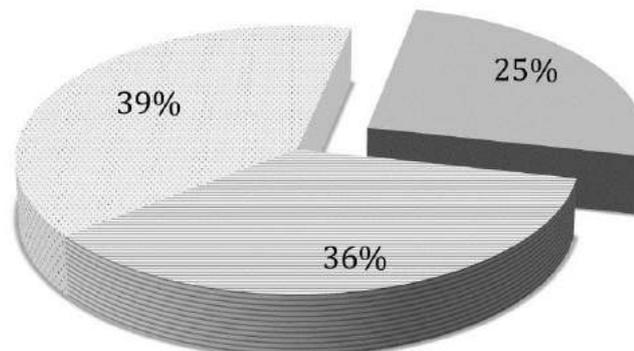
States have traditionally asserted that the existing prohibitions in their domestic legal order are sufficient to fulfil the obligations under the Convention to prohibit torture. However, under examination by the Committee, only a minority of States are able to point to laws which effectively prohibit torture and other ill-treatment.

### Principle of Non-Refoulement in Domestic Legislation



- Countries where domestic legislation provides that no person may be returned to country where there is a risk of Torture (38 Countries)
- ≡ Countries where domestic legislation does NOT provide that no person may be returned to country where there is a risk of Torture (81 Countries)
- ⊞ No information available (76 Countries of which 40 have not ratified the UNCAT)

### Use of Evidence Obtained by Torture in Proceedings



- Countries where domestic legislation provides that statements obtained by Torture are not used in proceedings (49 Countries)
- ≡ Countries where domestic legislation does NOT provide that statements obtained by Torture are not used in proceedings (70 Countries)
- ⊞ No information available (76 Countries of which 40 have not ratified the UNCAT)

### 3. Accountability for acts of Torture

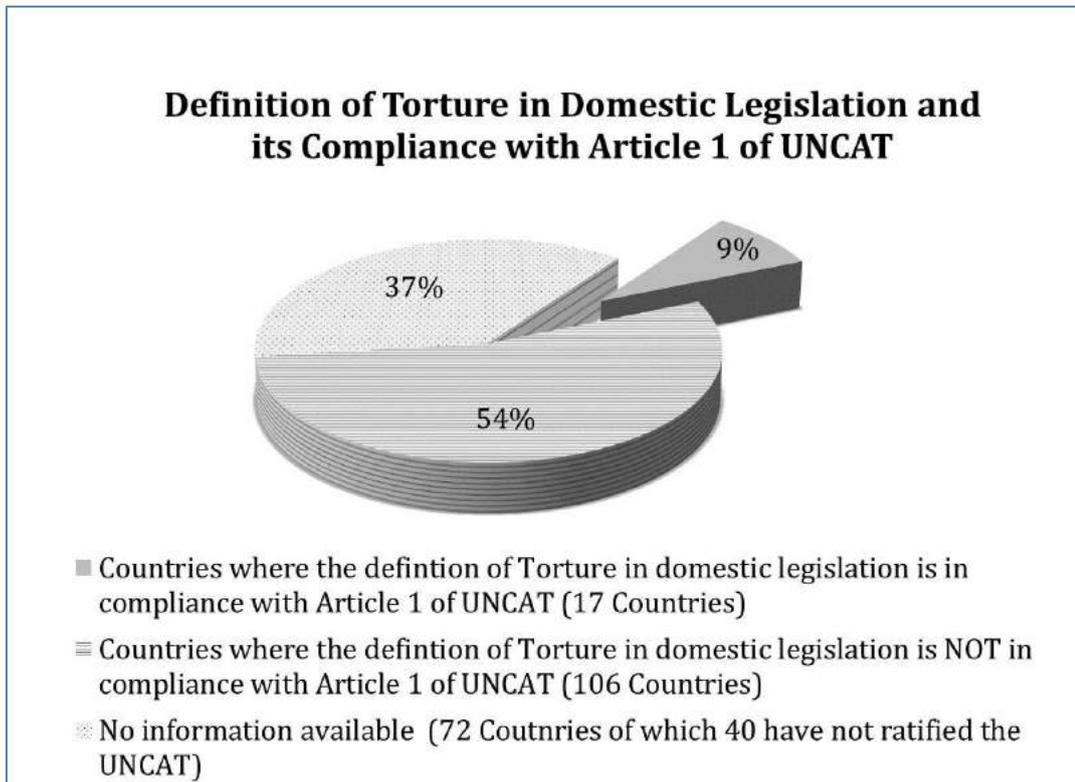
The Committee against Torture recommends that a specific offence of torture in domestic law is a critical element of UNCAT implementation. The crime should describe a definition in full compliance with the customary international law definition described in art.1 of the Convention.



The Committee against Torture has consistently held that only an offence of 'torture' recognises the severity and gravity of the crime. As a result, it is necessary for States to adopt a specific offence of torture rather than simply prosecute the act under an existing offence, such as grievous bodily harm. Prosecuting torture under another offence also makes it difficult for States to track and report on the prevalence of torture.

#### Key questions:

- What are the real objections to the adoption of a domestic offence of torture?
- Do participants feel that prosecuting torture using other existing offences is sufficient to fulfil UNCAT article 4?



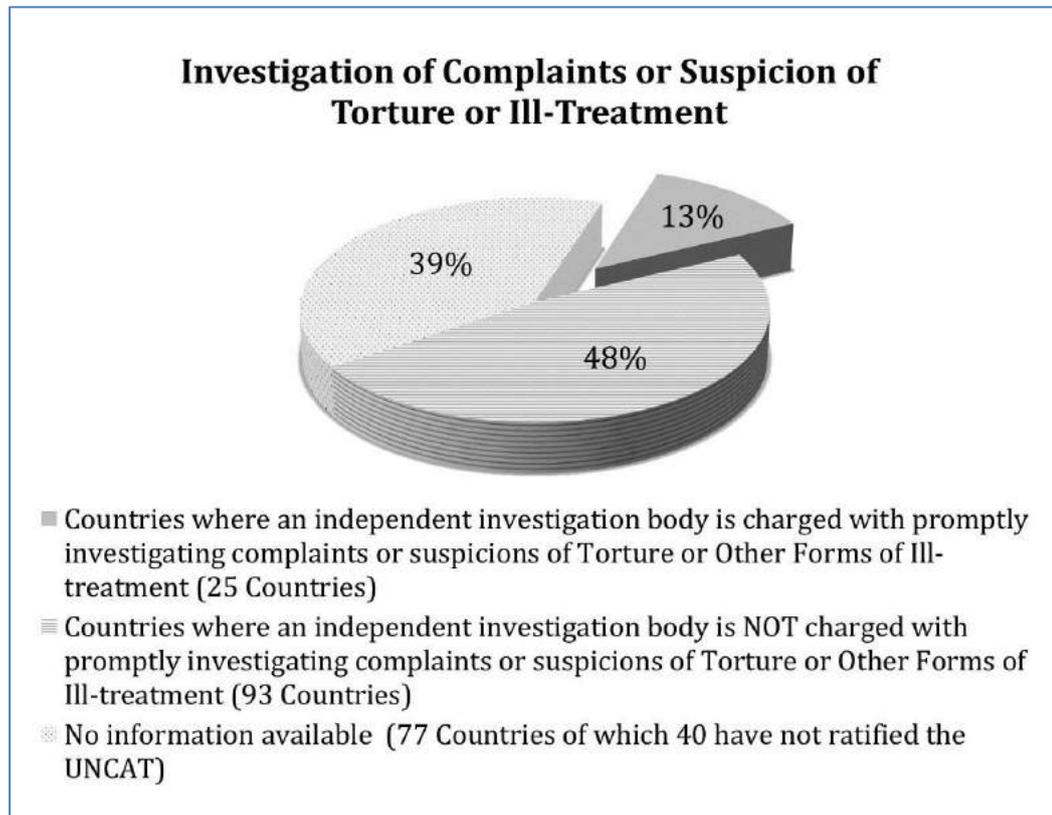
While 76 States have adopted specific offences of torture, the chart above reveals that few (17 countries) have applied a definition which is in full conformity with the definition provided in UNCAT article 1.

The Committee against Torture has consistently recommended that torture offences should be understood in a way which appreciates the definition provided in UNCAT article 1, which likely represents the definition required under customary international law. States are free to widen the definition, but should not draw the offence narrowly so as to exclude prohibited acts from criminal liability.

#### Key questions:

- Why do participants feel that the adoption of an offence in line with UNCAT article 1 is a challenge to States?
- Is there particular wording or phrasing of the UNCAT definition which presents problems for domestic legislation?

In relation to the investigation of torture, good practices among States has shown that only where independent bodies are established to conduct such investigations will the investigation be free from allegations of bias and be effective in practice. It is clearly inconsistent with the object of the Convention for State officials implicated in the allegations of torture to conduct the investigation.



Practice has shown that the functional independence of investigation bodies is likely to be very difficult to achieve in practice. Investigations are likely to be conducted by investigations bodies which share staff, premises or other resources with regular State agencies. States should nevertheless attempt to achieve a level of independence which enables the body to act independently of the agency under suspicion.

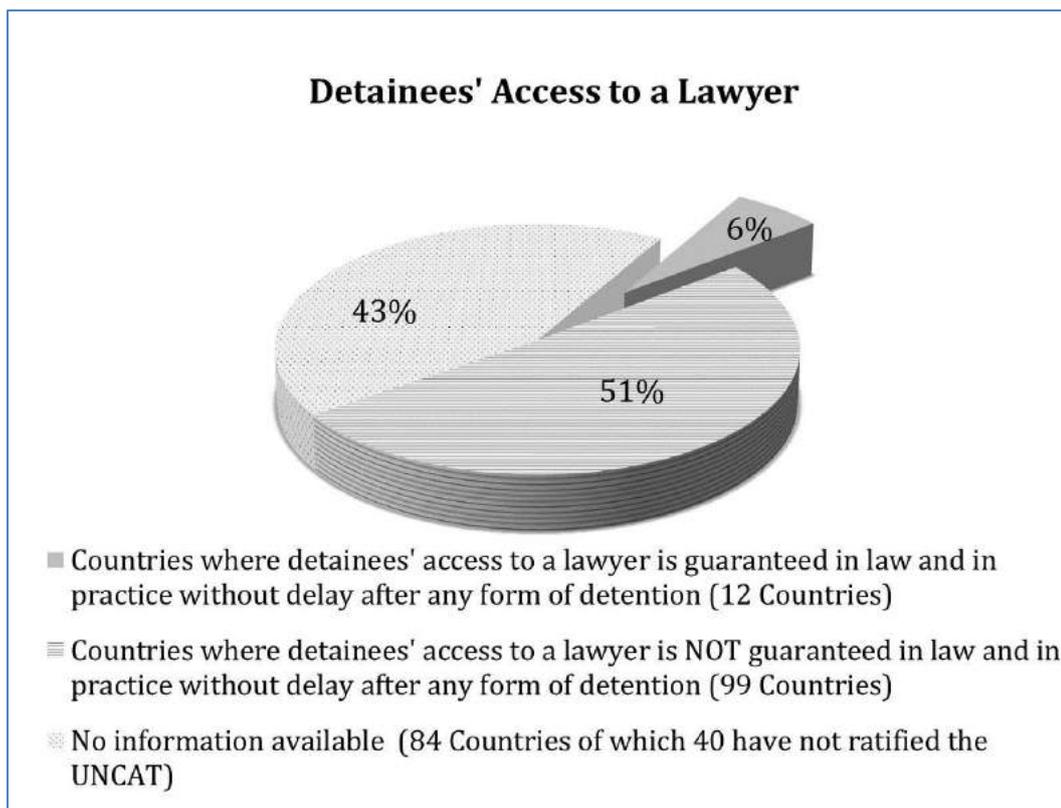
This difficulty in establishing an independent investigation body is illustrated through the results above, revealing that the CAT has found that only 25 countries have institutionalised an independent body charged with promptly investigating acts of torture.

**Key questions:**

- **What are the key challenges to institutionalising an independent investigation body for acts of torture?**
- **How could States share their experiences to support the effective investigation of torture?**

#### 4. Prevention of torture and other ill-treatment

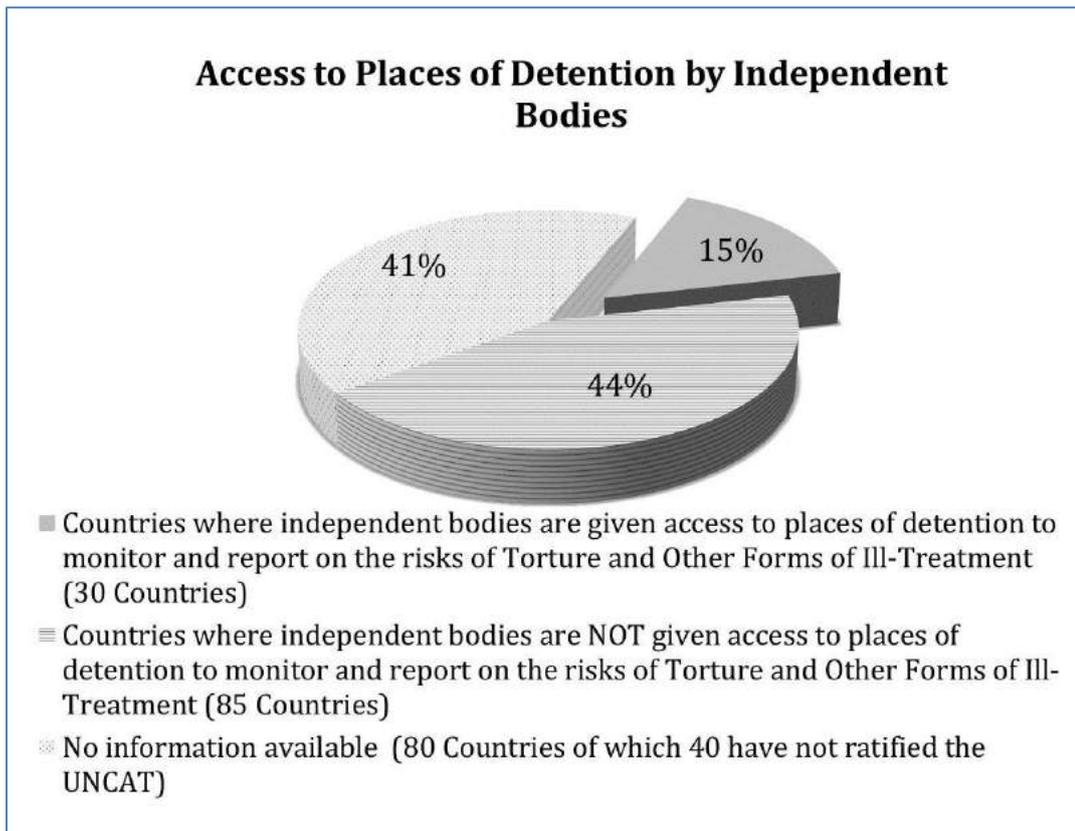
States must take effective measures to prevent torture. Recognising that the risk of torture is greatest in the early stages of detention, access to a lawyer from the first moments of detention is a fundamental safeguard against ill-treatment, and should be protected in law and achieved in practice. Right of access to a lawyer is typically recognised after arrest, but should also apply to anyone deprived of liberty, including those kept in any form of administrative detention.



The CAT has raised concerns among States where lawyers have been prevented from accessing detainees until after procedures are satisfied (such as an interrogation, or formal arrest), or where indigent detainees must pay for a lawyer, or where such access is made illusory by the supervision by State officials.

The results described in the chart above illustrate the significant challenge of operationalising this safeguard in practice. States routinely explain the cost of providing prompt and effective access to a lawyer would be prohibitive, or the procedural and logistical challenges would seriously handicap the operation of their law enforcement services.

The Special Rapporteur on torture has recommended that regular inspection of places of detention, especially when carried out as part of a system of periodic visits, constitutes one of the most effective preventive measures against torture. Independent NGOs, official bodies such as the judiciary, defence lawyers and physicians, the ICRC, NHRIs and NPMs might be given such access.



The most recent records of the Committee against Torture demonstrate only 30 countries which provide access to places of detention. We know that this number is now significantly higher, as many States have established national preventive mechanisms pursuant to the OPCAT since their most recent review by the CAT.<sup>3</sup> Nevertheless, it is clear that many States have yet to provide access to places of detention to bodies which may inspect and monitor as part of a system of periodic visits.

#### Key questions:

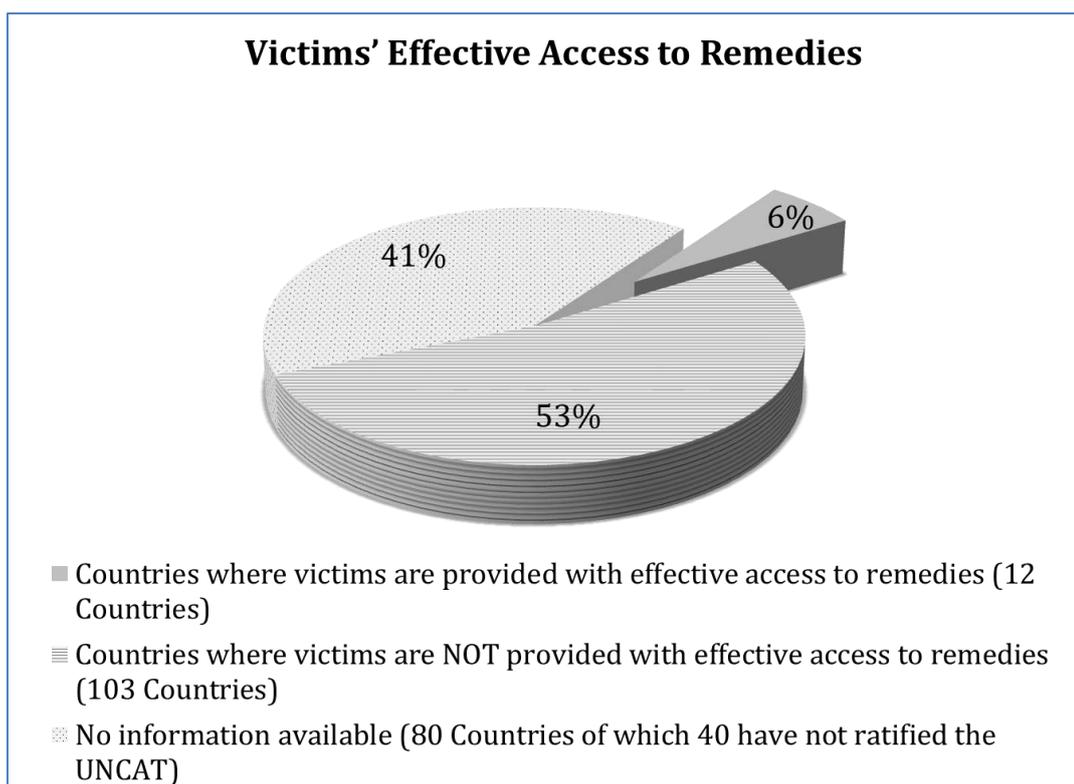
- What are the obstacles to providing independent access to places of detention?
- What are the challenges to guaranteeing early access to a lawyer in practice?

<sup>3</sup> For an up to date assessment of NPM establishment, please see the dedicated APT OPCAT database, at <http://www.apr.ch/en/opcat-database/>.

## 5. Redress from Torture<sup>4</sup>

States parties to the UNCAT should provide victims with access to remedies and the right to obtain adequate, effective and comprehensive reparation including compensation and rehabilitation.

A range of criminal, civil and/or procedural remedies should be made available by the State, and not just as a civil complaint against the perpetrator, and be effective in practice.



As shown from the chart above, only 12 States have persuaded the Committee against Torture that they provide effective access to remedies for victims of torture. The CAT has previously raised concerns about the absence of any legislation providing remedy for torture, or where remedies are available in law, placing onerous evidentiary burdens on the victim, requiring victims to pay for access or apply within a period of prescription, or requiring the outcome of criminal proceedings.

States will certainly be wary of the costs of providing more effective access to remedies, as well as the critical scrutiny of State practices.

### Key questions:

- What are the main challenges in providing effective access to remedies?

<sup>4</sup> The CTI is particularly grateful to the contributions of IRCT ([www.irct.org](http://www.irct.org)) for their research on these questions.

Victims of torture and ill-treatment have a right to rehabilitation. To implement this obligation, States must ensure that specialised services for victims of torture or other forms of ill-treatment are available, appropriate and promptly accessible.



As indicated in the chart above, the Committee against Torture has assessed that 17 States make specialised rehabilitation services available to victims of torture and ill-treatment. The chart also illustrates a significant gap in information about such services.

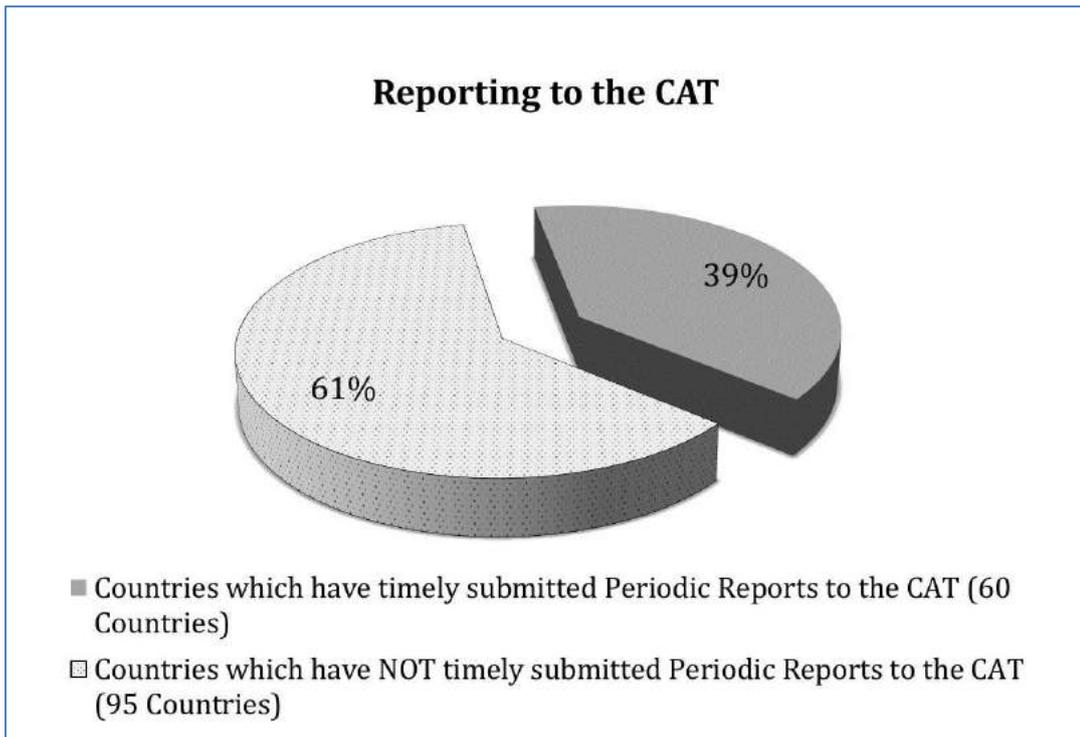
The Committee regularly examines the availability of State financed, specialised services. This is seen as an important step towards the full realisation of the right to rehabilitation, which also encompasses that services are promptly accessible and appropriate.

**Key questions:**

- **What are the main challenges for States in establishing specialised rehabilitation services for victims of torture and ill-treatment?**

## 6. Reporting to the CAT

States parties to the UNCAT must submit initial and periodic reports to the Committee against Torture. States parties are often late in the submission of reports, and the Committee sends out reminders to all States parties whose initial reports are overdue, or whose periodic reports are more than four years overdue. Recognising that some delay is routine, the following chart considers as untimely initial reports which are more than one year late, and periodic reports which are more than three years late.



Reporting to the CAT is an essential part of being a State party to the Convention. Periodic reports are a valuable examination of a State's implementation of the provisions of the UNCAT and results in recommendations for more effective implementation in future. Despite the obligation to provide timely reports, many States parties submit initial and periodic reports to the CAT late.

### Key questions:

- What are the challenges in reporting to treaty bodies such as the CAT?
- What specific obstacles cause the delay of reports to the CAT?

# CTI Forum

## Agenda

**3 September, 09.00 – 17.30**

**Best Western Hôtel Chavannes-de-Bogis**



Interactive discussions between country representatives will be assisted by UN experts. Participants are invited not to prepare formal interventions in advance, but to prepare some ideas and thoughts to share together on the outlined questions and issues.

Chatham House Rule will be observed throughout.

08.30 *Coffee*

<b>09.00</b>	<b>High-Level Opening Addresses</b>
	Welcome by the Permanent Secretary of the Ministerial Delegation for Human Rights of Morocco, Mr Rouwane Abderrazak.  Keynote speech by Ms Flavia Pansieri, UN Deputy High Commissioner for Human Rights
<b>09.30</b>	<b>I. Status of UNCAT ratification and implementation – Identifying the essential challenges</b>
	Plenary discussion moderated by Ambassador of Indonesia, H.E.Triyono Wibowo <i>Introductory remarks: Mr. Claudio Grossman, Chair of the Committee against Torture .</i> <ul style="list-style-type: none"><li>• What are the challenges related to ratification?</li><li>• What areas of the Convention present the biggest challenges for States parties?</li><li>• What are the most critical elements of the Convention in terms of achieving results?</li><li>• What are the relevant measures of implementation?</li></ul> Background document: "Overview of UNCAT ratification and implementation" (APT)

11.00 *Coffee*

<b>11.30</b>	<b>II. Overcoming challenges</b>
	Break-out discussions introduced by Ambassador of Ghana, H.E. Sammie Eddico <i>Introductory remarks: Mr. Malcolm Evans, Chair of the Subcommittee on Prevention of Torture</i> <ul style="list-style-type: none"><li>• What do governments need to prepare for ratification (reviewing and reforming laws, changing practices, etc.)?</li></ul>



	<ul style="list-style-type: none"><li>• What specific assistance could enable States to prepare for ratification and achieve more effective implementation?</li></ul> <p>Background document: "Types of actions to be developed by the CTI"</p>
13.00	Lunch
14.00	<b>II. Overcoming challenges (<i>continued</i>)</b>
	<p>Reporting from break-out discussions. Plenary discussion moderated by Ambassador of Chile, H.E. Marta Maurás</p> <ul style="list-style-type: none"><li>• How could the CTI and wider international community assist States to remove reservations?</li><li>• What practical assistance could be provided to allow for effective timely reporting?</li></ul>
15.00	Coffee
15.30	<b>III. Moving forward: CTI strategies for improved UNCAT ratification and implementation</b>
	<p>Plenary discussion moderated by Ambassador of Denmark, H.E. Carsten Staur and Secretary-General of the Association for the Prevention of Torture (APT), Mr. Mark Thomson</p> <p><i>Introductory remarks: Mr. Juan Mendez, Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment</i></p> <ul style="list-style-type: none"><li>• What should be the priorities for the CTI?</li><li>• Who should benefit from CTI activities?</li><li>• What is the potential for in-region and inter-region activities?</li><li>• Who can assist in the development and funding of specific objectives?</li><li>• How should progress be assessed?</li></ul> <p>Background document: "Developing CTI strategies"</p>
17.00	<b>Closing Address by Ambassador of Denmark</b>

After a short closing address, participants are invited to join a reception at Chavannes-de-Bogis hosted by the Danish Ambassador.

Annex V:

# Convention against Torture Initiative 2014-2024



CTI Forum – List of participants

## **Brazil**

Mr. João Lucas Quental Novaes de Almeida  
*Minister Counsellor*

Mr. Nathanael de Souza e Silva  
*First Secretary*

## **Chile** *CTI core group*

H.E. Ms. Marta Maurás  
*Ambassador*

Mr. Cristóbal Ortiz  
*Second Secretary*

## **Costa Rica**

Mr. Mario Vega Hernández  
*Minister Counsellor*

## **Côte d'Ivoire**

Ms. Nogoziè Bakayoko  
*Counsellor*

## **Denmark** *CTI core group*

H.E. Mr. Carsten Staur  
*Ambassador*

Ms. Vanessa Vega Saenz  
*Head of Section*

Ms. Marie-Louise Wegter  
*Deputy Permanent Representative*

## **Fiji**

H.E. Ms. Nazhat Shameen  
*Ambassador*

## **Ghana** *CTI core group*



H.E. Mr. Sammie Eddico  
*Ambassador*

Ms. Vivian Asempapa  
*Minister Counsellor*

**Indonesia** *CTI core group*

Mr. Edi Yusup  
*Deputy Permanent Representative, Ambassador*

Mr. Caka Alverdi Awal  
*First Secretary*

Ms. Mariska Dwianti Dhanutirto  
*Second Secretary*

Mr. Acep Somantri  
*Counsellor*

**Morocco** *CTI core group*

H.E. Mr. Rouwane Abderrazak  
*Permanent Secretary of the Ministerial Delegation for Human Rights*

Mr. Khalid Atlassi  
*Counsellor*

**Switzerland**

Mr. Jonas Pasquier  
*Human Security Division*

Mr. Olivier Gonin  
*Federal Office of Justice*

**Tajikistan**

H.E. Mr. Jamshed Khamidov  
*Ambassador*

**Thailand**

H.E. Mr. Thani Thongphakdi  
*Ambassador*

Ms. Benjaporn Niyomnaitam  
*Second Secretary*

**Tunisia**



Mr. Sami Bougacha  
*Counsellor*

### **United Arab Emirates**

H.E. Mr. Hasan Mirza  
*Delegate*

Mr. Saaed Al Marzooqi  
*Third Secretary*

### **Uganda**

H.E. Ms. Rosette Nyirinkindi Katungye  
*Deputy Permanent Representative, Ambassador*

### **United Kingdom**

Mr. Bob Last  
*Senior Human Rights Adviser*

Ms. Teresa Levigne  
*Attaché*

### **Uruguay**

H.E. Ms. Laura Dupuy Lasserre  
*Ambassador*

Ms. Dianela Pi  
*Minister Counsellor*

### **Vietnam**

H.E. Mr. Nguyen Trung Thanh  
*Ambassador*

Mr. Khong Hoang Khoi  
*Third Secretary*



Ms Sonia Cronin  
Human Rights Officer, OHCHR

Mr Paulo David  
Chief, Capacity Building & Harmonization Section, OHCHR

Mr Malcolm Evans  
Chairperson, Subcommittee on Prevention of Torture (SPT)

Mr Patrice Gillibert  
Secretary of CAT

Mr Claudio Grossman  
Chair, Committee against Torture

Mr Marc Limon  
Director, Universal Rights Group

Mr Juan Mendez  
Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment

Mr Jens Modvig  
Member, CAT

Mr Joao Nataf  
Secretary of SPT

Dr Ahmed Shaheed  
Chairperson, Universal Rights Group

Mr George Tugushi  
Vice-Chairperson, CAT

Annex VI:

# **Convention against Torture Initiative 2014-2024**



## **CTI Forum 3 September 2014 Chavannes-de-Bogis**

Report of proceedings

# Convention against Torture Initiative 2014-2024



## CTI Forum, 3 September 2014

*Report of proceedings<sup>1</sup>*

### Introduction

The first Forum of the *Convention against Torture Initiative (CTI)* brought together high level government representatives of 18 countries from all regions of the world and leading UN experts to discuss solutions to Governments' challenges in the fight against torture.

The Convention against Torture Initiative, launched earlier this year by the Governments of Chile, Denmark, Ghana, Indonesia and Morocco on the 30<sup>th</sup> anniversary of the UN Convention against Torture (UNCAT), focuses on long term support, regional and inter-state cooperation as the way ahead for achieving its ambition of universal ratification and implementation of the Convention within the next 10 years.

The Forum discussions focused on identifying not just the obstacles to ratification, but also to the practical implementation of the Convention, how governments can help each other to overcome these challenges, and on strategies to move the CTI forward.<sup>2</sup>

The Moroccan Secretary General of the Ministerial Delegation on Human Rights, Mr Abderrazak Rouwane, opened the Forum,<sup>3</sup> recalling that torture is among the greatest violations of human rights and among the non-derogable rights that all persons are guaranteed. The adoption of the Universal Declaration in 1948 inspired the international community into adopting legal commitments, almost all of which include explicit provisions to prohibit torture. The UNCAT deserves universal ratification, and Morocco encourages all States to ratify.

Ms Flavia Pansieri, Deputy High Commissioner for Human Rights, in her keynote address,<sup>4</sup> recalled that when the UNCAT was adopted in 1984, the main concern had been the rise of dictatorships all around the world. Since 1984, several new challenges have emerged. There are now fewer dictatorships, but unimaginable occurrences of torture remain. The prohibition of torture is therefore still an important issue, particularly in the ongoing fight against terrorism. The CTI comes at an extremely important time, and has the full support of OHCHR.

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<sup>1</sup> This report was prepared by the Association for the Prevention of Torture (APT). For more information go to: [www.apr.ch](http://www.apr.ch)

<sup>2</sup> The CTI is extremely grateful for the contributions of all participants, which were given under the Chatham House Rule, by which no contribution should be identified to any participant. Consequently, other than the opening statements of invited experts and keynote speeches, the discussions and contributions of specific participants are described in general terms.

<sup>3</sup> Copied as Annex 1, below.

<sup>4</sup> Copied as Annex 2, below.



## Summary of Forum Discussions

### **Session I: Status of UNCAT ratification and implementation; Identifying the essential challenges**

Mr Claudio Grossman, Chair of the Committee against Torture gave an overview of issues relevant to increased ratification and implementation. He distinguished between the lack of political will and matters involving the capacity to perform treaty obligations, further recognising that the lack of resources among some States had made it difficult to implement Convention obligations more effectively. He noted that ratification of the Convention was the start of a process which takes time to fully achieve.

The session explored the challenges and obstacles related to ratification. A background paper drafted by the Association for the Prevention of Torture (APT) describing an overview of UNCAT ratification and implementation was shared with participants, illustrating how gaps persist in implementation.

#### ***Essential political will and institutional support***

Participants noted that political will is essential to maintain the commitment to achieve the obligations of the UNCAT. However, even in circumstances where political leaders have the will to implement obligations, stakeholders, particularly those from affected departments such as the police, or security and intelligence agencies, may not share the same enthusiasm. Without widespread support and determination from the affected agencies, ratification of the UNCAT is unlikely to result in effective implementation. Legislation and initiatives aimed at improving the implementation of national measures therefore need to target the lack of will or motivation among stakeholders.

#### ***Reporting to the Committee***

The session discussed the perception that reporting to the Committee against Torture was a burden, particularly for small and less-developed States. A number of States parties have yet been unable to report to the Committee, and States regularly seek assistance to enable them to fulfil their reporting duty under the Convention. In response, participants having gone through the reporting process argued that the preparation of a report for the Committee should be seen as an opportunity: While acknowledging the difficulties in preparing for a Committee review, by inter alia requiring multi-stakeholder and public hearings, collecting statistical data, and possibly translate the report into a UN language, this long process also serves as a unique opportunity to raise awareness among stakeholders and push forward necessary legal reforms.

Some participants added that the value of a frank constructive dialogue with Committee experts should not be underestimated. States are sometimes surprised by the issues raised during their review, and States are regularly asked to recognise their shortcomings. Nevertheless, the dialogue also assisted governments in spotting and tackling such shortcomings.

#### ***Institutional challenges***

Among institutional actors, the judiciary was pointed out as one of the key actors in torture prohibition and prevention. The independence of the judiciary is critical to uphold the absolute prohibition. Judges also have to show great care not to condone abuse by accepting evidence tainted by torture. Expert advice and assistance on what the UNCAT means and how it should be implemented may be required for this purpose.



The need for a proper complaints procedure, which is transparent and independent, was also highlighted as important to ensure that any domestic prohibition takes effect and so that victims can seek redress and the perpetrators be sanctioned.

### ***Lack of training and awareness***

It was a recurrently expressed view that training for all relevant State actors is essential for effective implementation. Yet it remained beyond the capacity of some States to provide such training. For instance, some countries had worked hard to train medical doctors, encouraging them to recognise and report signs of abuse, yet more training is needed to ensure that enough doctors have the adequate awareness and expertise to document cases effectively.

Judicial training was also highlighted as an area deserving further assistance. While several countries have national laws prohibiting torture, judgements which are inconsistent with the Convention against Torture still occur.

The lack of awareness among civil society and the general public can be a further challenge. Awareness-raising among civil society and the media may be one way to respond.

### ***Complicated legal reforms***

Legal reform was recognised as a complicated process, particularly in some countries which retain laws from periods of colonial rule, or have adopted amnesties after emerging from periods of instability. It is not uncommon for revisions to penal and procedural laws to take several years. Participants and experts agreed that things do not change overnight, and States expressed their interest in expert advice to effectively achieve legal reform.

Some participants described their progress to revise inconsistent laws to criminalise torture and other forms of ill-treatment. Others noted their intent to adopt a stand-alone law which operationalised several Convention obligations in one instrument.

In some States parties to the Convention, the key challenge was not to ratify the Convention. Rather, the general context in the country had made effective implementation almost impossible. The session heard that a context of democracy was likely to promote effective implementation due to the favourable will of national decision-makers and active participation from civil society. Political instability or a general situation of conflict greatly impedes States' abilities to promote the rule of law and a rights-based society. In some countries, amnesties following periods of dictatorship or conflict have made prosecution extremely difficult.

## **Session II: Overcoming Challenges**

Session II sought to propose ways to overcome challenges identified in Session I. A food-for-thought paper was shared with participants, describing some possible ways to address gaps and challenges, as a starting point for the discussions. Participants agreed that sharing best practices, collecting data, developing tool-kits, and providing technical assistance are all ways that States should be assisted to overcome challenges.

Mr. Malcolm Evans, Chair of the Subcommittee on Prevention of Torture, described the history of the adoption of the Convention and the 1975 related Declaration on torture. The UNCAT and the earlier related Declaration had been drafted in Vienna using language relevant more to criminal



accountability than to the protection of human rights. The relevant language on criminal accountability relating to extradition, jurisdiction and mutual legal assistance has been used widely in later texts and States have already overcome many of the associated challenges. Mr Evans further described that the OPCAT experience demonstrates the benefit of sharing experiences. National Preventive Mechanisms (NPM) draw a great deal of support from each other's experiences and the SPT encourages such peer-to-peer exchanges where possible. Resources have not permitted the SPT to facilitate such exchanges, and the SPT has relied heavily on other partners, such as the APT, to achieve bilateral exchanges and encourage the development of relevant networks.

Several participants recognised that the CTI must “build the case” for governments to see the benefits of ratification; i.e. by pointing to benefits related to a State's international standing and ratification as a potential vehicle for promoting necessary domestic reforms vis-à-vis reluctant stakeholders.

### ***When should States ratify?***

A frequently asked question is when States should ratify the Convention and its Optional Protocol. There seemed to be a tendency that States would ratify only when they have overcome implementation challenges. The session heard, however, that it would be practically impossible to implement all provisions of the texts prior to ratification. After ratification, through cooperative dialogue with the CAT, laws may be reviewed and necessary revisions to law and policy considered. Ratification, it was argued, is therefore just the start of a process of incremental implementation which may take several years. States that wait to ratify until certain steps have been taken risk missing key issues which could have been raised through early dialogue with the CAT.

It was suggested that non-States parties would also benefit from engaging the CAT and SPT prior to ratification. Beginning the dialogue early could allow national actors to initiate a deep dialogue to understand how each obligation applies in their unique national context. States can still move towards compliance with treaty provisions, even if there is yet no legal obligation. The session heard that the Committee does not expect full implementation from States under review, but rather that a process is being undertaken to satisfy obligations.

### ***Institutional solutions***

It was described that the establishment of preventive mechanisms (NPMs) enables States to penetrate into key areas of risk where routine State policies rarely reach, such as mental treatment facilities and children's facilities. The NPM model serves as an innovative method to reduce risk in atypical places of detention as well as regular prisons and police facilities.

### ***Capacity Building***

A participant pointed to governments' tendencies to perceive the problem solved as soon as a law is adopted. This of course is not the case, and participants described the critical role that training and capacity building plays in the implementation of national laws.

Even when a definition and offence for torture exists in the penal code, some participants explained that the judiciary have been reluctant to apply it, even in some egregious cases of abuse. A stigma attaches to the use of the offence, and State actors sometimes prefer to hide it behind other domestic offences. It is therefore necessary to work with the judiciary and judicial officers, such as public prosecutors, educating them to recognise torture where it is reported, and face the challenge.



Session I heard that in many countries, a lack of data on instances of torture had made the problem impossible to quantify. Participants stated that States should therefore organise the collection of data more effectively, so that the true nature of the problem is better understood. As medical evidence is a key part of this process, doctors, prosecutors and lawyers should be trained so that the right information is recorded and data collected properly.

Participants asserted that police and judicial training is an important focus for the prevention and prohibition of torture and ill-treatment. In some countries, police rely heavily on the use of confessions which creates risk that torture will be used.

The OHCHR has previously arranged mock review sessions for States parties, which were welcomed by participants. Webcasting sessions of the CAT was also helpful, to show how the review is conducted and to prepare delegations for likely questions.

The establishment of inter-ministerial committees to assist with capacity for reporting and implementation was welcomed by participants as being of great assistance. Such efforts encourage States to consider the obligations in some detail and upscale their efforts.

#### ***Assistance of intergovernmental partners***

The Forum repeatedly heard that regional and intergovernmental organisations could significantly assist represented States to fulfil Convention obligations. For instance, the IPU organises with OHCHR regional meetings on human rights. In recent meetings the issues of human rights and torture have been explored, and there may be room to explore these issues in further detail. Participants further described the Commonwealth, Pacific Island Forum, CARICOM, and the UPR as further groupings that might enable States to receive focussed and targeted assistance from partners.

Regional and intergovernmental partners could demonstrate that engagement with international mechanisms is beneficial, that they are not about pointing fingers, and offer ways to help States to engage with these mechanisms and achieve UNCAT ratification and implementation.

The session considered that in States where ratification is not currently an objective, regional organisations and appropriate States may helpfully engage in a dialogue with the concerned States with a view to understand the reasons for not giving the issue more priority and address objections.

Participants agreed that achieving Convention obligations was not easy, particularly for small or less-developed States. Partners, such as the OHCHR, are essential to promote and assist States in their implementation objectives.

#### ***More tools, guidance and guidelines***

Participants recognised that more guidelines from the CAT and other assistance, to show how to use existing tools would be very welcome. Non-States parties would also benefit from additional expert assistance to explore the consequences of ratification.

The session heard that ignorance towards the Convention or its obligations is not uncommon among State professionals. Training materials written in the local language is therefore critical. Even posters with clear visual displays of how the law should be understood would greatly help. Congratulating teams (and giving some reward and recognition for their success) which perform well is also a supportive role which may help operationalise policies aimed at the prohibition of abuse.



Participants further suggested that a 'do and don't' card for security/intelligence actors would be a simple tool that could be used to guide institutional decisions away from situations of risk.

#### ***Building the will to achieve effective prohibition***

As noted in Session I, building political will is essential. Lobbying from international, regional and national actors would assist to generate political will and some participants suggested that giving civil society tools to approach the government is a valuable additional way to build political will.

Even with strong political will, participants recognised that changing institutional culture takes time, and requires strong leadership in key sectors such as the police. When institutional staff offer their active participation and determination to improve and professionalise their system, States may overcome challenges and operationalise Convention obligations. Such actors must be shown that ratification and implementation of the UNCAT is in their interest, even if implementation takes years to achieve.

Simple tools, like a leaflet setting out the prohibition in simple language, help raise awareness and adjust institutional culture.

#### ***Peer-to-peer exchanges***

The session heard examples of peer-to-peer exchanges which had proven valuable. Parliamentarians sharing experiences with other States assisted in the adoption of national laws. A participant gave the example of national parliamentarians being invited to visit a country that had earlier adopted a progressive anti-torture law. After this visit, the parliamentarians initiated a debate on their own anti-torture law.

Participants explained that some States which have taken the time to learn from experiences of other States have achieved more comprehensive national processes which have tended to lead to better legal reform.

### **Session III: Moving Forward; CTI strategies for improved UNCAT ratification and implementation**

Session III sought to bring out ideas on how the CTI could build a strategy which would bring its efforts and impact to a global scale. A food-for-thought paper describing some possible strategies was shared with participants.

The Special Rapporteur on torture, Mr Juan Mendez, reminded States that ratification should be meaningful and that States should avoid the adoption of reservations which rob the Convention of much of its effect. A good faith interpretation of the Convention requires legislation and safeguards to reflect its obligations. Mendez gave examples including the tight regulation of incommunicado detention and regulation of the use of solitary confinement. He encouraged States to make prisons open institutions, noting that when such places allow visits from monitors and inspectors, the treatment of detainees improves dramatically.

#### ***Building momentum towards universal ratification***

During the session, participants noted that the CTI could usefully build and sustain momentum towards universal ratification. It may create tailored spaces for discussions on thematic issues. The



CTI could also encourage private discussions for country specific solutions that can enable States to find solutions to their unique circumstances.

The session heard that the CTI should engage non-States parties as a priority, to better understand their challenges and needs. A CTI strategy could encourage States that regularly conduct outreach with non-States parties to explore dialogue related to UNCAT ratification. Participants recognised that approaching non-States parties may pose problems, but Mendez would be prepared to offer his good offices to facilitate such dialogue.

#### ***Bespoke spaces for dialogue and positive exchange***

Participants suggested that dialogue aimed at facilitating the national process towards effective torture prevention and prohibition could be a strategy for the CTI. Participants proposed that dialogue could examine good and bad examples, with assistance from expert contributions. Such exchanges should not be limited to legal reform, and participants asked that the policies and processes which sought to achieve necessary behavioural changes and eliminate abusive practices also be a focus of CTI exchanges.

There was strong encouragement that the CTI should engage intergovernmental organisations and groupings, addressing the commonality of challenges and promoting dialogue towards achieving shared solutions. Sub-regional initiatives could also be replicated across a number of regions.

Several participants informed that some regional groupings have already been working towards the elimination of torture and might be used as entry points for furthering the CTI objectives. Actors who have recently been through the process of ratification and implementation could be mobilised as experts for specific initiatives.

#### ***Promote meaningful ratification***

Participants noted that though universal ratification is a good ambition, ratifications should be meaningful. Participants were clear that ratifications without implementation achieve very little in practice.

Finally, the session summarised the collection of ideas and issues addressed. Participants proposed that the CTI should play a catalytic role in the ratification of the Convention and the implementation of the absolute prohibition of torture and other forms of ill-treatment. The CTI could usefully act as a 'knowledge hub' for advice and assistance on ratification and implementation.

## **Conclusions**

The Forum's closing address was delivered by Mr Carsten Staur, Ambassador of Denmark. He noted that some strategic priorities had emerged: The CTI should play a role in awareness-raising for the Convention and its obligations; There is a need to provide a constructive and informal space for dialogue between governments and between governments and experts to share knowledge and best practices; An emphasis among participants had been on ways to achieve universal ratification, but efforts to further implementation would have to be pursued in parallel. The CTI should be a positive State-led initiative which seeks to overcome challenges experienced among States, in order for States to fulfil their commitments and achieve a reduction in the use of torture and ill-treatment.



## **Annex 1: Opening address by Mr. Abderrazak Rouwane, Secretary General of the Inter-ministerial Delegation for Human Rights, Morocco**

Miss Deputy High Commissioner for Human Rights, distinguished Representatives of States taking part in this Forum, Chairs of UN mechanisms dealing with torture, eminent Experts;

Excellencies, Ladies and Gentlemen;

I am honored to deliver the opening address in this Forum and I thank all participants for their presence and contribution. I particularly thank the Governments and Representatives of Chile, Denmark, Ghana and Indonesia for their efforts in launching the ten-year initiative for the universal ratification and implementation of the Convention against Torture, which will help States get technical advice, support and cooperation related to the ratification and implementation of the UNCAT. I also commend the Office of the High Commissioner for Human Rights for the crucial role it plays in the promotion and protection of human rights, a role we are committed to enhance through promoting its independence.

Ladies and Gentlemen;

Torture is a grave violation of human rights and protection from it is a non-derogable right, hence its position as a key issue in the international human rights law and in the United Nations human rights system.

Taking into account the heinous character of this violation, the first instrument aiming at the protection and promotion of human rights, namely the Universal Declaration of Human Rights, included provisions that clearly prohibited torture and urged States to do the same. Since its adoption in 1948, regardless of the debate about whether it is legally binding or non-binding, the Declaration inspired the international community to establish legally binding instruments that make it possible to monitor implementation by states of relevant international legislation. Therefore, the International Covenant on Civil and Political Rights, which was adopted in 1966, stipulated that torture be criminalized and that states should take measures to prevent it.

In a more advanced step, the 1975 United Nations Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "Torture Declaration") paved the way to the adoption of a specific convention in 1984, which is the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention provided for the creation of a specialized committee to monitor the implementation of its provisions by states. The gravity of the perpetration allowed for the establishment of two other mechanisms, which are the Subcommittee on Prevention of Torture, established by virtue of the Optional Protocol against Torture in 2006, and the Special Rapporteur on Torture, established by a resolution of the United Nations Commission on Human Rights and then by the Human Rights Council.

Moreover, all thematic conventions for human rights and conventions on the rights of specific groups include provisions on torture and mechanisms that give particular importance to issues of torture in their remarks and recommendations.



Therefore, the Convention against Torture deserves universal ratification because of the importance of the issue it deals with. Efforts should be sustained at the international level, especially cooperation within the UN human rights system, and support for the OHCHR as an independent mechanism has to be maintained, as well as the support for Member States to the Convention on Torture, in order to enable them to fulfill the positive obligations emanating from the Convention.

Ladies and Gentlemen;

Allow me to say that Morocco is co-organizing this Event because it gives the greatest importance to the issue of torture. The Kingdom of Morocco, which ratified the Convention against Torture in 1993 and has so far submitted three reports to the Committee against Torture, has decided to ratify the Optional Protocol thereof. Morocco is co-organizing this event in the context of the process of reforms it has engaged for more than two decades, and that has included transitional justice, justice reform, reform of the penal system, and reinforcement of Morocco's engagement in the international system of human rights and cooperation with its various mechanisms.

The Kingdom of Morocco takes the issue of torture with extreme seriousness and is committed to preventing its practice in cooperation with all national and international stakeholders. For this reason, the Moroccan government invited the Special Rapporteur on Torture for a visit in June 2012, and has committed to continue interaction with this mechanism to ensure follow-up on the implementation of its recommendations. For that purpose, a follow-up meeting was organized with Mr. Juan Mendez, the Special Rapporteur on Torture, who received a report on the implementation of his recommendations, and a follow-up visit is envisaged.

The same approach is adopted with all other mechanisms, including other Special Procedures that visited Morocco, Treaty Bodies and the Universal Periodic Review. A plan of action was elaborated to ensure follow-up of all recommendations emanating from all these mechanisms.

One recent instance of Morocco's commitment to the prevention of torture, that deserves to be mentioned, is the cancellation, last week, by the Court of Appeal in Agadir of a first instance sentence issued in Goulmim against an alleged drug dealer because the court found out that he had been tortured by police while in custody.

Ladies and Gentlemen;

I am confident that the proceedings of today's meeting will provide for constructive interaction between participants representing Governments and UN experts to identify the best means to face challenges and obstacles towards the full implementation of the Convention at the national level, to encourage those States that have not yet ratified the Convention to do so. We are also looking forward to explore a new approach based on full cooperation and assistance-providing between States in a bilateral and collective manner to work for the eradication of torture.

Thank you for your attention.



## **Annex 2: Opening address by Ms. Flavia Pansieri, United Nations Deputy High Commissioner for Human Rights**

Excellencies,

Distinguished representatives,

Distinguished United Nations experts,

Ladies and gentlemen

The adoption of the United Nations Convention against Torture in 1984 was a landmark in the global fight against torture and ill-treatment, coming at a time when the international community was confronting odious acts of military dictatorships.

The Convention has done much to respond to those times. Yet today, not only dictatorships but also new challenges, unimaginable 30 years ago, confront us. The justification of torture or ill treatment in the context of the fight against terrorism and the filming of atrocious scenes on social media are just some of these new challenges.

The 10 year campaign for the universal ratification and implementation of the Convention against Torture launched under the Convention against Torture Initiative (CTI) could never have been more timely. We must reinvigorate our collective efforts to combat torture and ill-treatment and achieving universal ratification of the Convention is an important step in doing so.

I would therefore like to echo the words of the High Commissioner for Human Rights six months ago that the CTI has the full support of the Office of the High Commissioner for Rights and you can count on our active participation.

And I would like to suggest some ways where the Office's activities can connect with this initiative. Importantly, the Office has placed support for the ratification of the Convention against Torture and its Optional Protocol high in our priorities for 2014-17. So our priorities are very much aligned.

I am pleased to note that over the coming years, our field presences are promoting ratification of the Convention against Torture in at least eleven countries as well as in the Pacific region.

Allow me to give some examples of the work we are doing. In Guinea Bissau, the Human Rights Section of the Mission has distributed explanatory documents for Parliamentarians and Government personnel involved in ratification and also held information sessions stressing the importance of ratification and its consequences. It is encouraging to hear that the National Popular Assembly has since proceeded with national ratification of the Convention amongst other core treaties.

Similarly, in South Sudan, the Human Rights Section has also been advocating for ratification with the Ministry of Justice, the Human Rights Committee of the National Assembly and the Human Rights Director at the Ministry of Foreign Affairs and providing them with technical support in the drafting of legal opinions and training on the treaties themselves. The National Assembly has passed a bill to



ratify the Convention without reservations. The Mission has also been advocating for speedy ratification and submission of the instruments of accession to the Secretary-General's Office. In addition to promoting ratification directly, the Office is also engaged in a range of activities related to the Convention of relevance to this initiative:

The Office of course supports the work of the Subcommittee on Prevention of Torture and all it is doing to prevent torture across the world. Our field presences are building on this prevention work. To provide one illustration, our Regional Office for the Middle East in Beirut is playing an active role to facilitate the establishment of a National Preventive Mechanism in Lebanon following its ratification of the Optional Protocol. This process is still going on with the active participation of the civil society and in close coordination with the Subcommittee on Prevention of Torture.

And we are assisting States to respond to what the background documents refer to as the challenge of the 'reporting burden'. Far from being a burden, reporting is of course a way to engage with international experts to improve a country's performance. However, the fact that it is sometimes perceived as a burden means we must also respond to this perception.

Our presences in the field, supported by the CAT secretariat, help existing States parties understand and coordinate the reporting process. Only last month, the Secretary of the Committee against Torture was in Mali assisting the Inter-Ministerial Committee in meeting its reporting obligations under the Convention.

While such assistance relates to existing States parties, the promise of assistance also acts as encouragement to non-States parties to understand that there is help at hand for reporting.

Of relevance to States and non-States alike, the Office has also prioritised assistance in the establishment of participatory Standing National Coordination bodies on Reporting and Follow-up for the 2014-17 period. Such bodies are intended not only to help with reporting to human rights mechanisms and follow-up to recommendations but to help States establish and maintain human rights knowledge which we believe has cumulative advantages beyond only the reporting process.

In providing such assistance, the Office hopes it can change the perception of reporting being a burden, to being an opportunity: for systematising the reporting process and for managing human rights knowledge better.

I am very pleased to highlight that the General Assembly has recently given a real boost to these efforts. Through its resolution on treaty body strengthening, the General Assembly has not only strengthened the committees themselves, but also the broader UN support for treaties.

This historic resolution includes an innovative provision creating an OHCHR capacity building package of direct relevance to your Forum. To this end, 10 staff members will work in the different regions to help States meet their treaty obligations, supported by a dedicated team in Geneva and a roster of former treaty body experts as advisors.

I believe this package offers great potential, including for this Initiative. It is at its initial stage but it will rapidly become operational for the benefit of all of all States, including non-States parties who will have the option of seeking assistance and support in the process of ratification and subsequent reporting.



The General Assembly has also encouraged the Office to build partnerships with the wider UN family to develop programmatic responses to assist States comply with treaty obligations. We see this as important support from the General Assembly of the human rights mainstreaming agenda. It parallels similarly encouraging discussions on mainstreaming in the post-2015 development agenda.

All these initiatives and developments not only broaden the possible support to existing States parties but hopefully also provide additional incentives to States considering ratifying this and other treaties – and, ultimately, help to prevent torture.

Finally, the Committee against Torture and the CAT Secretariat have a role in this Initiative. The Chair is with us today and will no doubt expand on this role. I would simply support his leadership in getting preparations under way for the celebration of the Convention's 30<sup>th</sup> anniversary. It is particularly welcome that this anniversary will not be an ad-hoc event but is intended to be part of this Initiative. It will address the achievements and challenges in the promotion of universal ratification and in the implementation of the Convention's provisions by States parties.

To conclude, I wish to express my sincere thanks to the organizers for inviting our Office to this event and to wish you all a productive and successful Forum.

# Convention against Torture Initiative 2014-2024



## PRESS RELEASE

### First CTI Forum confirms Governments' commitment to end torture

*No State stands alone in the fight against torture. When the Convention against Torture Initiative today concluded its first annual Forum, the message from Government representatives from all parts of the world was clear: Through a new concerted approach of inter-State cooperation, the CTI is likely to achieve its goal of universal ratification of the UN Convention against Torture and see a significant reduction to the use of torture within the next ten years.*

**Geneva 3 September 2014.** The first Forum of the *Convention against Torture Initiative (CTI)*, held today in Chavannes de Bogis, on the outskirts of Geneva, brought together high level government representatives of 18 countries from all regions of the world and leading UN experts to discuss solutions to Governments' challenges in the fight against torture.

The Forum was opened by the Secretary General of the Ministerial Delegation on Human Rights of Morocco, Mr Rouwane Abderrazak and the UN Deputy High Commissioner for Human Rights, Ms Flavia Pansieri.

The *Convention against Torture Initiative*, launched earlier this year to mark the 30<sup>th</sup> anniversary of the UN Convention against Torture (UNCAT), focuses on long term support, regional and inter-state cooperation as the way ahead for achieving its ambition of universal ratification and implementation of the Convention within the next 10 years.

Today's constructive and forward-looking interaction between participating governments and UN experts strongly confirmed the added value and the future potential of the initiative as:

- A forum for government and experts facilitating new connections, knowledge sharing, exchange of best practices and expertise across regions.
- A vehicle to publicly highlight the good work and progress being achieved by individual governments on torture prevention.
- A knowledge hub, collecting and developing best practices, guidelines etc. to facilitate government efforts to ratify and implement UNCAT.
- A facilitator of technical assistance to governments in relation to ratification and implementation of UNCAT.

The five countries spearheading the initiative – Chile, Denmark, Ghana, Indonesia and Morocco – attribute the positive reception to a number of factors. The Secretary General of the Ministerial Delegation on Human Rights of Morocco, Mr Rouwane Abderrazak, explains:

“A unique feature of this Initiative is that it is driven by Governments and for Governments with a truly collaborative approach. Our idea is to support each other, finding solutions to challenges we share, but that we right now tend to deal with on a national basis without seeking experience and advice from our peers.”

The Permanent Representative of Denmark to the UN in Geneva, Ambassador Carsten Staur, stresses the pragmatic and constructive approach to the daunting task of abolishing the practice of torture:

“None of us pretend that we have no homework to do when it comes to implementing the Convention against Torture. We recognize that this is hard and sometimes difficult work. And that we rarely get very far by just pointing at each other’s shortcomings. With this initiative, we take a constructive approach and ask: what can we do to help each other?”

The Permanent Representative of Ghana to the UN in Geneva, Ambassador Sammie Eddico, points to the importance of the cross-regional nature of the initiative:

“We have many examples in the Human Rights Council of progress being stalled by conflicting issues. It is through cross-regional initiatives like this that we can really hope to push the agenda. It is uplifting to see how, through CTI, governments from all parts of the world come together to find ways of cooperating towards a shared vision of abolishing the practice of torture.”

Both Chile and Indonesia highlight CTI as a link between the normative and monitoring work being done in Geneva and the actual work of governments at national and regional levels to improve human rights conditions in their own countries and regions.

“CTI creates a direct line between our promises and declarations in Geneva to the more concrete and more important legal and implementation work in our own countries and regions. Ratification is a necessary step; espousing our commitment is a must.” (Permanent Representative of Chile to the UN in Geneva, Ambassador Marta Maurás)

“Each of the five countries behind the CTI will enhance cooperation with countries in their own region to promote ideas and concepts of CTI taking into consideration the specific needs of each region. This is how we will achieve real impact.” (Deputy Permanent Representative of Indonesia to the UN in Geneva, Ambassador Edi Yusup)

Alongside government representatives, key UN experts such as the Deputy High Commissioner for Human Rights, the Special Rapporteur on Torture and the chairs of the Committee against Torture and the Subcommittee on Prevention of Torture, participated in the Forum discussions.

“States should see ratification as the start of a process which brings them into compliance with obligations over time, through the mechanisms described in the Convention, and the CTI is an excellent platform to assist States take the necessary steps to join in and to achieve universal ratification of the Convention”, said Claudio Grossman, chairperson of the UN Committee against Torture.

The Forum discussions focused on identifying not just the obstacles to ratification, but also to the practical implementation of the Convention, how governments can help each other to overcome these challenges, and on strategies to move the CTI forward.

Chile, Denmark, Ghana, Indonesia and Morocco will brief all UN member states, relevant experts and NGO’s about the *Convention against Torture Initiative* during the upcoming 27<sup>th</sup> session of the Human Rights Council in Geneva. A high level CTI side event will also be organized in New York during the 69<sup>th</sup> session of the UN General Assembly.

*The Convention against Torture Initiative was launched in March 2014 by the Governments of Chile, Denmark, Ghana, Indonesia and Morocco. The objective is to have universal ratification of the UN Convention against Torture by 2024. More information, and pictures from the 2014 Forum, is available from [www.qpt.ch](http://www.qpt.ch)*

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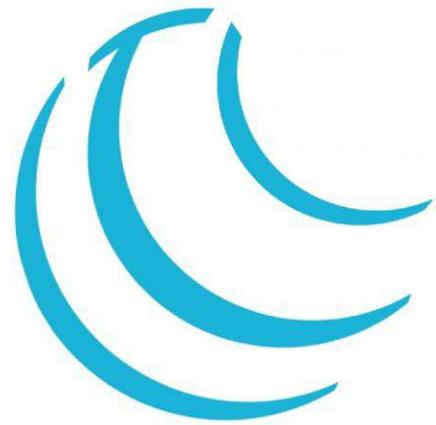
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# Convention against Torture Initiative 2014-2024

## Group of Friends



### CONVENTION AGAINST TORTURE INITIATIVE

In March 2014, the Governments of Chile, Denmark, Ghana, Indonesia and Morocco marked the 30th anniversary of the UN Convention against Torture by launching a ten-year global initiative for the universal ratification and implementation of the Convention.

The Convention against Torture Initiative (CTI) aims to promote technical advice, support and cooperation among State-parties as well as non-State parties to the Convention – in order to help States overcome technical and capacity-related obstacles to ratification and implementation of the Convention.

### CTI GROUP OF FRIENDS

Governments, civil society organisations and experts sharing the vision and the ambition of the CTI are invited to join the Initiative by becoming members of the CTI Group of Friends.

Who: The CTI Group of Friends consists of Government Friends and Non-Governmental Friends. All 193 UN Member States are invited to participate in the Group of Friends.

Currently, Australia, Brazil, Costa Rica, Egypt, Finland, France, Germany, Guatemala, Italy, New Zealand, Norway, Poland, Sweden, Switzerland, Togo, Tunisia, Uganda, United Kingdom and Uruguay have signed up as Government friends of the CTI.

NGOs, UN experts and representatives from academia are invited on the basis of expertise, track-record and potential for contributing to the objectives of the CTI.

Currently, Mr. Malcolm Evans, Professor of Public International Law/Member and Chair of SPT; Mr. Claudio Grossman, Chair of the CAT; Mr.

Juan Mendez, Special Rapporteur on Torture; Centre for Civil and Political Rights; DIGNITY; Penal Reform International; SAVE CONGO and Universal Rights Group have signed up as Non-Governmental friends of the CTI.

What: The Group of Friends will serve as a platform for the exchange of knowledge, experience and ideas on how to overcome obstacles to ratification and implementation of the UNCAT. Friends of the CTI will be involved in the achievements, progress and development of the CTI through annual meetings in Geneva and in New York.

Membership of the Group of Friends does not come with specific obligations or commitments. Friends are at any given time free to determine the way and to what extent they wish to engage in and support the CTI.

How: Interest in joining the CTI Group of Friends can be indicated by letter/fax/mail to the Danish Mission to the UN in Geneva (address: rue de Moillebeau 56, 1211 Geneva; fax: +41 22 918 00 66; email: gvamis@um.dk) or in New York (One Dag Hammarskjöld Plaza, 885 Second Avenue, 18th fl., New York, NY 10017-2201; fax: +1 212 308 3384; email: nycmis@um.dk).

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Annex IX:

## **Opening address by the High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein at the celebration of the 30th anniversary of the Convention against Torture**

Mr. Chairperson,  
Distinguished Members of the Committee against Torture,  
Excellences, Colleagues and friends,

It is with great pleasure that I join you today to celebrate the 30th anniversary of the adoption of the Convention against Torture and other Cruel, Inhuman and Degrading Treatment and Punishment. This is the first time I am meeting with a treaty body in my capacity as High Commissioner and I look forward to a fruitful dialogue with you and other committees over the coming years.

Thirty years ago the international community, confronted with terrible violations of human rights by military dictatorships, adopted the Convention against Torture, possibly the most comprehensive and powerful existing instrument of international law. It strengthened recognition that torture is a crime so repugnant that its prohibition must be a fundamental norm of international law, binding all States without exception. This remains one of the few unequivocal obligations that the international community has embraced. The Convention also established the legal definition of torture, as well as the steps that States must take to eliminate it.

The Convention has had decisive impact on a wide range of issues. In Ireland, for example, because of the Committee's work on the topic of ill-treatment inflicted on girls and women who were involuntarily confined in religious institutions – the famous Magdalene Laundries – the Government instituted important investigations and a plan of redress. Over 70 per cent of the Committee's decisions concerning individual complaints by victims have been implemented, most notably a number of cases where the Committee decided that deportation of a person would be in violation of the Convention's principle of non-refoulement.

And yet, despite that progress, it remains the case that every day – in prisons, police stations and places of detention both official and secret – women, men and children are deliberately and atrociously tortured by State agents, in order to extract information, stifle protest, or simply as punishment for what they believe and who they are. There are hundreds of thousands of such victims, in countries on every continent. They include dictatorships, countries in transition, and several States with long traditions of parliamentary democracy.

Moreover, new forms of torture and ill-treatment continue to challenge the Convention, and here I would like to highlight two important topics. Firstly, non-State armed groups, in various parts of the world, are using unprecedentedly brutal violence against targeted ethnic and religious groups. As the Committee has repeatedly emphasized, the absolute and non-derogable prohibition of torture is applicable during armed conflicts. And it is essential that we work to ensure accountability for gross human rights violations of this kind, in order to prevent their repetition. I would like to take this opportunity to praise the Committee for maintaining a commendably firm stand against amnesties, which preclude prompt and fair prosecution and punishment of perpetrators of torture or ill-treatment, and contribute to a climate of impunity.



Secondly, the human rights situation of migrants around the globe is increasingly grim. We continue to witness ill-treatment of migrants at borders; and receiving States increasingly subject migrants and asylum seekers to prolonged detention in deplorable conditions. I am encouraged that the Committee has consistently applied the Convention to these situations, and has held that asylum seekers and undocumented migrants should never be detained – or, if at all, only as a measure of last resort.

Other contemporary forms of torture and ill-treatment include gender-based violence, domestic violence, female genital mutilation and trafficking. I encourage the Committee to continue its exemplary work in adapting the Convention's norms to such practices, and helping victims seek remedies for the injustices they have faced.

Distinguished representatives,

I would like to take the opportunity of this celebration to reinvigorate our collective efforts to combat torture and ill-treatment by advocating universal ratification of the Convention against Torture. Everyone, across the globe, has a right to the comprehensive protection offered by the Convention. I strongly welcome the Convention against Torture Initiative led by the Governments of Chile, Denmark, Ghana, Indonesia and Morocco, which seeks to achieve universal ratification of the Convention in the next ten years. This Initiative has the full support of my Office. Ratification is not a panacea, but it is an important step. And universal ratification will send a strong signal that torture is prohibited under all circumstances, and can never be justified.

I am pleased to see that your agenda today focuses on universal ratification, as well as on implementation. Let us ensure that today's meeting is not just a one-day celebration, but another step that makes the Convention against Torture ever-more relevant to the protection of men, women and children for the next thirty years.

Thank you.



Annex X:

### **Message by UN Secretary General, Mr. Ban Ki-moon, at the celebration of the 30th anniversary of the Convention against Torture**

Thirty years have passed since the United Nations Convention against Torture entered into force, enshrining in international law an unequivocal prohibition of this heinous practice under all circumstances.

The Convention has inspired new national laws, helped put in place important protection mechanisms and raised awareness about the needs and rights of victims. Yet torture continues across the world, with devastating impacts on people and societies alike.

Universal ratification and full implementation of the Convention must remain our imperatives. I fully support the Convention against Torture Initiative to achieve universal ratification in the next ten years. I would also like to highlight the crucial role of civil society in fulfilling the goals of the Convention.

I call on the 156 States parties to the Convention to do more to uphold the responsibilities assigned to them by this Treaty. Equally important, I call on States to meet their reporting obligations. Reporting to the Committee against Torture provides a unique opportunity for States to comprehensively, and self-critically review and improve domestic laws and practices. I also encourage States to respond promptly to the recommendations provided by the Committee, take meaningful steps to eradicate torture and meet the needs of traumatized torture victims and their families.

People need to be able to trust their institutions of justice; governments need to protect human rights instead of oppressing people. Torture has no place in the peaceful, equitable and sustainable future we are striving to build. Together, let us spare no effort to banish torture, protect people and bring torturers to justice.

# Convention against Torture Initiative 2014-2024



## The Convention against Torture Initiative (CTI)

In March 2014, the Governments of Chile, Denmark, Ghana, Indonesia and Morocco marked the 30th anniversary of the UN Convention against Torture (UNCAT) by launching a ten-year global initiative for the universal ratification and implementation of the Convention.

### Vision

By 2024, universal ratification of UNCAT will be a reality. The risk of torture will be reduced as all States parties will be working actively to implement the Convention.

### Objectives

The immediate objectives of the CTI are:

- To identify challenges and barriers to ratification and implementation of the UNCAT
- To address these obstacles through inter-State cooperation, assistance and dialogue.
- To become a hub for sharing knowledge and good practices between governments.
- To build a global platform of States, the UN, national and international NGOs and experts to work jointly to achieve the CTI vision.

### Operating principles

Working by a principled framework of action consisting of three fundamental principles, the CTI is:

**Constructive.** The CTI takes a constructive approach to the push for ratification and implementation of UNCAT. It is not the role of CTI to “name and shame” but rather to support Governments in their efforts to pursue ratification of UNCAT and to implement the Convention.

**Twinning.** CTI is an initiative by and for equal government partners seeking to enhance exchange of experience and knowledge in order to learn from others with similar challenges – typically in regional settings.

**Inspirational.** CTI will inspire, not proscribe. CTI will inspire, facilitate and motivate. Inspire countries by exposing them to the experience of other countries; facilitate by creating a platform for informal meetings with experts and through the development of useful tools; and motivate by highlighting – in the UN and to the public - government efforts to ratify and implement the convention.

### Organisation

The Initiative is spearheaded by the Governments of Chile, Denmark, Ghana, Indonesia and Morocco.

The Association for the Prevention of Torture (APT) is designated to support the development of the CTI.

All UN Member States and relevant NGOs, experts, and academia are invited to join *the Group of Friends* of the CTI.

The Group of Friends will serve as a platform for the exchange of knowledge, experience and ideas on how to overcome obstacles to ratification and implementation of the UNCAT and will be engaged in the CTI through annual meeting in Geneva and New York.

*The CTI Forum* is the main annual event of the CTI and will provide a unique multi-stakeholder platform for sustained and informal exploration of the challenges related to UNCAT ratification and implementation.

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