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Side-event at the 25th session of the UN Human Rights Council

**Launching of the
Convention against Torture Initiative**



Opening remarks by

Ms. Navi Pillay

United Nations High Commissioner for Human Rights

4 March 2014, 13:00

Room XXIV, Palais des Nations, Geneva

Excellencies,

Distinguished representatives,

Ladies and gentlemen,

I wish to express my sincere thanks to the organisers for inviting me to address you. Today we launch an important initiative – a 10 year project to achieve universal ratification of the 1984 United Nations Convention against Torture.

The initiative comes at an opportune moment.

This year marks the 30th anniversary of the Convention's entry-into-force. 30 years on, 154 States have ratified it. Let us hope that at the 40th anniversary, we will have achieved universal ratification: a key step along the path to universal prohibition of – and protection from - torture.

And the General Assembly is in the process of putting in place an unprecedented strengthening of the treaty body system – this initiative is therefore a timely complement to this process.

Allow me to identify just two reasons why I believe this initiative is so important. First, the Convention against Torture provides the most comprehensive and potentially global protection against torture and this initiative seeks to make these protections a reality for all. Of course, UN and regional instruments prohibit torture, and all States must abide by this prohibition given its nature as a peremptory and non-derogable norm of international law. Yet the Convention sets out the many steps that States must take to make this freedom a reality.

Significantly, the Convention provides a definition of torture, going beyond the Universal Declaration and the International Covenant on Civil and Political Rights. The Universal Declaration already stated as far back as 1948, that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” And article 7 of the International Covenant on Civil and Political Rights of 1966 repeated this provision. Yet, the Convention against Torture sets out the constituent elements of what constitutes torture, an important step in focusing the struggle to end this scourge. This definition has not only given clarity to international norms; it has also influenced the jurisprudence of regional bodies as can be seen, for example in the jurisprudence of the European Court of Human Rights.

And, the Convention sets out more clearly the various steps that States must take to combat and prevent torture and other cruel, inhuman or degrading treatment or punishment. For example, States must adapt their legislation to include the definition of torture; criminalize, investigate and punish acts of torture; prohibit the use of evidence extracted under torture; apply in practice the *non-refoulement* principle; protect victims of torture and provide them and their families adequate redress; and train law enforcement officials with a view to preventing torture.

Not only is this the comprehensive protection against torture; as a UN instrument, it is potentially the most far-reaching as it is open for ratification by all States across the globe.

Universal ratification therefore holds the promise of bringing the comprehensive protection offered by the Convention against Torture to *all members of the human family*.

Excellencies,

In achieving universal ratification, not only will the hope of freedom from torture come closer to everyone across the globe; it will also ensure that all States and individuals have access to the expert knowledge of the Committee against Torture, the body of ten independent experts established to ensure the effective implementation of the Convention. This is the second reason why I believe this initiative is so important.

The Committee's periodic State party reporting procedure provides a unique avenue for States to dialogue with international experts with a view to prohibiting torture in law and in practice. This periodic assessment can be vital to highlight good practice as well as challenges facing implementation. It helps to keep States on track. In addition, the State party reporting procedure can be an excellent opportunity for dialogue at the national level between government and civil society actors – both in preparing reports for the Committee as well as following-up on recommendations. This dialogue in itself can have positive effects on the prevention of torture. Universal ratification will open up these possibilities to all States and rights-holders.

In addition, the Convention also establishes procedures that allow for the concrete monitoring of the situation in the States parties through inquiries into very serious cases of systematic torture as well as the possibility for individuals to bring communications containing allegations of torture to the Committee for quasi-judicial review. The Optional Protocol to the Convention also offers opportunities to prevent torture through the establishment of dedicated national prevention mechanisms. While these procedures are optional, the first step towards their acceptance is ratification. And universal ratification holds out the hope that these important means of preventing and redressing torture might one day also be available for all.

Distinguished representatives, ladies and gentlemen;

This provides just two reasons why this initiative of Chile, Denmark, Ghana, Indonesia and Morocco is so welcome. There are many more. I support it wholeheartedly and you can count on the full support of my Office for its implementation. In this regard, I am pleased to mention that even before I had heard of this initiative, I placed ratification of this Convention high in the priorities of OHCHR for the period 2014-17.

I therefore encourage all the States that have not yet ratified the Convention to do so, using this initiative to join the community of those that declare, without hesitation, that torture is unacceptable.

As George Bernard Shaw once wisely remarked:

“Everything happens to everybody sooner or later if there is time enough”.

Indeed, I think it is not a moment too soon for all human beings in all countries of the world to benefit from the protection of the Convention.

Thank you.
