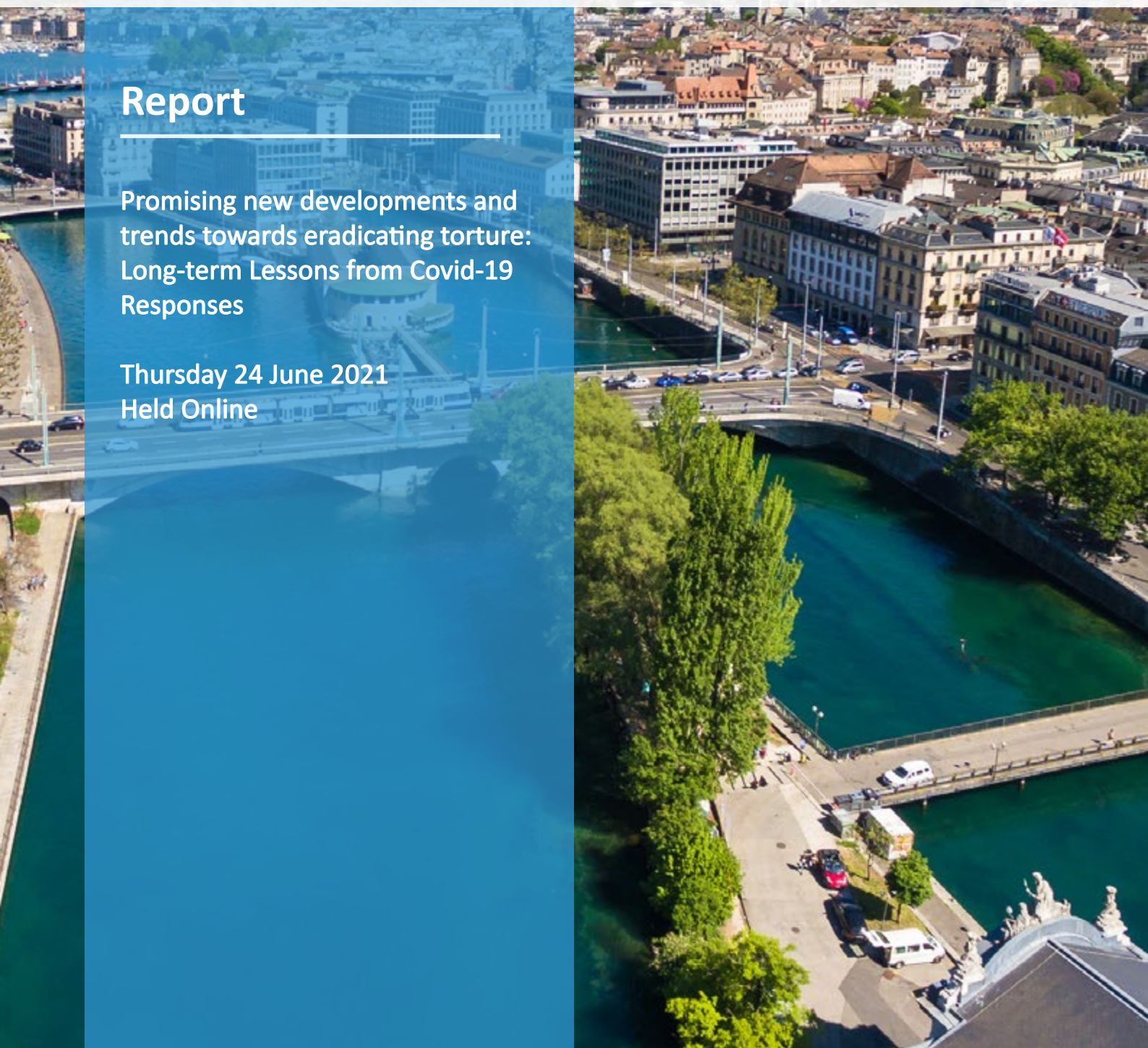


CTI Online Annual Forum 2020-2021

Report

Promising new developments and
trends towards eradicating torture:
Long-term Lessons from Covid-19
Responses

Thursday 24 June 2021
Held Online



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Background and Objectives

On 24 June 2021, [the Convention against Torture Initiative \(CTI\)](#) held its 2020-2021 Annual Forum on 'Promising new developments and trends towards eradicating torture: Long-term Lessons from Covid-19 Responses', in commemoration of the International Day in Support of Torture Victims marked yearly on 26 June.

Held online and by invitation only, the Annual Forum convened [CTI's Group of Friends](#) and other invitees, with a total of over 80 participants, comprising 17 States, 22 international or non-governmental organisations, and 15 expert friends. Participants engaged in constructive, forward-looking discussions on recent international legal and practical developments in the combat against torture and other cruel, inhuman or degrading treatment or punishment (ill-treatment), particularly on challenges and promising practices observed in implementing the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) during the Covid-19 pandemic, including positive practices that could be carried over and retained in post-Covid-19 times.

The Forum also provided an opportunity for CTI to update on progress made towards universal ratification of the Convention, and remaining challenges and served to reinvigorate CTI's efforts to engage with non-States-Parties to UNCAT to raise awareness and encourage ratification as well as to promote the assistance that CTI can provide.

CTI's Friends and guests were invited to provide input and advice to CTI on upcoming activities and on tackling the remaining challenges standing in the way of global ratification and the effective implementation of UNCAT. The discussions underlined that in light of the historic upheaval of the past 18 months, the relevance and urgency of CTI's work to support the effective implementation of anti-torture measures, including the promotion of professionalism in police and law enforcement services remains steadfast and clear.

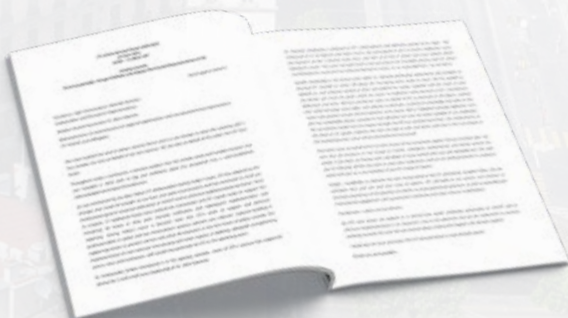
Event Materials



[Concept note](#) | [Final Programme](#)
[Opening remarks by H.E. Omar Zniber](#)



[Message from the UN High Commissioner for Human Rights, Michelle Bachelet](#) | [Press release, 5 July 2021](#)



[Closing remarks by H.E. Anare Leweniqila](#)

Background Documents



[CTI 2020-22 Strategy](#), March 2020
[CTI 2020 Annual Report](#), April 2021
[CTI advisory note – COVID-19 and the UN Convention against Torture](#) - December 2020



[A view from CTI by H.E. Ramses Joseph Cleland](#)
[A view from CTI by H.E. Grata Endah Werdaningtyas](#)
[A view from CTI by Dr. Alice Edwards](#)

Welcome and Opening Remarks

In his [opening remarks](#), H.E. Omar Zniber, Ambassador and Permanent Representative of Morocco, called on all UN Member States as well as all other stakeholders to unite in support of the hundreds of thousands of people around the world who have been victims of torture and those who are still tortured today and underlined that the CTI Core States see UNCAT ratification as a prerequisite to effectively eradicate this practice once and for all.

“...the global health crisis has created unprecedented challenges for the protection of human rights worldwide, including the prohibition against torture...”

In her [video message](#), the High Commissioner for Human Rights, Michelle Bachelet underlined her office’s long-standing partnership with CTI to promote the universal UNCAT ratification and implementation and welcomed the level of attention being paid to the topic of preventing torture and other ill-treatment,



including while the world is responding to the Covid-19 pandemic.

Furthermore, the High Commissioner stated that the global health crisis has created unprecedented challenges for the protection of human rights worldwide, including the prohibition against torture, but that fortunately, many States have begun implementing innovative responses to these challenges, such as early release of certain categories of low-risk detainees, remote monitoring of prison conditions, and development of health-care measures for detainees in close relationship with public health administrations. She urged participants to elaborate on these and other promising new developments.

A view from CTI



“Many governments are thirsty for advice and assistance that is non-judgmental, allowing authorities to be honest and realistic about the type and scale of their challenges, past mistakes and shortfalls, and to take the decision to make important changes in order to advance the effective implementation of UNCAT and to prevent torture and other ill-treatment.”

Dr. Alice Edwards,
Outgoing Head of CTI Secretariat

CTI Core State Ambassadors H.E. Ramses Joseph Cleland from Ghana and H.E. Grata Endah Werdaningtyas from Indonesia and the CTI Head of Secretariat, Dr. Alice Edwards provided a summary of progress made in reaching CTI’s goals in accordance with its 2020- 2022 [Strategy](#) .

In her [presentation](#), Dr. Alice Edwards reminded participants that the conditions behind the creation of UNCAT in the 1980s – dictatorships using torturous force to oppress their people and the abuse of power by public officials – remain stubbornly entrenched today. She further added that there are also new negative trends being observed, such as the rise in the use of torture in response to

terrorist and national security threats in recent decades; also, many of today’s conflicts are characterized by widespread torture and war crimes and too many examples of heavy-handedness, racism and discrimination by police and law enforcement in many settings.

Dr. Edwards pointed out that democratic societies are not immune from these realities and invited participants to reflect on the fact that hundreds of thousands of victims and survivors of torture have not yet had their day in court, or are waiting necessary assistance to recover and restart their lives in dignity. Dr. Edwards stressed that there are many positive examples of progress and changes being made every day, in countries from all regions.

UNCAT ratification



As explained by Ambassadors Cleland and Werdaningtyas, CTI has continued to ardently pursue its fundamental goals of supporting universal ratification and improved implementation of UNCAT.

With Oman and St Kitts and Nevis ratifying UNCAT in 2020, a total of 171 States are currently Parties to the Convention at the time of the Forum, passing the half way mark of States Parties in the Asia-Pacific region.

Since the creation of CTI in 2014, 17 new States have ratified UNCAT, close to one third being from the Asia and Pacific regions. The CTI Core State Ambassadors underscored that CTI stands ready to support the remaining 24 States in their path towards ratification and subsequent implementation and reporting.

Ambassador Cleland underlined that this now puts UNCAT on a par with the International Covenant on Economic, Social and Cultural Rights, and just one ratification shy of matching the tally for the International Covenant on Civil and Political Rights, at 173 States parties.



UNCAT RATIFICATION

171 States parties overall
at time of the Forum

17 States ratified since
CTI creation in 2014

24 States left to ratify

‘Our ratification rate is currently tracking higher than almost all other core human rights treaties and UNCAT was the most ratified treaty in 2020. We are convinced by experience that providing an alternative, State-led, equality-based initiative, which applies a no-name, no-shame basis in all our activities, has given space for previously reluctant countries to come on board.’ *H.E. Ramses Joseph Cleland, Ambassador and Permanent Representative of Ghana to the United Nations in Geneva*

Treaty body reporting burden is often touted as one of the reasons States, especially Small Island Developing States, may hesitate to ratify UNCAT. discussions highlighted the importance of putting in place systems allowing States to overcome financial and human resources-related constraints and meet their reporting obligations, such as the simplified reporting process.

‘The forum represents a reinvigoration of CTI’s efforts to engage with non-States-Parties to encourage ratification, raise awareness of UNCAT and the assistance that CTI provides. It is essential to remind States that the ratification of UNCAT does not require substantive financial resources or a perfectly compliant anti-torture legislative framework, which remain significant inhibitors to signing.’

H.E. Grata Endah Werdaningtyas, Chargée d’Affaires and Ambassador of the Permanent Mission of the Republic of Indonesia to the United Nations in Geneva

¹ With Sudan’s ratification on 10 August 2021, the total tally of ratified States stands at 172.

Capacity Building

Throughout 2020 and 2021, CTI has successfully risen to the challenges caused by the Covid-19 pandemic and adapted its working methods accordingly. Wherever possible, face-to-face diplomacy and in-country experience sharing as well as capacity building events have been replaced with online workshops, seminars and meetings, at times allowing for even more participants to attend CTI's events.

In the first half of 2021, CTI conducted two online workshops, – the first on [Investigative interviewing for fair and effective administration of justice](#) for five West African States, which was held online in April and hosted by the CTI Core State of Ghana and organised in partnership with the Norwegian Center for Human Rights and with the support of the Committee for the Prevention of Torture in Africa (CPTA), and the second on [Building effective anti-torture legislative frameworks](#) for 11 Pacific States, which was held online in May and hosted by the CTI Core State of Fiji, and organised in partnership with the Human Rights and Social Division (HRSD) of the Pacific Community (SPC) and the Commonwealth Secretariat.

CTI Core State Ambassadors updated participants on some of CTI's projects planned for the upcoming year, which include:

- A technical workshop for North and West African States on criminal justice and the exclusion of torture-tainted

evidence, hosted by CTI Core State Morocco and organised in partnership with the Office of the High Commissioner for Human Rights (OHCHR);

- A technical seminar on anti-torture legislative drafting and/or effective implementation of UNCAT in ASEAN; as well as
- An ongoing project on mapping of anti-torture law standards in the African region undertaken jointly with REDRESS.

CTI is also working on a practical resource kit on professional and human rights-compliant policing and on a new UNCAT Implementation Tool on the role of initial medical assessments in places of detention.

The CTI online Advice Hub instituted in 2020 and by which interested States may seek individualized and confidential advice will be further developed and formalised in 2021.

CTI Core State Ambassadors concluded by underlining that supporting States to prevent torture and other ill-treatment, including in the first hours of police custody; the implementation of non-coercive interviewing and other aspects of policing, alongside strengthening justice, laws and institutions, will remain key priorities for CTI in the upcoming years.

CTI's 2021 Online Workshops



Investigative interviewing for fair and effective administration of justice.

CTI Core State Ghana in April for five West African States



Building effective anti-torture legislative frameworks

CTI Core State Fiji in May for eleven Pacific States on building effective anti-torture legislative frameworks for African States

‘The international health crisis has presented unique challenges over the past year and triggered a reprioritization of resources. I take this opportunity to implore all States to not erroneously ignore the Convention, but rather to see it as one of our key tools in the toolbox to help guide our efforts to respond to the pandemic, and to make sure we continue to prevent and respond to torture and ill-treatment. CTI’s collection of tools can serve as a source of inspiration, experience sharing, and as a basis to foster inter and cross-regional cooperation.’

H.E. Grata Endah Werdaningtyas, Chargée d’Affaires and Ambassador of the Permanent Mission of the Republic of Indonesia to the United Nations in Geneva

Lessons learned from COVID-19

Annual Forum discussions showed that the Covid-19 pandemic has caused unprecedented challenges for State authorities and negatively impacted the protection of human rights across the globe, including the right to be free from torture. The most vulnerable – the elderly, the imprisoned and those in other closed institutions, as well as victims and survivors of torture have been those most particularly affected.

Additional resources provided during the discussions

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CTI's advisory note on [COVID-19 and the UN Convention against Torture](#) released in December 2020 compiles several examples of positive practices introduced by States and refers readers to key practical resources issued last year, clustered under six thematic areas, including: Treaty ratification/accession by e-mail; prison conditions and treatment of persons deprived of liberty; other places of deprivation of liberty or confinement; enforcing lockdown and quarantine measures humanely; special care for victims of torture; and independent oversight and monitoring of places of detention.

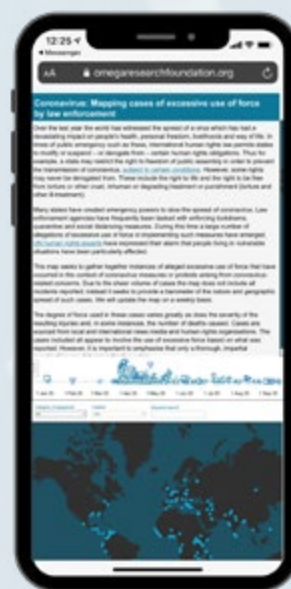


Policing during Covid-19

CTI Core State Ambassador H.E. Morten Jespersen, Permanent Representative of Denmark chaired a high-level panel discussion on lessons learned and promising practices for the prevention of torture in police enforcement and prison management during Covid-19 and their potential long-term continuation after the pandemic. Panelists, namely Dr. Solomon Dersso, the Chairperson of the [African Commission on Human and People's Rights](#), Dr. Suzanne Jabbour, the Chairperson of the [UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment \(SPT\)](#) and Ms. Anna Giudice, Crime Prevention and Criminal Justice Officer at the [UN Office on Drugs and Crime \(UNODC\)'s](#) Justice Section, explained shortcomings and promising practices in policing during the pandemic and in the management and monitoring of places of detention from different geographical and thematic angles.

Challenges

During the panel discussion, it became clear that the pandemic has posed particular challenges for policing, including enforcing lockdowns and social distancing rules, quarantine orders and other confinement measures. In some instances, the enforcement of restrictions has revealed shortcomings in policing practices and a growing chorus of protests against reports of violence and heavy-handedness in national responses have been observed.



Additional resources shared during the discussions

The Omega Research Foundation informed about an ongoing survey collecting information about incidents of excessive use of force, including cases of torture and other ill-treatment by police and in prisons worldwide, when implementing Covid-19-related measures or during protests against Covid-19-related restrictions. **For more information see: <https://omegaresearchfoundation.org/covid.php>**

Policing during Covid-19 (continued)

Dr. Solomon Derrso explained how the African Commission on Human and People's Rights (ACHPR) has identified an increased use of arrest and detention for minor or petty offences related to the enforcement of Covid-19 regulations, such as the requirement to wear a mask. This has consequently increased congestion in places of detention and the risk of Covid-19 transmission. He also explained that arbitrary detention has become a serious problem in some African States during the pandemic due to overly broad definitions of relevant health-care measures that provided a broad discretion to law enforcement officials without clear guidance. Dr. Derrso further mentioned that examples of discriminatory enforcement practices of Covid-19 measures could be observed in some States, which have, for instance, disproportionately impacted persons with lower socioeconomic status or been used to target human rights defenders, media representatives or persons expressing dissent.

The ACHPR has also raised concerns about the deployment of military forces, including using heavy weaponry to enforce Covid-19 measures in some countries. In this context, concerns include the appropriateness of such deployment, the lack of training of military personnel regarding civil law

enforcement as well as the lack of effective oversight of military operations. There have been reports of excessive use of force and torture and extrajudicial killings in some instances. One country's National Human Rights Commission reported that the enforcement of initial lockdown measures resulted in more people killed from excessive use of force than by the pandemic itself.

Ms. Anna Giudice echoed that there has been an increase in arrests due to Covid-19 violations across the world. However, in the course of the pandemic, some countries adapted their policies and there seemed to be a reduction of arrests. Research in the United States and Canada has shown that in some cases law enforcement officers have been specifically mandated to reduce arrests for minor offences. However, a study from the Inter-American Development Bank showed that in Latin America and the Caribbean there is a different scenario, where 54% of law enforcement respondents have reported no reduction in arrest for minor offenses.

Promising trends and developments

On the other hand, some positive developments and trends have been observed during Covid-19 times. For instance, the ACHPR has observed:

- An improved and intensified monitoring and reporting of human rights issues during the pandemic, including in the area of policy making and law enforcement practices; concrete recommendations to national authorities on how to change laws and practices to better protect human rights in this ongoing health crisis; and the adoption of guidelines or launch of legal reform processes.
- Opening of investigations into allegations of human rights violations in some countries.

‘These positive efforts are further strengthened by the recent adoption of resolution 449 of the African Commission which was endorsed by the highest level of the African Union and provides for specific guidelines for the prevention of torture, inhuman treatment and arbitrary detention and regulates the use of force by law enforcement, accountability and oversight mechanisms for African States.’

Dr Solomon Dersso, Chairperson of the African Commission for Human and People’s Rights

Additional resources shared during the discussions

[Resolution 449 on Human and Peoples’ Rights as central pillar of successful response to COVID-19 and recovery from its socio-political impacts](#) of the African Commission on Human and People’s Rights from 7 August 2020 provides guidelines on measures to be taken by African States in order to prevent among others torture and other ill-treatment during the Covid-19 pandemic. See for instance para. 2 (a) and (b):

2. The Commission urges States Parties in respect of enforcement of Covid-19 regulations to ensure that:
- a) The response of Law Enforcement and Public Security Forces to States of Emergency during the COVID-19 pandemic are consistent with the principles of legality, necessity, proportionality, accountability and do not endanger human life;
 - b) There is an absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment, and declare that: all ‘options such as ‘necessity’, ‘national emergency’, ‘public order’... shall not be invoked as a justification of torture or cruel, inhuman or degrading treatment or punishment’.

Resolution 449 was endorsed at the level of the Peace and Security Council of the African Union as well as the Executive Council of the African Union.

Policing during Covid-19 (continued)

Ms. Giudice also identified a number of promising developments in the field of policing and law enforcement, including:

- Globally increased attention to police violence, structural and systemic racial discrimination and protection of minorities that has opened space for a global discussion on policing. Issues such as funding of the police that were previously discussed in limited circles have become part of the conversation at the UN level but also within regional organisations and national fora. Similarly, issues around the use of force are now at the center of discussions on policing.
- Increased attention to policing and health issues, including mental health, HIV/AIDS and drug use, which has led to more cooperation and collaboration with health care services as well as the increased attention to mental health issues in general and the impact of stress on police officers themselves. The increased use of new technology for policing purposes observed in several countries during the pandemic also

bears a certain promising potential to make policing more effective and responsive to the needs of the population. However, important issues around data protection, privacy and human rights remain to be evaluated and solved.

- A positive trend towards more online training for police officers.
- Gender-based violence against women, domestic violence and violence against children and other vulnerable groups during lockdown measures has also received increased attention during the Covid-19 pandemic. In one particular country, the police have taken a very proactive approach and reached out to over 20'000 former victims of domestic violence for check-ups on their current situation under lockdown measures. According to Ms. Giudice, it would be an asset if such practices will become long-term measures and remain on the books promoting a victim-centered approach to dealing with gender-based and domestic violence.



Summary of promising practices identified during the discussion

- Reduction of arrests during Covid-19 through law enforcement officers specifically mandated to reduce arrests for minor offences.
- Improved and intensified monitoring and reporting of human rights issues during the pandemic, including in the area of policy making and law enforcement practices
- Adoption of guidelines on the regional and national level to strengthen human rights protection during Covid-19
- Initiation of legal reforms in order to address problematic areas of Covid-19 legislations, including areas such as the wide discretion afforded to law enforcement
- Increased number of investigations into allegations of human rights violations
- Launch of global discussion on policing, including on police violence, structural and systemic racial discrimination and the protection of minorities
- Increased focus of global, regional and national discussions on policing on the use of force by law enforcement
- Increased attention to policing and health issues, including mental health, HIV AIDS and drug use
- Better coordination and collaboration between law enforcement and health care services
- Improved measures to address gender-based and domestic violence, such as exceptions to lockdown measures for victims, facilitation of reporting or automatic extension of protection as well as barring orders or promising trends to remove perpetrators from the home instead of moving victims to shelters

Detention settings and prison management during Covid-19

'In 102 countries, prison occupation levels have reportedly exceeded 110 percent'.



Prison Occupation Levels
Reportedly Exceeded 110%

The High Commissioner for Human Rights noted that the human rights situation for detainees has been particularly severe. The pandemic has unfolded alongside a worldwide prison crisis characterised by record numbers of people imprisoned globally. In 102 countries, prison occupation levels have reportedly exceeded 110 percent. The High Commissioner stressed that these levels of overcrowding, along with restricted access to hygiene and health care, have left detainees exponentially more vulnerable to COVID-19. She highlighted that the OHCHR has long held that prison overcrowding, including its adverse effects on the right to health, constitute a severe form of ill-treatment and may even amount to torture and how the pandemic leading to an escalation of torture and other ill-treatment in detention centres by slowing or suspending judicial oversight.

The discussion held emphasised that independent monitoring places of detention is

indispensable for the protection of the right to be free from torture and other ill-treatment and it should always be part of the overall COVID-19 response. Ms. Suzanne Jabbour, the Chair of the SPT stressed that places of quarantine where persons are not free to leave are to be considered as places of deprivation of liberty. As such, these would therefore not only fall under the mandate of the SPT but should also be accessible to domestic independent monitoring by National Preventive Mechanisms (NPMs) and other monitoring bodies.

The SPT has issued advice on this, including recommendations that NPMs continue monitoring places of detention during the pandemic while observing the principle of 'do-no-harm'. Ms. Jabbour shared how many NPMs across the globe have adapted to the difficult circumstances and found new ways and working methods to monitor prisons, juvenile facilities, care home and closed psychiatric hospitals last year and in the first half of 2021.

Additional resources shared during the discussions

UN Subcommittee on Prevention of Torture (SPT) guidelines:

- [Advice on compulsory quarantine for Coronavirus-COVID-19](#) (31 March 2020)
- [Advice of the Subcommittee to States parties and national preventive mechanisms relating to the coronavirus disease \(COVID-19\) pandemic](#) (7 April 2020)
- [Protocol for national preventive mechanisms undertaking on-site visits during the coronavirus disease \(COVID-19\) pandemic](#) (CAT/OP/11; 10 June 2021)
- [Follow-up to the first advice of the Subcommittee to States parties and national preventive mechanisms relating to COVID-19 pandemic](#) (CAT/OP/12; 18 June 2021)

‘Leading by example, the Polish Prison Service has accepted and implemented the recommendations made by the SPT, including on the National Preventive Mechanism, allowing access of independent monitors during the pandemic. Additionally, an awareness raising campaign about Covid-19 has been launched in prisons and remand detention centers across the country.’

H.E. Ambassador Extraordinary and Plenipotentiary, Zbigniew Czech of the Permanent Mission of the Republic of Poland to the United Nations Office and other international organizations in Geneva

Positive practices and developments

The panel discussion demonstrated that besides the unprecedented challenges that the Covid-19 pandemic has brought, it has also offered States an opportunity and an incentive to rethink in particular how prisons and criminal justice systems work and how to improve them. In practice, a number of positive and promising developments have been observed with regard to the effective

implementation of UNCAT and the prevention of torture during the pandemic, some of which could be carried over into normal times and retained as permanent improvements. This was done for example, by looking at where non-custodial alternatives and other decongestion measures such as parole systems could be expanded, prioritized and made mainstream.

Ms. Jabbour, shared that many States were able, in a very short time, to reduce their prison population, a recommendation often made by the SPT. If this was possible in times of emergencies, then it should be possible to pursue such policies in ordinary times. Dr. Dersso also noted that the ACHPR gathered similar positive practices to reduce overcrowding and decongest places of detention and prisons, thereby reducing Covid-19 transmissions. Other promising developments observed in places of detention are improved access to information and contact with the outside world as well as the establishment of new or updated complaint mechanisms in some countries.

Detention settings and prison management during Covid-19

Ms. Jabbour also mentioned improvements to health and sanitation measures in places of detention in some countries where special attention is paid to detainees with a higher health risk.

‘The Covid-19 pandemic did create a very good opportunity for States to start releasing children from prisons, pre-trial and migration detention and to start improving prison conditions in general which are very bad in most countries of the world. Much more needs to be done starting by a strong commitment of States to effectively implement the Convention against Torture and its Optional Protocol.’

Prof. Manfred Nowak, leading expert in the field of torture prevention and former UN Special Rapporteur on Torture

‘Despite the challenges caused to the prevention of torture by the Covid-19 pandemic there are also promising developments such as the UN Treaty Bodies COVID-19 task force, which was set up to ensure a better response to the pandemic in full respect of the provisions of the fundamental human rights conventions and the UN task force on migration asking States to refrain from carrying out refoulement measures during the crisis. The entire human rights protection system has tried to adapt to the crisis to avoid the creation of a gap of protection, including remote meetings of the Human Rights Council and Treaty Bodies in order to ensure a minimum of protection.’

Mr. Abdelwahab Hani, former member of the UN Committee against Torture and CTI special adviser

Promising practices identified during the discussions

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- National Preventive Mechanisms (NPMs) across the globe have adapted to the difficult circumstances and found new ways and working methods to monitor prisons, juvenile facilities, care home and closed psychiatric hospital and clinics during the pandemic
- Many States were able, in a very short time, to reduce their prison population in order to reduce overcrowding in prisons and other places of detention through non-custodial alternatives and other decongestion measures
- Improved procedures to ensure detainees’ access to information and contact with the outside world
- Updated or new complaints mechanisms in places of detention in some countries
- Improved health and sanitation measures in places of detention in some countries
- Improved focus on detainees with higher health risks

Discussion and updates on Covid-related and other new developments

CTI Core State Ambassador H.E. Frank Tressler Zamorano, Permanent Representative of Chile chaired the interactive discussion with participants and selected speakers on Covid-related and other new developments and promising practices in the field of torture prevention.

Update on the Group of Friends for the Voluntary Fund for Victims of Torture

During the interactive discussion, H.E. Alexander Maisuradze, Ambassador and Permanent Representative of Georgia provided an update on the Group of Friends of the UN Voluntary Fund for Victims of Torture (UNVFVT), a Fund comprising 16 States that was established 40 years ago and that has since supported hundreds of civil society organisations assisting victims of torture to obtain redress. In 2020, the UNVFVT adapted to the new challenges caused by the pandemic and provided 17 emergency grants. In 2021, it is planned to reach over 47,000 survivors in 79 countries in all regions of the world. Additionally, the UNVFVT aims to further promote effective accountability and reparation, including full rehabilitation for victims of torture worldwide during a one-year campaign commemorating the 40th anniversary of the Fund. Ambassador Maisuradze called on all States to consider contributing to the fund.

Update on regulating a torture-free trade

Ms. Patricia Bocchi, Human Rights Officer, Human Rights Division of the European External Action Service (EEAS), underlined that the fight against torture is a key priority for the EU within and beyond its borders, including the universal ratification and effective implementation of UNCAT. The EU Action Plan on Human Rights and Democracy for 2020-2024 was adopted by the Council of Europe (CoE) in November 2020 and provides a renewed policy framework in this field, with notably the global human rights sanctions regime as a concrete deliverable. Among the key priorities of the Action Plan is the eradication of torture and other ill-treatment globally through prevention, prohibition, accountability and redress for victims, supporting the independent monitoring of prisons and other places of detention and promoting the Global Alliance for torture-free trade within the priorities.

At the international level, on 28 June 2019, the UN General Assembly adopted a Resolution on torture-free trade which paves the way for future work at UN level towards establishing common international standards to restrict trade on a range of goods that could be used for capital punishment, torture or other cruel,

inhuman or degrading treatment. A subsequent report of the UN Secretary-General also recognized that the development of international standards in this field could ensure more effective regulation of trade in goods that could be used for torture or ill-treatment. A group of governmental experts will continue the substantive work, examine the feasibility of such new standards and submit a first report to the 76th session of the General Assembly.

At the regional level, Ms. Bocchi mentioned the work done by the Council of Europe, including a set of [recommendations](#) on measures against the trade in goods used for the death penalty, torture or other ill-treatment, adopted by the Committee of Ministers on 31 March 2021. The recommendations provide guidelines to the 47 CoE member States regarding their national legal frameworks and measures aimed at prohibiting the import export and transfer of goods which have no other purpose than inflicting torture, ill-treatment or death penalty. It also sets out measures for the responsible regulation of trade in certain pharmaceutical chemicals and law enforcement equipment to prevent abusive practices.

‘Since 2003 Turkey has seen a series of legislative reforms underlining the zero tolerance policy against torture, including the abolition of the statute of limitations for acts of torture and other measures to prevent, investigate, prosecute and punish all acts of torture and other ill-treatment.’ *H.E. Ambassador Sadık Arslan of Turkey to the United Nations Office at Geneva*

Additional information shared during the discussions by participants

Amnesty International informed that after presenting a range of illustrative cases of the use and abuse of law enforcement equipment from across the world, a newly released [report](#) presents an Anti-Torture Trade Framework – the culmination of years of research, advocacy and policy collaboration between Amnesty International and the Omega Research Foundation. The Framework outlines the essential elements required to effectively regulate the trade in law enforcement equipment. These include prohibitions on a well-defined list of inherently abusive equipment, such as body-worn electric shock devices and spiked batons; and robust human rights controls on the trade in standard-issue policing equipment such as handcuffs, batons and tear gas. They also include prohibitions on devices specifically designed to carry out executions for instance gallows, electric chairs or automatic lethal injection devices.

Additional Information shared during the discussions by participants

The Omega Research Foundation informed that torture-free trade in Africa is specifically encouraged and supported by the ACHPR Resolution on the prohibition of the use, production, export and trade of tools used for torture ([ACHPR/Res.472 \(LXVII\) 2020](#)) which calls on States “to draw on the provisions of the Robben Island Guidelines ...to prohibit and prevent the use, production, export and trade of equipment or substances designed to inflict torture or ill-treatment and the abuse of any other equipment or substance to these ends;” and to: “fully engage with” the ongoing UN process to explore “common international standards” to prevent the torture trade.

Update on the new Mendez Principles

Ms. Verónica Hinestroza Arenas, member of the Steering Committee of the new Mendez Principles provided a summary of the content and advantages of the newly released [‘Principles on Effective Interviewing for Investigations and Information Gathering’](#), which have been developed by international experts under the coordination of the Association for the Prevention of Torture (APT), the Anti-Torture Initiative of the Washington College of Law and the Norwegian Center for Human Rights. Ms. Hinestroza explained that in 2016, Professor Juan E. Mendez, then UN Special Rapporteur on torture, called for the development of a set of international guidelines to ensure that as a matter of law and policy, no person is subject to torture or ill treatment or coercion while being questioned by law enforcement officials, intelligence personnel, or other authorities with investigative mandates. His report highlighted that questioning, particularly of suspects, is inherently associated with risks of intimidation, coercion, and mistreatment,

which produces unreliable information and false confessions that undermine safety and trust in public institutions, and undermine the rule of law. Four and a half years later, the six Mendez Principles have become a reality.

The Mendez Principles offer concrete guidance on the practice of effective interviewing, which is recognised as a process encompassing all interactions between authorities and persons being questioned. Principles 1 to 4 present interviewing as a highly professional task that is informed by science, by ethics and by human rights, with the key purpose of securing accurate and reliable information while implementing associated safeguards. Principles 5 and 6 provide clear guidance on implementation and accountability with a view to helping authorities and professionals drive sustainable change at the domestic level. The Mendez Principles draw directly on UNCAT, for



Principles on Effective Interviewing for Investigations and Information Gathering

Developed by international experts under the coordination of the Association for the Prevention of Torture (APT), the Anti-Torture Initiative of the Washington College of Law and the Norwegian Center for Human Rights.



instance by calling on States to include the absolute prohibition against torture in education and training of law enforcement and other public officials involved in questioning procedures. Furthermore, they offer assistance to States in their compliance with article 11 of UNCAT, which calls on the regular review of interrogation rules, instructions, methods or practices.

The Principles are the result of intense multidisciplinary research, analysis and global consultations between hundreds of stakeholders. Ms. Hinestroza concluded by inviting all participants to review the principles and to support ongoing and future advocacy efforts towards adoption.

Additional information shared during the discussions

The International Rehabilitation Council for Torture Victims (IRCT) informed that they have supported their global membership to develop quality online counselling services to torture survivors during Covid-19 lockdowns. This has provided important learning for future initiatives to use online counselling to reach the most vulnerable torture survivors who often live far from the services they need to rebuild their lives. IRCT also commended the innovative use of technology for healing for torture survivors and persons in detention. The idea of tele-health is really where we can make innovative and cost-effective strides forward to heal torture survivors.

Closing

In his closing remarks, H.E. Anare Leweniqila, Chargé d’Affaires and Deputy Permanent Representative of Fiji, underlined that CTI’s work to support and promote professionalism in police and law enforcement services remains highly relevant. Capacity building in supporting States to prevent torture and other ill-treatment in the first hours of police custody, the implementation of non-coercive interviewing and other aspects of policing, alongside strengthening justice, laws and institutions, will remain key priorities for CTI in

the upcoming years. Leweniqila also thanked the outgoing Head of Secretariat, Dr. Alice Edwards, for her achievements and relentless pursuit of CTI’s vision. He concluded that the CTI Core States believe in a torture-free world. Achieving universality of UNCAT and its effective implementation is an important step in this direction and they are committed to continue working towards this end with the support of the CTI Group of Friends and other stakeholders.



Farewell to Dr. Alice Edwards, former Head of CTI Secretariat

During the Annual Forum it was repeatedly mentioned by CTI Core States Ambassadors and other participants that much of CTI’s success has happened during the 5 and a half years leadership of Dr. Alice Edwards, the outgoing CTI Head of Secretariat. Throughout the event, participants underlined and honoured her leadership, achievements and pursuit of CTI’s vision.

- [A Fond Farewell for CTI Head of Secretariat Dr. Alice Edwards](#)
- [Farewell Interview: Departing Head of CTI Secretariat, Dr. Alice Edwards, Answers Five Questions on the Initiative’s Momentum, Progress and Legacy](#)