



APT Recommendations to the OSCE

Human Dimension Implementation Meeting:

Rule of Law II: Prevention of Torture

2 October 2013

Time to Put Torture Back on Top of the OSCE Agenda

The OSCE region, comprising the organization's 57 participating States, is one of great diversity, a characteristic reflected at many different levels, not least with regard to human rights protection. While certain countries in the region ensure a reasonably high level of human rights protection, including from acts of torture and other forms of ill-treatment, it is deplorable that in other OSCE participating States a wide range of human rights violations, including torture, are commonplace, in some instances, systematic.

It is important to stress that concerns about the treatment and conditions of persons deprived of their liberty can arise in all countries and contexts. While certain OSCE participating States are regularly pilloried in the international news media for their treatment of persons in their custody, other countries rarely make headlines. However, this is not to say that no problems exist.

Take Norway, for example, a country which was examined by the UN Committee against Torture in Geneva less than a year ago. While there was much to commend Norway on its fulfilment of its obligations under the Convention, the UN Committee nonetheless stated, among other matters, that it regretted "the widespread and, in some cases, the prolonged use of solitary confinement, which might constitute a violation of the Convention."¹

Iceland is another interesting case in point, which was reviewed by the UN Human Rights Committee in Geneva in July 2012. While in many ways the examination was positive, the UN Committee still expressed various concerns, including "that the principle of separation of juvenile detainees from adults in detention facilities is not guaranteed" and that Iceland "does not have an independent mechanism to monitor detention conditions."²

Another unusual example, Andorra, also did not escape the critical attention of the UN Committee on the Rights of the Child during its review in Geneva in September 2012. The Committee, for instance, urged Andorra to enact "legislation that explicitly prohibits all forms of corporal punishment in the family, schools and alternative care settings and penal institutions" and ensure that any laws are effectively implemented in practice.³

¹ See UN Doc. CAT/C/NOR/CO/6-7, 13 December 2012 – paragraph 11.

² See UN Doc. CCPR/C/ISL/CI/5, 31 August 2012 – paragraph 11.

³ See UN Doc. CRC/C/AND/CO/2, 31 December 2012 – paragraphs 31a and b.

The Holy See, an OSCE participating State since 1973, will be examined for the very first time by the UN Committee against Torture in Geneva in May 2014. It will be extremely revealing to see which issues and related concerns are raised by the UN Committee in this respect. It would be truly unprecedented if none arose out of this review process.

The track-records of a good number of other OSCE participating States in preventing torture and ill-treatment are infinitely worse than the first three aforementioned countries, which, in truth, fared reasonably well during their respective reviews in Geneva. The point is worth reiterating, however, that no country in the OSCE region can claim to be problem free in this respect.

Preventing torture: an OSCE priority?

While it may not be so surprising that torture and other forms of ill-treatment crop up in all sorts of countries and contexts, what is very surprising is that their prevention does not appear to have been especially high on the agendas of most OSCE participating States holding the OSCE Chairperson-in-Office in past years. For example, the last Human Dimension Supplementary Meeting devoted to the prevention of torture as a stand-alone item took place in November 2003 – 10 years ago under the Chairmanship of the Netherlands.

The APT was therefore very much encouraged by the statement of the Swiss Foreign Minister, Didier Burkhalter, at the OSCE Permanent Council in Vienna on 2 July 2013, outlining the priorities of the Swiss OSCE Chairmanship in 2014 particularly those aimed at ‘improving people’s lives’.⁴ In his speech Ambassador Burkhalter stated:

“Switzerland would like to advance the implementation of all commitments in the Human Dimension. Over the past forty years, the OSCE has developed a solid body of commitments to promote human rights, democracy, and the rule of law. At the Astana Summit in 2010, we all emphasized the necessity to fully implement these commitments.

It is our duty to live up to this pledge. The implementation of commitments must be improved, whether they concern combating torture, respecting human rights in the fight against terrorism, protecting human rights defenders, or respecting the rights of persons belonging to minorities.”

The APT very much welcomes this statement that Switzerland will, among other crucial Human Dimension commitments, place an importance on combating torture during its Chairmanship next year. The organization is therefore urging other OSCE participating States to support Switzerland in its endeavours in this respect.

It is clear that any attempts to counter the practices of torture and other ill-treatment must take place in a climate of genuine political will both on the part of OSCE participating States and the political structures of the OSCE. In this latter respect there exists a clear necessity for all future states holding the OSCE Chairperson-in-Office to attach much greater importance to the need to prevent torture in the region and address the issue on a regular, consistent basis. Without genuine political will at this level, overall progress will be difficult.

⁴ ‘Improving people’s lives’ is one three objectives which Switzerland will pursue during its Chairmanship. For more information see <http://www.news.admin.ch/message/index.html?lang=de&msg-id=49544>