



## **Supplementary Human Dimension Meeting**

### **PREVENTION OF TORTURE**

**10-11<sup>th</sup> April 2014  
Hofburg, Vienna**

#### **ANNOTATED AGENDA**

The prohibition of torture is absolute and non-derogable and is enshrined in OSCE human dimension commitments, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and a number of regional human rights instruments. All 57 OSCE participating States are States Parties to the Convention against Torture (CAT) which specifically aims to eradicate torture and other cruel, inhuman or degrading treatment or punishment in the States Parties.

OSCE participating States have committed to prohibit torture and other cruel, inhuman or degrading treatment or punishment [Vienna 1989, Paris 1990, Moscow 1991, Budapest 1994, Istanbul 1999]. In Ljubljana in 2005, the Ministerial Council emphasized the need to publicly condemn torture and to reinforce efforts to prevent torture and prosecute its perpetrators. OSCE participating States were also called on to give early consideration to ratifying the Optional Protocol to the CAT.

The pivotal role of the OSCE in eradicating and preventing torture has been widely acknowledged. Most recently, at the margins of the OSCE Ministerial Council Meeting in Kyiv, civil society organizations noted that “OSCE is in a unique position to combat torture as all OSCE participating States, whether or not they are parties to other international treaties against torture, have taken on an unequivocal OSCE commitment regarding freedom from torture as part of the Organization’s comprehensive security concept.”

Ways to eradicate and prevent torture have previously been addressed by the OSCE. In 2003, the third Supplementary Human Dimension Meeting focused on the prevention of torture stressing it was a serious concern in OSCE participating States. Recommendations were put forward with respect to ways to address the specific challenges and concerns identified. In 2012, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Mendez, was invited to the Human Dimension Committee of the OSCE Permanent Council, where he encouraged OSCE participating States to take all necessary measures to follow up on the implementation of the recommendations issued by UN Special Procedures and other mechanisms such the treaty bodies (CAT/SPT). He also called on OSCE structures to become more active in the field of the prevention of torture in order to further strengthen international and regional standards on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

Eleven years down the road, the implementation of States’ obligations and commitments under CAT, OPCAT and the OSCE commitments remains a key challenge in the OSCE area. It is time

that the OSCE, its institutions and participating States took stock of the status of progress on the follow-up to the recommendations. The meeting will thus provide a platform to reassess the situation in light of any new challenges and opportunities, share experiences with civil society and other international organizations active in the prevention of torture, and develop strategies and solutions for moving forward with enhanced efficiency.

### **Working Session 1**

#### **TAKING STOCK OF DEVELOPMENTS IN THE OSCE REGION SINCE THE 2003 SHDM ON THE PREVENTION OF TORTURE**

OSCE participating States have committed themselves to take effective legislative, administrative, judicial and other measures to prevent and punish torture and ill-treatment [Vienna 1989]. Given that eleven years have elapsed since the 2003 Supplementary Human Dimension Meeting on the Prevention of Torture, the developments that have taken place since need to be discussed in the context of the challenges and opportunities identified in 2003, with a view to assessing the progress made.

The entry of OPCAT into force in 2006 and the subsequent creation of the UN Subcommittee on Prevention of Torture (SPT) as the international component of the visit system established by OPCAT are of key importance in the efforts aimed at eradicating and preventing torture. This discussion would benefit from individual participating States sharing their experiences with this instrument and the opportunities it opens for stepping up work on torture eradication. The discussion will also shed light on the contribution by civil society in the prevention of torture, in connection with its increasingly prominent role, notably in the area of establishing and reinforcing the system of visits as established by OPCAT.

Issues that can be discussed in connection with this topic are:

- What progress has been made on the implementation of OSCE human dimension commitments and on recommendations emanating from the 2003 OSCE Supplementary Human Dimension Meeting on the Prevention of Torture?
- What procedural safeguards against torture and other ill-treatment are available in OSCE participating States? What are the gaps and challenges? What steps are being made to eradicate torture during interrogation? How can OSCE participating States ensure that evidence obtained under torture is ruled inadmissible?
- What custodial safeguards against torture and other ill-treatment exist? What are the challenges?
- What are the risk factors for torture while in custody? Are there any specific groups that are disproportionately affected? How are the gender-specific needs of persons deprived of their liberty being met? What efforts are underway to protect persons deprived of their liberty from sexual and gender-based violence?
- Do torture eradication efforts cover places of deprivation of liberty that are outside the criminal justice system (such as social care institutions, migrant detention centers, psychiatric wards, substance abuse treatment facilities)? What safeguards are applicable to deprivation of liberty in such facilities?
- Do participating States exercise jurisdiction over acts of torture and other ill-treatment committed abroad?
- What progress has been made since 2003 to ensure that anti-torture efforts are sufficiently victim-centered? What steps have been made by participating States to ensure that the right of victims to justice and to full reparations, including compensation and rehabilitation, is respected?

## **Working session 2**

### **NATIONAL LEVEL RESPONSES AND THE ROLE OF NATIONAL PREVENTIVE MECHANISMS**

The OPCAT, which opens domestic detention facilities to international scrutiny, provides for the establishment of independent and effective domestic monitoring mechanisms, has been ratified by 37 participating States.

Participants in the 2003 OSCE Supplementary Human Dimension Meeting on the Prevention of Torture, called on the participating States that had not yet ratified or acceded to OPCAT to do so. They also recommended that participating States ensure transparency of detention conditions, allow for monitoring by both national and international mechanisms, enable independent monitoring structures to conduct frequent periodic monitoring visits without preliminary notice, and facilitate NGO involvement in such monitoring.

Further effort is required to promote National Preventive Mechanisms (NPMs), to provide for a permanent and dynamic exchange of best practices, especially due to the evolving nature of the challenges and the dynamic evolution of the international law in this regard. The session will also discuss the role of bodies vested with monitoring powers in participating States where NPMs have not yet been established, in particular the role of National Human Rights Institutions.

Issues that can be discussed in connection with this topic are:

- What are the challenges to the universal ratification of the OPCAT in the OSCE region?
- What are some models of NPMs in the OSCE region?
- What is the status of implementation of State obligations under OPCAT? What are gaps and challenges as well as good practices?
- What is the role of civil society organizations in monitoring places of detention? What is the relationship between civil society organizations and NPMs, where such exist? How can civil society organizations better contribute to torture prevention?
- Are NPMs able to achieve their stated objectives? What are the main challenges they experience in their activities? Are NPMs perceived as credible? How can their credibility be boosted?
- How can NPM independence, both in institutional, personal and financial terms, be ensured in practice? What are some good practice examples?
- How effective are the existing mechanisms for monitoring places of deprivation of liberty other than traditional places of detention, such as prisons? Do NPMs have access to facilities such as social care institutions (including children's residential institutions), migrant detention centers, psychiatric wards (including those of private hospitals), and substance abuse treatment facilities?
- Is the existing format of the work of NPM adapted to the current challenges?
- What is the status of cooperation between national monitoring bodies (including NPMs) and international monitoring bodies? How can such cooperation be further enhanced?
- What complaint mechanisms exist? Are they assessed as effective? What are the relevant challenges and good practices?
- How can independent, prompt and effective investigation and prosecution of acts of torture or other ill-treatment be ensured in practice? What are some solutions?

### **Working Session 3**

#### **THE ROLE OF THE OSCE IN ASSISTING PARTICIPATING STATES TO PREVENT TORTURE: THE WAY FORWARD**

Torture is a complex phenomenon that cannot be effectively tackled without effective cooperation and coordination among the various actors involved. In particular, on the international level, synergies need to be built within the OSCE system, as well as with other international organizations of relevance, such the United Nations and the Council of Europe. In particular, regular exchanges between the UN, the Council of Europe and the OSCE are likely to contribute to strengthened inter-institutional contacts at the global and regional level and to the ultimate success of torture prevention efforts. This discussion can serve both to identify possible priorities for joint further action, as well as specific recommendations for reform strategies.

The contribution by the OSCE, and specifically ODIHR and OSCE field operations, into torture prevention efforts will be discussed. In particular, the discussion will touch upon challenges highlighted through consultations between ODIHR and OSCE field operations, such as insufficiently strong accountability mechanisms and the role that failure to conduct effective investigations as well as structural issues may play, with a view to identifying ways of addressing these challenges in a maximum efficient manner.

Issues that can be discussed in connection with this topic are:

- How efficient and effective is the cooperation and coordination within the OSCE system, including between the OSCE Secretariat (Strategic Police Matters Unit in particular), ODIHR and OSCE field operations? What good practice is available? What challenges still remain and how can they be overcome?
- How efficient and effective is the cooperation and coordination between the OSCE, on the one hand, and other international organizations engaged in the fight against torture, such as the United Nations and the Council of Europe? How can synergies be further promoted?
- How can added value and role of the OSCE be shaped in the future?
- What is the role of individual and institutional performance evaluation indicators in reducing incentives for torture? What are some good practices from OSCE participating States? How can the OSCE, and ODIHR in particular, assist participating States in the development of such indicators for relevant agencies?
- How can internal accountability be promoted? What are some good practice examples in this regard? How can the OSCE, and ODIHR in particular, assist participating States in the development of internal accountability mechanisms for relevant agencies?
- What skills do police and prosecutorial professionals need to effectively and efficiently investigate and prosecute crimes without resorting to torture? How can the OSCE, and ODIHR in particular, assist with building relevant capacities?
- How have relevant police standard operating procedures and protocols for other agencies identified as key for torture prevention been human-rights and gender-mainstreamed? How can the OSCE, and ODIHR in particular, assist participating States in further improving such standard operating procedures and protocols?