

## **Human Dimension Implementation Meeting, 2017**

### **Working session 12: Rule of law I**

#### **Statement by the Public Verdict Foundation**

Torture has continued to be among the worst human rights violations in many OSCE participating States. In some countries and regions, torture is widespread and systematic and is practiced with impunity. Prosecution rates against perpetrators are shamefully low, which also proves the systemic nature of torture in many contexts. Even where there are bona fide attempts at prosecution, these are often undermined by the lack of adequate safeguards and by corrupt, obstructive and nontransparent investigative mechanisms. Civil society actors believe that OSCE participating States, political bodies and institutions should do much more to address this major problem

On behalf of the Civic Solidarity Platform, wide coalition of about 90 human rights NGOs working in OSCE countries I would like to highlight the most important recommendations elaborated by the Platform (<http://civicsolidarity.org/article/1172/osce-parallel-civil-society-conference-2016-outcome-documents>)

#### **To the OSCE:**

- The OSCE should ensure that torture prevention is a priority for the organisation, building on the work of the Swiss Chairmanship in 2014 and ODIHR since then, and using civil society recommendations.
- The OSCE should ensure the preparation of updated OSCE commitments on eradicating torture which should address the new challenges and include enforced disappearance as a form of grave human rights violation and torture.
- The OSCE should develop an OSCE strategy outlining measures to eradicate torture in participating States, including monitoring of places of deprivation of liberty, prevention, investigation and documentation, prosecution, and ensuring redress, including reparations and the right to rehabilitation.

- OSCE/ODIHR should continue to support the work of the Focal Point on Torture Prevention, establish an expert panel on combating torture. The panel should meet regularly to assess relevant laws and practices in participating States, monitor progress, give advice to participating States on implementation of their commitments on the eradication of torture, and provide advice and assistance to the ODIHR Focal Point on Torture Prevention in implementing its mission.

**To member states:**

- States should ensure the effective investigations into all cases of torture or ill-treatment and bring the perpetrators to justice.
- States should ensure that any deprivation of liberty is properly documented from the moment of apprehension of a suspect in accordance with procedures prescribed by law.
- States should guarantee access to an alternative forensic examination for any alleged victim of torture and ill-treatment and ensure that the findings of such examinations carry equal weight under domestic procedural legislation.
- States should ensure that the work of doctors and other medical personnel in detention facilities is truly independent.
- States should ensure that adequate medical services are available to all detainees at all times and that medical personnel working inside detention facilities are trained on the application of the provisions of the Istanbul Protocol.
- States should ensure that no person is expelled, forcibly returned or extradited to a country where he or she is at risk of being subjected to torture or ill-treatment, and create effective domestic mechanisms, including judicial review, to prevent the transfer of people to such countries.