



Torture prevention works-but requires a holistic approach

Statement to the 2016 OSCE Human Dimension Implementation Meeting, Working Session 9, "Rule of law II"

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Yes, torture prevention works.

This is the conclusion of a recent research commissioned by the APT, based on extensive qualitative and quantitative analysis carried out in 16 countries worldwide, amongst which 6 OSCE participating States, reflecting over a 30 year period.

But torture prevention only works when the mere commitment to prevent abuse is translated into effective laws and practices, and it necessitates a holistic approach to the issue: efficient legal basis, translated into concrete good practices; the exercise of efficient oversight over these laws and practices, through monitoring among others; a genuine will to end torture and a culture of torture prevention amongst State authorities, including detaining authorities- as well as the wider public.

Safeguards in the first few moments and days of detention are essential to prevent torture. So is effective investigation into torture allegations, effective prosecution and the fight against impunity. Many other elements also play a role. Monitoring is key to ensure that all these elements are in place and functioning; and in that sense, National Preventive Mechanisms (NPMs) set up under the Optional Protocol to the UN Convention against Torture (OPCAT) are some of the key contributors to preventing torture and ill-treatment.

However, on these ten years after the entry into force of the OPCAT, the picture is quite mixed in the OSCE region. Many NPMs have contributed to concrete and important change in policies and practices, and shed light on abuses they successfully asked authorities to address- whether by addressing overcrowding in prisons, or abusive seclusion and restraints in psychiatric institutions, among others. Still many other NPMs do not benefit from the support they need from their States to implement their OPCAT mandate. Their independence, their resources, their access to all places of

detention, persons and information are in some instances still not guaranteed. Their recommendations are not always followed through, nor incorporated in State strategies.

We call on OSCE participating States to ensure that their NPMs can implement their OPCAT mandate effectively and independently, and hence, contribute to effectively preventing torture in their countries, and foster the long needed changes for a genuine protection of all persons deprived of their liberty in the OSCE region.