



association pour la prévention de la torture
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Addressing discrimination in detention in the OSCE region: a pressing need

Statement to the 2015 OSCE Human Dimension Implementation Meeting, Working Session 5, "Tolerance and Non-Discrimination I"

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The APT would like to take the opportunity of this session on tolerance and non-discrimination to bring to your attention the issues specific individuals, or groups, face when deprived of their liberty, because of their age, gender, ethnicity, religion or physical and mental health, among others.

One rarely thinks about such situations when discussing discrimination issues. Yet, it is crucial for the protection of those who generally face specific patterns of marginalization outside of detention, that the higher risks of torture and ill-treatment that they face in detention are known and effectively addressed.

All 57 OSCE participating States are parties to the UN Convention against Torture (UNCAT), and hence have committed to combat, and prevent, torture and other ill-treatment. Another 41 have ratified the Optional Protocol to this Convention (OPCAT) and committed to opening up their places of detention to external oversight. However, providing the right level of protection to some of those who are the most vulnerable in detention still remains a key challenge in the OSCE region.

The APT recalls that a set of preventive measures can be taken to address this issue, by addressing the specific needs of some categories of detainees. Special protection measures, such as specific standards and safeguards, should apply in cases of heightened risks of discrimination, ill-treatment or torture in detention. Children are one such example: the UN Special Rapporteur on Torture has for instance called for the prohibition of solitary confinement for them. Women, who represent 2 to 9 percent of prisoners worldwide, should also benefit from specific protection measures, as enshrined in the Bangkok rules. There are many more examples one could raise: when in detention, foreigners should for instance enjoy equal access to information, in a language they understand. Persons with disabilities should enjoy equal access to work

in prison. More generally, discrimination in detention should be prohibited, as enshrined in the revised Standard Minimum Rules, known as Mandela rules, which should be adopted soon by the UN General Assembly. These rules also require prison administrations to take into account the individual needs of prisoners, in particular the most vulnerable categories in prison settings, and to protect and promote their rights.

The APT calls on OSCE participating States to consistently apply these standards, and to ensure that the dignity and rights of all individuals and groups are effectively protected in situations of deprivation of liberty.

It is crucial to foster further discussions and enable exchange of best practices on this important issue, including between National Preventive Mechanisms whose role in protecting detainees in situations of vulnerability can be instrumental. The APT will contribute to this process by holding a dedicated side event tomorrow at 6pm, bringing together detention monitoring practitioners and anti-discrimination experts from the OSCE region to discuss how to effectively protect the rights and dignity of all those who are deprived of their liberty.

The OSCE's role could be key in this process, also as regards its enhanced focus on torture prevention which includes the creation of a new, dedicated position within ODIHR.

We call on the OSCE to advance the protection of individuals and groups in situations of vulnerability in detention, by building further links between its torture prevention and its anti-discrimination work.