



Recommendations to OSCE Human Dimension Implementation Meeting:

Prevention of Torture

6th October 2006

Introduction

On 22 June 2006 the Optional Protocol to the UN Convention against Torture (OPCAT) entered into force, one month after the 19th and 20th ratifications of the instrument by Bolivia and Honduras on 23 May.¹ The importance of the entry into force of the Optional Protocol should not be underestimated. The UN Special Rapporteur on Torture, Manfred Nowak, captured the significance of the moment by stating: “*The OPCAT is the most important development for the effective prevention of torture at the universal level*”.

Practical experience has shown that visits to places of detention are one of the most effective means to prevent torture and other forms of ill-treatment and to improve conditions of detention. Visits not only have a deterrent effect, but they also enable experts to examine at first-hand the treatment of persons deprived of their liberty and their conditions of detention. The OPCAT embodies this concept by creating a system of independent inspection of places of detention at the national and international levels.

The Association for the Prevention of Torture (APT) believes that the ratification of the OPCAT is an example of one simple, albeit effective measure, which OSCE participating States could undertake to counter unacceptable abuses in places of detention. Taken together with other torture prevention measures, the effective implementation of OPCAT will help to create a culture of prevention within places of detention throughout the OSCE region.

The APT therefore very much welcomes the decision of those 14 OSCE participating States which, to date, have ratified or acceded to the OPCAT. It therefore strongly urges other OSCE participating States to follow their positive example and take immediate steps to open up their places of detention to enhanced international and domestic human rights scrutiny.

APT recommendations

To make the regular, independent monitoring of places of detention, as foreseen in the OPCAT, a reality in the OSCE region the APT recommends the following measures as a matter of priority:

- OSCE participating States should give serious consideration to the early signature, ratification and, thereafter, should ensure the effective implementation of the OPCAT. The APT believes that ratification of this important human rights instrument will send a strong signal to the international community of the importance which each state attaches to combating torture;

¹ It is not known which state was the 20th to ratify.

- OSCE participating States are encouraged to initiate a dialogue with other OSCE participating States, which have already signed or ratified the OPCAT, in order to facilitate an exchange of information and best practices on the establishment and effective functioning of national visiting mechanisms;
- OSCE participating States are also urged to initiate a dialogue on the OPCAT at the national level. These discussions should involve a wide range of relevant national actors, including representatives of civil society and any actors already engaged in the monitoring of places of detention;
- The APT very much welcomes valuable exchanges of information about torture prevention measures, including the OPCAT, such as the past working sessions on the subject held at OSCE Human Dimension Implementation Meetings. The OSCE-ODIHR is therefore encouraged to keep the issue of torture prevention on its agenda and facilitate further international exchanges of information and best practices in relation to such matters;
- The OSCE-ODIHR is also strongly encouraged to organize or co-organize future side-events at Human Dimension Implementation Meetings on the issue of the OPCAT in the context of torture prevention. The APT recalls its decision to co-sponsor such an event with the APT and the Governments of Denmark and Switzerland at the 2005 Human Dimension Implementation Meeting and urges it to do so again in future;
- The OSCE-ODIHR could also play an important role facilitating dialogue at the country level. These activities would be particularly relevant in the light of the OSCE-ODIHR's and OSCE field missions' ongoing efforts to promote the monitoring of places of detention in certain OSCE participating States and its production of important information materials on the subject. The APT strongly encourages the OSCE-ODIHR to expand upon its invaluable activities in this respect and advance national discussions on the merits of the OPCAT as an instrument to prevent acts of torture and other forms of ill-treatment. It is relevant to note that OSCE-ODIHR and several OSCE field missions have already done so or are currently doing so in Kazakhstan, Montenegro, Moldova and Ukraine.
- The aforementioned attempts to counter practices of torture and 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 the OSCE Chairman-in-Office and the Permanent Council 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.

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