

Joint Statement on the Occasion of the International Day in Support of Victims of Torture

26 June 2010

Four United Nations mechanisms involved in preventing torture and helping its victims have stated that despite a well-built international legal framework, torture prevails in many regions of the world and is often accompanied by an alarming degree of impunity.

The United Nations Committee against Torture; the Subcommittee on Prevention of Torture; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture marked the International Day in Support of Victims of Torture with the following statement:

“We are deeply concerned that torture continues to be widespread and that certain practices amounting to torture as well as to cruel, inhuman or degrading treatment or punishment were reinvigorated, in particular in the context of the so-called global war on terror after 11 September 2001. The prohibition against torture and other forms of inhumane treatment is absolute and cannot be derogated even under emergency situations.”

“States must take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under their jurisdiction. In addition they should ensure that no reason based on discrimination of any kind be used as justification for torture or inhumane treatment. The lack of criminalization of torture and inadequate sanctions are main factors contributing to impunity. We often see that in the few instances where perpetrators are held accountable they often receive sentences far below what is required by international law. In order to live up to their obligation to protect everyone subject to their jurisdiction from torture, States must ensure that all acts of torture are criminalized as offences in their domestic penal law and punishable with appropriate penalties that take into account their gravity.”

“Recent studies have shown that some States, invoking different types of emergencies, have been directly or indirectly involved in practices such as secret detention, disappearances, expulsion or extradition of individuals to countries where they were in danger of torture, and other unlawful treatment or punishment in violation of the Convention against Torture and other international human rights instruments and humanitarian law. We are dismayed to see that in almost no recent cases have there been judicial investigations into such allegations; almost no one has been brought to justice; and most victims have never received any form of reparation, including rehabilitation or compensation.”

“Torture leaves indelible traces on the body and minds of the victims and reparation can almost never be complete. Often, the right to a remedy and reparation for victims of torture is non-existent or severely limited. Adequate reparation, tailored to the needs of the victim including compensation and rehabilitation, is rarely provided or entirely dependent on the limited resources of private entities and civil society organizations. In light of these concerns, we call upon all States to ensure that victims of torture and other form of cruel, inhuman or degrading treatment

obtain full redress and urge them to adopt general guarantees of non-repetition including taking determined steps to fight impunity.”

“In this troublesome context, more than twenty years after its entry into force, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment is still far from universal ratification. As of today, it has 147 States parties, of which only 64 States have made the declaration under article 22 recognizing the competence of the Committee against Torture to receive individual communications. We urge all States to become party to the Convention against Torture and make the declarations provided under article 22 of the Convention, on individual complaints, in order to maximize transparency and accountability in their fight against torture and its related impunity.

“Four years after its entry into force, the Optional Protocol to the Convention against Torture has 51 State Parties. The Optional Protocol is a key instrument to prevent torture and ill-treatment by ensuring the establishment of independent and effective national preventive mechanisms empowered to visit places of detention. We therefore urge all States to ratify the Optional Protocol and thus to engage with the Subcommittee on Prevention of Torture. We further call upon those States Parties to the Optional Protocol that have not yet done so to establish the National Preventive Mechanisms to thus live up to their obligations related to the prevention of torture and ill-treatment.”

“On this International Day in Support of Victims of Torture, we pay tribute to the Governments, civil society organizations and individuals engaged in activities aimed at preventing torture, punishing it and ensuring that all victims obtain redress and adequate compensation, including the means for as full a rehabilitation as possible. We express our gratitude to all donors to the United Nations Voluntary Fund for Victims of Torture, which currently supports the work of over 200 organizations in more than 60 countries, and hope that contributions to the Fund will continue to increase to make it possible for victims of torture and members of their families to receive the assistance they need. We call on all States, in particular those which have been found to be responsible for widespread or systematic practices of torture, to contribute to the Voluntary Fund as part of a universal commitment for the rehabilitation of torture victims and their families.”

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