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Making the prevention of torture and ill-treatment a priority

22 June 2006 marks the entry into force of the Optional Protocol to the UN Convention against Torture (the Protocol). The Coalition of International NGOs Against Torture (CINAT)* congratulates the following states who have enabled this momentous event by becoming the first 20 to ratify the Protocol: Albania, Argentina, Bolivia, Costa Rica, Croatia, Denmark, Georgia, Honduras, Liberia, Maldives, Mali, Malta, Mauritius, Mexico, Spain, Sweden, Paraguay, Poland, the United Kingdom and Uruguay.

The Protocol aims to prevent torture and other cruel, inhuman or degrading treatment or punishment by establishing a system of regular visits to all places of detention. These visits will be carried out by independent "national preventive mechanisms" which states parties undertake to establish or designate, and by a new international expert body, the Subcommittee for the Prevention of Torture (Subcommittee).

Regular and unrestricted visits to places of detention constitute an important part of an effective overall strategy to prevent torture and other ill-treatment. Visits by independent bodies not only have a deterrent effect but they also enable experts to examine at first hand the treatment of all persons deprived of their liberty and conditions of detention, to make recommendations for improvements and to monitor their implementation. Visits also enable detainees to maintain invaluable contact with the outside world.

The Protocol is innovative in three ways. Firstly, it provides for a combination of national and international monitoring bodies that work in tandem. Secondly, unlike existing UN mechanisms the Subcommittee and national preventive mechanisms do not require an invitation to visit; states that ratify the Protocol must accept visits by these bodies without the need for prior consent and to work with them to implement their recommendations. Thirdly, the Subcommittee is mandated to advise and assist both States Parties and National Preventive Mechanisms.

The entry into force of the Protocol is particularly important at a time when the scourge of torture continues unabated. Some states are not only engaging or being complicit in torture or ill-treatment in practice but also trying to circumvent or weaken longstanding fundamental legal guarantees that protect the rights of all persons deprived of their liberty, from torture and ill-treatment

Now that the Protocol has entered into force the Subcommittee will be established and states parties have one year within which to create or designate their national preventive mechanisms. Accordingly, states parties must give serious consideration to the implementation of the Protocol.

CINAT calls on all states parties to the UN Convention against Torture to ratify and implement its Protocol as a matter of urgency. Those states that have yet to ratify the UN Convention against Torture should do so and give priority to signing and ratifying the Protocol.

CINAT urges all states parties to the Protocol to ensure that individuals elected as members of the Subcommittee possess the appropriate independence and expertise to enable the Subcommittee to fulfil its mandate and make a positive contribution to the protection of all detainees.

CINAT calls on all member states of the UN to ensure that sufficient resources are allocated to enable the Subcommittee to function effectively.

CINAT calls on all states, intergovernmental and non-governmental organizations and other private or public entities to finance the Special Fund set by the Protocol.

CINAT calls on all states parties to establish effective, independent national preventive mechanisms.

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See: www.amnesty.org/stoptorture