

What are the objectives of the MENA Roundtable?

The objective of this roundtable discussion is to **define a strategy** aimed at increasing the number of OPCAT States Parties from the region and ensuring effective implementation in these states.

Overview of the situation of the OPCAT in the Middle East and North Africa

OPCAT ratifications in MENA

A number of states of the region supported the adoption of the OPCAT in the UN General Assembly in December 2002, namely Morocco, Bahrain, Jordan, Lebanon and Yemen. However, when the OPCAT entered into force in June 2006, no MENA State had ratified the instrument. Five years later, only two states have done so: **Lebanon** in December 2008 and **Tunisia** in June 2011. The government of Morocco has agreed to accede to the OPCAT and has adopted the necessary legislation in 2011. It is expected that by November 2011 this North African state will count among the OPCAT States Parties in the region.

OPCAT implementation: National Preventive Mechanisms in MENA

Lebanon has not yet implemented the OPCAT, as there has been a considerable delay in establishing a National Preventive Mechanism (NPM) (despite the one-year deadline to do so). Tunisia is expected to start considering how to best set up its NPM in the near future.

The Subcommittee for the Prevention of Torture (SPT) and MENA

The SPT visited Lebanon in June 2009. The Lebanese government has so far not agreed to publish the report of the SPT's visit, but might be willing to share its experience regarding receiving an SPT visit with others.

Since February 2011 the MENA region is also represented among the international experts that compose the SPT: a Lebanese expert is member and Vice-President of the body.

Overview of the progress and challenges of the OPCAT in MENA five years after its entry into force

1. Acceptance of the OPCAT philosophy

The concept of **visits to places of detention** by independent experts as a means to protect human dignity is quite **well known in the region**. All over the region, hundreds of thousands of detainees have received visits by the International Committee of the Red Cross (ICRC), be it in detention in their own country or as prisoners of war. Some of the National Human Rights Institutions in the region also conduct visits, while other states have tasked Ministries of Human Rights with conducting regular inspection visits. Very few NGOs have obtained access so far.

2. The principle of independent scrutiny is not accepted by all authorities

However, the principle of **scrutiny is not accepted everywhere** yet. Certain authorities, such as secret services and the military are **reluctant**. In general,

resistance seems to be stronger against international scrutiny than against visits by national experts. But there are indications of a **change in mentalities**, with several States having recently issued standing invitations to UN special procedures (Qatar, Lebanon, Tunisia).

3. Lack of awareness about the nature of OPCAT as implementation mechanism

The prevention of torture is a state obligation under article 2 of the UN Convention against Torture, widely ratified in the region. The **OPCAT is a practical mechanism** that **supports states** in implementing the obligations that they have already accepted. However, state officials frequently think that they first need to fully implement the Convention before proceeding to OPCAT ratification.

4. Preventing torture in the context of positive political transition

All over the region popular movements call for an end to torture. Some movements have managed to force autocratic leaders from power. But the fall of an authoritarian regime alone does not automatically end a widespread culture of torture. Justice and security sector reforms are needed. The OPCAT is an ideal **tool to steer such reform processes** and help the public regain control over, and trust in, the law enforcement agencies and therefore the state structures.

Proposed concrete ways forward for discussion

The objective of the roundtable is to **define a region-specific strategy** on OPCAT ratification and implementation. Different ways to implement such a strategy will also be discussed. For example, the participants could form a regional coalition and/or initiate a regional campaign. Individual states, national human rights institutions (NHRIs) or NGOs or even regional bodies could emerge as leaders.

Drawing on initial experiences, the discussion will look at the following questions:

1. How to **increase awareness** about the added value of the OPCAT in the region?
2. Which arguments can **convince decision makers** in the region to ratify?
3. What are the **obstacles to ratification** and how can we overcome them?
4. Who are the **potential allies** for ratification campaigns (NGOs, NHRIs, media, parliamentarians, youth, spiritual leaders, regional organisations, etc.)?
5. What are the main **challenges** in establishing and designating **National Preventive Mechanisms** and how can they be overcome?
6. How to ensure **legitimacy, credibility and independence** of National Preventive Mechanisms in the region?