

## What are the objectives of thematic session N°1?

- To exchange experiences in campaigns and advocacy for OPCAT ratification and implementation, and identify elements of success and failure.
- To find concrete and practical ways to improve the effectiveness of campaigns and advocacy on the OPCAT.
- To invigorate collaboration and actions in promoting the OPCAT, to ensure increased ratifications and better implementation worldwide.

## Why is thematic session N°1 relevant to the OPCAT Global Forum?

Five years after its entry into force, a wealth of expertise has been developed in campaigning and advocating for OPCAT ratification and implementation. A wide range of actors has been involved in these efforts, including civil society organisations, national human rights institutions (NHRIs), international and regional human rights bodies and mechanisms, parliamentarians and academics, in countries around the world. In addition, guidelines on promoting the OPCAT have been published,<sup>1</sup> and country examples have been identified as models of good practice and replicated in different regions.

Initially, most campaigns and advocacy focused on OPCAT ratification as the main objective. More recently, these efforts have been combined with promoting the OPCAT's domestic implementation (including the establishment of NPMs), as it has become clear that this also takes time and active engagement. Ensuring transparent, inclusive and participatory consultations has been at the heart of many campaign and advocacy strategies. The time has now come to take stock of how effective these strategies have been, what has worked well and what could be done better, in order to assist in strengthening future efforts.

## What are the main issues to be discussed?

### 1. Progress in OPCAT-related campaigns and advocacy

- Since the OPCAT's adoption in 2002, campaign and advocacy efforts have been a key force in ensuring headway in the prevention of torture and other ill-treatment (hereinafter "torture") through the OPCAT. The OPCAT principles have now connected more than a **hundred countries**, including the current 61 States Parties, 22 States Signatories and additional States which are considering its ratification.
- The majority of States Parties and Signatories are taking their **domestic obligations** to prevent torture seriously. Thirty-seven NPMs have been designated so far, and numerous States are examining the most appropriate solutions for implementation, including through consultations.
- An increasing number of different **national, regional and international** actors, including the SPT, have become active in OPCAT promotion and advocacy for implementation, contributing to putting the OPCAT on the political agenda of a wide range of countries.
- There is a growing interest in the **exchange of practices**, experiences and knowledge on OPCAT campaign and advocacy strategies, based on country, region, language and political system specificities (i.e. federal states).
- Campaigns and advocacy on the OPCAT have fostered **constructive dialogue**, respect and collaboration amongst actors whose relationships have traditionally been more confrontational (i.e. government and civil society), for example through inter-institutional working groups.
- Strategies to promote OPCAT implementation have become increasingly context-relevant and sophisticated. **Country-specific NPM options** have been devised, instead of taking a "one size fits all approach", as a key guarantee for future

<sup>1</sup> For example: APT/IIDH, OPCAT: Implementation Manual (2010) and SPT Guidelines on NPMs, UN.Doc CAT/OP/12/5 (December 2010).

legitimacy and effectiveness. In different countries, inter-institutional working groups, NHRIs and members of civil society have been involved in drafting NPM proposals.

- National debates about the designation or establishment of NPMs have contributed to revitalising **wider discussions on torture prevention**.

## 2. Gaps and challenges for OPCAT campaigns and advocacy

- NPM designations have not systematically followed the **results of nationwide consultations** (for instance due to political instability or lack of institutional priority given to the issue).
- The opinions of **persons deprived of their liberty** are often overlooked in the national debates on the most appropriate and effective NPM options.
- In large, decentralised and federal states, OPCAT campaigns and advocacy for implementation have often targeted **federal authorities**, leaving aside actors who would be directly involved in implementation on the ground.
- In many countries, OPCAT ratification and effective implementation relies on the willingness of a **small number of individuals and institutions**, leading to a risk of political and institutional blockages as well as drawn-out processes.
- The role of **parliamentarians** in campaigning and advocating for the OPCAT has often been disregarded, leading to obstacles upon ratification and in ensuring amendments to NPM legislative proposals.
- Plural working groups established to promote OPCAT ratification and effective implementation do not systematically include all **recommended advocacy steps**<sup>2</sup> in their work plans (namely adoption of NPM legislation, adoption of budget, nomination of members and staff etc.).
- Despite advocacy efforts, a number of NPMs have been designated without **any legal foundation**. Furthermore, **key OPCAT requirements** (such as independence, access to all places, persons and information, and sufficient resources) have not been fully translated into NPM founding legislations and/or are not implemented in practice.
- The involvement of the **SPT** in campaigns and advocacy on the OPCAT is based on **individual availability and capacity** rather than institutional priority.

## Ways forward for effective OPCAT campaigns and advocacy

To ensure more effective OPCAT campaigns and advocacy, it is suggested that:

- **Communities of practices** could be established, depending on the type of actors, campaigns, languages, political systems and NPM models established, to exchange views and practices.
- Campaign and advocacy strategies should systematically include and prioritise the designation of **NPMs by law** according to OPCAT requirements.
- **Other actors**, such as judges, parliamentarians and persons deprived of liberty, are closely **associated** to OPCAT campaigns and advocacy, providing inputs on NPM proposals and on the designation of NPM members.
- The **SPT guidelines on NPMs** are further developed, on the basis of consultations with different stakeholders.
- The **role and responsibilities of the SPT** with regard to campaigns and advocacy on OPCAT ratification and implementation are clarified.

## Five questions for debate

1. What are the elements of a successful OPCAT campaign? Should it focus only on ratification or should it include domestic implementation?
2. Which actors should be involved in OPCAT campaigns and implementation advocacy to ensure their success? What are the roles of these actors?
3. What are the main obstacles faced by OPCAT campaigns and advocacy efforts? What are the concrete and practical solutions to overcome them?
4. Are the existing SPT guidelines and other international/regional/national recommendations on OPCAT campaigns and advocacy realistic? How to improve them?
5. What is the impact of OPCAT campaign and advocacy strategies on final NPM designation? On national torture prevention strategies?

<sup>2</sup> See APT/IIDH, OPCAT: Implementation Manual (2010), Chapter IV.