

What are the objectives of thematic session N°2?

- Examine the key elements of a preventive approach to combating torture, as embodied by the OPCAT
- Explore the challenges and added value of the preventive approach in practice
- Identify ways forward to further strengthen the preventive approach and ensure that it is effective in combating torture

Why is thematic session N°2 relevant to the OPCAT Global Forum?

The preventive approach to combating torture is at the heart of the OPCAT. Five years since it entered into force, the time is ripe for asking how this approach is working in practice. By recalling the rationale behind the OPCAT, identifying what is working well in the preventive approach and how we can address obstacles faced, this session addresses essential issues for reinvigorating the momentum for preventing torture through the OPCAT.

What are the main issues to be discussed?

1. Progress

The preventive approach is based on the premise that in order to effectively combat torture a shift in focus is needed from documenting and denouncing cases of torture, to a proactive approach aimed at **reducing the risk of torture and ill-treatment in order to create an environment in which abuse is less likely to occur**. The OPCAT created the first system for the prevention of torture at the international level.

The preventive approach	How it is reflected in the OPCAT
Uses regular monitoring of places of detention to gather first hand information and contribute to transparency.	The OPCAT establishes a system of national and international bodies (NPMs and SPT), which can conduct unannounced visits to all places where people may be deprived of their liberty in States Parties.
Involves a holistic approach : looking at all relevant factors to identify root causes and make concrete solution-based recommendations to reduce risk factors.	The OPCAT bodies have diverse expertise and a broad mandate to examine and make recommendations on all factors relevant to the protection of persons deprived of their liberty .
Is based on cooperation and constructive dialogue between relevant actors, including with authorities.	The OPCAT creates a triangular system of dialogue between all three OPCAT actors (NPMs, SPT and authorities). To facilitate cooperation the SPT works confidentially should a State Party so wish. States Parties have the obligation to examine SPT and NPM recommendations.

- There are an **increasing number of bodies with a specific mandate to prevent torture** at the national (NPMs), regional (i.e. in Europe and Africa) and international (SPT) levels, contributing to shift towards the preventive approach.

- These bodies are building up a wealth of **knowledge and expertise** in the conceptual and practical dimensions of preventive work against torture.
- They are developing good practices in entering into **genuine dialogue with authorities, identifying risk factors** that would not otherwise have come to light and making recommendations to **achieve positive change**.
- Developments in the field of torture prevention have contributed to an **increased interest and understanding of prevention** of human rights violations more generally, including within the UN system.

2. Gaps

- Despite progress, **awareness of the preventive approach remains low** among many relevant actors at all levels – especially those outside the human rights community. Some may know about prevention but not be convinced that it works.
- Not all preventive bodies have the necessary **resources, independence, expertise and skills** to fulfil their preventive mandates.
- **Constructive dialogue** is central to the preventive approach, but there are sometimes challenges faced in achieving this in practice (and possible limitations to its effectiveness in all situations).
- There are **drawbacks to confidentiality**: it limits follow-up by other actors as well as transparency (the rationale behind preventive visits).
- There is room to better understand how prevention relates in practice to **more traditional case-based** work (in particular when the same body tries to do both).
- There is a risk that torture prevention is misused as **window-dressing** by some actors to avoid taking real action.
- Challenges remain in **measuring the impact** and therefore assessing (and demonstrating) the effectiveness of torture prevention.

3. Ways forward

To further strengthen the preventive approach and its impact, it is suggested that:

- Concerted and coordinated efforts are made to **improve knowledge** and understanding of torture prevention among a broader range of relevant actors.
- Knowledge and expertise is pooled, in order to **further develop the conceptual and practical understandings** of the preventive approach against torture.
- The **exchange of good practices** and experiences between preventive actors is facilitated to further strengthen capacities and find ways to address obstacles.
- **Synergies** between preventive bodies are strengthened to ensure coherence, avoid gaps and maximise impact.
- All actors working against torture are encouraged to **mainstream** the preventive approach in their work.
- **Sufficient investment** is made in prevention by governments, donors and others.
- A debate is launched about whether the **impact of torture prevention** can/should be measured and if so how.

Five questions for debate

1. What are the defining elements of a preventive approach to combating torture as envisioned by the OPCAT?
2. How is prevention working in practice? What is working well?
3. What challenges are faced in the preventive approach?
4. What are the key areas of action and collaboration to ensure that these challenges can be overcome?
5. Can/should the impact of prevention be assessed, if so how?