

### What are the objectives of thematic session N°4?

- To explore the financial implications of preventing torture and other ill-treatment and the multidimensional costs of failing to do so
- To identify the opportunities and rewards for investing in the torture prevention system established by the OPCAT
- To identify strategies and arguments to support calls for increased investment in the prevention of torture

### Why is thematic session N°4 relevant to the OPCAT Global Forum?

The prevention of torture requires resources, both to ensure that preventive bodies can effectively carry out their mandates and for the implementation of the preventive measures they recommend. However, the necessary investment is often lacking.

**Financial constraints** are overwhelmingly cited by states as the **main hindrance in taking preventive measures** (including ratifying the OPCAT, financing NPMs and implementing recommendations). This however ignores the fact that the prevalence of torture itself represents important costs, and availability of funding is often a question of political will. Moreover, creative thinking may help in designing cost effective prevention strategies.

In addition, richer countries have cited the supposed “**absence of torture**” as a **justification for providing prevention bodies with little or no resources**. This view is however misguided, because the risk of infringement on a person’s dignity exists everywhere, including in wealthier states.

Notwithstanding the above, **prevention is not cost neutral**. Financial decision makers and the international donor community must therefore identify the costs provoked by a lack of investment in prevention and the potential benefits of effective prevention systems.

### What are the main issues to be discussed?

#### 1. Progress in investment for torture prevention

The **donor community** is increasingly recognising the importance of preventing torture, shifting from its traditional focus on rehabilitation of torture survivors. Considerable efforts have recently been deployed, for example by the first global aid provider, the European Union, to provide financial resources for torture prevention.

**National actors**, and notably parliamentarians, have demonstrated high levels of determination and commitment to ensure that suitable resources are allocated to NPMs (for example in France and the Maldives). These actors were able to overcome the traditional arguments of “absence of torture” or “absence of funding”.

Some actors have been able to show the enormous **costs of not preventing torture** for communities and societies. For example, a rehabilitation centre for victims of torture in Switzerland<sup>1</sup> found that **the economic and social costs of torture**

<sup>1</sup> Emmanuel Kabengele Mpinga, *Coûts économiques et sociaux de tortures: modèle d'estimation et application à la Suisse*, Centre de thérapie CRS pour victimes de torture, 1999.

**are high** and represent an important burden, including in terms of health care for survivors, social and economic reintegration, including “second generation” victims (children), and loss of productivity due to disabilities and psychological trauma.

The OPCAT system has already brought about **positive changes** in some countries (e.g. improved access to detention facilities by outsiders, improved legal safeguards, closure of worst detention facilities, etc). These sorts of systemic improvements often benefit the lives of many more people than individual case-based approaches. This constitutes one of the central **arguments for a continued and sustained investment** by governments and the donor community in prevention.

## 2. Gaps

Despite the positive developments mentioned above, **torture prevention continues to be chronically under resourced**. This is illustrated, for example, by the fact that:

- Five years after the entry into force of OPCAT, the Special Fund established inter alia to help finance the implementation of SPT recommendations, is still not functioning.
- In some of the wealthier countries in the world, including some that strongly supported the adoption of OPCAT by the UN, NPMs are not given the resources and prominence they ought to receive.

In addition, the **costs of not preventing torture** have not been fully explored and highlighted by actors working in this field.

## 3. Ways forward

To provide a renewed momentum in global investments in torture prevention, it is suggested that:

- An understanding of the **important costs of failing to prevent torture** be further developed
- The **benefits of investing in prevention** be identified and disseminated
- **Practical and creative solutions** for overcoming budget/cost problems be identified
- Continued sustained investments are made by financial decision makers and the donor community to **ensure that the global system of prevention** provided by OPCAT **be fully effective**

## Six questions for debate

1. What are the **financial implications** of preventing torture? What levels of investments are required to make the OPCAT system work effectively?
2. Who are the **key actors** who could/should invest in torture prevention/the OPCAT system and what **factors motivate their choices**?
3. What **strategies and arguments** should be used to support calls for **increased funding** for the prevention of torture/the OPCAT system?
4. What are the **opportunities and rewards** for investing in torture prevention?
5. What are the main **costs of not preventing torture**, and how can these be further explored?
6. What strategies can be used to make **most use of available/limited financial resources** for preventing torture?