



**OSCE Human Dimension Committee**  
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**From pledges to action on torture prevention in the OSCE**

Thank you Chairperson and distinguished Delegates of OSCE States for the invitation to address you today. In order to introduce a discussion on moving from pledges to action in preventing torture in the OSCE (Organisation for Security and Cooperation in Europe), I would like to make some comments on the global, national and then regional dimensions of this challenge.

**Global System**

The first message is a positive response to an on-going problem. We now have a new global system to prevent the persistent and pervasive pandemic of torture.

Ten years ago a global system to prevent torture and ill-treatment was created by the Members States of the UN with the adoption of the Optional Protocol to the UN Convention against torture (OPCAT). The APT is the Swiss based international NGO behind this preventive system. We were also involved in the origin of the European Committee for the Prevention of Torture (CPT), a Council of Europe body that now visits most OSCE States.

As you probably know all OSCE States have ratified the UN Convention against torture. OPCAT enables States Parties to the Convention against Torture to implement their obligation to prevent torture and other ill-treatment, through a novel system of cooperation between States, an international expert body (Subcommittee for the Prevention of Torture – SPT) and national preventive mechanisms (NPMs). Both the international and national bodies are granted access to all places where persons are deprived of their liberty. Not to conduct investigations to prosecute violations but rather to investigate all the causes and dangers that can lead to torture and other ill-treatment. Thus a preventive approach which provides recommendations on actions that must be taken to reduce those risks and improve the treatment of persons deprived of their liberty.

With the most recent ratifications of Hungary and the Philippines, 63 States or one third of the world have joined this preventive system. If one adds those States that have signed the OPCAT, half of the world is agreeing to convert pledges to action to prevent this most serious of human rights violations.

- **OPCAT Worldwide:** 63 States Parties, 22 States Signatories, 40 NPMs
- **OPCAT in OSCE region:** 33 States Parties, 9 States Signatories, 25 NPMs but 14 of the 56 OSCE States have not ratified nor signed the OPCAT. I therefore draw your attention to the OSCE Ministerial Declaration of Athens, of 2009, which called on OSCE States “to give early consideration to becoming parties to the Optional Protocol to the Convention”.

## Effective NPMs

An essential test for the impact of the OPCAT will be the existence of effective National Preventive Mechanisms (NPMs). With their knowledge of the country, permanent presence (and thus deterrence effect), their potential to develop national coherence in prevention policy and their ability to regularly visit all sorts of places of detention, the NPMs have the capability to make major progress in actions to prevent all forms of ill-treatment in detention.

However, in order to be effective they need to fulfil certain criteria, contained in the OPCAT, regarding: their independence, their financial resourcing, their staffing with a variety of relevant expertise, and their mandate guaranteed and publicly recognised by law. With their reports being public NPMs have the chance to not only change public policy but in the process provoke public debate, contribute to legal reform and lead changes in the practices of detention and the training of detention officials.

NPMs are also able to cooperate with the SPT and also with other NPMs. States parties in the OSCE region should also contribute to these exchanges in order to further enhance implementation of this multilateral treaty to prevent torture.

- Out of the 25 NPMs in the OSCE region, there are:
  - 14 National Human Rights Institutions
  - 5 National Human Rights Institutions in formal cooperation with civil society organisations
  - 3 New and specialised torture prevention bodies
  - 3 multiple institutions

The paper contains below the details of where OSCE States stand regarding the OPCAT:

Country	Signature	Ratification / accession	NPM designated
	<b>9 States Signatories</b>	<b>33 States Parties</b>	<b>25 NPMs designated</b>
Albania		01 October 2003	People's Advocate
Andorra	----		
Armenia		14 September 2006	Human Rights Defender's Office
Austria	25 September 2003		
Azerbaijan		28 January 2009	Commissioner for Human Rights
Belarus	----		
Belgium	24 October 2005		
Bosnia and Herzegovina		24 October 2008	
Bulgaria		01 June 2011	
Canada	-----		
Croatia		25 April 2005	Ombudsperson's Office
Cyprus		29 April 2009	Commissioner of Administration /

Country	Signature	Ratification / accession	NPM designated
			Ombudsman
Czech Republic		10 July 2006	Public Defender of Rights
Denmark		25 June 2004	Parliamentary Commissioner for Civil and Military Administration
Estonia		18 December 2006	Chancellor of Justice
Finland	23 September 2003		
France		11 November 2008	General Inspector of Places of Deprivation of Liberty
Georgia		09 August 2005	Public Defender
Germany		04 December 2008	National Agency for the Prevention of Torture (Federal Agency for the Prevention of Torture and National Commission of the Länder)
Greece	3 March 2011		
Holy See	----		
Hungary		12 January 2012	Commissioner for Fundamental Rights (effective in 2015)
Iceland	24 September 2003		
Ireland	02 October 2007		
Italy	20 August 2003		
Kazakhstan		22 October 2008	
Kyrgyzstan		29 December 2008	
Latvia	-----		
Liechtenstein		03 November 2006	Corrections Commission
Lithuania	-----		
Luxembourg		19 May 2010	Ombudsperson's Office ( <i>Médiateur du Grand Duché de Luxembourg</i> )
Malta		24 September 2003	Board of Visitors for Detained Persons and Board of Visitors of the Prisons
Republic of Moldova		24 July 2006	National Centre for Human Rights and Consultative Council
Monaco	----		
Montenegro		06 March 2009	Protector on Human Rights and Freedom
Netherlands		28 September 2010	
Norway	24 September 2003		

<b>Country</b>	<b>Signature</b>	<b>Ratification / accession</b>	<b>NPM designated</b>
Poland		14 September 2005	Human Rights Defender's Office
Portugal	15 February 2006		
Romania		02 July 2009	
Russian Federation	----		
San Marino	----		
Serbia		26 September 2006	Ombudsperson's Office (Protector of Citizens) in cooperation with ombudsperson's offices from autonomous provinces and human rights associations
Slovakia	----		
Slovenia		23 January 2007	Human Rights Ombudsperson's Office, in collaboration with 5 NGOs
Spain		04 April 2006	Ombudsperson's Office with Consultative Council
Sweden		14 September 2005	Parliamentary Ombudsman and Chancellor of Justice
Switzerland		24 September 2009	National Commission for the Prevention of Torture
Tajikistan	----		
The Former Yugoslav Republic of Macedonia		13 February 2009	Ombudsperson's Office
Turkey		27 September 2011	
Turkmenistan	-----		
Ukraine		19 September 2006	
United Kingdom		10 December 2003	18 bodies were designated as part of the UK NPM, coordinated by Her Majesty's Inspectorate of Prisons
United States	----		
Uzbekistan	----		

## **Added value of the OSCE in OPCAT implementation and thus torture prevention?**

Allow me to conclude by returning to the regional and OSCE dimension in preventing torture. I would suggest the following four issues for further discussion with you today:

1. The OSCE can foster increased cross-regional cooperation between States and NPMs to prevent torture, especially if they are parties to the OPCAT. Multi-national problems require adequate multinational responses.
2. The OSCE can encourage more cooperation and follow-up to CPT, SPT and UN Special Rapporteur recommendations on actions to reduce the risk of torture. A positive example was set by Slovenia when it invited the NPM to join the opening and closing meetings of the CPT delegation's visit to the country. If more OSCE states follow suit this would already lead to better follow-up on recommendations.
3. More advantage should be taken of OSCE Field presences, in particular to assist States and NPMs in the implementation of the OPCAT as well as facilitate coordination with UN and regional bodies. Like NPMs OSCE Field presences can take more advantage of their permanent presence and contact with relevant persons.
4. OSCE should request their human rights body ODIHR to reactivate their torture prevention work. From a pro-active policy of a few years ago, torture prevention seems to have slipped in their list of priorities, despite the fact that OSCE States continue to commit themselves to increased prevention initiatives.

And with those four points I would like to conclude so that we can move on to a discussion.

Thank you for your attention.