

# Particularities of the Preventive approach of Torture and Ill-treatment

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# “Prevention of torture” PREVENTION what means?

- ◆ Definition of prevention of torture. Is it necessary?
- ◆ Debating about concept of prevention or its characterization.
- ◆ Prevention of torture characterization
  - Mandate of organs of prevention
  - Mandate vis a vis practice of organs of prevention
  - Skills to prevent torture
  - Methods of work
  - Sending a “message” of prevention to the State
  - Cooperation between international organs of prevention



# Means to prevent torture

## OPCAT AND SPT INSTRUMENTS

- Regular visits to places of detention (in situ visits).
  - ◆ Country brief
  - ◆ Interviews
  - ◆ Confidential reports
  - ◆ Contents of the report:
    - No condemnatory approach
    - Identification of RISKS of torture
    - Conclusions and recommendations
- Advising States in the creation of NPM's (11.B OPCAT)/ Training NPM's
- NPM's independent work
- Follow up and fulfilment
- Complementary and follow up visits
- Special Fund to fulfill SPT's recommendations



# PREVENTION APPROACH

- ◆ PROACTIVE AND COOPERATIVE APPROACH
- ◆ NON EX-POST FACTO INTERVENTION
- ◆ IDENTIFYING CAUSES OF TORTURE
  - NORMATIVE FRAMEWORK (criminal Law and inadequacy of domestic law vis a vis international treaties)
  - LACK OF PREVENTION PUBLIC POLICIES
  - IDENTIFYING WORST PRACTICES

# COOPERATION WITH OTHERS ORGANS

## SHARING MANDATES AND COOPERATION:

- CAT: Confidential info, Annual report, joint session, Reports` agenda, requirement for official budget to UN Administration, OPCAT ratification lobby.
- Special Rapporteur: Confidential info, visits agenda, methods of work, OPCAT ratification Lobby.
- UNHR National Institutions Office: NPM`s: Logistic, training.

Cross cutting: sharing prevention of torture doctrine

- Special Fund Administration

# COOPERATION WITH OTHERS ORGANS

## SHARING MANDATES AND COOPERATION: VISITING PLACES OTHERS ORGANS HAVE NO ACCESS

- IRCC: Confidential info, Agenda, training.
- CPT: Visits agenda, methods of work, training, NPM's.
- Inter-American Commission HR (Special Repporteur on Persons deprivate of liberty), Guidelines.
- African Commission HR (Special Reporteur), Robben Island Guidelines

# COOPERATION WITH NGO'S

## SHARING COOPERATION:

- OPCAT CONTACT GROUP: parallel agenda for debating specific issues, feedback, training, follow up.
- National NGO's: Feedback to prepare country brief, interviews in situ visits, follow up.

Cross cutting: OPCAT ratification lobby, Advising States in creation of NPM's and training.

# COOPERATION WITH NPM'S

## SHARING MANDATE AND COOPERATION:

- Advising on their creation and training (Art. 11.B OPCAT)
- Country brief
- Interviews in situ visit
- Share information
- Joint visits?
- Confidential report
- Supporting in strengthening the NPM's by means of recommendations.
- Methods of work
- NPM's Ranking?

