



association for
the prevention
of torture



Annual Report 2018



Our vision

Torture free societies that protect the dignity of all persons deprived of liberty.

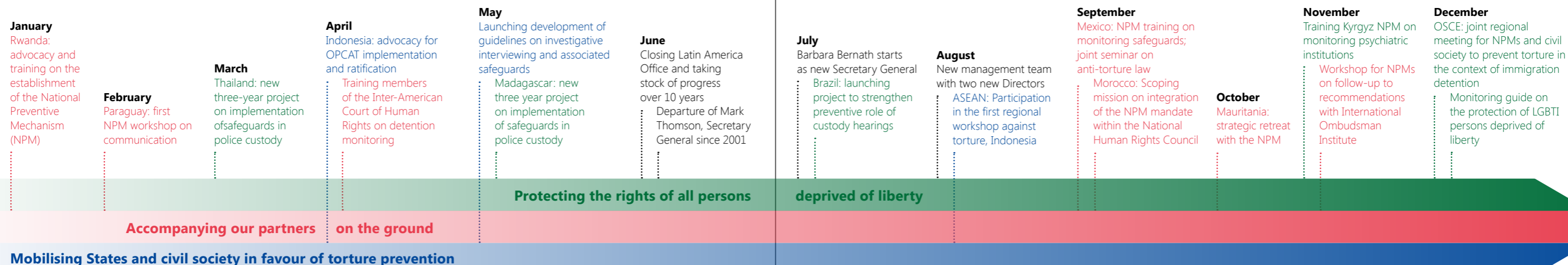
Our mission

Mobilising States and non-State actors in favour of prevention

Accompanying our partners in prevention on the ground

Protecting the rights and dignity of persons deprived of liberty

Preventing torture in 2018



Word from the President

2018 has been a year of change and consolidation for the APT, both in the field of prevention and internally.

Mark Thomson, Secretary General of the APT until end of June 2018, took early retirement after 17 years as the head of the organisation. His influence, expertise and ability to advocate with strength and conviction for torture prevention have borne fruit. Many milestones have been set since the adoption of the Optional Protocol to the UN Convention against torture. The APT owes him a lot.

From the 1st of July 2018, Barbara Bernath, has started as Secretary General and is supported by a management team composed of Jean-Sébastien Blanc and Audrey Olivier Muralt. It is now important to define priorities for the future. This goes hand in hand with reflection and an evolution of APT's internal organisation. I take this opportunity to express my gratitude to all the colleagues from the staff who have demonstrated a precious capacity to adapt.

Another sign of our adaptation, the Regional Office based in Panama has finished the mission assigned to it in Latin America. Progress made thanks to networking and the creation of National Preventive Mechanisms (NPMs) in the region enabled the APT to close the office.

If we look towards the future, there is so much more to do at a time when financial resources are not easy to obtain. Funding our activities will be a real challenge, in the coming years. We know it is possible only if we are able to convince others of the effectiveness of our efforts. The present annual report is a contribution to this effort. I wish you good reading.

Martine Brunschwig Graf,
President



This report proposes an insight of APT's achievements in 2018. Additional country-specific activities are available on the online version of the map. These are the results of our unique way of working, which has prevention at its heart:

- Prevention is about reducing risks of torture and ill treatment. Our focus on **addressing heightened risks** during arrest, interrogation and police custody is bearing fruit. We support partners in the implementation of concrete safeguards in Madagascar, Thailand and Brazil. This in turn is useful for the development of a set of guidelines, aimed at moving away from coercive interrogations and towards "investigative interviewing". National Preventive Mechanisms (NPMs) increasingly check whether safeguards are implemented in practice.
- Prevention is about **empowering** our partners to implement concrete measures at the national level. In 2018, we strengthened our **partnerships** thanks to the signature of Memorandums of Understanding with ministries, with human rights commissions in Morocco and Rwanda, as well as with the International Ombudsman Institute and the Brazilian National Council of Justice.
- Prevention is about **dialogue**. We used our convening power to enable different national actors to sit around the table and to discuss possible solutions. In Mexico, Georgia and Tunisia, NPMs and the authorities discussed the implementation of detention safeguards. In the OSCE region, NPMs and civil society organisations joined forces to prevent torture in the context of immigration detention. In Brazil, bringing together state policy institutions, oversight bodies and civil society organisations around the protection of LGBTI persons in detention led to a revision of the policy on management of LGBTI in prisons.

Prevention is not a solo race. It is a shared responsibility. We will continue to mobilise around prevention, to accompany our partners and to protect all persons deprived of their liberty, in particular the most vulnerable. But we need your support. Together, we can prevent torture.

Barbara Bernath, Secretary General

*Barbara Bernath in conversation with Omer Fisher,
Head of ODIHR Human Rights Department,
discuss strategies to further address immigration detention
in the OSCE region, 4 December 2018. © APT*

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Mobilising partners
on the added value
of prevention

“ The chapters of the research, translated in Filipino and Indonesian languages, will help us reach out to civil society and human rights advocates, and provide us guidance on the ways forward. ”

Ricardo A. Sunga III, Professor, University of the Philippines Institute of Human Rights



Author of the Filipino chapter, Ricardo Tsunga (right) and APT's Asia-Pacific Programme Officer, Shazeera Zawawi with the translated chapters from the research "Does Torture Prevention Work".

ADVANCING TORTURE PREVENTION IN SOUTHEAST ASIA

Article 14 of the ASEAN Declaration of Human Rights provides that "no person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment." With a first workshop on the implementation of this article, the ASEAN Intergovernmental Human Rights Commission made a breakthrough on torture prevention, enabling vibrant exchanges and sharing of good practices among representatives of 50 ASEAN States, National Human Rights Institutions (NHRI) and human rights organisations. Our participation was part of APT's ongoing advocacy efforts and a follow-up to the 2013 Bali workshop on dignity in detention.

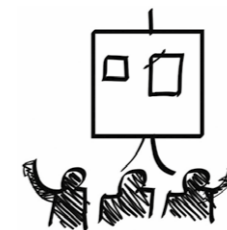
Our regional cooperation included the development of guidelines on torture prevention with the South East Asia NHRI Forum, as well as the publication of the Indonesia and Filipino chapters of the 2016 research "Does torture prevention work?" translated in Bahasa and Tagalog. The main findings of the research are key in the region, in particular on the prohibition of *incommunicado* detention, and the need both for safeguards during police custody and unannounced visits to places of detention.

DEVELOPING NEW STANDARDS ON POLICE QUESTIONING

Together with the Anti-Torture Initiative and the Norwegian Centre for Human Rights, we are leading the development of international guidelines on investigative interviewing and associated safeguards during the first hours of custody ("Universal Protocol"). The expert-driven process involves practitioners from fields including law enforcement, psychology and human rights. The first draft of the guidelines was completed at the end of 2018. We have successfully mobilised States, UN anti-torture bodies and others, through briefings and national events, including in Brazil and Tunisia.



8,380 DOWNLOADS
OF APT PUBLICATIONS



180 STUDENTS
SENSITISED
ON TORTURE
PREVENTION



1,520 VIEWS
OF THE VIDEO
ON SAFEGUARDS

OTHER ACHIEVEMENTS

- **Switzerland:** the Plan of action against torture launched by the Swiss Ministry of Foreign Affairs includes prevention, in particular regarding OPCAT ratification, safeguards in detention and investigative interviewing.
- **Georgia:** The Georgia chapter of the research "Does Torture Prevention Work" and the positive impact of safeguards in the first hours of police custody were discussed during a public debate at the Tbilisi State University.

Accompanying NPMs in their preventive mandate

“ The APT has had an outstanding role in strengthening our NPM, and has thus contributed to the implementation of the General Law on torture, which has promoted the preventive approach in the country. ”

Luis Raúl González Pérez, President of the National Human Rights Commission of Mexico

Walking the Mexican NPM's new staff through the main steps of a preventive visit, Mexico. © APT, March 2018

STRENGTHENING THE NEW MEXICAN NPM

The Mexican General Law on Torture adopted in June 2017 and to which APT had provided substantial comments, created a new momentum in the country. In particular, the National Preventive Mechanism (NPM), which has been operating for the past 10 years, was granted a higher degree of autonomy within the National Human Rights Commission, and is now headed by a Committee composed of independent experts.

The first anniversary of the law was an opportunity to review the achievements and the remaining challenges in a national conference co-organised with the NPM. The APT also accompanied the NPM with capacity strengthening workshops and by encouraging its cooperation with other institutions and non-governmental actors. As a result, the NPM started to conduct more thorough visits to places of detention and to focus on key detention safeguards. The NPM also adopted a strategic approach in the selection of States to consider for visits, and improved its skills in drafting reports and recommendations.

MAURITANIA: SUPPORTING THE EMERGING NPM

This year, our ongoing strategic partnership with the Mauritanian NPM focused on two aspects, which were jointly identified. First, the APT accompanied the NPM in strengthening its capacity to write reports, as a tool to establish dialogue with the national authorities. A key result was the finalisation of the NPM's first annual report. Second, APT support with institutional building resulted in the development of the NPM strategic and operational plans.



**63 MISSIONS
IN 34 COUNTRIES**



**182 NPM STAFF
FROM 21 NPMs
TRAINED**



**3,815 VIEWS
IN 20 LANGUAGES
OF THE OPCAT VIDEO**

OTHER ACHIEVEMENTS

- **Rwanda:** The law designating the NHRI as NPM, to which the APT had contributed, was promulgated in September. The APT accompanied the NHRI in preparing ground to integrate and implement effectively the NPM mandate.
- **Panama:** following continuous APT support and advocacy, the NPM started to be operational in September 2018; a study visit in Geneva enabled the newly appointed Director and Vice Director to meet with the SPT and other NPMs.
- **Global:** 28 ombuds-institutions designated as NPM are better equipped to follow up on the implementation of their recommendations thanks to an APT-International Ombudsman Institute (IOI) workshop in Copenhagen, Denmark .

Torture prevention in the world

Europe

Against a background of backsliding of democratic values in a wide part of the region, torture prevention stakeholders continued to protect the rights of persons deprived of their liberty, including in immigration detention. We supported them by encouraging strategic discussions among NPMs, NGOs and regional institutions, facilitating peer exchanges, and accompanying NPMs in their efforts to achieve change through monitoring (Kyrgyz Republic) and follow-up to recommendations (Georgia). We also inputted into the revision of key regional policies (EU Guidelines on Torture, European Prison Rules).

Americas

Despite political changes undermining human rights in the region, the implementation of safeguards in the first hours of detention and the OPCAT made headway. Thanks to APT's support, new NPMs started to function in Argentina and Panama, as well as new LPMs in the Brazilian states of Paraíba and Rondônia. NPMs also reinforced their monitoring of police custody. We further contributed to strengthening the role of others in preventing torture, such as judges in Brazil through custody hearings, or public defenders in Mexico.

MENA

The MENA region counts five States parties. Two NPMs were designated in 2018 in both Morocco and Lebanon. We accompanied the Moroccan National Council for Human Rights (CNDH) to integrate its NPM mandate and supported the new Lebanese National Commission for Human Rights with its dual protection/prevention mandate. We also continued to advise the Mauritanian and Tunisian NPMs, including on dialogue around safeguards in detention. In Palestine, we assisted the NPM establishment process. At the regional level, we are building channels of cooperation with the Arab Human Rights Committee of the League of Arab States.

Asia-Pacific

Positive developments in the region were seized by APT, such as first workshop by the ASEAN human rights committee on torture prevention, political change in Malaysia that sets a regional precedent on law reform, strengthening of national oversight and receptiveness to ratify human rights treaties; and regional cooperation of NHRIs. Challenges remain, however: legislative reforms to criminalise torture in Indonesia and Thailand continue to be prolonged due to other pressing national issues; and the 2018 OPCAT ratifications by Australia, Sri Lanka and Afghanistan still require implementation.

Africa

Africa, with 22 ratifications, has the second highest number of States parties. In 2018, three NPMs were designated. In Rwanda, a new NHRC law entered into force in September. In Togo, the law designating the National Human Rights Institution (NHRI) as NPM was promulgated in June and the Parliament called for NHRI membership applications in September. In Cape Verde, the NHRI was designated as NPM by a Resolution adopted by the Cabinet in September. Therefore, the APT focus in the region was on the effective integration and implementation of the NPM mandate within NHRIs.

Status of implementation of the OPCAT (88 States parties)

- States parties who have designated their NPM (70, including 6 in 2018)
- States parties who have yet to designate their NPM
- States signatories

- APT Offices
- APT National Representative
- Countries where or with which the APT has worked in 2018

LPM: Local Preventive Mechanism
NPM: National Preventive Mechanism
OPCAT: Optional Protocol to the UN Convention against Torture

Protecting during
the first hours
of police custody

DE SERVICE



COMMISSARIA

MADAGASCAR: STRENGTHENING SAFEGUARDS IN POLICE STATIONS

Improving the implementation of fundamental safeguards provided in the 2008 anti-torture law is the objective of a three-year project in Madagascar. To facilitate its implementation, the APT and the Ministry of Public Security signed a Memorandum of Understanding to strengthen the rights of persons in police custody, including through training of its police forces.

This initiative focuses on the implementation of three basic procedural safeguards in the first hours of detention: informing detainees of their rights, properly registering their arrest and detention, and immediately notifying their families – three key measures to strengthen their protection against torture and enforced disappearances.

Based on a preliminary research, the APT developed practical implementation tools, including a new custody register and a “letter of rights,” which will be tested in four police stations during a pilot phase in 2019 before being generalised to the entire police service in 2020.

THAILAND: COOPERATING ON SAFEGUARDS IMPLEMENTATION

The APT launched a three-year project to better inform detainees about their rights and immediately notify families about arrest. During this first year, we developed cooperation with a wide range of Thai partners. We organised a roundtable with civil society organisations and families, including in the south, held meetings with the Sub-Committee on Prevention of Torture and Education and with Chang Mai University. We also signed a MoU with the Rights and Liberties Protection Department.

Ambodifotatra Police Station,
Madagascar © Elogeo.com

“ I look forward to seeing the benefits the project in our pilot police stations, and ensuring that all persons have access to the basic safeguards from the onset of their detention. ”

Tsaramonina Ravony, Principal Commissioner of Police and Antananarivo's Head of Police



200 CUSTODY HEARINGS
MONITORED IN BRAZIL



1,960 VIEWS
OF THE VIDEO ON
CUSTODY HEARINGS
IN BRAZIL



32 LAW ENFORCEMENT OFFICIALS
INVOLVED IN DISCUSSIONS
ON SAFEGUARDS IN THAILAND

OTHER ACHIEVEMENTS

- **Brazil:** Judges are better aware of their role in preventing torture during custody hearings (that take place 24h after arrest) thanks to trainings in Mato Grosso and Alagoas and a video launched jointly by APT and the National Council of Justice.
- **Georgia:** a first confidential dialogue took place between the NPM and the Ministry of internal affairs regarding the implementation of recommendations, including those related to safeguards in the first hours of custody, facilitated by the APT.
- **Tunisia:** the security sector is mobilised on the importance of implementing fundamental safeguards from the moment of arrest and of moving away from confession-based criminal investigations, following an APT-Dignity national seminar.

Protecting detainees in situation of vulnerability



*Launch of the LGBTI guide
in Brasilia, December 2018. © APT*

“ This guide will provide an understanding of the factors of risk and the acts, patterns and extreme manifestations of torture and ill-treatment against LGBTI persons, and is an invaluable blueprint for any conceptual understanding of these. ”

Victor Madrigal Borloz, United Nations Independent Expert on protection against violence and discrimination based on sexual orientation or gender identity.

STRENGTHENING THE PROTECTION OF LGBTI DETAINEES

Across the globe, lesbian, gay, bisexual, trans and intersex (LGBTI) persons are particularly exposed to abuse and ill-treatment when deprived of liberty. We have worked for the last few years on reinforcing their protection, in particular through monitoring of places of detention by independent bodies. These endeavours culminated in December with the publication of a practical guide, Towards the Effective Protection of LGBTI Persons Deprived of Liberty - a direct response to the growing demand for guidance on this topic. Many experts, from both monitoring institutions and LGBTI organisations, contributed to the publication.

The Portuguese version of the guide was launched in Brasilia during an event with the National Council against Discrimination and representatives from the NPM. Earlier in the year, a national workshop organised in Brazil on the same topic gathered activists, academics, authorities and oversight bodies. Tangible measures followed the event, including a decision to review the existent national resolution governing the management of LGBTI detainees and reserve a seat for LGBTI organisations at the high-level national body that discusses public policies on torture prevention.

KYRGYZ REPUBLIC: PREVENTING ILL-TREATMENT IN PSYCHIATRIC INSTITUTIONS

APT trained the Kyrgyz NPM to monitor psychiatric institutions with a view to preventing ill-treatment in those settings. The workshop, which benefited from the participation of an expert from the European Committee for the Prevention of Torture, included a practical visit to a psychiatric hospital in the capital. We also provided the NPM staff with new tools to address practices with a high potential for abuse, such as seclusion and restraints, and enabled participants to strengthen their skills to interview persons with psychosocial disabilities, including through role-play.



**450 DOWNLOADS
OF THE LGBTI GUIDE**



**8,000 USERS
OF THE DETENTION
FOCUS DATABASE**



**1,200 NEW
SUBSCRIBERS
TO APT E-BULLETIN**

OTHER ACHIEVEMENTS

- **OSCE:** For the first time, NPMs and civil society organisations from 30 countries of Europe and Central Asia exchanged and discussed strategies to address immigration detention, during an APT/OSCE conference in Milan, Italy.
- **Tunisia:** the members of the Tunisian National Preventive Mechanism (INPT) have a better understanding of specific considerations related to the protection of LGBTI persons' rights in places of deprivation of liberty thanks to APT support.

Balance Sheet 2018

INCOME 2018	CHF
Restricted	
Foreign governments	361,377
Swiss authorities and public institutions	440,665
Private foundations	215,790
Intergovernmental organisations	91,872
Total restricted income	1,109,704
Unrestricted	
Foreign governments	255,665
Swiss authorities and public institutions	250,000
Private foundations	457,986
Membership and private donations	33,352
Other income	39,422
Services to CTI	47,670
Total unrestricted income	1,084,095
Total income	2,193,799

EXPENDITURES 2018	CHF
Operations	(1,404,173)
Communications and outreach	(363,980)
Management and secretariat	(505,915)
Policy and strategy	(24,263)
Depreciation of fixed assets	(116,190)
Total operating expenditures	(2,414,521)
Operating result	(220,722)
Interest, banking fees	(4,327)
Exchange rate difference	(2,076)
Expenses from previous years	(5,300)
Income from previous years	6,227
Result before change in restriction funds	(226,198)
Allocation to restricted funds	(1,109,704)
Use of restricted funds	1,245,876
Net change in restricted funds	136,172
Result 2018	(90,026)

Operating Accounts 2018*

ASSETS	CHF
Current Assets	
Cash and cash equivalents	511,341
Accounts receivable	62,688
Accruals and other current assets	43,646
Total current assets	617,675
Fixed assets	
Centre Jean-Jacques Gautier	2,803,357
Office material	13,566
Furniture and fixture	47,180
IT project	225,686
Total fixed assets	3,089,789
Total assets	3,707,464

LIABILITIES AND WEALTH	CHF
Current liabilities	
Accounts payables	140,334
Income received in advance	100
Other current liabilities	47,613
CTI current liabilities	240,431
Total current liabilities	428,478
Long term liabilities	
Fondation Pro Victimis	200,000
Total long term liabilities	200,000
Restricted funds	
Restricted funds – ongoing projects	109,010
Restricted funds – investment	267,759
Restricted funds – Centre Jean-Jacques Gautier	2,491,069
Total restricted funds	2,867,838
Wealth	
Related capital	200,000
Reserve Centre Jean-Jacques Gautier	261,967
Other reserves	90,000
Balance brought forward	(250,793)
Result of the year	(90,026)
Total Wealth	211,148
Total liabilities and wealth	3,707,464

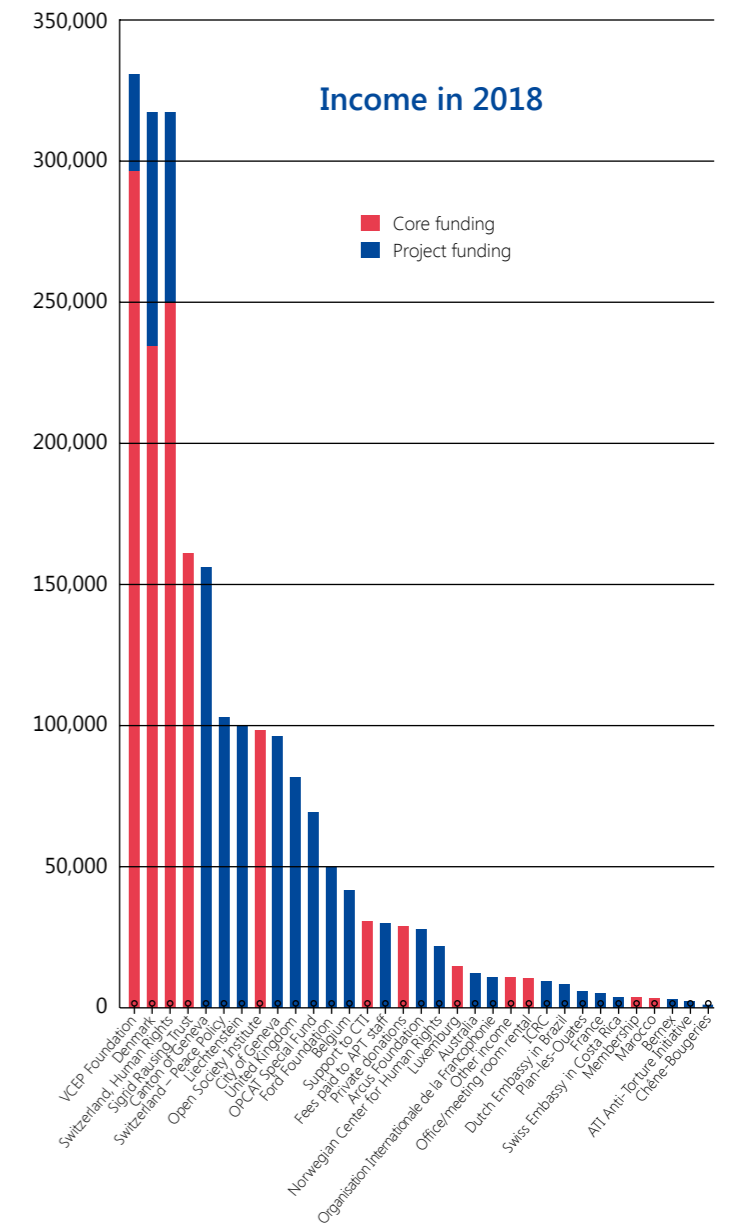
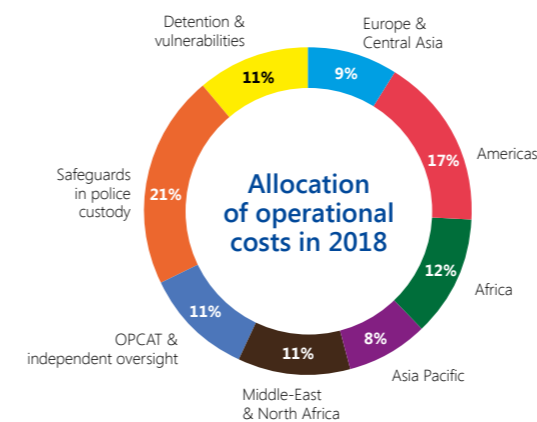
*as in annual audited accounts accessible on our website

The reorientation of some donors' priorities was confirmed in 2018 and resulted for the APT in a decrease in core funding (-25% compared to 2017). To avoid any impact on our mission, the APT reviewed and decreased all its fixed costs, in particular by cutting some administrative positions. These efforts enabled us to limit the loss to CHF 90,000.

In parallel, grants for specific projects have slightly increased, which demonstrates that donors trust APT to fulfil its commitments and objectives. The APT is also more and more frequently commissioned by partners in the field, for its recognised expertise in torture prevention.

To meet the need for core funding, APT has developed a new and specific multi-year fundraising strategy focused on consolidating and diversifying its funding sources.

Faced with the risks of torture and ill-treatment, we must be able to continue proposing an innovative and strategic operational response, adapted to the needs of our partners. To do so, we must strengthen the financial situation of the organisation in the coming years. We are counting on your support.



APT's Big Day Out,
Les Gêts, June
2018. © APT



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Sébastien Blanc, Benjamin
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Felder, Veronica Filippeschi, Carmen
Fleitas*, Anja Härtwig*, Colombe
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Anne Lardy, Sara Vera López*,
Adrian Moore*, Andra Nicolescu,
Jean-Baptiste Niyizurugero, Audrey
Olivier-Muralt, Yasmine Shams,
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Zappella, Shazeera Zawawi.

A big thank you to Mark!
A charismatic leader, Mark played a key role in advancing torture prevention and putting it high on the global human rights agenda. He also transformed the APT into what it is today: a renowned organisation working with solid partners around the world. The Centre Jean-Jacques Gautier serves as a symbol of this transformation and of APT values. Mark will always be part of the APT family.



* Only for part of the year

Turning a page in Latin America

When we opened our Regional Office back in 2009 in Panama, Latin America counted 12 States Parties to the OPCAT but only two NPMs, in Costa Rica and Mexico.

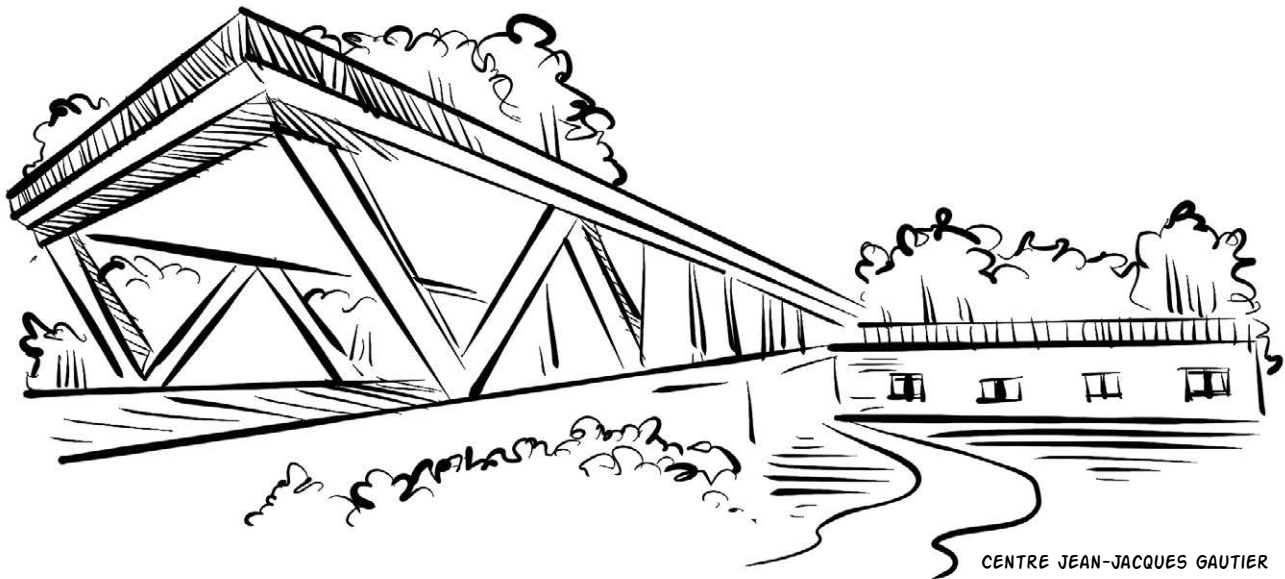
Today, we have achieved our initial objectives and we can close the office in Panama: NPMs are up and running in the majority of States. We have provided them with support

throughout the years, through tools, training, advocacy, legal and practical advice, peer-to-peer exchanges and regional meetings. There is now a strong community of practitioners on torture prevention, not only NPMs but also judicial actors, parliamentarians, and civil society organisations. We will continue accompanying them from Geneva in their efforts to prevent torture and ill-treatment.



NPMs are now up and running in 14 Latin American States.

A more detailed and interactive version is available on:
www.apr.ch/en/annual-report-2018



Association for the Prevention of Torture
Centre Jean-Jacques Gautier
10, route de Ferney, postal box 137
CH-1211 Geneva 19
www.apr.ch

Bank details:

UBS Vermont-Nations, CH-1202 Geneva

Account number: 279-C8117533.0

Banking code: 279

IBAN: CH62 0027 9279 C811 7533 0

SWIFT: UBSWCHZH80A

Postal account: CCP 12-21656-7