



## UATC HUMAN RIGHTS 75 PLEDGE FOR A TORTURE-FREE WORLD

December 2023

We have come a long way. A broad legal consensus exists regarding the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment, recognised as a peremptory norm, and the systems for protection have become more robust. Standards have been established on the investigation of torture and ill-treatment cases, the provision of reparation for victims, the improvement of conditions in detention and the prohibition of incommunicado detention, the implementation of safeguards at the time of arrest and custody, the use of force and weaponry and the establishment of preventive and monitoring mechanisms.

Yet torture and other ill-treatment are very far from being eradicated. The rise of authoritarianism and populism worldwide, coupled with an increasingly divided political discourse and a departure from democratic models, pose a challenge to universally accepted values and consensually developed principles and standards. We have also seen exceptional powers and blanket measures taken to address Covid-19, increasing levels of violence by law enforcement in the context of protests, the criminalisation of migration, widespread prison overcrowding, the failure of States to fulfil their obligations to protect civilians in armed conflict, prevalent impunity, and the lack of effective protection for traditionally marginalised and discriminated groups.

**To address these challenges, the six undersigned organisations, comprising the United Against Torture Consortium (UATC), in partnership with over 200 local civil society organisations, commit to strengthen and expand the anti-torture movement and its impact on the eradication of torture and other cruel, inhuman or degrading treatment or punishment, benefiting all people worldwide, especially those most marginalised and in situations of vulnerability**

We therefore make the following pledges in support of a holistic approach to counter torture and other ill-treatment at the global, regional, national, and local levels, combining prevention, protection, justice, and reparations, including rehabilitation.

### **1. Advancing and supporting torture survivors' agency and access to reparation**

Torture survivors have a right to reparation as an essential step to their healing and processes of rebuilding their lives after torture. If not addressed, the physical and psychological consequences of torture persist for survivors, and for their families and communities for generations. We will provide rehabilitation to survivors and help them seek other forms of reparation. Most importantly, we will support people, especially persons in situations of vulnerability, to take back the agency that was undermined by torture and become anti-torture advocates.

### **2. No one, under any circumstance: Advancing in the prevention and implementation of the absolute prohibition of torture and other ill-treatment**

States cannot compromise on the absolute prohibition of torture and other ill-treatment. Torture breaks the social fabrics and damages public trust in the rule of law. The resort to torture and other ill-treatment makes societies unsafe.

It is crucial to remind States that the absolute character of the prohibition of torture and other ill-treatment protects everyone equally, irrespective of ethnic origin, race, religion, gender, age, sexual orientation, and criminal record.

We are committed to closing the gap between law and practice to eradicate torture at all times and in all places, including in situations of public emergency and armed conflict.

We will strengthen the implementation of existing international law and standards on the absolute prohibition of torture and ill-treatment. 2024 marks the 40<sup>th</sup> anniversary of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (UNCAT). For this important milestone, we will promote the universal ratification of the UNCAT and support implementation and compliance by States. In a similar vein, we will support broader ratification of the Optional Protocol to the UNCAT (OPCAT) and advocate for the designation of independent and effective National Preventive Mechanisms, to prevent risks of torture and ill-treatment, improve detention conditions and protection of persons deprived of liberty.

At the regional level, we will advocate for the implementation of anti-torture standards. To this end, we will work closely with anti-torture mandate holders and relevant human rights mechanisms in the African, Inter-American, European, as well as the ASEAN and Arab League systems. We will also strive for the adoption and implementation of legislative provisions governing detention in accordance with international norms and standards, in particular the Nelson Mandela Rules and the Bangkok Rules, to uphold the rights of persons deprived of their liberty. For instance, we will tackle the issue of prison overcrowding by advocating for the decriminalisation of minor offenses and the use of alternative measures to detention.

Finally, we will actively advocate for the support and use of recent transformative standards, such as the revised Istanbul Protocol, the Méndez Principles, and the UN Guidance on Less Lethal Weapons, to prevent coercion, torture and ill-treatment during interviews, promote the effective documentation and investigation of torture cases, as well as the regulation of the use of force both in custodial and extra custodial contexts.

### **3. Ensuring protection from torture and ill-treatment in the context of protests and other extra-custodial settings**

There is great concern about widespread violations of the right to be free from torture and other ill-treatment in the context of protests and more broadly in the context of routine police practices across the globe.

We will join efforts to promote human rights-based policing rules and practices, and to advocate for the establishment and implementation of existing and new protocols and safeguards to better respond to patterns of violence against protesters and others who dissent. We will foster best practices on the facilitation of protests by law enforcement officials, including the mobilisation of monitors and the prioritisation of dialogue and mediation, to ensure that violence is not the rule, but the exception.

To complement these endeavours, we will advocate for the development of international norms governing the trade in tools of torture. This advocacy will involve garnering increased backing for the UN torture-free trade initiative, including through assisting the Global Alliance for Torture-Free Trade, towards the adoption of a legally binding instrument.

#### **4. Supporting justice seeking and mobilisation of victims, survivors, local anti-torture organisations and lawyers to challenge impunity and strengthen accountability**

Despite the widespread prevalence of torture and other cruel, inhuman, or degrading treatment, a culture of silence surrounds torture, allowing impunity to thrive. Accessing justice for survivors of torture can be difficult, as there may be no way to bring a legal case, or because the lack of political will to investigate and punish the perpetrators, inadequate reporting mechanisms, immunities and statutes of limitation, few lawyers willing or able to act, and underreporting for fear of reprisals, among other reasons. The voices of victims are rarely taken into account in providing for their protection, participation, and reparation.

We will strive to document, expose, report, use and support the power of legal claims combined with civil society campaigns to help victims and survivors to seek justice and effective reparation, as well as ensuring their voices are heard. We will promote non-repetition through the development of larger legal and policy reforms.

#### **5. Raising broader public awareness on torture and engagement to strengthen consensus toward the absolute prohibition of torture and other ill-treatment**

The fight against torture must take centre stage in wider societal discussions on justice, security, development and democracy. We are committed to increasing public awareness and engagement on the impacts of torture and other ill-treatment on both individuals and society, as such acts undermine trust in States and rule of law.

As change cannot happen without a strong and united global human rights and anti-torture movement, we will contribute to building coalitions, empowering local civil society groups and initiatives to increase the volume of the global anti-torture movement's voice, its visibility, and its influence.

#### **6. Supporting and protecting human rights defenders involved in the anti-torture movement**

Human rights defenders and activists across the globe are facing increasing threats and attacks for taking up cases of torture and other ill-treatment.

We will support them to carry out their work in a safe environment and strive for their protection, including by calling human rights mechanisms and relevant State authorities to uphold the right to defend rights.

#### **7. Supporting the protection of the universal and regional human rights systems**

Torture victims are often denied the right to seek justice and reparation in countries where the torture took place. In this context, regional and international human rights bodies and mechanisms often represent the only avenue for victims to achieve redress. These institutions are key to interpreting the anti-torture framework in a progressive way, to monitor States' obligations to prevent and protect against torture, and to provide an effective protection for victims around the world.

We will strive to ensure that regional and universal human rights bodies remain independent, effective, and able to respond to the existing challenges around the world that undermine the absolute prohibition of torture. Finally, we call on States to live up to their international obligations and join us in the realisation of this pledge, in order to finally and fully achieve the life of peace and dignity to which all persons everywhere are equally entitled, and which can only be realised in a world free of torture.

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- **World Organisation Against Torture**
- **International Rehabilitation Council for Torture Victims (IRCT)**
- **International Federation of ACAT (Action by Christians for the Abolition of Torture)**
- **Association for the Prevention of Torture (APT)**
- **Omega Research Foundation**
- **REDRESS**