Celebration of the 30th anniversary of the UNCAT

Panel I: Promoting universal ratification
*Statement by Mark Thomson*

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First, please allow me to share some warm words of support for this important anniversary. Ratification of the Convention against Torture is among the most important pledges that a State can make. I am not the first to note that the prohibition of torture and other forms of ill-treatment stands as a cornerstone of liberty and justice on which the foundations of all States should rest. It is therefore entirely fitting that the Committee, as guardians of this Convention, celebrate this anniversary as an achievement, while recalling that the work is far from over.

This anniversary is an achievement of over thirty years of service dedicated towards fulfilling the torture-free vision of those who were inspired to put their ideas into words, and those who changed words into action. It is this vision which many of the people here today have dedicated themselves to achieve, and I want to celebrate your service here too.

The APT has always been very proud to be able to assist States and civil society to work towards ratification of the UNCAT and towards the fulfilment of its obligations. While governments bear the ultimate responsibility for ensuring international obligations to prevent torture and to address its effects, it is often civil society organisations which raise awareness of such obligations, and which contribute to efforts aimed at ending the practice of torture.

The APT has been active to promote ratification at international, regional and national levels, working with States to offer legal advice and technical assistance to help overcome some of the challenges of ratification to the UNCAT and its Optional Protocol.

In 1998, in advance of the 15th anniversary of UNCAT adoption, the APT joined forces with Amnesty International, the International Federation of Action by Christians for the Abolition of Torture, the International Rehabilitation Council for Torture Victims, the World Organisation against Torture and REDRESS to establish a coalition of international NGOs against torture (CINAT) to promote universal ratification of the UNCAT without reservations.

And every year, as part of the international day for victims of torture on 26th June, the APT and other NGOs have prepared statements and campaigns aimed towards the universal ratification of the UNCAT, as well as deepening the implementation of particular obligations.

I would also like to draw your attention to the joint efforts of NGOs who came together as part of the 25th anniversary of the Committee last year by writing letters to all States who had yet to ratify the Convention, citing 5 key reasons all States should seek to ratify the Convention.

There are at least four international human rights treaties which clearly prohibit torture, but only the UNCAT provides States with the detailed provisions which describe the essential aspects of effective torture prevention, prohibition, punishment and redress.

So, what are some of the key reasons to ratify?

# Restoring Confidence in the State

First, with the act of ratification, a State declares unambiguously that it will no longer tolerate the commission of torture or ill-treatment.

This commitment is particularly important after periods of conflict or systematic abuse. Ratification is a clear message to the international community that builds confidence in the State, and which can promote cooperation and build esteem with partners.

# Promoting good governance and security

Second, States parties will confirm that the adoption of UNCAT delivers far reaching benefits beyond simply demonstrating a readiness to end torture. The Convention describes a clear framework necessary for legal, policy, and institutional reform. It promotes the development of good governance, the rule of law and security, through a system of accountability and international review.

The duty to prevent torture is perhaps among the most dynamic features of the Convention against Torture, requiring States parties to explore multiple solutions to effectively eliminate the risk of torture. This positive duty to prevent impropriety enables States parties to explore institutional reform among other measures, professionalising its law enforcement and security sectors, and to undertake systematic reviews of practices and procedures which might create the risk of abuse. Such a process of internal review serves to entrench good practices and gives States the opportunity to reflect on ways in which the prohibition might be better achieved in practice.

# Ensuring justice for victims

Third, to ensure accountability for torture, there is a need for clear legal grounds and simple and efficient processes for effective prosecution. States must have laws and processes for extradition and assist others gather and provide the evidence necessary to prosecute perpetrators. The Convention provides a method to ensure that perpetrators are punished, that victims are offered rehabilitation and reparation, and that justice is achieved. As several States have struggled to establish the legal grounds to prosecute international crimes, particularly where they are committed overseas or by foreign perpetrators, the UNCAT provides the tools to enable effective prosecutions.

Fourth, recognising that the voices of victims are too often overlooked, the Convention demonstrates how States should enable meaningful redress, by empowering torture victims to receive fair and adequate compensation, and enable rehabilitation for the harm they suffer. The APT commends the recent work of the Committee in this regard, in developing detailed advice for States through its recent General Comment on article 14.

# Benefiting from international support

Finally, by ratifying the UNCAT, States benefit from important guidance provided by the Committee against Torture on how to effectively implement the absolute prohibition.

In addition to the important strengthening work of the Committee, we recognise the establishment of the Convention against Torture Initiative (CTI) as a unique State-driven collaboration which has the potential to achieve universal ratification of the Convention within the next ten years.

This initiative represents a major commitment of States directed to upscale global efforts aimed towards the absolute prohibition of torture through ratification and implementation of the Convention. The APT is proud to have helped the CTI develop this strategy and encourages everyone to join the growing number of States who have joined the Group of Friends and to support the further development of this initiative.

Ratification of the UNCAT is an important first step in the process to end practices that lead to ill-treatment and torture, and one which brings with it a number of key benefits. Challenges to ratification may be overcome with the assistance and support of international and domestic partners, and I look forward to further cooperation with non-States parties towards their ratification in the future.

Thank you.