**Committee Against Torture: Half Day of General Discussion on draft General Comment**

**Palais des Nations, 29 April 2017**

**Statement of the United Kingdom**

Thank you Mr. Chair. We take this opportunity to underline our commitment to the Convention Against Torture. The Committee against Torture does very valuable work and the topic of this General Comment is extremely important. We are very grateful for this opportunity to discuss the draft General Comment. We would welcome a positive indication from the Committee that this will be the first in a process of consultation and discussion.

The UK has made both a national written submission (of 5 April) and a joint written submission (with Canada, Denmark and the US of 31 March). Both of these submissions are available on the website and we reiterate today all that is contained in those submissions.

In the time allowed, we would like to focus on three particular points in the draft General Comment.

**Firstly**, section 4 on diplomatic assurances:

If the Committee wishes to ensure that diplomatic assurances are not used by States as a loophole for compliance with their CAT obligations, we would suggest that the Committee do so, rather than make a blanket statement that all diplomatic assurances are contrary to article 3 of the CAT. Our position is that when used appropriately, diplomatic assurances have served as an effective tool for States Parties to help ensure compliance with Article 3, including as a means of confirming that an individual would not face torture in a receiving State.

Since Article 3 itself states that “for the purpose of determining whether there are [substantial] grounds, the competent authorities shall take into account *all relevant considerations*” , we consider that this must include, where relevant, the undertakings given by a receiving State regarding the treatment of the individual or individuals to be transferred.

**Secondly**, section 5 on redress and compensation:

In paragraph 21, the threshold for medical cases, as confirmed by the European Court of Human Rights in 2008 is high. It is only in very rare cases where a person is in the final stages of a terminal illness, without the prospect of medical care or support of family or friends or palliative care on return that would render removal a breach of international law.

Paragraph 22 we find somewhat lacking in clarity as to which state owes obligations and for how long. The UK cannot agree with any suggestion that that the CAT obliges the sending State to go to the receiving State and facilitate the individual’s access to judicial remedies in the receiving State. This could be used to encourage an unwarranted interference in the internal affairs of the receiving State.

**Thirdly,** section 9 on non-State actors:

In relation to paragraph 31 and 32, the UK does not accept that non-State actors including international organisations have the same obligations as States in this regard. Non-State actors are not, and cannot be party to the CAT. Instead, non-state actors will be bound by domestic law, including the criminal law. We therefore suggest deletion of this section.

Finally we would like to reiterate both our thanks to the committee for holding this discussion and also our request that this be just the first step in a process of further discussion and consultation on this important topic.

Thank you Mr. Chair.