



United Nations Fund for Victims of Torture

32nd session of the Human Rights Council

**Statement by Mr. Mikolaj Pietrzak,
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Side event on:

“Why we should invest in rehabilitating victims of torture”

High-level panel discussion on rehabilitation for victims of torture

16 June 2016, 2 pm to 3.30 pm, Room XXV, Palais des Nations, Geneva

In 2016, the United Nations Voluntary Fund for Victims of Torture marks its 35th anniversary of supporting victims of torture worldwide. It was in 1981 that the General Assembly agreed to establish this innovative victim-focused mandate to provide direct assistance to victims of torture “wherever torture occurred” (GA resolution 36/151). This was at the time when the world was faced with the horror accounts from torture victims from Chile and Argentina.

Three decades on, much has been achieved towards the building of a solid UN anti-torture architecture, grounded on the 1984 Convention against Torture and its Optional Protocol. The absolute prohibition of torture is now enshrined both in customary international law and constitutes *jus cogens*. Torture is defined as a crime, in all circumstances, without exception.

Yet, three decades on, the world continues to be faced with the plight of thousands of victims, now from Syria, Afghanistan and many other countries. As a matter of fact, victims of torture are in all regions and they come from all walks of life. They include human rights defenders, women and children, victims of enforced disappearances and their families, people with disabilities, indigenous people and minority groups, people from the LGBT community. They may be tortured in detention or in other places of deprivation of liberty; they may be asylum-seekers, undocumented migrants, internally displaced people, or victims of sexual violence in armed conflict. Three decades on, torture is very much a current, not historical, reality.

From the unique observatory viewpoint of the UN Voluntary Fund for Victims of Torture, the number of victims is regrettably far from decreasing, with torture occurring in growingly complex contexts, including migration, protracted conflicts and extremist violence by non-State actors. Torture is still endemic, and there appears to be a growing ‘social acceptance’ of torture practices. In 2016 alone, the Fund is channelling 7,1 million US\$ for the provision of direct assistance to some 47,000 victims and their families in 81 countries in the world.

As long as victims are out there, assistance needs to be provided. As so clearly put by the organizers of this important commemorative event, **the provision of such assistance is not charity.** It is a legal obligation of States under international law, enshrined in article 14 of the Convention against Torture).

The reparative concept of assistance to victims is very comprehensive, as recently clarified by the CAT in its General Comment nr. 3. Victims may seek redress, encompassing both rehabilitation (medical and psychological) and legal remedy and satisfaction in the context of the right to truth. In most cases, assisting a victim results to restoring his/her physical and psychological well-being, accompanying her/him to re-integrate into the society and enable his/her access to justice.

Every victim matters and is entitled to redress. **Moreover, evidence and experience gathered by the Fund and its partners over the last thirty years show that the long-lasting effects of rehabilitation are felt beyond the individual - onto the community and society.** As stated so clearly by a leading psychiatrist working in northern Iraq with the support of the UN Fund: “Take one member of society, torture him, send him back to society, it is as if you have torture the entire society”.

The successful provision of redress may also have a long-term preventive effect towards the non-recurrence of atrocious human rights violations and the affirmation of the rule of law. For example, organizations awarded in the past by the Torture Fund worked on the documentation of torture cases committed during the military rule in the 1970s and 1980s in Argentina and Chile, which later proved essential in the prosecution and conviction of perpetrators. Rehabilitation may therefore occupy a central role in the cycle of prevention.

Rehabilitation work is also critical in the current high migration flows, since it is known that among asylum-seekers about 1 out of 3 is a victim of torture – not to mention other human rights violations. Structures and procedures need to be strengthened to identify victims of torture and to provide them with specialized assistance for two reasons:

- Victims of torture are entitled to special protection under international law, including the right to *non-refoulement*;
- The earlier the survivors have access to treatment, the higher their chances of full recovery are. Early identification and assistance increases the chances of a refugee to successfully integrate in a new community.

The importance of promptly identifying and assisting victims of torture where torture takes place as well as when they arrive in a new place, is well recognized by the Fund. Our universal and neutral mandate enables us to work in all settings. We strive to support organizations in all regions of the world in order to be present where conflicts and torture take place as well as to support the safe haven that some victims may manage to reach.

Despite the legal, moral and social arguments in support of the provision of redress to victims of torture, most States have yet to put in practice the right to rehabilitation for victims of torture and their families. In most countries, civil society initiatives continue to fill a critical gap left by States, and often with the sole support of the UN Fund for Victims of Torture. In all regions of the world, there are doctors, lawyers, psychiatrists, psychologists and social workers that dedicate their lives to victims. Many of them are present in this room today. In situations where the State is particularly ommissive and/or repressive, they are to be saluted as **Human Rights Defenders**.

Specialized rehabilitation is neither an easy gain nor an easy fix. It takes specific skills and resources to establish well-functioning rehabilitation centres, providing a variety of services including medical, psychological, social and legal. And the positive long-term consequences may not be easily identified nor quantified. This is why the UN Fund is increasingly setting aside resources for both emergency interventions as well as longer-term capacity-building and knowledge-sharing.

The work of the Fund and its partners show that life after torture is possible. This year's expert workshop convened by the UN Fund last April brought together practitioners dealing on a daily basis with children and adolescents that have endured torture. The workshop brought to life the growing scientific evidence on the damage caused by torture to children and adolescents in terms of physical, psychological, social and developmental challenges. This may have life-long consequences in a child's future, unless rehabilitation and redress is timely and adequately provided. All experts dealing with victims of torture concur that assisted healing after torture has a greater potential for the non-recurrence of violence and abuse.

While we continue to invest in preventing and eradicating torture altogether, it is important to reiterate its absolute prohibition under all circumstances, including within the context of public responses to security threats. It is equally important to respond adequately to victims and their families. Breaking the silence and acknowledging the plight of victims may contribute to the prevention of the inter-generational transmission of trauma and the victim's stigmatisation.

Before concluding, let us commit to a victim-centred approach, beyond this important commemorative day. Let us also continue to support the UN Fund for Victims of Torture in its unique work in support of the implementation of victims' rights. **Its role will continue to be necessary until no victim is left behind.**
