



Mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Seventy-five years after the UDHR enshrined the absolute prohibition on torture we must fight to ensure it is observed

Statement by UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dr Alice Jill Edwards

In this time of conflict and civil strife it is all too easy to focus on what divides us, rather than what unites us – such as the rights and values enshrined in the Universal Declaration of Human Rights. Adopted by the UN General Assembly 75 years ago this week, the Universal Declaration was the first international treaty to absolutely prohibit the abhorrent crime of torture.

In just 16 simple and direct words Article 5 moved humanity forward significantly, by declaring that:

‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.’ (Art. 5, UDHR)

This key article was included without dissent, representing how clearly it was understood as a shared human value. Today, the prohibition of torture is considered to be one of the greatest social contracts. The obligation not to torture is owed not only by a State to their own citizens but also to all people. Torture is an *erga omnes* crime. A single act of torture, is a crime against us all.

This was not always the case. In most ancient, medieval and early modern societies, torture was legally and morally acceptable. Successive empires and colonizers routinely used torture and other forms of violence to ensure their control.

Before World War II there was a practice almost everywhere of treating certain people – enemies, the poor, the occupied, those who were different – in ways that would constitute torture today.

After the most inhumane treatment of Jews and others by Nazi Germany, the world recognized torture as an outrage upon human dignity, that was contrary to fair battlefield tactics and that must be stopped.

Since the group of eleven drafters gave us the human rights guide of a lifetime in the form of the Universal Declaration, the global architecture preventing and prohibiting torture has expanded, become binding, and truly global.

From every corner of the globe, all 193 UN Member States have endorsed the prohibition against torture and other forms of cruel, inhuman or degrading treatment or punishment.

The prohibition on torture underpins who we are as human beings. It expresses our shared, universal aspiration to live in societies that are free of fear, discrimination, intimidation and oppression. Although the prohibition is absolute and sacrosanct and there have been tremendous strides of progress, this is a fragile right, that is constantly being tested, tolerated or excused.

Now, 75 years after the adoption of the Universal Declaration, it seems that everywhere we look we see the harsh reality of the human condition. Reported cases of torture are on the increase fuelled by two major global trends – the spike in both conflicts and in popular protests, which are being policed ever more harshly.

Victims and survivors of torture tell us that it has affected their lives irreparably. They tell us of the painful psychological scars on their souls. Many victims wear their scars more visibly by their physical injuries and disabilities. And we are all witness to the wider wounds on affected societies. Sometimes, these harms survive generations, further entrenching hatred, discrimination and prejudice. Traumas left by torture, if they are not healed and reconciled, can provoke the next round of violence. We must listen to those who have survived this most egregious violation by uniting against all forms of torture.

The drafters of the Universal Declaration clearly identified the path to peace is through human rights. Now more than at any other time since its absolute prohibition in 1948, we must ensure that the proliferation of this most heinous of crimes comes to an end.
