

## **Torture prevention must be effective**

No one may be tortured or subjected to inhumane treatment. This is why, building on numerous previous efforts, the international community has recently made clear its determination to guarantee the effectiveness of the fight against torture and all other forms of cruel, inhuman and degrading treatment.

Most notably, the General Assembly of the United Nations adopted, in December 2002, the Optional Protocol to the Convention against Torture (OPCAT). This treaty provides for the setting up of a UN Subcommittee specifically tasked with torture prevention (the SPT). It also obliges each State Party to put in place an independent national body to contribute to the eradication of torture and other forms of inhuman and degrading treatment by carrying out in-depth visits to places of deprivation of liberty.

Today, there are 83 State Parties of which 64 have designated a national preventive mechanism against torture (NPM). This significant effort is to be commended.

However, in a global context that is dominated by calls for increased security and where the protection of individuals' rights remains very unequal, it is necessary to go further and ensure that efforts to combat torture are truly effective.

One of the means to reach this goal is to render each of the NPMs really operational and effective. But nobody can guarantee this today, neither the SPT nor any national authority. Independence is certainly a precondition for the proper functioning of the NPMs. It can nevertheless also be a screen, concealing inaction and providing only a semblance of effectiveness.

To promote effectiveness, the OPCAT should be bolstered by the creation of an independent association capable of ascertaining in an entirely objective manner whether the work done in each country for the prevention of torture really corresponds to the goals which the international community has set.

The signatories of this document call for the setting up of an international observatory for the assessment of national preventive mechanisms against torture. Its experts, acting independently and relying on their professional experience, at the same time as working closely with the competent international bodies, will simply state whether the preventive action called for by the UN is being duly carried out in each of the States that are Parties to the 2002 Protocol.

Signatories:

**Guy Canivet**, Member of the Constitutional Court of France, Author of a report that asks for external control of prisons in 2000

**Silvia Casale**, Chairperson of the European Committee for the Prevention of Torture from 2000 to 2007, Chairperson of the UN Subcommittee on Prevention of Torture from 2007 to 2009

**Jean-Paul Costa**, President of the International Institute of Human Rights, President of the European Court of Human Rights from 2007 to 2011

**John Dalhuisen**, Amnesty International Director for Europe and Central Asia

**Mireille Delmas-Marty**, Honorary Professor at the *Collège de France*

**Nikiforos Diamandouros**, European Ombudsman from 2003 to 2013, Ombudsman of Greece from 1998 to 2003

**Driss El Yazami**, President of the National Human Rights Council of Morocco

**Alvaro Gil Robles**, Commissioner for Human Rights of the Council of Europe from 1999 to 2006

**Thorbjorn Jagland**, Secretary General of the Council of Europe

**Morten Kjaerum**, Director of the Raoul Wallenberg Institute, Director of the EU Agency for Fundamental Rights from 2008 to 2015

**Christine Lazerges**, President of the National Consultative Commission on Human Rights of France

**Manfred Nowak**, Vice-Chairperson of the Management Board of the EU Agency for Fundamental Rights, UN Special Rapporteur on Torture from 2004 to 2014

**Fatsah Ouguergouz**, Vice-President of the African Court on Human and Peoples' Rights

**Dame Anne Owers**, HM Chief Inspector of Prisons for England and Wales from 2001 to 2010, Chairperson of the UK NPM from 2009 to 2010

**Mauro Palma**, Chairperson of the European Committee for the Prevention of Torture from 2007 to 2011

**Sir Nigel Rodley**, Member and former Chairperson of the United Nations Human Rights Committee, UN Special Rapporteur on Torture from 1993 to 2001

**Victor Rodriguez Rescia**, Member of the UN Human Rights Committee, Chairperson of the UN Subcommittee on Prevention of Torture from 2009 to 2012

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