



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE

CONFERENCE DES OING DU
CONSEIL DE L'EUROPE

**Recommendation adopted on 24 January 2013
CONF/PLE(2013)REC2**

Changes in the situation with regard to torture and inhuman or degrading treatment or punishment in the Council of Europe member states

The Conference of International Non-Governmental Organisations (INGOs) of the Council of Europe

Following closely the development of the situation with regard to torture and inhuman or degrading treatment or punishment in the Council of Europe member states;

Having due regard to Article 3 of the European Convention on Human Rights on the prohibition of torture, under which “no one shall be subjected to torture or to inhuman or degrading treatment or punishment”;

Referring to the definition of torture set out in Article 1 of the United Nations Convention against Torture adopted on 10 December 1984, which it describes as: “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind”;

Pointing out that human dignity is the foundation on which acknowledgment of and respect for human rights and, in particular, the complete rejection of torture is built;

Emphasising the essential role and work of the Council of Europe in the abolition of torture;

Pointing out in particular the important impact of the case law of the European Court of Human Rights concerning torture and inhuman and degrading treatment in member States, as well as the remarkable work done by the European Committee for the Prevention of Torture in the implementation of the European Convention on Human Rights;

Welcoming the setting up by the Council of Europe of programmes designed to increase the national potential of several member states to combat torture and ill-treatment in accordance with the guidelines of law enforcement agencies and the prerogatives of investigating bodies and to increase the effectiveness of investigations into allegations of ill-treatment;

Gravely concerned about the constant increase in the number of judgments of the European Court of Human Rights under Article 3 of the European Convention on Human Rights revealing acts of torture and other cruel, inhuman or degrading treatment or punishment, and the lack of any investigation by states when such offences are reported to have been committed;

Deploring the persistent shortcomings of states where it comes to taking account of the recommendations made to them in the reports on visits by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), particularly in the last ten years, describing various failings and numerous violations by state officials and health professionals carrying out their tasks in places of detention;

Regretting the lack of involvement of members of civil society in the fight to eradicate torture and the almost total lack of awareness-raising and training for the public and for state officials;

Urges the Council of Europe member states:

1. **to prevent** torture by securing respect for all human rights, training state officials, co-operating with the Council of Europe and its relevant subordinate bodies, particularly the European Court of Human Rights and the European Committee for the Prevention of Torture, and raising public awareness about torture and other cruel, inhuman and degrading treatment or punishment;
2. **to punish** all acts of torture by making them a criminal offence in the legislation of states parties, by prosecuting those who commit torture and by fighting against impunity;
3. **to meet** the needs of victims of torture and ill-treatment by offering them protection and setting up reparation and compensation systems;

In the context of the Council of Europe, invites the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities, as well as all the relevant bodies:

1. **to hold** regular discussions on the issue of torture and other cruel, inhuman or degrading treatment or punishment and changes in existing situations in member states, and to make recommendations for the prevention and elimination of torture;
2. **to encourage** and where appropriate propose and organise awareness-raising and training programmes on the subject at European and national level;

Invites the INGOs with participatory status at the Council of Europe:

1. **to increase** their participation in the fight for the eradication of torture in Europe and the whole world, and to step up their co-operation for this purpose;
2. **to raise awareness** among their national members and **encourage** them to take action to prevent torture, in particular by proposing awareness-raising and training programmes, and to draw the attention of national and European bodies to cases of violations or situations amounting thereto.

Recommendation proposed by the Human Rights Committee of the Conference of INGOs