



Promoting penal
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PRESS RELEASE

How to step up torture prevention in alliance with NGOs

Ahead of the OSCE Human Dimension Implementation Meeting in Warsaw from 26 September to 7 October 2011, Penal Reform International (PRI) stresses the important role of civil society in the prevention of torture and ill-treatment.

"By their very nature prisons are isolated places. The regular presence of monitors, coming in from outside with independent eyes and ears, has proven crucial to prevent torture and ill-treatment", stresses Alison Hannah, Executive Director of Penal Reform International.

Over decades, the burden of monitoring places of detention has rested entirely on NGOs.

"The adoption of the Optional Protocol to the Convention Against Torture (OPCAT) was a crucial step forward. It means that states have to take up responsibility of their own when it comes to monitoring places of detention", says Alison Hannah.

The UN Convention obliges states to establish an independent monitoring body (so-called National Preventive Mechanism - NPM), entitled, amongst others, to show up at any place of detention any time and speak to any person detained in private.

"However, proper implementation is as important as signing the treaty and we have seen flawed implementation in various regards."

For example, PRI is concerned that on occasion the creation of an NPM has resulted in the exclusion of non-governmental organisations from places of detention altogether. This has been the case in Georgia, where the implementation of the UN Convention has been used as an argument to keep NGOs shut out from access to prisons.

"The co-existence of NGOs alongside the body created to implement the UN convention does not jeopardize, but rather boosts the efficiency of torture prevention", notes Tsira Chanturia, PRI's Regional Director for the South Caucasus.

"No matter how well a national preventive mechanism is resourced, it cannot be everywhere at all times."

PRI highlights independence as another key benchmark for the credibility and efficiency of a monitoring mechanism - institutionally, personally and financially.

"A proper and transparent procedure to appoint the members of the monitoring body is crucial. It is compelling as for to the true independence of this body," flags Saule Mektepbayeva, Regional Director for Central Asia who is closely monitoring the current discussions in Kazakhstan and Kyrgyzstan.

"If governments are serious about prevention of torture and of impunity, they need to ensure that monitors are selected based on their expertise and independence. States cannot handpick those who are supposed to scrutinize them."

"A range of countries, unfortunately, have still not brought themselves to ratify OPCAT and others have been going back and forth discussing how the National Preventive Mechanism should look like," adds Vika Sergeyeva, Head of PRI's Moscow Office.

"It is disappointing, for example, that an initiative in Ukraine to set up a preventive mechanism in Ukraine seems to somehow have dozed off entirely. Since ratification dates back 5 years now, it is high time to revive these efforts without delay."

Resource persons

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PRI's Regional Directors are also available for interviews. Please contact PRI's office for contact information at +44-20-72.47.65.15:

- *Saule Mektepbayeva* for Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan)
- *Vika Sergeyeva* for Eastern Europe (Belarus, Russia, Ukraine)
- *Tsira Chanturia* for the South Caucasus (Armenia, Azerbaijan, Georgia)

Background

In 2003, the international community adopted the Optional Protocol to the Convention Against Torture (OPCAT). This convention seeks to fill the gap of a preventive mechanism which would, by way of regular unannounced visits to places of detention, detect structural deficiencies resulting in torture and ill-treatment and overcome impunity for such human rights violations.

To this end, OPCAT for the first time introduced an innovative two-tier approach of a national and an international system of regular visits to all places where people are deprived of their liberty.

The convention establishes an international visiting body, the Sub-Committee for the Prevention of Torture (SPT) and obliges states parties to establish a so-called National Prevention Mechanism (NPM) entitled to undertake regular and unannounced visits of all places where people are deprived of their liberty.

OPCAT entered into force following the required twentieth ratification of the convention, on 22 June 2006. Eighty-one states have since acceded, signed or ratified the convention.

The prevention of torture and ill-treatment will be discussed at the OSCE Human Dimension Implementation Meeting in Warsaw on 28 September in the afternoon in Working session 5.

Penal Reform International (PRI) is an international non-governmental organisation working on penal and criminal justice reform worldwide. PRI has regional programmes in the Middle East and North Africa, Central and Eastern Europe, Central Asia and the South Caucasus. To receive our monthly newsletter, please sign up at <http://www.penalreform.org/keep-informed>.

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