



*Ending Torture. Seeking Justice for Survivors*

United Nations Committee against Torture  
60<sup>th</sup> Session, 18 Apr - 12 May 2017

**Statement by REDRESS in the General Discussion on the Draft Revised General Comment on the implementation of article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

28 April 2017

*Check against delivery*

Thank you Chair,

We welcome the opportunity to engage in this general discussion, and commend the Committee on its very timely initiative to draft a revised General Comment on the implementation of Article 3. In light of ongoing concerns regarding violations of Article 3 - as global crises continue unabated - we believe that the forthcoming General Comment will be a critically important tool for States parties - providing guidance on the full scope of their obligations in relation to the prohibition of *refoulement*.

Working with a number of organisations that are active in this field REDRESS has provided a joint written submission to the Committee where we have made more detailed comments – we support the statements made by our sister NGOs during this discussion. Today I will focus on a number of key points related to the right to redress.

When Article 3 is breached, States parties are required to provide redress. This obligation should be set out clearly and authoritatively in the General Comment. That redress encompasses the concepts of “effective remedy” and “reparation”, should be reiterated in this General Comment, as previously recognised in General Comment No. 3. Relevant standards, including that reparation entails restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition, as well as elaboration of their content, should be reiterated or referenced.

The obligation on a State party to afford reparation where Article 3 has been breached arises not only in cases where *refoulement* has resulted in torture or other ill-treatment, but also where ill-treatment has not yet materialized. The ultimate consequences for the victim are relevant not to whether reparation should follow, but to what forms of reparation would be most appropriate. The General Comment should thus reaffirm that the appropriate forms of reparation depend on the nature of the breach and the consequences for the victim, and that reparation must be adequate, effective and comprehensive.

The right to an effective remedy underpins the entire Convention - as recognised by this Committee: “otherwise the protections afforded by the Convention would be rendered largely illusory.” Consequently, the General Comment should reiterate State Parties’ obligation to ensure access to an effective remedy both pre-return - as a key safeguard against *refoulement* - and post-return - in direct consequence of the breach of Article 3 and as a precondition for the fulfilment of victims’ right to reparation.

Victims face particularly significant difficulties in accessing redress post-return from a sending State if they are no longer on that State’s territory. The General Comment should therefore make clear that States must take positive actions to adapt procedures to ensure that these are accessible to all victims of Article 3 violations, including persons outside the State’s jurisdiction.

We wish you every success in the elaboration of this General Comment and extend to you all possible support and collaboration.

Thank you for your attention Chair, members of the Committee, and distinguished representatives.

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