

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

Meeting of the Council of Europe Committee of Ministers on the topic of torture and ill-treatment – Strasbourg, 8th of February 2024

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

Chair, Excellencies,

Thank you for the opportunity to brief the Committee of Ministers on some key trends and developments as well as my concerns regarding the implementation of obligations to prohibit and prevent torture and ill-treatment, including in the Council of Europe region, which I observed since my appointment as Special Rapporteur on Torture, Cruel and Other Inhuman and Degrading Treatment and Punishment in August 2022.

Let me start with some good news. This year marks the 40th anniversary of the adoption of the United Convention against Torture, Cruel and Other Inhuman and Degrading Treatment and Punishment. The ratification of UNCAT is nearly universal with 173 States party, and only 22 left to do so. This commitment to the Convention, our global blueprint for eradicating torture, by a large majority of States positively reinforces the *jus cogens* nature of the prohibition of torture. All Council of Europe Member States are party to the Convention, and as Special Rapporteur I invite you to give support and a helping hand to those countries still outside the treaty in taking the final steps to ratification.

I wish to congratulate Denmark for its leadership role in the global campaign to eradicate torture, including through the Convention against Torture Initiative.

The first substantive matter I wanted to discuss today is the use of force and the weaponry used by law enforcement officials, police and other public entities especially in the context of policing public assemblies and gatherings, although not limited to it.

Last October, I presented a report to the 78th session of the United Nations General Assembly with my vision for creating a treaty regulating the manufacture, use and trade in law enforcement equipment, namely a torture-free trade treaty. My report contains two important annexes: the first is a list of 20 prohibited tools, which I consider to be inherently prohibited because either by design or purpose they are cruel, inhuman or degrading; and the second is a list of law enforcement equipment that should be regulated owing to its heightened risk of being misused.

The Council of Europe is not free from challenges on these matters. At present, the global trade in law enforcement equipment is estimated to be at $18.3 billion, with a projection of $27 billion by 2028 as the trade growth rate is expected to increase by 8% per annum. This growth rate is correlated to social mobilization.

I welcome the Recommendation CM/Re (2021)2 of the Committee of Ministers on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman, or degrading treatment or punishment[[1]](#footnote-1). I call now on Council of Europe Member States to implement it. According to my research, with the support of the Omega Research Foundation, 335 companies in at least 54 countries, among them Member States of the Council of Europe, are still manufacturing tools on my prohibited list which cause excessive and unnecessary harm, and at times deadly violence. As next steps I would encourage that all States allow inspectors, including NGOs, to visit trade fairs operating in your countries; to keep the issue on the Council of Europe agenda; and support the work of civil society actors in this area.

I thank the States committed to the Global Alliance for Torture-Free Trade being led by the European Union, Argentina and Mongolia, and I offer my support and expertise. I would encourage members not yet part of the Global Alliance to join it and also to reach out to your allies in human rights beyond Europe to join. For my part, I’ll keep pushing hard as a priority area including specifically inspecting weapon stocks during my country visits.

A second area that is concerning me is the rise of torture globally and the lack of effective investigations. I am particularly concerned about the spike in the use of torture in armed conflicts – we count around 100 conflicts at this time – which foster environments in which torture is being used to intimidate and to instill fear on populations, and to punish opposition and enemies and to disempower people. Torture is also used as a threat to control opposition and dissent, and is often a precursor to other violations, including in countries of the Council of Europe.

Last September I visited Ukraine and will be delivering my full report on the visit in a few weeks at the 55th session of the Human Rights Council. During the visit, I documented that torture and other cruel, inhuman or humiliating violence as widespread and systematic by Russian forces against Ukrainian prisoners of war and civilians. I believe that torture is part of Russian war strategy and policy. I would welcome to hear from you about how victims of torture can seek remedies and reparations in light of the ending of the jurisdiction of the European Court of Human Rights with Russia’s expulsion from the Council.

I see peace as an antidote to torture, and as our world is challenged on so many fronts, it is so important that the Council of Europe is a strong and cohesive voice for peace and human rights.

The third topic I would like to raise is my forthcoming report to the 55th session of the Human Rights Council, which deals with current issues, as well as good practices observed in prison management around the world. The principal concerns are: severe overcrowding; practices of over-incarceration, in particular the use of pre-trial detention or criminal policies; the neglected state of prison infrastructure, which create inhumane conditions in prisons. The overrepresentation of economically and marginalized minorities and special groups demands special attention. The lack of social rehabilitation is also highlighted, such that too many prisons become incubators for crime rather than helping offenders move away from crime. My report also looks at two globally relevant challenges, namely ensuring that institutions are ready for the next health pandemics and can withstand the effects of climate change.

Lastly, I would like to briefly express some thoughts on the issue of migration and asylum, which bring challenges I know very well. Growing numbers of refugees and migrants are the reality of an increasingly interconnected world as well as the consequence of more wars around the globe, which means more people are on the move.

Refugees and asylum-seekers often face a double bind situation. Not only do they face threats of torture and persecution, from which they are trying to escape, but they can also be confronted by cruel and inhuman policies when they reach a host country, including harsh detention policies. We cannot create an unwanted class of world citizens. I believe we must be more realistic about the challenges and do more to put human rights first, starting by scrupulously observing the *non-refoulement* obligation.

Thank you Chair and Excellencies. I would be happy to respond to any questions or comments.

ENDS

1. <https://www.ohchr.org/sites/default/files/2021-12/CM_Rec2021.pdf> [↑](#footnote-ref-1)