

Presentation by

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“An inclusive agenda for the Optional Protocol to the Convention against Torture and National Preventive Mechanisms”

At

20th Anniversary of the Optional Protocol to the Convention against Torture and 15 years of the Sub-Committee on the Prevention of Torture

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Madame Chair, Excellencies, Colleagues and Friends,

I am pleased to be joining you today to recognise this significant milestone of twenty years of the Optional Protocol to the Convention against Torture, which established the Sub-Committee on the Prevention of Torture and imposed an obligation on States parties to establish or designate their own National Preventive Mechanisms. These ‘OPCAT mechanisms’ form an important part of the anti-torture architecture, starting with the Universal Declaration of Human Rights, the UN Convention against Torture, as well as the UN Fund for Victims of Torture, and my own position, the Special Rapporteur on Torture.

Like others here today, I have had a long association with the OPCAT. I recall the first conference on OPCAT organised by Malcolm Evans and Rachel Murray at Bristol University in 2007. My interest and contribution to that conference was in exploring whether and how the OPCAT could be applied to places where refugees and asylum-seekers were either detained, or were living with greater or lesser restrictions on their movement and liberty. That question was an open one at the time.

At the 5th Anniversary of OPCAT entering into force in 2011, also held in Geneva, and organised by the Association for the Prevention of Torture, I am reminded that I was on a panel with Juan Mendez, then Special Rapporteur on Torture. And with that we see the loops of life ... In looking back at the conference report, our panel called for a more inclusive strategy of prevention in order to realise the full impact of such preventive bodies for all persons. I spoke again on the question of the application of OPCAT to spaces where refugees and asylum-seekers resided. Other speakers spoke about access to mental health centres and psychiatric institutions, and how to involve and improve experiences for persons with disabilities. There were also conversations about the importance of diversified roles of different skill sets and qualifications of members of NPMs, such as medical practitioners, social workers, forensic scientists, lawyers and teachers. I'm pleased to see that these questions are now mostly queries of the past.

In my current position as Special Rapporteur on Torture, you will not be surprised to learn that I remain committed to advocating for the strengthening and inclusiveness of the OPCAT mechanisms, especially at the country level. NPMs are performing the heavy-lifting of the day-to-day and *in situ* visits, reinforced by the SPT. The reality and potential of the OPCAT bodies to prevent torture and ill-treatment via continuous and spontaneous visits – and their role in making recommendations on conditions of detention as well as advising on national legislation – must be lauded as an international innovation that has deep resonance and impact at the local level, for individuals, for systems and for societies. Making sure these bodies – as well as other local civil society actors – can visit any place where persons are at risk of torture or ill-treatment, means continuing to push for an inclusive, rather than restrictive, approach and greater transparency by national authorities.

Thank you.