

**CAT Twenty Years On:
Basic Protection Against Torture Still a Long Way Off**
Media release from the Commonwealth Human Rights Initiative
For the 20th anniversary of the Convention Against Torture (on Tuesday 26 June 2007)

On the 20th Anniversary of the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Commonwealth Human Rights Initiative (CHRI) condemns attempts to dilute the absolute prohibition against torture. On this historic day CHRI reaffirms that the prohibition against torture is absolute and non-negotiable. CHRI calls for Commonwealth members that have not yet ratified the CAT to do so and for those who have ratified it to strictly observe these standards without reservation. All Commonwealth countries must also ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Torture is immoral, illegitimate, an abuse of power and against all recognised norms and standards. Article 1 of the CAT clearly states that ‘no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture’. This is further supported by the Universal Declaration of Human Rights (article 5) and the International Covenant on Civil and Political Rights (article 7), which assert that no person may be subject to cruel, inhuman or degrading treatment or punishment. Nevertheless, the use of torture is widespread and is wrongly claimed by the police and other authorities as a necessary means to obtain information from suspects. In particular, the international climate of anti-terrorism has witnessed a disturbing trend towards justifying the use of torture in the name of ‘security’.

The Commonwealth Secretary General has condemned the use of torture stating that it is ‘a violation of human rights, a violation of international law and a violation of everything for which the Commonwealth stands’. Despite its apparent commitment to human rights 24 of the 53 members of the Commonwealth have not yet ratified the CAT. This includes India, Pakistan and Malaysia, each of whom are members of the UN Human Rights Committee.

Any state tolerance of torture makes it complicit in its use. CHRI is concerned that torture is implicitly accepted when states willingly remove suspects to other countries where torture is practiced. The readiness to accept evidence that may have been elicited through torture whether at home or in a third country jurisdiction is further cause for concern that the universal prohibition on torture is being diluted. The increased tolerance for torture is also evident in the blatant admission by police that torture is the only deterrent to terrorism.

True security is human rights protection. The use of torture in any context violates the same human rights the police are supposed to protect. Moreover, it is fundamentally counter productive. Torturous practices by police alienate the very communities that police rely on for vital information and intelligence. Information obtained through torture is an unreliable source in the prevention of terrorism and reduces the ability of the police to impartially and successfully prosecute terrorists. States must uphold their responsibility to protect everyone from torture irrespective of where and why it is practiced.

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