

Commonwealth Human Rights Initiative

46th Regular Session of the United Nations Human Rights Council

Item 3: Interactive Dialogue with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Oral statement delivered by the Commonwealth Human Rights Initiative (CHRI)

Friday, 5 March 2021

Thank you, Madame President.

The Commonwealth Human Rights Initiative thanks the Special Rapporteur for his annual report, especially for elaborating on the categories of cooperation with illustrations which will be helpful for a more objective assessment of State response.

While the findings of the report — that 90 per cent responses to the communications transmitted during the reporting period failed to meet the standard of “full cooperation” — are deeply concerning, they are hardly surprising. The Special Rapporteur has rightly observed that there has remained a gap between the international normative framework on torture prohibition agreed upon by States and the domestic efforts towards its eradication, as the practice has continued.

From a largely performative denouncement of torture to outright rejection of its existence despite documented evidence, it is disconcerting that many States have failed to comply with their own voluntary pledges and standing invitations. It still needs to be reiterated that the peremptory norm of torture prohibition is beyond all treaty obligations, admits no justifications, and inclusive of the duty to prevent, investigate, prosecute and eradicate the practice. Without the political will to bring about holistic institutional change, the absolute prohibition of torture will be reduced to a hortatory claim.

We thank the Special Rapporteur for addressing the issue of the so-called “lawful sanctions” or such semantic manipulations used to legitimise acts of torture and ill-treatment.

Lastly, the goal of any mandate can be fully realised only through constructive engagement with and by States. Therefore, identifying standards for evaluating and advancing the value of such cooperation would be vital.

Thank you.