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البند 1 من جدول الأعمال

المسائل التنظيمية والإجرائية

## رسالة خطية مقدمة من التحالف العالمي للمؤسسات الوطنية لحقوق الإنسان\*

### مذكرة من الأمانة

تتشرف الأمانة بأن تحيل إلى مجلس حقوق الإنسان البيان الخطي المقدم من التحالف العالمي للمؤسسات الوطنية لحقوق الإنسان\*\*، الذي يُعمَّم وفقاً للمادة 7(ب) من النظام الداخلي للمجلس (انظر مرفق القرار 1/5) ووفقاً للترتيبات والممارسات التي وافقت عليها لجنة حقوق الإنسان في قرارها 74/2005.

\* مؤسسة وطنية لحقوق الإنسان اعتمدها التحالف العالمي للمؤسسات الوطنية لتعزيز وحماية حقوق الإنسان ضمن الفئة "ألف".

\*\* يُعمَّم بالصيغة التي ورد بها، وباللغة التي قُدم بها فقط.



الرجاء إعادة الاستعمال

## بيان خطي مقدم من التحالف العالمي للمؤسسات الوطنية لحقوق الإنسان

### بيان خطي مقدم من التحالف العالمي للمؤسسات الوطنية لحقوق الإنسان بشأن الإعلان الختامي لمؤتمر كييف - كوبنهاغن

#### **Kyiv-Copenhagen Outcome Declaration Torture and Other Ill-treatment: The role of National Human Rights Institutions**

1. The 14th International Conference of the Global Alliance of National Human Rights Institutions (GANHRI) took place in Copenhagen, Denmark, from 6 to 8 November 2023. It was co-hosted by GANHRI, the Danish Institute for Human Rights (DIHR), the Ukrainian Parliament Commissioner for Human Rights (UPCHR), and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The theme of the Conference was "Torture and Other Ill-Treatment: The Role of National Human Rights Institutions".
2. The Conference marked the 30<sup>th</sup> anniversary of the adoption of the Principles relating to the Status of National Institutions (Paris Principles), the 75<sup>th</sup> anniversary of the Universal Declaration of Human Rights (UDHR) and the forthcoming 40<sup>th</sup> anniversary of the adoption of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).
3. Participants expressed their gratitude to the DIHR, the UPCHR, GANHRI, and OHCHR for the excellent organisation of the Conference and the warm hospitality, and to the United Nations Development Programme (UNDP) for generously providing United Nations (UN) City as the venue for the conference, the European Union, and to the Association for the Prevention of Torture (APT) for their support to the Conference. Participants welcomed the enriching interactive discussions and the wealth of diverse experiences and perspectives exchanged by representatives from National Human Rights Institutions (NHRIs), National Preventive Mechanisms (NPMs), civil society organisations, international and regional organisations, and independent experts.

#### **NHRIs participating in the 14<sup>th</sup> International Conference adopted the following Declaration:**

4. We recall the absolute prohibition of torture and other acts of cruel, inhuman, or degrading treatment or punishment (hereinafter referred to as torture and other ill-treatment), recalling its status as a peremptory, non-derogable norm under international customary, human rights, and humanitarian law.
5. Torture and other ill-treatment is prohibited under all circumstances, and without exception, including during times of international or non-international armed conflict or any other public emergency.
6. Any act of torture and other ill-treatment violates human dignity and can never be justified. It dehumanizes the victim and has devastating consequences for families, communities and societies.
7. States have the primary obligation to respect, protect and fulfil the rights of all persons to be free from torture and other ill-treatment. Under the UNCAT, States have a duty to prevent any and all such acts, including by adopting legislative, judicial, administrative, educational, and other appropriate measures such as ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).
8. International and regional standards, guidelines, and principles provide key guidance to states in implementing their obligations such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rule), the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), the Mendez Principles on Effective Interviewing for Investigations and Information Gathering.

9. Paris Principles-compliant NHRIs play a pivotal part in safeguarding and promoting the right of all persons to be free from torture and other ill-treatment.

10. We are gravely concerned by the ongoing practice of torture and other ill-treatment across all regions of the world, as well as the repercussions that such practices have on access to, and the effective administration of justice, the rule of law, and civic space.

11. We draw attention to the impacts of intersecting global crises—including the aggravation of socio-economic inequalities and hardships, the impact of the global COVID-19 pandemic, climate emergencies, failure to effectively address displacement and migration, the inappropriate use of emergency powers, and the proliferation of armed conflicts—which have resulted in heightened risks and an escalation in cases of, torture and other ill-treatment worldwide.

12. As we mark the 30<sup>th</sup> anniversary of the Paris Principles, the 75<sup>th</sup> anniversary of the UDHR and the forthcoming 40<sup>th</sup> anniversary of the UNCAT, and reflect on our past, we recognise this is an especially critical time to build on the progress made, and to redouble our commitment to comprehensively address torture and other ill-treatment, its risks and root causes.

13. We reaffirm that freedom from discrimination is a fundamental human right, and recognise that persons experiencing situations of vulnerability face heightened risks of torture and other ill-treatment. Such persons include, but are not limited to, persons deprived of their liberty, women and girls, persons with disabilities, Indigenous peoples, older persons, children, refugees, internally displaced persons, persons on the move, foreign nationals, LGBTQI+ persons, ethnic and religious minorities, persons living in poverty, and human rights and environmental defenders. We recognise that these identities and factors can intersect in a way that further increases the risks of torture and other ill-treatment.

14. We recognise that, to foster lasting change, we need to take a human rights and gender sensitive approach that puts rights-holders at the heart of our work. We commit to a victim-centered approach that acknowledges the experiences of victims and survivors and the harm suffered, and which seeks redress that is responsive to their needs.

15. We express our solidarity with all victims of torture and other ill-treatment, and recall the importance of commemorating the annual UN International Day in Support of Victims of Torture on 26 June. We welcome General Assembly Resolution (A/RES/77/209) of January 2023, and its call to ensure that the rights of persons who are marginalized and in vulnerable situations are fully integrated into torture prevention and protection strategies and actions.

16. We recognise the important work undertaken by relevant human rights bodies and mechanisms at the international and regional levels, including the UN Committee against Torture, the UN Subcommittee on the Prevention of Torture and other Cruel, Inhuman and Degrading Treatment (SPT) and other treaty bodies, the special procedures of the Human Rights Council, including the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and we reaffirm our commitment to strengthening our partnerships and cooperation.

**Considering the above, and taking inspiration from the lessons and good practices exchanged in Copenhagen, NHRIs resolve to apply their mandates, in compliance with the Paris Principles, to undertake the following:**

17. Advocate for national legal frameworks and reforms that support the prohibition and the prevention of torture and other ill-treatment, in line with international human rights law.

18. Contribute to the effective implementation of these legal frameworks, to bridge the gap between law and practice, including through the fight against impunity and ensuring access to justice.

19. Act as control mechanisms against torture, through functions related to cooperation with international and regional bodies, monitoring places of deprivation of liberty, reporting and follow-up on recommendations and public awareness-raising activities.

## A. Promotion

a. Promote the ratification and implementation of all international human rights treaties, particularly the UNCAT and the OPCAT.

- b. Raise awareness about the rights of individuals to submit complaints of torture and other ill-treatment to NHRIs with a quasi-judicial mandate or other national mechanisms, and to relevant international and regional mechanisms.
- c. Ensure that, under domestic legislation, torture is comprehensively defined and constitutes a specific, punishable criminal offense, which is not subject to statutes of limitations or amnesties, and for which redress is available to victims, in line with international law.
- d. Ensure that the exclusionary rule prohibiting the use of torture-tainted evidence in all legal proceedings, is adequately reflected in the law.
- e. Ensure the inclusion in domestic legislation of legal and procedural safeguards as essential to preventing torture and other ill-treatment during custody.
- f. Advocate for the principle of non-refoulement to be given effect and upheld in law.
- g. Promote reviews and reforms of deprivation of liberty and custody procedures.
- h. Engage with UN and regional human rights bodies and mechanisms, including the Treaty Bodies, the Special Procedures, and the Universal Periodic Review (UPR), in relation to issues related to torture and other ill-treatment, and monitor the implementation of their recommendations by reporting on progress made and remaining challenges.
- i. Develop and implement inclusive and accessible education campaigns in relation to torture and other ill-treatment, emphasizing the impact on victims, their families, communities, and societies, and tailor messages for persons particularly at risk.
- j. Support the development and implementation of training curricula for security forces and all other actors who have a role in relation to the deprivation of liberty. Training curricula should be practical, supported at the leadership and policy levels, and responsive to the needs of persons in situations of vulnerability.
- k. Mobilize for changes in institutional cultures, mindsets, and public narratives that risk legitimizing the use of torture and other ill-treatment.
- l. Take steps to empower and support rights holders and victims and survivors of torture and other ill-treatment in understanding and claiming their rights.
- m. Ensure availability of regular training to NHRI and NPM members and staff on all issues related to preventing and addressing torture. Furthermore, ensure that members and staff of NHRIs and NPMs are provided with measures to ensure their wellbeing, including psychosocial support.

## **B. Prevention**

- a. Advocate for the ratification of the UNCAT and OPCAT and for the designation of independent and adequately resourced NPMs.
- b. Initiate, facilitate, and contribute to a transparent, broad, and inclusive domestic consultation process on the issue of NPM designation, involving authorities, civil society and other relevant stakeholders, giving due consideration to the Paris Principles.
- c. Where the NHRI is designated as the NPM, advocate for any necessary reforms to its legal framework and the allocation of adequate resources, and undertake reform of its structure to ensure its functional autonomy to carry out this preventive mandate, while also ensuring complementarity with other NHRI mandates.
- d. Where the NHRI is not designated as the NPM, establish and maintain effective collaboration and complementarity between the institutions, including with respect to visits to places of deprivation of liberty.
- e. Where NHRIs have the mandate to do so, conduct regular, unannounced, preventive monitoring visits to all places under the State's jurisdiction or control where persons are or may be deprived of liberty.
- f. Following visits, publish reports and recommendations and engage in dialogue for change with relevant authorities on their implementation.
- g. Engage with lawmakers and relevant government authorities to advocate for legislative and policy reforms in relation to the prevention of torture and other ill treatment. This may include, among others, advocating for alternatives to detention, decriminalization and declassification of petty offenses, and reduction in the overuse of pretrial detention, where relevant and appropriate.

- h. Develop strategies, programmes and protocols that respond to the needs of persons in situations of heightened vulnerability and persons belonging to marginalized groups, who face increased risks of torture and other ill-treatment.

### **C. Protection**

- a. Respond to and investigate allegations of torture and other ill-treatment, including allegations of gender-based violence. Where NHRIs have quasi-judicial powers, take steps to ensure that these are fully and effectively exercised.
- b. Where relevant, establish effective mechanisms and protocols for reporting all potential cases of torture and other ill-treatment to the relevant investigative bodies and authorities and follow-up to ensure investigations are prompt and impartial.
- c. Initiate investigations or conduct inquiries to identify systemic issues, and take appropriate steps to address the root causes, taking into consideration gender dimensions of torture and ill-treatment, combat impunity, and provide redress.
- d. In exercising its functions to investigate allegations of torture and ill-treatment, ensure compliance with the Istanbul Protocol, and take a victim-centered and trauma-informed approach.
- e. Take measures to protect persons deprived of liberty, witnesses and other individuals from all forms of reprisals at all stages of an investigation, including after interviews, visits, or any engagements with NPMs, NHRIs, or the SPT, and take steps to address any reports of reprisals.
- f. Work with the judiciary to promote access to justice and foster systemic change by identifying and supporting strategic litigation in the public interest.
- g. Advocate for states to provide in law and practice prompt and effective multi-sectoral redress for victims, survivors and their families, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
- h. Assist victims, survivors and their families in accessing complaints procedures and/or obtaining full and effective redress, including by collecting and preserving evidence of torture in the absence of effective official investigations.
- i. Advocate for necessary psychosocial and other support and rehabilitation services to be made available for victims and survivors of torture and their families.
- j. Assess the impacts of the use of new and emerging technologies in relation to deprivation of liberty, the rule of law, access to justice and the prevention of torture and other ill-treatment. This includes the use of artificial intelligence in decision-making and facial recognition technologies by police and security services, as well as the proliferation of online hate and disinformation.

### **D. Cooperation and partnerships**

- a. Establish constructive dialogue with domestic authorities to advocate for and support necessary reforms, in line with international standards.
- b. Proactively engage with relevant international and regional human rights mechanisms for the prevention of torture, including through reporting, advocacy, petitions, awareness-raising, and monitoring of the State's implementation of recommendations.
- c. Strengthen coordination and cooperation between bodies with a mandate relevant to the prohibition and prevention of torture and ill-treatment including NHRIs, NPMs, regional networks of NPMs, specialized institutions, relevant government authorities, and civil society.
- d. Enhance cooperation with the CAT, SPT, the Special Rapporteur on Torture, civil society, and other NHRIs and NPMs, including through regular communication, joint training, peer-to-peer exchanges, capacity-building initiatives, research collaboration, and sharing information and best practices.
- e. Advocate for the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) and the establishment of effective national monitoring mechanisms (NMMs) under the treaty. In cases where the NHRI has both the NMM and NPM mandate, ensure that there are synergies between the two mandates with the objective of ensuring comprehensive protection for persons with disabilities deprived of liberty.

f. Work with stakeholders, including relevant authorities and civil society, to collect, maintain and make publicly available disaggregated data in relation to torture and other ill-treatment.

**We encourage GANHRI, its regional networks, and all NHRIs, in line with their mandates under the Paris Principles, to collaborate in mutual capacity building and sharing of experiences and knowledge, including but not limited to the following:**

a. In close collaboration with OHCHR, continue to promote the establishment and strengthening of effective and independent NHRIs worldwide, in full compliance with the Paris Principles. States and NHRIs must ensure that NHRIs are independent in law and practice, pluralistic and adequately resourced.

b. Support NHRIs under threat and those experiencing reprisals, including as a result of their work related to the prohibition and prevention of torture and other ill-treatment.

c. Share knowledge exchanges, experiences, good practices, and undertake capacity building between and among NHRIs, on preventing and responding to torture and other ill-treatment, with particular consideration on the rights of persons in situations of vulnerability. This may include establishing online and other practical tools to allow for regular peer-to-peer exchange of information and good practices.

d. Establish regular dialogues with the UN human rights mechanisms, including CAT, the SPT and the Special Rapporteur on Torture, in order to strengthen relationships.

e. Through GANHRI, collaborate to implement a shared approach for responding to and preventing torture and other ill-treatment, guided by this Declaration.

f. Through regional NHRI networks, cooperate and collaborate in peer capacity building and information sharing efforts, such as, knowledge exchange programmes, study visits, training, and technical assistance.

g. Call on the United Nations and its agencies and programmes, including the OHCHR, UNDP, and UNHCR and in collaboration with GANHRI and the regional NHRI networks, to increase support to NHRIs to address torture and other ill-treatment including through the implementation of this Declaration.

**Adopted in Copenhagen, Denmark, on 8 November 2023**

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