



## KIEV DECLARATION

### THE OSCE SHOULD MAKE COMBATING TORTURE A PRIORITY

**Adopted by the participants of the OSCE Parallel Civil Society Conference  
Kiev, 2-4 December 2013**

The OSCE Parallel Civil Society Conference-2013,

CONSIDERING that the OSCE participating States committed themselves to combatting torture and that this was stated in the 1989 Vienna Document and re-affirmed many times, including in documents agreed in Copenhagen and Paris in 1990, Moscow in 1991, Budapest in 1994, Istanbul in 1999, Ljubljana in 2005, Brussels in 2006, and Helsinki in 2008, stating, in particular, that “participating States strongly condemn all forms of torture as one of the most flagrant violations of human rights and human dignity. They commit themselves to strive for its elimination” (Budapest 1994);

CONSIDERING also that the OSCE participating States stated in the 1989 Vienna Concluding Document that “the participating States will prohibit torture and other cruel, inhuman or degrading treatment or punishment and take effective legislative, administrative, judicial and other measures to prevent and punish such practices,” in the 1990 Copenhagen Document 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,” and in the 1991 Paris Document that “without discrimination (...), no one will be subject to torture or other cruel, inhuman or degrading treatment or punishment;”

UNDERLINING that this commitment is an essential element of the human dimension, which is an essential component of the comprehensive security concept underlying the Helsinki process and the OSCE;

EXPRESSES grave concern about the increasing lack of compliance with this commitment in many OSCE participating States. Torture, cruel, inhuman and degrading treatment and punishment continue to be among the most serious problems in many OSCE participating States. In some participating States torture is widespread and systematic and is practiced with impunity. Prosecution rates against perpetrators are shamefully low. Even where there are bona fide attempts at prosecution, these are often undermined by a lack of adequate safeguards and by corrupt, obstructive and non-transparent investigative mechanisms. During the last decade torture has become a particular problem in the context of fighting terrorism as torture of terrorism suspects has become widespread.

NOTES that the OSCE is in a unique position to combat torture as all OSCE participating States, whether or not they are parties to other international treaties against torture, have taken on an unequivocal OSCE commitment regarding freedom from torture as part of the Organization’s comprehensive security concept. In a number of countries the OSCE is the only international body that may work towards ensuring elimination of torture on the ground. Therefore, while the OSCE cooperates with and promotes international agreements on torture prevention it also has its own unique role to play. The Organization must consolidate its expertise, effectively apply available and develop new mechanisms to make a breakthrough in implementing this commitment.

NOTES that civil society organisations in the OSCE participating States have accumulated a significant amount of experience in combatting torture in their respective countries and have developed and effectively implemented unique methodologies in this area. Their experience should be put to use within the OSCE.

URGES the OSCE Ministerial Council to explicitly re-affirm the OSCE commitment to eliminate torture and lead the organisation's work to ensure an absolute prohibition of torture throughout the OSCE region.

CALLS ON those participating States that have not yet adopted and ratified the Optional Protocol to the Convention against Torture (OPCAT) and have not established National Preventive Mechanisms to do so without further delay. OSCE participating States should strengthen their National Preventive Mechanisms by providing a firm legal basis guaranteeing their independence and their engagement in effective monitoring. They should establish effective mechanisms to investigate allegations of torture and other ill-treatment by law enforcement officials. These should include the establishment of complaints boards composed of lay persons with effective powers to participate in accordance with international standards for effective investigation. Moreover, OSCE participating States should provide a firm legal basis for NGO monitoring of places of custody, including pre-trial and police detention facilities, as well as to engage in legal assistance to and rehabilitation of victims of torture and other ill-treatment in places of detention. OSCE participating States should ensure that independent NGOs are not prevented from participating in public commissions for oversight of places of custody and that they are not replaced by GONGOs, which serve the purpose of imitating real independent public control. OSCE participating States must ensure that no one is expelled or extradited to countries where torture is an endemic problem. They should bolster and reinforce the role of the media as a tool in creating a culture of absolute non-acceptance of torture. States can be assisted in this task by the OSCE Representative on Freedom of the Media.

ENCOURAGES the OSCE to take several concrete steps without delay to develop appropriate and effective mechanisms and tools for combatting and prevention of torture, among them:

- The Chairmanship-in-Office (CiO) should aim to develop an OSCE action plan on combatting torture. A perceptions paper on torture prevention produced with input from civil society could be a first step. The CiO should encourage participating States to develop realistic national action plans on torture prevention, including strict deadlines and measurable criteria of progress.
- ODIHR should elaborate guidelines on preventing torture and ill-treatment in OSCE participating States. The guidelines should build on existing OSCE commitments and define concrete steps for States to take in order to prevent torture and effectively investigate allegations of torture.
- ODIHR should consider launching a project to monitor places of detention, as part of its mandate to monitor the implementation of human dimension commitments, as it already observes trials and peaceful assemblies. This initiative should be supported politically by the Chairmanship-in-Office. Participating States should support it through both financial contributions and practical cooperation with ODIHR. Should a torture monitoring project be established within ODIHR, the Office should consider deploying observation teams made up of ODIHR and civil society experts. Where OSCE field missions are present, they could undertake such observation missions jointly with invited experts from ODIHR and civil society. Participating States should respond positively to requests for visits by such observation missions and fully cooperate with them.
- OSCE institutions should consider organising an SHDM on torture prevention and monitoring detention facilities, with a special emphasis on the role of NGOs in the process.
- The Human Dimension Committee should hold a special session on torture prevention, discussing the outcomes of SHDM, should it be held, and inviting the UN Special Rapporteur on Torture and representatives of other international bodies to discuss how the OSCE can better interact with them and enhance their work. Voluntary reports by participating States on torture prevention during such an HDC session would be welcome. This session should be open to selected NGO representatives who should be able to contribute fully to the discussion.

Bringing these ideas to life depends on many actors in the OSCE community, their cooperation and their commitment to eliminating torture. We insist that human dimension issues, including realisation of the principle of absolute prohibition of torture, are, according to the Helsinki principles solemnly reconfirmed by participating States as recently as 2010, "a matter of direct and legitimate concern of other participating States."<sup>1</sup> This principle guides us in our work.

Over the last two decades there have been many discussions in the OSCE about the need to develop more effective mechanisms and institutions to address the problem of torture. It is high time for the OSCE to make combatting torture a priority and take concrete actions to address this flagrant violation of human rights and human dignity.

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<sup>1</sup> 2010 Astana Commemorative Declaration, <http://www.osce.org/cio/74985>