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The European Convention for the Prevention of Torture:

Five years experiences with the European Torture Prevention Convention

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Anniversaries are to be celebrated, at least when there are happy messages to attach to them. Well, some people in the world think so. And the Geneva-based Association for the Prevention of Torture found it appropriate when it arranged a seminar on the occasion of the fifth anniversary of the European Convention for the Prevention of Torture. It is not really possible to make an evaluation of the effect of the convention vis-à-vis torture as such. Did the activities of the watchdog of the convention, the Committee for the Prevention of Torture (CPT), really prevent some torture that was going to be committed? This is a highly philosophical question that the seminar in no way intended to answer.

The special character of the subject and the nonexistent statistics on the extent of torture in the Council of Europe countries prevent further elaboration in this respect. Let us face it: only one of these countries practises torture to a large degree: Turkey; and it has been doing so throughout the whole period. There is to date no prospect of the country reducing it, even despite a public declaration from the CPT on 15 December 1992. Many other NGOs have blamed Turkey for its poor human rights standard since then. The seminar, 5 to 7 December 1994, is described in a French-English publication with the long title, "The Implementation of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment" (1995). The seminar brought to light a number of instances of standard setting by the CPT, mainly legal ones. For example, in order to reduce the risk of forced confessions, police interviews are to be recorded.

The working group on health in prisons strongly supported further standard setting in acknowledgment of the work already done on identifying key issues and extrapolating principles in the health area. A list of prisoners at risk, identified for the CPT's continuing investigations, included young

prisoners, disabled prisoners, mentally retarded and illiterate prisoners, women, foreigners, asylum seekers, and people from ethnic minorities.

The seminar dealt with a wide range of practical matters such as the CPT's relations with the NGOs, the media, the trade unions, the parliamentarians, etc. The report talks of "cooperation" with these bodies: journalists certainly don't like that word – they regard themselves as observers of what is happening. They do not want to be categorized (and perhaps tempted not to be critical!).

Even humanitarians such as the members of the CPT are not above criticism! This reviewer is surprised that the small catalogue of practical suggestions made by the seminar does not mention the need for press releases summarizing the reports on each country with respect to visits to detention centres, police stations, etc. Such summaries are not given, and the press releases concerning these reports are meaningless. However, a suggestion in the catalogue is good, namely that the CPT should make a brief account of the conclusions of visits to prisons, etc. in various countries. Whether it is feasible to produce press releases that turn out to be of value for day-to-day journalism is another matter!

These remarks shall in no way serve to diminish the role of the CPT. Various member states have shown that they take the work of the CPT seriously by facilitating the visits of Committee members, and by later agreeing to publish the Committee's report. The authority and the experiences of the CPT are such that, for example, the guidelines it suggested complemented the European Prison Rules adopted by the Council of Europe Committee of Ministers in 1987. □

Selected list of publications

received in the IRCT International Documentation Centre

Prohibition of torture and inhuman or degrading treatment or punishment / Cassese, A. - In: The European system for the protection of human rights / edited by R. St. J. Macdonald ; F. Matscher ; H. Petzold. - Dordrecht : Kluwer Academic Publishers Group, 19930000. - p. 225-261. - ISBN: 0-7923-2431-5.

Protection against torture in Europe and the world / Danelius, Hans. - In: The European system for the protection of human rights / edited by R. St. J. Macdonald ; F. Matscher ; H. Petzold. - Dordrecht : Kluwer Academic Publishers Group, 19930000. - p. 263-275. - ISBN: 0-7923-2431-5.

Death warrant : Mohajir nation / MQM International Secretariat. - Edgware : MQM International Secretariat, [19960000]. - [30 p.].

A catalogue of the victims (the Mohajir nation) of state crime / MQM International Secretariat. - Edgware : MQM International Secretariat, [19960000]. - 134 p.

Deaths in detention and South Africa's security laws / Southern Africa Project. Lawyers' Committee for Civil Rights Under Law. - Washington : Southern Africa Project. Lawyers' Committee for Civil Rights Under Law, 19830000. - 192 p.

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