

euinsight

The European Union and the Fight Against Torture

Torture is among the most abhorrent violations of human rights and human dignity, and the Universal Declaration of Human Rights, whose 60th anniversary we celebrate this year, states that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No exceptions are permitted under international law.

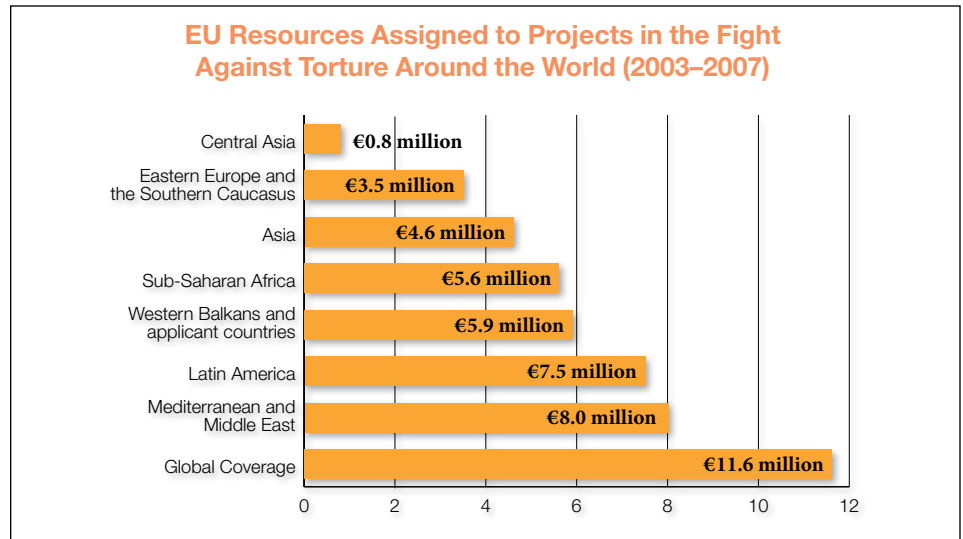
However, despite an absolute ban on torture and ill-treatment enshrined in the International Bill of Rights and in the UN Convention against Torture, the practice remains widespread. In 2006, cases of torture and ill-treatment by security forces, police and other state authorities were documented in 102 countries.

The European Union has its origin in a conscious decision to build a new Europe freed from the horrors of war and dictatorship, and it is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. Actively combating torture and other cruel treatment forms a necessary part of the EU's external relations activities and the actions of the EU, strongly supported by all the Member States, aim to prevent and eliminate torture and ill-treatment and to end the impunity of those responsible.

Supporting Anti-Torture Initiatives Worldwide

The EU's emphasis on preventing torture is reflected in the funding of projects aimed at improving conditions in places of detention, in its support of relevant international and regional mechanisms, and in its efforts in the area of public education and awareness.

From 2002 to 2007, the EU allocated an average of €11.7 million per year to funding projects that combat torture, and the European Instrument for Democracy and Human Rights (EIDHR) has been the leading source of funding for civil society projects to rehabilitate victims and combat torture worldwide. Such projects reinforce EU policy, whether by raising awareness about the Optional Protocol to the UN Convention against Torture (OPCAT), exposing trade in torture technology, or supporting the rehabilitation of torture victims.



The EU considers the International Criminal Court (ICC) to be a major advance in the creation of an international justice system where perpetrators of international crimes—including torture—can still be held accountable even if no action is taken at the national level. The ICC is the first permanent international court having jurisdiction to try individuals

accused of genocide, war crimes and crimes against humanity. The EU is a strong supporter of the ICC, and regrets that the United States not only does not recognize its jurisdiction and has undertaken measures to shield U.S. nationals from prosecution by the ICC, but also has encouraged other countries to do likewise.

Helping to end the impunity of torturers.

According to the Special Court for Sierra Leone, no national amnesty for crimes against humanity and war crimes—including torture—will be recognized. This landmark ruling is the result of a project financed by the European Commission, and sets an important precedent for all other international criminal jurisdictions dealing with the impunity of torturers.

Facilitating the processing of victims' complaints.

A project financed by the European Commission has helped facilitate the processing of complaints presented by the victims of torture, through the development of legal guides outlining the practices, procedures and case law of the main international systems on human rights. The four-volume reference collection is unique in the field of law and human rights.

Torture: A Definition

Any act by which severe physical or mental suffering is intentionally inflicted for the following purposes, and at the instigation of (or with the consent of) a person acting in an official capacity:

- Obtaining from that person—or from a third person—information or a confession;
- Punishing that person for an act that person or a third person has committed, or is suspected of having committed;
- Intimidating or coercing that person or a third person.

Guidelines to EU Policy toward Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Through its Guidelines on Torture and Other Cruel, Inhuman and Degrading Treatment, the EU strives to persuade non-EU countries to produce and apply effective measures to outlaw torture.

In April 2008, the Council of the European Union adopted an updated version of the guidelines and urges all countries to:

- Prohibit and condemn torture and ill-treatment, by implementing effective legislative, administrative and judicial measures to prevent such acts in any territory under its jurisdiction;
- Prevent the use, production and trade of equipment designed to inflict torture, and prevent the abuse of any other equipment to these ends;
- Adhere to international norms and procedures, including the United Nations Convention against Torture, the International Covenant on Civil and Political Rights and relevant regional instruments, and to give favorable consideration to the Optional Protocol to the Convention against Torture;
- Establish national institutions to effectively address the prevention of torture and ill-treatment;
- Ensure that no one is forcibly returned to a country where he or she risks being subjected to torture;
- Adopt and implement legal and procedural safeguards against torture, ensuring that those

who are detained are brought before a judicial authority in a timely manner, have appropriate access to lawyers and medical care, and can inform their relatives and other relevant third parties of their detention without delay;

- Ensure that procedures and conditions for detention and interrogation conform to relevant international and regional standards, and ban secret places of detention;
- Establish domestic legal guarantees to ensure that statements obtained through torture and ill-treatment cannot be invoked as evidence in any proceedings;
- Allow visits by representatives of civil society and independent bodies to detention facilities;
- Ensure that no circumstances, including a state of war, internal political instability or any other public emergency, may be invoked as a justification of torture;
- Ensure that no order from a superior officer or authority may be invoked as a justification of torture, and that no one will be punished for disobeying orders to commit acts of torture;
- Provide effective training to law enforcement officials, military personnel, medical personnel, the judiciary, prosecutors and lawyers on the relevant international standards;
- Allow domestic procedures for complaints and protect those who report cases of torture and ill-treatment;
- Conduct prompt, impartial and effective investigations of all allegations of torture, and bring those responsible to justice in a fair trial;
- Ensure that autopsies of those who die during detention are carried out in accordance with internationally recognized standards, and investigate all serious injuries sustained by detainees;
- Provide reparation and rehabilitation for victims of torture and ill-treatment.

Rehabilitating Torture Victims

The rehabilitation of torture victims both within and outside of the EU is a major priority for funding under the EIDHR. The International Rehabilitation Council for Torture Victims (IRCT) estimates that approximately 400,000 survivors of torture currently live in the EU, the vast majority of whom are refugees. According to the IRCT, only four percent—16,000 people—receive medical, psychological and social support on an annual basis. It is also estimated that around 20 percent of asylum seekers in the EU have been subjected to some form of violence or torture.

The EIDHR currently helps fund torture rehabilitation activities in 41 countries worldwide, including support to 20 torture rehabilitation centers and networks in 16 EU member states: Austria, Belgium, Bulgaria, Germany, France, Greece, Hungary, Ireland, Italy, Latvia, the Netherlands, Poland, Romania, Spain, Sweden and the UK.

A recent project financed by the European Commission, aimed at helping the victims of social and political violence in Latin America, has made a significant contribution to the success of the national reconciliation process in Latin American countries. Thanks to the combined efforts of a network of more than 60 campaigning human rights organizations, the project made it possible to help victims recover their mental and physical health and improve their quality of life.



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Charter of Fundamental Rights of the European Union

The Charter of Fundamental Rights of the European Union draws together all of the personal, civil, political, economic and social rights of its citizens into a single text. Ratification of the Treaty of Lisbon will make the Charter legally binding. Article 4 prohibits torture and inhuman or degrading treatment or punishment, and Article 2 prohibits the death penalty. The European Union considers the death penalty to be cruel and inhumane punishment that violates basic human rights, and abolition of capital punishment is a requirement for membership in the EU.

For more information: www.eurunion.org/euinsight