



Seminar on the implementation of effective safeguards to prevent torture and other cruel, inhuman or degrading treatment or punishment during police custody and pretrial detention

**6 October 2017, Conference Room XVII
Palais des Nations, Geneva**

CONCEPT NOTE

I. INTRODUCTION

1. In operative paragraph 21 of resolution 31/31, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights to convene, in 2017, “an intersessional, full-day open-ended seminar, with interpretation in the six official languages of the United Nations, with the objective of exchanging national experiences and practices on the implementation of effective safeguards to prevent torture and other cruel, inhuman or degrading treatment or punishment during police custody and pre-trial detention”. In operative paragraph 22, the Human Rights Council further requested OHCHR to “prepare a summary report of the above-mentioned seminar, and to submit the report to the Human Rights Council at its thirty-seventh session”.

II. BACKGROUND

2. Core international human rights instruments, in particular the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibit the use of torture and other forms of ill-treatment, and provide protection for persons deprived of their liberty. Other non-binding human rights instruments address in detail conditions of detention, the treatment of detainees, the investigation of allegations of torture as well as the needs of specific groups of persons deprived of their liberty. These instruments

constitute invaluable guidance for States in the implementation of human rights norms related to the protection of persons deprived of their liberty, at the national level.

3. A number of important challenges have been identified by human rights mechanisms, in particular with regard to persons in police custody and pretrial detention. Worldwide experience shows that it is precisely in the first hours and days after arrest that the risk of abuse, including torture and other forms of ill-treatment, is highest. Human rights mechanisms have also found that measures that contribute to the prevention of torture in police custody and pretrial detention settings are often absent or not adequately implemented, and that due process guarantees are often violated. Notably, detainees are left in detention without access to a lawyer or legal aid, and without being brought before a judge. Human rights mechanisms have also highlighted the lack of registration systems and the lack of access by detainees to independent medical examination, or to their family.

III. EXPERT SEMINAR

Date and Venue

4. Pursuant to Human Rights Council Resolution 31/31, the Office of the High Commissioner for Human Rights will convene a seminar on the implementation of effective safeguards to prevent torture and other cruel, inhuman or degrading treatment or punishment during police custody and pre-trial detention. The seminar will take place on **6 October 2017 in Geneva (Palais des Nations, Conference room XVII) from 10.00 to 13.00 and from 15.00 to 18.00.**

Participants and Logistical Arrangements

5. The seminar will bring together States, relevant United Nations bodies, funds and programmes, intergovernmental organizations, treaty bodies, special procedures, regional human rights mechanisms, civil society organizations, academia, national human rights institutions and other relevant stakeholders. Participation of practitioners with specific experience related to the implementation of effective safeguards in the context of police custody and pre-trial detention, such as police officers, judges, prosecutors, corrections personnel), is encouraged in order to ensure the most practical, detailed and productive discussions.
6. The seminar will be held in all six official languages of the United Nations.

Methodology

7. In accordance with paragraph 21 of Council resolution 31/31, the seminar will seek to encourage the exchange of national experiences and practices on the implementation of effective safeguards to prevent torture and other cruel, inhuman or degrading treatment or punishment during police custody and pre-trial detention.

8. Experts will introduce the themes of the different sessions and interact with participants in order to guide the discussions. Participants, including experts and practitioners from States and other relevant stakeholders, will be invited to share their views, experiences and good practices.
9. Following an opening session, the seminar will be structured around the following three sessions.

Session 1: Legal and judicial safeguards for the prevention of torture

10. This session will set out the applicable international human rights legal norms and standards that are relevant to the prevention of torture, and their implementation into national legislation. The session will also examine the role of the judiciary with regard to safeguards for the prevention of torture (for example the inadmissibility of evidence obtained by torture), including in relation to ensuring accountability of those responsible for acts of torture.

Session 2: Implementation of practical measures to prevent torture and ill-treatment (Parts I & II)

11. This session, which will be split into two parts, will examine the implementation of practical measures to ensure protection from torture in both police custody and pre-trial detention. Panellists will discuss and share national practices and experience on the following issues: methods of interrogation and interviewing that contribute to the prevention of torture and addressing the over-reliance on confessions; conditions of detention amounting to torture; training of law enforcement officials; the role of various actors including legal and medical professionals in the prevention of torture; and the particular challenges of detention related to national security. During this session, participants will be encouraged to present and discuss recent trends and practical solutions that have proven effective, including for example, as a method of addressing insufficient availability of effective legal counsel, the recourse to interim legal assistance provided by paralegals where this is the only legal support available. The session will also cover video-recording of interrogation, immediate notification of detention to family members and measures to avoid violence between detainees.

Session 3: The role of oversight and complaints mechanisms

12. The third session will examine the different types of monitoring and oversight mechanisms (judicial, non-judicial, internal and external, national preventive mechanisms and national human rights institutions) and their respective role with regards to the prevention of torture. This session will also discuss good practices regarding access of detainees to internal and independent complaints mechanisms as well as investigations of allegations of torture, and their impact on prevention.

IV. Outcome

13. OHCHR will prepare and publish a summary report on the outcome of the seminar, as requested by the Human Rights Council Resolution 31/31. The summary report will be submitted to the Human Rights Council at its thirty-seventh session.

Background documents:

- Human Rights Council resolution 31/31, “Torture and other cruel, inhuman or degrading treatment or punishment: safeguards to prevent torture during police custody and pretrial detention”, adopted on 24 March 2016