

## Statement on the occasion of the International Day in Support of Victims of Torture

Stand: 26 June 2020

*On the occasion of the International Day in Support of Victims of Torture, the Ludwig Boltzmann Institute of Human Rights (BIM) highlights the need to increase efforts to effectively implement standards preventing torture and other forms of ill-treatment worldwide.*

On 26 June the Ludwig Boltzmann Institute of Human Rights commemorates the International Day in Support of Victims of Torture proclaimed by the United Nations in 1997. This day is an opportunity to pay respect to the victims of torture and their families worldwide as well as to speak out against this abhorrent crime, prohibited without exception and possibility for derogation under international law. The day moreover celebrates the coming into effect of the UN Convention Against Torture (CAT) 33 years ago, on 26 June 1987. The CAT, to date ratified by 170 States, set up the most comprehensive framework for the prevention of torture and other forms of ill-treatment.

Despite its absolute prohibition and the wide ratification of the CAT, torture and other forms of ill-treatment remain a “global crisis” affecting the majority of States worldwide, sometimes on a widespread and systematic scale. Over the past months, the Coronavirus pandemic raised unprecedented challenges, which led to an escalation of torture and other forms of ill-treatment worldwide.

Particularly concerning is the situation of people in detention or confined in closed spaces in time of the Coronavirus pandemic. “People deprived of liberty, already subject to the risk of cruel, inhuman and degrading treatment behind bars and in other confined spaces, are now facing a new threat”, said the UN Anti-Torture mechanisms.<sup>1</sup>

Moreover, many international bodies have reported an increasing use of excessive violence by the police, including to enforce curfews and social distancing rules as well

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<sup>1</sup> Joint statement by the UN Committee against Torture, the UN Subcommittee on Prevention of Torture, the UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, and the Board of Trustees of the UN Voluntary Fund for Victims of Torture <https://www.ohchr.org/Documents/HRBodies/CAT/26June-statement-UN-Torture-Prevention-Experts.pdf>.

as incidents of racially-motivated violence.<sup>2</sup> Excessive use of force by the police may amount to torture or other forms of ill-treatment under the UN Convention against Torture and ill treatment.<sup>3</sup>

The death of George Floyd constitutes a shocking example of this trend. The use of kneeling on the neck – a form of restraint capable of causing positional asphyxia – for a period as long as 8 minutes and 46 seconds while the person is under the factual power or control of the police officer and lays down in a situation of powerlessness raises a number of serious concerns under the prohibition of torture and other ill-treatment.<sup>4</sup> In this regard, Nils Melzer, UN Special Rapporteur on Torture stated: “What we can see on the publicly available video recording of George Floyd’s killing clearly amounts to torture and arbitrary killing; two of the most serious violations of international human rights law.”<sup>5</sup>

Yet the death of George Floyd is not an isolated incident, but points to a widespread problem of structural racism, as highlighted by Michelle Bachelet who stated: “We need decisive action across the world – not only to reform or re-imagine specific institutions and law enforcement agencies, important though that is, but to address the pervasive racism that corrodes institutions of government, entrenches inequality and underlies so many violations of human rights. And the cycles of impunity which have permitted this to happen must end”.

Echoing the words of the UN Commissioner for Human Rights, it is additionally important to remember that the CAT sets out clear legal obligations to prevent torture

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<sup>2</sup> Special Rapporteur on Extrajudicial, Summary or Arbitrary Killings, Covi19 human rights dispatch – number 1, <https://www.ohchr.org/Documents/Issues/Executions/HumanRightsDispatch1.pdf>; Joint Statement by UN Human Rights Experts, COVID-19 security measures no excuse for excessive use of force, say UN Special Rapporteurs,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25802&LangID=E>; UN Human Rights Council, Urgent debate on current racially inspired human rights violations, systemic racism, police brutality and violence against peaceful protests,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25971&LangID=E>.

<sup>3</sup> Nowak, Birk, Monina, The United Nations Convention Against torture and its Optional Protocol (2<sup>nd</sup> edition, OUP 2019) pp 42; UNSRT (Melzer, N.). Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment (2017) A/72/178,

<https://undocs.org/en/A/72/178>.

<sup>4</sup> See International Bar Association, George Floyd killing: discriminatory, disproportionate use of force by police undermines rule of law, <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=69752576-cd78-48ed-8f0f-ae50433fb950&fbclid=IwAR1hnHrt0PK4XEBoOrev4ZXUIko5IVu8zpjahpz5RkJaNpd2AnRN8umerRU>;

OMCT, United States: Was George Floyd tortured to death? Urgent measures are needed to prevent lasting damage to human rights and democracy, <https://www.omct.org/statements/united-states/2020/06/d25881/>.

<sup>5</sup> International Bar Association, George Floyd killing: discriminatory, disproportionate use of force by police undermines rule of law, <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=69752576-cd78-48ed-8f0f-ae50433fb950&fbclid=IwAR1hnHrt0PK4XEBoOrev4ZXUIko5IVu8zpjahpz5RkJaNpd2AnRN8umerRU>.

and other forms of ill-treatment, including excessive use of force. These encompass the obligation to criminalise torture and undertake prompt and impartial investigations, as well as the obligation to take effective legislative, administrative, judicial and other measures, and to provide victims of torture with effective remedy and reparation. More than thirty years after their entry into force, these obligations remain essential steps for the eradication of all forms of torture and ill-treatment.

On this day of commemoration, we would like to reinstate the absolute nature of the prohibition of torture, a norm that can never be derogated from even during exceptional circumstances and emergencies, and stand in solidarity with all victims of torture and other forms of ill-treatment across the world, their families and friends.

The Ludwig Boltzmann Institute of Human Rights' Human Dignity and Public Security Department has long-standing experience in the field of torture and other forms of ill-treatment. Most recently, it has carried out several projects, including the revision of the second edition of the [UN Commentary against Torture](#) and the [Atlas of Torture](#) – a platform for information and cooperation on torture and ill-treatment. With its work, the BIM hopes to make a valuable contribution supporting States, academia and civil society organisations worldwide in their fight against torture and ill-treatment.

For further information on the torture prevention work at the BIM: <http://bim.lbg.ac.at/en/human-dignity-and-public-security>

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