



HR HELSINKI FOUNDATION
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**International
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STATEMENT BY THE NGO COALITIONS AGAINST TORTURE IN KAZAKHSTAN, KYRGYZSTAN AND TAJIKISTAN*

Working Session 3: The role of the OSCE in assisting participating states to prevent torture: the way forward

In a number of countries across the OSCE region, including our home countries of Kazakhstan, Kyrgyzstan and Tajikistan, the OSCE is the only international body that may work towards ensuring elimination of torture on the ground. Thus the OSCE has an important role to play and should use its authority and competence to its utmost potential.

At the OSCE's Ministerial Council meeting in Athens in 2009 Ministers issued a declaration on the occasion of the 25th anniversary of the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. They pledged to uphold the absolute prohibition of torture and other ill-treatment and act in full conformity with all principles enshrined in the Convention against Torture.

We are calling on OSCE participating States to build on this declaration by making torture prevention a priority concern in the OSCE and by unequivocally condemning torture wherever it occurs in the OSCE region. As one of the most serious human rights violations torture should be an issue in bilateral relationships between OSCE member states whenever credible evidence of torture is brought to their attention. In addition, OSCE Heads of State and Government should publicly condemn torture and send the strongest possible signal to their country and the OSCE region that torture and other ill-treatment are prohibited.

OSCE participating States should encourage research by independent NGOs about torture and provide support and financial assistance to civil society initiatives across the OSCE region in their efforts to prevent torture and other ill-treatment. We also urge the OSCE to pay special attention to protecting and enhancing the safety of human rights defenders who are engaged in combating torture.

We support the Kiev declaration issued by the NGO Civic Solidarity Platform, an advocacy network of NGOs across the OSCE region, in December 2013. In particular, we want to stress the Platform's

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recommendation that the Chairmanship-in-Office of the OSCE “develop an OSCE action plan on combatting torture [and] encourage participating States to develop realistic national action plans on torture prevention, including strict deadlines and measurable criteria of progress.” We also support the Civic Solidarity Platform's recommendation that the “Human Dimension Committee should hold a special session on torture prevention, discussing the outcomes of [the Supplementary Human Dimension Meeting] and [invite] 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 a [Human Dimension Committee] session would be welcome. This session should be open to selected NGO representatives who should be able to contribute fully to the discussion.”

There have been examples of beneficial cooperation between OSCE field offices and civil society groups engaged in working towards eradication of torture. For example, the OSCE Office in Dushanbe is a key partner of the NGO Coalition against Torture in **Tajikistan**. The Centre has provided a platform for dialogue between government agencies such as the Presidential administration, the Ombudsman, the Penitentiary system and the Prosecutor's Office on the one hand, and the Coalition against Torture on the other. The Centre's role as partner in the coordination of the Coalition's interaction with international organizations has been very valuable.

In **Kyrgyzstan** the OSCE Centre in Bishkek played a crucial role in initiating a programme of independent monitoring of detention facilities across the country. This programme of unannounced visits has been carried out by the Ombudsman in cooperation with NGOs since 2011. So, we believe that the OSCE's work on torture prevention in Kyrgyzstan is an example of how the OSCE can really make a difference.

However, we believe that the Office for Democratic Institutions and Human Rights (ODIHR) should significantly step up its support of governments and civil society organizations in their work relating to the eradication of torture, both on the political and practical levels. ODIHR should concentrate its efforts on the implementation of international standards and obligations as well as recommendations of international human rights mechanisms and procedures.

We would like to add a number of recommendations regarding issues and activities the OSCE should focus on in our respective countries.

The OSCE Centre in Astana should monitor the effectiveness of the new NPM and support the efforts of the NGO Coalition against Torture in **Kazakhstan** to establish an independent torture complaints mechanism. It should also engage in monitoring trials to determine how the courts deal with torture complaints submitted during pre-trial proceedings.

In **Kyrgyzstan** the OSCE should continue to support the independent monitoring of detention facilities. It should support NGOs to cooperate with the NPM and it should help NGOs clarify to the authorities and the general public the difference between the work of the Ombudsman on the one hand and the NPM on the other, and how these two institutions can complement the work of one another.