

KEYNOTE SPEECH

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Honourable parliamentarians, government officials, researchers, members of the judiciary, colleagues in Asian Human Rights Commission (AHRC) and from other human rights organisations, I would first like to greet you all warmly. I extend a special welcome to our esteemed parliamentarians who have taken the time and special effort to be here with us today. It is a great pleasure for me to see you all here and to participate with you in the coming days' deliberations. I have so looked forward to this event where parliamentarians and representatives from civil society organisations, two groups of individuals crucial to a vibrant democracy, are engaged in discussions acknowledging and working towards the eradication of the gruesome and anachronistic practice of torture.

Torture is not only a tragedy for the victims but degrading to those who perpetrate it as well as to the societies which tolerate such outrageous acts. Today we have international instruments in place to prevent and punish torture – the UN Convention against Torture and its Optional Protocol are examples of these mechanisms. Freedom from torture and other cruel, inhuman or degrading treatment or punishment is an inalienable human right. The prohibition of torture is a fundamental principle and aspiration of international human rights law. This prohibition is absolute and allows no exceptions. Yet today, a significant proportion of countries in the world still actively practice or condone practices of torture; Asian countries compose a considerable part of this statistic.

Torture: an indicator of fundamental system failure

For the last twelve years I have been working at Rehabilitation and Research Centre for Torture Victims (RCT) in Copenhagen, Denmark. At present, we support activities in over twenty countries and meet a variety of people working tirelessly toward the alleviation of suffering in victims of torture. Good intentions are not always translated into action or meet expectations. Furthermore, the work to stop torture is often rather risky for the activists involved. The tremendous effort put into anti-torture efforts never seem sufficient. Over the years, we have met competent and confident government officials who genuinely desire to work towards rule of law, but they are often entangled in fatally flawed or malfunctioning systems and institutions. The situation is exacerbated by another insidious practice that has hindered anti-torture efforts and other development-oriented programmes – corruption. Torture is preventable: changing practices and attitudes. Training for police officers, prison staff and the judiciary has thus far proven seriously inadequate. Police officers who are trained do not apply the lessons learned to everyday practices, so deeply and institutionally entrenched are the practices of torture and corruption. The crucial internalisation of values such as respect for the dignity of a human being has not come to pass yet, and it is my sincere belief that unless this happens, the barbaric practice of torture will persist.

Human history has shown it is possible to eradicate torture. In Denmark, Scandinavia and Hong Kong, for instance, government officials and civil society have worked together to

prevent torture. Political will is the critical factor deciding whether or not the practice can be eliminated, which is why I am so pleased and encouraged to see you all here today. I look forward to hearing more about your particular experiences and to uncover insights which may be useful elsewhere. Government officials are not only legislators but influential role models who change public opinion. Through the process of legislation, parliamentarians represent popular sentiment and lay the groundwork for law-based prohibition and punishment of the practice of torture and ill-treatment.

Example from Denmark I would like to refer to my own experiences with the RCT in Denmark. The RCT was founded 30 years ago in response to the needs of torture survivors and refugees who had fled their own countries and who were in need of specialised treatment. The RCT took upon itself the task of campaigning against the practice of torture through the knowledge accrued over the years through medical documentation of the consequences of torture on the individual, the family and the wider community. We now know better the infinite capacity of human beings to bring harm upon fellow human beings.

The RCT was born of the horror Danish society felt toward practices of torture. This powerful resistance was strengthened during the Second World War, when Denmark was occupied by the Nazis who tortured suspected Danish resistance fighters. In the late 1960s, Danish parliamentarians also supported Greek politicians who had been severely tortured by the military regime then in power (1967-1974). Professor Dr Ole Espersen, who specialises in International Law and is presently a legal consultant of the RCT, was one of the Danish politicians who had pushed for the reception and rehabilitation of those victims of torture from Greece. He later became the chairman of the RCT in the 1990s. Although Ole Espersen was a Social Democrat, the Danish right-wing demonstrated solidarity with moves by the left to put greater pressure on the Greek military regime, which was eventually expunged from the Council of Europe. This diplomatic isolation contributed to the eventual collapse of the military dictatorship in Greece. It also showed that those who actively oppose torture and advocate human rights span the political spectrum.

Even in Denmark, however, effort must be expended to harness the otherwise passive belief against torture. This is because people simply forget, in a safe environment, the terror and excruciating physical and psychological pain torture induces. Younger generations are increasingly less aware of torture and its effects on the individual, the family and society. This is the reason human rights organisations must never become complacent, and must continue to ensure awareness of human rights in our respective societies.

Standard Operating Procedure (SOP): It's not only the "bad" people who practice torture

Torture is a barbaric practice all too common despite the international conventions prohibiting it. Regrettably, this is also the case in Asia, where torture is so commonplace the practice is considered SOP (Standard Operating Procedure). Torture is carried out where there is ignorance as to the effects of torture upon the individual, the family and the society. Torture is a manifestation of severe system failure; the state is unable or unwilling to live up to its commitment to the protection of human rights, entitlements inherent to a dignified existence.

We must distinguish a few bad apples and much graver system failure. Various studies conducted by psychologists suggest that under the wrong conditions almost all of us are capable of the senseless cruelty exhibited by perpetrators of torture (refer to experiments

by Zimbardo and Milgram). Humans are not born cruel or evil; rather, flawed systems produce individuals capable of evil and cruelty. Torture hurts not only the person tortured by the perpetrator as well. The consequences for society are far-reaching. It is also a fact that most of those subjected to torture and ill-treatment are the poor and marginalised of society.

Role of the parliamentarian

It is necessary to first appreciate the nature and frightening scale of the violence and accept that this problem of torture and ill-treatment cannot be satisfactorily addressed

through the simple ratification of a few conventions or even through the drawing up of new laws to criminalise torture. It is relatively easy to obtain information indicating the severity of the problem – the Asian Human Rights Commission (AHRC) has extensive documentation of the numerous violations in various Asian countries and provides detailed analysis of the root causes of these problems. The Commission also issues statements and forwards articles that make recommendations about how to develop strategies to methodologically combat the practice of torture. These analyses are important to our understanding of how torture negatively affects every member of society, whether directly or indirectly. They also expose how non-transparency and unaccountability stemming from the disregard for the rule of law and rampant corruption encourage perpetrators and potential perpetrators to ill-treat and torture those in their custody with impunity.

Without political courage, parliamentarians cannot hope to make a difference. Because of their high profile and legislative powers, they may be able to work more effectively and less fearfully. Parliamentarians are morally obliged to secure

1. National legislation criminalising torture and oversight of the implementation of all necessary programmes, laws, acts and ordinances toward the elimination of torture;
2. State ratification of the many international treaties and conventions against torture;
3. Sufficient funds to ensure the proper functioning of law enforcement agencies, the judiciary, military and paramilitary;
4. Cooperation between human rights activists/organisations, the executive and the legislative is strengthened.

It is important to realise that a permanent change can only be achieved through a parallel evolution in every individual's worldview. Only when attitudes change can practices so long institutionalised be reformed. This will require political courage; there will be substantial resistance from power-holders in the various institutions and branches of governments, as well as conservative sections of society that may mistakenly believe the government is becoming lenient in its dealing with suspected criminals. One of the weaknesses of any democracy is the people's demand for and expectation of "instant justice" – human rights may then fall prey to populism. It is therefore the duty of the government to resist majoritarian sentiment that may perversely compromise the rights of certain individuals and minorities, and to uphold the sanctity of each citizen's right to equality before the law and to equal protection by the law.

Although almost no one even attempts to justify torture – and some resort to various euphemisms to mask the truth (President George Bush, for instance, termed the practice "enhanced interrogation techniques") – many powerful agents and agencies turn a blind eye to the practice of torture within their countries. It is easy to overlook sensitive or

controversial issues. Parliamentarians must therefore act on their immovable convictions about the inherent equality and dignity of all humans. In the short term, few medals or accolades will be awarded for championing anti-torture efforts, yet this is necessary for the sake of the entire country. Efforts should be made not simply to avoid critique from the respective UN treaty bodies, but because torture and impunity create fear and distrust in public institutions and result in a fragmented and socio-politically and economically unstable country.

Tomorrow I will discuss in-depth the very real cost and inefficacy of torture. I wish today to simply highlight the ethical argument against the inhumane practice of torture, a practice that is an affront to our beliefs in a collective humanity; violent, senseless acts that offend our individual consciences. It is for this reason that an absolute prohibition of torture has been explicitly established by international law.

The right against torture and other ill-treatment is a fundamental human right; it is what makes us - perpetrator, potential perpetrator, victim and potential victim – human.

In some countries, to be a courageous politician is to be at risk of being personally tortured. This is particularly true of opposition politicians. This is because torture is already employed in the suppression of dissenting voices. This is extremely troubling and telling because it clearly reflects the lack of democratic space. Cooperation between politicians from different countries can then become valuable, as in the case where Danish politicians supported Greek counterparts who had been tortured or who were at risk of being tortured. We must first acknowledge a difficult statistic that for every "special" or "celebrity" case, thousands of other ordinary individuals are also being tortured. This is a fact I alluded to earlier.

The Role of the Asian Human Rights Commission (AHRC)

This Meeting of Parliamentarians is the first of its kind in Asia. The RCT feels privileged to be invited by the Asian Human Rights Commission, an organisation that has worked relentlessly, diligently, resourcefully and skilfully on the issue of torture for many years now. On the flight to Hong Kong, we read in the last issue of the International Herald Tribune news referencing the work of the AHRC. The rising profile of the AHRC raises the profile of the issue of torture and torture prevention in Asia. I would therefore like to congratulate the Asian Human Rights Commission for organising this event.

Once more, I would like to say how happy I am to be here with you all. We are grateful you have taken time off busy schedules to take part in this important meeting. We do not expect miracles – we work to make them happen. I hope that the exchange of views in active discussion will help us identify realistic, pragmatic and yet ambitious strategies for the elimination of torture in Asia, itself an ambitious but necessary goal. I have discussed the orientation and content of this regional meeting with Danish politicians who have expressed an eagerness to take part in this fight against torture, and to share experiences, ideas and opinions with you all. Through our presence at this meeting we affirm our belief that not only is torture preventable, but that we have to play a part in working toward that reality. Let us join hands in this endeavour.

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