



DELHI DECLARATION AND PROGRAMME OF ACTION ON FREEDOM FROM TORTURE

THE VIII International Symposium on Torture as a Challenge to the Health, Legal and Other Professions was held at Vigyan Bhawan, New Delhi from 22-25 September 1999. It was jointly organised by the National Human Rights Commission (NHRC) and the International Rehabilitation Council for Torture Victims (ICRT) in collaboration with the Indian Law Institute and the Indian Medical Association. The Symposium concluded with the adoption of the 'Delhi Declaration' - a plan of action to counter the widespread menace of torture.

The Vienna Declaration and Programme of Action adopted by the UN World Conference on Human Rights in June 1993 constituted a landmark at the international level in the consideration of freedom from torture. Since then a number of developments have taken place.

These include

1. A steadily increasing number of states have ratified the UN Convention Against Torture. Several more have signed the Convention and initiated the process of ratification. However, the number of states having ratified the Convention Against Torture in full and without reservations is still regrettably small. Therefore in many cases the individual protection foreseen under the Convention is denied.
2. An increasing number of national human rights institutions have been established, many of which have given priority to the problem of torture.
3. Despite continuance of impunity laws in certain countries, the number of alleged perpetrators formally indicted and actually brought to trial are on the increase nationally as well as internationally.
4. The recognition of the need to provide comprehensive reparation to victims of torture is gaining ground nationally, as well as internationally.
5. Access to professional health and legal assistance is available to an increasing number of survivors of torture worldwide.
6. Relevant training and material concerning torture is available to a growing number of survivors of health professionals and law enforcement personnel, civil and military. However, few countries-even state parties to the Convention Against Torture have systematically implemented such training in the curricula of all relevant professions as foreseen in the Convention. Relevant training material has also not been made available in all the languages required at country level.



7. An initiative has been taken by a number of concerned NGOs and health professions to update and expand existing manuals for forensic medical examination of suspected victims of torture. The resulting Istanbul Protocol outlines principles for investigations and diagnostic tests. It also suggests international minimum standards expected to be considered shortly by the UN.
8. Multilateral and bilateral funds for assistance to victims of torture have been on the increase but are still far from sufficient to allow continued operation and the necessary expansion of appropriate services for survivors of torture and their families.
9. An increasing number of states have joined the European Convention for Prevention of Torture accepting unhindered access to any place of detention including psychiatric services under the jurisdiction of a state party. However, the efforts within the UN Commission on Human Rights trying to create a similar system at the global level have still not resulted in consensus.
10. In 1997 the UN General Assembly instituted June 26 as international day in memory of victims of torture. This day is now being observed all over the world.

However the Symposium also noted with concern

1. Although torture, as a matter of state policy, has ended in certain countries that have witnessed changes in regime, it continues to be widely prevalent in many countries where it is still either accepted, or at least tolerated, as part of law enforcement interrogation and punishment.
2. War and situations of armed conflict within and between states have, in recent years, given rise to the gravest human rights violations including torture.
3. Health professionals in many countries still find themselves under duress to condone or cover up torture in violation of their codes of ethics and the UN Principles of Medical Ethics.

Given the continued widespread practice of torture at the threshold to the new millennium, the Symposium urged the following action at the national level

1. Sensitisation of the political leadership to issues concerning torture.
2. Accession to the UN Convention against Torture where this has not taken place.
3. Accession to the Statute of Rome on the establishment of the International Criminal Court.
4. Expediting revision of national laws to deal comprehensively with the prosecution of tortures and reparation to victims of torture.
5. Significant increase in the number and size of state contributions to the UNVFVT (United Nations Voluntary Fund for Victims of Torture) as well as



identification of a systematic canvassing of potential supplementary donors to the UNVFVT.

6. The systematic and effective monitoring by national human rights institutions of instances of torture, particularly of custodial violence.
7. Undertaking of every effort to promote a culture of non-violence and the respect for human rights.
8. Repealing of laws providing impunity to torturers.
9. Special consideration to practical ways of protecting women and children against torture.
10. Greater involvement of all components of civil society, including health, legal and other professions as well as non-governmental organisations and the media in the fight against torture.

The Symposium further urges the following actions to be taken by the UN

11. Expediting consideration of an Optional Protocol to the Convention against Torture allowing international access to all places of detention under the jurisdiction of State Parties to the Protocol.
12. Expediting consideration of the proposed UN Principles for Restitution, Compensation and Rehabilitation of Victims of Grave Human Rights Violations and fundamental freedoms.
13. Expediting consideration of international minimum standards for forensic examination of alleged victims of torture and the effective global dissemination of the guidelines contained in the Istanbul Protocol.
14. Ensuring diligent prosecution of alleged torturers and effective protection and redress to victims of torture and their families within the framework of the procedures being developed for the International Criminal Court.
15. Providing technical assistance to the production and effective global dissemination of relevant teaching material on torture issues for health, legal, law enforcement and other concerned personnel.
16. Providing technical assistance for recurrent international and national information campaigns with a view to creating and maintaining public awareness of the continued practice of torture and of the need to provide effective reparation to torture survivors and their families.
17. Strengthening the capacity and resource base of the UN mechanisms supporting the fight against torture.