

Poverty and Torture: IRCT Statement for a global reading on the occasion of the International Day in Support of Victims of Torture, 26 June 2011

By Manfred Nowak

Ladies and Gentlemen,

Today marks the UN International Day in Support of the Victims of Torture. It provides us with an opportunity to honour the victims and survivors of torture and to reflect upon the root causes of torture and who the victims of torture are. There are many different types of torture survivors, such as persons suspected of having committed a crime or an act of terrorism, opponents of repressive regimes, members of racial, religious or sexual minorities. But in the overwhelming majority of all cases of torture worldwide, torture is a privilege of the poor.

During my tenure as UN Special Rapporteur on Torture between 2004 and 2010, I carried out fact-finding missions to 18 countries in all world regions. These countries were carefully selected to serve as a representative sample of the mix of states our contemporary world is composed of: small and big states, democracies and dictatorships, communist and capitalist countries, monarchies and republics, federal and unitary states, countries shaken by armed conflicts and those living in peace, religious and atheist countries with different traditions and legal regimes. In all but one country (Denmark, including Greenland) I found cases of torture and deplorable conditions of detention, and it is safe to conclude that in the majority of the present states torture is practiced in a fairly widespread and routine manner by law enforcement bodies. Most of the victims and survivors of torture belong to the poorest and most disadvantaged sectors of society.

One of the most important root causes of torture is the malfunctioning of the administration of justice in too many countries of our contemporary world. Although the justice sector (judges, prosecutors, the police, and prison administration) shall protect human beings against the injustices of life, it unfortunately belongs in many countries to the most corrupt sectors of government. In order to follow a public policy of being "tough on crime", politicians, the media, public opinion, judges and prosecutors put heavy pressure on the police to "solve" criminal cases. But the police officers in most countries are not well trained, receive low salaries and do not possess highly sophisticated methods of taking evidence. They simply arrest persons who look suspicious because they are poor, homeless or belong to a marginalized and discriminated group. They bring them to a police station and beat them until they confess having committed the crime. Then they are placed in remand detention where they wait for many years to be tried. Often, they remain for a period of pre-trial detention which is longer than the maximum prison term for the crime they are accused of. At the end, they might be convicted by a court on the basis of a confession which was extracted by torture many years before.

If you have money, you can avoid arrest or detention by bribing the police, prosecutors or judges. Bail and plea bargaining may serve as the perfect excuse for corruption. If you

are poor, you may be forgotten among thousands of pre-trial detainees whose cases are never properly dealt with by the courts. During detention, you may only receive proper space, food and medicine if you bribe prison officials. In many countries, it is not considered as a responsibility of police or prison officials to provide people in police custody and remand detention with food or medicine, but as a task of their families. If you are rich, and your family lives in the vicinity, they will provide you every day with water and proper food. If you are poor, and your family lives far away, you will starve or try to get food from other detainees for personal, often sexual, services. Although this may sound exaggerated, it unfortunately is standard practice in too many countries, prisons and police stations I have visited during these six years.

According to the Commission on the Legal Empowerment of the Poor, more than four billion people, i.e. almost two thirds of the present world population, have no effective access to justice. Most of the survivors of torture and appalling conditions of detention whom I have visited in overcrowded police lock-ups and prisons belong to those four billion people who are denied access to justice because they simply are too poor to buy justice. If we wish to combat torture effectively, we have to start with the legal empowerment of the poor by fighting corruption and other structural deficiencies in the administration of justice, strengthening the independence of the judiciary and providing poor people with legal aid and equal access to the justice sector.

Ladies and gentlemen,

Fighting torture and improving prison conditions by addressing the root causes, including poverty and corruption, seems to constitute a challenging task. But it is not an impossible task. A world without torture is possible! But it needs a fundamental change in the political priorities of our time. Although detainees and torture survivors belong to the most vulnerable and disadvantaged groups, there is very little empathy among the public at large for those behind bars. Prison walls have a double function: to lock people in and the public out. In reality, most people cannot imagine and at the same time have no real interest to know how life behind prison walls looks like. If they would know how bad the situation really is, most people and politicians would change their minds. That is why it is so important to create awareness about the link between poverty and torture and to lift the veil of opacity from the criminal justice sector by opening up prisons and police lockups to inspections and preventive visits by independent bodies, such as national preventive mechanisms required by the Optional Protocol to the Convention against Torture.

The International Day in Support of Victims of Torture shall remind us that we owe it to torture survivors all over the world to combat this evil crime by all possible means. This includes various efforts to eradicate poverty, to combat corruption in the justice sector, to legally empower the poor and to bring more transparency and light into dark police and prison cells.

Manfred Nowak