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OFFICE OF THE
HIGH COMMISSIONER FOR HUMAN RIGHTS

**General Assembly of the Network of National Institutions of
the Americas
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**Opening Remarks by the
Acting High Commissioner for Human Rights**

Bertrand Ramcharan

Dear Excellency Vice-President Mr. Daniel Scioli, other Government representatives, colleagues, guests and friends,

I am pleased to send you my best wishes through our regional representative Mr. Roberto Garreton. It is a busy time for us in the Office while we prepare for the arrival of our new High Commissioner, Justice Louise Arbour, in early July. These preparations prevent me from being at your important meeting. However, I think that it is fully appropriate that our regional representative be with you throughout your proceedings so that he can get to know you as well as the colleagues of the National Institutions Unit of our office have.

I would very much like to extend our warm appreciation to the Defensoría of Argentina and in particular Dr. Mondino, for hosting this meeting and for the warm hospitality extended to the participants. I also thank the Government of Argentina for its support to this initiative as demonstrated by the very senior Governmental presence today.

The Secretary General of the United Nations set as one of the main priorities of his second reform agenda the need to work towards strengthening national protection systems, of which you form an integral part. Those of you who participated in the 60th session of the Commission on Human Rights and in the meeting of the International Coordinating Committee in Geneva this April heard me say that the presence and participation of National Institutions in the Commission on Human Rights is one of the most encouraging developments within, and interesting features of, this year's session of the Commission. You are crucial actors for the promotion and protection of human rights at the national, but also regional and international levels.

At the national level you represent the voice of the oppressed in support of their human rights and fundamental freedoms. I am impressed by the work that you do in your respective countries and by the respect and trust that your institutions have engendered with Government and the civil society. I am aware that some of you have also been very active at the regional level, including by bringing cases before regional human rights instances. At the international level you contribute to the promotion and protection of human rights including through participation in international fora, by contributing to the development of international human rights instruments, and by bringing relevant information to the attention of international human rights

mechanisms. I have great respect for the work that you perform often in difficult circumstances; circumstances that can deteriorate to the point of putting you and your institutions at risk due to the cases or situations you reveal.

While I address you today on the occasion of the opening of the General Assembly of the Network of the Americas, let me tell you that I believe that the existence of regional networks like this one is of the utmost importance. They permit an exchange of experience and best practices among institutions that, belonging to the same region, often face similar challenges. And they also constitute safety nets that can be of support to single institutions when their independence or effectiveness is being threatened. I was impressed by the number of regional and sub-regional activities that you have organized during the past year and I was very glad to learn about the establishment of a special fund, administered by the Ombudsman's Office of Venezuela, to support the work of national institutions of the Americas and the Caribbean, including your activities. You can continue to count on the support of my Office, within the limited resources available, to support your undertakings. I hope that this meeting will serve to finalize a work plan for the Network for 2005, which we can take into account in our own planning exercise. You are making tremendous progress in strengthening your Network and this certainly represents a good practice that you should share with your colleagues in other regions.

I believe that it is also a good practice to hold a thematic session in conjunction with each meeting of the General Assembly of the Network. I welcome the choice of this year's topic, the prevention of torture and other cruel, inhumane or degrading treatment or punishment, and I would like to warmly thank the Association for the Prevention of Torture (APT), an important partner of our Office, for its contribution to this seminar. Equally, I would like to thank the Secretariat of the European Committee for the Prevention of Torture for participating in the meeting and sharing its experience with the Network.

What is the role of National Institutions in preventing torture or in supporting states and civil society in doing so? National Institutions by virtue of their very mandate and functions are natural partners in the prevention of torture and other cruel, inhumane or degrading treatment or punishment:

- They have the competency and responsibility to promote and protect human rights;
- They may submit opinions, recommendations, proposals or reports to government, parliament or other bodies on an advisory basis and may decide to publicize them in any situation of violation of human rights;
- They may draw the attention of the government on any human rights violation and make recommendations on how to put an end to them;
- They may promote the harmonization of national legislation keeping with international standards;
- They may encourage ratification of the Convention and its Optional Protocol;
- They may consider any question within their competence and hear any person on any questions or issues that they are particularly interested in;
- They may hear any person and obtain information for assessing matters within their competence; and
- Those institutions with quasi-judicial competence may hear and consider complaints on individual situations.

As you will discuss in detail in the coming days, in their struggle against torture and other cruel, inhumane or degrading treatment or punishment, numerous national actors all over the world have undertaken to carry out regular monitoring visits to places of detention. The Optional Protocol to the UN Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment foresees an obligation for each State party to maintain, designate or establish one or several independent national preventive mechanisms for the prevention of torture at the domestic level. It also provides that when establishing national preventive mechanisms, States parties shall give due consideration to the Paris Principles. From the wording of the Optional Protocol it is clear that National Institutions have a crucial role in giving effect to the Optional Protocol.

Visits to detention centres by National Institutions are effective protection and prevention tools. NIs can engage in dialogue with detention centre authorities and train them; they can report on conditions of detention, investigate potential abuses, and make recommendations to bring about meaningful change; they can be active voices for those who are deprived of their liberty and offer them moral and practical support; and they can also play an important deterrent factor, ensuring that the knowledge of potential visits dissuades abusive practices.

Addressing the issue of prevention and therefore of protection is crucial. Protection, as I intend it, means that you take the international norms and you use them to build strong national protection systems. International efforts are meant to stimulate national protection activities and national protection systems. International, political and economic conditions are developing in such a way that they place particular challenges for governments to uphold their obligations. At such times it is important to have domestic monitoring mechanisms that can independently assess the situation of human rights, publicize their findings and assist in ensuring that informed decisions are taken to ensure respect for international and national human rights obligations.

The problem of torture has existed for a long time. Notwithstanding the 1975 Declaration against Torture, the Convention, the Rapporteur, and the unanimous condemnation of torture and other cruel, inhumane or degrading treatment or punishment, we all know, and it is sadly particularly evident these days, that torture is quite widespread. There have been recent discussions, especially in the context of the struggle against terrorism, about whether or not the international minimum standards can hold the line. The definition of torture in the Convention is an irreducible minimum and we must hold the line at this if we don't want to open the door to abuse.

By way of conclusion I would like to stress that the strategic centrality of national protection systems and the importance of defending the interdiction of torture and other cruel, inhumane or degrading treatment or punishment are crucial issues that will represent the background for your discussions in the coming days. I wish you all the best in your deliberations and I look forward to a positive and forward looking outcome to your meeting.

Thank you.