



## Ensuring an End to Torture: The Importance of Signing and Ratifying OPCAT

### **The Problem:**

Torture occurs in every region of the world. While there are international treaties banning torture, and torture is illegal under the laws of most nations, these are not always sufficient to prevent abuses. Prisons, jails, immigrant detention facilities, psychiatric institutions, and other places of detention are not always subject to independent oversight – a necessary step for ensuring adherence to treaties and national laws banning torture and abuse.

### **The Solution:**

The Optional Protocol to the Convention Against Torture (OPCAT) requires nations that ratify the treaty to establish one or more National Preventive Mechanisms (NPMs) to conduct oversight of the treatment of those in prisons or other detention facilities. NPMs have access to all persons who are held in confinement and all relevant information about places of detention. NPMs can interview confined persons without other witnesses present. Following their visits to places of confinement, NPMs provide recommendations to the relevant authorities for improvements in the conditions of detention and for preventing abuse of confined persons.

In addition to the NPMs, OPCAT also created a United Nations Subcommittee on Prevention of Torture (SPT). The SPT conducts missions to party nations to monitor the functioning of NPMs and to observe the treatment of confined persons in those nations. Following an in-country mission, the SPT provides a confidential report to monitored nation.

Independent monitoring of the conditions of confinement is crucial to prevent torture and abuse from occurring. Even if a nation has exceptionally clear policies prohibiting the abuse of confined persons, independent oversight of the treatment of those persons is the only way to ensure that those policies are followed. By becoming a party to OPCAT, the U.S. can help to ensure that torture and abuse do not occur in U.S. prisons, immigrant detention centers, and other facilities where prisoners are held. Further, by encouraging other nations to become parties to OPCAT, the U.S. can help end torture around the world.

### **The Process:**

- The President should sign OPCAT and submit it to the Senate for ratification. Then two-thirds of the Senate must vote to ratify OPCAT.
- The State Department should assist other countries in their efforts to implement OPCAT.

OPCAT was adopted by the UN General Assembly in 2002. 60 countries have ratified OPCAT and 21 additional countries have begun the process of joining OPCAT by signing it. It is time for the U.S. to sign and ratify as well so that we can again take a leadership role in the effort to end torture.