

Q-CAT

QUAKER CONCERN FOR THE ABOLITION OF TORTURE

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Charity No. 1093757

Our vision is to end torture and complicity in torture, upholding our testimony to peace and equality and working towards healing through reconciliation.

Good news! A press release from the website of the Atlas of Torture

"Mandela Rules" passed, standards on the treatment of prisoners enhanced for the 21st century
Passage of landmark resolution at the Vienna Crime Commission revises the 1955 standard minimum rules for treatment of prisoners, ensuring they remain the universally acknowledged benchmark for prison administrations worldwide

Vienna, 22 May 2015 - Following agreement on UN rules for the treatment of prisoners, the head of United Nations Office on Drugs and Crime (UNODC), Yury Fedotov, praised Member States' efforts and said the resolution heralded a new era for the improvement of prisoners' treatment everywhere.

"I offer my warmest congratulations to Member States for their constructive spirit and commitment in passing the resolution on the UN standard minimum rules. Thanks to your work, the world now has an updated blueprint offering practical guidance on how prisons should be managed safely, securely and humanely," the UNODC's Executive Director said.

Countries are encouraged to reflect the "Mandela Rules" in their national legislation so that prison administrators can apply them in their daily work.

At their core, the rules stress the overriding principle that all prisoners shall be treated with respect due to their inherent dignity and value as human beings. **"Most importantly"**, Mr. Fedotov went on, **"the rules stress that prisoners will be protected from torture and other cruel or inhuman or degrading treatment or punishment. This means the rules probably represent one of the most significant human rights advances in recent years."**

The revision focussed on nine thematic areas, including health care in prisons, investigations of deaths in custody, disciplinary measures including strict limitations on the use of solitary confinement, professionalization of prison staff and independent inspections, among other topics.

Mr. Fedotov was speaking on the margins of the 24th Session of the Commission on Crime Prevention and Criminal Justice, which is held in Vienna every year. His comments came as the Crime Commission drew to a close, and endorsed the revision of the rules for subsequent adoption by the General Assembly.

The UN Standard Minimum Rules on the Treatment of Prisoners are to be named the "Mandela Rules" to honour the legacy of the late President of South Africa. These rules are an essential update of the original rules adopted at the very first congress on Crime Prevention and Criminal Justice in Geneva in 1955. contd.....

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The full text of the resolution can be seen on the website www.atlas-of-torture.org. Rule number one is as follows:

All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.

Let us hope that the Mandela Rules are very soon adopted by the UN General Assembly. The challenge will then be to make sure they are acted upon as soon and as widely as possible.

(Bold type in both cases is editorial)

Q-CAT at Meeting for Sufferings

Juliet Morton and Jane Laxton gave a presentation to Meeting for Sufferings on 28th March which was well received and led to considerable discussion. We were encouraging members to try to get their Area Meetings more involved in the Concern. The paper which was circulated in advance is a useful summary under the headings: Why carry such a Concern?; UK Friends' opposition to torture; Q-CAT's current position; A particular spiritual concern; Past and planned activities; Overall aims. That and the resulting minutes are on the Quaker website www.quaker.org.uk (or can be sent by post or email on request to Jane Laxton (details on the front page).

The session was also reported in the *Friend* of 3rd April.

A number of people came to a lunchtime follow-up session to continue the discussion and offer suggestions for action.

We were most grateful for this opportunity to make Q-CAT's work more widely known.

Q-CAT at Yearly Meeting

A workshop session was held during the Saturday lunch break to consider *Quakers and Torture: 10 Questions to get us thinking*. About 25 people came and there was a lively exchange of views. It gave rise to the offer from a Friend to trial the workshop within her Area Meeting (without any Trustees present). This was most welcome. If any other Friend who was there feels they might be able to do likewise, please contact Jane Laxton (details on the front page) and a trial pack of material will be sent. Feedback from trials will be very helpful to us in preparing a version for printing.

On the Sunday evening two Trustees toured the Groups Fair giving out Q-CAT leaflets, newsletters and briefings and having many useful conversations.

Trustees

We welcome recently appointed trustees Michael Hutchinson of West Scotland Area Meeting, and Michael Still, now representing Wirral and Chester Area Meeting.

Article in the *Friend*

Did you see Michael Still's article in the *Friend* of 24th April under the heading *The Secret History of Torture?*

The next Briefing is due out in mid-July and the next Newsletter at the beginning of September.

The Human Rights Act

The new British government is planning to abolish the 1998 Human Rights Act and introduce instead a Bill of Rights. This would limit domestic courts' powers and re-shape the influence of the European Convention on Human Rights.

UK courts would be instructed to interpret the Convention in a particular way, including ways which diverge from the current interpretation. For example, the pre-election Conservative party paper *Protecting Human Rights in the UK* stated:

Some terms used in the Convention rights would benefit from a more precise definition, such as 'degrading treatment or punishment', which has arguably been given an excessively broad meaning by the ECHR in some rulings.

This is only an example; it appears that the planned Bill of Rights would not apply the rights as conceived in the Convention. It would apparently not contain the current provision in the Human Rights Act which requires UK courts to "take into account" Strasbourg jurisprudence, but would instead *break the formal link between British courts and the European Court of Human Rights because Britain's courts will no longer be required to take into account rulings from the Court in Strasbourg.*

This implies that there is such a compulsory "link" - which is not in fact the case. What we know so far about the Bill of Rights does however seem to imply that UK courts would be directed to make decisions which would place the UK in breach of its treaty obligations in the Council of Europe. The current Human Rights Act obliges UK courts to interpret domestic legislation consistently with Convention rights whenever possible. The proposed Bill of Rights would change this.

Perhaps most worrying of all, the proposed Bill of Rights (as outlined in the pre-

election Conservative Party document) introduces two tiers of cases:

The use of the new law will be limited to cases that involve criminal law and the liberty of an individual, the right to property and similar serious matters. There will be a threshold below which Convention rights will not be engaged, ensuring UK courts strike out trivial cases.

Who decides what is "trivial"? Is torture, for example, more "trivial" than the right to property? If a right is a "human right" then it should be given judicial protection in all cases.

The proposed Bill of Rights also sets a question mark over the UK's ability to remain a member of the Council of Europe in that, if an agreement could not be reached about the status of the Bill of Rights, *the UK would be left with no alternative but to withdraw from the European Convention on Human Rights.* This would be a drastic change from the pre-1998 position in which the UK was party to the Convention even before the enactment of the Human Rights Act. It now seems that the Bill of Rights is allowing non-compliance with the Convention to become normalised as a possible default position, and it would be difficult for the UK to remain a member of the Council of Europe under those circumstances.

The Council of Europe is, of course, an older and larger organisation than the European Union, but membership of the Council of Europe and adherence to the Convention are a given for EU members. The Convention itself was drafted under the leadership of the British Conservative MP David Maxwell-Fyfe, Chair of the Committee on Legal and Administrative Questions in the very first Parliamentary Assembly of the Council of Europe in 1949. It would be a tragedy if today's Conservative Party showed such disdain for his legacy that the UK could be forced

to leave the Council of Europe.

A great deal has been written about this and there is a very clear explanation at <http://publiclawforeveryone.com/2014/10/03/my-analysis-of-the-conservative-partys-proposals-for-a-british-bill-of-rights/> on which this short article for Q-CAT has been based.

International Day in Support of Victims of Torture 26th June

This day has been marked each year on 26th June since 1998. Perhaps on the Sunday before (21st June) you might be able to bring the problem of torture to your Quaker meeting in some way. It would be a chance to remind people of Q-CAT's involvement on behalf of Britain Yearly Meeting and about the material available on our website www.q-cat.org.uk.

Last year Ban Ki-moon, secretary-general of the United Nations wrote on the Day's website (www.un.org/en/events/torturevictimsday):

Every day, mental and physical torture and ill-treatment are intentionally inflicted on women, men, children in all regions of the world at the instigation of public officials – the very people whose job it is to enforce the rule of law, protect human rights and keep people safe.

The prohibition of torture is absolute. The Convention against Torture states unequivocally that the use of torture is illegal under any circumstances, including armed conflict, the fight against terrorism, political instability or other emergency conditions. All 155 States that have ratified this treaty have committed to fight impunity by thoroughly investigating and prosecuting violations and bringing perpetrators, no matter their level of office, to justice. They have also accepted the obligation to provide redress to the victims and their families.

Regrettably, the right of victims of torture to effective remedies, including rehabilitation, is yet to become a reality, in particular in the context of armed conflicts and large-scale humanitarian crisis.

I urge States that have not yet done so to ratify the Convention against Torture, which this year marks 30 years since its adoption. As we honour the victims on this International Day, let us pledge to strengthen our efforts to eradicate this heinous practice.

DONATION TO Q-CAT (Charity No. 1093757)

To the Treasurer: Juliet Morton,
43 Embankment Road, Kingsbridge, Devon TQ7 1LA

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and include your Local and Area Quaker
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