



THE PROHIBITION OF TORTURE AS A UK PRIORITY

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REDRESS

Ending torture, seeking justice for survivors

SUMMARY

Until 2015, the UK had a dedicated anti-torture strategy which was designed to ensure that UK policy in different areas reflected the importance of the absolute prohibition of torture with clear priorities and objectives. The UK currently lacks a coherent and comprehensive strategy to prevent acts of torture and cruel, inhuman and degrading treatment (“CIDT”) and to hold perpetrators accountable, both at home and abroad. REDRESS recently worked with survivors of torture in the UK to develop a Manifesto to respond to torture, which amongst other recommendations, calls upon the UK to re-prioritise commitments to prevent and respond to torture within UK foreign policy.

KEY RECOMMENDATIONS

1. Re-prioritise the absolute prohibition of torture in UK foreign policy as a central component of the UK’s human rights strategy, to be implemented through a dedicated delivery plan developed in consultation with survivors of torture and civil society.
2. The strategy must be comprehensive in scope, encompassing efforts to:
 - a. **Prevent** torture and CIDT.
 - b. Ensure **accountability** for perpetrators of torture and access to justice and reparation for survivors.
 - c. Ensure that the UK’s **domestic framework and legislation** complies with its international obligations, including greater support for UK-based survivors of torture.
3. Any human rights strategy and its associated delivery plans must set out clear objectives and measurable targets and be fully and transparently costed and budgeted for.

BACKGROUND TO THE UK’S ANTI-TORTURE POLICY

In 1998, the UK adopted an Anti-Torture initiative with the ambition that the UK would play a leading role in global efforts to prevent torture. This initiative was strengthened in 2011 with the development of a dedicated FCO Anti-Torture Strategy, which set out three concrete objectives:

1. Supporting legal frameworks to prevent and prohibit torture.
2. Engendering greater political will amongst States to prevent and prohibit torture.
3. Increasing the capacity of local organizations to prevent torture, including National Preventive Mechanisms.

In 2015, the FCO announced a shift away from thematic priorities and re-organised its approach under three broader themes; democratic values and the rule of law; strengthening the rules-based international system; and human rights for a stable world. In April 2016, then-Chair of the FAC, Crispin Blunt MP, cautioned that such a change of approach could “*lose the focus of specific human rights priorities*” and could result in specific issues, including the prevention of torture, being overlooked.

Following the 2020 merger of DFID and the FCO, human rights have been broadly subsumed within a much wider “Open Societies” agenda. In January 2023, the Independent Commission

for Aid Impact (“ICAI”) concluded its review of the UK’s approach to democracy and human rights, covering the period 2015-2021. The review criticised the lack of a cohesive UK strategy to operationalise the 2021 Integrated Review’s commitment to democracy and human rights,¹ and noted that the “open societies” narrative is vague and has often been at odds with the priorities of various Ministers. The Integrated Review 2023 Refresh makes no mention of or commitment to human rights.

In its most recent Annual Human Rights and Democracy Report 2021, torture prevention was framed as a subset issue within ‘Security and Justice Issues’ and was conflated with arbitrary arrest and detention. This is in spite of the fact that 20 out of 31 priority human rights countries were explicitly identified for the ongoing use of torture.

The impact of these changes is to suggest that anti-torture efforts are not a UK government priority. The UK currently lacks a strategic approach towards both prevention and accountability for torture and CIDT, which risks undermining its diplomatic and policy efforts on this vital issue.

WHY THE UK NEEDS AN ANTI-TORTURE PLAN

The UK has clear obligations under international law to prevent, investigate and prosecute acts of torture and CIDT. The absolute prohibition of torture is a fundamental and non-negotiable pre-requisite for building democratic, transparent and open societies based on the rule of law, and is essential to the UK’s own interests and values in defending and promoting the international rules-based order, of which the prohibition on torture is a crucial element.

Torture comes in many forms, arising in cases of conflict-related sexual violence (“CRSV”) for instance, and is a cross-cutting thematic issue of vital importance to other UK foreign policy priorities. Torture is also routinely employed as a discriminatory tool against minority and marginalised groups, including women and LGBTQIA+ persons, and against human rights and environmental defenders to stifle dissent and peaceful protest. Around 100 British citizens detained abroad each year are subjected to torture or CIDT, who rely on the [discretionary provision of consular assistance](#) for prevention and support.

As the ICAI review noted, the UK risks losing its long-held leadership role in the international community in upholding and defending human rights and democracy. The UK’s international standing on human rights has been undermined by perceived failures to investigate and prosecute alleged acts of torture carried out by UK armed forces overseas fully and transparently, leading to accusations of double standards. Similarly, recent domestic legislative proposals risk undermining compliance with the UK’s own legal obligations under the UN Convention Against Torture, including the Nationality and Borders Bill and the Illegal Migration Bill.

Recent research undertaken by REDRESS with survivors of torture demonstrates that [survivors are unequivocal in their demand](#) that the UK upholds the absolute prohibition on torture, and takes a global leadership role in both preventing and ensuring accountability for torture wherever it occurs, including in allied States. Delivering a transparent and comprehensive Anti-Torture Strategy would allow the UK government to demonstrate and reinvigorate its global leadership and credibility on human rights, whilst maximising impact and providing

¹ The Integrated Review committed under Objective 2.1: To defend universal human rights, including by working with local civil society and human rights defenders. Alongside our traditional bilateral and multilateral efforts, including at the UN and the Council of Europe, we will use our independent sanctions regime to hold to account those involved in serious human rights violations and abuses.

good value for money. A dedicated strategy would also allow for a joined-up and proactive approach to torture prevention and accountability that encompasses the provision of consular assistance for at risk individuals in addition to cross-cutting foreign policy priority issues, including CRSV, climate change, and equality and non-discrimination.

A RECOMMENDED UK ANTI-TORTURE PLAN

The UK government must commit to re-prioritising the absolute prohibition of torture in UK foreign policy through a dedicated human rights strategy, and by developing and implementing the development and implementation of a clear delivery for torture prevention and accountability as a priority within any such strategy.

This plan should set out clear and ambitious UK commitments, objectives, and measurable targets to assess progress, and must be fully costed and budgeted for. It must be developed in consultation with survivors of torture and civil society experts, including the Foreign Secretary's Advisory Group on Human Rights.

Any new strategy must build upon and go further than previous anti-torture commitments to deliver a comprehensive and holistic strategy that targets both torture prevention and accountability for survivors, both abroad and domestically. At a minimum, the strategy should include:

Prevention of torture and CIDT:

1. Engender greater political will and support to end the use of torture and CIDT, by encouraging further ratification of the UN Convention Against Torture ("CAT") and its Optional Protocol ("OPCAT").
2. Strengthen international consensus and advance agreed language on the prohibition of torture through soft law instruments at the UN, including Human Rights Council and UN General Assembly resolutions, and through the UN Security Council and the UNGA Third Committee. This should include identifying where torture is being used systematically, to discriminate against marginalised groups, or to silence human rights and environmental defenders.
3. Dedicate UK overseas development assistance ("ODA") to provide multi-sectoral capacity building for local actors involved in the investigation and prevention of torture and CIDT, including National Preventive Mechanisms, civil society, law enforcement agencies, and medical professionals.
4. Impose Magnitsky sanctions systematically, without fear or favour, on alleged perpetrators of torture and CIDT.
5. Legislate for a strengthened right to consular assistance for all UK citizens detained abroad at risk of torture or CIDT, including those with dual nationality.

Accountability and reparation for torture and CIDT:

6. Support multilateral processes to document, investigate, and prosecute acts of torture or CIDT, including through financial support to such mechanisms.
7. Support multilateral efforts to strengthen and improve the efficiency of international and regional human rights courts to ensure that survivors of torture have improved access to justice and reparation.

8. Strengthen legislation to improve accountability for torture and CIDT through universal jurisdiction.
9. Ensure the development and enhancement of the UK's proactive use of universal jurisdiction to bring perpetrators of torture and CIDT to account.
10. Impose Magnitsky Sanctions without fear or favour and in coordination with allies on alleged perpetrators of torture and CIDT.

Domestic commitments:

11. Reinforce the UK's international legal obligations to prohibit torture absolutely and in all circumstances, by ensuring that all proposed legislation is evaluated prior to publication, and the possible impacts on the prohibition of torture are identified and mitigated.
12. Commit to the transparent and independent investigation and prosecution of all alleged acts of torture or CIDT carried out under UK jurisdiction, including in territory controlled by the UK Armed Forces abroad.
13. Ensure UK-based survivors of torture have access to available, accessible, acceptable, and quality rehabilitation services, including physical and psychosocial support.
14. Ensure compliance with international law and standards to prevent survivors of torture from being placed in immigration detention, and to prevent them from being sent back to countries where there is a risk of torture (refoulement).

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