



**Oral Statement Delivered Under Item 3:
Interactive Dialogue with the Special Rapporteur on Torture**

**UN Human Rights Council 31st Session
March 9, 2016**

First, the ACLU wishes to pay tribute to Mr. Mendez for his outstanding six-year service and his enormous contribution as the UNSR on torture.

Second, we welcome his final thematic report to the Council, focused on gender perspectives on torture. This landmark report, which is so fittingly presented on International Women's Day, critically assesses the applicability of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment in international law to the unique experiences of women, girls, and LGBTI persons globally, and seeks to more effectively consider ill treatment of persons who transgress sexual and gender norms as human rights violations through the lens of international human rights law and torture and other cruel, inhuman, or degrading treatment.

We call on Member States to heed his thoughtful and comprehensive recommendations, and call on the next mandate-holder to follow-up and press for much-needed implementation of legal and human rights obligations to protect women, girls, and LGBTI persons from torture and ill-treatment in various contexts, including detention.

Mr. President,

Last week, the Obama administration made new pledges and commitments to the United Nations in advance of the U.S.'s re-election to the U.N. Human Rights Council. Yet while the U.S. has used its first six years of HRC membership to visibly advance human rights overseas, its participation has had little direct bearing on human rights at home. The lack of accountability for torture and cooperation with U.N. human rights experts are just two examples of such double standards.

While the president issued an executive order on his second day in office ending the CIA's secret detention and torture program, he declined to support any meaningful measures of accountability for crimes that had taken place. His policy of "looking forward rather than backward," as well as his administration's continuing fight

against transparency and any attempts to reveal the whole truth about Bush administration torture policies, will undoubtedly stain his human rights legacy.

The current special rapporteur on torture, Juan Mendez, is about to end his six-year term. Since the early days of his mandate, he has repeatedly asked to visit U.S. prisons and detention facilities in order to examine the widespread use of solitary confinement, which often causes mental and physical suffering and can amount to cruel, inhuman, or degrading treatment or punishment — even torture. However, the U.S. has consistently stonewalled his requests and has so far failed to provide him with the minimum standards of access required by U.N. protocol for such visits. It is very likely that Mr. Mendez won't be able to carry out his visit before the end of his term, which is exactly what the U.S. likely intended in delaying and dragging out the process.

It's simply outrageous that the United States won't provide basic access to its domestic detention facilities, especially given that the U.S. is perhaps the only Western democracy that doesn't have a permanent and independent monitoring system of all detention facilities.

American leadership on the world stage suffers when the country presents such a stark double standard on human rights and denies independent human rights monitors access to U.S. facilities abroad, like in Guantánamo, and in the United States.

This coming November, the U.S. will be on the ballot for a new three-year-term membership in the U.N. Human Rights Council. The Obama administration has another opportunity to demonstrate to the world that U.S. commitment to the universal prohibition against torture is serious and long-lasting. We therefore urge the U.S. to take measures to meet the full spectrum of its obligations under international law to ensure accountability, transparency, reparations and non-repetition, including declassification of the full Senate report on the CIA detention program, independent comprehensive criminal investigation, and the issuing of apologies and compensation to victims.

By upholding U.S. human rights obligations through action in addition to rhetoric, the Obama administration can send a strong message to future presidents that there will be serious consequences for breaking the law, and can more effectively press other governments to end torture abroad.