

OPENING ADDRESS

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FORMER MINISTER OF JUSTICE, DENMARK**

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Address to Parliamentarians: The Ultimate Responsibility

Delivered by Erik Wendt, Rehabilitation and Research Centre for Torture Victims, Denmark

Dear Parliamentarians,

The organizers of this conference feel honoured and attach great importance to your presence here and to your participation in the efforts in the fight against torture and illtreatment.

International law and the UN Convention on Human Rights provide us with prohibitions against torture. These prohibitions are of a 'jus cogens' category, which means that, just like the prohibition against slavery and genocide, they must never, under any circumstances, be deviated from. Very few rules are of this nature. The reason is, of course, that torture is such a horrifying practice that it should never be applied to any person. In this respect the international legal situation is in order. But something is left to be done and that can only be done by you, esteemed parliamentarians: that is effectively to secure the implementation of the basic rules prohibiting the use of such means as torture in our countries.

The right not to be exposed to torture is in fact no real and genuine right if it is not combined with an effective remedy for the victims to make use of a legal machinery to have what the victim had to suffer redressed and guilty persons punished. In other words: With no general rule of law in the country there is no protection against torture. What does this mean? It means that the ultimate responsibility for the national fight against torture – and all other human rights violations, rests with the parliament and the government in each country. And this responsibility should be seen as our most sacred and obligatory task - the task, first of all to ensure the existence and availability of an independent judiciary in each of our countries. This may not at all be easy and is more difficult in some countries than in others. Nevertheless it must be done.

No rule of law means no democracy and no human rights.

My conclusion and strong recommendation is: if you make efforts to fight for the protection of human rights, as we do in the Asian Alliance against Torture and Ill

treatment (AAATI), we should always keep in mind that with no rule of law there will be no such protection. The effort to protect human rights must always be combined and move in step with efforts to establish and maintain rule of law in the country. Let us come together in the spirit of universal brotherhood to achieve this.

I do wish you all success at this important event.