

Bishkek Conference Resolution on the Istanbul Protocol Plan of Action Principles

September 22, 2016

Bishkek, Kyrgyzstan

During the past sixteen years, the Istanbul Protocol has served as United Nations standards for the effective investigation and documentation of torture and ill treatment. Since 2012, Physicians for Human Rights, the International Rehabilitation Council for Torture Victims, the Human Rights Foundation of Turkey, REDRESS, and the Association for the Prevention of Torture have been developing international principles and guidelines for State implementation of the Istanbul Protocol – known as the “Istanbul Protocol Plan of Action.” This initiative has been supported by the UN High Commissioner for Human Rights, the UN Committee against Torture and the UN Special Rapporteur on Torture.

The Kyrgyz Republic has worked with United Nations bodies, international human rights organizations, and civil society during the past five years to implement Istanbul Protocol standards. These efforts have contributed to the ongoing development of the Istanbul Protocol Plan of Action as well as to important remedial measures in the Kyrgyz Republic.

On September 21ST and 22nd 2016, more than 200 regional and international stakeholders met in Bishkek, Kyrgyzstan to discuss Istanbul Protocol implementation experiences and contribute to the ongoing elaboration of the Istanbul Protocol Plan of Action.

Participants¹ at this conference hereby recognize and endorse the development of the Istanbul Protocol Plan of Action, which is based on the following key principles:

Ratification of key human rights treaties including the UN Convention Against Torture, the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention Against Torture;

Practical implementation of a zero tolerance policy against torture, official State recognition of the Istanbul Protocol and active engagement of civil society stakeholders;

Implementing legal, administrative and judicial reforms to ensure effective criminalization of torture and ill treatment, safeguards for persons deprived of their liberty, complaints procedures, prevention and preventive monitoring, investigation and prosecution, adjudication, redress (encompassing the procedural right to a remedy, and the substantive right to reparation), and forensic medical evaluations;

Establishing and enforcing forensic rules and regulations to ensure prompt evaluations of alleged torture and ill treatment by qualified State and non-State medical and mental health experts;

¹ Note: the International Committee of the Red Cross representative abstained from endorsing the Bishkek Conference Resolution as a matter of institutional policy.

Instituting Istanbul Protocol training and continuing education for all relevant legal and medical personnel; and

Establishing effective mechanisms to monitor the implementation process of the Istanbul Protocol.

Based on regional and international Istanbul Protocol implementation experiences, participants at the Bishkek conference recommend that the process of developing the Istanbul Protocol Plan of Action should be based on evaluation of lessons learned and broad consultation and should be led by health and legal experts, as well as civil society practitioners. Participants further recommend the inclusion and elaboration of the following principles and issues of concern in the Istanbul Protocol Plan of Action:

1. Bridge the gap between international norms, national norms and practice.
2. Ensure that State and non-State experts follow international norms to ensure uniformity in medico-legal evaluations and reports.
3. Include the obligation of State financing of Istanbul Protocol medico-legal evaluations from non-state experts where the State cannot provide the evaluation in accordance with Istanbul Protocol standards.
4. Include reference to the need for criminal procedure codes to allow admission of evidence from national and international non-State experts.
5. Place special emphasis on the importance of establishing truly independent investigative mechanisms.
6. Ensure independence of State forensic services and build capacity of independent, non-governmental forensic services.
7. Include a mechanism to conduct independent review of medico-legal reports by international experts.
8. Establish effective policies to combat reprisals against anyone, irrespective of their status, who has alleged and/or reported torture or ill-treatment, been involved in the documentation, investigation, prosecution, and/or reparation in response to such medico-legal reports. Such protection should include: witnesses, alleged victims, health and legal professionals, and human rights defenders.
9. Develop guidelines and strategies to combat reprisals and intimidation of persons who are collaborating with or providing information to preventive monitoring mechanisms and other anti-torture bodies.
10. Promote and encourage the application of the Istanbul Protocol in torture prevention mechanisms including training on Istanbul Protocol investigation and documentation practices.
11. Ensure strict adherence to the exclusionary rule in all cases where torture is alleged.
12. Underscore the importance of timely decisions by international monitoring bodies on international investigations of torture and review of medical evidence.