Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

New York, 10 December 1984

Objectives

Torture and other cruel, inhuman or degrading treatment or punishment are particularly serious violations of human rights and, as such, are strictly condemned by international law. Based upon the recognition that such practices are outlawed, the Convention strengthens the existing prohibition by a number of supporting measures. The Convention provides for several forms of international supervision in relation to the observance by States parties of their obligations under the Convention including the creation of an international supervisory body - the Committee against Torture - which can consider complaints from a State party or from or on behalf of individuals.

Key Provisions

The prohibition against torture is absolute and, according to the Convention, no exceptional circumstances whatsoever, including state of emergency or war or an order from a public authority may be invoked as a justification of torture. "Torture" is defined as:

"... any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

States parties have the obligation to prevent and punish not only acts of torture as defined in the Convention, but also other acts of cruel, inhuman or degrading treatment or punishment, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

States parties have an obligation to take effective legislative, administrative, judicial or other measures to prevent acts of torture from occurring on their territories. Measures mentioned in the Convention include the prohibition and punishability by appropriate penalties of all acts of torture in domestic criminal law; education and information regarding the prohibition against torture to be fully integrated into the training of law enforcement personnel, civil or military, medical personnel, public officials and others; the systematic review by State parties of interrogation rules, instructions, methods and practices as well as of arrangements for the custody and treatment of suspects, detainees and prisoners; guarantees for the prompt and impartial investigation by competent authorities into allegations of torture; the protection of witnesses; and the possibility for victims to obtain redress and fair and adequate compensation and rehabilitation.
In addition, States parties have an obligation not to expel, return or extradite a person to another State where he or she would be in danger of being subjected to torture. An act of torture is required to be made an extraditable offence and a State party is to take measures to establish its jurisdiction over crimes of torture committed in any part of its territory by one of its nationals and when an alleged offender is present on its territory and not extradited.

In order to monitor and review actions taken by States parties to fulfil their obligations, the Committee against Torture has four procedures at its disposal. The first is the obligation for all States parties to submit periodic reports to the Committee for examination, which results in the adoption of recommendations by the Committee to the State party in question. A particular feature of the Convention is that if the Committee receives reliable information indicating that torture is being systematically practised in the territory of a State party, the Committee may decide to initiate a confidential inquiry of the situation. Such inquiry would be carried out in cooperation with the State party concerned and would include country visits. The Committee can also consider complaints from individuals who claim to be victims of a violation by a State party to the Convention. This may be done only if the State party concerned has declared that it recognizes the competence of the Committee to receive and examine such complaints. As of 15 June 2000, 44 State parties had made such a declaration. Finally, a procedure of State-to-State complaints is provided for by the Convention, but has so far never been resorted to.

**Entry into force:** 26 June 1987  **Status as at 15 June 2000:** Signatories: 66 Contracting Parties: 119