

WHAT IS TORTURE?

What is torture?

Torture is an act of cruelty that denies one's fundamental human dignity, and leaves profound and indelible traces on individuals and societies. Its specificity lies in the fact that it is done in the name of the State, or with the State's tacit consent.

Torture is defined under international law as the act of intentionally inflicting severe pain or suffering, whether physical or psychological, on a person with the purpose of obtaining information or a confession, inflicting punishment, or intimidating or coercing him for any reason based on discrimination of any kind, when such an act is committed by a public official or somebody acting with the acquiescence of the State.



THE RIGHT TO LEGAL REPRESENTATION



THE RIGHT TO FAMILY SUPPORT



THE RIGHT TO MEDICAL ASSISTANCE

What must States do to stop torture?

States can stop torture by:

Ending impunity:

States must criminalize torture wherever it occurs, investigate torture allegations and bring to justice those responsible. States also have an obligation not to become complicit in torture, including by transferring individuals to places where they will be at risk of torture.

Providing rehabilitation and redress:

States must provide victims and survivors with effective access to remedies, and provide compensation, reparation and access to rehabilitation.

Preventing of torture and cruel and inhuman treatment:

States must take all necessary measures to prevent acts of torture, cruel, inhuman or degrading treatment by implementing effective legislation against torture, ensuring safeguards in custody such as access to lawyers, and excluding any statement that may have been obtained by torture.

What types of torture are common?

Torture can take many shapes and sadly there is no limit to what can be invented to inflict pain. Yet a number of so called 'torture techniques' are commonly used, and in fact very often in combination with each other:

Examples of physical torture

- Beatings, kicks and slaps
- Electric shocks
- Waterboarding: simulated drowning produced by 'strapping down a prisoner and pouring water over a cloth that covers mouth and nose' (definition Physicians for HR)
- Torture euphemistically called stress positions:
- Banana position: the individual sits with the backrest to the side, and cuff his hands in front of him, then push him backwards, so that his back rests at a forty-five degree angle.
- Frog position: the individual is forced to crouch on his toes non-stop for a few minutes, his hands cuffed behind him. When in the crouch, they push or strike him until he loses his balance and falls forward or backward.
- Sexual violence: rape or other forms of sexual attacks
- Forced feeding: insertion of a tube through the nose and repeatedly inserted and pulled out

Examples of psychological torture

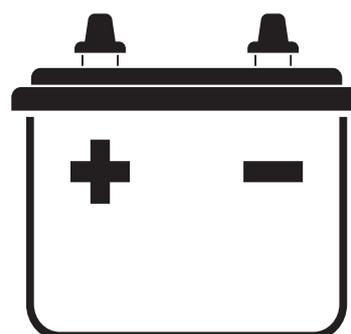
- Prolonged solitary confinement
- Prolonged sleep deprivation
- Fear and humiliation
- Mock executions
- Use of threats and phobias to induce fear of death or injury
- Forced nudity
- Severe sexual humiliations

These are just a few of the treatments imposed on individuals resulting in torture, cruel and inhuman or degrading treatment.

Can torture be justified?

It can never be justified under any circumstances. This prohibition applies in times of war as well as in peacetime. It applies equally when states are facing an emergency or threats of terrorism. Torture is among the very few norms under international law that is always prohibited.

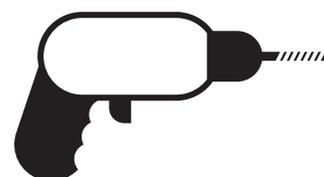
The legal, moral and ethical debate over torture is often brushed aside, however, by an argument known as the 'ticking bomb scenario' or claims as to its 'effectiveness'. Yet all relevant recent studies indicate that torture is not an effective means of extracting information. Not surprising then that the U.S. Senate's own 2014 Intelligence Committee's report on CIA torture confirmed that the use of 'enhanced interrogation methods' was not an effective means of acquiring intelligence, and did not succeed in gaining the cooperation of detainees.



ELECTROCUTION



**NEEDLES PRESSED
UNDER FINGERNAILS**



**PERFORATIONS
TO THE JOINTS
WITH DRILL**

What is the impact of torture?

Torture carries psychological and physical consequences for victims and survivors, as well as long-lasting trauma for society as a whole.

Physical consequences

Physical consequences of torture depend on each victim's situation. Although acute lesions may be characteristic of the alleged injuries, most lesions heal within about six weeks of torture, leaving no scars. The absence of such physical evidence should not be construed to suggest that torture did not occur, since such acts of violence against persons frequently leave no marks or permanent scars.

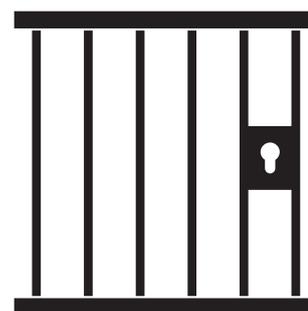
Psychological consequences

The consequences of torture inflicted upon an individual last far beyond immediate physical pain. Victims of torture can suffer from post-traumatic stress disorder (PTSD), including symptoms such as depression, severe anxiety disorders, insomnia, flashbacks, nightmares, and memory lapses, as well as disruption of the senses and personality. Given the humiliation they have endured, many victims feel guilt, shame and grief, which are normal human responses to inhuman treatment.

Beyond the impact on individuals torture affects societies at large. Torture practices have a serious impact on families and communities. Torture destroys trust in state institutions and corrupts police, prison and other services. It prevents the establishment of the rule of law and slows development in many countries.



**VIOLENT THREATS
AGAINST VICTIM OR
THEIR FAMILY**



SOLITARY CONFINEMENT

Why then can countries get away with torture?

While its ban is universal and absolute, torture continues to be widely practiced in more than half the states worldwide and cases have been reported in the majority of countries of the world in the last thirty years. Governments prohibit torture in law, but they often tolerate it in practice, either in the name of national security, to thwart organized crime, to deter dissident voices, to intimidate human rights defenders or to perpetuate the subjugation of certain minorities or groups.

Because torture is practiced outside the public eye, torture is often difficult to prove and competent authorities too often fail to investigate the complaints thoroughly. If perpetrators are identified, they are rarely brought to justice and when they are tried they usually get very low sentences or are acquitted on the basis of immunities or other legal manoeuvres. In the end, victims are often confronted with a culture of silence and impunity. In many societies those who work against torture may themselves be at risk.

This can be changed if states act on their obligations. For this we need civil society and the public to hold governments to account and to demand that states get serious in eradicating torture.

People at risk

Anyone can be a victim of torture, but certain individuals, groups or populations face a higher risk of torture and other cruel, inhuman or degrading treatment.

Torture particularly affects those who are marginalized and are considered as 'the other,' such as minorities, the poor, or migrant populations. The definition of torture provided in article 1 of the UN Convention against Torture explicitly prohibits acts of torture carried out for any reason based on discrimination of any kind. Indigenous origin, ethnic group, age, religious belief, ideology, nationality, economic, social or immigration status, gender, sexual orientation, mental or other disability too often underpin discriminatory laws and practices that pave the way for torture and other ill-treatment.

Individuals deprived of liberty face a greater risk to the infringement of their rights, in particular the right to be free from torture and other ill-treatment. All too often, detainees endure treatment and conditions that fail to respect their basic rights, including beatings, overcrowding, lack of medical attention and adequate hygiene conditions.

Children are particularly vulnerable to all types of violence, including torture and ill-treatment. Children deprived of liberty are at heightened risk of torture, and even short periods of detention can have long-lasting impacts on the life of a child. All states have the obligation to provide special protection to children, and to redouble their efforts to protect them.

Situations of risk

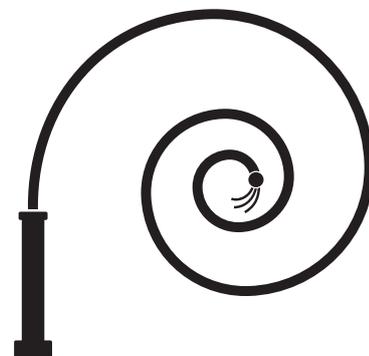
Torture finds its most fertile breeding ground in places of custody or detention, such as police stations or prisons, and in situations where there is an imbalance of power. The risk is indeed higher in the framework of wars, states of emergency, times of government crackdown on counter-terrorist operations, and along migration routes.

Demonstrations and social unrest may trigger violent crowd control tactics, encompassing the use of excessive force (or police brutality), that may inflict harm or even death, including the use of firearms and inappropriate use of less lethal weapons including tasers, rubber bullets or chemical irritants.

Torture happens even in 'non-state settings', such as health-care institutions and situations of gender-based violence. States then also bear responsibility for failing to prevent and protect victims of torture committed by private actors. Refugees and migrants, for instance, are often vulnerable when they fall in the hands of traffickers and smugglers.



FORCED BEARD-SHAVING FOR MUSLIMS



FLOGGING

What can victims do to seek help & redress?

If you have been subjected to severe pain or suffering, whether physical or psychological, which may amount to torture, first, know that you are not alone: there are specialists and organizations that can help you. Most urgently, you should be examined by a medical doctor. To activate a public investigation into the events, it is vital to report the facts to the authorities or the Ombudsman. The assistance of a lawyer is recommended but not necessary. Recovering from torture requires specialized and prompt medical and psychological treatment. Find rehabilitation programmes and centres that might provide support to you and your family.



What does OMCT do to fight torture?

OMCT works to end torture around the globe. OMCT supports a network of more than 300 national and local NGOs around the world, working together to monitor and report cases of torture, advocate for strong national legislation against torture, support and protect anti-torture human rights workers, and mobilize the public to take action. Where victims are concerned, through its local partners, OMCT gives legal, medical and psycho-social assistance, and helps relocate victims when it is no longer safe for them to stay in their homes.