

# LEGAL FRAMEWORK OF THE GLOBAL TORTURE INDEX

This document compiles the international instruments and guidelines that have been used to build and implement the Global Torture Index, pertaining to the fight against torture and inhuman, cruel, or degrading treatment or punishment. Specifically, it encompasses guidelines from the United Nations Convention Against Torture (UN CAT), the Optional Protocol to the Convention Against Torture (OPCAT), General Comments from the UN CAT, and their corresponding—summarized—articles. For clarity and accessibility, each standard's location in the index is indicated, providing references to the relevant section.

## I) CORE SUMMARIZED ELEMENTS OF THE UN CAT

### **PART I, arts. 1-16. General obligations.**

- Art. 1. Definition of torture and other cruel, inhuman or degrading treatment or punishment (CIDTP) in line with UN CAT.
  - Measuring factors concerned: Political commitment, Police Brutality, Detention, Ending impunity, Victim's rights, Protection for all, Right to defend.
- Art. 2. Takes effective legislative, administrative, judicial or other measures to prevent acts of torture. No exceptional circumstances can justify torture.
  - Measuring factors concerned: Political commitment, Police Brutality, Detention, Ending impunity, Victim's rights, Protection for all, Right to defend.
- Art. 3. Non-refoulement principle is ensured where there are substantial grounds for believing that the individual would be in danger of being subjected to torture.
  - Measuring factors concerned: Political commitment, Police Brutality.
- Art. 4. Criminalizes torture and attempts, complicity, or participation in torture, prescribing appropriate penalties reflecting the gravity of the offense.
  - Measuring factors concerned: Political commitment, Ending impunity.
- Art. 5. Necessary measures are taken in any territory under the State jurisdiction.
  - Measuring factors concerned: Police Brutality, Ending impunity.
- Art. 6-1, 6-2. A person alleged to have committed torture is taken into custody or take other legal measures, and a preliminary inquiry is carried out.
  - Measuring factors concerned: Detention, Ending impunity.
- Art. 6-3, 6-4. Aids individuals in foreign custody by facilitating communication with their home country or, for stateless persons, with their usual residence's representative.
  - Measuring factors concerned: Detention.
- Arts 7, 8, 9. Permits extradition or prosecution for torture, urges torture inclusion in extradition treaties, and advocates mutual judicial assistance in criminal proceedings.
  - Measuring factors concerned: Police Brutality, Ending impunity.
- Art. 10. Requires thorough training on torture prohibition for law enforcement, military, medical, and public officials involved in custody or interrogation.
  - Measuring factors concerned: Police Brutality, Detention, Ending impunity.
- Art. 11. Systematic review of interrogation rules, methods, and custody practices with a preventive approach for individuals in arrest, detention, or imprisonment.
  - Measuring factors concerned: Ending impunity.
- Art. 12. Mandates swift and impartial investigations by competent authorities when torture or CIDTP is suspected.
  - Measuring factors concerned: Police Brutality, Ending impunity.
- Art. 13. Allows individuals to complain about torture or CIDTP, providing protection against ill-treatment or intimidation for complainants and witnesses.
  - Measuring factors concerned: Police Brutality, Detention, Ending impunity, Victim's rights.
- Art. 14. Ensures torture victims and their dependents receive fair compensation and rehabilitation rights under national law.
  - Measuring factors concerned: Ending impunity, Victim's rights.
- Art. 15. Excludes torture-induced statements from proceedings, except as evidence against an accused torturer.
  - Measuring factors concerned: Political commitment, Ending impunity.
- Art. 16. Requires measures to prevent cruel, inhuman, or degrading treatment, applying relevant obligations to public officials as outlined in Articles 10, 11, 12, and 13.
  - Measuring factors concerned: Political commitment, Police Brutality, Detention.

## **PART II, arts. 17-33. Establishment of UN CAT.**

- Art. 19. CAT sessions: States Parties must submit reports every four years on new measures taken and respond to Committee requests.
  - Measuring factor concerned: Political commitment.
- Art. 22. States Parties to enable the Committee to consider communications from individuals claiming to be victims of Convention violations.
  - Measuring factor concerned: Political commitment.
- Art. 25. This Convention is open for signature by all States and subject to ratification.
  - Measuring factor concerned: Political commitment.

## **II) HUMAN RIGHTS TREATIES AND CONVENTIONS**

- International Covenant on Civil and Political Rights (ICCPR, 1966)
- Convention on the Rights of the Child (CRC, 1989)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979)
- International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED, 2006)
- Rome Statute of the International Criminal Court (1998)
- International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989)
- International Labour Organization Convention No. 182 concerning the Worst Forms of Child Labour (1999)
- Geneva Conventions regulating International Humanitarian Law in armed conflict (1949)

## **III) SOFT LAW INSTRUMENTS**

- Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP CAT, 2002)
- Second Optional Protocol to the International Covenant on Civil and Political Rights (Abolition of Death Penalty, 1989)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)
- UN Guidance on Less-Lethal Weapons in Law Enforcement (2020)
- UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)
- UN Code of Conduct for Law Enforcement Officials (1979)
- Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol, since 1999)
- Additional Protocols to the Geneva Conventions (First 1977, Second 1977, Third 2005)

## **IV) REGIONAL HUMAN RIGHTS FRAMEWORKS**

- European Convention on Human Rights (1950)
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT, 1987)
- American Convention on Human Rights (Pacto de San José de Costa Rica, 1969)
- African Charter on Human and Peoples' Rights (1981)

## **V) PRINCIPLES AND STANDARDS**

- Principles on Effective Interviewing (Méndez Principles, 2021)
- UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules, 2015)
- UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (Bangkok Rules, 2010)
- UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1989)
- UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines, 1990)
- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)
- Declaration on Human Rights Defenders (1998) - UN General Assembly Resolution 53/144
- UN Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Right and Fundamental Freedoms (1999)
- UN Subcommittee on Prevention of Torture (SPT)

## **VI) COMMITTEE AGAINST TORTURE: SPECIFIC PROVISIONS**

- Committee Against Torture General Comments (CAT/GC)
- Committee Against Torture Concluding Observations (CAT/C)