

Inputs for psychosocial dynamics conducive to torture and ill-treatment report

Country: México

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The Human Rights Commission in Mexico City (Comisión de Derechos Humanos de la Ciudad de México, CDHCM per its acronym in Spanish) is a public and autonomous institution, with the purpose of protecting, defending, monitoring, promoting, studying, educating and disseminating the human rights in Mexico City. To contribute to the study on standards and public policies to explore some of the predominant psychosocial dynamics which, in practice, tend to undermine, circumvent or even paralyse institutional checks and balances, thereby creating environments of unchecked power conducive not only to corruption but also to torture and ill-treatment, sends the next inputs.

Introduction

In Mexico the prohibition of torture is recognized not only in the legal systems and the international and national jurisprudential development reached, the Commission of Torture is a "generalized practice", of which its investigation remains unpunished¹, being generally carried out by state agents in charge of the security and investigation of the crimes.

Particularly in Mexico City, the Human Rights Commission (CDHCM) has published various instruments recommending that it identify psychosocial dynamics that have a common and individual impact on victims of torture.

Psychosocial dynamics through normative, institutional and policy measures ensuring

¹A/HRC/34/54/Add.4, Informe de seguimiento del Relator Especial sobre la tortura y otros tratos o penas crueles, inhumanos o degradantes acerca de su misión a México, 2017.

Torture always entails, explicitly or implicitly, a threat and attack against the whole community and its value system² that can terrorize the entire population, through threats, chronic fear, terror and inhibition resulting in a repressive environment, widespread insecurity, lack of trust and a breakdown of the social fabric with effects on collective behavior that can be transmitted to other generations.

In the definition of torture provided by the International Convention to Prevent and Punish Torture, there are several elements that are useful from the psychosocial point of view, such as the symptoms (physical or mental pain or suffering) and the motives (for the purpose of criminal investigation, as a means of intimidation, to nullify the personality, to diminish the physical or mental capacity, even if they do not cause physical pain or psychological distress). Both the symptomatology and the motives established in this Convention are the key legal elements from which the psychosocial perspective in mental health can make a significant contribution to account for this phenomenon. In this sense, from a psychosocial perspective in mental health, there are three general objectives that should guide the research and psychosocial documentation in mental health with torture survivors in the framework of the Inter-American System of Human Rights.³

1. To give an account of the physical or mental pain and suffering inflicted on a person.
2. To give an account of the reasons for and methods of torture.
3. Account for the psychosocial impact on the person's mental health.

The Mexico City Human Rights Commission has identified, in their recommendations issued connected with torture, the existence of factors that encourage its commission, mainly in criminal investigation:

- The opacity of information on times and places of detention, which is made available to the investigating authority.
- The absence of effective judicial control over investigations.
- Lack of specialized experts in the practice of the Istanbul Protocol.
- The impunity of investigations.

Based on the work carried out by the CHDCM, a socio-cultural phenomenon has been identified tends to accept torture as a method of investigation, solve and clarify the criminal acts of greatest impact; Therefore, the importance of having tools that allow for the documentation and effective investigation of patterns that promote or generate the commission of human rights violations, not only observed as isolated and/or particular events, but as complex, structural problems that require comprehensive attention from the authorities, under the consideration that cases and factors can be repetitive, not only in the

² CDHDCM, Report of Psychosocial Impacts in Sexual Torture, 2019.

³ Miguel Ángel Pichardo Reyes, Protocolo para la Documentación Psicosocial de la Tortura en el marco del Sistema Interamericano de Derechos Humanos, pág 52, Available: <https://www.corteidh.or.cr/tablas/r26107.pdf>

conduct, but in the practices of the perpetrating authority⁴ and the existence of solid and guaranteed judicial control, which obliges all judicial personnel to initiate the corresponding investigations with other authorities or independent experts in relation to the Manual on Effective Investigation and Documentation of Torture, Punishment and Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).⁵

That is why it is important to investigate the facts and punish the people responsible, based on the identification of deficiencies or irregularities in the investigations of the facts and transmitting messages among their corporations that do not normalize torture but give certainty of criminal prosecution against these acts, as well as punishment. This is because it has been identified that even though the public servants involved have a criminal record or serious human rights violations, they are rewarded or promoted.

On the other hand, torture is an attack on a person's identity, which seeks to punish and break the resistance and destroy the integrity of the victim by bringing him or her to a life-threatening situation where he or she is forced to "choose" between saving his or her individual identity ("save himself or herself"), denouncing others) or their social identity (keeping up their integrity and not denouncing, but running the risk of individual destruction), both "exits" send the message that if the person survives his life he will never be the same again, and that beatings, shocks, asphyxiation or distrust of his peers will leave him incapacitated or isolated forever.⁶

This devastating nature of torture is a perverse exercise in removing a person's control over his or her own life. The after-effects of hanging or injury and the frequency of disabling symptoms of an osteoarticular or sexual nature in rape and sexual torture revive the traumatic experience. An important aspect to consider is that medical examinations, interrogations or controlling attitudes remind the victim of the scene of torture even much later⁷ with consequences in the personal, family and community sphere.

In addition to the physical injuries and sequelae, a key aspect to consider is the psychological impact. Many torture survivors may find themselves greatly affected years later by the events. The time of torture and its impact cannot be assessed only in days of detention, as torture is an extreme experience of suffering, unpredictability, and total control of life in the hands of others. In other words, the intensity of time, the borderline situation between life and death, the torturers' capacity to manipulate and specifically the experiences of humiliation or statements that may have been made during the torture have an enormous psychological impact, which often remains years later. It is also necessary to consider the forms of protection or resistance of the person, which may include personal resistance, the ability to assert oneself in a hostile context, religion or political or human convictions that

⁴ CDHCM, Recomendations: 15/19, 16/19, 17/19, 18/19. Available:

⁵ Istanbul Protocol: Available: https://www.hchr.org.mx/images/doc_pub/ProtocoloEstambul.pdf

⁶ CDHCM, Report of Psychosocial Impacts in Sexual Torture, 2019.

⁷ Manual sobre perspectiva psicosocial de la investigación de derechos humanos, pág 66, Available: https://www.cejil.org/sites/default/files/legacy_files/Manual-sobre-perspectiva-psicosocial-en-la-investigacion-de-dh_0.pdf

have helped to make sense of the events or to remain active, among others. Considering these aspects of resistance can help to get a more realistic picture of the person, as well as to assess the impacts on their context and capacities.⁸

At the individual level, torture is a dynamic process that begins at the moment of deprivation of liberty, includes a sequence of traumatic events that may take place at different times and places, and ends with the release or death of the victim. It may sometimes continue or repeat itself. These events may begin again in a narrow time frame, leaving the victim no time to recover. The person experiences a complete loss of control and inability to escape and is threatened by the impossibility of predicting what the torturer will do.

In the personal sphere the CDHCM has been able to identify in the Recommendations 15-18/ 2019 that 50% of the victims felt discriminated/stigmatized/rejected by the acts of torture experienced; in the same sense 75% of the victims referred to HRCM staff feeling vulnerable in front of authority figures, 25% referred to feeling fear/fear and anger, or even blamed themselves for what happened.

In the family environment, one reaches the traumatization of the members of the family, which leads to various forms of dysfunction and family disruption, such as: traumatization due to torture and/or other forms of ill-treatment or persecution; other family members may suffer secondary traumatization; the impact of the physical and psychological suffering of the tortured person within the family may cause an increased level of stress, as well as fear, worry, a sense of being terrorized or threatened and a loss of a sense of protection and security, affecting the family system and other family members; torture can change roles and relationship patterns within the family; it can cause deterioration in the ability to care for children and loved ones; torture can also result in substantial disruption to the quality of life in the family, due to health problems, forced relocation, loss of work and diminished social support.

All these factors can cause circular destructive effects within the family. In most assessments of torture, the assessment of the impact of torture on family structure, family dynamics and other family members is often overlooked.

Similarly, another purpose of torture is the intimidation of others (community sphere), thereby ensuring responses of fear, inhibition, paralysis, powerlessness, and conformity within society. In this sense, torture is not only a political problem, but also an ethical, psycho-social, and mental health problem for society.

Human rights violations cannot be viewed exclusively from the perspective of the mistreatment of the isolated individual. Their implications are extensive, as they represent

⁸ Manual sobre perspectiva psicosocial de la investigación de derechos humanos, pág 67, Available: https://www.cejil.org/sites/default/files/legacy_files/Manual-sobre-perspectiva-psicosocial-en-la-investigacion-de-dh_0.pdf

not only the system's response to conflict, but a general environment of political threat, so both lead to an atmosphere of chronic fear.⁹

These dimensions show different focuses of experience and level of impacts. Thus, psychosocial trauma refers to that dialectic relationship that exists between the personal and the social, in which the trauma has been socially produced but is fed into that relationship between the individual and society. In another sense, the meaning that the victim gives to the events is based on his or her ideology or on political experiences shared with others. This psychosocial dimension helps to understand the effects from a more comprehensive perspective.¹⁰

It is important to consider that each person experiences the impact of torture in a particular way, based on a contextual approach that considers the circumstances, the person's previous history, the particular characteristics of the acts of torture, family and social dynamics, and the coping mechanisms and resilience of each person, the physical and psychological sequelae, the sex, age and state of health of the victim, among other factors.¹¹

Therefore, it is not sufficient to consider the legal classification to document the extent and magnitude of the damage or impact, observing this event in a comprehensive manner, exposing the elements and conditions that, in the words of the victims, led them to accept facts that were imputed to them; furthermore, that, in contexts of sexual violence, the latter should be seen as a form of symbolic domination and communicative act where notions of gender, sexuality, ethnicity and corporality are interwoven.

Conclusion

It is the obligation of the State, through its institutions, to eradicate all factors and conditions that have an impact on generating impunity and reinforce the feeling among the perpetrators that their conduct will not be investigated, nor will it be punished, giving them confidence to continue with various practices of torture as a method of investigation or for any other purpose. For this reason, it is particularly important to strengthen specialized and independent bodies for the investigation of torture and to design and implement training and education strategies to prevent, punish and eradicate torture from a human rights perspective; to design protocols for action in detention scenarios or cases in which children and adolescents are held.

⁹ La evaluación psicológica de alegaciones de tortura: Guía práctica del Protocolo de Estambul, pág 6 -8, Available: https://irct.org/assets/uploads/pdf_20161120165616.pdf

¹⁰ Manual sobre perspectiva psicosocial de la investigación de derechos humanos, pág 15. Available: https://www.cejil.org/sites/default/files/legacy_files/Manual-sobre-perspectiva-psicosocial-en-la-investigacion-de-dh_0.pdf

¹¹ CDHCM, Report of Psychosocial Impacts in Sexual Torture, 2019.