

Accountability and justice for torture victims central to commemorations for Convention against Torture: UN anti-torture mechanisms

For four decades, combating, eliminating, and preventing torture have been principal objectives of the United Nations.

On 10 December 1984, the UN General Assembly adopted the [Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#). The UN International Day in Support of Victims of Torture on 26 June marks the moment when the Convention came into effect in 1987.

Since then, the international anti-torture framework has come a long way. The absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is now the object of legal consensus, recognized as a jus cogens norm. The entry into force of the Optional Protocol to the Convention in 2006 has given a new impetus to torture prevention, establishing a system of regular, independent visits by independent oversight bodies to places of detention as a critical safeguard against abuses. Some States parties to the Convention have also developed torture prevention strategies by way of training and education in support of institutional strengthening processes. We have further witnessed major advances in domestic investigations and prosecutions, based on universal jurisdiction, as well as in the use of international fora that establish responsibility for the crime of torture. Thanks to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), as revised, as well as innovative non-coercive interviewing techniques, such as those presented in the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles), the documentation of torture and other ill-treatment has advanced significantly.

Yet, despite these formidable advances, the promise of the international prohibition of torture has yet to be fulfilled, as many regulatory and practical obstacles and impediments continue to hamper effective investigations into the crime of torture.

“There remains an unacceptable gap between the commitment to the international prohibition of torture and the reality in practice. Every State party to the Convention has a duty to criminalize and establish jurisdiction over crimes of torture in national law, and to investigate, prosecute or extradite suspects, sentencing those found guilty with penalties that reflect the gravity of the offence,” noted Claude Heller, Chair of the Committee against Torture.

Not only do investigations into acts of torture translate the absolute prohibition of torture into practical implementation, but they also provide a deterrent and preventive effect through the assurance of accountability, and ultimately, justice. Additionally, regular visits to places of deprivation of liberty by monitoring bodies, de facto, contribute to identifying and addressing potential risks early on. Combined with the recommendations from other UN bodies, these measures hold the essence of the global movement of torture prevention.



40th anniversary of
**The Convention
against Torture**

and Other Cruel, Inhuman or Degrading Treatment or Punishment



“The raison d’être of the Subcommittee on the Prevention of Torture is prevention. Over the past 18 years of the OPCAT’s implementation, it has become evident that the investigation, prosecution, and conviction of perpetrators of torture are more effective when combined with comprehensive preventive measures. True accountability for victims of torture begins and ends with an independent investigation of allegations. However, it must also be reinforced through preventive measures which start with ensuring access and monitoring of places of deprivation of liberty by international, regional, and national monitoring bodies”, said Suzanne Jabbour, Chair of the Subcommittee on the Prevention of Torture and the OPCAT Special Fund for Torture Prevention.

While taking stock of achievements and remaining obstacles, the experts also noted that efforts in advancing and strengthening accountability for crimes of torture should go hand-in-hand with supporting initiatives and mobilization of victims and survivors in search of justice.

“Victims and survivors of torture, including sexual torture, yearn to be acknowledged and for justice. For many victims, justice means that perpetrators are prosecuted and punished for their crimes. For others, it also includes the state taking concrete measures so that no one will ever have to endure the pain and suffering of torture”, said Alice Edwards, the UN Special Rapporteur on Torture. “Survivors must be supported to recover from their injuries, whether physical, psychological, emotional or economic,” she added.

The impact of civil society-led strategic litigation, often conducted by civil society, should be commended and promoted. Strategic litigation brings justice to victims and promotes reconciliation. It can also rally those unwilling or unable to join the litigation, for fear of reprisals, trauma, lack of resources, or other reasons. By so doing, strategic litigation may correct legislative loopholes and contribute to historical judicial precedents.

“For more than forty years, grantees of the Voluntary Fund for Victims of Torture have been supporting strategic litigation as a tool to fight impunity, creating precedents and helping to achieve justice and effective reparation for a wide circle of victims, and ensuring that their voices are heard”, noted Vladimir Jovic, Chair of the Voluntary Fund for Victims of Torture.

On 12 December 1997, through resolution 52/149, the UN General Assembly proclaimed 26 June the United Nations International Day in Support of Victims of Torture.

As we mark the [40th anniversary of the Convention against Torture and other cruel, inhuman or degrading treatment or punishment](#), and we get closer to its universal ratification, the UN anti-torture mechanisms jointly urge States which have not ratified the Convention to do so, and firmly call upon States parties to live up to their international obligations, recommitting to their pledge of a world free of torture.

* On 10 December 1984, Human Rights Day, the UN General Assembly adopted the [Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#). On 26 June 1987, the Convention obtained 20 ratifications and entered into force.

** The UN Subcommittee on Prevention of Torture and the OPCAT Special Fund for Torture Prevention, the UN Committee against Torture, the UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, and the Board of Trustees of the UN Voluntary Fund for Victims of Torture.

