



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER



Ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

A toolkit

Content

<i>About the Toolkit</i>	3
<i>Why Ratify?</i>	4
<i>Frequently Asked Questions</i>	6
<i>Simplified Version</i>	9
<i>Process for Ratification and Accession</i>	13
• <i>Model Instrument of Full Powers</i>	
• <i>Model Instrument of Ratification, Acceptance or Approval</i>	
• <i>Model Instrument of Accession</i>	



About the toolkit

The 75th anniversary of the Universal Declaration of Human Rights celebrated in 2023 is an occasion to renew the ground-breaking commitments made by States when they adopted the text in 1948. The Declaration has inspired the norms and standards that are embodied in the core human rights treaties and their optional protocols. These instruments aim to realize the rights contained in the Declaration, by making human rights universal legal entitlements with legally binding obligations for States.

Ratifying these instruments is an essential means to translating the human rights enshrined in the Declaration into reality on the ground, while conveying a message of commitment to human rights to the international community.

Human Rights 75 is an initiative led by UN Human Rights and its partners. It seeks, among others, to promote universality and renewed commitment, including through a campaign advocating for the ratification of the core human rights treaties and their optional protocols. In this context, States are called upon to demonstrate their commitment to the protection and respect of human rights by ratifying outstanding human rights instruments.

This toolkit presents the benefits of ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), answers questions on its content and application, provides a simplified version of the provisions of the Convention and provides practical information on ratification and accession of treaties.

Why Ratify?

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is the core international human rights treaty stipulating rights and obligations in the fight against torture and other cruel, inhuman, or degrading treatment or punishment. The Convention enshrines the obligation of States to prevent, prohibit and punish torture and ill-treatment and to provide redress to victims of such acts.

Ratifying the Convention against Torture:



1. Sends an unequivocal message to the international community that the State does not tolerate acts of torture and ill-treatment and boosts credibility by taking a strong position against torture – one of the most serious violations of a person's fundamental rights.

2. Strengthens the rule of law, administration of justice, good governance, effective law enforcement and prison management. It contributes to building safer, more stable, and secure societies.



3. Provides the State with normative tools and safeguards to prevent and prohibit torture and ill-treatment.

4. Contributes to achieving justice through ensuring accountability for acts of torture, punishment of perpetrators and provision of redress to victims.



5. Enables effective and universal prosecution of acts of torture, including those committed outside the territory of the prosecuting State or by foreign perpetrators, based on universal jurisdiction.

6. Brings the benefit of expert advice from the UN Committee against Torture, including through constructive dialogues and targeted recommendations to enhance the implementation of the Convention.

Why Ratify?



7. Provides a framework for regular self-assessment, national dialogues, and consultations on the eradication of torture, through reporting and participation in periodic reviews.

8. Promotes mutual collaboration, trust and confidence in judicial cooperation among States, such as on issues of extradition and prosecution.

9. Provides normative tools for the State to address historical injustices and past abuses involving incidents of widespread and systemic torture and ill-treatment, including by ensuring accountability for perpetrators and redress for victims.



10. Contributes to achieving Sustainable Development Goals, including Goal 16, as torture prevention efforts are linked to effective, transparent, and accountable functioning of public institutions. This includes addressing corruption, improving access to justice, guaranteeing good governance principles, ensuring high standards in the administration of justice, and providing for independent oversight mechanisms.



11. Bolsters internal security and national stability, creating a social, political and economic environment in which national and international trade and investments can flourish, paving the way for economic growth and development for the benefit of all.



Frequently Asked Questions



Does the risk of torture and ill-treatment exist only in conflicts or repressive systems?

No. The risk of torture and ill-treatment exists in every country, every political context, during periods of conflict and at times of peace, and at every stage of a country's development.

Should all laws and policies of the State fully comply with the Convention prior to ratification or accession?

No. Ratification is an expression of commitment to undertake legal obligations for the implementation of the Convention. Legislative, policy, institutional and other implementation measures can be taken after the ratification. In fact, the State should continuously take implementation measures, including in follow-up to the UN Committee against Torture's recommendations emanating from constructive dialogues between the Committee members and the State delegation.

Does the Convention include a reporting procedure?

Yes. States must submit periodically a report on measures taken to implement the Convention. States can solicit support from OHCHR

Frequently Asked Questions



for the preparation of reports and for streamlining national processes in relation to other international and regional reporting obligations.

Does the ratification of the Convention have financial implications?

Although the ratification of the Convention itself does not create financial obligations at the international level, there may be costs at the national level associated with legal and policy reforms and implementation measures required to comply with the Convention, such as the introduction of safeguards against torture and ill-treatment in detention or the training of State officials with responsibilities relevant to the Convention. Some of these financial implications at the national level may be absorbed into existing national policies and programmes, such as justice sector **reforms**.

Does the Convention allow for reservations?

Yes. States can ratify the Convention with reservations if they are compatible with the object and purpose of the Convention. As soon as the reason for a reservation ceases to exist, it should be withdrawn.

Can a State with statutory death penalty ratify the Convention?

Yes. The death penalty is not an impediment to the ratification of the Convention. Imposition and execution of the death penalty may be contrary to the prohibition of torture and ill-treatment when States are not compliant with safeguards and limitations enshrined in international human rights law.

Frequently Asked Questions



As of January 2024, 40 out of the 174 States parties to the CAT retained the death penalty for ordinary crimes in their laws. In other words, 77% of the State parties to the Convention do not provide for the death penalty for any crime. Additionally, the number of non-abolitionist States that have introduced a de facto moratorium on the exercise of the death penalty continues to grow. Therefore, these figures suggest that ratifying the CAT provides a framework for dialogue and progress towards positive change in this regard.

Are individual complaints and inquiry procedures under the Convention mandatory for States parties?

No. States can decide whether they accept these procedures. The individual complaints procedure under article 22 applies if a State makes a declaration recognizing the competence of the Committee in this regard (opting-in modality). The inquiry procedure under article 20 is mandatory unless the State explicitly rejects it (opting-out modality).

Simplified Version

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



Entry into force: 26 June 1987, in accordance with article 27(1).

Registration: 26 June 1987, No. 24841

Status as of July 2024: Signatories: 83. Parties: 174.

Procedural provisions of the Convention have been omitted.

Definition of torture (Art. 1):

"Torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from them or a third person information or a confession, punishing them for an act that the individual or a third person has committed or is suspected of having committed, or intimidating or coercing them 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.

Prevention and prohibition of torture (Art. 2):

States must take all measures to prevent acts of torture. Torture is absolutely prohibited; no exceptional circumstances or order from a superior or public authority may justify torture.

Non-refoulement (Art. 3):

States shall not expel anyone to a State where this person may be subjected to torture or cruel, inhuman, and degrading treatment.

Criminal prosecution (Art. 4):

States shall criminalize acts of torture, as well as the attempt to commit such acts and complicity and attach appropriate penalties to them.

Simplified Version

Jurisdiction (Art. 5):

States shall establish jurisdiction over acts of torture committed in any territory under their jurisdiction, if an alleged offender or a victim is their national, or if the alleged offender is present on their territory.

Custody and preliminary inquiry (Art. 6):

States must take into custody or otherwise ensure the presence of an alleged perpetrator of acts of torture, conduct a preliminary inquiry into the facts, and inform States that have jurisdiction over the alleged perpetrator.

Extradite or prosecute (Art. 7):

States should either extradite or prosecute the alleged perpetrator of acts of torture.

Extradition (Art. 8):

States shall make acts of torture extraditable offences.

Mutual judicial assistance (Art. 9):

States shall afford each other maximum assistance for criminal proceedings concerning acts of torture.

Education and training (Art. 10):

States shall provide education and training on the prohibition of torture and ill-treatment to law enforcement and medical personnel, public officials, and others dealing with persons subjected to arrest, detention, or imprisonment.

Interrogation and custody rules (Art. 11):

States shall review interrogation rules, practices, and arrangements concerning persons subjected to arrest, detention, or imprisonment with a view to preventing acts of torture and ill-treatment.

Simplified Version

Investigation (Art. 12):

States shall promptly and impartially investigate all suspected acts of torture and ill-treatment.

Right to complain (Art. 13):

States shall ensure the right to complain about allegations of torture and ill-treatment and have such complaints properly and impartially examined.

Right to redress (Art. 14):

States shall provide victims of acts of torture and of cruel, inhuman, or degrading treatment or punishment with redress, including adequate compensation and full rehabilitation.

Inadmissibility of evidence obtained through torture (Art. 15):

States shall ensure that no statement made as a result of torture is admissible in any proceedings, except against a person accused of torture.

Ill-treatment (Art. 16):

States shall prevent and punish acts of cruel, inhuman, or degrading treatment or punishment.

Committee against Torture (Arts. 17 and 18):

The Convention establishes the Committee against Torture, which consists of 10 members serving in their individual capacity, independently and impartially, who are elected by the States parties to the Convention from their nationals for four years, with a possibility of re-election.

Reporting procedure (Art. 19):

States parties undertake to submit reports on the implementation of the Convention one year after the Convention enters into force for the State party and subsequently every four years.

Simplified Version

Inquiry procedure (Art. 20):

The Committee may conduct a confidential inquiry if it receives information that torture is being systematically practised in the State party's territory. The inquiry procedure is mandatory; upon ratification or accession, however, States can explicitly reject it (opt-out modality) by making a reservation. This reservation can be withdrawn at any time.

Inter-State complaints procedure (Art. 21):

States may recognize the competence of the Committee to receive and consider communications on non-fulfilment of the Convention by another State party.

Individual complaints procedure (Art. 22):

A State may recognize the competence of the Committee to receive and consider communications from individuals under its jurisdiction who claim to be victims of a violation of the Convention by the State party.

Process for Ratification and Accession

What is ratification?

When a State ratifies an international human rights treaty, it legally commits to implement its provisions. By depositing instruments of ratification, a State expresses its consent to be bound by the treaty. Ratification is preceded by the signature of the treaty. Upon the signature, the State is obliged not to act contrary to the object and purpose of the treaty. The State may use the time between the signature and ratification to enact the necessary legislation to ensure the application of the treaty nationally.

What is accession?

Accession is the act by which a State accepts to become a party to a treaty that has already been negotiated and signed by other States. It has the same legal effect as ratification. Accession usually takes place after the treaty has entered into force.

What are the steps for formalizing a ratification or accession?

Model instruments of ratification or accession can be found on the [United Nations Treaty Collection](#) website. These templates are available in all six UN languages. The date indicated in the instrument of ratification or accession is the date on which the State becomes bound by the treaty. More information is available in the [Treaty Handbook](#). The annexes to the model instruments of full powers, ratification and accession are also available in this toolkit.

Once completed and signed by the competent authority in the State, e.g., the Head of State or Government or the Minister for Foreign Affairs, the signed copy of the original instrument can be emailed to treatysection@un.org for deposit. However, the originals must be delivered to the Treaty Section as soon as they arrive at the Permanent Mission in New York. The Depositary Unit office is at 2 UN Plaza, 323 E 44th Street, 5th Floor, Room DC2-0500, Tel: 1-212 963 504. New York, NY 10017 USA.

The Permanent Representative in New York may deliver instruments of ratification or accession. There may be a ceremony for the deposit of instruments ([pictures](#)). Alternatively, the Government may wish to deposit the instruments at the Treaty Event held during the opening of the General Assembly, which will provide a high-level setting for this treaty action and give visibility to the Government's commitment to human rights.

ANNEX I

MODEL INSTRUMENT OF FULL POWERS

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

FULL POWERS

I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],

HEREBY AUTHORIZE [name and title] to [sign ², ratify, denounce, effect the following declaration in respect of, etc.] the [title and date of treaty, convention, agreement, etc.] on behalf of the Government of [name of State].

Done at [place] on [date].

[Signature]

² * Subject to the provisions of the treaty, one of the following alternatives is to be chosen: [subject to ratification] or [without reservation as to ratification]. Reservations made upon signature must be authorized by the full powers granted to the signator

ANNEX II

MODEL INSTRUMENT OF RATIFICATION, ACCEPTANCE OR APPROVAL

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

[RATIFICATION / ACCEPTANCE / APPROVAL]

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

AND WHEREAS the said [treaty, convention, agreement, etc.] has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[Signature]

MODEL INSTRUMENT OF ACCESSION

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

ACCESSION

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession at [place] on [date].

[Signature]

