

# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

1996 no. 19 October 25

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Entered into force on 22 November 1996.

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States Parties to this Convention

which, in accordance with the principles enshrined in the United Nations Charter, recognize that the recognition of the equal and inalienable rights of all human beings is the basis of freedom, justice and peace in the world,

recognize that such rights are based on: inherent dignity,

keep in mind the obligations of States under the Charter, particularly Article 55., the promotion of universal respect for and observance of human rights and fundamental freedoms,

having regard to Article 5. the United Nations Declaration of Human Rights and Article 7 the International Covenant on Civil and Political Rights, both of which stipulate that no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

also take into account the Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly on 9 December 1975 and

want the fight against torture and other cruel, inhuman or degrading treatment or punishment to be more successful around the world,

have agreed on the following:

## **Part I.**

## ■ Article 1

- ☐1. For the purposes of this Convention, the term "torture" means any act which is intentionally caused by serious physical or mental pain or suffering in order, for example, to obtain information or confession from him or a third party, to punish him for acts committed by him or a third party, has committed or is suspected of having committed, or to intimidate or force him or a third party, or for reasons based on any kind of discrimination, when the pain or suffering is caused by or on the initiative or with the consent or reluctance of a public official or another person who holds public authority. The term does not cover pain or suffering that can be entirely attributed to or belongs to or results from lawful sanctions.
- ☐2. This Article shall not affect the validity of any international agreement or provisions of national law which have or may have provisions which go further.

## ■ Article 2

- ☐Each Member State shall take effective legislative, administrative and judicial measures or other measures to prevent torture in any territory under its jurisdiction.
- ☐2. In any case, no special circumstances of any kind, such as a state of war, a threat of war, an insecure domestic political situation or any other general state of emergency, may be invoked to justify torture.
- ☐3. Reference may not be made to the instructions of superiors or authorities to justify torture.

## ■ Article 3

- ☐No State Party shall expel, refoul or extradite a person to another State if there are reasonable grounds for believing that he or she is at risk of being subjected to torture.
- ☐2. In determining whether such grounds exist, the competent authorities shall take into account all relevant factors, including, where appropriate, whether a serious, manifest or serious human rights violation is taking place in the State concerned.

## ■ Article 4

- ☐Each Member State shall ensure that torture of any kind is a criminal offense under its criminal law. The same shall apply to the attempted torture and acts of any person who is a participant or participant in torture.
- ☐2. Each Member State shall impose appropriate penalties for such offenses, taking into account their seriousness.

## ■ Article 5

- ☐In the following cases, each Member State shall take the necessary measures to eliminate the offenses referred to in Article 4. under its jurisdiction:

(a) when the offenses are committed in the territory of its jurisdiction or on board a ship or aircraft registered in that State;

(b) where the defendant is a national of that State;

(c) where the offender is a national of that State and that State considers it appropriate to do so.

□2. Each State Party shall likewise take the measures necessary to bring such infringement under its jurisdiction if the defendant is present in the territory of its jurisdiction and is not extradited under Article 8 to any State referred to in paragraph 1. of this Article applies.

□3. This Convention shall not preclude the application of any criminal jurisdiction under national law.

## ■ Article 6

□1. Each Member State shall, if a person accused of having committed any of the offenses referred to in Article 4: is within its jurisdiction, it has examined the information available to it and ascertained that the circumstances justify it, take it into custody or take other legal measures to ensure its presence. Custody or other measures under the law shall be governed by the law of that State, but such measures may not last longer than necessary to enable criminal proceedings to be instituted or extradited.

□2. The State concerned shall immediately carry out a preliminary investigation into the facts of the case.

□3. A person who is in custody according to Art. Paragraph 1 of this Article, assistance shall be provided for immediate contact with the next appropriate representative of the State of which he is a national, or, if he is stateless, with the representative of the State in which he normally resides.

□4. When a State has taken a person into custody under this Article, it shall immediately notify the States referred to in paragraph 1. Article 5 that the person is in custody there and about the reasons on which it is based. The State which carries out the preliminary investigation provided for in the second paragraph. of this Article, shall immediately notify the aforementioned States of what has been stated and state whether it intends to exercise its jurisdiction.

## ■ Article 7

□1. A person accused of having committed one of the offenses referred to in Article 4 shall now be found in the territory of the territory of a Member State. and it shall then, in the cases referred to in Article 5, entrust the matter to its competent authorities for criminal proceedings if the person is not extradited.

□2. These authorities shall take their decision in the same manner as any other serious offense under the law of that State. In the cases referred to in the second paragraph. Article 5 the requirements for the available evidence for the initiation of criminal proceedings and convictions shall in no way be less than those applicable in the cases referred to in the first paragraph. Article 5

□3. Every person prosecuted for the offenses referred to in Article 4 shall be guaranteed a fair trial at all stages of the proceedings.

### ■ Article 8

□1. Any extradition treaty already existing between Member States shall be deemed to constitute an offense which may involve extradition, as referred to in Article 4. States Parties undertake to include such offenses as may involve extradition in any extradition treaty subsequently concluded between them.

□2. If a State Party imposing an extradition treaty requires an extradition request from another State with which it has not concluded an extradition treaty, it may be deemed that this Convention provides a legal basis for extradition in respect of such an offense. Extradition shall be subject to other conditions laid down by the law of the State to which the extradition request is addressed.

□3. States Parties which do not make extradition conditional on the existence of an international treaty shall mutually consider such offenses to be extraditable which may be subject to extradition under the conditions laid down by the law of the requested State.

□4. In the case of extradition between States Parties, such offenses shall be treated as if they had been committed not only at the place where they took place but also within the territory of the States which shall be subject to their jurisdiction under Paragraph 1 Article 5

### ■ Article 9

□Member States shall, as far as possible, assist each other in the criminal proceedings for each of the offenses referred to in Article 4, including the provision of all evidence available to them and necessary for the proceedings.

□2. Member States shall fulfill their obligations under Paragraph 1 of this Article in accordance with any mutual legal assistance agreement that may be in force between them.

### ■ Article 10

□Each Member State shall ensure that the instruction and information on the prohibition of torture become an integral part of the training of law enforcement or civilian law enforcement officers, healthcare professionals, civil servants and others who may deal with the custody, interrogation or treatment of any detainee. , custody or imprisonment of any kind.

☐2. Each Member State shall specify this prohibition in the rules or regulations laid down for the duties and duties of all such staff.

#### ■ Article 11

☐Each Member State shall systematically monitor the interrogation rules, instructions, procedures, practices and arrangements for the detention and treatment of persons subjected to arrest, detention or imprisonment of any kind in any territory under its jurisdiction, in order to prevent any kind of torture. does not occur.

#### ■ Article 12

☐Each Member State shall ensure that its competent authorities are immediately involved in an impartial investigation whenever there are reasonable grounds to believe that torture has taken place in any territory within its jurisdiction.

#### ■ Article 13

☐Each State Party shall ensure that any person claiming to have been subjected to torture in any of the territories under its jurisdiction has the right to lodge an appeal with its competent authorities and that his case is immediately impartially investigated. Measures shall be taken to ensure that the complainant and witnesses are protected from ill-treatment or the threats arising from the complaint or the reports submitted.

#### ■ Article 14

☐Each State Party shall ensure in its legal system that the person who has been subjected to torture is insurgent and has a workable right to fair and adequate compensation, including for all possible rehabilitation. If a person dies as a result of torture, those who support him shall be entitled to compensation.

☐2. The provisions of this Article shall not affect the right to compensation already existing in national law for victims of torture or other offenses.

#### ■ Article 15

☐Each State Party shall ensure that no statement that has been obtained through torture is used as evidence in the proceedings, except against the person accused of torture as proof that the statement was made.

#### ■ Article 16

☐1. Each State Party undertakes to prevent any other act of cruel, inhuman or degrading treatment or punishment being committed in any territory of its jurisdiction, but does not fall within the definition of the term torture in Article 1, where such acts: committed by or on the initiative of, or with the consent or discretion of, a public official or other person in authority. In particular, the obligations referred to in Articles 10, 11, 12 and 13 shall apply. so

that instead of referring to torture, it refers to other cruel, inhuman or degrading treatment or punishment.

□2. The provisions of this Convention shall not prejudice the provisions of any other international treaty or national law which prohibits cruel, inhuman or degrading treatment or punishment or of extradition or expulsion.

## **II. part.**

### **■ Article 17**

□1. An Anti-Torture Committee (hereinafter referred to as the Committee) shall be set up to carry out the tasks set out below. The committee shall be composed of ten experts who are flawless and recognized for their competence in the field of human rights and who shall work as individuals. The experts shall be selected by the Member States, taking into account the fair geographical distribution and the usefulness of the legal experience of some members of the Committee.

□2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by Member States. Each Member State may nominate one of its own nationals. States Parties shall consider the usefulness of appointing persons who also sit on the Committee on Human Rights established under the International Covenant on Civil and Political Rights and are prepared to sit on the Committee against Torture.

□3. The election of committee members shall take place at meetings of the States Parties convened by the Secretary-General of the United Nations every two years. At these meetings, which are valid if attended by two-thirds of the Member States, they shall be elected to the committee which receives the most votes and a clear majority of the votes of the representatives of the Member States present and voting.

□4. The first election shall take place no later than six months after the entry into force of this Agreement. No later than four months before each election, the Secretary-General of the United Nations shall send a letter to the Member States inviting them to submit their nominations within three months. The Secretary - General shall make a list in alphabetical order of all those so named, indicating the Member States which nominated them and shall submit it to the Member States.

□5. The term of office of the committee members is four years. Then they can be re-elected if they are nominated again. However, the term of office of five of the committee members elected in the first election expires after two years, and the chairman of the meeting referred to in the third paragraph shall of this article, the names of these five people will be chosen by

lot after the first election has taken place.

□ If a member of the Committee dies or resigns or is unable for other reasons to carry out his duties, the Member State which appointed him shall appoint another expert from among its members to sit on the Committee for the remainder of his term of office, subject to the consent of the majority. Approval shall be deemed to be granted unless at least half of the Member States answer in the negative within six weeks of the notification of the proposed appointment by the Secretary-General of the United Nations.

□ 7.... <sup>1)</sup>

<sup>1)</sup> Augl. C 19/1996, fskj. II.

## ■ Article 18

□ 1. The Committee shall elect its officials for a term of two years at a time. Then you can vote again.

□ 2. The committee shall establish its own rules of procedure, which shall state, inter alia, that:

(a) a meeting is lawful if six committee members attend it;

(b) Decisions of the Committee shall be taken by a majority of the members present.

□ 3. The Secretary - General of the United Nations shall provide the Committee with the necessary staff and facilities to carry out its duties satisfactorily in accordance with this Convention.

□ [4. The members of the Committee established under this Convention shall receive remuneration from the United Nations Fund in accordance with the terms and conditions laid down by the General Assembly.] <sup>1)</sup>

□ [5.] <sup>1)</sup> The Secretary-General of the United Nations shall convene the first meeting of the Committee. Following this, the committee shall meet at the times determined in its rules of procedure.

<sup>1)</sup> Augl. C 19/1996, fskj. II.

## ■ Article 19

□ Member States shall, before the Secretary - General of the United Nations, submit to the Committee, within one year of the entry into force of this Convention, reports on the measures they have taken to fulfill their obligations under the Convention. Member States shall then submit additional reports every four years on any new measures they have taken and any other reports that the Committee may request.

□ The Secretary-General of the United Nations shall transmit these reports to all States Parties.

□3. The Committee shall consider each report, make general comments on it as it sees fit and send them to the Member States concerned. The State Party may respond by sending the Committee the comments it chooses.

□4. If the committee so deems, it may decide to publish comments which it may have made pursuant to Art. Paragraph 3 of this Article, together with comments received from the Member State concerned in its annual report prepared pursuant to Art. Article 24 If the Member State concerned so requests, the Committee may also publish the report submitted pursuant to Paragraph 1 of this Article.

## ■ Article 20

□1. If the Committee receives reliable information which it considers to be reliable evidence that torture is being carried out systematically in the territory of a Member State, it shall invite that Member State to cooperate in examining the information and to comment on the relevant information. skyni.

□2. The Committee may, taking into account any comments which the Member State concerned may have made and any other relevant information available to it and, if it deems it appropriate to do so, appoint one or more members of the Committee to conduct a confidential inquiry and report to the Committee speed.

□If an investigation takes place according to Paragraph 2 of this Article, the Committee shall seek the cooperation of the Member States concerned. If the Member State agrees, a visit to its territory may be part of such an investigation.

□4. Following an examination of the conclusions of a committee member or persons submitted pursuant to Art. Paragraph 2 of this Article, the Committee shall send them to the Member States concerned, together with their comments or proposals as appropriate in the light of the circumstances.

□5. All the work of the committee, which is discussed in 1. – 4. mgr. of this Article, shall be conducted in confidence and shall seek the cooperation of the Member State at all stages. At the end of such work in respect of an investigation carried out in accordance with Art. Paragraph 2 the Committee may, after consulting the Member States concerned, decide to publish a summary of the results of its work in its annual report prepared in accordance with Art. Article 24

## ■ Article 21

□A State Party to this Convention may at any time declare under this Article that it recognizes that the Committee is competent to receive and consider communications where a State Party claims that another State Party is not fulfilling its obligations under this



Convention. Such communications may be accepted and considered in accordance with the rules of procedure of this Article only if they come from a Member State which has declared that the Committee is competent in its own right. The Committee shall not consider a matter under this Article if it concerns a Member State which has not made such a declaration. Submissions received under this Article shall be subject to the following procedural rules:

(a) if a State Party considers that another State Party does not comply with the provisions of this Convention, it may draw its attention to the matter in writing. Within three months of receipt of the complaint, the receiving State shall provide the State to which the complaint sent an explanation or any other written statement to clarify the matter and it is appropriate that, as far as practicable, reference be made to domestic proceedings and remedies taken; stand over or are available;

(b) if the matter is not settled satisfactorily for both States Parties within six months of the date of receipt of the original request, each State shall be entitled to refer the matter to the Committee by notification to that State and to the other State;

(c) the committee shall only consider cases referred to it under this Article after it has ascertained that all domestic remedies have been attempted in the case and that they have been emptied, in accordance with generally accepted principles of international law. This does not apply, however, if the application of the measures is unreasonably delayed or is unlikely to provide the person who has violated this agreement with satisfactory remedies;

(d) the committee shall hold a closed-door meeting during the examination of matters under this Article;

(e) the committee shall, cf. notwithstanding the provisions of subparagraph (c), they shall assist the Member States concerned with a view to reaching a friendly solution to the matter based on respect for the obligations of this Convention. To that end, the Committee may appoint a special conciliation committee where appropriate;

(f) in any matter referred to the Committee under this Article, the Committee may direct the Member States concerned referred to in point (b) to provide all relevant information;

(g) the Member State concerned referred to in point (b) has the right to be represented at the Committee's deliberations and to make oral and / or written observations;

(h) within twelve months of the date of receipt of the notification under point (b), the Committee shall submit a report:

(i) if a solution is reached in accordance with the provisions of item e, the committee shall limit its report to a brief statement of facts and the solution that has been reached;

(ii) if a solution is not reached in accordance with the provisions of point e, the committee shall limit its report to a brief statement of the facts of the case. The written submissions submitted by the Member States concerned, as well as the minutes of their oral submissions, shall accompany the report.

The report shall always be communicated to the Member States concerned.

□2. The provisions of this Article shall enter into force when five States Parties to this Convention have made a declaration under this Article. Paragraph 1 her. These declarations shall be forwarded by the Member States to the Secretary-General of the United Nations, who shall transmit their copies to the other States Parties. A statement may be withdrawn at any time by notification to the Secretary-General. Such revocation shall not affect the examination of any matter referred to in a statement which has already been made under this Article. No further notification shall be received from any Member State under this Article after the notification of the withdrawal of the declaration has been received by the Secretary - General, unless the Member State concerned has given a new declaration.

## ■ Article 22

□A State Party to this Convention may at any time declare under this Article that it recognizes that the Committee is competent to receive and consider communications from individuals or on behalf of persons under its jurisdiction claiming that a Member State has infringed the provisions of the agreement towards them. The Committee shall not receive any complaint concerning a Member State which has not made such a declaration.

□2. The Committee shall dismiss any complaint under this Article which is anonymous or which it considers to constitute an abuse of the right to send such a complaint or to be incompatible with the provisions of the Convention.

□3. The Committee shall draw the attention of a State Party to this Convention, which has made a declaration under Paragraph 1 and is accused of violating its provisions, on any complaint submitted to it in accordance with this Article, cf. however, the second paragraph. Within six months, the receiving State shall provide the Committee with written explanations or statements explaining the matter and any remedies it may have taken.

□4. The Committee shall consider the matter received by it under this Article in the light of any information provided to it by or on behalf of the person concerned and on behalf of the Member State concerned.

□5. The Committee shall not consider any action by an individual under this Article unless it has ascertained:

(a) that the same case has not been and is not being considered under other international

investigative rules or dispute resolution rules;

(b) the person has exhausted all available domestic resources. However, this does not apply if the application of the remedies is unreasonably delayed or is unlikely to provide the person who has violated this agreement with satisfactory remedies.

☐6. The committee shall hold a closed-door meeting during the examination of matters under this Article.

☐7. The Committee shall communicate its views to the Member State concerned and to the individual concerned.

☐8. The provisions of this Article shall enter into force when five States Parties to this Convention have made a declaration under this Convention. Paragraph 1 her. These declarations shall be forwarded by the Member States to the Secretary-General of the United Nations, who shall transmit their copies to the other States Parties. A statement may be withdrawn at any time by notification to the Secretary-General. Such revocation shall not affect the examination of any matter referred to in a statement which has already been communicated in accordance with this Article. No further notification shall be received from an individual or on behalf of an individual under this Article after notification of the withdrawal of the declaration has been received by the Secretary - General, unless a new declaration has been made by the Member State concerned.

### ■ Article 23

☐Those who sit on the committee and special conciliation committees that may be appointed according to Art. point e of the first paragraph. Article 21 shall be entitled to the facilities, privileges and immunities of experts in missionary work for the United Nations in accordance with the relevant sections of the Convention on the Rights and Immunities of the United Nations.

### ■ Article 24

☐The Committee shall report annually on its work under this Convention to the States Parties and to the General Assembly of the United Nations.

## III. part.

### ■ Article 25

☐1. This Convention shall be open for signature by all States.

☐2. This Agreement is subject to ratification. Instruments of ratification shall be deposited with the Secretary - General of the United Nations.

### ■ Article 26

☐All States shall accede to this Convention. Accession shall take effect upon the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### ■ Article 27

☐1. This Convention shall enter into force on the thirtieth day after the date of deposit of the twentieth instrument of ratification or accession with the Secretary-General of the United Nations.

☐2. In respect of any State ratifying or acceding to this Convention after the deposit of the twentieth instrument of ratification or accession, it shall enter into force on the thirtieth day after the date of the deposit of its instrument of ratification or accession.

#### ■ Article 28

☐Any State may, at the time of signature or ratification of this Convention or upon accession thereto, declare that it does not recognize the competence of the Committee under this Convention. Article 20

☐2. Each State which has made a reservation pursuant to Art. Paragraph 1 of this Article, may be withdrawn at any time by notification to the Secretary-General of the United Nations.

#### ■ Article 29

☐Any State Party to the present Convention may submit a proposal for its amendment and have it registered with the Secretary - General of the United Nations. The Secretary - General shall then send the amendments to the Member States together with a recommendation that they notify him whether they are in favor of holding a conference of the Member States to examine and vote on the proposal. If, within four months of the date of transmission of the proposed amendment, at least one third of the Member States support the holding of such a conference, the Secretary - General shall convene it on behalf of the United Nations. Any amendment adopted by a majority of the States Parties attending the Conference and voting shall be submitted by the Secretary - General to all States Parties for approval.

☐2. A change that is approved according to Paragraph 1 This Article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary - General of the United Nations that they have ratified it in accordance with their respective constitutional requirements.

☐When amendments enter into force, they shall be binding on the Member States which have ratified them, but other States Parties shall remain bound by the provisions of this Convention and any previous amendment which they have ratified.

#### ■ Article 30

☐Any dispute between two or more Member States concerning the interpretation or

application of this Agreement which is not settled by agreement shall, at the request of any of them, be settled. If the parties are unable to agree on the arrangements for the action within six months of its request, each of them may refer the dispute to the International Court of Justice by application under its Statute.

□2. Any State may, at the time of signature or ratification of this Convention or upon accession thereto, declare that it is not bound by the provisions of paragraph 1. of this Article. Other Member States shall not be bound by paragraph 1. of this Article in respect of a Member State which has made such a reservation.

□3. The State which has made a reservation pursuant to Art. Paragraph 2 of this Article, may be withdrawn at any time by notification to the Secretary-General of the United Nations.

### ■ Article 31

□A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary General.

□Denunciation shall not relieve the State Party of its obligations under this Convention in respect of any act or omission which occurs before the date of entry into force of the denunciation, nor shall it affect the continuation of the examination of a matter already before the Committee before the date of denunciation.

□3. After the date of entry into force of a Member State's denunciation, the Committee shall not commence an examination of any new matter affecting that State.

### ■ Article 32

□The Secretary - General of the United Nations shall notify all United States States Parties and all States Parties to or acceding to this Convention of:

- (a) signatures, ratifications and accession under this Convention ; Articles 25 and 26;
- (b) the date of entry into force of this Agreement pursuant to Art. Article 27 and the effective date of all changes according to Article 29;
- (c) dismissals according to Article 31

### ■ Article 33

□1. This Convention, in which the Arabic, English, French, Chinese, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary - General of the United Nations.

□2. The Secretary - General of the United Nations shall transmit certified true copies of this Convention to all States.