

Torture

- a crime to humanity
- a threat to health

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International challenges in relation to

- The absolute prohibition
- Prevention
- Accountability
- The right to restitution

**All of these issues are closely
connected to our role as mental health
professionals**

.....or mental health defenders

In ethics as well as in function

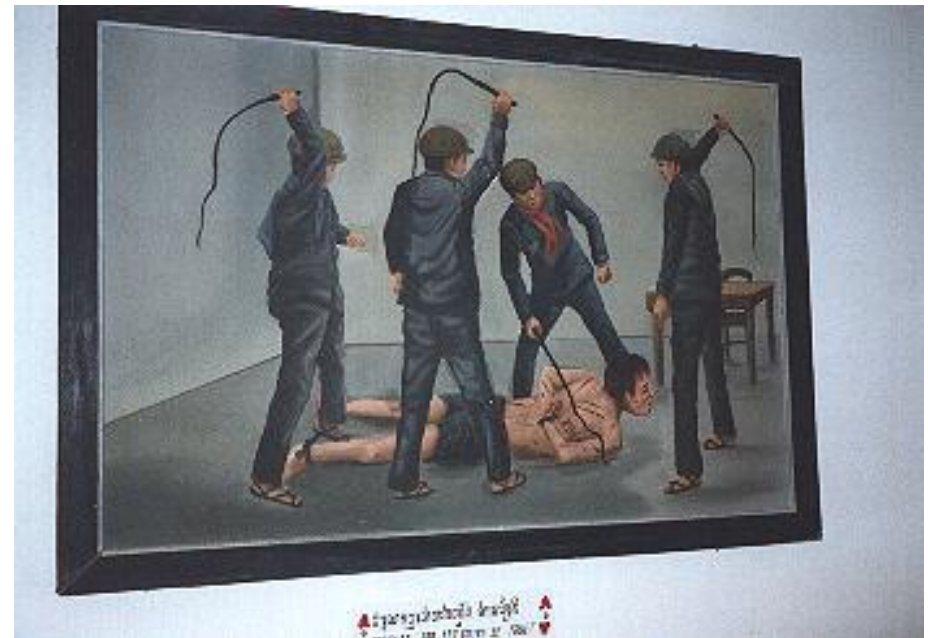
Torture

- Any act by which **severe pain or suffering, whether physical or mental, is intentionally inflicted** on a person for such **purposes** as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed



Article 1, CAT cont.

- ..or intimidating or coercing him 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 acquiescence of a public official or other person acting in an official capacity.*

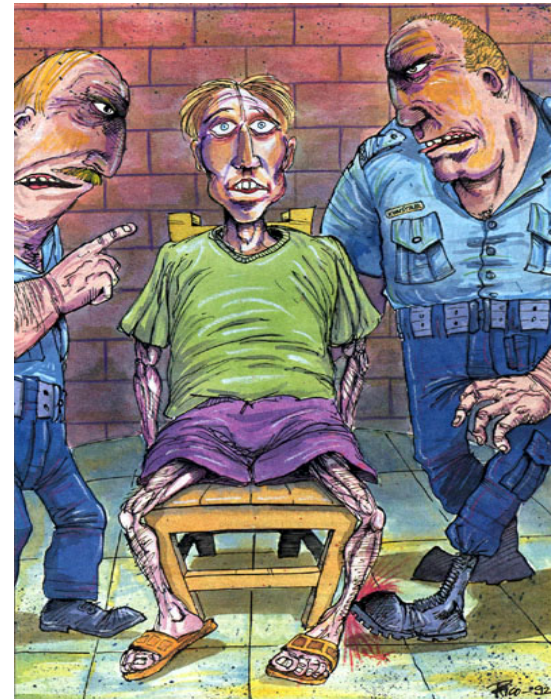


The absolute prohibition

- No exceptional circumstance whatsoever, whether a state of war or a threat of war, internal political instability or any other emergency, may be invoked as a justification for torture (article 2.2)

Prevention

- Training and awareness
- Places of detention
- Interrogation
- Role of health personell



Accountability

- All acts of torture must be regarded as offences under criminal law
- There is no excuse for committing torture
- It is the obligation of the state parties to take necessary measures to establish jurisdiction over these offences

Impunity

A blow to rehabilitation and social repair

The right to restitution

- Each state party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full a rehabilitation as possible (art. 14)

The need for rehabilitation is clearly recognized

As well as the right of the survivor to
receive compensation and rehabilitation

The Basic Principles and Guidelines of Remedy and Reparations for Victims of Human Rights and Humanitarian Law Violations

..were finally adopted by the 61th session of the Human Rights Commission in 2005

Council directive 2003/9/EC

- Article 20

Victims of torture and violence

Member States shall ensure that, if necessary, persons who have been subjected to torture, rape or others serious acts of violence receive the necessary treatment of damages caused by the aforementioned acts

Repair after torture

- Psychological and somatic treatment and rehabilitation
- Social restitution
- Economic integration
- Compensation
- Restoration of moral balance

The importance of developing national health plans for rehabilitation and care of survivors of torture and other gross human rights violations

- These plans should be of high priority and include ways of ensuring care both at specialized and local level – mainstream and special programmes