



info sheet Human Rights

CONVENTION AGAINST TORTURE & OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CAT)

PURPOSE

The Convention aims to prevent torture and other acts of cruel, inhuman, or degrading treatment or punishment around the world. It requires member states to take effective measures to prevent torture in any territory under their jurisdiction, and forbids states to transport people to any country where there is reason to believe they will be tortured.

DEFINITIONS

"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 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, 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 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 (Article 1).

STATE OBLIGATIONS

- Take effective measures to prevent torture in any territory under their jurisdiction (Article 2 – Prevention of torture)
- forbids states to transport people to any country where there is reason to believe they will be tortured (Article 3 – Non-refoulement)
- Ensure that all acts of torture are offences under their criminal law, including attempts to commit torture and acts by any person which constitutes complicity or participation in torture (Article 4 – The criminalization of torture)
- Ensure a prompt and impartial investigation where there is a reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction (Article 12 – Prompt and impartial investigation)
- ensure that all law enforcement personnel, medical personnel, public officials and other persons who may be involved in custody, interrogation or treatment of any person are trained regarding the prohibition against torture, and that the rules relating to their duties incorporate the prohibition (Article 10 – Training officials)
- Ensure that victims of torture have a right to complain to competent authorities, and to have their case promptly and impartially examined (Article 13 – Right to complain)
- Ensure that victims of torture obtain redress and has an enforceable right to compensation, including the right to as full rehabilitation as possible (Article 14 – Right to redress)

COMMITTEE & SUB-COMMITTEE

CAT is the only Convention that has two committees to oversee it.

The "main" Committee i.e. Committee against Torture is the treaty body created to monitor and encourage States to uphold and implement their international obligations under the Convention. The Committee is mandated to carry out several activities to monitor the implementation of States Parties' obligations under the Convention, including overseeing the reporting cycle for each State Party and issuing general comments to interpret and develop provisions of the Convention.

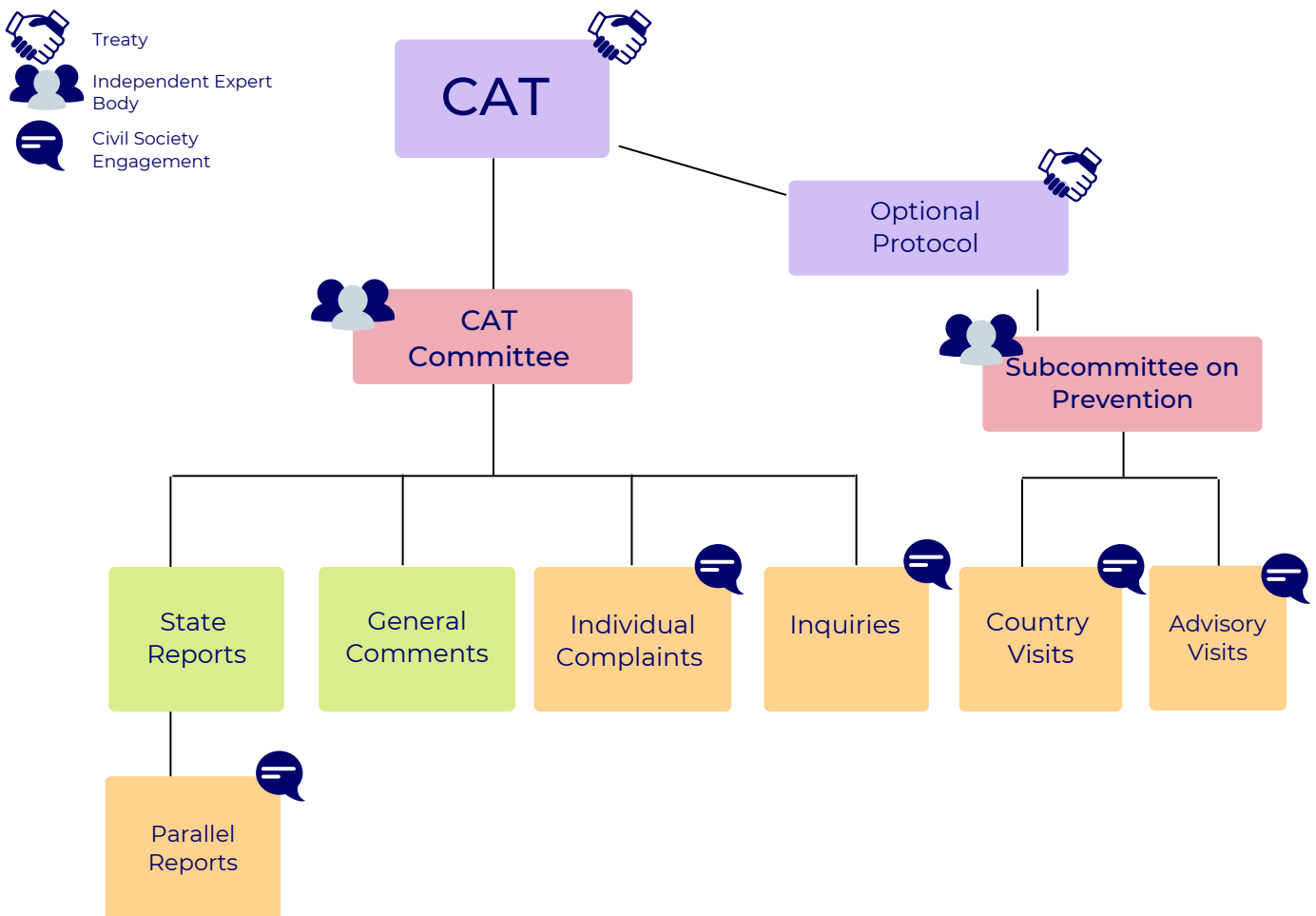
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In addition to the main Committee is a "sub-committee" i.e. Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment ("SPT") which has a preventive mandate focused on an innovative, sustained and proactive approach to the prevention of torture and ill treatment. It was established under the Optional Protocol to the Convention against Torture which provides for its mandate.

The SPT has two primary operational functions.

- First, it may undertake visits to States Parties, during the course of which it may visit any place where persons may be deprived of their liberty.
- Second, it has an advisory function which involves providing assistance and advice to States Parties on the establishment of National Preventive Mechanisms ("NPM"), which OPCAT requires that they establish, and also providing advice and assistance to both the NPM and the State Party regarding the working of the NPM.

CAT OPERATIONAL STRUCTURE



Samoa became a party to the CAT in 2018