

Your guide to the

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT



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INTRODUCTION



Everyone has the right to life, security and freedom from all forms of torture.

There can be no justification for torture not even during war, internal political instability, or state emergency.

These fundamental rights and liberties are enshrined in our Federal Constitution, the Universal Declaration of Human Rights (UDHR) and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).



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

**Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984
entry into force 26 June 1987, in accordance with article 27 (1)**

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

PART I

Article 1

1. For the purposes of this Convention, the term "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

What is UNCAT?

It is an international convention on human rights which was adopted by the United Nations (UN) on 10 December 1984.

It aims to assist State Party to overcome and to prevent torture and ill-treatment against any person.

ACCESSION TOWARDS BECOMING A STATE PARTY

- When a country accedes or ratifies the UNCAT, it becomes a State Party to the UNCAT.
- A State Party to the UNCAT agrees to comply with all the provisions enshrined in the UNCAT and may allow the Committee Against Torture to oversee and monitor the country's implementation of all provisions of the UNCAT.



DEFINITION OF TORTURE

Severe mental
or physical pain
or suffering

To obtain
information or
confession

Committed by
a public official
or other person
in an official
capacity

~~...excluding pain
or suffering
from lawful
sanctions~~

Article 1

The term "torture" means any act:

- causing severe physical or mental pain or suffering on a person,
- for the purpose to extract from him a confession to a crime allegedly committed by him or another person,
- conducted by a public official or other person acting in an official capacity,
- exclude pain or suffering from lawful punishment.

EXAMPLES OF TORTURE



The use of force during interrogation



Custodial death due to negligence or unlawful use of force by the authorities

DEFINITION OF OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

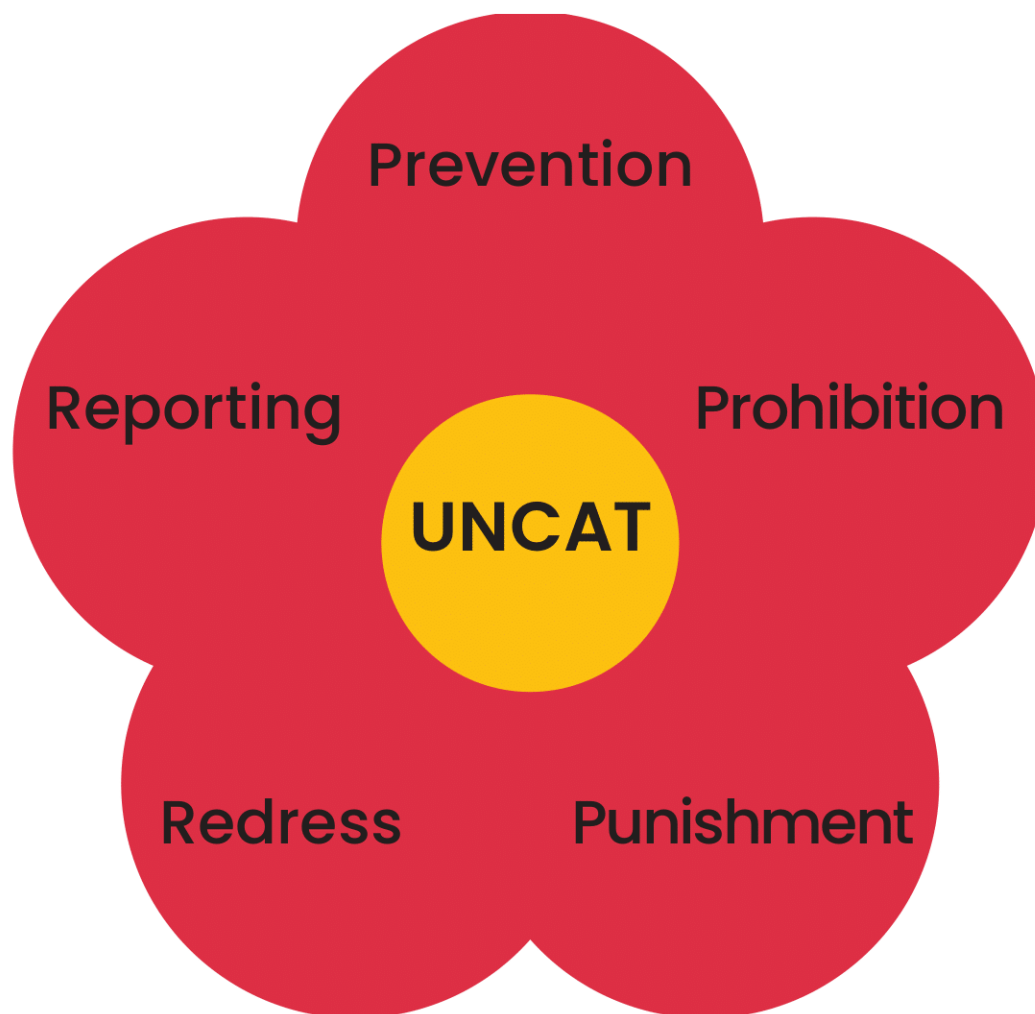


Article 16

- Any form of cruel, inhuman or degrading treatment of a person which results in suffering and pain that are less severe to that of torture as stated in Article 1. For example, punishment by way of public caning.
- Any act of cruel, inhuman or degrading treatment or punishment which does not amount to torture as defined in Article 1.
- Intent or purpose is not necessary to prove an act of cruel, inhuman or degrading treatment.

PRINCIPAL OBLIGATIONS OF STATE PARTY

What should a State Party of UNCAT do?



PRINCIPAL OBLIGATIONS OF STATE PARTY

1 PREVENTION



Article 2

Undertake effective steps to prevent and prohibit acts of torture through legislative, administrative, judicial measures.



Article 11

Review all rules on interrogation rules and detention procedures.



Article 16

Undertake action to prevent acts of cruel, inhuman or degrading treatment or punishment that are not listed in Article 1.

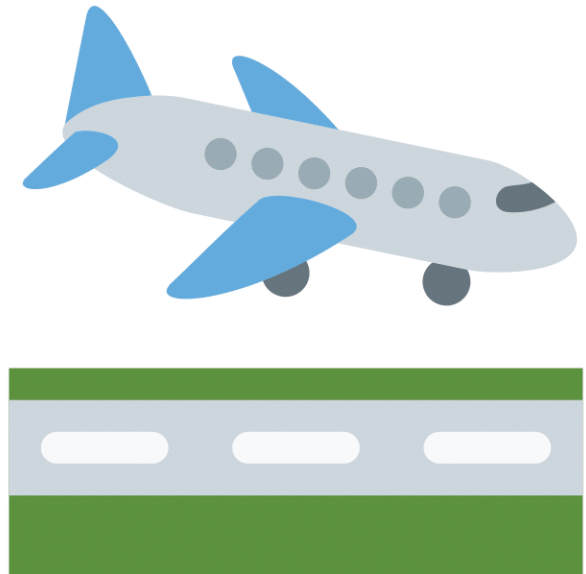
PRINCIPAL OBLIGATIONS OF STATE PARTY

2 PROHIBITION



Article 1

Not to commit any act of torture.



Article 3

Not to send any person to a place where he/she may be tortured.

PRINCIPAL OBLIGATIONS OF STATE PARTY



Article 15

Ensure that any statement obtained through acts of torture cannot be used as evidence in any proceedings.

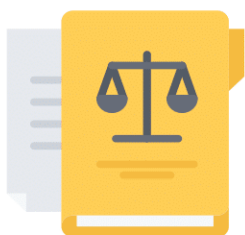


Article 10

Prohibit any act of torture and ill-treatment through orders and rules as well as training for law enforcement officials.

PRINCIPAL OBLIGATIONS OF STATE PARTY

3 PUNISHMENT



Article 4

Ensure that all acts of torture are penalised under domestic criminal laws.



Article 5-9

Ensure offenders are handed to competent authorities for prosecution.



Article 12-13

Ensure the right of victims of torture and their family members to lodge a complaint and to ensure prompt and impartial investigation by competent authorities.

PRINCIPAL OBLIGATIONS OF STATE PARTY

4 REDRESS



Article 14

Ensure that victims of torture or their family members obtain redress and adequate compensation.

PRINCIPAL OBLIGATIONS OF STATE PARTY

5 REPORTING



Article 19

Submit an initial report to the Committee against Torture on the measures taken in implementing the obligations under the UNCAT within one year after the entry into force of the Convention, and subsequently periodic reports every four years on any new measure taken and such other reports as requested by the Committee.

BENEFITS OF ACCEDING TO THE UNCAT



Strengthening of national mechanism to prevent, prohibit and punish acts of torture and protect victims of torture.



Improving the training of law enforcement officers through sharing of good practices among Member States of the UNCAT.



Improving trust of the public and international communities that Malaysia prohibits torture and cruelty in any situation.

BENEFITS OF ACCEDING TO THE UNCAT



Improving as well as ensuring the rules, procedures and administration of detention centres are in line with international standards.



Improving cooperation and public trust towards the authorities.



Consultations with stakeholders throughout the ratification process of the Convention can increase transparency and public trust towards the government.

COMMITTEE AGAINST TORTURE

The Committee against Torture is a treaty body established to review and monitor the periodic report submitted by each UNCAT State Party.

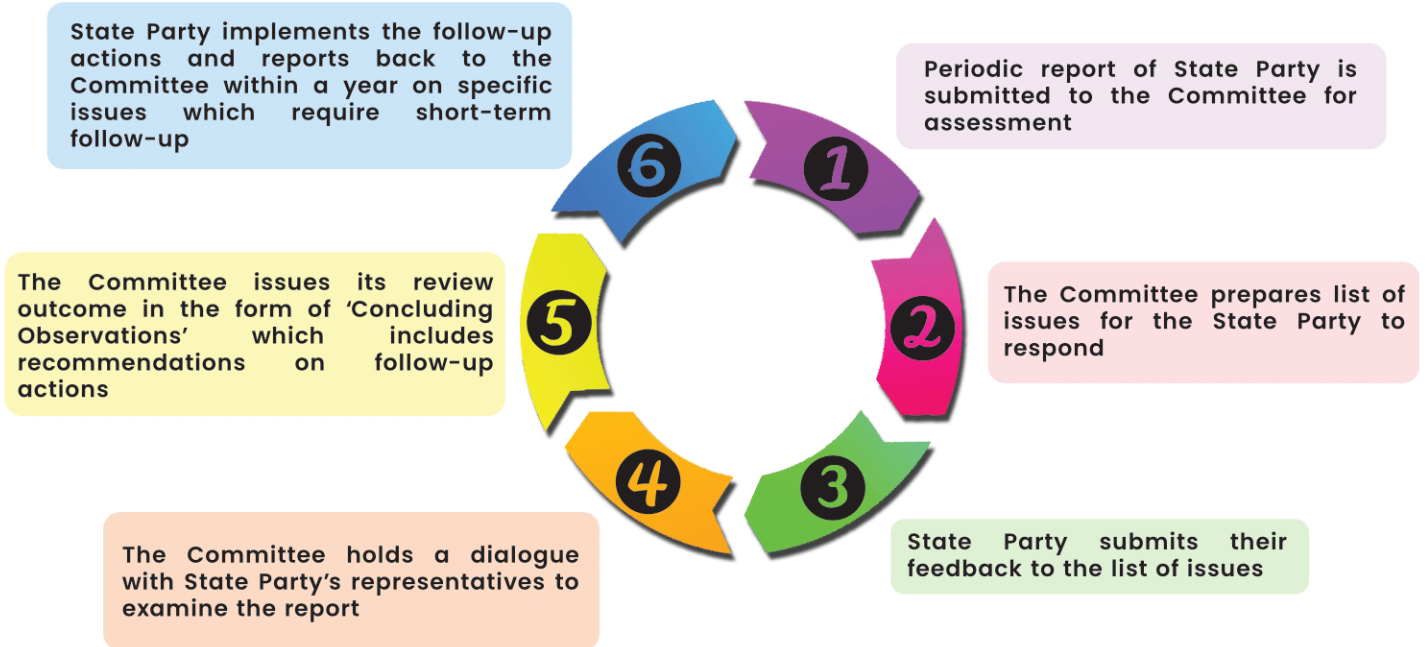


- The Committee against Torture consists of 10 independent experts with high moral principles and recognized expertise in the field of human rights serving in their personal capacity.
- The Committee members serve for a maximum period of 4 years.

A treaty body is a committee made up of independent experts in various fields that aims to monitor the implementation of the UN human rights treaty obligations, and is responsible to review as well as to provide general comments on the periodic report of State Parties.



REVIEW PROCESS OF STATE PARTY REPORT



FOR FULL VERSION OF THE UNCAT, PLEASE REFER TO

Konvensyen Menentang Penyeksaan dan Layanan atau Hukuman Lain yang Zalim, Tidak Berperikemanusiaan atau Menjatuhkan Maruah (Bahasa Malaysia Version)

<https://suhakam.org.my/publications/promotional-material/#>

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

www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx



FOR FURTHER INQUIRIES, PLEASE CONTACT



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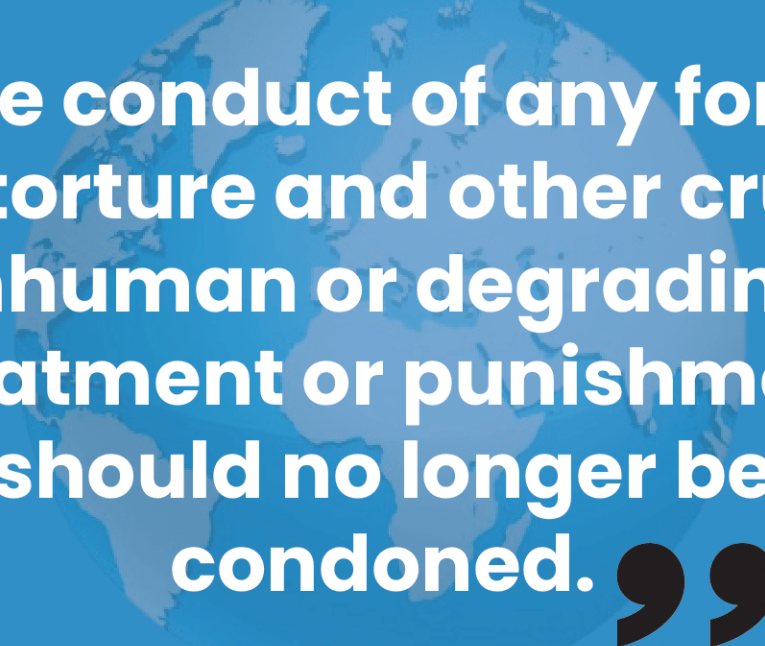
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“ The conduct of any form of torture and other cruel inhuman or degrading treatment or punishment should no longer be condoned. ”

Press Statement 19 / 2020
SUHAKAM
