

# Lesson Series 24: June 26: International Day Against Torture and for the Victims of Torture

## Introduction

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June 26 has been designated International Day Against Torture by the United Nations some years ago.

It is sad that it appears to be necessary for us to institute such a day to remind ourselves that the practice of torture is widely prevalent in Asian Societies today. Although many countries are signatories to the International Convention on Civil and Political Rights (ICCPR) and the Convention on Torture and other Cruel, Inhuman or degrading Treatment or Punishment (CAT – the “Torture Convention”), there is still tacit tolerance towards and acceptance of many forms of torture and inhuman and degrading treatment and punishment.

The Human Rights Correspondence School (HRCS) has produced and circulated 2 previous lessons on Torture: Lesson Series 7, which dealt with the nature, causes and consequences of torture

Lesson Series 20, which posed some discussion questions for local community action against torture, and showed the need to reform the prosecution system in order to eliminate torture.

These lessons can be downloaded from the web-site [[www.hrschool.org](http://www.hrschool.org)]

In conjunction with the International Day Against Torture, the AHRC has issued the following Statement, which gives a number of practical suggestions for actions to eliminate torture. We hope that it will stimulate not only discussion on and awareness of the occurrence of torture, but more importantly, action against torture.

## **A. Statement Issued By Asian Human Rights Commission**

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### **TAKE PRACTICAL STEPS TO ELIMINATE TORTURE: JUST RHETORIC ALONE WILL ALLOW A TERRIBLE CRIME TO CONTINUE**

Everyone knows that torture is bad, that it is a heinous crime and that it violates one of the most basic rights regarded in the Universal Declaration of Human Rights and clearly articulated in the UN Covenants and Conventions. But torture continues to be practiced in a massive scale in many parts of the world, and is endemic in most Asian countries. It is only through effective action aimed at eliminating torture that a change can be made to occur and the failure of which would result in continuous cynicism and the demoralization of the people.

#### **What are the actions that can help eliminate torture?**

1. To make torture and other cruel, inhuman and degrading treatment or punishment a crime in each country.

There are many countries that have done it. This is done by adopting the UN Convention against torture and other cruel inhuman and degrading treatment or punishment into the local law, or prescribing a serious mandatory punishment. In some countries the minimum sentence for a proven case of inflicting torture is seven years of mandatory sentence. It is disappointing to see in many countries, torture is not treated as a crime and even the human rights movements in these countries have failed to get such a law passed. The result is that the condemnation of torture remains at a low level, and actions to eliminate it are rather weak and ineffective. Where there are laws against torture, it is also necessary to develop ways to ensure that the laws are enforced.

2. To make the society see the link between the defense of the economic, social, cultural rights and the elimination of torture

The promotion and defense of ECOSOC rights require effective freedom of association and expression. Those who exercise the right of association and expression must be able to live without fear of torture and assassinations for having engaged in their activities. Today fear grips most societies, and deep levels of intimidation paralyzes actions for seeking economic, social and cultural rights. Assured of the possibility of getting police support by way of torture and assassinations, various forms of actions are taken by employers, the middlemen, and others to deprive the basic economic, social and cultural rights to the people. To talk of

ECOSOC rights and not to fight to eliminate torture is to ignore this reality.

3. Form community organizations to work towards elimination of torture

Often, the anti-torture groups tend to be small and get engaged only in limited activities. Such a massive problem like torture cannot easily be dealt with. On the other hand, as torture affects the entire society and every aspect of it, there is very good reason for the community to take a serious interest in the matter. The experience shows that when approached, the community does respond quite vigorously. Often the community inaction is due to absence of serious calls for action, backed by meaningful strategies. Small but relevant community work should be the special responsibility of community leaders, including religious leaders (such as priests, monks, nuns and lay leaders) the journalists, academics and teachers.

4. Torture should also become a primary concern for women's movements

While they are affected by torture, including sexual abuse and rape in custody, they are uniquely disadvantaged in that when women go to seek help from the law enforcement authorities, they are likely to become victims of the law enforcement officers. Besides, even when men are tortured, the women equally suffer. The economic burden of torture victims often fall on women.

*Even in cases of domestic violence, it is not possible to fight it effectively, so long as violence by law enforcement officers are taken as legitimate. Without de-legitimizing torture, it is not possible to delegitimize domestic violence, as heinous forms of male behaviors that deserves serious punishment. Besides, the women are aware that when they complain about their violent husbands, the chances are that the law enforcement officers may torture them. Due to this women will desist complaining, as they will be socially ostracized for getting their husbands tortured by the police. Thus, all community groups have good reasons to be engaged in the elimination of torture and that such community organisations are a dire need if there is to be an effective fight against torture.*

5. Making serious efforts at rehabilitation of torture victims

Experience shows that one act of torture, can cause serious harm and not just to the victim, but his entire family. The family loses the breadwinners, has to incur medical and legal costs, and often get socially ostracized. The work of rehabilitation should be to help victims and their families, so that such harm will not occur. Such rehabilitation thus requires financial help to the families so that they will not get into serious debt and that they can carry on with their lives, medical help to the victim without making it a burden on the family and psychological help for the victim and the family.

Such rehabilitation is possible only through strong organisations and community support. The community support can reduce the financial burden for such work. Organisations and families can help with protection, care and expert advice. Sometimes, centers are needed to provide protection to the victims from perpetrators and for rest and recovery. Often, when the perpetrators of torture are faced with legal or disciplinary inquiries, they harass the victims to get the complaints withdrawn. Comprehensive rehabilitation is very much a need. But in most countries, rehabilitation efforts are very small, if they exist at all. A sad result of this is that the victim become dependent on the perpetrators for little mercies. To obtain these little mercies, the victim forgo their rights.

#### 6. Develop better documentation, information sharing and solidarity networks

Such networks should involve

- Quick action programs such as urgent appeals;
- Communication networks giving such information to a vast audience made possible by modern communication and media;
- Skills training programs to collect and use such information;
- Special networks for lobbying at national and international levels;
- quick and effective legal aid programs;
- quick and effective humanitarian assistance programs.

We urge that on this day, 26<sup>th</sup> June 2002, that we make a firm determination to take effective action in eliminating torture.

### **B. Discussion Questions**

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1. Is torture a crime in your country? What is the punishment? Is the law against torture implemented well?
2. Illustrate, using examples from your country or community, the link between economic, social, cultural rights and the elimination of torture
3. Illustrate, using examples from your country or community, the link between the elimination of domestic

violence and the elimination of torture.

4. Are there organizations in your community / country are working to eliminate torture?

What do they do?

5. Are there re-habilitation programmes for torture victims in your country?

- for physical rehabilitation?

- for psychological rehabilitation?

- for family rehabilitation?