

Committee: Special Conference on Peace, Justice and Strong Institutions (SPECON)

Issue: Promoting the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Position: Deputy President

PERSONAL INTRODUCTION

Dear delegates,

My name is Iasonas Kargiotis, and I am deeply honored and excited to have been given the opportunity to serve as the Deputy President in the Special Conference on Peace, Justice and Strong Institutions of this year's DST MUN conference.

First of all, I wish to congratulate all of you for participating in this conference. From past experiences, I am convinced that such a conference is helpful in many ways, on the one hand, you get the chance to broaden your horizons and practice your English skills, and on the other, you get to know new people and have fun.

Our topic is a critical one, as torture and other cruel treatment should be prevented. The question of torture and other inhuman punishments have affected the global community in the past as well. Promoting the convention against torture aims to decrease human suffering and to avoid cruelty by acting humanely in times of armed conflict.

This study guide should introduce you to the topic, I, thus, encourage you to read it carefully, check the bibliography down below to examine some of the sources yourself, and to furthermore conduct your personal research on the topic for a more detailed notion, that will ensure you are accumulated with the issue to the need extent.

Being a part of the MUN Club and participating in conferences, it has always brought me joy and excitement. I am looking forward to the 3rd DSTMUN and meeting you all. I hope that you share the same excitement as me! We will hopefully have an amazing time!

My email address is jasonaskargiotis@gmail.com. You are more than welcome to ask me about our topic, this study guide, your country's policy or the rules of procedures of the conference.

Good luck conducting your research and I am looking forward to meeting you all!

Sincerely,

Iasonas Kargiotis

TOPIC INTRODUCTION

The Convention against torture and other cruel, inhuman treatment is a major issue that has affected the whole globe. This Convention is to prevent human suffering, either mental or physical, in order to collect information, make a person to confess or to punish him. Member States should take effective measures to prevent all acts of inhuman treatment under their jurisdiction. Human transportation to any country where they could be tortured is strictly forbidden. All States need to establish that all acts of torture violate their criminal law, including attempts to commit any cruel treatment as well. Participants in any degrading action should, also, be prosecuted. All law enforcement personnel, medical personnel, public officials, among others, should be trained in a way regarding the prohibition of torture. The victims of degrading punishment have the right to complain to competent authorities; their case should be examined immediately and unbiased. Moreover, victims of torture have the right to be fully rehabilitated and redressed.

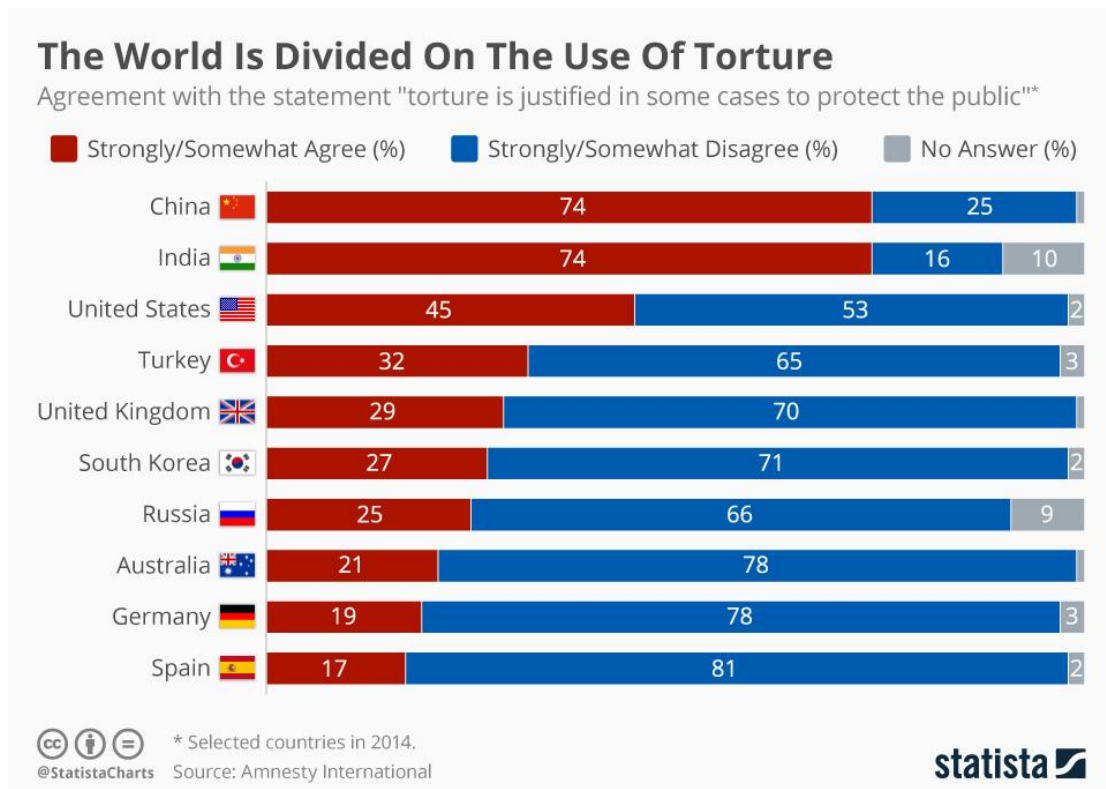


Figure 1: Chart depicting the world’s division on the use of torture

Through the Convention, torture is prohibited, and the prohibition is established as an absolute human right; thus, it should be respected without any restriction. Furthermore, the Convention is applied even in times of war or internal political instability; there are no special circumstances where torture could be justified or even tolerated. In addition, experts maintain that torture is no effective measure to interrogate a prisoner, as the victim can state anything so that the painful

experience will be collapsed. Although terrorist groups often act in a degrading way, State Parties should not sink in their level, as such actions are inhumane. Torture and other cruel punishment reduce the influence on human rights, military and counterterrorism issues. Although several countries have signed the Convention against torture, many States have neglected to criminalize any form of ill-treatment as a specific offence of their national law. Finally, in order to encourage State Parties to maintain and implement their international obligations under the Convention, a treaty body is created, namely the Committee against Torture. The committee is mandated to conduct numerous actions to oversee the implementation of States Parties' obligations under the Convention, including supervising the reporting cycle for each Member State and interpreting and developing provisions of the Convention through general comments.

DEFINITION OF KEY TERMS

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, 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.”¹

Inhuman Treatment

“Inhuman treatment or punishment is the treatment which causes intense physical or mental suffering. It includes serious physical assault, psychological interrogation and cruel or barbaric detention conditions or restraints.”²

Human Rights

“Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and

¹Apt.ch. 2020. APT - A Legal Definition Of Torture. [online] Available at: <<https://apt.ch/en/what-is-torture/>> [Accessed 9 May 2020].

²Equalityhumanrights.com. 2020. Article 3: Freedom From Torture And Inhuman Or Degrading Treatment | Equality And Human Rights Commission. [online] Available at: <<https://www.equalityhumanrights.com/en/human-rights-act/article-3-freedom-torture-and-inhuman-or-degrading-treatment>> [Accessed 9 May 2020].

expression, the right to work and education, and many more. There is no discrimination, regarding these rights.”³

Armed Conflict

“Armed conflict is a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths in one calendar year.”⁴

War crimes

“Crimes that violate the laws or customs of war defined by the Vienna and Hague Conventions. It includes targeting civilians, murder, torture or other ill-treatment of civilians or prisoners of war.”⁵

International Humanitarian Law (IHL)

“International humanitarian law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare.”⁶

International Human Rights Law (IHRL)

“International human rights law lays down the obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.”⁷

BACKGROUND INFORMATION

Torture

Torture is a violation of human rights, thus it needs to be persecuted and abolished, by promoting its Convention. According to the Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment, torture is to intentionally inflict severe pain either physical or mental to make the victim confess

³Un.org. 2020. Human Rights. [online] Available at: <<https://www.un.org/en/sections/issues-depth/human-rights/>> [Accessed 9 May 2020].

⁴Undp.org. 2020. [online] Available at: <<https://www.undp.org/content/dam/norway/img/sdg-16-oslo-2016/Erik%20Melander.pdf>> [Accessed 9 May 2020].

⁵Amnesty.org. 2020. How Does Amnesty Help People In Armed Conflict?. [online] Available at: <<https://www.amnesty.org/en/what-we-do/armed-conflict/>> [Accessed 9 May 2020].

⁶Icrc.org. 2020. [online] Available at: <https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdf> [Accessed 9 May 2020].

⁷Un.org. 2020. Human Rights. [online] Available at: <<https://www.un.org/en/sections/issues-depth/human-rights/>> [Accessed 9 May 2020].

or to gather information. Furthermore, torture is used to punish the victim for his or another person's actions or to intimidate him.

The first incidents of torture have been reported in the 21st and 18th century BC in order to convict some civilians. However, during the Middle Ages torture has been the most common method to sentence someone. Since the 20th century, all degrading treatments have been persecuted, thus nowadays such actions are considered illegal. The chair of torture, also known as the Judas chair, has been used from the Middle Ages until the 18th century. There are up to 1,500 spikes all over the back, arm-rests, seat, leg-rests and foot-rests. The victim is tied to the chair, so that he cannot move. In some cases, the torturer used to burn the victim through some holes while the victim was conscious. Nowadays, a common tool of torture is stun batons. Stun batons are like stun guns; powerful electric shocks are delivered in the victim's body and cause severe pain. Inhumane prison conditions, solitary confinement and denial of medical treatment are also considered as torture methods. Cruel, inhuman treatments are reported, nowadays, in the Middle East and Africa, as they want to collect confessions by any means necessary. Although anyone could confess through degrading punishment, it is an ineffective way. Regarding the pain and the suffering, the person being tortured, would say anything, in order to stop the pain. Inhuman punishment has a physical and psychological impact on the victims, thus they are fully rehabilitated through health based rehabilitation services. Torture should be abolished, as it is a traumatic experience. Furthermore, it is ineffective and it violates all human rights.

Convention against torture

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has been drafted on December 10th 1984 and it was signed in New York on February 4th 1985 by 169 State Parties. However, it was brought in effectiveness two years later, on June 26th 1987. The purpose of the Convention is to prevent and criminalize all acts of torture; therefore state officials are trained in a way not to use violence or inhuman treatment. According to Article 3 of the Convention, all State Parties aren't allowed to transport prisoners to any country, where the person could be ill-treated. Moreover, under this Convention, any act of torture is not justified, even if the person was mistreated to obtain a confession, to be punished or to be intimidated. Finally, survivors of torture are encouraged to complain and have their case quickly examined by adequate authorities.

Committee against Torture

The Committee against Torture (CAT) was entered into force in 1987 to review all State Parties regarding torture. This body of 10 independent experts on human rights obligates all State Parties to submit report regularly concerning the provision of

human rights in their country. Each State reports to the Committee every four years; the Committee reviews the reports and announces its concerns to each Member State. Moreover, the Committee receives reviews and complaints from individuals, under specific circumstances, regarding human rights and violations of the Convention against Torture. The Committee meets normally two times per year to discuss the results of the State Parties. However, some special conferences might occur, if deemed necessary. Finally, the 10 independent experts are not the only participants in these sessions; the body invites specialized agencies, United Nations bodies, regional intergovernmental organizations and some non-governmental organizations to document the sessions, to get informed but also to exchange opinions concerning the State Parties' reviews.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

United States of America

Although, the United States of America are one of the 169 State Parties, who signed for the Convention, there have been some ill-treatment recorded since 9/11. In order to interrogate suspected terrorists, the US use some inhuman methods, such as using individual's phobias to pressure them, hooding during interrogations, asphyxiation constitute torture among others.

People's Republic of China

The People's Republic of China has signed for the Convention against Torture. However, there are still recorded some degrading punishments in the Chinese prisons. Almost every prisoner has to undergo some cruel treatment, such as being beaten up with a leather belt and buckles or with cables; the authorities order other prisoners to beat up another. The most frequent method is to beat a prisoner until he gets unconscious.

The Islamic Republic of Iran

The Islamic Republic of Iran has not signed nor ratified the Convention against Torture. Although, any act of cruel punishment violates the Iranian Constitution, there has been reported in the past years that Iran violates human rights, as methods of torture, such as rape, the execution of political prisoners, beating and killing civilians, are announced.

United Kingdom

The United Kingdom has signed for the Convention and any degrading treatment is criminalized. Moreover, it is not allowed to transport prisoners in other countries, where there is a potential risk the person to be tortured. However, UK was accused of having committed torture in order to make some prisoners to confess in

2008. Since the last review of the Committee against Torture, it is claimed that the situation, regarding torture, has not improved at all, as the government's anti-torture strategy has been abolished in 2015.

The Republic of Turkey

Torture is happening in Turkey for decades, even though the Republic of Turkey has signed for the Convention. There is a variety of torture methods used in Turkey, such as rape, electric shock, hanging the prisoner from the arms in different positions, providing poor food, lack of medical health care, leaving the victim blindfolded in extremely cold or hot conditions among others. Furthermore, many people, who have been tortured in Turkey, claim that there is a specialized area where victims are gathered to be tortured. The only authorities, who have access there, are the ant-terror branch members but not the regular police.

Republic of Korea

The Republic of Korea has ratified the Convention against Torture; however the Optional Protocol of the Convention is not ratified. Yet Republic of Korea's domestic law criminalizes all acts of torture. Under Article 12 of the Constitution, it is illegal to torture someone to make him testify and such confessions won't be accepted in court. Furthermore, the victims have the right to seek for psychological support to be rehabilitated. Finally, depending on the torture committed, the torturer can face a death sentence.

Russian Federation

Recently, there have been some concerns and allegations regarding some torture incidents. The Committee against Torture has made some recommendations in order to improve the authorities' brutality in Russian Federation, however it was not enough; thus there have been some meetings between Russian Federation and human rights organization to review the situation in Russia. The state officials use beatings, asphyxiation and physical restraints to make the prisoners to confess. Thus the Committee against Torture investigated Russian Federation and found out that the soldiers are beaten up by older soldiers, the authorities do not take effective remedial measures, the prisoners' complaints are not examined and authorities are not trained correctly among others.

Human Rights Watch

Human Rights Watch promotes the Convention against Torture and convicts all Member States who use methods of torture. Moreover, inhuman treatment should be banned even in times of war and it cannot be justified at any time. It is responsible

to help victims of torture to obtain redress, as well as being fully rehabilitated and have the victim's case unbiased examined.

International Rehabilitation Council for Torture Victims (IRCT)

The International Rehabilitation Council for Torture Victims fights torture and its goals are to abolish torture around the globe and to help the victims rebuild their lives by fully rehabilitating them. It is a democratic organization run by individuals fighting for human rights. Each individual is responsible to help at least 50 victims of torture annually. They are willing to find justice for all victims, as well as to fight impunity.

BLOCS EXPECTED

Bloc A

Countries where the Convention against Torture is already applied and there is not any ill-treatment recorded in the past years. This alliance should suggest ways on how to promote the Convention.

Bloc B

Countries where there have been recently recorded inhuman punishment. This alliance should suggest ways on how to abolish these degrading treatments and how to convict those who violate the Convention.

TIMELINE OF EVENTS

Date	Description of event
21 st century BC	Torture is invented.
Middle Ages	Torture is the most common way to punish someone.
December 10 th 1984	The Convention against Torture is drafted.
February 4 th 1985	The Convention against Torture is signed.
January 1 st 1987	The Committee against Torture is founded.
June 26 th 1987	The Convention against Torture is brought in effectiveness.
June 26 th 1987	The Committee against Torture is signed.

1987-2020	Torture is abolished in many Member States. Those who use torture methods are currently persecuted.
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RELEVANT RESOLUTIONS, TREATIES AND EVENTS

Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights was signed on December 10th 1948 and sets out human rights that should be respected around the globe. All humans are equal when it comes to dignity, rights, freedom of speech, liberty and security of person. Everyone is entitled to these rights, no matter the person’s race, origin, gender, religion, color, political opinions, property among others. Moreover, no discrimination should take place as far as justice is concerned. Under Article 5 of this Declaration, all acts of torture or inhumane treatment are criminalized and should be abolished. All humans deserve an unbiased and public trial, where all their rights are respected.

American Convention on Human Rights (ACHR)

The American Convention on Human Rights was signed on November 22nd 1969 and brought in effectiveness on July 18th 1978. It is stated that all humans are equal before the law and the law shall protect all human lives. Under Article 5 of the Convention, every person’s integrity should be respected, thus no one should be tortured or treated inhumanely. All victims of torture should be helped in a mental way as speedily as possible, so that they can rebuild their life. Finally, no form of ill-treatment will be justified when it comes to court.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

International Covenant on Civil and Political Rights (ICCPR)

The International Covenant on Civil and Political Rights was signed in 1954 and brought in effectiveness on March 23rd 1976. Its goal is to protect all human rights. All humans have the right to life and this should be respected. Under Article 7 of this Covenant, no human being should be tortured. If a torture event occurs, all victims should be rehabilitated. Although torture is criminalized under this Covenant, the torturer cannot be sentenced to death.

European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)

The European Convention for the Protection of Human Rights and Fundamental Freedoms was signed on November 4th, 1950. This Convention should protect all human rights and fundamental freedoms in Europe. Torture is prohibited

under Article 3 of this Convention. Under Article 5 of this Convention, every citizen has the right to live and to be safe. All humans have the right to have a fair trial, where all human rights should be respected. The cases of torture victims are prior, and they should be fairly examined.

European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (ECPTIDTP)

The main goal of this Convention is to prohibit all ill-treatments. A Committee is created in order to examine all State Parties' treatment and to protect all victims. Moreover, all degrading treatments are criminalized and if a State Party disobeys the Convention, there will be a trial. All victims are health based rehabilitated and they are helped to overcome this experience in physical, psychological and social ways.

POSSIBLE SOLUTIONS

As torture violates fundamental human rights, all Member States should espouse the stance of the United Nations, thus, support that torture should be entirely abolished, torturers should be convicted, and victims should be rehabilitated.

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

Member States that have already abolished torture practices should encourage fellow Member States to do so as well, by actively promoting the Convention against Torture. It is the responsibility of the international community to clarify that torture can no longer be tolerated. Member States that violate the Convention should go through fair trial in order to be penalized for following cruel punishment methods. Moreover, all State Parties should include matters related to inhuman treatment in their agendas, especially in international conferences under the auspices of the UN, aiming to shed light to the issue of the Convention's violations, putting pressure to States that still use torture practices.

Non-governmental organizations (NGOs) could also play a critical role in promoting the said Convention by raising awareness in an international level, perhaps through social media campaigns. Educating populations that remain clueless in regard to the cruelties that still take place in the world today allows them to form an opinion on the matter which can later influence their vote.

Rehabilitation

All torture victims should be rehabilitated in a physical, psychological and social way, so that they can re-integrate in the society. and all Member States' appropriate government agencies should provide help for the victims. Special

structures could be created as institutions of rehabilitation where victims would get all the necessary support, both physical and mental.

Furthermore, in cases that the torture punishments were illegally and secretly conducted, governments should conduct investigations to prosecute all individuals and parties related to the inhuman practices. Simultaneously, NGOs should be allowed to intervene to such investigations in order to be able to expose governmental involvement. Such measures relating to the prosecution of the torturers is essential for the rehabilitation of the victims since it serves them justice, soothes the fear of being captured again, and proves that society can support them either through the government or through non-governmental agencies when needed.

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Our evidence shows that torture has been happening in Turkey for decades. Read our reports to discover how torture is used by the government to suppress

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The use of torture is completely prohibited by international law. However, many countries still employ torture methods. Read our guide to learn more about where these human rights abuses happen. 2020. *Where Does Torture Happen Around The World?*. [online] Available at: <<https://www.freedomfromtorture.org/news/where-does-torture-happen-around-the-world>> [Accessed 2 June 2020].

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