



# United Nations Human Rights Council (UNHRC)

## Topic 2: The employment of torture in juridical investigations and prisons

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### 1. Definition of key terms

**Torture:** Defined in Article 1 of the UN Convention Against Torture (1984) as: “Any act by which severe physical or mental pain or suffering is intentionally inflicted on a person, by or at the instigation of a public official, for purposes such as obtaining information, a confession, punishment, intimidation, or discrimination.” It excludes pain or suffering arising from lawful sanctions.

**Juridical Investigations:** Legal inquiries conducted by judicial authorities, including courts, to gather evidence, identify suspects, and enforce the rule of law.

**Prisons:** Facilities designed to confine individuals either awaiting trial or serving a sentence post-conviction. Torture in prisons often takes the form of beatings, forced labor, or solitary confinement.

**Cruel, Inhuman, or Degrading Treatment (CIDT):** Acts that cause suffering but do not reach the legal definition of torture. CIDT is also prohibited under international law.

**Impunity:** The lack of accountability or punishment for acts of torture, which perpetuates its use.

### 2. Introduction

The persistence of torture in judicial investigations and prisons remains a critical concern worldwide, despite its widespread condemnation and explicit prohibition under international law. Its use often arises in environments where systemic abuse, corruption, or political repression thrive, with regimes justifying such practices as essential tools for maintaining order, combating dissent, or gathering intelligence. In some cases, the rhetoric of “enhanced interrogation,”

particularly in the context of counterterrorism, is used to mask and rationalize actions that constitute clear violations of human rights.

Torture represents not only a flagrant violation of fundamental human dignity but also has far-reaching consequences for societies as a whole. It undermines public confidence in the integrity of judicial and political systems, perpetuates cycles of violence, and erodes the moral standing of states on the international stage. Victims frequently suffer irreversible physical and psychological harm, including chronic pain, post-traumatic stress disorder, and social alienation, which can have generational impacts on families and communities.

Understanding the persistence of torture requires a comprehensive examination of its historical roots, which reveal how this practice has been normalized in certain contexts and challenged in others. Despite the advancements of the Enlightenment and the global response to the atrocities of the 20th century, loopholes in enforcement and the complicity of powerful actors have allowed its resurgence in various forms. Contemporary trends show that torture is most prevalent in authoritarian regimes, conflict zones, and areas where oversight is weak or non-existent. Moreover, the role of non-state actors, such as armed militias and private contractors, further complicates efforts to hold perpetrators accountable.

The international community has responded to the issue through numerous treaties and frameworks, such as the United Nations Convention Against Torture and the establishment of mechanisms like the International Criminal Court. However, enforcement of these measures remains inconsistent, as geopolitical interests, lack of political will, and jurisdictional challenges often impede meaningful action. Efforts to eradicate torture require a multifaceted approach, combining robust legal frameworks, effective monitoring and accountability mechanisms, and the promotion of human rights education.

To address the complexities of this issue, it is essential to provide stakeholders with a nuanced understanding of the historical, social, and legal dimensions of torture. Armed with this knowledge, policymakers, activists, and international bodies can develop strategies that target the root causes of torture, strengthen protections for vulnerable populations, and ensure that those who engage in such practices are brought to justice. By fostering collaboration and dialogue, the global community can work toward a future where torture is not only condemned but eradicated in all its forms.

### **3. Background information**

Torture has been a tool of human societies since ancient times, employed by civilizations to extract confessions, punish offenders, and reinforce authority. In cultures like those of ancient Rome, Greece, and Egypt, torture was often legally sanctioned and considered an effective means of maintaining order. During the Middle Ages in Europe, its use expanded significantly, particularly under the auspices of institutions such as the Inquisition, where it was justified as a method to combat heresy and protect religious orthodoxy.

The Enlightenment marked a significant turning point in attitudes toward torture. Philosophers such as Cesare Beccaria and Voltaire argued against its use, critiquing not only its inherent cruelty but also its ineffectiveness in yielding truthful or reliable information. These ideas gained momentum, influencing legal reforms in various parts of the world. Following the atrocities of World War II, international efforts to address the issue intensified, leading to the creation of

treaties such as the United Nations Convention Against Torture, which aimed to establish clear legal prohibitions.

Despite these advancements, torture remains a grim reality in the modern era, often concealed under the guise of national security or counterterrorism measures. Authoritarian regimes and conflict zones are particularly prone to systemic abuses, with prisons and detention centres becoming notorious sites of mistreatment. Overcrowding, lack of accountability, and deeply entrenched corruption exacerbate the problem, enabling perpetrators to act with impunity.

The human cost of torture is profound, as survivors frequently endure long-term physical injuries, psychological trauma, and social stigmatization. Beyond the individual, societies that permit or ignore torture face broader consequences, including a weakening of the rule of law, erosion of public trust in state institutions, and violations of international human rights standards. These effects highlight the urgent need for vigilance, accountability, and a global commitment to eradicating this practice.

#### 4. Major countries involved

**China:** In China, allegations of systematic torture have been directed at the treatment of ethnic minorities, particularly Uyghurs, in detention camps. Reports suggest that these practices are part of a broader strategy to suppress cultural identity and political dissent. Political dissidents across the country have also faced accusations of mistreatment, with accounts of abuse emerging from detention facilities.

**Russia:** Russia has faced criticism for the prevalence of torture in police custody and prisons. Despite numerous allegations, accountability for perpetrators remains limited, fostering a culture of impunity within the system. Victims have reported severe physical and psychological abuse, often with little recourse for justice.

**USA:** The United States has been scrutinized for its use of “enhanced interrogation techniques” during the War on Terror, particularly in facilities like Guantanamo Bay. These methods, widely regarded as forms of torture, have drawn significant criticism from international human rights organizations and prompted debates about their legality and morality.

**Egypt:** In Egypt, torture is reportedly a routine practice in police interrogations and the treatment of political detainees. Human rights groups have documented widespread abuse, with victims often subjected to brutal methods to extract confessions or silence dissent.

**Saudi Arabia:** Saudi Arabia has faced similar accusations, with documented cases of torture used to extract confessions, particularly in high-profile political cases. The treatment of detainees in such instances highlights broader concerns about human rights violations and the lack of transparency in the judicial process.

**Germany:** Germany plays a prominent role within the European Union as an advocate for human rights and a staunch opponent of torture. The country actively calls for accountability in cases of torture worldwide, leveraging its political influence to promote adherence to international legal standards and mechanisms aimed at preventing abuse.

**Norway:** Norway is recognized for its substantial financial contributions to international programs and organizations dedicated to combating torture. Through its funding initiatives,

Norway supports efforts to strengthen legal frameworks, monitor compliance, and assist victims in regions where such practices persist.

**Sweden:** Sweden has established itself as a strong advocate for the rights of torture victims, particularly in the context of asylum and migration. The country offers protection to those fleeing persecution and supports global rehabilitation programs, providing essential resources to help survivors rebuild their lives and recover from the psychological and physical impacts of torture.

## 5. UN involvement and previous attempts to solve the issue

The United Nations has implemented various initiatives aimed at preventing and addressing torture on a global scale. One significant step was the adoption of the *Convention Against Torture* in 1984, which obligates states to take active measures to prevent acts of torture, investigate allegations, and ensure that perpetrators are prosecuted. In addition to this, the *Optional Protocol to the Convention Against Torture* (OPCAT) was established, which created an international framework for monitoring and inspecting detention facilities. This protocol aims to prevent torture by ensuring both national and international oversight of places where individuals are deprived of their liberty.

Another cornerstone of UN efforts is the *Universal Declaration of Human Rights* from 1948, which explicitly condemns torture in Article 5. This landmark document affirms the right to be free from torture and cruel, inhuman, or degrading treatment. Furthermore, the United Nations has appointed a *Special Rapporteur on Torture*, a mandate specifically designed to monitor the global situation regarding torture, provide detailed reports, and make recommendations to enhance protections for individuals at risk of torture.

Despite the presence of these international frameworks, enforcing their provisions remains a significant challenge. Many countries fail to ratify or fully implement the treaties aimed at preventing torture, and those that do may not always adhere to their obligations. Furthermore, the accountability mechanisms established by these frameworks often lack sufficient power or authority to impose meaningful sanctions on offending states or individuals. This undermines the potential impact of the international community's efforts to combat torture, as enforcement remains weak in certain regions.

However, there have been notable successes in the fight against torture. International campaigns, often led by human rights organizations in collaboration with UN agencies, have resulted in the closure of several secret detention centres, commonly referred to as "black sites," where individuals were subjected to torture in violation of international law. Moreover, UN investigations have played a crucial role in exposing widespread torture practices in countries such as Myanmar and Syria. These investigations have brought global attention to the issue, raising awareness and prompting international condemnation and calls for accountability, signalling a positive shift towards addressing the persistent problem of torture.

## 6. Official documents and treaties

- **Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984):** This international treaty obligates signatory states to take steps to

prevent, investigate, and punish acts of torture and cruel, inhuman, or degrading treatment. It also requires governments to provide victims with access to legal remedies and compensation.

- **Optional Protocol to the Convention Against Torture (2006)**: This protocol complements the Convention Against Torture by establishing a system of regular, independent inspections of places where people are deprived of their liberty, such as prisons and detention centres, to prevent the occurrence of torture and ill-treatment.
- **Universal Declaration of Human Rights (1948), Article 5**: Article 5 of this foundational human rights document explicitly prohibits torture, as well as cruel, inhuman, or degrading treatment or punishment, affirming the inherent dignity and equal rights of all individuals.
- **International Covenant on Civil and Political Rights (1966), Article 7**: This article prohibits torture and other cruel, inhuman, or degrading treatment or punishment, emphasizing the protection of individuals from such violations under any circumstances, including during times of war or public emergency.
- **Rome Statute of the International Criminal Court (1998)**: The Rome Statute established the International Criminal Court (ICC) and defines torture as a crime against humanity. It grants the ICC jurisdiction to prosecute individuals who commit acts of torture, reinforcing global accountability for such violations.

## 7. Useful links

- **UN Convention Against Torture**:  
<https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>
- **Human Rights Watch: Torture Reports**:  
<https://www.hrw.org/topic/torture>
- **Amnesty International: Anti-Torture Campaign**:  
<https://www.amnesty.org/en/what-we-do/torture/>
- **International Rehabilitation Council for Torture Victims (IRCT)**:  
<https://irct.org/>
- **Office of the UN High Commissioner for Human Rights (OHCHR)**:  
<https://www.ohchr.org/en/>

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