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REHABILITATION WORKS AND IS A TORTURE SURVIVOR'S RIGHT

EDITORIAL ON TORTURE

WHAT IS TORTURE?

Torture is the intentional infliction of severe mental or physical pain or suffering by or with the consent of state authorities for a specific purpose.

Torture is routinely used to punish, to obtain information or a confession, to take revenge on a person/s or create terror and fear within a population. Some of the most common methods of physical torture include beating, electric shocks, stretching, submersion, suffocation, burns, rape, sexual assault and beatings underneath the feet also known as falanga.

Psychological forms of torture and ill-treatment, which very often have the most long-lasting consequences for victims, commonly include: isolation, threats, humiliation, mock executions, mock amputations, and witnessing the torture of others.

Article 1 of the United Nations **Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment** (UNCAT) defines torture as;

“... 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.”

This Convention requires member states to take effective measures to prevent torture within their borders.

OPTIONAL PROTOCOL TO THE UN CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (OPCAT)

In many countries, torture occurs in places of detention, such as prisons, police stations and detention centers. In some cases, prison, police or detention personnel are not aware that their actions may constitute torture, and detainees are not always aware of their right to freedom from torture. The Optional Protocol, or OPCAT, which came into force in June 2006, is the first international instrument that aims at preventing torture in places of detention and at protecting persons deprived of their liberty. The OPCAT oversees the set-up of not only an international supervision mechanism but also of independent national bodies to implement human rights standards locally. At the international level it creates the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. At the national level, state parties to the OPCAT are required to establish National Preventive Mechanisms, a requirement which enhances ownership of the process of supervision, benefits prevention through adding local knowledge and improves effective follow-up.

IMPUNITY AND TORTURE

In all regions of the world, the crime of torture is committed daily against men, women and children with impunity. In most cases, no one is prosecuted and punished for the crime. Impunity is the failure of the state to fully investigate violations, bring to justice and punish perpetrators, provide victims with effective remedies, and take all necessary steps to prevent a recurrence of the violation. Impunity means that nothing prevents torturers from repeating their crimes. It sends a clear message to torturers that their crimes are tolerable. Where impunity is prevalent there is no deterrent, torture can be committed without perpetrators having to risk arrest, prosecution or punishment. When torturers are not punished, there is a risk that torture will generate into a widespread or systematic practice.

REPARATION

In general terms, reparation is granted to an injured party to make up for the damage caused by a wrongful act. The aim is to restore the situation to the fullest extent possible that had existed had the wrongful act not been committed in the first place. For victims of torture, the right to reparation is an important part of the healing process. The pursuit of reparation can be empowering, allowing torture survivors to transform feelings of pain, isolation or stigmatization through a public process that may result in a public acknowledgement that a wrong was

committed and that those responsible will be punished. Reparation has been described as having "*the purpose of relieving the suffering of and affording justice to victims by removing or redressing to the extent possible the consequence of the wrongful act*". Reparation has many significant therapeutic benefits. Reparation is an important part of the rehabilitation process both for the individual victim and for the wider society.

REHABILITATION

The aim of rehabilitation is to empower the torture survivor to resume as full a life as possible. The rehabilitation of torture survivors requires addressing their needs in a broad context including;

- ◆ Medical attention / psychotherapeutic treatment;
- ◆ Psychosocial support / trauma treatment;
- ◆ Legal services and redress;
- ◆ Social reintegration.

In the case of asylum seekers and refugees, the assistance may include documentation of the actual torture and help in finding accommodation and work.

TORTURE IN ZIMBABWE

Zimbabwe has not ratified the UNCAT and its optional protocol. Further, torture is not criminalized. The current Constitution of Zimbabwe provides only for the protection from inhuman treatment in section 15. At the 19th Session of the Human Rights Council, the Government of Zimbabwe committed itself to ratifying the Convention and its optional protocol and to criminalize torture. The Zimbabwe Human Rights NGO Forum urges the government to fully implement this commitment.