



One Step Closer to a World Without Torture



A revised edition of a major human rights document – the Istanbul Protocol – was launched in Geneva in June. Since 1999 it has set out international standards for investigation and documenting cases of torture and ill treatment. KAREN COLLIER reports.

Torture, one of the most heinous crimes known to humanity, damages individuals and threatens the wellbeing and dignity of communities. International human rights and humanitarian law prohibit torture and ill treatment of detainees, yet it still occurs in 141 countries, many of which are signatories to the *UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, according to Amnesty International.

One way of protecting individuals is conducting effective investigations and documentation to provide evidence of torture and ill treatment so that perpetrators are held accountable. The *Manual on the Effective Investigation and Documentation of Torture and Other Cruel Inhuman or Degrading Treatment or Punishment*, that is, the *Istanbul Protocol*, was created 20 years ago.

It outlines the international legal standards and sets out specific guidelines on how to document and conduct effective legal and medical investigations into allegations of torture and ill-treatment. Before 1999, this medico-legal evidence showing signs of torture was often dismissed in court or discredited by forensic doctors.

At the time the *Istanbul Protocol* was described as one of the most effective tools for ending impunity related to torture, and a major victory for human rights. Developed by 75 experts in law, health and human rights from 40 organisations in 15 countries, it was officially endorsed by the former United Nations High Commissioner for Human Rights, Mary Robinson.

Its international principles were promoted in resolutions of the UN General Assembly and the former Commission on Human Rights in 2000. At the time all states were called upon to disseminate the principles widely and use them to combat torture. It was included in the professional training of the

Office of the United Nations High Commissioner for Human Rights in 2001 and updated in 2004.

In the past 20 years, it has been used increasingly by state and non-state actors, providing a practical and essential guide for doctors, police, prosecutors and other relevant professionals worldwide in the investigation and documentation of torture and ill-treatment, the protection of victims and advocacy work of civil society.

In his annual report to the General Assembly, October 2014, the Special Rapporteur on Torture, Juan E. Méndez, said the quality of forensic reports was revolutionizing the investigation of torture. He noted: “The *Istanbul Protocol* serves as a standard for the evaluation of medical evidence, as a reference tool for experts delivering expert opinions, as a benchmark for assessing the effectiveness of the domestic fact-finding and as a means of redress for victims.”

The *Protocol* is also routinely used as a point of reference for measuring the effectiveness of investigations into torture by the Committee against Torture, the Special Rapporteur on Torture and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, the standards laid out in the *Protocol* have been applied by regional human rights bodies, including the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the African Commission on Human and Peoples’ Rights and the European Court of Human Rights, as well as many national institutions.

In June, 2022, the *Istanbul Protocol* was updated and a new and revised edition published. Building on years of experience using this document in practice, medical practitioners and academics worldwide collected their experiences, identified good practices and highlighted the lessons learned from its use.

The revision was six years in the making, involving thousands of hours of voluntary work by 180 experts

from more than 50 countries. It was led by four civil society organizations – Physicians for Human Rights, the International Rehabilitation Council for Torture Victims, the Human Rights Foundation of Turkey and the Redress Trust – and members from four core UN anti-torture bodies: the Committee against Torture; the Subcommittee on the Prevention of Torture; the Special Rapporteur on Torture; and the UN Voluntary Fund for Victims of Torture.

It entailed regional coordination meetings in the Kyrgyz capital, Bishkek, Mexico City and Copenhagen and a survey of more than 200 individuals with substantial experience using the Protocol in anti-torture activities. As well as updating its six original chapters, this edition adds two chapters: Chapter VII provides guidance on the role of health professionals in various contexts in which documentation may be necessary; and Chapter VIII provides guidance on the steps needed for the effective implementation of the *Istanbul Protocol* by states.

This large-scale international effort has helped to further reflect on the advances made in understanding the practices and effects of torture and ill-treatment. Based on provisions of international law, the new edition has more concrete, better defined and well-understood guidelines to assist member states, national human rights institutions, national preventive mechanisms, civil society, legal and health professionals and other relevant experts to implement the *Protocol's* standards.

According to the Office of the High Commissioner for Human Rights, the revision covers the most recent jurisprudence on torture prevention, accountability and redress, as well as the lessons derived from using the *Protocol* over the past 20 years.

It provides additional guidance for health professionals in documenting torture and ill-treatment in different contexts and a step-by-step guide for states on how to effectively implement the *Protocol*. As a crime under international law, torture is absolutely prohibited and cannot be justified under any circumstances.

Despite the *Protocol* being a non-binding document, international law obliges governments to investigate and document incidents of torture and other forms of ill-treatment and punish those responsible in a comprehensive, effective, prompt and impartial manner under the *UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

Health professionals have essential roles to play

in preventing and documenting cases of torture as well as rehabilitating its victims, according to the UN. Saluting the work of medical professionals and human rights defenders around the world, who often risk their lives to undertake this invaluable work, former High Commissioner for Human Rights, Michelle Bachelet noted, “I have no doubt that the improvements to the *Protocol* will strengthen the capacity of professionals to undertake meaningful investigations that can contribute to ultimately ensuring accountability.”

The High Commissioner said the revised edition provides added guidance for judges, prosecutors and health professionals, while outlining best practice on legal investigations of torture and new treatment. It also provided guidance to states on the effective implementation of international obligations to prevent and fight torture and ill-treatment.

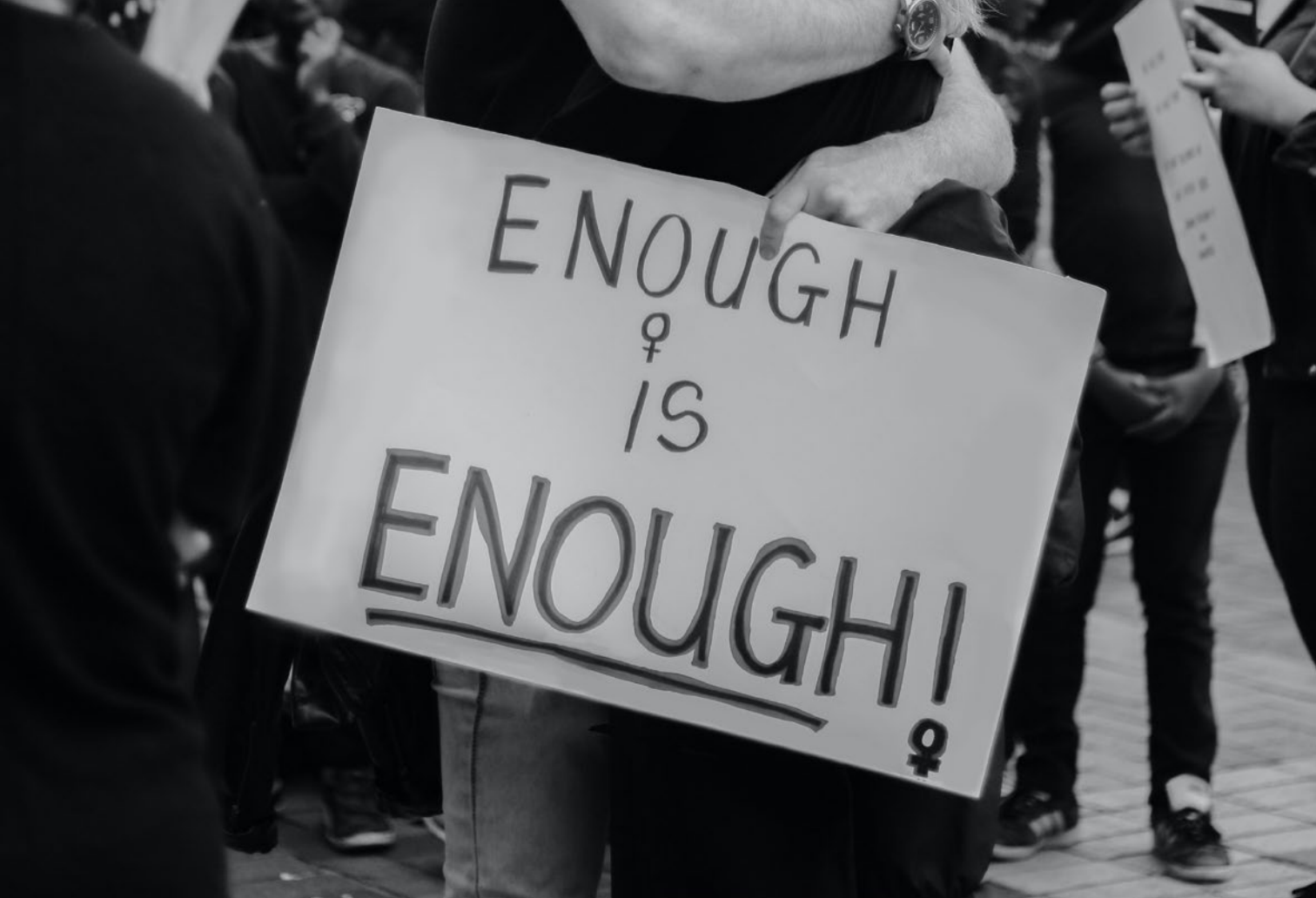
States also have the duty to provide victims with adequate redress, including rehabilitation. Despite a shared global commitment to prevent and eradicate torture and ill-treatment, Bachelet cited continuing examples, varying from deprivation of liberty to conflict-related situations.

Investigations into allegations of torture and ill-treatment are complex and wide-ranging, requiring multidisciplinary expertise. For this reason, effective clinical investigations and documentation include rigorous gathering of testimonial evidence -- to corroborate allegations, it is essential to have evidence, both physical and psychological.

Every year, the International Rehabilitation Council for Torture Victims (IRCT) Secretariat works with an Independent Forensic Expert Group and member centres to provide training on the *Istanbul Protocol* to other members of network, as well as civil society and state authorities. An essential part of its mission is to increase the capacity of the anti-torture activists.

To train as many stakeholders as possible in an accessible and resource-efficient manner, the IRCT has designed an online curriculum to teach the *Istanbul Protocol 2022*. The first modules are to be launched by the end of 2022. “The extent to which States implement Istanbul Protocol standards should be considered a measure of their commitment to ending torture and other ill-treatment,” said programme coordinator James Lin.

An event co-sponsored by the United Nations Office of the High Commissioner for Human Rights



and the Istanbul Protocol Editorial Committee marked the official launch of the updated *Istanbul Protocol*, with representatives of the core UN anti-torture mechanisms and other international human rights bodies and civil society organizations, commemorated this historic event and discussed advances in torture investigations. The launch, held in Geneva on 29 June, included High Commissioner Bachelet. More than 1000 attendees around the world joined the launch online.

Panellists recalled how the international community had committed to eradicate torture at the time of adopting the *Conventions against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment*. Today, 173 states have ratified the Convention, accepting their legal obligations to proactively prevent torture and other ill-treatment through legislative reform, training and monitoring and to ensure accountability.

“The *Istanbul Protocol* has transformed how we understand, investigate, document, and work towards the eradication of torture around the world,” said Vincent Iacopino, MD, PhD, former Medical Director

and current Advisory Council member at Physicians for Human Rights.

Following discussions on the advances in torture investigations and advocacy, the panel noted that despite good examples of legal, policy and institutional progress in law and practice, the work to combat and prevent torture was far from finished.

The launch culminated with an invitation to states to make the *Istanbul Protocol* an essential part of training for all relevant public officials and medical professionals. It is available online.✉

The 2022 edition of the Istanbul Protocol (IS) is available in all six official United Nations languages on the website of the Office of the United Nations High Commissioner for Human Rights (www.ohchr.org). With special thanks to Vincent Iacopino MD, Physicians for Human Rights, and colleagues.