

CAT FACT SHEET

What is CAT?

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (commonly known as the Convention Against Torture or CAT) is an international human rights treaty that outlines specific measures for governments to take in order to prevent any form of torture and any cruel, inhuman or degrading treatment within its borders. CAT also forbids state parties (i.e. countries that accept the Convention) from transporting individuals to any country if there is reason to believe that the individuals will be tortured or subjected to cruel, inhuman or degrading treatment in that country.

CAT was adopted by the United Nations on December 10, 1984. The U.S. accepted the Convention as law in October 1994, a process known as ratification. According to the U.S. Constitution, CAT and all other international treaties are “the supreme law of the land” and apply to all levels of government. The U.S. ratification of CAT came with numerous reservations, understandings and declarations¹ - including a declaration that CAT articles 1-16 were not self-executing and therefore needed to be implemented in domestic legislation. These controversial reservations allow the U.S. to reject certain aspects of the treaty.² The U.S. does not, for example, interpret that the death penalty is restricted or prohibited in CAT.

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CAT is an absolute prohibition on any form of torture. Article 2 of CAT explicitly

What is “torture”?

According to Article 1 of CAT, there are five elements in the definition of torture. In order for an act to be defined as “torture” the act:

- (1) must cause severe physical or mental pain or suffering;
- (2) must be intentionally inflicted;
- (3) must be inflicted for a proscribed purpose;
- (4) must be inflicted by (or at the instigation of or with the consent or acquiescence of) a public official who has custody of the victim; and
- (5) cannot arise from lawful sanctions.

Based on this definition, torture can include implicit and/or explicit government-sanctioned actions that are intentionally meant to inflict severe physical and mental pain and suffering upon individuals.

states that there are no exceptional circumstances whatsoever that may be invoked to justify torture. Article 16 of CAT articulates a similar prohibition for cruel, inhuman and degrading treatment or punishment. Consequently, CAT requires signatory states to implement this prohibition by preventing, investigating, and punishing any acts of torture or cruel, inhuman, and degrading treatment. Finally, CAT also prohibits states from returning any individual to a state (i.e. country) where there are substantial grounds to believe that they would be in danger of being subjected to torture or any form of cruel, inhuman or degrading treatment (a protection sometimes referred to by the French term “non-refoulement”).

What is “cruel, inhuman or degrading treatment or punishment”?

According to Article 16 of CAT, other acts of cruel, inhuman or degrading (CID) treatment or punishment are any prohibited acts which do not amount to torture but are committed by or at the instigation or acquiescence of a public official or a person acting in an official capacity.

Torture is considered to be the most severe form of CID treatment or punishment and any other act falling short of torture is considered to fall within the range of prohibited CID acts. There are two essential elements that make up CID treatment or punishment:

- (1) The act must be an intentional exposure to significant mental or physical pain or suffering;
- (2) The act must be inflicted by or with the consent or acquiescence of state officials

Currently, there is no formal international legal definition for CID treatment or punishment. Consequently the boundaries between torture and CID are often difficult to identify and may depend on the particular characteristics of the victim. The Human Rights Committee has stated that there is no list of prohibited acts or sharp distinctions between different kinds of treatment and punishment as the distinctions depend on the nature, purpose, and severity of the treatment applied.³

¹ The full text of the reservations, understandings and declarations made by the U.S. are available here: https://treaties.un.org/Pages/ViewDetails.aspx?mtidsg_no=IV-9&chapter=4&lang=en#EndDec.

² Note that under the Vienna Convention on the Law of Treaties, states are obliged to refrain from acts which would defeat the object and purpose of a treaty.

³ Human Rights Committee, General Comment 20, Article 7 (Forty-fourth session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1. at 30 (1994), para 4.

Why is it important that Human Rights Groups participate in the CAT Reporting Process?

The participation of human rights and social justice groups is essential to the successful implementation of CAT in the United States. The United Nations Committee against Torture explicitly encourages and solicits reports from human rights and social justice groups to inform its review of the U.S. government. Participation accomplishes the following:

- **Provides counter narratives:** On-the-ground grassroots groups have the unique opportunity to provide factual, firsthand information on how rights are violated and disrespected, and to propose solutions to those violations. Without the participation of grassroots groups, the U.S. government gets to tell its version of the truth.
- **Holds the U.S. accountable:** The review process holds the U.S. accountable, assuring that rights are respected and providing remedies when they are violated. The U.S. anti-torture statute ([18 U.S. Code § 2340A](#)) imposes criminal penalties for torture committed by U.S. nationals outside the U.S.
- **Becomes an organizing tool:** Participation provides an important organizing opportunity for groups to collaborate with each other on and across specific issue area(s) and to build coalitions for post-review follow-ups.
- **Builds capacity:** Working collaboratively has the effect of strengthening groups' capacity to do this work and amplifies their message beyond their current audience.
- **Supports advocacy:** This process provides a global platform for your issue, and provides a built-in mechanism for your message to be heard and your issues to be addressed.

How Does the CAT Review Process Work?

As part of its obligations under CAT, the United States (as well as other State Parties who have ratified this treaty), must submit periodic reports every four years detailing how it is enforcing the requirements of the treaty. A UN committee of 10 independent experts in the field of human rights called the United Nations Committee against Torture (or CAT Committee) oversees this review process on how governments are complying with the treaty.

The CAT Committee normally holds two regular sessions each year. In 2007 the CAT Committee adopted a new, optional reporting system, which consists of the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The [List of Issues Prior to Reporting \(LoIPR\)](#) for the United States was submitted by the Committee in 2009. The United States submitted their most recent [report](#) to the United Nations Committee Against Torture (CAT) on August 12, 2013, which was a combination of their third, fourth, and fifth reports. In response to these government reports, social justice groups and other non-governmental organizations (NGOs) are invited to submit alternative reports, also known as shadow reports, which give an on-the-ground assessment of how the government is complying with CAT.

Special Rapporteur on Torture

The United Nations Commission on Human Rights, in resolution 1985/33, decided to appoint an expert, a special rapporteur, to examine questions relevant to torture. The mandate of the Rapporteur covers all countries, irrespective of whether a State has ratified CAT, and does not require the exhaustion of domestic remedies to act. The current [special Rapporteur](#) on torture is Mr. Juan Méndez. There is a pending visit request to the United States from 2004, and Mr. Méndez has repeatedly asked the U.S. government to extend an official invitation visit to the United States to examine, among other things, the practice of solitary confinement, but his requests have thus far gone unanswered. In a 2012 groundbreaking report to the UN Human Rights Council, Méndez found that solitary confinement can amount to cruel, inhuman, or degrading treatment or punishment – and even torture. The CAT Committee meets with the Special Rapporteur on Torture every year.

How do I get involved in the CAT Review?

The US Human Rights Network (USHRN) works with members, partners, and allies to educate and coordinate social justice groups to use the CAT standards and review process to advance positive changes in their communities and at all levels of government. The USHRN has established a taskforce to coordinate both a civil society response to the U.S. government's report as well as its advocacy before the Committee. The USHRN CAT Taskforce is the chief entity that organizes participation and post-review follow-up.

The CAT Taskforce co-chairs are:

- Antonio Ginatta, Human Rights Watch
- Claire Leslie Johnson, University of Minnesota Human Rights Program

For more information on the work of the CAT Taskforce, please contact: cat@ushrnetwork.org.

You can get involved by doing the following:

- ✓ Write a Shadow Report (or sign-on to another organization's report!)
 - *We urge collaboration*
 - *Reports are due to USHRN on September 17, 2014*
 - *For a template on shadow writing reporting consult the resource section of our CAT webpage: <http://www.ushrnetwork.org/our-work/project/cat-convention-against-torture>*
- ✓ Join a [Working Group](#)! The USHRN CAT taskforce organizes NGO/civil society treaty body issue area working groups. These groups serve three main purposes:
 - 1) Organize shadow reports;
 - 2) Advocate in Geneva;* and
 - 3) Advocate at home.

Please contact cat@ushrnetwork.org if you are planning to submit a report and indicate whether you are open to collaborating with other groups on the report.

Join the CAT Listserv

The Network has an official listserv for the CAT Project in order to facilitate the general planning and information sharing on the implementation of the CAT in the U.S.

* You need to submit or sign-on to a shadow report to participate in Geneva.