

United Nations Convention Against Torture (UNCAT) - UPSC Notes

International conventions and treaties are very important for the UPSC exam. The UNCAT has been frequently featured in the news because of the growing number of cases of custodial death and torture in India. Read on for more on the UNCAT for the [IAS exam](#).

United Nations Convention Against Torture - UNCAT

The United Nations Convention Against Torture (UNCAT) is an international treaty under UN review and was adopted in 1984. It was signed in New York.

- It entered into force in 1987 after receiving the required number of ratifications.
- The full name of the treaty is “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”.
- The objective of the convention is preventing torture and inhuman, cruel or degrading punishments all over the world.
- The convention makes it obligatory for nations to prevent torture in all territories under their jurisdictions.
- It also forbids the transfer of persons to other countries where they might be tortured.
- Since the convention entered into force, the absolute prohibition against torture and other acts of cruel, inhuman, or degrading treatment or punishment has become accepted as a principle of customary international law.

What is Torture?

The convention defines torture to include any act which may cause severe suffering or pain to a person and is inflicted intentionally especially for obtaining information from that person, or for getting a confession of any crime that he/she is accused of having committed. This includes both physical and mental torture.

Committee against Torture (CAT)

The implementation of the convention by parties is monitored by the Committee against Torture, which is a body of experts in human rights.

- It is one of the eight [United Nations](#)-linked bodies for human rights treaties.
- All State parties to the UNCAT should regularly submit reports to the Committee on how they are implementing rights.
- Once a country has ratified the convention, it should submit a report within a year. After that, they are expected to submit a report once in four years.
- The Committee can also entertain complaints from individuals regarding a violation of their rights under the convention.

UNCAT and India

India has not ratified UNCAT, although it signed it in 1997.

- There are only a handful of nations that have not ratified the convention. This includes China and Pakistan also.

- Despite the increasing number of cases of police brutality and violence, and custodial deaths in India, the country is hesitant to ratify this treaty.
- The recent deaths of a father-son duo in Tamil Nadu under police custody have sparked widespread outrage in the country, and this has also led to renewed calls for India to ratify the convention. Read more about this in [CNA dated July 2, 2020](#).
- The Law Commission of India, in its 2017 report under the chairmanship of Justice BS Chauhan, had stated that if India ratified the convention, it would not face problems in extraditing criminals from foreign countries.
 - This is because, under the convention, parties should not transfer persons to countries where there is danger of torture.
- The commission has also recommended several steps to resolve the problem of police brutality and violence by agents of the government, including compensation for torture and also the death penalty for death by torture.