

# **HUMAN RIGHTS HERE AND NOW:**

## **Addressing Contemporary Human Rights Issues**



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### **CONFRONTING TORTURE**

In December 2014 the Senate Intelligence Committee released a report revealing that the US Central Intelligence Agency had systematically used torture in its program to detain and interrogate terrorism suspects in the years after the Sept. 11 attacks. Although the report itself has been criticized, it nevertheless brings up long-standing controversy about the use of torture.<sup>1</sup>

As a **State Party**<sup>2</sup> to the **UN Convention on Torture (CAT)**,<sup>3</sup> the United States is legally bound to “take effective measures to prevent torture within [its] borders” and forbidden “to transport people to any country where there is reason to believe they will be tortured.”

Human rights education has an important role to play in stopping the use of torture. Although discussing torture can raise discomfort and debate, it is a social issue with both historical and contemporary importance for students to consider, especially from a human rights perspective. Human Rights Educators USA hopes that the following information and resources may encourage you to address this critical contemporary issue in your own classroom.

### **TORTURE AS A HUMAN RIGHTS VIOLATION**

Torture is a serious violation of human rights that undermines the very notion of civil and political freedoms. International law prohibits torture and other forms of inhuman and degrading treatment, which cannot be accepted under any circumstances. Nonetheless, torture continues to be practiced in a majority of countries around the world.

#### **The Definition and Prohibition of Torture in International Law**

Torture is repeatedly prohibited in international law. The **Universal Declaration of Human Rights** (UDHR, 1948), the foundation stone of the human rights framework, forbids the use of torture in Article 5:

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<sup>1</sup> For an unofficial summary of the report and responses to it:

[http://en.wikipedia.org/wiki/Senate\\_Intelligence\\_Committee\\_report\\_on\\_CIA\\_torture](http://en.wikipedia.org/wiki/Senate_Intelligence_Committee_report_on_CIA_torture)

<sup>2</sup> All words written in bold are defined on the HRE USA website glossary:

[http://www.hreusa.net/topic\\_index.php?id=46](http://www.hreusa.net/topic_index.php?id=46).

<sup>3</sup> See <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

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No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

The **Geneva Conventions**<sup>4</sup> of 1949 and their Additional Protocols of 8 June 1977 contain a number of provisions that absolutely prohibit torture and other cruel or inhuman treatment and outrages upon individual dignity. This prohibition applies to both civilians and military combatants in times of war.

### **Defining torture**

Torture is defined in Article 1 of the **UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (CAT, Torture Convention, 1987) as "... any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person."

There is no exhaustive list of prohibited acts, but the Torture Convention definition covers any act which

- Is cruel, inhumane, or degrading
- causes severe pain or suffering;
- is intentionally inflicted;
- is done to obtain information or a confession, as punishment for an act he or a third person has committed or is suspected of having committed, or to intimidate or coerce him or a third person, or for any reason based on discrimination of any kind;
- extended solitary confinement is done at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity.

International consensus is lacking as to whether some acts meet this definition or not. For example:

- judicial corporal punishment (e.g., amputation, branding, flogging or whipping)
- the death penalty

Every government that is a State Party to the Torture Convention is required to take action against acts of torture in its territory, whether by agents of the state (e.g., soldiers, police officers, prison guards) or private citizens. They also have a duty to prosecute torturers, although this is seldom met due to lack of political will and legal obstacles.<sup>5</sup>

### **GENERAL RESOURCES**

***Torture, Inhuman Treatment Study Guide*** a public official or other person acting in an official capacity

[http://www.hrea.org/index.php?base\\_id=134](http://www.hrea.org/index.php?base_id=134)

***UN Factsheet 4: Combatting Torture***

<http://www.refworld.org/docid/4794774b0.html>

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<sup>4</sup> See <https://www.icrc.org/eng/assets/files/publications/icrc-002-0173.pdf>

<sup>5</sup> For a more detailed discussion of the prohibition of torture, see ***Understanding Human Rights: Manual on Human Rights Education***, p. 71: [http://www.etc-graz.at/typo3/fileadmin/user\\_upload/ETC-Hauptseite/manual/versionen/english\\_3rd\\_edition/Manual\\_2012\\_FINAL.pdf](http://www.etc-graz.at/typo3/fileadmin/user_upload/ETC-Hauptseite/manual/versionen/english_3rd_edition/Manual_2012_FINAL.pdf).

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### **RESOURCES FOR TEACHING AND LEARNING**

#### ***Outlawed: Extraordinary Rendition, Torture and Disappearances in the War on Terror***

- Type: Lesson plans
- Source: Amnesty International and WITNESS  
Free download at  
<http://www.amnestyusa.org/sites/default/files/pdfs/outlawedlessonguide.pdf>  
Grade Level: high school
- Subject Area: social studies, contemporary issues
- Description: Debates the use of torture and discusses the film *Extraordinary Rendition*, The Geneva Conventions and the limits of Executive Authority.

#### **Torture**

- Type: Lesson plans
- Source: Amnesty International UK  
Free download at  
<http://www.amnesty.org.uk/resources/lesson-plans-torture>
- Grade Level: high school
- Subject Area: social studies
- Description: Explores the definition of torture and debates whether torture can ever be used.

#### ***The Torture Question***

- Type: Lesson plan
- Source: Teaching and Learning with the New York Times, 2009  
Free download at  
[http://learning.blogs.nytimes.com/2009/04/27/the-torture-question/?\\_php=true&\\_type=blogs&r=0](http://learning.blogs.nytimes.com/2009/04/27/the-torture-question/?_php=true&_type=blogs&r=0)
- Grade Level: high school
- Subject Area: social studies
- Description: Students research US engagement in torture and debate whether torture is ever justified.

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### **MOVIES/VIDEOS**

#### ***Outlawed: Extraordinary Rendition, Torture and Disappearances in the 'War on Terror'***

- Producer: Witness
- Source: PBS, 2005  
Free download at <http://hub.witness.org/en/Outlawed>
- Time: 27 minutes
- Grade Level: high school - adult
- Description: Examines the use of torture in the War on Terror  
Lesson plans available at:  
<http://www.amnestyusa.org/sites/default/files/pdfs/outlawedlessonguide.pdf>

#### ***Getting away with Torture***

- Director/Producer: Frontline
- Source: PBS, 2005  
Free download at  
<http://www.pbs.org/wgbh/pages/frontline/torture/>
- Time: 50 minutes
- Grade Level: high school - adult
- Description: Questions how far the USA should be willing to go in the war on terror.
- Lesson plans available at:  
<http://www.pbs.org/wgbh/pages/frontline/teach/torture/lesson.html>

For further background and resources on torture see HRE USA's website:  
[http://www.hreusa.net/topic\\_index.php?id=19](http://www.hreusa.net/topic_index.php?id=19).

#### **Alignment with State and Common Core Standards:**

Links to this topic and the Common Core standards will be posted on HRE USA's website in the next few weeks. Please help HRE USA by aligning this topic with your own state's Social Studies State Content Standards. Please send them to *Human Rights Here and Now* editor, Nancy Flowers: [nancymaryflowers@gmail.com](mailto:nancymaryflowers@gmail.com).