

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) which was adopted by the United Nations General Assembly on **10 December 1984**, entered into force on **26 June 1987**. The Convention was acceded to, by Mauritius on **09 December 1992**.

Objectives

The **33 articles** of the Convention lay emphasis on:

- The commitment of State Parties to take effective measures to prevent any act of torture in any territory under their jurisdiction.
- The prevention of torture and other acts of cruel, inhuman or degrading treatment or punishment around the world.
- Reporting, monitoring and implementation of the Convention.
- The CAT Committee which monitors implementation of the Convention through examination of reports submitted by State Parties.

Optional Protocol

An Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted by the United Nations General Assembly on 18 December 2002 and was acceded to by Mauritius on 21 June 2005. It establishes a system of regular visits by international bodies to places of detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Domestication

The CAT has been domesticated in Mauritius in various legislations namely:

- The Constitution (S 5,7)
- The Criminal Code (S37, 38, 78, 78(2))
- The Protection of Human Rights Act (S3, 3A,4,11)
- The Maritime Zones Act (S 3, 6)
- The Civil Aviation Act (S 10)
- The Protection from Domestic Violence Act

Status

The 5th Periodic Report of the State of Mauritius was submitted to **The Committee against Torture** on 06 December 2021 and Mauritius is yet to be reviewed.

Provisions

Article 1	Definition of torture: Torture is defined as being any “ <i>act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person</i> ”
Article 2	Prevention of torture: A State Party has an obligation to take effective measures to prevent any acts of torture in any territory under its jurisdiction.
Article 3	Non-refoulement: A State Party is barred from deporting, extraditing, or refouling persons where there are “substantial grounds” for believing that persons would be at risk of being subjected to torture.
Article 4	The criminalisation of torture: A State Party is required to ensure that torture is a criminal offence under its criminal law.
Article 5	Universal jurisdiction over torture: A State Party must establish its jurisdiction over any person found in its territory who is alleged to have committed torture, regardless of where the alleged act was committed or the nationality or residence of the alleged perpetrator.
Article 6-9	The exercise of universal jurisdiction: Under Article 6(1) a State Party is required to secure the custody of an alleged perpetrator when they are “satisfied, after an examination of information available to them, that the circumstances so warrant.” Under Article 6(2) a State Party is obliged to immediately initiate a preliminary investigation into the facts. Article 7 requires a State Party to extradite a suspected torturer, or if that is not possible, to prosecute the individual. Article 8 allows the possibility of extraditing a suspected torturer when a request is made. Where there is no extradition treaty, the Convention may be used as a legal basis for extradition. Article 9 obliges States Parties to co-operate with each other and supply all evidence at their disposal necessary for criminal proceedings against persons accused of torture.

Article 10	Training officials: A State Party is required to ensure that all law enforcement personnel, medical personnel, public officials and other persons who may be involved in custody, interrogation or treatment of any person are trained regarding the prohibition against torture.
Article 11	Review of procedures: A State Party must keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons under any form of arrest, detention or imprisonment.
Article 12	Prompt and impartial investigation: A State Party must ensure a prompt and impartial investigation where there is a reasonable ground to believe that an act of torture has been committed.
Article 13	Right to complaint: A State Party must ensure that victims of torture have a right to complain to competent authorities, and to have their case promptly and impartially examined. Steps must be taken to protect the complainants and any witnesses against all ill-treatment or intimidation as a result of the complaint.
Article 14	Right to redress: A State Party must ensure that victims of torture obtain redress and have an enforceable right to compensation, including the right to as full rehabilitation as possible.
Article 15	The exclusionary rule: A State Party must ensure that any statement made as a result of torture shall not be invoked as evidence in any proceedings, except in proceedings against an alleged perpetrator.
Article 16	Ill-treatment: A State Party is obliged to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in Article 1 .
Articles 17 - 24	The Committee against Torture: Articles 17-24 deal mainly with the mandate of the Committee against Torture, including Article 22 which allows for the Committee to receive and consider individual communications if a declaration by the State Party is made.
Articles 25 - 33	Technical matters: Articles 25-33 relate to technical matters, including the signature or ratification of the Convention, procedure for amendments, or reservations.