

“Psychological Torture and Ill-Treatment”

Questionnaire:

In completing this questionnaire...

- please consider not only treaty law but also, whenever appropriate, custom and general principles of law, as well as soft law and case law;
- please consider whether a distinction should be made between torture and other cruel, inhuman or degrading treatment or punishment;
- please explain the sources and/or reasons for your response;
- please clarify whether your argument is based on existing international law (lex lata) or on your assessment of what the law "ought to be" (lex ferenda).

It is not expected that contributions necessarily respond to each and every part of the questionnaire.

Please note that responses will be received and processed until **25 November 2019**, and that no response or position taken will be nominally attributed. Kindly send your contributions exclusively to the following email-address: sr-torture@ohchr.org

Thank you in advance for your valuable contribution to the work of this mandate.

1. Concepts, definitions and constitutive elements

- a) What type of conduct (including acts and/or omissions) should the notion of “psychological torture/CIDTP” be understood to comprise?
- b) What determines the “psychological” character of torture/CIDTP?
 - i. infliction of mental or emotional pain or suffering;
 - ii. absence of physical pain or suffering;
 - iii. targeting specifically of the mind and the emotions through the infliction of any type of pain or suffering;
 - iv. other criteria (please explain)...
- c) What, if any, is the purpose or added value of distinguishing between “psychological” vs. “physical” torture/CIDTP?
- d) Please describe various ways, if any, in which “psychological” vs. “physical” aspects of torture/CIDTP interact in practice and provide illustrative examples.
- e) How can legitimate methods of non-coercive interviewing, including investigative use of psychology be best distinguished from psychological torture/CIDTP?

2. Prevalence and State practice

- a) Please provide examples for the development, trends and prevalence of psychological torture/CIDTP in specific contexts or jurisdictions.

- b) Please provide examples for the use of psychological torture/CIDTP specifically for the purposes of “obtaining information”, “coercion”, “intimidation”, and “punishment”, or “for reasons of discrimination of any kind”.
- c) Please provide any examples of State practice promoting, permitting, narrowly defining or interpreting, or effectively prohibiting and preventing, the use of psychological torture/CIDTP.
- d) Please identify any international, regional and national law or case-law relevant to psychological torture/CIDTP.

3. Consequences and challenges

- a) Please identify specific challenges arising from the use of psychological torture/CIDTP for effective prohibition, criminalization, prevention, investigation, prosecution, redress, and rehabilitation.
- b) Please provide or refer to any relevant reports, case studies or literature relating to the mental, emotional, physical and/or social consequences of psychological torture/CIDTP, including on the medical state of health, on the medical, legal or procedural capacity of victims to participate in legal proceedings (e.g. problems relating to disclosure; statute of limitations; personal memory; reliability of evidence), and on their prospect of redress and rehabilitation.
- c) Please provide your views as to how the “Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” (‘Istanbul Protocol’) can be utilised vis-à-vis psychological torture/CIDTP?

4. Best practice and recommendations

Considering the particular characteristics of the contexts in which patterns of psychological torture/CIDTP are prevalent, please identify any best practice or recommendation with a view to preventing and redressing such abuse. Please respond with a particular focus on:

- a) overcoming existing biases, hierarchies and misconceptions conducive to the prevalence and/or trivialization of psychological torture/CIDTP;
 - b) training/guidance tools which should be developed to improve or complement existing knowledge, perceptions, policies and processes;
 - c) approaches to improve dialogue between science and law, developing and sharpening standards with respect to identification and documentation of psychological torture/CIDTP and, in turn, prevention, prosecution and adjudication;
 - d) specificities regarding the rehabilitation and treatment of victims of psychological torture/CIDTP.
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