**Concept Note regarding Open Consultation**

**Thematic Consultations of the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

**Psychological Torture and Ill-Treatment**

In 1948, Art. 5 of the UDHR proclaimed the first universal prohibition of torture and other cruel, inhuman or degrading treatment or punishment (hereafter “torture/CIDTP”). In safeguarding the dignity and integrity of all members of the human family, without exception or discrimination of any kind and regardless of jurisdiction, territory and nationality, the absolute and non-derogable prohibition of torture/CIDTP reflects the recognition that such abuse dehumanizes not only its victims, but also its perpetrators and, ultimately, any society which tolerates such practice. Indeed, in its resolution 3452 (9 December 1975), the UN General Assembly declared any act of torture/CIDTP an offence to human dignity and “a denial of the purposes of the Charter of the United Nations” (annex, para. 2). At the time, the primary purpose of the prohibition was to draw an intransgressible line under the atrocities and dehumanizing policies of the past, ranging from interrogational torture and corporal punishment to countless forms of persecution and discrimination, and from the systematic exploitation of human beings during the horrors of World War II, to the outrages of preceding eras of conquest, colonialism, and slavery.

Despite early recognition that the infliction of “mental” pain or suffering can, in and of itself, amount to torture/CIDTP, and despite the centrality of mental pain and suffering in the UNCAT definition of torture, the primary focus of action taken for the prevention, investigation, prosecution and redress generally has been on torture and ill-treatment inflicting physical pain or suffering, and identifiable, if not serious or even irreparable, bodily harm. Where attention has been given to conduct inflicting exclusively mental and emotional suffering, the aim generally was not to strengthen the prohibition and ensure prevention and accountability, but to identify coercive methods that would not leave physical traces or permanent physical harm as evidence for the use of torture and ill-treatment. Indeed, States have invested significant resources - including through systematic experimentation with political prisoners, suspected terrorists, and psychiatric patients - towards developing “no-touch” torture/CIDTP by which purposes of coercion, intimidation, punishment and humiliation or discrimination can be achieved without the direct infliction of physical pain, suffering, or harm. At the same time, States have aimed at whitewashing these methods by re-labelling them euphemistically as “moderate physical pressure”, “pressure techniques”, “enhanced interrogation”, “stress positions”, “white torture”, etc. and/or by requiring that, in order to fall under the prohibition of torture and ill-treatment, mental suffering would have to result from the infliction or threat of physical pain or suffering.

These trends illustrate that, as a general matter, psychological torture/CIDTP tend to be trivialized as “torture light” or excluded from the definition altogether, whereas “real torture” is still predominantly understood to include the infliction of physical pain or suffering. In reality, however, the psychological and physical aspects of torture/CIDTP are strongly, and often inextricably, interconnected in various ways.

In light of these observations, the Special Rapporteur deems it timely and appropriate to dedicate his upcoming thematic report to the Human Rights Council to the topic of “psychological torture/CIDTP”. In this report, the Special Rapporteur aims to: (1) clarify the substantive scope and specificities of the notion of “psychological torture/CIDTP”; (2) identify related conceptual, practical and procedural challenges; and (3) offer recommendations to States with a view to ensuring the prohibition and prevention of any form of torture/CIDTP, as well as accountability for any violation, and full redress for victims.

In order to inform the work on this report, the Special Rapporteur seeks to conduct wide expert and stakeholder consultations, including through the circulation of the questionnaire (HYPERLINK).