The Royal Australian and New Zealand College of Psychiatrists (RANZCP) strongly condemns the use of torture or other cruel, inhuman or degrading treatments or punishments under any context. This document outlines our commitment to the abolition of torture, and to researching and providing effective, evidence-based rehabilitative and therapeutic treatments to survivors and their families and loved ones.

**Definition**

The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines ‘torture’ in Part 1 Article 1 as ‘any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity’ (UN General Assembly, 1984).

**Background**

Notwithstanding this explicit and universal condemnation of its practice, torture and other cruel, inhuman or degrading treatments or punishment by many human rights organisations and mental health professionals (henceforth referred to as torture), the practice is still applied in many countries. Psychiatrists have been forced into colluding with torture in many tragic situations and face continuing pressure in circumstances in which people are subject to interrogation and other harmful acts. Psychiatrists need to consider their ethical obligations and act accordingly when confronted by State bodies deploying torture.

The RANZCP unequivocally condemns the use of torture, regarding it as an entirely unacceptable practice which always has harmful effects, both physical and psychological. The RANZCP also opposes the use of the professional knowledge and skills of psychiatrists in ways intended to cause harm, as set out in Principle Six of the 4th Edition of the Code of Ethics (RANZCP, 2010).

The RANZCP is strongly committed to the abolition of torture and supports Amnesty International’s 12-Point Programme for the Prevention of Torture (see Appendix 1); and Principle 2 of the United Nations Principles of Medical Ethics (UN General Assembly, 1983) which states:

> It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.

The RANZCP endorses Guideline 2 of the World Psychiatric Association’s Madrid Declaration on Ethical Standards for Psychiatric Practice which stipulates that ‘psychiatrists shall not take part in any process of mental or physical torture, even when authorities attempt to force their involvement in such acts’ (WPA, 2011).
Recommendations

- The RANZCP regards it as essential for its membership to be aware of the psychological sequelae of torture and its injurious effects on the families of victims.
- The RANZCP encourages scientific research with the aims of understanding the psychological ill-effects of torture and devising therapeutic and rehabilitative programs for survivors of its application as well as for their families.
- The RANZCP fully supports psychiatrists who refuse to cooperate or participate where there is torture or other inhuman treatment being perpetrated.

Disclaimer

This information is intended to provide general guide to practitioners, and should not be relied on as a substitute for proper assessment with respect to the merits of each case and the needs of the patient. The RANZCP endeavours to ensure that information is accurate and current at the time of preparation, but takes no responsibility for matters arising from changed circumstances or information or material that may have become subsequently available.

References


Appendix – Amnesty International 12-Point Program for the Prevention of Torture

1. Official condemnation of torture

The highest authorities of every country should demonstrate their total opposition to torture. They should make clear to all law enforcement personnel that torture will not be tolerated under any circumstances.

2. Limits on incommunicado detention

Torture often takes place while the victims are held incommunicado - unable to contact people outside who could help them or find out what is happening to them. Governments should adopt safeguards to ensure that incommunicado detention does not become an opportunity for torture. It is vital that all
prisoners be brought before a judicial authority promptly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them.

3. No secret detention

In some countries torture takes place in secret centres, often after the victims are made to "disappear". Governments should ensure that prisoners are held in publicly recognized places, and that accurate information about their whereabouts is made available to relatives and lawyers.

4. Safeguards during interrogation and custody

Governments should keep procedures for detention and interrogation under regular review. All prisoners should be promptly told of their rights, including the right to lodge complaints about their treatment. There should be regular independent visits of inspection to places of detention. An important safeguard against torture would be the separation of authorities responsible for detention from those in charge of interrogation.

5. Independent investigation of reports of torture

Governments should ensure that all complaints and reports of torture are impartially and effectively investigated. The methods and findings of such investigations should be made public. Complainants and witnesses should be protected from intimidation.

6. No use of statements extracted under torture

Governments should ensure that confessions or other evidence obtained under torture may never be invoked in legal proceedings.

7. Prohibition of torture in law

Governments should ensure that acts of torture are punishable offences under the criminal law. In accordance with international law, the prohibition of torture must not be suspended under any circumstances, including states of war or other public emergency.

8. Prosecution of alleged torturers

Those responsible for torture should be brought to justice. The principle should apply wherever they happen to be, wherever the crime was committed and whatever the nationality of the perpetrators or victims. There should be no "safe haven" for torturers.

9. Training procedures

It should be made clear during the training of all officials involved in the custody, interrogation or treatment of prisoners that torture is a criminal act. They should be instructed that they are obliged to disobey any order to torture.

10. Compensation and rehabilitation

Victims of torture and their dependants should be entitled to obtain financial compensation. Victims should be provided with appropriate medical care and rehabilitation.

11. International response

Governments should use all available channels to intercede with governments accused of torture. Intergovernmental mechanisms should be established and used to investigate reports of torture urgently and to take effective action against it. Governments should ensure that military, security or police transfers or training do not facilitate the practice of torture.
12. Ratification of international instruments

All governments should ratify international instruments containing safeguards and remedies against torture, including the International Covenant on Civil and Political rights and its Optional Protocol which provides for individual complaints.

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