

Mission

International Bridges to Justice (IBJ) has been dedicated to preventing the use of torture by government and police in criminal justice systems of developing countries since its founding in 2001. To the best of the author's knowledge, there has not yet been a comprehensive, quantitative dataset available in the public domain reporting the use of torture in countries around the world. Without aggregated information, the global human rights community cannot compare countries across various dimensions of the use of torture. This dataset is intended to fill in that gap.

What constitutes torture?

The official definition of torture in international law is found in Article 1 of the UN Convention Against Torture (CAT).

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

A 2000 report jointly published by Amnesty International and Council for the Development of Social Science Research in Africa (CODESRIA) has more detailed explanation on what constitutes torture and what differentiates torture from other cruel, inhuman or degrading treatment or punishment (CID).

http://www.amnesty.nl/sites/default/files/public/booklet_eng_torture_0.pdf

This index adheres to the CAT definition of torture in that it only considers acts of torture "inflicted by a public official or other person acting in an official capacity, or at his/her instigation or with his/her consent or acquiescence." It does not include torture by other armed forces/insurgencies in the country. The reason for excluding torture by non-governmental forces goes back to the index's mission of gaining insights into the use of torture by the government and the police in the criminal justice systems of countries around the world. Thus including use of torture by non-governmental forces would distract us from that purpose.

This index considers death penalty as a form of torture. This is based on reports by the UN Special Rapporteur on the Torture, indicating an increasing trend in the international community to consider death penalty as a form of torture. See the Special Rapporteur's report here http://antitorture.org/wp-content/uploads/2013/03/A67279_Death_Penalty.pdf, the UN official press release about the report here

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12685&LangID=E>, and an additional report published by the Special Rapporteur in the *Human Rights Brief* here. <https://www.wcl.american.edu/hrbrief/20/1mendez.pdf>

This index considers rape as a form of torture. This is based on the UN Special Rapporteur's remark found here. <http://www.ohchr.org/en/newsevents/pages/rapeweaponwar.aspx>

It is sometimes very hard to draw the line between torture and other CID, yet as the AI & CODESRIA booklet points out, it is not always necessary to draw the line because CAT stipulates that “states are obliged to ensure that complaints of both torture and CID treatment or punishment are investigated.”

Judicial corporal punishment is another case where it is hard to know whether the act amounts to torture, and there is currently no consensus in the international community. There is also considerable variation in how judicial corporal punishment is implemented in countries that use it, and thus whether judicial corporal punishment constitutes torture will most likely vary on a case-by-case basis, depending on the severity of the punishment and to whom the punishment is imposed upon. For statistical clarity, this index takes the stance that judicial corporal punishment is torture, but readers should feel free to disagree.

Acknowledgment

This index is inspired by the CIRI Human Rights Data Project (<http://www.humanrightsdata.com/p/data-documentation.html>), and in part continues their work of quantifying human rights condition in countries around the world, which has been discontinued since 2011. This index follows CIRI’s data sources and coding procedures on documenting the use of torture closely (which will be discussed in more details in the methodology section below), but differs from CIRI’s data on torture in a few aspects:

- This index counts death penalty as a form of torture, whereas CIRI does not.
- CIRI believes that “torture can be anything from simple beatings,” whereas this index, based on the AI & CODESRIA handbook, operates on the belief that simple beatings do not necessarily constitute torture, and that it depends on the duration and severity of beatings.
- CIRI uses the US State Department Human Rights report as a primary source, and Amnesty International’s annual report as secondary source. In addition, this index also uses Human Rights Watch’s annual report as a third source where more clarification is needed after reading the first two.

Methodology

The author reads sections related to torture in the US State Department Human Rights reports for each country in 2014, and then to the best of her judgment, determines the extent to which the government and the police in the said country employ torture. Consistent with CIRI coding procedures, the author gives a value of 0, 1, or 2 to signify the degree of torture occurrence in each country, with 0 signifying prevalent practice of torture, 1 signifying occasional practice of torture, and 2 signifying no reported instances of torture. When the US State Department Human Rights report is unclear or does not provide enough information to decide, the author refers to Amnesty International and Human Rights Watch’s annual reports for further information. As the US State Department does not

publish a human rights report about the US itself, the author relies on additional information gathered from Amnesty International's and Human Rights Watch's websites, and documents additional sources in the bibliography in the end.

Besides the use of torture data for each of the 193 UN member states, this index also presents other relevant information. The ratification of UN CAT marks a country's adherence to international standards against torture, yet it is a country's domestic laws against torture that gives the international agreement teeth and makes torture a punishable crime in the said country. Thus the information on both the ratification of CAT and the enactment of domestic laws against torture is included in each country's profile. Countries that have adequate domestic laws against torture receive a value of 2, those with incomplete domestic laws against torture receive a value of 1, and those with no domestic laws against torture receive a value of 0.

As mentioned earlier, this index considers death penalty and judicial corporal punishment as forms of torture, so this index includes information on those as well.

Amnesty International's report *Death Sentences and Executions in 2014* sorts countries into four categories according to their death penalty practices: abolitionist for all crimes, abolitionist in practice, abolitionist for ordinary crimes only, and retentionist. Description of the four categories can be found on the report.

http://www.amnestyusa.org/pdfs/DeathSentencesAndExecutions2014_EN.pdf This index uses the report's data and codes countries accordingly: abolitionist for all crimes is coded 2, abolitionist in practice is coded 1.33, abolitionist for ordinary crimes only is coded 0.67, and retentionist is coded 0. The 0-to-2 scale is used in order to be consistent with other measures in this index. In instances where new development has been made on death penalty after the Amnesty International's report was published, the author uses her best judgment to modify the coding according to updates, and lists additional sources in the bibliography in the end.

As for judicial corporal punishment, this index also uses a combination of the US State Department Human Rights reports and Amnesty International's and Human Rights Watch's annual reports to determine the severity and prevalence of judicial corporal punishment used. To the best of her judgment, the author gives countries with routine use of judicial corporal punishment a value of 0, those with occasional use of judicial corporal punishment a value of 1, and those with no judicial corporal punishment in their criminal justice systems a value of 2.

The paramount variable, the Global Torture Index (GTI) is then calculated based on the weighted average of the four components: domestic laws against torture, use of torture data, death penalty, and judicial corporal punishment. Use of torture is given 50% weight for it is the most important data point; domestic laws against torture is assigned 20% because it safeguards torture prevention, and death penalty and judicial corporal punishment are given 15% each because they are more debatable. Countries with lowest numbers have the worst use of torture condition, whereas countries with the highest numbers have the best. Whether or not a country has ratified CAT is not taken into account when calculating the GTI, because like previously mentioned, at the end of the day ratifying

the CAT does not mean much without domestic legislation, and it is the enactment of domestic laws against torture that actually influences a country's use of torture condition.

If time allows, a further improvement to this index would be to go through the exact same procedure for each country in each year going backwards in time as much as possible, so that we can compare countries with each other and with themselves over time and uncover temporal trends. This index as it currently stands only reports use of torture condition in the year 2014.

Key Findings

- States that have ratified the CAT are obligated to criminalize torture in its domestic laws according to Article 4 of the CAT, yet 18 out of the 156 CAT signatories (12%) have not completely done so.
- Only 42 out of the 193 UN member states have a GTI of 2, which means that 151, or 78% of the UN member states either use torture in some capacity or do not have domestic laws adequately protecting citizens from torture.
- Only 43 out of the 193 UN member states have an index of 2 for use of torture, death penalty, and judicial corporal punishment, which means that 150, or 78% of the UN member states employ torture in some capacity.
- The top 5 countries with the worst use of torture condition in 2014 are Sudan, Egypt, Indonesia, Nigeria and Pakistan.

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*Author's Note: Fiji, Madagascar and Suriname abolished death penalty for all crimes in 2015.

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