

Implementing the Right to Rehabilitation for Torture Survivors: **A GUIDE**



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The International Rehabilitation Council for Torture Victims (IRCT) is an independent, international health-based human rights organisation which promotes and supports the rehabilitation of torture victims, promotes access to justice and works for the prevention of torture world- wide. The vision of the IRCT is a world without torture.



The International Centre for Health and Human Rights (ICHHR) is a UK-registered health-based human rights organisation. We work to support the implementation of international human rights standards for health and rehabilitation of survivors of torture and other serious human rights violations. Our work includes conducting interdisciplinary research and harnessing available evidence, including empirical evidence, survivor-based evidence and experience, and expert practitioner-based evidence to contribute to the development of practice and to inform policy related to the field.

Introduction

The objective of this Guide is to assist States in implementing the right to rehabilitation as it is set out in Article 14 of the United Nations Convention against Torture (CAT). **It provides instruction to States on the scope of the right to rehabilitation as well as how they may implement this obligation.**

The Guide can also be used by national human rights institutions, civil society organisations and other actors to engage States in dialogue on how to create rehabilitation programmes for torture survivors.

The guidance provided is based on the rights enshrined in [Article 14 of CAT](#) and further elaborated by the UN Committee against Torture. The specific content is developed by the International Centre for Health and Human Rights (ICHHR) and the International Rehabilitation Council for Torture Victims (IRCT) through more than ten years of research and over thirty years of practical experience working in all regions of the world to promote the implementation of the right to rehabilitation for torture survivors. (Although Article 14 CAT refers to torture victims, in line with current ICHHR and IRCT policy, this Guide will refer to torture survivors, the two terms being understood as synonymous.)

The Guide outlines a two-stage process for implementing torture survivors' right to rehabilitation; both stages provide the necessary foundations and mechanisms needed to ensure the Article 14 "means to as full rehabilitation as possible".

Part 1 defines the steps necessary to create an effective legal framework and policies that give effect to the right to rehabilitation. Part 2 defines the key steps States should take to ensure that the rehabilitation services provided meet international standards.

1 Establishing an Effective Legal Framework and Policy

The right to remedy and reparations for torture survivors is firmly established in international law through the UN CAT Article 14. The UN Committee against Torture [General Comment No. 3](#) provides detailed guidance on the legal content of the right to rehabilitation for survivors of torture and ill-treatment, including that rehabilitation should include medical and psychological care as well as legal and social support to survivors and their families.

Making the right to rehabilitation a reality in the lives of survivors requires an effective legal framework and policy which ensure coordinated efforts by many different government agencies and in all geographical regions. This section focuses on the steps which are essential to making this a reality. In summary, these steps require that States:

- › Adopt the international legal framework;
- › Develop and establish policies necessary to create a torture rehabilitation programme;
- › Ensure sufficient professional capacity and awareness; and
- › Ensure independent monitoring and evaluation.



1.1 Legal Framework

For torture survivors to have an enforceable right to rehabilitation, **such a right must be clearly established in national law**. This creates a legal obligation on current and future governments and gives survivors the possibility to have their rights enforced through the courts.

The following elements are important to consider when creating an effective legal framework:

- › The right to rehabilitation for torture survivors is clearly established in domestic law either through a specific anti-torture law, national criminal law or legislation on the rights of survivors of violence.
- › The law is developed in close consultation with relevant national and international NGOs, survivor groups, national human rights institutions, academia, legal associations and international institutions such as the UN Office of the High Commissioner for Human Rights (OHCHR).
- › State laws and other relevant local legislation are aligned with any federal law providing a right to rehabilitation.
- › Torture is criminalised in national law to allow for effective prosecution of perpetrators.
- › States ratify relevant regional and international human rights treaties to ensure that there is continued independent oversight of the realisation of torture survivors' rights.

1.2 Creating a Rehabilitation Programme

To give effect to the right to rehabilitation, **States must establish nationwide rehabilitation programmes** through which torture survivors can access the medical, psychological, social and legal support they are entitled to and need in order to rebuild their lives after torture.

The following elements are important to consider when creating the policies for a rehabilitation programme and services:

- › Carry out a needs assessment, with input from survivors' groups and relevant civil society stakeholders, to examine the needs of torture survivors in the national context as well as to identify any existing gaps in rehabilitation service provision. A needs assessment will require national-level data collection to ascertain the number of torture survivors as well as a breakdown by age, gender, nationality and other biographical data, which may be relevant. It will also require an overview of existing rehabilitation services including the numbers of doctors, psychologists and psychiatrists per capita, funding sources and funds available, the geographical spread of services and the in-house capacity of rehabilitation services.
- › Establish a coherent policy framework across relevant ministries, with clear demarcation of duties to implement the right to rehabilitation. Where relevant, this also needs to include State and local government agencies and to respond to the needs of all relevant survivor groups as identified in the needs assessment;
- › Allocate appropriate budgets to ensure that rehabilitation services can respond to the needs of all torture survivors and their families.

1.3 Professional Capacity and Awareness

To ensure the rehabilitation programme and services respond effectively to the rights and needs of torture survivors they must have available the necessary professional capacities to provide quality support, including specifically trained medical, psychological and social professionals. In addition, **all State agencies that may have contact with torture survivors must be aware of their rights and needs.**

The following elements are important to consider when building the necessary professional capacity and awareness:

- › Implement national education and training programmes for all health and social care professionals and those working in State rehabilitation programmes on their obligations with respect to the right to rehabilitation and on how to provide professional support to survivors.
- › Offer training courses on rehabilitation of torture survivors through relevant educational institutions including medical, psychological and social care education.
- › Implement a national awareness-raising programme to ensure all State departments, ministries and State bodies understand their obligations to prohibit torture and to ensure the right to remedy and rehabilitation. This includes making sure that judges and prosecutors are aware of their role in ensuring that torture survivors can access rehabilitation through the courts.

1.4 Independent Monitoring and Evaluation

Independent monitoring and evaluation is essential to ensure that the right to rehabilitation is and continues to be effectively implemented. Such **monitoring can help detect inadequacy in services, changing capacity needs and can provide survivors a venue to complain** about the services they are receiving.

The following elements are important to consider when establishing an independent monitoring and evaluation mechanism:

- › Establish a clear mandate to monitor the implementation of the right to rehabilitation where possible under existing human rights monitoring mechanisms such as national human rights institutions.
- › The monitoring mechanism should publish annual reports covering, as a minimum, the following aspects: Geographical availability of rehabilitation services; the numbers of survivors accessing services; the number of survivors on waiting lists; survivors' feedback on the quality of services; and how services meet agreed objective outcome indicators.

2 Delivering Quality Rehabilitation Services for Torture Survivors

Torture survivors experience multiple and extreme traumas. These result in complex and often severe and enduring physical and psychological health difficulties and multiple social and welfare problems, which in turn can affect survivors' social functioning as well as impact their families. Therefore, torture survivors and their families need specialised and holistic rehabilitation services and these services should meet key international standards for quality.

Rehabilitation programmes and service models vary from country to country, depending on the political and social context, including the particular needs of torture survivors and the existing public health infrastructure and funding. There is no 'one size fits all' for how torture rehabilitation services should be delivered.

Each State must decide the most appropriate model, based on its national context. However, once a national rehabilitation programme and services have been established it is essential to ensure that they are continuously monitored and evaluated for their quality. Monitoring attainments and outcomes of the rehabilitation programme and services allow us to identify whether survivors and families are receiving the best possible support to recover from torture and ill-treatment, and therefore, if the rehabilitation programme and services are fit for purpose.

Through extensive research and global practical experience in implementing rehabilitation services, the ICHHR and the IRCT have identified ten areas and related standards which States should focus on in their delivery of rehabilitation services and in monitoring and evaluating these services.



2.1 Safety for Torture Survivors and for Rehabilitation Service Providers

Safety is paramount for effective rehabilitation services for survivors of torture. Torture shatters trust at the most fundamental human level, instilling profound fear and breaking the social fabric of human connections around the survivors. Thus, rehabilitation must first enable survivors to build trust again.

The concept of safety includes a survivor's physical, bodily and emotional safety, as well as safety and security of their personal information, and the safety of their family. The concept of safety extends to staff who provide rehabilitation, because if survivors are aware that staff are not safe (from intimidation, reprisals, threats etc.) and thus that their own personal information may also not be secure, survivors cannot meaningfully engage with the services being offered. Rehabilitation is then highly likely to be ineffective.

In order to create rehabilitation services which are safe for survivors and staff, States should:

- › Establish mechanisms to monitor threats, harm, intimidation or other reprisals against survivors and their family members as a result of attending the services;
- › Ensure that rehabilitation services have effective service policies on safety and safeguarding survivors who are using the service, including vulnerable adults and children;
- › Ensure that rehabilitation services have effective policies on ensuring confidentiality and data protection;
- › Ensure that there are effective mechanisms to protect staff in the rehabilitation services from harm, intimidation, threats and other abuse;
- › Ensure that there are effective mechanisms established for rehabilitation services to promote and monitor the well-being of staff.

2.2 Appropriate Rehabilitation Services

Rehabilitation services need to be appropriate to the full range of specific needs of survivors. **Generic services cannot substitute specialist, appropriate services for torture survivors.** Generic services are also generally insufficient to address the highly complex, multiple and inter-related health, social, welfare, vocational and other needs of torture survivors. If services are available, but not appropriate for torture survivors, they are highly unlikely to benefit survivors to achieve as full rehabilitation as possible. Inappropriate services can also cause harm and intensify the pain and suffering of torture survivors.

To ensure appropriateness of rehabilitation services, those services should:

- › Establish effective mechanisms to ensure multidisciplinary, specialist assessments for all survivors;
- › Develop tailored plans to meet the range of immediate and long-term needs of survivors and their family members;
- › Ensure rehabilitation services are specialised and holistic in meeting the specific needs of torture survivors;
- › Ensure services correspond with the overall profile of identified needs of survivors in the country context;
- › Provide a breakdown of the full range of interdisciplinary services provided (broken down by nature of service; and by professional specialism of staff working within the service);
- › Establish effective, accessible and safe mechanisms for survivors to provide feedback on the quality and types of services provided and on services not available to them.

2.3 Effective Rehabilitation Services

Effectiveness of services refers to the extent to which services maximise positive rehabilitation outcomes for survivors. In other words, do they achieve as full rehabilitation as possible? **Effective services are those which are safe, appropriate, accessible, fair and sustainable.** In the absence of specialist skills and knowledge of working with torture survivors, generic services may miss vital information, such as underestimating the significance of trust for survivors, who may then drop out of such generic services, or even be harmed by them.

To ensure the effectiveness of rehabilitation services, States should:

- › Establish effective mechanisms to monitor that services are safe, appropriate and effective; and that these services attain positive outcomes for survivors and their families.

2.4 Impactful Rehabilitation Services

Torture has immense and devastating impacts on the individual, their family and community, in diverse and far-reaching ways. It leads not only to health problems, but also difficulties in being able to engage in everyday tasks, work, and education. It can also lead to social isolation, breakdown of family relationships, loss of friendships and breakdown of community connections, cohesion and resilience. Quality, specialist rehabilitation services aim to acknowledge and address those range of impacts of torture. **They seek to maximise a range of positive impacts for the survivor, their family and community, all of which together can enhance the survivor's overall health and well-being;** and to minimise any negative impacts of the rehabilitation service on the survivor and their family. A quality rehabilitation service should monitor these positive impacts and take steps to prevent negative impacts.

To monitor the impact of rehabilitation services, States should:

- › Ensure that rehabilitation services carry out regular assessments to gauge the nature and extent of positive and negative impacts (intended and unintended; short, medium and long-term) of those services on survivors, their families and communities;
- › Ensure that rehabilitation services use these assessment findings to improve the services provided.

2.5 Coherent Rehabilitation Services

Rehabilitation for torture survivors and their families may be provided by many services offering different, specialist support, either State or non-State. **Coherent rehabilitation for torture survivors requires that the range of specialised services offered to torture survivors are coordinated and work well together to meet the needs of survivors and to maximise positive rehabilitation outcomes.** Where services are not coherent or well-coordinated, they can be harmful to survivors.

To ensure coherence of rehabilitation services, States should:

- › Ensure that rehabilitation services for torture survivors are clearly defined and coordinated and offered in a coherent way to survivors;
- › Ensure that there are effective referral pathways to other agencies offering specialist rehabilitation services or other relevant complementary services to torture survivors.

2.6 Accessible Rehabilitation Services

Accessibility of rehabilitation services refers to the safety of available services, their physical location and their provisions for those with special and disability needs. Accessibility also refers to the financial means available to survivors to access rehabilitation services and to maintain regular attendance.

Many torture survivors have difficulty accessing available rehabilitation services. Some may have disabilities, some are unable to travel, some have no financial means to afford transport, some have childcare responsibilities and may be the primary source of support and income in their family. For some, the location of services may intensify their fear of visibility, social stigma, reprisals or other adverse repercussions. Quality rehabilitation services are services which can address these difficulties and the many accessibility barriers faced by torture survivors; they ensure that they are widely available geographically and accessible to all survivors of torture, and to the staff who work with them. Where services are available but barriers to access remain, services will be inaccessible to survivors.

To ensure accessibility of rehabilitation services, States should:

- › Ensure that the locations of rehabilitation services are accessible and within reach for survivors and staff working in the services;
- › Ensure that rehabilitation services are physically accessible, in a safe location, and transportation is affordable.

2.7 Fair Rehabilitation Services

Fairness refers to equal treatment and non-discrimination on any grounds other than specific needs (where services decide, based on a specialist assessment, which services and types of interventions are suitable for each torture survivor). Torture survivors have often already experienced extreme discrimination. It is essential that rehabilitation services do not further discriminate against them. **Quality rehabilitation services should ensure that at every stage of their service provision, from referral, intake, assessment, interventions and subsequent follow-up, they do not unfairly discriminate against survivors** on the basis of age, ethnicity, gender, sexuality, religion, language, beliefs, socio-economic status, or other grounds. Quality rehabilitation services are those which are non-discriminatory and equally available to survivors on the basis of need.

To ensure fairness of rehabilitation services, States should:

- › Ensure that rehabilitation service provision is equally available to all survivors regardless of age, gender, ethnicity, sexuality, religion, language, faith or other grounds;
- › Ensure that rehabilitation service providers and their practices are non-discriminatory;
- › Ensure that rehabilitation services are not subject to survivors' ability to pay.

2.8 Time-Sensitive Rehabilitation Services

The impact of torture can be acute and immediate, as well as enduring and long-term. Judicial processes to obtain redress can take many years and create additional stresses on survivors. Rehabilitation can support survivors with their multiple needs and can also enable them to access redress and other forms of reparation. **To prevent deterioration of survivors' health, rehabilitation services should be timely**, responding to immediate, acute needs as well as long-term needs of torture survivors.

To ensure time-sensitivity of rehabilitation services, States should:

- › Ensure that effective early-identification procedures for survivors of torture are established;
- › Ensure that survivors have prompt access to holistic rehabilitation services;
- › Ensure that services can provide for the longer-term needs of survivors and refer to relevant services and specialists where appropriate.

2.9 Adequate Resources

To ensure quality services, rehabilitation programmes and services need to be adequately and reliably resourced. The lack of adequate and stable resources will negatively impact on both the sustainability and quality of service provision, thereby limiting, or preventing, the effectiveness of rehabilitation; and preventing survivors from achieving as full rehabilitation as possible.

To ensure quality rehabilitation services, States should:

- › Ensure that rehabilitation services are adequately resourced to address the specific needs of survivors and their families;
- › Ensure that rehabilitation services have protected, long-term budget allocations to enable them to have the means to support survivors to achieve as full rehabilitation as possible.

2.10 Sustainability

Rehabilitation can be a long, painful and arduous process where survivors can feel extremely frightened, distressed and vulnerable. **Torture survivors need to trust in the rehabilitation process; to trust that the services provided to them are not temporary, short-term or project-based; they need to feel that the services can support them through this rehabilitative process.** Hence, quality rehabilitation services need to be sustainable. Services which are chronically under-resourced, under threat of closure or cuts are very likely to be of reduced quality and may lead to survivors feeling unsafe during their rehabilitation.

Quality services need adequate funding. Services which are available, but inadequately resourced or otherwise eroded and unsustainable, impede rehabilitation, and cannot ensure positive rehabilitation outcomes for survivors, or enable as full rehabilitation as possible.

To ensure the sustainability of rehabilitation services, States should:

- › Ensure that specialist rehabilitation services are sustainable, financially viable, secure and free from threats;
- › Ensure that specialist staff working in rehabilitation services are adequately supported and provided access to continuing professional development to ensure quality service provision.

Further Considerations

This Guide has outlined the key steps States can take to ensure the means to as full rehabilitation as possible for torture survivors.

States should conduct an effective national needs assessment, drawing on the key steps identified in this Guide. This can include various stakeholders who can contribute to the assessment process (e.g. administrative agencies, national human rights institution, relevant civil society organisations, survivor groups). States can also develop a national strategy and programming to build on any existing measures and efforts to ensure quality rehabilitation services for torture survivors and their families. Additionally, as required by the UN Committee against Torture, General Comment No. 3, States should ensure that there is an effective system to oversee, monitor, evaluate and report, with disaggregated data, on the provision of quality rehabilitation services for torture survivors. Stakeholders can also contribute to the monitoring process by providing information or by contributing expertise in the interpretation of the available information.

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