

## **TORTURE AND MISTREATMENT REPORTING GUIDANCE**

1. Every member of staff has **an individual responsibility to report immediately allegations and/or concerns about suspected torture or cruel, inhuman or degrading treatment or punishment (CIDT) that occurs overseas**, so that such allegations and/or concerns can be acted upon appropriately. This guidance applies to acts occurring outside the UK and sets out what this responsibility means and how to report such allegations and/or concerns.

### **Purpose**

2. This guidance applies to all FCO staff (hereafter “staff”) including:

- Contractors and temporary staff and staff from other government departments on secondment to the FCO.
- All other staff and contractors employed by other government departments and working in HM diplomatic posts or DFID country offices.

3. This guidance is consistent with the FCO’s existing guidance on torture and mistreatment reporting and HMG’s wider objective to eradicate torture and CIDT worldwide. It is also consistent with the guidance already in place for staff whose work requires job specific instructions, e.g. consular officers, intelligence officers and service personnel. **Where a particular allegation and/or concern is not already covered by your job specific guidance, this Torture and Mistreatment Reporting Guidance will apply<sup>1</sup>**. In addition, UK based staff should pay heed to their responsibilities under the Diplomatic and Home Service Regulations, which incorporate the Civil Service Code.

4. The conduct of staff may engage the responsibility of HMG. The reporting referred to in this guidance is important to:

- maximise the effectiveness of HMG’s human rights work to combat and eradicate torture and CIDT around the world;
- ensure that HMG acts in conformity with domestic and international law in respect of the prohibition of torture and CIDT; and
- ensure information about torture and CIDT is shared efficiently across government as appropriate.

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<sup>1</sup> For example, where a consular officer hears an allegation of torture which does not involve someone entitled to consular assistance.

## **UK Policy on torture and CIDT**

5. The United Kingdom Government's policy is clear – we do not participate in, solicit, encourage or condone the use of torture or CIDT for any purpose. We have consistently made clear our absolute opposition to such behaviour and our determination to combat it wherever and whenever it occurs. We take all allegations and/or concerns of torture and CIDT very seriously and will follow up with action, as appropriate.

### **What is torture and CIDT?**

#### **Torture**

6. There is an absolute prohibition of torture in international law and a clear definition of what constitutes torture. No derogation from this prohibition is permitted, even in times of war or public emergency. It is an offence under UK law.<sup>2</sup> It includes the intentional infliction of severe mental or physical pain or suffering by a public official, in the performance or purported performance of his duties.

#### **CIDT**

7. There is also an absolute prohibition on CIDT, but there is no agreed or exhaustive definition of what constitutes CIDT. The UK Government considers that the following practices, which are not an exhaustive list, could constitute CIDT:

- use of stress positions;
- sleep deprivation;
- methods of obscuring vision or hooding (except where these do not pose a risk to the detainee's physical or mental health and are necessary for security reasons during arrest or transit);
- physical abuse or punishment of any sort;
- withdrawal of food, water or medical help;
- degrading treatment (sexual embarrassment, religious taunting etc); and
- deliberate use of 'white' or other noise.

8. Individual instances of mistreatment that might in isolation constitute CIDT could amount to torture in circumstances in which, for example, the mistreatment is prolonged or coincides with other measures.

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<sup>2</sup> The full definition is in section 134 of the Criminal Justice Act 1988.

9. Signs that someone is being tortured or mistreated may include rashes, weight gain, weight loss, alertness, rapid or particularly slow eye movements in addition to more obvious evidence.

### How to report

10. The table below sets out the reporting action that must be taken in different situations:

	Situation	Reporting Action
1	Allegations and/or concerns about incidents of possible torture or CIDT involving any staff or other UK personnel as either alleged perpetrator <sup>3</sup> or victim.	You must immediately report this to your line manager and Head of Mission so that appropriate action can be taken. This will include informing the relevant Directorate in London and informing the Head of Human Rights and Democracy Department (HRDD) that a report has been made. If you do not wish to make the report to your Head of Mission, you should consult other senior personnel as appropriate (including the FCO Legal Adviser).
2	Allegations and/or concerns about incidents of possible torture or CIDT involving any specific foreign public authority, part thereof or official with whom HMG is actively working, co-operating or assisting.	If you are seconded to the FCO, you must also inform the appropriate point of contact in your parent department and ensure that your department's Legal Adviser is aware.
3	Allegations and/or concerns about incidents of possible torture or CIDT inflicted upon any British national (including dual nationals), or others who may be eligible for or to whom we have extended consular assistance.	If you are a member of Consular Staff, you should follow the Consular Guidance to report this. If you are not a member of Consular Staff, you must immediately report this to your line manager, Head of Mission and consular staff at post so that they can inform Consular Directorate in London as set out in the Consular Guidance.  If you are seconded to the FCO, you must also inform the appropriate point of contact in your parent department and ensure that your department's Legal Adviser is aware.

<sup>3</sup> This includes primary and secondary actors (i.e. those who solicit, encourage, condone or participate in any torture or CIDT).

4	Allegations and/or concerns about incidents of possible torture or CIDT inflicted upon any other person.	You must report other incidents to HRDD and to the relevant geographical department in a timely manner. <sup>4</sup>
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## What to report

11. All reports should include as much of the following information as is already in your possession:

- Full name and nationality of alleged victim, including any link to the UK, date of birth and passport details;
- Full name(s) of alleged perpetrator(s) and name of authority/organisation;
- Location of alleged incident;
- Reason for detention (e.g. criminal, terrorism, political etc), if relevant;
- Name of detaining authority if different from that of the alleged perpetrator;
- Allegations made and date of alleged mistreatment;
- How the alleged incident was reported to you (name, date, location);
- Whether we have been asked by or have permission from the alleged victim or someone representing him/her to raise the incident with the authorities of the state concerned and/or his/her family or other persons;
- Any wider reactions to the alleged incident (e.g. any media, NGO, state reactions);
- Whether any action has been taken by you or others.

12. Staff have a responsibility to, and there is a strong expectation that they will, report allegations and/or concerns about torture or CIDT that come to their attention at all times, including outside work hours.

13. FCO London will record reports made in accordance with this guidance, acknowledge receipt of your report in writing and take appropriate action with the information you provide, including informing other government departments as well as police and Ministers if necessary. **When considering how to act, senior personnel will also have careful regard to any risks to you, other staff or to any other person that may be affected.**

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<sup>4</sup> In the case of open source or mass reporting, e.g. newspaper articles or NGO reports, please discuss with HRDD how you should report this information.

14. If you are unsure about what to report, who to report to or have any queries about this guidance, please discuss with your line manager and contact HRDD for advice ([email address] or [telephone number]).

**PUS**

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