



WITNESS AND VICTIM PROTECTION AND SUPPORT

This is resource note 7.6 of the CTI practical Police Resource Toolkit for professional, human rights-compliant Policing.

BACKGROUND

1. Police is often the first point of contact for victims¹ and witnesses either directly in the aftermath of the victimization or when reporting a crime. As first responders, police officers may have an enormous impact on victims' willingness to further interact with the criminal justice system. Police must treat victims with "compassion and respect for their dignity" - a fundamental component of the [Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power](#).

A victim-centred approach to criminal justice and victims' rights

2. While criminal justice systems have traditionally been centered around the treatment of the suspects or offenders, a victim-centred approach is recommended in several international standards. A victim-centered approach is essential to ensure the protection of victims' rights and the prevention of secondary and repeat victimization and to "restore the confidence of the common man in the criminal justice system by protecting the innocent and the victim".² A victim-centered approach may also increase the likelihood that victims will be more willing to cooperate and be effective witnesses within the judicial system, which will also positively impact the quality and outcome of the investigation.
3. A victim-centred approach considers both what a response system looks like and how it is delivered. It prioritises the safety, wellbeing and wishes of victims (which might not always correspond with those of the police or law enforcement) in determining what actions are taken, and how. In a victim-centered approach,

¹ The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power define victims as "persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power. 2. A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization."

² High Court of Karnataka, *Sri. Jajadish Chidanand Kore v. The State of Karnataka*, 29 August 2008, available at: <https://bit.ly/3NJR2Wz>.

the victim's wishes, safety, and well-being take priority in all matters and procedures. It ensures that an individual assessment (e.g. individual risk assessment) leads to the identification of a victim's specific needs.

4. In the [Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development](#), adopted by the Fourteenth UN Congress on Crime Prevention and Criminal Justice, Member States committed to safeguarding victims' rights and protecting witnesses and reporting person.

Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development

We therefore endeavour to take the following actions:

31. Protect the rights and interests of victims of crime and make efforts to assist them at every stage of criminal justice proceedings, giving due attention to the special needs and circumstances of victims, including age, gender-specific and other needs, and disabilities, as well as to the harms caused by crime, including trauma, and endeavour to provide victims with the means that may assist in their recovery, including the possibility to obtain compensation and reparation;
 32. Encourage victims to report crime by providing them with adequate support, including in criminal proceedings, such as effective access to translation services;
 33. Take appropriate measures to provide effective protection for witnesses in criminal proceedings and for reporting persons;
 34. Provide adequate resources and training to practitioners to strengthen their capacity to provide victim-centred assistance and support that take into account the specific needs of victims
5. At regional level and in many countries, victims' enforceable rights have been established in Constitutions, Bills of Rights or Victims Charters. Police officers play a key role in enforcing such rights and training on victims' rights should be part of initial and refresher police training.



Canada: Enactment of a Victims Bill of Rights

The [Canadian Victims Bill of Rights](#) provides the following rights to victims of crime: right to information about the status and outcome of the investigation of the alleged offence, location of proceedings and available services; right to protection, by having their security and privacy considered during the investigation; right to participation, by conveying their views and having them considered when decisions are made by authorities that affect their rights under the Act, as well as the right to present a victim impact statement to appropriate authorities and to have it considered; and the right to seek restitution by having courts consider making a restitution order and having an unpaid restitution order enforced through a civil court.



Colombia: Victim protection legislation and regulations

Victim protection legislation and regulations are contained in Colombian Law 418 of 1997 and the Resolution of the Office of the Attorney General No. 0-5101 of 2008. To give effect to the law 'joint participation' is encouraged: "to overcome the manifest vulnerability of victims involves performing a series of actions as are: the duty of the State to implement the care, assistance and repair measures to the victims. The duty of solidarity and respect by the civil society and the private sector with the victims, and support to the authorities in the repair processes; and the active participation of victims". All agencies of government are obliged to treat victims with respect and cordiality. Furthermore, the State is required to remove administrative barriers that prevent the real and effective access of victims to care, service and reparation measures. Colombian law allows for "integral protection and social assistance" including physical protection, social assistance, change of identity and of residence and all the temporary or permanent measures that might be necessary for preserving the physical and moral integrity and the integrity of the family unit of the witness.



European Union: A Directive and a Strategy on Victims' Rights

[The European Union Victims' Rights Directive](#) establishes minimum standards on the rights, support and protection of victims of crime and ensures that persons who have fallen victim to crime are recognised and treated with respect. They must also receive proper protection, support and access to justice. The Directive considerably strengthens the rights of victims and their family members to information, support and protection. It further strengthens the victims' procedural rights in criminal proceedings. The Directive also requires that EU countries ensure appropriate training on victims' needs for those officials who are likely to come into contact with victims. EU Member States were required to implement the provisions of the Directive into their national laws by 16 November 2015. In 2020, the European Commission adopted a report on the implementation of the Victims' Rights Directive, which assesses the extent to which Member States have taken the necessary measures to comply with its provisions. In 2022, the European Commission adopted its [evaluation of the Victims' Rights Directive](#), which is one of the Commission's key actions set out in the [EU Strategy on Victims' Rights \(2020 – 2025\)](#) and was informed by a support study and data collection that included a public consultation.

Assistance, protection and support to all victims of crime

6. It is important to remember that, according to the United Nations [Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power](#), the definition of a victim is not dependent on whether a suspect has been identified, apprehended, prosecuted or convicted nor on whether the victim has played an active role in the criminal justice process. As such, the police should provide assistance, protection and support to all victims of crime irrespective of whether they are a witness in a criminal justice procedure or not.

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

A. Victims of crime

1. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

2. A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term “victim” also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

3. The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability.

7. Police and law enforcement may perform the following functions with regards to victims and witnesses of crime:
 - a) **SAFETY:** Ensuring the safety of victims by crisis defusing and ensuring the immediate physical safety of victims, and in some contexts accompanying victims to emergency medical services in cases involving injury; as well as providing psychological and medical first aid in settings where other providers are not readily accessible. This requires training of all first providers on impact of trauma and victimization including vicarious trauma. Importantly, police must be empowered to protect victims by being able to assess any risks, determining their protection needs and having the tools available to protect victims (such as through immediate measures and requesting victim protection orders, consideration of the victim’s safety when assessing bail applications etc.).
 - b) **NEEDS:** Conducting assessments of victims’ needs and victims’ impact statements to understand the broader impact of crime on the victim, as well as to ascertain what the future needs of victims within the justice process might be such as the need for interpreters, special equipment related to any disabilities, as well as other vulnerabilities such as whether the victim is fearful to face the perpetrator, or if there is pressure from the family or community affecting the victim. In some countries, police officers are required to give victims an opportunity to provide a personal statement describing the impact of the crime on their life³ at the time of taking their testimony or witness statement. This may require giving victims the choice of gender of the police officer hearing the statement.
 - c) **RIGHT TO INFORMATION:** Informing victims in a simple and easy-to-understand way, both in general through the use of different media such as posters, leaflets and websites and specifically informing each individual victim regarding their case. Information should be available in all relevant languages and should cover:
 - i. Victims’ rights;
 - ii. Availability of victim support services;
 - iii. State compensation or restitution schemes, if/when appropriate;
 - iv. Access to legal aid services;
 - v. Death or critical injury notification;
 - vi. Police procedures and investigatory process;
 - vii. Protection of evidence;
 - viii. Regular information on the status of investigations, if the victim wishes to be informed (including e.g. date of trial and decisions about prosecution);
 - ix. In case of an arrest: detention policies, any follow-up processes that might result in release and any hearings in which the victim may want to be involved;

³ For example, in the United Kingdom, see further at: <https://bit.ly/3TjXgQb>.

- x. Notification of any developments regarding a suspect, such as if the suspect is arrested or released on bail.

d) **SPECIALIST SERVICES:** Providing specialist services for certain categories of victims, such as children, victims of sexual and domestic violence, victims of hate crime, victims of human trafficking, LGBTIQ+ victims or those with disabilities. In a number of countries specialized police stations or units have been established to provide specialized and victim-centred approaches to certain categories of victims, such as women and other victims of gender-based and sexual violence, child victims of crime, or victims of human trafficking. When such institutions are established it is essential that proper referral and communication systems are in place between them and other police units. Other countries have also established integrated, multi-agency centres where victims (or in some cases particular groups of victims such as children) receive all necessary services, including medical attention, forensic examinations, interviewing, social services etc. These institutions have proven a positive impact on reduction of secondary victimization and improved experience of victims in contact with the criminal justice system. In many countries, some or all of such services are provided by social welfare institutions, victims' rights, community or other civil society organisations and the role of the police will be limited to referring victims to such services.

- 8. It is also essential that the set-up at police stations and any other locations where victims may come into contact with the police are adapted to the needs of victims, ensure privacy and protect victims from any contact with the accused or risk of secondary victimization. Specialized victims' desks staffed with properly trained police officers of all genders are recommended. When such specialized desks are not available, any communication or interview of victims should take place in a location and following a procedure in which the victim can feel comfortable, and their privacy is respected. For instance, victims should not be required to repeat the reasons for seeking to speak with a police officer on multiple occasions in a public waiting room. Good practice includes ensuring that police stations have a private space to receive complainants, that interpreters, stenographers and other staff involved in interviews are vetted and that clear protocols for taking and storing victim statements and controlling access to electronic and paper filing systems are implemented. For field-based interviews, it is important for investigators to use all possible discretion in order to avoid placing victims and witnesses at added risk. Conducting referrals to victim support services and other community agencies offering additional services based on an individual assessment of risks and needs is a key role for the police.

The key elements to consider in police contact with victims should be:

- a. Risk prevention (i.e., addressing specific safety risks and responding to the needs of victims of intimate partner violence) is prioritised over risk prediction.
- b. Victims who are in contact with the police are recognised and treated in a respectful, sensitive, professional and non-discriminatory manner.
- c. All potential risks and vulnerabilities of the victim are identified and inform any preventive actions to be taken.
- d. The police consider the individual characteristics of each case and ensure that referrals are made to specialist support services as appropriate and where available, within a multiagency framework (i.e., on embedding risk assessment processes and practices within a multiagency framework).

Any victim interview be carried out by a specialized interviewer of the preferred gender chosen by the victim, not repeated, and, where requested, with the presence of a support person, and using investigative interviewing methodology.

The International Association of Chiefs of Police, Enhancing Law Enforcement Response to Victims (ELERV) Strategy

The IACP identifies [seven critical needs of victims](#):

- **Safety** – Address the immediate safety concerns of victims. Provide information about reducing risk and actions to take when experiencing intimidation and fears about future harm.
 - **Support** – Allow support persons chosen by victims to be present when possible. Connect victims with support services in the community.
 - **Information** – Provide concise information on victims' rights and criminal justice system processes. Answer questions to help victims participate and make decisions.
 - **Access** – Ensure all victims can participate in the criminal justice system. Provide accommodations to meet access needs (e.g., language access).
 - **Continuity** – Collaborate with other criminal justice professionals, community agencies, and victim services providers. Facilitate seamless transitions and continual support for victims.
 - **Voice** – Encourage victims to ask questions and listen to their concerns.
 - **Justice** – Prioritize procedural justice. Recognize that not all victims define justice the same way.
9. While all of the above applies to all victims, victims who are testifying in a criminal justice procedure (i.e. victim-witnesses) may sometimes require specific measures for their protection. Witness protection is a specialised service provided by the police, sometimes by separate victim and witness protection units or agencies, and is designed to ensure the safety of witnesses and victims of crime, and as necessary, their families. It was originally developed by countries to address witness intimidation in organised crime proceedings, but has since been expanded to cover a wide array of contexts and scenarios. It is a crucial safeguard for victims and witnesses of crime, without which they may be unlikely to feel sufficiently secure to report crimes to the competent authorities and to participate in the justice process. It may also be a necessary precondition for effective investigations and prosecutions as well as other types of legal proceedings, particularly when they involve suspects who wield significant power.

SPECIALISED WITNESS PROTECTION SERVICES OR PROGRAMMES

A robust witness and victim protection scheme will contribute to:

- ✔ Increased public confidence in the criminal justice system;
- ✔ Increased public confidence in the fairness and independence of criminal justice sector;
- ✔ Increased numbers of crimes reported;
- ✔ Better quality evidence provided by victims and witnesses;
- ✔ Increased numbers of victims prepared to pursue cases in court;
- ✔ Increased numbers of witnesses prepared to attend court to give evidence;
- ✔ A greater willingness to testify of particularly intimidated and vulnerable victims and witnesses;
- ✔ Reduced delays in court proceedings from adjournments linked to non-appearance of witnesses.

10. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) recognises the importance of witness and victim protection and Article 13 of the Convention requires States to take steps “(...) to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his [or her] complaint or any evidence given”. Additionally, the UN Committee against Torture has stated that reprisals amount to cruel treatment and punishment under Article 16 of the Convention and may, in some cases, amount to torture.⁴

What measures can be taken?

11. Victim and witness protection is usually comprised of measures to safeguard the identity of a victim or witness from the public, such as the use of pseudonyms or allowing for a witness to testify by video link or from behind a screen to avoid face-to-face confrontation with a defendant. Good practice also entails the criminalisation of witness intimidation, providing victims and witnesses with timely information about the proceedings, allowing for victims and witnesses to be accompanied in court and providing them with psychological support as needed. This helps to ensure victims’ and witnesses’ dignity and privacy, and safety from public reprisals. In very limited circumstances, protection may include measures designed to obscure the witness’s identity from the accused, though this is not allowed in some legal systems as it may prevent an accused person from being able to mount a successful defense as part of a fair trial. Countries normally consider it important to balance witness safety and the defendant’s rights to a fair hearing or trial. Depending on the severity of the security risks, witness and victim protection may also involve police protection, temporary or permanent relocation of witnesses to another part of the country or outside of the country, and change of their identity.

When?

12. While much of witness and victim protection has been conceived as measures to be put in place for the trial and subsequent to the trial, it has increasingly been recognised that protective measures are required from the outset of an investigation, to ensure that victims and witnesses are willing to come forward, and may need to continue long after the end of trial in certain cases.

By whom?

13. Witness and victim protection is usually put in place by the police or prosecution services. This is because such services are usually structured to address the particularities of organised crime cases, and are available to address witness intimidation or potential reprisals against “high-value” or insider witnesses scheduled to testify in a criminal trial. Many programmes are not adequately structured to meet the wider needs of victims or witnesses. For cases involving allegations of crime or related proceedings involving governmental actors, it will be necessary to ensure that protection mechanisms are capable of operating with independence from relevant government services as appropriate. It is the role of the police to regularly conduct assessments of its capacities to provide adequate victim and witnesses support services.⁵

⁴ Committee against Torture, “Guidelines on the receipt and handling of allegations of reprisals against individuals and organizations cooperating with the Committee against Torture under articles 13, 19, 20 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”, 4 September 2015, UN Doc CAT/C/55/2, available at: <https://bit.ly/48959fE>.

⁵ See the UNODC Criminal Justice Assessment Toolkit: Victims and Witnesses: <https://bit.ly/3uR2PM6>.

COUNTRY EXAMPLES



Austria: Anti-violence barring order by police

Under the Second Act on Protection Against Violence of 2009, Austrian police are obliged to intervene promptly in cases of domestic violence. Police have the duty to evict the endangering person from the dwelling immediately so that the victim can stay there safely through a barring order valid for 2 weeks. After such period has elapsed, victims can turn to the district court (*Bezirksgericht*) at their place of residence and apply for a civil court order in the form of a temporary injunction (*einstweilige Verfügung*), which prolongs the police barring order to 4 weeks. The police must immediately take away all keys to the dwelling from the person posing a threat. In the case of an application for a temporary injunction, the police will hand over the keys to the competent district court.



Indonesia: Witness and Victim Protection Agency

In 2006, Indonesia enacted Law No. 13 of 2006, which establishes the Witness and Victim Protection Agency (*Lembaga Perlindungan Saksi dan Korban* or LPSK), composed of 7 Commissioners elected for a 5-year term by Parliament and the President. The LPSK offers protection to victims and witnesses throughout criminal proceedings, including redress in the form of medical aid, (psychological and psychosocial), restitution, compensation and services such as physical protection, change of identity and providing a safe house to relocate to. Requests for protection can be lodged in-person, or via post office, e-mail, the LPSK hotline and a mobile phone application. The LPSK is providing priority services in relation to crimes of torture and ill-treatment, human trafficking, sexual abuse, corruption, drug-related offences, terrorism, money laundering and gross human rights violations.



United Kingdom (England and Wales): Witness care units

Witness care units (WCUs) are predominantly police staffed units who provide information and support to victims and witnesses in cases progressing through the criminal justice system. The units are a single point of contact for victims and witnesses, and provide support and information after charge, tailored to the needs of the victim or witness. WCUs will ensure the needs assessment of victims are updated and shared with wider criminal justice agencies. By being better supported and equipped, witnesses are more likely to feel confident and be willing to support the prosecution process. WCUs aim to achieve positive outcomes for the criminal justice system, by having fewer failed cases due to known victim issues, striving to reduce attrition, and in improving the experience for victims and witnesses.



Australia (South Australia): Victim-centered policing

Police services across Australia have aimed at adopting a victim-centred approach to policing. Common among these police services is a commitment to reducing re-victimisation, improving services for those in need of assistance and fostering confidence and trust, which has required a rethinking of police organizational structures and processes, including training and education. In 1987, the South Australia Police were the first government department in South Australia to fully adopt the Declaration of Victims' Rights, which the Government had promulgated in 1985. The police then established a Victims of Crime Branch to drive structural and cultural changes. By 1989, the police had within their ranks a Victim Impact Statement Co-ordinator and specialist Police Victim Contact Officers. Additionally, the police introduced

the practice of giving victims who reported a crime an information leaflet that the Attorney General's Department produced, containing information on their rights, role and responsibilities in the criminal justice system and information about support services.

Currently, there has been an increase in the number of Police Victim Contact Officers, including a dedicated officer in the Major Crime Investigations Branch. Additionally, police seeking promotion to the rank of sergeant or above must complete an Advanced Diploma in Policing, which incorporates a 15-week unit on Victimology.

KEY RESOURCES: STANDARDS AND GUIDELINES

International standards and recommendations:

- United Nations [Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power](#), 29 November 1985.
- [UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime](#), 22 July 2005.

Regional standards:

- EU Parliament, [Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA](#).
- Council of Europe, [Recommendation Rec\(2005\)9 of the Committee of Ministers to member states on the protection of witnesses and collaborators of justice](#), 20 April 2005.
- UN General Assembly, [Report of the Special Rapporteur on extrajudicial, summary and arbitrary executions, Part III: The role of witness protection in ending the cycle of impunity for extrajudicial executions](#), 20 August 2008, UN Doc A/63/313.

Key resources: Practical tools and manuals

- UNODC, [Model Witness Protection Bill](#), 2000.
- UNODC, [Cross-cutting issues: Victims and Witnesses](#), Criminal justice assessment toolkit, pp.14-16.
- UNODC and UNICEF, [Training Programme on the Treatment of Child Victims and Child Witnesses of Crime for Law Enforcement Officials](#), April 2015.
- UNODC, [Good practices for the protection of witnesses in criminal proceedings involving organized crime](#), 2008.
- OHCHR, [Workshop report: Protection of Victims of Sexual Violence: Lessons Learned](#), 2019.

- UNODC, [Handbook on police accountability, oversight and integrity, Chapter III: Dealing with complaints against the police, Part B: Investigation into the complaint, 4: Witness protection](#), Criminal Justice Handbook Series, 2011.
- UNODC, [Handbook on effective police responses to violence against women](#), Chapter V: Responding to violence against women: the role of the police, F. Victim services and witness protection, Criminal Justice Handbook Series, 2010.
- [UNODC Handbook and Policy Guide on Justice for Victims](#), 1998.
- [UNODC-UNECE Manual on Victimization Surveys](#), 2010.
- UN Women, UNODC, IAWP, [Handbook on gender-responsive police services for women and girls subject to violence](#).
- UNODC-Mexico, [Manual del Facilitador - Estrategias para el desarrollo de habilidades cognitivas y manejo del estrés](#), 2017 (only available in Spanish).
- UNODC-UNICEF, [Handbook for Professionals and Policymakers on Justice in Matters involving Child Victims and Witnesses of Crime](#), 2009.
- UNODC-UNICEF, [Training Programme on the Treatment of Child Victims and Child Witnesses of Crime - for Law Enforcement Officials](#), 2015.
- The International Association of Chiefs of Police (IACP), [Enhancing Law Enforcement Response to Victims \(ELERV\) Strategy](#), 2nd edition.

Police and other law enforcement actors in all societies play an incredibly important role so that ordinary citizens can go about their daily lives without fear. Professionalism and integrity are fundamental for them to be able to perform their functions safely and effectively. Police and other law enforcement officials contribute to building a fairer administration of justice by maintaining law and order, preventing and responding to crime and keeping communities safe, while respecting and protecting the rights of suspects, victims and witnesses who come into contact with the criminal justice system. Their work is also central to the fight against torture and other cruel, inhuman or degrading treatment or punishment (ill-treatment).

Despite a large volume of international, regional and national handbooks, guidelines and other tools on best police practices, awareness, accessibility and training on these standards by policymakers and police practitioners are still a challenge. The resource notes included in this practical resource toolkit for professional, human rights-compliant policing compile existing international law, standards, practices, guides and examples on best ways to improve performance and the protection of human rights. These resource notes can inform police reforms, improve efficiency, fairness and transparency in policing and law enforcement, and reduce risks and incentives to use torture and other forms of coercion.

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