

2.6.b. Non-State Torture and other ill Treatment of Women and Girls

Subgroup of Violence Against Women and Girls

For Beijing + 25 CSO Forum UNECE Region Geneva Oct. 28, 2019

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Structural Barriers

Two [Women's Major Group core principles](#) include "gender equality and justice" and "women's human rights." At the 1993 Vienna Tribunal Global feminist activists declared "being female...makes many women vulnerable to routine forms of torture, terrorism, slavery, and abuse...[perpetrated] within family relationships mainly by husbands, boyfriends, or fathers—these are considered non-State perpetrators. To eliminate oppressive gender-based inequality the UN passed resolutions [1994/45](#), [8/8](#), and [65/205](#) on the need to integrate fully women's human rights equality and to identify violence against women that manifests as torture by private actors. Additionally, UN CEDAW Committee General [Recommendation 19](#) and [35](#) refer to torture perpetrated by non-State actors and the UN Committee against torture [General Comment No. 2](#) clearly identified that violence against women and children can manifest as torture perpetrated by non-State actors. However, State parties such as Canada consider these UN initiatives "soft law" and not enforceable ([Jones, Sarson, & MacDonald, 2018](#)). Violence against women and women's human rights are two critical areas of concern of the [Beijing Declaration and Platform for Action](#) (BPfA). These correspond with WMG core principles. Women and girls who survive NST if not recognized will be marginalized and excluded from fitting into the [sustainable development goals](#) (SDGs) 5.1 and 5.2 eliminating gender discrimination and violence against women and girls in public and private spaces; 16.2 eliminating exploitation and torture of children, and 10.3 promoting appropriate legislation, policies, and actions to address non-State torture (NST).

The Current Status

NST of women/girls across ECE cultures and communities: When normative legal gaps exist it requires State parties to address [human rights violations of non-state actors](#) so they can be held legally accountable for acts of gender based violence they inflict. When a normative legal gap existed in the US state of Michigan, its Penal Code was amended to include [750.85 on torture](#) which applies to any person who commits torture—State or non-State. Amending this legal gap was a response to a case involving NST of a woman by her spouse. Patriarchal indifference subordinates women and girls generating conditions of "traditional" brutality whereby [other so-called traditional practices](#) such as widow-burning, acid-burning, dowry-related violence, and violence in the name of honor are acts of gender-based torture perpetrated by private actors, families and in-laws. Other NST examples that occur in communities involve employers who inflict forms of NST against [immigrant women](#) in domestic servitude. NST is also inflicted in so-called traditional or cultural practices involving [female genital mutilation](#). Immigrant

or refugee women/girls carry within them the harms suffered during so-called cultural acts such as being [declared witches and tortured](#) or Cameroon women tortured in [widowhood rituals](#).

NST in sexualized human trafficking and exploited into prostitution: Human trafficking and slavery-like practices that involve sexualized victimizations can constitute gender-based torture. A [Canadian federal police](#) report describes the acts of NST perpetrated against Aboriginal and non-Aboriginal young women by human traffickers. UK Home Office lawyers paid damages to [Katya](#) whose legal team prepared to argue under article 3 of the European Convention on Human Rights that Katya was tortured when trafficked and exploited into prostitution cross borders from Moldova. In [2013 Moldova](#) reported that traffickers inflict torture. NST and [sexualized trafficking of a daughter by parents](#) can be organized in the home or transporting her elsewhere to NST rings or like-minded individuals. Women also survive NST, trafficking, and exploited into prostitution perpetrated [by a male spouse](#); [intimate partner exploitation](#) can produce high profits; and from Germany description of the [exploitative harms](#) women suffer.

Criminal Codes and NST in pornography and cybercrimes: Some ECE countries have criminal codes (CC) addressing acts of torture perpetrated by private persons, such as [CC 119](#) of Armenia and [CC 222-1](#) of France. [Malta's CC 208A1C3](#) refers to torture, sadism, brutality in pornography of a minor under 9 years of age. Canadian-based patriarchy refuses to acknowledge NST in its CC in spite of [Canadian research](#) on sexualized cybercrimes that reveal NST of children including infants. Perpetrators run [far-reaching internet websites](#) that include torture of infants and older children. Arresting a Russian manufacturer of 'snuff' videos or 'Necro Pedo' videos in which children are raped and [tortured to death](#) had buyers in the UK, Italy, and other EU countries. Herstorically, a Canadian [1985 report](#) on pornographic victimization of women identified they suffered torture; likewise a [US 1986 report](#) detailed pornographic NST of women. Internationally the [UN Human Rights Committee](#), in 1992, adopted the legal view that State parties have a duty to protect everyone against torture victimization whether inflicted by State or non-State actors and legislative intervention was required.

Recommendations

1. Naming non-State torture (NST) specifically criminalizing it to develop non-State torture victimization – traumatization informed care at local, national and at the International Criminal Court level.
2. Education about non-State torture beginning with children, and for women and men, and for professional services such as police, healthcare, first responders and anyone at every level who works with women and girls to understand the atrocities

[Video](#) of the above recommendations being read at the Beijing +25 Civil Society Forum.