

GENDER PERSPECTIVES ON TORTURE: LAW AND PRACTICE

BOOK LAUNCHED at the SIDE EVENT HELD DURING THE 62ND SESSION OF THE UNITED NATIONS COMMISSION ON THE STATUS OF WOMEN (CSW62)

Tuesday, 20 March 2018, 4:45 PM – 6PM
Conference Room 12, United Nations Headquarters

The Center for Human Rights & Humanitarian Law's Anti-Torture Initiative, the Permanent Missions of Denmark, Chile, and Norway to the United Nations, and the International Federation for Human Rights hosted the launch.

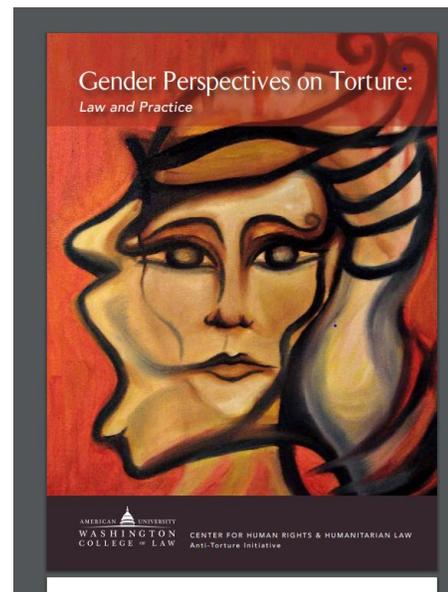
This launch of, *Gender Perspectives on Torture: Law and Practice*, brought together contributions from more than 25 experts in response to the former United Nations Special Rapporteur on Torture Juan E. Mendez's innovative 2016 thematic report of gender perspectives on torture. This side event provided timely insights with panellists' discussions at the intersection of gender and the international human rights law prohibition of torture.

THE PANEL



Panellists:

Purna Sen, Director of Policy, UN Women
Maria Eva Dorigo, Independent Researcher
Jeanne Sarson, Human Right Defender
Cynthia Soohoo, Co-Director of Human Rights
& Gender Justice Clinic at CUNY Law School
Mr. Juan Mendez opened the panel with his
statement



The panel was moderated by Macarena Saez, Faculty Director, Center for Human Rights & Humanitarian Law.

The book can be downloaded at: <https://www.wcl.american.edu/impact/initiatives-programs/center/documents/gender-perspectives-on-torture/>

“How Non-State Torture is Gendered and Invisibilized: Canada’s Non-Compliance with the Committee Against Torture’s Recommendations”

Jackie Jones, Jeanne Sarson, & Linda MacDonald

PANEL PRESENTATION

The following statement includes excerpts and adaptations presented by panelist Jeanne Sarson, with support of co-authors Jackie Jones and Linda MacDonald, on their paper entitled, “How Non-State Torture is Gendered and Invisibilized: Canada’s Non-Compliance with the Committee Against Torture’s Recommendations.” This paper is in **Section 1 Gender-Based Violence: State Responsibility** of the book, *Gender Perspectives on Torture: Law and Practice*, (pp. 33-56).

Thank you again for coming and listening. I want to start with an intervention. The people not here are people that Linda and I have come to know who survived non-State torture. The issue of non-State actor torture has a very intimate meaning for Linda and I and all the women who have entrusted us with listening to their non-State torture victimizations and offering support through their survival struggles. This meaning of intimacy does not show up in our chapter but I will share some of its meaning now because this represents how Linda and I come to be here carrying the voices of women we have supported.

Linda and my journey towards understanding and coping with the reality of gender and non-State torture began in 1993 when Sara, not her real name, asked Linda and I to help her escape from a non-State torture and human trafficking family-system into which she was born. Remember this was in 1993, when non-State actor torture perpetrated in the domestic private sphere was rarely thought of in any tangible way – not when addressing violence against women and girls in community settings, or in the literature, or even at the United Nations.

Linda and I attended the 25th anniversary of the UN Committee against Torture, in 2013, in Geneva. There, we realized that our work of addressing non-State torture victimizations was only five years younger than the work of the Committee which began in 1988. When the Committee put out their General Comment No. 2 in 2007, in paragraph 18, they spoke about, for the first time, non-State actors and violence against women and girls that manifested as non-State torture; we realized that the women we supported have been working in this invisibilized space for fifteen years.

Being ahead of national and international reality is never easy—neither for us nor for the women so non-State tortured. For example, when Sara asked us for help, search as we did,

support was not there. It was a sterile field for accessing support but not for experiencing resistance and rejection as human rights defenders or for women who were trying to speak out.

At the professional level, alleged perpetrators attacked claiming we were being incompetent in our support for Sara, hoping to fracture our relationship with Sara so she would be re-captive.

Politically our Canadian governmental human rights and justice opinion was / is that it is sufficient to name non-State torturers as perpetrators of assault versus of torture further invisibilizing non-State torture and the women and girls so harmed.

Being a member of an NGO was also not always a positive experience because socially the world has and is swallowing the patriarchal concept that protection from torture was / is a human right accorded to men in men's warring violence.

Women and girls were not / are not considered to own the human right of Article 5 of the Universal Declaration of Human Rights that says – no one shall be subjected to torture. Article 5 was supposed to be applied equally to women as to men as declared in Article 1 of the 1948 Declaration.

Felice Gaer, a Committee against Torture expert, said that for the first 12 years of the Committee's functioning acts of State torture inflicted against women were invisible. This too was the reality that confronted us and Sara in 1993. We had to say to Sara "We have no experience. We have no support but will do our best to help you." She and we did succeed. It was indeed a very difficult, lonesome, and painful journey. Focused on Sara's healing and exiting we were forever out-of-the-box, always breaking 'the rules', working quietly, silently, hoping to not attract more attacks.

This is the invisible story behind the chapter that makes this chapter and the work of Mr. Mendez so important. The book and the issue it covers is what Linda and I value so well—and so too the women we know who have survived non-State actor torture, who have been invisibilized as persons with their human right not to be subjected to non-State torture dismissed.

As to Jackie, Linda, and my chapter, its title is, "How Non-State Torture is Gendered and Invisibilized: Canada's Non-Compliance with the Committee Against Torture's Recommendations." What we did, we compared three groups of women, I'll quickly go through them, based on the principle that it is not the status of the person that determines whether they are a torturer rather it is the acts they commit.

The three groups were:

1. 100 Mexican women arrested, jailed, and tortured by State actors, this was an Amnesty International report, 2016.
2. 100 Asian and African migrant women to the UK tortured by State and non-State actors and that is a report by UK Medical Foundation for the Care of Victims of Torture, in 2009.
3. The third group were the women that Linda and I have known since 1993. We think we have had contact with approximately 5000 women from many different countries. Their perpetrators or torturers were – family members, parents, a spouse, like-minded others, pimps, traffickers, pornographers, and buyers.

This is the reality of how we came to know that we had to name the torture that Sara brought to us as non-State torture.

What we hope the chapter delivers, not only to Linda and my country of Canada, but to all States parties is the need to acknowledge that torture inflicted by non-State actors in the domestic private sphere must be legislatively addressed and named as torture to ensure that Article 5 of the Universal Declaration of Human Rights is non-discriminatorily applied as a human rights of all women and girls of all ages everywhere.

Additionally, in our chapter we gave our experience of taking a shadow report by the Canadian Federation of University Women to the UN Committee against Torture. What we were asking for was that non-State actor torture be criminalized in our country. The Committee agreed with us but Canada did not. Because they said it was based on “soft law” and as a consequence they do not have to reinforce it. As a consequence we have come to the conclusion that we support Rashida Manjoo’s, past Special Rapporteur on Violence against women, that in order to address the global issue of violence against women and girls we need a new human rights legally binding treaty with its own independent monitoring body, that will support women’s right to expect to be heard – that their denunciations are greeted with respect for their human rights equality and are dignity producing.

And I will close with an email we received yesterday from Elizabeth. She is a woman we have supported for the last six years; she is a victim of non-State torture and human trafficking and other exploitations. She says, “For non-State torture to have this acknowledgement is very profound – I can hardly believe it – it is transformational for women’s and girls’ human rights.”

So with that, Jackie, Linda, and I, and all the women that we have supported who have suffered non-State torture, we sincerely thank all who have made this possible. Thank you.

Contact information



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