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**Human Rights Council
7th session (3-28 March 2008)**

Item 3: Interactive dialogue

Report of the Special Rapporteur on torture and cruel, inhuman or degrading treatment or punishment, Manfred Nowak

Statement delivered by the World Organisation Against Torture (OMCT)

(list of co-signatories below)

Mr/Madam Chair,

The undersigned organisations warmly welcome the Special Rapporteur on torture's thematic report on « Strengthening the Protection of Women from Torture » and consider it a major step in the recognition of the specificities of acts of torture and ill-treatment against women and of the requirement of adequate responses thereto.

The acknowledgement by the Rapporteur that gender-based violence is always discriminatory strengthens and renders more concrete General Recommendation 19 of the Committee on the Elimination of Discrimination against Women (CEDAW). Accordingly, we call on states to apply a gender-sensitive definition of torture in light of the elements contained in article 1 of the Convention against Torture, discrimination being one of the purposes provided for. Significantly, the Rapporteur also recognises the context in which such violations occur, a context which tends to stigmatise the woman victim and not the perpetrator or the State. This situation must be reversed.

The Rapporteur sets a very high standard of due diligence so as to ensure that states are held accountable for their failure to prevent and punish gender-based violence, as well as to provide protection, rehabilitation and redress to victims, irrespective of whether this violence takes place in the public or private sphere. This responsibility requires strong positive obligations, including inter alia, the adoption of adequate legal provisions to combat such violence, criminalising gender-based torture as well as gender discrimination, the setting-up of sensitive law-enforcement, legal support, monitoring and rehabilitation mechanisms, and addressing the socioeconomic impact of violence on women. More specifically, States have the duty to address all obstacles to women's reporting acts of violence that may amount to torture or ill-treatment, be they societal – including family pressure or repudiation –, gender bias by the police or judiciary, economic dependence upon the perpetrator, the threat of loss of child custody or even, in some instances, criminal prosecution.

States should allocate sufficient resources for the support and rehabilitation of torture victims. Furthermore, specific treatment and facilities are needed for victims of rape, including access to post-exposure prophylaxis against HIV, and universities should be encouraged to establish specific centres of expertise and research on acute rape victims.

Chair,

We welcome the Rapporteur's conclusions and recommendations with regard to his own work and that of national and international monitoring mechanisms, in particular field visits. Such visits should include consulting and meeting with women's rights defenders and experts, visiting facilities where mainly women are deprived of their liberty or taken care of (including medical and social rehabilitation centres), as well as crisis centres and shelters, where women victims can be interviewed in a safe environment and relate their cases regardless of whether they suffered violence at hands of public officials, their partners, family members or any other person. In this regard, we congratulate the Rapporteur for addressing the issue of female genital mutilation in his reports on his country visits to Togo and Nigeria.

We stress the urgent need for states to promote regular scrutiny and accountability of institutions where women are deprived of their liberty, by means of independent visits and other monitoring mechanisms. We also encourage the mainstreaming of gender by the newly-established UN Sub-Committee on the Prevention of Torture. This development will require adequate support both from states and OHCHR.

As there is a strong social and discriminatory component in the perpetuation of torture and ill-treatment of women, we would like to ask the Rapporteur if he intends to undertake or encourage the conduct of joint field missions and joint consultations with the Special Rapporteur on violence against women, its causes and consequences.

As the introduction to the report presented by the Special Rapporteur calls for a gender-specific interpretation of torture, we also encourage the Special Rapporteur to explore other forms of gender-specific violence, such as rape committed against men, as well as torture and ill-treatment perpetrated on the basis of gender identity or sexual orientation.

Co-signatories in consultative status with ECOSOC:

Asia-Pacific Forum on Women, Law and Development (APWLD)

Canadian HIV/AIDS Legal Network

Center for Women's Global Leadership (CWGL)

International Federation of Action by Christians for the Abolition of Torture (FIACAT)

International Rehabilitation Council for Torture Victims (IRCT)

Co-signatory without consultative status: ARC International