



## Statement on the 2008 Report of the UN Special Rapporteur on Torture

The Global Campaign *Stop Killing and Stoning Women!* and the Women Living Under Muslim Laws (WLUML) international solidarity network, jointly welcome the new report by the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. Manfred Nowak.<sup>1</sup>

The Report amplifies the necessity of a gender-sensitive interpretation of human rights in order to be truly relevant and useful to the lives of countless of women who are daily facing enormous risks of their rights being violated in the name of 'culture' and religion. The victim's 'powerlessness' as the new element in considering what may constitute 'torture' was also endorsed.<sup>2</sup> He also reiterated that Article 1 of the Convention concerning consent and acquiescence by a public official clearly extends to State obligations in the private sphere (e.g. home and family). The State fails to fulfill these obligations if it fails to protect persons within its jurisdiction from torture and ill-treatment committed by private individuals and if its fails to exercise due diligence, to stop such ill-treatment and to provide remedies to victims of torture.

The Report highlighted female genital mutilation (FGM) as a violation falling within the Special Rapporteur's mandate and women sentenced to death by stoning and whipping as a method of capital punishment. The Report reiterated that any form of corporal punishment is contrary to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

Both organizations view the Report as an important development in international human rights law. It will be a new impetus to the work of member States, human rights and civil society organizations involved in monitoring, intervening and preventing human rights violations against women based on their gender. In its letter to Mr. Nowak, both organizations are urging the Special Rapporteur to consider the following in future missions and reports:

1. Include in its missions to State-member countries the interrogation of torture and other cruel, inhuman or degrading treatment or punishment committed by State **and** non-State actors being justified in the name of 'culture' and religion'; and
2. A report examining how customary laws and parallel legal systems in certain countries legitimize torture and other forms of cruel, inhuman or degrading treatment or

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<sup>1</sup> United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, (A/HRC/7/3, 15 January 2008).

<sup>2</sup> Ibid, page 7. The four (4) elements in determining what constitute 'torture' as defined in the UN Convention on Torture (CAT) are: severe pain and suffering (physical and mental); intent; purpose; and State involvement.

punishment specifically targeted at women. This report would be an extremely important follow-up to the 2007 Report by the UN Special Rapporteur on “Intersections between Culture and Violence against Women” (A/HRC/4/34, 17 January 2007). A partnership between the Special Rapporteur on Violence Against Women and on Torture would be strategic in making new inroads into work on gender-based torture.

The WLUML network, the *Stop Killing and Stoning Women!* Campaign, and our sister-organizations seek an end to the persistent misuse of religion and culture to justify the physical torture of women (including killing and maiming) as punishment for transgressing culturally-imposed ‘norms’ of sexual behaviour.

The Campaign firmly believes that the killing and maiming of women under any pretext is unjustifiable. It is a grave and serious violation of universal human rights of the International Covenant on Civil and Political Rights, which states in Article 6 that: “in countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes.” Article 7 of the Covenant holds that, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

The Global Campaign was launched in Istanbul, Turkey on 26 November 2007 on the occasion of the UN International Day to Eliminate Violence against Women with the UN Special Rapporteur on Violence Against Women, Yakin Ertürk, as the keynote speaker. The Campaign is now linked to a number of sister campaigns around the world, based on a commonly shared theme of opposing gender-based violence justified in the name of ‘culture’ and religion. It has recently inspired the formation of a national campaign, “Stop Criminalization and Inhuman Punishment of Women” launched in Jakarta on 28th April, 2008 by Indonesian women’s organizations.

You can find out more by visiting us at:

<http://wluml.org> and <http://stop-stoning.org>

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