

25th Anniversary of the Committee against Torture ~ Special Journal Report: Opening the Door on Non-State Torture

Jeanne Sarson & Linda MacDonald 2013

On May 7th, 2013, a celebration occurred to acknowledge the 25th anniversary of the functioning of the United Nations Committee against Torture. The activities were held at the Palais des Nations in Geneva. Invitation was extended to NGO colleagues.¹ As representatives of the Canadian Federation of University Women (CFUW) and members of the International Relations Committee Linda and I were in Geneva to attend the Government of Canada presentation of its Universal Periodic Review (UPR) report so were able to attend and participate in this celebratory process. The event was held in conference room XII. We walked through these doors carrying hope that torture by non-State actors would be included in the presentations and maybe we would have an opportunity to raise the issue in that CFUW has a policy and is engaged in advocating for the criminalization of non-State torture in Canada.



Attendees were predominately Embassy or State party representatives, NGOs, and UN press. The event consisted of two panel discussions, concluding with a social time for gathering and connecting with others, hosted by the Permanent Missions of Chile and Denmark. We looked for governmental representatives from Canada; it appeared none were present.

Panels I and II



Panel I and country or State representatives

The event was organized around two thematic panels.² The first panel focussed on identifying the main achievements and challenges faced by

the Committee. The second reflected on State party's obligations with regard to redress for victims of torture, in light of the



Panel II and country or State representatives

¹ <https://docs.google.com/file/d/0B6XUJ0SW4C68NG9PWk50NIVmaVk/edit?pli=1>

² <https://docs.google.com/file/d/0B6XUJ0SW4C68Z2M3bnNHMjJGLUU/edit?pli=1>

Committee's General Comment No. 3 on Article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

All members of the Committee against Torture were present. Claudio Grossman, Chairperson of the Committee, presented a welcoming address. Moderating and introducing the first panel was Xuexian



Felice Gaer,
Committee against Torture

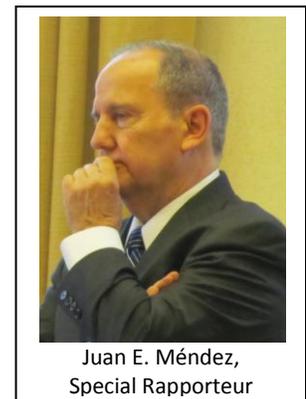
Wang, Vice-chairperson of the Committee; panel II was chaired by Felice Gaer also Vice-chairperson of the Committee. For those who attended the CFUW NGO panel event held this year during the 57th session of the Commission on the Status of Women, at the United Nations Headquarters in New York City, you will know that Felice was a panelist on the CFUW NGO panel entitled *Genderizing the UN Convention against Torture (CAT) & Non-State Torture Victimization*.³

Felice, in her introduction, noted women's representation on Panel II as opposed to Panel 1 which had no women panelists as illustrated in the above panel pictures. However, in speaking to Mr. P. Splinter, panelist representing Amnesty International, he told Linda and me that Amnesty had planned for a woman representative but of the two women possibilities neither could attend. Also absent was Rashida Manjoo, the Special Rapporteur on violence against women, its causes and consequences; we understand this was due to a lack of travel funding.

Points from Panel I and Non-State Torture

Presentations included acknowledging that the Committee is the smallest of such UN processes. The work of the Committee is not about promoting the acknowledgment that torture occurs as this has been globally established, rather the Committee's work involves remedying the way States parties perceive and implement the CAT so as to strengthen its prohibition. The work of the Committee is complemented by other United Nations linkages.

Juan E. Méndez, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment spoke of his work and of his recent report on harms that occur within health-care settings. In it he presents how mistreatments may cross the threshold that moves them into being considered torture or cruel, inhuman or degrading treatment or punishment.⁴ His report applied to both State and non-State actors in the public and private spheres. He spoke about the need to amend laws where necessary and about hidden areas where acts of torture can/do take place.



Juan E. Méndez,
Special Rapporteur

As all members of CFUW take with them their professional experiences and wisdom, Linda and I as health professionals have a *Code of Ethics for Registered Nurses* that involves

³ http://nonstatetorture.org/files/9713/6140/7156/Poster_2013_CFUW_panel.pdf

⁴ A/HRC/22/53.

attending to global health concerns including violation of human rights.⁵ His report is significant to both Linda and I therefore took the opportunity to speak with him about the importance of his report.

Mr. Splinter, of Amnesty International, specifically included violence against women and girls and its perpetration by non-State actors. Being a Canadian, Linda and I were able to discuss with him possible strategies that might assist CFUW advocacy. We will conclude this journal article with a list of suggestions that sprung from all our conversations.

Points from Panel II and Non-State Torture

Although **Emilio Alvarez Icaza Longoria**, Executive Secretary of the Inter-American Commission on Human Rights, spoke mainly of torture victimization inflicted by State actors. The points made by Ms. Longoria were:

- That redress needs to be specific to the individual so victimized,
- That the torture of children requires specific specialized consideration, understanding, and care, and
- The structural root issues of violence and discrimination must be addressed including specific training for public officials in order to address public accountability.

These points can apply to torture victimization inflicted by non-State actors and the CFUW policy urging the Government of Canada to criminalize non-State torture; and to exercise due diligence accountabilities by initiating into Canadian policies and practices gender-sensitive frameworks that uphold Canada's commitments to human rights.⁶ This policy addresses the structural issues that continue to negate that non-State torture occurs in Canada and that infants, preverbal and older children and women do suffer torture by non-State actors.

Mercedes Doretti, Chairperson of the Board of Trustees of the Voluntary Fund for Victims of Torture, which she created in 1981, was strong on the need for resources to support a victim-orientated approach. She also spoke of torture by non-State actors that occurs in the home or in the private or domestic sphere.

Sarah Fulton, a lawyer elected to the Supreme Court of England and Wales, who works for the UK NGO Redress, told the story of Keith Carmichael, the founder of Redress. Following his release from unlawful imprisoned and torture in a Saudi Arabian jail in 1984, he sought regress or reparation. Although the right to redress or reparation existed in law he found achieving it as a survivor has remained unattainable.⁷ Redress was born in 1992.⁸ Ms. Fulton spoke of the need to have greater public understanding of torture victimization. She spoke about the need to respond seriously to the discrimination, stigmatization, and fear experienced by persons so victimized and of the necessity for

⁵ http://www2.cna-aiic.ca/CNA/documents/pdf/publications/Code_of_Ethics_2008_e.pdf

⁶ CFUW. (n.d.). *The policy book 1964 – 2011*. (p. 167).

http://www.fcfd.org/Portals/0/Advocacy/Policy%20Book%202011_Links.pdf

⁷ <http://www.redress.org/downloads/survivors-stories/KEITH%20CARMICHAEL%20Statement.pdf>

⁸ <http://www.redress.org/about-redress/who-we-are>

domestic remedies that help restore the dignity of persons so tortured. Domestic remedies she mentioned included the need for informed and specialized care to meet the specific needs of the individuals, for States to empower those so tortured by removing legal barriers, to develop laws where needed, and to stop the repetition of torture victimization. Ms. Fulton spoke of torture perpetrated by both State and non-State actors.

Behind the Scene

The organizational work that culminated in a successful celebration for the most part is invisible. But Linda and I personally want to acknowledge that our invitational presence to this celebratory event was facilitated by Ms. Bounkham Corvalan (Cassy), Administrative Assistant Committee against Torture, seen in this accompanying photo with Nora Sveaass, expert member of the Committee against Torture. We also met with Adele Quist to personally thank her for facilitating our attendance to the 25th Anniversary of the Committee as this was a most unexpected but important event for us as a member of the International Relations Committee of the CFUW as well as professionally.



Nora Sveaass and Bounkham Corvalan (Cassy)

Press Release

To view the UN Press Release (7 May 2013) follow this link: <http://goo.gl/brrcs>.

Attendees had an opportunity to make a comment or ask a question. I was able to comment on how important it was for the Committee to acknowledge that members of a family can be perpetrators of torture as was included in paragraph 3 of their General Comment No. 3 on Article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. I also expressed my “appreciation for bringing into the discussion torture perpetrated by non-State actors and asked why States were reluctant to address this issue.” (See discussion section of the Press Release).

Advocacy Suggestions and Professional Outcomes

The importance of ECOSOC status for NGOs began in 1946 when 41 were granted consultative status. Today there are more than 3,400. Navanethem Pillay, United Nations High Commissioner for Human Rights stated that

one cannot overestimate the contribution that civil society has made towards the development of international human rights standards. [...] Today, civil society’s views, practical knowledge and scholarship are as crucial to the human rights movement as ever in the pursuit of justice and equality for all (2008).

This position was repeatedly voiced to Linda and me this year when we met with various department staff at the Office of the High Commissioner for Human Rights while attending the Government of Canada Universal Periodic Review (UPR) session. Hence;

Suggestion 1: There was encouragement that CFUW as an NGO with ECOSOC status be present more frequently to provide input for the promotion of human rights and to speak to the prevention of human rights violations; therefore, a suggestion that CFUW consider registering a few members as delegates to the United Nations in Geneva.

During the second panel I had an opportunity to ask a question, as did others. My question included asking why governments are so reluctant to address torture by non-State actors.

Suggestion 2: It was suggested that an elected Member of Parliament be sought to ask the present government why the government is choosing to ignore the Concluding Observations of the Committee against Torture presented to Canada in 2012. The concluding Observations addressed the need for Canada to incorporate into domestic law torture perpetrated by non-State actors.⁹

Linda and I had an opportunity to have encouraging conversations with NGOs about the need to recognize torture perpetrated by non-State actors as a specific violation of human rights. These NGOs included Mr. Splinter of Amnesty International; Sarah Fulton of Redress; Mercedes Doretti, Chairperson of the Board of Trustees of the Voluntary Fund for Victims of Torture; as well as NGOs who spoke from the audience such as the NGO Freedom from Torture.

Suggestion 3: Linda and I will follow-up these discussions for possibilities that NGOs could collaborate together in the future to establish the human rights recognition that non-State torture is a specific violation of human rights suffered by women and girls including sexualized and reproductive tortures.

Professionally, Linda and I were privileged to be told by an NGO that our professional website is a source of resource material and that probably our 20 years of pushing for non-State torture to be considered as a specific human rights violation in Canada and around the world has contributed to the increasing awareness that women and girls, and of course some men and boys, endure acts of violence that must be considered torture perpetrated by non-State actors or private persons.

CFUW has had almost 95 years of advocating for human rights. Linda and I continue to thank all CFUW Board and Club members and the CFUW International Relations Committee for standing with us to make a better world by seeking human rights equality and social justice not only for Canadian women and girls but for all women and girls worldwide.

⁹ CAT/C/CAN/CO/6.