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To:
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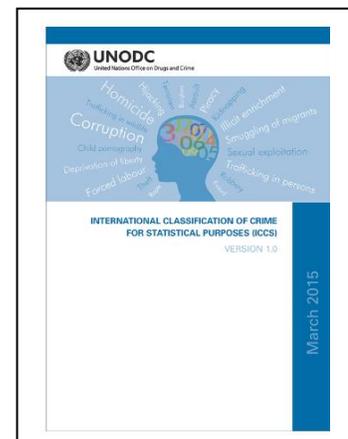
Dear Members of the Statistics and Surveys Section;

I am writing to provide feedback points re the [International Classification of Crime for Statistical Purposes \(ICCS\) Version 1.0, March 2015](#); in particular classification section 1101 —Torture.

Point 1: Expanding the description. In reading section 1101 torture my impression is that the description of “torture of a person” is referring to torture inflicted by State actors. If so, this ignores the principle of non-discrimination that applies to human rights as articulated in the Universal Declaration of Human Rights. Article 2 states that all articles in this Universal Declaration apply equally to all persons. This means article 5 which states that ‘no one shall be subjected to torture’ is a human right that belongs to all persons—adult or child, woman or man, girl or boy—regardless of whether the torturer is a State or non-State actor; therefore, it is necessary to expand the description to read, “torture of a person by State or non-State actors”.

Point 2: Descriptive behaviours as the unit of classification of the ICCS.

Given that the descriptive behaviours or acts of the perpetrator of a crime, in this case the crime of torturing, are used by the ICCS for classifying or defining a specific criminal offence, then it makes no difference who the torturer is—State or non-State—because the focus of classifying and defining the criminal offence is on the descriptive acts perpetrated. The behavioural acts of State torturers are often referred to as ‘classic’ torture; recognition must be equally given to the reality that non-State tortures also inflict classic torture. A listing of these descriptive acts or behaviors of classic torture can be viewed on page 11 of the background paper, [Eliminate Torture in the Private Sphere](#), my colleague, Linda MacDonald, and I distributed at our side-event and to members of the 24th session of the Commission of Crime Prevention and Criminal Justice (CCPCJ) while in attendance in May of this year in Vienna. This is also where I picked up



this [ICCS March 2015 report](#). Additionally, Linda and my background paper presents the human right rationale supporting the need to uphold article 5 of the Universal Declaration of Human Rights as mentioned in point 1 when the torturer is a private person or group—a non-State actor.

Point 3: The seriousness of the act/event as criteria used to build categories of the ICCS. The seriousness of the act, in this case the seriousness of the act of inflicting classic torture is the same regardless of who the perpetrator is—State or non-State. For example, the seriousness of electric shocking is not altered simply because the electric shock is delivered by a State actor versus a non-State actor. The behavior or act of inflicting electric shocks as a weapon of torturing remains descriptively the same, therefore, the description of “torture of a person” must equally refer to torture inflicted by non-State or State actors.

Point 4: Means by which the act/event is perpetrated as criteria used to build categories of the ICCS. Two examples of means are suggested in the ICCS report (p. 13). These include violence and threat of violence. Torture and the threat of being tortured are violent means. Therefore, the criteria of violent means are the same regardless of who the torturer is—non-State or State.

Point 5: Minimum set of disaggregating variables that should be applied to criminal offences. Applying the three minimum disaggregating variables listed in the ICCS report (p. 16) to torture means: (a) addressing the event descriptions of the acts of torture including the weapons or tools used, such as electric shocking cables, (b) collecting descriptions of the victimized tortured person, by sex, age, and citizenship for example, and (c) gathering descriptions of the perpetrators—the torturers—also by sex, age, citizenship, and victim-torturer relationship. Therefore, meeting the minimum set of disaggregating variables that should be applied to the criminal offence of torture is equally definable whether the crime of torture is perpetrated by non-State or State actors.

Conclusion: I present the above points briefly. My intent is to highlight as simply as possible the need to reinforce the principle of non-discrimination when working towards the classification structure of the criminal offence of torture. Torture is a non-derogable human right that must be upheld regardless of who the torturer is—non-State or State actor—regardless of whether the acts of torture are perpetrated in private or public spheres—regardless of who the person being tortured is because their human right not to be subjected to torture is non-derogable. I draw attention to this so the work of the Statistics and Surveys Section will promote human rights equality in the rule of law and be universal and non-discriminatory in its efforts to “enhance consistency and international comparability of crime statistics and improve analytical capabilities at both the national and international levels” [as described](#).

My points reflect the knowledge that acts of classic non-State torture perpetrated in the private sphere has been an invisibilized human rights violation. This knowledge emerged for Linda and me in 1993. Thus, we have spent the past 22 years providing grass root support, researching, educating, and writing to expose the horrific reality of classic non-State torture perpetrated in the private sphere against mainly women when they were children and or as adults. Therefore, I thank you for welcoming, in the opening page of the ICCS report, receiving comments on the ICCS report. I will also welcome hearing what actions are taken by the Statistics and Surveys Section to ensure the inclusion of non-State torture as a crime in classification section 1101—Torture.

Sincerely,

Jeanne Sarson