

A Response to the Call for Written Submissions Consultation on OHCHR's Management Plan 2014-2017

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As health professionals with 20 years of grass root expertise researching, presenting, writing, and listening to detailed atrocities of mainly women disclosing torture victimization perpetrated by non-State actors in the private or domestic sphere, either in childhood or adulthood, the Committee against Torture was instrumental in gaining recognition of their human right violation. Women (a few men and transgendered persons), have reached us from many industrialized countries, telling of the classic torture suffered which mirrors the classic torture inflicted by State actors globally.

The Canadian Federation of University Women (CFUW) submitted a shadow report on non-State torture to the Committee.¹ We, as representatives, attended the Committee session last May when Canada reported. This year we organized the CFUW CSW panel 'Genderizing the UN Convention against Torture (CAT) & Non-State Torture Victimization' including Felice Gaer, Committee expert, and Jeanette Westbrook who survived non-State torture speaking of the significance to her human rights, dignity, and equality when the Committee recognized torture by non-State actors.²

Therefore:

Given this is the 25th Anniversary of the Committee against Torture and its evolution to address torture by non-State actors (i.e., the 2008 Committee against Torture General Comment No. 2: Implementation of Article 2 by States Parties,³);

Given the following human rights instruments distinctly address that no one should be subjected to torture; the

- *Universal Declaration of Human Rights*, article 5;
- *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT);
- *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), General Recommendation 19, 7(b);
- *Declaration on the Elimination of Violence against Women*, article 3(h);
- *International Covenant on Civil and Political Rights* (ICCPR), article 7;

Given that non-State or State torture is accepted as a peremptory norm from which States may not derogate under any circumstances;

Given that torture along with international instruments, women's and children's rights, and seeking justice are the top five human rights issues raised in the UPR process;

Given the need to operationalize gendered human rights equality not to be subjected to torture when promoting the UN *Declaration on Human Rights Education and Training*;⁴

Given gender-based manifestations of torture impact on the health and life of millions of women and girls globally;

Given that manifestations of gender-based torture perpetrated by non-State actors is still predominately invisible our suggestions for the OHCHR's Management Plan 2014-2017 are:

- 1. Plan an educational CSW Side Event next year co-operatively with the Committee against Torture, sharing equal knowledge on State and non-State inflicted classic torture.**
- 2. Hold a forum on classic torture—non-State and State—facilitating persons so victimized to speak (Similar to the human trafficking forum.⁵)**
- 3. Present a future CSW Side Event on manifestations of violence against women and girls identified as torture by past and present Special Rapporteurs (i.e., FGM, acid and widow burning, including classic non-State torture).**

¹ CFUW. (2012, April 8). *A shadow report: Canada fails to establish non-state actor torture as a specific and distinct criminal human rights violation*.

<http://nonstatetorture.org/files/3313/5904/1307/CFUWShadowReportCanadaCAT48.pdf>

² CFUW. (2013). *Genderizing the UN Convention against Torture (CAT) & Non-State Torture Victimization*. http://nonstatetorture.org/files/9713/6140/7156/Poster_2013_CFUW_panel.pdf

³ CAT/C/GC/2. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/402/62/PDF/G0840262.pdf?OpenElement>

⁴ UN General Assembly. (2011, December 19). Resolution 66/137. Available <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/N11/577/86/PDF/N1157786.pdf?OpenElement> & <http://www2.ohchr.org/english/issues/education/training/UNDHREducationTraining.htm>

⁵ OHCHR. (2010, June 7). *Survivors of human trafficking – breaking the silence*.

<http://www.ohchr.org/EN/NewsEvents/Pages/SurvivorstraffickingBreakingthesilence.aspx>