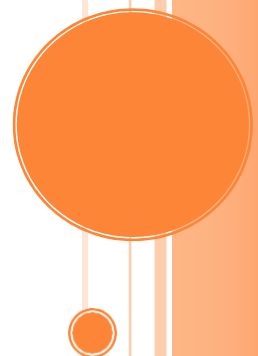


REPORT 2021 - 2023

*WORKING GROUP ON GENDER-BASED
VIOLENCE AS TORTURE INFLICTED BY NON-
STATE ACTORS (NST)*

Documenting research towards a model strategy to promote global awareness
to end non-State torture crimes

Ingeborg Geyer Working Group co-ordinator
6/3/2023



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Preamble

The aim of this working group is to document research towards a model strategy to promote global awareness to end non-State torture crimes, especially against women and girls

The Working Group on non-State torture concentrates on analyzing systematically all UN documents with references to GBV and Torture as well as the reports of the special rapporteurs and other publications, including work of individual members of the NST working group in a series of webinars and zoom meetings. A collection of background materials is on the website of the working group as well as the videos of side events, exhibitions and statements.

We are encouraged by a group of independent UN human rights experts and (former) special rapporteurs, who have already signaled the need to change the direction of this existing legacy and insisted that the UN address this issue on a urgent basis. They observed that the climate of impunity regarding the pervasiveness of armed non-State actors' involvement worldwide – during both armed conflict and other situations of violence – continued to sustain and proliferate practices of torture and ill-treatment, they considered it imperative that existing international legal protections be effectively implemented to safeguard the human rights of individuals and groups.

Recently the Special Rapporteur on Violence against Women Reem Alsalem became aware of the WG's activities and confirmed her support.

Several Vienna-based diplomats have expressed an interest in our initiative: we believe that time is ripe to advance towards the development of a more formal document - a Declaration? - on non-State torture to be submitted to member States for their consideration.

Members of the Working group

The formation of a working group started in September 2021 and has been broadened continually

Co-ordinator: Ingeborg Geyer (ZONTA International)

Members:

Anna Alvazzi del Frate (KENNIS, Vize-Chair of the Alliance)

Evelyn Dürmayer (IADL)

Fatima Haider (2023, TGD)

Tobias Krachler (2021-2022; DfJ, Secretary Crime Alliance)

Linda MacDonald (NST actors)

Eva Nudd (2023) (2023, DIGNITY)

Ana Paula Oliveira (2023, GI-TOC)

Sabine Peters (ZONTA International)

Jeanne Sarson (NST actors)

Eduardo Vetere (Former Director of the Division for Treaty Affairs UNODC)

Linda Witong (Soroptimist; Board member Alliance)

Exhibition 2022: Lisa Maria Schmidt, Ronja Janu, Sarah Pirker, Sara Pavone (intern)

Exhibition 2023: Silvia Marino (intern), Alessia Tonti (intern), Jeanne Sarson, Linda Mac Donald, Fatima Haider, Sarah Pirker

Legal Mapping conducted by Ana Paula Oliveira (GI-TOC)

Overview of activities

1. Statements

1.1 Thematic Discussions of CCPCJ on 10 November 2021

The Thematic Discussions of the Commission on Crime Prevention and Criminal Justice on the Implementation of the Kyoto Declaration, 10-12 November 2021
Thematic Session 1

Addressing the causes, including the root causes of crime; enhancing evidence-based crime prevention and promoting tailor-made crime prevention strategies

https://crimealliance.org/resources/documents/45_2022-04-26_CCPCJStatementKyoto.pdf

1.2 CCPCJ in May 2022

Submitted by the International Association of Democratic Lawyers (Chair of the Alliance of NGOs on Crime Prevention and Criminal Justice Working Group on Gender-based violence as a form of non-state torture)

Addressing gender- based violence as torture inflicted by non-state actors
E/CN.15/2022/NGO/6;

https://crimealliance.org/resources/documents/44_document.pdf

1.3 Thematic Discussions of CCPCJ on the implementation of the Kyoto Declaration 5-7 December 2022

Stop Non-State Torture: Enforce Human Rights for Everyone

https://crimealliance.org/resources/documents/43_2-pager.pdf

1.4 CCPCJ May 2023

Statement submitted by International Association of Democratic Lawyers (IADL), a non-governmental organization in special consultative status with the Economic and Social Council

The issue of torture inflicted by non-State actors as addressed by domestic laws

https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_32/NGO/ECN152023_NGO6.pdf

1.5 CCPCJ May 2023

Access to Justice (oral statement, delivered by IADL on behalf of the Working Group)

<https://www.youtube.com/watch?v=KIEALhcP-rM>

2. Side events

2.1 CCPCJ 2022

Gender based violence as torture inflicted by non-State actors, sponsored by Honduras and Finland, 9 May, 2022

The aim of this side event was to recommend a declaration that addresses torture by non-State actors as a model strategy to promote global awareness to end non-State torture crimes against women and girls and to reconsider describing domestic violence as torture in order to explain both the purpose of abuse and its full pattern. The speakers Linda MacDonald and Jeanne Sarson (activists), Rashida Manjoo and Manfred Nowak (former rapporteurs), Julissa Villanueva (Undersecretary of Security, Honduras), Lutz Oette (Co-director, Centre for Human Rights Law), Eduardo Vetere (Executive Secretary of the Eighth, Ninth and Eleventh UN Crime Prevention and Criminal Justice Congresses) provided examples, reported on the existing domestic laws and international regulations, connected with the international framework of standards and norms and the Kyoto Declaration, identified gaps and needs for more explicitly addressing gender-based violence in existing international instruments. The event was moderated by Aarne Kinnunen, Ministry of Justice Finland.

See: <https://youtu.be/BEdDHeQYXSc>



2.2 Thematic Discussions of CCPCJ on the implementation of the Kyoto Declaration 5-7 December 2022

Stop non-State Torture: Enforce Human Rights for Everyone, sponsored by Honduras and Finland

<https://crimealliance.org/what-we-do/nst/23>

2.3 CCPCJ 2023

Gender-Based Violence - Rethinking the Definition of Torture co-sponsored by Honduras on May 25th 2023

<https://crimealliance.org/what-we-do/nst/25>

3. Exhibitions

3.1. Stop Non-State Torture: „Enforce the Human Rights of Women & Girls” with support of Honduras

14 -17 November 2022 in the Rotunda

15 videos which were recorded of Canadians and individuals from other countries who speak of healing from non-State torture crimes or who are advocates for its recognition as a specific crime of torture.

The exhibition has been designed by 2 art students from the University of Applied Arts in Vienna. The exhibition took place from 14 -17 November 2022 with a daily informal dialogue at 12:30pm with special topics:

14 November: *opening with Jean-Luc Lemahieu; Julissa Villanueva (Honduras);*

15 November: *Why do we need a UN Declaration on Torture by Non-State Actors?*

16 November: *Non-State Torture is a Global Human Rights Violation & Crime*

17 November: *Reflections on three days of exhibition*

As a follow up a side event was organized during the Thematic discussions, see 2.2

3.2 Torture by Non-State Actors. Who is accountable?

A power point presentation, displayed on an info screen, gave insights in the various forms of gender based violence, harmful practices such as FGM, child marriage, acid burning, discrimination etc. accompanied by comments and quotes from special rapporteurs and UN documents referring to torture of Non-State-Actors. <https://www.youtube.com/watch?v=pWtNOjwrAnI&t=7s>

A series of artwork by victims of torture complemented the presentation together with links to videos of interviews with victims from the previous exhibition.

Original material is posted at <https://crimealliance.org/what-we-do/nst/>

4. Networking meetings

19 November 2021: Meeting with UNODC: Claudia Baroni and Sven Preiffer,

19 January 2022: Meeting with ,El Salvador

03 April 2022: Meeting with Finland and Honduras

12 May 2023: Meeting with GRULAC

22 May 2023: Meeting with Special Rapporteur on Violence against Women 21 May 2023

5. Documentation

- Stop Non-State Torture: Enforce Human Rights for Everyone
https://crimealliance.org/resources/documents/43_2-pager.pdf
- Observations Nils Melzer Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
https://crimealliance.org/resources/documents/46_2022-07-07_UNCATat2022.pdf
- Compendium of legal cites regarding torture
https://crimealliance.org/resources/documents/42_42_compendium_of_legal_cites_November_2022.pdf
- **legal mapping**
- **Conference room paper long version**

See website for updates: <https://crimealliance.org/what-we-do/nst/>

Next steps

- Finalize the draft of the legal analysis on non-State torture provisions
(Ana Paula)
- Prepare a case of private torture for special procedure to be sent to the Special Rapporteur Reem Alsalem
- Prepare a documentation of activities and revise the website
- Follow up with GRULAC and interested Member States
- Follow up with UNODC