

According to Article 2 of the Convention Against Torture (UNCAT), each state party should take effective measures to prevent acts of torture. The obligation to prevent torture and ill-treatment (i.e., cruel, inhuman, or degrading treatment or punishment) (CIDT) is wide ranging and closely related to accountability and the obligation to redress. The chapter presents and discusses CAT jurisprudence in areas such as sexual abuse and other forms of violence against children and adults in domestic settings, as well as in armed conflict, human trafficking, and harmful traditional practices. Questions related to the deprivation of liberty in health care settings, such as involuntary hospitalization of persons with psychosocial disabilities, are discussed. The chapter emphasizes the State's obligation to show due diligence to prevent acts of torture and ill-treatment by the state and also by private actors.

Convention Against Torture (UNCAT); prevention of torture and cruel, inhuman, or degrading treatment (CIDT); state and nonstate actors; due diligence; gender-based violence

## CHAPTER 9

# The United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

### The Absolute Prohibition and the Obligation to Prevent

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### Introduction

The United Nations () Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (UNCAT) (United Nations, 1984) was adopted by the United Nations General Assembly on December 10, 1984 and, after ratification by the 20th state party, came into force on June 26, 1987. This date is recognized as the International Day in Support of Victims of Torture and is marked every year to honor victims of torture and address and claim their rights to justice and reparation.

Since the Convention's entry into force, the absolute prohibition against torture and other acts of cruel, inhuman, or degrading treatment or punishment has become accepted as a principle of customary international law, often referred to as a peremptory norm or *jus cogens*. This means that the absolute prohibition is binding also to states that have not ratified the Convention, and it constitutes a principle from which no state may

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derogate (see Vienna Convention on the Law of Treaties, 1969, Article 53). As of May 2015, the UNCAT has 159 state parties, and 10 states are signatories to the Convention (Office of High Commissioner for Human Rights, 2016).

In this chapter I discuss the practical application of the Convention for the purpose of eradicating, preventing, and punishing torture and ill-treatment, as well as protecting against torture and ill-treatment and providing redress for victims. For a better understanding of the nature and extent of ill-treatments covered by the Convention, I provide an overview of what it implies for states to ratify this treaty in terms of reporting, collaborating, and implementing its requirements in practice. The chapter starts with a discussion of the definition of torture, as understood and implemented by the Committee Against Torture (hereafter CAT or the Committee), which is the United Nations (UN) body established to monitor the states' compliance with the Convention.

## Torture and State Responsibility

The Convention prohibits torture, and in accordance with the definition of torture in Article 1 and the CAT's jurisprudence, its focus is on acts for which there is involvement of state or some form of state responsibility. State involvement and responsibility relate both to acts of violations actually committed and acts of omission, that is, where state or state agents have failed to protect and prevent. This means that lack of action may also result in violations of the Convention's obligations. As for state responsibility, Article 1 of the Convention refers to pain and suffering that is "inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." The reference to "other person acting in an official capacity" means persons who have "de facto" authority in the territory. The term "consent" refers to

situations in which a person inflicts pain or suffering upon approval, agreement, or acceptance, or at the specific instruction of a public official, but it may also include acts for which there may be a less explicit consent or delegation. The term “acquiescence” refers to situations in which pain and suffering are inflicted when officials or others acting in an official capacity, or under color of law, know what happens, but do nothing to stop or prevent the impermissible acts from happening. The Committee (CAT, 2008a) has made it clear that:

where State authorities or others acting in official capacity or under color of law, know or have reasonable grounds to believe that acts of torture are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts. (para. 18)

The claim that “they did not know” that painful acts were performed, intentionally and with a prohibited purpose, including discrimination of any kind, has on numerous occasions been referred to by the CAT as an insufficient reason for not assigning responsibility, or not being held accountable for the acts. The principle of due diligence, which will be discussed later under the obligation of states to prevent torture, requires that the state intervene and prevent, investigate, prosecute, and punish nonstate officials and private actors (CAT, 2008a). State responsibility is, as noted earlier, linked to direct action, the instigation of violations, delegation and consent, acceptance and acquiescence,

and omissions and lack of due diligence in situations in which the state should have known, been aware of, and protected the victim or prevented the action.

The violations that are referred to in this chapter are acts and omissions that fall under or are of concern in the context of the Convention. In other words, they are serious and painful acts that can be understood as coming under or be in any way related to the state obligations laid down in the treaty. This means that the main difference between the forms of violence or abuse referred to in this chapter and other forms of serious events that may result in severe trauma is that the former can be tied to state responsibility at some level. As the Convention defines a responsibility related both to acts and omissions, the scope of the obligations is fairly wide, ranging from a state official's direct infliction of pain in detention to a lack of action by the state officials to prevent violence in homes. And as part of compliance with the Convention's provisions, a large number of conditions come into play in relation to the relevant legal framework, the actual implementation of the Convention on the ground, monitoring of implementation, and evaluation of its outcome.

## Definition of Torture and Ill Treatment

The definition of torture, as set forth in Article 1 of the Convention, is based on four central elements: The first one relates to the nature of the act, defining it as one that causes severe pain or suffering, whether physical or mental. The second relates to the intention of the perpetrator—that is, the pain inflicted must be intended. The third relates to the purpose of the act:

... “obtaining from him or a third person information or a confession,  
punishing him for an act he or a third person has committed or is

suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind...”. (United Nations 1984, p. 15)

The fourth element refers to the condition that the pain and suffering are inflicted at the instigation by, or with the consent or acquiescence of, a public official or other person acting in an official capacity, as discussed earlier. The Convention requires that all four elements are included in the states’ national legislation defining torture, as will be discussed further later in this chapter. The Convention also covers the prohibition against other forms of cruel, inhuman or degrading treatment or punishment when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

Article 16 of the Convention states that other acts of cruel, inhuman or degrading treatment or punishment ( hereafter ill-treatment or CIDT) that do not amount to torture as defined in Article 1 must be prevented. Furthermore, the article states that the obligations contained in Articles 10, 11, 12, and 13 apply to ill-treatment in the same way as they do to torture. This means that training in the prohibition of torture shall also include training in the prohibition of CIDT. It also means that the obligation to prevent torture as part of interrogation or as a consequence of arrangements for arrest, custody, or detention includes the obligation to prevent ill-treatment in such settings (Article 11). Furthermore, there is an obligation on the part of states to ensure that there is a prompt and impartial investigation whenever there is reasonable ground to believe that an act of torture or ill-treatment has been committed in any territory under its jurisdiction.

Likewise, Article 13, which concerns the right of any individual who alleges torture or CIDT to complain and to have his or her case promptly and impartially examined, applies both to torture and ill-treatment. The right to be protected against ill-treatment or intimidation as a consequence of one's complaint or of any evidence provided is a central element of this article. It is difficult to make a distinction between torture and ill-treatment, and the Convention clearly prohibits both. As Theo van Boven has noted, “. . . all substantive articles of the Convention are likewise obligatory as applied to both torture and ill-treatment” (van Boven, 2008, p. 219).

The right to redress, as formulated in Article 14, was not specifically included in Article 16. This has often been understood as implying that persons who have suffered CIDT have a limited right to redress. Nevertheless, through the jurisprudence of CAT, as well as the General Comment No. 3 on Article 14, the obligation to provide redress, including rehabilitation, extends both to victims of torture and persons subjected to ill-treatment (Sveaass, 2013). The General Comment specifies that the “State parties shall ensure that victims of torture or ill-treatment obtain full and effective redress and reparation, including compensation and the means for as full rehabilitations as possible” (CAT, 2012a, para. 5). And further, as part of their obligations, the states parties to the Convention must prohibit and prevent torture. As stated in General Comment 2, preventing ill-treatment is a means of preventing torture, and CAT therefore requires that both be prohibited.

In an overview of the “Interpretation of Torture in the Light of the Practice, and Jurisprudence of International Bodies,” the United Nations Voluntary Fund for Victims of Torture (UNVFT, 2011) noted:

Torture is not an act in itself, or specific type of acts, but it is the legal qualification of an event or behavior, based on the comprehensive assessment of this event or behavior. Therefore, the difference between these different qualifications, torture, cruel, inhuman and degrading treatment or punishment, or ill-treatment depends on the specific circumstances of each case and is not always obvious. (p. 2)

The UNVFT also makes it clear that the distinction between torture or ill-treatment and acts that are not so classified depends on the conditions under which the acts are committed, by whom and why, and the severity of pain caused. Likewise, in the General Comment No. 20 on Article 7 of the Covenant of Civil and Political Rights, the Human Rights Committee notes that it does not “consider it necessary to draw up a list of prohibited acts or to establish distinctions between the different types of punishment or treatment” because “the distinctions depend on the nature, purpose and severity of the treatment applied” (United Nations Human Rights Committee, 1992, para. 4).

At the same time, the General Comment No. 2 of the CAT points to the fact that the definitional threshold between ill treatment and torture is often not clear and that “. . . the conditions that give rise to ill-treatment frequently facilitate torture” (CAT, 2008a, para. 3). Accordingly, “the Committee has considered the prohibition of ill-treatment to be likewise non-derogable under the Convention and its prevention to be an effective and non-derogable measure” CAT, 2008a, para. 3).

## Relationship Between Infliction of Pain and Its Consequences

As noted earlier, two main elements that distinguish torture from other forms of ill treatment are purpose and severity of pain or suffering. The weight that needs to be given



to each of these elements is an ongoing discussion, as also reflected in this book. Torture constitutes a trauma according to Criterion A of the definition of posttraumatic stress disorder (PTSD) in the *Diagnostic and Statistical Manual of Mental Disorders, fifth edition* (American Psychiatric Association, 2013; see also McNally, chapter 7).

Although infliction of severe pain or suffering is a basic condition for an act to be considered as torture or ill-treatment, international law and the human rights system do not make a hierarchical distinction among various forms of torture or ill treatment on the basis of their severity or consequences. Thus, regardless of the consequences of such acts, whether lifelong chronic disability or resilience and recovery, nothing can justify these acts of violence, nor any attempt to define torture or ill-treatment by its consequences alone—a point clearly stated by the CAT in its review of the state report by the United States both in 2006 (CAT, 2006, para. 14) and in 2014 (CAT, 2014b, paras. 10 & 11). International law is concerned with the prohibition of these unlawful acts and how states deal with them, whether they occur in the form of torture in a military prison, rape in the schools, beating of children by parents, sexual abuse in conflict, locking up young women to be trafficked, and so on. These are all forbidden and punishable acts, regardless of whether the person develops PTSD, dissociation syndrome, bipolar psychosis, suicidal behavior, or aggressive reactions, or survives the act in good psychological health.

## What Does Ratification of the Convention Against Torture Imply?

The Convention requires that states take all effective measures necessary to prohibit and prevent torture in any territory under their jurisdiction. Furthermore, Article 3 forbids states to return people to any country where there are substantial grounds to believe that

they would be in danger of being subjected to torture. It states clearly that there can never be any justification for torture and that impunity and amnesty for acts of torture constitute serious violations of the convention. The Convention highlights the importance of training relevant personnel about the Convention and the absolute prohibition of torture and presents an international guarantee of the right of victims of torture to redress. The scope and breadth of the obligations laid down by the Convention are described here and illustrated by examples based on the jurisprudence of the Committee.

## Reporting Obligations

Ratification of conventions entails a wide range of obligations for states. There are 10 treaty bodies in the UN system. Treaty bodies are committees of independent experts that monitor the implementation of the core human rights treaties by reviewing the reports of each state. The CAT consists of 10 members who are elected by the states that have ratified the Convention. In addition to the consideration of state reports, the committee has the mandate to receive individual complaints on torture and to undertake inquiries when systematic torture is alleged.

An important treaty obligation for each state is to report on measures taken to comply with the Convention. States are expected to provide an initial report within one year of ratification (Article 19) as well as a core document that includes “information on land and people, the general political structure and the general legal framework within which human rights are protected in the State” (Office for the UN High Commissioner of Human Rights, 2004). Thereafter, reports must be submitted every four years describing measures taken to prohibit and prevent torture and ill-treatment. Today most state reports are based on the list of issues communicated to the states before reporting (List of Issues

Prior to Reporting). Their written reply to these questions constitutes their periodic report. When reports are submitted, the Committee members meet with the State representatives. At this point the members have also received information from a wide range of sources, including UN agencies (e.g., United Nations High Commission for Refugees [UNHCR], United Nations International Children's Emergency Fund [UNICEF], World Health Organization [WHO]), other UN bodies (e.g., the Universal Periodic Reviews undertaken by the Human Rights Council), other treaty bodies, special procedures, and civil society organizations. Based on such information, questions are raised by the Committee members to the state representatives, and the replies from the state are presented in the session the following day. The meetings between the Committees and states are public and open to those with accreditation, and more and more often, the dialogues with states are webcasted, allowing civil society and other stakeholders to obtain information about and insight into the dialogue and considerations of reports. Based on the dialogue, the concluding observations are formulated by the Committee and submitted to the states, including the follow-up questions. At the end of each session, the concluding observations are made public. After their publication, national human rights defenders and others may actively use them in their own work to promote respect for the Convention.

The role of civil society organizations in promoting treaty compliance by ratifying states is extremely important and represents a very valuable part of this system, both before the considerations of the periodic reports and during the follow-up process after publications of the recommendations. The specific and often concrete information from UN special procedures and civil society organizations represent important contributions

that facilitate regular overview of compliance and monitoring of important issues over time. In addition, the committees also prepare and adopt General Comments that are useful tools for interpreting and implementing treaties. The General Comment provides guidance as to how the articles can be interpreted, with references to the jurisprudence of the committee, and may also enable the state party to focus on lacunae, inadequacies, and recurring violations and strengthen their efforts to implement the treaty (Gaer, 2012).

## The Substantial Obligations

The Convention consists of 33 articles, but the considerations of compliance relate primarily to the first 16 articles. These are the ones that explicitly focus on state obligations with respect to prohibiting and preventing torture in practice. Articles 17 to 33 describe working methods and special measures, such as the individual complaint mechanism defined in Article 21. Article 20 provides an opportunity for the Committee to make confidential inquiries through visits to states where there are well-founded indications that torture is being systematically practiced. Only a limited number of articles will be discussed here. All articles are relevant to the discussions in this volume, but, in keeping with the purposes of this volume, I focus only on those that demonstrate the scope and breadth of the Committee's understanding of torture and ill-treatment in the context of the Convention.

### **Definition of Torture and Torture as a Criminal Offence (Articles 1 and 4).**

To comply with the Convention, all states must ensure that they have a definition of torture in their national laws that covers all the elements contained in Article 1 of the Convention. The crime of torture has to be codified in line with the text of the Convention. Any definition that falls short of this, for instance, by leaving out references

to mental pain or suffering, discrimination, or any other element, is seen as noncompliance, and the state is obliged to review and revise the definition in the law. According to Article 4, the states must “ensure that all acts of torture are offences under its criminal law.” Attempts to commit torture or any act by a person that constitutes complicity or participation in torture will also be regarded as criminal offences. These offences must be “punishable by appropriate penalties which take into account their grave nature.” In terms of obligations, this means that states are required to inform the Committee about the penalties or sanctions that are decided on when there have been instances of torture or ill-treatment. This will often refer to personnel in uniform, such as police, military, or prison officers. Questions are also raised about sanctions for persons responsible for institutions, such as hospitals, care centers, or schools, where there have been allegations of torture and ill-treatment. The important points are that the violent acts in such settings must be covered in the law as offences and that there are adequate sanctions in place when these crimes are committed.

The Convention requires that national law cover a wide range of violent acts and places special emphasis on acts that are often not considered by the states as crimes or abuses (e.g., “marital rape” or “domestic violence”) that fall into the domain of the CAT. Such questions are nevertheless frequently brought up in the context of periodic reviews. Questions relating to domestic violence were raised with 17 different states during the last few years. For example, in 2011 Mauritius was told that “the State party should specifically criminalize marital rape in its criminal code and adopt, as soon as possible, the sexual offences bill which is under preparation” (CAT, 2011a, para. 16). In 2008, Latvia was recommended to “inter alia, include a definition of domestic violence in its

criminal code and recognize marital rape as a specific crime” (CAT, 2008c, para. 20).

Similar recommendations have been given to a number of different states.

**Prohibition (Article 2).** The absolute prohibition of torture is laid down in Articles 2.2 and 2.3 of the Convention. Article 2.2 clearly expresses that “[n]o exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture,” and Article 2.3 makes it clear that “[a]n order from a superior officer or a public authority may not be invoked as a justification of torture” (United Nations 1984). These articles make it clear that there can be no way of legitimizing torture whatsoever, and that any attempts to do so for purposes of national security and terrorism, for example, are clearly in violation of the Convention. Such attempts are met with clear criticism by the Committee. For example, when the US authorities argued that the Convention was not applicable in the context of armed conflict and referred to the applicability of *lex specialis* and “law of armed conflict,” this was regretted by the Committee, which recommended that the state party

recognize and ensure that the Convention applies at all times, whether in peace, war or armed conflict, in any territory under its jurisdiction and that the application of the Convention’s provisions are without prejudice to the provisions of any other international instrument, pursuant to paragraph 2 of its Articles 1 and 16. (CAT, 2006, para. 14)

As the jurisprudence of the Committee clearly illustrates, the obligation to protect also includes situations such as violence against children and women, beatings by teachers, and trafficking of young persons. States must clearly document that they in fact have

implemented their obligation by stating active concern and legal measures in relation to acts, whether physical or psychological, that threaten a person's life and integrity. For example, in 2009, Serbia received recommendations to take

. . . the necessary measures to ensure that the ombudsman promotes and protects children from violence and, in particular, consider the adoption of a law for the ombudsman for the rights of the child. (CAT, 2009c, para. 7)

In a similar vein, Switzerland was told to

. . . relaunch the 06.419 Vermont-Mangold parliamentary initiative, aimed at enacting legislation to protect children from corporal punishment and other affronts to their dignity, which was shelved by parliament 6. (CAT, 2010, para. 23)

As pointed out in the introduction, torture is defined as an international crime and considered as part of customary law by which states must abide even if they have not ratified the Convention. It is a state responsibility to protect against torture and other forms of ill-treatment, committed by the state itself or others, not only through delegation or acquiescence but also through lack of due diligence on the part of the state. This becomes especially relevant in situations in which the state lacks oversight mechanisms or allows persons without necessary competence to work with people in vulnerable conditions, or in which the state or its agents should have known about ongoing violence but failed to take the necessary measures to stop the violence, protect those affected, and hold those responsible to account.

**Accountability (Articles 2 and 4).** The absolute nature of the prohibition of torture and the obligation to ensure that it is considered a serious offence also mean that

impunity for such acts or amnesties afforded to those responsible are under no circumstances acceptable to the Committee. For example, Qatar was strongly advised to strengthen its efforts to prevent violence against women, including domestic and sexual violence, by

. . . ensuring accountability of all perpetrators of such acts by undertaking prompt, impartial and effective investigations into complaints, prosecuting perpetrators of such violence and punishing them with appropriate penalties . . . [and establishing] effective measures to guarantee victims' right to complain in relation to violations of the Convention and their inalienable rights promptly and without torture or ill-treatment or intimidation as a consequence of her or his complaint 2. (CAT, 2013b, para. 19a)

Another example of the accountability issue pertains to those responsible for health institutions. In a case involving adults and children with mental disabilities in Bulgaria, the Committee recommended that the state should

. . . amend and strengthen legislation to enhance accountability and prevent recurrence and impunity and regulate authorized treatment in institutions, in particular of persons with mental disabilities . . . [and pay attention] . . . to the individual needs of each child and the proper treatment prescribed, in conformity with the provisions of the convention. (CAT, 2011e, para. 19a)

These recommendations tie closely to the points raised by Méndez and Nicolescu (chapter 8) regarding torture in health care settings.



**Prevention (Article 2).** Prevention of torture and CIDT or punishment in all its forms must be regarded as one of the most central objectives of international human rights law and standards. The Convention addresses the obligation to prevent explicitly in Article 2, but in principle, the whole Convention can and must be regarded as a tool in the global effort to prevent torture. Article 2 of the Convention obliges all state parties to take “effective legislative, administrative, judicial or other measures to *prevent acts* of torture in any territory under its jurisdiction.” The obligation to prevent torture is wide ranging, and to clarify the content and scope of the obligations under Article 2, a general comment to this article (General Comment No. 2) was adopted in 2007 and made public in 2008. The general comment addresses the three parts of the article (i.e., prohibition of torture, inadmissibility of exceptions, and inadmissibility of superior orders as justification), stressing the obligation to take actions that will reinforce the prohibition against torture through legislative, administrative, judicial, or other actions and ensure that they are effective in preventing it. The comment examines how prevention of torture relates to cruel and degrading treatment, remarking that The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment...under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture (CAT, 2008a, para. 3).

This further implies that the non-derogability of the prohibition applies to both torture and CIDT or punishment (Gaer, 2008), as the Committee had previously stated in its letter to state parties after the events of September 11, 2001. The comment also

emphasizes that the “conditions that give rise to ill-treatment frequently facilitate torture” (CAT, 2008a, para. 3).

The General Comment further establishes that the preventive obligations apply to “any territory” under its jurisdiction, that is, areas “over which a State exercises factual or effective control” (CAT, 2008a, para. 5). This principle applies to all persons who are under de jure or de facto control of the state, meaning that the state has responsibility for what happens in other territories when the alleged offender is a national of the state, and over whom the state has the power and obligation to stop violations, such as those carried out by members of the military forces (Gaer, 2008; Rodley, 2008).

The Convention is applicable to all persons under the state’s control or custody. This applies not only to persons in detention but also to those confined in a wide range of other institutions. The General Comment specifically mentions hospitals, schools, institutions for children and disabled or elderly persons, and military institutions. It further notes that the state has obligations “with regard to the acts of State agents, private contractors, and others acting in official capacity on behalf of the State or under its direction or control, particularly in “contexts where the failure of the State to intervene encourages and enhances the danger of privately inflicted harm” CAT, 2008a, para.15).

This brings us to the question of state obligations in relation to acts committed by private individuals with the “consent or acquiescence” of a public official as it is defined in Article 1. The general comment clarifies this issue as follows:

. . . where State authorities or others acting in official capacity or under colour of law, know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or

private actors and they fail to exercise due diligence to prevent investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts.

(ibid para. 18)

Such inaction, the comment further explains, “becomes a form of encouragement and/or de facto permission” (ibid. para. 18). In situations as these, the state has not fulfilled its obligation to act to prevent torture or ill treatment performed by non-state actors, and as such, it may be in breach of the convention. The following recommendation to Canada in 2012 illustrates this point clearly:

[T]he State party should strengthen its efforts to exercise due diligence to intervene to stop, sanction acts of torture or ill-treatment committed by non-state officials or private actors, and provide remedies to victims. The Committee recommends that the state party enhance its efforts to end all forms of violence against aboriginal women and girls by, inter alia, developing a coordinated and comprehensive national plan of action, in close cooperation with aboriginal women’s organizations, which includes measures to ensure impartial and timely investigation, prosecution, conviction and sanction of those responsible for disappearances and murder of aboriginal women, and to promptly implement relevant recommendations made by national and international bodies in that regard, including the committee on the elimination of racial discrimination, the

committee on the elimination of discrimination against women, and the missing women working group (CAT, 2012b, para. 20).

## Gender-Related Crimes

The obligation to prevent involves a wide range of obligations on different levels and within a wide array of social arenas. These obligations include areas such as sexual and other abuse of children and adults, violence against women in domestic settings and in armed conflict, human trafficking and forced prostitution, traditional practices such as female genital mutilation, deprivation of liberty in health care settings, and denial of rights to persons with psychosocial disabilities.

Female genital mutilation is considered a form of crime that must be prohibited under the Convention. Female genital mutilation, as it is practiced in many places in the world today, is a violation of physical integrity and considered harmful from both health and human rights perspectives. Numerous recommendations to states have been formulated regarding adoption of laws prohibiting this practice and ensuring that such laws are in fact being implemented and respected, awareness campaigns are launched, focused information is provided to relevant care providers, and support and care are provided for those subjected to the practice. The importance of collaborating with civil society, particularly in relation to awareness-raising campaigns, has also been highlighted in recommendation to states. States are called on not only to prohibit and eradicate female genital mutilation, but also to

... make it easier for victims to file complaints, carry out inquiries, prosecute the perpetrators, impose appropriate penalties on them, and

provide victims with suitable redress, including compensation or rehabilitation. (CAT, 2013a, para. 24)

Human trafficking and forced prostitution are acts usually committed by nonstate actors, such as international crime networks or individuals or groups active in the exploitation and abuse of persons in a context of forced sexual labor. Such acts represent severe attacks on a person's integrity and usually involve deprivation of liberty and conditions considered as slave-like, degrading, cruel, and inhumane, as well as a form of gender discrimination. A number of specific treaties addressing these crimes have been developed and adopted by a large number of states, such as the Palermo protocol (2000) and others. But these issues are also addressed as ill treatment or torture and as acts that fall under the Convention. If states do not act in required ways to implement other treaties forbidding such practices, and fail to prevent, investigate, prosecute perpetrators, and protect victims, they may be considered as acquiescing to trafficking and forced prostitution, and, as such, be in violation of their obligations. The recommendation given to Japan in 2013 points to many of these aspects, including ratification of treaties specifically related to trafficking. The state party is called on to ensure that

(a) victims of trafficking are provided with adequate assistance for their physical and psychological recovery; (b) clear identification procedures are set out, so that victims of trafficking are not incorrectly identified and treated as undocumented migrants and deported without redress or remedy; (c) perpetrators are prosecuted and punished with appropriate penalties; (d) specialized training is provided to relevant public officials in this regard. (CAT, 2013 c, para. 21)

Japan was also asked to “consider ratifying the protocol to prevent, suppress and punish trafficking in persons, especially women and children (Palermo protocol)” (CAT, 2013 c, para. 21).

The Committee has adopted a large number of specific recommendations on the need to adopt adequate legal measures to define trafficking as a crime and ensure provisions in the domestic criminal codes to prevent and punish trafficking, all as means of eradicating this form of human rights violation. There have also been recommendations related to necessary state action, such as identification of victims, criminal procedures, training, and awareness, as well as care of those subjected to trafficking. The clear position that the CAT has taken on these issues is a vital tool in the international efforts to deal with trafficking, both as a deterrent and as a call for accountability and reparation.

Violence against women, both in conflict and in domestic settings, was for long not considered a human rights violation, let alone torture. It was not until the mid-1980s that the process of defining violence against women within a human rights context actively started, with important contributions from, among others, Rhonda Copelon (see Copelon, 2012). And it was only in 1993, during the Vienna Conference on Human Rights, when the world had become aware of the horror of mass rape in the war in Bosnia, that violence against women was finally accepted within the mainstream human rights discourse as an issue of high priority (Copelon, 1994; Gaer, 1998). As the then Secretary General of the UN, Kofi Annan (Annan, 1999), said in remarks on International Women’s day in 1999,

Violence against women is perhaps the most shameful human rights violation. And it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality development and peace.

The lengthy process that led to the recognition of rape in certain contexts as torture is described in more detail by Davis in chapter 11. Today rape and other forms of sexual violence as part of armed conflict are considered torture, and on numerous occasions these grave violations have been addressed by the CAT (Gaer, 2012). In addition, important focus has been on the obligation to prevent such crimes, by training, monitoring, and holding those responsible to account, in addition to awareness campaigns and rehabilitation of victims.

The question of how violence committed in homes, which is usually described as domestic violence or violations in intimate relations, relates to torture defined by the Convention is an important one. The CAT has increasingly strengthened its focus on this form of violence, and the former Chair of the Committee, Andreas Mavromatis, formulated this clearly in 2007 by “identifying domestic violence as one of the most crucial issues for the Committee to address especially given the epidemic nature of such violence” (Copelon, 2008).

The brutal acts often encountered against children and women in private settings may far too often be paralleled only by the most brutal forms of torture described in certain detention centers or armed conflict. Indeed, new evidence from a study by Şalcıoğlu and Başoğlu (chapter 5) directly comparing domestic violence with torture revealed no noteworthy distinction between the two forms of violence in their nature,

severity, important contextual characteristics, mechanisms of traumatic stress, or physical and mental effects, leading the authors to conclude that domestic violence *is* torture from a psychological perspective. However, when such violence comes under the concern of the CAT, it is in the context of state action and inaction, that is, where the state fails in protecting and adopting legal measures that name such actions as crimes, and where the state fails to exercise its obligation to investigate, prosecute, and punish. And following recommendations, states are urged to modify legal provisions and strengthen measures in relation to private violence, also including spousal rape.

#### Discrimination

Article 1 defines discrimination as one of the possible reasons for inflicting torture. This means that severe pain or suffering inflicted on a person for discriminatory purposes, or acts that can and should be understood in a context of discrimination, will be regarded as torture. In all monitoring of torture and ill-treatment, there should be a clear focus on individuals and groups made vulnerable by discrimination and their particular need for protection. There are a number of examples in which the CAT has highlighted state responsibility to combat violence against particular groups, such as lesbian, gay, bisexual, transgender, intersex, and questioning (LGBTIQ) persons, both in the community in general and in special situations with a heightened risk for violence, such as places of detention.

In a similar vein, harassment and bullying, or violent acts driven by discrimination and hate, also called “hate crimes,” have received increasing attention in a human rights context as acts that may amount to CIDT. The key factor is whether there is effective state action to prevent such crimes and to avoid leaving those responsible with



impunity and the victims with indifference. A good example was the recommendation to Indonesia in 2008, which urged the State to

. . . ensure the protection of members of groups especially at risk of ill-treatment, by prosecuting and punishing all acts of violence and abuses against those individuals and ensuring implementation of positive measures of prevention and protection, ensure prompt, impartial and effective investigations into all ethnically motivated violence and discrimination, including acts directed against persons belonging to ethnic and religious minorities, and prosecute and punish perpetrators with penalties appropriate to the nature of those acts [and] . . . publicly condemn hate speech and crimes and other violent acts of racial discrimination and related violence and work to eradicate incitement and any role public officials or law enforcement personnel might have in consenting or acquiescing in such violence and ensure that officials are held accountable for action or inaction that breaches CAT. (CAT, 2008b, para. 19)

In 2012 the Committee urged Norway to strengthen “special protection of minorities or marginalized individuals or groups especially at risk as part of the State party’s obligation to prevent torture or ill-treatment.” (CAT, 2012c, para. 21). In particular, the state was asked to

...enhance efforts to eradicate any instances of violence and ill-treatment of vulnerable groups” [and] “ensure that violent acts, discrimination and hate speech are systematically investigated, prosecuted and the alleged perpetrators prosecuted, and if found guilty, convicted and sanctioned with

penalties commensurate with the gravity of the offence. (CAT, 2012c, para. 21)

In situations in which discrimination and hate speech have resulted in assaults on demonstrations, “gay parades,” and other activities, and in which authorities have not taken the well-known risks seriously and have done little to prevent violence and protect persons in vulnerable situations, this has been clearly criticized by the Committee (CAT, 2008c, para. 19).

## Persons With Disabilities

Involuntary hospitalization or deprivation of liberty for persons with psychosocial disabilities represents a special challenge. Involuntary admission to mental hospitals and other institutions can constitute torture or cruel, inhuman or degrading treatment or punishment due to both deprivation of liberty and rights and certain forms of “care or treatment” that amount to ill-treatment or torture. Grossly inadequate conditions in these places may constitute or amount to CIDT or torture. In particular, the use of restraints, seclusion, and forced medication in health care institutions has been a focus of the Committee’s attention. States have been strongly urged first to clarify the legal basis for involuntary treatment in psychiatric hospitals and make sure that all legal safeguards are in place and that such methods are either not used, or, if necessary, used for the shortest possible time under monitoring by health personnel. Human rights abuses amounting to torture in health care settings has been an area of priority for two special rapporteurs on torture, namely Manfred Nowak in his interim report to the General Assembly in 2008 (UN Special Rapporteur on Torture, 2008) and Juan Méndez, both in his report from

February 2013 focusing on “forms of abuses in health-care settings” (UN Special Rapporteur on Torture, 2013) and in chapter 8.

## Minors

Violence against children in different settings is considered an area of concern by the CAT. This includes a focus on minors in detention, health or social institutions, forced labor situations, and circumstances in which minors are being exposed to sexual exploitation. Today, violence against children by private actors, including family members, may be considered a serious violation of the Convention when this is committed with impunity or when there is no action by the state to protect, investigate, or punish such violence. As part of the treaty obligation, states must protect minors from violence and different forms of abuse. This includes frequent recommendations to states about prohibiting corporal punishment, as in the recommendation to Chad in 2009 to

. . . extend legislation prohibiting corporal punishment to apply also to families, educational and religious establishments, alternative care institutions and places of juvenile detention. (CAT, 2009a, para. 32)

The Committee has often raised concern regarding ill treatment of children and urged states to act in schools, institutions, or hospitals. In 2009 Nicaragua was urged to

. . . intensify the efforts to deal with ill-treatment of children in the family and to strengthen mechanisms for combating all forms of violence, particularly in the family, at school and in social service, educational or correctional institutions or other centres. (CAT, 2009b, para. 17)

## Training (Article 10)

The Convention's Article 10 specifies the obligation of the states to educate and train relevant personnel, that is, law enforcement military and medical personnel on the prohibition of torture and CIDT. For example, Croatia was recommended to

. . . strengthen human rights education and training activities on prohibition of torture and ill-treatment for law enforcement officials, medical personnel, public officials and other persons who may be involved in custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. (CAT 2004, para. 9o)

Similarly, Sri Lanka was recommended to

. . . provide mandatory in-service training programmes on human rights, internal displacement and gender-based violence for members of the military and law-enforcement officials serving in the camps. (CAT, 2011b, para 20c)

To specify that the training is not limited to prohibition of torture, the Committee often recommends that the states “conduct awareness-raising campaigns and training of its officials on domestic violence, including sexual violence” (CAT, 2011a, para. 16) or “develop educational trainings for all officials on human trafficking, domestic violence, migrants, minorities and other vulnerable groups” (CAT, 2011c, para.18).

## Redress after Torture and Ill-Treatment (Article 14)

The right to redress for victims of torture, as laid down in Article 14 of the Convention, can also be understood in a context of preventing torture and ill-treatment. The Convention requires that

[e]ach state party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible.

Redress in the form of effective rehabilitation may reduce cognitive and emotional effects of torture, such as perceived injustice and feelings of vengeance, thereby breaking cycles of violence and reducing the likelihood of further violence, ill-treatment, and torture (Başoğlu & Şalcıoğlu, 2011). The General Comment No. 3 on Article 14 (CAT, 2012c) underlines that the term “redress” encompasses the concepts of “effective remedy” and “reparation” and notes that the

. . . reparative concept . . . entails restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition and refers to the full scope of measures required to redress violations under the Convention. . . . (para.2)

[The State must] “enact legislation and establish complaints mechanisms, investigation bodies and institutions, including independent judicial bodies, capable of determining the right to and awarding redress for a victim of torture and ill-treatment and ensure that such mechanisms and bodies are effective and accessible to all victims. (para. 5)

The following examples illustrate the obligation of states to provide redress in line with Article 14. In 2014 the recommendations to Lithuania noted that

. . . the state should provide redress and rehabilitation to victims, including through appropriate medical and psychological assistance, in accordance with general comment no. 3. (CAT, 2014a, para. 25)

Similarly, Finland was recommended to

. . . adopt all necessary measures in order to comply with the full scope of Article 14 of the convention according to which the state party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible, that in the event of the death of the victim as a result of an act of torture his dependents shall be entitled to compensation and that nothing shall affect any right of the victim or other persons to compensation which may exist under national law. In addition, while it welcomes the existence of two rehabilitation units for torture survivors in the state party, the committee recommends that full rehabilitation be made available to all victims of torture and ill-treatment, in all settings. (CAT, 2011d, para. 20)

This recommendation also illustrates that the Committee not only points to the obligation to provide rehabilitation but also recommends the establishments of centers where such rehabilitation can be provided.

## Conclusion

This chapter has focused specifically on the jurisprudence of CAT in a context of reviewing states' obligations under the Convention and has illustrated the wide range of acts that are of concern to the Committee. The obligation to prohibit, protect, and prevent has been described as extending much further than what has often been understood as the principal focus of the Convention, namely on persons detained and tortured by the states. This point has also been raised by other authors in this volume (see in particular **chapter 8** by Méndez and Nicolescu).

Despite its absolute prohibition, torture is far from eradicated. A broader understanding of torture in international law means a recognition of the fact that far more people than previously thought are in need of protection. This means that the human rights community is faced with an even greater challenge than before in preventing torture and ill treatment, as well as claiming redress for survivors and accountability for those responsible. And today the international systems continue to develop, reach farther, and limit “safe havens” for torturers. Nonetheless, torturing states try to find other ways out by attempting to revise legal provisions, increasing secrecy, or developing new methods of torture and ill-treatment. It is therefore important to develop further the international system that monitors the implementation of international law. The combat against torture can be strengthened by involving a wide range of actors, including health professionals. Effective prevention and maximum coverage of people in need of protection require first and foremost a full understanding of torture and its devastating effects on individuals and communities. This volume clearly demonstrates the important role that health professionals can play in this respect.

## References

American Psychiatric Association. (2013). *Diagnostic and statistical manual of mental Disorders* (5th ed.). Washington, DC: American Psychiatric Publishing.

Annan, K. (1999). Violence against women. Press Release SG/SM/6919, WOM/1113

Retrieved from <http://www.un.org/News/Press/docs/1999/19990308.sgsm6919>

Başoğlu, M., & Şalcıoğlu, E. (2011). *A mental healthcare model for mass trauma survivors: Control-focused behavioral treatment of earthquake, war, and torture trauma*. Cambridge, UK: Cambridge University Press.

Committee Against Torture. (2004). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee Against Torture*. Croatia CAT/C/CR/32/3; 2004. Retrieved from [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCR%2f32%2f3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCR%2f32%2f3&Lang=en)

Committee Against Torture. (2006). *Conclusions and recommendations of the Committee Against Torture to report submitted by United States of America (CAT/C/USA/CO/2)*. Retrieved from [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fUSA%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fUSA%2fCO%2f2&Lang=en)

Committee Against Torture. (2008a). *General comment No. 2 on article 2 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Retrieved from <http://www2.ohchr.org/english/bodies/cat/GC2.htm>

Committee Against Torture. (2008b). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee Against Torture*. Indonesia CAT/C/IDN/CO/2. Retrieved from [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fIDN%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fIDN%2fCO%2f2&Lang=en)

Committee Against Torture. (2008c). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee Against Torture*. Latvia CAT/C/LVA/CO/2. Retrieved from



[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fLVA%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fLVA%2fCO%2f2&Lang=en)

Committee Against Torture. (2009a). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee Against Torture*. Chad CAT/C/TCD/CO/1. Retrieved from

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fTCD%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fTCD%2fCO%2f1&Lang=en)

Committee Against Torture. (2009b). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee Against Torture*. Nicaragua CAT/C/NIC/CO/1; 2009. Retrieved from

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fNIC%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fNIC%2fCO%2f1&Lang=en)

Committee Against Torture. (2009c). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee Against Torture*. Serbia CAT/C/SRB/CO/1. Retrieved from

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSRB%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSRB%2fCO%2f1&Lang=en)

Committee Against Torture. (2010). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee Against Torture*. Switzerland CAT/C/CHE/CO/6. Retrieved from

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCHE%2fCO%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCHE%2fCO%2f6&Lang=en)

Committee Against Torture. (2011a). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee Against Torture*. Mauritius CAT/C/MUS/CO/3. Retrieved from [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fMUS%2fCO%2f3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fMUS%2fCO%2f3&Lang=en)

Committee Against Torture. (2011b). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee against Torture*. Sri Lanka CAT/C/LKA/CO/3-4. Retrieved from [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fLKA%2fCO%2f3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fLKA%2fCO%2f3-4&Lang=en)

Committee Against Torture. (2011c). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee against Torture*. Kuwait CAT/C/KWT/CO/2. Retrieved from [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fKWT%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fKWT%2fCO%2f2&Lang=en)

Committee Against Torture. (2011d). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee Against Torture*. Finland CAT/C/FIN/CO/5-6. Retrieved from [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fFIN%2fCO%2f5-6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fFIN%2fCO%2f5-6&Lang=en)

Committee Against Torture. (2011e). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee against Torture*. Bulgaria CAT/C/BGR/CO/4-5. Retrieved from

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CA%2fC%2fBGR%2fCO%2f4-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CA%2fC%2fBGR%2fCO%2f4-5&Lang=en)

Committee Against Torture. (2012a). *General comment no. 3 on article 14 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Retrieved from

<http://www2.ohchr.org/english/bodies/cat/GC3.htm>

Committee Against Torture. (2012b). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee against Torture*. Canada CAT/C/CAN/CO/6. Retrieved from

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCAN%2fCO%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCAN%2fCO%2f6&Lang=en)

Committee Against Torture. (2012c). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee Against Torture*. Norway CAT/C/NOR/CO6-/7. Retrieved from

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fNOR%2fCO%2f6-7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fNOR%2fCO%2f6-7&Lang=en)

Committee Against Torture. (2013a). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee against Torture*. Mauritania CAT/C/MRT/CO/1. Retrieved from

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fMRT%2fCO%2f1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fMRT%2fCO%2f1&Lang=en)

Committee Against Torture . (2013b). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the*

*Committee against Torture*. Qatar CAT/C/QAT/CO/2. Retrieved from

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fQAT%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fQAT%2fCO%2f2&Lang=en)

Committee Against Torture. (2013c). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee Against Torture*. Japan CAT/C/JPN/CO2. Retrieved from

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fJPN%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fJPN%2fCO%2f2&Lang=en)

Committee Against Torture. (2014a). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee Against Torture*. United States of America CAT/C/USA/CO/3-5. Retrieved from

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fUSA%2fCO%2f3-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fUSA%2fCO%2f3-5&Lang=en)

Committee Against Torture. (2014b). *Consideration of reports submitted by states parties under article 19 of the convention: Concluding observations of the Committee Against Torture*. Lithuania CAT/C/LTU/CO/3. Retrieved from

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fLTU%2fCO%2f3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fLTU%2fCO%2f3&Lang=en)

Copelon, R. (1994). Recognizing the egregious in the everyday: Domestic violence as torture. *Colombian Human Rights Law Review*, 25, 291–367.

Copelon, R. (2008). Gender violence as torture: The contribution of CAT General Comment No. 2. *New York City Law Review*, 2, 229–263.

Copelon, R. (2012). Women and war crimes. *St. John's Law Review*, 1, 60–68.

Gaer, F. (1998). And never the twain shall meet? The struggle to establish women's rights as human rights. In C. E. Lockwood, D. B. Magraw, M. F. Spring, & S. I. Strong (Eds.). *The international human rights of women: Instruments of change* (pp. 4–89). Washington, DC: American Bar Association.

Gaer, F. (2008). Opening remarks: General Comment No. 2. *New York City Law Review*, 2, 187–201.

Gaer, F. (2012). Rape as a form of torture. *New York City Law Review*, 3, 293–308.

Office for the UN High Commissioner of Human Rights. (2004). *Human Rights Treaty Bodies: Glossary of treaty body terminology*. Retrieved from <http://www2.ohchr.org/english/bodies/treaty/glossary.htm>

Office for the UN High Commissioner of Human Rights. (2016). *Status of ratification*. Retrieved from <http://indicators.ohchr.org/>

Palermo Protocols. (2000). *Protocol to prevent, suppress and punish trafficking in persons, especially women and children; adopted by the United Nations to supplement the 2000 Convention Against Transnational Organized Crime (the Palermo Convention)*. Retrieved from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>

Rodley, N. (2008). Reflections on Committee Against Torture General Comment No. 2. *New York City Law Review*, 11(2), 353–359.

Sveaass, N. (2013). Gross human rights violations and reparation under international law:

Approaching rehabilitation as a form of reparation. *European Journal of Psychotraumatology*, 4, 17191. doi:10.3402/ejpt.v4i0.17191

United Nations. (1984). *United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (UNCAT). Retrieved from

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

United Nations Human Rights Committee. (1992). *General comment no. 20 on article 7 (prohibition of torture, or other cruel, inhuman or degrading treatment or punishment)*. Retrieved from

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fGEC%2f6621&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fGEC%2f6621&Lang=en)

UN Special Rapporteur on Torture. (2008). *Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*.

A/63/175. Retrieved from [https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N08/440/75/PDF/N0844075.pdf?OpenElement)

[ny.un.org/doc/UNDOC/GEN/N08/440/75/PDF/N0844075.pdf?OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N08/440/75/PDF/N0844075.pdf?OpenElement)

UN Special Rapporteur on Torture (2013). *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*.

/HRC/22/53. Retrieved from

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/AHRC.22.53\\_English.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/AHRC.22.53_English.pdf)

United Nations Voluntary Fund for Victims of Torture. (2011). *Interpretation of torture in the light of the practice and jurisprudence of international bodies*. Retrieved

from

[http://www.ohchr.org/Documents/Issues/Torture/UNVFVT/Interpretation\\_torture\\_2011\\_EN.pdf](http://www.ohchr.org/Documents/Issues/Torture/UNVFVT/Interpretation_torture_2011_EN.pdf)

van Boven, T. (2008). Remarks on the Convention Against Torture's General Comment. *New York City Law Review*, 11(2), 217–225.

Vienna Convention on the Law of Treaties. (1969). Retrieved from

[http://legal.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](http://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf)