

FREEDOM FROM TERROR, SAFETY FROM HARM

Challenge your government to stamp out the torture and ill-treatment of women

Imagine... You are a woman. You have been severely beaten. The man who beat you is pacing up and down in front of you. He is asking the same questions over and over again, "Where have you been going over the past few weeks? Who is the man you have been seen meeting?" During your ordeal, the man rapes you.

What is happening? Are you suspected of collaborating with the opposition in an armed conflict? Are you, or your associates, suspected of a crime? Or are you being accused of infidelity by the husband you are planning to leave?

It could be any of these situations. In each case, not only would you have to contend with violent physical abuse, but any attempts to seek justice or redress would most likely be met with official silence or indifference. Many states fail to take the basic steps needed to protect women from such physical and sexual abuse. These states share responsibility for the suffering inflicted, whether the perpetrator is a soldier, a police officer or a violent partner.

Discrimination -- The basis for the torture of women

When she was 15, Ms G.'s parents traded her to a neighbour as a wife, in exchange for his assistance in paying off the mortgage on their farm. Her husband routinely raped and beat her, resulting in injuries which required hospitalization. Ms G. went to the police twice for protection, but was told they could do nothing because the problem was personal. When she was 20, after her husband tried to kill her with a machete, she ran away with her two children and lived in a shed in a marketplace. After a few days, her parents and husband found her, and her mother held her down while her husband beat her with a stick. He took the children, whom she has not seen since. Ms G. fled to the USA and applied for asylum.

A US immigration judge told Ms G.'s attorney that he intended to order Ms G. to be deported back to El Salvador.

The torture of women is rooted in a global culture that denies women equal rights with men, and legitimizes the violent appropriation of women's bodies for individual gratification or political ends. In recent decades, women's groups and other human rights activists and non-governmental organizations around the world have made significant advances in preventing and combating abuses, providing support and redress for survivors of abuse and winning greater equality for women. Yet women worldwide still earn less than men, own less property than men, and have less access to education, employment and health care. Pervasive discrimination continues to deny women full political and economic equality with men.

Violence against women feeds off this discrimination and reinforces it. When women are abused in custody, when they are raped by armed forces as "spoils of war", when they are bought and sold as trafficked women, bonded labourers or in forced marriages, when they are terrorized by violence in the home, unequal power relations between men and women are both manifested and enforced. The torture of women will not be eradicated until discrimination on the grounds of gender is addressed.

Bhanwari Devi, a village development worker active in trying to eradicate child marriage in India, was raped on 22 September 1992 in Bhatari village, Rajasthan, by five men of a higher caste. Police initially refused to record Bhanwari Devi's statement, and she was also refused a medical examination. An inquiry, set up by the government after much protest, reportedly subjected her to a gruelling and intrusive interrogation. The inquiry found her allegations true and a charge sheet was filed against five men. The trial began in a lower court in November 1994. In a verdict given in November 1995, the court found that the delay in filing her complaint with the police and in obtaining a medical examination indicated that she had made the story up. The court observed that the incident could not have taken place because upper caste men would not rape a woman of a lower caste. The men were acquitted of the charge of gang-rape but convicted of minor crimes. Throughout, she was pressurized to withdraw the case by members of the local community and politicians.

Violence against women is compounded by discrimination on the grounds of race, ethnicity, sexual orientation, social status, class and age. Poor and socially marginalized women are particularly liable to torture and ill-treatment. Such multiple discrimination further restricts women's choices, increases their vulnerability to violence, and makes it even harder for them to gain redress.

Sometimes the perpetrators of these acts of violence are state officials, such as police, prison guards or soldiers. Sometimes they are members of armed groups fighting against the government. However, much of the violence faced by women is at the hands of the people with whom they share their lives, whether as members of their family, of their community or as their employers. There is an unbroken spectrum of violence that women face at the hands of men who exert control over them.

Intimidate, control, punish

In one US state, women prisoners have been punished by being held for hours in an eight by four feet (2.4 x 1.2 metres) cage or "detention trailer", in temperatures of more than 38°C. According to a former prisoner, the prisoners were made to stand in the cage and denied toilet facilities, sometimes causing them to defecate or urinate while in the cage. They were hosed off and "watered" every 90 minutes. According to the testimony, prisoners on hard labour assignments were made to do gratuitously harsh and punitive labour and often punished with the cage because they could not keep up with the work. Texas officials denied the treatment was inhumane but confirmed that "any offender refusing to perform her assigned duties will be secured in the detention trailer for the duration of the work period".

"All of us women were gang-raped. What could we do if they called us to come out? Sometimes they did not even bother but took us right in front of our husbands and children. They did not care about our shame... they also raped some of our girls, some only 10, 11 years old... Several of us bore children as a result of such rapes... Our husbands could do nothing, they were locked up or sent away if they disobeyed."

Bonded labourer, Pakistan. Bonded labourers are held in bondage by unlawful confinement, abuses and threats. Landlords and their managers routinely summon women and girls and insist on having sex.

Torture is inflicted in custody not only in order to extract confessions, but also to instil profound dread in victims, to break their will, to punish them and to demonstrate the power of the perpetrators. Similar purposes characterize torture in the family or community. The perpetrators may seek to intimidate women into obedience, to punish them for bringing shame and dishonour on male relatives, or to assert their power over them.

Broken bodies, shattered minds

“I was arrested at 2pm... I was beaten, I got 40 lashes. At 2am the next morning, the soldiers came to beat us again, and after the beatings, three soldiers took us away... One soldier said that if I agreed to it, they would let me go. When I refused, they took out a gun and put it behind my ears, then on my chest, then they started on me... they raped me until I lost all sense of where I was. I spent four days there with the other women... then my mother paid for me to be released. I had to go to hospital for some serious treatment but still now as I talk to you I feel completely lost...”

One of many women arrested during a peaceful demonstration in Guinea in December 1998. No steps have been taken to investigate the allegations of torture and no one has been brought to justice for these crimes.

Indravani Pamela Ramjattan was sentenced to death in May 1995 in Trinidad and Tobago for the murder of her common law husband in 1991. During her trial, the lawyers introduced evidence of the years of abuse and violence she had suffered – including beatings, death threats and rape. Despite this evidence she was convicted of murder, for which there is a mandatory death sentence. In 1999, an appeal court reduced her murder conviction to manslaughter and sentenced her to a total of 13 years’ imprisonment based on psychiatric evidence which showed that at the time of the murder she was suffering from “Battered Women’s Syndrome”.

The effects of violence and torture are physically and psychologically devastating, whether inflicted by private individuals or agents of the state. For example, women are traumatized and injured by rape, wherever the crime takes place. The medical consequences include psychological trauma, wounds, unwanted pregnancies, infertility and life-threatening diseases.

State responsibility

In July 1996, 24-year-old Kajal Khidr was detained by six members of her husband’s family near the town of Rania in Iraqi Kurdistan. They accused her of adultery and, although she was pregnant, tortured and mutilated her. They cut off part of her nose, and told her that she would be killed after the birth of her child. After months of medical treatment she managed to escape and in February 1999, with the help of local human rights activists, Kajal Khidr fled to Syria. In July 2000 she was resettled in a third country where she lives with her daughter, now four years old. Two of the men who had tortured Kajal Khidr were arrested by the authorities in the area, but were released within 24 hours because it was argued that they had acted to safeguard the honour of the family. No charges were ever brought against them.

In Italy, in February 1999, the Supreme Court (Court of Cassation) overturned an appeal court’s verdict which had found a male driving instructor guilty of raping his 18-year-old student. The Supreme Court, noting that the victim was wearing jeans at the time of the offence, commented: “It is common knowledge...that jeans cannot even be partly removed without the active cooperation of the person wearing them...and it is impossible if the victim is struggling with all her force.” The Court decided that this indicated that she had consented to sex and concluded that the rape was not proved, referring the case back to another appeal court for retrial.

Domestic violence, including sexual violence in marriage, is still often viewed as a private matter within the family, not an issue of civil and political rights. The perpetrators of violence against women in the home and community are private individuals, but this does not mean that the state can escape responsibility for their actions. If the state fails in its duty to protect women from abuses and to punish the perpetrators, it shares responsibility, whether the abuses take place in custody, in armed conflict

or in the victim's home. The international community has explicitly recognized violence against women as a human rights issue involving state responsibility.

A government fails to fulfil its legal obligations to protect women from torture and ill-treatment:

- * When its own personnel directly participate in committing acts of violence, including rape and sexual violence by the police and the military of women and girls in their custody, and the use of rape as a weapon of war in armed conflict situations.
- * When it condones these acts of violence by not doing anything about them and allows the existence of certain laws or practices that facilitate such acts of violence. This includes situations where the state encourages or tolerates killings of or violence against women for reasons of "honour".
- * When it fails to punish those who commit these acts of violence and fails to take effective measures to prevent them because of a lack of political will despite the powers vested upon it.

Focusing on when the state fails to protect people from harm by others, and how it can be held to share responsibility for the harm, does not subtract from the original abuser's responsibility. In every case, the original perpetrators must be fairly tried and punished for their crimes.

Governments must:

- * take effective measures to prevent the torture and ill-treatment of women
- * investigate all allegations of violence against women
- * bring alleged perpetrators to justice through fair proceedings
- * ensure that perpetrators receive adequate sentences
- * provide the women who have suffered these crimes with adequate compensation and other forms of redress.

Amnesty International's full recommendations to all governments can be found in its report, Broken bodies, shattered minds (AI Index: ACT 40/001/2001).

During the Campaign against torture, Amnesty International is challenging governments to protect women from acts of violence, whether these acts are committed by state or non-state actors.

Amnesty International considers that acts of violence against women in the home or the community constitute torture for which the state is accountable when: a) they are of the nature and severity envisaged by the concept of torture in international standards and b) the state has failed to fulfil its obligation to provide effective protection.

IS YOUR GOVERNMENT ACCOUNTABLE?

Torture of women is a violation of fundamental human rights, condemned by the international community as an offence to human dignity and prohibited in all circumstances under international law. Yet it persists daily across the globe. Immediate steps are needed to confront and eradicate the torture of women. Amnesty International (AI) calls on all

governments to act to protect women from torture and ill-treatment. It invites concerned individuals and organizations to join AI in its campaign to ensure that they do so.

Your government has a duty to condemn publicly all acts of violence against women.

Your government can demonstrate its commitment to ending violence against women by developing policies and disseminating materials to promote women's safety in the home, in society, and in detention; raising awareness about violence against women; and, more generally, promoting women's right to equality in society.

The following list of questions is a guide that you can use to challenge your government and hold it accountable for its actions – or inactions – on the issue of violence against women:

Prohibiting acts of violence against women and establishing adequate legal protection against such acts

- * Has your government undertaken to criminalize all acts of violence against women whether committed by state officials or private individuals, including acts that take place within the community or the family, such as marital rape?
- * Are there any provisions within your national legislation that allow for or condone violence against women?
- * What legal and practical measures are being taken by your government to eliminate discrimination against women?
- * Are there laws against slavery, bonded labour, and the buying and selling of people? Are these laws enforced?
- * What is your government's policy with respect to women or girls who seek asylum from a country where it is believed that they would suffer torture or ill-treatment?

Investigating all allegations of violence against women

- * Does your government ensure that prompt, thorough and impartial investigations are conducted into all reports of violence against women, whether perpetrated by law enforcement officials or private individuals?
- * What measures are being taken by your government to ensure that law enforcement agencies know that it is their duty to investigate all reported acts of violence against women, whether perpetrated within the family or community, or in custody or armed conflict?
- * Are the processes by which reported acts of violence are investigated sensitive to the needs of the women who have been abused?
- * Has the police force in your country appointed investigating officers who specialize in such cases, and who are given additional training in the issues surrounding violence against women and the use of medical and other forensic evidence?

Prosecuting and punishing perpetrators of violence against women

* Are there any legal provisions which do not allow women to testify in court or do not give full weight to women's testimony?

* What are the conviction rates for crimes of violence perpetrated against women?

* What training is offered to judges and lawyers to enhance their understanding of the issue of violence against women, its causes and consequences?

Providing adequate remedies and reparation

* Are there mechanisms in place through which women survivors of violence can obtain state protection?

* What measures are being initiated by your government to ensure that women survivors of violence receive the necessary medical care, counselling and other services to secure their welfare?

* What measures are being taken by your government to ensure that women who have been subjected to violence are provided with information on their rights and on how to obtain remedies, in addition to information about participating in criminal proceedings?

* Does your government implement a gender-sensitive procedure by which they determine refugee status?

Protecting women against torture in custody

* Has your government publicly recognized that rape and sexual abuse of women in custody always constitute acts of torture or ill-treatment and will not be tolerated?

* Does your government ensure that any military, police and prison personnel who commit such human rights violations are promptly brought to justice and if convicted face penalties in accordance with the seriousness of the crime? (AI never supports sentences of corporal punishment or the death penalty.)

* Are female detainees and prisoners held separately from male detainees and prisoners, with separate bathing and toilet facilities?

* Are female security personnel always present during the interrogation of women detainees or prisoners and solely responsible for conducting body-searches of women detainees or prisoners?

* What procedures are in place for dealing with allegations by female detainees or prisoners of rape or sexual abuse?

Preventing the torture of women in armed conflicts

* In armed conflicts, torture, including rape, is prohibited by international human rights law and humanitarian law (including the Geneva Conventions) which regulate the conduct of war. What steps are being taken by your government to ensure that all military personnel are aware of this?

* What steps are being taken by your government to ensure that personnel involved in humanitarian assistance operations are sensitive to the needs of women who have survived acts of violence?

Implementing international human rights standards

* Your government has obligations to protect women from violence as set out in international human rights law. Has your government ratified the following international human rights standards and ensured that your national legislation is in line with the obligations they set out?

- UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- UN Convention on the Elimination of All Forms of Discrimination against Women
- the Optional Protocol to the UN Convention on the Elimination of all Forms of Discrimination against Women
- the Rome Statute of the International Criminal Court
- the International Labour Organisation conventions on the rights of migrant workers

* Has your government implemented the UN Declaration on the Elimination of Violence against Women?

* Has your government made any reservations to the human rights standards it has ratified?

* Does your government comply with the reporting requirements of the human rights treaties to which it is a party?

Take a step to stamp out the torture and ill-treatment of women

Challenge your government to protect women from violence

Register to take action against torture at: www.stoptorture.org and campaign online

An ethnic Albanian woman refugee from Kosovo, Federal Republic of Yugoslavia, in the Stenkovec refugee camp in Macedonia. Some 850,000 ethnic Albanians, predominantly women and children, fled or were forcibly expelled from Kosovo between March and June 1999. They were fleeing gross human rights violations, including arbitrary detention, “disappearances”, torture (including rape) and killings. © Hazir Reka/Reuters/Popperfoto

An AI member at the Pride celebration in Paris, France, holds a poster drawing attention to human rights abuses against lesbians and gays. State and community regulation of women’s sexuality often renders women vulnerable to violence and degrading treatment.

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Victoriana Vázquez Sánchez (left), a 50-year-old member of the Mixteca indigenous community of Barrio Nuevo San José, Guerrero state, Mexico. In April 1999 she left the community, with another woman relative, to look for a young man and a boy from their family who had gone to harvest crops and had not returned. The two women were allegedly captured and raped by soldiers near their plots of land. The bodies of their two relatives were found more than two weeks later. © Private

Dalit women at a public hearing on violence against members of the *dalit* community held in Chennai, India, in 1998. (*Dalit* literally means “broken people”, a term used to describe members of the Scheduled Castes, formerly known as “untouchables”.) *Dalits* are a disadvantaged social group, and violence against *dalit* women is common. © Tamil Nadu Women’s Forum

Bosnian Muslim women in a refugee camp in Tuzla, northeast Bosnia-Herzegovina. These 40 women were systematically raped by Serb militiamen during the war which ripped the former Yugoslavia apart between 1991 and 1995. They agreed to be photographed so that “the world knows the truth” about the war. © Rex Features Ltd/Andrée Kaiser — Sipa Press

Women arrested in Guinea in December 1998, some of whom were tortured. © AI

Kajal Khidr. © Private

Bina, from Bangladesh, holds a picture of herself before she had acid thrown in her face. She is now in the USA, runs for her college athletics team, and is awaiting plastic surgery. Some 200 cases of acid-throwing are believed to occur every year in Bangladesh, mostly committed by jilted suitors and abusive husbands. The disfigurement caused is permanent and extremely painful. The pain and distress are compounded by the (often justified) fear of rejection by husbands, family and community. © Ugo Panella

Lock-up, Karachi Central Court, Pakistan. Women in Pakistan who have been raped, but cannot provide four witnesses to prove that they did not give consent to having sex, have themselves been jailed for illicit sexual intercourse. © Kayte Brimacombe/Network

Protesters against domestic violence gather outside the Statehouse in Boston, USA, in October 2000. Their signs bear the names of women who the demonstrators say died as a result of domestic violence in the previous year. © AP

A Romanian woman participates in a protest against domestic violence after the Romanian edition of *Playboy* magazine printed an article entitled “How to Beat Your Wife Without Leaving Marks” in April 2000. The magazine claimed it was a joke. © Radu Sighet/Reuters/Popperfoto

Women bonded labourers, Pakistan. © Shakil Pathan/Anti-Slavery International