

## TORTURE, CRUEL, INHUMAN AND DEGRADING TREATMENT OF WOMEN Psychological consequences

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*Artiklen diskuterer køns-specifikke torturformer, tværkulturelt, set fra et Menneskerettighedsperspektiv. Den diskuterer hovedsageligt sexuel tortur og grov, umenneskelig og nedværdigende behandling af kvinder udført af statslige magtudøvere, som politi og fængselsfunktionærer i mange kulturer. De seneste udviklinger i internationale love om kvinders menneskerettigheder som de udtrykkes i FN strategier beskrives og diskuteres. Derudover diskuterer artiklen årsagerne bag den totale straffrihed for udøvere af massiv sexuel misbrug af kvinder under WW2, og opridses de seneste mentalitetsforandringer i opfattelsen af voldtægt af kvinder fra statslige magtudøveres side. I dag anerkendes voldtægt som tortur ifølge FN's Konvention mod tortur. De fysiske og psykologiske konsekvenser af sexuel misbrug opsummeres og artiklen foreslår en række forebyggende foranstaltninger på lovmæssigt, institutionelt, civilsamfunds -og individuelt niveau.*

Nobody asks a male torture victim whether he has consented to torture but the issue of consent is always present when a woman wants to reveal that she has been sexually abused by an official.

### Introduction

Torture constitutes a distorted form of human interaction in which one powerful person in his official capacity deliberately inflicts pain on, degrades and humiliates another person who is powerless and defenseless. One of the aims of torture at all times has been to destroy the personality of the victim and at the same time set an example for the rest of the community by creating a culture of fear that intimidates and terrorizes (Arcel, Genefke, Kastrup 2001).

This article focuses on Gender-specific forms of torture, mainly sexual torture and cruel, inhuman and degrading treatment against women (in the following CIDTP = Cruel, Inhuman, Degrading, Treatment and Punish-

ment) perpetrated by State-agents as defined in the Convention against Torture (1984), entered into force 1987.

Gender-specific torture is directed disproportionately or primarily against women. Men can also be targets of sexual torture but in smaller numbers. In this article we will focus solely on women. Sexual torture harms women's bodies and minds, controls and stigmatizes them socially, impairs their sexual identities and in the worst cases turn them into living dead. Because of the woman's crucial role as the care-person in the family, her somatic and mental suffering create detrimental conditions not only for herself but for her entire family.

I will discuss Gender-specific torture in the context of Gender-specific violence as defined in the Declaration on the Elimination of Violence Against Women. UN resolution 48/104 of 20 December 1993 (Symonides & Volodin, 1999).

By including the broader context in this volume we are in accordance with the increasing international focus on Gender-specificity of societal violence that violates the human rights of women. Torture and CIDTP against women are in this broader context seen as only one form of societal violence on the State level which, in a complex culture of violence, is linked to other forms on the Community and family level that reinforce each other if the state does not intervene.

Human rights violations do not arise only out of law but also out of cultural practices and institutions not mentioned in the national legislation, e.g. practices of genital mutilation and murder because of a small dowry. The argument is that we cannot expect to combat and prevent torture and CIDTP of women on the State level as long as widespread, general societal violence against women on the Community and Family level is allowed, condoned, accepted or tolerated by the State through its passivity in the face of human rights violations. A general culture of violence and fear in a society creates tolerance for State-perpetrated torture and maltreatment against women.

Applying a gender-perspective in this article means that I will take a closer look at specific forms of torture targeted at women, i.e. mainly sexual torture. I will further show how legal and societal understanding of sexual torture and CIDTP as private acts, have hindered effective law-enforcement and adequate protection of female suspects and detainees during war and peace.

In the first section of the article I will present the background for a new branch of Human Rights theory and law and discuss the UN definition of Gender-violence in connection with the definition of torture. Subsequently, I will discuss two selected forms of Gender violence perpetrated by State-agents: a) Sexual violence during armed conflict; b) Sexual violence and CIDTP of women in custody, including violations of their reproductive capacity and arbitrary captivity in detention-like situations.

Examples from Europe, other countries and China will be used to illustrate problems. The symptoms of health and mental health suffering and guidelines for prevention of torture will be elaborated in the second section.

### **A new branch of human rights law**

An important reason for focusing on general societal violence against women is an acknowledgement that it seriously jeopardises not only the social and personal development of women and their families but also affects negatively the economic and social development of societies themselves.

A specialised branch of human rights law tries, on a global level, to integrate the Gender perspective in all investigations, country reports, planned actions, legislation, policies or programmes in all areas and at all levels. By integrating this perspective, the different – and invariably unequal – political, social and cultural conditions for the two sexes – and the discrimination resulting from these conditions – become visible and thus easier to target for change.

The UN Economic and Social Council (ECOSOC) have examined in depth the problem of violence against women in all its forms and documented that violence against women in the family and society is pervasive and cuts across lines of income, class and culture. Even gross violations of women's civil and social human rights, have been tolerated in many societies due to discrimination (1991). ECOSOC (Symonides & Volodin, 1999) proposed that a specific international instrument on violence be drawn-up in co-operation with the Committee for the Elimination of Discrimination Against Women (CEDAW) under the Convention of the same name.

The World Conference on Human Rights in Vienna in 1993 followed up on the issue and focused on *Gender-violence* as an independent theme, recognising that the »alarming global dimensions of female-targeted abuse« (Benninger-Budel, & Lacroix 1999) were not adequately addressed in mainstream United Nations activities.

The Declaration on the Elimination of Violence against Women was proclaimed by the UN General Assembly on 20 December 1993 as a result of ECOSOC's recommendation for an international document that would address explicitly violence against women.

The acknowledgement of the necessity of integrating gender in the United Nations Human Rights work led to the appointment of a Special Rapporteur on Violence against Women in 1994. Her mandate is to collect and analyse comprehensive data on general violence including torture and to recommend measures aiming at eliminating it at the international, re-

gional and national levels. I will include data from her reports in my analysis.

Finally, the fourth World Conference on Women states specifically in the Beijing Declaration and Platform for Action, that women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non-conflict situations. It recommends training and punishment of officials in order to prevent violence against women. (Unesco 1999, Chapter IV, Section D, Par.121) (Symonides & Volodin, 1999)

To conclude, the widespread violence and torture against women is now a UN priority demanding responses from national governments and the international community. The most important UN instruments and documents for carrying out this work are the UN Convention on the Elimination of all forms of Discrimination against Women, the UN Convention against Torture, (to both of which China and Denmark are State parties); the UN Declaration on the Elimination of Violence against Women (DEVW) from 1993, and the Beijing Declaration and Platform of Action (Unesco 1999). Both Declarations analyse the problem and recommend action on many levels. This recent Human rights theory softens the borders between private and public and underscores the necessity of active State intervention against gender-violence in the public as well as in the private sphere.

A note of caution: However important these achievements might be, no human rights are in reality self-evident. Human rights are norms and practices for which real people must struggle within their social and cultural reality. In reality women (and men) can live and die without ever being conscious of their existing human rights. International instruments and documents are formal, distant papers that are unlikely to change peoples lives at the local level unless States, UN Treaty-bodies and human rights defenders use them to find solutions and develop strategies for implementation. States tend to sign Conventions in New York and Geneva under international pressure and afterwards continue to act as they have always acted. Many international instruments, even those endorsed officially, have the problem that they often stay at the level of ideology (Richters 1994). However, once they are there they can be used by scientists, NGOs, and human rights fighters at the local level to push Governments into implementing what they have agreed to. Once they are there, they can play an important role in the development of enforcement mechanisms as long as there is political will and/or struggle by people in real life.

## **Definition of Gender-based Violence**

Article 1 of the UN Declaration on the Elimination of Violence against Women (DEVW), proclaimed by the UN General Assembly in its resolution 48/104 of 20 December 1993, defines the term »violence against women« as:

*»Any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (Symonides & Volodin, 1999 p. 53)«.*

How is this definition connected to the definition of torture? In comparing the wordings of the two definitions it is obvious that the above cited definition is more general and, in contrast to the latter, it does not comment on whether the violence is intentional or not. Intention is always an aggravating condition in court trials.

However, DEVW presupposes in the preamble that violence has an intent on the societal level – through its wording of the reasons behind violence:

*»... Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.« (Symonides & Volodin, 1999 p. 52 )*

This definition does not include a gradation of violence as in the torture definition of »severe pain and suffering whether physical or mental«, but rather focuses on the results of the violence: physical, sexual and psychological harm and suffering. By the wording: »threats of such acts« it includes, justifiably, specifically psychological violence. Research on psychological trauma documents that threats against life and body in a generally violent context with verbal humiliation and degradation results in persistent mental harm. (Foy, D. 1992) The terms »coercion and arbitrary liberty deprivation« refers to all forms of isolation, arbitrary custody and strict control of women's movements, from prohibition to attend education or work (i.e. Afghanistan) to sexual slavery (trafficking into prostitution in Europe and Asia) to detention in Reeducation and Labour camps in many Asian countries.

Three contexts of violence are differentiated in Article 2: Family, Community and State. The forms shall be understood to encompass, but not be limited to, the following:

- a) *Physical, sexual and psychological violence occurring in the family: wife-battering, sexual abuse of female children in the household, dowry-related violence, marital rape, and female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation .*
- b) *Physical, sexual and psychological violence occurring within the general community: rape, sexual abuse, sexual harassment and intimidation at work and educational institutions, trafficking in women and forced prostitution.*

c) *Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.* (My underlining) (Symonides & Volodin, 1999 p.53)

Most of the violations, at all three levels, concern women's sexuality, reproductive capacity and their right to decide over their own body. Article 3 mentions explicitly the right to not be subjected to torture or other cruel, inhuman and degrading treatment or punishment. The list of violence-forms in the definition is not exhaustive. Especially State-perpetrated or State-condoned violence is not specified.

Some forms of State-violence are added in the text of the Beijing Declaration (Symonides & Volodin 1999) as a result of the terrible experiences with massive rapes in former Yugoslavia, Rwanda and Somalia and the reports of atrocious cases resulting from the population control policies in countries like China and Colombia. These are: murder, systematic rape, sexual slavery and forced pregnancy in situations of armed conflict (Yugoslavia, Rwanda, Indonesia, Somalia, Sierra Leone), forced maternity (Bosnia), forced sterilisation, forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection (China, Colombia, Guatemala). (HRIC 1995, 1995, Chen 1999)

It is, however, unfortunate that the violence-forms concerning sexual slavery, violations of reproductive rights and female infanticide are not included in the definition.

All in all, one could argue that in focusing on the broad term of 'violence' in connection to women we risk that governmental torture of women will be disguised and blurred rather than highlighted.

I do not share this view. The gender-perspective on violence is a new trend in Human Rights theory. Since September 1994 the issue of gender has been on the agenda of the chairpersons of all Human Rights treaty bodies of the UN. The chairpersons agreed on strategies to closely monitor violations of women's human rights within the competence of their mandates. Thus the Special Rapporteur on Torture has, for the first time ever, included torture against women as a special issue in his annual report of 1995 (United Nations, E/CN.4/1995/34, paras 15-24).

Never before have we seen, in UN reports on Torture, so detailed documentation and theoretical analysis on women's torture globally as in the reports of the Special Rapporteur on Violence against Women.

The differentiation, stringency and inclusiveness of the analysis and definitions will be a continuous process in the years to come in which scientists, Governmental organisations and NGOs all have a role to play.

I will in the following concentrate on State-perpetrated and State-condoned sexual torture and CIDTP. The terms sexual abuse and sexual assault are terms used in psychological literature and will be used interchangeably.

## Sexual torture and CIDTP of women by State-agents

### *Definitions and forms*

Despite widespread State-violence against women, the typical image of the torture victim is a male that is arrested or imprisoned, suspected of a crime or dissenting political activity, tortured and maltreated in custodial settings.

Mainstream theorists did not until recently recognise that women, besides being violated with the same methods and for the same reasons as men, often are subjected to other forms of severe abuse that qualifies as torture or cruel, inhuman and degrading treatment and punishment according to the definition in the Convention of 1984. Gender-based torture and CIDTP is rape and other forms of sexual assault, forced impregnation, forced maternity, forced abortion, forced sterilisation and sexual slavery.

Women are in many contexts sexually violated by officials, simply because they are women and thus considered to be socially inferior human beings to whose bodies and minds the person in authority feels he is entitled to get access.

Sexual abuse is meant to hurt, control, and humiliate, violating a persons physical and mental integrity. Such intention falls under the Torture Convention: *»or for any other reason based on discrimination of any kind«*. Rape is the single most widespread form of sexual assault. The legal definition of rape varies from country to country. In most societies it is defined as sexual intercourse with another person without consent, and committed by force.

My definition of rape for the purposes of this paper, adapted after Blatt (1995), is as follows:

*Forcible penetration or near-penetration (vaginal, rectal ,oral )of a woman's body openings by body parts of or any instruments used by a person in official capacity during armed conflict or during peace with the purpose of manifesting aggression and causing physical and psychological damage. Rape includes cases where a woman is coerced by State officials to exchange sexual favours for certain entitlements for herself or her family (food, necessary papers, health services) or is coerced in sexual intercourse because she fears for her safety.*

Other forms of sexual assault may be: Forcing the woman to take part in unnatural sexual relations with others than State-agents, i.e. with family members or with animals or other captives, inflicting pain on the genitals with different materials as electric current, water, or mechanical stimulation of the erogenous zones, squeezing or binding the breasts, suspension by the breasts, genital mutilation, the forced witnessing of rape or unna-

tural sexual relations (i.e. the use of animals as rats and dogs), being forced to masturbate or to masturbate others, a general atmosphere of sexual aggression that arises from being molested, stripped naked, degrading remarks, and life threats, sexual threats, molestation without penetration.

All the above mentioned forms equate rape in a psychological sense, even if they in a technical or legal sense do not involve penetration. The victim feels raped, dirty, damaged and presents the same clinical picture in the initial health assessment as if she had been penetrated.

Sexual assault is more often than not combined with other forms of physical torture as cuts with knives, bottles, burning with cigarettes, beating with hands, weapons, sticks etc., kicking, tramped with boots, pinching etc. This was often the case with the war-raped women in Yugoslavia as the following example shows:

*»After they abused me, they ... (two soldiers) carried me naked out to the fields, placed me in the watering trough beating me mercilessly with the riffle-butt, shouting, we are going to kill you, you whore, trying to force me to tell them where my husband was« (29 yr. old Bosnian woman, in personal communication under interview)*

Psychological methods of torture have gained in importance in recent years. The main forms include brain-washing, sleep-, food- and water deprivation, denial of sanitary means, confinement in isolation, mock execution, humiliation and life-threats, forced witnessing of others being tortured. (Arcel et al 2001)

Sexual violence falls under both physical and psychological torture. Denial of sanitary means is a special form of degrading psychological torture for women.

*»I was chained to the wall, my arms and legs were spread apart. I started to menstruate. I could feel the blood flowing down my leg. They mocked my body. I stood there wetting myself and covered in my own blood. I felt so humiliated and powerless. I felt like a child in the most terrible nightmare imaginable«.* (Korzinski 1997 p.22)

*Vulnerable groups:* Women at risk are women suspected of crimes, ethnic minority women, women active in the political opposition, defenders of human rights, refugees, displaced and repatriated women, women with family links to persons suspected or imprisoned. Women in prostitution and trafficking networks, women migrants including migrant workers, poor women, women in institutions or in detention, women in situations of armed conflict or foreign occupation, women living in rural, remote communities.



In short, all women in detention and detention-like situations, unaccompanied women in a socially weak position, or women in need of life-important services or personal documentation papers from male State-agents.

*Perpetrators during war:* The military, security forces, militias, police officers or other persons in a position of authority, i.e. guards in civilian detention camps, guards in refugee camps, political officials with responsibility for distribution of goods and necessities.

*Perpetrators during peace:* Security forces, military police, judicial personnel, civil police officers, prison officers, prison inmates on the instigation or consent of prison officers, or other officials authorised with power over the individual as guards in non-corrective detention centres, officials that are in power to provide important papers.

*Underreporting:* Numerous incidences of sexual abuse are never reported for the following reasons:

Sexual attacks are in most communities perceived as shameful and the victim is stigmatised. She may be unable to marry or stay in a marriage if it is known that she has been abused. Women's lack of access to legal information, aid and protection. In some societies she is perceived as the culprit that should be punished. There is often a lack of effective prohibition of violence against women and, if it exists, there is a lack of will on the part of the authorities to enforce existing laws and punish the perpetrators. There might not be an effective complaint-system or information on the existence of one. Officials may fear that raising the issue could damage the image of the Government or they may fear reprisals from colleagues and superiors for revealing weak parts of the system. They may feel discomfort by the subject as sexual violence often provokes strong emotional responses, and many males and female officials do not know how to behave in front of an abused woman.

Finally, officials may themselves condone the sexual violence or even themselves participate actively in the abuse. (UNHCR 1995)

### **Specific contexts of sexual torture and CIDTP: Armed conflict, Police/Penal custody, Detention for various reasons**

#### *Armed conflict*

Sexual abuse of women during intrastate and interstate conflict has historically been a recurring phenomenon but kept as an official secret. History books have until recently counted dead and injured soldiers but never sexually violated women who were psychologically and physically injured for life. The recent list only from the 1990s is long: Bosnian Muslim women violated by Bosnian Serbs and Bosnian Croats, Tibetan women violated by Chinese, Rwandan women violated by both enemy

men and women, East Timorese women by Indonesians, Kashmir women by Indian soldiers, to mention only a few of the intrastate and interstate conflicts (Report of the Special Rapporteur on Violence 1998). The horrendous news of the raped women in Bosnia gave impetus for a large number of personal testimonies, books and articles in international scientific literature and media that for the first time brought to light the »Hidden horrors« (Tanaka 1996) against women in previous wars.

Sexual violence against enemy women is part of the punishment, intimidation and terrorisation of a political, religious or ethnic minority, a mean for a military strategy or other State policy: A weapon of war.

The abuse happens in custodial settings: Prisons, police stations, detention centres, transit-centres, refugee settlements, but just as well in non-custodial settings as homes, official buildings, various kinds of collective centres, health institutions, bordellos or sexual slavery camps organised by the military. Sexual slavery camps have a long history. Notorious are the so-called »comfort« houses established by the Japanese during WW2 where 80.000-100.000 women from Southeast Asia were held captive and forced to sexually service the troops. The first »comfort« house opened in Nanjing in 1938.

*»...the conditions of these brothels were solid beyond the imagination of most civilised people. Untold numbers of these women (whom the Japanese called 'public toilets') took their own lives when they learned their destiny; others died from disease or murder. Those that survived suffered a lifetime of shame and isolation, sterility or ruined health. Because most of the victims came from cultures that idealised chastity in women even those who survived rarely spoke after the war – most not until very recently about their experiences for fear of facing shame and derision« (Chang 1997 p.53).*

A former Japanese soldier spoke candidly about the process of mass rape and murder of Chinese women:

*» ..We took turns raping them. It would be all right if we only raped them. I shouldn't say all right. But we always stabbed and killed them. Because dead bodies don't talk«. (Chang 1997 p. 49)*

The Japanese government has after pressure expressed remorse and has apologised to former »comfort women«. It has set aside 700 mil yen for medical and welfare projects for these women, and committed itself to include these stories in history books in order to prevent such atrocities in the future. However, it has not yet accepted legal responsibility.

Fifty five years later history repeated itself in Europe in the Bosnian war where women were raped as part of an ethnic cleansing of a territory. (Arcel et al. 1995)

To this day the war rape crimes in Bosnia are the best investigated, documented and reported. (Helsinki Watch 1992, Amnesty International 1993, 1994, UN 1994/674, European Union 1993).

*In a small village of Kotor-Varos (Bosnia), Matilda 20 yr. old, mother of two small children was raped by a soldier in her own house while another soldier watched the children and took his turn afterwards. She was threatened with a knife that if she did not co-operate, the children would be harmed. Her 60 yr. old mother in-law was raped on the second floor by a third soldier. The women were interrogated about the whereabouts of the family males and were urged to leave the village as soon as possible, otherwise they would come back, rape them again and kill them (Arcel et al 1998).*

### **Impunity for sexual torturers**

Impunity of perpetrators of these crimes has been pervasive throughout history. In most wars, rape was officially prohibited, but in reality accepted as a necessary »by-product of the war«. Courts and state authorities did not consider rape to be torture. Torture as a method of punishment and interrogation of soldiers and prisoners has been repeatedly prohibited in Declarations and Covenants since the 18th century, and punished in several military and civilian trials, meanwhile the rape of women has been explicitly condemned alone under Humanitarian law. (Blatt 1995)

Rape was not condemned before the 1949 Geneva Convention on the Protection of Civilians in Time of War in which article 27 states that women should be especially protected against any attack on their honour, in particular against rape, enforced prostitution or any form of indecent assault.

However the international legal community was until lately (i.e. until the 1970s) reluctant to recognise even mass rape and horrendous dimensions of sexual abuse by public officials as a politically motivated offence against enemy women.

A striking example can be found in the report of the International Commission of Jurists on the mass rapes of 200.000 Bengali women in East Pakistan in 1971 (Blatt 1995). The jurists assumed that young women and girls were kept by Pakistani troops for their sexual pleasure. No link was made between the rapes and sexual slavery on one side and torture on the other. The Pakistani army's stated purpose to brutalise and terrorise Bengali people in order to break their spirit during the civil war was not used by the jurists as an explanation for the sexual abuse. The reasons underlying

ing the failure to link rape and other sexual abuse with the legal definition of torture are mainly based in the conception of rape as a private act for which the State cannot be responsible.

The prohibition against rape and torture by officials were and still are in many countries separated from each other. This is reflected in the judicial practice and is as well deeply embedded in the consciousness of judicial personnel at all levels. When discussing this with colleagues from many countries, I am presented with the view that torture of women is rare in their country, only to hear them add in the next moment: »But women suffer from rape by police and prison officers«.

The linking of rape to female honour in the Geneva Convention and in the common view contributes to the assumption that rape is not a politically motivated act. In linking rape to the violation of a woman's honour, the morality of the victim comes into focus. She is viewed by the community as having lost her honour, she is 'dirty' or 'spoiled'. Consequently, many women will neither report nor discuss the sexual violence against them.

Not a single case of rape during WW2 was punished at the Nuremberg trials despite testimonies.

In contrast to the Nuremberg Tribunal, the Tokyo War Crimes Tribunal took pains to include rape crimes in the public records (Atkin 1997). The most significant case on rape presented to the Tribunal was the rape and massacre of Chinese women by the Japanese 10th Army and 16th division in Nanjing in December 1937. (Tanaka 1996, Chang 1997) A general was sentenced to death for crimes committed by his troops including rape. Despite this precedence it took 45 years to acknowledge – but still not punish – the massive sexual abuse and sexual slavery of European and Asian women. The sad case of the war-raped Bosnian women in Europe created such an international outcry that the judicial world became sensitised to recognise war-rape for what it is: torture.

### **Recognition of rape by State-officials as torture**

After the adoption of the Torture Convention rape has been identified as early as in 1992 by the Special Rapporteur on Torture, as a method of torture fulfilling all the essential elements of the definition in the Convention against torture (1984):

It »is a physical and mental act that gives rise to severe pain and suffering«. The perpetrator is »inflicting pain and suffering for a purpose or an intent«, the perpetrator is »an official or a person acting in an official capacity«. However, this recognition was incomplete in International Law until the International Criminal Tribunal for the former Yugoslavia (ICTY) created law-history by convicting a Croatian commander (Blascic

case) as responsible for mass sexual abuse of women in Bosnia (1991-1995); and by recognising rape as a crime against humanity and as torture, sentencing three Serbian soldiers to severe punishments in February 2001. The commander could not plead ignorance. He should have known and he should have prevented rape by punishing the agents. (Report of the Special Rapporteur on Gender violence 1998). Furthermore, a recent decision by the European Court of Human Rights in the case of *Aydin v. Turkey* at 25 September 1997 found that the:

*»rape of a detainee by an official of the State must be considered to be an especially grave and abhorrent form of ill-treatment given the ease with which the offender can exploit the vulnerability and weakened resistance of his victim. Furthermore, rape leaves deep psychological scars on the victims which do not respond to the passage of time as quickly as other forms of physical and mental violence ... the Court is satisfied that the accumulation of acts of physical and mental violence inflicted on the applicant and the especially cruel act of rape to which she was subjected amounted to torture in breach of article 3 of the Convention«. (my underlining) (UN Spec. Rapport. 1999)*

In addition to the Torture Convention, the Convention on the Prevention and Punishment of the Crime of Genocide, the Slavery Convention, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women are other human rights instruments which have bearing on the concept of sexual violence during times of armed conflict.

Defendants before the ICTY, who have committed sexual violence, have been charged with 'torture' in cases of multiple and repetitive instances of rape, causing serious bodily harm or suffering. In situations of rape where there was no serious physical injury, they have been charged with cruel, inhuman and degrading treatment. Thus, rape during armed conflict is recognised for the first time in history as sexual torture by an International Court (1998).

Furthermore, the Office of the Prosecutor of the ICTY included enslavement as sexual violence in for the first time in International Law in situations where Bosnian women were detained against their will and forced for several months to provide sexual and household services for soldiers (the Foca indictment).

A question that occupies many minds and is of relevance for Prevention of torture is:

*Why do soldiers commit sexual crimes during war?*

IRCT's research from the Bosnian war (Arcel et al. 1995, 1998) shows that war-rape is an expression of many elements. Motives are: expulsion of the civilian population, trans-generational revenge and punishment for atrocities committed in earlier conflicts between the two groups, misogyny, genocide mentality (wishes to extinguish the enemy from the face of the earth) and feelings of nationalistic superiority.

The undermining of the enemy's familial, social and national bonds by humiliating females, by creating life-time scars in women's bodies and minds and by socially stigmatising the enemy, comprises *psychological warfare*. In a patriarchal society each rape symbolises defeat and the impotence of enemy men in protecting their women. Rape of the enemy's women symbolises rape of his territory and his total defeat. The term rape is also used to denote the occupation of a territory or a town. (e.g. the rape of Nanjing, Chang 1997).

Feministic explanations of sexual torture stress that men abusing power in sexual ways enjoy a position of sexual dominance and feel their masculine identity reinforced by humiliating and subjugating the woman. In feministic assumptions, men show their inner desires in war-raping, stripped of civilisational inhibitions. This subjugation supports the maintenance of the patriarchal society (Brownmiller 1975, Hague 1997).

This view is supported by the fact that the vast majority of rapists in war are not mentally disturbed. They are 'normal' men, drafted or volunteers.

I do not believe that men raping in war show their inner desires or that man is a sexual animal that cannot control himself when in absolute power. It is true that male sexuality is potentially more aggressive than female sexuality, also in times of peace. The great bulk of sexual crime – rape, incest, paedophilia – is at all times and in all countries committed by men. This aggressiveness is cultivated to the extreme through institutionalised misogyny in the military establishment and exploited in racist military wars. Under such circumstances, many more men rape, even those who would never consider raping a woman during 'normal' times. However, the main responsibility for war-rapes lies with those identified leaders and their followers who conceive a rape-strategy and give soldiers or other officials the 'license to rape'.

My own explanation for mass rapes of war is *that it happens because it is allowed, without any or mild sanctions for the perpetrators*.

Permission can be by *commission*: open allowance as has been the case with the torturers in Latin American dictatorships and the Greek dictatorship in the early 70ties, in armed conflicts where war-rape is a strategy, or by *omission* by turning a blind eye to the crime and ensuring impunity for the offenders.

In a patriarchal, hierarchical and undemocratic system, as the military often is, those at higher levels of power send the signal to lower levels that

sexual torture is allowed, not punishable and not preventable. According to this way of thinking women are expendable and barely human beings:

According to surviving Japanese veterans many of the soldiers felt remarkably little guilt about the raping of Chinese women. One of them says: »*Perhaps when we were raping her we looked at her as a woman. But when we killed her, we just thought of her as a pig*« (Chang 1997 p. 50) The dehumanisation of the woman (the belief that she is not a human being) makes gross abuse possible.

In short, preventing sexual abuse of women is a matter of political will and the general perception of women in a given society. If gender-based violence is both widespread and ethically tolerated in male consciousness, then it is of little help that sexual torture is a crime and prohibited by national and international law. The ethical tolerance creates a gap between law and practice. The barriers for building bridges between law and practice may be purely technical given that political will exists, but are in most societies ideological.

### **Torture of women in police/penal custody**

Torture against women in police/penal custody is considered as a particularly severe violation of human rights with heightened responsibility from the State for the individual in its custody. Forms of custody include arrest, detention, preventive detention, pre-trial detention, and court lock-up. The laws and the conditions of these custody forms vary from state to state. Detention is particularly widely interpreted. All kinds of arbitrary captivity can be included under this term. Custody is not clearly defined. In its narrow definition it can encompass police and penal custody, but as the Special Rapporteur on Violence against Women notes in her report on State-violence (1996), it can occur in psychiatric custody, in medical custody, in educational custody. Custody can thus be defined broadly as situations where the state physically keeps an individual by compulsory means for a specific purpose. The purpose can be legal but also illegal.

Women are increasingly in conflict with laws and policies as they increase their activities in the public as well as in the private sphere. Political activists and human rights defenders are especially at risk of being tortured in custody. Research shows that almost all female political prisoners are subjected to sexual torture (Allodi & Stiasny 1990, Lunde & Ortmann 1992). Women are tortured in prison with the purpose of extracting a confession, and to punish, inflict pain and suffering, instil fear, and cause psychological damage. A recent example of torture of human rights activists in police custody in a European country:

»Two young Kurdish women – 16 yr. old, high school student NCS (full name withheld) and 19 yr. old student Fatma Deniz Polattas-were detained for several days in March 1999 at the anti-terror branch of Ilkenderun police in Turkey, accused of being members of an armed opposition group. The women were held naked and blindfolded and deprived of sleep, food and access to a toilet. During interrogation, police threatened to rape their parents unless they confessed. NS. was hit on the head, genitals, buttocks and breasts, forced to roll naked in water. Fatma Deniz was punched in the face breaking a tooth. She was then made to bend over and raped anally with an object ... The young women were seen at different times by five doctors, but none reported any signs of torture. Instead the women were subjected to degrading 'virginity tests'. Although they lodged a complaint the Iskenderum Chief Public Prosecutor decided not to prosecute the police officers. It was only after an appeal against this decision that in early 2000 a trial was opened against four police officers charged with torture«. (Amnesty International 2000).

Physical captivity in any form – where the power between the captive and the captor is unequal as in police and penal custody – increases the risk for abuse of power and torture. Male prison officials increase the risk for sexual abuse and coercion of female prisoners. So does housing of females in male prison facilities.

Gender-torture forms in custody documented in the latest report of the Special Rapporteur on Violence against Women are: rape, threat of rape perpetrated against women detainees by male guards or by inmates at the instigation or consent of the guards. (Albania 1994, Bahrain 1996, Bangladesh 1997, Tunisia 1995, Turkey 1997). Other forms are forced impregnation and forced maternity (Bosnia) by soldiers and militias. Virginity testing and defloration (Iran, Turkey) by police and prison doctors. These examples are only indicative and not exhaustive (United Nations, E/CN.4/2000/68).

### **Abuse of reproductive capacity in enforcing a State policy**

Forced abortion, forced sterilisation and forced miscarriages in late phases of pregnancy by midwives, population-control officials and doctors are reported to take place in China, Colombia. (HRIC 1995, the Special Rapporteur on Gender Violence 2000)

Population control policy in China puts women under tremendous social, economic, and administrative pressures to undergo unwanted abortions and forced sterilisation and then suffer the health consequences. Although the authorities have established Family Planning counselling Cen-



tres, violence and other abuses have been reported in individual cases. Though enforcement of the policy varies from region to region, patterns of penalty can include fines, disqualification of benefits and subsidies, administrative demotion or loss of job. Loss of state subsidies for child-care, health care and education and deprivation of a child's legal status. Women are subjected to peer pressure, and Unit officials and co-workers can lose their bonuses if they don't keep the quota for the permitted number of children and pregnancies in their district. Women are subjected to psychological intimidation and humiliation, monitoring of menstrual periods, demolition of property and property confiscation in case they become pregnant without permission.

There are disquieting reports on physical brutality of pregnant women, including beating and horrendous descriptions of forced surgery and killing of foetuses. Human Rights organisations are concerned about the lack of prosecution of officials who authorise these kinds of violations. (HRIC 1995, 1995, Special Rapporteur on Violence 1998, Special Rapporteur on Torture 1998, Chen 1999)

Amnesty International has labelled the practices of forced abortion and forced sterilisation as 'cruel, inhuman and degrading treatment of detainees or restricted persons by government officials' (Amnesty International 1995, in the report of the Special Rapporteur on Violence). A Chinese woman was granted asylum in Canada on the grounds that she would risk sterilisation if she were refouled to China.

### **'Safe' custody in detention-like conditions**

There is one form of gender-specific custody used especially in Asian countries (Bangladesh, India, Sri Lanka, China) called 'Safe custody' or 'Re-education custody' or 'labour camp', which are being used as a mechanism of 'protection' of women and children who have no other place to go. It includes victims of trafficking, abducted women, refugees, women rescued from brothels, women who left their homes due to domestic violence. They are kept there as captives. To detain such women is unjust and opens the door to numerous abuses. It is of course positive that the state provides shelter for people who otherwise would be on the streets. But so-called 'Safe custody' places are often dangerous places where women are abused or even killed (Special Rapporteur on Violence 1998).

Geographically isolated camps, overcrowded camps, poor services and facilities, poorly lit and unlocked sleeping and washing facilities facilitate sexual violence. Furthermore lack of police protection, general lawlessness, such as officials being bribed for not investigating complaints or themselves involved in abuse and exploitation, leave women in these camps without real protection.

## State-responsibility

Does the State have the responsibility for violations of women's human rights in medical settings and detention-like situations?

An interesting differentiation is made in the UN Declaration in the third context of Gender-violence, between State-perpetrated and State-condoned violence. The Declaration does not define clearly the difference between these two action patterns. However, it would not be wrong to assume that State-perpetrated violence may clearly fall under the general Torture Convention, whereas the concept of State-condoned violence has an undifferentiated status.

*An Example: Police officers witness passively atrocities committed by a group of citizens against a minority group in a European country. The police itself does not perpetrate violence but its passivity signals allowance to the crowd.*

The concept of »condoned violence« is useful in describing the intriguing cases where a violation in a given State may be strictly prohibited by law – thus is illegal – but is widespread in the practice of State officials and met with impunity. This is the case with torture occurring in numerous countries despite ratification of the Convention and prohibition by law.

The term condone means to: »*overlook, disregard, let pass, turn a blind eye to, excuse, pardon, forgive, make allowances for, forget. Opposites to condone are: Condemn, punish*« (Concise Oxford Thesaurus (1995). Another meaning is according to the Cambridge Dictionary (1995) »*the approval of a behaviour (that some people consider wrong) so that such behaviour is encouraged in the future.*«

It is evident that the behaviours included in the concepts 'perpetrated' and 'condoned' demand different actions. The perpetrating State is not necessarily in conflict with itself. It tortures and sanctions the torture, granting impunity to the perpetrators. Condoning a conduct implies a conflict where the State (agents on different levels) chooses sides against legality and ensures an illegal impunity for the perpetrators but does not like to admit it.

However, it would after my opinion be wrong to assume that the role of the State psychologically is active in perpetration but passive in condoning. Condoning an illegal atrocity is an active process, as is perpetrating it. It is active in the sense that it includes knowledge about the violation, many times even the presence of State agents, evaluation of the severity and the results of the violation, the decision about whether to condone or to punish, and finally it also has a purpose. Not necessarily a vicious one.

The reasons for passivity might be lack of resources to intervene, lack of expertise, conflicts of interests etc.

The basis for State-condoned violence against women might also include the purpose to maintain gender-discrimination. The Gender discrimination might be unlawful = Rape is strictly prohibited but can still be ethically tolerated and therefore legitimate = is condoned and punished minimally.

In such instances the state is, according to the Special Rapporteur on violence against women, directly responsible for violations of human rights of these women kept in the camps on behalf of the State.

The responsibility follows from the ratification of International Law that imposes a duty upon states to respect and ensure respect for human rights laws, including the law to prevent and investigate violations. It includes the duty to take appropriate action against violators and to afford remedies and reparation to those who have been injured as a consequence of such violations. (UN Special Rapporteur on Violence against Women p.18 E/CN.4/2000/68).

Of course, as mentioned before, one thing is Human rights law and another is human Rights practice. The enforcement of international laws is very different from country to country.

With respect to State responsibility it seems that the legal concept *due diligence standard* is gaining international prominence. (Benninger-Budel & Lacroix 1998, p.33). States must in '*due diligence standard*' employ all means of legal, political, administrative and cultural nature to promote the protection of Human rights. The principle of *due diligence standard* has been mentioned in reports of the Special Rapporteur on Torture, on the use of mercenaries as a means of violating human rights, reports of the Secretary General, by treaty bodies as CEDAW, the Committee on the Elimination of All forms of Racial Discrimination, by expert group meetings, in resolutions and Declarations particularly on violence against women and writings by publicists.

In concluding: Sexual torture and sexual violence against women is widespread during armed conflicts, in custodial and semi-custodial settings. Prevention of torture of female suspects and detainees is mandatory. I will return to the subject of prevention. In the next section I will analyse the experience of torture relationship and the psychological consequences of torture.

## **The experience of sexual torture**

People who have suffered physical and sexual torture have a particularly hard time living with the sexual torture. The perpetrator's purpose was to destroy the sexual identity of the person and he used psychological me-

chanisms to obtain that. The torturer observes the most vulnerable points in the victims' reactions and uses them to break her will. Torture creates an extreme social situation where the victims are subordinated totally to the will of the perpetrator. Unpredictable and painful attacks on the body creates a helpless situation. To be subjected to sexually humiliating situations in combination with other psychological torture as food, sleep, water and sanitary deprivation, teaches the victim that she is totally helpless, can not escape, can not be heard by anyone. In this situation she feels like a marionette with total loss of control and independence. Her body does no longer belong to herself but to somebody else.

The torturer decides what and when she will eat, drink, go to the toilet, sit or stand, be at his disposal sexually. The sexual assault attacks the most intimate parts of the body and soul. Sexuality, normally a part of a safe intimate relationship, is turned into the most aggressive and unpredictable attack. The humiliation, shame and fear felt in the torture situation is carried with the victim for the rest of her life if untreated. The torturer often tells the woman that she will not be able to be a woman again and will never be able to have children .

Since sexual torture involves the intimate parts of the body it creates a special tormenting feeling of complicity in the victim. Even under the most forcible and inescapable situations where resistance only brings more and heavier assaults, women feel guilty and feel they should have done something to escape the situation (Arcel 1998).

Acts of psychological and sexual abuse are invasions of the self of the victim. (Arcel et al 2000, Herman 1992) Victimisation affects important assumptions about oneself and the world that the victim held up until the moment of victimisation. What changes is especially the feeling of invulnerability that we all have as a natural endowment.

The conviction that we are invulnerable is healthy and necessary in our everyday lives, otherwise we would constantly be suspicious of every person and every situation as potentially dangerous.

Torture destroys temporarily or permanently the feeling of invulnerability.

### **Physical symptoms**

The violent attack on the body results in ill physical health, many medical complaints and victims describe initially many physical symptoms, few of which will be mentioned. (Jaranson & Popkin 1998) These can be fresh or healed fractures, otitis, periostitis, nerve and vessel injury, fibrosis in muscles faciae and connective tissue, injury to tendons and ligaments, distortions and scars from beatings, whippings, cuts with knife or other sharp instruments, burns or electrical torture. Other symptoms can be sex-

ual dysfunction, damaged teeth, the whiplash syndrome, punctured eardrums and hearing loss due to different methods of telephone. Alopecia is found after electrical torture. The torture survivors' chronic pains and tension influences the general tension of the musculature with fibrositis, fibromyalgia and myofascial pain as results.

Sexual torture may leave traces in the musculoskeletal system, structural injuries, functional disturbances and dysfunctional of the pelvic joints in women. They often have low lumbar pain, complain about pains in genitalia, menstrual disturbances and sexual problems. Sexual dysfunction and testicular atrophy in men is seen after electrical torture. Torture victims have many symptoms in the musculoskeletal system.

### **Sexual Torture and mental suffering**

During the last two decades an increasing body of research and theory has been produced in many, mainly Western countries where torture and sexual torture victims amongst refugees have been investigated as concerns their mental health. The surviving victims, if not succumbing to their injuries or killed purposely, may lose bodily health, work, family, status in the family and in society, and finally, if exiled, loss of country, language and cultural environment. The most commonly reported symptoms of mental suffering in many different parts of the globe are: anxiety, depression, irritability, emotional liability, cognitive memory and attention problems, personality changes, behavioural disturbances, neuro-vegetative symptoms as lack of energy, insomnia, nightmares, sexual dysfunction. (Arcel et al. 1995, Arcel 1998). At an early stage it was concluded by the RCT that the worst sequels of torture were psychological, confirmed by other international studies (Allodi & Cowgill 1982, Kordon et al. 1988). Researchers claim the issue of infliction of deliberate violence from one human being to another with the aim of destruction as being very influential to the formation of symptoms. (Somnier et al. 1996). Gelinas (1993) supports this point by differentiating between »facticity« (e.g. to break a leg in an accident) and »agency« as causes of trauma. The malevolent intention of the perpetrator entails, according to Gelinas, the most extreme trauma. The importance of other traumatic events as additive to torture stress is often not investigated.

Sexual assault is currently included in the psychiatric diagnostic Manual DSM-R as a type of traumatic event that can precipitate the full pattern of PTSD. PTSD is a psychiatric syndrome consisting of symptoms of extreme irritability, social withdrawal, avoidance of situations that can resemble elements of a torture situation, nightmares, frightening flashbacks of the traumatic situations. PTSD is affecting seriously the social adjustment of the individual. A growing number of studies confirm that rates of

PTSD following completed sexual assault are very high and higher comparing with any other crime (90%). Current results on the strongest predictors of PTSD symptoms in sexually assaulted women are: experienced threat to their life, actual physical injury in genitals or other body parts, completed rape, pretorture depression (Wolfe & Kimerling 1997). Other important factors for long-term PTSD is the quality of social support that a woman receives in her postcaptivity environment, her religious faith or political involvement. Research has shown that 2 weeks after sexual assault 94% of the women met criteria for PTSD, whereas approximately half of the group displayed PTSD 12 weeks after rape. PTSD is not the only disorder that may occur following sexual assault. There is increased risk of major depressive disorder, increased rates of suicidal ideation, and suicide attempts, anxiety disorders and substance abuse. A decreased frequency of sexual relations is the most often reported change after rape (59%). High levels of experienced violence result in an intense and debilitating fear of social situations or of being alone. Employed women tend during the first period after rape, to experience more problems after rape than unemployed women, possibly because employed women are forced to be in social situations before they have had a chance to recover from their experiences. Victims tend to view their husbands/boyfriends as attackers (Resnik & Newton 1992). The women with chronic PTSD have more problems in social and vocational adjustment. Many mental health workers have identified a cluster of symptoms labelled The Rape Trauma syndrome that consists of two distinct phases. (Burges & Holmstrom 1975). The Acute phase one is immediately after the rape lasting from a few days to a few weeks. The main emotional reactions during this phase is fear and thoughts about death, she expresses that she would rather be dead, she feels unclean and ashamed. Somatic complaints are often expressed, sleep is disorganised and decreased appetite. Genitourinary problems are often found. In the second phase depression is prominent, flashbacks and nightmares. These symptoms can vary over a long time. Important for coping is a family and social support. Almost all torture survivors seeking treatment, both refugees and others, will need practical assistance along with medical and psychological treatment needs. Focusing on the survivor's current life situation, family, personal values, existential dilemmas created by her eventual ideological disillusionment or the opposite, advantages and disadvantages in her engagement in her country's political situation, are for torture victims of equal importance to the medical assessment and treatment.

Major goals for rehabilitation and treatment of sexually tortured and degraded women are: 1) to reduce their anxiety; 2) to alter their perceived threat related to physiological, emotional and cognitive responses associated with the traumatic memories of violence; 3) to help them increase their feeling of safety, self-worth and hope for the future; 4) to reduce their

guilt, shame and self-blame; 5) to help them restore their social and vocational adjustment. Counselling and couple therapy can prevent breakdowns of communication in couples. Victims feel increasingly dependent on their partner, and can be chronically fearful and anxious which puts stress on a couple's life. Sexual torture is in medical and psychological literature considered as a very important life stress event that causes many other stress events. Concluding: Torture without a doubt places people at risk for psychiatric symptoms and social problems. The prolonged, repeated, man-made, unpredicted, and inflicted with malevolent intent, traumatic experience of torture results in the most serious psychiatric disorders. Prolonged and repeated sexual torture is the most traumatising human experience of all.

### **Prevention of torture**

Eradication of torture can not happen unless concrete measures are taken both for the short-term and the long-term. All measures presuppose political will, tight monitoring of human rights violations by 'watchdogs' as UN Treaty Committees and national and international human rights organisations that are persistent in their demands for change. The mobilisation of civil society to work for punishment of the officials is of utmost importance. This needs again the creation of awareness in the public and the Government on the detrimental effects of torture on health, mental health, human dignity and dignity of society itself. Prevention of torture can be implemented through measures at *the legislative level, the institutional level, the civil society level and the citizen level*. The following suggestions are not exhaustive but examples of preventive measures.

*Legislative level:* The existing national laws protecting health, sexual and reproductive rights, and those prohibiting torture and sexual violence against women should be consistent with international standards. Rape during war is now labelled as torture and commanders should instruct troops on international laws, strictly forbid sexual violence and inform about punishment rules. National laws should furthermore include concrete measures for implementation of the prohibitions. All levels of the judicial system can support prevention of torture by taking a strong position in support of laws protecting human rights. National laws, penal laws, codes of military conduct and other specialised procedures should be revised according to international laws, so that responsibilities taken on after signing the Conventions are carried out in reality instead of staying only in the form of papers. The States that have signed the Convention against Torture and Convention on Elimination of Discrimination against women have the responsibility to investigate allegations against gender torture and ensure that those who encourage, order, tolerate or perpetuate such acts shall be held responsible.

Country reports delivered to different Treaty bodies concerning human rights violations against women can be a tool for Governments and civil society to monitor the situation and set objectives for change.

A law should be enacted that forbids physical force in connection with the implementation of population control policies. In this connection there should be clear lines as to what types of behaviour by officials are acceptable/unacceptable. Officials crossing these lines must be prosecuted and removed from their posts. No change in the prevalence of torture will happen if the State does not adopt firm and highly visible policies condemning all forms of sexual violence. Widespread impunity against 'the letter of law' is incompatible with the Prevention of torture.

States shall ensure in their legal system that victims of torture obtain redress and have the right to compensation, including the means for as full rehabilitation as possible. Compensation should be awarded for any economical damage or physical and mental harm, including pain and suffering and emotional distress, costs required for legal or expert assistance, medication, health and mental health services. If the victim dies as a result of torture her dependants should be entitled to compensation.

*Institutional level*. In case of sexual violence during armed conflict, since peacekeeping has become an important part of the activities of UN, peacekeepers should be given necessary training in gender issues before they are sent to troubled areas. Victims and NGOs should in cases of rape by officials in war and peace be given the opportunity to trigger investigations and offer emergency services. Prosecutors' offices should be supplied with a strong gender division.

Capacity building programmes within the military, the police, the penitentiary system, the criminal system and other law-executing personnel in gender sensitivity and knowledge of physical and mental health consequences of torture should be implemented. Gender-sensitive training of judicial and law-enforcement officers and other public officials can change attitudes and conduct towards women. Rates of rape and other sexual abuse can be brought to decrease if female personnel participates during interrogation of female detainees, and females in prisons should be guarded by female officers. As sexual violence always raise strong emotions, embarrassment and subsequent silence, the prosecution, the judiciary and forensic experts should be given training on how to address problems of sexual violence. Persons trained to work with victims of violence against women working in the judicial system are essential for the prosecution of sexual violence. Standard minimum rules for the treatment of prisoners should be implemented in order to prevent abuses of imprisoned females. Legal remedies for victims, including an individual right to compensation, rehabilitation and access to social services.

The different bodies of police, prison and other detention systems can



facilitate the investigation of women's complaints of sexual abuse by establishing specific offices and systems of complaining. Since women can expect reprisals from the offenders, these complaints offices should keep strict confidentiality and ensure protection of witnesses. Pamphlets on how and where to seek assistance when sexually abused could be printed and distributed.

States should provide lawyers to females since females are often lacking in knowledge of the legal system and its possibilities for protection. Conditions in protective custody, e.g. in Re-education camps or other kinds of 'Safe' camps can be improved if the State is assisted by Non-governmental organisations that can create alternative shelters less dangerous for women or participate in the monitoring of these detentions. Improving the material conditions of the camps, e.g. fencing off the locations against foreign intruders, increasing security control, better lighting, locking of bedrooms and washing facilities, can reduce sexual abuse of women and female children.

Research institutions and University settings can be encouraged to investigate the causes of gender violence and effects of violence on health and lost working hours.

The relevant institutions on all levels of society can launch public information and educational programmes to change attitudes in the area of Gender violence.

*Civil society level.* Spreading awareness on gender-torture can not be implemented if civil society itself is not mobilised to endorse the necessity of combating torture. It is therefore important that relevant local governmental offices for women or grass-root initiatives are encouraged to take part in research, writing and implementation of laws against human rights violations of women. By Providing funds to grass-roots initiatives without ideological restrictions the real problems can emerge and be targeted for solutions. Existing women's organisations, governmental and non-governmental, can liaise in order to facilitate the discussion and response to issues of sexual violence. They could produce and disseminate pamphlets, newsletters, bulletins, poster, songs, theatre, Community meetings, radio, television and videos on the issue of sexual violence. The objective would be to change negative attitudes against victims of sexual violence so women are not afraid to reveal sexual abuse. Reporting on sexual violence in Denmark has increased considerably during the last 25 years with the establishment of a number of supporting remedies. Women found out that they will be helped and not stigmatised if they step forward.

Women's organisations could liaise with the judicial system in advocacy of enactment of national legislation on prohibition of torture and protection of women against sexual violence. Civil society groups could lobby government officials to ensure monitoring of police, prison, custody

conditions in order to decrease torture. NGOs should be given the opportunity to trigger investigations on human rights violations without persecution and reprisals for their work.

Co-operation between NGO's and professional organisations in law and health professions can mobilise the latter to investigate the problems and propose solutions.

*Individual level.* A victim that has suffered sexual abuse should be treated with special consideration in order to avoid retraumatisation and stigmatisation during legal and administrative procedures. All victims should be ensured medical care and post-coital examination and contraception may be available to prevent that victim becomes pregnant. Female medical personnel shall conduct the examination and the victim must be prepared for this examination that can be retraumatising as it can resemble the sexual torture. There is an urgent need for female gynaecologists to meet the needs of sexually abused women. The medical examination should investigate for wounds, injuries, sexually transmitted diseases, and risk of HIV. The State should give access to safe and free abortion to women that have become pregnant because of rape. The cases should be treated with maximum confidentiality and follow-up should be offered in order to monitor emerging health, social, mental health and vocational problems. The women should be offered legal assistance if they want to file the abuse. Culture-sensitive counselling should be provided to the woman and her family in order to prevent life-time psychological impairment. We must constantly fight against traditional rejection and attachment of social stigma to tortured women. They are entitled to begin a new life. Rehabilitation of torture victims can be long-termed and difficult. However by rehabilitating the tortured person back to society and to a useful life by supporting her own coping and fight for survival, we nullify the attempts of the torturer to destroy her and take a firm stand against the malevolence.

#### NOTE

Family and home have in many societies been considered as a 'castle' where the State should intervene as little as possible. The walls of the castle can hide harmony as well as murderous violence and maltreatment of women and children whose voices are not heard. The prevalence of wife beating in European countries vary between 20-25 %. About 50% of all women who are killed each year in Europe die at the hands of their partner who have previously been violent toward them (Council of Europe 2000 p. 58). The highest domestic homicide figure we currently know in Europe is that in 1997 more than 15.000 women were killed by current or ex-husbands in Russia (ibid). As most of the world's women primarily live their lives in or around their home it is, according to recent human rights theory, in the long run untenable to overlook the human rights violations and discrimination happening in the private sphere.

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