

Statement by

Dr Alice Jill Edwards

SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

General Assembly - 79th Session

25 October 2024

New York



*Check against delivery*

*Honourable Chair, Distinguished Delegates,*

Today I am presenting my third interim report to this committee, number A/79/181, in which I turn the spotlight onto the subject of sexual torture. My report, and this presentation, contain information and descriptions about violations so egregious that I must warn that they may arouse emotional distress or other traumatic responses. That should say enough about why we are here and how much work we have to do to rid today’s wars of these cruel and destructive crimes.

I wish to thank all those who contributed to the report.

\*\*\*

The muddy footprints from the soldiers’ heavy boots left a trail of evidence of violence through the house. The tracks moved from the door that had been pushed open with force, and along the small hallway where family photographs had adorned the walls and were now hanging askew or smashed on the floor. They moved into the living room, – once a warm place and the heart of family life where meals would be shared, tea for guests was served, and where the children would play when it got too cold outside.

That’s what she mentions to me first. The muddy footprints left on the rug, and the blood. The blood all around her. Her dress hauled up, her underwear torn and thrown into a corner.

And then she tells me – quietly – that out of her bruised half-closed eyes, she saw her two infant children across the room, cowering in a corner, the bigger one shielding the smaller one’s eyes with his hand.

\*\*\*

Honorable Chair, the time has come for a fundamental rethink about how we address sexual violence in wartime and other security crises. Conflict-related sexual violence is an insidious crime that is being perpetrated relentlessly. In the past year I have received reports about sexual torture in close to 30 armed conflicts. We need a new approach, *now*.

In my report, I argue that the legal framework for torture and other cruelty offers substantial advantages over current approaches to combatting sexual violence, particularly for victims and survivors, but also for investigators and prosecutors. The legal prohibition against torture is binding on all States and provides critical protections that are absent from sexual violence frameworks.

Torture is unequivocally prohibited under international law and neither superior orders, nor any form of amnesty can justify it. Importantly, there are no time limits on prosecutions or rehabilitation for torture survivors, which may otherwise apply if these crimes are only prosecuted as sexual offences under domestic law.

With a colossal tally of 120 armed conflicts globally, the spread of torture and other ill-treatment is dramatic and deeply disturbing. In the past year alone—in the Russo-Ukrainian war, Israel and Gaza/Palestine, Sudan, Syria, and the Democratic Republic of the Congo – allegations and evidence of torture – including sexual forms of aggression – have been reported to me.

Regrettably sexual torture is not a new phenomenon. However, the prevalence and intensity in today’s wars beg the question - what do we need to do differently to prevent, investigate, prosecute and end impunity for wartime sexual violence?

The Women, Peace, and Security agenda and related Security Council Resolutions have made strides and in particular acknowledge the centrality of women’s participation in peace processes, rebuilding and security, however other victims of wartime sexual offences are often excluded.

The reality is that sexual torture can affect anyone – women and girls, men and boys, LGBTQI+ individuals, civilians and soldiers. The torture framework is inclusive, applying to all who experience this form of severe pain or suffering.

Only when all victims are acknowledged will society as a whole be able to heal and future wars be averted. All victims and witnesses deserve clear protections, and perpetrators must face the harshest penalties.

Let me be clear - sexual violence perpetrated by warring parties is almost always torture or another form of cruel, inhuman or degrading treatment or punishment. When soldiers commit sexual assaults and cause severe pain or suffering to civilians or captured prisoners of war, whether physical and/or mental, for purposes such as interrogation, punishment, intimidation or discrimination – that is torture.

I have met too many survivors who have experienced the terror of sexual torture and have had to endure its traumatic and long-term consequences. Impacts of sexual torture can be psychological, physiological, reproductive and socio-economic.

Sexualized acts of torture are intentionally perpetrated to cause profound and enduring pain and humiliation.

Chair, in my report, I address the complexities of consent, and note instead that consent is not a factor in the definition of torture. The report also examines stigma surrounding victims, and the potency of the torture framework to remove this. Stigma causes such violence to be woefully underreported and such delays impede investigations.

*There is no shame in being a victim of torture.*

By framing sexual violence as torture, we can shift the narrative from the victims to the perpetrators. This shift is vital to reduce stigma and to empower political, religious and community leaders to advocate for survivors.

The report emphasises best practices in interviewing, evidence-gathering and investigations.

The report further deals with ways to prevent such behaviour, as well as the need for well-funded, accessible and inclusive rehabilitation programmes.

*Global Overview*

Honorable Chair, my report also presents my annual overview of global trends and developments. One-hundred-and-ten States are mentioned in the report this year. One-hundred-and-ten (110) States are mentioned in the report.

The report captures substandard prison conditions, documents cases of police misconduct, the troubling and growing phenomenon of hostage-diplomacy, as well as threats to women’s reproductive and other rights. The report covers crackdowns on protesters causing serious injuries and deaths by deploying so-called less lethal weapons that kill nonetheless. I take the opportunity to remind States in this room of my report of last year, A/78/324, calling for a torture-free trade treaty and my list of twenty prohibited items that should be removed immediately from use, production and trade.

In this 40th year of the Convention against Torture, we can celebrate its near-universal adoption. The treaty has helped to eradicate torture in some countries, while guiding gradual improvements in others.

Despite progress, many societies are not yet free of the grip of torture. All States can and must do better.

ENDS