

## Submission to the UN Special Rapporteur on Torture

### Title:

Identifying, Documenting, Investigating, and Prosecuting Crimes of Sexual Torture Committed During War and Armed Conflicts, and Rehabilitation for Victims and Survivors

### Submitted By:

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## I. Introduction

This report is submitted to the UN Special Rapporteur on Torture to provide insights into the challenges, strategies, and best practices associated with addressing sexual torture committed during war and armed conflicts. It aims to contribute to the upcoming report on the subject and support the Special Rapporteur's efforts to improve the identification, documentation, investigation, prosecution, and rehabilitation of victims and survivors of sexual torture.

## II. Background on Torture and Its Prohibition

Torture is recognized as a grave violation of human rights and is universally prohibited under international law. The UN Convention Against Torture and Other Cruel, Inhuman or

Degrading Treatment or Punishment (CAT) defines torture and outlines the obligations of states to prevent, investigate, and punish acts of torture.

Torture can take many forms, including physical abuse, psychological harm, and other forms of cruel, inhuman, or degrading treatment or punishment. Some common forms of torture include:

- Physical Torture: This includes acts such as beating, electric shocks, burning, and other methods of inflicting severe pain or suffering on the body.
- Psychological Torture: This encompasses techniques such as threats of harm, mock executions, isolation, and sleep deprivation that can cause severe mental anguish.
- Sexual Torture: Sexual torture includes acts such as sexual assault, forced nudity, and other forms of sexual humiliation.

While torture is universally prohibited, it continues to be practiced in many parts of the world, particularly in situations of armed conflict.

### III. Current Events and Conflicts

In recent years, numerous conflicts around the world have been characterized by reports of sexual torture. These include conflicts in countries such as Syria, Yemen, South Sudan, and the Democratic Republic of the Congo, among others.

For example, in Syria, various factions involved in the conflict have been accused of using sexual torture as a weapon of war. In Yemen, both government and rebel forces have been reported to use sexual violence as a means of punishing and terrorizing opponents. In Myanmar, the military has been accused of using sexual violence against ethnic minority groups such as the Rohingya. These instances highlight the pervasiveness of sexual torture in armed conflicts and the urgent need for effective measures to address it.

## IV. Global Trends

There has been an increase in reports of sexual torture and violence in armed conflicts globally. This includes the targeting of women, children, and men, as well as LGBTQ+ individuals. The rise of non-state actors and extremist groups in conflicts has also contributed to the complexity and frequency of sexual torture incidents.

## V. Challenges

### A. Legal and Regulatory Frameworks

- **Gaps in Legislation:** In many countries, there is a lack of explicit legislation that criminalizes sexual torture in armed conflicts. This creates challenges in prosecuting such crimes and protecting victims.
- **Lack of Enforcement:** Even where legislation exists, enforcement can be weak due to political, cultural, or institutional barriers. This may include a lack of political will or insufficient resources for law enforcement agencies.

### B. Identification and Documentation

- **Lack of Training:** Investigators and medical personnel may lack the specialized training needed to identify and document sexual torture effectively. This can hinder the collection of evidence and the ability to prosecute perpetrators.
- **Cultural and Social Barriers:** Cultural norms and societal attitudes may discourage victims from reporting sexual torture, leading to underreporting and lack of documentation.

## VI. Investigation and Prosecution

- **Security Challenges:** Ongoing conflicts can make it difficult for investigators and prosecutors to access affected areas and collect evidence safely.

- Forensic Challenges: The collection and preservation of evidence related to sexual torture can be challenging due to the sensitive nature of the crimes and the trauma experienced by victims.

## VII. Victim Testimonies

Incorporating firsthand accounts or testimonies from victims and survivors of sexual torture can give a voice to those directly impacted and highlight the human cost of these atrocities.

## VIII. Rehabilitation for Victims and Survivors

- Limited Access to Services: In conflict zones, access to specialist rehabilitation services for victims of sexual torture may be limited due to safety concerns or lack of resources.

- Tailored Approaches: Rehabilitation programs need to be tailored to the specific needs of different groups of victims, taking into account their age, gender, health status, and other factors.

## IX. Best Practices and Recommendations

- Strategies for Improvement: Effective strategies may include improved training for investigators, medical personnel, and law enforcement on identifying and documenting sexual torture.

- Innovative Approaches: Best practices from different regions can provide models for addressing sexual torture, such as specialized support services and trauma-informed approaches.

## X. International Cooperation and Efforts

International bodies such as the United Nations and regional organizations play a key role in monitoring, reporting, and addressing sexual torture in armed conflicts. International cooperation and coordinated efforts can enhance the effectiveness of these initiatives.

#### XI. Legal Precedents and Judgments

Including examples of legal cases and judgments related to sexual torture in armed conflicts can offer insight into how different jurisdictions are addressing the issue and achieving justice for victims.

#### XII. Emerging Challenges

Emerging challenges such as the use of technology to perpetrate sexual torture, or the rise of new conflict zones, need to be addressed to improve the response to sexual torture in armed conflicts.

#### XIII. Conclusion

This report highlights the urgent need for improved legal frameworks, identification, investigation, prosecution, and rehabilitation for victims and survivors of sexual torture in armed conflicts. We urge the UN Special Rapporteur on Torture to consider these challenges and recommendations in the development of their report.

#### XIV. Contact Information

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