

Rape as torture An evaluation of the Committee against Torture's attitude to sexual violence

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Abstract

This article evaluates whether the concerns expressed by feminist authors in the 1990s that the traditional construction of torture articulated in Article 1 of the Convention against Torture may prevent the Committee against Torture from adequately responding to sexual violence against women, in particular by non-state actors, are justified today. The first half of the article assesses how the Committee against Torture treats the 'severe pain and suffering' and 'prohibited purpose' requirements in the definition of torture in cases regarding violence against women. The second half of the article evaluates the Committee's approach to violence against women by non-state actors. It does this by seeking to better understand how the Committee approaches the terms 'acquiescence' and 'consent' in the definition of torture in Article 1. An analysis of the Committee's Conclusions and Recommendations indicates that it is willing to interpret the term acquiescence broadly so as to ensure that it is able to properly address violence against women by non-state actors.

Keywords

violence against women; committee against torture; severe pain and suffering; prohibited purpose; public official; acquiescence; due diligence; definition of torture; sexual violence; rape; non-state actors

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ISSN 1871-515X

