# FACTSHEET
# SEXUAL TORTURE:

**Why recognizing conflict-related sexual violence as sexual torture matters!**

**Investigating, prosecuting and preventing wartime sexual torture, and providing rehabilitation to victims and survivors.**



United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dr Alice Jill Edwards

Report No. A/78/181

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*Warning: The Special Rapporteur's report and the following summary contain information about sexual torture and sexual violence which may be triggering for victims and survivors*

## *Introduction*

Sexual torture is a profound exercise of power, leaving enduring scars that impact victims and future generations emotionally, physiologically, reproductively and socio-economically. It targets not only the direct victims but also has consequences for families, communities, and ethnic or religious groups, aiming to break their spirit and will.

The Special Rapporteur notes the alarming rise in reports of sexual torture in recent conflicts. Forty-six written contributions were received for this report, documenting allegations of torture in a wide range of countries, including *inter alia*, **Afghanistan, Azerbaijan, Burundi, Central African Republic, Chad, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Guinea, Iraq, Israel, Kenya, Libya, Mexico, Myanmar, Nepal, Nicaragua, Nigeria, occupied Palestinian territory, Russia, Rwanda, Sri Lanka, Sudan, Uganda, Yemen** and the **former Yugoslavia.**

Dr Edwards' report to the General Assembly underscores the need for specialist care in recovery and calls for a reassessment of how sexual torture is perceived and addressed, noting the frequent impunity for perpetrators.

As part of her research for this report, the Special Rapporteur travelled to Dohuk and Erbil, Iraq in June 2024 and interviewed survivors of crimes committed by Islamic State in Iraq and the Levant.

## *Defining Sexual Torture*

Sexual torture can be any form of verbal, emotional, psychological or physical aggression that violates intimate areas. This includes forced nudity, rape and sexual assault, genital mutilation and forced pregnancies. It aims to inflict maximum humiliation and cruelty.

Women and girls, often targeted by male soldiers, suffer additional burdens such as forced pregnancies and social rejection. While men and boys are less frequent victims of sexual torture, this violence is under-reported. It is intended to emasculate and humiliate them.

Children are particularly vulnerable. Sexual torture causes severe developmental, emotional and psychological harm, with long-lasting impacts. LGBTQ+ individuals also face sexual torture, with the added risk that they may be criminalized instead of protected.

## The Special Rapporteur on Torture's Call for Action

Dr Edwards believes that *states should fundamentally rethink how they tackle sexual aggression in wartime* and other security situations. She argues that the legal framework for torture has significant advantages over the current approaches for combating sexual violence in conflict, especially for victims and survivors.

- **Binding legal framework**
  Conflict-related sexual violence continues to be committed relentlessly. Nearly all cases involve severe pain or suffering, which characterizes them as torture. The torture prohibition is binding on all States, offering protections that the sexual violence framework cannot. Torture is absolutely prohibited under customary international law, and superior orders are not a defence. There are no time limits on prosecutions or rehabilitation, and no one can claim immunity or amnesty. Protections for victims and witnesses are clear, and perpetrators should face the highest penalties.

- **Inclusivity of the torture framework**
  Security Council Resolution 1325 and the Women, Peace, and Security agenda acknowledges that there can be no peace without real and meaningful representation and participation of women and girls in peace processes, rebuilding and security. However, this focus on women and girls can exclude other victims of wartime sexual offences. Research shows that anyone, including civilians, soldiers, women, men, children and LGBTQI+ individuals, can be at risk of sexual torture in war. The torture framework applies to all who suffer severe pain or suffering.

- **Shame**
  There is no shame in being a victim of torture. Framing sexual violence as sexual torture redirects shame from victims to perpetrators. This helps to reduce stigma, as well as allow political, religious, and community leaders speak out more freely on behalf of survivors.

- **Consent**
  Armed conflict restricts choice and autonomy, complicating consent in cases of rape, enslavement or other sexual aggression. Consent is not an element in the international crime of torture, simplifying legal proceedings for wartime sexual torture.

- **Evidence-gathering, Interviewing and Investigations**
  Testimonial evidence is primary in cases of sexual violence and torture. Best practices for interviewing, documenting and investigating torture ensure that crimes are established and prosecuted, allowing victims and witnesses to fully recount their experiences.

- **Rehabilitation**
  Few treaties mandate rehabilitation, but Article 14 of the Convention against Torture provides explicit rights to rehabilitation and compensation for victims.

## Special Rapporteur's observations and recommendations

### *Shifting shame and stigma to perpetrators*

Shame and stigma around sexual violence, including for children born of rape, impede recovery and justice. Survivors often face compounded trauma, intensified by community stigmatization, which leads to increased depression and anxiety.

The stigma must shift to perpetrators.

- **Torture Framework**
  There is no shame in being a victim of torture, nor of sexual torture. Victims, their families and communities are not to blame. By accurately calling sexual offences torture, shame and stigma are removed from victims and placed on perpetrators.

- **Leadership**
  Leaders can change societal attitudes towards victims. In **Iraq**, Yazidi leader Baba Sheikh's statement welcoming women liberated from ISIS reduced societal shame and aided healing. Faith-based organizations in Tigray, **Ethiopia**, support shunned survivors with essential services. In **Ukraine**, the Coordination Headquarters for the Treatment of Prisoners of War provides a judgment-free environment for war victims to discuss their experiences and receive rehabilitation.

- **Survivor Involvement**
  Survivors must be co-creators of their rehabilitation. The Kinshasa Declaration demands that reparation programs address discriminatory taboos and that survivors should be stakeholders in designing and implementing policies. The Bogota Declaration, from torture survivors in Latin America, stresses the need for victim involvement in public policy, highlighting their struggles with stigmatization and displacement.

### *Underreporting and delayed disclosure*

The Special Rapporteur notes that sexual torture in war is severely underreported, with estimates suggesting up to twenty cases remain undocumented for each case reported. Reports are typically late, complicating data collection and response efforts. Authorities should start with the assumption that sexual torture occurs in conflicts to better respond, collect evidence and assist victims, looking also for indicators like increased demand for emergency contraception and STI testing.

- **Barriers to Reporting**
  War creates significant barriers to reporting sexual torture. Victims prioritize safety and survival over reporting. They may lack access to law enforcement or fear reprisal from powerful perpetrators. Monitoring bodies may be denied access. Displaced victims face legal and cultural challenges.

- **Social and Psychological Barriers**
  Disclosure is hindered by trauma, stigma and the fear of reprisals. For male victims there is a fear of compromising their masculinity or, in places that criminalize same-sex relations, the fear of prosecution.

- **Confidentiality**
  Survivors fear breaches of confidentiality. Confidentiality protocols and secure data management are essential to protect survivors. For example, in Ukraine victims can request security measures and legal documents avoid specific crime locations to prevent re-traumatization and stigmatization.

### *Evidence gathering*

There is often a lack of evidence in cases of sexual torture in conflict which leads to injustice.

- **Reporting and Evidence Challenges**
  Areas may be inaccessible, and evidence can deteriorate over time. Perpetrators may destroy evidence by bombing or burning. Medical and forensic infrastructure may be damaged, and rape kits are often unavailable. Physical injuries may only be present in a minority of victims and may heal quickly. The identities of perpetrators may be unknown which limits the usefulness of DNA evidence.

- **Psychological Impact and Evidence Collection**
  Many acts of sexual torture aim at psychological torment, such as forcing victims to witness against loved ones. The Istanbul Protocol provides guidelines for documenting psychological and physical evidence of torture. Evidence types include testimonials, physical evidence from examinations and locations, digital evidence (videos, photos, satellite imagery) and documentary evidence. Circumstantial and testimonial evidence are often sufficient to substantiate war-time crimes if this evidence is reliable and credible.

## *Interviewing survivors and witnesses*

Interviewing survivors of sexual torture requires skill, training and emotional intelligence. The quality of the interview impacts the reliability of information and the willingness of survivors to share their stories, which affects the outcome of criminal proceedings.

- **Rapport Building**
  Rapport building is crucial, and victims should describe their experiences in their own way. Interviewers must be trained to elicit sensitive information ethically and reliably, without causing further harm or security risks. Open-ended questions – as recommended by the Istanbul Protocol – allow survivors to lead the narrative and are important practices.

- **Ethical Interviewing Practices**
  Properly conducted interviews can aid in survivors' recovery, and embedding psychologists in investigation teams ensures continual assessment.

- **Addressing Gender Disparities**
  The Special Rapporteur notes disparities in interviewing men and women, with female survivors often having their experiences narrowly classified as rape or other sexual offences, rather than torture. Survivors should be allowed to share their full experiences to ensure all potential crimes are recognized.

- **Interviewer Selection and Interpreter Training**
  Whenever possible, survivors should choose the sex/gender of their interviewer, and interpreters should be trained in cultural and linguistic nuances. Recording interviews can alleviate cognitive load and provide accurate records.

- **Remote Interviewing**
  Remote interviews can be useful in conflict-affected areas but should only be conducted when necessary, with comprehensive threat and risk assessments.

- **Support and Burnout Prevention**
  Interviewers and interpreters face significant cognitive and emotional pressure, and both survivors and interviewers need breaks and support. High rates of burnout among interviewers can be mitigated through proper training and support.

**Most Recent Reports by Dr Alice Jill Edwards, UN Special Rapporteur on Torture**

October 2023, Global trade in weapons, equipment and devices that are capable of inflicting torture, General Assembly, A/78/324

March 2024, Current issues and good practices in prison management, Human Rights Council A/HRC/55/52

## *Understanding offender behaviour to strengthen prevention*

Despite international and national investments in education, training, investigations and prosecutions, wartime sexual crimes and torture continue with impunity. Accountability can have a preventive effect, but addressing the underlying causes and catalysts of sexual torture is crucial.

- **Root Causes and Magnification in Wartime**
  Sexual violence against women and girls stems from misogyny, inequality, and discrimination, perpetuated by legal, social, cultural, economic and religious systems that devalue women and establish male dominance. These drivers, which are present in civilian life, are magnified in wartime.

- **Conflict-Specific Causes**
  In conflict situations, political and economic entrenchment of difference and hatred, as well as selective targeting to foment terror and to destroy social cohesion contribute to the perpetration of torture. Sexual torture is used in political and military strategies to oppress, control, exact revenge and is mistakenly believed by some to be effective in eliciting intelligence or confessions.

- **Terrorist Policies and Rewards**
  Some terrorist entities authorize sexual violence, including sexual enslavement and child marriage, as part of their ideologies. Rape may compensate or reward troops, especially with inadequate salaries. Historical examples include "comfort women" in WWII, rape hotels in **Bosnia and Herzegovina**, and ISIS's sexual enslavement of Yazidi and other women, girls and boys.

- **Military Strategies and Rape Culture**
  Appalling acts may be part of State military or political strategies through explicit or implicit orders. Wartime breaks peacetime norms, with military cultures often characterized by misogyny and "rape culture." Group mentality can lead to multiple perpetrator rape to build cohesion within units.

- **Understanding Perpetrators**
  Research shows most perpetrators are not sadists or psychopaths. Social structures, situations and psychological stressors lead "ordinary people" to become torturers. Factors include obedience to authority, training, manipulation of emotions and dehumanization of victims.

- **Importance of Understanding Offender Behaviour**
  Understanding perpetrators' motives and incentives is crucial for eradicating torture and its sexual manifestations. This knowledge helps to prevent future torture and to ensure targeted interventions, without excusing criminal responsibility.

## *Recovering from sexual torture*

- **Comprehensive Reparations for Sexual Torture Victims**
  Reparations address the damage from human rights violations, including rehabilitation for victims of conflict-related sexual torture. Countries like **Bosnia and Herzegovina, Colombia, Ivory Coast** and **Iraq** have reparation programs for survivors, though accessing them is often challenging.

- **Shortcomings in Rehabilitation**
  Reparation programs often rely on civil society organizations, require high evidentiary standards, offer general rather than specialized services and exclude male victims. Survivors frequently face poor treatment, funding shortfalls and time limits, as well as other bureaucratic hurdles to registration for rehabilitation.

- **Effective Rehabilitation Practices**
  Research shows effective rehabilitation practices involve:
  - Acknowledgement and Recognition: Reparation laws should be accessible to all survivors, providing acknowledgment and a path to healing
  - Victim-Centric Design: Reparations should be adequate, prompt, and transformative, addressing structural inequalities. Examples include special panels on sexual violence in **Nigeria** and the commission for recognizing sexual violence victim status in **Kosovo**
  - Anonymous Support: Support measures should address torture consequences without requiring disclosure
  - Tailored Services: Rehabilitation should be holistic and customized, addressing sexual and reproductive health needs, with community outreach and telehealth for privacy and reach
  - Trained Professionals: Professionals must be trained in holistic care, using sensitive language to prevent re-traumatization
  - Safety and Confidentiality: Rehabilitation environments must ensure privacy and support
  - Children Affected by Sexual Torture: Children born of rape need access to birth certificates, a legal identity and a nationality to ensure their basic rights

## *Recommendations*

- **Legal and Policy Frameworks**
  - Legislation should explicitly cover the spectrum of sexual and other torture-related crimes. Cumulative charging should be permitted as it reflects the true extent of the criminal conduct
  - States and militaries must adopt a zero-tolerance policy on torture including sexual violations. Soldiers and officers should endorse disciplinary codes and be educated on the causes, consequences and prohibitions of torture. More female soldiers and officers should be recruited. Individuals with backgrounds of domestic or sexual violence should not be admitted into the military
  - Reparations laws should be adopted and funded to provide reparations and rehabilitation for all survivors
  - States should commit to further research into perpetrator behaviour, root causes and catalysts

- **Survivor-Centred Support and Services**
  - Survivors should not only be consulted but also be considered co-creators of all policies and laws that affect them
  - Survivors must be treated with respect and recognition. There should be complaints procedures and disciplinary measures in place to deal with authorities who disrespect survivors
  - All protection, medical and legal support services are available at one integrated location to reduce the burden on survivors to drive the process themselves. Such services should not be contingent on the disclosure of sexual torture

- **Prevention, Education and Accountability**
  - Political, military, religious and community leaders should issue public statements that destigmatize survivors. Perpetrators should be shamed, criminalized, investigated, prosecuted and punished
  - Investigative teams should assume sexual torture cases will occur, develop indicators for proper response and document allegations as torture-related crimes as laid out in the Istanbul Protocol. Courts should accept related medical reports. Medico-legal teams must have necessary forensic tools and victims should have confidential access to comprehensive reproductive health services, including prophylactics, abortion and HIV/STI testing
  - Interviewers and interpreters should be trained and certified in the Mendez Principles and the Murad Code to effectively and sensitively interview survivors and witnesses of sexual torture. Protections for consent, confidentiality and anonymization of information must also be strictly upheld
  - The various actors (international and national) engaged in gathering information about wartime crimes should coordinate their activities to minimize re-traumatizing survivors and reducing the likelihood of inconsistent statements

# Dr Alice Edwards biography

Dr Alice Edwards was appointed in July 2022 by the UN Human Rights Council to the position of UN Special Rapporteur on Torture and Other Cruel, Inhuman Treatment or Punishment. She took office on 1 August 2022. Dr Edwards, an established human rights lawyer and academic, is the seventh Special Rapporteur on Torture, and the first woman to fill the mandate.

As the UN's leading expert on torture, Dr Edwards is at the forefront of global efforts to combat torture. Her role includes conducting fact-finding country visits and pursuing justice for victims of state-sanctioned violence.

Between 2016 and 2021 Dr Edwards headed the Secretariat of the Convention against Torture Initiative (CTI), an initiative of the governments of Chile, Denmark, Fiji, Ghana, Indonesia and Morocco, which aimed at achieving universal ratification and implementation of the UN Convention against Torture (UNCAT).

Prior to this, Dr Edwards was the Principal Legal Coordinator and Chief of Protection Policy and Legal Advice at the UN Refugee Agency (UNHCR). She was responsible for initiating and leading the implementation of the UNHCR's Global Strategy – Beyond Detention, a blueprint for action to support governments to end the routine detention of asylum seekers through constructive dialogue, technical advice and capacity building. Dr Edwards drafted the first set of guidelines on gender-related persecution and the current guidelines on detention and alternatives to detention.

Dr Edwards has spent her twenty-five-year career working for the rights of victims of human rights violations, including in the major conflict situations of Bosnia and Herzegovina, Mozambique and Rwanda. Among her achievements is the now globally recognised doctrine that rape and sexual violence are forms of torture and persecution, meriting international refugee protection. Her book, Violence Against Women under International Human Rights Law has influenced policies in a number of countries. She was also responsible for initiatives in advising States on reforming domestic laws to include torture as a prosecutable offence.

***If journalists would like to interview Dr Edwards about her report to the HRC or other aspects of her work please contact:***

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## Note on the mandate of the UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment

The mandate of the Special Rapporteur covers any act or omission amounting to torture and ill-treatment under applicable international customary and treaty law. The Special Rapporteur is authorised to examine questions relating to the prohibition, prevention, investigation and redress of such abuse in all current and aspiring member States of the United Nations, regardless of their treaty obligations.

The three-year mandate, established in 1985 by a resolution of the UN Commission on Human Rights, is the UN's second oldest. Dr Alice Edwards is the first woman in the role of Special Rapporteur on Torture in its nearly four-decade history.

In fulfilling the mandate, the Special Rapporteur conducts country visits, communicates with governments concerning information and complaints about alleged cases of torture, legislations or policies that might be in breach of certain human rights. The Special Rapporteur also submits activity reports to the UN General Assembly and Human Rights Council.

The UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment is one of the thematic special procedures which are independent human rights experts appointed by the UN Human Rights Council.