



वकालत मञ्च-नेपाल ADVOCACY FORUM- NEPAL

Lawyers forum for human rights and rule of law

Stop Torturing Women in Detention!

Press Statement

On the occasion of “the UN International Day in Support of Torture Victims-2011”, Advocacy Forum reiterates its commitment to assist victims in their quest of justice and continues to solidify on its campaign against impunity.

Every year, marking the UN International Day in Support of Victims of Torture, AF publishes a report based on the information collected during visits to detention centers with the objective of providing impetus for further reform. This year, we have dedicated this report to women victims of torture and ill-treatment in detention.

The report titled “ Torture of Women in Detention : Nepal’s Failure to Prevent and Protect” attributes the lack of criminalization of torture, the widespread impunity and the obstacles in accessing justice for women victims of human rights violations to a threat to women’s well-being and security. The aim of this report is to call on the Government of Nepal to exercise due diligence to prevent, investigate and punish acts of torture against women in detention and work towards improving the conditions of detention for women.

AF has been monitoring the status of torture in government detention facilities since 2001. AF statistics shows that there has been a gradual decline in torture in past few years. However, the trend of torture in detention still continues. During 2010, on average an estimated one in ten women detained by police was reported to have been subjected to torture or ill-treatment in 67 government detention facilities regularly visited by AF attorneys in 20 districts in which it operates. There is however a sharp increase of nearly 90 per cent when comparing the first half of the year with the latter. Between July and December 2010,, 13.9% of women reported they were tortured or subjected to ill-treatment (compared to 7% in the first half of the year).

This report also focuses on torture, including rape, of women during the conflict. As impunity continues to prevail, women victims of torture and rape are finding it impossible to obtain justice. They face numerous

Head Office: Shantiniketan Marg- 94/14, Gairidhara, Kathmandu, P.O. Box: 21798 Tel: 977-1-4415789/4415646 Fax: 4426698 email: info@advocacyforum.org.np,
URL: <http://www.advocacyforum.org>

Regional & Branch Offices

Biratnagar Tel: 977-21-530666 Email: advbiratnagar@yahoo.com
Pokhara Tel : 977-61-463890 Email: advpokhara@yahoo.com
Udayapur Tel: 977-35-420451 Email: advudayapur@yahoo.com
Surkhet Tel: 977-83-521122 Email: advsurkhet@yahoo.com
Rupandehi Tel :977-71-522402, Email: advrupandehi@wlink.com.np
Ramechhap Tel: 977-48-540328, Email: advramechhap@ntc.net.np
Bardia: Tel: 977-84-421022, Email: advbardia@ntc.net.np

Nepalgunj Tel: 977-81-526278 Email: advnepalgunj@yahoo.com
Kanchanpur Tel: 977-99-525399 Email: advkanchanpur@yahoo.com
Kapilbastu Tel: 977-76-560235 Email: advkapilbastu@yahoo.com
Dhanusha Tel: 977-41-522365, Email: advdhanusha@yahoo.com
Baglung Tel: 068-520562, Email: advbaglung1@ntc.net.np
Dolakha: 977-49-421010, Email: advdolakha@ntc.net.np
Jhapa: 977-23-436115, Email: info@advocacyforum.org.np



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barriers, including the lack of criminalization of torture, strict statutes of limitation on complaints relating to rape (in criminal cases) and torture (in civil cases) and the courts not accepting contemporaneous evidence. To add to this, the rape victims have not been included in a government scheme to provide “interim relief” to conflict victims.

The report makes the following key recommendations;

Recommendations relating to women in detention

1. Recognize the particular risk of abuse that women face in pre-trial detention and adopt appropriate measures in policies and practice to guarantee women’s safety during the time they spend in police custody.
2. Initiate independent investigations into all reports of torture and other ill-treatment against women and bring those responsible to justice.
3. Ensure that women in detention are systematically detained separate from men.
4. During arrest, transfer and detention, a female officer should be present. In accordance with the Standard Minimum Rules for the Treatment of Prisoners, women in detention should be supervised by women staff.
5. Enhance the internal accountability of police and implement clear procedures and standards to be followed regarding women in detention.
6. Ensure that all women detainees, while being processed for detention, are informed of their rights, including the right to consult a lawyer.
7. Ensure that all women detainees, while being processed for detention, are informed of their rights, including the right to consult a lawyer. Provide for a comprehensive procedure to ensure health check-ups are compulsory, confidential and undertaken by physicians trained in the Istanbul Protocol procedures. / Women detainees should be examined by women doctors in private without the presence of police.

Recommendations relating to torture in general:

8. Introduce comprehensive legislation to criminalize torture as a matter of priority.
9. Put in place an effective and impartial mechanism for the prevention and investigation of torture.
10. Ensure all detainees are kept at official places of detention only and that any public official responsible for detaining people in private houses is disciplined.

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11. Immediately sign and ratify the Optional Protocol to the Convention against Torture, putting in place a mechanism for independent monitoring of all places of detention. Public officials who prevent authorized persons from inspecting or monitoring detention facility shall be subject to penalties as prescribed by the Act.
12. Criminalize enforced disappearances and ratify the Convention against Enforced Disappearances.

Mandira Sharma

Chairperson

Advocacy Forum-Nepal

26 June, 2011

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