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That Inevitable Suffering?

Framing Women and Torture Behind Bars

In Loving Memory of Robbie



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ABBREVIATIONS

ACHR	American Convention on Human Rights
CCTV	Closed Circuit Television
CEDAW	United Nations Convention on the Elimination of Discrimination Against Women
CERD	United Nations Convention for the Elimination of Racial Discrimination
CIDT	Cruel, Inhuman and Degrading Treatment
CRC	United Nations Convention on the Rights of the Child
DEVW	United Nations Declaration on the Elimination of Violence Against Women
ECHR	European Convention on Human Rights
EctHR	European Court of Human Rights
GA	United Nations General Assembly
HRC	United Nations Human Rights Committee
IACPPT	American Convention to Prevent and Punish Torture
ICCPR	United Nations International Covenant on Civil and Political Rights
ICESCR	United Nations International Covenant on Economic Social and Cultural Rights
ICTY	International Criminal Tribunal of the Former Yugoslavia
ILO	International Labor Organisation
SMR	UN Standard Minimum Rules for the Treatment of Prisoners
SR	Special Rapporteur
UN	United Nations
UNCAT	United Nations Convention Against Torture and Other Forms of Cruel Inhuman or Degrading Treatment or Punishment
WHO	World Health Organisation
UDHR	Universal Declaration of Human Rights

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Abstract

Women in detention have been receiving increased attention from international, regional and national human rights organisations. Despite increased attention, the number of women in detention continues to grow, necessitating an urgent consideration of their issues. To what extent can the current treatment of women in detention be considered 'legitimate' and the disproportionate suffering arising from it 'inevitable'? This thesis develops a 'women-wise' framework to address the issues facing women in detention with the aim of providing substantive protection against torture and other forms of ill treatment by considering the development of relevant normative standards concerning torture and other ill-treatment, prisoners and women. This women-wise framework is then applied to specific case studies of rape, strip searching and isolation in order to prove the practical applicability of the framework and to demonstrate how protections against torture and cruel, inhuman or degrading treatment are able to provide women in detention with tools to address systemic ill-treatment.