

PRESS RELEASE

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NON-STATE ACTOR TORTURE PETITION TO THE GOVERNMENT OF CANADA

PRESENTED TO BILL CASEY, MP Cumberland, Colchester Musquodoboit Valley, NS

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This petition is to lobby the Government of Canada to bring forth legislation to amend the Canadian *Criminal Code* to make non-state torture a specific crime. Petition signatures have come from Nova Scotia, New Brunswick, Newfoundland, Quebec, Ontario, Alberta, British Columbia, and the Yukon, even from the small Aboriginal community of Old Crow in the Yukon. And more are still flowing in from other provinces.

Purpose is the elimination of discrimination. Presently Canadian law fails to provide women and girls and others so harmed with the legal opportunity to specifically seek justice for the non-state torture they endured thus they lack access to protection, security and appropriate respectful treatment and support .

Reading Part V111, for example, of the *Criminal Code* states that “every one” or “every person” who commits criminal acts such as uttering threats or committing a sexual assault is liable to imprisonment for the crimes committed. However, the present section 269.1 on torture does not apply to “every one” or “every person”. Rather, it limits who can be charged with committing torture to persons designated as state actors or “officials” – police, military, peace officers, or others directed by officials. This creates a Canadian legal environment whereby: *Only* these ‘state actors’ can be held criminally responsible for torturing.

Consequently *other persons* who inflict similar acts of torture in private places of the home, apartments, vehicles, cottages, or private access to warehouses or work offices for example cannot be charged for the acts of torture they inflict. These persons are called ‘non-state actors’ – they can be a parent, spouse, grandparent, guardian, neighbour, or other private citizens.

Violent crimes such as femicide and exploitation are disproportionately committed against women and girls in private places most often by someone in the family, a guardian or someone known to them. This is also true of non-state actor torture. For example, child crime scene “pornography” is frequently homemade,ⁱ and the RCMP Child Exploitation Unit Ottawa (personal communication, June 18, 2008) reports that 20% of pedophilic crime scenes they view involve torture. Although they do not know how many of these infants and children are Canadian they do know that Canadian pedophiles download scenes of torture and horror for their pleasure. Thus the torture crime scene images of the suffering of such victimized children never stop. This data of 20% has also been shown in research done by Dr. David Finklehor, in

the USA (information on the Missing and Exploited website). This figure is a conservative estimate.

Since 1993, we have been listening to women detailing acts of non-state torture they endured as children of all ages and/or as adults. Acts of torture that they suffered at any given time includes electric shocking, cutting, burning, caging, denial of warmth, food, liquids, forced to eat their vomit and other human waste, isolated in cold dark places, rapes by individuals or groups, forced to see pets burned alive, tortured and killed and told this is what would happen to them if they ever told. They also speak of forced pregnancies, forced abortions and sterility as a result of the reproductive organ damage they suffered during sexualized tortures.

In October of 2008, we went to the United Nations in Geneva. We were sponsored by International Women's Rights Action Watch Asia-Pacific (IWRAP Asia Pacific), which is an international organization that works for the realization of the human rights of women. IWRAP provides grass root activists with the opportunity to lobby members of the UN Committee on the UN Convention on the Elimination of all Forms of Discrimination against Women. Referred to as CEDAW, this Convention is about achieving gender equality worldwide, including the elimination of violence against women. We were there to lobby for the need that the Canadian government acknowledge that torture happens in Canadian homes and that present Canadian law on torture is discriminatory as it does not permit women and girls (and others) to seek justice for the crime of non-state torture they suffer.

While in Geneva, Bill Casey, MP, had arranged for us to meet and present our views on the silencing of torture that happens in Canadian homes, for example, to Canadian officials of the Department of Justice and to Terry Cormier, Minister and Deputy Permanent Representative at the Canadian Mission in Geneva. We emphasized to them that such silencing is not new. For instance, when speaking with Pat Marshall, Co-chair of the 1993, Canadian Panel on Violence Against Women, she revealed that the Panel had heard stories of torture that she compared to 'prisoner of war camps' (Cox, Wendy. (1992, March 23) Panel hears horror stories of violence against women. *The Chronicle-Herald The Mail-Star*, p. B13.). She spoke of the struggle she and members of the Panel had to keep from being totally silenced. And coming before this Panel report was the House of Commons *The War Against Women First Report of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women*, where a presenter referred to torture when she told the following story:

I know a woman whose ex-partner was convicted of aggravated assault against her. She was hung by ropes, naked, from the beam of a barn and whipped to a state of unconsciousness. The assault took place in front of the male's three children. The sentence he received was a \$200 fine and three years' unsupervised probation. The woman sat, disbelieving, as he was also fined \$500 for an unrelated charge of possessing illegal venison. Based on this sentence, one could argue that in the future moose and deer would be safer from this man than the woman he tortured (p. 25).

Women and girls (and others) must not continue to be subjected to non-state torture in our democracy. If we are to value their humanity – our humanity – the Canadian government must work at the prevention of all forms of non-state torture, which comes with increasing our knowledge about human atrocities that occur in our backyards. Informed protection and security and support by criminalizing non-state torture in our legal system is a must. And such torturers must not be allowed to have the tortures they inflict minimized as abuse or assault ... there is a difference between torture and abuse.

FROM A WOMAN SO TORTURED:

We know that political prisoners are tortured. But ordinary women and children are also tortured in this country, behind closed doors, in private ordinary homes, and by domestic tyrants every bit as cruel as political bullies. We cannot rise above any form of tyranny until we name it and see it for what it is. As a survivor of ritual abuse-torture, I believe that until all forms of non-state actor torture are named and included in the criminal code, victims of extreme forms of violence and torture like myself, will continue to languish in a desert of societal indifference, where their suffering is neither named nor addressed by law in any significant way whatsoever (January 20, 2009).

ⁱ Gooderham, M. & Laghi, B. (1996, December 14). Tracking high-tech pedophiles. *The Globe and Mail*, pp. A1, A10.