

## **Non-State Torture—Specifically Sexualized Non-State Torture—Inflicted in the Private/Domestic Sphere against Girls/Women: An Emerging “Harmful Practice”**

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### **A Call for Action**

We thank the Joint CEDAW and CRC Committee for providing the opportunity to submit this paper. We are calling on the Joint CEDAW and CRC Committee to take action in their proposed development of a Joint General Recommendation/Comment by addressing:

- a) The *harmful practice of non-state torture (NST) victimization*, including sexualized NST that is perpetrated against children, predominately girls, with deliberate intentionality and destructive purposefulness within the private or domestic sphere by non-state actors such as parents, intergenerational kin, guardians, and like-minded other families or groups;
- b) The *harmful practice of NST*, including sexualized non-state torture, that is predominately inflicted against girls and women and therefore constitutes a form of gender-based discrimination and an emerging form of gender-based violence; and,
- c) The *harmful practice of NST*, including sexualized NST, by holding State parties to their due diligence obligations to eliminate such discrimination by the introduction of law, or to modify existing laws and legislation to ensure the recognition of and the criminalization of NST that is inflicted in the domestic/private sphere.

The information provided in this paper comes predominately from women who speak of the NST victimization—sexualized NST—they suffered from their earliest years of childhood, most from infancy or soon thereafter. The NST victimization generally continued throughout their childhood, for most it did not stop until they found a way to escape such family/group structures. The *harmful practice of NST* victimization, specifically sexualized NST, perpetrated in the private/domestic sphere constitutes a grievous intentional destruction to the tortured girl and/or woman’s relationship with her-Self that is life-threatening and long-lasting. Escaping is a very risky and demanding task because in Canada, the socio-cultural and legal systems do not acknowledge the dangerousness of their plight. Some women succeed, others do not although they keep trying they are vulnerable to chronic re-victimization.

### **Canada: Its Patriarchal Socio-Cultural Legal Systems~A Dismissal of the Harmful Practice of NST**

Canada is a multicultural country, meaning there are many clusters of peoples with their own cultural backgrounds and practices, most of which they are free to practice. However, all Canadian peoples, irrespective of their cultural backgrounds, must abide by the federal laws as identified in the *Criminal Code of Canada*. This *Criminal Code* sets rules via laws that are relational. This means these laws dictate relational practices that can or cannot occur—*laws ought to prohibit harmful practices, promote human rights and gendered equality*. To achieve this laws need revision because historically they have been reinforcements of patriarchy. The prohibition of harmful practices via rules/laws must be made to apply equally to women and men, that is, keep women as well as men equally safe, have equal access to justice, and apply to maintaining the safety of children, or what is in the best interest of the child.

When it comes to Canadian laws and gender equality to address the *harmful practices* of oppression and violence against women, patriarchal attitudes of misogyny have been dominate. For example, in 1982, patriarchal laughter drowned out Margaret Mitchell, Member of Parliament, when she revealed that violence against women in the domestic/private sphere occurred in Canada. In 1983, women’s outrage and struggles led to making it illegal for a man to rape his partner. In this same year, the Attorney

General of the province of Ontario directed police to lay charges in domestic violence cases; previously, battering men seldom faced legal consequences for beating their female partners.<sup>1</sup>

The misogynistic dismissal, minimization, devaluation, objectification, and dehumanization of women/girls as victims of the *harmful practice of NST* perpetrated in the domestic/private sphere began appearing in 1991. It continues today. In 1991, the Sub-Committee on the Status of Women report, *The War against Women*,<sup>2</sup> listened to the following account of torture of a woman by her partner,

*A woman...was hung by ropes, naked, from the beam of a barn and whipped to a state of unconsciousness...in front of the male's three children. The sentence he received was a \$200 fine and three years' unsupervised probation. The [victimized] 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).*

In 1993, the Canadian Panel on Violence Against Women delivered its final report and plan of action to the Canadian government. It identified that some women had/were enduring torture in the domestic/private sphere.<sup>3</sup> Pat Freeman Marshall, Co-chair of the Panel, spoke of hearing about levels of victimization that included “years of terrorism in relationships” and degrees of torture that her only point of reference was to “torture in a prisoner of war camp.”<sup>4</sup> Not only did the report identify that women were enduring NST torture, it also identified that women reported they had endured NST—sexualized torture—as children. The government, however, was not obliged to respond to the final report of the Panel.<sup>5</sup> Today, women or girls cannot seek legal redress for NST victimization suffered as there is still no law that criminalizes NST, including sexualized NST.

### **Invisibilization of the Harmful Practice of NST: Its Sexualization, Minimization and Misnaming**

Contacting Statistics Canada, which publishes a yearly report on family violence, we inquired if data was collected on NST, including sexualized torture, perpetrated in the domestic sphere. We received the following response,

*If the state is not involved, it is just **regular torture** [emphasis added] between two individuals and called non-state actor torture. This is usually charged instead as assault (level 2 or 3) with intent, and the torture element often comes out at the trial stage (re: motive) and believe it or not there are all kinds of implications and exceptions for S&M [sodomasochism](re: consent to torture) (Email communication, July 27, 2009).*

When we probed further about the sexualized NST of children we did not receive a response. So, 18 years after the Canadian government received notification from the Canadian Panel on Violence Against Women that women, including when they were children, reported torture victimization, including sexualized torture, in their homes and in other places in the domestic/private sphere the following perspectives prevail:

- a) Cases of torture heard in Canadian courts are sexualized as consensual “regular torture” related to sodomasochism (S&M), and
- b) The trivialization and misnaming of NST as another form of violence occurs as spoken by Ms. Carole Morency, governmental lawyer when she said, “*What was sometimes referred to as torture by non-State actors was covered by the criminal law as simple, aggravated or sexual assault, forcible confinement, kidnapping or trafficking in persons.*”<sup>6</sup>

## Freedom from Torture is a Non-Derogable Human Right

All peoples—this includes women and girls—are to expect to be protected from the *harmful practices* of torture victimization under all circumstances, at all times and in any place, whether perpetrated in the public or domestic spheres, whether perpetrated by State or non-state actors. Freedom from torture is identified as a non-derogable human right supported by UN instruments such as:

- a) *The Universal Declaration of Human Rights*, article 5;<sup>7</sup>
- b) *The International Covenant on Civil and Political Rights* (ICCPR), article 7;<sup>8</sup>
- c) *CEDAW General Recommendation No. 19 on violence against women*, 7(b),<sup>9</sup> on “the right not to be subjected to torture...”; and
- d) *The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT).<sup>10</sup>

NST meets the defining threshold of torture based on the elements listed in article 1 of UN CAT which includes the infliction of (a) severe pain and suffering, mental or physical, (b) intent, (c) purpose, and (d) acquiescence by a State. Powerlessness was added as an element by Manfred Nowak, past UN Special Rapporteur on CAT.<sup>11</sup> Discrimination cannot be used as a purpose to justify torturing. Therefore, the severe pain and suffering that is intentionally and purposely inflicted in NST, and sexualized NST predominately against girls/women, in the private sphere, constitutes discrimination and meets the defining elements of torture, including acquiescence by the State. Canada, by its own admission, is aware that NST occurs, but has not specifically responded in law to criminalize NST victimization.

The socio-legal failure in Canada to specifically and distinctly recognize and criminalize NST is part of the global social conditioning and discriminatory denial that fails to acknowledge that torture victimization—sexualized torture—is perpetrated in the home, in the domestic or private sphere, by non-state actors—parents, intergenerational kin, guardians, spouses, and like-minded others, families and/or groups. Torture inflicted in the most intimate of relationships beginning with the most vulnerable—infants, and spreading along a child’s growth and developmental continuum, inflicts destruction against children of all ages. For some women the NST victimization can extend into their adult years. As well, for some women spousal violence crosses from abuse into torture victimization.<sup>12</sup> In our 18 years of work, we have/do support Canadian women but we also support individuals from the following industrialized countries of New Zealand, Australia, Western Europe and the United States. All describe infant to adult NST; sexualized torture is always present. We estimate having over 2000 initial contacts, some are brief; others are of years in duration.

### Factual Evidence that NST Occurs

Study information included:

1. Torture, bondage, bestiality suffered by 111 (2.7%) of children viewed in 4,110 images
2. Necrophilic images
3. Degradation, being defecated & urinated on
4. Weapons used
5. Forced to inflicted sexualized harms against each other
6. Most children were under 8 years of age
7. Girls were in 83% of or in 3411 of the images
8. Newborns & toddlers were in 9.8% of violent images

Figure 1: Canadian Centre for Child Protection Study

Najat M’jid Maalla, Special Rapporteur on the sale of children, child prostitution and child pornography made reference in her report to an Australian Federal Police study showing 21 % of the pedophilic sexualized internet imagery involved rape, bondage and torture and to a US study showing 26% involved torture and bondage.<sup>13</sup> The Royal Canadian Mounted Police Child Exploitation Unit stated that 20% of the pedophilic pornography viewed contained torture and bondage.<sup>14</sup> Canadian statistics show an increase in crimes such as child

pornography, weapons usage, criminal harassment, and drug offences,<sup>15</sup> all crimes that women speak of being embedded in organized NST family/groups. Figure 1 shows the results of a study by the Canadian Centre for Child Protection.<sup>16</sup> This study illustrated the global knowledge of girls being the predominate victims of extreme sexualized violence. These results mirror some of the horrific details of the NST atrocities we have listened to since 1993. For example, women generally speak of:

- a) The repetitive tortures, including bestiality and ‘bondage’ or immobilization tortures during their childhood and into their young adult years; for some their NST victimization lasted over 20 years before they were old enough or could manage to flee;
- b) Being forced to inflict sexualized harms against each other and to witness such harmful acts;
- c) Being drugged and suffering ordeals of pseudo-necrophilic raping by being rendered unconscious and their inert body raped; as well, for some, the necrophilic horror involved the killing of and the use of dead animals, including being placed inside the body cavity of slaughtered farm animals before or following sexualized torturing. These NST necrophilic ordeals caused horrification responses of dissociation, shivering, seizure-like tremors and was/is almost beyond verbal-emotional language for women to describe;
- d) Having demeaning words written on their bodies and the torturers “played games” on their bodies which is a form of objectification;
- e) Being dehumanized, degraded, defecated and urinated on;
- f) Weapons being constantly used to inflict severe physical torture pain, to terrorize, to maintain domination and control; the women also speak of being knife and gun raped or forcedly aborted with weapons; and,
- g) Having very young memories of suffering sexualized torture, including being starved so that they would be forced to suck a male torturer’s penis; when they were older children they also witnessed the NST of infants.

That such violent acts are seen to be mostly inflicted on children under the age of eight years is understandable if one knows the manipulative tactics of the torturers. Non-state torturers realize they need to inflict psychological indoctrination during the child’s earliest years of developmental life in order to instil in the child a belief they are owned as property of the family/group. This supports the torturers ability to operationalize a state of on-going captivity in the child and to inflict sufficient terror as to maintain their continued silence, thereby securing the torturers’ protection from discovery.

### **Defining and categorizing NST**

Because NST perpetrated in the private/domestic sphere is emerging as a gender-based *harmful practice* and human rights violation we suggest examining NST under the three main categories of (Figure 3: Categories of NST):

1. **Non-state tortures embedded in socio-cultural and religious violations**, i.e., FGM,<sup>17</sup> acid burning, widow burning,<sup>18</sup> which will not be discussed in this paper, however, these have been identified as forms of gender-based torture in UN Special Rapporteur reports.
2. **Non-state tortures that are commercial based**, i.e., the interest of the non-state torturer is misogynistically and misopedically financially driven by their involvement in the organized crimes of sexualized human trafficking and exploitation, including sexualized torture-porn, and snuff [sexualized killing] films/photos. The traffickers and exploiters perpetrate NST including sexualized torture for the destructive “breaking in” of victims, which is the raping tactic used for exerting domination and control over victims to keep them in a captive terrorized and powerless state.

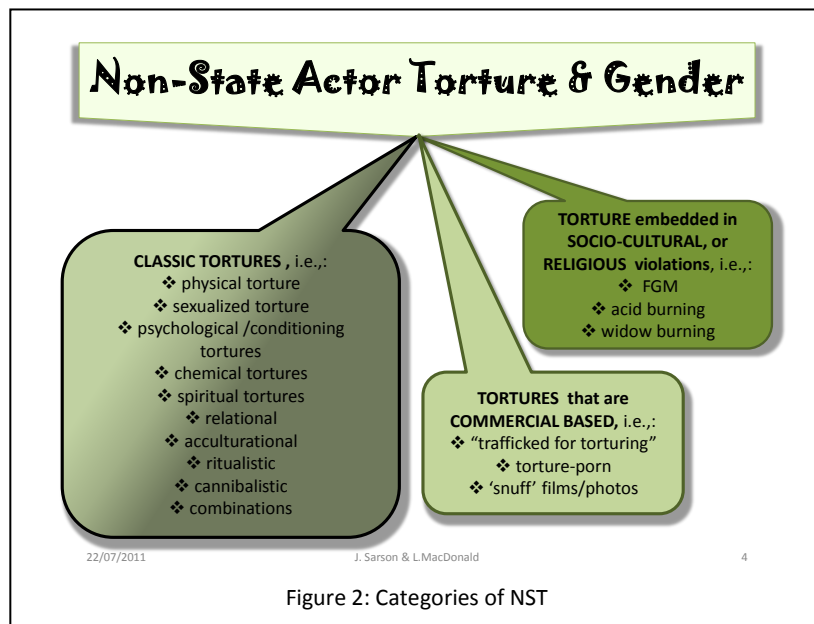


Figure 2: Categories of NST

3. **Non-state 'classic' tortures**, the word classic is a term referring to tactics of torture perpetrated by State actors. The different forms of classic *harmful practices of NST* listed in Figure 2 will be discussed later in this paper. Combination torturing means that acts of NST are never inflicted in isolation from each other, for example, sexualized torture involves physical torture.

Figure 3, Classic Torturing and the Patriarchal Divide, has two identical columns of specific harmful torturing acts. In the middle is the patriarchal divide. In

Canada (and other industrialized countries) if these acts of torture are perpetrated by a State actor these are criminalized and the torturer held accountable; whereas, if these same acts are perpetrated by a non-state actor there is no law to hold the perpetrator accountable for torturing. Rather, these acts of classic NST have been invisibilized via the processes embedded in the patriarchal divide that sexualize, minimize and misname NST as an aggravated or sexual assault, for example. Consequently, women and girls, the predominate victims, cannot access social justice for the NST harms suffered.

*Harmful practices* are present in all societies and their cultures. We take this opportunity to point out that it appears that in many industrialized countries the *harmful practices of NST* and sexualized NST have been very effectively misnamed and invisibilized. Women and girls and their bodies have been commercialized and commoditized, objectified and sexualized in western cultures as to render NST as a *harmful practice* invisible.

**NST, Sexualized NST, and its Consequences**

| CLASSIC TORTURING & PATRIARCHAL DIVIDE<br>THE DEVALUATION OF VAWG   |   |  |
|---|---|--|
| Acts criminalized as torture when inflicted by State actors in the public sphere  |   | Similar Acts inflicted by non-state actors in the private/domestic sphere not criminalized as torture  |
| <ul style="list-style-type: none"> <li>• Electric shocking</li> <li>• Beaten, burned, cut</li> <li>• Immobilization tortures, tied, hung, caged</li> <li>• Water tortures</li> <li>• Suffocation/choking tortures</li> <li>• Sexualized tortures: Rapes, gang, repetitive, &amp; hand/object rapes</li> <li>• Forced drugging</li> <li>• Nutritional deprivation</li> <li>• Psychological tortures: Humiliation, degradation, dehumanization, animalization, terrorization, horrification</li> <li>• Forced nakedness</li> <li>• Sleep deprivation</li> <li>• Witnessing torture others</li> <li>• Powerlessness</li> <li>• Reproductive tortures, forced impregnation &amp; abortions</li> </ul> | P<br>A<br>T<br>R<br>I<br>A<br>R<br>C<br>H<br>A<br>L<br>D<br>I<br>V<br>I<br>D<br>E | <ul style="list-style-type: none"> <li>• Electric shocking</li> <li>• Beaten, burned, cut</li> <li>• Immobilization tortures, tied, hung, caged</li> <li>• Water tortures</li> <li>• Suffocation/choking tortures</li> <li>• Sexualized tortures: Rapes, gang, repetitive &amp; hand/object rapes</li> <li>• Forced drugging</li> <li>• Nutritional deprivation</li> <li>• Psychological tortures: Humiliation, degradation, dehumanization, animalization, terrorization, horrification</li> <li>• Forced nakedness</li> <li>• Sleep deprivation</li> <li>• Witnessing torture others</li> <li>• Powerlessness</li> <li>• Reproductive tortures, forced impregnation &amp; abortions</li> </ul> |

Figure 3: Classic Torturing & Patriarchal Divide

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When a woman as a child 'lived' in an environment that inflicted the grievously destructive harmful practices of NST, this meant/means she lived/lives with torture every minute of every day as echoed in the words of one woman, Sara, (a pseudonym) when she said,

*And then, there were the leap years! Do you know what it's like to survive through one more whole extra day, one whole extra night of torture? Do you know how hard that is? How I hated leap years!<sup>19</sup>*

The following chart (Figure 4) is provided to share brief insights into the intentional and purposeful severe pain and suffering inflicted by non-state torturers, whose aim is to cause unconscionable and grievous destruction to the personhood of the woman or girl they decide to torture and hold in a state of terrorized captivity. Based on our 18 years of work sexualized torturing was/is ever present. To operationalize NST the following chart illustrates how other forms of NST such as physical NST always translated or combined to lead to sexualized torturing of the chosen girl child, and later, potentially of her when she became an adult.

Figure 4: NST, Sexualized NST and its Harmful Consequences

| Torture acts translate<br>→→→→→→→→→→→→→→→                                 | Into sexualized torture<br>→→→→→→→→→→→→→→→  | Harmful consequences for girls and women  |
|---|---|---|
| <b>1. Physical torture: burning</b>                                       | <ul style="list-style-type: none"> <li>◆ Hot light bulb inserted into her vagina</li> <li>◆ Hot poker inserted into her vagina</li> <li>◆ Smouldering stick inserted into her vagina</li> </ul>                     | <ul style="list-style-type: none"> <li>◆ Psychological torture—Terror</li> <li>◆ Torture pain and suffering</li> <li>◆ Burning and blistering of her vaginal tissue</li> <li>◆ Reproductive organ damage</li> <li>◆ Infertile</li> <li>◆ Hysterectomy</li> <li>◆ Sexuality and relational difficulties</li> </ul> |
| <b>2. Physical torture: electric shocking</b>                             | <ul style="list-style-type: none"> <li>◆ Electric cattle prod inserted into her vagina and her anus</li> <li>◆ Electric wires inserted into her vagina, placed to her nipples</li> </ul>                            | <ul style="list-style-type: none"> <li>◆ Psychological torture—women and girls are forced into blaming and hating their own bodies</li> <li>◆ Terrorized</li> <li>◆ Torture pain and suffering</li> </ul>   |
| <b>3. Physical torture: water torture and pseudo-necrophilic torture</b>  | <ul style="list-style-type: none"> <li>◆ Submerged underwater in a tub, or her head held under water in a bucket until she is unconsciousness then her inert body raped for pseudo-necrophilic pleasures</li> </ul> | <ul style="list-style-type: none"> <li>◆ Terrorized</li> <li>◆ Near-death ordeals</li> <li>◆ Powerlessness when rendered unconsciousness</li> <li>◆ Torture pain and suffering</li> </ul>   |
| <b>4. Physical torture: cutting</b>                                       | <ul style="list-style-type: none"> <li>◆ Knife inserted into her vagina, her vagina cut and her vaginal blood smeared on her body</li> <li>◆ Knife used to cut off part of her vaginal and nipple tissue</li> </ul> | <ul style="list-style-type: none"> <li>◆ Terrorized</li> <li>◆ Horrified at seeing her blood and fear of bleeding to death</li> <li>◆ Mutilation</li> <li>◆ Torture pain and suffering</li> </ul>   |
| <b>5. Physical torture: hanging</b>                                       | <ul style="list-style-type: none"> <li>◆ Hung upside down exposing her vagina and anus and objects rammed into her vagina and anus</li> </ul>   | <ul style="list-style-type: none"> <li>◆ Terrorized</li> <li>◆ Torture pain and suffering</li> <li>◆ Dissociating from her body</li> </ul>  |
| <b>6. Physical torture: pinching, twisting and dislocation of joints</b>  | <ul style="list-style-type: none"> <li>◆ Pinching her labia by applying clothes pins to her labia</li> <li>◆ Twisting her nipples with pliers</li> <li>◆ Dislocating her hip joints during raping</li> </ul>        | <ul style="list-style-type: none"> <li>◆ Terror</li> <li>◆ Torture pain and suffering</li> <li>◆ Forcing her to dissociate from her body</li> <li>◆ Short term physical disability</li> </ul>   |
| <b>7. Physical torture: immobilization tied down, handcuffed, chained</b> | <ul style="list-style-type: none"> <li>◆ Spread eagled and immobilized for sexualized raping</li> </ul>   | <ul style="list-style-type: none"> <li>◆ Terror</li> <li>◆ Vaginal tearing pain</li> <li>◆ Psychological torture—</li> </ul>  |

|   |  |  |
|---|--|--|
|   |  | humiliation, shame, Self-blame   |
| <b>8. Physical torture: Nutritional deprivation—food and liquids withheld</b> | <ul style="list-style-type: none"> <li>Starved to keep her body from developing as torturers of girls satisfy their sexualized torture pleasures with victims who have child-like bodies</li> </ul>  | <ul style="list-style-type: none"> <li>Torture pain and suffering</li> <li>Starvation pain and suffering</li> <li>Women speak of drawing food pictures on paper and eating the paper as a way of coping with hunger pain and suffering.</li> </ul>   |
| <b>9. Chemical or pharmaceutical tortures</b>                                 | <ul style="list-style-type: none"> <li>Can cause short term paralysis</li> <li>Immobilizes preventing escape</li> <li>Renders girl/woman silent</li> </ul>   | <ul style="list-style-type: none"> <li>Terror, increased powerlessness and helplessness</li> <li>Torture pain and suffering</li> </ul>   |
| <b>10. Psychological/conditioning tortures</b>                                | <ul style="list-style-type: none"> <li>Tortured to belief sexualized tortures were ‘to teach girls how to be a woman’; 5 or 7 years was the common age mentioned by women</li> </ul>   | <ul style="list-style-type: none"> <li>Cognitive distorted beliefs and emotions about childhood that women must painfully struggle to deconstruct later in life.</li> </ul>  |
| <b>11. Relational torture</b>   | <ul style="list-style-type: none"> <li>Oral, vaginal, and anal rapes are the norm at anytime, anywhere, with those known and unknown.</li> <li>One woman spoke of how she went up to her non-violent grandfather and started to unzip his fly because being orally raped was her norm, she spoke of how confused she was at age 7 years that her grandfather stopped her.</li> </ul>   | <ul style="list-style-type: none"> <li>Normalization of sexualized child-parent-adult relationships</li> <li>Sexualization of developmental attachments within child-parent-adult relationships</li> <li>Psychological torture creates a victim-torture bond that potentially holds the girl/woman in an on-going state of captivity and on-going powerlessness</li> </ul>   |
| <b>12. Ritualism tortures</b>   | <ul style="list-style-type: none"> <li>Sexualized tortures that are framed as ceremonial such as a “marriage ceremony” between the adult torturer and the girl and a “cleansing ceremony” that is distorted as ‘getting her ready’. This process of ‘cleansing’ meant torturers used brushes and chemicals to scrub the girl’s skin, as well, brushes were used inside her mouth, vagina and anus, causing sensory burning and pain, this process washed away the evidence.</li> </ul>         | <ul style="list-style-type: none"> <li>Enhances the girl’s psychological captivity, distorting her perceptions of childhood as the ‘ceremonial’ component adds pseudo-officialism to their sexualized torture ordeals</li> <li>Women speak that the ‘cleansing’ made them internalize that their bodies were dirty; many speak of hating their vagina</li> <li>Increased sense of captivity</li> <li>Torture pain and suffering</li> <li>Destructive humiliation/shame</li> </ul>          |
| <b>13. Degradation tortures</b>   | <ul style="list-style-type: none"> <li>Withholding access to washroom facilities forcing her to urinate and defecate on her-Self</li> <li>Urinated on and smeared with feces and/or forced to swallow urine and/or feces of torturers as part of the sexualized torturing life-threatening ordeals</li> <li>A woman spoke of being “trained” as an toddler, being force fed mashed potatoes so she would not gag or choke during oral raping</li> <li>Laughed at during degradation</li> </ul> | <ul style="list-style-type: none"> <li>Dehumanization that is expressed by the women as thinking of them-Selves as an “it”, “a nothing”, and because they were tossed aside following the sexualized torture like a bag of garbage they internalized a sense of worthlessness and deep shame</li> <li>Women speak of difficulties with eating some foods because of the look, shape, texture, i.e., could not eat sausages because the shape reminded her of all the oral rapes</li> </ul> |
| <b>14. Cannibalistic tortures</b>   | <ul style="list-style-type: none"> <li>Following forced impregnation/abortion and as a</li> </ul>  | <ul style="list-style-type: none"> <li>Horrorification responses</li> <li>Internalization of evilism</li> </ul>  |

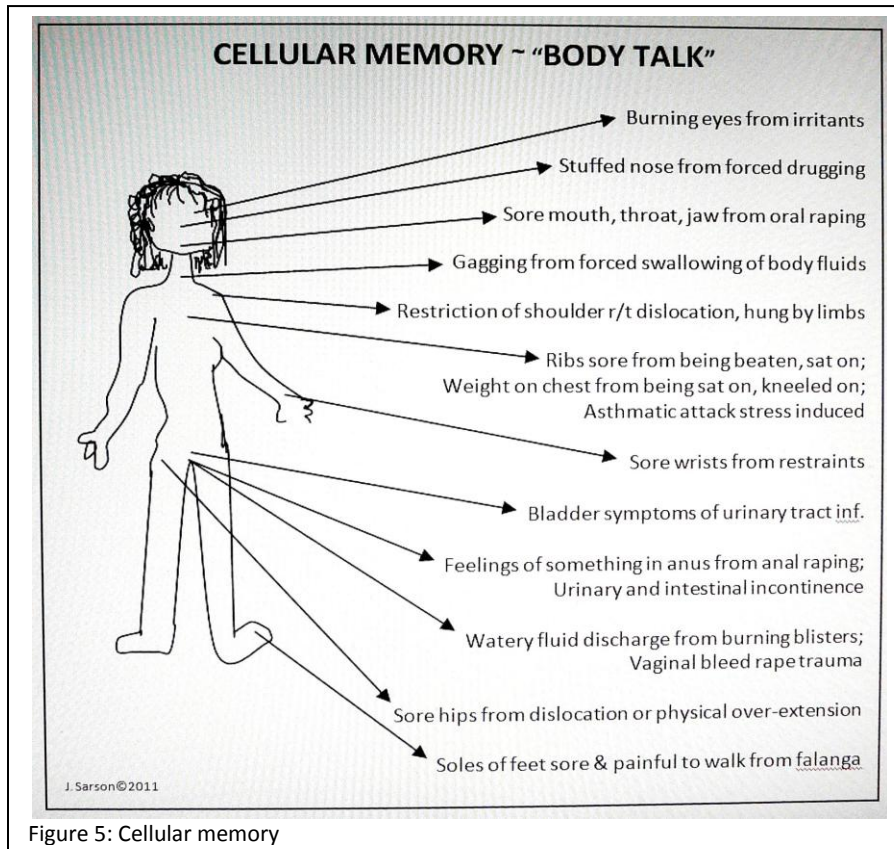
|                                  |  |   |
|----------------------------------|--|---|
|                                  | child forced to consume what they were told or what was part of the placenta and/or fetus  | beliefs—that they were evil, had evilness within like the torturers   |
| <b>15. Animal-human tortures</b> | <ul style="list-style-type: none"> <li>◆ Killing of pets or other animals to threaten that this would happen to her if she told; one woman spoke of being forced to drown her pet kitten and being told she would be drowned if she told.</li> <li>◆ Bestiality</li> </ul>   | <ul style="list-style-type: none"> <li>◆ Torture pain and suffering</li> <li>◆ Terrorization</li> <li>◆ Horrification</li> <li>◆ Animalization—internalized distortions that she was an animal and would have “monster babies”</li> <li>◆ Emotional pain that is equal to physical pain, grave shame</li> </ul>   |
| <b>16. Dissociation torture</b>  | <ul style="list-style-type: none"> <li>◆ Overwhelmingness inflicted by the sexualized torture pain and suffering, terror and horror and all accompanying tortures inflicted by the torturers</li> <li>◆ Torturers watch for dissociative responses, one torturer’s words were, “Look at me bitch I like to see the terror in your eyes.”</li> <li>◆ Being forced to watch her-Self suffering sexualized tortures in a mirror, the purpose of the torturers is to maximize their torturing pleasures with voyeurism and at the same time overwhelm her capacity to cope, thus, forcing her body into coping survival dissociative responses which the torturers hope will force her to ‘forget’ or humiliate and shame her so destructively that she will never risk telling of the NST she survived</li> </ul> | <ul style="list-style-type: none"> <li>◆ Girl’s and women’s relationship with/to/for Self is fractured by out-of-body ordeals as a spontaneous survival response</li> <li>◆ Sensory dissociation occurs as women report a loss of skin awareness—they do not realize they have skin or even a body</li> <li>◆ They may have a loss of heat sensation a result of burning tortures endured that forced survival dissociation by essentially removing her-Self from the pain and suffering</li> <li>◆ They can have a loss of sensation to touch because all she ever felt was “torture touch”, as a result a woman, when bathing, may scrub her-Self until she bleeds because it is not until she sees her skin is bright red or bleeding that she realizes she has ‘hurt’ her-Self</li> </ul> |

### NST Long Term Consequences: Recovery and Rehabilitation

Unless a woman has the socio-relational opportunity to speak her truth and to be heard and understood she can carry the torture pain as cellular memory—‘body talk’—which has long term consequences to her health and functionality. For example, the chart below (Figure 5) illustrates where cellular memory can be stored and re-felt during a flashback.<sup>20</sup> When flashbacking occurs this means that the woman re-feels and re-experiences the torture pain ordeals that have been stored in memory and at a cellular level; for example, when the memories come of having her vagina burnt she may experience both the burning pain and later have a vaginal watery fluid discharge that mimics her history of when her vaginal tissue was blistered from the burning tortures. These cellular memories are most painful but do pass.

When oral torture raping memories surface she can experience shortness of breath, gagging symptoms and difficulty breathing. Body talk memories of being almost choked and/or having the sensation of a heavy weight on her chest. This sensation can be the result of being sat or kneeled on during oral raping tortures and being forced to swallow seminal fluid.





Another example that can occur as a result of sexualized tortures is a triggering memory of symptoms of a urinary tract infection when laboratory tests show no infection. Again, based on our experience, women report frequent trips to a doctor for physical symptoms that are medically unexplainable. Interventions are sometimes carried out that do not produce results. For example, one woman who was a victim of spousal torture had chronic jaw pain on one side of her face. Visiting the dentist the decision was made to remove some of her lower teeth

on this side of her jaw. This intervention did not relieve her jaw pain. It was not until she made the connection that her spouse would grab her by her hair and punch her repeatedly on this side of her jaw that the pain went away. She had made connection to her injury and the stored cellular memory. Such NST recovery and rehabilitation is a very painful process; prevention must occur so NST victimization can begin to be addressed and eliminated.

### Healing Demands a Call for Socio-Legal Action against the Harmful Practices of NST

Manfred Nowak, past UN Special Rapporteur on Torture, wrote that persons who have been tortured require the socio-legal right to convey the torture victimization suffered.<sup>21</sup> Their truth needs to be heard; therefore, they must not be silenced from speaking. Holding torturers legally accountable is a fundamental core of compensation and healing processes. This requires socio-cultural acceptance that the grievously *harmful practices of NST* occur to prevent social exclusion. Presently, women fear that they will face socio-relational exclusion if they expose the NST victimization they suffered. Socio-relational exclusion causes pain that is similar to physical pain;<sup>22</sup> this adds to the pre-existing pain and suffering of victimized women. When NST victimization is acknowledged to occur and legally recognized this can promote healing. Essentially, it is absolutely necessary to ensure that State laws address NST as a specific form of torture. This legal development is critical to encourage the development of NST torture victimization informed investigative, protective, and rehabilitative services.

For further clarification on a State's responsibilities, Canada's responsibilities for example, to criminalize *the harmful practice of NST*, we visit Mr. Nowak's 2010 report. In it he explains that:

1. *Acquiescence of a State occurs* when the State acts with indifference or inaction which suggests a form of agreement and/or *de facto*—in fact—gives permission for acts of torture to be inflicted;

2. *Preventing State acquiescence* requires the State uphold its due diligence obligations by respecting, preventing and protecting citizens from torture whether perpetrated by State or non-state actors;
3. *A failure to protect* all citizens can occur if domestic criminal law fails to cover all possible cases falling under the definition of torture whether perpetrated by State or non-state actors;
4. *A deficient legal framework* occurs when other existing legal provisions such as aggravated assault are used to misname torture crimes, thereby failing to take into account the destructive gravity of torture victimization; it is impermissible to minimize and trivialize torture to an assault or another crime.
5. *A culture of impunity* occurs when a deficient legal framework exists and torturers are not held accountable for the offence of torture.
6. Evaluating a State’s due diligence obligations requires asking: Has the State lived up to the standard of due diligence obligations not to commit torture by acquiescence, to combat torture by private actors, “above all of women and children” (para. 258).

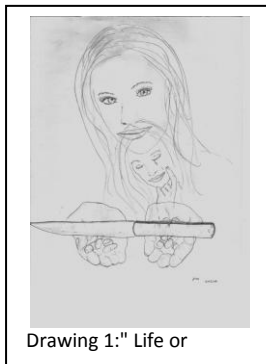
In addition, UN Resolution 65/205 of March 28, 2011 regarding torture urges, for example, that:<sup>23</sup>

1. The Special Rapporteur on CAT include in his UN reports proposals on the prevention and investigation of torture, gender-based manifestations of torture and information on children;
2. States prevent and combat torture by making torture an offence under domestic criminal law and that such a law must be gender-sensitive, taking into consideration gender-based violence because States can contribute, directly or indirectly, by its actions, or inactions to acts of domestic violence that can constitute torture;
3. States assess the effectiveness of its laws, policies and actions because under international law States have due diligence responsibilities to promote human rights, to prevent such violations from existing and to respond effectively to eliminate such violations, “without discrimination” (para. 30). Under article 1 of CEDAW the meaning of discrimination is described as that “which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions”.

It will be impossible for Canada or any country to comply with the directives of UN Resolution 65/205 if a law that identifies NST as a specific crime of torture fails to exist. And, it will be impossible for women/girls to have their “human rights and fundamental freedoms under general international law or under human rights conventions” upheld as stated in CEDAW.

### **In Conclusion: A Woman’s Voice and the Actions Required**

We listen as women struggle to find the words—to find language—to explain the minute horrors of NST victimization and give voice and feeling to the sexualized torture pain suffered. How can any woman find



the emotional language to express the depths of the grievous damage to her relationship with her-Self that occurs when forced, terrorized, and horrified to endure 10,000 or more torture-rapes inflicted against her innocence, her dignity and her humanness since she was an infant, a toddler, or an adult woman?

This struggle to find the language is understandable. Although words carry meaning, words cannot make the listener feel the NST pain and suffering women endured that is stored in the minutiae of their cellular being. Sometimes drawing the story expresses these emotions more profoundly. So, we opt here to share this space with the *Voice* of one woman, Alex, by presenting three of her drawings that tell of her struggle, to choose “Life or Death” and when she was so “Desperate” that Self-cutting was a way to survive. Of how, after years of NST victimization she found the fortitude to tell that she,

*Got pregnant by one of the men when I was 12 years old. They did an abortion on me saying they were trying to get evil out of me. I was grateful for them helping me like that and at the same time wanting to die because the pain was excruciating. After they finished they cut up the baby they aborted and made me eat some of it. I was confused and believed I just ate evil again and there is now still evil inside of me. I believed there was evil inside of me. I did not want it to grow. I stopped eating thinking that if I don't eat the evil won't grow. If I eat the evil will get bigger. By 12 years old I had stopped eating unless forced. I didn't know anything about anorexia, however that is what developed. My goal was not to feed the evil inside. If I ate the evil inside would grow and would explode out of my stomach breaking through my skin and come out of my mouth and stomach. People would know how evil I was. I wanted to disappear. I wanted to get smaller and smaller and just completely disappear (Email communication 2009).*

These *harmful practices* of sexualized horrification, of reproductive, physical, cannibalistic and psychological tortures that the perpetrators found pleasure inflicting on her innocence, would keep her psychologically suffering long after she fled as a teenager. Alex did not know until recently, as a young woman approaching 30, that the fetal tissue she had been forced to ingest at age 12, had, many years ago, been eliminated from her body via her normal digestive processes. This is a common perception other women have shared with us, that they too believed they harboured physically and/or metaphysically the human evilness of the torturers. Physically they thought the bodily fluids they were forced to ingest collected like grapes of evilism on their internal organs, for example. Or, they thought that because the torturers were so evil that they would have absorbed the torturers' evilness which would break out of them at any time. This 'evilism anxiety' or fear is a most unjust burden for women to carry—we break the silence here.

Calls for action:

- a) **Action required.** Non-state torture, including sexualized NST, must be acknowledged in the proposed CEDAW and CRC Joint Committee Joint General Recommendation/Comment as a *harmful practice*. Acknowledgement would provide visibilization which would break the silence, making global room for all women so harmed, and/or harmed as girls to speak of the *harmful NST practices of NST* they suffered and survived.
- b) **Action required.** That, under article 19 in CRC, NST victimization, and specifically sexualized torture, be recognized as a *harmful practice* that some women speak of suffering as girls and that girls today suffer. And that the CEDAW Committee operationalize General Recommendation 19, 7(b) by calling States to account to uphold their due diligence obligations to criminalize torture by non-state actors and take all feasible measures of prevent, to prosecute, to end impunity the torturers enjoy, and to take all other feasible measures to eliminate NST victimization of women and girls.

In this call for action we do not forget the infants and children and women who are today enduring the *harmful practices* embedded in non-state inflicted torture, and specifically the *harmful practices* embedded in sexualized NST victimization.

## Endnotes

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