

TORTURE OF CANADIAN WOMEN BY NON-STATE ACTORS IN THE PRIVATE SPHERE: A SHADOW REPORT

March, 2008

IN RESPONSE TO CANADA'S SUBMISSIONS:

- 1. THE SIXTH AND SEVENTH REPORTS ON THE
CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN** Covering the period
April 1999 – March 2006
- 2. FIFTH REPORT OF CANADA ON THE CONVENTION
AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT** Covering the
period **May 2000 – July 2004**

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Summary

This Shadow Report is an integrated response to the two following Government of Canada Reports:

1. The Sixth and Seventh Reports submitted to the Committee on the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) Covering the period April 1999 – March 2006, and
2. The Fifth Report of Canada on the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT) Covering the Period May 2000 – July 2004.

The human right violations suffered by the specific population of Canadian women represented in this Shadow Report include:

1. **Effect-based discrimination** which is ongoing because of Canada's failure to take actions that would eliminate this discrimination to ensure the full development of victimized Canadian women; this human rights violation is discussed as violations under CEDAW, articles 1-3, and
2. **Torture by non-state actors in the private sphere** that is gender-specific and "inherently discriminatory"¹ is discussed as a violation under article 1 and 2(1) of CAT; tortures revealed in this Shadow Report by the testimonies of victimized Canadian women include:
 - a. Physical tortures
 - b. Sexualized tortures
 - c. Mental tortures
 - d. Spousal torture
 - e. Ritual abuse-torture (RAT)
 - f. Reproductive tortures
 - g. Cannibalistic torture

Because effect-based discrimination and various forms of non-state actor torture victimization have occurred simultaneously, writing this Shadow Report required an integrated perspective. This is the only way to fully expose and explain the multi-levels of human right violations women detail in their testimonies. Since collaborative approaches occur in the work of UN Special Rapporteurs and Committees,² this integrated Shadow Report is also the most efficient and holistic approach to take.

Evidence presented in this Shadow Report includes:

¹ Nowak, M. (2008, January 15). *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development*. Report of the Special Rapporteur on torture, and other cruel, inhuman or degrading treatment or punishment. A/HRC/7/3, paras. 31, 68. Geneva: United Nations.

² International Service for Human Rights. (2008, March 11). Daily update Human Rights Council, 7th Session. *Council Monitor*, 6.

1. Oral histories and testimonials of Canadian women who have endured various forms of non-state actor torture in the private sphere inflicted by family members and like-minded others known and unknown,
2. Reproductive Harms Questionnaire findings that describe types and frequency of reproductive tortures women reported were inflicted on them, and
3. Discussion that the Canadian government became somewhat aware that forms of non-state actor torture of women in the private sphere were occurring in 1991 and clearly in 1993 with the release of the following three reports presented to them; which were:
 - *The War Against Women Report* released by the governmental Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women released by the Sub-Committee on the Status of Women in June, 1991, and
 - *Changing the Landscape: Ending Violence ~ Achieving Equality* and the *Executive Summary* reports released by the Canadian Panel on Violence Against Women, in 1993, to the Minister Responsible for the Status of Women. This report presented the following findings:
 - That the safety of the specific population of victimized women who had/were enduring ritual abuse/torture was/is dangerously limited,
 - Since women's victimization had not been acknowledged there was/is very limited understanding of the existence of ritual abuse/torture in the private sphere by law enforcement officers, legal practitioners, and adjudicators,
 - That this specific population of victimized women have been/are prevented from enjoying equal benefit and protection of the law, and
 - That women find it extremely difficult to access effective help, that they encounter unhelpful therapy and medical treatment, and are confronted with disbelief and denial from the professional community.

Recommendations

Recommendations listed below are aimed at the elimination of effect-based and gender-specific discriminatory practices and of all forms of non-state actor torture inflicted in the private sphere. These recommendations suggest to Canada some appropriate and effective measures that Canada must adopt in all fields such as legal, legislative, and administrative to ensure the full development and advancement of women who have been victimized and to eliminate all acts of non-state actor torture under Canadian jurisdiction.

RECOMMENDATION 1 – Naming (p. 13)

- Recommend the Canadian government via the Department of Justice Canada directly name and acknowledge that all forms of torture perpetrated by non-state actors in the private sphere is an emerging form of violence and human rights violation that is inflicted against some Canadian women.

RECOMMENDATION 2 – Legal interventions (p. 16)

- Recommend that the Department of Justice Canada amend the *Criminal Code of Canada* to include the separate offence of non-state actor torture committed in the private sphere.
- Recommend that federal, provincial, and territorial governments initiate education of law enforcement officers, legal practitioners, and adjudicators in the investigation of and in the provision of safety and access to justice for women victimized by actors of non-state torture committed in the private sphere.

RECOMMENDATION 3 – Statistical Interventions (p. 22)

- Recommend Statistics Canada keep statistics on **all forms** of non-state actor torture in the private sphere.
- Recommend that statistics on all forms of non-state actor torture be included in Statistics Canada yearly publications of statistical documents such as the *Family Violence in Canada: A Statistical Profile*.

RECOMMENDATION 4 – Specialized Support and Treatment Interventions (p. 26)

- Recommend that federal, provincial, and territorial governments collaboratively develop specialized woman oriented services and treatment interventions to meet the needs of women who have endured non-state actor torture. It would be important to access the on-going knowledge and advances gained in the field of helping persons who have suffered state actor torture.
- Recommend including a specialized woman oriented approach designed to assist women who have endured reproductive torture and losses.

RECOMMENDATION 5 – Educative Intervention (p. 27)

- Recommend that federal, provincial, and territorial governments initiate education about non-state actor torture at all levels of civil society, including NGO and governments and specifically pinpointing, for example, persons who work in judicial, legal, and police services, health and community services, child protection services, educational departments, and universities.

RECOMMENDATION 6 – Research Intervention (p. 27)

- Recommend federal, provincial, and territorial government levels collaboratively undertake a woman oriented research approach specifically directed towards the population of women who have endured and survived forms of torture inflicted by non-state actors in the private sphere.

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I. Introduction: The Emerging Issue of Non-State Actor Torture

1. Violence against women and girls was identified as a key issue in the Canadian government's April 1999 to March 2006 report submitted to the *CEDAW* Committee in 2007.³ Violence against women was also mentioned in Canada's response to the Committee on CAT.⁴ Neither report discusses the non-state actor torture and discrimination of Canadian women who endured/are enduring or are struggling with debilitating post-torture consequences.
2. Therefore, putting forth the reality that Canadian women have and do endure discrimination that contributes to gender-based, gender-specific, non-state actor torture inflicted in the private sphere is a twofold challenge:
 - a. Firstly, there is the requirement to address the societal discrimination that has driven their victimization 'underground' rendering the women and their suffering invisible in Canada, which reflects the existence of effect-based discrimination as defined in article 1 of CEDAW, and
 - b. Secondly, there is the requirement to ensure that the many forms of non-state torture women have/do suffer is fully acknowledged as a violation of their human rights and is explicitly named for what it is – it is torture inflicted by non-state actors in the private sphere as described in article 1 of CAT.
3. It took seven years of negotiating efforts for the United Nations General Assembly to adopt, on December 10, 1984, the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*,⁵ making torture by state actors a specifically punishable offence. Little if any consideration was given, at that time, to the reality that women needed protection from torture committed by non-state actors in the private sphere. Others realize that it has taken years for the international community to acknowledge "that the body of international law and the mechanisms established to promote and protect human rights had not taken into account the concerns of women who represent over half the worlds population."⁶ Additionally, it has also taken years to reveal that significant numbers of women "are routinely subjected to torture ... simply because they are female."⁷ And according to the director of a poll on women's equality, taken in

³ Canadian Heritage. (2007). *Convention on the elimination of all forms of discrimination against women Sixth and seventh reports of Canada* (Introduction, item 3, p. 2). Gatineau, QC: Minister of Public Works and Government Services Canada [Online]. Available: http://www.pch.gc.ca/progs/pdp-hrp/docs/cedaw7/index_e.cfm

⁴ Canadian Heritage. (2004). *Human rights program. Convention against torture and other cruel, inhuman or degrading treatment or punishment*. Gatineau, QC: Minister of Public Works and Government Services Canada [Online]. Available: http://www.canadianheritage.gc.ca/progs/pdp-hrp/docs/torture/torture_e.pdf

⁵ Ibid.

⁶ Cartwright, S. (2000, March 10). *Contemporary gender issues in the refugee context*. Paper presented at the International Association of Refugee Law Judges, Inaugural Meeting IARLJ Australia/New Zealand Chapter [Online]. Available: <http://www.refugee.org.nz/Reference/IARLJ3-00Cartwright.html>

⁷ Bunch, C. (1990). Women's rights as human rights: Toward a revision of human rights. *Human Rights Quarterly*, 12 (4), 486-498.

16 countries around the world involving 14,896 female and male respondents, the concept of equal rights for women “is fairly new in the context of human history.”⁸

4. These discriminatory processes of devaluing the human rights of all women impacts gravely on the specific population of women represented in this Shadow Report. To be treated as nonhumans by the torturers and to be socially denied their fundamental right to have the many forms of torture they have or do endure specifically named as torture that has/is occurring in Canada is a dual violation, in spite of other international instruments such as the following that state no one should be subjected to torture:

- Article 5 of the *Universal Declaration of Human Rights*
- Article 7 of the *International Covenant on Civil and Political Rights*
- Article 3 (h) of the *Declaration on the Elimination of Violence against Women*

5. Acknowledging that gender-based, gender-specific violence occurs in the private sphere – within families, in the work place, and within the community is addressed in article 1 and 2 of the *Declaration on the Elimination of Violence against Women*. Article 2 places no defining limitations on the forms of gender-based violence women could be or are subjected to. This permits naming torture by non-state actors in the private sphere as a form of violence women endure just as the Declaration names battering, rape, abuse, or trafficking as specific violent crimes against women. The specific forms of non-state actor torture Canadian women describe in their oral histories and testimonies⁹ included in this Shadow Report include:

- Physical tortures
- Sexualized tortures
- Mental tortures
- Spousal torture
- Ritual abuse-torture (RAT)
- Reproductive tortures
- Cannibalistic tortures

6. Furthermore, specifically acknowledging and specifically naming the tortures the women in this Shadow Report have endured is supported by article 1 of CAT “which should be seen as reinforcing – and reinforced by – the *Declaration on the Elimination of Violence against Women*”¹⁰ Articles 4 (e) and (f) of the Declaration refers to “any form of violence” which, when reinforced by CAT, embodies forms of non-state actor torture inflicted in the private sphere.

⁸ Quote of Steven Kull, director of WorldPublicOpinion.org. See WorldPublicOpinion. (2008, March 6). International poll finds large majorities in all countries favor equal rights for women. Widespread support for government and UN action to prevent discrimination [Online]. Available: http://www.worldpublicopinion.org/pipa/pdf/mar08/WPO_Women_Mar08_rpt.pdf

⁹ United Nations International Research and Training Institute for the Advancement of Women (INSTRAW). *Methodologies: Rights-based approach* [Online]. Available: <http://www.un-instraw.org/en/index.php?option=content&task=view&id=1051&Itemid=247>

¹⁰ For complete reference see Nowak, M. (2008, January 15), in the endnotes on page 2 of this Shadow Report, para. 31.

7. In the preamble of the *Declaration on the Elimination of Violence against Women* it is recognized that effective implementation of CEDAW contributes to the elimination of violence against women and that the *Declaration on the Elimination of Violence against Women* strengthens and complements the process of eliminating all forms of violence against women. Drawing on these two woman-based instruments plus others such as the *Beijing Declaration and the Platform for Action* with its stated determination “to prevent and eliminate all forms of violence against women and girls”¹¹ provides further support for the rights of the women in this Shadow Report to have the violence they endured acknowledged as torture committed by non-state actors in the private sphere that are gender-based, gender-specific, and discriminatory-based.

8. As this introduction shows, the emerging issue of non-state actor torture and the effect-based discrimination that has silenced Canadian women who were/are subjected to many forms of torture in the private sphere interfaces with many international instruments, including CEDAW and CAT. The right not to be discriminated against is one of the rights that cannot be set aside in any circumstance and is supported by CEDAW.¹² Therefore, to uphold the women’s basic human rights not to suffer on-going discrimination requires that the tortures they report suffering are acknowledged and specifically named as torture – torture perpetrated by non-state actors – a form of violence that Canadian woman do experience in the private sphere.

¹¹ United Nations. (1996). *Platform for action and the Beijing declaration* (para. 29, p. 9). New York: Department of Public Information.

¹² Amnesty International. (2000, June). *Respect, protect, fulfil women’s human rights. State’s responsibility for abuses by ‘non-state actors’*. New York: Amnesty International.

II. Articles 1, 2, and 3 of CEDAW & Articles 1 and 2(1) of CAT

9. This Shadow Report is being sent to the Committees responsible for CEDAW and CAT, making reference to articles 1 to 3 of CEDAW and articles 1 and 2(1) of CAT.

10. Firstly, in reference to articles 1 to 3 of CEDAW:

1. Canada has failed to condemn or to introduce legislative, legal, or administrative measures, or take other actions that would work towards the elimination of effect-based discrimination confronting Canadian women who have been/are subjected to many forms of non-state actor tortures inflicted in the private sphere;
2. Canada's failure to take action in all fields to eliminate effect-based discrimination has had the effect of impairing or nullifying the full development and achievement potentials of the population of women addressed in this Shadow Report.

11. Article 1 and 2 of CEDAW make reference to the elimination of effect-based discrimination in any and all fields of private or public life. The women of whom this Shadow Report is concerned have been subjected to effect-based discrimination in the fields of public and private life. Canada's failure to name and criminalize non-state actor torture means, for example, that the women are not believed when they seek police protection, thus their safety is compromised. They cannot lay criminal charges identifying that they have endured torture in the private sphere because no specific law criminalizing non-state actor torture exists in Canada. And when there is no specific law there is no such recognized crime. The women frequently experience discreditation, are considered 'crazy', or are labeled mentally ill when seeking professional help. If they disclose in their communities they fear stigmatization and social rejection because civil society has not been informed that violence against women includes torture inflicted by non-state actors – torture inflicted by parents, other kin, spouses, guardians, and other liked-minded torturers. Thus the human rights and fundamental freedoms of the specific population of women in this Shadow Report are constantly being violated in all fields of their lives.

12. Secondly in reference to articles 1 and 2(1) of CAT the Canadian government has failed to take actions or understand that non-state actor torture in the private sphere meets the basic four elements defining torture in article 1 of CAT, plus the powerlessness of victimized women as discussed by the Special Rapporteur on torture.¹³ The presences of these elements apply to the non-state actor tortures endured by the women of this Shadow Report which are:

- a. That severe pain and suffering, physical or mental was inflicted;
- b. Intent – this is implied with gender-specific torture which is what the women endured;

¹³ For complete reference see Nowak, M. (2008, January 15) in the endnotes on page 2 of this Shadow Report, para. 27.

- c. Purpose – this is always fulfilled in gender-based, gender-specific discrimination, again this applies to the women and the tortures endured;
- d. State involvement – extends into the private sphere when the State fails to protect persons within its jurisdiction from torture and ill-treatment committed by private individuals; this has occurred in Canada and has resulted in the following consequences within Canada:
 1. The negation of Canada’s legal obligations to enact laws that specifically criminalize torture inflicted in the private sphere by non-state actors,
 2. The creation of a climate of impunity whereby torturers are not brought to justice and reparation is unattainable for the women so tortured, and
 3. Led to an escalation of the consequential response of powerlessness enforced onto women by non-state actor torturers.

Canada’s Existing Provisions Argument and Due Diligence

13. There is increasing discussion and evidence that the obligations of State Parties extends to a duty to protect the human rights of **all** women within the private sphere – this means including the women whose testimonies are in this report. A duty to protect the human rights of all women involves taking action to prevent on-going direct or indirect discriminatory practices that impair women’s development.¹⁴ Including to act with due diligence to ensure that **all** women within their jurisdiction are not subjected to torture inflicted by private individuals in the private sphere.¹⁵

14. Due diligence is the test that assesses whether a State has performed its duties responsibly.¹⁶ The practice of due diligence requires the need to prevent, investigate, and punish violations of women’s human rights “whether those acts are perpetrated by the State or by private persons.”¹⁷ There is a due diligence responsibility to investigate and prevent the torture of women by non-state actors – a responsibility to take action to secure their safety, to hold perpetrators responsible, to impose appropriate punishment, and to ensure adequate compensation.^{18, 19} Canada has not performed its due diligence duties responsibly in relation to the population of Canadian women represented in this Shadow Report who report they have endured or are enduring torture by non-state actors

¹⁴ Ertürk, Y. (2006, January 20). *Integration of the human rights of women and the gender perspective: Violence against women the due diligence standard as a tool for the elimination of violence against women*. Report of the Special Rapporteur on violence against women, its causes and consequences. E/CN.4/2006/61.

¹⁵ For complete reference see Nowak, M. (2008, January 15), in the endnotes on page 2 of this Shadow Report, para. 27.

¹⁶ Amnesty International. (2000, June). *Respect, protect, fulfil women’s human rights. State’s responsibility for abuses by ‘non-state actors’*. New York: Amnesty International.

¹⁷ *Declaration on the Elimination of Violence against Women*. Article 4 (c).

¹⁸ For complete reference see Nowak, M. (2008, January 15) in the endnotes on page 2 of this Shadow Report, paras. 26, 32, 68.

¹⁹ Association for the Prevention of Torture. (2001, November 10-11). *The definition of torture. Proceedings of an expert seminar*. Geneva.

in the private sphere. It must therefore be stated that Canada's indifference or inaction has provided "a form of encouragement and/or de facto permission,"²⁰ for non-state actors to commit acts impermissible under CAT. Furthermore, it must also be stated that Canada has not upheld its due diligence obligations under articles 1 to 3 of CEDAW or articles 1 and 2 (1) of CAT.

15. However, this is not how the Minister of Justice Canada assesses the offence of torture by non-state actors.²¹ He considers that the acts of torture the women describe enduring can be covered under 'existing provisions' within the Canadian *Criminal Code*. This means misnaming non-state actor torture as abuse, assault, kidnapping, or aggravated assault, for example. It is insightful to note that torture by state officials is not equally minimized and misnamed as an assault, aggravated assault, or abuse. Indeed the Canadian *Criminal Code* specifically identifies and criminalizes torture by state actors in section 269.1. The Canadian government's position of using an existing provisions argument in a manner that does not support the specific criminalization of non-state actor tortures of women results in on-going effect-based discrimination as described in article 1 of CEDAW.

16. What happens when Canada utilizes existing provisions to address the torture of women by non-state actors in the private sphere? The torture of a woman disappears. The effect-based discrimination as per article 1 of CEDAW appears. The minimization, devaluation, objectification, and dehumanization of a tortured woman appear, as the following "aggravated assault" case gives testimony to:

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).

17. The *Declaration on the Elimination of Violence against Women* recognizes that violence against women has deep historical socio-cultural roots involving the domination and subordination and perceived inequality of women that causes discriminatory practices that can impair the equal treatment of women. Such thematic issues are visible in the above case. Not only can it be argued that the deer and moose would be safer but the deemed punishment 'value' placed on the torture of the woman is exposed as worth less than the punishment value placed on the possession of illegal venison. And the forced witnessing of torture by the three children apparently deserves no punishment value at all.

²⁰ For complete reference see Nowak, M. (2008, January 15), in the endnotes on page 2 of this Shadow Report, para. 32.

²¹ Written correspondence dated June 22, 2007.

Examples of Other Jurisdictional Responses

18. Torture of women by non-state actors in the private sphere is an emerging issue in various industrialized countries and not just in Canada. It is not an unobtainable goal for a State to offer women protection from torture by non-state actors, or to provide them with the opportunity to access protection and justice-seeking remedies, or to hold non-state actors responsible. However, the jurisdictional will to act must be there. Several examples of other jurisdictional responses to the knowledge that women have endured/do endure torture inflicted by non-state actors in the private sphere are:

1. In South Australia a research project on women escaping intimate violence revealed the torture of women and of children who witnessed torture that was occurring within organized crime groups such as “bikie” gangs.²² The State’s attention focused on the organized crime element of the report.
2. In the State of Michigan, in the United States, due diligence was taken by Governor Jennifer M. Granholm, in 2006, who signed legislation (House Bill 5268 (PA 335 of 2005) and House Bill 5269 (PA 336 of 2005)) that made torture a criminal act, providing for penalties of up to life imprisonment. This action evolved following prosecutors’ frustration of being unable to hold a man legally accountable for the “unspeakable acts of torture” he committed against his blind, diabetic wife. At the time there were no laws in existence in Michigan that addressed torture by non-state actors.²³ There are now.

Official Evidence: The Canadian Panel on Violence Against Women

19. The Canadian government did not disclose to the Committees of CEDAW and CAT that in 1993 the Canadian Panel on Violence Against Women report identified that torture against women, specifically ritual abuse/torture, was occurring within the private sphere in every region of Canada.²⁴ So horrific were the testimonies that the Panel Co-chair 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.”²⁵ If victimized Canadian women such as those in this Shadow Report were/are to have their fundamental human and legal rights and freedoms protected the Panel listed the following injustices required interventions be taken by all levels of government:

- a. To secure the safety of the specific group of victimized women because their safety was/is dangerously limited,

²² Cooper, L. (2006, March). *Final report Women escaping intimate violence*. Project funded by Department of Human Services Research and Innovation Program (HSRIP). Faculty of Social Sciences, Flinders University of South Australia.

²³ Watson, H. (2006, January 3). Governor Granholm signs legislation to strengthen penalties for torture [Online]. Available: http://www.michigan.gov/gov/0,1607,7-168-23442_21974-133334--,00.html

²⁴ Canadian Panel on Violence Against Women. (1993). *Changing the landscape: Ending violence ~ Achieving equality* (pp. 45-47). Ottawa: Minister of Supply and Services Canada.

²⁵ Cox, W. (1992, March 23). Panel hears horror stories of violence against women. *The Chronicle-Herald The Mail-Star*, p. B13.

- b. To address a Canadian public that had very limited understanding of the existence of non-state actor torture in the private sphere including by law enforcement officers, legal practitioners, and adjudicators because women's torture victimization was not acknowledged,
- c. To remedy the fact that the victimized women have been/are prevented from enjoying equal benefit and protection of the law, and
- d. To implement service provisions because women found/find it extremely difficult to access effective therapeutic help, frequently encountering unhelpful therapy and medical treatment as well as disbelief and denial from the professional community. Gaining access to effective help has been made more difficult as effective helpers are targets of organized discreditation and burnout often forcing them to stop providing the complex support required by this specific population of tortured women.

20. The torture of women was also mentioned in the Canadian Panel's *Executive Summary* with these words, "Every day in this country women are maligned, humiliated, shunned, screamed at, pushed, kicked, punched, assaulted, beaten, raped, physically disfigured, **tortured**, threatened with weapons and murdered [emphasis added]." ²⁶ Additionally, the Sub-Committee on the Status of Women released, in June of 1991, *The War Against Women Report*. ²⁷ It was from this report that the case previously described was taken of the woman hung by ropes from the beam of a barn, naked, and whipped into unconsciousness. The information presented to the government established the socio-cultural history that some Canadian women were enduring gender-based, gender-specific, and effect-based discrimination and torture violating articles 1 of CEDAW and CAT.

21. To continue to accept that non-state actor torture of women in the private sphere remain misnamed thus unacknowledged in Canada has the impact of failing to eliminate effect-based discrimination as required under CEDAW articles 1-3. To use the existing provisions argument to misname torture committed by non-state actors as abuse ignores article 1 of CAT. This has the effect of impairing or nullifying the recognition of the severity of the violations of victimized women's human rights and fundamental freedoms. There is no substitution for the power of naming thus the first recommendation is the truthful acknowledgement and just naming of non-state actor torture.

RECOMMENDATION 1 – Naming

- Recommend the Canadian government via the Department of Justice Canada directly name and acknowledge that all forms of torture perpetrated by non-state actors in the private sphere is an emerging form of violence and human rights violation that is inflicted against some Canadian women.

²⁶ The Canadian Panel on Violence Against Women. (1993). *Changing the landscape: Ending violence ~ Achieving equality executive summary/national action plan* (p.5). Ottawa: Minister of Supply and Services Canada.

²⁷ Sub-Committee on the Status of Women. (1991, June). *The war against women report* of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women. Ottawa: House of Commons.

III. Canadian Women's Testimonials

22. In this section three women's oral and written testimonies disclose forms of non-state torture, including:

1. Physical tortures
2. Sexualized tortures
3. Mental tortures
4. Spousal torture
5. Ritual abuse-torture
6. Reproductive tortures
7. Cannibalistic tortures

23. The torturers have never been charged nor can they be charged for the tortures they inflicted because non-state actor torture in the private sphere is not presently a specific crime in Canada. Because of this, when women attempted to report and describe to authorities what had/was happening to them the women said they were not listened to, were told or treated as if they were 'crazy', or discredited. The lack of specific criminalization causes on-going effect-based discrimination, violating CEDAW, article 1.

*Lynne's Testimony*²⁸

24. Lynne realized her husband spent a year grooming her for marriage, then immediately after their wedding he became a violent spouse. Six months later, remaining hopeful that her marriage would work out, Lynne boarded a plane with her husband. Immediately on arrival in Toronto they were met by three of his friends whom she did not know. Lynne states her husband and his friends held her captive, in a windowless room, for four and one-half years. First they gang raped her to "break me in." Then "sold my body" to client-perpetrators who raped and tortured her. Terrified, Lynne described the humiliation of being stripped naked, and how penises and semen suffocated her and violated every orifice of her body. She told of being held under-water until she almost drowned, of pliers applied to her nipples, of being whipped with the looped wires of clothes hangers, of being drugged, and forced to cut her-Self with a razor blade for the perpetrator-client's sadistic pleasure. Starved, handcuffed to a radiator, beaten, whipped, kicked, left without warmth, Lynne disclosed she suffered five pregnancies and violent forced abortions. They beat the soles of her feet and after they finished Lynne described how she tried to rub the pain away. Not wanting Lynne to sooth her-Self they beat her more. Guns were used to threaten her life, to 'play' Russian roulette and Lynne discussed that she "can still hear the three clicks ... click ... clicks in my ear." Blood was everywhere when she was gang raped with a knife, horrifying Lynne, forcing her "out-of-my-body." Lynne says she suddenly found herself "looking down at that person – but that person was me!" Describing how her husband especially enjoyed sodomizing her with a wine bottle that made her hemorrhage, Lynne used to wonder if she would bleed to death – "I'd wonder how much blood I'd have to lose before I'd die." Seeking the pleasure high he experienced every time his torturing created terror in her



²⁸ An altered picture of Lynne, shared with consent.

eyes, Lynne explained her husband would contemptuously utter, “Look at me bitch; I like to see the terror in your eyes.” Called bitch, slut, and whore, Lynne was named “piece of meat.” She says she was never called Lynne again ... she was always “piece of meat.” Lynne ‘disappeared’ in Canada for four and one-half years before ‘escaping’ and returning home she thought about suicide for about six months.

*Sara’s Testimony*²⁹

25. Sara described being electric shocked, beaten, cut, and burned with cigarettes and candles, and having hot light bulbs forced into her vagina for more times than she can record. Always terrified, she reported being forced to swallow drugs that left her paralyzed, family/group raped, and tortured. Caged, suspended by her limbs with a looped cord around her neck, and stretched on a torture rack in the little room in her family’s basement, Sara also speaks of being forced to cut herself and forced to endure bestiality. Sara states her “blood was spilled so many times.” Surviving pregnancies that were forcedly and violently aborted – “stick aborted”– and destroyed in horrific ways; Sara says she was forced to swallow some pieces of tissue to make her feel extremely shameful and guilty so that she “would never tell.” Forced into harming and killing animals under the threat of or actually being electric shocked Sara also told of becoming unconscious when held under water, when a plastic bag was tied over her head, and when she was beaten mercilessly. Sara remembers the repetitive phrase, “Bring her back when you’re done,” that her father uttered to the perpetrator-clients he rented her out to. And she asked, “Did you know that some just rent you for torturing?” Forced into participating in homemade pornography, Sara explained she was also forced to swallow blood, pee and poop and be smeared with it. She says, “These are some of the tortures that forced her up onto the ceiling, “out-of-my-body.” This is how she survived. Forced to endure the torturer’s humiliating laughter, their words “if you live to tell no one will believe you” kept Sara silent until she could no longer function. Sara says, “It took me many years to understand that my 35 years of captivity, abuse, torture, and trafficking, beginning when I was an infant, was not normal.”



*AC’s Testimony*³⁰

26. AC wrote in 2007: I have been a victim of ritual abuse-torture (RAT) almost my entire life (for as long as I can remember until a few months ago). I have been through all kinds of sexual abuse and torture, including rape, being forced to participate in child pornography, being forced into child prostitution, forcedly impregnated and the baby forcedly and secretly delivered. I have been physically abused and tortured, including being beaten, whipped, cut and endured many other types of horrific things. I have been neglected and isolated by being locked in a room or a cage for days at a time with no food, water, or bathroom facilities. I have been forced to witness the abuse, torture, and even killing of other animals and people (including children). My father and mother abused me physically and sexually at home. My father also would bring me to



²⁹ Sara’s (a pseudonym) drawing depicting her tears, shared with consent.

³⁰ AC’s Self-portrait drawing and when giving her consent on March 12, 2008, she wrote, “I would be honoured for you to use this painting and whatever else you think would help.”

ritual abuse-torture meetings, where members of the group would abuse and torture me, both alone and in front of others. So, I was being intentionally and destructively violated by people in the community who were in high standing, and who had power to block me should I ever try to get help. Some of the perpetrators I did not know, or only recognized. Also, at different points in time I attempted to reveal what was happening to me to doctors and nurses in hospitals and wasn't believed. As a youth and a young woman I also tried to report to the police but they didn't believe what I tried to tell them or told me that there probably was no evidence. They also treated me as if I was crazy.

Criminalizing Non-State Actor Torture to Empower Women's Full Development

27. Lynne, Sara, and AC testimonials are representative of a collective of women who have suffered massive acts of discriminatory, gender-based, gender-specific tortures inflicted in the private sphere as referenced in article 1 of CAT.³¹ When Canada failed to take measures such as enacting legal mechanisms designed to empower victimized women with the opportunity to seek safety, justice, and compensation for the crime of non-state actor torture inflicted onto them, this adversely impaired the women's potential for full development as referenced in articles 2-3 of CEDAW.

28. Women who have survived non-state actor torture in Canada have endured and continue to endure a sustained pattern of effect-based, gender-based, and gender-specific discrimination as described in article 1 of CEDAW and article 1 of CAT. As stated previously, the Canadian government has repeatedly failed to exercise due diligence in its obligation to respect, prevent, and provide safety to this population of women and uphold their human rights preventing the full development and advancement of the women to which this Shadow Report speaks. These failures are in violation of articles 2 and 3 of CEDAW and article 1 and 2(1) of CAT. The Department of Justice Canada has not seen it necessary to enact measures to specifically criminalize acts of non-state actor torture allowing perpetrator-torturers to continue to function with impunity and reparation is unattainable for the tortured women. This violates article 2 of CEDAW and article 2(1) of CAT. Criminalization of non-state actor torture is essential because from this intervention other interventions flow – preventive, protective, prosecutorial, supportive, and integrative.

RECOMMENDATION 2 – Legal interventions

- Recommend that the Department of Justice Canada amend the *Criminal Code of Canada* to include the separate offence of non-state actor torture committed in the private sphere.
- Recommend that federal, provincial, and territorial governments initiate education of law enforcement officers, legal practitioners, and adjudicators in the investigation of and in the provision of safety and access to justice for women victimized by actors of non-state torture committed in the private sphere.

³¹ For complete reference see Nowak, M. (2008, January 15), in the endnotes on page 2 of this Shadow Report, para. 32.

IV. Gender-Specific Reproductive Tortures

29. Because of her gender and her body's reproductive functionality a woman is specifically vulnerable to suffering gender-specific reproductive tortures including that of infanticide and foeticide, as those disclosed in the previous testimonials. As revealed, parents, other kin, guardians, spouses, client-perpetrators and other like-minded are the non-state actor torturers.³² Foeticide and infanticide are worldwide forms of gender-based, gender-specific, and discriminatory violence.³³ For the specific group of Canadian women who have survived non-state actor tortures, foeticide and infanticide are also a reality for some.³⁴

Gender-Based Reproductive Tortures: 10-Question Reproductive Harms Survey

30. Gathering further insights about acts of gender-based reproductive harms committed by non-state actor torturers, specifically ritual abuse-torturers, was done in 2007 utilizing a 10-question survey that women accessed via the internet.³⁵ Although the questionnaire did not consistently permit specifically matching nationality to each question answered, individual Canadian case histories were captured. Three are detailed later. Overall, the information obtained displayed gender-based, gender-specific reproductive tortures women reported suffering, within the context of ritual abuse-torture families/groups, in various countries, including Canada, This information is tabled below.

31. Table 1: The questionnaire asked women to identify in which country they had been harmed, allowing for only one answer thus multiple country involvement was not attainable. Of the 241 respondents in table 1, 31 (13%) were Canadian.

Country	No. of respondents	%
Canada	31	13%
United States	160	66%
Europe	19	8%
Australia	17	7%
New Zealand	6	3%
Israel	2	1%
Asia	3	1%
Other	3	1%
Total Respondents	241	

³² Sarson, J. & MacDonald, L. (2007). Ritual abuse-torture in families. In N. A. Jackson (Ed), *Encyclopedia of Domestic Violence* (pp. 603-611). New York: Routledge.

³³ Working Group on the Girl Child NGOCSW. (2007, February 26 – March 9). *A girl's right to live Female foeticide and girl infanticide*. Presented on the occasion of the United Nations Commission on the Status of Women 51st session. [Contact: bpolonovski@hotmail.com].

³⁴ Sarson, J. & MacDonald, L. (2007). *The emerging issue of ritual abuse-torture: Foeticide and infanticide in the private sphere of family and guardian relationships*. Paper presented to Working Group on the Girl Child of the NGO Committee on the Status of Women - Geneva (CONGO).

³⁵ Persons Against Ritual Abuse-Torture: www.ritualabusetorture.org.

32. Table 2: Displays answers to the question of whether women had “ever experienced a forced pregnancy by ritual abuse-torture perpetrators?”

Yes	162	68%
No	64	27%
N/A	11	5%
Total Respondents	237	

33. Table 3: Illustrates the answers to the question: Have you experienced forced abortions by ritual abuse-torture perpetrators?

Yes	153	64%
No	72	30%
N/A	14	6%
Total Respondents	239	

For the women who indicated the question did not apply to them, other questions and answers on the questionnaire revealed that some impregnations were not aborted. Infants were delivered and may or may not have become victims of infanticide within the context of these violent families/groups. Women also stated infants “disappeared”.

34. Table 4: Represents responses to the question: Did rapes occur during or after an abortion or delivery?

Yes	131	56%
No	58	25%
N/A	44	19%
Total Respondents	233	

35. Table 5: Shows women’s responses to the question on infanticide which was: If a pregnancy or pregnancies occurred was the infant(s) killed?

Yes	121	51%
No	54	23%
N/A	61	26%
Total Respondents	236	

36. Table 6: In an attempt to inquire about ordeals of cannibalistic tortures, given that women repeatedly spoke about enduring such horrification ordeals, the question was asked: If a pregnancy or pregnancies occurred was the infant(s) cannibalized?

Yes	99	43%
No	63	27%
N/A	70	30%
Total Respondents	232	

Cannibalistic Torture

37. Cannibalistic violence among the human species is both historical and present day. Congolese Chantal Hadija Lomoyo, a refugee to Canada, tells of being kidnapped and tortured by warriors in 2002 when she was a 17-year-old nursing student. A peer was killed and cannibalized by the male warriors who then cut into and began eating Chantal's flesh. Spitting her flesh out because they said it did not taste right, Chantal says the warriors left her to die.³⁶ Cannibalism also occurs in North America. For instance, American Jeffrey Lionel Dahmer was found guilty of rape, murder, necrophilia, and cannibalistic crimes he committed from the late 70's to the early 90's.³⁷ Cannibalistic horrors are inflicted by the warriors^{38, 39} and the Jeffery Dahmers of our species and by like-minded others who the 99 women, including Canadian women, disclose being forced to endure. Reproductive tortures, foeticidal or infanticidal tortures, with cannibalistic tortures are gender-specific, gender-based, and discriminatory-based tortures which fall under article 1 of CAT.

Ritual Abuse-Torture (RAT)

38. Naming physical, sexualized, mental, reproductive, spousal, or cannibalistic tortures identifies specific forms of non-state actor torture. Correspondingly ritual abuse-torture names a form of torture by capturing the complex multi-layers of the violence women so victimized endure. Generally beginning in childhood, ritual abuse-torture is most frequently inter-generational, but not always and involves organized violent family/group gatherings.⁴⁰ Victimized girls can become victimized women as Sara and AC testified.

39. Sometimes their day is one in which they mainly endure abuse of many kinds, but on other days they endure torture. The ritual component of the term serves many functions. From the perspective of the ritual abuse-torturers the use of ritualism is a torturers' tool. Ritualisms organize the family/group violence. Ritualisms sets up excitement using drama – with costumes, scenery settings, lighting, noise, music, chanting, and the use of drugs for instance. Dramatizing a violent group process adds to the torture entertainment and sadistic pleasure, reinforces group participation, and

³⁶ O'Brien, J. (2008, March 19). When the euphoria of safety fades Services are lacking for a victim of cannibalism. *London Free Press*.

³⁷ Wikipedia. (Accessed 2008, March 20). Jeffery Dahmer [Online]. Available: http://en.wikipedia.org/wiki/Jeffrey_Dahmer

³⁸ Ertürk, Y. (2007, July 16-28). *Mission to the Democratic Republic of the Congo*. Report of the Special Rapporteur on violence against women, its causes and consequences. Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural, including the Right to Development. A/HRC/7/6/Add. 4, paras. 21-22.

³⁹ Human Rights Watch. (2007). *"My Heart is Cut" Sexual Violence by Rebels & Pro-Government Forces in Cote d'Ivoire* [Online]. Available: <http://hrw.org/reports/2007/cdi0807/cdi0807webwcover.pdf>

⁴⁰ Sarson, J. & MacDonald, L. (2005). Ritual abuse/torture. Identifying a crime of horror. *Gazette*, 67, 1, pp. 32-33; _____. (in press). Ritual abuse-torture families/groups: Case studies, local to global pedophilic violence, human trafficking, and misopais. *Journal of Aggression, Maltreatment, and Trauma*.

strengthens group cohesiveness. Organizational ritualism prevents confusion and adds a sense of security. Within ritual abuse-torture families/groups ritualisms are useful for enforcing mental and belief system conditioning that instills a state of ongoing captivity and enslavement into the victimized women's mind, leading to mental distortion and powerlessness. Ritualism also facilitates the torturer's opportunity to exert pseudo-metaphysical positional power over the chosen victimized woman. Ritualism used for organizational purposes 'smooths out' the functioning of the RAT family/group, much like ordinary ritualisms smooth out healthy family/group functions by helping to let everyone know who is to do what so the family/group can function efficiently.

40. The use of family/group ritualistic processes can normalize relational torture, creating a sense of superiority and group belongingness while symbiotically creating a state of captivity, enslavement, and powerlessness for victimized women. From the perspective of a victimized woman, reflecting on the use and effectiveness of family/group ritualisms, she stated, "The rituals seemed to make it OK ... knowing it as torture makes it not OK." Such is the power of truthful naming.

Canadian Women: Other Consequences of Reproductive Tortures and Losses

41. Reproductive losses occur when a women decides not to have a child because she feels she might not be able to keep a child safe. This was the ordeal that Alex, a Canadian woman, shared:

When I was 12 years old I became forcedly impregnated. Later while the ... [ritual abuse-torturers], my father and his friends, were giving me the abortion they told me they were getting evil out of me. I didn't have a choice if I carried to term and gave birth or not. They gave me an abortion. After the abortion they raped me and killed ... the baby and also made me eat parts of it. [Later, as a woman], I decided not to have a child because I didn't want to take the chance of another child going through the same torture I went through.

42. Alex is not alone in her concern for the safety of children of the next generation. Women who participated in the Reproductive Harms Questionnaire answered the following question about the safety of children: Did you decide not to have a child because you thought it would be impossible to keep a child safe?" Of the 241 women who responded to this question, 88 (37%) stated they decided not to have a child because of their concerns for a child's safety. For the 123 women who indicated they had not actively taken measures to prevent a pregnancy, some indicated that their dissociative responses interfered with their ability to consider whether a child would or would not be safe.

43. Profiles of two other Canadian women's reproductive harms captured by the Reproductive Harms Questionnaire illustrate further the repetitive pattern of reproductive tortures and cannibalistic torture:

1. The first Canadian woman profiled stated she had a forced pregnancy, a labor and live delivery that involved being raped during and/or after labor and delivery. She reported the infant “disappeared.”
2. The second Canadian woman profiled reported she was forcedly impregnated and aborted and raped during/after the abortion. She reported the embryonic/fetal tissue (stage of gestational development is unknown) was cannibalized. She also stated she decided not to have a child for fear she would not be able to keep a child safe.

44. Sterility can also result from sexualized tortures, as disclosed by Canadian ‘KW’. In the 1960’s she described a particular childhood torture ordeal that involved being tied naked to a chair with a hole in its seat, giving the ritual abuse-torturers access to her vaginal area. Having immobilized her, she reports the male torturers penetrated her vagina with a hot poker and told her she would never have children. She never has. Facing reality requires asking whether torturers, state or non-state, are driven by common desires and ideas on how to inflict brutality? For instance, the chair torture device this woman described had similarities to the “black slave” chair designed by an Eastern European doctor for the explicate purpose of assisting state actors torture the person(s) they held captive.⁴¹

45. Hysterectomies can be another consequence of reproductive tortures. For instance, Lynne had a hysterectomy which she stated was related to the sexualized torture damage she had endured although no nurse or doctor ever asked her to explain the cause of her internal injuries.

46. An example of the entrapment of a woman’s mind as a result of mental torture is apparent in her concerns that she would produce deformed babies, a fear related to the bestiality forced onto her. Her concern often comes as the question: Will I have dog babies? Until the woman risks asking this question she carries the lingering fear that the torturers words are correct. When she internalizes this reproductive threat uttered by the torturers as a truthful possibility, the torturers inflict mental torture, turning her onto her-Self, feeding her Self-hatred of blaming her-Self for being female.

Statistically Invisible

47. On page 3 of the Canadian government’s report to the CEDAW Committee two documents are listed that relate to identifying statistical information on violence against women. These are: *Measuring Violence Against Women: Statistical Trends 2006* and *Family Violence in Canada: A Statistical Profile 2006*. Examination of these two documents reveals that torture by non-state actors in the private sphere is not included in these documents; nor will it be, not until non-state actor torture is named and legally recognized as a specific crime. Without a specific law criminalizing non-state actor torture in the private sphere there will be no recognition that such a crime occurs in

⁴¹ Thomas, G. (1988). *Journey into madness: Medical torture and the mind controllers*, 354. Toronto: Bantam Press.

Canada. The Canadian Panel on Violence Against Women did inform the Canadian government in their Final Reports that statistics were not being gathered on the torture of women by non-state actors, and specifically noted this applied to ritual abuse/torture (p.47).

RECOMMENDATION 3 – Statistical Interventions

- Recommend Statistics Canada keep statistics on **all forms** of non-state actor torture in the private sphere.
- Recommend that statistics on all forms of non-state actor torture be included in Statistics Canada yearly publications of statistical documents such as the *Family Violence in Canada: A Statistical Profile*.

V. On-Going Consequences of Non-State Actor Torture

Impact on the Women's Health, Work, and Relationships

48. Torture victimization can produce a sensory loss to pain due to dissociative coping responses they developed in order to survive. Sensory losses can/do numb a woman's response to present day injuries such as burns or cuts, leading to infections or ignoring other health issues. She may experience chronic fatigue, fibromyalgia, irritable bowel symptoms, chronic pain, or allergies. She may have difficulties maintaining nutritious eating habits because foods remind her of the substances the torturers forced her to swallow. She may be plagued by headaches, difficulties with concentration and memory, and experience difficulties resting and sleeping. Having been in a sustained state of hyper-vigilance and terror she may suffer chronic fear, anxiety, or panic attacks. Her recovery process, her traumatized esteem and Self-confidence can interrupt or cause a loss of career or work which can lead to poverty and the requirement for financial or disability support. Because her personhood boundaries have been so violated she may be unaware of situations that can lead to re-victimization and on-going harms, thus her distrust becomes increasingly damaged and heightened. Coping can involve Self-harming responses such as Self-cutting, the use of alcohol or other drugs, or engaging in Self-diminishing exploitative behaviors the consequences of which fuels her internalized Self-hatred. Potential consequences of her victimization can interfere with her capacity to build friendships and social networks as she frequently seeks social isolation as a way to stay safe. Sexualized and reproductive torture can impact on her opportunity to build intimate relationships. Physical health exams, such as breast exams and pap smears, can be too frightening so she may ignore engaging in these preventive health practices. And some women do not recover, some will require hospitalization, and some never feel safe so are constantly 'running'. Although this is a very limited insight into the potential long term impact non-state actor torturers inflict, the point made is that when torture ends the consequences do not.

Women's Ongoing Pain and Suffering ~ "Double Torture"

49. Understanding the impact that non-state actor torture can have on women as they try to heal means understanding the suffering of double torture. Double torture is a most agonizing, exhausting, and debilitating struggle for survival, post-torture. It can feel as if she is being tortured all over again. Nightmares of horror invade her sleep, as flashbacks transport her back into time so that she has difficulty remembering where she is, or how old she is, because all she feels is her vagina being torn open. She starts to really bleed for no other reason but for the fact her body is replaying what once had been her reality of seeing her blood pour out of her body. She screams as her anus feels ripped in the pain of forced penetration. She gags for minutes or hours as penises and semen clog her throat with the choking sensations of her past. She is smothering ... dying ... terror racing through her body invading and forcing, at the most miniscule cellular level, a response to torture from a time past ... overwhelming her with anxiety and panic attacks. In the

beginning it is almost impossible for her to remember she is no longer a captive victim and that what she is feeling is torture memories.

50. She looks at her hands and sees blood that is not there. Terror grips at her as she fears she is going crazy. Her nostrils fill with the smells of sexualized tortures, her mouth fills with the taste memories of pee and poop she was forced to swallow – both human and animal. She struggles to repress a gagging cough because she forgets she no longer has to fear being forced to eat her vomitus if she throws-up. Breathing is labored by the weight of the torturer on her chest, her nostrils swell from the drugs that were forced into her. Drool leaks down the side of her mouth while her body seizes as it remembers and replays the electric shocking memories. Her wrists and ankles feel the bindings that once held her immobilized. Welts rise on her body showing the beatings she endured and sometimes disappear as quickly as they came – but not always – sometimes they last for several painful days. She feels the burns that are not there, the knife and razor cuts and this time the bleeding comes that is not there – but is. She feels the dislocations of her shoulder and hip joints, the noose around her neck, and her body feels suspended in midair just like when she was hung by her limbs.

51. There is no mercy, just as there was none when the torturers were really present, enjoying their sadistic creativity of wondering how often and how close to death they could take her. Fulfilling their necrophilic lusting, their ultimate desire for power and control over her life and death is validated as she lapses into “the darkness” – into unconsciousness. Along the way they are excited, they watch her dissociate, they see her travel to the ceiling, treasuring the ecstasy of winning because now they think they have destroyed her so much that she will ‘forget’ ... or their tortures are so profoundly inhumane, cruel, and degrading that if she attempts to tell no one will believe her. They have won! They are safe from detection and prosecution. Emotionally, feelings of shame, degradation, humiliation, and dehumanization tear at her fragile esteem. She feels trapped – she is frozen in powerlessness.

52. Relief arrives; her body memories have run their course – for now. Her hope is it is finally over. But not yet! Out of the blue she suffers another torture attack memory, she suddenly feels drugged, barely able to stand, suddenly paralysis traps her, she feels her legs ripped wide open, pain tears through her pelvis, she feels blood that is but is not pour everywhere. She hears their voices in her head – verbal memories that override her own thoughts and voice – she is speechless. She hears them speak of the fetus; she hears them yell that the pregnancy was all her fault – that “she’s good for nothing” – as pieces of fetal flesh are forced down her throat.

53. She believes it is all her fault – if she was not a woman then she would never be guilty of murdering her baby. She believes they are right – she has lost count of how many times they have scorned her for being a woman, of how many times she has been tortured because she is female. The torturers have successfully torn into her mind; they have turned her against her-Self as she now believes it is wholly her fault because she has a vagina, because she is a woman. She asks: Will the torture ever end or is suicide her only escape?

The Pain of Social Rejection

54. Women suffering from the consequences of torture inflicted by non-state actors share the repetitive concern of a fear of social rejection. They fear that if the community discovers ‘their’ secret the community’s disgust will leave them rejected and ostracized. Although hungry for social connections the risk of discovery and suffering social exclusion or rejection can be an enormous deterrent. Being excluded or rejected by others causes social pain that is similar to physical pain.⁴² This is another example of post-torture consequential pain and suffering that can occur, leaving a woman feeling that she does not fit in society. This reality was voiced by AC:

The frustration, isolation and hopelessness that I have dealt with, because of the refusal of most agencies and professionals to try and assist me, has at times been almost too much to bear. I have been left so many times contemplating suicide, because it seemed there was absolutely no help or understanding for me in this society. ... I have been a victim of ritual abuse-torture my entire life, and even now (though I am a full grown adult) struggle daily with resisting further victimization⁴³

Removing Stigmatization

55. Stigmatization experienced by some of the women who have endured non-state actor torture has occurred because their responses to everyday events have not been understood as a consequence of their torture victimization and traumatization. For example, women have responded with intense fear, fainting, or anger when having blood samples taken, to seeing occupational therapy instruments, or to physical examinations, only to be treated with disregard. When women attempted to inform the health care provider that they had been a victim of torture their disclosure was not acknowledged, or the professional totally pulled away from them, or put them down. Misdiagnosis and maltreatment are also reflected in their histories of the health care treatments. Lynne had teeth pulled, for example, to try and solve chronic jaw pain. She was never asked about relational violence in her history. Thus the connection was not made that the chronic jaw pain was a body memory of the chronic physical torture battery she had suffered to her face which Lynne had never understood and not had the opportunity to process and heal from. Being labeled ‘crazy’ is a tremendous concern and women speak of the injustice of being pathologized and labeled mentally ill or ‘crazy’ versus having their responses truthfully named as a consequence of the torture they survived.

Support for Specialized Services

56. Women repeatedly report a need for a safe healing house specifically for women so tortured. They do not fit into safe houses for spousal violence because of their “double

⁴² Eisenberger, N. I., Lieberman, M.D. & Williams, K. D. (2003). Does rejection hurt? An fMRI study of social exclusion. *Science*, 302, 290 -292.

⁴³ Sarson, J. & MacDonald, L. (2007). *Non-state actor torture in Canada: A shadow report*. (p. 56). [Online]. Available: <http://www.ritualabusetorture.org/shadowreport.pdf>

torture” responses for example. Crisis line workers often do not appear to understand the complexity of the women’s victimization and traumatization and the damage non-state actors inflict. Bringing the reality of non-state actor torture into the open and providing women oriented approach services and treatment interventions would remove the stigmatization they presently endure.

57. Specialized services and treatment interventions are the mode of response that has and is ever-developing to meet the victimization and traumatization recovery needs required by persons who have been state tortured. For instance, torture treatment centers exist in Canada, Denmark, and the United States. When Sara called the Canadian Centre for Victims of Torture (CCVT) in Toronto she was advised that services and treatment was only provided to immigrants who have endured state actor torture. The needs of women who have endured non-state actor torture require equal attention.

58. There is much that can be learned from the developing knowledge of helping state tortured persons that would be beneficial to women tortured by non-state actors. Consider falanga torture for example, which Lynne and Sara both describe enduring. Diagnostic skills have been developed using ultrasound to identify Plantar Fascia damage resulting from falanga torture.⁴⁴ Such a service could be empowering for women who like Lynne or Sara endured falanga and would support their claim in a Canadian court of law if they could place a charge before the courts that they had suffered torture inflicted by non-state actors in the private sphere.

59. Because Canada has chosen not to name and specifically criminalize torture that happens in the private sphere promotes the lack of statistical data collection on torture by non-state actors, thus guaranteeing on-going effect-based discriminatory silence that permeates the Canadian socio-cultural context. This nurtures disbelief, ignorance, and lack of support and treatment services that women who have or are experiencing forms of torture by non-state actors confront, impairing their human rights and fundamental freedoms in all fields of community. The final recommendations are:

RECOMMENDATION 4 – Specialized Support and Treatment Interventions

- Recommend that federal, provincial, and territorial governments collaboratively develop specialized woman oriented services and treatment interventions to meet the needs of women who have endured non-state actor torture. It would be important to access the on-going knowledge and advances gained in the field of helping persons who have suffered state actor torture.
- Recommend including a specialized woman oriented approach designed to assist women who have endured reproductive torture and losses.

⁴⁴ Sampson W. (2005). *Confessions of an innocent man: Torture and survival in a Saudi prison*. Toronto: McClland & Stewart Ltd.

RECOMMENDATION 5 – Educative Intervention

- Recommend that federal, provincial, and territorial governments initiate education about non-state actor torture at all levels of civil society, including NGOs and governments, and specifically pinpointing, for example, persons who work in judicial, legal, and police services, health and community services, child protection services, education departments, and universities.

RECOMMENDATION 6 – Research Intervention

- Recommend federal, provincial, and territorial government levels collaboratively undertake a woman oriented research approach specifically directed towards the population of women who have endured and survived forms of torture inflicted by non-state actors in the private sphere.

Conclusion

60. This Shadow Report is submitted with its demand for a gender-sensitive place on the human rights agenda for the women who have been subjected to many forms of non-state actor torture as described in their testimonies and in their responses to the Reproductive Harms Questionnaire. Women tortured by non-state actors in Canada have not had their human rights and fundamental freedoms protected thus effect-based discrimination and gender-based, gender-specific tortures will continue to occur if actions are not taken as required under articles 1-3 of CEDAW and article 1 and 2(1) of CAT. The human value of women persons so harmed must be acknowledged in Canada. This requires informed law enforcement, protection, and the opportunity to seek criminal justice for the specific crime of non-state actor tortures they endured, appropriate rehabilitation, and redress as outlined in the recommendations. Impunity must also end for non-state torturers. Torture of women by non-state actors in the private sphere also requires acknowledgment as a violation of victimized women's human rights at the UN Human Rights level and around the globe in order for the women to know the world cares and values their right to seek their equality and dignity as human persons.