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[3 June, 2009]

The Honourable Helena Guergis, P.C., M.P.
Minister of State (Status of Women)
Ottawa, Canada
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Dear Honourable Minister Helena Guergis;

We are in receipt of your letter dated May 14, 2009, in response to a letter sent to you by the Honourable Carolyn Bolivar-Getson, who was approached for support to have 'domestic' torture or torture inflicted by non-state actors (NSAT) in the private sphere specifically criminalized and therefore become instantly recognizable as a distinct crime.

One in three women worldwide is a victim of beating, rape, torture or attack.¹ Already Canadian police experience² and U.S. academic research identifies that 20-22% of pedophilic crime scene pornography involves "torture and bondage". Girls harmed in childhood are prone to re-victimization in adulthood. The RCMP website speaks of the need to recognize that trafficked women may also be victims of torture (<http://www.rcmp-grc.gc.ca/imm-passp/q-a-trafficking-traite-eng.htm#5>). Such mainstream reality illustrates that there is a need to acknowledge that NSAT can and does occur in Canada.

Since 1993 we have supported women who describe surviving NSAT, acts detailed as identical to acts of state torture. For some, NSAT began in their earliest stages of childhood and most frequently by parent(s), kin or other like-minded perpetrators. For others such as Lynn's story, published in an article in *First Light* (pages 29-33) (<http://www.ccvf.org/pdfs/firstlighwinter2009.pdf>), it was her husband and his friends who she reports tortured and trafficked her.

When the House of Commons first heard that wife battery occurred in the private sphere members laughed misogynistically; now when we seek social justice for the criminalization of NSAT we are told it is just fine to minimize and misname NSAT as an assault of some kind using existing provisions in the *Criminal Code*. This is discriminatory and misogynistic at many levels, for example:

1. Nationally torture inflicted by state actors has been identified as a distinct crime separate from all other forms of violence; NSAT has not been given criminalized equality under the law.
2. The *Canadian Criminal Code* holds state torturers responsible for their actions whereas non-state torturers are treated with impunity, never to account for the acts of NSAT they inflict.
3. Canada has a due diligence responsibility to protect **all** citizens from torture not just those tortured by persons representative of the Canadian government (state torturers) as presently listed in section 269.1 of the *Criminal Code*, this position is discriminatory against Canadians who have endured NSAT.
4. Victimized women cannot go to court seeking justice for NSAT – with no such crime identified in the *Criminal Code* their right to truthful justice continues to be denied.
5. Police protection and the investigative awareness required are unattainable when truth about the existence of NSAT is denied or misnamed and minimized.

6. The Canadian government acknowledges and supports that state tortured victims require specific care thus provide supportive funding to centers in Canada to deliver such care. No such support exists for women (children or men) who survive domestic torture or NSAT.
7. Women report to us gender-specific tortures of forced impregnation and abortions in relation to NSAT victimization, acts considered torture that remain untold when silenced by unjust laws.
8. Because of the lack of criminalization victimized women (and others) are statistically invisible – in other words they and the victimization they have endured do not in-effect exist.

It is our experience that the perpetrators of NSAT are often connected to other criminal activities such as drug trafficking, human trafficking and all forms of violent crime scene pornography – adult and pedophilic and human-animal cruelty such as pornographic bestiality. These connections remain invisible when women are denied the legal right to speak their whole truths of NSAT victimization.

We read on the Status of Women website that one of the three pillars of the Status is ending violence against women and helping women participate fully in the economic, social and democratic life of Canada. Such statements create deeper social injustices when women harmed by NSAT are rendered invisible, are silenced and denied legal and social justice. Also, we read that Canada is committed to women's human rights. As we already stated **one in three women worldwide is a victim of beating, rape, torture or attack and Canadian women are not exempt – Canadian women do not live free from such crimes**. We ask that the Status actively work towards the criminalization of NSAT because from criminalization flows all other social, educational, protective and supportive interventions.

You stated you forwarded a copy of Minister Bolivar-Getson's letter to the Honourable Robert Nicholson with the comment that you are "sure he will give the matter every consideration". This is not our experience with the Justice Minister who has already received much written documentation about the injustices women are surviving at the hands of torturers; as well as suffering from the present existing provisions governmental policy which denies the need for the criminalization of NSAT as a specific and distinct form of violence. We ask that the Status of Women actively work towards attaining social and legal justice for women who have survived NSAT by supporting the need for the criminalization of NSAT given that ending violence against women is a main pillar of the Status.

It will be the 20th anniversary of the misogynistic shooting of women at the École Polytechnique Massacre ("Montreal massacre") in December. We seek the need for national legislative action to comprehensively and clearly elaborate on the definition and the criminalization of 'domestic' torture or non-state actor torture in the domestic sphere. We make this request on behalf of all women who have entrusted us to bear witness to their telling of their non-state actor torture victimization.

Sincerely,

Linda MacDonald, MEd, BN, RN & Jeanne Sarson, MEd, BScN, RN

c.c.: The Honourable Carolyn Bolivar-Getson, M.L.A.
The Honourable Robert Nicholson, P.C., Q.C., M.P.

¹ Amnesty Canada. (2009). *Speak Out. Taste for Justice*. A Campaign Bulletin from Amnesty International. Available: http://www.amnesty.ca/updates/speakout/Jun09/speakout_Jun02.html.

² CTV News. (2006, July 26). Royal Canadian Mounted Police (RCMP) Child Exploitation Unit in Ottawa according to supervisor Earla-Kim McColl.