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As in most countries, rape is greatly under-reported in Brazil. More than 5,000 cases of rape are reported each year in Rio de Janeiro.



### TUTU CHALLENGES CHURCH

In May, Mpho Tutu, the daughter of South African Archbishop Desmond Tutu, was forced to leave the Anglican priesthood after she married her long-time girlfriend.

Mpho Tutu followed her father's footsteps and became a cleric in the Anglican Church. Now, like him, she is a human rights leader in South Africa. Mpho Tutu married Marceline van Furth in the Netherlands, and the two then held a wedding celebration in Cape Town, South Africa.

"I shouldn't have to choose, but in the end, you always choose love," she said. "Everything else will fall into place somehow. When in doubt do the most loving thing."

Tutu, a leader in the movement to prod the church to recognize same-sex marriage, runs a family foundation in South Africa. Van Furth is a pediatric disease specialist in Holland. Previously, Mpho Tutu had been married to a man, with whom she had two children. Van Furth also has two children.

Same-sex marriage was legalized in South Africa in 2006, but the country's Anglican Church refuses to recognize same sex marriage. Gay Anglican clerics in South Africa, unlike heterosexual Anglican clerics, are expected to remain celibate.

—BBC News

### NO DIET DAY

The Winnipeg-based Women's Health Clinic sponsored a Body Peace Zone project in May that saw 35 local workplaces pledge to encourage employees not to talk about diets, body size or weight and not to judge food choices or eating habits of others for a week. The idea behind the Body Peace Zone project is to encourage people to respect all body types. ❀

## New Bill Takes Aim at Domestic Torture

BY DEBRA HURON

Two women who have worked for 24 years to persuade lawmakers to make torture in the private sphere a criminal offence are optimistic that their efforts may soon pay off.

Jeanne Sarson and Linda MacDonald first met in 1992 as nursing colleagues at a provincial health office in Truro, Nova Scotia. Both had heard from survivors who experienced severe and long-term violence in the form of emotional, mental, sexual and physical abuse. The abuse stories they heard included reports of people who had been forced into prostitution, pornography or human trafficking and most had come from women.

Sarson and MacDonald say they were shocked. "We knew we were listening to crimes—grave crimes—and that they were human rights violations," recalled MacDonald.

Such forms of prolonged violence, or torture, were already on the radar of other women's advocates. Domestic violence experts, lawyers and those who work with abuse survivors had been aware, too.

Canada outlawed state torture in 1985, which means that the only form of torture recognized in the Criminal Code is that perpetrated by representatives of the state—police or security personnel, for example. The international human rights

concept of non-state torture has not come before Canada's House of Commons.

Until now. In February, a private member's bill to recognize non-state torture was introduced by rookie Liberal MP Peter Fragiskatos. The London, Ontario MP wants Canada to develop a legal recourse for victims who have experienced heinous violations. Bill C-242 deals with torture in the private domestic sphere and in the commercial underworld of pornography and prostitution. Such torture can include prolonged sexual abuse (often involving multiple perpetrators), physical abuse and brainwashing, electric shocks, as well as being immobilized or suffocated and being deprived of food, drink and sleep.

Sarson, MacDonald and Fragiskatos say the bill would mend a big hole in the criminal justice system—one that has allowed perpetrators of non-state torture to go unpunished. After it passed second reading in April, Bill 242 went before the standing committee on justice and human rights. It defines torture as "the intentional and repeated infliction of severe and prolonged pain or suffering onto another human being for the purposes of intimidation or coercion."

Women's organizations, including the Canadian Nurses Association, the Native Women's Association of Canada and the

Canadian Federation of University Women, have supported the bill.

Fragiskatos was a university professor at Western University's King's University College before being elected to the House of Commons last fall. He says that human rights were a focus of his PhD studies at the University of Cambridge. "When suffering goes unacknowledged, justice cannot be said to exist," Fragiskatos told the *London Free Press*.

Justice did not exist for Alexandra Lane. She fled to the U.S. after years of torture on a Saskatchewan farm. Inspired by MacDonald and Sarson's campaign, Lane wrote a letter to Minister of Justice Jody Wilson-Raybould in support of Bill C-242.

"My father ... took everything away from me before I even had it," Lane's letter says. "He was a pillar in our community, even acting as a deacon in our church. His abuse and sadistic torture began at a very early age, severely altering my physical and psychological growth. I will never know who I should and could have become, given the freedom to develop outside the realm of constant abuse ... my human rights were violated in the worst possible way."

Lane entered the work world as a victim's advocate for the Main Street courthouse in Downtown Eastside Vancouver. Today she works in a state attorney's office in Florida. "One of my deepest beliefs," she said, "is that victims of crime should be given the opportunity for justice by holding their offenders accountable in the court of law."

MacDonald agrees. "We knew from the start that our focus had to be on changing the law in Canada," she said.

Because torture is only recognized in Canada when it is inflicted by the state or its officials, the only legal recourse for those experiencing domestic torture, or torture by non-state person, is sexual assault or aggravated assault charges, which refer to isolated acts.

"Well, if you've been raped, for example, 30,000 times over 20 years, that is not an assault," Sarson said.

Sarson and MacDonald launched a website—Persons Against Non-State Torture—in 2004. As a result, they have received more than 3,500 emails from victims of non-state torture around the world. To further raise awareness, the pair travelled the country to speak to women's groups and politicians.

Sarson believes that criminalizing domestic torture will help victims regain their voices. "We learned that if someone wanted to go to court, they couldn't go there and say they were tortured. So, women's

truth-telling was redirected and, in my opinion, that is like being forced to consent to not really telling the truth," she said.

After being discussed at the committee stage, the bill is expected to return for third reading in the House of Commons before going to the Senate. Fragiskatos wants to see torture carry a maximum life sentence.

Such a law would not be solely about punishment, says MacDonald. "If there's a law and there's data, and we have more research on this subject, then we can change how we care for non-state torture survivors, and then we can get into prevention."

Bernadette MacDonald, head of the Tri-County Women's Centre in Yarmouth, N.S., first heard about non-state torture at a Women's Action Coalition of Nova Scotia meeting five years ago. As someone who has worked in the field of violence against women since 1984, she believes that a new law can't be passed soon enough.

**"My father ... took everything away from me before I even had it," Alexandra Lane's letter to the justice minister says.**

"I think it's getting much more violent out there, because the abusers are finding permission through porn websites and other online avenues that make them think they are able to do this. They need to be told they cannot," MacDonald said.

Pamela Rubin, a Halifax lawyer who currently works as a counsellor, also supports Bill C-242. She hopes that the criminalization of "literally thousands of constant abuse events" will allow perpetrators to be prosecuted. "If someone is convicted of this offence, there will be less chance of their extreme behaviours and patterns of behaviours being minimized ... or of them being released, or sentenced into the community without appropriate treatment and supervision."

Rubin believes a law is an important way to put on the record "society's recognition of these behaviours as far outside socially accepted norms. This is important when pornography and other entertainments

are sexualizing and normalizing pain and torture directed toward women."

"The criminal justice system was designed by men for men, so it focuses on single incidents," she explained. "It wasn't made to challenge systemic oppressions. But, adding an offence like this shifts towards women's reality of often being abused, and controlled and tortured over time, via many incidents."

In London, Ontario, Megan Walker is the executive director of the feminist London Abused Women's Centre. She met with the newly elected London MP Fragiskatos in December to discuss measures to address violence against women. In February, he introduced his private member's bill.

"The real credit goes to Jeanne and Linda, who have been advocating on this for 20-some years," said Walker, who met Sarson and MacDonald at an Ottawa lobby event on Canada's prostitution law in 2013.

Last fall, Sarson and MacDonald accepted Walker's invitation to attend a forum that drew 100 social services professionals from London. Also speaking at the forum was a police constable who worked in one of Sweden's prostitution units.

"The three of them did extensive training with participants on trauma and trauma-informed services, as well as non-state torture-informed services," said Walker. "This has actually changed how we deliver services at our centre."

Two months following the training, more than two dozen clients disclosed experiences of torture to Walker's front line staff.

"What we know about these women," said Walker, "is that they require longer service. It can't just be one-off counselling, because it takes them a long time to tell their story—they are so filled with shame. And they feel they are the only ones. It's important for us to be able to say to such women, no, you're not alone."

Walker has supported women who have testified about their experiences of abuse for 20 years. "I will always remember what one judge said, which was, 'Your story is so unbelievable I can't believe it.' So he didn't believe her, and the man was found not guilty."

Advocates of a new torture law predict that it will do for torture victims what women's shelters and #WeBelieveSurvivors campaigns have achieved for those who experience physical and sexual assault. By encouraging more truth-telling, the healing journey of victims and society's need for justice will both be advanced. ❀

You can add your support for the bill online at: [londonnorthcentre.liberal.ca/private-members-bill](http://londonnorthcentre.liberal.ca/private-members-bill).



Jeanne Sarson and Linda MacDonald are the forces behind a new bill to add non-state torture to Canada's Criminal Code.