

HUMAN
RIGHTS

HUMAN
DIGNITY

PERSONS AGAINST
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Attention Members of Amnesty International Canada;

It is our understanding that at the 32nd International Council Meeting, in Dublin, Ireland, August 7-11, 2015, the "[Circular No. 18 2015 ICM circular: Draft policy on Sex Work](#)" contains a resolution asking Amnesty Council Members to support the buying, selling, and renting of predominately women and girls for sexualized victimization or 'prostitution' which is being misnamed as "sex work".

Prostitution is predominately a male-based dominant position of male privilege, power and control, and wealth that is exerted to create a supply and demand for the selling, buying, or renting of women and little girls for the explicit purpose of sexualized victimization. It is a global harmful socio-cultural traditional oppressive supply and demand 'practice' that must be stopped.

Our perspective focuses on sexualized torture victimization that is inflicted against women in prostitution and girls who are exploited into prostitution. Over the past 22 years our professional work has been centered on non-State torture victimization perpetrated mainly against women and women when they were little girls as young as toddlers. **We call on Amnesty International Canada to vote against any resolution that calls for normalizing and legitimizing "sex work" or prostitution.**

AMNESTY INTERNATIONAL CANADA

[Amnesty International Canada strategic plan](#) is guided by priorities set internationally. But it also specifically works to stop violence against Indigenous women through the Stolen Sisters campaign, to defend the human rights of women and children who come under the control of human traffickers, and to mainstream women's human rights. This latter priority requires gendered deliberations in all areas of societal development in order to achieve women and girls human rights equality as described in Amnesty International Canada's strategic directions. To uphold these priorities Amnesty International Canada we assume is aware of:

- a. The [Sexual Exploitation and Trafficking of Aboriginal Women and Girls Literature Review and Key Informant Interviews](#) publication that describes research findings about the severity of violence suffered as well as the traumatisation responses suffered by Aboriginal women and girls who are prostituted or trafficked or exploited into prostitution. A listing of the acts of torture victimization suffered is included in the publication (p. 54). This report also discusses research

on how pornography drives the demand and supply perpetration of sexualized victimization of women and including of children. It also speaks of torture crime scene pornography.

- b. The work of the Canadian Centre for Child Protection validates that sexualized torture is perpetrated against children. The Canadian Centre for Child Protection published, in 2009, an analysis of websites that hosted child sexualized violence images, images that permanently record the violation of the child person.¹ The analysis of the website crime images showed violations of:
- torture, bestiality and bondage,
 - necrophilia, degradation, children being urinated and defecated on,
 - weapons being used,
 - children forced to inflict sexualized harms against each other,
 - and, most of the victimization was inflicted on children less than eight years of age; girls (83%) were the predominate victims; newborns and toddlers were also victimized.
- Furthermore, in 2015, a media report on the findings of the work of the Canadian Centre for Child Protection found that 73 per cent of the 15,000 images of young victims depicted sexualized violence including of “bondage” and “torture”. Violations were inflicted on newborns to children of eight years and these accounted for more than half of the images researched.²
- c. The Canadian Federation of University Women (CFUW), [A Shadow Report: Canada Fails to Establish Non-State Actor Torture as a Specific and Distinct Criminal Human Rights Violation](#) (2012, April 8) was presented to the UN Committee against Torture discussing the reality that non-State torture victimization of women and girls occurs in Canada and is a distinct violation of their human rights. The Committee stated it has a responsibility to deal with manifestations of gender-based violence that amounts to torture. Amnesty International Canada Secretary General, Alex Neve, was present at the Committee’s hearing on Canada when we presented this shadow report; therefore, we are confident when we say Amnesty International Canada is aware that non-State torture occurs to Canadian women and girls. The Committee also stated that Canada, “should strengthen its efforts to exercise due diligence to intervene to stop . . . acts of torture or ill-treatment committed by non-State officials or private actors” (para. 20).
- d. The fact is that the majority of traffickers use violence against those they pimp into prostitution or “sex work”. Torture victimization is described as a form of violent acts inflicted and endured by women in “sex work”, prostitution, and exploited and trafficked girls.³
- e. That in 2010, Doug LePard included in his report the torture of “sex trade workers” by Donald Bakker in 2003/2004 and the sadistic torture of another “sex trade worker” in 1999, as well as serial rapes of women in prostitution.⁴

Therefore, if Amnesty Canada is to work to stop violence against Indigenous women, to defend the human rights of women and children—girls—who come under the control of human traffickers which are pimps and organized criminals, and to mainstream women’s human rights equality requires

¹ Bunzeluk, K. (2009, November). [Child sexual abuse images An analysis of websites by cybertip!ca](#). Winnipeg, MB: Canadian Center for Child Protection.

² Cribb, R. (2015). Inside Canada’s saddest room – working to curb the trade in child porn. <http://www.thestar.com/news/insight/2015/04/26/inside-canadas-saddest-room-working-to-curb-the-trade-in-child-porn.html>

³ The Human Trafficking National Coordination Centre (HTNCC). (2013, October). *Domestic human trafficking for sexual exploitation in Canada*. Ottawa: Royal Canadian Mounted Police.

⁴ LePard, D. (2010, August). *MissingWomen Investigation Review*. Vancouver Police Department.

upholding that women and girls (children) have the specific human and legal right to be protected from torture victimization as stated in article 5 of the Universal Declaration of Human Rights.

AMNESTY INTERNATIONAL'S VISION

As previously understood, the strategic plan of Amnesty International Canada is guided by priorities set internationally. [Amnesty International's vision](#) is stated to be guided by the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards such as the [Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW). Amnesty International's values include stopping torture which is article 5 of the Universal Declaration of Human Rights. Additionally, we are certain that you are aware that article 2 of the Universal Declaration of Human Rights states that, 'everyone is entitled to all the rights and freedoms, set forth in this Declaration, without distinction of any kind. This non-discriminatory principle means that everyone has the right to be protected from torture victimization regardless of who the torturer is—in other words this obligation of protection is not tied to protection from a specific duty holder—it must not be considered from a State-centric perspective, that only State actors are held to account.

Amnesty International made this very clear in their ground breaking publication, *"Respect, protect, fulfil Women's human rights State responsibility for abuses by 'non-state actors'"* (2000, June). This publication clearly explains that non-State actors refers to private individuals and that States have a clear responsibility to hold non-State actors accountable and if States fail to do so the States can be considered complicit in acts that are impermissible under human rights instruments (pp. 6-7).

Therefore, women and girls have the human right to be protected from torture victimization, including sexualized torture, perpetrated by non-State persons or organized groups including pimps and johns or punters, who perpetrate such violence against women and girls they buy, sell, or rent out.

CEDAW, specifically article 6, 'requires States parties to take appropriate measures, including legislation, to suppress the traffic in women and the exploitation of prostitution in women'.

Amnesty International has, for over a decade, been clear that "sex work" is violent and involves torture and ought to be abolished. For example: In 2001, Amnesty International made the following points in, *Broken bodies, shattered minds Torture and ill-treatment of women*:

- a. Torture of women is rooted in a global culture which denies women equal rights with men, and which legitimizes the violent appropriation of women's bodies for individual [male] gratification;
- b. Trafficked women are subjected to a wide range of human rights abuses, many of which constitute torture . . . in order to force them into sex work;
- c. Acts of violence against women constitute torture when they are of the nature and severity envisaged by the concept of torture and the state has failed to provide protection, and
- d. States should prohibit in law and establish adequate legal protection against acts of violence against women . . . committed by private individuals. These include acts which take place within the community . . . In order to combat torture, governments should periodically review, evaluate and revise their laws, codes and procedures to ensure that they do not discriminate against women.

Furthermore, in, *Hidden scandal, secret shame Torture and ill-treatment of children*, Amnesty International wrote that it is, "the state's responsibility to take effective steps to protect children from all forms of violence"; this includes violence that amounts to torture perpetrated by non-State actors (2000).

Amnesty International is also aware of the General Comment No. 2 United Nations Committee against Torture (CAT/C/GC/2, para. 18),⁵ which makes it clear that if a State party has,

reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors consistently with the Convention, the State bears responsibility and its officials should be considered as authors, complicit or otherwise responsible under the Convention for consenting to or acquiescing in such impermissible acts. Since the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of torture facilitates and enables non-State actors to commit acts impermissible under the Convention with impunity, the State's indifference or inaction provides a form of encouragement and/or de facto permission. The Committee has applied this principle to States parties' failure to prevent and protect victims from gender-based violence, such as rape, domestic violence, female genital mutilation, and trafficking.

Clearly Amnesty International knows that (a) “sex work” cannot be removed from sexualized human trafficking of women and girls, (b) that women and girls who are in prostitution and enduring sexualized exploitation are subjected to torture, and (c) there is a social and legal need to abolish such supply and demand discriminatory harmful victimizing practices perpetrated against women and girls by pimps, johns, and other exploiters. For Amnesty International to do otherwise would be, in our opinion, an absolute violation of Amnesty International’s human rights vision based on the Universal Declaration of Human Rights and other international human rights instruments.

Therefore,

We have briefly presented knowledge that non-State torture occurs in Canada and is a specific criminal human rights violation perpetrated against women and girls who are trafficked and exploited into sexualized prostitution. We have also presented our review of some of the Amnesty International’s literature that clearly states Amnesty International’s knowledge that non-State torture victimization is inflicted against women who are in prostitution and against girls who suffer sexualized exploitation. For us, both the Canadian and International information presents a solid base of knowledge to say that defeating any resolution that normalizes and legalizes “sex work” is an absolute must for upholding the human rights equality of women and girls.

Respectfully submitted,

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⁵ Amnesty International and Redress (2011). [Gender and Torture Conference Report](#). UK: Amnesty International.