

WITHIN CANADA:

Trafficking and Non-State Actor Torture Combined

Case Examples of:

**The Woman ~ Groomed Into Spousal Enslavement, Torture, and
Trafficking**

And

**The Girl Child ~ Born or Taken-Into Pedophilic Enslavement, Torture
and Trafficking (Ritual Abuse-Torture)**

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Preamble: This paper is a continuation of the White Paper we wrote entitled, *Ritual Abuse-Torture: The 'Invisible' Abusers, 'Non-State Actor' Torturers, and Human Traffickers*. It was a discussion of the Canadian and transnational reality of the human trafficking and non-state actor torture that occurs within pedophilic-based ritual abuse-torture families and like-minded groups. We prepared this White Paper for our participation on the discussion panel, *Human Trafficking in the 21st Century*. A panel presentation given during the Fiftieth Session of the Commission on the Status of Women (CSW), February 27-March 10, 2006, United Nations Headquarters, NYC, NY. The panel was supported and moderated by Ms. Salwa Kader, President and founder of US Federation for Middle East Peace.

The White Paper was also presented as an intervention at various CSW parallel events, and given to individuals, NGO's, and officials and offices of the UN during the 2006 CSW Session.

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I. Introduction

This paper is focused on sexualized human trafficking and the non-state actor torture that occurs within the environment of captivity that human traffickers create for the girl child or woman they enslave. This environment of captivity means the human trafficker controls the movements of a person they enslave “for the purpose of exploiting them or facilitating their exploitation”¹ Controlling the movements of a trafficked girl child or woman for exploitation purposes does not address the fact that acts of non-state actor torture for example, are inflicted onto the enslaved girl child or woman who is being controlled within the enslavement environment created by the human trafficker. Also, it does not address the fact that the girl child or woman might be tortured during transportation from one site to another.

Human trafficking, in and of itself, is considered a specific form of torture by the UN Committee Against Torture, a result of the Committee’s gender-sensitive interpretation of the *Convention Against Torture*. In particular, torture is defined in Article 1 as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person ... for any reason based on discrimination of any kind.”² Human trafficking is considered a gender-based discriminatory crime as it is mainly girls and women who are trafficked, thus girls and women are the focus of our paper.

Within the human trafficking environment of enslavement, individual or group acts of torture are perpetrated by ‘client-perpetrators’ who buy or rent access to the captive enslaved girl child or woman. That is, the client-perpetrators intentionally and willfully pay to torture the captive enslaved girl child or woman to satisfy their sadistic pleasures. Depending on who the client-perpetrator as torturer is, defines whether the client-perpetrator is a non-state actor torturer or a state-actor torturer. And human traffickers, aside from being the controllers, become torturers when they too choose to inflict sadistic acts of torture onto the girl child or woman they hold captive.

Two Canadian examples are presented later in this paper to expand insights into the brutal realities of human trafficking and non-state actor torture that can occur within intimate relationships. The ordeals of the two Canadians described will show that the woman and the girl child did not provide ‘a service’, the language used to describe ‘exploitation’ in Section 279.04 of the Canadian *Criminal Code* (see section II, Definitions). The use of the word ‘service’ in this context implies the act of serving others; the woman and the girl child were prisoners, held captive and subjected to torture by their human traffickers and the client-perpetrators to whom they were exploited. They were not providing ‘a service’. The use of the word ‘service’, we suggest, is demeaning to the horrifications endured by the woman and girl child specific to this paper and reeks of misogyny. We believe that it is a gross violation of human rights and discriminatory to suggest that client-perpetrators ought to think that their involvement in the abuses and

¹ Greenspan, E. & Rosenberg, M. (2006). *Martin’s Annual Criminal Code*. Exploitation (Section 279.04). Aurora, ON: Canada Law Book.

² WomenWarPeace. Org. [Online] <http://www.womenwarpeace.org/issues/trafficking/trafficking.htm>.

torture of the trafficked enslaved girl child or the woman is about buying or renting ‘a service’.

II. Definitions

- **Non-state actor torturers** are persons, groups, institutions, or organizations acting outside of the state, whose behaviors, actions, or policies impair and violate the human rights of others.³ For instance, individuals could include a spouse, father, mother, extended kin, guardians, or other like-minded adults. Pertinent to this paper is spouse and parents, and persons—client-perpetrators—who bought or rented access to the captive enslaved and trafficked woman and girl child spoken about in the cases presented.
- **State actor torturers** are defined in the *Criminal Code of Canada* as “every official, or every person acting at the instigation of or with the consent or acquiescence of an official, who inflicts torture on any other person” Official means (a) a peace officer, (b) a public officer, (c) a member of the Canadian Forces, or (d) any person who may exercise powers in Canada or outside Canada (see appendix A).
- **Trafficking in persons** means “every person who recruits, transports, transfers, receives, holds, conceals or harbours, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation” And receives “a financial or other material benefit” knowing it comes from the commission of the crime of trafficking in persons according to section 279.01 and 279.02 of the *Criminal Code of Canada*.⁴
- **Exploitation** when referring to trafficking in persons means when a person causes another person “to provide, or offer to provide, labour or a service by engaging in conduct that ... could ... cause the other person to believe their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service. (Emphasis added).⁵

III. The Main Purposes of This Paper

- (1) To present a case history of spousal human trafficking, enslavement, and non-state actor torture to illustrate the extensive violence that can be perpetrated within the context of spousal captivity.
- (2) To expose human trafficking of one girl child who was born-into a pedophilic family connected to like-minded others who engaged in violent pedophilic non-

³ Amnesty International. (2000, June). *Respect, protect, fulfil Women’s human rights State responsibility for abuses by ‘non-state actors’* (pp. 6-10). London, UK: Amnesty International.

⁴ Greenspan, E. & Rosenberg, M. (2006). *Martin’s Annual Criminal Code*. Aurora, ON: Canada Law Book.

⁵ Ibid. Exploitation, (Section 279.04).

state actor torture and human trafficking of her and others children, specifically within the organization of ritual abuse-torture families/groups.

- (3) To ask that the *Criminal Code of Canada* be amended to include non-state actor torture as a stand alone crime, because at present, section 269.1 of the Code only identifies state actor torture as a criminal offence (see Appendix A).

IV. Introducing Non-State Actor Torture as a Separate Criminal Offence

We are asking that non-state actor torture be introduced into the *Criminal Code of Canada* to ensure the persons who survive non-state actor torture, including those tortured within the environment of human trafficking enslavement, will have the opportunity to seek justice for the crime they survived. Resistance to include non-state actor torture in the *Criminal Code of Canada* appears to come from the following two positions:

- The existing provision position and
- Misogynistic beliefs and attitudes.

We reject both of these positions.

Existing provisions. This position suggests offence provisions such as sexual assault causing bodily harm, aggravated assault, and attempted murder that are presently in the *Criminal Code of Canada* can be applied to situations of torture. Blatantly, this position:

- (a) Renders the existence of non-state actor torture invisible in Canadian society invisible because non-state actor torture remains unnamed, thus non-existent
- (b) Minimizes acts of non-state actor torture to assault or abuse
- (c) Diminishes the atrocities victimized persons endure
- (d) Insults the dignity of the victimized person when they are told that non-state actor torture cannot be named and addressed in Canadian courts thus they cannot seek justice for the crime they endured
- (e) Fails to name the torturer as a non-state actor torturer
- (f) Fails to expect appropriate sentences
- (g) Fails to comprehend the horrification that being tortured can cause
- (h) Fails to educate society that non-state actor torture can occur in the Canadian child's home or elsewhere, or hold a spouse captive, exploited, and tortured in dungeon-like conditions
- (i) Fails to recognize the degree of traumatization that occurs thus blocks the development of appropriate services for recovery and healing

Misogynistic beliefs and attitudes. This position appears to be reflected in the comment of the Hon. Maria Minna who claimed that giving attention to the subject of human trafficking was dealing with something "... that is really nice and sexy... it's high profile." This comment was recorded during a discussion on the importance for the

initiation of a complete study of human trafficking being given by Joy Smith, MP, and Vice-Chair of the Standing Committee on the Status of Women.⁶

Given, as we have previously stated, that non-state actor torture occurs within the exploitative environment controlled by the human trafficker, we ask: Should acts of sexualized torture be considered ‘nice and sexy’? And we wonder how Canadians William Sampson or Maher Arar would respond if the Canadian government, and in Mr. Arar’s case, if Justice Dennis O’Conner in his Commission of Inquiry report,⁷ had diminished their recounts of physical torture in Saudi Arabia and Syria respectively, to physical assaults or assaults causing bodily harm? And why, we ask, is state actor torture, as described by Mr. Sampson—as including marathon beatings, of being chained and hung up, of sleep deprivation that caused hallucinations, of having the soles of his feet beaten (called falanga in the torture literature), rapes that caused loss of bowel control, and of being dehumanized by having his face smeared in his feces forcing him into a state of gibberish⁸—recognized as a specific criminal offence when the women we know, who describe surviving the same atrocities and more because of their gender—such as forced impregnations and violent abortion—do not have their torture recognized?

How can it be that the torture inflicted onto the enslaved girl child or woman, held captive and controlled by human traffickers and client-perpetrators, is so easily dismissed by the existing provisions position if it were not for misogynistic beliefs and attitudes that become even more apparent when the *Criminal Code of Canada* defines their exploitation as ‘a service’? Torture is torture, whether inflicted by state or non-state actors, and a law must be put in place that gives the woman or the girl child, who have endured non-state actor torture, the right to seek equal justice for being a victim of such torture. Otherwise, we must ponder the presence of a generalized misogynistic discriminatory bias that not only dismisses non-state actor torture, but accepts such torture because it occurs in male-female relationships or in patriarchal parent/guardian-child relationships. And accepts violence against the woman or the girl child in exploitative violent relationships involving human trafficking, that the Hon. Maria Minna called something “...that is really nice and sexy” and that the *Criminal Code of Canada* defines as providing ‘a service’.

V. Applying the Language of National and UN International Instruments to Non-State Actor Torture

The *Canadian Charter of Rights and Freedoms*, Legal Rights, point 12, states “everyone has the right not to be subjected to any cruel and unusual treatment.” Torture, whether committed by state or non-state actors, whether committed within or outside the context of human trafficking, is cruel and inhuman treatment.

⁶ Press Release. (2006, October 6). *MP Joy Smith at the Forefront of the Initiation of a Study in Human Trafficking*. http://www.joysmith.ca/news_details.asp?ID=383

⁷ Sallot, J. (2006, September 19). How Canada failed citizen Maher Arar. *The Globe and Mail*, pp. A1, A8, A9.

⁸ Chartrand, F. (2005, October 31). “I begged to confess”. *MacLean’s*, 64-66.

The human rights language of major international instruments requires that the State, Canada in this case, hold individuals—human traffickers and non-state actor torturers included—responsible for the violations they commit. Human rights language, for example, requires States protect human rights by taking action against “*any person, organization or enterprise,*” “*a group or person,*” “*private persons,*” “*individuals, groups of individuals, institutions or non-governmental organizations,*” or an “*organized criminal group*”. Such language is located in the *Universal Declaration of Human Rights*, the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, the *Declaration on the Elimination of Violence against Women*, the *International Covenant on Civil and Political Rights (ICCPR)* and the *Convention on the Rights of the Child* for example,⁹ which also states in Article 37 (a) that, “No child shall be subjected to torture ...” Thus any person who tortures the girl (or boy) child is a torturer. Similarly, Article 5 of the *Universal Declaration of Human Rights* repeats the statement that “no one should be subjected to torture....” So being protected from torture, whether committed separate from human trafficking or whether embedded within the context of sexualized human trafficking, must be named torture versus misnamed and minimized as physical or sexualized assaults.

In the July 19, 1996 Report of the Working Group on Contemporary Forms of Slavery, various forms of historical slavery were considered to still exist, with new insidious slave-like forms emerging. Two examples cited, that are specific to this paper, are sexualized exploitation of children and traffic in persons.¹⁰ Thus it is necessary to understand that a woman or a girl child (or boy child) who is kept in the environment of human trafficking is enduring a form of slavery or enslavement. When and if they escape or survive, and if they have endured torture, their right to name all the harm they have endured, including torture, and to seek fair and equitable justice must be upheld. Justice is denied them if non-state actor torture is not named as a specific crime.

Security Council Resolution 1325 called on all States to prosecute those responsible for crimes of sexualized violence and other forms of violence against women and girls, thus putting an end to the impunity afforded perpetrators. The extensiveness of sexualized violence and other forms of violence committed against a woman and the girl child (and the boy child) of all ages—some in infancy—must be expanded to include the recognition—the naming—of non-state actor torture—of spousal torture, child torture, or ritual abuse-torture. Only then will the perpetrators be held truly accountable for their decision to inflict acts of sexualized torture or other forms of torture; only then will their ‘permit’ to function with impunity in Canada (or elsewhere) be revoked.

Visual evidence of pedophilic child torture is seen in exploitative pedophilic pornography and voiced in these police officer’s comments:

⁹ Bauer, J. & Hélie, A. (2006). *Documenting Women’s Rights Violations by Non-state Actors* (p. 23). International Centre for Human Rights & Democratic Development and Women Living Under Muslim Laws. (For copies write to: publications@dd-rd.ca).

¹⁰ *Report of the Working Group on Contemporary Forms of Slavery on its twenty-first session.* Chairperson-Rapporteur: Mrs. Halima Embarek Warazi. (1996, July 19). United Nations Economic and Social Council. (E/CN.4/Sub.2/1996/24). (p. 34). Author.

Torture and bondage is involved in 20% of the pedophilic pornography viewed by the RCMP Child Exploitation Unit in Ottawa according to supervisor, Earla-Kim McColl.¹¹ [Emphasis added].

“These are real children in real homes that were being tortured,” the comment of Det. Wickins, Edmonton’s Internet child exploitation unit [emphasis added].¹²

VI. Human Trafficking and Non-State Actor Torture ~ Two Canadian Examples: Spousal and Born or Taken-into Pedophilic Like-Minded Families/Groups

The Victimized. We are into our 14th year of supportive work, research, writing, and activism directly related to the reality that human trafficking and non-state actor torture occurs within intimate family relationships. The Canadian knowledge we impart in this paper comes mostly from women, in their very early twenties to their sixties. We share their ordeals by retelling, with consent, their first person stories.

Story Number 1: Lynne tells her story of spousal captivity, enslavement, all forms of torture, and human trafficking.¹³



I married the man who spent a year grooming me for marriage, who then immediately after our wedding became a violent spouse. Remaining hopeful that our marriage would work out, six months later I boarded a plane with him that was bound for Toronto. However, my husband had groomed me with other plans in mind. Immediately on arriving in Toronto, he and his three partners held me captive for four and one-half years in a windowless room. They trafficked and tortured me. First they gang raped me in what I now know is frequently and universally known as a ‘breaking-her-in ritual’. Terrified, stripped naked, penises and semen violated every orifice of my body and suffocated me, as did the times I was held under-water until I almost drowned. Pliers were applied to my nipples ... pain.¹⁴ I was drugged and forced to cut my-Self with a razor blade for the perpetrator’s pleasure of seeing blood. I was starved, handcuffed to a radiator, beaten, whipped, kicked, left without warmth, and forced to suffer impregnations and violent abortions with destruction of the fetuses. Terrified, guns were used to threaten my life and violate every orifice of my body; I was gang raped with a knife that caused me over-whelming horriification that forced me into out-of-body and dissociative responses in order to survive. Called bitch, slut, whore, I became “piece of meat”. I, Lynne, ‘disappeared’ in Canada for four and one-half years

¹¹ *CTV News*, July 26, 2006.

¹² Sher, J. (2006, March 16). Police bust worldwide child-porn ring. *The Globe and Mail*, p. A7.

¹³ Lynne spent over one and one-half years telling us her story in her efforts to heal. She wanted to share her story so that others might learn about the horrors of spousal trafficking.

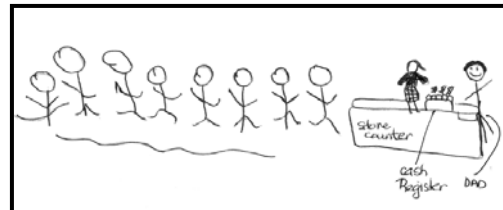
¹⁴ Women’s breasts, including her nipples and her reproductive organs are often focal sites of physical tortures inflicted against a women’s gender as written about in Turshen, M. (1998). Women’s war stories. In M. Turshen and C. Twagiramariya (Eds.), *What Women do in wartimes* (p. 10). London: Zed Books. This particular writing details women officers of the South African state who practiced institutionalized torture, including water torture, by pumping water into women prisoner’s fallopian tubes and administering electric shocks to their nipples.

before escaping. I skirted with suicide and never told my story for 20 years because I feared no one would believe me.

Story Number 2: Sara reports being born to pedophilic parents and liked-minded kin and non-kin who engaged in individual, family, and group acts of all forms of abuse, non-state actor torture, and human trafficking.¹⁵

Electric shocked, beaten, cut, and burned with cigarettes, candles, and hot light bulbs inserted into my vagina for more times than I can record, I was terrified, forced to swallow drugs¹⁶ that left me paralysed, family/group raped, and tortured. I suffered incestuous rape by my parents and other kin. Forced to endure being suspended by my limbs; hung with a looped cord around my neck; I was stretched on a torture rack in the little room in our basement. Forced to cut my-Self, forced into bestiality with smaller animals such as dogs and larger animals such as horses;¹⁷ these were horrors that cause me suffering today. My blood ... my blood spilled everywhere and so many times. I've survived impregnations that were forcedly and violently aborted and fetuses destroyed in horrific ways including forced ingestion as a way to inflict horrific guilt, shame, and blame onto me so I would never tell. Forced into harming and killing animals under the threat and/or use of electric shock torture; horrors were videotaped; I was made unconscious when held under water, when a plastic bag was tied over my head, and from prolonged beatings. Forced to endure the torturer's humiliating laughter, their words "if you live to tell no one will believe you" kept me silent until I could no longer function. I was prepared to commit suicide as my only way of escape. These are just a few of the over-whelming ordeals that forced me into out-of-body and dissociative responses so I could survive. I remained a captive for 35 years, suffering enslavement, human trafficking, and torture beginning when I was an infant.

Sara also elaborates on her ordeals of human trafficking in her drawing below where she explains that by age two: *"My father ... and my mother would dress me up and sit me on the counter of their store and rent me out to the ladies and the men who came to rent me. I can still hear my father saying to them, 'Bring her back when you're done'."*¹⁸



Sara's story drawing explains

¹⁵ Sara (a pseudonym) began revealing her ordeals to us in 1993; all information is shared with consent.

¹⁶ Forced drugging today may be identified as date rape drugging. The use of alcohol and other drugs is a rampant MO of pedophiles and ephebophiles as is repetitively seen reported in the media. For one example see Banerjee, S. (2002, December 28). Laval police believe Serge Côté may have other victims. *The Montreal Gazette*.

¹⁷ Evidence that such human-animal violence is inflicted onto children is seen in the 100 DVD's seized by the RCMP in Burnaby, B.C. (*The Chronicle Herald*. (2004, September 23). Authorities seize child porn, bestiality DVD's, p. A6). That bestiality occurs has a long history as stated in Douglas Baldwin's book entitled, *Land of the red soil*. On page 157, Baldwin, when speaking of divorces in Prince Edward Island states, "Changes in the divorce laws ... in the 1860's ... wives had to demonstrate that their husband's had been guilty of adultery coupled with ... bestiality ... for more than two years.

¹⁸ Sarson, J. & MacDonald, L. (2005). Ritual abuse/torture Identifying a crime of horror. *RCMP-GRC Gazette*, 67, (1), 32-33.

- how she was prepared—dressed up
- how she was transported—taken to the family store
- how she was marketed—forced to sit on the store counter
- who the client-perpetrators were—pedophilic women and men who ‘lined up’ at the counter
- who the traffickers were—her father and mother, and
- the parental-trafficker’s purpose—making money by using her as a ‘reusable resource’ for pedophilic trafficking

Sara tells not only of being rented out for sexualized torturing but also for physical torturing. She stated it this way: “*You know ... that some [perpetrators] also rent you to torture you. And sometimes they keep you for days hanging on the wall by your arms or legs.*”

Sara reported she was a victim of an intergenerational ritual abuse-torture family that had international human trafficking and torture links. Ritual abuse-torture refers to parent(s), families, guardians, and like-minded adults who abuse, torture, and traffic their or others children and who also organize violent pedophilic group gatherings coded as “rituals and ceremonies”. Sara is only one of the many women’s first person stories we have listened to that tell of their childhood and adulthood victimization (many also spoke of male siblings being violated).¹⁹ And a captive enslaved girl child can become a captive enslaved woman which was Sara’s experience.

Ritual abuse-torture²⁰ was first identified as ‘ritual abuse’ and ‘torture’ in the 1993 publication of the Status of Women’s Canadian Task Force Report entitled, *Changing the Landscape: Stopping Violence Against Women ~ Achieving Equality*.²¹ Based on their testimonies, women identified their victimization generally began very early in their childhood, thus, it is important to note that the women were speaking of being victims of pedophilic ritual abuse-torture. And because of the women’s testimonies, the Canadian

¹⁹ Our Canadian work and research has been with women so the knowledge shared in this paper is based on women’s first person accounts. Only one Canadian man, who reported surviving ritual abuse-torture, contacted us for information or support, however, some Canadian women speak of having male siblings who were tortured and trafficked within the context of ritual abuse-torture families/groups. As well, some women spoke of their male siblings being ‘groomed’ to become sexual aggressors—rapists. We have been contacted by men and women from other industrialized nations who report torture and trafficking ordeals within the context of ritual abuse-torture families/groups as well as by ‘outsider’ pedophiles or groups. Tracking these connections provides evidence that the non-state actor torture and human trafficking within such families/groups is a transnational crime. That trafficking of a child by a parent(s) occurs is evidenced when the father of an eight-year-old daughter rented her out to various members of a pedophilic group for one hundred dollars as reported in the document of the United States Senate (U.S. Senate. (1985). *Child Pornography and Pedophilia Hearings before the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs* (ninety-ninth Congress, First Session Part 2, February 21, 1985, p. 7-10). Washington: US Government Printing Office).

²⁰ Combining the term “ritual abuse” and “torture” to ritual abuse-torture originated from our supportive and research work with victimized women beginning in 1993.

²¹ Canadian Panel on Violence Against Women. (1993). *Changing the Landscape: Ending Violence ~ Achieving Equality*, (Pp. 45-47), (ISBN # 0-660-15144-8). Ottawa, ON: Minister of Supply and Services Canada.

Panel stated ritual abuse and torture was reported to be occurring in every region of Canada. In fact, Co-Chair Pat Freeman Marshall stated the Panel was hearing of violence in relationships of which the only parallel she could draw on was that of the "... torture in a prisoner of war camp."²² Canada has known about this form of human trafficking and torture since 1993 and has yet to act upon this knowledge.

Both Sara's and Lynne's years of silence is consistent with the known literature. For example, a UN study stated that women rarely report their human trafficking victimization to authorities. The various reasons cited were the knowledge that human traffickers are seldom held legally accountable, fear of reprisals, fear that authorities are untrustworthy and will not help, and fear of being rejected by their families.²³ To this information we add the fear they will be disbelieved, fear of rejection by friends, by employees, and by society-at-large, and the reality that some of the perpetrator-clients held powerful positions, such as the police, were members of the judicial and political systems, and were 'helping' professionals, for example. Persons with positional power used their positions of authority and trust as tools to threaten the victimized. Also, with pedophilic human trafficking seldom does the girl child (or boy child) have the language to understand that they are victims²⁴ of human trafficking unless they have been exposed to such informative education. This point is even more pronounced when the child's human trafficking victimization is normalized by the child's family. In our work, women (and men) also did not understand or have the language to identify their victimization as human trafficking. For instance, Lynne did not understand that she had been enslaved into human trafficking. The mind-spirit torture inflicted onto her by her traffickers, including her spouse, forced her into accepting all was her fault. And later, after her escape, this belief was reinforced when she sought spiritual guidance from a clergyman and was told that she was a prostituted woman.

VII. From a Different Lens ~ Expanding Insights into Human Trafficking

The two first person stories we have just shared disclose forms of human trafficking that is not generally discussed—spousal trafficking and pedophilic trafficking within the context of ritual abuse-torture families/groups. Listening to these first person stories reshaped our awareness about defining human trafficking. We offer the following insights:

- (a) That incidents of spousal enslavement, torture, and trafficking occur within Canada

²² Cox, W. (1992, March 23). Panel hears horror stories of violence against women. *The Chronicle-Herald The Mail Star*, p. B13.

²³ Division for the Advancement of Women of the Department of Economic and Social Affairs of the United Nations Secretariat. (2006). *In depth study on all forms of violence against women Report to the Secretary-General*. (United Nations General Assembly – A/61/122/Add.1, 6 July 06 – sixty-first session, Item 60 (a) of the preliminary list Advancement of women: advancement of women, pp. 67-71). (For background material on the study: <http://www.un.org/womenwatch/daw/vaw/index.htm>).

²⁴ A study by Ramona Alaggia reports that children who endured sexualized violence generally lack the verbal skills to explain their victimization verbally (*The Chronicle Herald*. (2004, December 20). Children lack skills to reveal abuse – study. Author, p. A3.

- (b) That transporting occurs within the Canadian home when, for example, a girl child is carried or physically forced into the basement of her home to be trafficked to like-minded pedophilic friends who are invited to the ‘party’ or ‘ritual’,²⁵
- (c) That transportation occurs when a girl-child is taken on a ‘vacation’ to other family/group sites, such as taken to the cottage to be the trafficking victim of a violent pedophilic ritual abuse-torture family/group gathering called ‘rituals and ceremonies’
- (d) That a transporting and trafficking network exists between ‘insider’ like-minded ritual abuse-torture families/groups locally, regionally, nationally, or transnationally.
- (e) That ritual abuse-torture families/groups also supply the pedophilic “outsider” market, as in Sara’s first person story drawing, and these client-perpetrators create the demand side of pedophilic human trafficking, including pedophiles who want a girl child victim who has been conditioned to withstand torture.

VIII. Non-State Actor Torturers and Human Traffickers: Their Acts of Torture

Torture involves acts of violence that go beyond acts of abuse. It is our goal to expose and present a brief categorization of the acts of torture inflicted by non-state actors and human traffickers that have been reported to us, predominately by women—including Canadian women. One Canadian man contacted us for support and disclosure of being a victim of human trafficking and torture during his childhood within a cross Canada-U.S. border ritual abuse-torture pedophilic ring. We have also been contacted by other Canadian men who are in spousal relationships with women who have survived being trafficked and tortured within pedophilic ritual abuse-torture family/group rings.

Consistent with the research findings regarding other forms of family violence, often the cycle-of-violence is repeated onto the next generation. Within the parameters of our work, victimized adults report pedophilic transgenerational revictimization within pedophilic-based ritual abuse-torture families/groups. (This intergenerational pattern of victimization repeated itself within the many similar reports of ritual abuse-torture victimization we have received from victimized youth, women, and men transnationally). And such perpetrators can have connections that flow across land and sea borders, to connect with other like-minded criminal individuals, families, and groups. They can also be involved in other forms of criminal activities such as drug trafficking which the Criminal Intelligence Service Canada reports is the pattern of organized criminals in Canada, as well as using violence and intimidation as their main tools.²⁶ Certainly

²⁵ For an example, read Steed, J. (1995). *Our Little Secret Confronting Child Sexual Abuse in Canada*, p. 64. Toronto: Random House. Steed writes of a father, who drank and watched pornographic movies in his basement with his friends, who forced his six-year-old daughter, whom he trained to mimic porn stars, to satisfy their pedophilic urges. This father was a human trafficker involved in the pedophilic human trafficking of their daughter within his own home.

²⁶ Criminal Intelligence Service Canada. (2006). *2006 Annual report on organized crime in Canada*. (Cat. # PS61-1/2006, ISBN: 0-662-49337-0). Ottawa, ON: Her Majesty the Queen in Right of Canada. http://www.cisc.gc.ca/annual_reports/annual_report2005/structure_composition_2005_e.htm

violence in the form of non-state actor torture was reported by both Lynne and Sara, as was the human trafficker's involvement in drug trafficking for example.

Who are the human traffickers and non-state actor torturers? We have presented two first person stories to show that a spouse and his criminal partners as well as parents were the reported human traffickers and non-state actor torturers. Generally speaking human traffickers are frequently known to their victim. Human traffickers and non-state actor torturers can be any person from any walk of life.

Non-state actor torture and human trafficking can involve some or all of the following acts of torture. Although we have grouped acts of non-state actor torture under various headings to present a clearer picture of torture, there is seldom such a separation when torture is inflicted. That is, when an enslaved girl child or woman is being raped, beaten, and burned, there is physical trauma as well as sexualized trauma. And if she is called a whore this is a verbal attack. Together all these attacks impact on her emotionally and psychologically constituting mind-spirit torture, over-whelming her into out-of-body and dissociative responses that the torturers take pleasure in witnessing. Dominating her, exerting power and control over her, the human traffickers and the client-perpetrators become the torturers, who thrill at trying to fracture her relationship with her's-Self—who attempt to destroy every aspect of her personality—to enslave her.

In the following section we use the female pronoun because it is a girl child and a woman represented in the two stories we presented, because our information comes predominately from women nationally (and transnationally), and to make it clear that being tortured within the environment of human trafficking happens to real people. However, we must state that men have also informed us of being victimized during their childhood; we acknowledge that the following acts of torture have also been endured by them, as a boy child, within the exploitative context of being victimized by human traffickers—commonly one or more parents or within intergenerational ritual abuse-torture pedophilic families/groups.

Acts of non-state actor torture can include:

(1) Physical tortures:

a. **Physical tortures that cause extreme and excruciating pain** include prolonged and severe beatings; poking and pinching tortures; being dragged or lifted up by her hair; being hung by her legs or arms; having irritants like pepper blown into her eyes; being forced to remain in abnormal positions for prolonged periods of time while being kicked, hit, ridiculed, and laughed at; being scratched, marked, and threatened with a knife or other sharp objects; burnt with cigarettes, hot light bulbs, and lit candles; having body limbs twisted/bent into abnormal, painful positions; exposed to cold and/or heat tortures by being placed in a freezer for terrifying periods of time or being tied out in

the hot sun—sunburned; and, experiencing falanga—beatings to the soles of her feet causing severe and lingering pain that radiates up her legs, into her knees, hips, and back, making walking painfully difficult.²⁷

b. Physical tortures that cause extreme exhaustion occur with food and water deprivations; being kept awake all night; forced to sleep on a cold floor without bedding for warmth; locked in a closet to inflict prolonged and severe isolation; tied down in a room alone and bombarded with repetitive messages or total silence, with glaring lights or prolonged darkness; forced to go to school or to work during the daytime, then, after hours, forced into slavery, such as cleaning the tub with a toothbrush for hours while being hit and degraded or being rented out at night—trafficked into the pedophilic or adult ‘sex’ trade.

c. Physical tortures that can cause permanent disability, permanent loss, and/or disfigurement can happen when both her ears are whacked at the same time causing severe pain and possible permanent hearing loss—called telephono in the torture literature;²⁸ the breaking or dislocation of her bones that can result in disability and/or disfigurement and are explained away as accidents; forced pregnancy with violent forced abortions; and/or the irreparable damage to her uterus that requires gynecological surgery, for instance, a hysterectomy.

d. Physical tortures that cause fear and terror of immediate death such as electrical shock torture; ‘accidental’ injury tortures such as when she is told to run out into the traffic and if injury happens it is called an accident; being forced to inflict cruelty/killing of a pet under threat that this could happen to her should she ever tell. Suffocation tortures by: being choked to unconsciousness, threatened with drowning by having her face held under water—in torture language this is called submarino²⁹ or water-torture,³⁰ having a plastic bag placed over her head and tied around her neck—torture language refers to this as hooding,³¹ or beaten into unconsciousness. Weapons usage such as guns placed in her mouth, vagina, and/or anus, hearing the clicking sound when the trigger is pulled back never knowing if there is a bullet in the gun chamber, and the terror she endures as the perpetrator plays the ‘game’ of Russian roulette.

(2) Sexualized tortures:

a. **Rapes** include forced nakedness, family or group rapes, rapes by siblings, rapes by the same gender which for some can be more victimizing and traumatizing; rapes

²⁷ Shrestha, N. & Sharma, B. (1995). *Torture and torture victims: A manual for health professionals* (p. 5). Centre for victims of torture, Nepal (CVICT). Nepal Medical Association & RCT/IRCT, Denmark.

²⁸ Ibid.

²⁹ Conroy, J. (2000). *Unspeakable acts, ordinary people The dynamics of torture* (p. 104). New York: Alfred A. Knopf.

³⁰ Wallach, E. (2006, October 16). Drop by drop: Forgetting the history of water torture in U.S. courts. (Draft), (Forthcoming article to be published in *The Columbia Journal of Transnational Law*). Contact author at http://www.pegc.us/archive/Articles/wallach_drop_by_drop_draft_20061016.pdf

³¹ Thomas, G. (1988). *Journey into madness: Medical torture and the mind controllers*. Toronto: Bantam Press.

inflicted when perpetrators force her to participate in child-child sexualized atrocities for the voyeuristic and sadistic entertainment and pleasures of the adult perpetrators.

b. **Using objects** such as a gun, knife, broom or mop handle, tree branches, toys, plastic markers, scissors, bottles, and kitchen items such as a hot spoon or fork as tools of torture to forcibly penetrate the orifices of a her body.

c. **Using animals and fake and/or real insects, reptiles** such as snakes, rats, and bugs to terrorize her by placing these on/in her body; forced bestiality³² and the forced exposure to and/or forced participation in the sexualized torture of animals.

d. **Using body fluids** by forcing her to suck, eat, or drink animal and/or human vaginal fluid, semen, blood, urine, menstrual fluid, feces, and/or forcing her to smear or be smeared with urine, blood, or feces; she is given an enema then forced to smear feces over another girl child victim's body; she is smeared with soiled kitty litter or other animal waste; or forced into cannibalistic practices—for example, she is forced to Self-cut then to suck her own blood.

e. **Chemical tortures** include being forced to take, to use, to sniff, and/or be injected with mind-altering drugs—alcohol, pills, ‘sugar’ a code name for cocaine; subjected to painful scrubbing or ‘cleansing’ of her entire external body and internal orifices with stiff brushes and irritating solutions to cause pain and bleeding, and to destroy evidence.

f. **Necrophilic or sado-pseudo-necrophilic tortures** include choking her unconscious or over-drugging her into a temporary ‘dead-like’ state causing her to remain motionless during sexualized tortures; forced contact with perceived/real dead animals for necro-bestiality³³ and/or human necrophilia.

3. Sexualized human trafficking and exploitation tortures:

This includes forced involvement in the pedophilic or adult ‘sex’ trade by being rented or sold—trafficked—and/or forced to participate in pedophilic or adult pornography. Forced participation can include a woman being forced to dress-up ‘seductively’ to be photographed knowing her picture will be circulated to potential client-perpetrators. Participation can also mean forced involvement in pornographic skits, movies, and/or snuff movies. And it is common to hear women speak of being forced,

³² Under Canada's Criminal Code every person who commits bestiality, forces bestiality onto another person, or commits bestiality in the presence of or incites a person under the age of fourteen years to commit bestiality is guilty of an indictable offence with imprisonment or punishable on summary conviction (Greenspan, E. L., & Rosenberg, M. (2003). *Martin's Annual Criminal Code* (S. 160). Aurora, ON: Canada Law Book Inc.)

³³ That such atrocities happen may be more common than reported. For instance, during the course of our work we have been told by several persons that they know of events of necro-bestiality. A man who was out hunting unexpectedly surprised a male hunter engaged in necro-bestiality with a deer he had just shot. The man ran into the woods in fear for his life because he believed that the hunter was so angry that he would have shot him if the hunter could have reached his gun. Another woman told us that she overheard her husband and his friends laughing about taking turns in necro-bestiality following a hunting kill.

when they were children, to watch other children and women being tortured during the making of pornography. Although pornographic images may show the presence of only one perpetrator the reality is there can be an audience of perpetrators present.

Perpetrators use pornographic materials for various reasons. Some of these reasons are:

- (1) To hold her captive with emotional blackmail by threatening to expose and discredit her if she ever tries to tell
- (2) For the perpetrator's pleasures
- (3) To keep as trophies
- (4) To use as a training film to indoctrinate the girl child into accepting the normalization of pedophilic violence,³⁴ and
- (5) To sell, trade, or use for financial gain or for other benefits whether these benefits come from within the like-minded groups or from 'outsiders'

Weapons and tools. These are anything that is used for the purpose of threatening, intimidating, injuring, or causing death to a person.³⁵ Besides the physical presence of the perpetrator, there is their size, their number, and how they use their physicality that is immediately threatening to the victimized woman or girl child. Their hands, their booted feet, their weight, their body fluids, their penises, anuses, and perineal areas are weapons. Cameras, lights, drugs, costumes, whips, guns, knives, ropes, chains, handcuffs, fire, cigarettes, forks, hot spoons, anything will do, plus animals, infants, and other victims are some 'tools' used to make pedophilic and adult pornography, depending on the degree of torture and sadism involved.

Some facts:

- (1) Homemade pornography is one manufacturing source of the pornography seized by police³⁶
- (2) Ninety percent of child pornography recovered by the Sex Crimes Unit of the Toronto Police is made in the United Kingdom, the United States, Canada, and other 'first-world' countries³⁷
- (3) Much of the pornography recovered by the Sex Crimes Unit of the Toronto Police is inter-familial³⁸
- (4) Infants are victims, as recorded by police who report seized pedophilic materials which has included a baby with its umbilical cord still attached '... infants covered with ejaculate and toddlers being orally raped³⁹ ... and of infants wearing diapers⁴⁰ and a six-month-old baby being raped.⁴¹

³⁴ The theme of using pedophilic pornographic films as training films was mentioned in the following article by Lightstone, M. (2004, July 15). Pimp gets 7-year sentence. *The Chronicle Herald*, pp. A1-A2.

³⁵ Greenspan, E. L., & Rosenberg, M. (2003). *Martin's Annual Criminal Code*. (S. 84). Aurora, ON: Canada Law Book Inc.

³⁶ Sher, J. (2006, March 16). Police bust worldwide child-porn ring. *The Globe and Mail*, p. A7.

³⁷ Lamberti, R. (2002, December 17). Teen facing kiddie porn charges Toronto cops make use of new law. *Toronto Sun*.

³⁸ Ibid; Sher, J. (2006, March 16). Police bust worldwide child-porn ring. *The Globe and Mail*, p. A7.

³⁹ Dimanno, R. (2003, January 17). A tough child porn law doesn't stem a rising tide. *The Star*.

⁴⁰ The Canadian Press. (1996, December 11). Porn included kids in diapers. Scientist charged after police raid Defence Department. *The Chronicle-Herald*.

4. Mind-Spirit Tortures:

a. **Indoctrination** or ‘schooling’ of the girl child to force her to develop a belief that pedophilic violence, including human trafficking and torture ‘tests’ are normal parent/guardian-child relationships.

b. **Conditioning tortures** such as ‘training’ a girl child not to gag during oral raping, conditioning her with forced feedings of mashed potatoes under risk of being beaten if she gagged; mind-altering drugging⁴² given as early as infancy in a baby bottle to distort the girl child’s relational development, to render her silent, as well as disorientating her worldview. All these processes can combine to form a state of “mental enslavement”⁴³—of just doing, of feeling and being robot-like (robotization).⁴⁴ For instance, “*Questioning wasn’t allowed, you just did as you were told—you obeyed, you were loyal, and you were taught to do everything for the family/group,*” was a common repetitive theme voiced by participants in our ‘kitchen table’ participatory research project.⁴⁵ As was the verbalization, “*I felt like the walking dead, a zombie.*”

c. **De-spiritualization and de-humanization tortures** involve humiliation and degradation and objectification by treating her as a discardable object, a thing, an “it”, or a “*piece of meat*”; distorting her beliefs and perceptions of personhood to the point she, even as a woman, believes she is an animal or she will have animal babies because of the bestiality; forced exposure to horrifying torture such as sadistic necrophilic or pseudo-necrophilic acts that overwhelm her into out-of-body and dissociative responses.

d. **Growth and developmental distortions** which facilitate the pedophile’s sexualized torture of the girl child via the rationale, “*I have to teach you how to become a woman, so you’ll know what to do when you’re a woman at age seven*” thereby manipulating her into believing the sexualized torture pain and suffering represents normal relationship activities. As Sara stated, “*for almost 40 years I believed I was an adult at seven, to realize that I was just a little child when they tortured me is a shocking and painful reality.*”

e. **Self-harming and suicidality** are tactics she is forcedly taught to use if she should ever try ‘to tell’. Being trained might involve teaching her that if she slits her wrists in the bathtub “*all the pain will drain out and run down the tub drain*” or

⁴¹ Smith, G. (2003, January 17). Grim images haunt porn police. *The Globe and Mail*.

⁴² Makin, K. (2003, January 25). Abused man gets light sentence for incest. *The Globe and Mail*, p. A9; Avalon Sexual Assault Centre, Drug Dependency Services (Capital District Health Authority), and the Nova Scotia Advisory Council on the Status of Women. (2001). *Sexual assault and sexual assault drugs*. Halifax, NS: Authors; Amnesty International Medical Commission, & Marange, V. (1991). *Doctors and torture Collaboration or resistance*. London, UK: Bellow Publishing; Thomas, G. (1988). *Journey into madness: Medical torture and the mind controllers*. Toronto: Bantam Press.

⁴³ Thomas, G. (1988). *Journey into madness: Medical torture and the mind controllers* (p. 116). Toronto: Bantam Press.

⁴⁴ Robotization is a word we use to define the torturer’s goal—feeling like a robot is the victimized person’s response to their torture. Also see, Sankar, Y. (1992). *Education, human values and ethics: Imperatives for the information society* (p. 41-74). Toronto: Canadian Scholars’ Press.

⁴⁵ Our ‘kitchen table’ research project began in 1998 and involved listening to Nova Scotian women tell of their ritual abuse-torture victimization.

counseling her on how to jump off a bridge and into the water to gain peace. Perpetrators know that bridges, such as the Macdonald Bridge in Halifax, Nova Scotia, are frequent sites used by some persons who commit suicide.⁴⁶

IX. Healing

For both, the captive child or woman victim, this means answering their questions: “Why didn’t somebody help me when I was little? Why didn’t people believe me when I tried to tell? Why didn’t someone ask me where I had disappeared to for four and one-half years? Why doesn’t somebody help me now? Why can’t I get the care I need? Why can’t I get justice? Why do the perpetrators get away with what they do? Why? Without naming, without appropriate laws and statistics, without informed education in all sectors of civil society it is impossible to provide appropriate supportive, protective, and preventive care.

Healing from life-threatening non-state actor torture is complex and enlarges when combined with sexualized human trafficking ordeals. Recovery means some days are fairly good and others feel like “*double torture*”—as if she is being tortured all over again. Because healing includes days filled with flashbacks and body memories that bring reality pain—pain caused by realizing what being tortured felt like. Days can be filled with humiliating episodes of urinary and fecal incontinence, vaginal and anal bleeding, gagging and vomiting as memories of oral and anal rapes flood present day hours, and gross smells from the past suffocate nasal passages. Debilitating headaches and seizure-like responses that come when her body remembers how it reacted to the violations of the past or to the electric shocking tortures. Pain filled days invaded by emotional memories of ongoing degradation in response to physical and sexualized tortures—of the returning feelings of the perpetrators hands on her skin. She struggles to live, to keep suicidality and other forms of Self-harming at bay when she is over-whelmed with reality and suffering. Before she can even seek social justice, she must also struggle to dismantle the transnational oppression, marginalization, and discrimination that silences telling of the crime of non-state actor torture and human trafficking committed against her humanity. As horrendous as her suffering is, she, like so many cling to their struggle to heal.

Healing can occur with appropriate services. Establishing a civil society that is open to listening, to hearing, to providing protective and safety services, and creating a caring environment unique to the needs of the girl child (and boy child) and woman who has survived non-state actor torture and human trafficking—whether as a enslaved spouse or a girl child born into a pedophilic-based ritual abuse-torture family/group is required.

⁴⁶ Gillis, J. (2004, September 10). Cash for suicide prevention may save lives—advocates. *The Chronicle Herald*, p. B5; Lightstone, M. (2004, August 30). Ending it all by jumping into Halifax Harbour Macdonald Bridge has been the site of many suicide jumps over the years. *The Chronicle Herald*, p. B1-B2.

X. In Conclusion: Best Practices ~ Prevention, Protection, Prosecution, and Caring

We have a duty to care. Civil society has a duty to care. This paper offers solutions that, in our opinion, promote caring. We offer the following recommendations:

- (1) **Naming.** We have presented two first person stories that broaden the reality of human trafficking in Canada. By so doing we are exposing the reality that non-state actor torture does occur within the exploitative environment created by the human trafficker. The trafficker can be a spouse, pedophilic parent(s), family, and group of like-minded ritual abuse-torture perpetrators, or a client-perpetrator. There can be no remedy if civil society denies or represses the reality that non-state actor torture occurs in Canada and that non-state actor torture is often embedded in human trafficking.
 - **We recommend beginning with acknowledging—by naming—that non-state actor torture occurs in Canada.**

- (2) **Non-state actor torture law.** To date, Canada does not have a law that supports victimized person’s human and legal rights to seek justice for enduring non-state actor torture, whether or not it is combined with sexualized human trafficking. Such a failure constitutes a lack of due diligence. Non-state actor laws must be enacted and also used so that perpetrators cannot continue to function with impunity.
 - **We recommend the *Criminal Code of Canada* be amended to include a separate offence of non-state actor torture.**

- (3) **Amendments to section 279.04 Exploitation of the *Criminal Code of Canada*.** Trafficking in persons for the purpose of exploitation is considered a form of modern day slavery. Given that the persons enslaved for sexualized exploitation are being abused, tortured, and at constant risk for being killed within this environment of captivity, their victimization is a violation of national and international legal and human rights instruments. In this section of the *Criminal Code of Canada* the words ‘provision or offering of a service’ are used when making reference to the brutalities forced onto exploited persons by the human trafficker. It must also be recognized the so-called client-perpetrators to whom ‘a service’ is being provided also commit abuse, torture, and life-threatening acts against a captive girl child or woman who, because of their enslavement, are held without respect for their human and legal rights as persons. We ask that the description of exploitation in the *Criminal Code* be rewritten in a respectful manner and in a language that recognizes (a) the state of captivity, and enslavement, or confinement inflicted onto exploited persons, (b) the victimizations endured—the abuses and torture inflicted by the traffickers in persons and by the client-perpetrators, (c) the pervasive emotional and psychological state of fear, terror, and horrification inflicted onto exploited persons by human traffickers and the client-perpetrators, and (d) the life-threatening risks perpetrated when persons are enslaved as victims of human traffickers and client-perpetrators.

include the reality of spousal trafficking and spousal torture. And professional assessments must always include questions about all forms of violence— questions about abuse, exploitation, trafficking, torture, and ritual abuse-torture— providing the opportunity for disclosure if the person asked decides she/he wants to disclose. Being asked the questions opens the door to healing. And education at the judicial and protective services levels must also be initiated so they also have knowledge about the full extent of violence that can occur in the home.

■ **We recommend that education about human trafficking include the knowledge that non-state actor torture occurs, that spouses and families and like-minded groups such as ritual abuse-torture families/groups, can be human traffickers. And that this knowledge is incorporated into the awareness and interventions of all sectors of civil society.**

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children (p. 13). (From UNICEF International Child Development Centre, Florence, Italy, in *Innocent Digest*, 2, Children and Violence). London, UK: Author). Around the world researchers in Australia and elsewhere say that a child who is harmed by one form of violence in the family is also likely to be harmed by other forms of violence (Mullen, P. E. & Fleming, J. (1998, Autumn). Long-term effects of child sexual abuse. *Issues in Child Abuse Prevention*, 9 [On line]. Available: National Child Protection Clearinghouse <http://www.aifs.gov.au/nch/issues9.html#fam>.) And when children live in a home where they see, hear, and feel violence, it is called being exposed to family violence; this causes them harm. They often have the same feelings and difficulties as children who have been directly harmed and hurt by the violent acts of their parents (National Clearinghouse on Family Violence. (1999). *A handbook for health and social service providers and educators on children exposed to woman abuse/family violence*. Ottawa: Minister of Public Works and Government Services Canada).

In the United States, some researchers found parents were responsible for 81 percent of the harm and violence children suffered (Administration for Children and Families Summary. (2002). *Child maltreatment 2002* [On line]. Available: http://www.acf.dhhs.gov/programs/cb/publications/cm02/figures_6.htm. Washington, DC).

Some police reports suggested, within Canadian families, children were harmed either by a parent or someone the child knew (Canadian Center for Justice Statistics. (2004). *Family Violence in Canada: A statistical profile 2004* (pp. 16-20). Ottawa: Statistics Canada). Another Canadian research study showed that when children were harmed 93 percent reported being harmed by a family member or relative (Trocmé, N. & Wolfe, D. (2001). *Child maltreatment in Canada: Canadian incident study of reported child abuse and neglect*. Ottawa: Minister of Public Works and Government Services Canada).

XI. Appendix

Criminal Code of Canada: Section 269.1 Torture

Torture

269.1 (1) Every official, or every person acting at the instigation of or with the consent or acquiescence of an official, who inflicts torture on any other person is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

Definitions

(2) For the purposes of this section,

“official”

« *fonctionnaire* »

“official” means

(a) a peace officer,

(b) a public officer,

(c) a member of the Canadian Forces, or

(d) any person who may exercise powers, pursuant to a law in force in a foreign state, that would, in Canada, be exercised by a person referred to in paragraph (a), (b), or (c),

whether the person exercises powers in Canada or outside Canada;

“torture”

« *torture* »

“torture” means any act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person

(a) for a purpose including

(i) obtaining from the person or from a third person information or a statement,

(ii) punishing the person for an act that the person or a third person has committed or is suspected of having committed, and

(iii) intimidating or coercing the person or a third person, or

(b) for any reason based on discrimination of any kind,

but does not include any act or omission arising only from, inherent in or incidental to lawful sanctions.

No defence

(3) It is no defence to a charge under this section that the accused was ordered by a superior or a public authority to perform the act or omission that forms the subject-matter of the charge or that the act or omission is alleged to have been justified by exceptional circumstances, including a state of war, a threat of war, internal political instability or any other public emergency.

Evidence

(4) In any proceedings over which Parliament has jurisdiction, any statement obtained as a result of the commission of an offence under this section is inadmissible in evidence, except as evidence that the statement was so obtained.

R.S., 1985, c. 10 (3rd Supp.), s. 2.

Reference:

Department of Justice Canada. (2006, July 14). *Criminal Code of Canada* [On-line]. Available: <http://laws.justice.gc.ca/en/c-46/267426.html>.