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June 7, 2017

The Honourable Chrystia Freeland, MP, Minister of Foreign Affairs,
Parliament of Canada, Ottawa, Ontario, Canada, K1A 0A6

Dear Minister Freeland;

On 6th June, 2017, your address to Members of the House of Commons and to every Canadian provided a transparent and reflective analysis and outline of a vision for Canada's evolution into a position of global leadership. Citizens' participation was described in how we as humans will organize our-Selves to promote and be guided by national values, principles, security, and "a way of life that works" for all. As human rights feminist activists, of particular importance to us were the values and principles of human rights, human equality of women and girls, respect for the rule of law, sexual and reproductive rights including safe abortions, and Canada developing the first "feminist assistance policy." It is these latter values and principles that this letter addresses.

Women's rights are human rights this is theoretically true—herstorically speaking this has not been and is not the reality. Empirical evidence suggests the principle of a, "feminist assistance policy" means achieving the equality rights of women and girls is good in all ways for Canada, for foreign affairs policies, and for international development, given that:

The very best predictor of a state's peacefulness is not its level of wealth, its level of democracy, or its ethno-religious identity; the best predictor of a state's peacefulness is how well its women are treated. . . . The larger the gender gap between the treatment of men and women in a society, the more likely a country is to be involved in intra- and interstate conflict, to be the first to resort to force in such conflicts, and to resort to higher levels of violence. On issues of national health, economic growth, corruption, and social welfare, the best predictors are also those that reflect the situation of women. What happens to women affects the security, stability, prosperity, bellicosity, corruption, health, regime type, and (yes) the power of the state¹.

Additionally, the largest global study on violence against women outlined in, *The Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005*, is "that the impact of global norms on domestic policy making is conditional on the presence of feminist movements in domestic context."²

The above global research outcomes would, we suggest, be important to a "feminist assistance policy". The everyday social and relational construction of reality is that thirty percent of women on this planet

¹ Hudson, V. M. (2012). What sex means for world peace. The evidence is clear: The best predictor of a state's stability is how women are treated. *FP*. Retrieved from <http://foreignpolicy.com/2012/04/24/what-sex-means-for-world-peace/>

² Htun, M., & Weldon, S.L. (2012). The Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975-2005. *American Political Science Review*, 106 (3), 548-569.

suffer intimate partner violence.³ This global reality does not include identifying torture perpetrated by non-State actors, whether occurring in Canada and elsewhere as shown in this PowerPoint we utilized to illustrate such a point. In Canada the Government knows the following national truths:

1. At least 20 percent of sexualized internet ‘pornographic’ victimization of children involves non-State torture which can begin in infancy;⁴
2. For at least the past 37 years successive Canadian Governments have officially received written reports stating that women, indigenous and non-indigenous, suffer acts of non-State torture perpetrated by private actors;⁵ and
3. Presentations made to the House of Commons Standing Committee on Justice and Human Rights in response to the Private Members Bill, C-242, An Act to amend the *Criminal Code* (inflicting torture) clearly identify and describe non-State torture victimization.^{6,7,8}

Global NST: NAME IT, HEAR them, BELIEVE them, UNDERSTAND them

Linda Cline, Michigan, USA: blind, diabetic, repetitive videos show her unconscious, hands & feet bound, suffocated by clear plastic bag over her head, turns purple, husband naked from the waist down.

Sahar Gul, Kabul, Afghanistan

- Locked in basement toilet 6 mths
- Fingernails pulled off
- Fingers broken
- Hair pulled out
- Burnt with hot iron
- Electric shocked
- Tried to prostitute her
- Forced child marriage

Nour Miyati, Indonesian

- Domestic worker
- Tied up for a month
- Gangrene/amputated fingers, toes
- No food
- Other injuries

Lynne, Nova Scotia, Canada

- Stripped naked, gang raped
- Beaten, falanga, water tortured
- Raped with knife, wine bottle
- Death threats & guns used
- Drugged, starved, whipped
- Forced to Self-cut, tied down
- 5 impregnations/violent abortions
- Nipples twisted with pliers

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To sincerely promote values and principles for human rights equality and basic legal justice and the rule of law so that “every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination based on . . . sex,”⁹ torture by non-State actors must not continue to be misnamed as various forms of assault. Canada must walk its own talk—or as you mentioned Justin Trudeau said, “We step up.”

You mentioned John Humphrey’s contribution to the development of the United Nations Universal Declaration of Human Rights (UNUDHR). Article 5 states that no one shall be subjected to torture; Article 1 proclaims equality; Article 2 values non-discrimination; Article 7 pronounces equality before

³ World Health Organization. (2013, June 20). *Violence against women: a ‘global health problem of epidemic proportions’*. Geneva, SUI: Media Centre. Retrieved from

http://www.who.int/mediacentre/news/releases/2013/violence_against_women_20130620/en/

⁴ Sarson, J., & MacDonald, L. (2016). *There is no Public Safety for Children when their Torture by Non-State Actors is Legally Unnamed, Invisibilizing Them as Persons in Specific Need for such Protection* [Brief sent to Ralph Goodale, Minister of Public Safety and Emergency Preparedness, Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada, and Patricia A. Hajdu, Minister of the Status of Women]. Retrieved from

<http://nonstatetorture.org/files/6914/7887/9363/NoPublicSafetyChildren.pdf>

⁵ Sarson, J., & MacDonald, L. (2015). *No One shall be Subjected to Torture by Non-State Actors: The Missing Human & Legal Right of All Canadians—Of Women & Girls* [Brief submitted to Bill Casey, MP, to Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada, to Patricia A. Hajdu, Minister of the Status of Women, Dr. Benette, Minister of Indigenous and Northern Affairs]. Retrieved from <http://nonstatetorture.org/files/1014/5546/8756/NoOneShallbeSubjectedtoNST.pdf>

⁶ Parliament of Canada. (2016, September 22). *Just Committee Meeting*. Retrieved from

<http://www.ourcommons.ca/DocumentViewer/en/42-1/JUST/meeting-24/evidence>

⁷ Sarson, J., & MacDonald, L. (2016, May 23). *Brief in support of Bill C-242 An act to amend the Criminal Code (inflicting torture)*. Retrieved from <http://www.ourcommons.ca/Content/Committee/421/JUST/Brief/BR8333085/br-external/SarsonJeanne-e.pdf>

⁸ Lane, A., & Holodak, R. G.Jr. (2016). *Brief to: The House of Commons standing committee on justice and human rights In view of its study of Bill C-242 and act to amend the criminal code (inflicting torture)*. Retrieved from

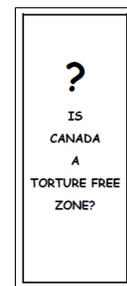
<http://www.parl.gc.ca/Content/HOC/Committee/421/JUST/Brief/BR8406577/br-external/LaneAlexandra-e.pdf>

⁹ Government of Canada. (1982). *The charter of rights and freedoms A guide for Canadians* (Section 15 equality rights, Cat. No. CP 45-24/ 1982-1). Ottawa, ON: Minister of Supply and Services Canada.

and under the law. Canada must end its disregarding position of these Articles and emerging international legal ruling that are attempting to ensure that all human rights are indeed women's rights, given that at the United Nations resolutions are being expended in efforts to ensure this is the 'new' herstorical reality.¹⁰ Upholding the UNUDHR, the *Charter of Rights and Freedoms*, and the development of full human rights equality for women and girls as expressed in the research of Hudson, Htun and Weldon, have become essential principles and values of global survival that frame in the Sustainable Development Goals. Torture perpetrated by non-State actors in the domestic or private sphere is a Canadian reality—and a global truth—if not truthfully and legally tackled such victimization will hinder development. If we are to be who you describe we are capable of being—to leave no one behind—then the denial and the discriminatory legal and social exclusion of women and girls, including Canadians, who survive non-State torture must end. This must be one principle global leadership standard.

We, as two Canadian women, see no alternative but to clearly restate that the *Criminal Code of Canada* must be amended to distinctly name and criminalize non-State torture perpetrated in the private or domestic sphere. Torture is not an assault as this Government and past Governments have been comfortably misnaming it. This legal 'principle' is clearly discriminatory. It is exclusionary of those so tortured. It is willfully dishonest because the truth is known—non-State torture happens.

A "feminist assistance policy" must unveil this legal and social dishonesty. Canada could position itself to be a global leader of full human rights equality by promoting the goal that John Humphrey wanted which was the UNUDHR be globally equally applied to every human person. We as two Canadian women feminists can speak openly about this human right discriminatory violation without fear or risk of harmful retaliations; women and girls in other nations are not so privileged. This means we have an extra-ordinary duty to speak out, to challenge you, to continue to be gravely disappointed with members of our Government for misnaming thus invisibilizing non-State torture as a distinct human right crime. The UN Committee against Torture said, Canada needs to incorporate the UNCAT fully into Canadian law so a citizen could utilize the Convention fully in a court of law.¹¹ An honest "feminist assistance policy" can make Canada a "Torture Free Zone" model.¹² This must become a human right principle and value if this Government and all Canadians are to speak truth to the social and relational reality of women and girls so tortured, to set a global standard for all on this planet, thus adding to Minister Marie-Claude Bibeau's "feminist assistance policy" announcement.



Respectfully submitted,

Jeanne Sarson and Linda MacDonald

Cc'ed: Justin Trudeau, Prime Minister of Canada
Ralph Goodale, Minister of Public Safety and Emergency Preparedness
Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada
Maryam Monsef, Minister of the Status of Women
Dr. Bennett, Minister of Indigenous and Northern Affairs
Marie-Claude Bibeau, International Development Minister
Bill Casey, Member of Parliament for Cumberland-Colchester, Nova Scotia

¹⁰ Sarson, J., & MacDonald, L. (2017). *The Parallel Event Using law to empower women & girls to live free from violence in work and family* [CSW report and PowerPoints]. Retrieved from <http://nonstatetorture.org/files/1814/9049/3782/cswpanel2017.pdf>

¹¹ Committee against Torture. (2012, June 1). *Concluding observations of the Committee against a torture*. (CAT/C/CAN/CO/6).

¹² Sarson, J., & MacDonald, L. (2007). ? Is Canada a Torture Free Zone? [pamphlet]. Retrieved from <http://nonstatetorture.org/files/5613/3935/2106/TortureFreeZone2007.pdf>