

**SUSTAINABLE DEVELOPMENT GOALS AND HEALTH:
ACHIEVING PHYSICAL AND MENTAL HEALTH FOR WOMEN AND
GIRLS WHO HAVE SURVIVED NON-STATE TORTURE IN THE
DOMESTIC OR PRIVATE SPHERE**

This is a response to the call of the Office of the United Nations High Commissioner for Human Rights for submissions from interested organizations and stakeholders for the preparation of its report on Sustainable Development Goals and Health, mandated under GA Resolution 35/23 entitled “the right of everyone to the enjoyment of the highest standard of physical and mental health in the implementation of the 2030 Agenda for Sustainable Development”.

Submitted to: registry@ohchr.org or lgentile@ohchr.org (for attention of Lynn Gentile)

October 11, 2017

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This submission is based on our professional work that began in 1993 and that has remained focussed on grass root support of women mainly who have survived non-State torture (NST) as children and/or as adults. To date women who have Self-identified surviving non-State torture have predominately come from Canada, the United States, the United Kingdom, Western Europe, Australia, and New Zealand. In addition, our NST advocacy work has centered on achieving human rights and legal equality at national, international, and United Nations levels for women and girls so violated. Promoting civil society awareness and sharing knowledge is occurring via publications, educational presentations and developed resources, and sharing on our website.

Contact:

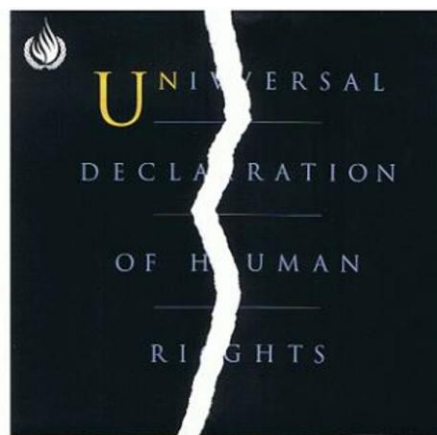


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ACHIEVING PHYSICAL AND MENTAL HEALTH FOR WOMEN AND GIRLS WHO HAVE SURVIVED NON-STATE TORTURE IN THE DOMESTIC/PRIVATE SPHERE

Jeanne Sarson and Linda MacDonald

Achieving wellness is in article 25 of the 1948 United Nations Universal Declaration of Human Rights (UNUDHR). Human rights articles as outlined in the UNUDHR are considered universal, indivisible, interrelated, interdependent, and mutually reinforcing and apply to all human beings in a non-discriminatory manner. These principles are equally applicable to the inter-relationships of the 17 Sustainable Development Goals (SDGs). Both have the fundamental principle of 'leaving no one behind'. However, reality exposes otherwise.



For example, article 5 of the UNUDHR states no one shall be subjected to torture. Many States parties, including our country of Canada, consider that only persons who have suffered torture committed by State actors have the human-legal right to name they were tortured; if tortured by a non-State actor in the domestic/private sphere their violation is legally misnamed as a form of assault therefore is legally and socially invisibilized as are the women and girls who have survived. In other words, the UNUDHR can be torn in half—groups that have human-legal protection from torture victimization and those that do not. We suggest that those that do not are predominately women and girls.

The same will hold true for the operationalization of the SDGs if, for example, women and girls who have survived non-State torture are invisibilized. Goal 3 of the SDGs that focuses on ensuring healthy lives and promoting well-being for all at all ages can only be achieved when acknowledging its interrelatedness to the following gender-based SDGs:

- a. 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children.
- b. 5.1 End discrimination against all women and girls, and
- c. 5.2 Eliminate all forms of violence against all women and girls in public and private spheres.
- d. 10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.

Therefore, this submission is requesting that the report of the OHCHR identifies as a specific vulnerable group that must not be left behind are women and girls who have suffered torture perpetrated by non-State actors in the domestic/private sphere and whose physical and mental health is consequently grievously harmed.

RECOMMENDATIONS FOR INCLUSION IN THE OHCHR REPORT ARE:

1. **NAMING OF NON-STATE TORTURE VICTIMIZATION** perpetrated by non-State actors against women and girls in the domestic/private sphere as a specific vulnerable group whose human right violation must be globally remedied by:
 - a. Encouraging States parties to **eliminate any legal obstacles** in their national laws that impede the eradication of torture inflicted by non-State actors **by naming and defining non-State torture as distinct** from assaults or other crimes and to incorporate fully the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in their national laws;¹ mindful of promoting a global gender-sensitive application of the UNCAT.^{2,3,4}
 - b. Promoting the United Nations Declaration on Human Rights Education and Training,⁵ to ensure that as stated all human beings are born equal in dignity and rights (article 1), that everyone is entitled to all stated human rights without distinction of any kind (article 2), that no one shall be subjected to torture (article 5), and that everyone is a person and equal before the law with equal protection of non-discriminatory laws (articles 6 and 7) as written into the UNUDHR.

2. **OUTLINING THE SPECIFIC NEEDS** required to assist women and girls who have survived non-State torture committed in the domestic/private sphere reclaim their personhood human rights and dignity by:
 - a. Encouraging the development of **non-State torture victimization-traumatization informed care** as global knowledge suggests that persons who have survived State torture their **torture victimizations must be addressed**.⁶ This is also knowledge we have gained in our 24 years of NST work. This includes depathologizing the physical and mental behavioural responses of women and girls non-State tortured—instead of telling them they have a post-traumatic stress disorder (PTSD) we suggest, with the women’s endorsement, that it is healthier for them to understand that they suffer **post-traumatic stress RESPONSES (PTSR)** in their efforts to recover.
 - b. **Facilitate socio-legal opportunities for denunciation of non-State torture victimizations because** truth-telling can contribute to healing by restoring

¹ Committee against Torture. (2008). *General Comment no. 2 Implementation of article 2 by States parties* (CAT/C/GC/2). United Nations, Geneva.

² See OHCHR Resolution, [1994/45. Question of integrating the rights of women into human right mechanisms of the United Nations and the elimination of violence against women](#)

³ See Human Rights Council [Resolution 8/8 Torture and other cruel, inhuman or degrading treatment or Punishment](#).

⁴ See General Assembly [Resolution 65/205 Torture Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (A/RES/65/205).

⁵ See General Assembly resolution <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/467/04/PDF/N1146704.pdf?OpenElement> (A/RES/66/137).

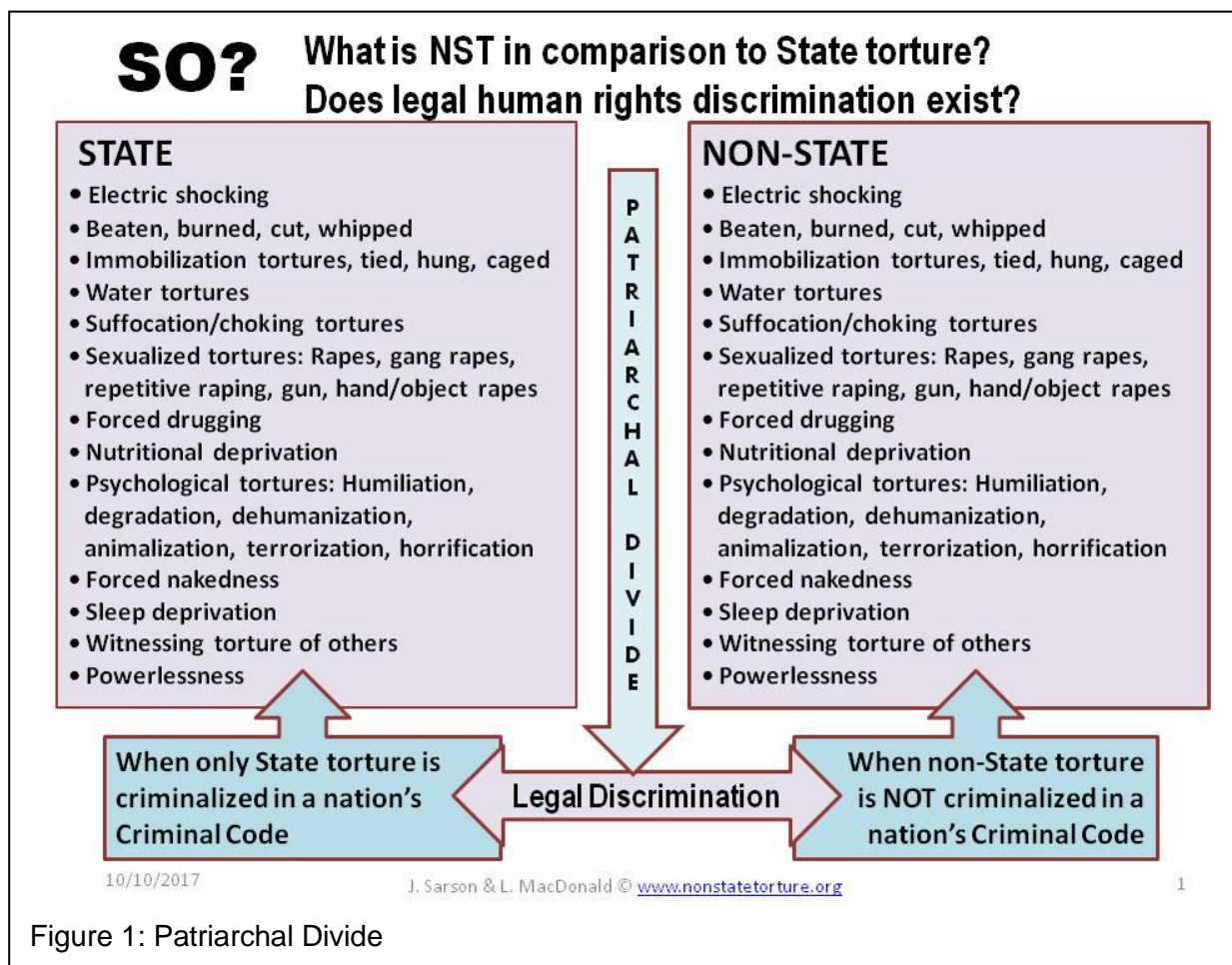
⁶ Nowak, M. (2010). *Study on the phenomena of torture, cruel, inhuman or degrading treatment or punishment in the world, including an assessment of conditions of detention* (A/HRC/13/39/Add.5). United Nations.

personhood human rights dignity given that the goal of torturers—whether State or non-State—is to destroy the personhood of those they torture.^{7,8}

In conclusion: Educational models/charts—Sharing evidence-based insights

The following section contains evidence-based models and charts that explain more graphically the global human right violation and global socio-legal discrimination suffered by women and girls who survived torture committed by non-State actors in the domestic/private sphere.

Figure 1, we name the patriarchal divide. It illustrates that the torture acts committed by State torturers and non-State torturers are the same although inflicted in different public versus private spheres. States parties' laws may not acknowledge that protection from the specific human right violation of torture belongs equally to everyone. For example, section 269.1 of the *Criminal Code of Canada* only names and addresses State torture.⁹ Non-State torture is renamed as an



⁷ Ibid.

⁸ Sarson, J. (2017). Non-state torture: A response to Ibrahim Kira's "A critical outlook at torture ..." [Blog post]. Retrieved from <http://peacepsychology.org/dialogues-with-peace-and-conflict/>

⁹ Government of Canada. (2016). *Criminal code*. R.S.C. 1985, c. C-46, s.269.1: Ottawa: Minister of Justice.

assault of various kinds. Other States parties such as the United Kingdom and Australia have also operationalized their law on torture in this manner. Legal human rights discrimination must be addressed in global efforts to achieve all women’s physical and mental health.

Figure 2, identifies three example of acts of torture perpetrated by non-State actors that women identify surviving. This figure illustrates how acts of physical torture become acts of sexualized torture and provides examples of the harmful health consequences suffered.¹⁰

Torture acts translate →→	Into sexualized torture →→	Harmful consequences
1. Physical torture: electric shocking	<ul style="list-style-type: none"> ◆ Electric cattle prod inserted into her vagina, her anus, her mouth ◆ Electric wires inserted into her vagina, placed to her nipples 	<ul style="list-style-type: none"> ◆ Psychological torture as women & girls blame & hate their body ◆ Terrorized ◆ Torture pain and suffering
2. Physical torture: water torture and pseudo-necrophilic torture	<ul style="list-style-type: none"> ◆ Submerged underwater in a tub, or her head held under water in a bucket until she is unconsciousness then her inert body raped for pseudo-necrophilic pleasures 	<ul style="list-style-type: none"> ◆ Terrorized ◆ Near-death ordeals ◆ Powerlessness when rendered unconsciousness ◆ Torture pain and suffering
3. Physical torture: cutting	<ul style="list-style-type: none"> ◆ Knife inserted into her vagina, her vagina cut and her vaginal blood smeared on her body ◆ Knife used to cut her breast tissue 	<ul style="list-style-type: none"> ◆ Terrorized ◆ Horrified at seeing her blood and fear of bleeding to death ◆ Torture pain and suffering

Figure 2: Examples of the harmful consequences of physical-sexualized tortures

Figure 3, on the following page, provides an overview of the many long-term harmful physical and mental health responses women can suffer as a result of the destructive non-State torture victimizations inflicted onto them when they were children and/or as adults.¹¹ These, without question, impede the right of this specific population of women and girls to achieve and enjoy the highest standard of physical and mental health in the implementation of the 2030 Agenda for Sustainable Development. They must be identified as a specific vulnerable group, their human right violation of non-State torture distinctly legally and socially named and described, and their recovery needs attended to so they are not left behind.¹²

¹⁰ Sarson, J., & MacDonald, L. (2015). *Fact sheet: Non-state torture in the private sphere*. Retrieved from <http://nonstatetorture.org/~nonstate/application/files/8614/9711/3159/factsheettortureprivatesphere.pdf>

¹¹ Sarson, J., & MacDonald, L. (2017). *Victimizing effects on those forcedly pornografied and harmed from the other side of the camera by family based exploiters*. A brief submitted to the Standing Committee on Health. Retrieved from <https://www.ourcommons.ca/Content/Committee/421/HESA/Brief/BR8762940/br-external/SarsonJeanneAndMacdonaldLinda-e.pdf>

¹² Sarson, J., & MacDonald, L. (2016). *Seeking equality, justice, and women’s and girls’ human right not to be subjected to non-state torture*. In J. Scutt (Ed.). *Women, law and culture, Conformity, contradiction and conflict* (pp. 263-281). London, UK: Palgrave MacMillan.

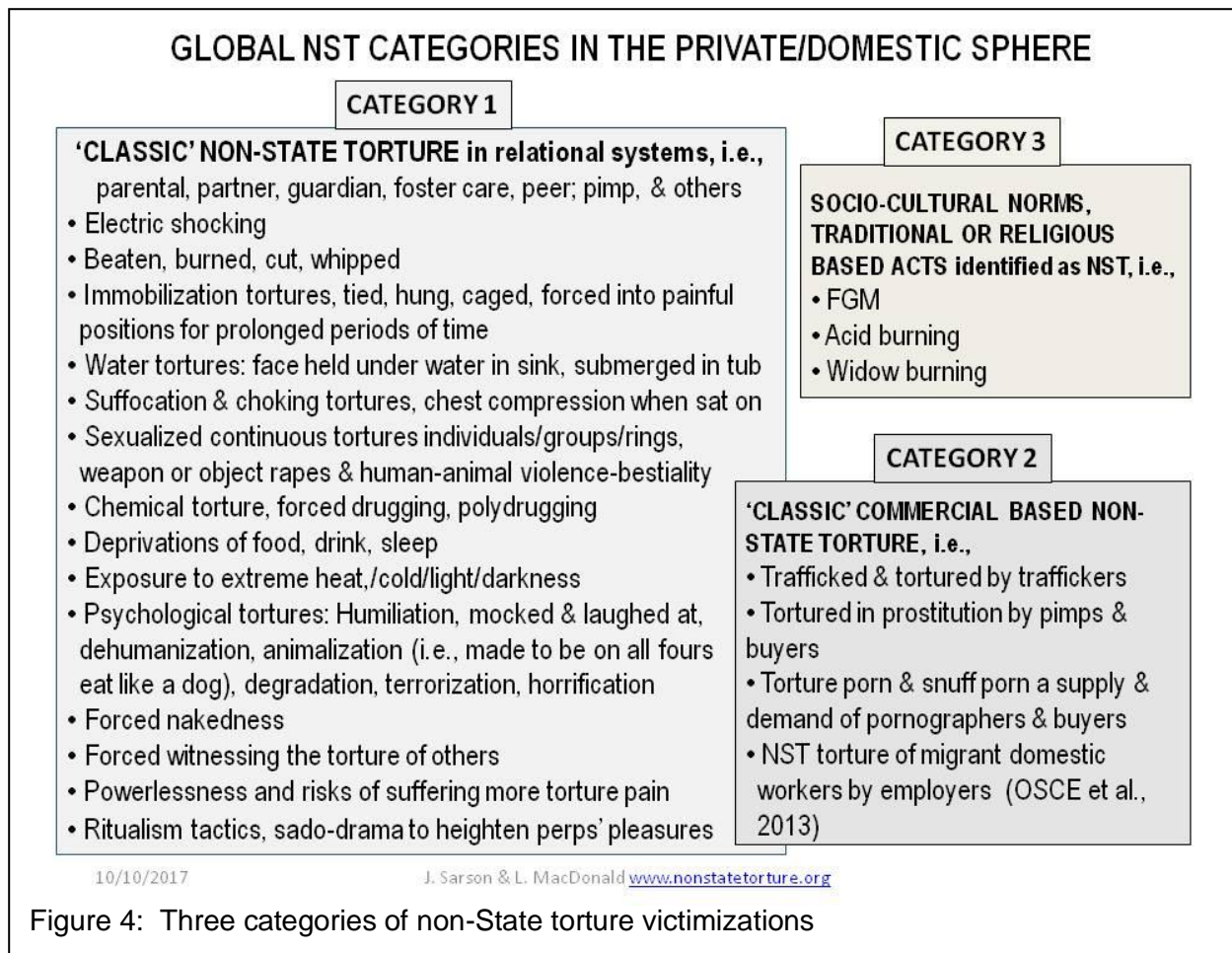
• Migraines	• Depressiveness
• Irritable bowel syndrome	• Loss of quality of life
• Eating disorders	• High anxiety, panic attacks, hyper-vigilance
• Fibromyalgia pain, chronic fatigue	• Dissociation
• Loss of Self-esteem, lack of knowledge about personal and safe boundaries, lacking awareness of their right and ability to speak out, to say “No”	• Sleep disturbances, nightmares, night time sleeplessness commonly associated with torturers’ patterns of night time victimizations
• Experiences of social exclusion	• Inability to cope with activities of everyday life
• Self-cutting	• Suicidal struggles
• Struggling to stop Self-harming urges that are the result of only understanding they exist if being hurt, as one woman called it, of only knowing “torture touch”	• High risks behaviours with involvement in prostitution because it was forcedly normalized by the family system and this, they explain, was “all I knew”
• Work loss and may or may not have access to disability financial support	• Poverty and homelessness
• Post traumatic stress responses, for example, victimization re-enactments, torture cellular memories that produce physical, emotional, psychological chronic traumas, flashbacks	• Pathologized as mentally ill or considered “crazy” versus understood as re-experiencing non-State torture victimization responses as consequences to NST victimization, medically misdiagnosed, over drugged
• Physical destructions to reproductive organs, for example hysterectomies or rectal prolapse from repetitive torture anal raping	• Running to the street or fleeing our country to escape the torturers and to seek safety; are disbelieved, told they were lying, when trying to gain support
• Relationship difficulties with Self and others that can lead to chronic re-victimizations	• May be unable to cope with gender-based health practices such as prevention breast and pelvic exams

Figure 3: Harmful physical and mental health responses as consequences of non-State torture victimizations

Figure 4, on the following page, shares our three categorizations of emerging insights into forms of gender-based non-State torture violations.¹³ ‘Classic’ torture, as identified in category one, refers to the term ‘classic’ because this term has generally been used to refer to torture perpetrated by State actors. However, non-State actors commit the same acts as illustrated in figure 1; therefore, we have made this link to illustrate the sameness of the torture acts inflicted by State and non-State actors and that such ‘classic’ torture human rights crimes are inflicted within relationships—within intimate ones, trusting ones, or ones created by abusing vulnerabilities such as relationship between a vulnerable youth and ‘her’ pimp. In category two we highlight this as commercial because of the financial or other benefits gained by those who inflict non-State torture as a means of achieve their benefits whether financial profits, sadistic torturing pleasures, and domination, power and control over another human being. Our work

¹³ Ibid.

includes the reality that the specific group of women and girls who have survived non-State torture victimizations within intimate relationships also endure multi-forms of non-State torture victimizations including being trafficked and exploited into prostitution and pornography. Although we do not have experience in supporting migrant domestic workers they are included based on the report of the Organization for Security and Co-operation in Europe (OSCE).¹⁴ FGM, widow and acid burning listed in the third category are acts that we also do not have work experience with but have been declared torture by United Nations Special Rapporteurs against Torture.^{15,16} Identifying that non-State torture occurs will impact on the lives of many women and girls and will assist them in achieving physical and mental health knowing they and their suffering is being globally acknowledged and non-State torturers held to account.



¹⁴ OSCE Office of the Special Representative and co-ordinator for combating trafficking in human beings in partnership with the Ludwig Boltzmann Institute of Human Rights and the Helen Bamber Foundation. (2013, June). *Trafficking in human beings amounting to torture and other forms of ill-treatment* (Occasional Paper Series no. 50). Retrieved from <https://www.osce.org/cthb/103085?download=true>

¹⁵ Nowak, M. (2010). *Strengthening the protection of women from torture and ill-treatment Acid burning attacks – victimization, survivors, support*. Women’s UN Report Network, Worldwide Organization for Women and NGO Committee on the Status of Women-Geneva.

¹⁶ Mendez, J. E. (2011, June 1). *Female genital mutilation: Progress-realities-challenges*. Side eventsponsored by Women’s UN Report Network, Worldwide Organization for Women and NGO Committee on the Status of Women-Geneva.