

PROSTITUTION AND VIOLENCE AGAINST WOMEN AND GIRLS THAT MANIFESTS AS NON-STATE TORTURE IN CANADA

SUBMISSION TO REEM ALSALEM, UN SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN AND GIRLS

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Introduction. Our submission represents 30 years of nursing knowledge and research, human rights-based grassroots science documenting torture victimizations of women and girls perpetrated by non-State actors. Our work began in 1993 in Nova Scotia, Canada, becoming global when we developed our [website](#) in 2004. In 1993 the only knowledge describing the behaviours or actions of torturers related to State torture crimes; naming, defining, and offering healing support to women who described torture victimization perpetrated by non-State actors was unattainable. Our grassroots science began by developing Figure 1, Model of the Patriarchal Divide. It offered the conclusion that the torture behaviours or actions of State and non-State torturers are similar. However, global State-centric patriarchal discrimination and the human-rights inequality of women and girls fail to uphold that women and girls are persons with the human right not to be subjected to torture perpetrated by non-State actors in their private or public lives.

Next we translated the categories of non-State torture listed in the Patriarchal Divide Model, Figure 1, into *victim-centered language*, to develop the non-State torture (NST) Universal Questionnaire Model. This offered our research findings the potential to illustrate the credibility and reliability to women’s descriptions of NST victimizations. We coined the term “non-State torture (NST)” because people were

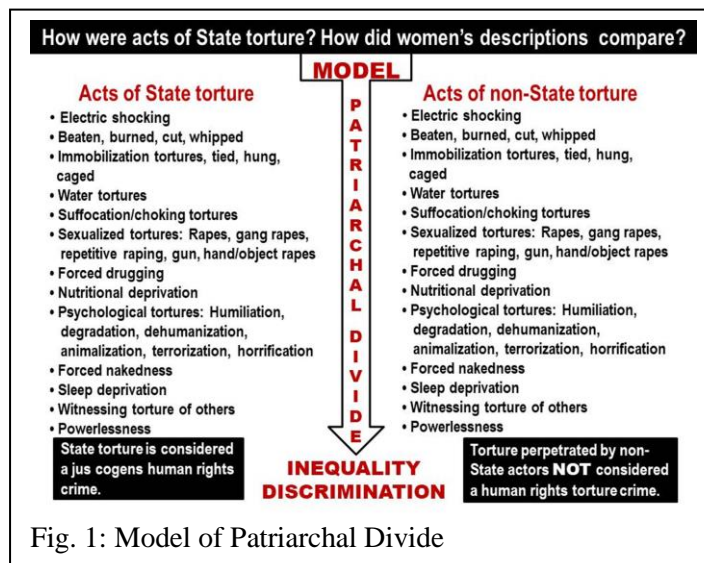


Fig. 1: Model of Patriarchal Divide

QUESTIONNAIRE: Harms inflicted in NST		
1. food/drink withheld ____	26.	raped with a weapon (gun or knife) or other objects ____
2. chained or handcuffed to a stationary object ____	27.	raped with animals ____
3. savagely and repeatedly beaten ____	28.	prevented from using toilet ____
4. savagely and repeatedly kicked ____	29.	smear with urine, feces, or blood ____
5. hung by your limbs ____	30.	forced under cold or burning hot water ____
6. burnt ____	31.	placed in a freezer ____
7. cut ____	32.	near drowned when held under water in the tub, toilet, bucket, stream ____
8. whipped ____	33.	drugged with alcohol ____
9. soles of feet beaten (falanga) ____	34.	drugged with pills ____
10. fingers, toes, and limbs twisted ____	35.	drugged with injections ____
11. fingers, toes, and limbs broken ____	36.	drugged with mask ____
12. fingers, toes, and limbs dislocated ____	37.	choked ____
13. tied down naked for prolonged periods of time ____	38.	suffocated by object placed over one's face ____
14. sat on making breathing difficult ____	39.	pornography pictures taken ____
15. forced to lie naked on the floor/ground without bedding/warmth ____	40.	pornography or snuff films made/used ____
16. confined to a dark enclosed space ____	41.	forced to harm others ____
17. placed in a crate/box ____	42.	forced to watch others being harmed ____
18. caged ____	43.	forced to watch pets being harmed or killed ____
19. electric shocked ____	44.	forced to harm or kill pets or animals ____
20. forcibly impregnated ____	45.	threatened to be killed ____
21. forcibly aborted ____	46.	called derogatory names ____
22. forced to eat one's vomitus (throw-up) ____	47.	put down ____
23. forced to eat one's bowel movements ____	48.	treated as non-human ____
24. raped by one person ____	49.	Comments
25. raped by a family/group ____		

Fig. 2: Model NST Universal Questionnaire

confused by the word “actor” in the term “non-State actor torture”. Our grassroots science developments occurred 11 years before the UN defined in 2004 that non-State actors includes “any individual or entity not acting under the lawful authority of the State” ([UN Security Council Resolution 1540](#)); it was 15 years before the UN Committee against Torture released [General Comment No. 2](#) stating that torture was perpetrated against women by non-State actors, and it was 24 years before the UN CEDAW Committee released [General Recommendation No. 35](#) which makes reference to non-State actors who perpetrated forms of violence against women that amounted to NST. **Our two Models provide our ability to document women’s descriptions of NST victimizations and their ability to:**

1. develop their *victim-centered language* to explain NST acts committed against them,
2. define the severity and cruelty of the perpetrators’ acts of NST,
3. clarify their victim-impact statement, and
4. promote their healing by naming and acknowledging that a NST human right violation and crime was committed against them and this was never their fault.

Linkages: Prostitution and pornographic exploitations and the human rights violation of NST of women. Bar graph Figure 3 represents the research responses of 28 women and two individuals who identified as male and other. This research was presented at the [Canadian Sexual Exploitation Summit](#), 2022. The respondents were from Canada 11 (37%), 8 (27%) from the US; 7 (23%) from the Philippines; 2 (7%) from Australia, and one from Ireland (3%) and one (3%) from the UK. Each “brick” in each respondent’s bar graph represents one distinct NST act out of the 48 listed on the NST Universal Questionnaire, Figure 2. For example, one woman identified surviving 40 out of the 48 different acts of NST perpetrated by buyers. The “0” represents one person who did not submit their responses to the questionnaire. Of the 48 different NST acts buyers inflicted, the following were the most frequent and grievous NST acts identified:

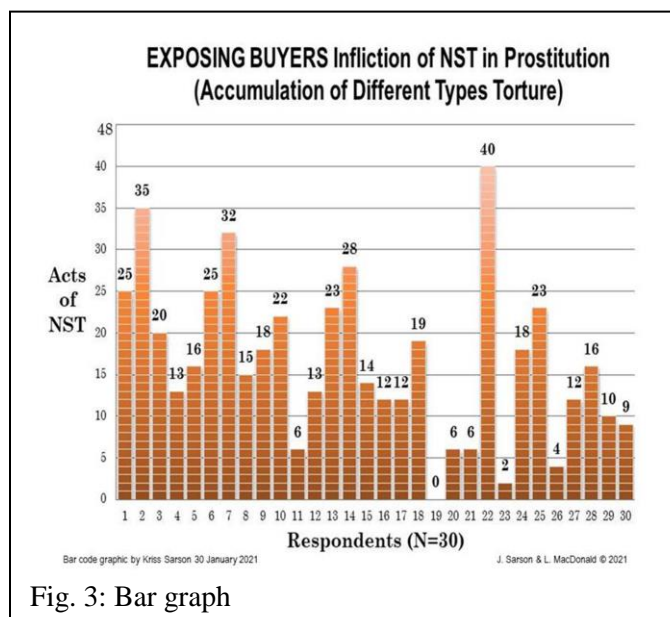


Fig. 3: Bar graph

Called derogatory names – 93%
 Buyers used put downs – 90%
 Treated as non-human – 77%
 Raped by one person – 77%
 Raped by gun/knife, other objects – 77%
 Threatened to be killed – 73%
 Choked – 70%

Savagely and repeatedly beaten – 63%
 Raped by family or group – 60%
 Pornographic pictures taken – 57%
 Drugged with alcohol – 53%
 Drugged with pills – 50%
 Falanga, beating of the soles of their feet – 50%

The female respondents described the following additional NST acts inflicted by buyers as “forced to stay awake for three days at a time, being awoken from sleep and beaten, beaten with

a 2x4, pulled down the stairs, hung by her neck and passed from man to man, constant repeated rapes of various kinds by large groups of people for the entire night, being witness to a peer being gang raped who later committed suicide, trained to be a slave with no mercy, and denied medical attention.” **The collection and analysing data on NST victimizations as shared here does not occur at the Canadian national level because of Canada’s State-centric due diligence failure to legally criminalize NST as a crime of torture, consequently the destructive impacts non-State torturers inflict on women and girls exploited in prostitution silences this violation of their human rights not to be subjected to torture.**

Non-State torture is a hidden form of violent men’s victimization of prostituted and trafficked Canadian women and girls. Because Canada maintains State-centric discriminatory legal policies, this fails to acknowledge NST as a torture crime, invisibilizing victimized women and girls. Tragically, over our 30 years of supporting women NST victimized and exploited, many have died never having the human or legal right to be socially heard or have their ability to charge non-State torturers in a court of law. However, they must not remain faceless; instead, they leave their legacy, as Lynn has, from which we must learn. For example, we supported Lynn’s recovery in 2000, when she was in her mid-40s.¹ Initially seeking support from the Roman Catholic priest who married her and her husband, she described he told her to “Go back; you broke your Catholic commandments; it couldn’t have been that bad; you gave your body to another man – you are a prostitute.” Thereafter, for over 20 years, she abandoned trying to tell friends that the man she married had intentionally groomed her for victimization because they disbelieved her when she said her husband had organized, with three male friends, a plan to make their living by trafficking and prostituting her. Lynn described being captive for four and a half years before she escaped. In completing our NST Universal Questionnaire she identified suffering 28 out of the 48 NST acts, adding she had suffered being forcedly impregnated and violently aborted five times, group raped with a knife, haemorrhaged many times, adding that the buyers’ pleasure was forcing her to cut her-Self with a razor blade because they liked seeing her bleed. **Her description of the profile of buyers** included clean-cut men with wedding bands and families and ten policemen dressed in their uniforms who terrified her with their positional State power and inflicted sexualized torture with their guns shoved into her mouth threatening to kill her. They also protected the criminal informal network of her husband and his criminal peers.

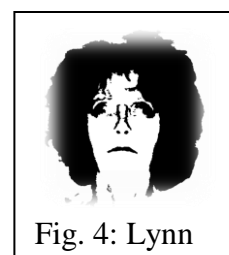


Fig. 4: Lynn

Other women’s description of the NST buyers’ profiles included several Nova Scotian premiers. Women listed other politicians, a helicopter pilot, doctors, lawyers, judges, counsellors, nurses, social workers, fishers, police, clergy, military personnel, firefighters, and others known and unknown. They were the like-minded criminal informal network established by **her parents who were torturers responsible for organizing her exploitation.** One woman, Sara, described being “rented out” by her parents beginning at age two years. As her body matured she was prostituted and NST victimized for years before seeking our support to heal and exit the chronic NST victimizations. Both she and Lynn and other women suffered the pain of **consequential suicide-femicide** which is their response to attempt to end the severity of the NST physical and mental pain inflicted on them by buyers.

¹ Sarson, J., & MacDonald, L. (2019). “A difficult client”: Lynn’s story of captivity, non-state torture, and human trafficking by her husband. *International Journal of Advanced Nursing Education and Research*, 4(3), 107-124.

Besides our presented research illustrating that buyers inflict NST on Canadian women in prostitution, this [Department of Justice Canada research paper](#) also identified this, and prior to this in [Missing Women Investigation Review](#) written by D. LePard, a policeman, noted that two women in prostitution were sadistically tortured by buyers. On 18 September this year, Ontario Superior Court Judge R. F. Goldstein ruled that “Some women and girls report being victims of torture, gang rape, mutilation, whipping, and waterboarding at the hands of both purchasers and exploiters.” Social services workers and police officers described exploiters’ infliction of “kicks, choking, or burning...using cigarettes or curling irons,” leading to significant visible injuries and also death ([Canadian Alliance for Sex Work Law Reform v. Attorney General, 2023](#), pp. 64-65).

Consent. For all the women we have intensely supported, whether Canadian or from another country, there is never consent to being non-State tortured. One of the emotional manipulative tactics of these non-State torturers is to inflict blame on the women and girls they NST, often saying NST is punishment. **Using the concept of punishment infers torture is a legally permitted sanction; torture is not conceivably legal under any circumstances therefore there is never consent. And torture is not work.**

Links between pimps, buyers, human traffickers, and pornographers of prostituted women and girls. Our research documents NST victimizations utilizing our NST Universal Questionnaires via our [website](#). The following research findings identify links between the prostitution of women and girls and other forms of sexualized victimizations. For example, of 30 female respondents to [Questionnaire No. 2](#) they can check off the roles NST perpetrators held. In relation to prostitution 13 (43%) said they were non-State tortured by pimps and 14 (47%) by buyers; however, all 30 (100%) identified they suffered NST inflicted by human traffickers and 18 (60%) by pornographers. Eight (27%) respondents were from Canada, 16 from the US (53%), three from Australia (10%), and three from the UK (10%). Respondents identified being victimized by multi-perpetrators. For example, eight respondents had eight different NST perpetrators and one respondent had nine; the remaining respondents had two to seven multi-NST perpetrators. However, this data does not reveal the number of times the respondents were NST victimized or for how long. Given that 16 (53%) identified parents and 17 (57%) identified family, suggests NST victimization began during the women’s childhood, therefore forms NST victimizations could have extended for years. Seven women (33%) indicated their husbands were the non-State torturers and or traffickers which potentially also meant prolonged victimizations.

Legislative framework. In 2014 Canada legislated the Protection of Communities and Exploited Persons Act (PCEPA) to “avoid prostitution’s harms...[and] bring an end to its practice” [Technical Paper: Bill C-36, Protection of Communities and Exploited Persons Act](#). It denounces and prohibits third parties exploitation of the prostitution of others, adding that institutionalizing prostitution for economic benefits through commercial enterprises, such as strip clubs, massage parlours, and escort agencies in which prostitution takes place, needs to be denounced and prohibited. These commercial enterprises are gateways into prostitution, human trafficking, and a demand for other forms of the sexualized dehumanization of women and girls. PCEPA encourages those who are in prostitution to report violence inflicted against them and exit prostitution. However, in this [statscan](#) article a study of 200 persons in prostitution in five Canadian cities, indicated that 31% said they feared calling 911 for help because they did not want to risk exposing them-Self to potential legal action.

For the first time PCEPA, for example, made it illegal by prohibiting obtaining sexualized acts from anyone, or communicating in any place for this purpose ([subsection 286.1\(1\)](#)); it recognizes the prostitutive violations of a person under the age of 18 as a violent offence ([subsection 286.1\(2\)](#)). **Linkages between prostitution and human trafficking** gathered from [police-reported incidents](#) (text box 3) reveals that criminal charges relating to prostitutive harms became secondary violations when human trafficking is involved because sexualized human trafficking is considered the most serious violation. For us, this minimizes the serious harms including NST violations buyers inflict against women and girls exploited in prostitution. **PCEPA has not been working in our community** because our conversations with police suggests they appear to be gate-keepers that permit buyers, pimps, and establishments such as motels and hotels to disregard prostitutive exploitations but they also state that no sexualized human trafficking occurs in our town. Yet Nova Scotia, the province we live in, had the highest average annual rate of police-reported sexualized human trafficking between 2011 and 2021; in 2021 the national rate was 1.4 incidents whereas Nova Scotia's was 5.3 per 100,000 population according to [Statistics Canada, Trafficking in Persons in Canada, 2021](#).

Adult entertainment. The present situation in the town of 15,000 we work in involves the passage of new town By-Laws, including addressing “adult entertainment” a term used to disguise the establishment of commercial enterprises such as strip clubs, massage parlours, and escort agencies. Asked by a concerned citizens group to address adult entertainment at a town hall meeting meant we presented that such enterprises are gateways to prostitution, human trafficking, and organized crimes. Our position is to establish by-laws **to prohibit** such commercial enterprises from establishing in the town. Although the police say there is no human trafficking in the town, individuals from the audience and teachers approached us personally with stories of family members and local high school students being trafficked-prostituted.

Lessons learned recommendation is public education because following our town hall presentation we developed “[Are There Community Dangers Relating To ‘Adult Entertainment’?](#)” fact sheet, listing harms commercial enterprises such as strip clubs, massage parlours, and escort agencies risks institutionalizing. Citizens and town officials began telling us they have learned so much that they did not know before. Working with the town's officials to research how this town can develop safety for women and girls, we have engaged our provincial government representative MLA [Dave Ritcey](#) in the research to discover how prohibitive by-laws can be developed. Consulting with a Canadian Department of Justice lawyer indicates, to her knowledge, such prohibitive by-laws are just beginning to occur nationally.

Prime recommendation is that torture perpetrated by non-State actors must be criminalized in national criminal or penal codes as a crime of torture to eliminate the impunity that enables non-State torturers' ongoing victimization of all women and girls exploited.

Recommendation that a NST victimization–traumatization informed approach is essential to promote healing because the women we support needed to tell the NST victimizations and be heard and understood before being able to heal their consequential trauma responses.