

Victim Impact Statement from Alexandra Lane

Re: Bill C-242 An act to amend the criminal code (inflicting torture) October 4, 2016

Dear Standing Committee Members and All,

Re: Standing Committee meeting on Bill C-242 (inflicting torture), September 29,2016

As a victim of non-State torture some of the comments were hard to listen to. I would like to comment on a few things that were said during this meeting. No matter who would have introduced Bill C-242, the devastating intentional sadistic torture directed on me would be the same. The lifelong damage it did to me would be the same. And it would still be the same crime of torture.

In referring to Bill C-242 (inflicting torture), Mr. Michael Spratt from the Criminal Lawyers Association, member, former director and member of the Legislative Committee said that he thought time used to litigate complex issues could be better spent dealing with the problem of over-incarcerated individuals waiting for trial. He said resources could be used in other areas that need real action to see an improvement.

I understand and respect that there are issues that have their time and importance in being addressed. Bill C-242 inflicting torture by non-State actors is one of them. The time to address the crime of torture by non-State actors is today. Unlike those already incarcerated for other crimes, non-State actors are still free and continue to torture their victims on a daily basis.

Several times Mr. Spratt said that victims know that a crime has been committed against them and know to report it. I did not know a crime was being committed against me because being tortured was a way of life and all I knew. Non-State torture is not a crime in the Canadian criminal code which further devalues and silences victims and reinforces that no crime has been committed against them.

At the present time the lack of a law discourages reporting because there is no crime in the criminal code sufficient for what a torture victim goes through. Using the word torture in the criminal code would encourage victims to report the crime committed against them and their human rights.

Naming this crime would increase society awareness and change societal attitudes. That is why the words and language used are so important. Naming torture would create the opportunity for discussion and education just as it did when rape was renamed sexual assault. My understanding is that Mr. Spratt thinks there are other and better ways to educate society on non-State torture that would create less confusion and conflicts than changing the criminal code. He mentioned how the issue of sexual assault was being taught in schools. I think schools are a great avenue. However, what would happen if after discussing sexual assault and the effects on the victim, the students were told that it is not a crime. I think educating students on something like sexual assault would have been far more confusing if it weren't a crime at the time of the discussions. Just as it would be for non-State torture.

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Sexual assault gets the discussion and education in schools because it is an actual crime in the criminal code. It increases societal awareness when it goes to court and victims have the opportunity to hold their abusers accountable.

When I first heard the term “Torturous Aggravated Assault” as an option, my first thought was that is not good enough. However, it does include a version of the word torture. A concern for me is that serious crimes (attempted murder) may use this as a way to plea down to a lesser charge. Attempted murder pleas to torturous aggravated assault and gets 14 years instead life.

Depending on the words chosen It might be used for single incident crimes where the victim was fortunate enough to get medical treatment, and support from family, friends and therapists, all who reinforce that it wasn’t the victims fault. This would minimize non-State torture and continue to keep its victims invisible with nowhere to go. Single incident victims don’t experience years of brainwashing and torturous acts that have an immense impact on the way they think and live. The most basic things such as eating, smells, holidays etc. are all reminders of the torture I endured. I didn’t get the medical treatment or support from health professionals, family, friends neighbors, or clergy, in fact some of those were the torturers. I was completely alone during the torture. I was taught that I was born for the purpose of men using me as an object to torture and abuse as they wanted. What I went through is different from one incident of aggravated assault.

I hope that the wording of this amendment would include the words repeated, ongoing or prolonged torturous acts causing pain and suffering. These words referring to a prolonged period of time are important because that is what happens in non-State Torture. It is not repeated over hours or a day or two. It is multiple crimes occurring during the same incident repeatedly over many years.

I know the burden of proof is difficult for Non-State torture, but it is still Non-State torture and it still happens. Other crimes with a high burden of proof proceed in the justice system.

As the law stands now a non-State actor would be charged with a lesser offence than torture and possibly plea to an even lesser offense. If, however, the non-State actor was charged with torture and ended up pleading to a lesser charge, he would have at least been charged with the rightful crime of torture. I am sure victims of other offenses have feelings about their offender pleading down to a lesser offence as well. But their offender was charged with the crime committed.

In a way the criminal code is for victims. Naming a crime doesn’t always deter the crime from being committed or there would be no crime in society. Naming the crime in the criminal code gives victims the right to seek justice and hold their abusers accountable for what was done against them. It gives them back some of the power that was taken during the crime.

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That is why the words chosen and language used is vital for the victims. Accurately naming the crime gives the victims a sense of empowerment. I, along with all torture victims don't get to name the crime committed against us. We don't get to hold our abusers accountable for the intentional crime of torture they committed. Instead of getting some control back we get more taken from us.

As a victim it is so simple. Anyone who has been through or cares about someone who has been through non-State torture would say it is a crime. Period.

Unless this crime is named 'torture' I won't be an actual person. I will always be the dirty object with no rights.

I think the wording *Torturous Aggravated Assault* is a step forward and if this compromise is what is in agreement to move Bill C-242 to the next stage, I fully support it.

Thank you for allowing me this opportunity to use my voice.

Respectfully,

Alexandra Lane
Non-State Torture Victim/Survivor