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for some readers**

The Act Challenges Sellers’ and Buyers’ Impunity—Their Pleasures Include Inflicting Sexualized Non-State Torture against Women Prostituted

A Brief Submitted to the Standing Committee on Justice and Human Rights in Their Review of the Protection of Communities and Exploited Persons Act (PCEPA)

By

Jeanne Sarson, BScN, MEd & Linda MacDonald, BN, MEd

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Contact information:

[Persons Against Non-State Torture \(NST\)](#)

361 Prince Street, Truro, NS, Canada B2N 1E4

P: 1.902.895.6659 | C: 1.902.956.2117

twinn2@eastlink.ca | flight@ns.sympatico.ca

Biography: Working as nurses in the field of non-State violence prevention, we were “introduced,” in 1993, to the reality that the Canadian sellers and buyers of women and girls exploited into prostitution subject them to misogynistic violence that amounts to torture. Our participatory research teaches us that women so tortured are dehumanized as non-human. We gave expert testimony in support of the development of the Protection of Communities and Exploited Persons Act (PCEPA) in 2014. As co-founders of [Persons Against Non-State Torture \(NST\)](#), our work nationally and globally has focused on the development of expert victimization-traumatization knowledge to have torture by private individuals—non-State actors—recognized as a distinct crime and human rights violation. With many publications addressing non-State actor torture, our latest is the 2021 release of our book, “[Women Unsilenced Our Refusal To Let Torturer-Traffickers Win.](#)” It details the pleasures predominately derived by men when torturing women and girls.

The Act Challenges Sellers' and Buyers' Impunity—Their Pleasures Include Inflicting Sexualized Non-State Torture against Women Prostituted

Jeanne Sarson & Linda MacDonald

Introduction

It is a universal human right commitment that no one be subjected to torture, written into the 1948 *Universal Declaration of Human Rights*, including by Canadian [John Peters Humphrey](#) who was instrumental in its drafting. This brief addresses this principle of the *Declaration*; however, in Canada there is herstorical and present day evidence that male sellers and buyers inflict acts of torture against women in prostitution which is a human right violation.

Herstorical Canadian Truths

Sellers and buyers and other exploiters torture Canadian women prostituted as evidenced in the following herstorical examples:

- 1) **1979**, testifying before the House of Commons Justice Committee, Reverend Brad Massman of Toronto said that buyers want “to burn, torture and beat...” women prostituted;¹
- 2) **2010**, Doug Lepard’s *Missing Women Investigation Review* wrote that of buyers who tortured several women prostituted;²
- 3) **2010**, Terri Jean Bedford, appeared in the Ontario Superior Court of Justice, and identified that as a woman who participated in prostitution she has suffered “physical and psychological torture...raped and gang-raped too many times to talk about...[and] beaten on the head with a baseball bat.”³ This is legal evidence of the violent truth that sellers and buyers torture women prostituted under the previous legal system which the present PCEPA works to prevent.
- 4) **2014**, in the Native Women’s Association of Canada report, one Indigenous woman prostituted said, “Torture is torture. I survived it. I’m an expert of it.”⁴

¹ Robertson, J. (1979). *Pornography and its effects A survey of recent literature*. Toronto: Ontario Status of Women Council, p. 13.

² Lepard, D. (2010). *Missing women investigation review*. Vancouver Police Department. <https://www.bwss.org/wp-content/uploads/2010/08/36185748-VPD-Missing-Women-Report.pdf>

³ *Bedford v Canada*, 2010 ONSC 4264 (CanLII), para.26. <http://canlii.ca/t/2cr62>

⁴ Native Women’s Association of Canada. (2014). *Sexual exploitation and trafficking of Aboriginal women and girls: Literature review and key informant interviews* (p. 51). http://drc.usask.ca/projects/legal_aid/file/resource336-2d37041a.pdf

Identifying Acts of Torture Committed by Sellers and Buyers against Women Prostituted

We created the “Patriarchal Divide Model” to illustrate how acts of torture are globally defined as shown in figure 1. This model lists what is often called “classic” acts of torture perpetrated by State actors such as military or police; however, over our past 29 years of professionally working to support women who describe being tortured, they too list that everyday persons or non-State actors—including sellers and buyers—commit the same acts of “classic” torture against them.⁵ The reality is, however, that patriarchal legal discrimination does not disclose women’s truth-telling about being so tortured.

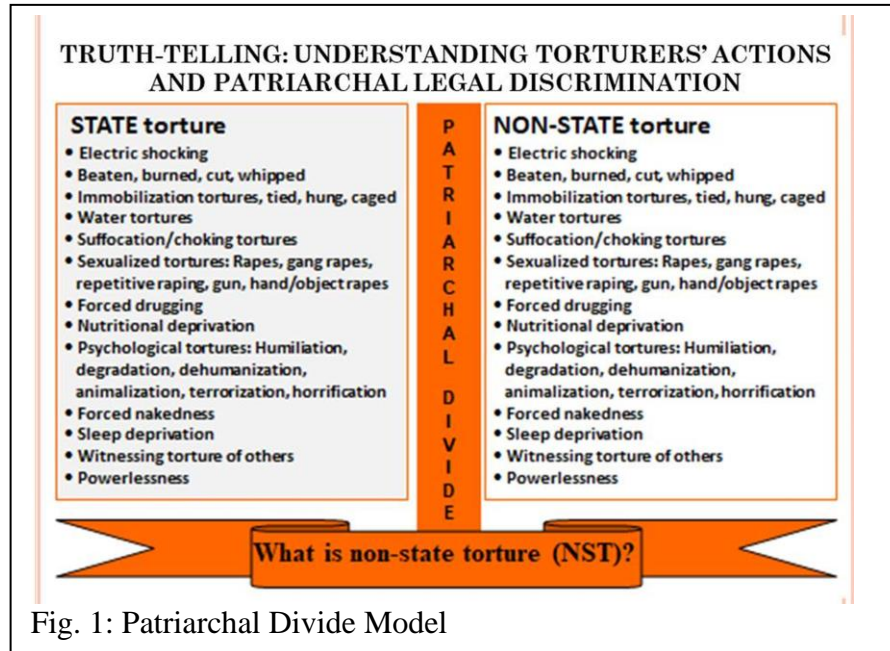


Fig. 1: Patriarchal Divide Model

Non-State Torture Universal Questionnaire and a Canadian Woman’s Response

To offer the opportunity for women in prostitution to truth-tell and be heard, we created the “Universal Non-State Torture (NST) Questionnaire” illustrated as figure 2. This questionnaire is found on our website.⁶ It details the various types of physical, sexualized, mental, and spiritual non-State tortures that women have disclosed. The instructions that accompany the questionnaire include the following message: Below is a list of many acts of torture that might be inflicted on a person at one time or repeatedly. Select all of the violent acts that you have suffered as a victim of prostitution.”

The completed NST universal questionnaire included in this brief was received from a Canadian woman in 2021. The red “x” markings included on figure 2 refers to the buyers and the specific acts of torture she identified inflicted against her by “male johns or “perpetrator-‘clients’.” In

⁵ Jones, J., Sarson, J., & MacDonald, L. (2018). How non-state torture is gendered and invisibilized: Canada’s non-compliance with the committee against torture’ recommendations. In Center for Human Rights & Humanitarian Law Anti-Torture Initiative (Ed.), *Gender Perspectives on Torture: Law and Practice* (pp. 33–56).

<https://www.wcl.american.edu/impact/initiatives-programs/center/documents/gender-perspectives-on-torture/>

⁶ Person Against Non-State Torture. (n.d.). *Questionnaire 3: Torture inflicted in prostitution.*

<https://nonstatetorture.org/research/participate/questionnaire-3>

addition, this Canadian woman shared “Being asked to do vile and disgusting things to men (urinate on them, cause physical pain to them, asked to defecate in their mouth).” She also identified that the NST victimizations were committed by “sex buyers in a city-licensed ‘Body Rub Centres’.”

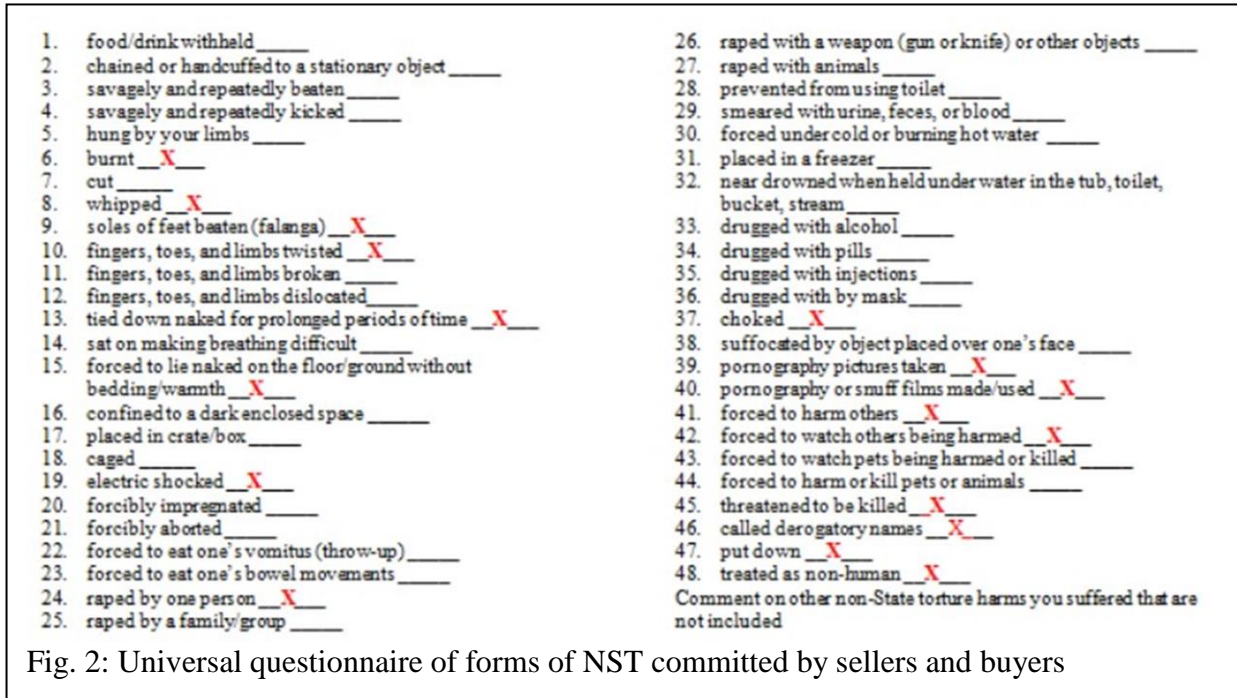


Fig. 2: Universal questionnaire of forms of NST committed by sellers and buyers

Participatory Research: NST Victimization in Prostitution

Thirty Voices. Thirty individuals provided their responses to our universal NST questionnaire on prostitution. The majority were women from six different countries as identified and illustrated in figure 3.

Exposing Buyers. Next, we created a bar graph to represent the voices of the respondents to our questionnaire on NST inflicted in prostitution as shown in figure 4. Each “brick” on each bar indicates a different type of NST act out of the possible 48 listed on the questionnaire as shown in figure 2; NST acts committed by buyers.

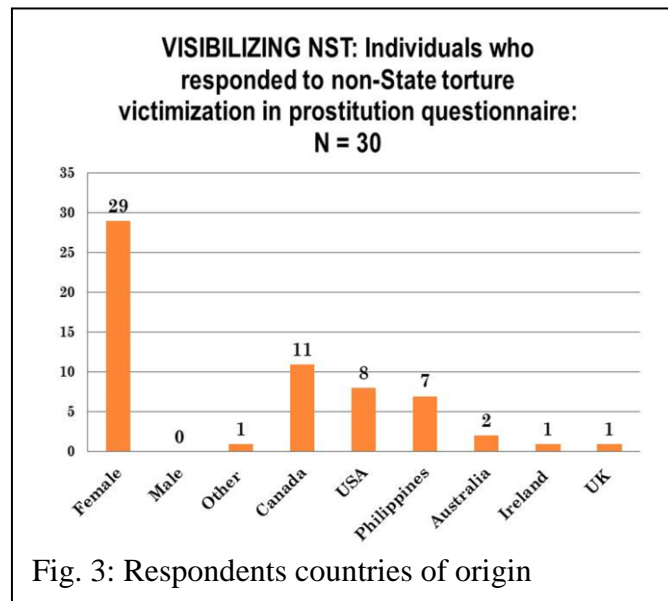


Fig. 3: Respondents countries of origin

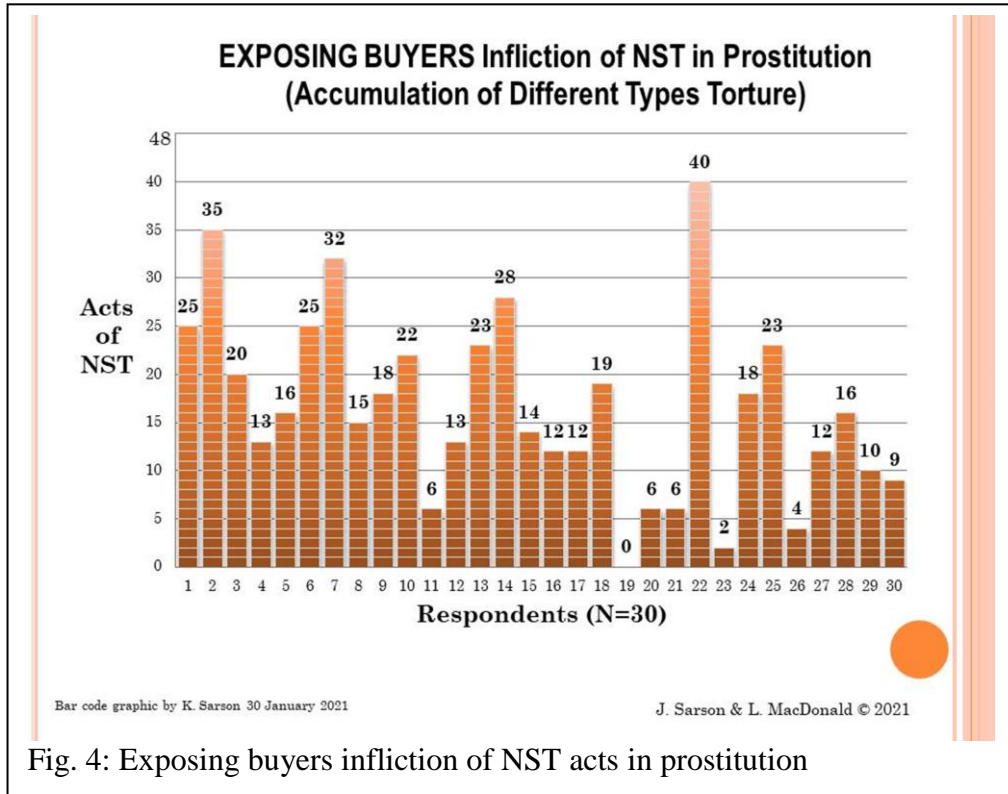


Fig. 4: Exposing buyers infliction of NST acts in prostitution

Most Common NST Acts Perpetrated by Buyers. We draw attention to the life-threatening NST ordeals of being choked, raped with a gun, knife, or other objects, and threatened to be killed that may result in a femicide are listed in figure 5. Other types of NST acts most frequently committed against the respondents prostituted included immobilization, drugging, and having the soles of the feet beaten. This causes extreme pain and can prevent walking or running. In the language of State torturing, beatings to the soles of the feet is commonly known as falanga.⁷

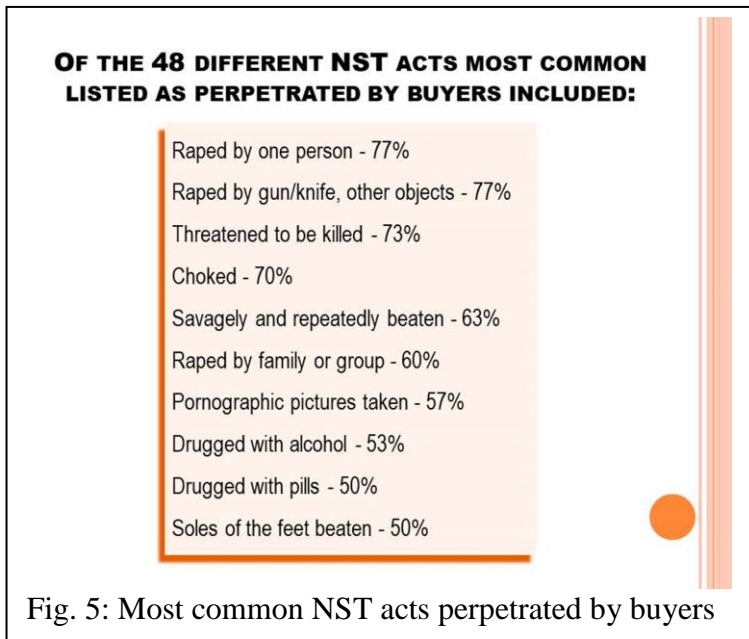


Fig. 5: Most common NST acts perpetrated by buyers

⁷ Larsen, M. M. W., Appel, A. M., Aon, M., Modvig, J., Brasholt, M., Van Den Bergh, B., Cakal, E., & Catovic, A. (2018). *Falanga*. Danish Institute against Torture. <https://www.dignity.dk/en/dignitys-work/health-team/torture-methods/falanga/>

Frequently, statements are made stating evidence of torture is difficult or impossible to capture. We suggest such dismissive statements serve several purposes:

1. They dismiss or deny the severity of NST acts committed against women prostituted,
2. They invisibilize the pleasures buyers derive when torturing women prostituted, whom they treat as non-human, and,
3. They provide impunity for the buyers.

Medical Evidence of Physical Torture

Falanga. Dismissive statements can be false statements because medical assessments do document falanga which is beatings to the soles of the feet, listed as one predominate form of NST victimization identified in figure 5. Evidence of falanga victimizations are shown in figure 6.⁸ We supported a woman who had her feet beaten by non-State torturers and years later, during her healing, suffered bouts of pain in the soles of her feet when walking.

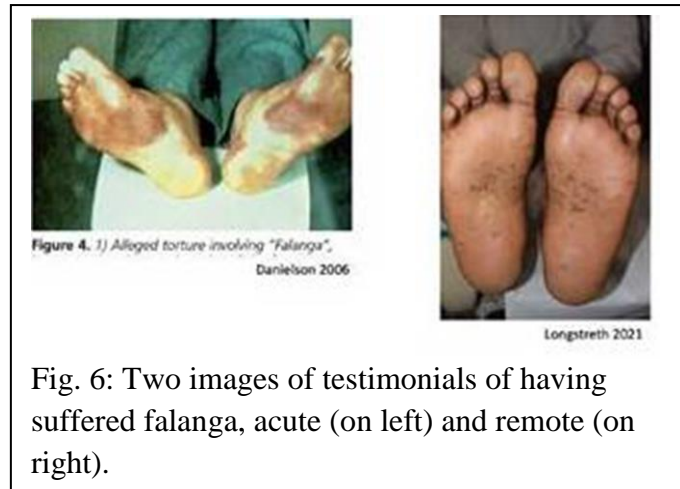


Fig. 6: Two images of testimonials of having suffered falanga, acute (on left) and remote (on right).

Attempted strangulation. Physical evidence of strangulation is illustrated in figure 7.⁹ There is much educational material on the signs of strangulation and that femicidal risks increase 750 percent when strangulation victimizations had previously been inflicted.¹⁰ Women we support speak frequently of suffering different forms of asphyxiation torturers. This included



Fig. 7: Attempted strangulation

⁸ Oral, R. (2022, February 8). *Module 2: Documentation of violence & torture: Basics & best practices* [PowerPoint slides]. Identifying & responding to the torture of children: A 4-Part Series for Healthcare Professionals. <https://www.ispcan.org/identifying-responding-to-the-torture-of-children-a-4-part-series-for-healthcare-professionals/?v=402f03a963ba>

⁹ Oral, R. (2022, February 8). *Module 2: Documentation of violence & torture: Basics & best practices* [PowerPoint slides]. Identifying & responding to the torture of children: A 4-Part Series for Healthcare Professionals. <https://www.ispcan.org/identifying-responding-to-the-torture-of-children-a-4-part-series-for-healthcare-professionals/?v=402f03a963ba>

¹⁰ Training Institute on Strangulation Prevention. (n.d.). *Strangulation in intimate partner violence fact sheet*. <https://www.familyjusticecenter.org/wp-content/uploads/2017/11/Strangulation-Infographic-v6.24.19-B.pdf>

having a plastic bag placed over their head or being submerged in water, such as in a tub, which is water torture.^{11,12}

Oral Torture-Raping. Women prostituted speak about being raped; this can include oral raping which may result in oral cavity damage to the soft palate as shown as red bruising in figure 8.¹³ Additionally, a woman we supported explained that being orally raped when prostituted caused her emotional life-threatening terror because of penile obstruction of her ability to breath. As well, when raped with a gun shoved into her mouth, she said, she also bled and this terrified her.

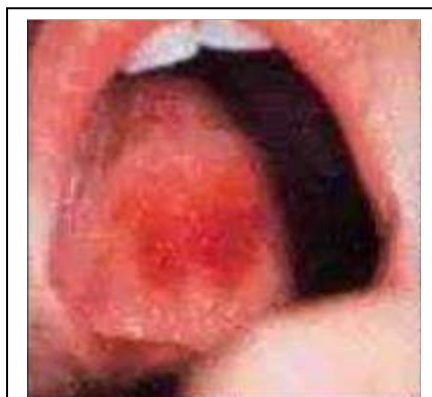


Fig. 8: Damage to the soft palate due to oral rape

Rectal Prolapse from Anal Torture Raping. Another Canadian woman, who fled Canada as she felt she was in danger of being killed, told us she was born into a family system that tortured and trafficked her. She grew up thinking that having part of her intestinal tract fall outside of her body was normal, not knowing this was a consequence of the NST anal raping committed against her. As a young woman she explained that being in prostitution was also normal because suffering sexualized torture was all she knew. Therefore, there is evidence to gather about the physical damage NST victimizations can cause, such as rectal prolapse shown in this medical photo shared as figure 9.¹⁴ However, the commodification and dehumanizing language perpetrators use to objectify such damage includes their naming a prolapse as a “*rose bud*.”¹⁵



Fig. 9: Rectal prolapse

Additional NST Acts Committed by Buyers. When completing the NST questionnaire on prostitution some women add acts of torture that are not listed. Examples of such additional acts

¹¹ Sarson, J., & MacDonald, L. (2020). Developing a normative standard: Acknowledging non-state torturers' acts inflict femicidal risks. *Femicide Volume XIII Collecting data on femicide*, 94-101.

¹² Danish Institute against Torture. (n.d.). *Torture by asphyxiation (dry)*. <https://www.dignity.dk/en/dignity-work/health-team/torture-methods/torture-by-asphyxiation/>

¹³ Oral, R. (2022, February 8). *Module 2: Documentation of violence & torture: Basics & best practices* [PowerPoint slides]. Identifying & responding to the torture of children: A 4-Part Series for Healthcare Professionals. <https://www.ispcan.org/identifying-responding-to-the-torture-of-children-a-4-part-series-for-healthcare-professionals/?v=402f03a963ba>

¹⁴ See Anil Khetarpal, image author uploaded 27 March 2011. Sages <https://www.sages.org/image-library/rectal-prolapse-3/>

¹⁵ Sarson, J., & MacDonald, L. (2017). *Report on the public health effects of the ease of access and viewing of online violent and degrading sexually explicit material on children, women and men, of June 2017*. https://nonstatetorture.org/application/files/5515/0610/1088/BillCaseyStanding_CommitteeHealth.pdf

of NST are listed in figure 10. We place these in context with the other forms of NST they survived.

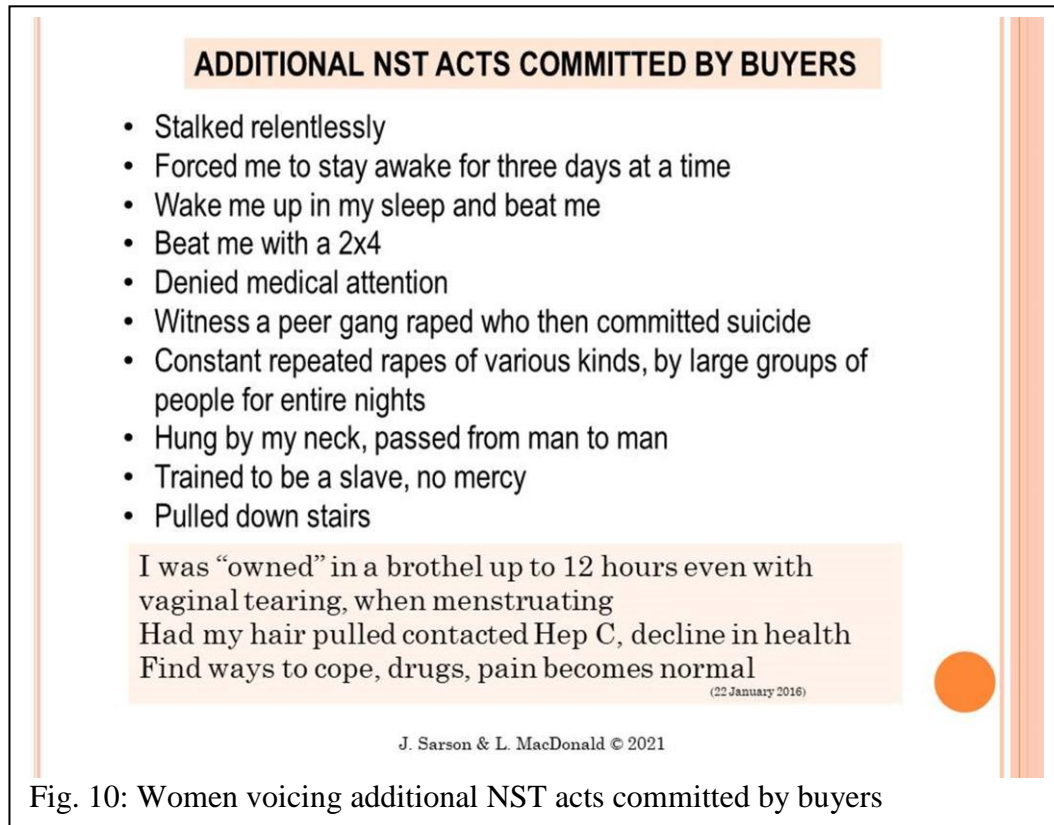


Fig. 10: Women voicing additional NST acts committed by buyers

Dehumanization of Women Prostituted. It is the dehumanization of women in prostitution that the preamble of PCEPA works to prevent. It acknowledges that prostitution involves the “objectification of the human body” and the “commodification” of women and their body. The degrading verbal language inflicted by buyers that accompanies all the other acts of NST victimization, creates a state whereby women indicate feeling and perceiving them-Self as being “non-human.” Women frequently tell us they did not know they were human; they perceived them-Self being “an it” or “a nothing” and dissociated from their physical body.

There were three statements listed as acts of mental NST in the universal questionnaire, these are shown in figure 11. These focused on capturing verbal and emotional tortures and the perceptual consequence NST acts had on a woman’s relational sense-of-Self. These three statements were:

1. Being called derogatory names,
2. Put down, and
3. Being made to feel non-human.

Non-State torturers' MO of mental dehumanization of women & girls in prostitution / in sexualized exploitation

Three acts of mental NST that contribute to women's dehumanization	Questionnaire 3: NST Inflicted in Prostitution that sellers and buyers inflict N=30	Questionnaire 2: For Persons who survived NST-based relationships and sexualized exploitation N=87
(1) called derogatory names	28 responses = 93%	80 responses = 92%
(2) put down	27 responses = 90%	81 responses = 93%
(3) treated as non-human	23 responses = 77%	79 responses = 91%

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Fig. 11: Dehumanization of women by buyers

We tabulated the responses in the NST questionnaire 3 on prostitution. At the same time, we compared these three mental NST acts with answers we received to our NST universal questionnaire 2; it is for persons who survived NST family-based relationships and sexualized exploitations.¹⁶ The respondents of these two groups strongly identified they were treated as non-human. The goal of torturers we have come to understand is aimed at destroying the woman's or girl's sense of humanness. This is expressed in the responses of both groups who say they were treated as non-human when subjected to acts of torture committed against them.¹⁷

Concluding with Recommendations

The preamble of this Act informs Members of the Parliament of Canada that there are grave, inherent, and violent risks to those prostituted, who are predominately women. This brief discloses the meaning of "violent risks." We have presented evidence that torture—non-State torture—is committed by men who are the buyers—men who are 'torturer-clients' of women prostituted. Therefore, we support maintaining this Act. It aims at preventing such human rights violations by protecting "human dignity and the equality of all Canadians by discouraging

¹⁶ Person Against Non-State Torture. (n.d.) *Questionnaire 2: For persons who may have survived NST*. <https://nonstatetorture.org/research/participate/questionnaire-2>

¹⁷ Sarson, J., & MacDonald, L. (2021). *Women unsilenced Our refusal to let torturer-traffickers win*. FriesenPress.

prostitution.” Promoting human dignity and equality of women are addressed in articles of the United Nations *Universal Declaration of Human Rights*.

Recommendation: Maintain the Act which embraces the Swedish Nordic Model that is based on achieving women’s human equality. The Act is part of the global collective of countries bringing the Nordic model into law; it works to eliminate, as stated in the preamble of the Act, the “objectification of the human body” done predominately to “service” men.

Recommendation: Amend the *Criminal Code of Canada* to include torture as a crime regardless of whether the torturer is a non-State or State perpetrator, because they both commit the same crime of torture.

Recommendation: Promote awareness that the Act is meant to focus on eliminating demand, thus preventing the “commercialization and institutionalization of prostitution” predominately of women, which ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) legally requires Canada to do—to eliminate such sex-based discrimination perpetrated against women as a specific social group.

Recommendation: Encourage federal and provincial policing services to work to eliminate misogynistic policing cultures which places women in prostitution—and all women—at risk for institutionalized harms, including many forms of sexualized victimizations and re-victimizations when there is a failure to enforce the Act by not arresting buyers.

Recommendation: Promotion of exiting strategies, ensuring services are informed to also consider the types of violent victimizations survived, so interventions are specifically victimization-traumatization informed.

#TortureIsNotWork