

Torturing by Non-State Actors Invisibilized, A Patriarchal Divide and Spillover Violence from the Military Sphere into the Domestic Sphere

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Abstract

Processes of inquiry: a questionnaire, web-survey, and the narratives of women detailing how non-state actor torture (NSAT) inflicted by a mother, father, sibling and guardians who had warring or military experiences, spilled over into the domestic sphere. Discussion illustrates how a patriarchal divide has and does exist internationally and nationally in Canada whereby the defining elements of state torture: severity, intentionality, purposefulness and powerlessness make it a distinct offence from all others, whereas, these elements are not equally applied to NSAT to acknowledge that it is also is a distinct offence that occurs in the domestic sphere, therefore NSAT is invisibilized. It is argued that discrimination exists, even within the UN Committee on the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), when there was a failure to recognize Canadian women and girls who survived NSAT as a vulnerable group. Socio-legal visibilization solutions are suggested.

Introduction

Specific to this paper is a discourse on defining torture that is inflicted by non-state actors in the domestic sphere. Pertinent to this discussion is how a patriarchal divide exists whereby state inflicted torture is regarded as a distinct and specific human rights violation internationally and nationally, whereas, torture inflicted by non-state actors in the domestic sphere is invisibilized, at least in Canada, which does not have a specific law that identifies and criminalizes non-state actor torture (NSAT) but has a law that specifically identifies and criminalizes state torture. Civilians, who commit NSAT in the domestic sphere – in the home for example, are referred to as non-state actors; conversely, if a Canadian military person commits torture on duty they are considered representatives of the state, therefore, are identified as state actors (Amnesty International, 2000).

Additionally, this paper makes visible NSAT victimization inflicted by a mother, father, a sibling and companions and guardians who had warring and/or military service experiences. NSAT is a form of violence that can spillover into family relationships that has been under-exposed or invisibilized.

Knowledge already exists regarding military and spillover violence in the domestic sphere. Research indicates that during combat preparation spillover violence from the military sphere into the domestic sphere occurs, increasing violence against women and children (Mines, 2007). Additionally, relational domestic violence within military families exceeds the relational domestic violence experienced within non-military families (Miles, 2007; Stamm, 2009). Femicide and suicide that can be related to combat stress occur within military families (Mines, 2007; Watson, 2002). And insights gained from those caring for military personnel include knowledge that military women and men come to the military with histories of childhood physical and sexualized violence that are higher than the general population; and these histories are likely to be displayed as aggression by men, while women appear to lose personal self-protective instincts (Corbett, 2007). The abuses of power and trust that are present in all acts of relational domestic violence, including NSAT, are very damaging given that the perpetrators are those with whom the victimized woman or child generally have their most intimate and trusting relationships.

To begin to erase the invisibility of NSAT the discourse in this paper is organized into five different sections:

1. *A questionnaire: "What are your thoughts?"* This is the first section; it discusses the results of a questionnaire completed by two groups asking them to differentiate acts of abuse from acts of torture that occur in the domestic sphere.
2. *Women's narratives and insights into NSAT.* In this second section four women consented to anonymously share detailed narratives disclosing connections between the perpetrators and warring or military service experiences.
3. *A self-reporting website survey.* This section discusses the purpose of the survey which was to shed insight into spillover NSAT that can be inflicted by perpetrators with military or warring connections. Respondents participated anonymously.

4. *The Patriarchal Divide*. This fourth section proposes that NSAT in the domestic sphere has been invisibilized at both international and national levels; specifically, it addresses the Canadian situation given this is our nationality.
5. *Visibilization*. This section presents a focused solution approach.

A Questionnaire: “What are your thoughts?”

Socio-cultural construction depends, for example, on beliefs, values, principles, attitudes, motivations and experiences and how these shape the way of life of a people or group, impacting on their worldview and perception of reality. Without open discourse blind spots exist in perception or knowledge of reality (Berger & Luckman, 1978). We encounter blind spots verbalized as, “You don’t mean in our country!” when introducing NSAT as a reality occurring within Canadian society and that of other industrialized countries. To encourage civil dialogue we created a one-page questionnaire, with questions formulated on knowledge gleaned about NSAT victimization since 1993.

To date, two groups voluntarily provided their responses. Group A represents a random selection of 52 individuals, 43 (83%) female and 9 male (17%), who delivered their responses in person, by mail, or email (Sarson & MacDonald, 2009). Their ages ranged from young adulthood to older seniors. They included, for example, nurses, social workers, adult protection workers, educators, data recorders, mothers, fathers, and grandmothers. Thirty-three were Canadian (63%), eleven (21%) were from the U.S. and the remaining eight (15%) were from Australia (2), Germany (1), Greece (1) and the UK (4).

Group B represents 42 Canadian students, 37 (88%) female and five (12%) male, in a graduating university health science class. They had not had one lecture in their degree program about relational violence in the domestic sphere. They completed the questionnaire prior to our class presentation on NSAT, thereby preventing their responses from being swayed by the presentation materials.

The first question.

Presenting a no-win situation, this question asked: If you were forced to choose between being a victim of abuse or being a victim of torture (NSAT) which would you choose, abuse or torture? The next question asked for their reasoning. Posing this situation was not meant to devalue the harms inflicted by either victimization ordeals; rather, it was to stimulate discussion on whether people differentiate acts of abuse from acts of NSAT and why.

In group A 45 (86.5%) respondents rejected torture due to its *severity* and four (7.6%) respondents did not answer the questions. Severity was expressed as:

1. “I feel there is greater depth of pain associated with torture.”
2. “Torture is ... generally meant to break a person emotionally, psychologically”; and
3. “Torture seems to mean something more evil, deliberate, a planned cruelty to another.”

Three (5.7%) respondents elected torture because they stated they had infant and childhood histories of NSAT victimization, therefore, chose the familiar of torture versus the unfamiliar of abuse. One woman explained that her to-be-the-victim conditioning “creates and empowers the torture of self” (Sarson & MacDonald, 2009). Their statements suggest that struggling for survival requires adapting torture victimization as the normalized familiar. Perpetrator-inflicted conditioning we have encountered includes: (a) a perception that withstanding torture makes one superior to outsiders, (b) that one does not deserve to be treated less torturously, or (c) during recovery a victimized person can be confronted by a psycho-physical ‘need’ to be harmed and to hurt, often experienced as a “craving” and expressed as “the more pain the better it felt... I think I honestly enjoyed [it, it] felt good” (Sara, written communication May 20, 1997).

Forty-one (98%) students in Group B rejected torture; one student (2%) did not answer the question. Citing *severity*, they said:

1. “Torture ... involves repeated brutal acts of violence and humiliation.”
2. “Torture represents ... something aimed at total dehumanization”; and
3. “Torture seems more organized and with intent ... more horrific ... degrading ... causing prolonged pain and suffering ... and is life-threatening.”

The final question.

The following clustered listing of violent acts composed this final question: If **many or all** of the following violent acts were **inflicted on one person** would you define these as acts of torture (T) or abuse (A), (Figure 1). The violent acts originate in the NSAT narratives obtained since 1993, mainly from women who identified being from the industrialized countries of Australia, Israel, New Zealand, the U.K., the United States, Western Europe and Canada.

Relational Torture or Abuse

- food/drink withheld T 63%; chained or handcuffed to a stationary object T 83%;
- savagely and repeatedly beaten T 76%; kicked T 60%; hung by limbs T 98%;
- burnt T 86%; cut T 87%; whipped T 83%; soles of feet beaten (falanga) T 94%;
- fingers, toes, and limbs twisted T 74%; broken T 85%; dislocated T 88%;
- tied down naked for prolonged periods of time T 86%; sat on T 60%;
- forced to lie naked on the floor/ground without bedding/warmth T 69%;
- confined to a dark enclosed space T 76%; placed in crate/box T 89%; caged T 90%;
- electric shocked T 98%; forcibly impregnated T 81%; forcibly aborted T 88%;
- forced to eat one's vomitus (throw-up) T 91%; bowel movements T 90%;
- raped by one person T 61%; raped by a family/group T 82%;
- raped with a weapon (gun or knife) or other objects T 88%; with animals T 89%;
- prevented from using toilet T 64%; smeared with urine, feces, or blood T 70%;
- forced under cold or burning hot water T 90%; placed in a freezer T 97%;
- near drowned when held under water in the tub, toilet, bucket, stream T 96%;
- drugged with alcohol T 57%; pills T 55%; injections T 72%; by mask T 70%;

Group A and B responses have been inserted into figure 1. Only the highest rated percentages are given for each specific act, that is, if the highest rating for an act was torture (T) then this percentage is given, if a specific act was rated highest as abuse (A) then this percentage is given.

The introduction to the questionnaire located the violence as occurring in the domestic sphere, inflicted by parents, relatives, husbands, friends, guardians or like-minded others. Within this context only two acts were rated as abuse: (a) being subjected to derogatory names and (b) put downs; although being subjected to pornography was rated torture the rating of 49% was significantly low.

Given that the questionnaire stated that many or all acts were inflicted on one person and the respondents considered all other acts to be torture, derogatory names and put downs would, we suggest, constitute verbal and emotional tactics of psychological torture. The severities of mental suffering psychological tortures cause, occur simultaneously and are similar to the suffering caused by physical tortures (Catani, Neuner, Wienbruch, & Elbert, 2008). Maybe a socio-cultural blind spot exists whereby the long-lasting severity of psychological torture, such as derogatory name calling, is unrecognized.

A socio-cultural sexualization of pornography may have influenced the low torture rating given to it by respondents. Combining socio-cultural sexualization of pornography with a possible failure to recognize the psychological suffering forced participation in such crime scenes cause creates misunderstanding a girl or woman's victimization. Forced into such crime scenes, girls and women suffer the sexualized tortures of repetitive rapings, multi-object and multi-penetration rapings. They witness and/or participate in the forced harming of others, are animalized when bestiality is involved, suffer the powerlessness of nakedness, are degraded with bodily fluids, are shamed, demeaned, laughed at, objectified and so dehumanized and over-traumatized that spontaneous survival dissociation can occur. The humiliation of such sexualized and psychological victimization is a struggle to dismantle (Baer & Vorbrüggen, 2007). Women inform us that forced participation in crime scene pornography causes terror and horror to the degree of stating, "I felt lost in horror" (Sara, written communication, January 11, 2000). It is our experience that the destructive and deadly impact created by psychological torturing can impose self-destructive behavioral, minute-by-minute risk for suicide, especially in family units where children are "schooled" to commit suicide to keep the family secrets.

The physical tortures listed in figure 1 are also the universal torture tactics of state actors and can be grouped as (a) physical tortures that cause extreme, excruciating pain and suffering such as savage and repeated beatings, falanga, cutting, burning, twisting, breaking and dislocation of limbs, (b) physical tortures that cause fear of dying, electric shocking, suffocation, being sat on and water tortures for instance, (c) immobilization tortures such as being tied down, isolated and confined in a box or cage, (d) deprivation tortures including the withholding of nutrition, bathroom facilities and warmth and (e) disorientation tortures created by forced drugging, isolation into dark confines such as a freezer, to mention but a few.

Besides non-state actor torturers inflicting identical acts of torture as those perpetrated by state torturers, NSAT fits the internationally and nationally defining element of causing severe physical or mental pain and suffering as stated in the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT) (United Nations, 1985). Severity is the differential distinction that identifies torture as an offence distinct from abuse, common assault, or other crimes (Committee against Torture, 2007).

Women's Narratives: Severity, Intentionality, Purposefulness and Powerlessness

The severity of NSAT is further revealed in the following snapshot narratives of four women's torturous childhood and/or young adult lives. In the first and second narratives women – 'E' and Hope – disclose their perspectives that warring ordeals impacted on their parents. The third woman, Sara, speaks of sexualized torture perpetrated by a sibling and his friends; all were in the military. And fourthly, Kelly recalls her early toddler and childhood pedophilic NSAT ordeals by ex-military perpetrators.

'E' from England, Written September 2009.

My mother was a child in the Second World War. She was fostered out to boarding schools and residential homes, particularly during the war, where she was tortured, raped and abused and witnessed extraordinary cruelties inflicted on other children and animals.

I was born in Autumn 1956. From birth, my mother tortured me. She burnt my hair and my feet, subjected me to extreme cold, and often locked me outside ... with hardly any clothes on or naked for hours She tied me up, gagged me, hit and beat me, chased me round the house threatening me with frying pans and carving knives. She repeatedly forced my head under water in the basin so that I nearly died. She raped me with her fingers. She forced objects into my mouth, my vagina and my anus. She left me lying in my own urine and excrement and smeared this over my body. She also screamed at me for hours and then completely abandoned me for days by locking me in the dark cupboard and starving me.

She tied me up naked and hung me from the banisters and then threw food at me. She forced me to eat insects. My mother constantly threatened suicide, overdosed herself and drugged ... [me].

Kept a prisoner in my bedroom I was often tied up to the bed or a chair. When I wasn't tied up, I wasn't allowed to leave the room. Even though the door to the room wasn't locked I didn't dare move or leave the room. I wasn't allowed to use the toilet so I remember just going to the toilet on the lino floor. I remember when I was eight once feeling so ashamed that I had to do this, that I put my own excrement outside on the window ledge of my bedroom. Later when I was a teenager ... a bucket was placed in the room which I refused to use. I got the idea to urinate into some clothes and then wash them out later when I was let out. I hated the humiliation of using the bucket. I felt less than human and so ashamed.

I wasn't allowed any heat in the room. By the time I was fourteen or fifteen ... I had internalised an intense terror and dependency on my captors who were my parents. At night ... my mother would come in and violently rape me in bed with a knife, my hands were tied to the headboard. The bed always had a plastic sheet and I remember the knife coming at me between my legs and me trying not to scream, trying so hard to not let her see she was hurting me. I remember the blood and shit and urine and having to try to sleep in it afterwards. The terror of lying in bed waiting for this to happen would build and I learnt to listen for danger signs which would be my mother's rising violent outbursts in the next room.

Nothing and nowhere was safe. I dissociated to survive. This went on for twenty years – a whole childhood of torture – alone and unfound. My [male] friend helped me escape when I was twenty.

Hope, a Canadian Interviewed in 1999.

I think my father's cruelty had to do with his military service and wartime experiences. He was only 16 or 17 when he joined the military. During the Second World War his job was picking up the wounded and dead

from the battlefields; I've wondered if this overwhelmed him? My father's parents told me they lost their son to the war because he returned home an extremely different person. They never knew he tortured me.

Our family probably looked like a good family but the truth was very different. My father used to take me to the basement and put me in a cage. Sometimes he threw food on the basement dirt floor making me eat it like an animal. Sometimes he'd put canned dog food in a white china saucer and force me to eat it like a dog. There was a bucket of pee there that he'd force me to drink. He put me in my cage and suspended it from the beams. I used to make it swing; it helped me feel less like a caged animal. The swinging noise made my father angry so he tied my hands together and put a rope around my neck so if I caused the cage to swing too much the noose would tighten. Often my black cloak was thrown over the cage to make me even more shut off. When I was about eleven or twelve the caging stopped.

Everything got twisted in our family, even food. My father and mother would stuff mashed potatoes into my mouth, massage my throat training me to let the mashed potatoes slide down without gagging. This taught me not to gag during oral rapes, something my father and others did very often. Being orally raped started, I think, when I was just a wee one, like the little babies I saw having their eyes taped shut before being forced to suckle the man's penis.

When I was older and had a paper route he forced me to give him most of the money I made, or he threatened to starve my siblings. What choice did I have? When I was eight he forced me into child pornography and working as a child prostitute. I think my father once sold me for \$500.00 when I was in grade seven. My disappearances from school were explained as being away visiting or on vacation so no one suspected if I was gone for days. I was about fourteen when they let me out of this work.

For me all clothes, including underwear, were like Band-Aids, offering a feeling of protection from the humiliation of all the nakedness. My torture, terror and horror and degradations were so bad I didn't even feel human, I felt like an animal, like a pile of shit. Thinking of this gives me a terrified floating sensation.

It never occurred to me to run away when I was young. There was no reason to, my life was normal, wasn't it? In my late adolescence I became pregnant and married the father who was an outsider.

Sara, a Canadian began Exiting 1993.

I'm not sure of my age; my two birth certificates have different dates on them. But I know I was in my early 30s before I started getting out of my family who tortured, terrorized and horrified me since birth. And then, there were the leap years! Do you know what it's like to survive through one more whole extra day, one whole extra night of torture? Do you know how hard that is? How I hated leap years!

My brother left home to join the military. He had raped me many times growing up. I was a young woman the day my brother came home for

a visit. He brought two military friends with him, a woman and a man. During his visit he and his friends forced me into the basement, into the little torture room where I had been tied to the torture rack and tortured by so many. This time my brother and his friends gang raped and tortured me for a long time. I was so humiliated because they laughed at me all the time. They had pleasure torturing me. They hurt me very badly and I was bleeding so they sewed me up with black “thread”. They talked about having military training on “how to patch a person up”. They left me in the basement and I think I drifted in and out of consciousness for several days before my family got me some medicine. My brother and his military friends left.

Kelly, a Canadian, Written April 2007.

My mother was single and travelled with her job, so she placed me in a home for little girls from Sunday nights until Fridays. I was born in 1958 and lived there from age one and a half until seven, then sent back twice more around age 10 or 11.

One of the women running the home belonged to a large pedophilic clan. When I was too young to describe what was happening they began trafficking and torturing me. Beginning with fondling, fingering, oral rape, being peed upon and forced to eat excrement; as I grew older it escalated. I was taken from my bed Sunday nights, and driven to different locations such as to a TV station with a bed and cameras on a stage. There was a fat man who wore nothing but a red clown’s nose when assaulting me. I was told I was lucky to be chosen to have my photograph taken.

Most often my torture took place in the bush or at an isolated country farm. At six years old I was raped in an elaborate “pretend” marriage ritual complete with wedding dress by the leader wearing a mask. I was traded like playing cards among the pedophiles. Once I was forced to kneel before one man and say, “I like to be used, I like to be hurt”. These ritual games grew more violent. Once I was covered in glucose syrup and put in a box swarming with bees. I was locked in a root cellar, frequently tied to a table in a farming shed and tortured with cattle prods, burning candles and electric shocked; in a blacksmith’s shed I was tied naked in a chair with the bottom cut out of it. They took a newly hot iron rod and poked it inside my vagina. The pain was so great I overturned the chair in my desperation to get away. They laughed. Twice they forced cold water into my urethra and punished me when I couldn’t hold it. To break my spirit two men would sit at both sides of my head and whisper hypnotically in my ears that I was white trash, the daughter of a whore. Over and over they repeated, “You are nothing, you are nobody”.

Sometimes I was locked in the shed for days, lying in my own excrement and vomit, with the light on, and a record playing over and over, so that I could not sleep. I would be electric shocked until I was so terrified and confused I could no longer remember my name. They tortured me like this frequently until I went temporarily blind, blacked out or went mad. At

the end of such degradation, I was often masked and put in a leather harness, and given a knife and forced to harm animals or other victims. My tormentors wore costumes and masks and used nicknames to conceal their identities. Drugs were always a part of these rituals, before, during and after. Years later I learned that the majority of my male and female perpetrators had served in the war and was surprised to discover that many of the torture techniques they used on me had been used by state torturers in various conflicts throughout history.

Finally, I convinced a kindly old lady in my mother's apartment building to look after me after school so that I could come home to live with my mother.

From a perspective of severity, it needs stating that the childhood and early adulthood lives of 'E', Hope, Sara and Kelly immersed them in minutes, hours, days and years of continuous organized family/group NSAT victimization. The complex severity of NSAT goes beyond the acts of physical, sexualized and psychological 'norms' of state inflicted tortures.

Beyond arguing that the acts of NSAT described above need to be equally recognized as torture because they fit the internationally and nationally defining element of severity, NSAT also fits the additional defining elements of *intentionality* and *purposefulness* (United Nations, 1985). For example, intentionality and purposefulness are present when Hope describes how her father was involved in forced feeding her, conditioning her not to gag during oral rapes and trafficked and exploited her for financial gains.

Recently, the *powerlessness* of the victimized person was suggested as another defining element of torture (Nowak, 2008). There can be no greater degree of powerlessness than being an infant or small child held in psychological and physical captivity by the intentional and purposeful infliction of terror, torture and horror perpetrated by their most intimate of caregivers.

Insights into NSAT

The elements defining state torture as an offence distinct from all others is even more complex in NSAT, which comprises unique torture ordeals that require recognition as:

1. Relational tortures
2. Acculturational tortures
3. Ritualism tortures

Relational tortures

Because of the torturer-victim relationship and the young ages of those victimized this destructively distorts the parent-guardian-child bond, forcing the chosen victim into normalizing their own state of captivity. This is why the psychological severity of NSAT is so uniquely and devastatingly enslaving. Furthermore, other kinship-adult-child relationships are distorted. This is revealed by Hope in the following situation:

I still remember how shocked and upset my father's father, my grandfather, was when, during a visit with him and my grandmother, I went over to him and started to unzip his fly. He pushed my hand away saying something to my grandmother who brushed it off as innocent curiosity. It wasn't. I was doing as I'd been taught – to suck men's penises. My grandfather's reaction left me confused because this was the first time I remember a man moving my hand away. I thought he was angry at me. Today I realize he wasn't. Guess what we did? We went for a walk to get a brick of ice-cream. I still remember this, I was about seven.

And the forced inability to express neither suffering nor receiving empathy harmed her in her relationship with/to herself. Hope explains:

When I started to understand that my torturers, the pornographers and prostitutes, got pleasure when I cried, got off on seeing me suffer, I resolved never to cry again. I'd take away their pleasure so I made a deal with myself never to cry. And I never did.

Acculturational tortures

Survival adaptation that normalizes torturing family systems can cause cultural fatigue when a woman exits such a system and attempts to readjust relationally and socio-culturally to non-violent relationships and mainstream systems. It triggers a response similar to the cultural fatigue experienced when a person moves from one totally different culture to another (Hachey, 1992). Because her framework of reality can, in effect, be totally challenged by a lack of understanding of ways of behaving, of language and free speech and decision-making, this causes stress, disorientation, confusion, anxiety and even panic when escaping to the outside world, as 'E' describes:

When I first arrived at [my friend's] flat, I had no idea that I was allowed to use a toilet at night so I went in the bed. I had no idea of how to sleep at night, I had never learnt how to. Reenacting the rapes and beatings that happened at night I continually had panic attacks. I would then hit my body all over, over and over again and freeze in a trance like terror state. I couldn't stop shaking and rocked backwards. The first day I was asked what I'd like for supper I burst out crying when sausages were suggested. No one had ever asked me what I'd like to eat. I'd never known I could choose anything. It was also such a trigger, a terrifying reminder of forced oral rapes. I was completely traumatised and dehumanized.

Ritualism tortures

Kelly describes ritualism tortures perpetrated by ex-military pedophiles; they would have experienced the organizational benefits of ritualism as there is much ritualism in the military. Torture-based ritualism used in ritual abuse-torture which is a form of NSAT can be briefly defined as involving pedophilic parents, families, guardians and like-minded others who engage in abuse, torture and trafficking of their and other children using organizing ritualism (Sarson & MacDonald, 2009, 2008a; 2007).

Understanding NSAT ritualism-based torturers' intentionality and purpose, two of the elements that define torture as previously stated, requires delving into organizational theory (Daft, 1995). Ritualism provides a group with a functioning framework, setting its cultural tone. It hones group beliefs, values and attitudes thereby normalizing the construction and function of the group, shaping its purposes and practices. Group ritualism positions leadership; it reinforces groupthink, group bonding and cohesiveness. Depending on whether a group is motivated by good or destructive causes decides how organizational ritualism is used to operationalize to achieve its desired outcomes. When pedophilic torture-based ritual drama is their pleasure, the group intentionally and purposefully sets out to achieve their goal.

Torture-based ritual drama means setting up an environment that is “fundamentally for the attainment of a practical end ... for ... gratification” (Leach & Fried, 1984, p. 946). For example, Kelly’s description of being “six years old [and] ... raped in an elaborate “pretend” marriage ritual complete with wedding dress by the leader wearing a mask”. This vantage point suggests that a sadistic pedophilic pleasure-seeking family/group would have as their practical end the attainment of gratification via the pleasures fundamentally embedded in acts of pedophilic torture embellished by the props of ritual drama. Props include the use of costumes or masks, the manipulation of light and darkness using candles or spot lighting for example, the manipulation in symbolic ways of sounds such as repetitious sayings, rhythmic chants or music and olfactory assaults that result from bodily secretions, along with drugs and alcohol and transporting the captive victimized girl/woman to an unfamiliar location to effectively alter her consciousness and cause disorientation.

These manipulative psychological and hormonal stress-inducing tactics cause the “swing” effect (Sanday, 1997, p. 147) – an emotional hormonal vacillation between ecstasy and despair – a sense of specialness, superiority and belongingness that swings into extreme suffering of being the tortured victim. This process makes the severity of the psychological torture of NSAT uniquely devastating. She is alone without help, she has no way out; she is like a prisoner-of-war (Kozaric-Kovacic, Marusic, & Ljubib, 1999), a domestic war inflicted in the private sphere, unacknowledged by society.

Torture-based ritual drama includes psychodrama. It imposes an air of cunning formality, legitimacy and falsifying meaning giving, attributing powerfulness to the torturers and strengthening the impact of psychological torture. In turn, this deepens their control and captivity over the

Ritualism tortures foster:

- ↑ Group organization, cohesiveness & groupthink
- ↑ Like-minded bonding
- ↑ Adrenaline rush, thrill & sadistic pleasures
- ↑ Group voyeurism
- ↑ Perception of omnipotent power of the perpetrators by creating false illusions of formality, legitimacy & meaning giving
- ↑ Sense of normalization for the victimized
- ↑ Control & captivity over the victimized
- ↑ Powerlessness & helplessness of the victimized

Figure 2: Ritual Tortures

victimized girl/woman.

Torture increases powerlessness and helplessness, stripping individuals of individualized identity (Neziroğlu, 2007) – stripping her of hers. To reinforce their group bonding they transform her into the ‘willing’ victim and/or scapegoat and blame her, telling her it is her fault (Girard, 1987 as cited in Sandy, 1997, p. 109), and through the process of justification reinforce further their deviancy (Scully, 1990).

Sexualized and physical ritualism-based torture also operates on gang/group principles, as is common to state torturing (Sampson, 2005; Sarraj, Punamäki, Salmi & Summerfield, 1996). For example, participating in group raping creates male group bonding-belongingness (Sandy, 1997), a group purpose that is seen cross-culturally in street gang raping (Hoenig, 2003), in fraternity gang train rapes (Sandy, 1997), in ‘raped in’ human trafficking groups, or historically post-war as sexualized ‘entitlements’ of the raping of conquered women and girl victims (Anonymous, 2003/2005; Beevor, 2005).

Relational, acculturational and ritual-based tortures cause complex and severe suffering, physically and mentally as evidenced in the women’s narratives. Other women have, since 1993, indicated to us they suffered many forms of NSAT inflicted by perpetrators with military experience. This gives rise to the next section of this paper.

A Self-Reporting Website Survey

Historically and in recent times a multitude of military personnel have, during conflict and in post-conflict, participated in rape, gang rapes and repetitive rapes of women and girls (Smet, 2009; Anonymous, 2003/2005; Beevor, 2005; Armstrong, 1996). Small groups of military men have also engaged in gang raping and killing as was recorded to photographic memory in the ‘trophy’ crime scene pictures showing the positioning of 14-year-old Abeer Qassin al-Janabi’s raped and murdered body (Lenz, 2007).

State military directives normalized the objectification and sexualization of girls and women and their bodies by establishing for military personnel the ‘comfort women’ torture rape camps in the 1930s and 40s (Amnesty International 2008; Cohen 2006; Copelon 2000). To achieve its military-led ‘work’ incentive, even in the death camps of Nazi Germany non-Jewish women prisoners were ‘prostituted’ to elite non-Jewish prisoners for this purpose (Lifton, 1986).

Throughout the world, wherever military bases exist, the military, local governments and police are frequently involved in the organized management of ‘prostitution services’ and in the sexualized human trafficking of vulnerable women and girls to meet the sexualized demands of military men (Talleyrand, 2000). Even in Canada’s Arctic, one of the authors, as a nurse involved in communicable disease control, was confronted in the 60s, by the sexualized military culture when a group of young naval men who, following the venereal infection of vulnerable Inuit and Indian women, engaged in a repetitive pattern of sexualized behaviors with the aim of becoming re-infected. Their purpose was to display to their peers evidence of their sexualized machismo.

The commodification of women and girls and their bodies suggests a military culture that normalizes and intertwines violence with sex, of military domination and sexualized domination as described by a Vietnam veteran as “killing can be like sex ... you can get carried away with it; it can consume you like sex can” (Grossman, 1996, pp. 136-137). From the perspective of the victimized, the sexualized interconnection of life and death was verbalized by a woman who completed the questionnaire: “What are your thoughts?” discussed in the first section of this paper. Describing the torture, terror and horror she endured as a child, including sexualized torture, she wrote she was repeatedly drowned in the bathtub then resuscitated by her father who, as a military medic, loved “the power to take and bring back life” (‘X’, written communication, April 27, 2009). Grossman also makes a symbolic link between military domination and sexualized domination as being similar thematic processes displayed in pornography and when pressed further the military domination over life and death plays out in the raping and murder themes of snuff films.

Listening, since 1993, to mainly women’s narratives, thematically some women have repetitively described surviving, beginning in childhood, and sometimes extending into their young adulthood, ritualism-based NSAT or ritual abuse-torture involving military personnel. To follow up on this specific information we developed a self-reporting 10 question website survey which was completed in September, 2009. Although completing the survey was anonymous, some respondents did contact us via email, expanding on the details of their victimization. The survey results are not meant to suggest there are a greater number of perpetrators with a military background involved in organized family/group ritualism-based tortures. Women and some men’s narratives indicate that perpetrators come from all walks of life. The purpose of the survey was to shed more insight into the extensiveness of spillover violence that can be inflicted by those perpetrators with military or warring connections.

Of the 156 respondents 19 (12%) were Canadian, 112 (72%) were Americans, 13 (8%) European and the remaining 11 (8%) were Australian (6), New Zealanders (2), Israelites (1), Africans (1) and other (1). Insights gathered from the remaining nine questions revealed:

1. From a gendered perspective 142 out of 157 (90%) victimized respondents were female.
2. The majority of respondents 96 (62%) selected 1946-1975 as the time period when victimization occurred, followed by 57 (37%) out of 155 respondents who chose 1976 to the present. These dates are post-World War II and are in 30 plus chunks of time because often victimized persons take prolonged periods of time before they can reveal the horrors of their victimization or that societies are even open to listening.
3. Perpetrators were identified as being military members and/or veterans with and without combat experience or civilian employees who worked for the military by 96 (62%) of 155 respondents; the remaining 59 (38%) respondents did not know the military service backgrounds of the perpetrators. One hundred and twenty (77%) of 155 respondents indicated perpetrators included male and female officers and other ranks.

4. A combination of military and non-military places were the predominate locations where victimizations occurred, as indicated by 91 (59%) out of 153 respondents, followed by in non-military places 54 (35%) and on military bases 8 (5%).
5. Human trafficking victimization was indicated by 97 (63%) of the 154 respondents with 52 (34%) stating they were trafficked within their own country and 45 (29%) indicating being trafficked within their own country and to one or more other countries.
6. As to the clothing worn by perpetrators, 99 (63%) of the 156 respondents indicated costumes, civilian clothing and military uniforms were worn, with 20 (13%) specifically indicating the perpetrators wore only costumes.
7. The opinion of 67 (43%) of the 155 victimized respondents was that the perpetrators' torture tactics were learned in the military; 86 (55%) stated

Figure 3: Perpetrators' Tools	No.	%
Guns	9	6%
Guns & pornography	23	15%
Guns, pornography & snuff	57	37%
Pornography, other weapons, i.e., knife	19	12%
Pornography, snuff, other weapons, i.e., knife	18	12%

they did not know where the military perpetrators learned torture tactics. Guns, knives, pornography and snuff films, as outlined in figure 3, were selected as the physical and psychological tools

used against 126 (82%) of the 155 victimized respondents.

Although it was stated that some perpetrators wore military uniforms and that some victimization occurred on military bases, we do not know whether there was also an abuse of their positional power as representatives of the state. If there was, the question arises whether they would be considered state actors. Perpetrators do use and abuse positional power to control those they victimize, as well, state actors engage in corruptive silencing and re-victimization practices rendering women and girls so victimized increasingly silenced and powerless, a defining element of torture. This culture of silence is seen during investigations of complaints against military personnel involved in sexualized violence, with the machismo culture responding to protect their own kind (Human Rights Advocates, 2004; U. S. Department of State, 2007).

The Patriarchal Divide

Why is torture inflicted by state actors categorically defined as torture distinct from assault, abuse or other crimes whereas the exact same actions inflicted by non-state actors in the domestic sphere are not equally, categorically and distinctly so defined as torture?

Women's activism called for the language in the Preamble of the *Charter of the United Nations*, of 1945, to read "equal rights of men and women" (Pietilä, 2002, p. 10). Three years later equality rights and fundamental human rights of

women and men were restated in the 1948 *Universal Declaration of Human Rights*, wherein, it also stated that “no one shall be subjected to torture ...” (Article 5). Forty-five years later, at the World Conference in Vienna in 1993, women repeated their demands by declaring that “women's rights **are** human rights” (Bunch & Reilly, 1994, p. 3); calling also for the elimination of global gender-based discrimination and violence against women in both public and private life. Such a call when operationalizing Article 5 of the *Universal Declaration of Human Rights* means **no woman, no girl** shall be subjected to torture in neither the public nor domestic sphere.

Applied to the discourse in this paper such a call was and is essential because the operationalization of Article 5 that no one suffers torture has not and is not being upheld, it had not/has not been applied to the NSAT of women and girls in the domestic sphere. This means a patriarchal divide has existed in that torture inflicted by state actors, such as military personnel, is considered to be a specific offence distinct from all others such as assault and abuse rendering its elimination unconditional. Whereas, the exact or even more complex acts of torture inflicted on girls and women by non-state actors in the domestic sphere has not been named as the specific and distinct offence of torture (figure 4). Therefore, giving recognition to the NSAT of women and girls as torture has been negated and even resisted in various ways both internationally at the UN level and nationally in Canada, resulting in the invisibilization of the fundamental human right of women and girls as human persons not to be subjected to torture in either the private or public sphere.

Actions of State Actors The Public Sphere		Actions of Non-State Actors The Domestic Sphere
<ul style="list-style-type: none"> • Electric shocking • Beaten, burned, cut • Immobilization tortures, tied, hung, caged • Water tortures • Suffocation/choking tortures • Sexualized tortures: Rapes, gang rapes, repetitive raping, hand/object rapes • Forced drugging • Nutritional deprivation • Psychological tortures: Humiliation, degradation, dehumanization, animalization, terrorization, horrification • Forced nakedness • Sleep deprivation 	P A T R I A R C H A L D I V I D E	<ul style="list-style-type: none"> • Electric shocking • Beaten, burned, cut • Immobilization tortures, tied, hung, caged • Water tortures • Suffocation/choking tortures • Sexualized tortures: Rapes, gang rapes, repetitive raping, hand/object rapes • Forced drugging • Nutritional deprivation • Psychological tortures: Humiliation, degradation, dehumanization, animalization, terrorization, horrification • Forced nakedness • Sleep deprivation

<ul style="list-style-type: none"> • Witnessing torture others • Powerlessness 	<ul style="list-style-type: none"> • Witnessing torture others • Powerlessness
<ul style="list-style-type: none"> • In Canada acknowledged as torture • In Canada criminalized as torture • Defined under UN CAT as torture <hr/> <p>Figure 4: The Patriarchal Divide</p>	<ul style="list-style-type: none"> • In Canada not acknowledged as torture • In Canada criminalized as simple, aggravated or sexual assault, forcible confinement, etc. • Just beginning to be argued as torture at UN level under CAT

This patriarchal divide attends to the elimination of state torturing while negating NSAT. It involves hegemonic practices at international UN levels and national levels in Canada. Practices whereby the international community operationalized “no one shall be subjected to torture” via the *Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, enacted in 1975, followed by the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT) signed in 1984 (United Nations, 1985). CAT remains the present UN instrument defining elements of torture.

Historical failure at the international UN level to operationalize with gendered equality that no woman or girl (child) shall be subjected to torture in the public or domestic sphere has had a negative impact in Canada. For example, to ensure that Canada as a signatory to CAT abides by its obligations, Canada ‘flipped’, so to speak, its obligations, the definitions and wording of CAT into the *Canadian Criminal Code*, thereby, making only torture by state actors a specific distinct criminal offence under section 269.1 (Department of Justice Canada, 2009), whereby:

1. *Only* torture committed by state actors is criminalized, and
2. *Only* state actors can be held criminally responsible for torturing (Sarson & MacDonald, 2009).

The UN Committee on the *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW).

The centuries old patriarchal divide that culturalized, traditionalized and religionized, that invisibilized and normalized violence against women and girls including NSAT, is difficult to break for both women and men. As evidenced when the CEDAW was initially created in 1976 without mentioning violence against women (Pietilä, 2002), obviously, if violence against women was specifically unacknowledged as gender-based discrimination then, neither was NSAT or spillover torture in the domestic sphere that was connected to warring and/or military service.

When international human rights instruments gave only state torture a position of ‘distinctiveness’ as a specific human rights violation, NSAT was invisibilized. This perspective – distinctiveness versus invisibilization – became glaringly evident when the Canadian delegation reported and responded to the monitoring function of the CEDAW Committee on October 22, 2008. When CEDAW Committee expert Ms. Tan asked the Canadian delegation the following question, “Some acts involving family violence constitute torture ... as part of its many family violence initiatives, had [Canada] examined the issue of non-State-actor torture by family members?” (CEDAW, 2009, para. 36), Canadian delegate, Ms. Morency, responded that:

Canada recognized torture as a State-actor offence and prohibited it categorically. What was sometimes referred to as torture by non-State actors was covered by the criminal law as simple, aggravated or sexual assault, forcible confinement, kidnapping or trafficking in persons (CEDAW, 2009, para. 46).

Ms. Tan’s question was asked in response to a shadow report submitted to the CEDAW Committee regarding NSAT of Canadian women (Sarson & MacDonald, 2008b). In the CEDAW Committee Chamber A expert deliberations naming that some acts of violence against women and girls in the domestic sphere amounted to NSAT was resisted (Ms. Tan, verbal communication, October 23, 2008). This resistance surfaces as discriminatory in that the CEDAW Committee (2008) in their Concluding Observations submitted to Canada did not equally and specifically include women and girls who suffer NSAT in the domestic sphere as a vulnerable group in need of specific services and protection. The Committee did, however, specifically mention violence against aboriginal women, women and girls in prison, women in domestic partner violence, as well as recommending the need to supply appropriate services and adequate shelters to women victimized by domestic partner violence, to aboriginal women, women with disabilities, immigrants, refugees, trafficked women and rural and northern women (para. 30).

When the CEDAW Committee invisibilized women and girls who suffer NSAT inflicted in the domestic sphere and when physical, sexualized and psychological NSAT plus the relational, acculturational and ritualism-based tortures can be minimized to a “simple, aggravated or sexual assault” by Canada illustrates the discriminatory patriarchal divide that exists internationally and nationally and a failure to operationalize no one – no woman or girl - shall be subjected to torture. Consequently, torturing, considered one of the most evil and brutalizing human rights violations our species is capable of inflicting onto the dignity of another human being (Neziroğlu, 2007; Staub, 1993), when inflicted on Canadian women and girls in the domestic sphere NSAT lies oppressed. In fact, it lies excluded from the promise of fulfillment and protection of gendered equality (Chinkin, 1998 as cited in Chapham, 2006).

Visibilization: A Focused Solution Approach

Breaking the patriarchal hegemonic divide that invisibilizes and discriminates against women and girls who severely suffer NSAT, acts inflicted with the intent and purpose “to break a person” – captive infant to adult woman – is required. Internationally and nationally this means:

1. The CEDAW Committee (a) specifically acknowledge the NSAT victimization and discrimination of women and girls that occurs in the domestic sphere and (b) recommend to States where NSAT occurs, such as in Canada, that specific protection and services be initiated.
2. The CAT Committee and UN Special Rapporteurs equally recognize NSAT as a distinct and specific human rights offence committed against women and children in the domestic sphere.
3. Nationally, Canada requires first and foremost a socio-cultural legal framework to distinctly criminalize and visibilize NSAT. From this framework all other interventions and implementations flow, such as:
 - a. Prosecution and statistics recording.
 - b. Protection including improved and informed child to adult protection services.
 - c. Informing military departments that spillover NSAT can occur.
 - d. Specialized rehabilitation and acculturation interventions accessing the specialized advances already achieved in fields aimed at helping persons who have suffered state actor torture.
 - e. Prevention such as informed professional education in all fields, pinpointing health and educational departments including universities.
 - f. Development of respectfully appropriate language regarding sexualized violence against children; it is common in Canada to see and hear in media reports that a parent or other adult was charged ‘for having sex with a child’. Parents or other adults do not have ‘sex’ with a child. Sexualized violence against a child is a crime, it is not sex; therefore, respectfully appropriate language would be that ‘a parent or adult has

been charged for the sexualized assault against a child' (Sarson & MacDonald, 2007).

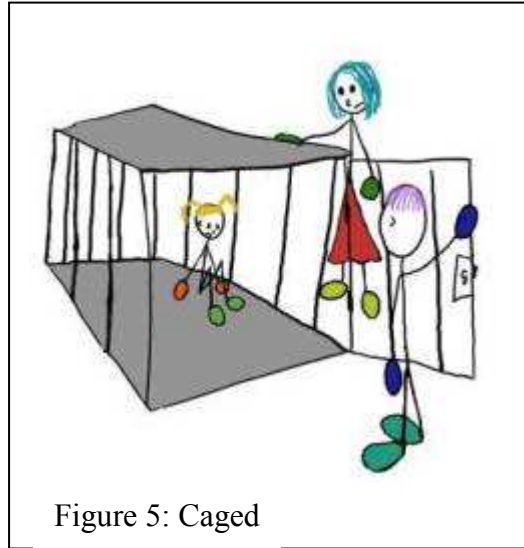


Figure 5: Caged

g. Preventive education by incorporating human rights education in school systems, beginning at the earliest of ages, based on the *Convention on the Rights of the Child*. Preventing chronic victimization of

children could result from child friendly education using child friendly images to help visually explain the many forms of violence committed against children, including NSAT. Images, as shown in figures 5 and 6,¹ accompanied by clear explanations discussing, for example, that forcing a child into a cage and not feeding her is called violence and is a crime. This could help children so victimized de-normalize their victimization, including NSAT. Children would learn that violence against a child causes them immense hurt. It could help children understand that such victimization is not their fault and inform them that they have a human right not to be so harmed.

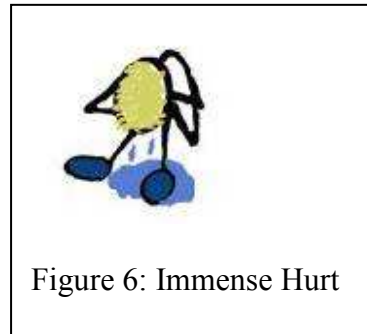


Figure 6: Immense Hurt

¹ These drawings are by David MacDonald and are from a copyrighted work we have in-progress.

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