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The Honourable Robert Nicholson, P.C., Q.C., M.P.
Minister of State (Status of Women)
Ottawa, Canada
K1A 0M5

Dear Minister Robert Nicholson, P.C., Q.C., M.P.;

Enclosed is a copy of a letter we sent to the Honourable Helena Guergis, P.C., M.P.. We outlined our concerns that 'domestic torture' or non-state actor torture (NSAT) continues to be minimized under the government's "existing provisions" perspective versus being identified as a distinct, stand-alone crime comparable to – equal to – the criminal distinction given to torture inflicted by state officials in section 269.1 of the *Criminal Code*.

Our repetitive request of the Canadian government to specifically and distinctly criminalize NSAT is a reasonable, minimalistic good practice intervention. A position supported in the report of the Organization for Security and Co-operation in Europe (OSCE) *Bringing Security Home: Combating Violence Against Women in the OSCE Region, A Compilation of Good Practices, June 2009* (<http://www.osce.org/item/38013.html>). This report states that "revising existing law is ... a minimalistic approach to addressing violence against women ..." (p. 97). It also discussed that other countries have enacted stand-alone or specific laws to combat specific types of violence against women.

Furthermore, on June 17th, 2009 at the 11th session of the United Nations Human Rights Council a resolution was adopted to accelerate efforts to eliminate **all** forms of violence against women [emphasis added]. States were called upon to reinforce or amend domestic legislation, including enhancing protection, investigation, prosecution, punishment and redress. At present women in Canada who have survived NSAT as children and/or as adults do not have access to such possibilities. This lack of due diligence to promote and protect their human rights and fundamental freedoms specifically in regards to NSAT victimization has existed since 1993 when the Canadian government was dutifully informed by the Canadian Panel on Violence Against Women that there were women and girls who were being subjected to domestic "torture" (*The Executive Summary/National Action Plan, Changing the Landscape: Ending violence ~ Achieving Equality*, p. 5).

We repeat our long standing request that the Canadian government facilitate an amendment or revision to the *Criminal Code* by including torture by non-state actors as a distinct stand-alone criminal offence thereby removing the effect-based gender discrimination that presently exists.

Sincerely,

Jeanne Sarson, MEd, BScN, RN and Linda MacDonald, MEd, BN, RN