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Communication sent via email: tanya.plibersek@fahcisa.gov.au

To: The Honourable Tanya Plibersek, Minister for the Status of Women

Dear Minister Plibersek;

Following our readings of the recent reports of The National Council's Plan for Australia to Reduce Violence against Women and their Children we submit this response, in part because of our "bystander responsibility" as non-Australians but most importantly because of our direct link with Australians who have contacted us regarding 'domestic' torture or non-state actor torture (NSAT) inflicted in the private sphere. These contacts have been: (a) from women who reported surviving multi-forms of NSAT, beginning in early childhood or persons struggling to escape present day victimization, (b) from a person who was struggling to provide support to a friend who was suffering from past/present NSAT victimization and who reported the health care delivery system responded with disbelief to both this carer and the victimized friend who was also confronted with victim-blaming and pathologizing-the-victim responses and (c) by professionals seeking consultation when engaged in supporting women who had survived/are surviving NSAT. These contacts were about ritual abuse-torture victimization; in addition, some women spoke of sadistic ephebophilic torture or adult torture victimization. Some of these contacts have been very extensive. Contacts occurred because, since 1993, our work has involved direct support, activism, research, academic writings[1] and the management of a website[2] on ritual abuse-torture and other forms of non-state actor torture.

Although we are impressed by the Australian reports we note the glaring gap that torture by non-state actors is not specifically mentioned. There is the need to identify NSAT because torture is a specific form of crime and human rights violation distinct from other forms of violence such as domestic abuse or assault. Based on our experiences there is a point when acts of violence transcend abuse and become acts of domestic torture. This escalation must be socio-legally acknowledged just as State torture is socio-legally acknowledged otherwise non-acknowledgement becomes effect-based discrimination in that State torture is acknowledged whereas non-state torture is not. Radhika Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences, in her 1996 report, discussed the issue that some forms of domestic violence can amount to torture.[3]

This distinction that domestic torture or NSAT is distinct from other forms of violence and human rights violations is evident, for example, in UN international instruments such as in the *Universal Declaration of Human Rights*, Article 5. Torture is also addressed separately in the *International Covenant on Civil and Political Rights* (ICCPR) and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. And General Recommendation No. 19 (11th session, 1992) of the Committee to the UN *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) reiterates that women have under item 7 (b) the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment; … [and] … (e) the right to equal protection under the

law … [and that] States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation." These statements apply to women – meaning that Australian women have the right not to be subjected to forms of torture that are inflicted in the private or domestic sphere. To guarantee their equal protection under Australian law requires that non-state actor torture be socio-legally criminalized.

Based on the above considerations as well as the National Council's stated goals we recommend identifying and addressing the gap that exists regarding acts of torture that occur in the domestic or private sphere because:

1. Legal investigation and protection cannot be delivered if laws are inadequate – there needs to be Australian law that specifically criminalizes non-state actor torture;
2. Without a specific law on non-state actor torture the perpetrators will not be held accountable for the domestic torture or NSAT they inflict, in other words such torturers will continue to function with impunity;
3. Women and children who endure and survive NSAT victimization can give their evidence only if an applicable law exists therefore without such law their rights to accessible and equitable justice is and will remain oppressively denied;
4. A failure to specifically criminalize NSAT to hold non-state actors responsible leads to intergenerational patterns of such victimization and/or to complex re-victimization such as contributing to the sexualisation of NSAT, as increasingly evidenced in crime scene pedophilic pornography that involves 20-22% "bondage and torture",[4] with 90% of pedophilic pornography recovered by the Sex Crimes Unit of the Toronto Police made in Canada, the United Kingdom, the United States, and other 'first-world' countries (we assume this would include Australia),[5] as well, much pedophilic crime scene pornography is inter-familiar with homemade crime scenes providing one source,[6] with perpetration committed against infants and very young children;[7] consequently, based on our knowledge of victimized women's ordeals, the perpetrators so involved will continue to 'feed' transnational criminal activities.
5. Without a specific law on NSAT women so victimized will experience on-going oppression and marginalization, fearing discovery of 'their' horrific secret will result in community ostracization and social exclusion – being excluded or rejected by others causes social pain that is similar to physical pain,[8] therefore, non-identification of NSAT as a specific form of violence will abort the National Council's recognition that "all victims need compassion" – compassion does not occur when a woman is oppressed and marginalized by having the NSAT victimization she survived denied, rejected, minimized or labelled "crazy" as so many women fear will occur if they attempt to disclose and make sense of the torture, terror and horrification tactics intentionally inflicted by the perpetrators;
6. If NSAT victimization is not specifically and distinctly named and criminalized to promote social recognition by all sectors of Australian society then effective and safe intervention will not materialize on first contact, aborting the National Council goal of achieving "the first door is the right door" policy of delivering the appropriate intervention at that time; as well, personal and institutional barriers will continue to interfere with disclosures and reporting thereby compromising protection services; and
7. Without specific criminalization and recognition of NSAT victimized women and children will remain statistically invisible therefore gaining a "comprehensive understanding" of all forms of violence including domestic torture or NSAT endured by Australian women and children will remain unobtainable.

We also note in the National Council's reports a focus on prevention including educational interventions. We suggest that:

1. Prevention strategies are only effective if it is recognized what needs to be prevented therefore without socio-legal recognition of NSAT its prevention cannot be addressed;
2. In reference to school-based education, we share the following information:
    a. Having designed and taught a four session relationally-based mini-curriculum program[9] for students in grades four to six which included information on what constitutes healthy, unhealthy or violence in relationships showed that children are open to such learning and
    b. The program involved respecting the children's right to evaluate the program and their learning – children overwhelmingly stated – 94.3% or 527 students out of 702 who completed the evaluation – that the most important aspect for them was learning that a person has a relationship with one-Self. A brief insight into the fundamentals of this concept of "Relationship with Self and Others" can be viewed in the educational cartoon we developed using this concept: http://www.ritualabusetorture.org/cartoon.swf
3. To ensure systematic due diligence practices at all levels, for example in criminal investigation and protection services or in public health and other health care services requires eradicating blind spots in the education of professionals and university students regarding NSAT – this can only occur if all forms of NSAT are recognized and specifically criminalized.

Women and children who have endured, who are enduring, or who are at risk of enduring or witnessing forms of non-state actor torture in the domestic or private sphere require socio-cultural factual acknowledgement and protection of their dignity, value and worth as members of the Australian community . The elimination of all such forms of torture must be unconditional hence a socio-legal intervention is primary, as shown above in that all other interventions flow from socio-legal recognition.

We thank the National Council for making their reports available on the web because acknowledging all forms of violence including non-state actor torture that is inflicted against women and children is a global reality that requires the sharing of thoughts and interventions if our species is to successfully work towards its elimination.

Respectfully submitted based on our sense of accountability for this specific population of Australian women and children, especially those who have contacted us.

Sincerely,

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

Cc: Monika Wheeler, monika.wheeler@fahcisa.gov.au

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[1] Examples: Sarson, J. & MacDonald, L. (2009, May). Behavioural Harms: Enforced and Survival Tactics in Ritual Abuse-Torture Victimization. Paper delivered at the 31st SALIS International Conference of Substance Abuse and Information Specialists, Halifax, Nova Scotia, Canada. Available:

http://www.wunrn.com/news/2009/07_09/07_06_09/070609_ritual.htm; (2009, Winter). Defining torture by non-state actors in the Canadian private sphere. *First Light*, 29-33. Available: http://www.ccvt.org/pdfs/firstlighwinter2009.pdf; (2008). Ritual abuse-torture within families/groups. *Journal of Aggression, Maltreatment & Trauma*, 16(4), pp. 419-438; (2007). Ritual abuse-torture in families. In N.A. Jackson, ed. *Encyclopedia of Domestic Violence*, 603-611. New York, NY: Routledge; (2005). Ritual abuse/torture Identifying a crime of horror. *The Gazette*, 67(1), 32-33. Available: http://www.rcmp-grc.gc.ca/gazette/archiv/vol67n1-eng.pdf.

[2] www.ritualabusetorture.org.

[3] Coomaraswamy, R. (1996, February 6). Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms. Commission on Human Rights, Fifty-second session, Item 9(a) of the provisional agenda. (E/CN.4/1996/53).

[4] Torture and bondage is involved in 20% of the pedophilic pornography viewed by the Royal Canadian Mounted Police (RCMP) Child Exploitation Unit in Ottawa according to supervisor Earla-Kim McColl.

[5] Lamberti, R. (2002, December 17). Teen facing kiddie porn charges Toronto cops make use of new law. *Toronto Sun*.

[6] Gooderham, M. & Laghi, B. (1996, December 14). Tracking high-tech pedophiles. *The Globe and Mail;* Lamberti, R. (2002, December 17). Teen facing kiddie porn charges Toronto cops make use of new law. *Toronto Sun*.

[7] Dimanno, R. (2003, January 17). A tough child porn law doesn't stem a rising tide. *The Star;* The Canadian Press. (1966, December 11). Porn included kids in diapers. Scientist charged after police raid Defence Department. *The Chronicle-Herald;* Smith, G. (2003, January 17). Grim images haunt porn police. *The Globe and Mail*.

[8] Eisenberger, N. I., Lieberman, M. D. & Williams, K. D. (2003). Does rejection hurt? An fMRI study of social exclusion. Science, 302, 290-292.

[9] Sarson, J. (1994, March). Human sexuality: A "mini" curriculum for students in Grades 4 to 6. Lesson Plans 1 through 4 included (1) Relationship with/to Self and with/to others: Peers, (2) Puberty: Relation to/with Self and to/with others, (3) Self in relation to others: Reproduction & decision-making and (4) Self in relation to others: Abuse & violence. Parent and professional group educational sessions were also included. This program was delivered by me and public school health nurses in our specific Nova Scotia region from 1993 to 1996. The theoretical background of this unpublished curriculum design originated in a Masters of Education course.