

# **FAMILY-BASED NON-STATE TORTURE AND SEXUALIZED TRAFFICKING OF PERSONS**

**Submitted**

**To**

**Standing Justice Committee on Justice and Human Rights, 42<sup>nd</sup>  
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**On**

**HUMAN TRAFFICKING IN CANADA**

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# FAMILY-BASED NON-STATE TORTURE AND SEXUALIZED TRAFFICKING OF PERSONS

## INTRODUCTION

This submission focuses specifically on women and girl persons who severely suffered torture committed by non-State actors who also exploited them into sexualized human trafficking. The victimizations they suffered can involve prostitution and torture-based pornographic and 'snuff film' horrors. There was a time when women attempted to report such horrors they were disbelieved, however, it would be irresponsible of this Standing Committee to do so now given British police have evidence that such a supply and demand can exist involving, for example, "Necros Pedo" videos in which children are tortured and raped until they die.<sup>1</sup> And it would also be irresponsible to be dismissive of the evidence that the sexualized torture of infants occurs and that it occurs in families.<sup>2,3</sup>

The specific women and girls so harmed have been invisibilized in the studies of sexualized human trafficking. Therefore, they must be identified as a hidden group in what we call the Global Sexualized Exploitation 'Industry'.

The human trafficking of women and girls who are non-State tortured, trafficked, and so exploited is based on their global patriarchal human rights inequality that has normalized societal and relational violence, subordination, oppression, objectification, and sexualization of women and girls predominately by male buyers. Buyers create the on-going criminal demand,<sup>4</sup> which organized human traffickers supply. These specific family-based human traffickers are non-State torturers first and foremost. Their criminality includes trafficking their girl child or spouse by inflicting severe pain or suffering, physical or mental, that is intentionally and purposefully committed for misogynistic and misopedic discriminatory reasons, for deriving financial benefits, as well as the pleasures of expressing absolute violent dominating power and control over another human being. For instance, Lynne, a Canadian woman who was held captive, tortured, and trafficked by her husband and his three friends explained that her husband expressed his pleasure when torturing her by saying, "Look at me bitch; I like to see the terror in your eyes."<sup>5,6</sup>

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<sup>1</sup> Burke, J., Gentleman, A., & Willan, P. (2000, October 1). British link to 'snuff' videos. *The Guardian*. Retrieved from <https://www.theguardian.com/uk/2000/oct/01/ameliagentleman.philipwillan>

<sup>2</sup> Bunzeluk, K. 2009. *Child sexual abuse images: summary report*. Winnipeg, Canada: Canadian Centre for Child Protection.

<sup>3</sup> Cribb, R., 2015. Underground child porn trade moving toward youngest victims. *Toronto Star* [online], 26 April. Retrieved from <http://www.thestar.com/news/world/2015/04/26/underground-child-porn-trade-moving-toward-youngest-victims.html>

<sup>4</sup> Government of Canada. (2014). *Protection of Communities and Exploited Persons Act*. Retrieved from <https://www.canada.ca/en/news/archive/2014/12/protection-communities-exploited-persons-act.html>

<sup>5</sup> Sarson, J., & MacDonald, L. (2008, Winter). Defining torture by non-state actors in the Canadian private sphere. *First Light*, 29-33. Retrieved from <http://www.ccvt.org/assets/ccvt-first-light-2009.pdf>

## FACTUAL EVIDENCE:

1. Sexualized human trafficking and non-State torture can be family-based and can begin with infants. These perpetrators and the children they non-State torture and traffic have been a hidden population that is becoming increasingly visible.<sup>7</sup> Such victimizations can continue for years or decades until women or girls find a means of escaping. Family-based non-State torture and human trafficking is also organized to occur in the home, often with like-minded groups that perpetrate sexualized torture-rapes of the girl child.<sup>8</sup>
2. Women frequently tell us that the modus operandi of this specific population of perpetrators often included forcing them into acts that were criminal. This is not unusual. This fact is supported by Canadian police evidence that says from 2009-2014 of 506 police-reported human trafficking cases, 279 (55%) of these cases included identifying that other criminal activities occurred.<sup>9</sup>
3. That it was mainly women of various ages who contacted us – approximately 5000 globally – is not surprising. In a global report by the United Nations Office on Drugs and Crime sexualized trafficking of detected female persons from 2012-2014 was 96% compared to 4% being male persons (n=23,000 involving 71 countries).<sup>10</sup>
4. Stats Canada identifies that the trafficking in persons less than 18 years of age was 25.13% and extended to 1.27% for persons over the age of 55 years. The highest percentage of trafficked identified persons being between the ages of 18-24 years.<sup>11</sup> This latter age group defines Lynne which we introduced earlier who was about 24 when groomed then held captive, tortured, and trafficked by her husband and his three friends. However, some of the women did not have early and sufficiently informed non-State torture human trafficking victimization-traumatisation care thus suffered chronic victimization beyond the age of 24 years.
5. A review of research findings of sexualized human trafficking involving persons under 18 years and young adults in various U.S. states identified their homelessness related to relational vulnerabilities including: (a) a family's inability to bond or care for or about them, (b) adult/parental addictions, (c) witnessing and or being subjected to violence, and (d) forced to

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<sup>6</sup> Sarson, J. (2017, July 30). Non-state torture: A response to Ibrahim Kira's "A critical outlook at torture ...". The Society for the Study of Peace, conflict & violence. Retrieved from <http://peacepsychology.org/dialogues-with-peace-and-conflict/>

<sup>7</sup> Sarson, J., & MacDonald, L. (2016). Seeking equality, justice, and women's and girls' human right not to be subjected to non-state torture. In J. Scutt (Ed.). *Women, law and culture, Conformity, contradiction and conflict*. London, UK: Palgrave MacMillan, 263-281.

<sup>8</sup> Sarson, J., and MacDonald, L. (2018). No longer invisible: Families that torture, traffic, and exploit their girl child. *Oñati Socio-legal Series* [online], 8(1). Retrieved from <http://ssrn.com/abstract=3086626>

<sup>9</sup> Karam, M. (2016, December 7). *Trafficking in persons in Canada*, 2014. Statistics Canada. Retrieved from <http://www.statcan.gc.ca/pub/85-002-x/2016001/article/14641-eng.htm>

<sup>10</sup> United Nations Office on Drugs and Crime. (2016). *Global report on trafficking in persons 2016*. Vienna, AT. Retrieved from [http://www.unodc.org/documents/data-and-analysis/glotip/2016\\_Global\\_Report\\_on\\_Trafficking\\_in\\_Persons.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf)

<sup>11</sup> Karam, M. (2016, December 7). *Trafficking in persons in Canada*, 2014. Statistics Canada. Retrieved from <http://www.statcan.gc.ca/pub/85-002-x/2016001/article/14641-eng.htm>

participate in sibling violence. The traffickers included fathers, mothers, caregivers, other family members, and a trafficked person could be trafficked by more than one trafficker with the youngest age when trafficked being identified as four years.<sup>12</sup> These insights can also describe the vulnerabilities of the women with whom we have supported. Some fled their perpetrating families and were homeless; others became involved in prostitution because this is all they knew having been trafficked since their earliest of memories. Fathers were predominate perpetrators as were other male relatives; some mothers were actively involved, were passive and failed to protect their daughters, or blamed their little daughters. Grandmothers sometimes were identified as knowing the women as children were severely tortured and trafficked.

6. That family members are intentional and purposefully involved in the human trafficking of their children is also evidenced in others' research, such as in the sexualized human trafficking of minors in Kentucky. This research was a phone survey of 323 professionals serving at-risk and/or crime victims across Kentucky which identified that 61.9% of the traffickers were family members and their friends which would account for identifying that 71.3% had a "strong bond" with the trafficker.<sup>13</sup> The strong bond is essential to girls who are born into non-State torture human trafficking families – it is their survival as babies, toddlers, and children even when tortured and trafficked which explain the severity of their extreme mental suffering.<sup>14</sup>
7. That parents, other relatives, and family friends are identified as traffickers is further evidenced in the United Nations Office on Drugs and Crime 2014,<sup>15</sup> and 2016,<sup>16</sup> global reports of trafficking in persons. It becomes increasingly evident why attitudes of dismissiveness that deny women's and girls' truth-telling are institutional trust violations when women and girls are told they are lying, are disbelieved, are considered mentally ill, or called "crazy". This has been a frequent experience described by women when they tried to tell of the non-State torture and human trafficking horrors they suffered.
8. Non-State torture was identified as an act of violence that traffickers inflict in a United Nations Office on Drugs and Crime UNODC paper about abuse of positions of vulnerability.<sup>17</sup> Evidence

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<sup>12</sup> Sarson, J. (2017). Review of human trafficking: Contexts and connections to conventional crime. *Journal of Human Trafficking*, 3 (4), 33-340. Retrieved from

<http://www.tandfonline.com/eprint/AMvN8gnWMZRYrvnVuQVN/full>

<sup>13</sup> Cole, J., & Anderson, E. (2013, August). *Sex trafficking of minors in Kentucky*. Lexington, KY: University of Kentucky, Center on Drug and Alcohol Research, Center on Trauma and Children.

<http://www.cdar.uky.edu/CoerciveControl/docs/Sex%20Trafficking%20of%20Minors%20in%20KY.pdf>

<sup>14</sup> Sarson, J., and MacDonald, L. (2018). No longer invisible: Families that torture, traffic, and exploit their girl child. *Oñati Socio-legal Series* [online], 8(1). Retrieved from <http://ssrn.com/abstract=3086626>

<sup>15</sup> United Nations Office on Drugs and Crime. (2014). *Global report on trafficking in persons 2014*. Vienna, AT. Retrieved from [http://www.unodc.org/res/cld/bibliography/global-report-on-trafficking-in-persons\\_html/GLOTIP\\_2014\\_full\\_report.pdf](http://www.unodc.org/res/cld/bibliography/global-report-on-trafficking-in-persons_html/GLOTIP_2014_full_report.pdf)

<sup>16</sup> United Nations Office on Drugs and Crime. (2016). *Global report on trafficking in persons 2016*. Vienna, AT. Retrieved from [http://www.unodc.org/documents/data-and-analysis/glotip/2016\\_Global\\_Report\\_on\\_Trafficking\\_in\\_Persons.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf)

<sup>17</sup> United Nations Office on Drugs and Crime. (2013). *Issue paper Abuse of a position of vulnerability and other "means" within the definition of trafficking in persons*. Vienna, AT. Retrieved from

that non-State torture is perpetrated by human traffickers is described in the RCMP report on domestic sexualized human trafficking in Canada of young women or girls.<sup>18</sup> Being tortured, regardless of who the torturers are, is a fundamental violation of human rights Article 5 of the United Nations Universal Declaration of Human Rights.

**RECOMMENDATIONS:**

- (1) Family-based human traffickers must be named and visibilized as significant components of Canadian national as well as international organized crime groups, recognizing that such families can engage in other criminal activities.**
- (2) The criminalization of non-State torture given that human traffickers are also non-State torturers who use terror, horrification, and torture to control the women or girls they traffic; this is essential to understand the intentional and purposeful tactics of the traffickers so impunity does not continue, as well as developing the non-State torture human trafficking victimization-traumatisation healing needs for persons tortured and trafficked.**

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[https://www.unodc.org/documents/human-trafficking/2012/UNODC\\_2012\\_Issue\\_Paper - Abuse\\_of\\_a\\_Position\\_of\\_Vulnerability.pdf](https://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Issue_Paper - Abuse_of_a_Position_of_Vulnerability.pdf)

<sup>18</sup> The Human Trafficking National Coordination Centre (HTNCC). (2014). *Domestic human trafficking for sexual exploitation in Canada*, (p. 22). Ottawa, ON: Royal Canadian Mounted Police. Retrieved from [http://publications.gc.ca/collections/collection\\_2014/grc-rcmp/PS64-114-2014-eng.pdf](http://publications.gc.ca/collections/collection_2014/grc-rcmp/PS64-114-2014-eng.pdf)