

## Standards for Evaluating Cases for Elements of Torture

The three standards we consulted in evaluating cases for elements of torture were as follows:

1. Minn. Stat. Ann. § 609.3775 defines torture as “The intentional infliction of extreme mental anguish, or extreme psychological or physical abuse, when committed in an especially depraved manner.”
2. The National Center for Child Abuse Statistics and Policy: “Child torture includes a combination of two or more cruel and inhuman treatments for protracted periods of time, which may include:
  - intentionally starving the child
  - binding or restraining the child
  - repeatedly physically or sexually abusing the child,
  - exposing the child to extreme temperatures without adequate clothing,
  - locking the child in closets or other small spaces,
  - forcing the child to eat excrement, or have sexual contact with animals, or
  - forcing the child into stress positions or other regimens intended to break the child’s will resulting in prolonged suffering, permanent disfigurement/dysfunction, or death.”
3. The Knox Standard<sup>1</sup> defines child torture as:
  - At least two physical assaults, occurring over at least two incidents or a single extended incident, which would cause prolonged physical pain, emotional distress, bodily injury, or death, and,
  - At least two elements of psychological abuse, such as isolation, intimidation, emotional/psychological maltreatment, terrorizing, spurning, or deprivation inflicted by the child’s caretaker(s)
4. Public policy child welfare SME Dee Wilson provided the following additional context:

“Torture is characterized by systematically depriving children of both food and water, binding children and/or forcing them to stay in confined spaces for hours or days at a time, the use of humiliation and sexual abuse to dehumanize a child and break the child’s will, repeated extreme physical abuse leading to permanent disfiguration or physical dysfunction or death, complicity in the plan of torture by both parents and (sometimes) siblings, medical neglect due to prolonged denial of medical attention even when a child is in obvious pain. Torture differs from battered child syndrome, which typically involves assaulting a child impulsively to keep them from crying. In addition, children who are tortured are frequently older children rather than infants and toddlers.”<sup>2</sup>

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<sup>1</sup> Knox, B. L., Starling, S. P., Feldman, K. W., Kellogg, N. D., Frasier, L. D., & Tiapula, S. L. (2014). Child torture as a form of child abuse. *Journal of Child & Adolescent Trauma*, 7(1), 10. <https://doi.org/10.1007/s40653-014-0009-9>

<sup>2</sup> Personal conversation with Dee Wilson, (November 2022).