

**FEDERAL STRATEGY ON GENDER-BASED VIOLENCE
BRIEFING NOTES FOR STATUS OF WOMEN CANADA AND THE DEPARTMENT
OF JUSTICE CANADA**

ISSUE: Addressing Sexual Assault

Given the prevalence of sexual assault, the extremely low reporting rates, long-term impacts on survivors and those close to them, and the high social and economic costs of this crime, it is crucial that the justice, social service, and health systems place a high priority on developing effective responses to sexual assault, including policy, increased specialization, counselling and support services, training, and prevention.

KEY POINTS

- In 1982, the Federal Attorney General issued a call to his counterparts across the country stating that spouse assault needed to be taken more seriously. Since that time there has been a cascade of policy, legislation and programs developed responding to this issue. There has been no similar call to action addressing sexual assault in Canada, but such a call is desperately needed.

- Domestic violence (DV) and sexual assault (SA) are increasing in Canada despite repeated statements in the media about an overall decline in violent crimes reported to police across Canada. Police-report statistics are limited to only those criminal incidents that are reported to police. The General Social Survey (GSS) however conducted by Statistics Canada complement police-reported data from the Uniform Crime Reporting (UCR) Survey by providing information on self-reported incidents of victimization that are both reported and unreported to police. According to the UCR Survey, the police-reported violent crime rate declined in 2012, down 3% from 2011, to its lowest level since 1987. However, when DV and SA are disaggregated from police-reported violent crime and compared to self-reported victimization rates and other data, it can be seen that these crimes remain at consistently high levels or are actually increasing.

Nationally, rates of self-reported SA have increased from just over half a million in 1999 (or 2.1% of the adult population) to 677,000 incidents (or 2.4% of the adult population) in 2009 (McInturff 2013).

- Groups who are marginalized by society – including young women, transgender and gender non-conforming people, Indigenous people, immigrants and refugees, people living with disabilities, sex workers, and people living in poverty – are at increased risk of sexual violence.
 - 57% of Indigenous women have been sexually assaulted (WAWG, 2008).
 - 50% of transgender individuals sexually abused or assaulted (FORGE, 2012).
 - 83% of women living with disabilities (Stimpson & Best, 1991)

- Sexual assault is rampant in post-secondary institutions across Canada and the United States.
 - As many as one in four women will be sexually assaulted while obtaining a post-secondary education (Hayes-Smith & Levett, 2010).
 - Approximately 60-70% of on-campus sexual assaults occur in campus residences, and the vast majority of victims/survivors of campus sexual assault know the perpetrator (Fisher, Cullen, & Turner, 2000; Government of Ontario, 2015).
- Many women killed or seriously injured in the context of sexual violence have been members of marginalized groups, facing particular barriers that made it harder for them to access critical support systems.
- Sexual assault is the most under-reported of all violent crimes in Canada. In 2014, only 5% of sexual assaults were reported to police (Perreault, 2015). These reporting rates are likely even lower for marginalized groups.
- Sex offences are less likely than other violence offences to result in charges against a suspect, and adults charged with sex offences are less likely than other violent offenders to be found guilty (Kong et al., 2003).
- Although young women, aged 15 to 24, are disproportionately victimized by sexual violence (Perreault, 2015), Canada lacks standardized, mandatory training for high school teachers and university and college professors on how to respond to disclosures of sexual assault.
- The needs of sexual assault victims/survivors are not being sufficiently met by sexual assault services in Canada because these services don't exist (they are primarily concentrated in urban areas), and where they do exist they are constrained by small budgets.

SUGGESTED ACTIONS

The Federal Government should:

- Issue a call to all provinces and territories to bolster their efforts in responding to sexual assault. This should include ensuring there is adequate funding for supports for survivors in the community, including access to trauma-specific therapeutic counselling. This should also include ensuring sexual offenders are held accountable. There is overwhelming evidence that sexual offenders are most often repeat offenders (see Lisak, 2002).
- Issue a call to all provinces and territories to ensure the education around sexual assault and consent is provided not just in post-secondary institutions, but also in all schools. The sooner children learn what is, and is not, acceptable sexual behaviour, the fewer sexual offenses will occur.
- Resource, support and promote trauma-informed training on how to respond to disclosures of sexual assault. This training is most critically needed for high school

teachers and university and college professors, but also invaluable for those all those employed in any human service field.

- Resource, support and promote the development of programs and policies that specifically address the needs of those marginalized populations that are most affected by sexual assault.
- Populate rural and Indigenous communities with pilot projects that respond to sexual violence, to begin correcting for the lack of sexual assault services in these areas.
- Support all provinces and territories in implementing a policy that would allow adult survivors of sexual assault to make Third Party Reports to the police via community advocates, and make provisions including training. Such reports allow for greater police intelligence about sex predators and increased access to support for survivors. Such a provincial policy currently exists in BC.
- Make available options for anonymous reporting of sexual assault at post-secondary institutions), similar to the *Third Party Reporting* policy in the province of BC.
- Increase sexual assault prevention efforts, such as bystander education, targeted to groups that are most at risk of sexual violence, as well as the general public.
- Instruct the RCMP to improve efforts to increase understanding regarding the links between sexual assault and women who go missing and are murdered.
- Discourage the use of restorative justice processes (including mediation) in lieu of sanctions in cases of sexual violence, as sexual assault is a power-based crime. These processes are better used in addition to and where there are safe guards for victims/survivors and policy and protocol to use such processes.
 - In these cases, it has been argued that restorative justice processes may be used by perpetrators to manipulate and maintain their power over victims/survivors, and thus the application of these processes to gender-based violence remains controversial (Randall, 2013).
 - If the victim/survivor specifically requests a restorative justice process, great care should be taken to identify community-based sexual assault experts and restorative justice experts who deal with sexual assault cases, as expertise in both restorative justice and sexual assault will be critical for this process to be empowering for the victim/survivor.
- Facilitate research regarding the efficacy of lenient sentences for “first-time” sex offenders, to ensure that the practices for “first offence” sentencing are evidence-based. Research available indicates that the first time a sex offender is caught is unlikely to be the first time they have committed an offence. Additionally, sex offenders who commit murder have often been previously arrested for lower-level sex offences, without significant consequences.

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