Learning to respond effectively to disclosures of sexual violence

Training Introduction

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Western Leaders Conference
Ontario Sexual Violence Action Plan

- Ending sexual violence is a shared responsibility that will require the efforts of all Ontarians.

- It starts with changing attitudes, behaviours, and beliefs.

- It requires a commitment to ensure that survivors are treated with respect and dignity and receive the supports they need to recover and change their lives.
Supportive Responses to Survivors

- Research demonstrates that victim’s/survivor’s wellbeing is affected by the type of responses received from support sources during and following disclosure.

- The goal of this training is to develop effective and supportive responses to victims/survivors who disclose or report an experience of sexual violence.
Sexual Violence is unlike any other crime

1. Sexual violence occurs with great frequency.

2. Sexual violence is the most underreported crime in Canada.

3. There is often little, if any, forensic evidence and there are seldom witnesses. This puts the primary burden of being the witness on the victim/survivor.

4. The perpetrator is usually known to the victim/survivor.

5. Sexual violence is a social problem marked by deep rooted and pervasive attitudes and norms.
Sexual Violence is unlike any other crime

6. Sexual violence is motivated by power and control. It is carried out through sexual means or by targeting sexuality. In this way, sex becomes the weapon used to achieve a sense of power.

7. Sexual violence is gender-specific and gender-based.

8. While it is generally understood that individuals must obtain consent to sexual activity, widespread misconceptions confuse people’s understanding of consent and sexual violence.
The Attrition Pyramid


1,046 Convicted
25% of those initially charged are convicted of sexual assault

2,824 Prosecuted
<50% of suspects were prosecuted

5,544 Charges laid
50% of recorded sexual assault crimes result in the suspect being charged

13,200 Recorded as crime
85% of police reported sexual assaults are recorded as a crime

15,200 Reported to police
<10% of sexual assaults reported on Victim Surveys were reported to the police

460,000 Reported to survey interviewers

460,000 estimated sexual assaults in one year based on 2004 General Social Survey

Actual incidence of sexual assault: Likely will never be known
Let’s start with understanding consent!

• Sexual activity without consent is sexual violence

• Consent is the voluntary agreement to engage in sexual activity with another person.

• Consent depends more on the perpetrator obtaining a clear “yes”, than on the victim/survivor saying “no.”
No Consent

• Someone other than the complainant has expressed consent
• the complainant is incapable of consenting to the activity
• the accused obtains consent by abusing a position of trust, power or authority
• the complainant expresses, a lack of agreement to engage in the activity by words or conduct
• the complainant initially consents to engage in sexual activity but expresses a lack of agreement to continue to engage in the activity

Criminal Code of Canada section 153
Beliefs about consent

- Deeply rooted in historical attitudes
  - based on gender stereotypes about women’s roles and men’s roles in society
- These include gendered ideas that
  - women naturally defer to men and should be pursued as sex objects
  - “masculine” aggression is an acceptable means to reach a goal
- Media and popular culture perpetuate myths that support sexually violent behaviour.
  - “ritualized subordination” and inequality becomes a social norm
Mandates of Responders

- Front line responders have different mandates

- Social myths and personal notions of consent influence the ways that all of us respond to sexual violence

- Awareness of how we are influenced by social myths and biases is increased by self awareness, learning from each other, building a culture of learning and reflection at work
Criminal Code and Biased Attitudes

– Recent changes to the Criminal Code were made in response to:

– Defence strategies that exploited biases about meaning of consent

– Discriminatory attitudes about sex/gender roles and rituals of aggression and subordination
Changes to the Criminal Code

The Criminal Code was changed in 1983

- from an old description that limited sexual violence to rape and attempted rape and indecent assault - to 3 levels of Sexual Assault.

- Assault is now defined by a lack of consent as well as harm to the victim

- Goals of these reforms have yet to be realized

• The Criminal Code now describes:
  – three levels of gender-neutral sexual assault offences,
  – a specific section regarding people with disabilities
  – sexual assault in a marital relationship

• Also includes criminal harassment, commonly referred to as stalking,

• Trafficking,

• Protecting Canadians from Online Crime Act addresses “Cyberbullying” and the Non-Consensual Distribution of Intimate Images
Sexual Assault

Level 1 Section 271

- Any form of sexual activity is forced upon another person without that person’s consent

Level 2 Section 272

- A person is sexually assaulted by someone who
  - has a weapon or threatens to use a weapon (imitation or real)
  - threatens to cause bodily harm to a third person
  - causes bodily harm to the victim
  - is a party to the offence with any other person

Level 3 Section 273

- A person wounds, maims, disfigures, brutally beats, or endangers the life of the victim during a sexual assault
Consent in the Criminal Code

Section 273.2

• it is not a defence that the accused believed that the complainant consented to the activity where:

  – (a) the accused’s belief in consent arose from the accused’s
    • (i) self-induced intoxication, or
    • (ii) recklessness or willful blindness; or
  
  – (b) the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting.
Section 276. Evidence of complainant’s sexual activity

- evidence that the complainant has engaged in sexual activity, whether with the accused or with any other person, is not admissible to support an inference that, by reason of the sexual nature of that activity, the complainant;
  - (a) is more likely to have consented to the sexual activity that forms the subject-matter of the charge; or
  - (b) is less worthy of belief.
278.1. Definition of “record”

- In 1997, Bill C-46 restricted the production of records in a sexual assault trial
- “record” means any form of record that contains personal information for which there is a reasonable expectation of privacy
- does not include records made by persons responsible for the investigation or prosecution of the offence.
- The preamble to Bill C-46 included "… the Parliament of Canada recognizes that violence has a disadvantageous impact on the equal participation of women and children in society and on the rights on women and children to the security of the person, privacy and equal benefit under the law..."
Consent in the Criminal Code

R. v. Ewanchuk, 1999          “No Means No”

1. Consent is to be determined from the perspective of the mind of the complainant

2. There are many actions and words that convey lack of consent

3. The responsibility rests with the person seeking the sexual contact to actively and positively determine that there is consent

4. The court without doubt rejects the possibility of the introduction of a defence of implied consent for the offence of sexual assault.
Methods of Coercion

• Perpetrators of sexual violence exert pressure and force over victims/survivors.

  – intimidation and threats; assaultive behaviour or physical force; the use of alcohol or other substances;
  – power imbalances created by informal social status, formal position or role, physical size or strength or ability;
  – persistent pressure to wear down the victim/survivor
  – the exploitation of vulnerabilities
Methods of Coercion

- Perpetrators select and use coercive tactics to that are meant to avoid negative consequences for their behaviour

- In cases of stranger assault, the perpetrator often targets someone who is isolated

- Contrary to commonly held belief, coercion often occurs within an already established intimate relationship
Methods of Coercion

- Negative verbal persuasion (e.g., threats to end the relationship; expressing dissatisfaction with the woman; swearing; withdrawing);
- “Positive” persuasion (e.g., compliments; making promises; paying special attention; *grooming*. Perpetrators may also groom the victim/survivor’s friends and family);
- Neutral tactics of persuasion (e.g., continually requesting, nagging or making overtures for sex);
- Physical persuasion tactics (e.g., kissing, sexual touching);
- Gaining access strategies (e.g., isolating the woman; using false pretenses to be alone with the woman).
Methods of Coercion

- Perpetrators exploit myths about consent or deliberately distort the meaning of consent to justify sexual violence.

- Capitalize on the victim’s prior intimacy
  - Negative verbal persuasion more common when there is a sexual history between the perpetrator and the victim/survivor

- Power imbalances created by social status, socio/cultural stereotypes, position or role
Intersectional Analysis

- An intersectional analysis reveals, recognizes, and responds to multiple identities, multiple oppressions, and difference.

- Not everyone from the same social group has the same experiences because people have many different lived experiences.

- When people have multiple marginal identities, they do not merely face extra barriers, their lived experience is entirely unique.

- Generational and historical harm rooted in years of colonization underpin the lived experience of many marginalized peoples.
Nada

• What means of coercion did Nada describe?

• Does Nada’s social location make her vulnerable in any way?

• Are there barriers for Nada to disclose violence?
Myths about Sexual Violence

- Rape myths are stereotypical or false beliefs about sexual violence

- Persistent and common misconceptions shape and influence how sexual violence is understood
  - by those who experience it
  - those who perpetrate it
  - the families and friends of both victims/survivors and perpetrators
  - those who respond in professional capacities
  - the broader public
Myths about sexual assault

1. . . . women often provoke sexual assault by their behaviour or manner of dress

2. . . . most women lie about sexual assault

3. . . . when a woman says “no” she secretly enjoys being forced, teased or coerced into having sex

4. . . . saying “no” is the only way of expressing your desire to not continue
Myths about sexual assault

5. ... sexual assault only occurs when there is a struggle or physical injury

6. ... if it really happened, the victim/survivor would be able to easily recount all the facts in the proper order

7. ... Experiencing sexual violence is not harmful in the long run

8. ... a person who has agreed to sex previously with the offender (for example, their spouse, an acquaintance, or a client who has paid for sexual services) cannot be sexually assaulted by that person
Myths about sexual assault

9. ...some people are less likely to be targeted for sexual assault:

for example, lesbians, gay men and people who are gender variant, women of color, people with disabilities including psychiatric labels, transpeople, boys, and sex workers

10. . . . There is no such thing as a male victim/survivor of sexual assault
Myths about sexual assault

11. *if two people are married, or in a relationship, sex is an assumed part of the agreement*

12. *at work, a certain amount of sexual banter, flirting or jokes is just part of the job*

13. *once a sexual assault report has been made, the alleged offender will be prosecuted and found guilty*

14. *if a someone - for example, a partner, date or acquaintance – buys dinner or drinks, gives a present, or does a favour, the recipient owes them sex*
Jenna
Jenna

- What means of coercion did Jenna describe?
- Does Jenna’s social location make her vulnerable in any way?
- Are there any rape myths that Jenna might have to face?
- What are the possible responses to Jenna’s disclosure of sexual violence?
Disclosures of Sexual Violence

- Many reasons for victims/survivors to disclose
  - seeking assistance or emotional support
  - reducing the burden of sexual violence by sharing
  - wanting to protect self and others from future violence
  - raising awareness in the community
  - seeking justice by holding the perpetrator accountable

- Respond to each disclosure an initial disclosure
  - an opportunity to initiate constructive and supportive intervention
  - an opportunity to provide further resources
Fionna

• What means of coercion did Fionna describe?

• Does Fionna’s social location make her vulnerable in any way?

• What are the possible responses to Fionna’s disclosure of sexual violence?

• Are there any rape myths that Fionna might have to face?
Responding to Disclosures

Positive reactions

- *Emotional support/belief* is characterized by responses such as telling the victim/survivor that s/he is not to blame, listening and understanding, and showing them that they are believed.

- *Tangible aid/information support* occurs when the support source provides the victim/survivor with information, helps them get medical care or report the assault to the police, and encourages them to seek counselling.

- *Trauma informed responses* understands how trauma impacts the survivor and avoids retraumatization.
Barriers to Disclosure

- Myths and Stereotypes About Sexual Violence
- Concerns about Confidentiality and Privacy
- Fear of Retaliation or Reprisal
- Re-victimization by the System
- Distrust of Formal Supports
- Lack of Awareness about Sexual Violence and Social Supports
- Lack of Resources/Access and Culturally Competent Services
- Shame, Embarrassment, Guilt and Self-blame
Responding to Disclosures

Negative reactions

• Treating the victim/survivor differently

• Distracting the victim/survivor from thinking or talking about the assault or encouraging them to keep the assault secret

• Taking control

• Victim blaming

• Egocentric response
Kai
Kai

• What means of coercion did Kai describe?

• Does Kai’s social location make her vulnerable in any way?

• Are there barriers for Kai to disclose violence?

• Are there any rape myths that Kai might have to face?
What Victims/Survivors Find Helpful

- Show respect by treating the victims/survivors with dignity while catering to their individual needs.
- Active listening, eye contact, reassurance, not rushing the victim/survivor.
- Reduce hierarchy
- Provide information and link victims/survivors to resources
- Address emotionality by communicating warmth and respect
A safe environment for disclosure

• Be culturally sensitive
• Provide a variety of ways for victims/survivors to disclose their experience
• Do not label certain experiences (e.g., labeling the experience as rape)
• Be aware of the potential barriers to disclosure associated with different cultures
• Discuss confidentiality
Professional practice

- Understand the effects of trauma, (compassion fatigue and vicarious trauma)
- Practice intentional interviewing/communication skills
- Work with Advocates
- Provide resources and referrals
- Create and maintain a culture of learning
Professional practice

• Be knowledgeable and culturally aware

• Understand your own power

  – The person receiving a disclosure is automatically in a position of power
  – May be perceived as holding power as a representative of a group (i.e. race, gender, class, ability, etc.)
    • May also experience a lack of power due to social location

• Treat every disclosure as a first disclosure!
Responding to disclosures of sexual violence

- Available at:

  www.onlinetraining.learningtoendabuse.ca

Funded by the Province of Ontario
Resources & Support at Western

http://safecampus.uwo.ca/sexual_violence/