



A TURNING POINT
FOR WOMEN



Presentation to the Select Committee on Sexual Violence and Harassment YWCA Toronto - May 20, 2015

Good afternoon and thank you for the invitation to appear before the Select Committee.

My name is Maureen Adams and I am the Director of Advocacy and Communications at YWCA Toronto, the largest women's organization in Canada. At YWCA Toronto we provide direct services and tackle systemic issues that create barriers to women's equality. We help women escape and recover from violence, move out of poverty and gain economic security, and access housing that is safe and affordable. We also work with young girls - building their leadership and critical thinking skills. We serve over 11,000 women and girls annually in 30 programs in 12 communities across the City of Toronto.

In the time I have with you today I would like to focus on three issues:

- The importance of public awareness and prevention programs that are designed to change attitudes and behaviour about violence against women and girls.
- The critical need for trauma counselling to help women and girls recover from sexual violence and harassment.
- The importance of independent legal representation for sexual assault survivors - to ensure that their rights are protected and that the men who assault them are held accountable.

As you know, when talking about sexual violence and harassment it is always important to be guided by the voices of survivors. So I would like to start with a quote from a remarkable book: *One Hour in Paris – A True Story of Rape and Recovery* by Canadian author Karyn Freedman.

"There are images in my head that do not belong there. No matter how hard I try to get rid of them they will not go away. It is as if they are permanently seared into my brain and written over my body. Over the years I have tried to talk them out, and when that didn't work, I talked louder. I have tried to write them out, paint them out, fight them out, and by sheer determination, will them out. Occasionally, in darker moments, I have

tried to drink them out. These efforts were not futile (except for the drinking). Each one helped in lessening the hold the images have over me, but none was entirely successful. They are mine for life ...and that just might be the most important thing we can learn about psychological trauma.

It has been over twenty years since I was raped... and I now understand that trauma is not something from which one ever fully recovers. It is a chronic condition, and that means that rape is forever my shadow. It tracks me everywhere. It follows me up the street to my local coffee shop in the middle of the day, and when I come home from a late night out with friends it is just over my shoulder. It is with me at work, in the classroom, and at play, in the dressing room before one of my recreational hockey games. Most especially it stalks me in the bedroom.

Twenty years later and I still have to work to put myself to sleep at night ... and like most survivors of sexual violence I am anything but carefree with my body. I am never fully uninhibited when lying naked with another person, and I have to set up strict boundaries- no touching my head, no dark rooms, no spontaneous moves- in order to protect myself from the images that will otherwise wash over me.”

This passage powerfully describes the long-term impact of violence and trauma on sexual assault survivors. The tragedy is that 460,000 women and girls are sexually assaulted in Canada every year. And each of them has their own unique story about the impact that sexual violence has had on their lives.

This is not the type of world we envision for our daughters, sisters, mothers, friends and neighbours. This is why the Select Committee’s work and the province’s *It’s Never Okay* action plan are so critically important to ending sexual violence and harassment against women and girls. It is also why women are speaking up in on-line campaigns such as *#been raped never reported* and why two 13 year-old girls organized a petition on sexual consent that was signed by over 40,000 people. It is why there is a renewed commitment – including by men- to stopping violence against women. The last few years have been difficult – but not unusual for women and girls and their families – Retah Parsons, Rinelle Harper, female students at St Mary’s University, Dalhousie and UBC, and of course the allegations against Jian Ghomeshi. The public is demanding change and now is the time to take bold action and build on the public will for solutions.

Beginning in January of this year, YWCA Toronto has been holding consultations with front-line staff and participants asking them about the systemic issues that the Association should focus

on. Not surprisingly, violence against women has been identified as a top priority in each and every consultation. Women and girls have told us the following:

- We need to educate boys and men to stop assaulting and harassing women and girls as we go about our normal lives – in our homes, when we are at school or on campus, when we are on-line, at work or in the community at large. We have the right to go about our lives without the fear of violence and to live in a world where we are safe at any time of the day or night.
- Sexual violence is one of the most traumatizing forms of violence that can happen to us. It is an unacceptable violation of our bodies, our integrity, and our place in the world. The impact that trauma has on us, and the unique supports and process that we each need to go through to recover, must be recognized.
- If we are involved in any legal procedure related to violence against us, we must be fully informed about our legal rights and options and be provided with legal help when we need it.

In other words, there needs to be a continuum of strategies from changing awareness and behaviour to crisis and trauma counselling - from training and education to legislative change and reform. But most importantly, we must have the courage to develop new ways of tackling sexual assault, because what we are doing now is simply not working.

Public Awareness and Prevention Programs

There is strong support for the new *Who Will You Help* public awareness campaign, particularly its focus on bystander intervention. It is a very accessible campaign, touching on very real and recognizable scenarios and changing the dialogue about sexual assault and harassment and what people need to do to stop it. The only advice we would give is to ensure, that in cases where people intervene and attitudes begin to shift, that there are appropriate community, health, education, and legal resources available at the back end to support the public awareness campaign.

The revisions to the sex education curriculum also have strong support, especially related to sexual health, consent and on-line safety. Even though there is some opposition to these changes, they are critically important in developing healthy, informed young people.

We urge the Committee to recommend that the government remain steadfast in implementing the new sex education curriculum in the fall of 2015.

Participants in our YWCA Toronto Girls Centre have also identified the need to address pornography and tell us that its prevalence is changing the way that young men define their expectations about sexual behaviour and relationships. From the girls' perspective this behaviour is not only unhealthy, but unsafe, with elements of violence that are becoming normalized.

Girls told us about the need for prevention and public awareness programs that are youth-led, media savvy, and that engage girls on issues such as violence and sexual exploitation, healthy relationships, critical thinking, and social change. Girls want gender-specific programs, where they have the space to talk about violence against women in an open and safe, non-threatening environment.

We urge the committee to recommend that permanent funding be put in place for girls' prevention, awareness and leadership programs, in recognition of the disproportionate impact that violence has on women and girls.

Trauma Counselling

Women respond to and recover from trauma differently and there is no one intervention that works for all survivors. Some women prefer individual counselling; others prefer group or peer-led supports. Some are helped through arts therapy such as dance, visual arts, music and journaling. Others can heal through spiritual work, body work or fighting for social change. Some require specialized interventions such as sexually exploited women or girls, Indigenous women, newcomers, or women and girls with addictions or mental health issues.

The length of time it takes women to recover can also vary – depending on the nature of the sexual violence, whether there have been multiple assaults, the relationship with the offender, whether there are family and community supports, the response from first-responders, whether a woman goes to trial, and the overall well-being of the woman and her community prior to the assault.

Healing is complex and the responses and services need to respond effectively to this complexity. Participants in our YWCA Toronto violence against women programs have told us that they cannot access the trauma counselling they need because they cannot afford counselling fees. There are long waiting lists. Some counsellors are inadequately trained. Many programs are short-term or not available at all, such as addiction detox beds. And most importantly, the types of alternative supports survivors find most helpful are often not funded.

We urge the Committee to recommend that trauma counselling be defined broadly to encompass the different interventions and specialized supports that women need to recover from sexual violence and that mechanisms be put in place to ensure that trauma counselling is timely, accessible, and affordable-particularly for low-income women.

Legal Representation

As we all know, sexual violence is one of the most under-reported of all violent crimes. For every 1,000 sexual assaults, only 33 are reported, 12 result in charges, only 6 are prosecuted and only 3 lead to a conviction. Clearly the system is broken and failing women who represent well over 90% of those who are sexually assaulted.

Research indicates that women do not report sexual assault because of shame, fear, reluctance to be publically identified, challenges posed by the criminal justice system, cross-examination in court, and abysmally low conviction rates. Women fear that their private medical and counselling records will be revealed and end up in the public realm or that their past sexual history will be exposed and they will be cross-examined on it. Many feel as if they are on trial with no legal advice or advocate supporting them throughout the process.

In Canada, we have had some strong legal decisions, particularly from the Supreme Court of Canada that would seem, on the face of it, to improve the privacy and equality rights of sexual assault victims during criminal trials. They include: the rape shield law, provisions about whether medical and other records can be admitted as evidence, not introducing discriminatory rape myths in court, and clarity on the meaning of consent.

However, many women do not know about these decisions or the legal rights they confer. And they have no access to free independent legal representation or advice. For example, advice about how the court process works, what evidence is and is not admissible, what their rights are, how they will be cross-examined, and the role of the Judge and Crown Attorney.

Nor do they know that there are some occasions – limited as they may be- when an independent legal representative can make submissions to protect their rights during the course of a criminal trial. Some women, who have the financial means, can retain counsel at their own expense but this is not the reality for most women who have been sexually assaulted. And Judges or Crown Attorneys cannot be their legal advocates because of the nature of their own roles in the criminal justice system.

The law is complex, the court system is complex, and most of us, let alone those experiencing trauma, cannot be expected to be knowledgeable about or able to interpret complex legal issues and decisions on our own. Participants at YWCA Toronto have told us they are afraid to navigate the criminal justice system by themselves and feel disadvantaged and intimidated when they do so. Some fear for their lives, especially because they have experienced violence or may have felt harassed by defence counsel to withdraw their complaints.

For these reasons we strongly support the measures in the province's plan on the criminal justice system particularly:

- An enhanced prosecution model for survivors and a pilot program to provide free independent legal advice in cases proceeding toward a criminal trial
- Removal of time limitations in civil and compensation claims in sexual assault cases
- Education and training across the criminal justice sector
- Work with the Law Society to ensure that defence counsel uphold their professional responsibilities on Canada's rape shield laws.

This is an area that will require openness, courage and determination as it is an attempt to balance and protect the rights of sexual assault complainants while maintaining the rights of the accused. These suggested reforms are necessary - for if nothing significant changes, things will stay the same – low reporting, low conviction rates, high rates of sexual assault, and no consequences for the men who continue to sexually assault women.

We urge the Committee to recommend that in all cases where sexual assault survivors are attempting to exercise their legal rights -whether it be in the criminal or civil courts, a claim before the Criminal Injuries Compensation Board or a complaints process on campus- they be fully informed about their legal rights and options and be provided with free, independent legal representation throughout the process.

This concludes my presentation on behalf of YWCA Toronto. Thank you very much and I would be happy to answer any questions you may have.

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Background Documents:

1. **One Hour in Paris, A True Story of Rape and Recovery**
Karyn L. Freedman
Freehand Books
2014

2. **It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment**
Province of Ontario
March 2015

3. **Victims of Sexual Assault: Who Represents Them in Criminal Proceedings?**
Larry Wilson,
Faculty of Law, University of Windsor

4. **Independent Legal Representation for Complainers in Sexual Offence Trials
Research Report for Rape Crisis Scotland**
Fiona E. Raitt
School of Law, University of Dundee
2010

5. **The Ethical Obligations of Defence Counsel in Sexual Assault Cases**
Elaine Craig
Osgoode Hall Law Journal
Volume 51, Number 2 (Winter 2014)