



INFORMATION BULLETIN

Considerations for Sexual Assault Coordination

This information bulletin is based on the information available at April 4, 2002. In addition to the sources cited, it incorporates input from many experts on violence against women, including those involved in the Community Coordination for Women's Safety project. This includes the BC Association of Specialized Victim Assistance and Counselling Programs, BC Municipal Chiefs, the Department of Justice National Crime Prevention Centre, the Justice Institute of BC, Multilingual Orientation Service Association for Immigrant Communities (MOSAIC), the Pacific Association of First Nations Women, RCMP "E" Division, representatives from the criminal and civil bar, and Victim Services Division (BC Ministry of Public Safety and Solicitor General).

This document is also available on the website of the BC Association of Specialized Victim Assistance and Counselling Programs:

- Go to www.endingviolence.org
- Select "Community Coordination for Women's Safety"
- Select "Documents—Coordination Resources"

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This Information Bulletin is intended to inform discussion for Coordination Committees in their process of considering whether to integrate into their work, sexual assault case tracking, monitoring, and the development of best practice models.

“Sexual assault does not fall neatly into the category of a health issue, counselling issue, criminal justice issue or human rights issue - it is all of these. Therefore, no one system alone can provide an effective response to sexual assault. A consultative, coordinated or collaborative response from the health care, counselling and criminal justice systems will have the best chance of meeting the needs of a survivor of sexual assault.” (Linda Light, *Working Together to Respond to Sexual Assault*, June, 2000.)

1. What is “sexual assault”?

- Under the Criminal Code, a sexual assault is as an assault that violates the survivor’s sexual integrity.

2. How is this different from rape, indecent assault and gross indecency?

- Historically, the Criminal code defined sexual offences according to the type of sexual activity involved. For example “rape” was forced vaginal penetration; “indecent assault” on a female or a male included unwanted touching; “gross indecency” was interpreted to include forced oral or anal penetration. A sexual assault could include any or all of these acts. Any sexual contact or the threat of any sexual contact without consent is now considered a sexual assault.

3. Why were the laws changed?

- Beginning in 1983, important changes were made to criminal laws regarding sexual assault. These reforms reflected changing social values and attitudes about sex. The reforms were also meant to minimize harassment of survivors in court. For example, in the past it was believed that a sexually active woman or a woman with a “bad” reputation was a less reliable witness. The 1983 reforms restricted questions about the victim’s past sexual history. Questions about the victim’s sexual reputation were prohibited entirely.
- The laws were also changed to protect constitutional rights now contained in the charter of rights and freedoms. The charter includes the right to equality and the equal protection and benefit of the law.

- “Unlike rape, sexual assault does not require penetration. This change recognized that both males and females can be victims. It gives both women and men the right to equal treatment under the law.” (*Gisela Ruebsaat, revised Victim Services Handbook (Draft) pg. 19*)

4. Why is sexual assault considered a “gendered crime” when the law is written to be applied equally to both males and females?

- Sexual assault is an act of aggression committed by those who are more powerful against those who are less powerful including women, children and vulnerable men.
- In 1993 the Statistics Canada Violence against Women Survey estimated that one in every two women in Canada over the age of 18 experienced at least one incident of sexual or physical assault.
- The *Survey of Sexual Assaults Reported to Police in British Columbia 1993-1994*, (Ministry of Attorney General, Police Services Division, December, 1997) found that 96% of adult victims of sexual assaults were female, and 94% of accused persons were male.
- Men and boys are also vulnerable to male perpetrated sexual assault. According to the *Police Services Survey 1993-1994*, 19% of the total victims of sexual assault were male. 87% of those males were under the age of 19. Because sexual assault is an act of aggression rooted in a desire to control and dominate, boys and vulnerable men are also sometimes victims.
- While men and boys can also be victims, most experts working in the violence field now acknowledge that the prevalence of sexual violence is primarily a reflection of sexual inequality in our society. The BC Task Force on Family Violence described it this way:

“Like all forms of violence against women, sexual assault is integrally linked with women’s unequal status in society. The dynamics of power and control in sexual assault are the culmination of sexist stereotypes and power imbalances, whereby masculinity equals dominance, and it is acceptable for a man to use violence to assert his dominance over a woman.”(*Is Anyone Listening?* 1992, 113)

- In *R.v. Osolin*, the Supreme Court of Canada described it this way:

“It cannot be forgotten that a sexual assault is very different from other assaults. It is true that it, like all other forms of assault, is an act of violence. Yet it is something more than a simple act of violence. Sexual assault is in the vast majority of cases gender based. It is an assault upon human dignity and constitutes a denial of any concept of equality for women.”
(R.v. Osolin)

- ◆ Sexual Assault is a “gendered” crime, and it is vital that it be seen for what it is, an act of violence perpetrated primarily by men against women, children, and vulnerable men.
- Some may say that focusing on the gender dynamics of sexual assault and violence against women in relationships is “men bashing”. But the intent is to develop safety strategies that reflect a victim’s real, lived experience. This experience occurs within a culture where the fear of sexual violence restricts the freedom of movement and economic opportunity of any woman.
- Language that is gender neutral, when used to discuss sexual assault, denies these realities and clouds our ability to develop practical, long-term solutions. The argument is not that men aren’t sometimes victims. It is that they are almost always (94%) the perpetrators.

5. Why is it important for a community to include sexual assault when developing a coordinated community response to violence against women?

◆ **Overlap of sexual assault and violence against women in relationships**

Most sexual assaults are committed by someone known to the survivor or by someone with whom she has had an ongoing intimate relationship. The police services survey, for example found that majority of the sexual assaults (55% in both survey years) took place in the home of the accused or the victim, or a home shared by the victim and accused. (*Survey of Sexual Assaults Reported to Police in British Columbia 1993 - 1994, Ministry of Attorney General Police Services Division, December, 1997*). The 1993 Canadian panel on Violence Against Women, reported that 31% of sexual assaults occur in dating and acquaintance relationships.

The link between sexual assault and “domestic” violence is acknowledged in the BC Ministry of Attorney General Violence Against Women in Relationships Policy:

“For the purpose of this policy, violence against women in relationships is defined as physical or sexual assault, or the threat of physical or sexual assault of women by

men with whom they have, or have had ongoing or intimate relationships, whether or not they are legally married or living together at the time of the assault or threat. Other behaviour, such as intimidation mental or emotional abuse, sexual abuse, neglect, deprivation and financial exploitation, must be recognized as part of the continuum of violence against young and elderly women alike.”

◆ **Societal links between sexual assault and violence against women in relationships**

Violence against women in relationships and sexual assault are both rooted in a cultural context which associates masculinity with dominance and power. Understanding and identifying the root causes of these crimes, allows for those working in coordination initiatives to address gaps in systems and services response, in the most comprehensive and effective manner.

Service providers report that women who are experiencing violence in their relationship are least likely to talk about the sexual violence.

◆ **Realities of smaller communities**

In smaller communities, where resources are limited, many of those responding to incidents of VAWIR and sexual assault are the same people. The most effective method of coordination for women’s safety is to work with both issues. Small communities are not able to maintain two committees working on issues of violence against women.

6. What are some possible coordination strategies to consider in a sexual assault case?

In October, 1995 the Ministry of Attorney General conducted a series of consultations regarding the development of a proposed Sexual Assault policy. Listed below are some recommendations regarding coordination which came out of the consultation (*From: Ministry of Attorney General Sexual Assault Policy, Highlights of Consultations, October 25, 1995*):

- a. Survivors of sexual assault recommended:
 - i. coordination of case information, including status of plea discussions.
 - ii. that specialized victim assistance program counsellors be called automatically by police when the victim reports a sexual assault.
 - iii. that a trained support person be present when the victim reports to the police
 - iv. coordination between hospitals and justice system personnel.

- b. Police participants recommended:
 - i. there be open and ongoing communication between police and Crown regarding the case; charging decisions, etc.
 - ii. that the victim be kept informed about the ongoing status of her case including: arrest of suspect, charges, release and conditions of release of suspect, court appearances, trial dates, victim impact statements and what the court decides.
 - iii. police should refer victims to victim services who have received specialized training.
 - iv. a number of police suggested the implementation of a sexual assault response team, consisting of Crown, police, sexual assault workers, physicians and hospital staff.

- c. Correction participants recommended:
 - i. improved coordination with Forensic Psychiatric Services.
 - ii. more liaison among Police, Crown, Corrections and Victim Services to make sure that pre-bail, pre-sentence and electronic monitoring reports and community assessments contain up-to-date information about the victim.

- d. Victim Services, Women's Organizations and other Community Organizations recommended:
 - i. police and hospital emergency staff automatically contact specialized community-based victim assistance programs (with victim's consent) in communities where such programs exist or Police or hospital emergency staff provide victim with a list of available victim or advocacy services and she contacts them herself.
 - ii. sexual assault victims should automatically receive all the information regarding their case without having to ask for it.
 - iii. there should be coordination in contacting the victim so that she is not being contacted unnecessarily.

Note: a good resource for information on responding to sexual assault is the website of the Minnesota Coalition Against Sexual Assault, www.mncasa.org. It includes links to other organizations.

Can Community Coordination for Women's Safety help?

- If your community or region could benefit from assistance related to coordination on this issue, would like more information regarding policy related to this issue or assistance with promoting action at a provincial or federal level on this issue, please contact the CCWS Vancouver office at 604-633-2506 ext. 15 or go to www.endingviolence.org and click on Community Coordination for Women's Safety.