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# SELECT COMMITTEE ON SEXUAL VIOLENCE AND HARASSMENT

## Interim Report

1<sup>st</sup> Session, 41<sup>st</sup> Parliament  
64 Elizabeth II

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The Honourable Dave Levac, MPP  
Speaker of the Legislative Assembly

Sir,

Your Select Committee on Sexual Violence and Harassment has the honour to present its Interim Report and commends it to the House.

A handwritten signature in black ink, appearing to read "D. Vernile".

Daiene Vernile, MPP  
Chair of the Committee

Queen's Park  
June 2015



# SELECT COMMITTEE ON SEXUAL VIOLENCE AND HARASSMENT

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1<sup>st</sup> Session, 41<sup>st</sup> Parliament

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## CONTENTS

LIST OF ABBREVIATIONS	ii
INTRODUCTION	1
Committee Mandate	2
Committee Meetings	2
Recent Initiatives	3
UNDERSTANDING SEXUAL VIOLENCE AND HARASSMENT	3
Definitions, Incidence/Prevalence, and Causes	3
Effects	6
ABORIGINAL PEOPLE AND COMMUNITIES	7
THE SEX TRADE AND HUMAN TRAFFICKING	10
THE WORKPLACE	12
Recourse and Remedies	13
Occupational Health and Safety	14
Prevention	17
SEXUAL ABUSE AMONG CHILDREN AND YOUTH	18
POST-SECONDARY INSTITUTIONS	19
Support and Prevention	20
Sexual Violence and Harassment Policies	21
REPORTING AND DISCLOSURE	22
THE JUSTICE SYSTEM	24
The Police	24
The Court System	26
Victims' Rights and Compensation	28
MEDIA, THE INTERNET, AND NEW TECHNOLOGY	29
SERVICES AND SUPPORTS	30
Primary and Emergency Care	31
Counselling and Psychological Services	32
Housing and Income Support	34
PREVENTION AND EDUCATION	34
Consent Education	36
Participation and Collaboration	37
RESEARCH AND DATA COLLECTION	39
CLOSING COMMENTS	39
APPENDIX A: MOTION ESTABLISHING SELECT COMMITTEE	40
APPENDIX B: SCHEDULE OF PUBLIC HEARINGS	41
APPENDIX C: LIST OF WITNESSES AND WRITTEN SUBMISSIONS	42
APPENDIX D: PRECEDING INITIATIVES	48

**LIST OF ABBREVIATIONS**

<b>Abbreviation</b>	<b>Organization/Individual</b>
<b>LGBTQ</b>	Lesbian, Gay, Bisexual, Transgender, Queer and/or Questioning
<b>LGBTQI2S</b>	Lesbian, Gay, Bisexual, Transgender, Queer and/or Questioning, Intersex, Two-Spirit
<b>LHIN</b>	Local Health Integration Network
<b>OHSA</b>	<i>Occupational Health and Safety Act</i>
<b>RCC</b>	Rape Crisis Centre
<b>SAC</b>	Sexual Assault Centre
<b>SA/DVTC</b>	Sexual Assault/Domestic Violence Treatment Centre

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## INTRODUCTION

The Select Committee on Sexual Violence and Harassment is pleased to present its interim report. This document summarizes the testimony of individuals appearing before or submitting briefs to the Committee to date. It also describes the Committee's mandate, lists the dates and locations of its hearings, and provides some background context.

The Committee is honoured and encouraged by the reception we have received across the province. Witnesses shared deeply personal information with grace and dignity, in an environment that many people would consider intimidating. The resilience of survivors and the dedication of the families and organizations helping them will inform the spirit with which we fulfill the remainder of our mandate.

Each of our Members brings to this Committee a personal commitment to help end sexual violence and harassment in Ontario. We are aware of the social conditions that contribute to sexual violence and harassment and the significant problems that exist within the current prevention and response systems. Witnesses informed the Committee that they still face disbelief, victim blaming, and outright mistreatment from the authorities who are supposed to be there to help them.

However, several highly publicized incidents have increased awareness of the seriousness and prevalence of sexual violence and harassment. There is an appetite for social change. We hope that our hearings have helped to give a voice to individuals who may feel ignored or stigmatized, and to contribute to the sense of urgency around these issues. We also hope that our work will ultimately help to improve Ontario's response to those who have experienced sexual violence and harassment and to minimize the incidence of these crimes in the future.

On November 26, 2014, Laurie Scott (Haliburton—Kawartha Lakes—Brock) moved an Opposition Day motion stating that “sexual harassment will not be tolerated as it violates our fundamental values, [and that] a select committee should be established . . . to make recommendations on combating sexual harassment in the workplace and protecting victims from further harm.” The motion was debated and carried unanimously.<sup>1</sup>

This interim report is structured around the major themes arising in our hearings across the province and in written submissions to the Committee. It also highlights some comments that the Committee has found particularly illustrative of the challenges faced by victims, survivors, and advocates.

The Committee has received hundreds of useful and compelling recommendations from individuals and organizations across the province. Readers are cautioned that many of these recommendations are not directly discussed in the report. In particular, comments from individuals are not generally attributed. This is not to say that these contributions are being overlooked or ignored. All of the comments and proposals received will be considered as the Committee develops recommendations in its final report, to be tabled in

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<sup>1</sup> Legislative Assembly of Ontario, *Official Report of Debates (Hansard)*, 1st Sess., 41<sup>st</sup> Parl. (November 26, 2014).

December 2015. The Committee is maintaining an inclusive and non-partisan approach throughout the proceedings.

The Committee would like to thank everyone who participated in its hearings or made written submissions for their considerable time and dedication to this issue.

### **Committee Mandate**

On December 11, 2014, the Government House Leader, the Hon. Yasir Naqvi, moved that the Legislative Assembly immediately establish a Select Committee “to make recommendations to the Legislature with respect to prevention of sexual violence and harassment and to improving our response to Ontarians who have experienced sexual violence and harassment.” In addition, in developing its recommendations, the Committee would

- make efforts to include diverse voices, including those of young people, aboriginal people, visible minorities, LGBTQ, seniors, and people with disabilities; and
- consider ways to shift social norms and other barriers which prevent people who have experienced sexual violence and harassment from coming forward.<sup>2</sup>

The motion carried unanimously. (See Appendix A for the complete wording of the motion.)

The mandate stipulates that the Committee was to table an interim report by June 4, 2015. However, to allow the Committee to include more witness testimony in its document, the House extended the deadline to June 24, 2015.<sup>3</sup>

The mandate also stipulates that the Committee is to release its final report to the Legislative Assembly by December 10, 2015.

### **Committee Meetings**

The Committee met for the purpose of organization and to discuss business matters in February 2015. Public hearings were held in Toronto and other locations around Ontario beginning on March 4, 2015, and ending on May 22, 2015.

The Committee heard from individual survivors, family members, health care and social service professionals, advocates for survivors, and many representatives of stakeholder organizations.

During its travels, the Committee made a site visit to the Voices for Women Sudbury Sexual Assault Centre. The Committee thanks the Centre for its warm welcome and willingness to host such a large group on relatively short notice.

In total, the Committee held 16 days of public hearings during which it listened to the testimony of more than 145 individuals and organizations. It received a

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<sup>2</sup> Legislative Assembly of Ontario, *Official Report of Debates (Hansard)*, 1st Sess., 41<sup>st</sup> Parl. (December 11, 2014).

<sup>3</sup> Legislative Assembly of Ontario, *Official Report of Debates (Hansard)*, 1<sup>st</sup> Sess., 41<sup>st</sup> Parl. (March 23, 2015).

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number of written submissions by May 22, 2015, along with many articles, studies, and other items of interest pertaining to sexual violence and harassment. Several witnesses spoke to the Committee privately to protect their anonymity. The Committee's schedule of public hearings and a list of witnesses and submissions (with the exception of the witnesses who spoke to the Committee in private) are found in Appendices B and C.

## **Recent Initiatives**

In March 2015 the Office of the Premier released *It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment*. The Action Plan contains a number of components, including

- a multi-media public education campaign to help change behaviours and call on bystanders to intervene when witnessing incidents of sexual violence or harassment;
- an updated Health and Physical Education curriculum to teach children from Grades 1 to 12 about healthy relationships and consent; and
- the creation of a permanent Roundtable on Violence Against Women with representatives from more than 20 organizations to provide ongoing advice to the government.

A number of documents and reports pertaining to various aspects of sexual violence and harassment have also been issued over the preceding decade. The Committee appreciates these important contributions, some of which are listed in Appendix D.

## **UNDERSTANDING SEXUAL VIOLENCE AND HARASSMENT**

### **Definitions, Incidence/Prevalence, and Causes**

Witnesses recommended a broad interpretation of the terms "sexual violence and harassment," proposing a variety of definitions. For example, the Metropolitan Action Committee on Violence Against Women and Children defined sexual violence as "an umbrella term that covers many victimizing behaviours such as unwanted sexual touching, forced intercourse or rape, unwanted sexual attention, and unwanted 'sexting' or sexual text messages." Furthermore, sexual violence is a form of gender-based violence where women, girls, and transgender individuals are targeted because of their gender identities.

**Sexual harassment and sexual violence are crimes. They are gender-based crimes. Their very existence is a measure of the level of gender equality that exists or does not exist in our culture. We need all levels of society, from individuals up to government officials, to acknowledge that the right to integrity of person is a human right.**

*Social Worker and Survivor*

Witnesses also suggested that a wide range of behaviours should be classified as sexual violence and harassment, roughly divided into the following categories:

- **Sexual assault.** Much of the testimony received by the Committee to date has pertained to sexual assault, including but not limited to rape. It is estimated that one in three Canadian women will experience sexual assault in their lifetimes.<sup>4</sup> Many of these assaults will be committed by individuals known to their victims.
- **Sexual abuse.** The Committee learned that the sexual abuse of children, either by family members, other adults, or other children, increases their risk of further victimization later in life. Many sex offenders experienced sex abuse as a child. Almost 60% of all victims of police-reported sexual assault are children under the age of 18; sexual crimes are by far the most common offence committed against young girls.<sup>5</sup>
- **Domestic or intimate partner violence.** Many organizations, including the Greater Sudbury Police Service and the Ontario Collaborative Response to Family Violence, stressed that there is a strong connection between domestic violence and sexual violence, with most victims of domestic violence experiencing sexual violence at some point in a relationship. Domestic violence is one of the most prevalent forms of violence against women in Canada and takes many forms, including physical, psychological, or sexual abuse, or threats of such behaviour.
- **Sexual harassment.** The Committee heard testimony about sexual harassment in the workplace, street harassment, the harassment of female physicians by patients, and the harassment of patients by health care professionals. Sexual harassment takes many forms, including bullying, leering, intimidating or offensive jokes and innuendos, unwanted physical contact or sexual advances, and the creation of a poisoned environment (for example, via pornographic images in the workplace). The Ontario *Human Rights Code* prohibits such behaviours in a number of social areas including housing and employment.

The Committee heard that men and boys are also victimized, as stressed by a number of individuals and organizations appearing before the Committee.

<sup>4</sup> Statistics Canada, *Measuring Violence Against Women: Statistical Trends 2006*, Cat. No. 85-570-XIE (October 2006), p. 24.

<sup>5</sup> Statistics Canada, *Sexual Assault in Canada 2004 and 2007*, Canadian Centre for Justice Statistics Profile Series, Cat. No. 85F0033M – No. 19 (December 2008), p. 13.

Groups such as the Canadian Association for Equality cautioned that sexual violence against men, especially by female perpetrators, is underreported if not ignored.

In sum, witnesses reported that sexual violence and harassment affect many people in Ontario, and indeed around the world. Violence Against Women Services Elgin County described the situation as analogous to a “public health epidemic.” However, some are more vulnerable, including youth, Aboriginal and racialized people, new Canadians, people with disabilities, sexual minorities, and individuals living in poverty. The Gender Issues Centre at Lakehead University and WomenatthecentrE observed that various forms of power and inequality (based, for example, on race, gender, and sexuality) can intersect, placing some individuals at greater risk of experiencing sexual violence. The Sexual Assault Support Centre of Ottawa cautioned that the most vulnerable members of society would be unlikely to testify before a Select Committee.

**I had arrived in Canada two weeks before, and as newcomers do, stayed at a hostel while looking for an apartment on Craigslist. My rapist was a successful, confident young man, who owned a two bedroom apartment and was looking for a roommate. We met beforehand, chatted and got on pretty well, and I moved in the next day. He picked me up from the hostel, drove me back to his place and toasted me with a “welcome to your new home!” drink. Two drinks in, I blacked out. I have no memory of that first assault.**

*Survivor*

**I was at a gathering, and we were all having a great time. The night was coming to an end, and I was left with one other person. He took me home and, before I knew it, forced himself on me. He is a man of great wealth and is a public figure. Who was I but a dumb girl who had too much to drink and let him into my place?**

*Survivor*

**I am 92 years old. I live with my daughter and my son-in-law. My husband died four years ago, so I moved in with them. I am in a wheelchair, but I get around the house okay. My son-in-law sexually abuses me. I am so afraid that if I tell anyone they will not believe me; rather, they will believe that I have dementia and am in need of care.**

*Violence Against Women Services Elgin County, quoting a survivor*

**Leaving work downtown at 11 p.m. and a car full of men literally BARKED at me, followed by yelling a slew of ‘hey baby’ and ‘where you going??’ Without even looking over I threw my middle finger in the air for nearly a block, which of course turned me from ‘baby’ into ‘bitch!!’.**

*Hollaback! Ottawa, quoting a survivor*

Many witnesses contextualized sexual violence and harassment as expressions of power and control rather than sexuality. Numerous references were made to what has come to be known as rape culture: the beliefs, norms, and behaviours that tolerate, justify, and minimize sexual violence. The Committee was surprised to learn that, in 2015, female victims are still being asked about what they were wearing on the night of their assault. The White Ribbon Campaign argued that male socialization plays a role in the perpetuation of this culture, noting that men are taught that sexual activities are their right, and that it is acceptable to use violence against women. However, as noted by a criminology professor, some women also accept the norms of rape culture.

**I think there’s a lot of mythology out there, and our girl children are absolutely at risk. They still are—more so than ever, I would argue, in fact. And our young men are bewildered about what their sexuality means, and they’re not educated about appropriate ways of being sexual in the world.**

*Survivor*

## Effects

Justice Canada estimates that sexual assault and other sexual offences have an economic impact of \$4.8 billion annually, while the economic impact of spousal violence is \$7.4 billion.<sup>6</sup> But beyond the dollars and cents of these crimes is the deep personal cost. Some of the most moving testimony received by the Committee has pertained to the long-term effects of sexual violence and harassment. Witnesses relating these stories showed signs of continued suffering from events that may have taken place decades ago.

Sexual violence, the Committee was told, can lead to anxiety, depression, increased risk of suicide, post-traumatic stress disorder (PTSD), chronic illness, substance abuse, eating disorders, lost work productivity, interruptions in education, and negative effects on all relationships. The sexual abuse of children may produce particularly damaging and long-term consequences, as there is a profound violation of trust. A former prison worker observed that many of the women inmates he met there, including some who eventually committed suicide, were victims of sexual or familial violence. Aboriginal communities where multiple individuals were the victims of historical sexual abuse have persistent social problems extending far beyond the specific individuals affected.

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<sup>6</sup> Department of Justice Canada, *An Estimation of the Economic Impact of Violent Victimization in Canada, 2009*, Research and Statistics Division (2014), p. 4; Department of Justice Canada, *An Estimation of the Economic Impact of Spousal Violence in Canada, 2009*, Research and Statistics Division (2012), p. 80.

**A huge proportion of mental health and addictions patients are sexual abuse survivors. . . . [In our view] psychiatric symptoms such as suicidal gestures, self-harm, drug use, drinking, and disassociation are very normal coping reactions to the extreme trauma that women have experienced.**

*Sexual Assault Support Centre of Ottawa*

**For me, it all began at the tender age of five, when I was raped over a three-year period by a friend of the family. I didn't tell anyone for a few reasons, one being the threats and the fear, but also, this man convinced me that this was what girls did and this was what men wanted. Never mind the fact that no one noticed the signs or the trauma that I was going through—bed-wetting, nightmares, defiant behaviour; in my mind, if no one noticed, it was no big deal.**

*Survivor*

Perhaps the best way to sum up the impact of sexual violence is with the word *trauma*. Sexual offences violate both physical and emotional boundaries, deepening the impact of the crimes. The Committee learned that the trauma of sexual abuse or violence is “a robber of soul” and “a thief of voice,” according to one survivor. Individuals may blame themselves for what happened, never quite shaking the feelings of guilt. Many survivors choose to stay silent for years, fearing being judged by family, friends, and coworkers. Those deciding to come forward may find that their trauma is exacerbated by the stigma and disbelief they are often forced to confront. Trauma is also further complicated by racism and stigma against those with mental health or addictions issues, as noted by Women's House Serving Bruce and Grey.

**No one is immune to the impact of trauma. It affects families and communities by disrupting healthy development and adversely affecting relationships, and contributes to mental health issues including substance abuse, domestic violence, child abuse, and sexual violence. Everyone pays the price when a community produces multiple generations of people with untreated trauma.**

*Survivor*

## **ABORIGINAL PEOPLE AND COMMUNITIES**

Numerous Aboriginal individuals, organizations, and supporters made presentations to the Committee. Almost all of these witnesses stressed the lingering impact that the residential schooling system and placement of children in foster care has had on family and community life, including the ability to form healthy relationships. The chronic abuse experienced in these settings has been passed down through the generations, compounding the catastrophic impact of colonization.

**Many of our ancestors were beaten and sexually abused while in those [residential] schools. Some were killed. Those who survived came home after being in the school system for their formative years. They didn't know how to parent their own children. They did not have parents; they grew up in a school. They didn't know how to show love or respect, but they did know how to pass on the violence and sexual abuse that they had received while in the school system, and they did.**

*Survivor*

The Ontario Native Women's Association and the Sioux Lookout Meno Ya Win Health Centre, among others, summarized the sexual violence plaguing Aboriginal people. Eight out of ten Aboriginal women have reported experiencing some form of violence. They are approximately three times more likely than non-Aboriginal women to experience spousal violence, and more frequently in its most serious forms, such as choking or being threatened with a weapon.<sup>7</sup> Indigenous women account for 11% of dating homicides, while at least 8% of all murdered women are Indigenous, double their representation in the population.<sup>8</sup> Indigenous youth are particularly vulnerable to sexual violence, while First Nations men are victimized by high rates of sexual abuse. Several organizations requested that the Ontario government continue to support a national inquiry for missing and murdered Indigenous women.

The Committee learned of the fear that many Aboriginal people have for the police and justice systems, and even the health care system. Memories of poor treatment by front-line workers can make individuals reluctant to report new incidents of violence. It was recommended that all front-line workers receive cultural competency training and education pertaining to historic and intergenerational trauma, to make them more sensitive to Aboriginal issues and culture. The Chiefs of Ontario–First Nations Women's Caucus recommended that reports of police misconduct be taken seriously, and that First Nations communities should be involved in any investigations.

Aboriginal organizations also discussed the importance of education. Expanding the new curriculum to include a component that addresses the linkages between colonialism and sexual violence, and to ensure that there is no overt or hidden racism, could help to educate all Ontarians. The presence of more First Nations Crown attorneys, judges, and courts (such as the one created in British Columbia) could give Aboriginal people more confidence in the justice system.

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<sup>7</sup> Statistics Canada, *Violent Victimization of Aboriginal Women in the Canadian Provinces, 2009*, Cat. No. 85-002-X (May 2011), p. 10.

<sup>8</sup> Statistics Canada, *Measuring Violence Against Women: Statistical Trends*, Cat. No. 85-002-X (February 2013), pp. 19 and 57.

**I can remember one woman in particular who asked me to go with her to have a follow-up for the head pain she was experiencing due to a brutal sexual assault in her community that had left her unconscious. The treatment she received from the attending physician was inhumane. I witnessed it myself. To put it bluntly, it resulted in the woman experiencing unnecessary additional trauma when she was looking for help, simply because of his lack of compassion towards her.**

*Survivor*

Aboriginal individuals and organizations expressed support for the Select Committee and the provincial strategy, but stressed the need for an Aboriginal-specific component to the strategy, and the corresponding input and participation of Aboriginal-led organizations, particularly women's organizations. Non-Aboriginal stakeholders, such as the Registered Nurses' Association of Ontario, also endorsed this recommendation. The Ontario Joint Working Group on Violence Against Aboriginal Women was praised by numerous presenters, who also asked that the group be given long-term funding. Brant Response Against Violence Everywhere asked for increased support for healing programs for Aboriginal women, including a gathering of victims of sexual violence to share their stories.

Distances are far in the north, and the Meno Ya Win Health Centre told the Committee that it can take three days to obtain medical care following an assault. In cases of bad weather, a victim may simply give up and not seek care. Furthermore, in some instances, people are not aware of the services that are available. Assistance for transportation costs and funding for promotion and outreach could improve the situation.

**In order for someone to get service, after the sexual assault or domestic violence event happens, they have to go to the nursing station. The doctor needs to be contacted. We get a referral. But even after that, transportation needs to be arranged from the northern community. They have to take a flight out to Sioux Lookout. They go through the ER department to get triaged and then they get a consult by us. That can take anywhere from 24 to 72 hours before we even see a patient come through our doors.**

*Sioux Lookout Meno Ya Win Health Centre*

Aboriginal individuals and organizations expressed concern about the shortage of counselling and psychological services for victims of sexual violence, as did other witnesses around the province. Access to counselling services is limited under the federal Non-Insured Health Benefits program. Individuals dealing with serious instances of abuse and assault told the Committee that they need formal assessments and psychological services, rather than the counselling provided by many agencies.

Several organizations requested additional services for Indigenous children and youth, as well as for male victims of sexual abuse. Aboriginal families also need support in order to stay together, raise healthy children, and break the cycle of violence. Beendigen recommended the creation and funding of services such as

Kiikeewanniikan, a native family-based healing lodge located on Munsee-Delaware Nation near London. Presently, families in the Thunder Bay region are travelling a great distance to access this lodge.

Organizations such as Aboriginal Legal Services of Toronto warned that poverty and the lack of access to education and employment opportunities for Aboriginal women must be tackled in order to fully address the root causes of sexual violence against Indigenous women.

## THE SEX TRADE AND HUMAN TRAFFICKING

The Committee learned about the sexual violence and exploitation associated with the sex trade in Ontario. One survivor recounted her experiences of being spit on, punched, and raped, all by customers. All women and girls, it was argued, can be recruited into this industry, either through so-called boyfriends or people posing as their peers, or as a result of a perceived lack of alternatives, due, for example, to inadequacies in social assistance.

**A person does not enter the sex trade because she truly wants to or because she loves sex. She enters this dark world because of lack of choice.**

*Rising Angels*

Rising Angels told the Committee that whether it is coercion, physical force, or lack of money, education, or self-worth, all women have suffered from some form of abuse before ever entering the sex trade. BridgeNorth told the Committee that municipally-licensed adult facilities—such as brothels, escort agencies, and adult entertainment clubs—legitimize the sale and purchase of sex, sanction violence against women, and reinforce the inequality of women and girls.

Sex workers are particularly vulnerable to sexual violence. Prostitutes of Ottawa/Gatineau Work, Educate and Resist (POWER) told the Committee that the criminalization of prostitution contributes to the stigma associated with the sex trade, limits women's access to resources, and makes them more susceptible to abuse. The Committee heard that women are sometimes brought to isolated areas because clients are worried about being caught by the police.

Rising Angels, BridgeNorth, and the London Abused Women's Centre, among others, summarized the devastating and long-term effects the sex trade industry can have on women. Women who leave the sex trade often suffer from PTSD. Anger, hatred, depression, and substance abuse are also common among this population. Women often have to relearn how to live in a normal society. Rising Angels explained that "there is something that changes inside of you through sexual exploitation. There is a shift in the way you feel, in the way you think, and how you think men are. Your body is being used and degraded over and over again."

**Prostitutes are looked at by most as disposable. These men believe there is an ownership when monies are exchanged and that we are all there for their pleasure, no matter how degrading, sick or violent that is.**

*Rising Angels*

Several witnesses identified a severe lack of resources and support for women who want to leave the sex trade. The current shelter system is rife with problems, including poor staff training, the availability of illegal substances, and a lack of protection from preying pimps. Presenters told the Committee that long-term housing, counselling, and job opportunities are key to helping women leave the sex trade. As Rising Angels put it, “there needs to be a plan in place to offer these women a way out.”

The Committee also heard testimony about the violent and often hidden reality of human trafficking in Ontario. Some witnesses argued that there is no clear line that separates human trafficking from prostitution, noting that trafficked women are often forced into prostitution because of a lack of alternatives and options.

However, other organizations, such as POWER, emphasized that not all prostitution involves trafficking. They argued that the conflation of trafficking with prostitution could serve to further stigmatize workers in the sex trade, potentially exposing them to greater violence and even deportation in cases where migrant women are involved. They advocated for the recognition of the sex trade as a legitimate profession and for the need to protect the human rights of those who work in the industry.

Presenters told the Committee that traffickers use a variety of strategies to recruit individuals, based on the vulnerabilities of the victims. For example, the Committee heard about one woman who was forced into prostitution by the father of her child. He kept the child in their country of origin and used the mother’s desire to maintain contact as a means of coercion. Aboriginal youth and young people in group homes or foster care are at high risk for trafficking; no one, however, is immune. As federal Member of Parliament (MP) Joy Smith explained, middle-class girls and women are also recruited, often through the Internet and by individuals posing as their boyfriends. Sisters Achieving Excellence informed the Committee that the “boyfriend effect” makes it less likely that the victim will report. Often, the woman does not wish to get him in trouble, and the police will view her as an uncooperative witness.

**[She] was recruited by a friend over Facebook at 16 years old. She was told by a girlfriend that she had met in a group home that the girl’s boyfriend’s friend liked her pictures and that he wanted to meet her. After texts and phone calls with the young man, she agreed to meet him. For over two months, she was forced to prostitute in cities across our province and service between seven and ten men a day, seven days a week.**

*Legal Assistance of Windsor*

Many factors exist that support human trafficking and further victimize those lured/forced into the sex trade. Trafficking is a lucrative business. MP Joy Smith told the Committee that traffickers can make approximately \$280,000 per year per victim in Canada.<sup>9</sup> Poverty, family violence, mental health and substance abuse issues, and precarious immigration status were listed among the highest risk factors for recruiting women and girls.

**We have worked with women in hiding who have told us about their brothers hoping to sell them for upwards of \$45,000 . . . girls who have been used to pay off family debts, and young girls whose families were desperate to feed their other children during times of war.**

*Legal Assistance of Windsor*

Various recommendations to address trafficking were proposed, including the following:

- Increase funding for organizations that support victims.
- Provide training to those working in shelters, schools, the legal system, immigration and newcomer organizations, and youth on how to spot the signs of trafficking.
- Encourage community-based collaboratives, which may be better placed to assist vulnerable women and girls.
- Establish a human trafficking advisory committee and a help-line.
- Enact legislative changes to protect victims of human trafficking. (Manitoba's *Child Sexual Exploitation and Human Trafficking Act* was offered as a model.)
- Create a task force to address trafficking, as put forward by MPP Laurie Scott's recent Private Member's bill.

## THE WORKPLACE

**After my complaint, my manager forced me to increase contact with the harasser by transferring him to my worksite so we could work one-on-one and in person. No one responded to my complaint or plea, but [all] watched me be crushed, hospitalized, and take sick leave.**

*Survivor*

Sexual violence and harassment is an unacceptable but common reality in many Ontario workplaces. The Committee heard that workplace sexual violence and harassment can include a range of unwanted sexualized behaviours ranging

<sup>9</sup> Criminal Intelligence Service Canada, *Organized Crime and Domestic Trafficking in Persons*, Strategic Intelligence Brief (August 2008), p. 5.

from subtle and seemingly accidental touching to more overt groping, propositions to engage in sex, and sexual assault. One witness explained that whether the behaviours are sexualized, gender-based, or generalized forms of abuse, “at their core, these behaviours are meant to be hostile and demeaning”; they often signal that an individual or a group is not welcome or is a threat.

The Committee learned that workplace sexual violence and harassment is more likely to occur in certain contexts, such as where job insecurity or competition for jobs exists. Presenters explained that sexual harassment is also more likely to occur where gender, racialized, or other workplace power differences are present. The DisAbled Women’s Network of Ontario noted that people with disabilities face an increased risk of being sexually harassed in the workplace due to their actual and perceived vulnerabilities and their legacy of being devalued in society.

Small businesses, where the individual owner is in charge of everything, as well as jobs that require late hours, working in isolation, and interaction with unstable or volatile persons were highlighted as being at greater risk for workplace sexual violence and harassment. Health care employees—such as nurses, personal support workers, and community service workers—appear to be at the greatest risk of violence, according to Unifor and several nursing organizations.

Despite recent legislative changes (discussed below), the Committee heard that most victims of workplace sexual harassment still hesitate to come forward and report the behaviour. Survivors cited a number of reasons for not reporting, including fear of losing their job, retaliation, or of not being believed; a lack of support for reporting; language barriers; and a lack of information about options for reporting. One presenter explained that most women do not report workplace sexual harassment until one of two things happens: the harassment escalates in severity, or they lose their job or some other severe outcome happens.

## **Recourse and Remedies**

Depending on the nature of the workplace and the offence, many options are available to an employee experiencing workplace sexual violence or harassment. These may include a complaint under the Ontario *Human Rights Code*, seeking recourse under workplace policies and procedures established under the *Occupational Health and Safety Act* (OHSA), a complaint to the police if the harassment is criminal in nature, or, in a unionized workplace, a grievance under a collective agreement. Given these numerous avenues, one presenter told the Committee that survivors often experience a “legal-run-around,” finding themselves bouncing around, trying to find the best place to start.

Presenters stressed to the Committee that more needs to be done to help survivors benefit from these resolution processes. A number of organizations suggested the funding of legal clinics to provide support and information to those experiencing sexual violence and harassment. The DisAbled Women’s Network of Ontario recommended that workers be able to proceed simultaneously through the various available complaint forums. They noted that the current system of making survivors wait until their complaint has been fully processed in one forum before being able to launch a complaint in another “limits women’s options as timelines often expire while they are waiting for a process to be completed.” Other presenters suggested making informal reporting mechanisms or confidential hot-lines available.

For an employee who has suffered a psychological injury as a result of workplace sexual harassment, the Committee learned that workers' compensation benefits are restricted. While the *Workplace Safety and Insurance Act* recognizes entitlement for traumatic mental stress injuries, this is limited to situations where there is "an acute reaction to a sudden and unexpected traumatic event." This provision, along with the Workplace Safety and Insurance Board's policy on adjudicating this type of claim, acts to prohibit claims of chronic harassment, including sexual harassment. The Ontario Federation of Labour and the Labour OHCOW Academic Research Collaboration recommended that these rules be amended to allow workers who suffer psychological injuries as a result of workplace sexual harassment to receive compensation.

**The government should act now to ensure workers who suffer a psychological disablement as a result of their working conditions are provided with benefits on a fair and equal basis as workers who suffer physical injuries.**

*Ontario Federation of Labour*

The Committee also heard that remedies themselves can sometimes result in greater harm to survivors, such as mediation settlements that include non-disclosure orders. One witness explained that these "gag orders," which can prohibit the survivor from further discussion of the incident, can contribute to feelings of isolation and trauma.

## **Occupational Health and Safety**

In 2009 the Ontario government brought issues of workplace harassment and violence into the arena of occupational health and safety by introducing amendments to the OHS Act.<sup>10</sup> These amendments (commonly referred to as Bill 168), introduced broad new definitions of "workplace violence" and "workplace harassment"<sup>11</sup> and placed new requirements on Ontario employers to

- devise workplace violence and harassment policies;
- develop programs to implement such policies;
- provide employees with information and instruction on the contents of the policies and programs;

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<sup>10</sup> *Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace)*, 2009, S.O. 2009, c. 23.

<sup>11</sup> Under s. 1(1) of the OHS Act, "workplace violence" is now defined as "(a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker." "Workplace harassment" is defined as "engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome."

- provide information to workers about potentially violent people in the workplace;
- protect workers from domestic violence in the workplace; and
- engage in assessments to measure the risk of workplace violence.

Under the amendments, employees also now have the right to refuse work where they have reason to believe that workplace violence is likely to endanger them.

Witnesses before the Committee noted that while the amendments were well intentioned, they have proven insufficient to prevent and remedy workplace sexual violence and harassment. A number of presenters stressed that the definitions of “workplace violence” and “workplace harassment” need to be broadened further still to explicitly define “sexual violence” and “sexual harassment,” and include behaviours that may cause psychological harm. The Toronto Workers’ Health and Safety Legal Clinic, the Ontario Nurses’ Association, and Unifor stated that the Act should be amended so that employers have a legal obligation to protect workers from harassment, in addition to violence. Similarly, a number of witnesses expressed concern over the dichotomy of harassment and violence under the Act, noting that this separation ignores what many recognize as a continuum of behaviour.

**Separating out harassment and violence . . . leads to different solutions for these issues. . . . [The revised OHSA] does not provide the same protection for harassment in that employees cannot refuse unsafe work in the same way that they can when violence or the threat of violence is occurring. We need to ensure that our definition of unsafe work reflects our gendered understandings of safety as it relates to sexual harassment at work.**

*Professor of Sociology*

Moreover, presenters expressed concern that while the amendments to the OHSA through Bill 168 place a duty on employers to create workplace violence and harassment policies, they do not specify the content or quality of those policies, nor provide enforcement provisions to ensure employers are actually following their own policies. A human resource consultant told the Committee that “unscrupulous employers can actually use their harassment policies mandated by law to put up barriers against employees who need to make a sexual harassment complaint . . . by including bureaucratic hurdles and tight deadlines that must be met before the employer will take any action.” He and other witnesses endorsed the province’s plan to amend the OHSA to include a Code of Practice to assist employers in developing stronger workplace violence and harassment policies.

**The Code of Practice that's proposed should have a positive obligation on the [part of the] employer to create and maintain a working environment where employees are treated with dignity, integrity, and respect in the workplace.**

*Toronto Workers' Health and Safety Legal Clinic*

Noting that women tend to be more vulnerable to sexual harassment in the workplace "because they often hold lower-paying, lower-authority, and lower-status jobs compared to men," the Ontario Coalition of Rape Crisis Centres recommended that workplace harassment policies specifically identify and address

- women experiencing domestic violence in the workplace;
- women facing sexual and gender-based harassment;
- how to foster a workplace culture and environment that is inclusive, diverse, and actively resists gendered, racial, and other divisions; and
- practical solutions and strategies to resolve workplace violence.

The Centre for Research and Education on Violence Against Women and Children at the University of Western Ontario added that the impact of domestic violence in the workplace is often ignored. Accordingly, the Centre argued that the OHSA should be strengthened to make education about domestic violence mandatory for managers, supervisors, and workers, and to ensure that employers take reasonable precautions to keep employees safe from its impact in the workplace.

**We bring to work everything that happens at home. We can't compartmentalize or mentally separate these different aspects of our lives. While it might not technically be the responsibility of the employer or union to provide shelter or assistance for employees being victimized by abusers at home, the workplace is a logical place to provide help, support, and resources for victims of violence.**

*Centre for Research & Education on Violence Against Women, quoting a survivor*

The Committee heard a number of opinions with respect to investigations of incidents of workplace violence and harassment. One presenter expressed his support for allowing the responsibility of investigations to remain with the employer, with the government's role being that of oversight, quality control, and enforcement. The Elementary Teachers' Federation of Ontario recommended that Ministry of Labour inspectors be authorized to order employers to deal with cases of workplace harassment. Workplace safety advocacy centres stated that Ministry inspectors should attend workplace investigations and evaluate their outcomes, with the power to substitute their decision for that of the workplace decision-maker. The Ontario Nurses' Association and Unifor argued that the

province needs more inspectors to deal with these concerns, particularly in the health care sector. They also advocated for mandatory employer/union joint investigations in unionized workplaces as a means of reducing employer-sided bias.

**At present, a Ministry of Labour inspector cannot investigate, resolve, or mediate individual cases of workplace harassment. The Ministry inspector cannot order an employer to deal with an individual case of workplace harassment. The OHS Act establishes that the employer, the supervisor and the worker have general duties with respect to violence, but it fails to establish the certainty for harassment. Each of these limitations has the effect of understating the seriousness of harassment as a workplace hazard.**

*Elementary Teachers' Federation of Ontario*

Although the OHS Act prohibits reprisals by employers where an employee has acted in compliance with the Act or has sought its enforcement, the Committee heard that victims of workplace harassment are still hesitant to come forward because of the risks involved. The Registered Nurses' Association of Ontario recommended that the Act be amended to specifically protect whistle-blowers concerned about incidents or potential incidents of sexual violence and harassment. A number of presenters, including the Centre for Women's Justice, advocated for the creation of an external agency for hearing complaints about workplace sexual harassment. An alternative complaint process, they argued, could help survivors in situations where employers are not following their own violence and harassment policies.

## Prevention

The Committee heard many views on how employers and the government can promote safe and healthy workplaces, and prevent workplace sexual violence and harassment from occurring, including

- creating a supportive and cooperative workplace culture, where organizational leadership visibly supports anti-harassment cultures and policies; gender, race, and other inequalities across workgroups are reduced; interpersonal competition is minimized; and job security is enhanced;
- promoting proactive and accessible policies and procedures that encourage reporting;
- providing training that encourages bystander interventions; and
- providing education for all stakeholders—including employers, supervisors, workers, union representatives, Ministry of Labour staff, labour arbitrators, and workplace adjudicators—on the dynamics of sexual violence and harassment.

The Ontario Nurses' Association argued that workers need education and training on how to avoid workplace violence and harassment, while employers

should incorporate best practices from workplaces where the problems have been successfully tackled.

## **SEXUAL ABUSE AMONG CHILDREN AND YOUTH**

Child sexual abuse can occur in a variety of settings, including schools, and can be perpetrated by other children and youth. The Committee heard that these behaviours are different from bullying and can include inducing fear or making threats to get others to expose themselves, engaging in chronic peeping, inappropriate touching, forcing others to view pornography, and demonstrating repetitive simulation of intercourse with dolls or peers.

Any sexual offence, the Committee was told, is traumatic because it represents “a violation of emotional and physical boundaries.” Children who are sexually abused by other children suffer the same type and severity of negative consequences as children who are sexually abused by adults. Witnesses explained that this trauma may progressively worsen as the child matures through later developmental stages, resulting in long-term impacts.

To avoid potential trauma and prevent this type of abuse, the Committee learned that it is important to have practical and effective systems in place in schools for responding to and preventing inappropriate sexual behaviour and abuse perpetrated by children and youth. Witnesses recommended that the *Education Act* be amended to incorporate meaningful and comprehensive measures to address this behaviour. It was suggested that the legislation require all boards and schools to have a policy in place to alert all parties to their rights, roles, and responsibilities, and clearly outline how all incidents will be dealt with promptly and efficiently. The province’s new Health and Physical Education curriculum was highlighted as an effective tool for teaching children and youth about touch, communication, healthy relationships, and how to come forward and report inappropriate behaviour.

Moreover, presenters told the Committee that to shift the cultural and social norms that support inappropriate sexual behaviour and abuse perpetrated by children,

educators and other adults caring for children need to have access to current information about sexual abuse issues, including the topic of offenders. The behaviours need to be openly discussed by parents and educators so that children receive two very clear messages: that they can say no and that certain behaviours are unacceptable.

The Committee also heard about the legal requirement for school boards, teachers, and administrators to report sexual violence to the police if the incident occurred on school property, even if the survivor does not want to have the police involved. One witness suggested that these reporting requirements be changed so that young people in schools, if they disclose to a teacher, do not have to interact with the legal system if it is against their wishes.

**During my second year of high school, I was sexually assaulted by another student within school walls. After a couple of weeks' hesitation, and with the encouragement of a friend, I made a choice to disclose my experience to a trusted teacher. It was unclear to me at the time that from the exact moment I made my disclosure, the power to choose what I would go through would not be my own. Instead, the power of choice in the matter would reside in protocol beyond what was accessible to me.**

*Sexual Assault Centre (Hamilton and Area), quoting a survivor*

## **POST-SECONDARY INSTITUTIONS**

Several presenters told the Committee that post-secondary students experience a disproportionate number of sexual assaults compared to the general population, to the extent that sexual violence on campus has almost become the “norm.” Indeed, numerous witnesses referred to a rape culture on university and college campuses, where sexual assault is often excused, condoned, and covered up. LGBTQ students regularly experience “micro-aggressions” such as stares and harassment, contributing to the normalization of violence against them. The Committee heard that many on-campus sexual assaults occur during the first eight weeks on campus and that the majority are committed by someone known to the victim, often on dates or within the context of a social relationship.

Along with undergraduate and graduate programs at post-secondary institutions, the Committee was informed that sexual violence and harassment is occurring at professional schools in Ontario. One witness explained that “sexual harassment of female medical students occurs with regularity in . . . training programs. It occurs most often in clinical settings, primarily surgical specialties, and it remains largely unreported.” Retired Colonel Michel Drapeau, a lawyer representing 10 female cadets in sexual assault cases, told the Committee about the institutionalized nature of sexual violence and harassment at the Royal Military College in Kingston. He noted that the power and influence given to young men at the college, who outnumber female students six to one, contributes to a “mafia code of silence,” where reporting is viewed as insubordination.

A number of presenters told the Committee about how colleges and universities in Ontario have historically responded very poorly to reports of sexual violence and harassment on campus. The Canadian Federation of Students–Ontario explained that “to date the responses to sexual assault on campus have been adequate at best and non-existent at worst.” However, the Committee also heard that campuses offer a special opportunity in which to proactively address sexual violence and harassment.

**From lecture halls to dorm rooms, universities and colleges have many avenues to implement mandatory consent education programs and clear rules and procedures around preventing and dealing with sexual assault.**

*Canadian Federation of Students–Ontario*

## Support and Prevention

The Committee learned that while some colleges and universities are making great strides towards providing students with a safe and harassment-free experience, many campuses still lag behind in both the immediate and longer-term supports available to students who are victims of sexual assault.

**Service breadth and depth varies widely by institution—immediate survivor supports, reporting, accommodations, and counselling are not always available at every institution. When they are, they are often only open during regular business hours that do not reflect the times when sexual violence is more likely to occur.**

*Ontario Undergraduate Student Alliance*

Many presenters stressed the importance of having ready access to support centres for students who have experienced sexual violence and harassment. Located on or at least near campuses, these support centres should have extended operating hours, and provide medical assistance, guidance in crisis situations, peer support resources, safe spaces, and tools that aid in the non-physical aspects of recovery. Academic accommodations, such as testing in a separate space and deadline extensions, should also be offered to students who have experienced sexual violence.

Witnesses explained that support resources must be adequately communicated to students. The Canadian Federation of Students–Ontario recommended that support services be advertised on campuses and incorporated into the training that students receive during orientation week. As well, universities and colleges should engage student leaders to advocate against violence and support their peers.

The Committee heard that some students who approach staff or faculty find that they are not treated with dignity and respect, and may not be appropriately referred to support services. It was recommended that all staff, faculty, and administrators be properly trained to provide appropriate support for survivors of sexual violence and harassment. Training should include information about on- and off-campus supports, relevant university or college policies, the processes at the institution, the importance of first-response, and how sexual violence can affect an individual.

Some witnesses felt strongly that the province should increase funding to post-secondary institutions to support educational efforts, programming, and other initiatives addressing sexual violence on campus. The Canadian Federation of Students–Ontario recommended that the province invest \$6 million towards the creation of a long-term sexual assault support resource fund that would allow students, campus groups, and institutions “to apply for funding to develop or enhance existing education or training programs and support resources on campus and in the greater campus community.” It was suggested that a new sexual assault support division be created within the provincial government to, among other things, administer this fund. The Gender Issues Centre, Lakehead University Student Union also supported this recommendation.

An expert on the prevention of sexual violence on campus stated that risk reduction programs, such as self-defence training for women and bystander education, can be effective in preventing sexual violence at post-secondary institutions. The University of Windsor's *Bringing in the Bystander* program was highlighted as a successful tool for changing attitudes and bystander behaviour. Best practices for prevention education, she explained, include continual training delivered in small, single-sexed groups.

## Sexual Violence and Harassment Policies

Traditionally, post-secondary institutions have taken the approach that general harassment policies were overarching enough to cover sexual violence and harassment on campus. The Committee learned, however, that the information that students needed was often buried in these policies and hard to access, and that campuses were ill-prepared to handle cases of sexual assault.

A number of presenters stressed the importance of mandatory stand-alone policies on sexual violence and harassment at post-secondary institutions and indicated their support for legislation that would require colleges and universities to adopt such policies, developed with input from students and renewed every few years.

**Having a stand-alone policy and review process not only makes sense procedurally, as services and strategies can evolve quite quickly over time, but it sends a clear message to all students, especially survivors and complainants, that this is something that is taken seriously and for which there are clear institutional supports and processes.**

*Ontario Undergraduate Student Alliance*

The Committee heard that effective stand-alone policies should

- be proactive not only by offering preventive programming, but also through providing detailed protocols and procedures for crisis response;
- be grounded in the principle of compassion for survivors;
- outline a variety of reporting and recourse methods, including the ability to press charges under the *Criminal Code* or file a complaint under any relevant campus codes of conduct, human rights legislation, or employment policies;
- include up-to-date listings of the campus and community support resources available;
- detail standards of communication and confidentiality for all stakeholders involved in the disclosure and resolution of reports of sexual violence; and
- lay out expectations for the training of university and college staff.

The Committee heard that colleges and universities across Ontario have already begun to develop and implement stand-alone policies on sexual violence and harassment. Lakehead University was praised for its Sexual Misconduct Policy and Protocol, implemented in 2014. The Council of Ontario Universities reported that all universities in the province are now working together to develop a common system for reporting incidents of sexual violence. As well, all 24 community colleges in Ontario have endorsed a uniform policy and protocol on sexual assault and violence to be used as a template at each institution.

A number of presenters told the Committee that an important element of policy success is monitoring and evaluating the effectiveness of policies and practices. METRAC recommended that the monitoring and evaluation of policies be “led by an external, unbiased third party to ensure that they are disentangled from common institutional barriers to effective implementation.”

As well, student organizations recommended that there be a process in place for sharing best practices and creating a coordinated approach to addressing this issue. They suggested that the provincial government should

- clearly define gendered violence, sexual violence, and harassment for all campuses;
- compile all relevant policies within the sector;
- develop and enforce data collection standards of reported sexual assaults;
- collect data of reported sexual assaults for provincial analysis;
- create requirements for universities and colleges to adopt complaint procedures; and
- directly oversee and enforce accountability measures, including receiving and pursuing student complaints of policy non-compliance.

## REPORTING AND DISCLOSURE

**It is questionable whether a criminal offence that gives rise to criminal conviction for only three in every 1,000 incidents is really considered a crime. If sexual assault is really a crime in this province, we need to remove the barriers to reporting it.**

*YWCA Canada*

One aspect of the Select Committee’s mandate is to consider ways to shift social norms and other barriers preventing people from reporting instances of sexual violence and harassment. As the YWCA Canada summarized succinctly, not reporting is overwhelmingly the norm.

The Committee learned that there are many reasons for this state of affairs. Perhaps the most basic is the lack of clarity and understanding about what constitutes sexual violence or harassment. Young people in particular may lack knowledge of appropriate and inappropriate sexual contact. The South Asian Women's Centre noted that many women fail to report sexual abuse because they do not know that it is wrong. One SA/DVTC (Sexual Assault/Domestic Violence Treatment Centre) noted that some survivors believe that they have to be penetrated or injured for an incident to count as sexual assault. Sadly, individuals with a history of victimization may view an assault as a matter of course.

More complicated reasons also play a role in the decision to report. The status individuals have in a community will affect their relationship to authority. A number of organizations note that less privileged women are less likely to report; LGBTQ men and women may never report, according to TG InnerSelves Sudbury and EGALÉ Canada Human Rights Trust. The Ontario Native Women's Association stated that many Aboriginal people are simply afraid of reporting, as they have a long history of negative interactions with the police, the legal system, and even the health care system. They are also at greater risk of losing their children if they report instances of domestic violence, although this can also affect the decision of non-Aboriginal people to contact the police.

When individuals do disclose sexual violence or harassment, the response they receive may be discouraging and humiliating. The Centre Victoria pour femmes told the Committee that women and girls are still questioned about their past, still asked about what they were wearing, still made to feel as though they are at fault. Reports of acquaintance rape, in particular, may be met with disbelief. The myth that women lie about sexual assault results, even today, in threats to lay mischief or false reporting charges. In reality, as noted by the Sexual Assault Support Centre of Waterloo Region, only 2% to 4% of sexual assault allegations are false, the same as for any other crime. Men and boys can be made to feel as though they should deal with sexual abuse or violence on their own, without the intervention of the legal system. They can simply be told to "get over it," as one witness noted.

**We are still having core personnel saying inappropriate things to women who are victims. So a crown attorney asks, "What were you wearing?" The accused are saying, "I was led on by her, so she was to blame." This one: "She"—the 13-year-old victim—"is lying and was on drugs." This was a perpetrator who was screaming this in the courtroom, screaming this at the victim who was sitting there, and no one was intervening.**

*Northwest Ontario Women's Centre*

The low conviction rates for crimes of sexual violence may also factor into the decision to report. Indeed, a perfectly reasonable calculation may be at play, according to the Ontario Coalition of Rape Crisis Centres. If a victim is going to be shamed, blamed, and re-victimized through the legal process as she tells her story over and over, only for the assailant to walk away free, why would anyone want to report? Women, in short, do not have confidence in the system. The costs of accessing that system add another barrier, note organizations like the Canadian Women's Foundation. Major reforms and continuous monitoring and

evaluation will be necessary in order to address these serious structural shortcomings.

But even if the system were improved, and charges of sexual violence taken seriously and dealt with appropriately, a number of women told the Committee that criminal proceedings cannot be the only answer. In most cases of sexual assault, the assailant is known to the victim, and may even be loved or respected. Survivors told the Committee that the thought of reporting in these cases can be overwhelming, and perhaps unrealistic. Reporting can mean the loss of one's entire family in some communities, surely too much to ask from someone who is already suffering. Furthermore, men are also victims of a culture that tolerates sexual violence, and are struggling with their understanding of appropriate sexual behaviour. Criminal punishment may not be the best response in all cases [see further discussion below].

**We have to find a way around the shaming and blaming and charging to how we prevent this from happening. How do we assist victims when they're ready—if they're ever ready—to come forward? It's the support for victims that is lacking. That's where I would turn to the government side and say we need money into victims' services. That's where it starts: Helping the victims, not going after the perpetrators.**

*Survivor*

As a consequence, a number of witnesses, such as Guelph–Wellington Women in Crisis and the Kawartha Sexual Assault Centre, advised the Committee that too much importance is attached to reporting. More attention should instead be paid to prevention, education, and community support. Sexual assault crisis centres stressed that an improved justice system will not necessarily improve the support offered to survivors, who still need counselling and other forms of intervention. Many individuals appear to be more comfortable in these non-legal environments.

## **THE JUSTICE SYSTEM**

The Committee heard that a persistent and unfortunate reality of sex-related crime is that survivors are rarely certain that they can expect justice. As noted above, the shortcomings of the justice system mean that of the already small number sexual assault cases being reported, only a small minority actually lead to convictions. Given this reality, a number of presenters stressed that the justice system must be enhanced to better address sexual violence and minimize the incidents of these crimes in the future.

### **The Police**

Presenters told the Committee that police procedures with respect to responding to and investigating complaints of sexual violence are in need of reform. They stressed that police must take all complaints of sexual violence seriously. In some cases, it appears that the police presume the innocence of the perpetrator, a situation that does not occur when other types of crimes are reported. A number of witnesses noted that there is a “good victim/bad victim” dichotomy that

can affect police attitudes to certain groups, including sex workers and Aboriginal women. The Canadian Association for Equality asserted that police may be less likely to believe victims when the perpetrator is female.

**I went to the police department to report another assault. With my neck bleeding and cuts on my arms and hands, pictures would be taken, along with my video statement. After interviewing my spouse, their decision was not to press charges on the grounds that they were not present when the assault took place. I asked the officer what their actions would have been if the tables were turned and she had the injuries. He replied to me, “That’s easy; we’d arrest you and put you in jail.” Pointing out the flaw in the logic, he simply stated, “That’s just the way it is.”**

*Survivor*

Representatives from the SA/DVTC at Thunder Bay Regional Health Sciences Centre recommended that police reconsider the taking of statements from survivors in the period immediately following an assault, noting that the accurate recall of memory and the role of REM sleep should be further explored. One survivor noted that the presence of a female officer or a social worker during her initial contact with the police would have made the experience less traumatizing.

A number of SA/DVTCs expressed concern over police procedure regarding the collection and analysis of forensic evidence from victims following a sexual assault. They argued that all forensic evidence should be collected and submitted to the Centre of Forensic Sciences for analysis, rather than be left to the discretion of the individual investigator. The Ottawa Rape Crisis Centre asserted that police statistics on sexual assault cases should be regularly published—including cases where there was not enough evidence to lay charges—and perhaps independently monitored.

The Rainy River District Women’s Shelter of Hope advocated for the use of lie detectors in cases involving a “he said, she said” situation. While the evidence may not be used in court, the procedure can sometimes lead to a confession. They also stressed that charges of child sexual abuse should always be laid, regardless of the survivor’s wishes. “This is a crime and needs to be treated seriously as such,” they explained.

A number of organizations spoke of the need to enhance police training with respect to cases of sexual violence and abuse, and indicated their support of the province’s plan to standardize police training to better address this issue. The Committee heard that police training should include a cultural competency component, especially for police working in Aboriginal communities, as well as instructions on how to respond appropriately to sexual violence and abuse perpetrated against men. Legal Assistance of Windsor proposed a “don’t ask/don’t tell” policy that could encourage victims to report violence regardless of their immigration status. The SA/DVTC at Thunder Bay Regional Health Sciences Centre suggested that specialized police units be used for responding to instances of sexual assault, noting that similar units for domestic violence have been shown to lead to an improvement in the response to survivors.

One presenter spoke of the need to address incidents of officer-involved domestic violence and sexual violence—domestic and sexual violence that may be particularly serious because it occurs at the hands of men and women who have been trained in intimidation, interrogation, and manipulation. She explained that sexual violence perpetrated within police and military organizations is tolerated and even encouraged, and usually covered up. It was suggested that the province look into more avenues for survivors of this type of abuse to report and find support.

## The Court System

The Committee heard that even when survivors are reporting and police are laying charges, most cases of sexual assault and related crimes do not progress through the court system and only a small fraction lead to convictions. In cases where there is little physical evidence to connect the accused to the crime, the victim's character, behaviour, and credibility often play large roles in shaping decisions. As myths and stereotypes regarding sexual assault continue within the justice system, scrutiny about what the victim did or did not do—instead of the actions of the accused—often determine the outcome of a case. A number of organizations described how this process, along with a lack of adequate supports, can re-victimize and further traumatize survivors.

**Too often, a woman's treatment by the justice system depends on whether she is perceived as a "good victim" or whether her case will sound good in court—someone who projects a calm, reasonable demeanour and suppresses her anger, fear, and trauma during the legal process. She is usually required to tell her story in a proscribed and limiting manner, without expressing any emotions. The "good victim" will accept seeing her life and her choices put under a microscope to be examined, and will facilitate this. And this will happen to her. Just as the sexual assault happened to her.**

*Survivor*

Inside the court room, the Committee was informed, the victim is treated as a witness to the crime, whom the Crown cannot directly represent. In some cases, victims have been told that they cannot even bring support people to the trial, and that their personal journals and counsellors' notes may be subpoenaed as evidence. One witness told the Committee that the "he said, she said" nature of sexual assault cases opens up the possibility that the accused might later sue the victim for defamation.

Presenters told the Committee that to improve the experience of survivors navigating the legal system, a more sensitive and supportive structure is needed, taking into account the diversity of survivors across the province. Action ontarienne contre la violence faite aux femmes argued that it is very difficult for francophone women to find a French-speaking lawyer, particularly in non-francophone areas of the province. Another French-language service provider requested court proceedings in French for francophone victims of sexual violence. EGALÉ Canada Human Rights Trust advocated for the creation of a LGBTQI2S [Lesbian, Gay, Bisexual, Transgender, Queer and/or Questioning, Intersex, Two-Spirit] legal service centre run by and for that community.

The Committee heard that free legal service and/or representation should be readily available to all victims. Other organizations advocated for an increase in court supports, such as trauma dogs and accompaniments. The Committee also learned that while under the law children should have the right to testify behind screens or via closed-circuit televisions, in practice these accommodations are not always available.

**I was then asked where the perpetrator was in my vagina. If I recall correctly, the average depth of a vagina is two to five inches. I'm no different than anybody else. How does a question like that get into our system? It traumatized me—answering a question like that. He asked me about my tights, my leotards, the difference between tights and leotards, socks, crotchless tights, and pantyhose. He asked me about it again the next day—this is the defence lawyer. He asked if I was embarrassed and had made it all up.**

*Survivor*

A number of organizations expressed their support for the provincial plan to enhance the education and training for Crown attorneys, but stressed that judges and other legal decision-makers must also have access to better education and knowledge of the dynamics of sexual violence and harassment. As explained by the Canadian Women's Foundation, "change will not come about without every member of the legal system having a greater understanding of the victim impacts from all of those who are sexually abused or have experienced sexual assault and/or harassment." The Kingston Police recommended having dedicated Crown attorneys who specialize in sexual assault cases.

**I didn't want to pursue my rapist through the court system. I didn't want him to have a jail sentence, or a record for the rest of his life. I didn't want him to experience that sort of institutional violence that accompanies punitive punishment—not because I hold any sympathy for him, but because that is simply continuing this cycle of violence. You do something wrong—you get punished for it. It is too basic and simplified for this type of crime and I do not believe it will change rape culture.**

*Survivor*

Some presenters recommended that the province look into alternative forms of justice for survivors of sexual assault. Suggestions ranged from the creation of a restorative justice system—which Community Justice Initiatives asserted can be healing in cases where the victim and perpetrator know each other and are willing to participate—to the use of an integrated domestic violence/family court system where a single judge hears both the criminal and family law aspects of cases involving domestic violence. The Chiefs of Ontario–First Nations Women's Caucus recommended the implementation of community mediation programs, designed and delivered by First Nations communities or experts. A number of organizations advocated for the development of specialized survivor-centred, trauma-informed, human-rights based sexual violence courts.

**What do I want from a justice process? I want my rapist to understand why what he did was wrong. I want him to understand that he is a product of a wider culture that makes it possible for him to assume he had the right to do that to me. I want him to be held accountable to his behaviour from his family, his friends, and his community. I want him to recognize the hurt and trauma he caused, and then to put his energy into doing what he can to ensure positive change in his community. I want his apology.**

*Survivor*

The Committee also learned of the difficulty that survivors face in accessing justice and obtaining compensation through the civil system. Survivors are often encouraged to drop their cases due to the costs (both financially and emotionally), the lengthy legal process, and the small chance of success—especially when the accused holds a position of power in the community. One witness recommended making the civil justice system more accessible by facilitating online claims. A number of presenters also stressed the need to amend the *Limitations Act* to eliminate the remaining limitation periods for all civil sexual assault actions.

## **Victims' Rights and Compensation**

Often a victim's ability to obtain a sense of justice through the legal process will depend on the treatment and assistance he or she receives through official channels. The Committee heard, however, that victims of sexual assault and abuse in Ontario are not necessarily getting the appropriate and immediate help that they need.

Some witnesses recommended that the *Victims' Bill of Rights, 1995*—which establishes a set of principles to support victims of crime throughout the justice process—be amended to, among other things,

- provide victims with meaningful and timely opportunities for input and choices in areas that affect them directly;
- provide victims with ready access to information about publicly funded resources and services that provide psychological, legal, and other forms of support;
- mandate police services and Crown attorneys to cooperate and, where appropriate, share information with victims and their lawyers;
- provide victims with access to copies of documents generated for or as a result of criminal proceedings; and
- eliminate the uncertainty in relation to the damages to which victims of sexual assault may be entitled.

The Committee also heard that the process for achieving financial compensation through the *Compensation for Victims of Crime Act* can, like other justice pathways, be difficult for victims of sexual assault to navigate. The Criminal

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Injuries Compensation Board and the Community Advocacy and Legal Centre suggested a number of amendments to enable the Act to more properly assist these victims, including eliminating

- the two-year limitation period for compensation claims for victims of sexual assault, domestic violence, and child abuse;
- the provision that provides notification to offenders of claims before the Board; and
- the Board's right to pursue the offender to recover the compensation paid to the victim.

Moreover, it was suggested that assistance to victims programs through the Ministry of the Attorney General be provided without the requirement to first report to the police. Aboriginal Legal Services of Toronto explained that the requirement to report makes these services unavailable to people who feel alienated from the criminal justice system, such as the Aboriginal population.

Finally, some lawyers proposed that the general regulations under the *Ontario Disability Support Program Act, 1997* and the *Ontario Works Act, 1997* should be amended so that compensation payments received by victims are added to the list of income exemptions used to calculate benefit eligibility. The inclusion of these awards as income, they argued, poses access to justice issues for low-income individuals.

## **MEDIA, THE INTERNET, AND NEW TECHNOLOGY**

The Committee received testimony on several issues relating to the media, the Internet, and new technology.

A number of witnesses, including the Registered Nurses' Association of Ontario and several of the province's SA/DVTCs, challenged the media to be more responsible in its reporting of sexual assault. Survivors noted that graphic details of the crime can invade the privacy of victims, who may not have wanted their friends and family to know all of the specifics of an assault.

Furthermore, the use of words such as "alleged" or "claimed" can set the stage for doubting the victim's account. The reporting of race, marital status, and occupation—along with words like "prominent" or "well-respected"—suggests that some individuals are inherently more believable than others. Witnesses noted that at least one organization has prepared guidelines to assist the media in the reporting of sexual violence.

The Sudbury chapter of the Canadian Federation of University Women asserted that the hypersexualization of girls and women in advertising and mass media can increase the acceptance of rape myths and influence boys' attitudes to sexual violence and harassment. The organization recommended that the province fund a program raising awareness of the issue and investigating its relationship to gender inequality, and create laws prohibiting the use of sexualized images of children and adolescents in the media. A criminology professor stated that there may be a link between violent pornography and sexual assault, while organizations such as the London Abused Women's Centre

and the YWCA Toronto argued that any strategy against sexual violence should address increasingly violent Internet pornography.

Several organizations, including the Ontario Network of Victim Service Providers, cautioned that use of the Internet as a means of sexual exploitation, particularly of children and youth, is increasing and needs to be monitored. Children and youth need to be taught about these risks as part of the Ontario curriculum, according to the Burlington chapter of the Canadian Federation of University Women. The Faye Peterson House noted that social media is being used to shame victims and their supporters, bullying them and creating another deterrent to reporting sexual violence. The YWCA Canada reminded the Committee that new technology can be used for positive ends as well, such as the development of apps with information about support services for victims of sexual assault.

## SERVICES AND SUPPORTS

Numerous organizations in Ontario provide services and supports to survivors of sexual violence, including hospital-based SA/DVTCs, community-based sexual assault/rape crisis centres, victim support services, shelters, child and youth advocacy centres, women's centres, and numerous other types of agencies. The Committee received a large volume of testimony pertaining to these services.

Witnesses across the province, including the Greater Sudbury Police Service, the Centre Victoria pour femmes, and the Toronto Rape Crisis Centre, spoke of the key role played by these agencies, the need for more services (particularly in rural and remote areas, where violence and abuse are more easily hidden and victims face increased stigma), and the importance of consistent, stable funding. With a greater focus on prevention, increased public awareness, and an improved legal response, it was noted that more survivors may come forward who will need access to a robust support system.

**I would ask that you treat services, such as victim services, the shelter system, or rape crisis counselling centres, for example, which support victims, as a key, foundational element of any integrated strategy. Prevention is key, but there must be robust supports available to those who are victimized.**

*Ontario Network of Victim Service Providers*

The Canadian Association for Equality and several individuals stated that there is a gap in services for male victims (such as shelters), or for victims of female-perpetrated sexual violence.

The Sudbury Counselling Centre, the Ontario Network for Victim Service Providers, and the SA/DVTC in Thunder Bay suggested that all community services need greater promotion and visibility, and survivors more assistance in navigating the complicated system. The Meno Ya Win Health Centre, home to the SA/DVTC in Sioux Lookout, observed that even health care professionals require more training about the range of services available. Some individuals from marginalized groups and populations at high risk for sexual violence may need more assistance with navigation. Cornerstone Housing for Women

suggested that there should be better coordination between emergency rooms, emergency shelters, and rape crisis centres to better assist homeless women.

Another way to make the system more accessible is to have providers work more closely together, perhaps even in “hubs” of multiple services, as proposed by the Ontario Collaborative Response to Family Violence. Child and youth advocacy centres, which provide multiple services to children and families as they navigate the justice system for cases of sexual and physical abuse, were offered as another example of integrated care. Presently, as noted by the Canadian Women’s Foundation, too many services are still “siloes,” operating in isolation from one another. For example, funding for domestic violence services is provided by the Ministry of Community and Social Services, while funding for sexual assault centres is provided by the Ministry of the Attorney General. Brant Response Against Violence Everywhere asserted that agencies may require funding in order to be able to engage in any collaborations.

## Primary and Emergency Care

Thirty-five hospitals in Ontario are funded as SA/DVTCs. These centres, staffed by nurses, seek to provide 24-hour care to women, children, and men who have been sexually assaulted or who have experienced intimate partner violence. The centres offer emergency medical care, crisis intervention, the collection of forensic evidence, counselling, and referral to community resources. One location, the Waterloo Region SA/DVTC, employs an on-call social worker and recommended that this model of care be considered for wider adoption.

A number of the centres voiced concern about budgetary pressures. Now funded out of the general hospital budgets, they are forced to compete with other aspects of the hospital system. As a consequence, some centres are no longer offering 24-hour care. Training, outreach, and follow-up care budgets have been cut, limiting the range of available services and potentially the quality of care. Nurses stressed the importance of training to maintain and expand their professional competencies, as their job requires that they collect forensic evidence and provide testimony in court. Witnesses also requested that the centres be funded to provide additional counselling. Presently, some centres offer only six sessions.

**Sexual assault care may not have the appeal of premature babies in the intensive care nursery or the life-and-death drama associated with trauma services in the emergency department, but it is just as critical to the long-term health of our communities. Sexual assault is not just a social problem or a private matter but a legitimate health care concern.**

*Sexual Assault/Domestic Violence Treatment Centre, Thunder Bay Regional Health Sciences Centre*

The SA/DVTCs, along with the Registered Nurses’ Association of Ontario, also noted the problems inherent in the on-call staffing model used at some of the centres. The overall salary for these positions can be quite low, as nurses receive their regular pay only when they are actively dealing with a patient. As a consequence, turnover is high and it can be difficult to fill vacant positions. Given the considerable training that is required to provide trauma care, collect accurate

forensic evidence, and appear in court, the on-call model is inefficient. Furthermore, it is associated with burnout, job dissatisfaction, depression, exhaustion, and stress.

Witnesses in rural and remote regions argued that SA/DVTCs should be placed in more hospitals. Alternatively, sexual assault evidence kits, the basis of the forensic evidence collected following an assault, could be made more widely available. As it stands now, people in some areas of the province have to travel great distances to receive care. The Committee learned of at least one occasion where a woman was transported in a police car for several hours, contributing to her sense of victimization.

Some concerns about the nature of the care received in the wake of sexual violence were also raised. Nishnawbe Aski Nation stated that first responders should be given special training to work with victims of sexual assault, while several witnesses spoke of the need for “trauma-informed care,” enabling health care providers to respond more sensitively to vulnerable individuals. One individual noted that the triage system in emergency departments was neither confidential nor private for victims reporting sexual violence. The Ontario Network of Sexual Assault/Domestic Violence Treatment Centres warned that there is a continued need to monitor any instances of sexual abuse of patients by health care professionals.

## **Counselling and Psychological Services**

Victims and survivors of sexual violence and harassment obtain counselling or psychological services from a number of sources in Ontario. The province’s 42 sexual assault or rape crisis centres (SACs or RCCs) are one of the main providers, offering community-based counselling to survivors of recent and historical sexual assault aged 16 and over.<sup>12</sup> In addition to counselling, each SAC may provide a different basket of services, depending on the needs of its community.

The SACs also engage in significant education, outreach, and prevention work, and provide alternative forms of survivor-centred justice. Sexual Assault Centre London’s Opening the Circle website, created by survivors, offers guidelines for peer support programs and provides strategies for survivors on how to improve their quality of life. The French-language SAC in Ottawa recently published a report on cyber-sexual harassment. The Ontario Coalition of Rape Crisis Centres and Action ontarienne contre la violence faite aux femmes developed the “Draw the Line” sexual violence prevention campaign.

**The Sexual Assault Support Centre never put a time limit on my healing. I was encouraged to disclose as much or as little as I wanted. While helping me build my self-esteem and develop healthy boundaries, I was finally in control of myself, thus enabling me to accept care and help and finally begin a healing journey.**

*Survivor*

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<sup>12</sup> Of the 42 centres, 30 provide English-language service, and 12 French-language service.

The Committee received considerable testimony about the province's SACs/RCCs. Witnesses, including the Ontario Coalition of Rape Crisis Centres and the Toronto Rape Crisis Centre, argued that SACs play a key role in the province's response to sexual violence, yet they remain underfunded. Several of the province's SACs receive LHIN (Local Health Integration Network) funding pertaining to the treatment of abuse. Muskoka Parry Sound Sexual Assault Services suggested that the province's other SACs would benefit from this funding. Other witnesses noted that isolated communities do not have easy access to the SACs, and that youth under 16, a high-risk group, are not served under this model of care. Francophone service providers argued that the province should fund more French-language centres.

Other community organizations, such as family service agencies, shelters, and women's centres, also provide various forms of counselling. Witnesses made a general request for greater availability of multiple forms of no-cost counselling, as waiting lists and fees are presently a barrier to access. It was suggested that peer counselling could help to reduce the sense of shame and secrecy attached to sexual abuse and violence, and may be essential to highly marginalized groups who will not seek out hospital care. It was also proposed that preventive couples counselling could assist at-risk families before violence has been implanted.

**I'm on a disability pension for post-traumatic stress from my sexual assault. I get less than \$700 a month. That's my pension. I can't afford another doctor.**

*Survivor*

The Committee heard that counselling services for perpetrators must also form part of the prevention and response system. As a Sudbury police officer stated, "we're not going to arrest our way out of any problems that we have in our community." The Kingston Police recommended mandatory intervention programs for adolescent sex offenders. One SA/DVTC noted that perpetrators are generally suffering from their own traumas, and while they need to be held accountable, we have a responsibility to help them. Several witnesses proposed increased funding for the Partner Assault Response (PAR) program, which provides court-mandated counselling to perpetrators of domestic violence. Others argued that there is a need for counselling programs that intervene before violence takes root in a relationship.

Many witnesses argued that the province needs to expand access to the more specialized care provided by psychologists. The Committee heard very personal pleas from survivors of historical abuse who feel that their suffering has not been adequately addressed with counselling. Several presenters requested that the services of psychologists be covered by OHIP. Pace Law Firm and Rainy River District Women's Shelter of Hope proposed that this coverage could, at minimum, be provided in cases of sexual violence, or historic sexual abuse.

**We need professional assessments. . . . I don't know who it is, what my problem is about. . . . Right now, I'm at a standstill as to what to do. I think for me and the other people who are having the same problem, we need people who are experts to deal with the crisis, I'd call it.**

*Survivor*

Finally, it was noted that even crisis and trauma counsellors need sensitivity training, as they can be subject to desensitization after working in the field for some time. They may also be inadequately sensitive to issues faced by First Nations individuals, transgender persons, and other marginalized groups.

## **Housing and Income Support**

Presenters such as Shelter House and Réseau Access Network argued that there is an intimate connection between socioeconomic status and access to housing on the one hand, and the likelihood of victimization by sexual violence on the other. Individuals living on the street are among the most vulnerable members of our society. Poverty and low-income can place people in situations where they cannot escape violence and are more exposed to predators. Youth, as is often the case, are particularly at risk.

The Committee was told of occasions where a victim and an abuser may have to spend the night in the same shelter because of a lack of other options. In Toronto, a woman was sexually assaulted twice at the entrance of a shelter that was at full capacity. LGBTQ individuals, particularly youth, may feel that they don't fit into a shelter, leaving them with no choice but to live on the street.

As a consequence, several organizations and individuals argued that any strategy to combat sexual violence must also address low income, employment, and housing issues, through increases to minimum wage and social assistance rates, job creation, education opportunities, and greater funding for shelters and other housing programs.

**Poverty is a form of structural violence in itself. It makes those living in poverty more vulnerable to direct violence.**

*Registered Nurses' Association of Ontario*

Several groups, including the Provincial Council of Women of Ontario and the Wilfrid Laurier University Student Union, proposed that victims of sexual assault or stalking should be able to end a residential tenancy with less than the standard 60 days' notice.

## **PREVENTION AND EDUCATION**

A general theme heard throughout the hearings is that there is currently a lack of a coordinated response in the way sexual violence and harassment are addressed in the province. To remedy this issue, the Sexual Assault Centre

(Hamilton and Area), the White Ribbon Campaign, and the Canadian Women's Foundation, among others, emphasized that a comprehensive prevention and intervention strategy is required; primary prevention education for adults, youth, and children is the key to changing attitudes and enhancing safety, and must be prioritized. Crime Prevention Ottawa recommended working with academic and evaluation experts to ensure that different projects and programs have a genuine impact.

**Historically, the focus of sexual violence and harassment prevention efforts has been on educating victims to protect themselves from violence and aggression. We don't put enough resources into the primary prevention of violence. Intensive primary prevention programming addresses violence and relational aggression by providing children and youth with skills to build healthy, mutually rewarding relationships and reduce victimization.**

*Boost Child Abuse Prevention and Intervention*

The Committee heard that public education about sexual violence and harassment must be taught within a framework that acknowledges that while people of all genders, races, ages, and socioeconomic backgrounds can both perpetrate and be victims of these types of offences, particular demographics experience sexual assault disproportionately. The Ontario Coalition of Rape Crisis Centres explained that a gender-based analysis ought to be integrated into strategies for dealing with sexual violence, explaining that "gender-based violence, such as sexual harassment, *is informed by* and also perpetuates women's subordinate legal, social, or economic status in society." EGALE Canada Human Rights Trust stressed that public education needs to emphasize the existence of sexual violence both within and against LGBTQI2S communities.

The Committee heard that education on sexual violence and harassment must be provided in a variety of environments, including law enforcement, the justice system, schools, campuses, sports teams, and the workplace. Schools across Ontario were highlighted as the ideal location to teach children and youth about healthy relationships, touch, communication, respect for others, and how and where to get help. Children also need to be explicitly told about the risks of familial abuse. "Stranger danger" can be misleading when so much child sexual abuse takes place at the hands of individuals known to the victims.

To this end, many presenters expressed their support for the province's updated Health and Physical Education curriculum as a prevention tool. The Elementary Teachers' Federation of Ontario noted that classroom teachers and other educators need resources and training so that they can include learning about healthy and equal relationships in a variety of subject areas.

**Public education and training offers innovative ways to challenge sexual violence myths and victim-blaming; skill building opportunities for professionals so that they can appropriately respond to survivors; and programs for bystanders to assist them in recognizing and responding to sexual violence.**

*Sexual Assault Centre (Hamilton and Area)*

**Young girls need to be educated on the warning signs and specifically about concepts of love and trust and healthy relationships. Learning what a healthy relationship is early on will lay a foundation for how women/girls look for potential boyfriends/girlfriends. Learning what acceptable behaviour is and what verges on . . . controlling, manipulating, extreme jealousy and unwanted behaviour [can provide] cues as to when to leave a dangerous situation.**

*Criminology professor, quoting a student*

In addition, a number of presenters expressed their support for the government's new multi-media public campaign, #WhoWillYouHelp, as a means of creating conversations and educating people about sexual violence and harassment. As noted by Colleges Ontario, "it is . . . a powerful wake-up call to the seriousness and pervasiveness of the problem, and the role of bystanders, which needs to be addressed." Other presenters were critical of the fact that the campaign ignored groups who are vulnerable to sexual violence and harassment—such as transgender people, men, and Aboriginal women—and perpetuated the misconception that women are never the aggressors. They suggested that the province consider devising more inclusive initiatives.

Several witnesses argued that there needs to be more education pertaining to drug- and alcohol-facilitated sexual assault, a prevalent form of violence where perpetrators intentionally intoxicate their victims. The Kingston Police suggested making education on drug- and alcohol-facilitated sexual assault part of the Smart Serve training for servers and bartenders so that they may be aware of potentially risky situations and know when to report.

## **Consent Education**

The Committee heard that education about consent is vital to any strategy to reduce sexual violence and harassment. A number of presenters stressed that to end the rape culture that is prevalent throughout our society, we need to teach both children and adults what consent looks like—a voluntary and enthusiastic "yes" to engage in sexual activity, not the absence of "no." As the Canadian Federation of Students—Ontario succinctly put it, through education, "rape culture" can be transformed into "consent culture."

**Get consent. Rape and sexual assault is 100% preventable. The vast majority of sexual assaults are committed by friends, sexual partners or acquaintances. By continually getting consent and discussing each person's wants and needs before, during and after sex, you can help put an end to rape and sexual violence on campuses and in our communities.**

*Canadian Federation of Students*

Presenters told the Committee that mandatory consent education should be delivered in elementary and secondary schools, as well as on college and university campuses. The Gender Issues Centre, Lakehead University Student Union explained that consent education for children and youth must address body autonomy, how to say no, and the different forms of sexual violence and harassment. A criminology professor added that children need to learn that violence is not normal, particularly if they come from a violent household. Student organizations suggested that consent programs on campuses be delivered at the beginning of the school year, recognizing that most sexual assaults occur within the first eight weeks. An annual “climate” survey was recommended as a means of guiding training and assessing students’ attitudes and knowledge regarding sexual violence and consent.

Child and Youth Advocacy Centres stressed that the prevention of the abuse of children must play a central role in any strategy or policies pertaining to sexual violence. It is not enough to teach children and youth about consent and respect for others; adults must also be educated to respect children. Koala Place, one of these centres, argued that organizations working with children should implement child protection policies incorporating

- employee/volunteer screening, including background checks;
- guidelines regarding one adult/one child interactions;
- requirements regarding the reporting of suspicions of abuse in accordance with the law;
- mandatory, evidence-based sexual abuse prevention and response training for staff and volunteers who work with children and youth; and
- the funding of a prevention/education coordinator and a media campaign.

**In order for systemic, generational change to occur, it’s not just important that young people learn respectful behaviours from the beginning, but that we learn to respect children from the beginning.**

*Child and Youth Advocacy Centres of Ontario*

## **Participation and Collaboration**

A number of presenters told the Committee that successful education and prevention is best achieved when it involves partnerships and participation from all stakeholders, including parents/guardians, teachers, employers, co-workers, service providers, and people who are most vulnerable to abuse. As one witness put it, we need a whole community approach to prevention and intervention; sexual violence and harassment is not an individual problem.

Advocacy and support centres told the Committee that survivors need to be involved at the front lines of developing and delivering educational training on how to handle matters of sexual violence. They explained that involving the

voices of survivors is the key to both empowering victims and dispelling myths. A number of organizations, including the Ottawa Rape Crisis Centre, advocated for building on the network of SACs, allowing them to deliver their programming in a variety of environments, and harnessing their collective expertise. Centre Victoria pour femmes and the Ontario Coalition of Rape Crisis Centres, among others, highlighted the need to educate bystanders, noting that people need to learn about the realities of sexual assault and what they can do to help. The Committee heard about the work of the Draw the Line campaign to encourage bystanders to take action against threats of sexual violence.

**Present-day innovative bystander programming and training developed and delivered by sexual assault centres can provide much-needed resources and information for countless individuals who will certainly, within their lifetimes, witness harmful attitudes, endangering behaviours, and ultimately sexual violence. Proactive learning techniques and prevention education will encourage Ontarians to assist in ending the prevalence of sexual violence and harassment.**

*Sexual Assault Centre (Hamilton and Area)*

A number of presenters stressed the importance of including men and boys in strategies to end sexual violence and harassment. As the Canadian Women's Foundation explained, "by engaging young men early on, and encouraging them to take an active role in stopping the violence they see, we can harness additional power to stop violence against women." The Committee learned of the work that the White Ribbon Campaign and ManUp are doing to challenge harmful ideas of manhood and prevent gender-based violence by engaging men and boys through educational programming. The White Ribbon Campaign's strength-based approach shows men and boys the way to have healthy relationships and how to be accountable to women. ManUp encourages boys to create their own prevention messages such as public service announcements. Crime Prevention Ottawa also told the Committee about the Don't Be That Guy campaign which uses posters and videos to change behaviour and highlight men's role in ending sexual violence.

**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.**

*YWCA Toronto*

The Committee also learned that community-based strategies to end sexual violence and harassment can be an effective means for generating constructive dialogues and encouraging action and awareness. Muskoka Parry Sound Sexual Assault Services recommended the development of public spaces in every community that acknowledge women who have experienced violence. The Ontario Association of Interval and Transition Houses suggested that locally-based service providers should be involved in the development of any strategy or

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policy to better integrate services, enhance partnerships, and develop more effective educational/outreach programs.

## RESEARCH AND DATA COLLECTION

The Committee learned that current data and research on the rates and incidences of sexual violence and harassment in Ontario is significantly lacking and, at times, non-existent. As funding for prevention and support projects often relies on demonstrable need, the scarcity of available data and research in this area can result in delays and barriers for the development of better services. To fill in the gaps in the evidence-base, a number of presenters stressed the need for more funding and support for research specific to sexual violence and harassment.

**Perpetrator data and information on the times and locations of incidents of violence can inform prevention efforts and enable more specific advocacy for policy change. Tracking data over time and monitoring trends can also support those designing and implementing programs to more effectively evaluate the impact of their programs.**

*Canadian Women's Foundation*

The Committee heard that data collection and research relating to sexual violence and harassment is needed in a number of specific areas, including on campuses, within the LGBTQ community, within police forces, and regarding female-perpetrated sexual violence.

## CLOSING COMMENTS

This report outlines the Committee's observations from its hearings across the province and the written submissions received to date. The Committee is truly thankful to the survivors, families, and organizations who have shared their experiences and recommendations. We are grateful that so many people have chosen to participate in the process. We look forward to continuing the conversation as we develop recommendations for our final report.

**APPENDIX A: MOTION ESTABLISHING SELECT COMMITTEE****Select Committee on Sexual Violence and Harassment**

That a Select Committee be appointed to make recommendations to the Legislature with respect to prevention of sexual violence and harassment and to improving our response to Ontarians who have experienced sexual violence and harassment; and

That the Committee shall make efforts to include diverse voices, including those of young people, aboriginal people, visible minorities, LGBTQ, seniors and people with disabilities; and

That the Committee shall consider ways to shift social norms and other barriers which prevent people who have experienced sexual violence and harassment from coming forward; and

That the Committee shall offer witnesses the option to testify in camera; and

That the Committee shall meet on Wednesdays following Routine Proceedings until 6:00 p.m.; and

That the Committee is authorized to meet at the Call of the Chair but must recess during the Oral Question Period when meeting at Queen's Park; and

That the Committee shall present, or if the House is not sitting, shall release by depositing with the Clerk of the House, an interim report by June 4, 2015 and a final report by December 10, 2015; and

That the Committee shall have the authority to travel within Ontario; and

The Committee may seek the advice of experts and those with experience of sexual violence and harassment for the purposes of developing recommendations; and

That, notwithstanding Standing Order 113 (a), the Committee shall be composed of six members from the Government, one of whom shall be the Chair, two members from the Official Opposition, one of whom shall be the Vice-Chair, and two members from the Third Party; and

That the House Leaders of each of the recognized parties shall indicate in writing to the Clerk of the House, no later than January 9, 2015, their party's membership on the Committee, including the names of the Members who shall be Chair and Vice-Chair of the Committee.

Adopted December 11, 2014

That, notwithstanding the Order of the House dated December 11, 2014, the Select Committee on Sexual Violence and Harassment be authorized to present its Interim Report no later than June 24, 2015.

Adopted March 23, 2015

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## **APPENDIX B: SCHEDULE OF PUBLIC HEARINGS**

Public hearings were held in Toronto and various other locations on the dates listed below.

<b>Toronto</b>	March 4 and 25, 2015; April 1, 15, 22, and 29, 2015; May 6, 11, and 13, 2015
<b>Sudbury</b>	April 8, 2015
<b>Thunder Bay</b>	April 9, 2015
<b>Sioux Lookout</b>	April 10, 2015
<b>Windsor</b>	May 19, 2015
<b>Kitchener-Waterloo</b>	May 20, 2015
<b>Kingston</b>	May 21, 2015
<b>Ottawa</b>	May 22, 2015

The *Hansard* transcripts of the proceedings for each Committee meeting are public documents available through the Legislative Assembly.

## APPENDIX C: LIST OF WITNESSES AND WRITTEN SUBMISSIONS

Organization/Individual	Date of Appearance / Written Submission
Joan Ruth Abernethy	March 25, 2015
Aboriginal Legal Services of Toronto	May 11, 2015
Dr. Jacques Abourbih and Ms. Carol Cameletti	April 8, 2015
Action ontarienne contre la violence faite aux femmes	May 22, 2015
Sherry Anderson	May 13, 2015
Barbara Schlifer Commemorative Clinic	May 11, 2015
Beendigen Inc.	April 9, 2015
Boost Child Abuse Prevention and Intervention	April 1, 2015
MaryAnn Bradshaw	April 22, 2015
Brant Response Against Violence Everywhere	May 20, 2015 and written submission
BridgeNorth	May 11, 2015
CALACS francophone d'Ottawa	May 22, 2015
Canadian Association For Equality	April 1, 2015 and written submission
Canadian Children's Rights Council	May 6, 2015 and written submission
Canadian Federation of Students	May 22, 2015
Canadian Federation of Students of Ontario	April 29, 2015 and written submission
Canadian Federation of University Women, Burlington	May 13, 2015
Canadian Federation of University Women, Sudbury	Written submission
Canadian Women's Foundation	May 6, 2015
Carleton University Graduate Students' Association	May 22, 2015
Centre des ressources de l'est d'Ottawa, bureau de Pembroke	May 22, 2015
Centre for Research and Education on Violence Against Women and Children	May 19, 2015 and written submission
Centre Novas-CALACS francophone de Prescott-Russell	May 22, 2015
Centre Victoria pour femmes	April 8, 2015
Chiefs of Ontario-First Nations Women's Caucus	May 22, 2015
Child and Youth Advocacy Centres of Ontario	May 13, 2015
Child Witness Centre	May 20, 2015
Colleges Ontario	March 25, 2015
Community Advocacy and Legal Centre	May 21, 2015 and written submission
Community Justice Initiatives	May 20, 2015

<b>Organization/Individual</b>	<b>Date of Appearance / Written Submission</b>
Patrick Copenace and Angela Flett	April 10, 2015
Cornerstone Housing for Women	May 22, 2015
Council of Ontario Universities, Reference Group on Sexual Assault	May 20, 2015
Crime Prevention Ottawa	May 22, 2015
Criminal Injuries Compensation Board	Written submission
Amanda Dale	March 4, 2015 and written submission
Cheri DiNovo	April 29, 2015
Brenda Dovick	April 10, 2015
DisAbled Women's Network Ontario	May 11, 2015 and written submission
Colonel Michel Drapeau	May 21, 2015
Draw the Line	May 22, 2015
EGALE Canada Human Rights Trust	May 6, 2015 and written submission
Elementary Teachers' Federation of Ontario	April 29, 2015
Farah El-Hajj	May 19, 2015
Fathers are Capable Too	May 6, 2015
Faye Peterson House	April 9, 2015
First Step Women's Shelter and Hoshizaki House Dryden District Crisis Shelter	April 10, 2015
Penny Fisher	May 6, 2015
Elaine Flis	April 22, 2015
Gender Issues Centre, Lakehead University Student Union	April 9, 2015
Bailey Gerrits and Rebecca Rapoport	May 21, 2015 and written submission
Sol Goldstein	May 6, 2015 and written submission
Elizabeth Grace and Susan Vella	May 13, 2015
Greater Sudbury Police Service	April 8, 2015
Guelph-Wellington Women in Crisis	May 20, 2015
Matthew Gventer	May 21, 2015
Mary Louise Heyens	May 20, 2015
Hollaback! Ottawa	May 22, 2015
Hope 24/7	April 15, 2015 and written submission
Cordelia Huxtable	May 6, 2015
Kawartha Sexual Assault Centre	May 21, 2015

<b>Organization/Individual</b>	<b>Date of Appearance / Written Submission</b>
Kingston Frontenac Anti-Violence Coordinating Committee	May 21, 2015
Kingston Police	May 21, 2015
Koala Place	May 22, 2015 and written submission
Labour OHCOW Academic Research Collaboration	May 22, 2015 and written submission
Laurentian University	April 8, 2015
Anne Lee	April 29, 2015 and written submission
Legal Assistance of Windsor	May 19, 2015
Greg Lemay	May 19, 2015 and written submission
London Abused Women's Centre	May 19, 2015
Patricia MacNeil	Written submission
ManUp	May 22, 2015
Maplegate House for Women	April 8, 2015
METRAC	Written submission
Wayne Morris	May 20, 2015
Paul Mullins	Written submission
Muskoka Parry Sound Sexual Assault Services	April 29, 2015
Muslim Resource Centre for Social Support and Integration	Written submission
Heidi Nabert and Steven Dolk	April 15, 2015
Nishnawbe Aski Nation	April 9, 2015
Northwest Ontario Women's Centre	April 9, 2015
Jennifer O'Neil	May 21, 2015
Ontario Association of Interval and Transition Houses	May 13, 2015
Ontario Coalition of Rape Crisis Centres	April 22, 2015 and written submission
Ontario Collaborative Response to Family Violence	May 6, 2015
Ontario Federation of Labour	May 20, 2015 and written submission
Ontario Native Women's Association	April 8, 2015
Ontario Native Women's Association, Thunder Bay Satellite	April 9, 2015
Ontario Network of Sexual Assault / Domestic Violence Treatment Centres	April 29, 2015
Ontario Network of Victim Service Providers	April 29, 2015
Ontario Nurses' Association	Written submission
Ontario Undergraduate Student Alliance	April 15, 2015 and written submission

<b>Organization/Individual</b>	<b>Date of Appearance / Written Submission</b>
Ottawa Rape Crisis Centre	May 22, 2015
Judah Oudshoorn	May 20, 2015
R. Ozga	Written submission
Pace Law Firm	April 10, 2015
Parental Alienation Awareness Organization	May 6, 2015 and written submission
Dan Perrins	Written submission
Judith Pidgeon	April 9, 2015
Dianne Piluk	May 20, 2015
Prostitutes of Ottawa/Gatineau Work, Educate and Resist	May 22, 2015
Provincial Council of Women of Ontario	May 11, 2015
Queen's Sexual Assault Prevention and Response Working Group	May 21, 2015
Rainy River District Women's Shelter of Hope	April 9, 2015 and written submission
Registered Nurses' Association of Ontario	April 29, 2015
Registered Nurses' Association of Ontario, Kingston Chapter	May 21, 2015
Registered Nurses' Association of Ontario, Windsor-Essex Chapter	May 19, 2015
Registered Nurses' Association of Ontario/Ontario Network of Sexual Assault/Domestic Violence Treatment Centres	April 10 and 29, 2015
Réseau Access Network	April 8, 2015
Rising Angels	May 11, 2015
Isabel Rodrigue	May 22, 2015
SEIU Healthcare Canada	May 11, 2015
Dr. Charlene Senn	May 19, 2015 and written submission
Sexual Assault & Violence Intervention Services of Halton	May 20, 2015
Sexual Assault Centre (Hamilton and Area)	April 22, 2015
Sexual Assault Centre Kingston	May 21, 2015
Sexual Assault Centre London, Opening the Circle	May 20, 2015
Sexual Assault Centre of Brant	May 20, 2015 and written submission
Sexual Assault Support Centre of Waterloo Region	May 20, 2015
Sexual Assault Support Centre of Ottawa	May 22, 2015 and written submission
Sexual Assault/Domestic Violence Treatment Centre, Thunder Bay Regional Health Sciences Centre	April 9, 2015
Shelter House	April 9, 2015

<b>Organization/Individual</b>	<b>Date of Appearance / Written Submission</b>
Sioux Lookout Meno Ya Win Health Centre	April 10, 2015
Sisters Achieving Excellence	May 22, 2015
Joy Smith	May 21, 2015
Samantha Smith	April 9, 2015
South Asian Women's Centre	April 1, 2015 and written submission
Julie and Jeff Stauffer	April 29, 2015
Sudbury Counselling Centre Centre de counselling de Sudbury	April 8, 2015
Sudbury Workers Education & Advocacy Centre	Written submission
Sunset Area Victim Crisis Assistance and Referral Service and Ah-Shawah-Bin Sioux Lookout/Lac Seul Victim Support Services	April 10, 2015
Jenny Tang	April 22, 2015 and written submission
TG Innerselves Sudbury	April 8, 2015
The Men's Project	May 13, 2015
Timmins and Area Women in Crisis	May 21, 2015 and written submission
Toronto Rape Crisis Centre	May 6, 2015
Toronto Workers' Health and Safety Legal Clinic	May 13, 2015
Unifor	May 19 and 20, 2015 and written submission
Violence Against Women Services Elgin County	May 19, 2015
Violence Intervention and Prevention Program, Ramsey Lake Health Centre (Health Sciences North)	April 8, 2015
Waterloo Region Sexual Assault/Domestic Violence Treatment Centre	May 20, 2015
Sandy Welsh	May 11, 2015
White Ribbon Campaign	April 29, 2015
Wilfrid Laurier University	May 20, 2015
Wilfrid Laurier University Students' Union	May 20 and written submission
Women's House Serving Bruce and Grey	May 20, 2015
Women's Multicultural Resource and Counselling Centre of Durham	May 6, 2015
Women's Sexual Assault Centre of Renfrew County	May 22, 2015
WomenatthecentrE	March 25, 2015
Jo-Ellen Worden	April 1, 2015
Andrew Yu	March 25, 2015
YWCA Canada	April 29, 2015

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<b>Organization/Individual</b>	<b>Date of Appearance / Written Submission</b>
YWCA Toronto	May 20, 2015

## APPENDIX D: PRECEDING INITIATIVES

A number of documents and reports pertaining to various aspects of sexual violence and harassment have been issued over the preceding decade, including the following:

- Ministry of Citizenship and Immigration, *Domestic Violence Action Plan for Ontario*, 2005;
- *Changing Attitudes, Changing Lives: Ontario's Sexual Violence Action Plan*, 2011 (and *Progress Report*, 2013);
- Ontario Federation of Indigenous Friendship Centres (in partnership with the Ontario Native Women's Association and the Métis Nation of Ontario), *Aboriginal Sexual Violence Action Plan*, 2011;
- Office of the Auditor General of Ontario, 2013 *Annual Report* (section on violence against women);
- Assembly of First Nations, *A National Action Plan to End Violence against Indigenous Women and Girls*, 2013; and
- Ontario Women's Directorate, *Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities*, 2013.