



CANADIAN RESOURCE CENTRE FOR VICTIMS OF CRIME
Ensuring the equitable treatment of crime victims in Canada

"IT'S NOT YOUR FAULT": COPING WITH SEXUAL ASSAULT



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This paper is intended as a general guide for people who may become susceptible to crime or for victims that are already involved in the criminal justice system. Please do not hesitate to contact our office if you require clarification, or for a referral to an agency in your community that may be able to provide services to you. We encourage victims to verify the authenticity of any information within this paper with their service providers prior to engaging/using the service suggested within.

Introduction:

Sexual assault is a crime that is devastating on many levels - physically, emotionally and psychologically. Sexual assault is an act of aggression, power and anger. It is about exerting control over someone else.

Sexual assault is a traumatic violation of the body, mind and spirit. It profoundly affects a person's health and well-being. Trust, vulnerability and intimacy are seriously impacted when a person is sexually assaulted.

Sexual violence can happen in any relationship when one person has the potential to have power and control over another. This can include same-sex relationships, as well as opposite-sex relationships. Sexual assault can also occur between an adult and a child and is known as child sexual abuse.

This document will help you:

- Recognize and understand sexual assault;
- Consent;
- Male sexual assault;
- Myth and realities;
- What to do when you have been assaulted; knowing your options
- Consider supports like counselling and support

What is sexual assault?

Sexual assault is a form of assault that involves any type of unwanted sexual activity. A sexual assault occurs when consent has not been given and the sexual integrity of the victim is violated. It may include the use of physical force, threats or intimidation.

Sexual assault is a crime and Canadian law recognizes that persons of both genders can be victims of sexual assault.

Sexual assault is an assault, within the definition of s.265 (1) of the Criminal Code, which is committed in circumstances of a sexual nature. Sexual assault occurs when:

- a person intentionally "applies force" to another person;
- this is done without the victim's consent or voluntary agreement; and
- sexual activity is involved.

There are also two other categories of sexual assault in the Criminal Code, including:

Sexual Assault with a Weapon, Threats to a Third Party or Causing Bodily Harm (s.272) - punishable by way of indictable offence and liable to a maximum term of 14 years imprisonment; and

Aggravated Sexual Assault (s.273) - this refers to a sexual assault during which an offender wounds, maims, disfigures or endangers the life of the victim and is punishable by way of indictable offence and liable to a maximum term of life imprisonment.

Threatening

Sexual assault does not necessarily have to be forced or violent, under s. 265 (2) of the Criminal Code, sexual assault (as well as other types of assault) can be prosecuted if the offender has threatened the victim.

Consent

It is a criminal offence to engage in sexual activity with another person who does not consent. Consent must be freely given - it cannot be forced. The courts can decide that consent was not given if the offender uses force, threats, fear of bodily harm, lies about their intentions, or, if the victim does not have the mental capacity to consent. It is not a defence that the accused believed that the complainant consented to the activity where,

273.1. (2)

- the accused's belief arose from the accused's
 - (i) self-induced intoxication, or
 - (ii) recklessness or willful blindness; or
- the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting.

Willful blindness arises when the accused, who has become aware of the need for some inquiry, declines to make the inquiry because he or she does not wish to know the truth, preferring to remain ignorant.

The law of consent is complex. As with any case of sexual assault, it is not uncommon for the perpetrator to claim that the sexual activity between him/herself and the victim was consensual. For years, the Criminal Code did not define "consent", and thus the verdicts varied considerably in cases where consent was an issue.

On June 23, 1992, Bill C-49 became law and for the first time, the term "consent" (as it relates to sexual assault) was defined as the "voluntary agreement of the complainant to engage in the sexual activity in question". Furthermore, the *Criminal Code* now outlines situations in which consent is not obtained. It should be noted, however, that the absence of consent is not strictly limited to the following situations.

Section 273.1(2) states that consent is not obtained if:

- the agreement is expressed by the words or conduct of a person other than the complainant;
- the complainant is incapable of consenting to the activity;
- the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;
- the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or
- the complainant, having consented to engage in sexual activity, expressed, by words or conduct, a lack of agreement to continue to engage in the activity.



Age of consent

The legal age of consent in Canada is 16 years. In some cases, even if you do say yes to sexual activity, you are not legally allowed to consent to have sex.

- If you are under 16 years old, you cannot consent to have sex with anyone more than five years older than you. If you do, the other person can be charged with sexual assault.
- If you are under 18 years old, you cannot legally consent to have sex with someone who is in a position of trust, power or authority over you. For example, a minister, coach, employer, teacher, police officer, etc. can be charged.
- With the passage of Bill C-2 in July of 2005, a new sexual exploitation offence is created to better protect young persons between 14 and 18 years of age against those who would prey on their vulnerability. Under this new prohibition, courts may infer that a relationship is exploitative of the young person based on its nature and circumstances, including the age of the young person, any difference of age, the evolution of the relationship, and the degree of control or influence exercised over the young person.

These factors reflect the reality that there are different indicators of exploitation of a young person. While the chronological age of the young person is one such indicator there are others including a difference in age between the young person and the other person, as well as how the relationship developed (e.g., secretly over the Internet). This new offence focuses on the wrongful conduct of the exploiter rather than on the consent of the young person to that conduct.¹



The nature of sexual assault in Canada

- In 2014, 87% of victims in reported incidents of sexual assault were women. Of 52% of the reported cases of sexual assault, the victim knew the accused. As well, 94% of sexual assaults were perpetrated by a man.²
- In 2014, there were more than 636,000 incidents of sexual assaults reported according to the GSS survey.³
- The majority of sexual assaults are not reported to police.⁴ According to the General Social Survey (GSS) on victimization for 2014, over 83% of sexual assaults are not reported to the police.⁵ Common reasons for not reporting are: the incident was “not important enough”, feelings of shame and humiliation, and fear of re-victimization through the criminal trial process.
- The 2014 GSS found that sexual assaults were seven times more likely to be perpetrated against women (rates of 37 per 1,000 women and 5 per 1,000 men).⁶
- The rate of sexual assault against Aboriginal women were about 3 times higher than that against non-Aboriginal women (rates of 113 per 1,000 population).⁷
- Between 2009 and 2014, police recorded 117,238 cases of sexual assault. 98% of these reports were classified as level 1, the category of least physical injury to the victim (level 2 – assault with a weapon, threats to use a weapon or causing bodily harm, level 3 – sexual assault that wounds, maims, disfigures or endangers the life of a victim).⁸

Can males be sexually assaulted?

In 1983, the Criminal Code’s definition of sexual assault was amended so it would apply to men and women equally. Yet, many people still believe that sexual assaults do not happen to men and boys, where 1 in 6 boys will be victims. This is simply not true. In reality, many men fail to report their victimization and so, the statistics available on the prevalence of these crimes are limited. This has lead many to falsely conclude that cases of male sexual victimization are extremely rare.

1. http://canada.justice.gc.ca/en/news/nr/2005/doc_31584.html

2. “Self-reported sexual assault in Canada, 2017” Statistics Canada - Catalogue no.85-002, Vol.37, no.1 <http://www.statcan.gc.ca/daily-quotidien/170711/dq170711a-eng.htm>

3. Supra note 2.

4. *ibid*

5. *ibid*

6. *ibid*

7. *ibid*

8. “Police-reported sexual assaults in Canada, 2009 to 2014: A statistical profile, 2017” Statistics Canada. Catalogue no.85-002, Vol.37, no.1 <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/54866-eng.htm>

9. “Self-reported sexual assault in Canada, 2014” Statistics Canada. Catalogue no.85-002-X, Vol.37, no.1 <https://www.statcan.gc.ca/pub/85-002-x/2017001/article/54866-eng.htm>

Recent high profile cases are beginning to bring the issue of male sexual victimization to the forefront. Male victims are now speaking out about the sexual abuse they suffered in orphanages, religious institutions, training schools, and as participants in organized sport. Although reporting for male victims is becoming more common, there is still a delay at the rate at which they report. Males saw greater delays in reporting than those with female victims. The median delay in reporting for male victims of sexual assault was 7 months (212 days), which is over ten times longer than the median delay for female victims (20 days)⁹

Sexual assault can happen to males regardless of their age, whether they are good-looking or not, whether or not they are gay or straight. Sexual assault can leave a male feeling confused about his sexual identity, mistrustful of others, angry, guilty, embarrassed and ashamed. Male victims may have flashbacks of the assault, nightmares, and feel like hurting themselves or others.

In some cases males are assaulted by someone in a position of trust and authority. The offender may use threats or bribes to keep the victim from telling anyone, or games to trick the victim. The victim may not be fully aware that what is happening is sexual assault. It is very important for victims of either gender to ask for help, even though disclosure might be embarrassing.

According to the 2014 GSS survey, approximately 5 per 1,000 males are sexually assaulted₁₀. For sexual assaults against males, 91% of the accused were committed by someone older than them.¹¹



What is child sexual abuse?

Child sexual abuse occurs when someone uses a child for sexual purposes. Examples of sexual abuse include fondling, intercourse, incest, sodomy, exhibitionism and the production of child pornography.

The abuser is usually known to the family and may include a family member, family friend or someone in a respected position. The abuser often uses threats, bullying or bribery to keep the child silent about the abuse they are suffering.

In Canada, everyone has a legal obligation to report child abuse. The victims of this crime may be too young to fully understand that what is happening to them is wrong and against the law. Or, perhaps, they are silenced by strong, conflicting emotions about the abuse and the abuser and do not know who to turn to or how to ask for help.

9 "Self-reported sexual assault in Canada, 2014" Statistics Canada. Catalogue no.85-002-X, Vol.37, no.1 <https://www.statcan.gc.ca/pub/85-002-x/2017001/article/54866-eng.htm>

10 Supra note 2.

11 Supra note 9.

Children who disclose sexual abuse should be believed. In fact, children rarely make false reports about sexual abuse. It is important to listen calmly and quietly. It is important to tell the child that they are believed; that you are glad they told; that the abuse is not their fault; and that you will do your best to find help. Also, tell the child that you cannot keep this information a secret (it is law to report child abuse in Canada).

In a study by the University of Victoria's Sexual Assault Centre found that one out of six boys and one out of three girls has been sexually abused by the time they turned 18.¹² In 80% of these cases the abuser is the father, stepfather, foster father, or another close relative or family friend; in 75% of the cases the mother is unaware of the abuse. On average incest can last up to seven years, and 60-80% of offenders convicted of sexual assault have been molested themselves as children.¹³



Myths & Realities

MYTH: Sexual assault is not a common problem.

FACT: Canadians experience sexual assault every day -- at home, at work, at school and on the street. One in three women and one in six boys will be victims.

MYTH: A sexual offender has a distinctive appearance.

FACT: Sexual assaults are committed everyday by healthy, ordinary looking individuals. They do not look strange. The offender may even be someone that you know...a sibling, a cousin, a date, a neighbour. Most offenders look and act like ordinary people and lead fairly typical lives.

MYTH: Women lie about being sexually assaulted, often because they feel guilty about having sex.

FACT: Women rarely make false reports about sexual assault. In fact, sexual assault is a vastly under-reported crime. Sadly, the credibility of women is often questioned when they report sexual assault. This is particularly true in the case of women with disabilities such as developmental, psychiatric and learning disabilities. The credibility of sex trade workers is also often questioned.

MYTH: Strangers most often commit sexual assault.

FACT: Most often, offenders were a friend, acquaintance or neighbour, than a stranger. Of all sexual assault incidents perpetrated by someone other than a spouse, one in twenty was reported to the police, compared to one in three incidents of other types of crime measured by the General Social Survey on Victimization.

¹² Anxiety Abuse Centre. <http://www.anxietycentre.com/abuse-statistics-information.shtml>.

¹³ *ibid*

¹⁴ <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/14842-eng.htm>

MYTH: Women who are sexually assaulted "ask for it" by the way they dress or act.

FACT: The idea that women "ask for it" is often used by offenders to rationalize their behaviour. It also blames the victim for the crime, not the offender. Victims of sexual assault report a wide range of dress and actions at the time of the assault. Any woman of any age and physical type, in almost any situation, can be sexually assaulted. If a woman is sexually assaulted, it is NOT her fault.

MYTH: Most sexual assaults can be prevented by resisting.

FACT: Assailants commonly overpower victims through threats and intimidation tactics. Moreover, many victims lack the capacity to appreciate or understand they are being assaulted¹⁵

MYTH: People who commit sexual assault are either mentally ill or sexually starved.

FACT: People who sexually assault others are not mentally ill or sexually starved. Sexual assault is about asserting power and control over the victim.

MYTH: People of certain races and backgrounds are more likely to commit sexual assault.

FACT: Offenders come from every economic, ethnic, racial, age and social group. Beliefs that people of colour or working class people are more likely to commit sexual assault are a stereotype rooted in racism and classism. Doctors, lawyers, teachers, employers, and executives can all commit sexual assault.

MYTH: It is only sexual assault if physical violence or weapons are used.

FACT: The *Criminal Code* definition of sexual assault includes a number of acts ranging from unwanted sexual touching, to sexual violence resulting in wounding, maiming or endangering the life of the victim. Many sexual assaults involve verbal pressure, tricks, such as administering drugs without the victim's consent, and/or threats during an assault. In 2004, 91% of sex assaults reported did not involve a weapon.

MYTH: Unless he/she is physically harmed, a sexual assault victim will not suffer any long-term effects.

FACT: Any sexual assault can have serious effects on a person's long-term health and well-being. Victims often deal with feelings of anger, shame, and fear for many years after the assault. Victims often also become more cautious and less trusting, affecting their personal relationships.

MYTH: Women cannot be sexually assaulted by their husbands or boyfriends.

FACT: Under the law, women have the right to say no to any form of sex, even in a marriage or dating relationship.

What to do if you are sexually assaulted

- GO TO A SAFE PLACE.
- Get support from someone you trust (friend, family member)
- Call 911 if you want to report the sexual assault to the police and/or call a 24-hour, rape crisis or sexual assault centre if you would like accompaniment to the police station or doctor.
- Get the medical attention you need. Once injuries are treated, physicians can offer medication to protect you from sexually transmitted diseases and prevent pregnancy. It is important to get treatment within 72 hours.
- Remember that you are NOT at fault (eg: what you were wearing or drinking). The person who did this to you is at fault and committed a criminal act.

Crucial three days

Obtaining medical care after a sexual assault is an important option. You may have injuries that need attention, you may be worried about getting a sexually transmitted disease, or if you are female, becoming pregnant.

Emergency departments may have one or a team of nurses and doctors who may be specially trained to care for people who have been sexually assaulted. There may also be a counsellor and/or social worker to provide support for a sexual assault victim. Some hospitals have all female staff conducting sexual assault examinations and providing support for victims. Some have staff on call twenty-four hours a day to help individuals following a sexual assault.

Medical care can include the following:

- Having a physical examination and being treated for injuries.
- Getting medication to prevent sexually transmitted diseases.
- Discussing the option of taking the "morning after pill" to prevent pregnancy.
- Collection and record of physical evidence (this is important if you want to proceed with legal action).
- Speaking with a nurse and/or doctor to help ease the upsetting feelings you may be experiencing.

What is confidentiality?

Confidentiality means that the medical care you receive is private. The hospital or sexual assault centre cannot release information about the treatment you received, without your permission.

The victim's informed consent is necessary before hospitals or care centres can release information to anyone other than hospital staff who are directly involved in your care. If you agree to allow information to be released, you will be asked to sign a consent form.

Staff members at hospitals are not allowed to tell your parents about the sexual assault without your permission. However, they will encourage you to talk to your parents because having a support system in place is very important to healing and recovery.



Is confidentiality ever broken?

Yes. Every attempt to protect the confidentiality of your records is made, however, under the following circumstances, confidentiality cannot be guaranteed.

- If there is concern that the abuse of a child (person under the age of 16) has occurred or that a child is in need of protection, hospitals and sexual assault centres are obligated by law to report to Child Protection Services.
- In a criminal investigation, your records may be subpoenaed by a court of law. A judge will decide whether your records will be required.
- Staff from the hospital or sexual assault centre are sometimes subpoenaed to give evidence in court on behalf of the victim of a sexual assault.
- If the victim discloses information that leads hospital staff to believe that he/she will seriously harm his/herself or someone else, confidentiality may be broken in order to ensure the safety of the victim and others.

Will the police be informed?

It is important to note that hospital emergency department staff or sexual assault centre staff will not report the assault to the police without your permission.

Many provinces have no time limit for you to go to the police and report a sexual assault, excluding Quebec which has a limit of 30 years to report. You can report a sexual assault months or years after the incident, however the sooner it is made the greater the chances the police will find and preserve evidence linking the accused to the crime.

Evidence Collection

The collection of medical evidence is usually done if you choose to have the police involved in investigating the sexual assault, or if you are considering police involvement. If you are considering police involvement it is important to save evidence. It is best that evidence be collected within the 72 hours (three days) of the assault because it has a tendency to deteriorate quickly.

Although it is natural to feel dirty after an assault, it is important that you do not wash, bathe or change your clothes until you have been examined at a hospital emergency department or sexual assault centre. Save anything that you might think is evidence. It may be important later.

The Sexual Assault Evidence Kit

The sexual assault evidence (SAE) kit is a specially sealed box that contains envelopes, bottles and other containers used to collect evidence. The SAE kits were initially designed to obtain evidence from a female victim that was assaulted by a male. However, the kit can also be used to collect the evidence from a male victim or a child.

Hospital emergency rooms or designated sexual assault centres can collect evidence.

Sexual assault centres have specially trained nurses and doctors to explain the various options to you and complete the medical examination to collect evidence. The medical staff is very sensitive to the way you are feeling and encourages you to proceed at your own pace. You can have a friend or family member with you during the procedure.

Samples are collected from these three main areas:

- Clothing
- Evidence found on the body
- Evidence found in the genital and anal region

Some of the victim's clothes, saliva, blood, pubic hair and head hair samples may be taken into evidence. Swabs from the vagina or anal area are also taken depending on the nature of the assault.

The SAE kit can be given to the police directly, or you can have time to decide if you want the police involved. The kit can be kept frozen for up to six months and is kept at the sexual assault centre.

Scientists receiving the SAE will examine and analyze the contents. Although DNA cannot prove that a sexual assault occurred, analysis of DNA can establish that the accused was at the scene of the crime.

It is important to note that if you choose to have a sexual assault evidence kit done:

- Clothing worn during the assault can be kept as evidence.
- Try not to urinate before you reach the hospital.
- Do not bathe, shower or douche.

You do not have to have a SAE kit in order to have police involvement.

Options for medical attention and reporting procedures

There are 6 options to consider:

1. *Do not report the assault. Do not get medical attention.*

The victim/survivor may choose not to report the assault or receive a medical exam. It is his/her choice to make. However, the victim should be aware of the risks of internal injuries, unwanted pregnancy, sexually transmitted diseases and HIV.

2. *Report the assault within 72 hours and undergo the sexual assault evidence kit.*

The victim/survivor has decided to involve the hospital and police. You can have a support person with you as it may be a long, intrusive experience.

3. *Receive medical attention without reporting.*

Ensuring the victim's well-being is the most important concern. Thus, receiving medical attention is essential in order to prevent disease and treat injuries. If the victim does not report the crime, he/she will not have to endure long police and medical procedures. The disadvantage is that the perpetrator will not face justice for the crime.

4. *Receive medical attention without the SAE kit and report the assault at a later date.*

The victim/survivor can receive medical attention when and where he/she chooses, without the intrusiveness of the SAE. The disadvantage is that if he/she decides to report later, much of the evidence is lost and there is less chance of conviction.

5. *Undergo the SAE and have it stored for up to 6 months.*

The victim can undergo the SAE and have the kit stored for up to 6 months before reporting the crime. At any time during the 6 months the victim/survivor may decide to report the assault and release the kit to the police or have the kit destroyed. This allows him/her more time to think whether to report or not. The advantage of this option is that control of the process is with the victim/survivor and evidence is not lost. The disadvantage is that the chance of conviction declines with time.

6. *Have a third party report submitted to the police.*

A hospital staff member, sexual assault centre worker, or someone else whom victim/survivor chooses can report the crime to the police. The report is documented and police may use the information for investigations. The victim/survivor may feel empowered because they have done something to help protect others. However, the information cannot be used in trying the perpetrator for another assault crime.

**In Manitoba, Yukon and British Columbia, it is possible to make a third-party report about a sexual assault. This means that you can choose to report a sexual assault to a community-based agency (not police). This agency will then report it to the police on your behalf, without sharing your identity with them. If you choose this option, be aware that the police may be limited in the action they can take if they cannot talk to you directly.¹⁷

Should I report?

Victims are often embarrassed that people will think they "let it happen," or they are afraid, ashamed or worried that nobody will believe them. Here are some important things to consider when you are trying to decide if and when you will report a sexual assault:

- Reporting can be helpful to your emotional healing.
- Reporting can help prevent the offender from committing further assaults against you or anyone else
- Physical evidence can play an important role in proving a sexual assault case. It's important to collect physical evidence as soon as possible after the assault.
- The longer you wait to report a sexual assault, the more physical evidence is lost. This makes it more difficult to prove that it happened.
- You may have difficulty remembering some of the details of the assault if you wait too long to report it.

17 "You have options: Help after sexual assault, 2018" Government of Manitoba.
http://www.gov.mb.ca/asset_library/en/youarenotalone/Legal_Info_SA_Victims_booklet-Eng-access.pdf

Reasons to disclose victimization

I told someone about the sexual assault because . . .

- I did not want this to happen to me again.
- I did not want this to happen to someone else.
- The feelings kept building up inside of me, making me feel worse.
- I wanted to take action against the person that assaulted me.
- I was behaving differently at home and my parents kept asking what was wrong.
- I realized that the problem was too big for me to deal with alone and I needed help.
- I was not eating.
- I kept thinking about what happened and could not concentrate.
- I was having trouble sleeping.
- I was acting differently.
- I started cutting myself
- I turned to alcohol and/or drugs to numb myself
- I hoped that by telling someone I would feel better.
- I kept crying and my friends encouraged me to talk.
- I needed help deciding what to do.

Reasons why people do not disclose

Here are some common reasons individuals who have been sexually assaulted do not want to tell...

- I thought it was my fault.
- I was too embarrassed.
- I thought people would talk about me if they knew.
- I was afraid.
- I thought no one would believe me.
- I just wanted to forget about it.
- I want to deal with this myself.
- I was afraid to tell the police.
- My parents have enough to deal with.
- My parents might get mad at me.
- I was afraid of what my father may do.
- Not important enough.
- Personal matter and did not concern the police.
- Did not want to get involved with police.
- Police couldn't do anything about it.
- Fear of revenge.
- Police wouldn't help.
- Fear of publicity and news coverage.

Reasons why males may not disclose

- I was scared people would think I'm a wimp.
- I thought people might think that I'm gay.
- I am embarrassed that another guy touched me sexually.
- The offender threatened to kill me up if I said anything.
- I did not realize what was happening.
- I thought this person was my friend or family
- I could lose my place on the team if I told on the coach.
- What if girls won't like me anymore?
- Because I am a male, no one will believe me.
- The court will not take my case as seriously as a female victim.

No one will believe me

Don't let the fear that some people may not believe you prevent you from getting the help and support you need. The important thing is that you find support from people who do believe you - maybe a trusted friend, a relative, or co-worker.

Victims do not usually lie about sexual assault. It is very hard for a person to tell someone else that he/she has been sexually assaulted, especially if the offender is someone known and trusted. Coming forward is very courageous so if someone tells you that he/she was sexually assaulted, you should believe him or her and find a way to help.

Intrusive thoughts

You think about the assault, even when you don't want to. You may replay it over and over in your mind. When you don't expect it, something may remind you. This may be frightening, but it is normal.

You may find it helpful to talk about your thoughts and feelings with someone you trust. A counsellor who knows about sexual assault can also help. As you begin to feel safe again, you will notice that you don't think about the assault as often.

I can't sleep

If you have been sexually assaulted, you may find it difficult to sleep. You may wake up in the middle of the night and find it hard to get back to sleep. You may have nightmares, or shout out during sleep. Or you may sleep more than usual.

This may seem strange or worrisome if it happens to you, but it is a normal reaction after having been assaulted. It may take some time before you will be able to sleep the way you did before you were assaulted.

Sexually Transmitted Diseases (STD) or Sexually Transmitted Illness (STI)

There is a small risk of acquiring a sexually transmitted disease if you have been sexually assaulted. A doctor or nurse will be able to tell you if you are at risk and know how to help you. They can also give you medication to prevent a sexually transmitted infection from occurring. You may also choose to be tested for STD's or STI's.

AIDS

It is unlikely that you will get AIDS from a sexual assault. The risk is very low. If you are worried about AIDS, this is something you can discuss with a nurse, doctor or other professional. If there is reason to believe that you could be at risk, there is medication that might help prevent HIV/AIDS. The doctor will know if this would be an option for you to consider. You may also choose to test for AIDS or HIV.



Pregnancy

For women, the fear of becoming pregnant can be a major worry after a sexual assault. You may want to talk to a nurse or doctor about the risk of getting pregnant and get information about the choices you have. A nurse or doctor at a sexual assault centre or any hospital emergency department or public health department can talk with you about these worries.

Some questions you may have are:

Q. Can I tell if I'm pregnant?

A. Generally, it is impossible to tell if you are pregnant for several days after a sexual assault happens.

Q. Can I get pregnant if I was having my period?

A. Getting pregnant when you are having your period is not common. However, you can get pregnant at any time during the month. This is especially true after an upsetting event like a sexual assault.

There is medication called the Emergency Contraceptive Pill or Morning After Pill that is effective in preventing a pregnancy. The medication must be taken within three days (72 hours) following the assault. If taken within 72 hours, the Emergency Contraceptive Pill can delay or stop the release of an egg and may prevent the fertilized egg from planting in the lining of the uterus. It is safe for most women to take.



Where to tell

Choosing a place is also very important. Consider finding...

- A quiet place where there are no distractions.
- A place where you will not be interrupted.
- A place where you feel safe.
- A place where you can cry if you want to, shout if you want to, and not feel ashamed.

Who to tell

Choosing the right person to tell can help you feel better. It is important to tell someone that you trust and who will help you. This may be your...

- Parent(s)
- Teacher
- Someone in your family
- Doctor/nurse
- Friend
- Sexual assault centre worker
- Police officer
- Counsellor
- Religious leader

What to tell

When you tell the person you trust, consider telling only what you feel comfortable talking about...

- It is more important to talk about how you are feeling than the details of the assault.
- It is not necessary to talk about the incident all at once; it is ok to tell little by little.
- If talking about the incident is difficult for you, writing or drawing may be helpful.
- If you choose to tell the police, you should tell them everything you can remember, even if some parts may be embarrassing like drinking alcohol, taking drugs or breaking family rules.

When to tell

The decision to tell someone becomes easier...

- When you feel ready to talk about it.
- When you are strong enough to talk about it.
- When you find the right person to talk with.
- When you feel safe and supported.



Feelings

Sexual victimization is an extremely traumatic experience for anyone, regardless of age or gender. Half of all victims fear they will be killed during a sexual assault, even where there is no weapon used. Victims often experience fear, anger and an overwhelming sense of loss of control over their bodies. He/she may also feel dirty, ashamed, guilty and embarrassed.

There are many ways to cope with sexual assault. While some people have very strong reactions after being sexually assaulted, others remain calm. It is also important to note that some feelings and reactions might be experienced directly after the assault while others can occur days, weeks or even months later.

Understanding that the following feelings and reactions are normal and have been experienced by others who have been sexually assaulted may make them less frightening. Some of the feelings and reactions you may experience following a sexual assault are:

- Anger
- Sadness
- Fear
- Shame
- Guilt
- Distant
- Alone
- Confused
- Betrayed
- Grief
- Helplessness
- Anxiety
- Changes in your appetite
- Sleep disturbances, including nightmares
- Changes in your sex drive
- Not being able to concentrate
- Unable to stop thinking about the sexual assault, including flashbacks
- A lack of self confidence
- Depression
- Erratic mood swings

These feelings may stay with victims for many weeks, months or even years. It may be necessary to seek professional counselling to help with the healing process.



Why me?

It is completely normal to wonder why this happened. Sexual assault happens to boys, girls, men and women of all ages, races and cultural backgrounds. Sexual assault does not happen because of what someone wears or how they behave. It doesn't happen because someone is rich or poor, young or old, popular or not. It does not happen because of where the victim was at the time of the attack. The offender may be someone the person knew, even someone they trusted. The offender may have been a complete stranger.

A sexual assault occurs when an offender chooses to assault someone - anyone. So if it has happened to you, you are not to blame.



Caring for yourself after a sexual assault

- Eat healthy food and get exercise to help keep up your strength.
- Try to keep doing the things that you have always enjoyed.
- Do not look for easy answers to explain what happened.
- Know your rights and know how to get the help you need.
- Say positive things to yourself to restore your sense of well-being, like "I am strong!" "I did not deserve this." "I am taking back my personal power." "I am healing each and every day."
- Be patient with yourself. It takes time to recover from sexual assault.
- Believe in yourself and know that you will get through this.



The impact on health

Sexual assault can have a profound effect on a person's health and well-being. It can result in physical injuries as well as psychological and emotional trauma. With time, most individuals who have been sexually assaulted do heal and go on to lead normal lives. In some cases, survivors may need professional counselling to help them deal with the victimization. Many rape crisis centres and sexual assault centres offers free counselling to women who have been assaulted. Also, men, women and children in crisis can access professional therapists for free at many local community health centres. There may be a long wait for or time limits on these services. There may also be fees for certain services which may or may not be covered with private benefits.

The emotional scars left from a sexual assault may take a long time to heal, but friends and family members who believe the victim and are supportive, will help the victim through this crisis. If the victim goes to the sexual assault centre in the hospital the doctor will also be concerned about how you feel about what happened. They may recommend that you talk with a counsellor about your feelings. That is your decision. Hospital staff will ask you to follow-up with your family doctor two weeks after the assault to double check that you are ok. If you would prefer not to let your family doctor know about the assault, they can help refer you to another doctor.



Dealing with the criminal justice system

Deciding to report a sexual assault and possibly proceeding through the criminal justice system can be a very intimidating experience. Victims should be aware that following a case through the court system can be a long and painful process. Victims should also be aware that a case may take anywhere from several months up to 3 years to complete. There is also an appeal process that can add years to the length of a case.

You may have questions about your options and what you can expect from the police and the court system. The following are some examples that may help answer your questions.

Q. Is there a time limit when it comes to reporting sexual assault?

A. There is no time limit when reporting a sexual assault. However, reporting it as soon as possible may increase the chances of proving a sexual assault case.

Q. What will happen when I report the sexual assault?

A. Victims can report a sexual assault immediately by calling 911 or their local emergency number. An emergency call operator will tell you what to do next. It is likely that a police officer will come to speak with you to find out what happened and write a report. Later on, a specially trained plainclothes police officer will investigate.

It is important to note that if the assault occurred within the last three days, the operator or police officer may encourage you to attend a sexual assault centre at the hospital, or to go to an emergency department. This is to make sure you are not injured and to discuss the possibility of having a sexual assault evidence kit completed.

If you are under 16 years old and have been assaulted by a family member or you are at risk of further abuse, a children's aid worker will participate in a joint investigation with police to make sure you are safe.

Q. *What options do I have if I choose to report to the police?*

A. You can choose to take the investigation in three different directions, however, **ultimately the final decision rests with the police/crown.**

- **NO FURTHER ACTION:** The police will write a report and it will be filed for safe keeping, 1 in 6 cases reported to police in 2002 were declared unfounded by authorities¹⁸ meaning that after investigation police concluded that there was no violation of law
- **OFFENDER CAUTIONED:** The police will write a report and will tell the offender about the information they received. The offender is cautioned about his/her behaviour.
- **CHARGES LAID:** If the police and Crown Attorney think they can prove beyond a reasonable doubt that you were sexually assaulted, the offender may be charged. It is important to note that in many cases, even if the victim wishes charges to be laid, they may not be. Sexual assault cases are often very difficult to prove in court because there are no independent witnesses and Crowns and police may be hesitant to lay charges if they do not believe they will get a conviction. If the police or Crown do not lay charges, it does not mean that they do not believe you. It may be that there is not enough physical evidence to proceed with a reasonable chance at getting a conviction.

As mentioned previously, most of the sexual assaults that occur in Canada are not reported to the police.¹⁹

If you choose to report the sexual assault to the police, the details of the crime will be entered on the national Violent Crime Linkage/Analysis System (VICLAS). VICLAS helps police track violent offenders and sex offenders throughout all of Canada.²⁰

Q. *What happens during the court process?*

A. The Crown Attorney is the lawyer who will help you prepare for what will happen during the trial. The Crown is not your lawyer; he or she represents the state in the prosecution of the offender. Some courthouses have Victim Witness Assistance Programs to help you become familiar with the court process and to support you during the trial.

At trial, the offender will appear in court, represented by his/her lawyer. The lawyers will take turns asking you and other witnesses questions about what happened. This questioning is done under oath or solemn affirmation (a promise to tell the truth). The judge (or judge and jury) will listen to the testimony and evidence. This can include audiotapes, 911 telephone tapes or videotapes of the police interviews.

¹⁸ Canadian Centre for Justice Statistics, Sexual Offences in Canada. Catalogue no. 85-002, Vol.23, no.6.

¹⁹ *ibid*

²⁰ RCMP <http://www.rcmp-grc.gc.ca/to-ot/cpcmec-ccpede/bs-sc/viclas-salvac-eng.htm>

Victims should be aware that defence lawyers will likely try to delay the trial process by asking for many adjournments in the hopes that the victim(s) and any other witnesses will forget important details of the crime. Also, they may try to discredit your testimony by bringing up past sexual encounters, drug/alcohol use, etc. However, s.276 of the Criminal Code, also known as the rape shield law, protects to some extent the past sexual history of the victim, as well as private medical records.

The judge or jury will then decide whether, beyond any reasonable doubt, the offender is guilty of the crime or not.

Q. What punishment will the offender receive?

A. If the offender is found guilty, his/her punishment will be decided by a judge and by the limitations set out in the Criminal Code. Depending upon the nature and circumstances of the crime, the offender may receive anywhere from no time in prison to a life sentence.

Victims should know that they have the right to submit a victim impact statement at sentencing. A victim impact statement is a written account of the harm done to the victim, including the physical, financial and emotional toll of the crime. Victims have the right to read their impact statements out loud in court, if they wish or they may submit it in writing to the judge. The sentencing judge when deciding upon an appropriate sentence must consider the information provided by victims.

Q. Will I be called a liar or get arrested if the offender is found "not guilty"?

A. You will not be called a liar if the offender gets found "not guilty." You will not be arrested if the offender is found "not guilty." The Crown Attorney and the police will do their best to prove the case against the offender. However, the law is complicated, so even if someone is guilty, they may still be found "not guilty" of the charges.

Q. How will I be protected if the offender is released on bail?

A. When the offender is arrested and charged, he/she may be released from custody on bail. If you are concerned, speak with the Crown Attorney about imposing conditions on the offender to ensure your safety. The offender may have to promise to obey certain conditions. If not, he/she can be arrested and kept in custody until the case proceeds to court.

Some examples of bail conditions:

- Not go within 500 metres of the victim, his/her residence, or school;
- Have no communication with the victim directly or indirectly;
- Not be in the presence of any person under the age of 14 years; and
- To abstain from alcohol and other illegal substances.

Q. How will I be protected after the case is finished?

A. If the offender receives a prison sentence, you may write to the parole board in your area to communicate your ongoing concerns about the offender. If you wish, you may ask that special no contact conditions are placed upon the offender once he/she is released on probation. However, such conditions will only apply until the offender's sentence expires.

If you are being harassed by the offender once he/she is released from prison, call the police. Stalking is a crime and the police have a responsibility to investigate your complaint.



How to help a friend

Disclosure of sexual victimization takes a lot of courage. If someone you know has been sexually assaulted, there are ways for you to be supportive and show you care.

- Empathetic listening. Do not bombard the victim with questions or advice. Often just being present is very important.
- Establish a rapport by reassuring their safety and that you are there for him/her to talk to.
- Do not place blame. A survivor of sexual assault is never to blame for what happened to him/her.
- Respect and support the victim's decisions and choices, even if you have a different opinion.
- Be understanding. Show the victim that the assault will not change your friendship or relationship.
- Encourage the victim to get the help the/she needs by reaching out to counsellors or other support systems.
- Assess his/her immediate needs by assessing their physical needs (injuries, pain).
- Review the situation he/she is in and find out if he/she has family or friends who would be supportive.



Facing People

Facing family and friends can be a difficult task after a sexual assault, particularly because you may still be struggling with your own feelings and reactions. Your family and friends will also struggle with many feelings of their own. They too may need some help.



You may have mixed feelings about telling your friends and family. You may also be extremely sensitive to the way they respond to you.

- At a time when you need to talk about your feelings, others may have difficulty listening.
- When you need to make your own decisions, others may want to make decisions for you.
- When you want to be comforted, others pressure you for more physical intimacy.
- When you want to spend quiet time, others want you to talk about what happened.
- When you are ready to talk, others avoid you because they don't know what to say or do.

No one seems to understand what to do or what you need. Family and friends may become overprotective as they try to cope with their own feelings of fear, powerlessness, and helplessness. Parents often feel they should have been there to protect you or somehow prevented the assault. A spouse or partner may avoid closeness with you, or may feel that immediate intimacy will erase the trauma of the assault.

It is up to you to decide how much you want to tell and to whom. It is also very important for you to have a support system. Family and friends are often your support.

Understanding the feelings of your family or friends does not mean you have to take responsibility for their feelings. Deal with your own feelings and reactions as best you can. Talking about feelings openly, or with the support of a counsellor can help.



Prevention

Sexual assault can happen to anyone, at any time. It can happen to a person of any age, gender, appearance, size, sexual orientation, and physical and mental ability. It can happen to a person of any culture, race, religion, education, and social and economic class.

Since most sexual assaults are committed by someone known to the victim, they are difficult to prevent. The perpetrators are often trusted and you would never expect they would assault you.

Only a small percentage of sexual assaults are committed by strangers. People can try to take care of themselves by exercising caution in risky situations such as, parties involving alcohol or drugs and walking alone at night.



Drug facilitated sexual assault (DFSA)

Drug-facilitated sexual assault is not a new phenomenon. Experienced law enforcement officers and advocates know that alcohol is the most common drug used to facilitate sexual assault. Alcohol has been used as a method to facilitate sexual assault for years and remains the most widely used drug today.²¹

What has changed during the past couple of years however, is the availability of a variety of drugs for offenders to use, including Rohypnol, most commonly known as 'roofies' on the street, and gamma hydroxyl butyrate, known as 'GHB' on the street. The number of reported cases of alleged DFSA has increased over the years in Canadian hospitals.²²

Unfortunately, because these drugs tend to leave the body quickly the use of drugs in these cases tends to be difficult to verify. The common name for these cases is 'date rape', however this term is too broad and can include incidents of sexual assault that do not involve drugs, this is why the term DFSA is more appropriate.

Drugs used for 'date rape' are most commonly placed into alcoholic beverages. Victims are usually targeted at bars, clubs, parties, or any other place where there may be social drinking. People who leave their drinks unattended or have other people bring them their drinks are at greater risk for having a drug slipped in and may subsequently be sexually assaulted.

Rohypnol, the most common date rape drug, is illegal in Canada. It is used as a legal sedative in many parts of the world; it is small, round, and similar to Aspirin. With the growing concern over DFSA, the manufacturers of the drug have reformulated it to make it more detectable for potential victims. The newly reformulated drug, when mixed in with a light colour drink (beer, scotch, and lighter colour spirits and coolers), turns the drink blue. In darker substances (rum, red wines, colas) the drink turns cloudy. Once the colour has changed the drug should take time to dissolve and form small and chunky pieces in the drink. This is an important detail for people to notice in order to protect themselves, and not consume the potentially dangerous substance. However, it can take time for these new formulated drugs to hit the streets. This means that the majority of roofies on the street are still the old, unnoticeable kind.²³

21 "Drug facilitated sexual assault," Successfully Investigating Acquaintance Sexual Assault: A National Training Manual for Law Enforcement, Developed by the National Centre for Women & Policing, with support provided by the Violence Against Women Office, Office of Justice Programs (Grant #97-WE-VX-K004). <http://evawinternational.org/Downloads/NCWP/DrugFacilitatedMOD.pdf>

22 Sexual Assault/Domestic Violence Care Centre <http://www.hamiltonhealthsciences.ca/sadv>

23 Anti-Violence Project. http://www.uvss.uvic.ca/avp/SA_RapeDrugs.html.



GHB is extremely inexpensive, has become used more commonly by recreational drug users, and can be made at home. These factors make it extremely important for potential victims to keep themselves safe.

The following is a list of safety tips for drinking socially to prevent instances of drug facilitated sexual assault from occurring:

- Do not leave drinks unattended.
- If you go to the bathroom, outside to smoke, or to dance, make sure that someone who is trustworthy watches over your drink or, if possible, finish the drink beforehand.
- If you are watching a friend's drink, do not get distracted. If possible, hold the glass and remember that someone is counting on you.
- Do not accept drinks from any strangers, in particular anyone you just met.
- Watch over friends - being impaired, vomiting and blacking out after one or two drinks can mean they have been drugged. If this is the case, make sure they receive medical attention right away, and they get home safely.

People who are under the influence of a 'date rape' drug may experience the following symptoms (the effects of these drugs are similar to those caused by consuming a large amount of alcohol):²⁴

- Slurred speech, and difficulty moving and controlling movement.
- Rohypnol has been known to cause unprovoked anger or outbursts.
- Intoxicated behaviour which mirrors symptoms of drunkenness, even after one or two drinks.
- Dizziness and confusion.
- Extreme nausea, vomiting, and physical weakness.
- Disinhibition (acting out uncontrollably).
- Impaired judgment.
- Seizures and increase in respiration.
- Heightened sex drive.
- Hallucinations, loss of consciousness.
- In high doses, it can cause coma and/or death.

If the victim chooses to, and they suspect they were drugged and/or sexually assaulted, they should not delay in reporting to the police. Date rape drugs vanish quickly from the body, sometimes only hours after ingestion. In fact, it is likely that all traces of the drugs will be gone by the time the victim realizes what has happened. Victims may only have a foggy recollection of what happened to them. This also makes investigating and prosecuting date-rape cases very difficult for police and Crown counsel.

Unfortunately, some members of society often blame the victim, which comes from the notion that the consumption of alcohol is a risky behaviour. In reality victims of DSFA should NOT be held responsible or judged for the offender's behaviour. Police officers who investigate sexual assault should be free from the thought that the victim of DSFA is partly or fully responsible for their assault. Alcohol or drug use cannot legally be used by an offender as an excuse for criminal behaviour. On the other hand, alcohol or drug use by the victim should never be used as a basis for doubting a report of sexual assault.



Neurobiology of Sexual Assault

Evidence shows that threats stimulate four distinct regions of the brain: the hypothalamus, the pituitary gland, the hippocampus and the amygdala.²⁵

If something threatens our wellbeing, the hypothalamus signals the pituitary gland, to trigger the release of a “hormonal soup” consisting of catecholamines, corticosteroids and opioids. Catecholamines, which include dopamine, epinephrine and norepinephrine, provide the body with the necessary energy to fight or flee. Cortisol, a corticosteroid hormone, conserves the body's energy by suppressing energy-dependent bodily systems, including the digestive and immune systems. And in the event that the threat turns violent, opioids, combined with the hormone oxytocin, attempt to numb the body from the associated physical and/or emotional pain.²⁶

What does this mean for a woman, man, or child who is sexually assaulted? Tonic immobility, or sexual assault-induced paralysis, is an autonomic response, which means it is impossible to control. It typically happens when fighting or fleeing a threat are no longer options, and it is often characterized by pronounced muscle rigidity, numbness, insensitivity to painful stimulation, and the inability to recall memories because of trauma.²⁷

25 Tiller, J. & Baker, L. (January 2014). The Neurobiology of Sexual Assault. Learning Network Brief (14). London, Ontario: Learning Network, Centre for Research and Education on Violence Against Women and Children. <http://www.vawlearningnetwork.ca/social-marketing-public-education>

26 ibid 25

27 ibid 25

Tonic immobility is not uncommon among victims/survivors of sexual assault; in fact, 41%-52% of women experience this type of response during an assault. Research also suggests that tonic immobility is more common in women who have been assaulted more than once.²⁸

Recalling the details of a sexual assault can be difficult for women who have been assaulted. Sometimes recollection of the event is sparse or seems “almost made up.” This may be linked to the surge of hormones released during the assault. This surge of hormones compromises the brain’s ability to encode and consolidate vivid memories of the event. Alcohol can exacerbate difficulties in the encoding and consolidation process as well.²⁹



Free Legal Advice

We know most sexual assault cases do not get reported. There are resources for free legal advice, where they can provide victims with the advice they need to make informed decisions about how they want to move forward; laws and rules can be different from province to province.

There is also a duty to report suspected sexual abuse by a parent or guardian for people aged 18 or younger who may be at risk for₃₀ sexual abuse. In this case, you would have to report to your city's children's aid society.

Alberta: <http://www.legalaid.ab.ca/Pages/default.aspx>

British Columbia: <http://www.lss.bc.ca/>

Manitoba: <https://www.legalaid.mb.ca/>

New Brunswick:

Newfoundland and Labrador: <http://www.legalaid.nl.ca/>

Northwest Territories: <http://services.exec.gov.nt.ca/service/6>

Nova Scotia: <http://www.nslegalaid.ca/>

Nunavut* :

Ontario: <http://www.legalaid.on.ca/>

PEI: <https://www.princeedwardisland.ca/en/topic/justice-and-public-safety>

Québec: <http://www.csj.qc.ca/commission-des-services-juridiques/>

Saskatchewan: <http://www.legalaid.sk.ca/>

Yukon: <http://www.legalaid.yk.ca/>

28 supra 25 page 3

29 supra 25 page 4

30 Ministry of Children and Youth Services <http://www.children.gov.on.ca/htdocs/English/childrensaidthereportingabuse/index.aspx>

*The Nunavut Legal Services Board may be contacted as follows:

Maliiganik Tukisiiniakvik
P.O. Box 29
Iqaluit NU X0A 0H0
General Line (toll free) 1-866-202-5593
Poverty Line (toll-free) 1-866-677-4726

Keewatin Legal Services Centre
P.O. Box 420
Rankin Inlet NU X0C 0G0
Family Line (toll-free) 1-866-606-9400

Kitikmeot Law Centre
P.O. Box 96
Cambridge Bay NU X0B 0C0
General Line (toll-free) 1-866-240-4006



Conclusion

Sexual assault is an emotionally, physically and psychologically destructive crime. Each year, thousands of Canadian men, women and children suffer serious trauma as a result of this crime. Sexual assault leaves its victims confused, angry, ashamed, and fearful.

Admitting to having been sexually assaulted is not an easy task, especially if the perpetrator is someone known or trusted. Victims of this crime should be encouraged to get the help and support they need. With time, most victims are able to heal and move on with their lives. Having a strong support system in place is an important factor in recovery.

The victims of sexual assault are never to blame for what happened to them. Sexual assault is an aggressive act that is intended to assert power and control over someone else. A person's clothing or behaviour at the time of the assault is irrelevant. Simply put, victims of this crime have not consented to sexual activity and their personal autonomy has been violated.



References

British Columbia Society for Male Survivors of Sexual Abuse -
http://vcn.bc.ca/bcsmssa1/html/mission_purpose.htm

Canadian Association of Sexual Assault Centres - www.casac.ca

Canadian Centre for Justice Statistics – Sexual Offences in Canada. Catalogue no.85-002-XPE, Vol. 23,6.

Education Wife Assault -
http://www.womanabuseprevention.com/html/sexual_assault.html

Government of Manitoba - You have options: Help after sexual assault.
http://www.gov.mb.ca/asset_library/en/youarenotalone/Legal_Info_SA_Victims_booklet-Eng-access.pdf

Ontario Women's Directorate -
<http://www.gov.on.ca/citizenship/owd/english/facts/preventing.htm>

Ottawa Rape Crisis Centre - www.orcc.net

National Clearinghouse on Family Violence -
<http://www.hc-sc.gc.ca/hppb/familyviolence/index.html>

Statistics Canada - Police-reported sexual assaults in Canada, 2009 to 2014: A statistical profile. Catalogue no.85-002, Vol.37, no.1

Statistics Canada - Self-reported sexual assault in Canada. Catalogue no.85-002, Vol.37, no.1

The Scarborough Hospital Sexual Assault Care Centre - <http://www.sacc.to/>

Victims of Violence - Canadian Centre for Missing Children - www.victimsofviolence.on.ca