



# Have I Been **SEXUALLY ASSAULTED?**

There are hundreds of thousands of sexual assaults in Canada every year. Here's what you need to know if it happens to you or someone you know.

BY STACY LEE KONG

## **Which of these scenarios could be considered sexual assault?**

- A** A stranger grabs your butt on a crowded bus
- B** At the end of a great first date, you kiss—then, he starts to touch you under your clothes beyond your consent
- C** You wake up, naked, next to your partner, but don't remember how you got there
- D** All of the above

**THE ANSWER IS D**, which might come as a surprise to some Canadians. Most of us think of sexual assault as a scene out of a movie: a rare event featuring a masked stranger, a dark alley and rape at knifepoint. But that's not what it usually looks like.

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It's also more common than you'd think. Statistics Canada's 2014 General Social Survey (GSS) found that Canadian women reported 553,000 incidents of sexual assault that year alone. Most, however, go unreported. "We always hear about bank robberies, for example—every single one gets reported to us," says Const. Brian Montague of the Vancouver Police Department. "But we know that most people who experience sexual violence never go to the police."

It's part of a culture of silence that makes it tough for survivors to speak out, keeps victims in the dark about where they can find help and leaves women wondering if they're at fault. In the interest of encouraging more dialogue, here's our guide to consent, guilt and how to cope if sexual violence happens to you.

**WHAT EXACTLY IS CONSENT?** Consent is the key to understanding sexual violence—and it's more than simply saying yes or no. "In the Canadian Criminal Code, consent is voluntary agreement to engage in sexual contact," says Mary Jane James, executive director of the Sexual Assault Centre of Edmonton. "You can't force or coerce someone to consent. It's a common misunderstanding that consent is the absence of a verbal 'no'; actually, it's voluntary, enthusiastic participation in sexual contact."

There are some situations where consent is actually impossible: if someone is sleeping or incapacitated by drugs or alcohol, for example, or if there's a power imbalance due to age. So children under 16 years of age cannot consent to sex



## WHAT'S THE DIFFERENCE BETWEEN SEXUAL ASSAULT, HARASSMENT AND ABUSE?

**Sexual assault** occurs when force or the threat of force is applied without consent. Under the Criminal Code, it falls under the broader definition of assault. There are three levels of sexual assault: sexual assault, sexual assault with a weapon and aggravated sexual assault. It can be anything from an unwanted butt grab to rape.

**Sexual harassment** may be repetitive, and if it involves physical contact, it's usually a nonsexual touch, like a hug or a shoulder rub. It can be very subtle and seemingly mild—think raunchy jokes circulated via email at work, asking inappropriate questions about a person's sex life or invading someone's personal space. Harassment is further defined by each province and territory.

**Sexual abuse** "is a term more often used in civil cases to describe a one-time incident or an ongoing assault of a sexual nature," explains Toronto lawyer Simona Jellinek, who specializes in civil sexual assault cases, adding that the code doesn't distinguish between assault and abuse.



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**OF SEXUAL ASSAULTS  
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TO POLICE**

with adults (with a couple of exceptions: 14- and 15-year-olds can legally consent to sex with someone less than five years older than they are. For 12- and 13-year-olds, a sexual partner must be less than two years older). Consent is highly suspect if there is a power imbalance due to authority, such as between a priest and a parishioner, or a police officer and someone pulled over for speeding, for instance. Where there is a power imbalance due to authority, the age of consent rises to 18 years.

**AM I AT RISK FOR SEXUAL ASSAULT?** Females between the ages of 15 and 24 are most at risk for sexual assault, followed by those 25 to 34 years old. "Sexual violence—which encompasses assault, abuse and harassment—can, and does, impact people from all walks of life," says James, "but there are certain demographics that experience disproportionately higher rates of sexual violence." Those groups include children, people with cognitive disabilities and aboriginal women. Men can experience sexual violence, too; in the 2014 GSS, there were 80,000 incidents of sexual assault reported by Canadian males.

**IS IT POSSIBLE THAT SOMEONE WHO HAS BEEN ASSAULTED MIGHT NOT REALIZE IT?** Yes. "It can take time for survivors to understand and process their experience," says James. There are many reasons why this happens: It can be hard for victims to characterize a situation as assault, especially if they know the offender. He or she may have used coercion, so it might take time for the victim to fully comprehend. Drugs or alcohol may have been a factor. "It's also common for survivors to have trouble remembering what happened because biological responses to a traumatic event can impair memory," she says. ◻

## I've been sexually assaulted. What should I do now?

Your first priority is to look after yourself. For some survivors, this means seeing a counsellor or a therapist; for others, it could mean disclosing to a trusted friend.

### I WORE A REVEALING OUTFIT, FLIRTED WITH AN ACQUAINTANCE AND TOOK A SHORT-CUT HOME DOWN A DARK STREET. IS IT MY FAULT?

Absolutely not. "There is nothing that anyone could ever possibly do to justify another person sexually assaulting them," says Toronto lawyer Simona Jellinek. "As humans, we have a tendency to look at our own actions and try to figure out what we did wrong, but it doesn't matter how short your skirt is; it doesn't matter how you act before or after the sexual assault."

### CAN THERE BE SEXUAL ASSAULT IN A MARRIAGE?

Yes. Being in a romantic relationship—or having consented in the past, for that matter—doesn't mean you consent now. Spousal sexual assault has been illegal in Canada since 1983.

**WHERE CAN I GO FOR HELP?** Start by identifying a trusted person to talk to. Inversely, if a friend confides a sexual assault to you, it's important to let her know you believe her, says James. "When survivors are believed, supported and able to get the help they need in order to heal, the long-term impacts of this violence are drastically reduced."

There is also a growing number of online support services, such as Vancouver's Women Against Violence Against Women ([wawaw.ca](http://wawaw.ca)), which also has a 24-hour crisis hotline, Ontario's Assaulted Women's Helpline ([awhl.org](http://awhl.org)) and Quebec's Table de concertation sur les agressions à caractère sexuel de Montréal ([agressionsexuellemontreal.ca](http://agressionsexuellemontreal.ca)).

If you choose to go to your local police department, they might have a victim's services unit, which can also provide counselling and help survivors navigate the criminal system.

### WHAT CAN I EXPECT IF I REPORT IT TO THE POLICE?

"It takes a lot of courage to report an assault, and there's no 'right' or 'wrong' thing to do," says James. "It's up to the survivor alone to define the experience." You'll be asked to explain what happened, and an officer will collect physical evidence from the crime scene and the hospital. Don't shower or use the wash-room before going to the station or the hospital, and bring the clothes you were wearing at the time of the assault. You may be asked if you want to do a sexual assault nurse exam, or "rape kit," at the hospital.

## HOW SEXUAL ASSAULT ADDS UP IN CANADA\*

WOMEN ARE ASSAULTED NEARLY

7x

MORE OFTEN THAN MEN

FEMALES AGED 15 TO 24 ARE ASSAULTED AT ABOUT

18x

THE RATE OF PEOPLE 55 AND UP

41%

HAPPEN IN PUBLIC SPACES, SUCH AS RESTAURANTS, BARS AND OFFICE BUILDINGS

56%

OF SEXUAL ASSAULTS ARE CARRIED OUT BY SOMEONE THE VICTIM KNOWS

71%

CONSIST OF SEXUAL TOUCHING

### WHAT IF THE POLICE SAY THERE'S NOT ENOUGH EVIDENCE TO PRESS CHARGES?

Consider pursuing a civil case. Civil courts are separate from criminal courts; you can sue even if you didn't go to the police, or if the police felt there wasn't enough evidence to press charges. In a civil case, you and your lawyer must establish that the sexual assault happened and that you have suffered as a result—whether that means pain or economic loss such as paying for therapy or loss of income. In many of Jellinek's cases, the assault happened years, or even decades, prior to court. "No court, civil or criminal, can ever take away what happened, but compensation is symbolically a way to make someone whole again," says Jellinek.

You can also go to your provincial government. In most provinces and territories, governments have programs to provide financial compensation or assistance to victims and survivors of sexual assault. Check provincial websites to see if there are any time limitations or police reporting requirements.

### WHAT IF I DON'T WANT TO REPORT IT?

You don't have to, but you should get help working through the trauma. Even the police acknowledge that it's difficult to make a report. "It's nerve-wracking speaking to a police officer—in essence, a total stranger—about a very personal thing that's happened to you," says Const. Montague. "But we do always encourage people to report because, even if we can't gather the evidence to support a criminal charge, we can help in other ways, such as assisting with obtaining counselling. And sometimes, it can prevent someone from being able to victimize others."

### IS IT EVER TOO LATE TO REPORT A SEXUAL ASSAULT?

There are no limitations on when you can report a sexual assault to the police, though sooner is better, as it's more likely they'll be able to gather evidence to support charges and prevent further victims. If you decide to pursue a civil case, there can be time limitations, but some provinces are moving to abolish those, too. In February, Ontario Bill 132 was given royal assent and is now law. There are no longer any limitation periods for suing for sexual assault in Ontario. ●

\*Source: 2014 General Social Survey, Statistics Canada