

**violence against women** - any act that results in or is likely to result in physical, sexual, or psychological harm or suffering to women

**Ecological model** conceptualizes male violence against women as resulting from the interplay of interconnected individual, community, and societal level influences

1. **Personal History** factors such as witnessing marital violence as a child, being the victim of child abuse, absent or rejective father
2. **Microsystem** factors such as male dominance in the family, male control of financial resources, alcohol abuse, marital or verbal conflict
- 3.
4. **factors** such as low socioeconomic status, unemployment, isolation of women and the family, and delinquent peer associations
5. **factors** - male entitlement or ownership of women, masculinity linked to aggression and dominance, rigid gender roles and the acceptance of interpersonal violence and physical chastisement

**Social Learning Theory** - portrays violence and aggressions as behaviours that are learned through observing others

**Gender role theory** - concepts that are complementary - male are active, rational and tough while women are passive and emotional and submissive

- reflective male dominated perceptions and understandings of appropriate behaviour for men and women

**Development and attachment Theories** - development - males who have exposure to violence in the family and violence in society combine to increase the risk of some men using violence in relationship

attachment - children form mental representations of themselves in relationships

3 styles - secure, anxious-ambivalent, anxious-avoidant (abusive later in life for males)

**Psychoanalytic theory** - children internalize aspects of social-relational experiences from early infancy and these become unconscious features of their personality

#### **4 Components of Masculine gender identity**

1. masculinity becomes and remains a problematic issue
2. masculinity requires the attachment or dependence on another
3. masculinity requires the repression and devaluation of femininity on both psychological and cultural levels
4. identification with the father develops, not in the context of a satisfactory relationship but in attempting to learn role that is not clearly understood

**Hegemony Masculinity** - the dominant form of masculinity that is culturally idealized. It incorporates paid work, the subordination of women, and heterosexist and aggressive male sexuality. Masculinity are influenced but not directly determined by hegemonic forms

**Intersectionalities** - the ways in which multiple identities such as gender, race, class, and religion influence social experiences and their impacts.

**Heteronormativity** - grounded by two assumptions 1. that heterosexual norms and beliefs are universal and 2. that normal heterosexuality equates with an active, persistent and powerful masculinity and a passive receptive femininity that is responsive to male sexuality

**Direct Victims - (survivors)** experience the criminal act and its consequences first hand

**Indirect or Secondary Victims** no immediately involved or psychically injured, people surrounding the victim

**Simple Obsession** the victim and the perpetrator have had a prior relationship. Largest and most threatening to the victim

**Love Obsession** Fan or celebrity stalker, usually no prior relationship exists

**Erotomaniac** a love obsession with an unwilling or unaware target, most preps are female with males being the victims

**False Victimization syndrome** the stalker may accuse the victim of stalking to foster sympathy and support from those around them... looking for attention

**Anti-stalking legislation** is to stop those stalkers who threaten and harass before they commit violent acts

**Restraining Orders** which are issued to prohibit contact between victim and other person

**“Cycle of Violence”**

Phase 1: “Tension building” - stress - frustration - low self-esteem - poor communication

Phase 2: “Explosion” - fight - anger - fear

Phase 3 : “Honeymoon” - guilt - remorse - I’ll never do it again

**Coercive Controlling Violence** a pattern of emotionally abusive intimidation, coercion, and control coupled with physical violence against partners. More frequent and severe than other types of IPV

**Situational Couple Violence** most common type, arises from everyday arguments or interactions that may escalate to violence (jealousy is a common theme)

**Violent Resistance** partners who use violence most often in self defence to stop violent actions against them. Could be because of male coercive controlling violence

**Separation Instigated Violence** occurs at the point of separation between partners and is distinct from violence that began before separation and continued throughout and after the end of a relationship

**Pro-charging and Pro-persecution policies are designed to :**

1. increased the severity and certainty of the criminal justice response
2. encourage the reporting of these offences
3. offer protection and assistance to victims
4. reduce the incidence of intimate partner assistance in Canada

**“Double Jeopardy”** intersectionality (racial and sexism)

**Waves of Feminism**

- first wave - suffrage, the ability to vote 1917
- second wave - liberation movement, birth control
- third wave 1990’s, ethnic background, LGBTQ

**Patriarchy** refers to a social, legal, and political climate that values male dominance and inequality of the sexes

#### **4 types of oppression**

- personal psychological oppression
- private oppression in a private situation
- public oppression
- cultural oppression

#### **Services Available for Domestic Abuse Victims**

##### 1. Sexual Assault and Partner Abuse Care Program at the Ottawa Hospital

- civic campus
- specially trained staff are available for health care services, crisis intervention, evidence collection, documentation, and safety planning

##### 2. Women's Shelters

- 7 main shelters in Ottawa for women escaping harm or abuse

##### 3. Community Resources

- 6 community health care centres and 8 resource centres

##### 4. Domestic Violence Courts

- Ontario's domestic violence court is the most extensive DVC program in Canada as it covers all 54 ON court districts
- support for survivors, and accountability for offenders
- provides training to crown prosecutors and judges in IPV issues

##### 5. Legal Clinic

- University of Ottawa legal clinic works with survivors assisting them in securing peace bonds, prepare criminal inquiry compensation, legal assistance to women

#### **Types of Domestic Violence**

- physical - intention use of physical force with potential of injury
- mental/emotional- threats, implicant, explicate, humiliation
- economic - abuser has complete control over resources
- sexual - physical force, pressure to engage in sexual act against their will

#### **Femicide**

- the killing of women because they are women

## **Lecture 5 February 23rd**

### Reasons why many women stay in abusive relationships ?

- fear
- financial dependency (there is a higher chance of them living in poverty after a relationship has ended)
- fear of racist responses
- small communities
- language barrier
- low self-esteem
- love and loyalty
- self-blame
- lack of support
- lack of resources, no place to go
- violence is just a part of life
- embarrassment shame
- immigration sponsorship and other ties

### The impact of violence on women and children:

- death
- injury and permanent disability
- psychological and physical impact
- impact on children
- children and adults have a greater risk of having clinical depression, anxiety, gastrointestinal problems because of the high stress, increased risk of coping mechanisms like drug use, smoking, higher risk of surgeries, higher rate of doctors visits, hospital stays and mental health consultations than other women who are not abused, women who have had sexual abuse have a higher rate of committing suicide as well, there is a higher chance of a loss of family income after the break up (23 percent loss), 40 percent of women said that their children had witnessed the violence either indirectly or directly,

### What consequences does violence against women have on society?

- physical and sexual abuse of girls and women costs the Canadian economy 4.2 billion dollars each year

### Women who kill their Abusive Husbands/Partners

- the plea of self-defence for a battered woman is often not believed
- the court system fails women
- experts often rely on a battered woman self-defence arguments derived from Lenore Walker's (1979) theory of "learned helplessness" - women who have been repeatedly beaten lose their faith in themselves (no self esteem) as a result their judgement can become impaired, they see the use of force as the only means of escape. it can make women perceive as passive victims, and didn't help women when they are asked for custody access

### Recommendations regarding homicide cases

- that the law be changed to help women argue realistically that danger need not be immediate to be present
- that a woman beaten in her home has no duty to retreat when this is her home

- that what is seen as extreme force used by the victim may be proportionate to a man's long history of abuse

#### **Honour Crimes :**

- one of the forms of domestic violence that is being practised against females all over the world
- violence against women in which the main justification is the protection of the family's honour is defined as "honour based violence" is mainly committed by a female's male relatives who find this violence necessary to preserve or restore the family's honour
- in honour based societies, the man is recognized as head of the family and defender of its honour
- according to these traditions, the following are all considered as violation of the collective family's honour :
  - adultery
  - premarital sexual or non sexual relationship
  - suspected pregnancy outside marriage
  - rape
  - falling in love with an "inappropriate person"
- women might also bear the burden of any shame resulting from a male's violations of sexual "honour" (incest or rape)
- honour killings represent the most aggressive form of honour based violence, in which committed or attempted murder is carried out because of her actual or suspected deviation from traditional sexual norms

#### **Documentary : Power and Control, Domestic Violence in America**

- Kim Mosher's husband was abusing her and her three girls, and she finally left.
- women have to stay at the safe haven women's shelter for at least 10 days for to prevent women from changing their minds and so they don't go back to their abuser
- Duluth model - the diagram that shows that domestic violence is all about power and control
- almost all women in the world agreed that it was all about power and control, it introduced a mandatory arrest for physical harm that requires police to make arrests when there is someone injured, the probability of repeated abuse by batterers after being arrested decreases, it also requires batterers to go to treatment
- the woman was not charged because she was being abused by her husband and she shot him in the stomach 6 times
- Domestic violence is all about power and control

#### **Reading discussion : Complex Web: access to justice for abused immigrant women in New Brunswick**

- identify reasons why abused immigrant women in New Brunswick are reluctant to access the CJS and justice related services

**Discussion Question 1** : why do they use the term woman abuse and not wife battering : other parties (other family members) can be apart of the abuse and it is not just the wife being beaten by the husband

- "an attempt to control the behaviour of a wife, common law partner, girlfriend, married daughter, daughter in law, married sister, sister in law, married female grandchild, and female grandchild in law" - any type of abuse
- "all women described their social life as deeply rooted in patriarchal structures reflecting systematic patterns of male dominance"

- Some patterns (country of origin)
  - a woman who complains about the conduct of her husband runs the risk of being forced out of the house
- if an abused woman leaves her abusive husband she often has nowhere to go

Discussion Question 2 : what inhibits women from seeking help from shelters, counsellors, and the criminal justice system? - scared of being deported and being sent back to their country of origin, financial barriers, social shame, misunderstanding of the Canadian policies on divorce etc, language barriers, services may not be available or they may not be able to go to the services that are available, fear of the police, abuse may be considered a private matter and they don't feel like it needs to be discussed to a stranger, "you should never leave for the sake of your children"

Discussion Question 3 : what are some recommendations to improve access to the CJS and justice related services for abused immigrant women ?

- have more resources
- What are some recommendations improve awareness of socio-legal issues pertaining to woman abuse and the CJS ?
- provide more ongoing info about legal rights before and during the entry to Canada and after they have arrived
  - increase collaboration between refugee and immigrant resources

## **Lecture 6 March 2nd**

### Honour killings continued ....

#### Typical Methods, Perpetrators and Collaborators:

- the family members of the offending woman typically see her slaughter as the only solution to the taint of their family honour
- each family that chooses to act on that perceived obligation approaches the situation differently
- male family members (husband, father, or brother) are often the perpetrators. (However males are not the only family members involved)
- the immediately surrounding community may enforce an honour killing
- the chosen circumstances of honour killings vary widely and often by region
- hacking the victim to pieces with axes and hatchets
- shooting the victim
- many of the cases are carried out in public
- government responses to the acts are complex and often inconsistent
- social protection or lack thereof also varies widely in each community

#### What are the features of an Honour-Killing?

- **The Collective Nature of the Crime** : where many members of an extended family participate in the act (in some cases, this may be formal and organized where a “family council” is held)
- **The Control of Women’s bodies and their sexual behaviour** : any failure to conform to the norms of the community reflects upon the entire family. The family has a vested interest in maintaining control over women in tight-knit communities

#### **- What are the behaviours that can incite Honour Based Violence (HBV) or an Honour Killing ?**

... expressions of personal autonomy, particularly where this is in the realm of relationships and sexuality, are the usual triggers for honour-related abuse (family predominates over the individual)

... potential sites of conflict between the individual and the family may include

- choice of sexual/marital partner
- education and employment
- dress
- behaviour and contact with the opposite sex
- sexuality
- general conformity to the family and community’s culture and expectations

#### **What are the kinds of “remedies” typically applied before taking the final step of killing as the final option and solution for regaining honour?**

- they occur as the last resort in a spectrum of forms of violence and coercion
- this may include crimes such as forced marriages, violence, threats, and harassment
- other forms of emotional abuse, such as threatening disownment or to divorce victim’s mother, amongst other threats to family members
- parents may feign illness, suggesting that the woman’s non-conformity is causing them to suffer physical harm

#### **How can a family kill their own daughter or son?**

- some families may be reluctant to carry out a killing and may only do so as a result of community pressure
- where a family is perceived to have lost “honour” they may suffer harassment and social exclusion and be urged by the extended family and community to carry out a murder
- in tight knit communities, social ties are of great importance, and such pressure can be sufficient to force an unwilling parent to allow a child to be sacrificed for the sake of the “greater good” of the family as a whole

#### **Does it happen only to girls ?**

- men may also be victims
- heterosexual men are more likely to be victimized at the hands of the relatives of women they are supposed to have dishonoured

#### **Government and Social Protection :**

- honour killings have occurred around the world
- ancient roman and french law both allowed a man to murder his wife or daughter for illicit sexual relationships under certain circumstances
- many countries have such law in force to his day :
  - ... Haiti, implemented the French Law which remains in force
  - ... Honour killings were also legal in Brazil until 1991
  - ... They have also been reported in such countries India, Pakistan, Lebanon, Turkey, Egypt, and Jordan
  - .. A number of countries allow for mitigated sentences for men who kill their wives or girlfriends who are suspected of being unfaithful
  - ... Jordan has a particular problem with honour killings (a quarter of all murders in Jordan)
  - ... Honour killings are also a particular problem in Pakistan
- the police almost always take the side of the perpetrator (in the rare event of prosecution, the judiciary typically ensures a light sentence)
- fathers use police to recover or unlawfully and detain their adult daughters who have married men of their choice
- the police often fail to act even when a man directly reports to them that he has killed a female family member
- the penal codes of Lebanon and Syria provide nearly identical exemptions from penalty for perpetrators of honour killings
- men who kill their wives are provided a hour defines in Kuwait, Tunisia, and Egypt
- reduced sentences for male perpetrators of honour killings in case of adultery are valuable in Egypt, Tunisia, Libya, Iraq, and Kuwait
- Lack of social support

#### **Women’s Experience of Racism: How Race and Gender Interact :**

##### **Definitions :**

**Racism:** means attitudes, practices, and other factors that disadvantage people because of their race, colour or ethnicity

**Racial Discrimination :** action based on a person’s race, religion, sexual orientation that withholds or limits access to benefits available to other members of the dominant group

**Systemic/Institutional Racism** : part of the structure of an entire organizations rules, practices, policies, which perpetuate disadvantage or have a negative impact on groups or an individual due to their race, racial origin, sexual orientation, country of origin etc

**Internalized Racism** : the acceptance of attitudes, beliefs, or ideologies by members of stigmatized ethnic racial groups about inferiority of one's own ethnic racial group

**Prejudice** : preconceived negative opinion or attitude about a group of people

**Stereotype** “set image” when applied to people, refers to forming an instant or fixed picture of a group of people, usually based on false or incomplete information

- often negative

### **Racism and Human Rights**

- The Charter of Rights and Freedoms
- Ontario Human Rights Code

### **What the Words Mean ? (Canadian Research Institute for the Advancement of Women)**

**Aboriginal People** : Native People: First Nations, Inuit, Metis , Status and non status Indians

**Radicalized** : people of colour, aboriginal peoples, ethnic, linguistic, religious or cultural minorities who are targets of racism

**Immigrant** someone who moves to Canada intending to stay permanently

**Refugee** someone who moves to Canada under a special category because they are fleeing persecution or war in their own country

### **Jobs/Income**

- nearly half of some radicalized groups of women in Canada are living in poverty
- radicalized immigrant women face more roadblocks to employment in Canada
- second language programs inadequate to meet the need
- racism as a major barrier to employment

### **Housing**

- particular difficulties in finding rental housing because of perceptions by landlords

### **Access to Justice**

- race and gender combine to increase their likelihood of being assaulted
- radicalized women reluctant to call police in cases of domestic assault
- refugee women
- Aboriginal women (20% of Canada's female prison population but only 2% of the female population in Canada)

### **Health**

- language and cultural barriers mean less access to life-saving medical procedures
- structural racism leading to less income and social status has a direct impact on health
- mental health problems (rape victims, genital mutilation etc )

### **Radicalized Sexuality :**

- radicalized women often sexualized in racist ways

- racist stereotypes on the part of the police and the courts mean they have less access to justice

Office Hours : Francesca March 4th 2015 from 4-6 pm at Fss 2015

Laura March 10th at 2:30 at FSS 2015

- for midterm exam

### **Reading : “Is Canada Peaceful and Safe for Aboriginal Women?”**

#### Key Points:

- aboriginal people hold strong values related to children and family
- big on culture and tradition
- aboriginal women are more likely than non-Aboriginal women to be victims of “racialized sexualized” violence
- significantly overrepresented

#### Representation in Canadian History

- roles of Aboriginal women vastly different from those European women
- Aboriginal women had held power, whereas European women were treated like property
- Indian Act 1876 removed Aboriginal women’s political powers
- Indigenous peoples were treated with indifference by both the Canadian government and the general public
- Aboriginal people are discriminated against and suffer the consequences of racism
- Aboriginal women, because of the patriarchy, are subject to more inequality than Aboriginal men
- many are ostracized by their families or reserves when they report sexual assault

#### The Sisters in Spirit Initiative

- aim to address “racialized, sexualized” violence against Aboriginal women
- 2005, Status of Women Canada committed five year funding for full research, education, national awareness, and policy initiative

#### Vancouver: Downtown East Side

- early 1990s: sex trade workers in DTES noticed that many of their peers were vanishing
- Aboriginal women are significantly overrepresented in Vancouver’s sex trade
- many of the Aboriginal women go missing in the DTES
- “Highway of Tears” where women have gone missing, large number of Aboriginal women have gone missing, the police have underestimated the number
- 500 mile stretch between Prince Rupert and Prince George
- Police estimate number to be 18 but estimates by Aboriginal organizations reach around 40
- Symposium made 4 broad recommendations :
  1. enhanced amber alert program
  2. prevention programs must involve families and communities as advocates for policy change
  3. community development to address
  - 4.

#### Discussion Question

Canada’s failure to value indigenous women’s lives affects us all. What should the Canadian government be doing to ensure that Aboriginal women are treated equal to non-Aboriginal? ... make more of an equal playing field to help them with the justice system, community resources etc.

## **March 9th Lecture**

### Citizenship and Immigration:

- Canada's immigration system divides people into classes
- point system: education, language etc
- Most women enter Canada as sponsored immigrants (do not qualify for many social services or programs)

### Domestic Workers

- advocates refer to the federal government's immigration Live-in Caregiver Program as a "form of slavery"
- women from other countries (Philippines and the Caribbean) come to Canada because of lack of economic alternatives. They must live in the employer's home
- they can be subject to different types of abuse (sexual, emotional, physical, financial etc)
- they can only work for the employer that is listed, they cannot take any other form of work, they are not aware of their rights, or services to seek help
- they are also threatened of deportation and work permit to take away their right to work and deportation

### Immigrant and Refugee Women: How does the policy affect women differently ?

- by awarding points for official language ability, education and professional experience
- by focusing on economic criteria and ignoring other characteristics including volunteer work in the community and unpaid caring work in the family
- by granting immigration officers discretionary powers, which allows their biases and prejudices to come into play when making immigration decision
- by shaping immigration categories so that primarily women are defined as 'family members' formerly 'dependants' on husbands or fathers
- by charging high immigration fees
- by introducing rules that bar people on social assistance from sponsoring their families to Canada
- by forcing domestic workers to live in the homes of their employers

### The legacy women refugees live with :

- women refugees come to Canada for similar reasons as men
- some women may have been the victims of sexual torture

### The Situation of Immigrant and Refugee Women: Language Training

- more immigrant women (9%) than immigrant men (5%) do not speak English or French
- limitation of their participation in politics and societal decision-making
- children used as interpreters
- access to the Federal Language Instructions for Newcomers to Canada is limited for many women for several reasons

-3 reasons for this : the man is the priority because they are usually the bread winners and are in need of speaking the language to obtain the job, they do not have the time at the beginning of their transition and the main priority is not to learn a language but because they need to settle, and lastly because there is a patriarchy mindset in the family and they don't think it is of value because they are being oppressed by their male family members

### Major Health Risks for Immigrant/Refugee Women:

- emotional and mental health risks are more of a concern for immigrant/refugee women: stress, negative attitudes, personal isolation. Post traumatic stress from the culture shock, and immigrating to a new country

#### - Accessibility of Health Care Services

- misunderstandings in the area of health can result in serious harm to women and their children
- immigrant women often burdened with greater unpaid responsibilities for care of ill, disabled, or elderly relatives than non-immigrant women

#### Pressures on young immigrant women:

- culture shock
- peer pressure
- lack of information focusing on their needs
- heavy family responsibilities
- inter-generational conflicts

#### Culture Shock

- intimidating experience
- fear of persecution and death in their country
- they paid dearly for a new life in Canada
- feeling torn between fitting into Canadian society and in their own ethnic community in Canada

#### The Global Trafficking of Women:

- exploitation of woman, in particular for her labour or services with or without pay and with or without her consent, by person or group of persons with whom she is in an unequal power
- results= the immigration both legal or illegal of women to Canada and the violation of their fundamental rights

### **Aboriginal Women as Victims of Violence: Strategies of Individual and Collective Resistance :**

#### Women in Traditional Aboriginal Society

- aboriginal women played a central role within aboriginal family, culture and spiritual ceremonies
- traditional aboriginal society experienced very little family breakdown
- in matriarch societies, such as the Mohawk, women were honoured for their wisdom and vision

#### The Attack of Aboriginal Culture :

- the arrival of European settlers drastically altered the lifestyle of aboriginal women
- women had few rights in European society, this attitude was ultimately reflected in the Indian Act

#### Dr Sally Longstaff of the Child Protection Centre has written :

“the razing of Indian societies and their traditions is well-documented. Symptoms of this dislocation are evident in high rates of unemployment, suicide , alcoholism, domestic violence and other social problems. This loss of tradition has seriously damaged the oral means of preserving cultural norms, and the values which prohibit deviant behaviours have been obscured and often forgotten. Native peoples often appear reluctant to adopt ‘white’ solutions to problems that stem from the latter’s apparent destruction of their societies”

#### Cultural Changes- The Impact Upon Aboriginal Women :

- the aboriginal inmates in Kingston prison for Women described the result this way :  
“the critical difference is racism. We are born to it and spend our lives facing it. Racism lies at the root of our life experiences. the effect is violence, violence against us, and in turn our own violence

- the victimization of aboriginal women accelerated with the introduction after Confederation of residential schools for aboriginal children
- the development of parenting skills, a significant aspect of their training as children with aboriginal families was denied to them
- established of the Department of Indian Affairs in 1868: legislation was passed which decreed that Indian status could only be passed through the male line
- the transition to a sedentary life on reserves had a shattering impact on all aboriginal groups

#### Documentary : Highway of Tears

- unemployment in some aboriginal communities is as high as 29% in BC
- they are forced to hitch hike because there is a lack of transportation
- the RCMP looks at the aboriginal community as the trouble makers and do not understand the plight of the aboriginal people which is scary because there is a lack of respect and things have a lower chance of things getting done to help them if there is no respect
- 30% of aboriginal Canadians live on reserves where there is no access to hospitals

#### Reading Discussion Chapter 5 : Sexual Assault

- Sexual assault -any form of any sexual activity that is unwanted
- Victimization Survey - 460,000 incidents of sexual assault occurred in one year
- includes figures that were not reported to the police

#### Correlates of Sexual Assault Perpetration and Victimization

Discussion Question#1 : what are some risk factors for sexual assault victimization?

-gender (female), drugs and alcohol, being young, friends or acquaintances are more likely to be perpetrators, being in high school or university, aboriginals, women who are involved with the criminal justice system (incarcerated women)

-what are some factors associated with sexual violence perpetration?

someone with :

individual : history of abuse, age :17-24, gender (male), alcohol and drug use, impulsive and anti-social behaviour, witnessing family violence, sexually aggressive peers, family behaviour

- society :patriarchal, sexual entitlement, high levels of crime and levels of violence

Impact of Sexual Violence :

-immediate aftermath: women can experience physical injury, shock, fear, anxiety, confusion, self blame

longer term : post traumatic stress disorder , stress disorder, emotional detachment, flashbacks, and nightmares, eating disorders

series of loss : loss of health, independence, control, work, relationships, self-esteem, energy, confidence, innocence

Rape Myths and Beliefs :

- Discussion Question #2 : what are the 4 general themes predominate in the study of rape myths
- the reports are false, the prep should be exonerated , women are to blame, only certain types of women are raped

Rape Law Reform : the old law : “an act of vaginal penetration committed by a man against a woman who was not his wife “

-the old law was harmful for many reasons which are all stated in the reading

Sexual Assault:

- sexual assault (level 1)
- sexual assault with a weapon, threats to a third party, or causing bodily harm (level 2)
- aggravated sexual assault (level 3)

Discussion Question 3 : what were the objectives of the reform to sexual assault laws?

- to de-gender the law to comply with the new charter of rights and free that was put in place
- to treat victims of sexual assault the same as physical assault
- to encourage victims to come forth to persecute the perpetrators

Sexual History Evidence

- the first rape shield provision designed to protect rape victims from being cross examined about their sexual history and reputation was implemented in 1976 prior to rape law reform
- the 1983 law reform rendered sexual history evidence from

Mistaken Belief in Consent

- Voluntary Agreement
- the criminal code now requires that the accused take reasonable steps to ensure the victim was consenting and enumerates situations that does not need consent
- Access to Personal Records

Trends in Sexual Assault Reported to the Police

- there are many personal barriers and perceptions of the criminal justice system that influence women's decisions to report sexual violence to the police

## **Lecture March 16th**

### The Abuse of Aboriginal Women and Children :

- one in 10 women in Canada is abused by her partner, yet for aboriginal women the figure is closer to one in three
- One study in Winnipeg (2007) concluded that 43% of aboriginal families are headed by single women, compared to 10% of non-aboriginal families
- the employment rate for female status Indians age 15 or more is estimated to be as low as 24%

### Spousal Abuse

- surveys by the Ontario's Native Women's Association
- Survey by the Indigenous Women's Collective
- The police response received by others discourages victims from going to the police for help
- situation even more difficult for women in Northern isolated reserve communities
- most chiefs and council members are male and often exhibit bias in favour of the male partner in a domestic abuse situation

### Abuse, Crime and Abuse

- the consumption of alcohol contributes to the incidents of domestic violence and child abuse which occur on Indian reserves
- Report of the Aboriginal Justice Inquiry of Manitoba (2007): need for resources to increase the availability of treatment programs that are culturally appropriate, aboriginally run and community based
- Correctional institutions: must enhance the availability of culturally appropriate treatment programs

### The Sentencing of Aboriginal Women:

#### Profile of an aboriginal women serving time in federal institution :

- generally 27 years old with a grade nine education and single with two or three children
- limited education and employment skills, unemployed at the time of her crime

#### Contributing factors that may impact negatively on the life of an aboriginal female ?

- moving and isolating the aboriginal community north
- alcohol and violence in the family home that were seen as ways to deal with problems
- lack of familial supervision in the family home
- lack of resources (poverty)
- lack of opportunity in a way to have positive interactions with others
- generally they have experimented with drugs and alcohol and have seen that through their parents or family members
- the fact that they have been in conflict with the law as a youth
- and the lack of intervention continues into adulthood (no guidance, programs, or help to stop the issues get worse as she grows older )
- likely to leave school at a very young age and associate with friends who are "street wise"
- abuse of drugs and alcohol continues to the point of where they will become a prostitute to support her addiction
- witnessed her mother being abused or experience violence herself and left home and community
- to become independent she had to leave the community
- she doesn't have the skills to become independent
- people don't want to hire her because of her race etc
- may experience sexual or physical violence while on the street

### Justice and Human Rights

- aboriginal women face race and gender discrimination, often further compounded by inequity due to poverty, ill-health, involvement in the sex trade or other factors
- discrimination has been evidenced within justice system (rates of charging prosecution and conviction, missing aboriginal women, restorative justice sentencing et)

### Options Include :

- increasing aboriginal women's access to legal aid
- cultural awareness training for police, prosecutors, judges, and corrections staff
- the recruitment of more aboriginal peoples throughout the justice system
- access to culturally appropriate life skills programs and community re-integration supports

### It is important that aboriginal women be given positions of responsibility in the justice system.

#### What does that mean ?

- have them involved the same way as men are in the community (police, corrections, admin in courts, parole officers, RCMP, city police, aboriginal police forces etc. )
- large numbers in training programs

### Health :

- higher incidences of diabetes, tobacco addiction, and HIV/Aids
- problems concerning fetal alcohol syndrome (FAS) and its effects (FAE) and family dysfunction and violence
- suicide rate up to eight times that of other Canadian women depending upon age (usually younger, because there is a lack of positive opportunities in life)

### Possible Solutions ?

- health services need to be more accessible
- there is a gap in culturally appropriate health services
- there is a lack of funding for aboriginal health services so there needs to be more consistency
- pioneering models of holistic healing in their communities and they want to break the cycle of violence and abuse because they have suffered different forms of abuse and to start healing they need to start bringing back their traditional roles and importance in their community

### **Sexual Violence Against Women :**

#### Definition :

- describes any violence, physical, or psychological, carried out through several means or by targeting sexuality. This violence takes different forms including sexual abuse, sexual assault, rape, incest, childhood sexual abuse, and rape during armed conflict
- this also includes sexual harassment, stalking, indecent or sexualized exposure, degrading sexual imagery, cyber harassment, trafficking, and sexual exploitation

### Why Doesn't Canada have a Rape Law? (OCTEVAW, May 2009)

- the wording of Canada's rape law was formally changed to sexual assault
- before 1983, there had to be proof of vaginal rape and husbands could legally rape their wives
- in 1983 the Supreme Court of Canada ruled any circumstance that violated the sexual integrity of the victim were grounds for sexual assault
- the law created three levels of severity of sexual assault from level 1 to level 3

- sexual assault to aggravated assault

#### Not Important Enough?

- many women experience guilt and self directed blame because they may wonder if they have done something to cause this and if it could have been avoided

#### Who is Assaulted ? (Ontario Women's Directorate, Government of Ontario, 2007)

- some groups of girls and women have been found to be more often assaulted than others (teenagers, women with disability, aboriginal women)
- girls, teenagers, and women up to their mid twenties
- girls and women of all ages who have a disability (physical or mental)
- girls and women of women from aboriginal communities)

#### Who commits Sexual Assault? (Ontario Women;s Directorate, Government of Ontario, 2007)

- usually commits by someone the victim knows, trusts, or loves
- most girls and women are not prepared to be sexually assaulted by someone they know
- they are twice as likely to be assaulted by someone they know than by a stranger
- girls and young women are sometimes assaulted by someone in the family, religious leaders, teachers etc.
- they usually happen in places where women think they are safe (house of a relative, or their own home or someone they know, in a car, at a party or gathering, school , anywhere you feel safe )

#### Sexual Harassment in the Workplace:

- Ontario Human Rights Code : Sexual Harassment refers to : engaging in a course of comment or conduct that is known or ought to be known to be unwelcome
- employers that do not take steps to prevent sexual harassment can face major costs in decreased productivity, low morale, increased absenteeism, health care costs and potential legal expenses
- Examples:
- asking for sex in exchange for a benefit or a favour
- repeatedly asking for dates, and not taking "no" for an answer
- demanding hugs
- making unnecessary physical contact, including unwanted touching
- using rude or insulting language or making comments towards women or men (depending on the circumstances)
- making sex-related comments about a person's physical characteristics or actions
- posting or sharing pornography, sexual pictures or cartoons, sexually explicit graffiti or other sexual images
- making sexual jokes

#### Preventing and Responding to Sexual Harassment in the Workplace

- employees have a legal duty to take steps to prevent and respond to sexual harassment (when deciding if an employer has met its duty to respond to a human right claim, tribunals are likely to think about/evaluate a number of factors)
- did they put anything in place,
- how fast they responded, and
- how seriously the complaint was treated,
- what kind of resources was made available for the employee,

- they look at the organization and if they have provided a healthy environment for the person who complained,
- how well was the person who complained action was put in place
- 1. you need to have a policy in place,
- 2. your employees need to know you have it in place,
- 3. they need to be sure their employee understands it (clear) and that they get training for this policy

### **Midterm Next Monday**

#### **- all lecture material from feb 2 - March 16th inclusive**

#### **- Readings :**

- Honour killings attitudes amongst adolescents in Ammon Jordan
- Difference matters studying across race, class, gender and sexuality
- Access for abuse immigrant women in New Brunswick
- Is Canada peaceful and safe for aboriginal women ?
- When the women heal, aboriginal women speak about policies to improve the quality of life
- Sexual assault in the workplace
- Chapter 5 in Johnson , holly and Dawson

#### **- Documentaries :**

- power and control : domestic violence in America
- highway of tears

### **From Villain to Victim Secure Care and Young Women in Prostitution**

- growing perception that young prostitutes should be treated as victims
- Secure Care : what is it ?
- legislation that permits lengthy detention of youths who are deemed at risk
- several provinces have passed or drafted secure care legislation which allows them to apprehend and detain any person under the age of 18 who is suspected of being involved in prostitution
- authorizes normative behaviour by emphasizing the dangers associated with prostitution and the importance of developing healthy lifestyle choices
- form of incarceration
- power and control over young women involved in prostitution
- reinforces and advances neo - liberal strategies of control

#### is this an infringement of their rights and freedoms ?

- this could worsen their hatred for the law and this could create a bigger divide between the youth and the health services
- this doesn't address the reason why the reason why they are prostitutes
- so yeah it is

#### Neo liberal control strategies

- stresses the importance of individual choice
- deflects the focus of responsibility away from the state

- ignore the larger structural issues
- helps the individual “help themselves” belief that the decision to leave the sex trade is an individual choice
- emphasizes the family as the primary control mechanism- promotes parents to be active in ensuring the safety of their own children
- the authorization of normative behaviour confirms the gender-based assumptions that young some must remain virtuous to be considered normal
- creates a good girl/bad girl dichotomy

Authors Notes:

- redefining youth prostitution as a form of sexual abuse and exploitation has failed to substantially improve the lives of young women involved in prostitution
- youth prostitution and child sexual abuse are sociologically distinct phenomenon
- the choice to prostitute stems from their social conditions not from decision making process
- we need to address the underlying social conditions

## March 30th Lecture

### **Rape Myths include the following (Ontario Women's Directorate, Government of Ontario, 2007)**

- men who rape have a stronger or uncontrollable sex drive, so they can't help themselves
- only certain types of men from social or racial groups commit sexual assault
- if there's no violence or physical force then it's not sexual assault
- women lie about rape in order to cover up the fact that they've had consensual sex
- a married man can't rape his own wife

### **Why do they assault ?**

- boys and men constantly receive sexist and violent messages about how they should act and how they should treat girls and women. Some of these harmful ideas include :
  - .. it is ok for males to use violence and other threatening behaviours to get what they want
  - .. males are allowed to act in sexual ways toward girls and women without getting their consent
  - .. believing females always like sexual attention, even when they say they don't
  - .. believing that females always should be available and willing to fulfill males sexual desires
  - .. thinking that females don't deserve the same respect and opportunities as males

### **Consequences : (Centre for Disease Control and Prevention, 2006)**

- **physical** -
  - premenstrual symptoms
  - gastrointestinal disorders
  - gynecological and pregnancy complications
  - migraine headaches
  - back pain
  - facial pain
  - disability that prevents them from working
- **Emotional** - shock, denial, fear, confusion, anxiety, withdrawal, guilt, nervousness, distrust of others
- **social**- strained relationships with victims family, less frequent contact with family or friends, lower likelihood of marriage,
  - emotional detachment, sleep disturbances, flash backs, mental replay of assault
  - health behaviours
  - depression, attempted or completed suicide, unhealthy diet (fasting, diet pills, over eating)

Health behaviours- engaging high risk sexual behaviour (unprotected sex, early sexual initiation

- choosing unhealthy sexual partners
- having multiple sexual partners
- trading sex for food, money, or other items
- using and abusing harmful substances (smoking, drinking, using drugs, driving after taking alcohol)

### **Preventing Sexual Violence :**

- public education addresses the root causes of violence by changing the social attitude and behaviours that perpetuate violence against women

### **Improving Services :**

#### -Training:

- .. women need sensitive and comprehensive care
- .. women may turn to different service providers and professionals for support
- .. the initial reaction of the people they turned to for support either helped or hindered their recovery

### Sexual Assault Centres

- 41 government funded sexual assault centres across the province of Ontario including 11 French language centres
- clients are provided with individual and group counselling, hospital, court and police accompaniment, and have access to 24 hour crisis and support lines

### **Sexual Assault Domestic Violence Treatment Centres :**

- across Ontario, 35 hospital-based assault domestic violence treatment centres provide 24/7 specialized medical care and emotional support to women, men, and children who have been sexually assaulted

### **Helping survivors navigate the system of supports:**

- linking survivors to the services that can best meet their needs is an important part of their recovery
- consultations with survivors highlighted the challenges in accessing information
- additional difficulties for women who experience language, cultural and or accessibility barriers

### **Improving access to services for Francophone women :**

- challenges in finding and accessing services in French

### **Improving access to language interpretation :**

- survivors mentioned the need to improve access to services for women whose first language is not English or French so that they may access the community, health and justice supports what they need

### **Responding to victims of Human Trafficking**

- victims have very specific needs: they are often isolated, controlled by elements of organized crime and fear for their personal safety
- a need for a more coordinated response to human trafficking
- the government has been working across ministries and through the Federal-Provincial Territorial (FPT) forums to improve local, national, and international collaboration to address human trafficking

### **Strengthening the Criminal Justice Response :**

- responding to sexual assault:
- sexual assault crimes present challenges to the Criminal Justice System
- offences often occur in private settings, by someone the victim knows
- women are often reluctant to report the assault
- changes have been made to the criminal code of Canada in the past number of years

### **Holding Offenders Accountable :**

- perpetrators of sexual violence need to be held accountable for their actions
- they also need access to supports and programs that will help them and end their violence
- the ministry of community safety and correctional services conducts regular reviews to ensure offender programming and staff training align with current research and professional best practices
- partner assault response program

### **War on Women: Time for action to end sexual violence in conflict :**

“rape is as old as war itself”

- war in Bosnia and Rwanda in the 1990s were a turning point. they brought about the term “rape as a weapon of war”
- horrendous accounts of atrocities were documented: they fuelled global outrage and condemnation and spurred the inter nation community to define the issue of sexual violence in conflict as a serious threat to peace and security

- United Nations (UN) security council resolutions to prevent the use of wartime rape, local and national campaigns to end violence against women, and support for survivors and their families

### Lecture April 13th

#### Sexual Violence in Conflict : A threat to Peace and security :

- devastating physical and psychological ramifications for survivors, their families and communities
- severe human rights violations
- a threat to peace and security as it dimities the prospects for reconciliation and peace building
- it puts entire communities at risk, rips apart their social cohesion and condemns them to a life of poverty
- culture of impunity often surround sexual violence in conflict
- perpetrators rarely held accountable for their actions and do not face prosecutions and punishments

#### Why is sexual violence used in conflict?

- **rape is a strategy of war :**
- - most prominent examples are the cases of Bosnia, Rwanda, and Sudan
- to fulfil a particular war goal, namely ethnic cleansing and genocide
- international attention to the issue of sexual violence due to the perpetration of rape, as part of , rather than a consequence of war
- **Rape as a means of creating cohesion between combatants :**
- new recruits have been forced to commit such taboo acts as the rape of relatives in order to server their ties with the community and bind them to the armed group
- practice of gang rape employed to create cohesion within units, bonding fights who have been recruited by force and increasing their tolerance to violence

#### **Rape being a reward**

- “boys will be boys” making it acceptable, with looting and pillaging often seems as an integral or even inevitable part of war, and rape as the reward of war
- rape widely documented during pillaging of communities by state forces that have no been paid and are seeking compensation

#### **Rape as a means to destroy social and cultural cohesion**

- socio-cultural norms defining gender roles can contribute to the use of wartime rape particularly in patriarchal societies (masculinity equated with dominance, power, and control; women are seen as property and objects to be protected from invasion)

#### **Rape for economic ends :**

- the disruption of formal economics and state institutions often brought on by conflict heightens the risk of trafficking in persons for purposes as sexual or labour

#### **Rape as a means of extracting information:**

- sexual violence used to extract information from women and girls during forced civilian disarmament in order to obtain locations of arms caches

#### Consequences of Sexual Violence in Conflict

short and long term health consequences and psychological trauma

- loss of life due to sexual violence related to deaths, killing, or suicide

- can reduce women's and girl's contribution to economic development, trapping them in a life of poverty
- it limits women's freedom of movement in relation to subsistence activities
- results in commercial and exploitative sex as one of the few options for income generated to meet basic needs
- women who have been attacked and children born out of rape are stigmatized and ostracized

#### Sex Work: Making Space for Working Women:

- sex work is met with a lot of prejudice and stereotypes

#### Prostitution in Canada

- buying and selling of sexual services are legal but most surrounding activities, such as public communication for the purpose of prostitution, brothels, and procuring are offences under the law
- situation has created and continues to create confusion and controversy
- prostitution laws largely unchanged since the early 19th century. The status quo of prostitution is problematic.
- ideological disagreement between two groups

#### Legal Status

- while the exchange of sexual gratification for consideration between consenting adults is legal, the law prohibits those activities. Parliament deems to be a threat to public order or offensive to public decency, under the powers given to the federal government, the activities include :
  - operation a premise (sexual services establishment or brothel) where such activities take place
  - being found in such an establishment
  - procuring such purposes
  - communicating such services (soliciting) in a public place
- on the other hand, working as an independent sex worker and private communications for such purposes is legal

#### Why use the term Sex Work instead of Prostitution

- the term prostitution has been associated with deviance, corruption and criminality, and still is today
- sex workers need those activities to be defined as work because they view their occupation as an activity that generates income
- using the term "sex work" helps draw a distinction between the economic activity and the person's identity
- speaking in terms of sex work helps take prostitution out of an invisible or unspeakable space
- it allows a rethinking of this activity in terms of contracts, improvement of working conditions and sex workers' ability to negotiate the different aspects of services they offer
- it paves the way for action about worker's rights :
  - ... the right to work safely and in health
  - ... the right not to be raped, harassed or discriminated against
  - ... the right to associate with other workers for protection
  - ... the right to dignity and integrity

#### What do Sex Workers Do?

- soliciting on the street or in other public areas
- nude dancing with or without contact
- providing erotic massages
- acting in pornographic movies

- animating phone or webcam conversations
- offering specific or specialized services like domination and fetishism

#### Who is a sex worker ?

- the concept emerged in the 1970s through the prostitutes rights movement in the US and Western Europe
- as a counterpoint to traditionally derogatory names to emphasize the legitimacy of sex work as a form of labor and the rights of sex workers as working people
- the majority of sex workers are women
- participating in sex-work entails a life in the margins (particularly for sex workers of colour and transgender and gender non-conforming sex workers)

#### Why do Sex Workers do this work ?

- flexible schedule
- enjoy meeting many people from different walks of life
- comfortable with sexuality, nudity, keeping others secrets, listening and giving moral support

#### Violence Against Sex Workers:

- they experience high levels of violence, regardless of the type of sex work they engage in
- existing laws that criminalize sex work often prevent sex workers from reporting violence, enable law enforcement agents to not take violence against sex workers seriously when it is reported and facilitate police violence against sex workers

#### Sex workers and Childhood Sexual Abuse:

- like many women, some sex workers have been the victims of a sexual assault during childhood
- sexually assaulted sex workers whether at work or in their love life, or in their social life fear not being believed or being denounced, harassed, attacked or criminalized again

#### Sex Workers and Drugs :

- because of the considerable stigmatization many believe it is difficult for even impossible to perform sex work without using drugs
- those who use drugs while working or overuse them become much more vulnerable to abuse and risk

#### Sex work as violence against women ?

- despite the high level of violence against them, sex workers rights have generally not been supported by mainstream women's movements
- many feminists have framed sex work itself as a form of violence against women, demonized women who engage in sex work as participants in their own oppression and that of all women
- sex workers rights groups use a distinction between coerced and consensual sex work

#### Impact of sex work on the health of workers :

- sex workers do not have access to the same fringe benefits that other workers enjoy
- even if they take care of their health, their security, and their dignity, they cannot always escape work-related stress

#### **Final Exam :**

April 26th 7-10 Montpetit 202

All lecture material from January 19th to April 13th 2015 inclusive

- Videos : the legacy of pain, my feminism , power and control: domestic violence in America, Rape a crime of war

Readings : Chapter 1 in Meadows, "Measuring and Understanding Violence"

- Weber, Lynn (2004) "A conceptual framework for understanding race, class, gender and sexuality"
- Barrett, Betty Jo "police response to intimate partner violence in Canada" pp38-62
- "difference matters, studying across race, class, gender and sexuality" pp 101-120
- Olsen Harper "Is Canada peaceful and safe for aboriginal women?"
- Garrett, "Sexual Assault in the Workplace"
- Chris " the in- call sex industry: classed and gendered labour on the margins "
- Jung "Body Image, Appearance self-schema "
- Office Hours : Francesca April 14th 3-5 FSS 2015
- Laura April 16th from 1:30-3:30 FFS 2014