

## Welcome to our Learning Network Resource Spotlight

### Declarations of Truth: Creating An Alternative Justice Model for Survivors of Gender-Based Sexual Violence: The Transformative Accountability & Justice Pathway to Healing

**Date & Time:** Thursday, October 8, 2020 | 1:30 - 2:30 PM EST

- All attendees are muted during the resource spotlight.
- If you are experiencing issues, please type into the chat box.
- If you have a question for the speakers, please type into the Q&A box and we will spend 15 mins near the end on Questions and Answers.
- There will be an evaluation link in the chat box at the end of the resource spotlight, please fill out the form as your feedback will guide our future ones.
- Once you complete the evaluation form, you will be directed to a website where you will be prompted to enter your full name and email address. A certificate of attendance will be generated and emailed to you.
- Presentation slides are available online, there will be a link in the chat box.
- The presentation recording will be posted on our website within the next few days:

<http://www.vawlearningnetwork.ca/ln-kh-webinars>

**Western**  Centre for Research & Education on  
Violence Against Women & Children




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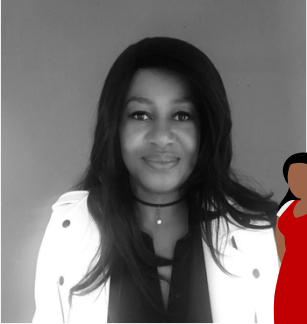


## Declarations of Truth: documenting insights from survivors of sexual violence

A WomenatthecentrE Initiative


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**Nneka MacGregor, LL.B.**  
Executive Director  
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- ▶ Introduction
- ▶ Why we did what we did
- ▶ What we did
- ▶ What we found
- ▶ The Model
- ▶ Next steps



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## Gratitude Moments

- Department for Women and Gender Equality (WAGE) – funding made this critical work possible
- All the women survivors in Renfrew County & Toronto
- Advisory & self-care: uncensored language & ‘heavy’ declarations



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## Why We Did What We Did

*“I think that in this room, we're all ok in that, we were able to come to this [focus group]. It's very brave to come. It's very courageous to come and speak and we talk about it and have our tears and feelings but, there are so many women who are not on this planet because [of the violence] and they cannot. They are alone; they feel isolated. They don't have language. They are so oppressed. They don't make it. There are many women that are dead because they ended their lives, because of what happened to them. So, that for me is also the focus of why I am here, because I feel like we are ok, like we're finding supports. We're reaching out. We're talking. But, there's so many women who cannot. And so how do we make the world better in that aspect? Right? For women who cannot, who cannot get outside of themselves and what happened to them.”*

(RF1:4)



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## Gender-Based Sexual Violence: The Canadian Context

- ▶ Significantly under-reported:
  - ▶ Not sure if it was
  - ▶ Not think it 'serious enough'
  - ▶ Fear, shame & reprisals
- ▶ Context of criminal legal system
  - ▶ Has to reach *Criminal Code* threshold (assault)
  - ▶ Inconsistent investigation, arrest, prosecution, conviction
- ▶ Gendered: our focus on women, but recognise that the impact of the trauma is equally weighty on all survivors, regardless of where they are on the gender spectrum
  - ▶ Not engage in comparing who has it worse, or which type of violence is worse
  - ▶ Recognise devastating impact on the lives of each survivor



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## What We Did– Kaleidoscope of Data



**13** sexual assault trials monitored in Old City Hall & Superior Court in Toronto

April 2017 – Nov 2018

**37** judges' decisions audited

**13 women:** 5 in Toronto; 8 in Renfrew County – women who reported

**16 women:** 5 in Toronto; 11 in Renfrew County – women who didn't report

**3,000+** Tweets, Instagram & Facebook posts, print & TV news, films, shows, podcasts



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## What We Did - Our Participatory Research

- ▶ Participatory - Principal Investigators: Nneka MacGregor, Shirley Broekstra & Project Coordinator – Shelleena Hackett
- ▶ Survivor-led: ED, Board, staff, members, students & volunteers
- ▶ Research Ethics Review & approval: Community Research Ethics Office
- ▶ Study Protocol, Informed Consent, paid honorarium, travel



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## What We Did – Community Outreach & Engagement

### Community Partners

- Gatekeepers versus Locksmiths
- Women's Sexual Assault Centre of Renfrew County
  - JoAnne Brooks & team
  - Kim Charlebois

### Community Consultations

- Chris Cowie: *Community Justice Initiative*
- Marli & Barbi Liss: *Re-Humanize*
- Mia Mingus: Disability Rights & Transformative Justice Activist
- Toronto Police: Sex Crimes and Domestic Violence Units
- VWAP in both communities
- Joanie Cameron-Pritchett & team – York University's Centre for Sexual Violence Response, Support & Education
- Diverse Steering Committee members, especially Janet Mosher
- Office for Victims of Crime – Board members
- Alliance of Canadian Cinema, Television and Radio Artists (ACTRA)– Committee



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## What We Did – Secondary Research

Comprehensive search of publications, models, including specialised sex assault courts

- Restorative Justice: model used by Indigenous communities around the world
- Transformative Justice: model developed by Black & Trans women and disability activists and community organisers in the United States

- The system was built on / reproduces white supremacy & violence against BIPOC & trans communities

- [INCITE!](#), a network of abolitionist feminists of colour organising to end state violence - 20 years



Beth E. Richie



Mimi Kim




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# Who are these women? Some Demographic Info



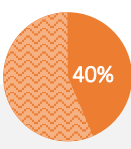
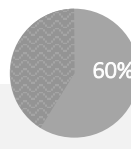
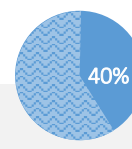
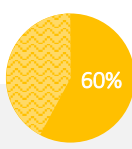
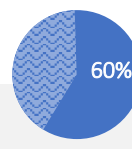
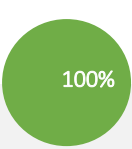
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## Toronto One-on-One Interview Participants

Key demographic information

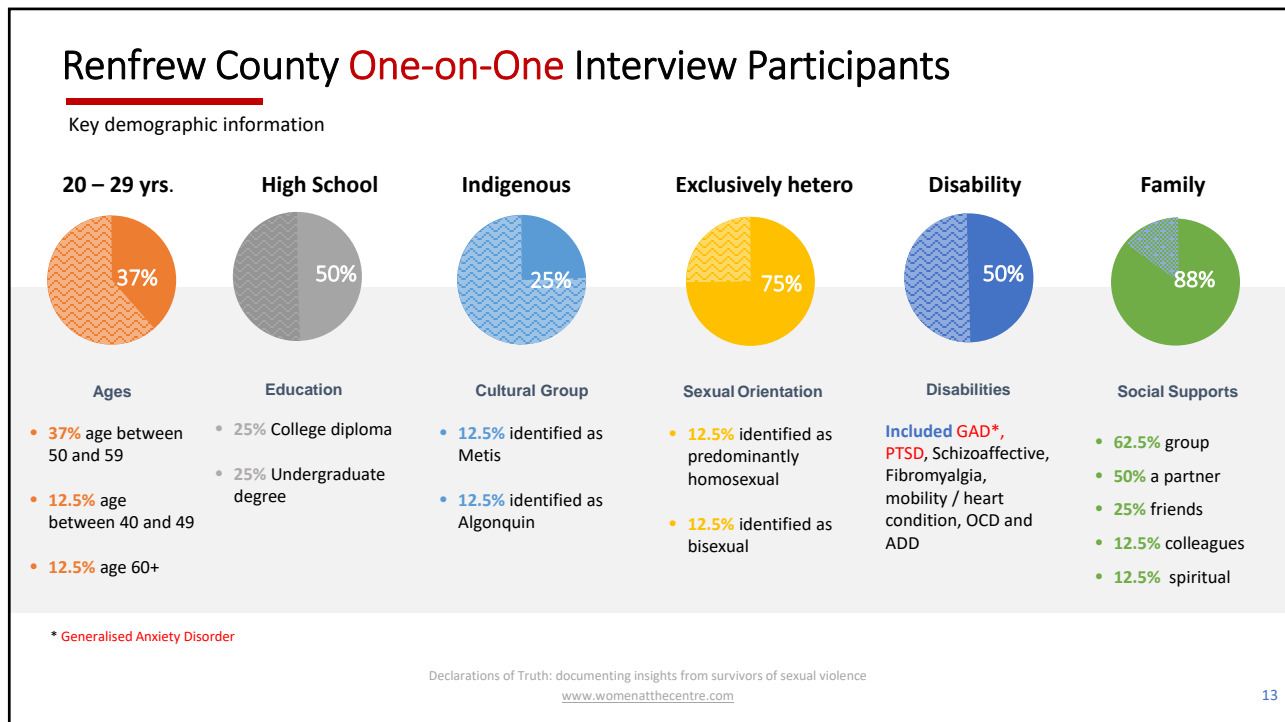
20 – 29 yrs.	High School	Indigenous	Bisexual	Disability	Friends
					
<b>Ages</b>	<b>Education</b>	<b>Cultural Group</b>	<b>Sexual Orientation</b>	<b>Disabilities</b>	<b>Social Supports</b>
<ul style="list-style-type: none"> <li>• 40% age between 30 and 39</li> <li>• 20% age between 40 and 49</li> </ul>	<ul style="list-style-type: none"> <li>• 20% College diploma</li> <li>• 20% Undergraduate degree</li> </ul>	<ul style="list-style-type: none"> <li>• 40% identified as Caucasian</li> <li>• 20% identified as Asian</li> </ul>	<ul style="list-style-type: none"> <li>• 20% identified as predominantly heterosexual</li> <li>• 20% identified as Queer</li> </ul>	<p><b>Included</b> Complex PTSD, learning disability, physical injuries from family violence, as well as chronic illness</p>	<ul style="list-style-type: none"> <li>• 60% on family</li> <li>• 60% a partner</li> <li>• 40% group*</li> <li>• 20% colleagues</li> </ul>

\* not affiliated with service providers

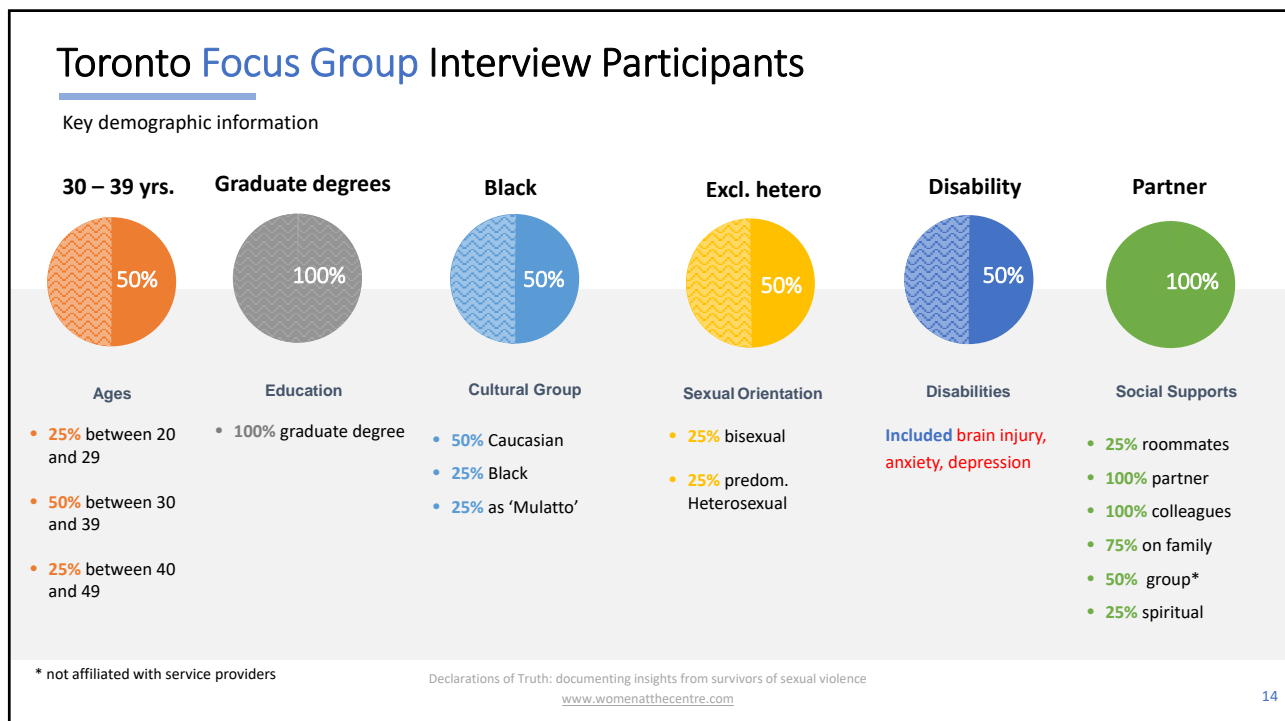
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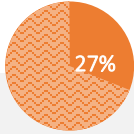


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## Renfrew County Focus Group Interview Participants

Key demographic information

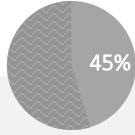
### 30 – 39 yrs.



#### Ages

- 27% age 60+
- 18% 20 and 29
- 18% 40 and 49
- 9% 50 and 59

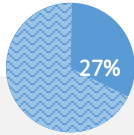
### Undergrad



#### Education

- 27% College diploma
- 18% graduate degree
- 9% High School diploma

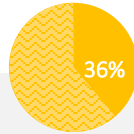
### Indigenous



#### Cultural Group

- 45% Caucasian
- 9% Quebecois

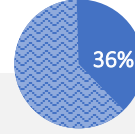
### Predom. hetero



#### Sexual Orientation

- 27% bisexual
- 18% predom. Heterosexual
- 9% exclusively homosexual
- 9% predom. homosexual

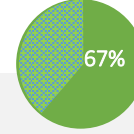
### Disability



#### Disabilities

Included post-concussion syndrome, depression, mental health, fibromyalgia, forearm crutch, wheelchair, neuro, hearing impaired

### Family



#### Social Supports

- 67% roommates + 67% on a partner
- 45% colleagues
- 36% on group\*
- 18% spiritual

\* not affiliated with service providers

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## Furthermore ...

**93%**

of the participants knew the aggressor. It included their bosses, fathers, friends, dating partners, boyfriends, grandfathers or acquaintances.

“However, I had been raped by a single guy actually earlier that year and I had been molested by my grandfather, and I had been raped by my father.” (RF2:1)

“The police show up at my work. They bring their mugshots to the security. He's out and you're in danger - AGAIN... They're on this because, like me, they're fucking terrified of him, because they know what he can do. This is not somebody that you'll see coming, walking down the street. No. This is somebody that'll hide on your roof-top, unscrew all the light-bulbs outside of your home, wait for you to come in. When you go to click on your lights at night, you'll go, 'That's odd. What's wrong? Something's off here. Fuck! There are no lights outside!'”

(RC001)

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# Key Findings: CourtWatch & CanLII

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## The Legal System

**Judges**

- 100% were white
- 53% were women
- 46% in the 50+-year age range

**Crown Attorneys**

- 85% were white
- 46% female
- 46% male
- 8% unknown
- 31% between 30 -40 yrs.

**Complainants**

- 92% identified as women
- 4% male-identified
- 18% women with disabilities
- 50% below 30 yrs. of age

**Defendants**

- 100% male-identified
- 20% below 30 yrs. of age
- 36% were 40+ yrs.
- 36% were found guilty
- 8% plead guilty & absolute discharge

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## The Legal System

**70%**

**Intoxicants**

- 70% of cases, drug use or alcohol was mentioned as a factor

**86%**

**Known**

- 14% were stranger attacks

*Dispel the myth that GBSV are committed by strangers*

Interviewer: Why didn't you want to go to the police?

*"cause I knew there was a whole lotta bullshit coming. It's true." (RC003)*

*"So, the justice system for me? I have no confidence in them what so ever. Whatsoever." (RC001)*

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## The 5 Cs Of Sexual Violence

A new framework to evaluate sexual violence

**Critique**

Examining implications and ramifications of GSV on other 4 Cs

**Context**

The Who, What, When, Where and Why

**Consequences**

The social, legal, physical, emotional, & financial impacts on the survivor & perpetrator

**Care**

Understanding various interventions adopted by survivors during / after the violence

**Communication**

And Conversations around sexual violence

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## Context: The 5 Ws

1. **Who:** demographic information on the survivors, the aggressor, court personnel
2. **What:** what happened and what did women do during / after; charges laid, outcome of trial
3. **Where:** the location(s) where women are attacked – public / private
4. **When:** the year, time of day
5. **Why:** why some women reported and others didn't

*“I had already been warning people. I had been tracking his movements online and then going to people and event organisers like, ‘You need to, like, watch this person’. And I had been doing all these things, and I’m like, this isn’t enough. What happens if he rapes a friend of mine and I could have done something?” (T005)*



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## CONTEXT: What



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## Language Matters

- Survivors vs. Victims
- **Declarations vs. Stories**
- Reported vs. Alleged
- Violence vs. Assault



Avoid minimising language, or ones that foster sense of not believing survivors



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## Communication



*“I think sometimes just telling your story to someone, when you know it's being taken seriously helps to bring a kind of closure ... I don't know, 'cause after court, after I said my thing, I didn't even, like, go back and hear, like, what happened to him.” (T003)*

*“I just want women to feel like they count, and that they're not cattle and they're not numbers, that they're human beings; they're worthy and they're valued. That's what I want, women that have gone through that to know, and to feel when they go into that system.” (RC001)*



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## Consequences



1. I now experience ... **PTSD**
2. The trial process was **completely re-traumatising**
3. I was **frozen with fear** / complied out of fear for my life
4. I felt **weak** / lacked the strength to fight him off
5. I feel / felt **broken**
6. I was in **shock**
7. I am **fearful** (all the time)
8. I am **anxious** (all the time)
9. It **lowered self-esteem/ self-confidence/ self-care**
10. I was in **survival** mode
11. I had to **move residences**
12. I had to **leave school / workplace**
13. I (still) **live with physical pain / discomfort**
15. I experience **generalised emotional distress**
16. I suffer from **depression**
17. I have **panic attacks**
18. I suffer from **insomnia**
19. I have **difficulty focusing**
20. I had several **physical injuries**
21. I have a **loss of my sense of security/ safety**
22. I suffered serious **financial loss**
23. I felt it was somehow **my fault/ shameful**
24. It has **impacted my relationships; I am distrustful** of people
25. I contracted **STIs** from the assault / suffer from **yeast infections**
26. I have **suicidal ideations / self-harm**
27. **Loss of Time**



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## Consequences



*“Everything hurts. I tend to push it down, push it down and make sure it's a nice big, tight, knot ball in my stomach. So, I had a lot of gastro-intestinal problems. I have IBS, Irritable Bowel Syndrome.”*  
 (RF2:4)

*“He's only doing 5 months. I'm doing 45 years...”* (RC007)

*“For years of my life, for my childhood, he got 18 months.”* (RC005)



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## Consequences



*“He was also my boss ‘cause I worked at Jack Astor’s and he was the Manager there, so there was a power imbalance, and I feel like other people at work knew about it somehow and I don’t know how.” (TF02)*

*“For the longest time, my son couldn’t even sleep in the same bed with me, ‘cause like, I’d have anxiety from just someone lying beside me. But it’s getting there. [...] It has taken at least maybe six months.” (RC004)*



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## Consequences



*“And since then I haven’t had sex. Like, I don’t even want to be around men. Even my friend said ‘You have to get out there,’ and I said no. What gets me crying is my friends say ‘One day you’ll meet the right guy’ but it’s too early...” (RC004)*

*“I have more nightmares about the court process than I do about the actual incident and it just doesn’t make sense. I was so caught off guard when I was in court. I just wanted to cry, wanted to scream, I wanted to yell. I didn’t know what was going on. All I remember is the Crown Attorney saying ‘Don’t show any emotion,’ so I just tried, just tried to keep it cool. I wanted to lose it. But I didn’t. I guess it helped me in the long run... but mentally it didn’t.” (RC003)*



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## Consequences



*“I got the sense that I wasn't important enough, or that my assault wasn't horrible enough for them to go forward with it, because even before the time between those two meetings where [the Crown] said, “they're going to use honest but mistaken belief in consent”, and where she told me the charges were withdrawn, I kinda realised he's disgusting, and I think that it should go to trial, and I want to go through with it. But they didn't end up listening to me about that part.” (T001)*

*“After so many years, like my strength has, has dwindled and now I'm facing reality about the impact that this has had on me, and I'm feeling it in my body. I'm feeling it in my soul. I'm feeling it in my, my, my brain...” (RC001)*



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## Care



*“I accessed human supports in about 2000 or 1999, I finally went to the Aboriginal Health Centre in Ottawa and an [Indigenous] Health Centre and for once in my life, not only did they listen respectfully and have supports and groups and courses and workshops up the ying yang like crazy, wonderful. But it was almost like duh, of course you've been abused, and it was like yeah it's a fact, and were here to help you. I was just like, what?! You guys are all aliens right? So again I'd be stark-raving mad if it wasn't for those supports but I moved into Renfrew County permanently four years ago and I was like what the fuck, there's nothing going on here at all. That's what it appeared to be, and not to be mean and nasty, but Piquanagon is so fucked up, its not even funny. They don't even allow sweat lodge ceremony and the nurse practitioner there won't even deal with me and the counsellor is kinda like 'well, that's too complicated.' I'm like well, I'm not that, like if you profile most of your clients, I'm really not that odd. In fact, I'm so well down my healing journey compared to where I was in 1999, you're being ridiculous. Why the fuck are we fighting you?” (RF2:3)*



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## Care

*“And then later in life, by the time I was about 22 or 24 maybe, something like that, I found the Women’s Sexual Assault Centre of Renfrew County and that was probably the most amazing and most healing that I did, um ever - to this day. A ton of experience and support you know, unconditional safety, and so that and besides that you know, I’ve belonged to a really, very cool church and have many friends there who are very cool like, and very open about sexual abuse and lots of other stuff. So there’s a lot of support for, if you know, if something triggers or whatever and yeah.” (RF2:1)*



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- ▶ **Her blindfold is removed**, so the law may see the injustices and obstacles survivors face, while letting survivors see the possibilities before them.
- ▶ **Her sword is now a megaphone**, to amplify her voice and declarations of her truth.
- ▶ **The scales are still reflective of the need for balance** in administering justice, but also speaks to the rights of survivors to receive fair treatment in the process.

## Transformed Lady Justice



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# Critique: New Justice Model

**Survivor-Centered**  
Must be survivor-led, survivor-driven, with the goal of regaining power and control and sense of safety

**Believe Survivors**  
Understanding that incidents of false reports are very rare, and most survivors fear being shamed / blamed

**The 5 Cs**  
New framework to understand the GBSV: Context, Consequences, Conversation /Communication, Care and Critique

**Justice Matters**  
However she defines it and goes hand-in-hand with healing

**Healing**  
Not solely for the survivor, but for the aggressor, through a variety of modalities, including peer-based

**Accountability**  
Being held responsible for the harm caused and being able to learn from mistakes, so that it never happens again

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# Declarations of Truth

Documenting Insights from Survivors of Sexual Violence  
A Research Report by Womenatthecentre

- 1 Quotes taken from one-on-one interview participants
- 2 Quotes taken from focus group participants
- 3 Quotes taken from Social Media and other online content
- 4 Quotes taken from engagement with the legal system

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## Why This Model

*“For me, what I wanted, hoped for, and I knew was a pipe dream, was I wanted accountability on his part and this recognition of wrong doing, some kind of apology and then a learning. You know, in my opinion, a full apology is only given when the person actually recognised what they’ve done and takes steps to change that. So, I was hoping there would be an accountability, recognition of wrong doing, and this would, he wouldn’t do this to someone else. You know, I’ve come to understand that is completely out of my control; that’s not something I can control. And also, is not something that, it was never my thought process that reporting would get me that. It really was - how can I help future potential victims, or prevent future victims?”*

(T005)



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## The Model

TRANSFORMATIVE  
ACCOUNTABILITY  
& JUSTICE

A model that brings foundational change and healing



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## Building A Framework



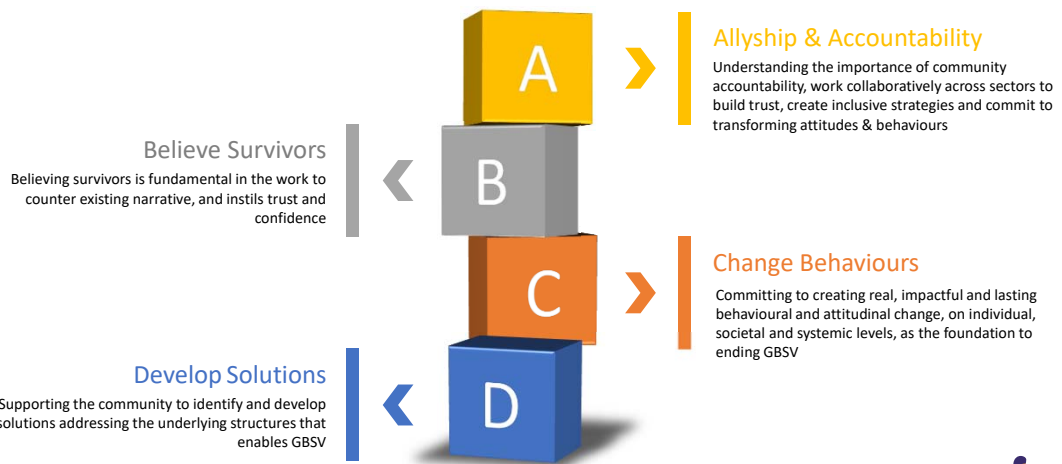
*Developing a comprehensive Framework for the creation of a Transformative Accountability and Justice Programme*

- 1 **Review Existing Systems**  
Monitor trials and audit decisions
- 2 **Do Some Research**  
See what alternatives currently exists
- 3 **Listen to Survivors**  
Ask the experts what works / not work
- 4 **Engage Community Partners**  
Build meaningful relationships



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## Building Blocks of the Framework: Guiding Principles

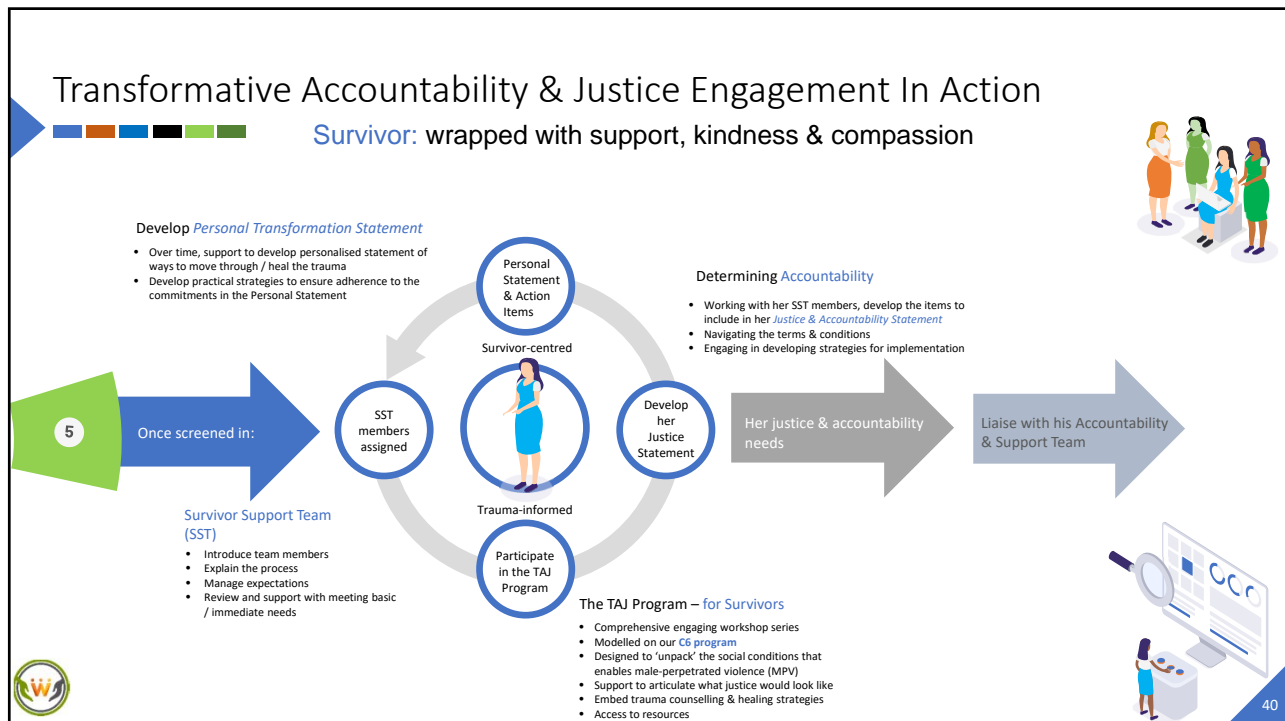


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## Recommendations & Next Steps

### ◆ Don't tinker

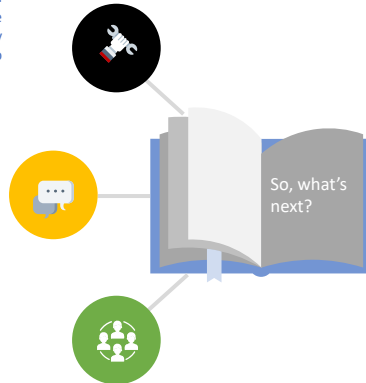
It won't fix anything. Also, recognise that we cannot currently disband the whole criminal legal system from the inside, out either. The system isn't broken; it was made that way by those with the power, so stop looking for it to fix itself

### ◆ Mini pilot in Toronto & Renfrew

With funding provided from the Canadian Women's Foundation & the AfterMeToo Board, started a one year pilot to engage one survivor and the aggressor in the two communities to test the program

### ◆ Comprehensive initiative

Funding, partnerships and resources to commence a comprehensive program



# Next Steps & Questions



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