Sexual Violence: Sociopolitical Issues and Community Movements

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Preface

- Land acknowledgement
- Trigger warnings
RQCALACS and CALACS: In a few words

Who we are: The Regroupement québécois des centres d'aide et de lutte contre les agressions à caractère sexuel (RQCALACS) is a Quebec-wide non-profit feminist organization that brings together its member CALACS (Centres d’aide et de lutte du contre les agressions à caractère sexuel).

Our mission: RQCALACS is committed to sharing expertise between its member centres, finding solutions to eliminate sexual assault, and ensuring intersectional feminist intervention services for women and girls.

Our holistic approach: We are developing an intersectional approach, both to better understand the different ways oppression operates in adults’ and children’s lives, and to adapt our practices to everyone’s unique needs and lived experiences.

We’ve been operating for over 40 years. The first CALACS opened its doors in the 1970s and the association was created in the 1980s.

Our structure: RQCALACS brings together member CALACS who share an approach. There are also non-member CALACS.
First Part

Sexual Violence at the Heart of Feminist Movements

I


1.1 Why Must Sexual Violence Be Viewed through a Feminist Lens?

1.2 Numbers That Say It All: Data Collected by RQCALACS in 2018-2019:

1.3 A Feminist Response to Gendered Violence: “Shame Must Change Sides”

II

2. Why Is an Intersectional Feminist Approach Crucial to Analyzing Sexual Violence?

2.1 A Quick Reminder: What Is Intersectionality?

2.2 An Intersectional Feminist Approach to Intervention: The Basics

2.3 Barriers to Integrating an Intersectional Feminist Approach and Impacts on Feminist Movements
Second Part

Socio-Legal Analysis of Sexual Violence

I

1. Statistical Overview And History
   1.1 Who Is Most Affected by This Issue?
   1.2 Deconstruction of "Real Rape" Stereotypes
   1.3 Revisiting the History of Canadian Law on the Subject of Sexual Violence

II

2. Current Issues
   2.1 National Action Plan to End Gender-Based Violence
   2.2 Defamation Charges
   2.3 Deprivation of Parental Authority
   2.4 Legal System Reform

At CALACS, sexual assault is first and foremost an act of domination, humiliation, abuse of power and violence.
1.1 Why **Must** Sexual Violence Be Viewed through a Feminist Lens?

Sexual violence is a part of a larger issue of violence against women.

CALACS centres offer a social analysis of sexual assault.

**Women and girls** represent 82% of victims of sexual violence.

The fight against sexual violence must account for the factor of gender—which is deeply entrenched in societal power dynamics.
1.2 Numbers That Say It All: Data Collected by RQCALACS in 2018-2019

63.9% of women and girls who visited a CALACS this year had been assaulted before turning 18.

43.1% of women and girls who sought out CALACS services had experienced assault at least twice.

14.4% of women and girls who sought out CALACS services had been assaulted between the ages of 18 and 23, and over 20% of them had been assaulted after turning 24.

In 97% of the cases, the person who had committed the act was a man, and in 20% of cases, the assaulter was a minor.
1.3 A Feminist Response to Gendered Violence: “Shame Must Change Sides”

“Where there is power and violence, there is resistance.”

Women’s groups and feminist activists have a long track record in the fight against gender-based violence.

Creating resources for and by women

In Quebec
1970 Shelters
1975 First CALACS (MCVI)
1979 RQCALACS
ISSUES

Women and girls aren’t one homogenous group.
Inequalities also exist between women.

Exclusion and discrimination from certain women’s groups within larger feminist community movements

2. Why Is an Intersectional Feminist Approach Crucial to Analyzing Sexual Violence?

“The location of women of color at the intersection of race and gender makes our actual experience of domestic violence, rape, and remedial reform qualitatively different than that of white women.”

-Kimberlé Crenshaw
Intersectional Feminist ANALYSIS in the Fight against Sexual Violence

Considers the relationship between sexual violence and the patriarchy while accounting for other systems of oppression, like racism, homophobia, transphobia, ableism, etc.

AND

How these different systems of oppression impact each other simultaneously, which means that certain groups of women can be more vulnerable to sexual violence. The intersection of these contexts results in the exploitation of women and is conducive to sexual assault and violence.
2.1 A Quick Reminder: What Is Intersectionality?

Intersectionality is a concept developed by Black American legal scholar and feminist activist Kimberlé Crenshaw. It describes the interdependence of different forms of discrimination and oppression that people can experience due to their belonging to many marginalized groups.

According to this concept, individuals can be affected by multiple forms of discrimination related to race, gender, social class, sexual orientation, age, religion, etc. These different lines of oppression intersect and compound, resulting in unique and complex life experiences.
2.2: An Intersectional Feminist Approach to Intervention: The Basics

**OBJECTIVES**

Promote dialogue between diverging perceptions due to different experiences, enriching our analyses and diversifying our courses of action;

Recognize and counter power dynamics that exist between women / Go beyond inclusion

Build a coherent political struggle between different social movements;

discrimination, inequality, and violence.

Address the causes behind
TOOLS
Building an Intersectional Approach in Community Organizations

GBA+: Contexts of vulnerability

- The many forms violence can take
- Survival strategies

Specific barriers

- Survivors’ specific needs
- The multi-faceted and inclusive nature of the movement against sexual violence
2.3 Barriers and Resistance to Integrating an Intersectional Feminist Approach and Impacts on Feminist Movements

Public policies
The political elite’s failure to recognize intersectionality and its fair-weather approach to GBV+

“...It’s not our vision of feminism...”

Says the cabinet of Martine Biron, Minister responsible for the Status of Women in Quebec
2.3 Barriers and Resistance to Integrating an Intersectional Feminist Approach and Impacts on Feminist Movements

Organizations and institutions:
The Whitening of Intersectionality

“A set of discourses and disciplinary practices evacuate critical race theory from the contemporary apparatus of intersectionality and marginalize racialized intersectional knowledge producers in current academic debates and spaces.”

Sirma Bilghe, "The Whitening of Intersectionality"
White Supremacy Culture

Some examples:

It’s related to systemic racism
Part 2: Socio-Legal Analysis

Sexual Violence in Canada: A Statistical Overview

The rate of sexual assaults against Indigenous women is approximately 3 times higher than against non-Indigenous women.

The rate of sexual assaults against people with a disability is approximately double than against non-disabled people.

The rate of sexual assaults against people who identify as gay or bisexual is 6 times higher than against people who identify as heterosexual.
Canada’s Legal Framework: A Historical Perspective

1892:
First codification in Canada’s Criminal Code

“The act of a man having carnal knowledge of a woman who is not his wife without her consent.”

1983:
Major reform to sexual assault legislation

Includes all sexual contact without consent. The gendered component of assault is also removed.

1992:
Definition of consent in the Criminal Code.

How does past legislation feed into current stereotypes?
The Modern Definition of Sexual Assault in Canadian Law

Articles 271 to 273.2 of the Criminal Code

Sexual assault is an act in which one intentionally sexually touches another person without that person’s consent or believing that the other person had consented through recklessness or wilful blindness.
Consent in Canadian Law

The voluntary agreement of the complainant to engage in the sexual activity in question. Conduct short of a voluntary agreement to engage in sexual activity does not constitute consent as a matter of law.

Paragraph 273.1(1) of the Criminal Code
Defence Strategies
Illegal Defence Strategies

- Self-induced intoxication
- Recklessness or wilful blindness
- Failure to take reasonable steps
- The victim’s sexual past
- Victim’s "implied" consent (The R v Ewanchuk case)
Current Issues

National Action Plan to End Gender-Based Violence

- Mobilize the entire Canadian population
- Address social and economic factors
- Improve health, economic and social conditions, and the legal system

Quebec’s Unique Context
Defamation Charges

- Intentionally saying or writing unpleasant or negative things that are untrue about another person.
- Intentionally saying or writing unpleasant or negative things that you should know to be untrue about another person.
- Intentionally saying or writing unpleasant or negative things about another person without just cause, whether or not they are true.
Deprivation of Parental Authority

According to the Ministry of Justice, over 170 children are born from sexual assault every year in Quebec.

Draft Bill 12

- Allows a mother who is a rape victim to refuse to establish paternity.
- The assaulter is still required to contribute to meeting the child’s needs.
- The child is eligible to inherit from the assaulter after the assaulter’s death.
December 2020: "Rebuilding Trust" Report Tabled

November 2021: Adoption of the Act to Create a Court Specialized in Sexual Violence and Domestic Violence

May 2022: The first pilot projects are implemented
Conclusion

PREVENTION

What justice?

Which movements?