Need support?

The Sexual Assault Services team can provide:

- Information, resources and referrals
- Accompaniment to medical exams and RCMP
- Anonymous reporting option
- Counselling

Free
Safe
Confidential

CALL: 250-931-7712 (LOCAL)
OR
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Islanders Working Against Violence

Healing and Recovery

A TOOLKIT FOR
SEXUAL ASSAULT SURVIVORS

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Islanders Working Against Violence

SEXUAL ASSAULT SERVICES PROGRAM

DEAR READER,

We recognize that every person's journey is different and that healing and recovery from sexual assault can take many forms.

The intention of this guidebook is to offer tools, information, and hope towards healing.

The content of this guidebook may be difficult or painful to read and it's okay if it is not the right time.

Here are some tips for reading if you do feel called:

- First, check out our Table of Contents
- Read with a trusted support person, friend, or therapist
- Go at your own pace
- Be gentle with yourself
- Plan to do something relaxing and calming after

Peppered throughout the toolkit, the key icon indicates information we think is particularly important.

INTRODUCTION

Sexual assault happens to people of all ages, genders, sexual orientations, cultures, and socioeconomic backgrounds. It is important to acknowledge that certain groups of people face even higher rates, Women of colour, 2SLGBTQ+ people, women with disabilities, and women who are at risk of homelessness or who are unhoused. Missing and Murdered Indigenous Women, Girls, and 2S People (MMIWG2S) is the most pressing human rights violation in Canada.

Discrimination, racism, ableism, homophobia, transphobia, and the continued effects of colonialism continue to contribute to these higher rates of violence.

Being sexually assaulted can have huge impacts on mental, physical, and emotional health. It can be one of the most traumatizing experiences that a person can go through. It is normal for people to be angry, numb, in shock, self-blame, and to minimize what occurred, but no matter what happened, it is not their fault.

We all have different ways we cope with trauma so there is no right or wrong way to feel following a sexual assault.

LANGUAGE AND TERMINOLOGY

In this toolkit, we will use the term “survivor” to refer to individuals who have experienced sexualized violence. We feel that "survivor" speaks to the strength that many people who have experienced sexualized violence embody. We use this term as we believe that healing and recovery from sexual assault is possible.

In the Criminal Legal system, people who have been sexually assaulted are often referred to as Victims. It is also often used when referring to people who have recently been sexually assaulted. In this Guidebook, the term Victim does not imply weakness or assign blame or guilt. It is used in the context of the Criminal Legal System and that a crime was committed and has caused harm.

People may choose to identify with other terms and that is why it is so important to respect the right to self-define. We also acknowledge that people who experience sexual assault are not defined by what happened to them. Our identities are all multifaceted and may change over time.

HEALING DOESN'T MEAN THAT THE PAIN NEVER EXISTED.

IT MEANS THAT IT NO LONGER CONTROLS YOUR LIFE.

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"I can be changed by what happens to me, but I refuse to be reduced by it."

— Maya Angelou

CHAPTER 1:

UNDERSTANDING TRAUMA

This is key

There is no right or normal way to react following trauma because we all have different ways of coping with trauma and stress.

In most cases, the severity of these reactions will decrease over time, but it's important to reach out to a professional for support if symptoms worsen or continue.

Trauma can have a huge impact on one's sense of self and the way one sees the world.

Healing can take time and space.

Common responses and feelings after trauma

Confusion, numbness, shock, disbelief, and disassociation

Some survivors have limited memory of what happened to them and they may feel confused. They may minimize, rationalize, or be in denial about what happened to them. Shock, disbelief, and disassociation are normal responses to something as traumatic as sexual assault. They are ways that the brain and body protect themselves from going into complete panic. Some survivors share that they feel disconnected from their body or mind. They may feel like they have an altered sense of time or reality.

Anger, irritability, overwhelm, and frustration

Sexual assault and intimate partner violence are power-based crimes that can leave survivors feeling like their sense of control and power has been taken away. It's normal for survivors to feel like they may never regain that sense of control. They may struggle with making decisions and asserting their needs. They might struggle with feeling angry, irritable, and frustrated. Sometimes these feelings can be inadvertently taken out on friends and family trying to help. It can be helpful to remind loved ones that these are normal responses to trauma and that their anger, frustration, or irritability are not personal. It is okay to ask for space while you are healing.

Shame, guilt, humiliation, embarrassment, and disgust

These are common feelings that can silence survivors and keep them from getting support. It is important that survivors be gentle with themselves and remember that what happened to them was not their fault. These are really difficult and uncomfortable feelings to sit with alone. Talking to someone whom they trust can help these feelings subside over time.

Increased or decreased sex drive

Some survivors share that they have either a higher or lower sex drive. These are both normal and common responses following traumatic incidences like sexual assault. For some people, regaining their sense of sexual control might look like having lots of sex. It might look like the opposite as well, with survivors having little to no sex drive. A survivor's healing process does not need to make sense to anyone but themselves. It's important to not judge the ways we cope or others cope with trauma.

Some survivors find talking to a trusted professional or connecting with a local sexual health clinic to support safe sex practices to be helpful.

Flashbacks, nightmares, and anxiety

Survivors may struggle with memories or flashbacks or nightmares of the assault. They might feel triggered by sounds and smells. Some survivors may have a hard time calming their nervous system. They might feel like they are on high alert. This is called "hyperarousal," and it's a normal trauma response.

General Coping Strategies

We wish there were a one-size-fits-all strategy for dealing with trauma. It is important to remember that because every person has a unique stress response, different coping strategies are going to work differently for each person.

- It's okay to not be okay. Try not to judge yourself for how you are coping. Sexual assault can have lasting impacts on someone's mental, physical, emotional, or spiritual health. Healing takes time and it's important to not try and rush the process.
- It's also okay to set a boundary about talking about what happened. You get to choose when and how you share.
- When and if you are ready, try talking to someone you trust. For some people, silence can often lead to feelings of isolation and shame. Reaching out for support can be hard but so can carrying the weight of sexual assault alone.
- Doing things like spending time with friends and family can help bring some normalcy back into your life.
- Routine can be helpful. It's okay to feel like you are just following the motions or mechanically living. Routine can help create a sense of groundedness and stability after trauma. Try waking up at the same time every day or making sure you eat three meals. Some people find it helpful to make a schedule or keep a calendar.
- Positive self-talk can help: Simple tasks can feel more difficult following an assault. Remind yourself of the little things achieved day to day. "I was able to take a walk", "I reached out", " I was able to take a shower today", and "I ate breakfast".

- It is normal to avoid self-care following an assault but doing things that bring you a feeling of safety and comfort are important. Try making a list of the things that made you feel good and schedule them into your week. Taking a hot bath, making yourself a hot water bottle, moisturizing your skin, or watching a funny show are some ideas.
- Try and do at least one enjoyable activity every day to help build positive experiences. It can be something simple like ordering a special drink from your favourite café or spending more time in nature or with pets.
- Keep your body moving – any type and any amount. Even just going for a walk around the block can help boost our body's natural feel-good hormones, help relieve stress, and be a healthy distraction.
- Try to eat balanced and nutritious meals. Stress and anxiety can be exacerbated by poor nutrition. It is normal to not have an appetite or to overeat as a way of coping with the trauma of a sexual assault. Some people find meal planning and eating with others helpful.
- For some people, joining a support group can help them feel less alone and can feel less intimidating than one-on-one therapy. Many support groups are strengths-based and recognize the participants as experts in their own lives.
- Look after your physical health. It is normal to neglect physical health following an assault. If you are feeling unwell and feel like you can't reach out to a doctor alone, ask a friend or someone you trust to accompany you.
- Establishing a healthy bedtime routine can help with nightmares and difficulty sleeping. Try avoiding daytime naps, screen time right before bed, caffeine, alcohol, and late-night snacking. A 30-minute wind-down routine can help the body transition to bedtime. Choose activities that are calming for the mind and body.

Coping with sleep problems

- Be gentle on yourself, and remember that as difficult and distressing as it can be, nightmares and sleep anxiety are your brain's way of trying to process what has happened.
- Sexual Assault trauma can be destabilizing, especially for routines. Good sleep patterns are often facilitated by routines and rituals before bed. Try your best to have consistent bedtime and wake up routines.
- Instead of putting pressure on yourself to fall asleep, try doing something relaxing that doesn't involve a digital screen. Some people find it helpful to play soft music, reading a calming book, or listen to an audiobook.
- Get a nightlight and remind yourself before you sleep that you can turn it on at any time if you feel scared or anxious.
- If you are tossing and turning for more than 20 minutes without falling asleep, get up, try doing some gentle stretches, have a bath, or do another relaxing activity.
- If you are having nightmares, try the following nightmare-halting protocol:

1. Find somewhere calm and relaxing. Invite some pleasant imagery into your mind to make sure you are ready to bring up the nightmare. You can even try this exercise with a friend or support person if that feels more comfortable.
2. Write down what happened in your most common nightmare. Identify which parts are the most frightening.
3. Plan a change in those parts of the dream, so that it ends with you feeling safe and protected. You can include protected figures or animals in your dream.
4. Rehearse the changed nightmare before you go to sleep and before you practice your relaxation routine.

- If you wake up from a nightmare, turn the light on and try naming four things you can see in the room. Remind yourself that it was just a nightmare and that you are safe.
- Following the Flashback Protocol (p. X) can be helpful if you are having a hard time shaking the memory of the nightmare after you wake up.

Coping with Flashbacks

- Remember that flashbacks are a normal trauma response to an abnormal event. This is your brain and body's way of processing traumatic memories.
- Stop what you are doing and remind yourself that you are not in danger. Some people find repeating a mantra in their head helpful: "I am safe" or "This will pass."
- Take a few deep breaths - inhale while you count to four and exhale while you count to six. This can help calm the nervous system.
- Try to go somewhere where you feel safe and secure.
- Some people find carrying a comfort kit helpful, perhaps with calming or soothing essential oils, a piece of soft material, or a smooth rock or crystal to help ground them in the present moment.
- Take a moment to notice what is presently around you - what can you see, smell, hear, touch?
- Although it can be difficult, some people find it helpful to write down what happened in the flashback; it may help "get it out" of your head.
- Create a safety plan for yourself for when panic attacks come up. In the safety plan include things that support you or people that you can call or talk to in the moment.
- Try to follow the following Flashback Protocol

1. Right now I am feeling _____ (emotionally).
2. I am sensing _____(in my body).
3. This is because I am remembering _____(name the trauma).
4. At the same time, I am looking around where I am now on _____(say/write the day, date and year) here in _____(name the place)
5. And I can see_____(describe some of the things you can see right now, in this place)
6. So I know_____(name the trauma again) is not happening now or anymore.

CHAPTER 2:

CHALLENGING EXISTING MYTHS ABOUT SEXUAL ASSAULT

This is key

Rape myths are misconceptions about sexual assault that often place the blame on those who've been victimized.

They perpetuate the normalization of sexualized violence and prevent accountability. Rape myths can retraumatize survivors, shame them into silence, and stop them from seeking support.

MYTH vs FACT

Sexual assault only happens to women by men.

In Canada, gender or sexually-diverse people are three times more likely to experience sexual assault than heterosexual cisgender people. Research also shows that up to one in six men has an abusive sexual experience before the age of 18. This myth often makes it harder for men and people in the LGBTQ2S+ community to get the healing and support they deserve.

If it wasn't rape, it wasn't sexual assault.

The Criminal Code of Canada defines sexual assault as "any unwanted sexual act done by one person to another or sexual activity without one person's consent or voluntary agreement." This myth often minimizes the impacts that any unwanted sexual activity can have on a person's wellbeing, sense of autonomy, and mental health. Survivors may believe their assault wasn't "severe" enough to report or get support.

People lie about sexual assault; false reporting is common.

False reporting for sexual assault isn't common. Statistically, it's similar to other reported crimes (between 2–4%). The media grossly overreports these cases instead of focusing on the fact that it's the most underreported crime in Canada: for every 100 sexual assaults, only 6 are reported.

MYTH vs FACT

If someone didn't scream or fight back, it wasn't sexual assault.

Up to 70% of people being sexually assaulted experience a freeze response. Tonic immobility is common, involuntary, and caused by a sudden release of stress hormones. The person may be unable to talk, scream, or move. Some people may not fight back because they're afraid the person assaulting them will become more violent, or they're too incapacitated by drugs or alcohol to resist.

Most sexual assaults are committed by strangers .

Someone known to the survivor, including acquaintances, dating partners, and common-law or married partners, commit approximately 82 per cent of sexual assaults.
This myth often keeps survivors from reaching out for help and can perpetuate self blame. Sexual assault is never okay and never the survivor's fault, it doesn't matter if it was a stranger or someone the survivor knew.

CHAPTER 3:

DRUG-FACILITATED SEXUAL ASSAULT

This is key

It is never the survivor's fault. No one ever chooses to be sexually assaulted, regardless of the drugs and/or alcohol they've consumed.

The only person to blame is the person who assaulted them.

What is Drug Facilitated Sexual Assault?

DFSA occurs when drugs or alcohol reduce someone's ability to give consent to sexual activity.

It could happen when someone:

- purposely drugs someone else without their knowledge and then sexually assaults them
- sexually assaults someone when they're too high or drunk to give consent
- pressures someone else to take more drugs or alcohol than they can handle for the purpose of sexual contact when they're too incapacitated to give consent
- purposely doesn't tell someone how much alcohol is in their drink or what dosage of drugs they have ingested for the purpose of sexually assaulting them

Many people who have had a DSFA have little memory of what happened or they feel that it was their fault because they took drugs or alcohol.

DFSA can happen to anyone

- Around 25% of all sexual assaults reported involve a survivor being drugged or incapacitated through alcohol or drugs
- In about 80% of sexual assaults, the survivor knows the assailant.
- In most DFSAs, alcohol was the substance that incapacitated the victim.

What are some signs that someone has been drugged or incapacitated with alcohol?

Some people may feel:

- very drunk after consuming a small amount of alcohol
- confused, dizzy, drowsy, and/or disoriented
- sudden temperature change - sweating, teeth chattering, and/or difficulty breathing
- loss of bladder or bowel control, nausea and/or vomiting
- as though they've had a memory lapse
- as though they've blacked out and something sexual has happened

CHAPTER 4:

CANADIAN LAWS ON SEXUAL ASSAULT, CONSENT, AND THE REPORTING PROCESS

This is key

As a sexual assault victim/survivor,
you have rights to:

Safety: from retaliation, intimidation, or violence.

Privacy: from public disclosure

Access: to testimonial aids

Information: about progress and specific information pertaining to the case

Participation: To have your Victim Impact Statement be heard

Restitution: To have the court consider the financial losses you have endured as result of the crime and have them pay you compensation

How does the law define sexual assault?

In Canada, the Criminal Code defines sexual assault as: “any unwanted sexual act done by one person to another or sexual activity without one person’s consent or voluntary agreement” (Department of Justice, 2010).

Consent is a physical, verbal, and emotional agreement between people to engage in sexual activity. It is mutual, ongoing, specific to the sexual act, and the people involved can change their minds at any time. Consent can be shown both through words and body language. It goes beyond just “no means no” and should be recognized through enthusiastic an “yes.”

Consent cannot be given through violence, threats, manipulation, or coercion. It cannot be given if someone was unconscious or incapacitated through drugs, alcohol, or for any other reason. If someone was silent it does not mean that they were consenting.

What is the age of consent?

The law is very specific surrounding the age of consent.

- 12- or 13-year-olds cannot legally consent to sexual activity with someone who is more than 2 years older.
- 14- or 15-year-olds cannot legally consent to sexual activity with someone who is more than 5 years older.
- Anyone who is under the age of 18 cannot consent to someone who is in a position of power, trust, or authority - like a teacher, coach, or counsellor.

Frequently Asked Questions

about reporting sexual assault and the criminal justice system

Is there a time limit for reporting a sexual assault?

There is no time limit (statute of limitations) for sexual assault in Canada. You can report a sexual assault even if it happened many years ago. If someone has been recently assaulted and wants to get medical care or have forensic evidence collected, it is best to go to your closest hospital as soon as possible. A Forensic Nurse Examiner (FNE) can collect evidence up to seven days after a sexual assault. If you get a forensic exam, you don’t have to report right away. Any evidence collected can be kept at the hospital for up to a year.

What will happen if I decide to report an assault?

If you choose to report, the police will ask you to make a statement that is audio or audio and video recorded. During the statement, a police investigator will be asking you questions to get a better understanding of what happened. Before you begin the statement, the police will let you know that you are being filmed and recorded. They will ask for your full name and birthdate and if you have someone accompanying you, they will also ask for theirs. They may ask you to start from the beginning of what happened and then let you share in whatever way feels comfortable. They may ask clarifying questions as you share. The clarifying questions are not meant to shame or victim blame but for the police to get a full picture of what happened to assist them in their investigation. The information that they collect is also used to track patterns of behaviour about people who sexually assault.

What are some of the questions they might ask?

Some of the questions they may ask are:
When and where the assault occurred: Time/Date/Year/location

Clarifying questions surrounding consent: For example: At what point did your body language or words say that you were not consenting?

They may ask you:

- Describe the person who assaulted you (physical features, demeanour, if you know them, and how you met them)
- What they said and did
- What you said and did
- If there were alcohol or drugs involved or taken (voluntarily or involuntarily)
- Whether a weapon was used
- How you felt before and after the assault.
- What happened before the assault occurred

You can expect to be treated with dignity, respect, and compassion.

A member of IWAV's Sexual Assault services team can accompany you to the RCMP, or help you fill out a third-party report (see Ch. 7).

What if I remember more details after I initially report?

It is okay if you do not remember all of the details during your statement. If anything comes up, you can contact the RCMP and meet again with them to add more details.

What happens after I make a report?

Following a report, police will investigate. They will gather evidence and interview anyone who was involved or who was a witness. That investigation can take anywhere from a few weeks to a year or more depending on the case's complexity and how long ago the assault occurred.

When police believe they have sufficient information and evidence, they present it to Crown, who will determine whether there is enough evidence to lay charges. Within the Canadian Criminal Justice System, Crown needs to feel that there is a strong likelihood of a conviction to lay charges. This will be based on existing case law, whether it is in the public interest to lay charges, and whether the investigation has garnered enough evidence to prove beyond a reasonable doubt that a crime has occurred.

Will I be notified before the police contact the perpetrator or other witnesses?

Police are not able to disclose any information about the investigation as it continues but you have the right to be notified about the status of your case. You can request this from the investigating officer or a Victim Services Worker.

What happens if I report to the police and then change my mind and don't want to continue?

If you have reported and police have begun the process of an investigation and you no longer want to go forward with this process, you can request that the police drop the investigation.

There are certain incidences where they must continue the investigation. Those include: If a minor or vulnerable person was involved and if the degree of violence constitutes a risk to the public.

If Crown has accepted charges on the investigation, it is ultimately up to them whether to go forward to trial or not. If you do not want to continue, they will consider your opinion, as well as the evidence presented, and public safety.

I am afraid that I will face further violence from the perpetrator if I report. Are there any safety mechanisms in place to protect me?

If police obtain enough information from the investigation for Crown to lay charges, the perpetrator may be arrested and released with conditions, including a no contact order, which limits the accused from contacting the victim. If charges are not laid, Peace Bonds or Protection Orders may be two options to explore.

If the person who assaulted you was a family member or intimate partner, a protection order can be applied for through family law. Victim Services or a member of the SAS team can assist you with this application.

If the person who assaulted you was an acquaintance you apply for a Peace Bond under the criminal code of Canada. A Peace Bond can be obtained through the local detachment at the RCMP. The SARP and Outreach Team can also support with any safety planning, including connecting you to Transition Houses on and off-island.

How will I find out if the investigation is done or whether charges will be laid?

The police officer assigned to investigating your file is responsible for notifying you of any changes. Victim Services can be a touch point for updates or questions on where the investigation is at.

If Crown does not accept charges does that mean that they don't believe the victim/survivor?

If Crown is unable to lay charges on an individual it is because there was not enough evidence available from the investigation for them to believe that there is a high likelihood of conviction.

The burden of proof for sexual assault is very high and Crown needs to prove beyond a reasonable doubt with the evidence provided that the crime of sexual assault occured.

The outcome of an investigation, trial, or conviction does not define your truth or experience.

There is so much strength and power in telling your story.

Healing and Justice can come in unexpected ways outside of the Criminal Justice System.

The person who sexually assaulted me has been charged. What happens next?

After charges have been laid, the person who has been charged will have to appear in court and enter a plea. You are not required to attend court for this. It may take more than one appearance before a plea is made. If the person accused pleads guilty, the case will proceed straight to sentencing. If they plead not guilty, a date for preliminary hearing or trial will be made. It will also be decided if the trial will proceed to provincial or supreme court.

If charges are approved, does that mean that the perpetrator will go to jail?

Charging someone only means that the person has now been introduced to the court system. A charge is only laid if there are reasonable grounds to believe that the perpetrator did the crime that they have been accused of. There are many factors that dictate whether the perpetrator will be held in jail, including the nature of the crime, age of the victim/survivor, and level of violence involved. Most often if none of these factors are relevant, they are arrested and released under conditions of no contact.

How long will the court process take?

All criminal matters must be heard within 18 months in a provincial court and 30 months in supreme court. From reporting through to the court process it can take anywhere from 2-4 years.

Can the Defence Lawyer bring up my mental health history as part of their argument?

In Canada, sexual assault survivors are protected under “Rape Shield Law” which prevents Defence Lawyers from using a survivor/victim’s medical records or sexual history as part of their defence. The defence cannot obtain your medical history (counselling, medical, or psychiatric) or use your sexual history unless they get a separate hearing to do so and prove that it is relevant to the case. Crown will argue on your behalf, and you may also obtain your own legal counsel in this circumstance.

Can I have my own lawyer?

In most cases, no. The survivor’s role within the court process is that of survivor/victim/witness. In rare cases, a survivor may choose to hire a lawyer to protect their private records and the privacy of their sexual history if the Defence Lawyer has requested a separate trial to obtain them as part of their defence.

Where will my case be heard?

Sexual assault cases are either heard at the provincial or supreme court level. At the provincial level, only a judge can preside over the case, whereas in the supreme court, the accused can choose whether they want a judge or judge and jury to hear the case. More serious offences are heard at the supreme court level.

What happens before the trial?

Crown and defence may participate in negotiations. For example: In exchange for a guilty plea, Crown may drop or reduce some of the charges against the accused.

Crown and Defence may also negotiate sentencing if the accused has already pled guilty.

These decisions are made between Crown and Defence and survivors do not have any control regarding negotiations.

What happens at the first court appearance?

When Charges are laid against the accused, they are required to attend court and enter a plea. You are not obligated to attend, and it will not affect the outcome of the case if you choose not to.

At the first appearance:

1. The judge reads the charges

2. The accused enters a plea (guilty or not guilty) – they may also request more time to speak to a lawyer
a) If the accused pleads guilty the case goes to a sentencing hearing.
b) If the accused pleads not guilty, then a trial is scheduled, and it is determined whether the case will go to Provincial Court or Supreme Court.

3. The Accused may be released with conditions or remain in custody until the next scheduled court date.

What can I expect from the Crown Prosecutor:

- Respect and compassion
- To answer any questions you have and give you any information regarding the case
- To prepare you before you go to court and testify
- Prepare you for answering questions from the Defence

Are there any protections for me, so I don't have to be in the same room as the person who assaulted me?

There are exceptions called testimonial aids which allow you to testify outside of the court room using a camera or behind a screen. You can also request to have a support person beside you as you testify. If you are over 18, you may be eligible for these aids if Crown Prosecutor asks ahead of time, but the judge can also deny these requests.

Can the media attend the trial and publish my name?

The media can attend the trial, but the judge can ask for a publication ban on any identifying information. The Crown can also ask for a publication ban on the name of the accused if it could also compromise your identity.

What happens when I get called to testify as a witness?

You can meet with Crown Counsel and go over any questions that you may have. You can bring a support person with you.

Witnesses present testimony through direct examination and cross-examination. Crown will always present their case first and will directly examine the witness through direct and non-leading questions.

Defence will cross-examine the witness with leading “yes” “no” questions that are meant to question the witness testimony. Cross-examination can be a very difficult and retraumatizing process for survivors. There are court supports available to you, including bringing a support person or testifying through closed captioning.

Connect with your local Victim Services worker to find out about any other supports that they may be able to provide, including a support animal.

How does the judge come to a verdict?

For the accused to be found guilty of sexual assault, three things must be proven beyond a reasonable doubt

1.Occurrence: That sexual assault happened

2.Identity: That the accused was the person who committed the assault

3.Consent: That the sexual act was not consensual

An acquittal or “not guilty“ verdict does not mean that the sexual assault did not happen. It means that Crown could not prove beyond a reasonable doubt (absolute probability) with the evidence that they have that a crime occurred. Crown and Defence can appeal the verdict within 30 days.

If the person who assaulted me is convicted, will they go to jail?

There are a lot of factors that determine sentencing. It can depend on the age and vulnerability of the person assaulted and the level of violence that was present.
Other factors include:

- if there was a relationship or trust or authority present
- if there were weapons used/involved
- repeated sexual assaults involved
- impacts on family and survivor
- manner of interference (details of the assault: whether there was forced or attempted acts of kissing, touching, oral sex, anal sex, digital penetration, or intercourse)
- if there was penetration (digital or penile) and if a risk of STD’s
- biological or psychological factors
- if the offender is at risk of reoffending and likelihood of rehabilitation
- the offender’s age, plea, and whether they are a first-time offender may also determine their sentencing.

Under the Criminal Code of Canada, there can be lengthy minimum jail sentences for those who sexually abuse minors.

Whether the Crown proceeds through indictment or summarily will also determine sentencing.

Indictment charges are more serious charges than summary charges. Indictable offences are punishable by a prison term exceeding 1 year up to 10 years, if the person they assaulted was over 16 years old.

If the person they assaulted was under 16, they can face prison time up to 14 years.

Summary convictions are punishable up to 18 months prison time for victims over the age of 16 and/or up t
o $5000 fine. If the person was under the age 16, they can face up to 2 years prison time with a minimum period of 6 months and/or up to $5000 fine.

What happens at sentencing? Will I get an opportunity to share a victim impact statement?

A judge will decide what sentence is appropriate based on recommendations from both Crown Prosecutor and the Defence. The sentencing will happen a couple of weeks after the verdict. You do not have to attend this hearing if you do not want to. Some survivors want to attend this hearing so that they can present a Victim Impact Statement. If you want to attend the sentencing and want to share your statement, you must present it to the judge before the hearing. Your statement can be read out loud by you, the Crown may read it on your behalf, or the judge may read it.

It is important to note that even if there is a publication ban on the survivor's name, once the statement has been filed by court, it may be accessed by the media.

Can an appeal happen?

Both the Crown Prosecutor and Defendant have the right to appeal a sentence. They must tell the court within 30 days if they intend to appeal.

CHAPTER 5:

MEDICAL SUPPORTS

This is key

Receiving medical support following a sexual assault is a personal choice. No matter what happened, survivors are deserving of care and support, even if there are no obvious injuries.

If there have been any incidents of strangulation during the assault, it is important for survivors to seek medical support immediately as the impacts may not be apparent.

Getting checked by a nurse

Within seven days of a sexual assault, survivors can access support from a Forensic Nurse Examiner (FNE) at the hospital.

An FNE specializes in supporting people who have been sexually assaulted. An FNE treats survivors for injuries, STI/STDs, supports in providing options for preventing pregnancy, and documents injuries. They also can collect forensic evidence if a survivor wants to report a sexual assault.

A member of IWAV's Sexual Assault Services team can provide accompaniment to and emotional support during the exam. We can also support by providing resources, information, and referrals.

- All aspects of the exam are under the control of the survivor (i.e., stopping the process, slowing down, or declining).
- Survivors can consent to or decline any parts of the treatment or exam.
- They can change their mind or stop the process at any time.
- They don't have to make a decision right away about whether they want to report.
- Forensic evidence can be stored for up to a year.

Steps in the FNE exam

Blood test

For survivors with a uterus, a pregnancy test is always completed prior to getting any medications at the hospital. Blood may also be drawn for alcohol or drug testing if the survivor suspects being drugged. If the forensic Exam is completed, then blood may be drawn for DNA purposes.

Medical History

Generally short answer or 'yes/no' questions. General medical history including allergies, last period, pregnancies (if it is relevant for the survivor), and other medical issues.

Sexual assault history

Generally short answer or 'yes/no' questions. Questions include: Have you showered, eaten, urinated, last consensual sex, etc. Also includes a more detailed account of what happened. This helps the FNE to determine which areas to concentrate on during the exam.

Clothing

Only if the survivor chooses, some or all of the survivor's clothes may be taken for evidence when a forensic exam with police involvement is done. Generally, the FNEs try not to take coats or shoes. If a survivor is wearing the same clothes that they were sexually assaulted in, they may be asked to undress on paper to catch anything that falls from their clothing. Clothing is usually rarely returned and the FNE will usually warn the survivor that if it's a favourite clothing item, do not give it because they will likely not see it again. The hospital may have extra clothing.

Internal and external exams

This is a long exam (1 to 1 1/2 hours) and may be difficult for a sexual assault survivor. Most of the exam consists of the nurse handling and recording the collected specimens. The time examining the survivor's body is minimal although they remain on the exam table throughout. The pre and post-exam waiting time can add another 2 – 3 hours so the entire time at the hospital averages approximately 4 hours in total.

Documentation of injuries

The FNE will touch each part of the survivor's body from head to toe looking for cuts, bruises and sore spots. Each of these will be measured and documented. In the case of extensive bruising or scratching, the FNE or the Police may request photos be taken. The FNE can contact the Audio/Visual department of the hospital for photos. Generally, injuries in the pelvic region are not documented until the pelvic exam.

Pelvic exam (external)

The nurse will look over the survivor's body for any marks and use a pubic hair comb to look for any loose hair or debris. The FNE will examine the genital areas and document any injuries. The FNE may use Toledyn Blue dye to reveal evidence of trauma to the genital area they may not be able to otherwise see. The survivor should be advised that if there are minor cuts or stretches, the dye may sting for the first few seconds, but the sensation should not last.

Pelvic exam (internal/vaginal)

The most difficult part of the exam can be the internal portion. It is like a pap smear but in a forensic exam, no lubricant is used on the speculum (the instrument inserted into the vagina) so as not to contaminate or destroy evidence. The FNE uses a speculum and will check the vaginal area for injury. FNE will take several swabs. FNE may use saline to 'wash' or 'rinse' the vaginal area and suction this out. FNE will remove the fluid with suction. If anal penetration is indicated, the FNE will record trauma and take swabs from the anus and rectum.

Medication

Some survivors may want to receive medication for common sexually transmitted infections and pregnancy prevention.

The FNE can speak to the survivor about prophylactic medications that can prevent HIV, as well as their risk factors and eligibility.

Results of any medical testing will go to the survivor's family doctor (or referred community doctor if the survivor does not want their results sent to their family doctor). Sometimes the FNE may offer the client to follow up with their local sexual health clinic.

- If someone has showered or bathed following a sexual assault, they can still complete a forensic exam.
- Survivors can still report a sexual assault even if they did not complete a forensic exam.
- Survivors can still get medical support if it has been more than 7 days following a sexual assault.
- If a survivor didn't get a forensic exam, it doesn't mean that the sexual assault didn't happen or didn't have an impact on their lives.

CHAPTER 6:

THIRD PARTY REPORTING OF SEXUAL ASSAULT

This is key

A third-party report is an anonymous reporting tool that instead of reporting the assault directly to police, allows survivors to report with a “third party” such as a community-based victim service agency or a Sexual Assault Response Program like IWAV’s. For some survivors, it may be an option for them to tell their stories while their identities remain anonymous.

There are many reasons survivors are reluctant to report to police. They might:

- have had negative experiences interacting with the RCMP in the past
- fear interactions with the RCMP as a result of racism, homophobia, transphobia, and violence
- know the person who assaulted them and are afraid to make a full report
- not want to engage with the court processes
- be unsure whether they would like to make a full report
- are worried that they will not be believed
- are living or working in Canada without documents and are afraid of deportation
- work in sex work and want their identity to remain anonymous

How it works

The survivor completes the report with the third party who submits it to the RCMP on behalf of the survivor.

The survivor's identity remains anonymous and the RCMP can only contact the survivor through the third-party agency. It is always the survivor's choice whether they would like to interact with the RCMP.

All of the information is collected and stored in a database, which allows RCMP to track and collect information on repeat and violent offenders.

Benefits of Third-Party Reporting for Survivors

- to share what happened without fear of repercussions like being judged, not believed, deported, or arrested
- to take time in deciding if they want to make a full report or engage with the court process
- an opportunity to engage with the system in a way that feels safe and comfortable for them
- protect their identity and maintain their anonymity

When can third-party Reporting not be used?

- Where sexual violence has been present in a relationship or domestic partnership.
- It cannot be used if the person who committed the crime was a police officer.
- It is rarely used for people under the age of 19.
- It cannot be used if you or the public is at risk of imminent harm or if a child is in need of protection.

LETTERS OF SUPPORT

DEAR READER,

The following letters were written by members of our community, including fellow survivors.

We hope that they remind you that you are not alone. May the strength and courage of those who came before you guide you in your journey.

One day you will remember how strong you are
On that day, you will take what never should have happened,
break it down,
and remake life on
your terms
there is cause for hope
because the world has you
in it.
And we are all here with hands to help and eyes to
watch you flourish

Know you will find people who will surround you with love and possibility.

Hang in there and believe in the small voices that say "I can" and "I will."

You are loved.

Dear Survivor,

You are whole, precious, and perfect.
You deserve to be loved. I'm sorry that this happened to you.

-from a forensic nurse

Dear Survivor,

Your trauma does not define your worth. You are powerful and resilient. You will heal from this.

That piece of you that was lost will be returned over time with a renewed sense of wisdom and compassion

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