

LEARN MORE 3

There is often little, if any, forensic evidence and there are seldom witnesses. ¹ This puts the primary burden of being the witness on the survivor.

- There are often no physical injuries and little, if any, forensic evidence. ²
- Among seven Ontario police forces, 2% to 34% of complaints of sexual assault were considered unfounded. No matter what the percentage, the rates were significantly higher for sexual assaults than for other crimes in the six forces for which comparative data were available. ³
- When sexual assault cases do result in charges and proceed to court (approximately 5%), in a still smaller percentage, (X%) the Crown is able to utilize existing forensic evidence. ⁴ This is because, once sexual activity is established, the case is argued on the basis of consent.
- Since there are usually no other witnesses in a sexual assault trial other than the victim, the question of whether or not there was consent often hinges on the credibility of the victim-witness versus that of the accused.
- Stereotypical assumptions and strongly held myths about sex and sexuality have a significant effect on situations of sexual violence.
“Because of the context in which such a crime usually takes place [...] it is not uncommon for [survivors] to be unsure themselves about whether or not they are victims of the crime.”⁵
- The complexities of social stereotypes surrounding the issue of consent in situations of sexual violence influence the perspective of the survivor as well the perspectives of workers/interveners from all sectors who become involved. It is also not uncommon for those who hear a disclosure of sexual violence to be unsure about whether a crime has occurred or for observers actually present during the assault to dismiss the severity of the act. This recent Globe and Mail article discusses the “bystander effect”⁶
“It is very tempting to take the side of the perpetrator. All the perpetrator asks is that the bystander do nothing. He appeals to the universal desire to see, hear, and speak no evil. The victim asks the bystander to share the burden of the pain. The victim demands action, engagement, and remembering.” ⁷

¹ Penwill, Kathryn. “Reality Check: How Rape Mythology in the Legal System Undermines the Equality Rights of Women who are Sexual Assault Victims.” Commissioned for Action ontarienne contre la violence faite aux femmes. 2008. Available at: http://aocvf.ca/documents/Reality_Check_VF_WEB.pdf.

² Penwill, Kathryn. “Reality Check: How Rape Mythology in the Legal System Undermines the Equality Rights of Women who are Sexual Assault Victims.” Commissioned for Action ontarienne contre la violence faite aux femmes. 2008. Available at: http://aocvf.ca/documents/Reality_Check_VF_WEB.pdf.

³ Nicol, J., (2013), Under-Reporting and Low Conviction Rates for Sexual Assault, Library of Parliament, Legal and Social Affairs Division. Retrieved July 1, 2014 at:

<http://www.parl.gc.ca/Content/LOP/ResearchPublications/2013-16-e.htm>

⁴ (SAEK kits in court stat?).

⁵ Penwill, Kathryn ETC

⁶ Link to Why good people stand by and let bad things happen, ERIN ANDERSSON, The Globe and Mail, Published Saturday, Mar. 23 2013, retrieved March 25, 2013 at:

<http://www.theglobeandmail.com/life/why-good-people-stand-by-and-let-bad-things-happen/article10234621/?page=all>

⁷ Herman, J., (1997). Trauma and recovery: The aftermath of violence from domestic abuse to political terror, Basic Books