



PRESENTATION TO THE
STANDING COMMITTEE
ON SOCIAL POLICY:
Points of Consideration for Bill 132

OBJECTIVES

1. To highlight the alarming prevalence of sexual violence and domestic and intimate partner violence (D/IPV) among lesbian, gay, and bisexual (LGB) communities in comparison to non-LGB populations;
2. To highlight the heightened risk of experiencing sexual violence and D/IPV among trans and Two Spirit communities, emphasizing the importance of including gender identity and expression as reasons individuals may be targeted;
3. To highlight the increased risk of sexual violence and D/IPV for those with intersecting identities, in particular Two Spirit women and trans women of colour.
4. To highlight disproportionate ways lesbian, gay, bisexual, transgender and Two Spirit (LGBTQ2S) communities are impacted by sexual violence and D/IPV due to systemic oppression and discrimination;
5. To highlight the need for LGBTQ2S - anti-racist, anti-oppressive (ARAO) inclusivity training among first responders and helping professionals to allow for the appropriate support of individuals who have experienced or are experiencing sexual violence and D/IPV;
6. To highlight the need for visibility and expanded access to support services for survivors from LGBTQ2S communities impacted by sexual violence and D/IPV; and
7. To highlight the importance of ensuring LGBTQ2S-ARAO inclusion within policies and procedures which speak to sexual violence and D/IPV prevention and intervention.

About Egale

Mission

Egale Canada Human Rights Trust (Egale) is Canada's only national LGBTQ human rights charity seeking to advance the equitable inclusion of lesbian, gay, bisexual, trans, queer, and two spirit people through research, education and community engagement.

Vision

Egale's vision is a Canada, and ultimately a world, free of homophobia, biphobia, transphobia, and all other forms of oppression, so that every person can achieve their full potential, unencumbered by hatred and bias.

Values and Approach

Egale's work is grounded in anti-racism, anti-oppression (ARAO) practice. While striving to compile, produce and communicate the best-available evidence to guide our work, we recognize that the production of knowledge is always intimately connected to power, privilege and oppression. Those with the least power and privilege are often not included in the production of knowledge, and as a result, fail to be represented in the knowledge that influences their lives. Often, it is those with the least power to produce and shape knowledge who are most in need of services, leaving them un/mis-represented, under-served, ill-served, or not served at all. To honour and address the experiences of the most marginal folks in our communities, Egale undertakes to balance both academic and experiential knowledge, privileging community-based participatory practices in conducting research; developing and reviewing policy, resources and curricula; and providing services to clients, community organizations and individuals. Furthermore, Egale recognizes the necessity of targeting intersectional oppression, while simultaneously examining the broader social contexts that sustain and legitimize various oppressions, in order to appropriately respond to the needs and experiences of the full diversity of LGBTQ communities.

In support of our mission and vision, Egale leads numerous national projects:

- **Safer and Accepting Spaces:** Empowering students, parents and educators to form peer networks and establish LGBTQ safer spaces in schools, Egale has delivered professional development workshops to over 10,000 teachers and educators. Egale's programs and services also extend LGBTQ2S inclusiveness and acceptance to corporate, law enforcement, community and sports environments.
- **LGBTQ Youth Suicide Prevention:** Egale has twice hosted Canada's LGBTQ Youth Suicide Prevention Summit (2012, 2014), gathering experts and community members from across North America to talk about LGBTQ youth suicide, to share best practices and to advance strategies for the creation and implementation of concrete recommendations.

- **Expert Consultation and Policy Review:** For nearly 30 years, Egale has engaged in policy review, consultation and development for external partners and clients, such as school boards, employers, legislators and public policy makers, both in Canada and abroad. Most recently, Egale provided testimony to the Ontario legislature regarding Bill 77, an Act to amend the Health Insurance Act and the Regulated Health Professions Act (1991) regarding efforts to change sexual orientation or gender identity.
- **Egale Youth Housing:** LGBTQ youth are overrepresented in the homeless population, with over 20% of youth experiencing homelessness identifying as LGBTQ, compared to 3.5% of the general population (Homeless Hub, 2015). Family rejection, violence, social inequities, ostracism and discrimination are some major factors that lead LGBTQ youth into experiences of homelessness. In addition, many LGBTQ youth report feeling unsafe or being re-victimized in the current shelter system, and receiving inappropriate and unhelpful suicide crisis and mental health crisis support in health institutions. Egale operates a counselling, crisis intervention and housing support centre for LGBTQ youth, Egale Youth OUTreach (EYO), in order to help youth navigate these challenges and receive timely and positive mental health support. Approximately 45% of our clients identify as transgender or gender variant. EYO currently has 3 counsellors and 2 peer resource workers and has provided individual counselling to over 150 youth as well as provided a wide range of services to between 15 and 30 drop-in participants daily. The lessons that Egale has learned from the crisis intervention and housing stabilization program have helped shape the core of the Egale Centre approach, design and operating plan.

Empirical Evidence

Objective One: To highlight the alarming prevalence of sexual violence and domestic and intimate partner violence (D/IPV) among lesbian, gay, and bisexual (LGB) communities in comparison to 'normative' (non-LGB) populations.

- Evidence from the large-scale Association of American Universities' Campus Climate Survey on Sexual Assault and Sexual Misconduct (2015) suggests that LGBTQ students experience the most violent forms of campus-based sexual violence in comparison to non-LGBTQ counterparts.
- While prevalence differs widely within the literature, several investigations estimate that nearly 50% of all same-sex relationships involve some degree of D/IPV (Parry & O'Neal, 2015).
- Lifetime prevalence of D/IPV is significantly higher among bisexual women (61%) when compared to lesbian (43.8%) and heterosexual women (35%; Walters, Chen, & Breiding, 2013).
- Men in same-sex relationships are as likely to experience D/IPV as heterosexual women and are three times more likely than men who experience D/IPV in a heterosexual relationship (Houston & McKirnan, 2007).
- Approximately 47% of LGB workers have experienced workplace harassment and/or violence based on their sexual attraction (orientation) (Catalyst, 2015).

Objective Two: To highlight the heightened risk of experiencing sexual violence and D/IPV among trans and Two Spirit communities.

- Transgender and gender variant communities are at increased risk of experiencing all forms of violence and harassment on campus (Metrac, 2014).
- A 2011 joint analysis conducted by the National Center for Transgender Equality and the National Gay and Lesbian Task Force in the U.S concluded that approximately 19% of trans and gender non-conforming respondents had experienced D/IPV (Grant, Mottet, & Tanis, 2011).
- Transgender women are more likely to experience physical violence and discrimination within an intimate relationship, and more likely to experience police violence when interacting with the authorities following an incident (National Coalition of Anti-Violence Programs, 2014).

- Approximately 90% of transgender and gender variant employees report experiencing workplace harassment and/or violence stemming from their gender identity and expression (Catalyst, 2015).

Objective Three: To highlight the increased risk of sexual violence and D/IPV for those with intersecting identities, in particular Two Spirit women and trans women of colour.

- Risk of violence and discrimination increases within LGBTQ2S populations who experience multiple oppressions; transgender people of colour, young LGBTQ2S survivors, and aboriginal women are approximately 2.6 times more likely to experience a form of violence and discrimination within an intimate relationship (National Coalition of Anti-Violence Programs, 2014).
- Risk of sexual violence is heightened among women with different abilities (Vecova Centre for Disability Services and Research, 2011) and Aboriginal women (Brennan, 2011).
- Men who are HIV positive are at least 50% more likely to experience same-sex D/IPV (Jackson Heintz & Melendez, 2006).

Objective Four: To highlight the disproportionate ways LGBTQ2S communities are impacted by D/IPV due to systemic oppression and discrimination, emphasizing the importance of including gender identity and expression as reasons individuals may be targeted.

- LGBTQ2S individuals encounter discrimination, stigmatization, and traumatic experiences at disproportionately higher rates than their heterosexual and cisgender counterparts. These experiences are motivated by intolerance, fear or hatred of the person's diversity in attraction and/or gender identity in every social context: homes, schools, communities, religious and spiritual centres, public spaces, and health institutions.
- LGBTQ2S survivors of sexual violence and D/IPV are less likely to report incidents to the authorities or access D/IPV shelters and support services than cisgender and heterosexual survivors. Barriers to help-seeking include an extreme lack of appropriate helping agencies and services (Ard & Makadon, 2011), prevailing stigmatization, and limited understanding of D/IPV within LGBTQ2S communities (Calton, Bennett Cattaneo, & Gebhard, 2015).
- LGBTQ2S employees are less likely to report incidents of workplace harassment and/or violence due to lack of appropriate policies and procedures (Catalyst, 2015).

Strategy Recommendations

The considerable research evidence points to an urgent need to address the disproportionate rates of sexual violence and D/IPV and barriers to help-seeking within LGBTQ2S communities in Ontario.

Improving support to LGBTQ2S survivors of sexual violence and D/IPV involves a dedication to inclusivity and diversity at all stages and within all activities of the strategic process. Ways to ensure appropriate support for LGBTQ2S communities are outlined in the subsequent section. We hope the Standing Committee on Social Policy will consider the following recommendations:

1. Capacity Building:

Providing LGBTQ2S and ARAO-specific training for professionals involved in sexual violence and D/IPV prevention and intervention efforts of domestic or intimate partner violence survivors, specific to LGBTQ2S identities and needs.

Objective Five: To highlight the need for LGBTQ2S - anti-racist, anti-oppressive (ARAO) inclusivity training among first responders and helping professionals to allow for the appropriate support of individuals who have experienced or are experiencing sexual violence and D/IPV.

- Sexual violence and D/IPV response services under-recognize those outside of a cisgender, heterosexual relationship. As a result lesbian and bisexual women, trans women, and Two Spirit women (as well as gay, trans and Two Spirit men) are often not reporting sexual violence and/or D/IPV, or are facing discrimination and further trauma by doing so.
- Homophobia, biphobia, and transphobia on the part of service providers may result in the denial of access to services, victim blaming, and the devaluing of legitimate violence, as well as denial of access to social supports such as anti-violence programs, and shelters. Such help-seeking barriers increase the risk to survivor safety and often exacerbate the impact of trauma.
- Discrimination within help-seeking is even more difficult for trans survivors of sexual violence and D/IPV who are often denied access to support services or denied police support as a result of their birth assigned sex, or perceived birth assigned sex, rather than their gender identity.
- Professionals working in anti-violence efforts, including those who identify as LGB, require specialized transgender, gender variant, Two Spirit, and ARAO training to provide sensitive care that meets individual needs and mitigates risk.

- Training should also include the spectrum of gender identity categories beyond the gender binary (genderqueer, agender, gender fluid, etc.).
- Within incidents involving D/IPV reporting, misarrests, defined as the mistaken arrest of the survivor and not the abusive partner, is a common reality within LGBTQ2S communities. Training that pertains to same-sex, same-gender, and transgender or gender variant D/IPV are required to increase awareness of these situations and improve support for these demographics.
- Training related to gender identity, expression, and sexual attraction (orientation) should be provided to all workplace administration and new employees. Refresher training should be regularly provided to all staff.
- All of the preceding challenges are exacerbated within smaller communities and/or in communities with less exposure to, and experience with, sexual violence and D/IPV within same-gender/same-sex couples, transgender, gender variant and Two Spirit communities.

2. Increasing Visibility and Support

To heighten the visibility of LGBTQ2S communities, specifically transgender women of colour and Two Spirit women, given their increased need for sexual violence and D/IPV support.

Objective Six: To highlight the need for visibility and expanded access to support services for survivors from LGBTQ2S communities impacted by sexual violence and D/IPV.

- While LGBTQ2S and racialized people are at greater risk of experiencing violence and discrimination, it is not their identities that are the cause of this risk. Rather, it is individual, institutional, and systemic forms of discrimination and oppression that contribute to elevated levels of risk, and that must be addressed by society as a whole.
- All strategic recommendations must include identity specific experiences of LGBTQ2S communities particular to sexual violence and D/IPV. This is particularly true of transgender and Two Spirit people.
- Specific barriers facing transgender individuals in addressing violence in their lives include (but are not limited to):
 - Historical and current systemic discrimination including homophobia, biphobia, transphobia, sexism, racism, and colonialism;
 - Historical pathologization of transgender persons;

- Pervasive societal cisnormativity;
 - Difficulty finding trans-inclusive, anti-oppressive shelters, transitional housing, or other intervention services;
 - Increased fear of experiencing further trauma as a result of seeking support services that are unable to respect and accommodate their gender identity. This may include misgendering and asking potentially inappropriate and/or harmful questions related to body or gender identity;
 - Heightened fear of reporting violence due to risk of potential transphobia amongst police officers, fear of being mistaken as the abuser, fear of triggering past trauma related to transphobic incidents with the police or intervention services;
 - Fear of having gender identity (and/or attraction) disclosed by an abuser as retaliation for reporting. Being 'outed' could result in detriment to social networks, familial support, and housing and/or employment stability and lead to an increased risk of transphobic violence;
 - Fear of losing financial security, particularly for gender-affirming medical care and procedures; and
 - Fear of losing employment due to transphobia within the workplace.
- Two Spirit people remain an under-acknowledged, under-represented and under-served demographic in Canada. Yet, due to the heightened risks associated with each of their intersecting identities, it can be assumed that Two Spirit individuals experience disproportionate levels of relationship-based violence.
 - With a glaring absence in research, the best one can do is an analysis related to each intersecting identity which may be experienced by any one individual, and extrapolate some truth about the heightened risk experienced by this demographic.
 - Aboriginal women face higher rates of increased domestic violence, including sexual assault, than non-aboriginal women.
 - This is then compounded by the higher rates of increased intimate partner violence experienced by those who identify as lesbian or bisexual.

- Two spirit women who identify as transgender will also face the heightened risk factors associated with discrimination against transgender people, which is again increased as a trans woman of colour.
- Take for example a two spirit, lesbian trans woman. As a result of her intersecting experiences of discrimination and oppression, she is likely to experience the increased risks associated with each level of her identity:
 - Aboriginal: 2.5x higher risk than non-aboriginal women
 - Lesbian: 3x higher risk than heterosexual counterparts
 - Transgender: trans women of colour have a 2.6x higher risk

Objective Seven: To highlight the importance of ensuring LGBTQ2S-ARAO inclusion within policies and procedures which speak to sexual violence and D/IPV prevention and intervention.

- Develop explicit policies and practices that speak to the unacceptability of homophobic, biphobic, and transphobic behaviour and ensure appropriate responses to incidents of discrimination.
 - Ensure themes of LGBTQ2S-ARAO diversity and inclusivity are included within all resources and supporting documents to ensure widespread implementation.
- Call on the federal government to include gender identity in the criminal code hate crime provisions.
 - Much of the violence experienced by LGBTQ2S persons, especially transgender women, is hate motivated. Adding gender identity in the Criminal Code hate crime provisions, and human rights act non-discrimination provisions, would have a significant impact on rates of sexual violence and D/IPV in Canada.
 - Specifically call on the federal government to amend:
 - Sections 318 (Advocating Genocide);
 - 319 (Public Incitement and Willful Promotion of Hatred); and
 - 718 Sub section 2 (a) (i) (Hate Crime Sentencing Provision) to include gender identity.

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