

Corner Brook Status of Women Council

NEWSLETTER - June 2021

Affirmative Consent

The recent sexual assault trial of a police officer has once again brought the issue of consent to the forefront. Consent, in general, is widely misunderstood. Anytime a situation of sexual assault does not meet the stereotype of a rape that involves a stranger, force, and resistance, misunderstandings occur. The reality is that most people know the person who assaults them. Physical force may or may not be a part of it, but being pressured or manipulated into a sexual encounter is also rape. Then, if we look at whether the victim resisted, was under the influence, or if they were in a risky environment, the misconceptions continue to grow.

The reality is that consent must be considered a process. A sexual act can change as the individuals move forward and consent must be given at each stage. It must be given voluntarily, communicated clearly (through verbal or non-verbal means), be mutual in nature (all individuals involved must agree) and they must know what they are consenting to and be able to provide that consent. This means that they must be old enough and sober enough to understand what is happening and the consequences.

Affirmative consent is a standard of Canadian law and requires that the involved individuals have taken steps to obtain and confirm consent. A belief in having consent without taking reasonable actions to confirm it is not a legal defense to sexual assault. Affirmative consent is also different than a simple “no means no” in which someone must say no to remove consent, and assumes consent is present unless it is revoked. There are circumstances in which someone is asleep, unconscious or otherwise incapacitated and unable to say no, this is still sexual assault. In fact, the “no means no” standard offers little protection in the vast majority of sexual assault cases, where simple daily tasks are seen as invitations for sexual contact. Affirmative consent also means that in cases where someone submits to sexual activity due to intimidation or manipulation, there is no consent. It also clearly finds that the absence of a yes is a no. Therefore, silence equals the absence of consent.



Sadly, statistics on rates of reporting sexual assaults and police and prosecutorial decision-making suggest that stereotypes, beliefs, and attitudes still influence decisions about the processing of the offenses that are reported to the police.

Reliance on traditional generalizations and misconceptions continues to ensure that the law of sexual consent is sometimes ignored, sometimes misinterpreted, and often fails to achieve its goal. Education on consent must be a fundamental part of our school and community teaching to counter the ongoing misunderstandings that continue to prevent us from holding individuals accountable and continuing this cycle of injustice.

Upcoming:

Our Feminist Book Club continues to grow. We are having a fantastic time and would be happy to have you join us. Meetings take place on the second Tuesday of every month starting at 7pm. This month we are reading the legal thriller, *Blood from Stone* by Frances Fyfield.

If you haven't joined us yet, you won't want to miss July's book: *The Birth House* by Ami McKay.

Tuesday June 15th - World Elder Abuse Awareness Day. Acknowledging the significance of elder abuse as a public health and human rights issue.

Monday June 21st - National Indigenous Peoples Day. A day for all Canadians to recognize and celebrate the unique heritage, diverse cultures and outstanding contributions of First Nations, Inuit and Métis peoples.

Sunday June 20th - Father's Day. Remember to let your dad know how much you love him.

We are pleased to introduce Kavita:

Hello, my name is Kavita Gill and I am a Master of Public Health student at Memorial University of Newfoundland and Labrador. I am currently completing a 12 week placement at the Corner Brook Status of Women Council (CBSWC). Improving women's health and wellbeing is something I am very passionate about and I am thrilled to be completing my placement with the CBSWC. During this placement I will be focusing on Gender-Based Violence (GBV) in the province of Newfoundland and Labrador (NL).

Since the start of my placement three weeks ago, I have been engaging in a great deal of policy work, such as reviewing current policies offered by the CBSWC and making suggestions to improve these policies. I have also developed a policy statement for the Provincial Action Network on the Status of Women (PANSOW) that describes how GBV can impact women, as well as recommendations to improve GBV in NL. The largest portion of my time during this placement will be spent on developing a public health framework to address and improve GBV in the province of NL. I am really enjoying my placement so far and hope that I can help to improve the policies and actions surrounding GBV in this province.