

Response-Based Practice Aotearoa

Dignity 2015. Hawkes By.

“Tell it like it is!”:

How experts sexualize violence against children.

Cathy Richardson & Allan Wade

Kia Ora Laurie.

“using facts and honest information . . . stories, myths, legends . . .”

- “to make a case”
- “to convey a message which binds people together”
- “facilitating rather than commanding”

Accuracy (=) honesty (=) dignity

So that we should be guided by honesty.

Parallel Lies

Colonialism:

“attitudes of racial superiority led to the development of ‘residential schools’”

Wife-Assault:

“the argument travelled down the hall and into the bedroom”

Adult Violation of Children:

“advantage was taken of a situation that presented itself”

This is a difficult, sometimes heavy analysis. But we believe it is important.

What is the genetic code of this beast?

How does distortion work?

How does this virus operate?

How can we provide some sort of effective antidote?

Clear analysis provides a basis for careful analysis of practice at all points.

Anna

Remaining silent; refusing to have my credibility questioned or to be blamed for something not my fault.

Being sexually inactive: refusing to have my worth based upon sexual ability or participation.

Being emotionally and mentally closed: refusing to give my feelings and thoughts to those who would treat them with disrespect or negligence. Refusing to further empower the abuser with the knowledge that he made me hurt, yet I still loved him.

Anna cont'd

Rejecting authority: refusing to allow others to tell me what is “best” for me, or allowing them to clinicize a dysfunction rather than address the acts of sexual, emotional and physical abuse.

That I am here today is resistance.

Standing tall. Refusing to forfeit my dignity. To appear strong in the face of all evil. This somehow gives you inner strength.

Feeling shame: Having a sense of right and wrong. I've developed, over the years, a very keen sense of fair play.

Social Responses

What are “social responses”?

The term “social responses” refers to the responses of others to individuals faced with adversity, including violence (i.e., victims, perpetrators, children).

- social networks (i.e., family, friends, colleagues, neighbours),
- members and leaders of institutions (e.g., child protection, police, media, judges, prosecutors, nurses, therapists, advocates, psychiatrists) charged with responding in an organized and competent manner,
- others present during assaults (i.e., witnesses, bystanders, interveners),
- others whose actions influence social and material conditions through (e.g., publications, law and policy, media, curriculum, research, etc.),
- social and material conditions (e.g., poverty, racism, homophobia, geographic isolation, etc.) that enable or prevent violence, limit or promote justice, restrict or foster freedom.

Social Responses to Victims and Offenders

How family, friends, professionals, and larger society (media, police, child protection, courts) respond when violence is disclosed.

A majority of victims report receiving negative social responses

Examples: What does “positive” and “negative” mean?

Family

Friends

Police

Court

Child protection

Marginalized, disadvantaged people are more likely to receive negative social responses: LGBTQ, Aboriginal, Refugee, Disabled

The quality of social responses may be the best single predictor of the level of victim distress

Victims' Responses to Social Responses

Victims respond physically (epigenetically, hormonally), emotionally, mentally, socially, spiritually – to positive and negative social responses

Victims who receive POSITIVE social responses:

- tend to recover more quickly and fully
- are more likely to work with authorities
- are more likely to report violence in future

Victims who receive NEGATIVE social responses:

- less likely to cooperate with authorities
- less likely to disclose violence again
- more likely to receive diagnosis of mental disorder

Type of Adversity and Social Responses

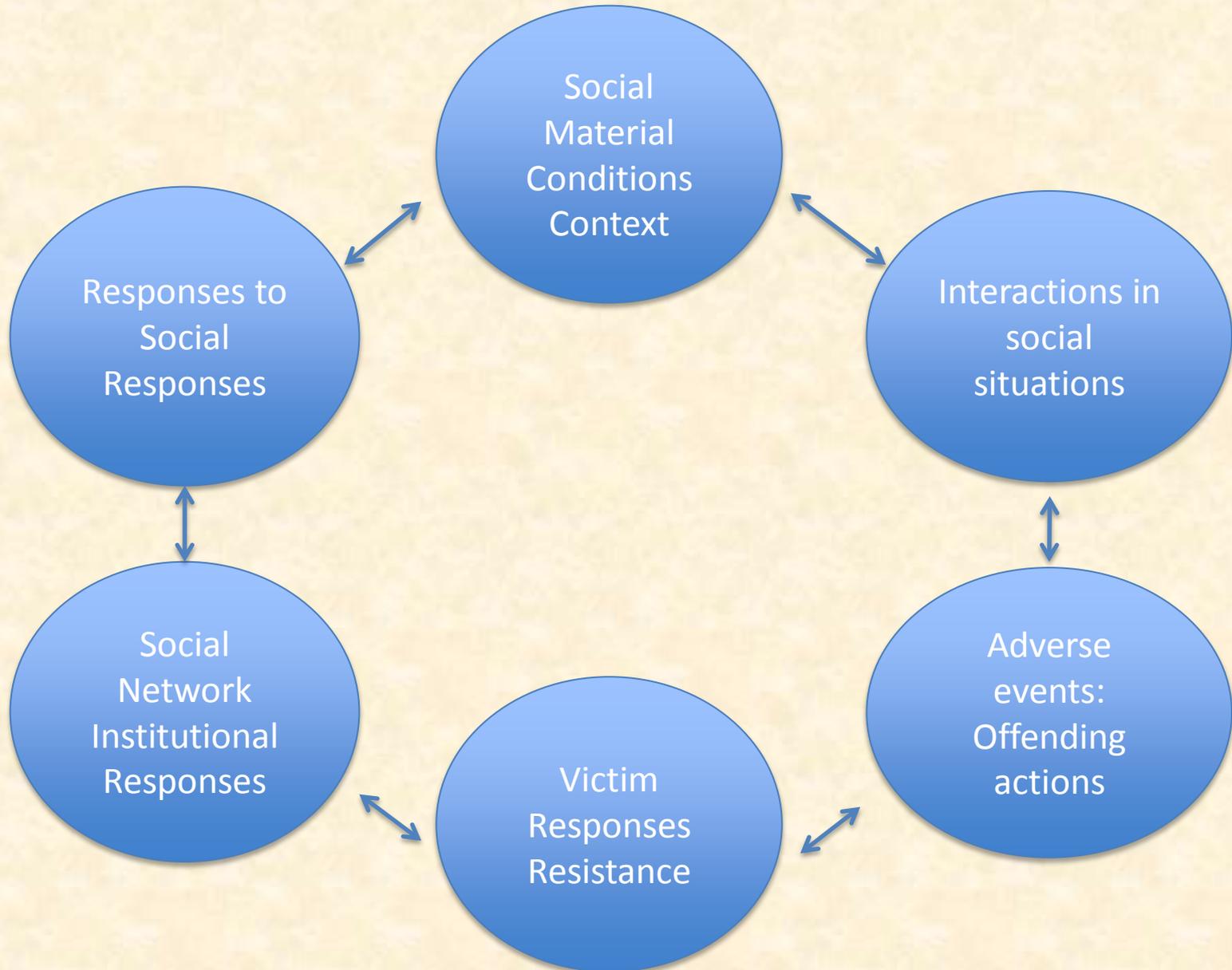
The likelihood of positive or negative social responses varies with the type of adversity.

Positive social responses are more likely when the traumatic event is “visually distressing, unambiguous, collectively shared” and when “heroic characteristics” can be attributed to victims (Punamaki et al., 2005).

- For example, first responders who attended the 911 attacks were more likely to receive more positive reactions than, for example, rape victims, victims of “marital violence”, and soldiers in an unpopular war.

Negative social responses are more likely when the traumatic event is “unseen and unshared, ambiguous in [its] acceptability, and associated with stigma and shame” (Charuvastra et al., 2008).

Response-Based Contextual Analysis



Micro

Upholding dignity of individuals and families



Macro

Working for institutional reform, social change

The “Gap” between events and descriptions

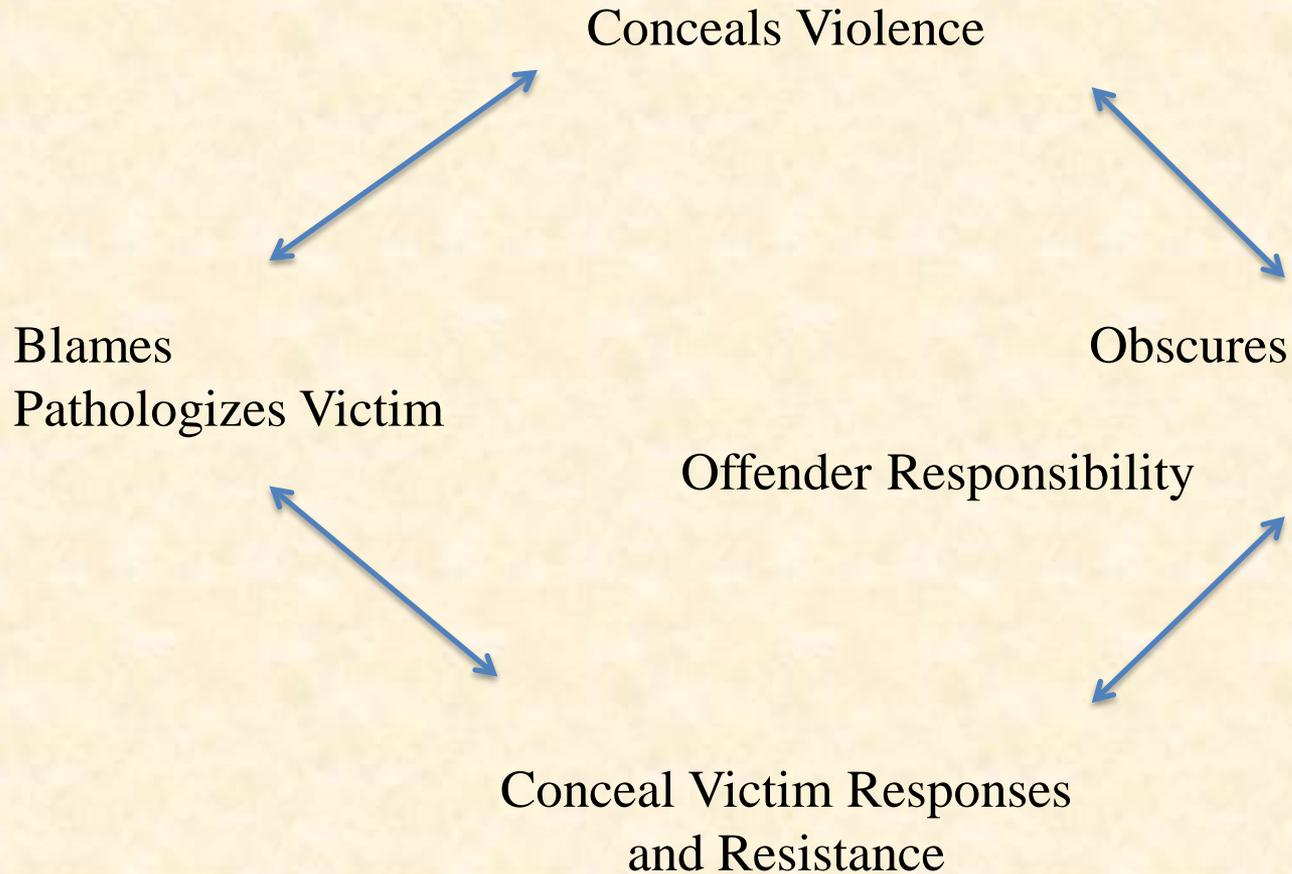
Although victims respond to, and resist, violence . . . They are widely said to be submissive people who passively accept and even seek out violence.

Although violence is deliberate, as shown by perpetrators’ self-control and efforts to suppress victim resistance, it is widely seen as an effect of large forces that the perpetrator does not understand and cannot control.

Although violence is unilateral (an act by one person against another), it is widely seen as mutual (an act by two people).

Although perpetrators intend to commit violence (e.g., rape), they are widely seen as intending something else (e.g., sex).

Four Operations of Language



Consent and Sexualized Violence Against Children

Canada, U.S., Australia, England and Wales

Children 15 or younger cannot give consent to sex

(Exceptions: 14 & 15, 12 & 13)

Children do not understand the meaning or consequences of sex

Do not have the social or physical power to stop the violence or to pursue just redress against the offender

Are often disbelieved and do not know who to trust

Cannot consent to sex in any meaningful sense.

Then . . . it is wrong – legally, morally, developmentally, socially – to portray children as engaged in sexual activity.

Still, children are often portrayed as sexual partners with adults, in media, criminal justice, mental health, etc. . .

Canada: Criminal code confuses sex with violence

“151 Sexual Interference - Every person who, for a sexual purpose, touches, directly or indirectly . . . ”

“152 Invitation to Sexual Touching - Every person who, for a sexual purpose, invites, counsels or incites a person under the age of sixteen years to touch, directly or indirectly . . . “

“153(1) Sexual Exploitation - Every person who is in a position of trust or authority towards a young person or is a person with whom the young person is in a relationship of dependency and who (a) for a sexual purpose, touches, directly or indirectly. . . . (b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly. . . . “

Current New Zealand law

Sexual offences are defined in the Crimes Act 1961. The crime of rape or unlawful sexual connection requires that the accused did not have the person's consent, and did not believe on reasonable grounds that the person was consenting.

The Crown must therefore prove three elements beyond a reasonable doubt for a successful conviction:

- that sexual connection took place; and
- that the complainant did not consent to the sexual connection in question; and that the accused did not believe on reasonable grounds that the complainant consented to the sexual connection.

United Kingdom Sexual Offenses Act of 2003 (c. 42)

http://www.legislation.gov.uk/ukpga/2003/42/pdfs/ukpga_20030042_en.pdf

Each of the sections contains the stipulation that the actions must be “sexual”: “The penetration must be sexual”, “The activity must be sexual”. “The touching must be sexual”.

It is not clear how the “penetration” or “touching” could be “sexual” since the child cannot consent.

Several of the sections define the violence specifically as “sexual” in nature. For example: “Section 8. Causing or Inciting a Child Under 13 to Engage in Sexual Activity”; “Section 9. Sexual Activity with a Child”.

Rape and other offences against children under 13

- Rape of a child under 13
- Assault of a child under 13 by penetration
- Sexual assault of a child under 13
- Causing or inciting a child under 13 to engage in sexual activity

Child sex offences

- Sexual activity with a child
- Causing or inciting a child to engage in sexual activity
- Engaging in sexual activity in the presence of a child
- Causing a child to watch a sexual act
- Child sex offences committed by children or young persons
- Arranging or facilitating commission of a child sex offence
- Meeting a child following sexual grooming etc.

United States: Legal Website Confuses Sex and Violence

The following passage appears on the U.S. website www.legalmatch.com, under the heading “What is Statutory Rape?”:

Statutory rape occurs when a person over the age of consent engages in sexual intercourse with someone under the statutory age of consent. In most states, the age of consent has been arbitrarily designated by statute. However, this age of consent varies widely from state to state. Statutory rape is a strict liability crime, meaning that the consent of the younger person or mistake about their age is not a defense. (emphasis in original)

Wikipedia definition of “Sex Tourism”

Sex tourism is travel to engage in sexual activity with prostitutes. The World Tourism Organization, a specialized agency of the United Nations, defines sex tourism as "trips organized from within the tourism sector, or from outside this sector but using its structures and networks, with the primary purpose of effecting a commercial **sexual relationship** by the tourist with residents at the destination”.

While sex tourism can refer to a variety of commercial sexual activities, agencies and academics sometimes distinguish between adult sex tourism, **child sex tourism** and female sex tourism to refer to different kinds of sex tourism. Attractions for sex tourists can include reduced costs for **services** in the destination country, along with either legal prostitution or **indifferent law enforcement** and **access to child prostitution**.

Beyond Borders: Example 1:

“Fact Sheet: Child Sex Tourism - General

Child sex tourism is the commercial sexual exploitation of children by people who travel from one location to another and engage in sexual acts with minors. Often, they travel from a richer country to one that is less developed.”

<http://www.beyondborders.org/wp/wp-content/uploads/Child-Sex-Tourism-General.pdf>

Example 2:

“Child Pornography in Canada

Child sexual abuse images exploit children in many ways.

Children are harmed when they are initially forced or coerced into participating. They are also harmed in the long- term when the images remain online.”

<http://www.beyondborders.org/wp/wp-content/uploads/CSEC-Fact-Sheet-Revision.pdf>

Example 3

Studies show that approximately 10–12 percent of those involved in prostitution in Canada are under age 18. Further, 48–86 percent of adult prostitutes became involved in prostitution before age 18. The average age for children to enter prostitution is 15 for females and 12 for males. Prostitution occurs in a variety of locations with only 20 percent of all acts taking place on the street. Child prostitution is more likely to occur underground. First Nations girls are overrepresented in prostitution, accounting for 14–60 percent of all involved youth.

Example 4:

“Child Sex Offenders

Child sex offenders can be situational or preferential. Situational offenders do not normally prefer sex with children but act under certain circumstances. Preferential offenders have a true sexual interest in children. Pedophilia refers to persistent feelings of attraction in an adult or older adolescent toward prepubescent children, whether the attraction is acted upon or not. The majority of child sex offenders are not pedophiles.”

<http://www.beyondborders.org/wp/publications/terms-and-language/>

Canada: Judge confuses rape of toddler with sex.

In 2013, in B.C., the Court sentenced a man for repeated “sexual assaults” on a minor, a child who was aged 2 when the assaults began. . . . The judgment read:

“Shortly after commencing this live-in relationship [with the victim and her mother] the offender started sexually touching the victim. This touching commenced with fondling of the victim's genitals Shortly thereafter, the offender commenced having anal intercourse with the victim The sexual activity also included oral sex. [The] offender commenced having vaginal intercourse with the victim and would ejaculate in the victim's vagina. According to the offender, he engaged in sexual intercourse . . . every night for the month or two before his arrest”.

The Judge . . . videos “depicting some of the offender’s assaults of the victim . . . show the offender engaging in oral sex as well as vaginal and anal intercourse with the victim. . . . “

New Zealand: Police Superintendent says 10 yrs. rape victim a “willing party”

In September 2013, Central District police commander Russell Gibson apologized for saying a 10-year-old girl was a “willing party” to sexual abuse. The girl was repeatedly abused and raped when she was ages 10 and 11 by Robin Abraham (a father of 7 children).

In a letter to the offender’s wife, Commander Gibson wrote: "There is evidence contained within the file which clearly establishes that the young girl was a willing party to these instances. . . ." Confronted on these comments, Commander Gibson said he “made a poor choice of language explaining the consent law” and “knows a child cannot be a willing party to sexual acts”.

But Commander Gibson still misses the point. Neither can a child be an *unwilling* “party to sexual acts”. Willing or unwilling, a child cannot be a “party to”, or participant in, sexual acts. Consent law is clear on this matter. The crimes by the offender against the child were not “sexual acts” by any reasonable definition, but violent acts.

Canada: Leading news magazine treats priest's rape of boys as sex

The same pattern appears in the media, as in the following example from the Canadian news magazine, *Macleans* (2009), concerning a Priest who sexually assaulted three boys over several years. The eldest was 10 at the time of the first assaults.

“In 1969, John Swales and his brothers attended a summer camp for low-income kids where they met a charming, larger than life volunteer named Father Barry Glendinning. [T]he priest soon became a surrogate big brother. He gained the trust of the boys’ parents, showered them with pizzas, movies and booze, and, when opportunity knocked, introduced them to sex. . . . “

“When you have sex at the age of 10 with your priest, it’s pretty weird”, said John.

Canada: Television news casts children as prostitutes

On Dec. 18, 2013, the television current affairs program, Kevin Newman Live, ran a show on prostitution in Canada. Part of the program focused on so-called prostitution by young children on the streets in Winnipeg, Manitoba. Kevin Newman, the “anchor”, interviewed a journalist, Victoria Ptashnik, who said:

Victoria: “Essentially what I have found when I was in Winnipeg doing this investigative work [on prostitution] is that this problem is a lot bigger and a lot younger.

Kevin: How young?

Victoria: Quite young. It looked like some of the children that I was seeing were probably about 10, 11, 12. The Canadian Women’s Association has done research and they talked about 150 women who had started this as children and they got started at 13 or younger usually.

Kevin: Wow. And you took a drive along a couple of blocks of downtown Winnipeg. How many child prostitutes would you say you saw on that run?

Victoria: There was quite a lot. With one stretch we did it for a few days. I never saw the same one twice. About every half hour there was a different girl standing on kind of a designated spot. I definitely saw 20, 30, yeah.

K: Wow, just in a couple of blocks. So how do they get started?

In response to this question, the reporter, Victoria Ptashnik, showed an interview with a woman whose face was obscured to protect her identity. The woman said:

“I was 12 years old and it was an older gentleman that I trust. He was a member of the community. And it was in his back room. And he said it would be okay. And he bent me over the freezer and he pulled my pants down and he did me from behind. And afterwards I cleaned myself up, pulled up my pants and said, ‘Thank god that’s over’. And it was a matter of minutes. It didn’t even last. But it was that sickening feeling in my stomach. I was thankful it was over. He handed me a hundred bucks. We walked back out and that was it. And that continued.”

Australia: Criminal justice professionals say gang rapes of girl (10) was sex

In Aurukun, Australia, between May and June, 2006, nine Indigenous males, ages 13 to 25, repeatedly raped a 10 year old Indigenous girl. The eldest offender was said to have an “intellectual disability” but was not formally assessed.

The case drew international publicity because none of the offenders was sentenced to an immediate prison term. The Court of Appeal said the sentences were inadequate and imprisoned the three adult offenders for six years. The juvenile offenders received various sentences, from probation to detention.

Aurukun, Australia. cont'd . . .

In a 2008 speech at the national Indigenous legal conference, The Honourable Geoffrey M. Eames discussed the sentencing issues arising from the case. Mr. Eames refers to the crimes as rape, some of the time, but also as sexual intercourse. For example:

“Some of the offenders acted in company and some offenders acted alone. Some offenders raped the girl more than once. In all but one case the girl did not object to intercourse taking place and she initiated the sexual activity on some occasions.

“Many of the offenders when questioned said they could see nothing wrong in having sexual intercourse with the girl, since such conduct was commonplace. Indeed, a probation officer . . . said, “there are a lot of children in this community who think the same way about sexual matters . . .”

Colm O’Gorman: Beyond Belief

“The boy lies there, frozen. The covers move as the priest moves over and brings his hand down. He starts to masturbate the boy, who lies there motionless. And then in moments it is over. The confusion and urgency of the sexual charge that took me over and blurred all else has passed and there is only the shock and guilt of what has just happened. I am dizzy and frightened.” (49-50)

“I felt so betrayed by my own body, which reacted to what was happening. I was sickened that I could become aroused and experience sexual pleasure at the same time as feeling terrified and disgusted. (49)

Colm confronts the Priest the next morning:

“Father’, I say. ‘That can never happen again. It’s wrong’.

He [Fortune] nods his agreement but doesn’t say anything. Instead he waits to hear what I will say next.

‘It shouldn’t have happened and I don’t know what to do. It’s so very wrong. I feel sick.’

He finally speaks just as I feel I’m about to burst apart with guilt and shame.

‘You’re right, of course you are right. It was wrong and must never happen again. You must never do such a thing again.’” (p. 51)

Priest springs the trap . . .

“Before long we were close to home. . . . Then Fortune said, ‘I’m worried about you. You have a problem.’ I froze and said nothing, too scared to speak.

‘I am a priest and I have a duty to do something about it’. My mind raced, I didn’t know what he meant by ‘do something’. I didn’t have time to think. We were moments away from home, from my parents.

‘I could talk to your father . . . that might be best.’

I started to scream inside. Panic raced through me and the world started to spin. I wanted to escape, jump from the car, anything to get away from that awful moment. Anything to prevent what he said he might do. My father . . . it would kill him to know what I’d done, what I was. He would die from shame.”

“There was no choice. I knew I could not stay alive in this world if everyone knew, especially if my father knew. I’d spent my first fourteen years as my father’s son trying to find a way to his heart. I was so eager to win his love and admiration, so hungry to find myself reflected in him in some way. I had never been able to break through to him but I wanted to so desperately. And now the priest, that other father, threatened to take any hope of that from me.” (53)

“My first sexual experiences were abusive.” (63)

“Another impact of the abuse was that I lost any faith in my ability to stand up for myself. When I first went to the new primary school, I still had some self-confidence. I was quieter and more withdrawn than the other boys, but I remember standing up to a bully and pushing him back. But at fourteen my ability to defend myself was seriously tested. Fortune found me and I was unable to protect myself from him. He swept aside all my defenses, and I was forced to tolerate and submit to his will.”

“I remember one occasion when I did try to stop him. He started to touch me again when I was in his house, in his bed. I don’t know what was different this time, other than I’d reached a breaking point. I kept saying no and as usual he didn’t listen, he just kept pawing on me.” (63)

Intent

Kamloops man accused of procuring sex with child (Vancouver Province Newspaper 2009)

A 33 year-old man who allegedly **wanted to purchase sex from a three-to-five-year-old girl** remained in police custody Monday. The man was arrested Saturday night at a home in Kamloops where he went **believing he was to meet a young child for sex**. Police received a report from a person who said they had received a text message from the suspect. “The text allegedly asked the person to provide the suspect with **a three-to-five-year-old girl for sex**, and that he would pay for the service by way of a finder’s fee”, said Sgt. Scott Wilson. **The man was arrested for procuring for sexual purposes** under Sec. 212 of the Criminal Code. Wilson said the suspect is known to police and was charged with a **sexual-related offence with a person under 12 years of age** in 2008. He was convicted of **sex assault** in 1999, police added.

Kamloops man

sex

sex from

sex from a three-to-five-year-old girl

purchase sex from a three-to-five-year-old girl

wanted to purchase sex from a three-to-five-year-old girl

sex

for sex

a young child for sex

meet a young child for sex

believing he was to meet a young child for sex

Kamloops man cont'd

sexual

sexual purposes

for sexual purposes

procuring for sexual purposes

the man was arrested for procuring for sexual purposes

Sexual Intent and Violent Acts: How False Descriptions Lead to False Inferences

“**wanted** to purchase sex from a three-to-five-year-old girl”

“**believing** he was to meet a young child for sex”

“the man was arrested for procuring for sexual **purposes**”

Alternative: Re: Kamloops man

violate

violate a young child

abduct and violate a young child

planning to abduct and violate a young child

Intent: “planning to abduct and violate”

Michelle Harshenin: Self-hatred as resistance

Dear Allan,

I spoke briefly to you about my shifting thoughts regarding what were previously considered 'negative' responses into what I can now view as resistance to trauma. I would like to share the context around my comment regarding self-hatred with you, as I hope you can share it with others in your future talks and it may shed some light into the behaviours of teenagers and children who may be resisting in similar ways.

When I was 29 years old, repressed memories of childhood sexual violence and incest surfaced. My alcoholic father was the offender. I blocked out 95% of my childhood memories up until the age of 10. This was one way I resisted the trauma I had endured. I am so deeply grateful that my spirit was able to protect me from the horrors of that time, and continues to protect me to this day to some extent.

I remember at the age of 10, becoming angry at my father for his drinking, and expressing that anger toward him. It was Christmas Eve. He left and I was immediately filled with fear, guilt and shame because I believed I had inflicted pain on him. From that point forward, until I was an adult, I never again expressed disappointment, anger or resentment outwardly toward him.

In the training I realized that, from a very early age, it was not safe for me to direct the anger and pain I felt toward him. For, if I hated my father, it meant that what was happening to me was real, wrong and overwhelmingly painful. So, instead, I made the decision to direct all of my hatred, anger, pain and confusion toward myself. It was safer and it meant that what was happening to me and around me could be ignored.

I can recall smashing my head with my hairbrush, crying and screaming at myself in the mirror, even throwing a hatchet at the mirror hanging on my bedroom wall. I was filled with a deep, primal internal hatred.

Until Friday, I still felt confusion around the self-hatred. But now, I feel like I understand it and can find the gift in all those years of self-sabotage and pain. It was not weakness: It was strength! This is powerful shift.

I realized that perhaps the reason I resonate so deeply with response-based work is the fact that I am hypersensitive to social responses. Over the years, I have experienced countless responses, many of them have been very negative and traumatic, and many have been extremely positive and inspiring.

What I notice the most is that I can recall the details of those responses with great detail, as though they happened yesterday. I can recall the response I received from my father when I confronted him about the abuse, down to the smell in the air.

The “Tell it like it is!” campaign.

Join us.

Kia Ora!