

Department of Justice Canada

Ministère de la Justice

Canada



for health care providers, caregivers, and older adults



# Increasing Access to Justice for Older Adult Victims of Sexual Assault

A Capacity Building Approach

Presented By: Kathy Majowski, Registered Nurse

& CNPEA Board Chair

**Facilitated By:** Bénédicte Schoepflin, Project Coordinator & CNPEA Executive Director



#### The Access to Justice Project

Project funded by the Justice Canad Victims Fund

Full title: "Increasing Access to Justice for Older Adult Victims of Sexual Assault: A Capacity Building Approach"

Project timeline: April 1, 2017 -March 31, 2020



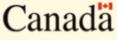


#### About the CNDE

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#### What Needs to Happen News

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Sexual assault of older persons is the least likely form of elder at to be disclosed and the least likely form of educal violence to be disclosed. The private roots of the least likely form of sexual violence to be

# Kathy Majowski

Acknowledgement that I work and live in Treaty 1 territory, the traditional territory of Anishinaabeg, Cree, Oji-Cree, Dakota, and Dene Peoples, and in the heart of the Métis Nation



- CNPEA Board Chair
- Working in health care since 1999, first as a Health Care Aide (HCA), and then a Registered Nurse
- Nursing experience includes hospitals, care homes, community settings, clinics, and remote communities
- Experience classroom and online teaching for various health professions (HCAs, Community Support Workers, Unit Clerks, Medical Office Assistants)
- Staff Educator in long-term care
- Board Member at Klinic Community Health



## About the CNPEA

The Canadian Network for the Prevention of Elder Abuse is a pan-Canadian nonprofit organization that connects people and organizations to foster knowledge exchange, and to advance program and policy development at the local, regional, provincial/territorial, and national levels to prevent the abuse of older adults.

Visit our website at CNPEA.ca





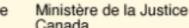
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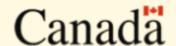
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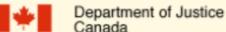
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## **Our Team & Advisory Committee**

#### Myrna Dawson - Project Consultant

Professor and Director of the Centre for the Study of Social and Legal Responses to Violence (CSSLRV; www.violenceresearch.ca), University of Guelph. Her research focuses on trends/patterns in and social/legal responses to violence with emphasis on violence against women and femicide.

#### Dr. Amy Peirone - Research Assistant

Post Doctoral Fellow, University of Guelph. PhD candidate at the University in Windsor in the Department of Sociology, Anthropology and Criminology. She holds a Master's degree in Criminology from the University of Ottawa, and a Master's degree in Social Data Analysis from the University of Windsor.

#### **Bénédicte Schoepflin** - Executive Director & Project Coordinator

Bénédicte joined CNPEA in Feb 2015 to become the Network's Communications Assistant during the Knowledge Sharing Project. Since the completion of the project, she has moved into the role of CNPEA's Executive Director, overseeing the management of the Hub, development of webinars, the Network's communications and social media, as well as all daily operations and the current Access to Justice project.

#### **Project Advisory Committee**

Joan Braun Lawyer, Mediator, and Consultant

**Dr. Cathy Carter-Snell**Mount Royal University

Lucie Fortin Lawyer/Mediator

Wanda Gabriel McGill University

Mona Gregory Libra House Inc.

Krista James Canadian Centre for Elder Law Kristal LeBlanc
Beauséjour Family Crisis
Resource Centre Inc.

Raeann Rideout Elder Abuse Prevention Ontario

Bernice Sewell
Seniors Association of
Greater Edmonton

Wendy Verhoek-Oftedahl Family and Human Services/Child and Family Services



# What we know

- Persons aged 65 years and older represent almost one-fifth (17%) of the Canadian population (Statistics Canada, 2016)
- Four to 10 percent of Canadian seniors experience some form of abuse, only a fraction of these cases are reported

#### **Elder Abuse**

A single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person. (WHO 2002)

#### Sexual Abuse of an Older Adult

While sexual abuse across the lifespan is vastly underreported for most victims, sexual abuse of older adults is described as the most underreported and least acknowledged type of elder mistreatment

Elder sexual abuse refers to sexual victimization that is perpetrated against an adult aged 60 years or older, and includes a series of hands off and hands on behaviours (Ramsey-Klawsnik, 1991, 2010).

## Into the Light: National Survey on the Mistreatment of Older Canadians (2015)

Regarding Sexual Assault

**Definition:** Direct or indirect involvement in sexual activity without consent.

#### **Perpetrators**

- Majority were not family (79%)
- Most were male (87.7%)
- Only 3.1% lived with victim
- 17.9% had mental health problem, and 20.9% had problematic alcohol use

#### **Abused Older Adults**

 One-fifth of abused had a previous experience with sexual abuse (as a child, youth, or adult)



## Literature Review #1

## What we discovered

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Suggestions for Responding to Sexual Association of Ciden Adultation Challenge used interruping global management of Ciden and Cident Adultation Challenge used in demonstrating and control and contr

## Societal Misunderstandings about Sexual Assault

Myths: these crimes are fueled by sexual desire, and rape is an expression of passion

- Coupled with the ageist assumption that older adults are asexual and not vulnerable to sexual abuse, it makes acknowledging sexual violence against an older person difficult
- In reality, sexual assault involves the use of power and control over a vulnerable person, and not passion
- Not only does society underestimate the possibility and likelihood of sexual abuse against older adults, so too do potential or actual victims.





Women are viewed as older at a younger chronological age than men and, while an aging male may still be viewed as sexually alluring or distinguished, aging women are often viewed as unattractive, asexual, and even useless, although there is a movement to change such images and stereotypes.

By viewing older persons, and particularly women, as asexual, they may be ignored as potential victims of sexual abuse or assault.

It is not common for researchers to acknowledge the intersection of violence and aging because older women have traditionally been overlooked in literature pertaining to violence against women and intimate partner violence more generally.



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# In Canada

The trend in the nationally représentative Canadian victimization studies on older adults is to combine the categories of physical and sexual violence. This limits the ability to assess the prevalence of sexual violence against older adults, independent of other physical types of abuse or violence.



# In Canada

A comprehensive case law review of sexual assaults over a period of two decades in Canada (1995-2015), reported that almost four percent of cases of sexual violence throughout Canada involve older complainants (aged 55 years or older).





# Characteristics of the Abused

- Older women are much more likely than older males to be victims of all forms of mistreatment, including sexual abuse and violence
- Older female victims (55+ years) of sexual violence were more likely to live alone and to have physical and cognitive impairments
- Victimization occurs most often in the victim's home
- Poor physical and/or mental health as well as physical and/or mental disabilities have been associated with a higher risk



# Characteristics of the Perpetrators

Knowledge about perpetrators of sexual violence against older adults is limited. The vast majority of information is derived from case reports at police stations or other agencies

- Few studies focus on those who victimize older persons
- We know that sexual perpetrators prey on victims who are easy to overpower, unlikely to report the abuse, and will not be viewed as credible if they do report
- Perpetrators who target older women tend to display more severe behaviours, motivated by rage, anger, sadistic intent and/or a desire to be in control
- More likely to engage in brutal violence involving a weapon, resulting in injury, or death



# **Other Correlates**

- Indigenous women are disproportionately victims of sexual violence across the lifespan, including in older age
- Individuals who have activity limitations are more likely to experience sexual violence than those without limitations
- Lower levels of income and education are also associated with higher levels of sexual violence among older adults
- Previous sexual victimization was found to be the strongest predictor of sexual assault among older adults
- Lower levels of social support were found to be associated with all types of abuse



# Suggestions for Responding to Sexual Assault of Older Adults

- Challenge societal values regarding older women and sexuality
- Recognize older women's vulnerabilities re: sexual violence
- Educate older persons about sexual abuse
- Improved education/training for staff on the signs, symptoms, patterns, and risk factors of abuse associated with both victimization and perpetration
- Take immediate action, to prevent compromising evidence
- Importance of not blaming the victim by linking caregiver stress to abuse
- Move beyond the 'awareness phase' to develop, implement and test social and legal interventions for sexual violence of older persons



## Literature Review #2

## Key Resources and Strategies

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#### Strategies for Intervention

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#### **Practical Strategies**

#### Prevention, Identification, and Intervention

- Literature and research on elder sexual abuse stresses the importance of tailoring prevention, identification, and intervention efforts specifically to older adults.
- Methods and approaches for addressing sexual violence in younger adults are not necessarily applicable for older victims.
- Vulnerability of elders as a unique group of victims is highlighted throughout the literature.
- Although older victims of sexual abuse may require more assistance and specialized help compared to younger victims, older victims typically receive less services and interventions, characterizing a gap in our current approach to elder sexual abuse

#### Strategies for Prevention

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#### Strategies for Prevention

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 Prevention-augmorathies are multifacened, with afforts aimed at claims, care providers, advocates, and larger success.

## Some Existing Resources and Tools

#### General Resources for Older Adults

Safe at any age: curriculum http://www.pcar.org/sites/default/files/resource-pdfs/pcarsafeatanyage.pdf

Preventing and Responding to Domestic & Sexual Violence in Later Life https://vawnet.org/sc/preventing-and-responding-domestic-sexual-violence-later-life-O

#### Resources for Service Providers & Health Care Professionals

Sexual Abuse of Older Adults: An Intervention Guide http://www.elderabuseontario.com/wp-content/uploads/2018/03/ MARCH-2018-Sexual-Module-final.pdf

Sexual Violence in Later Life: A Technical Assistance Guide https://www.nsvrc.org/sites/default/files/2013-10/ publications\_nsvrc\_guides\_sexual-violence-in-later-life\_health-care-providers.pdf

#### Resources for Support Groups & Advocates

NCALL Trainer's Toolkit: Sexual Abuse in Later Life https://www.ncall.us/for-trainers/

Elder Sexual Abuse: Online Course https://c.ymcdn.com/sites/www.naswma.org/resource/resmgr/imported/ FCE\_ElderSexual Abuse.pdf

Maturing Your Services: Advocating for Survivors of Sexual Violence in Later Life https://www.nsvrc.org/elearning/21003

#### Resources for Criminal Justice Personnel

Elder Sexual Abuse: The Hidden Victim http://www.pcar.org/sites/default/files/resource-pdfs/ eldersexualabuseatrianing\_programforlawenforcement.pdf



# Practical Strategies

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# Strategies for Prevention

- Combining multiple strategies
   designed to reduce or mitigate risk
   factors for sexual violence
   victimization and perpetration,
   awareness campaigns, training, and
   institutional policies.
- Prevention approaches are multifaceted, with efforts aimed at elders, care providers, advocates, and larger society.



# Strategies for Prevention

## **Educational & Awareness Campaigns:**

- Challenging the myths about sexual violence
- Materials specific to older adults
- Discussions between care providers and older adults
- Bystander education

## Training:

- Initiatives for LTC staff, care givers, and advocates
- Emphasis on zero tolerance of abuse toward older adults and a clear articulation of organizational response

## Policy Development & Implementation:

- Due diligence in recruiting, screening, employing, training, and supervising personnel
- Staff response and management of hypersexualized behaviours among those with dementia and other cognitive impairments



# Strategies for Encouraging Disclosure & Identification

- Older victims face barriers to disclosing experiences of sexual victimization
- Practical suggestions and guidelines for care professionals and service providers to encourage self-disclosure, and to increase the likelihood of recognizing and identifying indicators of sexual abuse when victims hesitate to, choose not to, or are unable to disclose their abuse experiences



# Strategies for Encouraging Disclosure & Identification

- Routine and regular assessment and screening
- Avoid assumptions that an older person with a diagnosis of dementia/other cognitive impairments is unable to disclose their experiences
- Taking a trauma informed approach to inquiring about potential abusive experiences
- Training and awareness for health care professionals and care providers on ways to identify potential victims of elder sexual abuse based on non-verbal or behavioral changes



# Strategies for Intervention

Once sexual abuse has been disclosed or identified, services, safety planning strategies, outreach, and response should be tailored to address the unique needs of older victims.

## Programming & Services:

- Designed specifically for older adults, with input from older adults
- Training older adults to provide peer support
- Domestic violence and sexual assault centres/ services should be inclusive spaces that are welcoming to older victims of sexual assault



# Strategies for Intervention

## Training and Education:

- Mandatory training for care/service providers, to ensure that they're aware of actions to take in the aftermath of elder sexual abuse
- Criminal justice professionals should also receive training regarding appropriate ways to respond to older victims of sexual assault

#### Collaboration:

- Cross-agency collaborative approach, to develop a coordinated community response focused on the unique needs of older victims of sexual abuse
- Sexual abuse advocates to help older adults navigate available services and supports, including helping with guardians or loved ones about the impacts of sexual victimization in later life



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eldersexualabuseatrianing\_programforlawenforcement.pdf









- Definition of sexual abuse and examples
- Who is most at risk (living in community and in long term care settings
- Identifying the likely perpetrators
- What someone might feel, and what caregivers might see
- Where to get support

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#### SEXUAL ABUSE IN LATER LIFE:

#### A FACT SHEET FOR OLDER ADULTS

WHAT IS SEXUAL ABUSE OF OLDER ADULTS?

Any sexual behaviour directed towards an older adult without their consent. Sexual abuse of older adults is best viewed as occurring along a continuum of hands-off to hands-on behaviours. These behaviours may include, but are not limited to:

Inappropriate or
harassing sexual
comments, jokes,
or suggestions

Forcing you to watch or listen to pornography or masturbation

Unwanted kissing or touching

Forcing you to engage in, or listen to discussions of sex or sexualized activities

Exposure of one's private body parts to you without your consent

Harmful or unnecessary genital hygiene practices

Taking explicit photos/videos & sharing them online without your consent

Fondling

Coerced nudity

Forced vaginal penetration

Forced oral sex

Forced anal penetration



the PREVENTION of ELDER ABUSE RÉSEAU CANADIEN pour la PRÉVENTION du MAUVAIS TRAITEMENT des AÎNÉS BY AMY PEIRONE & MYRNA DAWSON, PHD



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It is important to remember sexual abuse does not only happen to younger people. It occurs across the life span to individuals of all ages and in all cultures and socioeconomic groups.

## WHO IS THE MOST LIKELY TO CAUSE YOU SEXUAL HARM?

Quite often, abuse is caused by someone known to the victim, but also includes any other offender, including strangers.

Although women can and do cause sexual harm, men are more likely to engage in sexually-harmful behaviour. Persons most likely to cause sexual harm can include:

- Spouses or partners
- Caregivers
- Friends

- Sons, grandsons, and nephews
- Acquaintances
- Strangers

#### WHAT IF I HAVE BEEN HARMED SEXUALLY?

#### Please remember:

- You deserve, and have a right to be treated with respect
- You have a right to live free from all types of deliberate harm and abuse
- You have a right to safety and security
- You are not alone
- · Abuse often gets worse over time
- There is no excuse for abuse EVER. Abuse is NOT your fault

### WHAT A REACTI SEXUA

- Fear
- Anxiety
- Neglect of one's own health

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### WHAT ARE SOME COMMON FEELINGS AND REACTIONS AFTER BEING HARMED SEXUALLY?

- Fear
- Anger
- Shame and/or Powerlessness Depression
  - · Self-blame

Anxiety

health

one's own

- Shock Neglect of Sleep
- Embarrassment Confusion Disbelief

disturbances . Lack of trust

- Alcohol,
  - substance, or medication misuse
- Not wanting to be

touched

NOTE: These are only some of the reactions you may have. It is OK and NORMAL to have these and/or any other reactions and feelings.

#### WHAT CAN I DO TO STAY SAFE FROM ABUSE AND INCREASE MY SAFETY?

- · If you are in immediate danger call 911
- If you can, try to get to a safe place, away from the abuser
- If you are experiencing pain or have injuries, consider seeking medical treatment
- Consider seeking counselling, and/or reach out to someone you trust - family, support worker, caregiver, health care professional, seniors centre, legal professionals, members of faith communities
- Prepare a safety plan in case you need to leave your home quickly. This safety plan should outline the steps to take when exiting an abusive situation, including:
  - o identifying safe places to go (e.g. friends, family, community shelters, etc.)
  - o having a list of medications and important phone numbers
  - o having taxi or bus fare prepared
  - o planning for pets (if applicable), including a place for them to go if they cannot go with you, or having someone care for them at home

### WHO IS AT RISK?

Older adults living in the community:

- Women
- Those living alone
- Those with physical weakness, frailty
- Those who are dependent on others

Adults in long-term care settings:

- Women
- Those who are 79 +
- Those with cognitive impairments
- Those who are dependent on others

#### WHO ARE THE PERPETRATORS?

Although stranger-perpetrated sexual abuse does occur, sexual abuse of older adults is typically perpetrated by males who are well-known to their victim(s). They can include:

- Caregivers such as nurses, aides, PSW's, or other formal/informal caregivers
- Male family members, (e.g. adult children, grandchildren, or nephews)
- · Spouses or partners

- Other residents in care facilities
- Volunteers or other staff at LTC facilities
- Strangers

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### GENERAL CHARACTERISTICS OF ABUSE

While not necessarily definitive of sexual abuse, the following characteristics or red flags may be useful in identifying a potentially risky or abusive situation. Recognizing these characteristics can help caregivers provide adequate and appropriate support to victims.



#### Characteristics to watch for in potential victims

- · Self-disclosure of sexual abuse
- Frequent changes in doctors, or 'Doctor shopping'
- History of missed appointments and/or a delay in seeking medical care
- Frequent visits to ER, doctors office, or clinics with unexplained injuries



#### Characteristics to watch for in potential perpetrators

- Doesn't want to leave the patient alone with the health care provider
- Behaves aggressively towards the older person, or treats them rudely, or like a child
- Makes decisions without consulting the older person
- Refuses to allow diagnostic tests or hospitalization for the older person
- Inconsistency or conflicting information provided by the caregiver (e.g. caregiver says they give medication as directed, but patient has very low quantities of medication in their system)
- Is evasive, defensive, or hostile when questioned directly
- Evidence of marital conflict, instability, or familial discord
- Lack of understanding of the aging process, or expression of an ageist attitude

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- Male fa adult of or neph
- Spouse

# WHAT TO DO IF YOU BECOME AWARE OF SEXUAL ABUSE?

- Consider the needs and desires of the victim, and whether he/she wants intervention
- Address immediate safety issues:
  - Do not enquire about abuse in the presence of the suspected abuse
  - If the victim has been injured, determine if they require medical attention
  - Determine if the victim can self contact police, shelters, or other emergency services
- Express sympathy and empathy, and do NOT blame the victim
- · Consider reporting abuse to police
- If you are a medical professional, follow appropriate protocols for reporting abuse.
- Be aware of community resources for intervention and counselling, and direct or assist the older person in accessing these resources.
- If the victim lives with the abuser and they are currently not prepared or able to terminate the relationship or seek alternate living arrangements, help them create a safety plan.



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- Each Snapshot features a relevant
   research study or resource from
   Canada or emerging topics that have
   been identified in other countries.
- Each Snapshot also identifies how this information can be used by professionals to guide policy change and improve the work we do

Snapshot #1: summarizes research on Resident on Resident Abuse in Long-Term Care

Snapshot #2: summarizes research on criminal justice responses to the sexual assault of older women in Canada

Snapshot #3: summarizes a critical review of the current knowledge base and literature on the sexual assault of older women

Snapshot #4: summarizes the first comprehensive review incorporating empirical research on sexual violence against older people across multiple disciplines and fields of study





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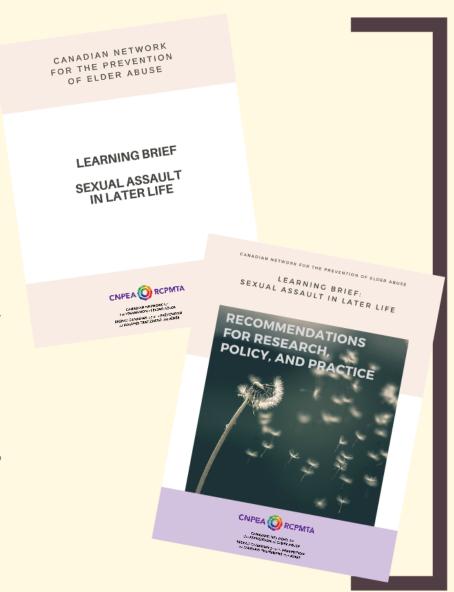
**Snapshot #4:** summarizes the first comprehensive review incorporating empirical research on sexual violence against older people across multiple disciplines and fields of study





## O CNPEA Learning Briefs

- Two Learning Briefs have been developed, focusing on:
  - 1. Sexual Assault in Later Life
  - 2. Elder Sexual Assault in Long-Term Care Facilities: Key Findings and Trends
- · Each Learning Brief has a "Recommendations for Research. Policy, and Practice" companion document





# **Project Webinars**

Sexual Violence and Older Women: Working Towards Justice Dr. Bianca Fileborn



The Sexual Assault of Older Women: Criminal Justice Responses in Canada Isabel Grant & Janine Benedet

Sexual Assault of Older Adults: Building Bridges Between Health and Justice Linda Reimer & Raeann Rideout

Trauma-Informed Supports for Older Adults who are Survivors of Sexual Assault: A Manitoba Perspective

Jerra Fraser, Amanda Thiessen, Katherine Nelson

Being Heard: Police Response and Support for Older Victims of Sexual Assault
Laura Proctor, Detective Staff Sergeant Tracey Bednarczyk, Detective Inspector Karen Arney



### **Knowledge Gaps**

# What we know about sexual violence victimization among older adults in Canada is limited

- Literature is sparse, often fails to focus specifically on instances of sexual violence
- Methodological shortcomings, including small sample sizes or convenience samples
- Impacts the ability to generalize or draw concrete conclusions

## Key elements in the study of elder sexual abuse

- Issues related to terminology and definitions of elder sexual abuse
- Risk factors for victimization and perpetration
- Key differences in victim-perpetrator relationships
- outcomes of elder sexual violence
- Suggestions and recommendations for preventing, addressing, and responding to instances of elder sexual violence.

## What Needs to Happen Now?

A national strategy that assesses the incidence, prevalence, and characteristics of the experiences of sexual violence among older women in Canada

- Sexual assault of older persons is the least likely form of elder abuse to be disclosed and the least likely form of sexual violence to be disclosed
- The private nature of sexual victimization among older persons, coupled with ageist assumptions regarding the sexuality and sexual health of older persons complications the identification and recognition of elder sexual abuse substantially.

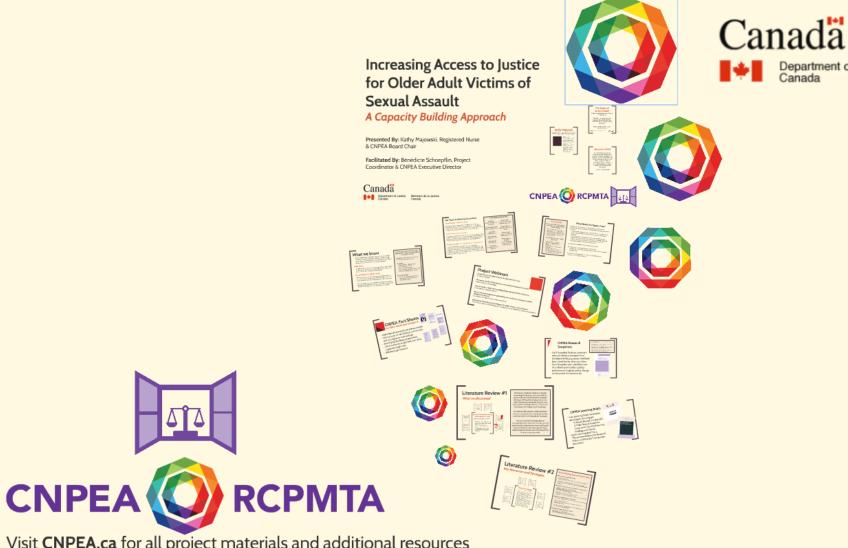
Examine the longitudinal impacts of elder sexual abuse

The need for research on perpetrators characteristics

 Including the examinations and evaluations of treatment or programs for perpetrators

The need to include older persons voices in the development of intervention and/or policy initiatives





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Visit CNPEA.ca for all project materials and additional resources for health care providers, caregivers, and older adults

