

**Proposed Changes to the Child and Family Services Act
Submission to Law Amendments, November 16, 2015**

Submitted by:

The Sexual Assault Services Association of Nova Scotia and
Women's Centres Connect, the Provincial Association of Women's Centres in NS.

This submission pertains exclusively to the proposed change of language in Section 25 (2): Duty to Report.

We support the addition of "child under 16" to address concerns that a mandatory duty to report third party abuse would deter youth between 16 and 19 from seeking services.

We understand that the intent of the legislation is to extend protection to this vulnerable and under-served age group. As agencies with years of experience in working with victims of sexual violence, we have grave concerns that extending the duty to report third-party sexual violence for victims 16-18 would have negative consequences. At the same time that the Sexual Violence Strategy acknowledges barriers to youth reporting of sexual violence, implementing mandatory reporting would increase these barriers. We have countless reports from service providers indicating that youth intentionally wait until they are 16 to report sexual violence, so they can access confidential services.

In the 2015 report, *Youth Engagement on the Topic of Sexualized Violence in Nova Scotia*, produced by the Heartwood Centre for Community Youth Development for the Sexual Violence Strategy, youth spoke to the issue of confidentiality. They noted that because of "the extremely sensitive nature and complex layers at work within sexual violence... confidentiality is absolutely paramount when they disclose their experiences. Youth hold the legitimate concern that should their confidentiality be breached, the impact would be extremely negative and potentially prevent them from taking further action or seeking the support they need." The report goes on to say, "Confidentiality held the most weight for youth as a barrier to accessing supports or services regarding sexual violence.

Because there is such reluctance to report sexual violence, victims are delayed in receiving extremely time-sensitive services that are critical to their welfare. The medical community states that there is a small window for crucial medical care after a sexual assault, for instance, the morning after pill, STI treatment and H.I.V. Pre-Exposure Prophylaxis (PrEP). Also, SANE kits (Sexual Assault Nurse Examiner) are time sensitive. It is a major concern that youth 16, 17 and 18 will not seek proper treatment if mandatory reporting is required.

Psychologically, this age group is already a vulnerable population, with an increased risk of mental illness and suicide. If we take away their right to report, how will they be affected emotionally? Also, we believe that it is re-victimizing to take away control over their decision making process to report a sexual assault.

In the same way that the medical system recognizes the right of and protects the confidentiality of the "mature minor" to seek medical services and to make decisions about their health care, it is imperative that Child Protection extend that right to 16 -18 year old youth who seek services after a sexual assault. Service providers can inform youth about supports available through the Department of Community Services and, where the youth would like to access those services, and can support them to do so. This would be very much in line with the collaborative approach to service delivery being developed by many communities addressing sexual violence.

We encourage you to adopt the proposed change to Section 25 (2)" which limits the duty to report incidents of third-party sexual violence to "children under the age of 16". We understand and support the duty to report in situations where there are younger children in the home and who are vulnerable to the perpetrator.

Stakeholder Consultations in Legislative Review

In July, Women's Centres were invited to review changes to the Act. This allowed us to identify the need to change the duty to report to protect the confidentiality of those over 16 years of age. We were able to consult further with the Sexual Assault Services Network of NS who, in turn, consulted more broadly with their members and service partners in university health and counselling services, and student unions around the issue. Our concerns led to the Department of Community Services developing a deeper understanding of the barriers to disclosure and reconsidering the duty to report

Early consultation with service providers and other key stakeholders would be most helpful in identifying potentially unintended consequences.

We applaud the Minister's response to our concerns, and are grateful that our voices have been heard.

Respectfully submitted,

- Jackie Stevens, Executive Director, Avalon Sexual Assault Centre and Co-Chair, Sexual Assault Services Network of NS
- Miia Suokonautio, Executive Director, YWCA Halifax and Co-Chair, Sexual Assault Services Network of NS
- Georgia Barnwell, Coordinator, Women's Centres Connect and Co-Chair, Sexual Assault Services Network of NS

The Sexual Assault Services Network of NS, and Women's Centres Connect, the Provincial Association of Women's Centres in NS are comprised of community-based organizations which provide direct services to victims of sexual violence. Members are:

Avalon Sexual Assault Centre (Halifax), Alice Housing (Halifax), Antigonish Women's Resource Centre and Sexual Assault Services Association (Antigonish), Central Nova Women's Resource Centre (Truro), Every Woman's Centre (Sydney), Harbour House (Bridgewater), Heartwood Centre for Youth Community Development (Halifax), LEA Place Women's Resource Centre (Sheet Harbour), Leaside Society (Port Hawkesbury), ManTalk (Halifax), Mi'qmaq Native Friendship Centre (Halifax), Nova Scotia Association of Black Social Workers (Halifax), Nova Scotia Native Women's Association, Persons Against Non-state Torture (Truro), Pictou County Women's Resource and Sexual Assault Centre (New Glasgow), Raven Wisdom Retreat (Hants County), SANE Program, Avalon Sexual Assault Centre (Halifax), Second Story Women's Centre (Lunenburg), Sexual Assault Services of Lunenburg Queens, Strait Area Women's Place (Port Hawkesbury), The Youth Project (Halifax), Tri-County Women's Centre (Yarmouth), Women's Place Resource Centre (Annapolis Royal), YWCA Halifax, Women's Centres Connect.