



DisAbled Women's Network of Canada

Réseau d'action des femmes  
handicapées Canada

# Community Impact Statement

## Women and Girls with Disabilities and the Impact of Sexual Assault

May 12, 2022

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## Introduction to DAWN Canada

We are the DisAbled Women's Network (DAWN) Canada, a bi-lingual, national, feminist, cross-disability organization. Founded in 1985, DAWN Canada is a federally incorporated, non-profit organization that advocates on behalf of and promotes the voices of Canadian women and girls with disabilities. Our overarching strategic approach is one of leadership, partnership and networking to engage all levels of government and the wider disability and women's sectors and other stakeholders to address issues of discrimination, violence, poverty and isolation. As a result of our longstanding advocacy in these areas, DAWN Canada has significant knowledge about how violence against women and girls with disabilities manifests, equality rights issues with respect to sexual violence, and the impact of criminal law and the law of evidence on sexual assault complainants with disabilities.

DAWN Canada is governed by a national Board of Directors and has affiliated groups in various regions across Canada. DAWN Canada works with community-based researchers and academic partners and applies an intersectional lens (race, colour, age, 2SLGBTQIA+, etc.) to all of its work.

Since 1995, DAWN Canada has served, either independently or in coalition, as a frequent and respected intervenor in various legal proceedings, including at the Supreme Court of Canada ("SCC"), especially in lending our equity-related insights and expertise with respect to sexual violence against women and girls with disabilities. Important to the issues in this case, DAWN Canada participated as intervenors in *R. v. DAI*, 2012 SCC 5 and *R. v. Slatter*, 2020 SCC 36. In these cases, the SCC acknowledged that the alarming fact is that women and girls with intellectual disabilities are subject to disproportionately higher rates of the "evil" of sexual assault.

In addition, DAWN Canada has intervened before the SCC in the following cases:

- *O'Connor v. The Queen*, [1995] 4 S.C.R. 411
- *A (LL) v. B (A)*, [1995] 4 SCR 536
- *R. v. Ewanchuk*, [1999] 1 S.C.R. 330
- *R. v. Darrach*, [2000] 2 S.C.R. 443
- *Eldridge v. British Columbia (Attorney General)*, [1997] 3 S.C.R. 624);
- *BCGSEU v. British Columbia (Public Service Employee Relations Commission)*, [1999] 3 S.C.R. 3
- *Auton (Guardian Ad Litem of) v. British Columbia (A.G.)* [2004] 3 S.C.R. 657
- *Barney v. Canada (Minister of Northern Affairs and Northern Development), and the United Church of Canada*, [2005] S.C.J. No. 59
- *Council of Canadians with Disabilities v. VIA Rail*, [2007] 1 S.C.R. 650

This Community Impact Statement reflects the extensive body of research that DAWN Canada has undertaken or participated in with respect to the lived experiences of girls, women, and non-binary people with disabilities in Canada. We use this research to advocate on behalf of this community, educate the public, and influence policy change.

## Our Perspective

We respectfully submit this Community Impact Statement to this Honourable Court in order to emphasize the importance of hearing the voices of women and girls with disabilities regarding the cumulative gravity of harms that flow from cases like the matter at bar and to spotlight the urgent need to end entrenched patterns of sexual violence against our community. We thank the Honourable Court for affording us this opportunity.

The targets of sexual violent crimes are often the most vulnerable and marginalized in society, specifically women and girls with disabilities. We must eradicate the systemic structures and individual factors that perpetuate a culture of sexual violence against women and girls with disabilities. Social institutions, including judicial services, repeatedly fall short in combatting the endemic “evil” of sexual assault of women with disabilities. Consequently, our community of women and girls with disabilities experience deep mistrust of the criminal justice system. This is because historically there has been little redress in deterring and denouncing offenders and inadequate steps to safeguard the security of victims, respect their inherent dignity and promote a sense of personal responsibility and communal accountability. Social and judicial systems have failed to stem the propagation of sexual violence against women and girls with disabilities and failed to ensure responsibility commensurate with the harms experienced by our community. Inevitably, this has had a devastating impact on the collective physical and psychological wellbeing of our community of women and girls with disabilities.

As discussed below, our community wishes this Honourable Court to understand that our victimization has indicia of systemic factors. The sexual violence we experience:

- is repeated, frequent and extended;
- involves multiple perpetrators, often individuals who are in positions of trust;
- starts when we are young children and is compounded into adulthood;
- is a spectrum of verbal and physical abuse to severe sexual attacks;
- is coercive and exploitive and this is viewed as socially permissible because of our disabilities;
- is often dismissed simply because we, the victims, live with disabilities and our inherent dignity is discounted; and
- is rarely subject to serious denunciatory findings because we are treated as less credible.

We submit the following information is the relevant background that we request this Honourable Court to consider when reflecting on our community's significant distrust, fears and pain and suffering. It is necessary to understand this socio-demographic landscape in developing awareness of the wider dimensions of the sexual violence perpetrated against our community and for building a path forward for fostering safety of women and girls with disabilities.

## Repeated sexual assault

There is no question that women and girls with disabilities experience increased levels of violence and victimization and are overrepresented as sexual assault survivors.<sup>1</sup> Women with disabilities are twice as likely as women without disabilities to have been sexually assaulted.<sup>2</sup>

However, what we would like this Honourable Court to better understand is the particular dimension to this egregious harm that is unique to women and girls with disabilities, especially those with intellectual disabilities, namely that the violence occurs *repetitively and frequently* because of the precise fact that the woman is disabled. The fact that the woman/girl lives with a disability heightens their vulnerability and exposes them to recurring assaults.

The research demonstrates that sexual assaults against women with disabilities is a systemic issue, impacting women and girls with disabilities as a whole community. Beginning from childhood, women with disabilities experience higher rates of sexual assault and are repeatedly re-victimized and traumatized throughout their life course. The tragedy for girls with disabilities is that their "lived reality" is one that normalizes sexual violence perpetrated repeatedly and frequently at the hands of their caregivers. Women and girls with disabilities "are at a higher risk for sexual violence owing to increased reliance on caregivers, communication/language barriers, being perceived as less credible victims, being socialized to have unquestioning compliance, and perceived vulnerability."<sup>3</sup>

Girls with disabilities are routinely subjected to violence - 38% of women with disabilities reported physical or sexual assault before the age of 15, and 18% report sexual abuse by an adult before the age of 15.<sup>4</sup> Girls with mental disabilities are disproportionately

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<sup>1</sup> Cotter, Adam & Savage, Laura, "Gender-based violence and unwanted sexual behaviour in Canada, (2018) Initial findings from the Survey of Safety in Public and Private Spaces" (2019) 85-002-X Juristat

<sup>2</sup> Perrault, Samuel, "Criminal Victimization in Canada" (2014) Statistics Canada, online: <<https://ryersonian.ca/n1/pub/85-002-x/2015001/article/14241-eng.pdf>> See also: Adam Cotter, "Violent victimization of women with disabilities, 2014" (2018) 85-002-X Juristat

<sup>3</sup> Ledingham, E. et al., "Sexual Violence Against Women With Disabilities: Experiences With Force and Lifetime Risk" (2022) AJPM, online: <[https://www.ajpmonline.org/article/S0749-3797\(22\)00049-6/fulltext](https://www.ajpmonline.org/article/S0749-3797(22)00049-6/fulltext)>

<sup>4</sup> Ibid

subject to sexual violence: 24% of women with cognitive disabilities (which include learning, intellectual and memory disabilities) and 26% of women with mental-health related disabilities report being sexually abused before the age of 15.<sup>5</sup>

The likelihood of being sexually assaulted in womanhood increases if she was sexually assaulted as a child. Women with disabilities who experience violence as children are almost two times as likely as those who had not experienced physical abuse to be victimized in the last 12 months.<sup>6</sup>

Factors such as age and type of disability impact vulnerability to abuse and sexual assault. For women with cognitive and mental health disabilities, rates of violent victimization are four times the rates of those who do not have a disability. Women who experience mental-health related disabilities and those with cognitive disabilities experience disproportionately high rates of sexual assault – “1 study of adults with an intellectual disability diagnosis found that 48.1% of sampled women experienced sexual violence in their lifetime.”<sup>7</sup>

Age and disability factor into the sexual assault and violence perpetrated by caregivers. Girls and women with intellectual disabilities regularly rely on caregivers for daily support and because of the nature of their disabilities, can often be highly dependent on their caregivers to help navigate their other relationships. This level of dependence increases the risk of violence and makes it particularly challenging to escape the abuse as it becomes a pattern of their dependency relationship. Caregiver abuse can also include threats of abandonment, emotional abuse, isolation, intimidation, withholding and/or misusing disability supports and equipment.<sup>8</sup>

The dependence on the caregiver and the lack of accommodation for women with disabilities within many spaces create barriers to accessing services (such as legal, physical support, gender-based violence services and women’s shelters) and prevents women from getting help.

Even if a woman with a disability is able to stay in the home (avoiding institutionalization where various forms of abuse from staff and patients occurs) that does not curtail the threat of violence, as 30% of incidents of victimization occurred in their home and 44% of women with disabilities reported the perpetrator was a friend, acquaintance, or

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<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup> M Codina, N. Pereda, “Characteristics and prevalence of lifetime sexual victimization among a sample of men and women with intellectual disabilities” (2021) *J Interpers Violence*

<sup>8</sup> Ann Curry, D. N., & Navarro, F., “Responding to abuse against women with disabilities: Broadening the definition of domestic violence” (2002) In *End Abuse Health Alert*, online:

<[https://www.futureswithoutviolence.org/userfiles/file/HealthCare/responding\\_to\\_abuse.pdf](https://www.futureswithoutviolence.org/userfiles/file/HealthCare/responding_to_abuse.pdf)>

neighbour.<sup>9</sup> In fact, isolation and confinement to their own home are contributing factors that intensify the risk and severity of assaults by family members.

An intersectional analysis is necessary to understand how a woman with a disability experiences a higher frequency of violence. The risk of violence increases when they are racialized, younger, Indigenous, LGBTQI2S, migrant workers, immigrants, non-status migrants or living in rural areas.<sup>10</sup> Women who have two or more disabilities experience higher rates of victimization.<sup>11</sup>

As sexual assault is likely to start in childhood, girls and women with disabilities live with the chronic fear that they are likely to be victims of the same perpetrator repeatedly and potentially assaulted by multiple perpetrators. In fact, in 2014 it was reported that 36% of women with disabilities confirmed being the victim of multiple and separate incidents of violence in the last 12 months.<sup>12</sup> A woman with a disability is more likely to be sexually assaulted, simply because of living with a disability, repeatedly over the life course in various environments (in the home, in institutions, public spaces).

Disability scholars point out that women with mental disabilities are often taken advantage of when they are most vulnerable – by people in positions of trust and authority and in places such as shelters or institutions.<sup>13</sup> Often, sexual favours are traded for money, cigarettes, or some other form of reward.<sup>14</sup> Much of this abuse is often chronic and often goes unreported (1 in 30 according to one study).<sup>15</sup> This is often due to their reliance on others, including those that may be exploiting them.<sup>16</sup>

An additional impact that should be considered is that violence is the precipitous cause of disability for many girls and women and an aggravating factor that increases the victimization of women with disabilities.<sup>17</sup> It is also important to consider the correlation

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<sup>9</sup> Perreault, S, “Criminal Victimization in Canada” (2014) Statistics Canada, online: <<https://ryersonian.ca/n1/pub/85-002-x/2015001/article/14241-eng.pdf>>

<sup>10</sup> Canadian Labour Congress, “Submission to Employment and Social Development Canada on Accessibility Legislation for Canadians with Disabilities” (2017)

<sup>11</sup> Ibid

<sup>12</sup> Perreault, S, “Criminal Victimization in Canada” (2014) Statistics Canada, online: <<https://ryersonian.ca/n1/pub/85-002-x/2015001/article/14241-eng.pdf>>

<sup>13</sup> Benedet, J. and Grant, I., “Hearing the Sexual Assault Complaints of Women with Mental Disabilities: Consent, Capacity, and Mistaken Belief” (2007) 52 McGill L.J. 243

<sup>14</sup> Ibid at pg.256

<sup>15</sup> Ibid at pg. 256

<sup>16</sup> Ibid at pg. 256-260

<sup>17</sup> Quinlan, L., “Accessibility and Disability for Indigenous Women, Girls and Gender Diverse People, Informing the New Federal Accessibility Legislation. Native Women’s Association of Canada” (2018), online (pdf): <<https://www.nwac.ca/wp-content/uploads/2018/08/FS-NWAC-Accessibility-20180804-FINAL.pdf>>

between violence and disability, as experiencing violence impacts mental health, including higher rates of depression.<sup>18</sup>

Women with intellectual and cognitive disabilities, including women with brain injuries—frequently acquired as a result of violence—experience staggering rates of sexual assault and are seen as easy targets. As recognized by the SCC in *R. v. DAI*, perpetrators believe that disabled women are powerless to complain or will not be believed even if they do complain. Because of their precarious status and limited reach within their social networks, women and girls with disabilities are easily marginalized and their concerns delegitimized simply because of their disability and ingrained images of disability as lacking capacity. Women and girls with disabilities are at a high risk of violence due to social stereotypes that often serve to reduce their agency by infantilizing, dehumanizing and isolating them.<sup>19</sup>

The United Nations Deputy High Commissioner for Human Rights stated that, “global data on gender-based violence against women with disabilities is limited, which in itself speaks to this invisible crisis and suggests higher risks for women with disabilities. The United Nations Commission on the Status of Women has stated that “[t]he importance of addressing the issue of violence against women and girls with disabilities cannot be overstated. The effects of this violence are widespread, and the cost of violence against women and girls is substantial, both monetarily, as well as socially, and it prevents women and girls from realizing their full potential as members of society.”<sup>20</sup>

### Language of “abuse” normalizes sexual assault

The prevalence of sexual assault in the lives of women of disabilities has, regrettably, resulted in society normalizing such sexualized violence as merely “abuse”. Societal myths and misogynist and ableist attitudes about the disposable nature of disabled bodies and the belief that women and girls with disabilities don’t feel or think like “normal” people, exacerbate the situation. The disproportionate rates of violence demonstrate that, as a society, we do not treat women with disabilities with dignity and we accept their objectification as sexual instruments for those within their close

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<sup>18</sup> Canadian Women’s Foundation, “Report on Violence Against Women, Mental Health and substance Use” (2011), online: <[http://canadianwomen.org/sites/canadianwomen.org/files/PDF%20-%20VP%20Resources%20-%20BCSTH%20CWF%20Report\\_Final\\_2011\\_%20Mental%20Health\\_Substance%20use.pdf](http://canadianwomen.org/sites/canadianwomen.org/files/PDF%20-%20VP%20Resources%20-%20BCSTH%20CWF%20Report_Final_2011_%20Mental%20Health_Substance%20use.pdf)>

<sup>19</sup> DisAbleD Women’s Network (DAWN) Canada, “Fact Sheet on Women with Disabilities and Violence”, online: <<https://www.dawncanada.net/issues/women-with-disabilities-and-violence/>>

<sup>20</sup> United Nations Women Watch, “Fact Sheet: Violence Against Women and Girls with Disabilities” (February 2013), The 57<sup>th</sup> Session of the Commission on the Status of Women, online: <<https://www.un.org/womenwatch/>>



proximity. Violence and sexual abuse should not be regularized as part of institutional support or justified within “care” settings or as part of caregiving relationships.

As a society, we are neither preventing or protecting girls and women with disabilities from sexual violence. This stems from the sharp contrast in how we treat, understand and value non-disabled bodies. Girls with disabilities remain the group least likely to have access to sexual and reproductive education and rights.<sup>21</sup> While some in society view women with disabilities as “asexual and undesirable,” they are also seen by many as fetish objects<sup>22</sup> and often the subject of predatory paraphilic behaviour because of the very nature of their disabilities. As a result of this devaluing and fetishizing of girls and women with disabilities, so-called “sexual abuse”, which in reality often deprived sexual violence, is accepted as the ordinary state of affairs for our community of women living with disabilities.

By labelling acts with the language of “abuse”, we are minimizing what is really sexual assault with profoundly damaging effects. This has an emotional impact by discrediting the victim’s experience and creates an atmosphere of not being believed and not taking action to prevent repeated assault.

Violence is the cause of disability for many girls and women, and disability increases the risk of victimization.<sup>23</sup> An estimated 276, 000 women in Canada will experience traumatic brain injury annually as the result of intimate partner violence.<sup>24</sup> The correlation between violence and disability must be considered, as experiencing violence impacts mental health, including experiencing higher rates of depression.<sup>25</sup> Therefore, sexual assault can lead to the victim developing mental health disabilities and without access to services, the impact of depression is even greater. Furthermore, the victim may be isolated to an environment (home or institution) with the perpetrator(s).

There is a growing body of literature that explores the emotional and mental health impacts of sexual assault on survivors. This research indicates that sexual assault has

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<sup>21</sup> DisAbleD Women’s Network (DAWN) Canada, “More Than a Footnote : A Research Report on Women and Girls with Disabilities in Canada” (2019), online (pdf): [https://dawnCanada.net/media/uploads/page\\_data/page-64/more\\_than\\_a\\_footnote\\_research\\_report.pdf](https://dawnCanada.net/media/uploads/page_data/page-64/more_than_a_footnote_research_report.pdf)

<sup>22</sup> Ibid

<sup>23</sup> Quinlan, L. (2018). Accessibility and Disability for Indigenous Women, Girls and Gender Diverse People, Informing the New Federal Accessibility Legislation. Native Women’s Association of Canada.

<sup>24</sup> Invisibledisabilityproject.org (home page)

<sup>25</sup> Canadian Women’s Foundation 2011: Report on Violence Against Women, Mental Health and substance (February 2011), online (pdf): <[http://canadianwomen.org/sites/canadianwomen.org/files/PDF%20-%20VP%20Resources%20-%20BCSTH%20CWF%20Report\\_Final\\_2011\\_%20Mental%20Health\\_Substance%20use.pdf](http://canadianwomen.org/sites/canadianwomen.org/files/PDF%20-%20VP%20Resources%20-%20BCSTH%20CWF%20Report_Final_2011_%20Mental%20Health_Substance%20use.pdf)>

long term impacts that affect quality of life and overall well-being. While not specific to disability, one study that examined the mental health of college students who were assaulted in their first semester found that survivors had significant levels of anxiety and depression that carried over to the end of the semester.<sup>26</sup> A World Health Organization (WHO) survey also found that women who have experienced sexual assault were also more likely to experience post-traumatic stress disorder (PTSD) and that survivors require support and early intervention to minimize this.<sup>27</sup>

While research specific to disability, gender, and sexual assault remains limited, the research which does exist confirms that this remains an area of concern for women with disabilities. As an example, analysis found that women with disabilities were significantly more likely than their non-disabled counterparts to experience negative mental health impacts as a result of intimate partner violence.<sup>28</sup> Another study looking at the physiological consequences of violence found that women with disabilities experience higher rates of "severe distress" than men with disabilities or non-disabled women following victimization and that women with disabilities are also more likely to experience anxiety and depression post-violence.<sup>29</sup>

As noted above, women with disabilities are uniquely situated as they experience ableism and misogyny (as well as other intersecting oppressions) and these systemic forms of discrimination often lead to violence against these bodies being minimized. This adds another layer of injustice - specifically epistemic injustice (the practice of excluding, silencing, minimizing or misrepresenting lived experience). Given this, a part of the approach to supporting women with disabilities who are survivors must be dismantling systemic forms of oppression (ableism, misogyny, white supremacy etc.) that silence victims, minimize harm and protect perpetrators (who often benefit from these power imbalances). These systemic conditions are complex and layered and must be identified in our collective response to sexual violence.

Survivors of sexual assault need affirming and trauma-informed support and a legal and justice process that is transformed in ways that dismantle these systemic oppressions. Many existing sexual assault frameworks focus on individuals making choices that "prevent" victimization rather than addressing rape culture - a culture that places the

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<sup>26</sup> Carey, Kate B., et al. "Mental health consequences of sexual assault among first-year college women." *Journal of American college health* 66.6 (2018): 480-486.

<sup>27</sup> Scott, Kate M., et al. "Post-traumatic stress disorder associated with sexual assault among women in the WHO World Mental Health Surveys." *Psychological medicine* 48.1 (2018): 155-167.

<sup>28</sup> Coston, Bethany M. "Disability, sexual orientation, and the mental health outcomes of intimate partner violence: A comparative study of women in the US." *Disability and health journal* 12.2 (2019): 164-170.

<sup>29</sup> Dembo, Robert S., Monika Mitra, and Michael McKee. "The psychological consequences of violence against people with disabilities." *Disability and health journal* 11.3 (2018): 390-397.

blame for assault on victims and normalizes sexual assault for certain bodies - disabled, Indigenous, Black, 2SLGBTQIA+.

## Exploitation and trafficking of girls and women with disabilities

As mentioned above, the dependence on caregivers increases with disability and prevents a victim from being able to leave an abuser. Women and girls with intellectual disabilities are often more vulnerable to violence because of their dependency arising from their cognitive or communication disabilities.

There is little recognition by society of the heightened day to day risks and vulnerabilities faced by women with intellectual disabilities. In the absence of any data sets that would inform policymakers of this silenced population, women with mostly invisible disabilities (traumatic brain injury, and/or intellectual or psychosocial disabilities) are the most affected and overlooked in sex trafficking reports. Let alone addressing the diversity within disabilities, the 2015-2016 Canadian Annual Report on Progress to combatting human trafficking fails to acknowledge the intersectional identities and impact upon women with disabilities.<sup>30</sup>

The Office of the High Commissioner for Human Rights notes that despite the limited scholarship “there is anecdotal evidence suggesting that intellectual and/or physical disability can heighten vulnerability to trafficking, an outcome catalysed by discrimination.”<sup>31</sup> It is no surprise then that since women with disabilities rely on caregivers to have their basic needs met, they are particularly susceptible to being trafficked by those caregivers. Girls and with disabilities are seen as ready and accessible prey, easily targeted, exploited and manipulated by predators. In a 2012 United States Trafficking in Persons Report, it was confirmed that prejudicial attitudes about the value of disabled people place them at risk of abuse and violence.<sup>32</sup>

In order to address these lived experiences, we must provide extensive support and protection to women with disabilities, and this begins by understanding the link between disability and human trafficking. There are a multitude of factors that exacerbate the vulnerability of women with disabilities, this includes, but is not limited to, needing an interpreter, lack of sexual education or access to sexual health services, being unlikely

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<sup>30</sup> Public Safety of Canada, “National Plan to Combat Human Trafficking – 2015-2016 Annual Report on Progress” (2016), online (pdf): <<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt-prgrss-2016/ntnl-ctn-pln-cmbt-prgrss-2016-en.pdf>>

<sup>31</sup> The Trafficking Research Project, “En-abling Protections?”, (2013), online: <<https://thetraffickingresearchproject.wordpress.com/2013/01/25/en-abling-protection/>>

<sup>32</sup> The human trafficking Pro Bono Legal Center. “Trafficking of persons with disabilities in the United States” (April 2016), online: < <http://www.htprobono.org/wp-content/uploads/2016/04/Trafficking-of-Persons-With-Disabilities-in-the- United-States-04.12.2016.pdf>>

to report abuse and not being believed when they do report abuse.<sup>33</sup> Sadly, these factors can often leave disabled women dealing with dire consequences of exploitation.

Girls and women with disabilities are routinely targets of exploitation and trafficking, as they are seen as the “perfect victims”. The dependence on caregivers, isolation, and limited monitoring of their safety and wellbeing make girls and women with disabilities an easy target to physically and emotionally control, with limited perpetrators being held accountable.

The awareness among women with disabilities as being easy targets has an immense emotional impact in feeling chronic fear. On top of that, carrying the awareness that when they are assaulted and victimized, little to no action will be taken to hold the perpetrator accountable or prevent the violence from continuing or become a target of someone else. As was demonstrated earlier, the community of women with disabilities experience sexual assault repeatedly and frequently, starting in childhood and continually being victimized across the life span, in various settings.

While there are obvious immediate deleterious physical and mental impacts for women with disabilities who are victims of sexual violence, the effects last long into their lives and have ripple effects of trauma and grief for the wider community. There are serious negative psychological impacts of knowing that you are always in jeopardy, that your very identity places you at heightened risk, that you may have little control over the situation because of the caregiving arrangements, that no one is likely to believe you, your current and future security is at risk if you try to report the offence and there are an appalling lack of supports. Women and girls with disabilities constantly live with a compromised sense of security and learning about this horrific violation of one of our community members takes a heavy toll on our mental and spiritual health.

## Conclusion

Women and girls with disabilities deserve to be treated as full citizens in the judicial system. Their bodies and dignity must be valued and respected. If we are going to combat the “evil” of sexual violence, it is not sufficient to simply be aware of the above-noted data. We must take action in ways that make redress meaningful and ensure that women and girls with disabilities are not continuously disadvantaged by the justice system. Our community suffers when we see yet another perpetrator-caregiver strip, subjugate, sexually violate and sell a young disabled woman’s body and inherent dignity. We all experience that pain, and it intensifies the collective harm when there is a

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<sup>33</sup> Reid, Joan A, “Sex Trafficking of Girls with Intellectual Disabilities: An Exploratory Mixed-Methods Study” (2016) *Sexual Abuse: A Journal of Research and Treatment*, published online February 17, 2016. <DOI: 10.1177/1079063216630981> (Journal Impact: 2.11)

lack of accountability for the systems that produce and people that perpetuate sexual violence against our community. We ask that sentence reflect and take into account these systemic issues.

The *Criminal Code of Canada* enumerates several aggravating factors for consideration in sentencing, such as young age, mental or physical disability, abuse of trust, and impact on the victim. Sexual violence offences against girls and women with disabilities must be understood through its damaging impact on the whole of the community. From the victim herself, her family, her surrounding community and the community of women with disabilities who in this regard are universally victimized. Any sentence must be commensurate with the gravity of the offence and take into consideration the position of trust that was violated and abused to commit sexual assault against the individual made vulnerable solely because of her gender and disability.