

Protocol

Whitehorse Sexualized Assault Response
Team (SART)



December 2022

Protocol

Whitehorse Sexualized Assault Response
Team (SART)

Please see *Services and Resources:*
Whitehorse Sexualized Assault Response
Team (SART) for more information on
SART services.

For more information: <https://yukon.ca/en/sartyukon/home>

Cette publication est également disponible en français.

Purpose of this Protocol

This Protocol establishes a common understanding of and framework for providing services to victims of sexualized violence. It enables greater coordination and collaboration between agencies and other partners.

The Protocol is designed to help make critical changes to individual, agency and system efforts in the response to sexualized violence. It has been developed through a true collaborative effort across partners and systems.

The need for collaborative and coordinated services was initially identified by the Sexual Assault Response Committee (SARC), an interagency committee formed in the early 2000s. The committee members have since worked on improving responses to victims of sexualized assault through various initiatives.

The Protocol is intended to inform the workings of the Whitehorse SART and to support existing community and inter-agency protocols. These include the following:

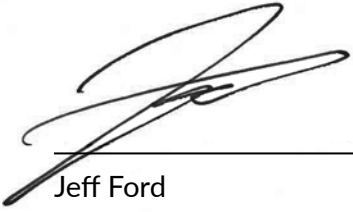
- Together for Justice;
- Together for Safety;
- any memorandum of understanding between the Yukon RCMP and the Government of Yukon, Health and Social Services, Family and Children's Services; and
- any memoranda of understanding between First Nations and Family and Children's Services.

This Protocol is not intended to dictate specific procedures by individual agencies. Instead, it is a guideline for inter-agency best practices.

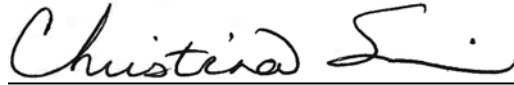
Through adopting the Protocol – and the core philosophies and principles that inform each element in it – each signatory agency agrees to use this approach to strengthen its practices, policies and procedures.

Systemic change does not occur overnight, but when agencies commit to adopting the principles and processes outlined in the Protocol, along with investing appropriate time and resources for training, real change will occur over time. This is a living document that is intended to grow and adapt as agencies continue to learn more about the people they serve.

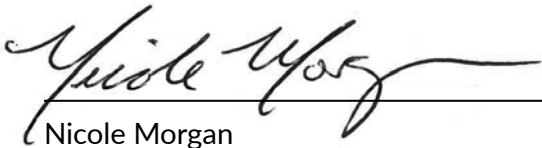
Whitehorse SART agencies



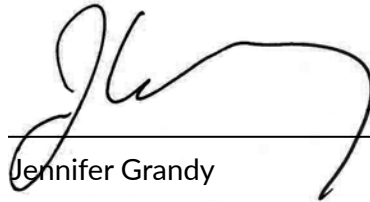
Jeff Ford
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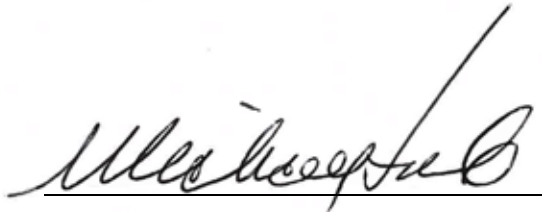
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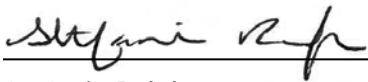
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Acknowledgements

Many community partners have played and will continue to play an important role in sharing knowledge about how to improve support and services for victims of sexualized assault in the Yukon. We express our gratitude to all those who have assisted and informed this important initiative. We know this list will likely grow even longer with time.

Office of the Child and Youth Advocate	Emergency Shelter Paramedic Specialist Clinic
Blood Ties Four Directions	Fetal Alcohol Syndrome Society of Yukon
BYTE – Empowering Youth Society	Multicultural Centre of the Yukon
Boys and Girls Club of Yukon	Queer Yukon
Council of Yukon First Nations (CYFN)	Whitehorse Correctional Centre
Gladue Pilot Project Coordinator	Whitehorse Individual Learning Centre
Kwanlin Dün First Nation	Yukon Sexual Health Clinic
Teen Parent Centre	Skookum Jim Friendship Centre, Legal Advocate
Ta’an Kwäch’än Council	Victim Assistance Volunteers
Yukon University	Whitehorse Emergency Shelter
Yukon Anti-Poverty Coalition	Youth of Today Society
Whitehorse Aboriginal Women’s Circle	Liard Aboriginal Women’s Society
Dawson Women’s Shelter	Help and Hope for Families
Yukon Status of Women Council	Victoria Faulkner Women’s Centre
Yukon Aboriginal Women’s Council	Les EssentiElles

We are also grateful to other jurisdictions in Canada for sharing their experiences in SART development and SART protocol writing, specifically Lianne Ritch, RN, BSN, BC Women’s Hospital, the team at WAVAW BC and the Sexual Violence Institute in Minnesota, particularly Johanna Ganz and Jolene Engelking, for sharing material and great insight with our team.

Definitions

Table 1 summarizes the terms used in this Protocol. The Protocol uses the term “victim” for the sake of clarity and consistency. It is in no way intended to convey a lack of agency on the part of the person who has been victimized.

Please also see Table 2: Definitions, Children and youth, on page x.

Table 1. General definitions

Consent to sexual activity	Consent must be affirmative, explicit and ongoing. Silence and/or passivity does not equate to consent. The <i>Criminal Code</i> 273.1(1) defines “Consent” as the voluntary agreement to engage in the sexual activity in question.
Gender-neutral language	This uses words that apply to all genders, rather than just male or female. This is a gender diverse world where men, women, non-binary and transgender people all experience sexualized assault.
Kits on Ice	These are evidence kits used in cases of sexualized assault. They are not handed over to the police as evidence once the examination is complete, but kept at the hospital in a secure freezer for one year (or longer on request). This gives victims time to decide if they want to report to police.
LGTBQ2S+	This term refers to individuals of diverse genders and sexualities. The acronym specifically refers to lesbian, gay, trans, bisexual, queer/questioning, and Two-spirit identities, while the + recognizes all other genders and sexual identities.
Marginalization	When groups or individuals are excluded from equitable access to social, economic, cultural and political institutions.
Perpetrator	The individual who has sexually assaulted or abused a person. The term “accused” is used in the context of a criminal trial before a person has been found guilty of an offence. The term “offender” is used once a person has been convicted of the offence.
Sexual assault	“Sexual assault” is the offence in the <i>Criminal Code</i> . See also Sexualized assault/violence.
Sexualized assault/violence	This document and the Whitehorse SART use the term “sexualized assault/violence” to emphasize that these actions are not acts of consenting sex, and that the motivation behind the violence is generally not sexual but rather power and control. These terms include mouth-to-mouth contact, grabbing, touching and vaginal and anal penetration. See also “Sexual assault” in this table and “Child sexualized abuse” in Table 2.
Sexualized assault evidence kit	A package of items used by medical personnel for gathering and preserving physical evidence following an allegation of sexualized assault. This evidence is used to aid in the criminal investigation and prosecution (see Kits on Ice).
Sex trafficking	This is a form of sexualized exploitation in which a third party is involved in the exploitation, whether by profiting from it or by recruiting, transporting or advertising the person being exploited.

Soft room	A room which generally features comfortable chairs, peaceful wall decorations and soft lighting. Soft rooms are used for forensic interviews and for informal meetings. They are considered an important part of a trauma-informed response, as they are designed to give some comfort and help minimize system retraumatization.
Third-party reporting	This is an option for victims of sexualized violence who are not ready to report or do not want to report the offence to the Yukon RCMP. It allows victims to give information about the offence to trained staff at the Women's Transition Home or Victim Services. The RCMP will receive information about the perpetrator and the details of what happened without any information that would identify the victim. The identity of the victim is kept in a secure location at the Women's Transition Home. This option is available to victims of all genders who are 19 years or older. The report can be completed in person or on the telephone.
Twin myths	The improper way that a victim's past sexual history was used to discredit him or her in sexual assault trials by suggesting that: 1. victims who had consented to sexual activity in the past are more likely to have consented to the sexual activity at issue, and 2. complainants with sexual histories were less worthy of being believed. Since 1982, section 276 of the <i>Criminal Code</i> has banned the admissibility of a complainant's prior sexual history. There are strict rules for allowing any evidence of prior sexual history in a trial, and it requires a pre-trial hearing in which a victim's lawyer can make representations to the judge.
Victim	An individual who has been sexually assaulted. The term "complainant" is often used in the context of a criminal trial. The term "patient" is used in the context of health services.

Table 2. Definitions, Children and youth under 19

Please also see Table 1: General Definitions, on page viii.

<p>Age of consent to sexual activity</p>	<p>This is the legal age at which a person can consent to non-exploitative sexual activity. The legal age of consent in Canada is 16 years old.</p> <p>There are exceptions:</p> <ul style="list-style-type: none"> • close-in-age exceptions: 12- and 13-year-olds are legally permitted to engage in consensual, non-exploitative sexual activity with a partner who is less than two years older. • 14- and 15-year-olds are legally permitted to engage in consensual, non-exploitative sexual activity with a partner who is less than five years older.
<p>Child</p>	<p>In the Yukon, the <i>Child and Family Services Act</i> and the <i>Child and Youth Advocate Act</i> define a child as under 19 years of age.</p> <p>See also Youth.</p>
<p>Child sexualized abuse</p>	<p>This occurs when an adult or youth perpetrator abuses power, or uses coercion or implicit or explicit threats to commit acts of a sexualized nature on a child or youth. The <i>Child and Family Services Act</i> 3(21)(2)(a) says that a child has been or is likely to be sexually abused or exploited if the child has been or is likely to be inappropriately exposed or subjected to sexual contact, activity or behaviour, including prostitution related activities; or (b) encouraged or counselled to engage in prostitution. While there are common Criminal Code offences for sexualized violence whether the victim is an adult or a child, some offences are specific to child victims. These are the most common offences for child sexualized abuse:</p> <ul style="list-style-type: none"> • section 151 of the <i>Criminal Code</i> – sexual interference • section 152 of the <i>Criminal Code</i> – invitation to sexual touching • section 153 of the <i>Criminal Code</i> – sexual exploitation
<p>Duty to report</p>	<p>Under s.22 of the Yukon <i>Child and Family Services Act</i>, a person who has reason to believe that a child or youth under 19 is in need of protective intervention (including sexual abuse by a parent or others and no protective parent) is required to report this information to the Director of Family and Children’s Services (or designate) or an RCMP officer. See Section 4.</p>
<p>Exploitative relationships</p>	<p>The law in Canada protects 16- and 17-year-olds against sexual exploitation where the accused activity comes within a relationship of trust, authority, dependency or where there is other exploitation. Whether a relationship is considered to be exploiting the 16- or 17-year-old will depend on certain factors:</p> <ul style="list-style-type: none"> • age difference between the young person and the partner • how the relationship developed (e.g., quickly, secretly, over the internet) • whether the partner may have controlled or influenced the young person and if so, to what degree • whether the young person was exploited for financial gain, such as through prostitution or pornography
<p>Forensic interview for children</p>	<p>This is a structured conversation with a child or youth to obtain detailed information about an event that a child or youth may have experienced or witnessed. The interview helps guide decision making in the context of criminal justice and child protection. Best practices include using specially-trained professionals to conduct interviews, ensuring child-friendly settings, having support for the child present during the interview, and having another trained professional video-tape and monitor the interview.</p>

Harm reduction	This is an approach to working with sexually exploited/at risk youth that is aimed at reducing the negative consequences associated with risky behaviour, while recognizing that the youth may not be able to or ready to end the behaviour immediately. An example of harm reduction is a needle exchange program for people who use substances.
Jordan's Principle	This is an approach to help eliminate service inequities and delays for Indigenous children. It states that any public service ordinarily available to all other children must be made available and funded for Indigenous children without delay or denial.
Sex trafficking	This is a form of sexualized exploitation in which a third party is involved in the exploitation, whether by profiting from it or by recruiting, transporting or advertising the child or youth being exploited.
Sexualized exploitation	<p>This form of abuse occurs when a child or youth becomes engaged in sexualized activities as a result of coercion or manipulation, in exchange for money, drugs, food, shelter or other considerations. It can involve these actions:</p> <ul style="list-style-type: none"> • performing sexualized acts in exchange for the basic necessities of life (survival sex) • involvement in explicit sexualized activity for the entertainment of adults • appearing in child sexualized abuse images (child pornography) • involvement with escort services <p>It is defined in the <i>Criminal Code</i> as a relationship in which in a there is a breach of trust or abuse of power and/or authority and where the victim is 16 or 17 years old.</p> <p>The <i>Criminal Code</i> states that no person under the age of 18 can legally consent to doing sex work or being involved in the sex trade.</p>
Young person	This is defined in the <i>Criminal Code</i> s.153(2) as someone who is 16 or 17 years old.
Youth	In the Yukon, the <i>Child and Family Services Act</i> and the <i>Child and Youth Advocate Act</i> define a youth as being 16 years of age or over, but under 19 years of age. In some circumstances the <i>Child and Youth Advocate Act</i> defines a youth as being 19 years of age or over, but under 24 years of age. <i>See also</i> Child. <i>See also</i> Young person.

Section One



What is SART?

1.1 Background

The idea of a collaborative team in the Yukon to improve the experience of victims of sexualized assault has been on the minds of many dedicated people for more than two decades. The alarming statistics and the personal experiences of many frontline workers and victims have been a constant reminder of how many people are victims of sexualized violence in the Yukon and how few of these victims report these incidents or access care and services. Initially, two local doctors, Sally Macdonald and Anne Williams, worked long hours to provide specialized medical service to victims and talked about how services could be better provided.

On top of the regular duties of their daytime jobs, a group of interested people formed a committee to look at improving services to victims of sexualized assault. The multi-disciplinary Sexualized Assault Response Committee (SARC) was established in 2000 to share information on service use patterns, and to improve service and public education across organizations.

The Committee was co-chaired by the Women's Transition Home and Government of Yukon Victim Services Branch, and included representatives from a cross-section of organizations, including the Public Prosecution Service of Canada (PPSC), Yukon Hospital Corporation, Yukon College, the Women and Gender Equity Directorate and Kwanlin Dün First Nation. It is currently co-chaired by the Yukon Transition Home and Yukon University.

The members of SARC looked at ways to support existing frontline responders in order to develop sexualized assault response teams throughout the Yukon and to help develop and promote a comprehensive and integrated standard of care for victims of sexualized assault that incorporated policy development, protocols, standards and best practices.

SARC maintained critical momentum throughout 2010–19 and acted as a link between grassroots organizations, government, First Nations and emergency service professionals. Although SARC did not have significant decision-making authority, the committee members continued to highlight the importance of victims' resilience and collaboration across organizational mandates. SARC continues to meet and inform the workings of service delivery for the entire Yukon Territory so that everyone can continue to strive to improve outcomes for victims of sexualized assault.

SARC developed promising initiatives to support victims of sexualized assault in the Yukon. In 2012, SARC – led by Dr. Williams, Christina Sim and the Kwanlin Dün First Nation (KDFN) Health Department – organized training in sexualized assault forensic examinations for approximately 16 nurses and 6 doctors in preparation for developing a Sexualized Assault Response Team. The KDFN Health Centre became the first site in the Yukon outside of Whitehorse General Hospital to have a stand-alone sexualized assault nurse examiner program.

Options for victims who wanted more time to consider reporting were developed, including Kits on Ice at Whitehorse General Hospital and the Kwanlin Dün Health Centre and third-party reporting at the Women's Transition Home.

Alongside these developments, in 2010 the Yukon Department of Justice, Council of Yukon First Nations and the Yukon RCMP, with the support of an advisory committee, undertook a review of policing in the Yukon. The report of the review, *Sharing Common Ground*, included recommendations. Following the release of the report, the Yukon RCMP created the Specialized Response Unit (SRU) to focus on sexualized and intimate-partner violence.

During this same time period, a significant cultural shift throughout the world began to address gender-based violence. In Canada, this included significant events such as the National Inquiry into Missing and Murdered Indigenous Women and Girls, the #MeToo movement, the "Unfounded" investigation by the *Globe and Mail*, the development of the National Action Plan on Gender-based Violence and the release of the Yukon's MMIWG2S+ Strategy.

The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (NIMMIWG 2019) clearly stated the need to restructure services for victims as an important way to combat violence against Indigenous women, girls and LGBTQ2S+ people. *Changing the Story to Upholding Dignity and Justice: Yukon's Missing and Murdered Indigenous Women, Girls, and Two-spirit People Strategy* (YAC n.d.), includes item 2.5 (Sexualized Assault and Violence Response – Improve victim-centred and crisis-responsive supports for victims of gender-based violence and sexualized assault).

Developing or improving collaborative services benefits service providers in many ways, including these (based on NIMMIWG 2019):

- increasing awareness of local services to facilitate referrals and reduce duplication;
- facilitating knowledge exchange to address complex issues;

- enabling partnerships between Indigenous and non-Indigenous service providers to increase cultural responsiveness;
- reducing administrative burdens and increase efficiency;
- creating networks of support, which may increase the likelihood of knowing when individuals go missing, and avoid having clients “fall through the cracks”;
- minimizing the number of times that victims need to retell their story, in order to reduce trauma;
- improving continuity of care, and minimizing the impact of staff turnover; and
- creating holistic, preventative care plans that address root causes and support multiple dimensions of well-being in order to increase the success of interventions.

With continued leadership over the years from committed individuals and agencies, the Sexualized Assault Response Team (SART) in Whitehorse was created and officially launched on March 6, 2020.

1.2 Sexualized Assault Response Team (SART)

This is the first Sexualized Assault Response Team (SART) and SART Protocol created in the Yukon. This initial version of the protocol is a starting point that focuses on Whitehorse agencies and services, before the Whitehorse SART is expanded into the communities in the Yukon. Future versions of the protocol may include more agencies or services throughout the territory.

1.3 Mission statement

Whitehorse SART agencies are committed to providing a coordinated and collaborative response for all people victimized by sexualized violence, and to supporting them along whichever path they choose.

1.4 Key team members and service providers

Whitehorse SART key team members represent agencies that provide key medical, legal and victim supports:

- Women's Transition Home;
- Victim Services, Department of Justice, Government of Yukon;
- Community and Primary Care, Department of Health and Social Services, Government of Yukon;
- Patient Experience Division and First Nations Health Programs, Whitehorse General Hospital – Yukon Hospital Corporation;
- Mental Wellness and Substance Use Services, Department of Health and Social Services, Government of Yukon;
- Yukon RCMP M Division;
- Public Prosecution Service of Canada Yukon; and
- Women and Gender Equity Directorate, Government of Yukon.

Many external stakeholders in Whitehorse, such as the Yukon Sexual Health Clinic and the Whitehorse Emergency Shelter, also provide supports to victims. These stakeholders can play a role in SART by providing training to Whitehorse SART agencies on their services for victims or by participating in training provided by the Whitehorse SART Coordinators.

1.5 Key SART services

- Sexualized Assault Support (SAS) Line: 24 hours a day/7 days a week (24/7)
- Emergency shelter for women fleeing violence: Women's Transition Home
- Support for and accompaniment to hospital, the Yukon RCMP, counselling and other services:
 - Monday to Friday 8:00 a.m. to 4:30 p.m. - Victim Services workers – Victim Services
 - Weekends – SART support workers – Victim Services
- Medical care, sexualized assault evidence kits and Kits on Ice provided by specialized sexualized assault examiners at Whitehorse General Hospital: 24/7 on an on-call basis
- Dedicated unit of officers - Specialized Response Unit (SRU) – RCMP: 24/7 on an on-call basis
- Fast access to counselling at Mental Wellness and Substance Use Services: Monday to Friday 8:00 a.m. to 4:30 p.m.

1.6 Vision and goals of the Whitehorse SART

The Whitehorse SART has five main goals:

- to provide timely and appropriate responses and supports for all victims of sexualized assault through removing barriers and improving the coordination of departments and agencies;
- to meet the immediate needs of all victims with collaborative crisis intervention and support services 24/7;
- to support victims in navigating the medical, social and legal systems and to provide options and choices while respecting victims' informed decisions;
- to conduct victim-centred, trauma-informed sexualized assault evidence examinations, police investigations and criminal prosecutions; and
- to assist in holding perpetrators of sexualized violence accountable.

1.7 SART committees

Three committees, made up of representatives from SART agencies and service providers, guide the work of Whitehorse SART:

- SART Implementation Committee;
- SART Protocol and Training Management Committee; and
- SART Oversight Committee.

SART Implementation Committee

The Implementation Committee is SART's primary information-sharing and planning body, and focuses on identifying and solving problems. Committee members have a mutual interest in providing comprehensive services for victims of sexualized assault in the Yukon, and are responsible for developing, communicating, evaluating and expanding SART.

This includes resourcing, conducting community engagement, and coordination and management in support of SART. The purpose and mandate of the committee may evolve in the future.

The committee includes a representative from each Whitehorse SART agency and service provider.

SART Protocol and Training Management Committee

This committee identifies and coordinates training for Whitehorse SART agencies related to the Training Framework and provides information sessions on Whitehorse SART to external agencies. The members also identify service gaps and determine any elements of the Whitehorse SART Protocol that need to be modified.

The committee includes a representative from each Whitehorse SART agency and service provider.

SART Oversight Committee

The Oversight Committee provides oversight and direction to the Implementation Committee and is accountable for the implementation of SART.

The committee includes Government of Yukon, Deputy Ministers of the Women and Gender Equity Directorate and the Departments of Justice and Health and Social Services; and leaders of Whitehorse SART agencies (including the Yukon RCMP, Public Prosecution Service of Canada and Yukon Hospital Corporation), as well as Kwanlin Dün First Nation.

Section Two



SART core principles

The SART approach has five core principles:

- choice;
- dignity and respect;
- preventing retraumatization;
- cultural safety; and
- access, equity and inclusion.

2.1 Choice

"I think that there should be a choice, you know, and victims should have a say in what happens because this happened to my body, you know what I mean, why I should be able to have choice in what I think, you know, is the consequence for being violated."

Prochuk, 2018, p. 59

The problem: Often, victims do not know what services are available to them, are not given choices, and their needs and concerns are not central considerations by frontline workers.

A victim-centred approach

The SART approach recognizes that victims' needs, concerns and rights are the foundation of response, and that any process to help victims must be designed around them and deliver services in a sensitive, compassionate and non-judgmental manner. The SART approach ensures that victims are made aware of all the medical, support and legal options available to them at every step of the process so they can make informed decisions.

More specifically, the approach ensures that victims are made aware that accessing one system area, such as medical care, does not automatically trigger other systems if that is not what they want. For example, victims can choose to access the hospital, but choose not to report to the RCMP. Victims who are over 19 can choose an option such as Kits on Ice and/or third-party reporting, which gives them more time to consider what to do next.

Victims can also access priority counselling without involving the RCMP or the medical system, if that is their choice. The essential component is making victims aware of their options and choices, and letting them know that they can change their mind about these options.

This approach also ensures that if victims choose to engage in the criminal justice process, they are kept informed about the investigation and court proceedings, they know what to expect, and they know that their rights are outlined in the *Canadian Victims Bill of Rights* and the *Yukon Victims of Crime Act*, (Part 2, *Victims' Bill of Rights*).

For information on using the SART approach in working with children or youth, please see Section 4.

2.2 Dignity and respect

The problem: In many cases, frontline workers may not have the knowledge or skills to respond to victims in a way that they feel believed and not blamed for the assault. The words that workers use can affect whether victims feel supported and whether they will continue with a service or use other services in the future.

Response-based practice

This practice recognizes the importance of positive social responses for victims and the power of the words used in these interactions. By using response-based practice at every step in the process responders can avoid using words that minimize sexualized violence and make it seem like a mutual act. This approach also honours the different forms of victims' resistance and keeps responsibility for the violence firmly in the hands of the perpetrators.

2.3 Preventing retraumatization

"... [A] psychological study found that people are more likely to believe and respond supportively to disclosures of sexual assault when communicated by a tearful and visibly upset person as opposed to a calm and controlled-seeming one. The reality is that emotional detachment can be a symptom of post-traumatic stress disorder (PTSD) and is a common psychological consequence of sexual trauma."

Prochuk, 2018, p. 44

The problem: Our systems are set up in a way that can often retraumatize victims and blame them for not reacting in a way that is consistent with the common beliefs about how they should react to this type of violence. Victims are often required to tell their stories numerous times to numerous people at a point when they are not ready to do so.

A trauma-informed approach

This approach recognizes that victims' behaviours have often been misunderstood by frontline workers and mistakenly considered to be inconsistent with this type of violation. There are many different experiences of and reactions to trauma and they vary among individuals, both during the trauma and in the aftermath. They are often related to the lived experience of the individual.

Taking a trauma-informed approach when interacting with victims of sexualized assault helps responders recognize and understand the neurobiological, emotional and physical impacts of trauma. This includes the impact of inter-generational trauma on Indigenous people.

A trauma-informed approach helps service providers identify key triggers that may retraumatize a victim of sexualized assault. These include feeling a lack of control, experiencing unexpected change, feeling threatened or under attack, feeling vulnerable or frightened, and feeling shame and guilt. Trauma-informed training helps frontline service providers understand the neurobiology of the brain and how the brain functions and affects people who have been subjected to the trauma of sexualized victimization.

Overall, this approach requires education and specific training so that service providers understand the impacts of trauma, and how they can better respond to victims and make changes in the work that they do.

2.4 Cultural safety

"Cultural safety goes beyond the idea of cultural 'appropriateness' and demands the incorporation of services and processes that empower Indigenous Peoples."

NIMMIWG, 2019, p.173

The problem: Indigenous scholars and research have identified that Indigenous victims face particular barriers to accessing services, especially those that align with cultural needs.

Being culturally responsive

Being culturally responsive requires a good understanding of the context of individual response to victimization and trauma. It requires service providers to consider and provide options that are

culturally appropriate whenever possible. These options include translators, interpreters, and use of service providers of the same gender or from the same culture as the victim.

This response recognizes that specific attention needs to be paid to the individual social realities and the cultural and systemic barriers that exist within the diverse Yukon community. There must be recognition of the past and present impact of colonization on Indigenous people, including the intergenerational impacts of trauma and feelings of betrayal and mistrust of government institutions and laws on the part of Indigenous victims.

Further, Whitehorse SART agencies need to be aware of cultural dynamics that may prevent Indigenous people from reporting a sexualized assault. Anecdotally, agencies that support victims have also shared that men are often reluctant to report because of the stigma associated with the assault. This is especially apparent for Indigenous men. In the Yukon, 61% of both Indigenous and non-Indigenous men, and 62% of women reported that they had experienced sexualized assault (Perrault 2020).

Some victims – in particular, those who identify as Indigenous – may be encouraged by family members to not report their experience, especially if the perpetrator is a family member, or if there have been past experiences of discrimination from service providers.

Specific training is necessary to provide a solid understanding of the broader social context and how it influences overall responses to sexualized assault victims. This includes the past and present impact of colonialism due to residential schools, child welfare practices, and systemic racism against Indigenous people.

Approaches need to consistently evolve as the Yukon continues to diversify. Cultural responsiveness also requires that service providers be aware and of understand their own identity and privilege and how that affects any personal values, assumptions, biases, misconceptions or stereotypes, which may have negative impacts on victim care. Challenging these personal assumptions and biases allows providers to have a more complex and complete understanding of, and response to, victims.

2.5 Access, equity and inclusion

The problem: There are systemic and societal structures in society that promote and allow sexualized violence. The vast majority of sexualized assaults are perpetrated by men against women, children and youth, and people who identify as LGBTQ2S+, as a result of power imbalances in society. Marginalized people experience sexualized assaults at a much higher rate and many experience barriers to accessing supports.

Gender-Inclusive Diversity Analysis (GIDA)

A disciplined review of the gender and diversity implications of a policy, program or initiative allows people to assess its real or potential impacts on diverse groups of people. Gender-Inclusive Diversity Analysis (GIDA) helps identify how personal and systemic biases can affect different stages of decision-making and helps service providers evaluate the various impacts of an initiative. GIDA strengthens policies, programs, decision-making, communications, evaluations and results.

GIDA also recognizes that sexualized violence occurs in the context of systemic and social structures. Frontline workers and systems must move beyond assumptions and recognize privilege, and help create supports and responses that recognize the diverse realities of peoples' lives and the challenges they face.

Section **Three**



Commitments

Table 3 lists the 27 commitments made by Whitehorse SART agencies. These commitments are discussed further in the following sections. They are organized as follows:

- 3.1 – Inter-agency cooperation;
- 3.2 – Contexts of sexualized violence;
- 3.3 – Access, inclusion and cultural responsiveness;
- 3.4 – Consent, confidentiality and privacy;
- 3.5 – Informed consent and the criminal justice system; and
- 3.6 – Children and youth under 19 years of age (also discussed in Section 4).

Table 3. Commitments by Whitehorse SART agencies

Inter-agency cooperation	
1	Recognizing that multiple service providers may be called on at the same time and place to provide assistance to victims, it is important for communication between service providers to occur in an honest and respectful way. In consideration of the victim, this collaboration needs to take place in a space that is private and allows for open discussions. Whitehorse SART agencies commit to making best efforts to find a suitable place on site for these types of discussions and making everyone aware of where the space is located. This will be particularly necessary at Whitehorse General Hospital and the RCMP detachment.
2	Whitehorse SART agencies will ensure that frontline service providers have access to contact information. SART will strive to provide agency contacts in a range of formats.
3	Whitehorse SART agencies will ensure that when working with victims of sexualized assault, frontline workers will review SART contact information as much as possible, in order to make referrals and give information to victims. Each agency will develop in its procedures a signature line or checkbox to ensure that appropriate resources and referrals have been explained and given to the victim. This will allow supervisors, colleagues and evaluators who review the file to determine which resources and referrals were discussed with the victim.
4	Whitehorse SART agencies will commit to inter-agency training of frontline workers so that everyone understands the roles of each agency, why they make referrals and for what specific purpose.
Contexts of sexualized violence	
5	Whitehorse SART agencies will be aware of the context in which the offence occurred and consider it when discussing resources and referrals with victims.
6	Whitehorse SART agencies will commit to training to understand the complexities of the various contexts in which sexualized assaults can occur.
7	Whitehorse SART agencies will consider prioritizing specific training and public education sessions based on trends they note in providing services to victims of sexualized assault.
8	Situations that are complex may require more collaboration and coordination for victims throughout the entire process. Privacy, release of information and informed consent will always be the most important considerations.
9	The Public Prosecution Service of Canada (PPSC) will consider the use of experts such as toxicologists and trauma-informed specialists in trials and court applications, where appropriate, to increase the knowledge base of participants in the justice system. PPSC will provide training to all Whitehorse SART agencies on evolving areas of sexualized assault prosecutions.
Access, inclusion and cultural responsiveness	
Access	
10	Whitehorse SART agencies will work to find safe and reliable transportation alternatives for victims.
11	When possible, Whitehorse SART agencies will meet the victim where they are, and try to provide services at the victim's preferred location.

Table 3, continued

Inclusion	
12	<p>Whitehorse SART agencies, whenever possible and necessary, will provide:</p> <ul style="list-style-type: none"> • options for language translation using Victim Link; • choice of gender in service provider; • accessible office space with ramps and elevators; • choice of location for meetings and interviews; • gender-inclusive reading material; and • plain-language documents.
13	<p>Service providers will be inclusive of all sexual orientations and genders, and will affirm victims' right to self identification.</p>
14	<p>Whitehorse SART agencies commit to collaborating with community organizations and individuals who work directly with victims in the following ways:</p> <ul style="list-style-type: none"> • to bring them into discussions about services and support for their clients, and whenever possible, to include them as supports during interviews and meetings; • to educate and train community organizations about what SART can offer their clients and who they can contact when victims come to them; • to receive training and education from these groups on how to better serve their clients; and • to support community groups whenever possible with resources for responding to sexualized assault.
Cultural responsiveness	
15	<p>Whitehorse SART agencies commit to providing their staff with resources for a basic understanding of Yukon First Nations' history and cultural context, including the impact of colonialism and the residential school system.</p>
16	<p>Whitehorse SART agencies will, whenever possible, offer and incorporate Indigenous cultural options for victims of sexualized assault who identify as Indigenous. Cultural options include offering First Nations Health Programs, Elder support, land-based healing, Indigenous service providers, and traditional practices.</p>
17	<p>Whitehorse SART agencies commit to attending anti-racist and anti-oppression training, including bias training, and training in appropriate ways to support newcomers, immigrants, refugees and Indigenous victims of sexualized assault.</p>
Consent, confidentiality and privacy	
18	<p>Whitehorse SART agencies commit to explaining the procedures and options available to victims as clearly as possible in order to obtain informed consent, while following the requirements of their agencies.</p>
19	<p>Whitehorse SART agencies commit to respecting the privacy of victims and maintaining confidentiality, while fulfilling the mandates and policies of their agencies and staying within the boundaries of the law.</p>
20	<p>Whitehorse SART agencies commit to, whenever possible, using practices that maintain the confidentiality of victims of sexualized assault. This includes the following:</p> <ul style="list-style-type: none"> • using private entrances at agencies; • creating documentation for victims that is discreet and maintained in secure locations; • making specific private rooms available for victims; • not sharing information between Whitehorse SART agencies in public spaces where others can overhear; and • limiting the waiting time in public areas.

SECTION THREE: Commitments

Table 3, continued

Informed consent and the criminal justice system	
21	Whitehorse SART agencies commit to understanding and using the legal protections cited in the <i>Criminal Code</i> and to educating the public when relevant and applicable.
22	Whitehorse SART agencies commit to understanding the laws and rules of privacy and confidentiality of each agency and how they might affect the sharing of information. This includes training in relevant legislation, such as the federal <i>Privacy Act</i> , and the Yukon's <i>Access to Information and Protection of Privacy Act (ATIPP)</i> and <i>Health Information, Privacy and Management Act (HIPMA)</i> .
Children and youth under 19 years of age	
23	Whitehorse SART agencies commit to taking the necessary time to explore the concerns and ideas of children and youth and then provide options based on this. Whitehorse SART agencies will provide options and choices to children and youth and their families while being open with them about any limitations on these choices based on duty to report and other legal requirements.
24	Whitehorse SART agencies commit to engaging with and building strong working relationships with service providers and partner agencies whose mandates include child and youth victims of crime. These include Family and Children's Services, Kwanlin Dün First Nation Child and Family Liaison Office, Skookum Jim Friendship Centre, Council of Yukon First Nations Family Preservation Services, and the Yukon Child and Youth Advocate Office.
25	Whitehorse SART agencies commit to increasing effectiveness when responding to disclosures from children and youth by following some general suggestions (see Section 4.3).
26	Whitehorse SART agencies will explain the limits of confidentiality and their legal duty to report to children and youth and their parents or guardians.
27	Whitehorse SART agencies will continue to work collaboratively and with other stakeholder agencies to support children, youth and families when duty to report is triggered.

3.1 Inter-agency cooperation

Historically, agencies that provide services to victims of sexualized assault have been unable to share information and thus establish collaborative processes. SART agencies and service providers have committed to working together to ensure that they can collaborate when appropriate.

"[Many victims are]... not aware of services available to them and recommend improved outreach services to hospital, to women's homes and proper notification of all relevant resources."

Hrenchuk and Girgrah, 2015, p.8

Whitehorse SART agencies recognize the importance of developing a process of facilitated referrals among agencies in order to address the complexities of navigating the medical, legal and social services systems, to improve the responses for victims, and to help hold perpetrators accountable. Doing so will ensure that service providers are informed of and share relevant information about the available options so that victims can make informed choices.

Victims often come into contact with a number of frontline support workers and responders. Although responders have a specific role to play, they also come into contact with other service providers who are supporting or advocating for the victim. A coordinated and collaborative process allows responders to work together to provide coordinated support for victims of sexualized assault.

Victims are best served when responders fulfill their roles with compassion and skill, and collaborate with other responders. Responders need to talk with each other, understand each other's roles, and provide information to each other on the options available to victims.

A victim-centred approach ensures that the victim chooses which path to follow, and that information is provided along the way. Victims should be promptly provided with consistent information about the services available at all times so that they can make informed decisions. Victims also need to know that they can change this path at any time.

Choosing a specific path may not always be possible for children and youth due to the legislated duty to report when protective intervention is required. For more information on using a victim-centred approach when responding to cases involving children or youth, see Section 4.

Commitments

Inter-agency cooperation (see Table 3)

- See **Commitment 1** communication among service providers
- See **Commitment 2** access to information about the Whitehorse SART
- See **Commitment 3** effective use of information about the Whitehorse SART
- See **Commitment 4** training for frontline workers

3.2 Contexts of sexualized violence

"Had I known that I would have been heard, trusted, believed, I could have made that effort just to protect other women... And it's also alerting other guys that women are going to report you if you do this so that it sends a message to other guys that they shouldn't do this."

Prochuk, 2018, p.16

In developing a meaningful response to sexualized violence, it is essential that responders understand the complex context and experience of sexualized violence. What is known and understood about sexualized violence and the contexts in which it occurs is constantly changing. Therefore, the training and expectations of frontline responders also need to adapt.

These are some of the contexts of sexualized violence:

- alcohol- or drug-facilitated;
- in the context of sex work;
- on campus/college;
- in correctional facilities;
- familial, close relationship and intimate partner;
- retraumatization, including past or childhood sexualized assault;
- victims with Fetal Alcohol Spectrum Disorder or other cognitive or physical disabilities;
- marginalized groups, including new immigrants, LGBTQ2S+ people and those experiencing homelessness;
- sexual exploitation and/or trafficking;
- in schools;
- young children (under 13 years of age) and their families; and
- youth (13 to 18 years old) and their families.

Frontline responders must have knowledge of these contexts and of the potential specific practices and policies to address them.

Whitehorse SART agencies should consider the context in which the offence occurred when discussing resources and referrals with the victim. When appropriate, documentation will reflect this context while being sensitive to victims' privacy and what they choose to disclose.

Being sensitive to each victim's individual experience and mindful of the particular context in which it occurred will help improve the quality of services and responses that agencies can provide.

Whitehorse SART agencies must be aware that victims of sexualized violence will share only what they feel is safe to share at that moment. Service providers should not assume that they have complete information, which is why it is important that they take direction from the victim in coordinating the services the victim expresses interest in. This is part of being victim-centred. For information on this approach as it pertains to working with children or youth, please refer to Section 4.

Whitehorse SART agencies commit to training to understand the complexities of the various contexts in which sexualized assaults can occur. Training or educational sessions will include the contexts listed above. The SART Protocol and Training Committee will collaborate with Whitehorse SART agencies to ensure that this type of training is made available (see Section 5).

Whitehorse SART agencies will consider prioritizing specific training and public education sessions to address issues that come up as they provide services to victims of sexualized assault.

Situations that are more complex may require more collaboration and coordination throughout the entire process. Privacy, release of information and informed consent will be always at the forefront of considerations in this process (see Section 3.4).

The Public Prosecution Service of Canada (PPSC) will consider the use of experts such as toxicologists and trauma-informed specialists, where appropriate, in trials and court applications, to increase the knowledge base of participants in the justice system. PPSC will provide training and education for all Whitehorse SART agencies on evolving areas of sexualized assault prosecutions. This includes the option for victims to appear and make submissions or have independent legal counsel make submissions on applications related to prior sexual history and admissibility of records.

Commitments

Contexts of sexualized violence (see Table 3)

- See **Commitment 5** the need for service providers to consider context
- See **Commitment 6** the need for training to better understand context
- See **Commitment 7** the need to prioritize training
- See **Commitment 8** the need to increase collaboration and coordination
- See **Commitment 9** the need for PPSC to consider the use of experts in court processes

3.3 Access, inclusion and cultural responsiveness

"Just understand and care what happens to Indigenous women and communities. By considering the intersections between racism and sexism, we can hope to change the systemic barriers to equality for our country."

Beverly Jacobs, former president of the Native Women's Association of Canada, quoted in NIMMIWG, 2019, p.110

Marginalized people are disproportionately affected by high levels of sexualized violence, and often face barriers when reaching out for support and services. This means that it must be a priority for the Whitehorse SART to find ways to increase access to supports and services as much as possible.

Equity ensures that all individuals and groups have access to what they need to survive and thrive. This differs from equality, which is often defined as providing the same kind or number of resources to everyone. Equity acknowledges that equal treatment is not enough to ensure that the most marginalized people in society are treated fairly and have access to the services they need when dealing with the aftermath of sexualized assault.

In responding to sexualized violence, service providers need to be aware of the diversity of each victim's experiences, intersecting identities (i.e., gender identity, Indigeneity and socioeconomic status) and personal histories, and need to know that they should not respond to everyone in the same way. Such so-called "equal" treatment can be potentially harmful and can prevent people from accessing services. Processes based on creating equitable practices mean that services are designed to respond to the diversity of needs of individuals and groups.

Using Gender-Inclusive and Diversity Analysis (GIDA) will aid agencies and service providers in identifying areas where they need to pay attention to access, equity and inclusion. The following questions can be a guide:

- How are victims and the public being communicated with?
 - Are service providers assuming that everyone has access to information in the same way?
 - Are communications accessible, translated if necessary, and culturally responsive?
- What assumptions are service providers making?
 - What social norms, assumptions and expectations are guiding decisions?
 - Are service providers assuming that diverse people will have the same experiences or be affected in the same way?
- Is anyone being left behind?
 - Will any groups be disproportionately affected?
 - Which groups will experience barriers?
- Whose voices are being heard?
 - Have other organizations who provide services to victims of sexualized assault been engaged?
 - Are the victims' wishes, opinions and concerns being appropriately considered?
 - Are frontline workers being included in or do they influence decision making in programming and policy decisions?
- What data is available and what data should be collected?
 - What can be learned from data on gender and diversity?
- How can more equal access and outcomes be ensured?
 - Can measures be put in place to reduce unequal outcomes and to avoid unintended consequences?

Address barriers to access

Many people experience barriers in access to services. In order to improve access, Whitehorse SART agencies commit to working together to identify barriers and determine potential solutions to address them.

For example, lack of access to safe and reliable transportation is an issue that faces many people. This includes bus, taxi, community safety vehicles, police vehicles and other options. Lack of transportation is a barrier to access to supports and services.

One of the Calls to Justice from the final report on Missing and Murdered Indigenous Women and Girls calls for safe and affordable transit and transportation services. *Changing the Story to Upholding Dignity and Justice: Yukon's MMIWG2S+ Strategy* includes action item 2.8: Transportation and Communication – Create safe and affordable transportation and communication options to and between Yukon communities.

Commitments

Access (see Table 3)

See **Commitment 10** finding safe and reliable transportation alternatives for victims

See **Commitment 11** meeting victims where they are and bringing services to them

Inclusion

Whitehorse SART agencies will increase inclusion by actions such as providing options for language translation, accessible office space, and plain-language documents. Service providers will be inclusive of all sexual orientations and gender identities, and will affirm victims' right to self-identification.

Bridging gaps with trusted supports

In addition to Whitehorse SART agencies, there are many other organizations in Whitehorse that work directly with victims of sexualized assault. They have built trusted relationships with victims as a result of providing supports following sexualized assaults.

Commitments Inclusion (see Table 3)

See **Commitment 12** providing inclusive services and materials

See **Commitment 13** being inclusive of all sexual orientations and genders

See **Commitment 14** collaborating with community organizations and individuals

Cultural responsiveness

Whitehorse SART agencies commit to providing their staff with resources to better understand Yukon First Nations' history and cultural context, including the impact of colonialism and the residential school system (see Section 2.4). This aligns with Calls for Justice 9.2 and 10.1 from the Final Report on the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019), as well as Yukon's MMIWG2S+ Strategy action item 4.2: Intercultural competence training and education.

Whenever possible, Whitehorse SART agencies will offer and incorporate Indigenous cultural options for victims of sexualized assault who identify as Indigenous. Cultural options include support from First Nations Health Programs, Elder support, land-based healing, Indigenous service providers, and traditional practices.

This aligns with Calls for Justice 3.2–3.5 and 7.2–7.5 from the Final Report on the National Inquiry into Missing and Murdered Indigenous Women and Girls (NIMMIWG 2019), and the Yukon's MMIWG2S+ Strategy foundational values.

Racialized victims of sexualized assault are another group with complex experiences that are often not considered by service providers. Unconscious biases can affect the delivery of services to racialized groups, and racialized victims face additional barriers to accessing services.

Whitehorse SART agencies commit to attending anti-racist and anti-oppression training, including bias training and training in appropriate ways to support newcomers, immigrants, refugees and Indigenous victims of sexualized assault.

Commitments Cultural responsiveness (see Table 3)

See **Commitment 15** better understanding Yukon First Nations' history and cultural context

See **Commitment 16** providing Indigenous cultural options

See **Commitment 17** anti-racist and anti-oppression training

3.4 Consent, confidentiality and privacy

The privacy and confidentiality of the victim are very important to SART. However, Whitehorse SART agencies are legally bound by limits to confidentiality. Service providers will clearly explain any limits to confidentiality to victims to support them in making informed decisions and accessing services.

Any release of information that is not mandated by legal requirements will be done only with the victim's informed consent. Sharing of information may include one Whitehorse SART frontline service provider discussing the details of the assault or the care the victim has received with other service providers.

Any release of information requested by Whitehorse SART agencies will be for a limited and specific purpose, which will be clearly spelled out in any document and consistent with the core principles of SART. Victims will be able to decide what they do and do not wish to share and will be advised that they are able at any time to revoke the consent to release information.

What is informed consent?

Informed consent means that the victim grants permission with a full understanding of all the relevant facts, including risks, consequences and available alternatives, when engaging with a service. Limits to confidentiality include duty to report, intent to harm oneself or another or harm to a child or youth, how records are kept and who clients can talk to if they are not satisfied with the service. All this information is provided to the victim before the service is provided.

Respecting the privacy of victims and maintaining the confidentiality of personal information is an important part of providing victim-centred supports and services.

At the same time, victims need to know the limits to confidentiality so that they can make fully informed choices and give informed consent to Whitehorse SART frontline service providers.

Whitehorse SART agencies commit to explaining the procedures and options available to victims as clearly as possible in order to obtain informed consent, while following the requirements of their own agencies.

Whitehorse SART agencies commit to respecting victims' privacy and maintaining the confidentiality of victims, while fulfilling the mandates and policies of their own agencies and acting within the boundaries of the law.

Whitehorse SART agencies commit to maintaining the confidentiality of victims of sexualized assault, including using more private entrances at agencies; having specific private rooms identified and available for victims; and limiting the time that victims must wait in open areas of agency offices.

Commitments Consent and confidentiality (see Table 3)

See **Commitment 18** obtaining informed consent

See **Commitment 19** privacy and confidentiality

See **Commitment 20** protecting confidentiality

3.5 Informed consent and the criminal justice system

In the Yukon, two pieces of legislation specifically set out victims' rights in interacting with the criminal justice system: the Yukon *Victims of Crime Act (VCA)*, which includes the *Victims' Bill of Rights*, and the *Canadian Victims Bill of Rights (CVBR)*.

The VCA sets out victims' rights in interacting with Yukon-based agencies, such as Victim Services, Corrections, and Court Services. The CVBR sets out victims' rights in interacting with the overall criminal justice system, including any federal agencies such as the Public Prosecution Service of Canada, the RCMP, and federal corrections and parole systems.

Victims of sexualized assault who have experienced injury, pain and loss as a result of the offence have rights as set out in these Acts. A person can be considered a victim under this legislation even if no charges have been laid or if the accused has not been convicted. Family members, guardians and loved ones who witness violence and/or support someone who has been directly victimized are also considered victims in the legislation.

Through these measures, victims have the right to information and participation, to seek restitution, and to submit victim impact statements. Most importantly, both the VCA and the CVBR state that victims have the right to be treated with care, courtesy and respect, to have their privacy protected, to be protected from intimidation or retaliation, and to experience the least intrusive and inconvenient measures possible.

These rights matter: protecting the safety and dignity of every person is in the best interest of the health and well-being of the Yukon.

The RCMP turn over all the evidence that they gather in criminal cases to the Crown. With limited exceptions, Crown prosecutors are legally obligated to fully disclose all relevant evidence to an accused person and/or the accused's lawyer.

This allows the accused person to answer the charges and defend his or her position. Service providers need to keep victims informed of this legal obligation if they choose to report to the RCMP and proceed through the criminal justice system.

However, the law is constantly evolving, and specific safeguards in the *Criminal Code* address the protection of victim confidentiality.

Commitments Informed consent and the criminal justice system (see Table 3)

See **Commitment 21** the legal protections cited in the *Criminal Code*

See **Commitment 22** how rules on privacy and confidentiality affect the sharing of information

Privacy legislation and SART

Each of the key Whitehorse SART team members (other than the Women's Transition Home) is subject to privacy legislation. See Table 4.

Table 4. Privacy legislation and SART

Women's Transition Home	not applicable
Victim Services, Department of Justice, Government of Yukon	<i>Access to Information and Protection of Privacy Act</i> , SY 2018 c.9 (ATIPP)
Mental Wellness and Substance Use Services and Community and Primary Care, Department of Health and Social Services, Government of Yukon	<i>Health Information Privacy and Management Act</i> , SY 2013 c.16 (HIPMA)
Yukon Hospital Corporation	<i>Health Information Privacy and Management Act</i> , SY 2013 c.16 (HIPMA)
Yukon RCMP M Division	<i>Privacy Act</i> , RSC 1985, c.P-21
Public Prosecution Service of Canada	<i>Privacy Act</i>
Women and Gender Equity Directorate, Government of Yukon	<i>Access to Information and Protection of Privacy Act</i> , SY 2018 c.9 (ATIPP)

HIPMA and ATIPP are Yukon statutes; the *Privacy Act* is federal. ATIPP and the *Privacy Act* apply to public-sector organizations; HIPMA applies to both public- and private-sector organizations engaged in health care. As a Yukon-registered non-profit society engaged in non-commercial activity, the Women's Transition Home is not subject to any data protection legislation.

All three Acts (and their regulations) establish limits on the accessing, collection, use, retention and disclosure of "personal information" or "personal health information" (as defined in each Act). They also establish duties with respect to information security and accuracy, as well as the rights of individuals to access and correct their personal information held by the regulated organization.

Each party (and their agents, if any) is responsible for complying with applicable legislation. This includes legislative or policy requirements for Privacy Impact Assessments (PIAs) by government agencies, including all territorial and federal agencies involved in SART. Each agency's PIA should set out the legislative authorities for its collection, use and disclosure of personal information in the SART context.

3.6 Children and youth under 19 years of age

Whitehorse SART agencies have made the following commitments to children and youth under 19 years of age.

Commitments Children and youth (see Table 3)

- See **Commitment 23** exploring the concerns and ideas of children and youth
- See **Commitment 24** building strong working relationships to better serve children and youth
- See **Commitment 25** responding to disclosures from children and youth
- See **Commitment 26** the limits of confidentiality and the duty to report
- See **Commitment 27** working collaboratively when the duty to report is triggered

Section 4 provides more detail on children and youth under 19 years of age.

Section Four



Children and youth under 19 years of age

Note: please also see Section 3.6 on Commitments: children and youth.

In Canada, sexual offences committed against children and youth are more frequently reported than those involving adults. Roughly one in five (21%) of sexual offences reported to the police in 2012 involved children and youth victims, compared to 4% for adults. The rate of police-reported sexualized offences against children and youth was highest in the territories (Cotter and Beaupré, 2014).

Although this Protocol applies to children and youth victims of sexualized violence, there are also special considerations that apply to them that service providers must consider at every stage in the process.

In the Yukon, the relevant acts that help guide this work include the *Child and Family Services Act*, the *Care Consent Act* and the *Child and Youth Advocate Act*. The Yukon Child and Youth Advocate's role in SART is to provide education and training on children's rights. The Advocate may also liaise with SART in cases where there has been a complaint about the services provided by one of the Whitehorse SART agencies.

At the federal level, relevant acts include the *Criminal Code* and the *Youth Criminal Justice Act*.

Upholding and practising the principles outlined in the relevant legislation requires Whitehorse SART agencies to continuously balance a range of concerns and interests regarding children and youth while always keeping their best interests at the forefront.

The *Child and Family Services Act* has guiding principles on determining the best interests of a child. Several principles relate to providing Whitehorse SART services to children and youth. These include considering the child's safety, health and well-being and the views and preferences of the child.

Whitehorse SART agencies should continue to inform themselves through training and education in order to make that determination for each child and youth. This will also require the use of Gender-Inclusive and Diversity Analysis (GIDA).

The work of the Whitehorse SART also aims to align with the principles outlined in the United Nations (UN) Convention on the Rights of the Child.

4.1 Relevant legislation

Whitehorse SART agencies commit to following and supporting the relevant guiding principles set out in the *Child and Youth Advocate Act* and the *Child and Family Services Act*, including those listed here.

Child and Youth Advocate Act

- Section 3 (i): children and youth are active participants in their own development and have an evolving capacity to form and express their views.
- Section 3 (l): a child-centred or youth-centred approach focuses on the interests, needs and rights of the child or youth and recognizes that a child or a youth grows and develops as part of a family, a culture and a nation.

Child and Family Services Act

- Section 2 (b): a child has a right to be protected from harm or threat of harm.
- Section 2 (i): a child, a parent and members of their extended family should be involved in decision-making processes regarding their circumstances.
- Section 2 (l): prevention activities are integral to the promotion of the safety, health and well-being of a child.

4.2 Principles specific to children and youth

All the values and principles in this Protocol (see Section 2) also apply to children and youth. Whitehorse SART agencies commit to the following additional principles specific to children and youth.

Dignity of and respect for children and youth

Sheldon Kennedy, former NHL player and victim of child sexualized abuse, and founder of the Sheldon Kennedy Advocacy Centre (now the Luna Child and Youth Advocacy Centre), states: "We can't have police not talking to health not talking to social services not talking to victim services not talking to schools, especially in communities like Whitehorse and the surrounding areas."

The problem: Children and youth are not having their specific needs addressed, not being informed ahead of time about what is happening to them, and are left out of decisions that directly affect them. Agencies want to help children and youth, but are not talking to each other and so do not have the complete picture about what is best for the individual child or youth.

Whitehorse SART agencies commit to taking the necessary time to explore the concerns and ideas of children and youth and to then provide options based on what they heard. Whitehorse SART agencies will provide options and choices to children and youth and their families while remaining transparent and open with them about any limitations on these choices due to the duty to report and other legal requirements.

An approach centred on children and youth recognizes each individual's unique perspectives and experiences and focuses specifically on the needs and rights of children and youth. Service providers must collaborate to provide services and supports that are tailored to the needs of the individual child or youth. This approach also recognizes that older youth are likely to have different needs and concerns than younger children.

Part of being centred on children and youth means treating victims with dignity and by understanding that each child and youth has specific insights, skills and interests. Often, children and youth are seen as having trauma and problems, rather than as individuals with strengths and resilience. Service providers must recognize these individual qualities and draw on these strengths when developing supports and plans for young victims.

Whitehorse SART agencies commit to engaging with and building strong working relationships with service providers and partner agencies whose mandate includes serving child and youth victims of crime. These agencies include Family and Children's Services, Kwanlin Dün First Nation Child and Family Liaison office, Skookum Jim Friendship Centre, Council of Yukon First Nations Family Preservation Services, and the Yukon Child and Youth Advocate Office.

4.3 Response-based practice: children and youth

The problem: Adults often lack adequate training in how to respond to and support children and youth who have experienced sexualized abuse or violence. When children and youth receive inadequate responses from the adults they disclose to, it can retraumatize them, silence them and therefore, potentially escalate risk.

As with adult victims, responses to disclosures can have significant impacts on the overall healing path of children and youth and on whether they will seek further help or engage with systems for support. Positive and supportive reactions – including empathy, support, active listening and asking non-judgmental questions – are especially important when working with children and youth. Children and youth often look closely at the reactions of the adults who they are disclosing to and follow their lead.

Because children and youth are still developing, the response of adults has a profound impact on how they process what has happened. If young victims experience negative or judgmental reactions, they are less likely to ever disclose again, or may alter what parts of their experiences they share in the future. It is therefore even more important when engaging with children and youth to provide a caring, supportive environment to allow these disclosures to occur.

Whitehorse SART agencies commit to increasing effectiveness when responding to disclosures from children and youth by following these general suggestions:

- Be supportive – reassure them that they have not done anything wrong and that you believe them.
- Go slowly – let them control the pace of the disclosure and have some control over how it occurs.
- Be a good listener and control your emotions – express your concerns to the child or youth in a neutral and objective manner while still showing empathy and support.
- Find a private area to have these discussions that is appropriate to children and youth – consult with other Whitehorse SART agencies to find a more suitable space if necessary.
- Ask them whether they want you to contact anyone before they start sharing information. Let them know that at any time they can let you know if they want to contact someone. Ask again after they have finished sharing with you. Depending on their age and ability, also ask what they want you to disclose to their parents or guardians, or if they would like another agency to disclose instead.
- Ask questions that let them tell what happened in their own words. Avoid “why” questions that suggest blame.
- Get only the essential facts – once you have enough information about what happened, stop gathering facts and be supportive. The child or youth may need to be interviewed in depth in a joint investigation with the Yukon RCMP and Family and Children Services. In-depth questioning should be reserved for a forensic interview conducted by trained professionals.
- Tell the child or youth what will happen next. Do not make promises you cannot keep; for example, do not agree to keep secret what the child or youth said. Explain to the child or youth that some secrets need to be shared to get help, or to keep people from getting hurt.
- Continue to keep them informed and involve them in the process as much as possible. Be aware of the child or youth’s age and ability and make adjustments depending on these factors.

4.4 Privacy: children and youth

“It is essential that services work together to provide developmentally appropriate services that uphold children's rights: right to information, participation, recovery, privacy and safety.”

King, 2019

Article 16 of the UN Convention on the Rights of the Child states that no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family home or correspondence, nor to unlawful attacks on his or her honour and reputation.

Children and youth who are victims of sexualized violence have similar rights to those held by adults, and have additional rights. Children and youth have the right to be protected from experiencing further abuse and from having to face the perpetrator. The *Criminal Code* has provisions that ensure that when children and youth testify in court, they cannot see the perpetrator.

Service providers have certain duties and obligations to report situations where children and youth under the age of 19 may be at risk.

The Duty to Report is a legal requirement found in the Yukon's *Child and Family Services Act*, which sets out mandated responsibilities to protect children and youth from abuse by a parent, guardian or someone else.

Most relevant to the Whitehorse SART in terms of the duty to report are the following sections of the *Child and Family Services Act*:

- Section 21 (When protective intervention is needed): s.21(1) A child is in need of protective intervention if the child (b) is or is likely to be sexually abused or exploited by the child's parent; and (e) is or is likely to be sexually abused or exploited by a person and the child's parent does not protect the child.
- Section 22 (Duty to report) (1): A person who has reason to believe that a child is in need of protective intervention shall immediately report the information on which they base their beliefs to a director or peace officer.
- Section 22 (2): subsection 1 applies even if the information on which the belief is based:
(a) is confidential and disclosure of the information is prohibited under another Act; or
(b) is privileged, except as a result of a solicitor-client relationship.
- Section 22 (7): This section prevails over the *Health Information Privacy and Management Act*.

Confidentiality

Whitehorse SART agencies recognize that children and youth are entitled to their privacy and confidentiality whenever possible. Information about the child or youth will be shared only with written consent or as required by law.

Whitehorse SART agencies will explain the limits of confidentiality and the mandated legal requirement of the duty to report to children and youth and their parents or guardians.

Duty to report

When navigating situations where a duty to report is required, Whitehorse SART agencies will keep the SART core principles (see Section 2) top of mind.

Whitehorse SART agencies will continue to work collaboratively and with other stakeholder agencies to support children, youth and families when the duty to report is triggered.

- If the Yukon RCMP are already involved in the matter and are aware of a possible sexualized assault (for example, they have taken the child to the hospital) then the duty to report has already been addressed and the Yukon RCMP will contact Family and Children's Services, per the existing Memorandum of Understanding (MOU).
- The SART frontline service provider will, as much as possible, inform the child or youth of what is occurring and why. Supports should continue to be offered, such as Victim Services, First Nations Health Programs, etc.
- The SART frontline service provider will involve the child or youth as much as possible in the process and listen to any questions and concerns. The provider may also pass those concerns along to the Family and Children's Services worker and/or the Yukon RCMP.

Section Five



SART training framework

Whitehorse SART agencies have committed to identifying and participating in ongoing training in order to develop specialized knowledge, skills and approaches to working with victims of sexualized assault. Agencies will develop internal training to guide their work, will participate in inter-agency training, and will provide training to other Whitehorse SART agencies and community partners.

The training framework sets out the principles for SART training:

- identifying, in general terms, the subject areas and competencies to be addressed through training, in order to effectively deliver services in the Yukon context;
- providing a mechanism for receiving, considering and responding to recommended training for Whitehorse SART agencies;
- reflecting those needs in the ongoing training plan; and
- providing a structure to support the setting of training priorities.

The purpose of the training framework is:

- to support the development of the specialized and general knowledge and skills necessary for effective service delivery for Whitehorse SART agencies;
- to provide a foundation for Whitehorse SART agencies to assess new and emerging training programs; and
- to inform the development of the annual training planning.

These are the training objectives for Whitehorse SART agencies, as committed to in this Protocol:

- learn to treat victims with dignity, respect and empathy;
- learn about the neurobiology of the brain and the impact of trauma;
- learn about the roles of each of the disciplines that make up Whitehorse SART, and how to work effectively within that team;
- learn about Gender-Inclusive Diversity Analysis (GIDA), and how marginalized populations in the Yukon may experience barriers to service;
- learn more about specific known contexts of sexualized assault that may affect various populations in the Yukon, such as children and youth, male victims, victims who identify as LGBTQ2S+, people with Fetal Alcohol Spectrum Disorder, those involved in sex work/trade, and those struggling with substance use;
- learn more about the history of Indigenous people in the Yukon;
- learn about sexualized assault response options and processes, including third-party reporting, sexualized assault evidence kits and Kits on Ice, criminal justice processes and the resources that are available for support and healing in the Yukon;
- learn discipline-related skills for responding to a SART-related call and/or disclosure;
- learn more about partners and stakeholder organizations in the community that are working with victims of sexualized assault and how SART can support the people they work with;
- learn about legislation that relates to sexualized violence, such as the *Yukon Child and Family Services Act*, the *Yukon Victims of Crime Act*, and the *Canadian Victims Bill of Rights*, and participate in reviews of such legislation when appropriate; and
- learn about the relevant practices and commitments in child welfare between First Nations and the Government of Yukon and the RCMP.

5.1 Training principles

The proposed areas of training reflect the Whitehorse SART core principles and commitments as outlined in this Protocol to develop a specialized approach and understanding of how best to respond to victims of sexualized assault.

Gender-Inclusive Diversity Analysis (GIDA)

This analysis reflects the fact that there is no “typical” response to sexualized violence. Responders need to be aware that sexualized violence occurs within the context of gender-based violence. Understanding the dynamics of sexualized and gender-based violence can influence the responses to victims who seek services. Many factors, including identity and social location, inform a person’s understanding and experience of sexualized violence.

Culturally responsive

This training will help responders and service providers respond in culturally safe ways to maintain the dignity and needs of diverse victims of sexualized violence. Training is developed with an appreciation of the specific and diverse social realities, cultures and barriers within the Yukon. Training will reflect the Whitehorse SART’s work with Yukon First Nations and Indigenous organizations to ensure that training in history and culture reflects cultural competencies established or acknowledged by Yukon First Nation governments, and is delivered by and with Yukon Indigenous people.

Victim-centred

The impact and experience of sexualized violence is complex and specific to the individual, which requires a specialized approach and response. Victims of sexualized violence have the right to be informed of all the options and resources available to them and the opportunity to choose the services that best meet their needs. Information will be provided to victims at every step of the process so that they can make informed decisions.

This training will assist service providers in responding with respect for individual dignity and choice, and in recognizing that the type and quality of response can have significant impact on a person's healing journey and trust in services. The options available to children and youth differ from those available to adults. Please see Section 4 for information on supporting children and youth who have experienced sexualized assault.

Trauma-informed

Training will emphasize the need for service providers to respond in a way that avoids retraumatizing and revictimizing people who access services. It will also highlight that victims' experiences and their response to sexualized violence are unique to their social history.

Response-based

A service provider's response to disclosure and the language used to describe sexualized violence affect the victim's experience when seeking services. Disclosures are the first point of contact for victims, and a positive and supportive response is critical to their well-being:

- The way language is used affects victims' experience of the services they are seeking. Service providers need to use appropriate and accurate language. Victim blaming, and using language that minimizes what happened, can hurt a victim's dignity and add to the experience of violation and distrust of the system.

Reducing harm

In order for agencies to provide low-barrier services they need to better understand sexualized violence, substance use and mental wellness. Training will provide frontline workers with the skills to work with the victim along a continuum of substance use. It will reduce and address harms related directly or indirectly to ongoing substance use.

Emerging, collaborative and up-to-date practices

Training will reflect the need for all Whitehorse SART agencies to learn with and from colleagues and to continue to coordinate service delivery. Coordinating ongoing exchange of knowledge and training for Whitehorse SART agencies will be critical in sustaining a consistent response to victims of sexualized violence.

Whitehorse SART agencies recognize the importance of paying continuous attention to collaboration among governments, non-governmental organizations and communities in order to continue to effectively and consistently meet the needs of clients, while being respectful of each agency's distinct mandate.

5.2 Types of training

The SART training framework focuses on four specific areas:

- internal agency-specific training;
- cross-sector training for all SART agencies;
- inter-agency training; and
- outreach.

Internal agency-specific training

This is consistent with the core principles of the Whitehorse SART Protocol and includes topics such as these:

- Sexualized Assault Support Line – specialized training for taking crisis calls;
- Victim Services – specially developed training for SART support workers;
- Medical/health – training to be a sexualized assault examiner for physicians and nurse practitioners;
- Mental Wellness and Substance Use Services – provided by the World Professional Association for Transgender Health;
- Yukon RCMP – training for the RCMP in myths about consent and sexualized assault; and
- Legal analysis – provided by the Public Prosecution Service of Canada on the amendments to the *Criminal Code* that protect victims from inappropriate questioning about their prior sexual history, and keep third-party records confidential.

Cross-sector training for all Whitehorse SART agencies

Cross-sector training includes on-line courses, workshops and conferences. It also includes having people from relevant organizations and with lived experience instruct Whitehorse SART agencies. Training is consistent with the commitments and core principles of the Whitehorse SART Protocol, and includes the following topics:

- understanding the impacts of sexualized assault on groups such as children and youth, male victims, victims who identify as LGBTQ2S+, people with Fetal Alcohol Spectrum Disorder, those involved in sex work/trade and those struggling with substance use;
- culturally responsive training;
- trauma-informed practice;
- neurobiology of trauma;
- response-based practice; and
- duty to report.

Inter-agency training

Members of the SART Implementation Committee and the Protocol and Training Management Committee, as well as other people, train SART agency frontline service providers in SART procedures. This includes SART members speaking to the Yukon RCMP about the team; a SART Clinical Coordinator and a designated sexual assault examiner speaking to Crown prosecutors about forensic examinations; and SART support workers speaking to Mental Wellness and Substance Use Services counsellors.

This type of training would also include knowledge exchanges and sessions where Whitehorse SART agencies talk to SART frontline service providers about their roles, the Whitehorse SART Protocol, and referral processes between agencies.

Outreach

SART representatives provide training to partner community organizations and stakeholders about the team, including issues such as responding to disclosures of sexualized assault, and trauma-informed practice.

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Please see *Services and Resources: Whitehorse Sexualized Assault Response Team (SART)* for more information on SART services.