

Do the Courts Favour Women Survivors?

Over the last 20 years or so, I have represented hundreds of sexual abuse survivors—men, women and children. I have also kept track of every case that has gone to trial in Canada where damages were awarded for sexual abuse. Generally, courts try to develop an approach to damages which will lead to fairness, consistency and predictability in the law. Over time, the courts have developed the following approach to sexual abuse damages which is applied more or less consistently in the case law:

- A.** The younger and more vulnerable the plaintiff, the more damaging the abuse is and, therefore, the higher the award.
- B.** The greater the number of assaults, and the more violent and invasive the assaults, the more damaging they are and the higher the award.
- C.** The closer the relationship between the plaintiff and the perpetrator, the greater the breach of trust when the abuse occurs, and, therefore, the higher the award.
- D.** Finally, the greater the effects of the abuse, the higher the award.

However, a question that I have often pondered is: Why do the courts seem to treat male and female abuse survivors differently in terms of the damages which are awarded to them?

Because of the evolving nature of the sexual abuse case law, I have chosen to look at cases over the past 10 years for this article. I have done a completely unscientific review of the cases decided since 2001. Between 2001 and 2011, there were approximately 105 reported civil sexual assault cases where damages were awarded. There are 67 cases involving female plaintiffs and 38 cases involving male plaintiffs. The average damages awarded to the female plaintiffs was approximately \$271,000.00, whereas the average damages awarded to the male plaintiffs was approximately \$193,000.00. Why the difference?

My personal observation is that women tend to be more able to articulate the impact and effects of the abuse on their lives. Women more often seek and obtain treatment and, thereby, create a documentary record of the impact of their abuse.

Men tend to act out more. Men often develop problem social behaviours such as criminal offending, conduct disorders or delinquency and are more inclined to engage in behaviour such as smoking, drug abuse, running away and school problems. Women, on the other hand, tend to internalize their responses and develop more emotional problems, mood disorders, and self harming behaviour and become vulnerable to further victimization. Some combination of these factors may make it easier for the Courts to understand the impact of sexual abuse on women.

Males are more likely to minimize or deny their abuse due to fears of stigmatization

However, the differences in the way men and women respond to childhood sexual abuse may be more a result of “nurture” than “nature”. Masculine gender socialization declares that men, even young boys, are not supposed to be victims. This socialization as well as society’s reluctance to accept their victimization, combined with their own belief that they must “tough it out”, leads to different albeit very damaging long term effects for men.

Males generally do not discuss their feelings or go to a therapist for help because boys are discouraged from discussing their feelings. If men don’t go to therapy and get help they may never realize the connection between their problems and the abuse. Depression in boys may be masked as bravado, aggression or a need to act out to overcompensate for feelings of powerlessness. In fact, males may be just as likely to experience depression as females but they are just not given much permission to express it. They are expected to be stoic, tough guys etc.

Males are more likely to minimize or deny their abuse due to fears of stigmatization. Given that most perpetrators are male, boys are more likely to be abused by a same sex perpetrator than are girls. This type of sexual abuse calls into question a boy’s sexual orientation and identity. For males, the added dimension of not being able to disclose their abuse for fear of being labelled gay, a weakling, or a liar,

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I Was Not Alone

In June, 2010, I sat in a darkened basement thinking of ways to end my life that would not inconvenience the few family members I chose to remain in touch with. The nine previous months, when examined closely, showed a man determined to sabotage his professional, personal and spiritual relationships with a vengeance. I was not worth the collection of friends, coworkers, lovers, and family that I had accumulated in twenty nine years on this earth. Unable to think of a way to end my life, I had only one other option, to live.

I began my journey of recovery in July that same year when I sat with my oldest sister and admitted that the abuse that took place when I was child was having a crippling effect on my ability to live a fulfilling life. That admission went against everything I learned about being a "Man" in the Caribbean Culture and the discussion that followed with her changed my life. My journey is nowhere near complete but I am here writing this article to celebrate the progress that I have made within one year.

I sat in a darkened basement
thinking of ways to end my life ...

With the support of my sister, I quickly went about choosing the members of my support team - the people who would finally get to know the real me behind the walls and masks that I built to survive as a child. My father, my sister, my best friend, my mother, all became cheerleaders, coaches and fans for the biggest game left to play, and one I could not afford to lose.

There was one area they could not help me with, and through research, we chose a therapist to guide me on my steps to recovery. Through a Tuesday night male group, I have met survivors at all stages of their journeys. Each survivor I met taught me something new. Some lessons were complex e.g. a survivor can get married and have kids. Some are more simple e.g. lying does not have to be a way of life anymore. The knowledge, support and comfort that is gained through peer support can fill volumes and, in the past year, my group has been there to keep me on a healing path.

One thing that has been revealed to me with astonishing clarity is that I am not alone. I have spoken of my journey to fifteen people, all of them

also of Caribbean descent, and out of that fifteen, seven of them in turn spoke of their abuse with each saying that they never even discussed it with their own families.

This phrase is often repeated from people wiser than me - as children, we were abused and left to suffer in isolation, but we cannot truly heal and stop the effects of this crime through isolation. All communities need to destroy the stigmas and ugly myths that are associated with childhood male sexual abuse and start creating safe places for these men to start to heal. As a youth worker for the past 13 years in Black, West Indian, African and Canadian communities, it is near criminal that there is very little support and understanding for men who want to attempt to heal themselves from the abuse they suffered.

Let us start to build a better country by taking care of all victims of abuse. I know that my life has changed for the better because of the support I received and I can only pray that as time passes more opportunities exist in the province for men to receive the same support.

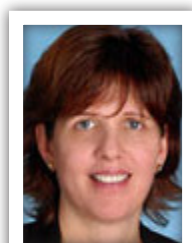


By K. Prince

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may amplify the effects of the abuse. As well, there are fewer support networks and services available for men and fewer professionals who possess the skill and knowledge necessary to work effectively with male victims.

Perhaps over time, as more and more men come forward, talk about their abuse and seek help, society, the courts and men themselves will begin to have a greater understanding of the particular ways in which childhood sexual abuse impacts men.



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