

IN THE MATTER OF THE CORNWALL PUBLIC INQUIRY

The Honourable G. Normand Glaude, Commissioner

**PHASE II SUBMISSIONS
OF THE VICTIMS GROUP**

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The Victims Group offers the following suggested recommendations to the Commissioner for his consideration:

Recommendation #1 – Permanent, accessible counselling support

The effects of childhood sexual abuse on its victims are truly devastating. David Wolfe and Peter Jaffe testified early in the Inquiry process about how lives are forever changed by abuse and how abuse by persons in positions of trust and authority is particularly catastrophic.

The typical outcomes of child sexual abuse set out by David Wolfe, the Inquiry's first witness, proved to be all too familiar to the former and current residents of Cornwall who told their stories of abuse to the Commission. These outcomes included difficulty trusting others, life-long feelings of guilt, self-doubt, self-blame, conflict with employers and difficulties maintaining gainful employment. Victim witnesses also testified to an inability to trust the institutions that are highly valued within the community, problems with authority figures and a loss of their religious faith. Substance abuse problems, troubles with the law, anxiety and mood problems and suicidal ideation were also commonly referred to by witnesses.

Given the numerous and serious impacts of childhood sexual abuse, the need for counselling services is undeniable, yet the Province of Ontario has consistently failed to provide services that come anywhere close to meeting the demand. Access to services for female victims of abuse is not ideal, but has come a long way in the past number of years. Canadian society's now frequently articulated abhorrence of violence against women in all of its forms has translated in to government's increasing willingness to support these victims. Unfortunately, the same cannot yet be said about male victims of sexual abuse, particularly when they are first identified as such only as adults.

The provision of counselling services throughout this Commission's process has been, thus far, its most positive contribution to the community and those persons

affected by the matters being examined. Many victims of abuse and other affected people have benefited from counselling services offered over the past few years, as well as from the Inquiry's administration of the program that made obtaining counselling as easy as possible for those in need.

Since the inception of the Commission's Counselling Support program in March 2006, administrators have opened 395 files (163 men and 223 women). Of the 163 men, 122 identified themselves as survivors and 36 as family members of survivors. Of the 232 women, 139 identified as survivors and 76 identified themselves as family members. Of the 395 files opened, 388 people were approved for counselling support and 328 went to a counselor and developed a counselling plan. From inception to December 1, 2008, the cost for counselling plans was \$40,100 and the cost for ongoing counselling was \$2,325,128. These costs were paid directly to counselors. The provision of counselling services is currently scheduled to continue 90 days past the release of the Commissioner's final report.

The number of people assisted by the Commission in this way is encouraging, tragic and a cause for real concern. We are encouraged that a public inquiry was called to examine the mistakes of the past and yet, it contributed so directly to the present and future well-being of so many people. The tragedy is that 395 people in and around Cornwall needed to access the counselling support program to assist them with issues relating to childhood sexual abuse. While specific statistics were not released about how many of the people who have benefited from counselling services recently were able to do so only because of the Commission's program, we know that number is much too high. We are too frequently asked, 'what happens to my counselling when the Inquiry leaves town?'

What happens when the Inquiry leaves town is of grave concern to the members of the Victims Group and their families, and it should be of grave concern to Cornwall and Ontario. Tim Smith, a now retired OPP officer who investigated horrific abuses at the St. Joseph Training School in Alfred, testified eloquently and passionately

when he urged the Commissioner to learn from the Alfred experience. Smith said:

However, I would like to flip to Phase 2. And Phase 2, I'm upset that the government cut you short, and I'll tell you why: I'm still in contact with victims from St. Joseph's and St. John's Training School. This is after 18 years. Recently, I was informed -- I asked how they were doing, if they were -- they had 1,600; we were aware of 1,300. A number of them are now dead. I'm informed that 14 or 15 more of them suicided. They obtained the reconciliation package; they got some money. With the majority, it's all gone; the money's all gone. Their relationships with their spouses, in a number of cases, have fallen by the wayside. A number of them have gone back to substance abuse. A number of them look 20 years older than they actually are. A great number of them are on social assistance or on disability pensions, and a number of them have a very poor outlook on life. There's no counselling. And when I look at -- when I look at alcoholism, there's support by the government for alcoholism; there's support for drugs; there's support for gambling; but there's no support for victims, male victims, of abuse. And I would strongly urge you, in your recommendations, sir, to impress upon the government that it is not just the right thing to do, but it's economically feasible to support those groups that support male victims of sexual abuse, and provide counselling to these people. Some of them may only need it once or twice month, once or twice a year, some of them will require it for the rest of their lives, and I think that's the least that can be done.¹

The effects of this Commission's work will continue to be felt long after the report is issued. More importantly, the effects of the abuse and less-than-ideal institutional responses identified in Phase I are long-lasting and, in some cases, permanent. The Province must be made to understand that counselling support is not a luxury; it is a necessity.

The Victims Group does not purport to have all of the answers and nor should the Commission. We are not health care professionals and we are not able to speak in great detail of the appropriateness of one service delivery model or treatment strategy over another. We can, however, most certainly attest to the desperate need for services and the necessity of a strong public commitment from the Province to establish and maintain a long-term, workable system that ensures

¹ Evidence of Tim Smith, November 26, 2008. Vol 312, pp. 37-38.

counselling support to all victims of sexual abuse whether young or old, male or female, rich or poor.

It is worth noting that a recommendation of continued funding for counselling after a public inquiry would not be without recent precedent. The final report of the Inquiry into Pediatric Forensic Pathology (Goudge Inquiry) recommended that funding for counselling for individuals from families affected by flawed pediatric forensic pathology be covered for a total of five years:

Goudge Inquiry report recommendation number 167: "The Province of Ontario should provide funding to permit counselling for individuals from families affected by flawed pediatric forensic pathology in case examined at this Inquiry for up to a further three years, for a total of five years from the time of commencement, if the individual and the counsellor think it would be useful"²

Early in the Inquiry process, during the standing and funding stage, the Commission received basic information relating to the economic status of the members of the Victims Group. Many of our members survive on modest (to put it very generously) government disability pensions while several others work at low-paying jobs. The experiences of these men and women accord with the experiences of other victims, as reflected in the list of the known effects of childhood sexual abuse that is set out briefly above and much more eloquently by Drs. Wolfe and Jaffe during their Inquiry testimony. There can be no doubt that it is simply not possible for most of these individuals to continue with treatment that is not fully subsidized.

The Victims Group urges the Commissioner to echo the spirit of Recommendation #167 of the Goudge Commission by recommending that funding for counselling continue for a period of at least three years from the time the final report is issued. Halting such a critically important program mid-stream risks devastating consequences.

² <http://www.goudgeinquiry.ca/>

While continuing the Commission's own counselling support program is important, a long-term and wider-reaching approach to ensuring the availability of counselling support for victims of abuse in Ontario is desperately needed.

The Victims Group urges the Commissioner to recommend that the Province immediately undertake a thorough examination of the current services provided to victims of sexual abuse, both male and female, for the purpose of thereafter establishing a consistent, long-term and province-wide program that ensures that support and counselling is available to those who so desperately need it.

While this Commission was not able to undertake an examination of the true economic costs of sexual abuse, we suggest that such a study may prove useful in informing the debate as to whether the above-noted programs would be worthwhile and economically feasible. The economic costs of sexual abuse are staggering and every dollar spent to combat the problem and to better heal its victims is money well spent.

**Recommendation #2 - The Men's Project specialized victim
treatment service centres**

The Men's Project provides a variety of victim services along with other counselling programs for men and their families. The Men's Project has been funded by the Ministry of the Solicitor General/Attorney General since 1999, but its funding is not assured going forward.

We urge the Commissioner to recommend that The Men's Project be granted annualized funding to ensure that victim support is provided to males in this area.

We also adopt the submission of the Men's Project set out at page 2 of its submissions to the effect that **specialized victim treatment service centres for male survivors of sexual abuse and/or sexual assault should be created province-wide.**

Recommendation #3 – Support and Funding of Community-Based Projects

Members of the Victims Group have devoted considerable energy over the past few years in various attempts to contribute to their community's desire to achieve healing and reconciliation. It has become increasingly clear to them throughout that time that community change and programs aimed at healing must be driven by survivors, rather than by institutions and institutional actors.

During our consultations relating to these submissions, we have heard repeatedly from members of the Victims Group that those in power should not be dictating how this community is to heal. Typically, the incredible power discrepancy between those in authority and those marginalized by society prevents the latter from effecting change on a large scale. The disparity in resources and abilities was best described by one of our members, who commented that those in power worry about mandates and funding while “we stand on street corners to meet.”

The Commission therefore provides a unique opportunity for victims of abuse to take ownership of their ideas and to work together for the benefit of all. Funding the projects set out below would permit victims of abuse to implement their own ideas and to help drive change, rather than simply being carried along for the ride.

To that end, the Victims Group supports and recommends funding for the Adult Community Healing Resource Centre, as presented by the Survivor Leadership Team.³ The leadership team has concluded that the need for a space for survivors, run by survivors with the support of community leaders, is important to build the self-esteem of individuals who seek to come out of the isolation of abuse and to contribute to the prevention of child abuse in future generations. Its unique leadership team, with the common experience of child abuse but also the resilience of “wounded healers,” can operate out of Cornwall and reach out to the community.

³ http://www.cornwallinquiry.ca/en/healing/research/pdf/Adult_Resource_Centre_Proposal.pdf

The Victims Group also supports funding for the implementation of a homeless shelter in Cornwall. The fact that the Commission examined several cases where young people were abused by predators who took them in when they had nowhere else to go clearly demonstrates the importance of safe and accessible accommodation and support. The Victims Group supports the research and work of Jamie Marsolais in developing the “Shelter 2015 Report: Research Proposal for an Emergency Shelter in Cornwall Ontario.”⁴

We also urge the Commissioner to recommend that Cornwall’s victims and survivors be remembered through a monument and/or a day of recognition. The proposal for a local memorial has been suggested by survivors and other community members as a way to acknowledge, in a positive way, the survivors of sexual abuse. An example of such a memorial, designed by Victims Group member Kenneth-Keith Ouellette, is presented as Appendix “D” of the Citizens for Community Renewal’s Phase II submissions.

⁴ http://www.cornwallinquiry.ca/en/healing/research/pdf/Shelter2015_en.pdf

Recommendation #4 – Encourage Apologies

The importance of heartfelt, sincere and specific apologies to victims of abuse cannot be understated. Ontario's proposed *Apologies Act* would provide a statutory framework within which litigation-fearing institutions could issue apologies to those that they and/or their employees have harmed.

The Victims Group has had the benefit of reviewing Leslie MacLeod's research report titled "A Time for Apologies: the Legal and Ethical Implications of Apologies in Civil Cases."⁵ We refer the Commissioner to the author's list of factors to be considered in crafting a good apology. These include:

- Address what is important and specific to that person's needs.⁶
- Delivered by the actual wrongdoer or wrongdoers.⁷
- Contents of the apology must reflect the actual circumstances surrounding the harm and contain the constituent core elements: recognition, repentance, reasons, reparation, and reform.⁸
- Match between the "why" the victim wants an apology and why the apology is given.⁹
- That the apology appear sincere when given, such as through the communication of body language.¹⁰
- Consider the timing of the apology.¹¹
- Whether a private and/or public apology is given and survivors often call for both.¹²

The time for apologies in Cornwall is now. **We strongly urge the Commissioner to recognize the importance of apologies in his Phase 2 report.** The ability

⁵ http://www.cornwallinquiry.ca/en/healing/research/pdf/Macleod_Apologies.pdf

⁶ Intro, iv

⁷ p. 15

⁸ pp. 15-16

⁹ p. 16

¹⁰ p. 17

¹¹ pp. 17-18

¹² pp. 18-19

of this community to achieve true healing and reconciliation is inextricably linked to the willingness of those who have harmed others to apologize for their wrongdoing and to accept responsibility for their actions and inactions. No committee, or community roundtable or pastoral letter will move this community towards healing as quickly and as effectively as a sincere apology. **We recommend that the Commissioner stress in his report that his healing and reconciliation mandate is tied directly to the willingness of Cornwall's public institutions to take the first step.**

Recommendation #5 - Public Awareness Campaign

One of the Inquiry's first and best witnesses, Dr. Peter Jaffe, spoke of the dearth of public awareness relating to the sexual abuse of males and, in particular, the significant problems caused by male socialization on the willingness of men to report having been sexually abused as children. He said:

[Don Cherry] could talk about sexual abuse publicly and he would have more impact than I would have in a whole career. Don Cherry, in a full minute, talking about sexual abuse and seeking help would have more impact than all publications by Jaffe and Wolfe put together. That's the reality of Canadian society. That's who men listen to. If it doesn't happen on Hockey Night in Canada, it doesn't really matter. And that's a big issue for boys.¹³

We urge the Commissioner to recommend the creation and launch of a public awareness campaign focusing on child sexual abuse. We have seen ample evidence at this public inquiry of what happens when victims of abuse realize that they are not alone. Encouraging victims of abuse to come forward, to get help and to assist in ensuring that nobody else is harmed should be a top priority. Similarly, public education and awareness is critical. Everything possible should be done to help all Ontarians understand how to prevent, detect and report sexual abuse.

While we submit that a truly effective public awareness campaign must also involve the mainstream media, we support the recommendation of the Men's Project relating to the establishment of a province-wide public education campaign, set out at page 5 of its submissions.

¹³ Evidence of Peter Jaffe. February 22, 2006, Vol 9, pp. 55-6

Recommendation #6 - Child Education Programs

A number of witnesses, from educators and victims to representatives of the local Diocese, recommended that sexual abuse education should be implemented in schools.

We urge the Commissioner to recommend the design and implementation of mandatory sexual abuse education programs in all of Ontario's primary and secondary schools that teach children about sexual abuse and how to protect themselves.

The evidence of victim witnesses before this Commission revealed that children who are sexually abused are often too embarrassed and ashamed to come forward. The number of victim witnesses who suggested childhood education programs or seminars is clearly indicative of the fact that the foremost experts on barriers to disclosure – the victims themselves – recognize the necessity of arming children with the knowledge they need to protect themselves and to disclose abuse when it does occur.

Several witnesses specifically recommended that survivors of abuse be brought in to schools as part of any education program to speak with children directly. Others have suggested that the direct involvement of police officers in these programs would be useful in terms of creating a relationship between the police and young people. We support those recommendations wholeheartedly but defer to the expertise of educators and health professionals to design and implement the appropriate programs.

Recommendation #7 – Specialized Training

Several witnesses throughout the inquiry commented that professionals require specialized training to better understand and help victims of sexual abuse and their families. It is clear that this is especially so with cases of historic sexual abuse. **The Victims Group urges the Commissioner to recommend the design and implementation of an interdisciplinary training program that would target community professionals such as teachers, nurses, police, and probation officers.** The Commission has received a feasibility assessment relating to St. Lawrence College's "Centre of Excellence: Post-Diploma Education in the Prevention, Treatment and Community Support of Victims of Child Sexual Abuse"¹⁴ that appears to be well-suited to meet the needs of this community.

The St. Lawrence College program would be an interdisciplinary education program on child sexual abuse and professional development that engages in prevention, treatment and support of victims of child sexual abuse whether they are children or adults. It has been shown that there is a need for interdisciplinary training and a better understanding between professions and this training program is expected to increase networking between the various disciplines.

The program at St. Lawrence would be an opportunity for the local training of professionals in a formalized academic-based approach. The certification would provide more in depth and formal training than a seminar or conferences. The material would be delivered in a mixture of distance and on-campus options, allowing professionals that are in rural communities to participate in the program and to provide standardized education that would not fluctuate between regions.

The program would be offered over the summer or through distance education over a two year period. The different agencies would have the ability to train one person to be the "go to" person on child sexual abuse. For example, one probation officer

¹⁴ http://www.cornwallinquiry.ca/en/healing/research/pdf/St._Lawrence_College_proposal.pdf

could train at St. Lawrence College and then all child sexual abuse cases would be referred to that probation officer.

There are currently few programs in Canada that deal specifically with child sexual abuse. There is a clear need to improve training among professionals, particularly in Cornwall, to ensure sensitivity, a broader knowledge of child development and a greater understanding of the dynamics of child abuse. It would be appropriate and symbolic to implement a program of this nature in Cornwall to ensure not only that its professionals are well-trained, but also so that Cornwall can become a centre of innovation and progressive thinking on these matters.

Recommendation #8 – Sexual Abuse Ombudsman

The Victims Group urges the Commissioner to recommend that a Sexual Abuse Ombudsman position be created in Ontario.

We adopt the submissions of the Men's Project in this regard, set out at pages 9 through 11 of its submissions.

Recommendation #9 – Sentencing in sexual based offences

The Cornwall Public Inquiry commissioned a paper examining sentencing trends relating to child sexual abuse in three provinces.¹⁵ The paper demonstrates that the trend in Ontario is for sentences in non-breach of trust cases to be longer than those in trust cases, which is contrary to what was expected. This seems counterintuitive given that a relationship of trust is cited as an aggravating factor that would go to increasing the sentence. It would seem logical that sentences would be longer in breach of trust cases as victims speak movingly on how the abuse has destroyed their ability to trust others. The authors also noted that pedophiles received stiff sentences in Alberta, than in Ontario and Quebec and that there appears to be a downward trend in Ontario in the average length of custodial sentences.

We urge the Commissioner to recommend that Ontario undertake a thorough review of sentencing practices in cases relating to childhood sexual abuse in order to determine whether Crown policies and procedures relating to these matters need to be revised in any way.

While we appreciate that a provincial commission of inquiry cannot directly influence criminal sentencing guidelines or practices, it can ensure that the province's Crown attorneys are well-equipped to argue these cases and to advance the public's interest. It is possible that such a review will conclude that the public's interests are best served by considerably stiffer sentences in these cases, in which case possible legislative and legal remedies could be considered.

The Victims Group makes this suggestion in hopes of stimulating debate and a thoughtful reconsideration of whether sentences in these cases are appropriate and, if not, what steps can be taken. Members of the Victims Group unanimously agree

¹⁵ “Non-familial Child Sexual Abuse: Sentencing Trends in Alberta, Ontario & Québec 1969-2008” by Long and Tansey-Miller, found at <http://www.cornwallinquiry.ca/en/healing/research/pdf/Sentencing-Trends-Survey.pdf>

that the sentencing of sexual abusers in Canada is woefully inadequate.