

Annex 4: Gender-based Violence

Canada's national strategy on gender-based violence (GBV) defines GBV broadly as "violence perpetrated against someone based on their gender expression, gender identity, or perceived gender"ⁱ. Instead, Egale recommends adopting an intersectional lens for analysis that addresses the ways in which the binary conceptions of sex (male and female), gender (masculine and feminine), and sexuality (heterosexual and homosexual) positions queer and trans people as "the other," which frequently renders these populations as either invisible or hypervisible through pathologization. The University of Victoria's Anti-Violence Project (2017) widens their definition of GBV, in turn making the concept more inclusive and intersectional, by noting that GBV is "rooted in gender-based oppression and power inequalities" which support and reinforce sexism, cissexism, misogyny, and transmisogyny. As such, gender-based violence involves "interpersonal, institutional or systemic act(s) of violence (physical, sexual, economic, emotional, spiritual, social) that devalues and/or reinforces expected entitlement to women, girls, trans, Two-Spirit, genderqueer, non-binary, and gender non-conforming bodies and lives".

The Anti-Violence Project's definition of GBV highlights how the very framework of our institutions and societal structures are built upon the reinforcement of gender binaries and cissexism, validation of traditional gender roles, and heterosexist understandings of relationships and families, and the erasure of intersectional issues and experiences. Ultimately, it is this marginalization of queer, trans, and gender diverse experiences within broader societyⁱⁱ that makes GBV an unavoidable reality and one of the most pressing concerns for LGBTQI2S communities.

LGBTQI2S communities experience significantly higher rates of sexual and domestic/intimate partner violence (D/IPV) than their cisgender, heterosexual, and non-intersex counterparts. Within the general population, lesbian and bisexual women, gay men, and men living with HIV all experience elevated risk of sexual violenceⁱⁱⁱ. Most alarming are rates of sexual violence within trans communities, with an estimated incidence ranging between 25-47%^{iv}. On campus, LGBTQI2S communities experience the most violent forms of sexual violence^v with trans and gender diverse communities experiencing the most elevated rates^{vi}. Within intimate relationships, bisexual women^{vii}, HIV positive men^{viii}, and women^{ix}, and trans and gender diverse individuals^x are at higher risk of experiencing D/IPV. This risk is significantly heightened for marginalized LGBTQI2S communities including trans women of colour and Indigenous women^{xi}.

D/IPV also remains a significant concern within same-sex relationships; evidence suggests as many as 50% of same-sex relationships involve some degree of violence^{xii}. Within incidents involving D/IPV reporting, mis-arrests, defined as the mistaken arrest of the survivor and not the abusive partner or both the survivor and the abusive partner, is a common reality within LGBTQ2S communities. These rates are particularly alarming in instances of D/IPV involving trans individuals^{xiii}. Women living with HIV/AIDS are also more likely to experience D/IPV^{xiv}, as fear of prosecution acts as a barrier to ending abusive relationships and seeking trauma-informed support. These rates are compounded among racialized, Indigenous, and LGBTQI2S communities, as trans people of colour, and Indigenous women are approximately 2.6 times more likely to experience a form of violence and discrimination within an intimate relationship^{xv}.

When thinking about gender-based violence, it is also important to be aware of the ways in which racialized LGBTQI2S men and masculine-presenting people are discriminated against due to their gender identity and expression. The Ontario Human Rights Commission defines racial profiling to include “any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin, or a combination of these, rather than a reasonable suspicion, to single out an individual for greater scrutiny or different treatment”^{xvi}. Canada’s complicated and underrepresented history of racism and violence, particularly within institutions, towards Indigenous and Black communities has resulted in disproportionate rates of arrest and incarceration of large portions of these populations. Data from *The Black Experience Project*, a large-scale research analysis of individuals throughout the Greater Toronto Area who self-identify as black and/or of African heritage found that 79% of men aged 25-44 had been stopped by police with approximately 24% reporting use of force^{xvii}. Similar, black people and Indigenous women in Edmonton were stopped 4.7 and 9.7 times more frequently than their white counterparts, respectively^{xviii}. These numbers not only highlight the structural racism that exists within the criminal justice system but also points to a very specific targeting of racialized men and masculine-presenting people and is one of the many types of institutional GBV. As a result, it is crucial that this state-sanctioned racism and violence towards Indigenous and Black communities is included within the GBV framework to address carding practices, racial profiling, police violence, and the overrepresentation of Indigenous and Black men and masculine-presenting people in custody and in Canadian prisons.

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- ⁱ Status of Women Canada. (2017). It's time: Canada's strategy to prevent and address gender-based violence. Retrieved from http://www.swc-cfc.gc.ca/violence/strategy-strategie/GBV_Fact_sheet_6.pdf
- ⁱⁱ Gilles, K. (2011). Gender-Based Violence Against the Transgender Community Is Underreported. Population Reference Bureau. Retrieved 28 July 2017, from <http://www.prb.org/Publications/Articles/2011/gender-based-violence-transgender.aspx>
- ⁱⁱⁱ Walters, M. L., Chen, J., & Breiding, M. J. (2013). *The national intimate partner and sexual violence survey*. Retrieved from National Center for Injury Prevention and Control website: https://www.cdc.gov/violenceprevention/pdf/nisvs_sofindings.pdf
- ^{iv} Williams Institute (2015). Intimate partner violence and sexual abuse among LGBT people: a review of existing research. Retrieved from <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Intimate-Partner-Violence-and-Sexual-Abuse-among-LGBT-People.pdf>
- ^v Association of American Universities. (2015). Campus Climate Survey on Sexual Assault and Sexual Misconduct. Retrieved from <https://www.aau.edu/Climate-Survey.aspx?id=16525>
- ^{vi} METRAC. (2014). *Sexual Assault Policies on Campus*. Retrieved from http://www.metrac.org/wp-content/uploads/2014/11/final.formatted.campus.discussion.paper_.26sept14.pdf
- ^{vii} Ibid. xxix
- ^{viii} Jackson Heintz, A., & Melendez, R. M. (2006). Intimate partner violence and HIV/STD risk among lesbian, gay, bisexual, and transgender individuals. *Journal of Interpersonal Violence*, 21(2), 193-208. doi:10.1177/0886260505282104
- ^{ix} Centers for Disease Control and Prevention. (2014). *Intersection of Intimate Partner Violence and HIV in Women*. February 2014. Retrieved from https://www.cdc.gov/violenceprevention/pdf/ipv/13_243567_green_aag-a.pdf
- ^x Grant, J. M., Mottet, L. A., & Tanis, J. (2011). *Injustice at every turn: A report of the National Transgender Discrimination Survey*. Retrieved from National Center for Transgender Equality website: http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf
- ^{xi} National Coalition of Anti-Violence Programs. (2011). *Lesbian, gay, bisexual, transgender, queer and HIV-affected intimate partner violence 2010*. Retrieved from New York City Anti-Violence Project website: https://avp.org/wp-content/uploads/2017/04/2010_NCAVP_IPV_Report.pdf
- ^{xii} Parry, M. M., & O'Neal, E. N. (2015). Help-seeking behavior among same-sex intimate partner violence victims: an intersectional argument. *Criminology, Criminal Justice Law, and Society*, 16(1), 51-67.
- ^{xiii} Ibid. xxxvii
- ^{xiv} Ibid. xxxv
- ^{xv} Ibid. xxxvii
- ^{xvi} Ontario Human Rights Commission. (2017). What is racial profiling?. Retrieved from <http://www.ohrc.on.ca/en/what-racial-profiling-fact-sheet>
- ^{xvii} The Black Experience Project. (2017). *The Black Experience Project in the GTA: Overview report*. Retrieved from <https://www.theblackexperienceproject.ca/wp-content/uploads/2017/07/Black-Experience-Project-GTA-OVERVIEW-REPORT-4.pdf>
- ^{xviii} Huncar, A. (2017, June 27). Indigenous women nearly 10 times more likely to be street checked by Edmonton police, new data shows. *CBC News* [Edmonton]. Retrieved from <http://www.cbc.ca/news/canada/edmonton/street-checks-edmonton-police-aboriginal-black-carding-1.4178843>