



Safety in Same-Gender Relationships

QMUNITY



Legal
Services
Society

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Language is always changing. We've tried to make this resource inclusive, but if you have feedback about language or content for future editions, please contact **education@qmunity.ca** or **publications@lss.bc.ca**.

This booklet explains the law in general. It isn't intended to give you legal advice on your particular problem. Because each person's case is different, you may need to get legal help. Information in this booklet is up to date as of December 2014.



WARNING

You might experience some distress when reading this booklet. Consider contacting a support person or planning other self-care strategies.

An abusive partner may respond violently if they find you reading this booklet. For your safety, read it somewhere your partner doesn't go. If you're reading it online, make sure to delete your electronic trail.

What makes a relationship unsafe?

Healthy relationships take many forms, and healthy conflict can be a part of them. A relationship becomes unsafe when it includes abuse. Relationship abuse is behaviour that's deliberately and systematically used to control or maintain power over someone's partner or partners. Abuse can be physical, psychological, emotional, verbal, sexual, or financial.

Examples of abuse

Lesbian, gay, bisexual, trans*, and queer (LGBTQ)-specific abuse may include when someone does the following:

- Outs or threatens to out their partner to children, family, friends, employers, etc.
- Says that their bisexual or pansexual partner is confused or lying about their sexual orientation, or must be cheating on them because they're bisexual or pansexual
- Exploits their partner's uncertainty or lower self-confidence about sexual orientation and criticizes or makes fun of their partner's gender expression
- Isolates their partner by not letting the partner go to work or school and refusing to let the partner associate with friends, family, and the LGBTQ community
- Forces or pressures their asexual partner into sex or shames their asexuality
- Shames, discloses, or threatens to disclose without consent a partner's HIV, mental health, or other health status
- Makes statements such as "being in a relationship/kinky/femme/butch, etc. means you should be ready to have sex when I want it"
- Rapes or sexually assaults their partner
- Refuses to have safer sex (such as saying "if you really loved me, you wouldn't want me to wear a condom")
- Treats their partner as a sexual object rather than as a person, based on one aspect of them, such as their abilities, weight, trans* identity, cultural background, sexual orientation, or class
- Interferes in a partner's sobriety or recovery (such as saying "partying is important to me so you have to do it with me")
- Changes or threatens to change the dynamic of a poly relationship without consent as a means of control



Myth: Abusive behaviours are natural for certain genders or gender roles.

While all forms of abuse are harmful, certain types are also against the law, considered crimes, and can lead to criminal charges against the abuser. These types of abuse include:

- physical assault, where a partner hits or threatens to hit or harm the other partner;
- sexual assault, which includes any non-consensual, unwanted sexual touching, such as forcing a partner (including an asexual partner) into unwanted sex acts; and
- criminal harassment, which includes repeated, unwanted contact or conduct by a partner that causes the other partner to reasonably fear for their safety or the safety of anyone they know, including their children.

Nothing can excuse abusive behaviour or make it less significant.

Sometimes a survivor of abuse (someone who's lived through or is living through abuse) might behave in ways that seem abusive. They may, for example, use physical force to escape a dangerous situation. This doesn't, however, make them abusive.

Abuse of LGBTQ folk can be enabled by problematic social attitudes, such as:

- Same-gender relationships aren't abusive or abuse in them is insignificant. This means support people may be less likely to identify signs of abuse; for example, "It's just guys being guys" or "How serious can it be when it's a woman doing the abuse?"
- Same-gender relationships are less valid than heterosexual ones, so abuse in them is correspondingly less serious.

- Gender role assumptions based on stereotypes. This can lead to the survivor being arrested along with their abuser, an abuser accessing a support group or shelter that a survivor is using, or an abuser convincing others that they're the survivor.
- LGBTQ-phobias, which may be used by an abuser in an attempt to lower their partner's confidence and self-esteem.



Warning signs

If someone behaves in the following ways, it doesn't necessarily mean that they'll be abusive in a relationship, but these behaviours can be reasons for you to be cautious.

- Being abusive in previous relationships, especially if they haven't received professional help to change their behaviour
- Pressuring a partner to move in together or make other commitments, such as sharing finances early in the relationship
- Making unreasonable demands of a partner's time, such as calling multiple times a day
- Undermining a partner's other relationships, such as accusing supportive friends of "making trouble between us"
- Blaming others for their problems
- Being hypersensitive to day-to-day inconveniences
- Showing cruelty toward animals, children, or others without power
- Deliberately damaging or destroying personal property or threatening to do so

If you feel unsafe in your relationship, you don't need to wait for your partner to become abusive to justify leaving.

If your relationship is unsafe

If you're in an unsafe relationship, it isn't your fault. Abuse is never the survivor's fault. Abusers may try to make the survivor feel responsible or blame other factors such as alcohol. The only person with the power to stop the behaviour is the abuser.

There isn't a single right way to deal with relationship abuse or a correct set of steps to follow. Survivors draw on their own unique strengths to survive unsafe relationships. Only the survivor knows which options feel right or are possible for them.

Barriers to seeking help



Survivors may face barriers to leaving an abusive relationship, such as:

- Fear of being outed in the process of seeking support.
- Fear that seeking help will lead others to view same-gender relationships as dysfunctional.
- Reluctance to seek help because of their concern about:
 - possible mistreatment and discrimination by police and/or service providers, or
 - the possibility that their partner may face homophobic abuse by police or in jail.
- Isolation from family, friends, and their support network in the community, and lack of LGBTQ-specific services nearby.
- Love for their partner and hope that their partner's behaviour will change. Many abusers promise to change because they want their partner to stay or because they're genuinely remorseful, but often this isn't enough.
- Fear that their partner will seek revenge, such as by no longer providing financial support or sponsoring their immigration, or putting the children at risk.

- Close proximity to their abuser through housing, work, social network, or shared property. Being part of a smaller community means it can be more difficult to avoid their abuser.
- Fear of stigma in identifying as a survivor.
- Discouragement after a previous attempt to leave the relationship.

Abusers may deliberately use some of these barriers against their partner. For example, they may tell an HIV-positive person that they will never find another partner, or may tell a trans*-identified person that nobody else will support their transition.

Sometimes abusers might try to convince a survivor that others will see them as an abuser in order to prevent the survivor from seeking help.

Survivors might also need to unlearn social myths and attitudes that can make it difficult for them to recognize abuse or seek change.

Making changes

Many survivors have conflicted or changing feelings about the relationship, their abuser, or what they should do next, even if they've already left the abusive relationship. Regardless of these feelings, their situation is valid, and they have the right to choose what they're going to do.

Every survivor faces different challenges and is the expert on their own situation; the changes they choose are the right ones for them at that time. Some survivors choose to stay in the relationship and try to stay as safe as possible during violent incidents; others choose to try leaving. Some may need to try several times before leaving a relationship permanently.

Making a lot of changes at once can feel overwhelming, so as a first step, ask yourself the following questions:

- What changes am I ready for now?
- What changes might I be ready for in the future?



Safety planning

Having a safety plan can help you stay safe whether or not you decide to leave the relationship. When making your plan, answer the following questions.

Could I access a professional support person, such as a counsellor, or a trusted friend or neighbour who I can:

- discuss and prepare this plan with and who will store it for me and keep it confidential, and
- contact using a code word to indicate that I need help?

What parts of the house should I avoid during a violent incident?

- Try to stay close to exits, phones, and places where people outside can hear you.

Do any children in the home know what to do during a violent incident?

- Who to call for help (such as 911 or a different community service)
- Having code words that tell them when to call for help
- Staying out of a fight and keeping safe
- Where to go if they're afraid

How can I stay connected to my support network so I'm not isolated?

Where can I back up and keep important electronic data, such as phone numbers, emails, and photographs?



Myth: Relationship violence, including verbal abuse, is normal in a relationship.

How can I document the abuse in case I decide to seek legal help or need to disprove accusations that I'm the abuser?

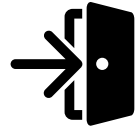


- As safely as possible, take photos of injuries, save emails and texts, record voicemails, obtain and keep records of medical visits and police reports, and record arguments and incidents of abuse in a journal. Keep all records in a safe place as evidence of abuse can be helpful in a subsequent investigation and/or legal case.

How can I safely research and contact support resources?

- Since it's impossible to guarantee complete privacy when sharing electronics, consider doing the following:
 - Use a different computer or phone than your own (such as at a library).
 - Ask a trusted support person to research for you.
 - Change your passwords regularly and don't write them down. Avoid answering security questions that your partner can guess or receiving reset passwords to an email address that your partner can access.
 - Log out of computer profiles and social media accounts before leaving electronics unattended. Learn how to completely erase your electronic history from your Internet browser, phone, and operating system.
 - Empty the recycle, sent email, and download folders in your computer after every use.
 - Be aware of which social media interactions and settings are public and not private.
 - Check whether your partner can access your phone's incoming and outgoing call lists.
 - Have a reply prepared if your partner asks why you're taking any of the above measures.

Staying safe if you decide to leave the relationship



Abuse doesn't always end when a relationship does. In fact, the risk of violence by an abuser typically increases when the survivor leaves or begins a new relationship. If you've decided to leave the relationship, take steps to stay safe by considering the following.

Am I waiting for permission to leave?

- Your partner may never agree with your leaving and your family might not accept your decision either.

What's the safest way to tell my partner that I'm leaving?

- Leave a note or call from a blocked number after you've left, which may be safer than telling them in person.
- If you need to meet with your abuser in person, have a support person with you who can call for help if needed.

How easy would it be to leave home in an emergency?

- Know where the emergency exits out of the home are and familiarize your children with them as well.
- If possible, confirm that you'll have a place to stay, such as a friend's place or a LGBTQ-inclusive shelter.
- Find a public place where you can go at any time, where you can make phone calls or think, such as a 24-hour café.



Myth: It's always best for children if their parents stay together.



What should I take with me?

- Have a packed bag for you and your children stored in a place where your partner can't find it (such as at a family member's or friend's house) that includes:
 - photocopies, scanned (electronic) copies, or originals of documents such as identity cards, birth certificates, driver's licence, passports, car insurance and registration papers, BC CareCards, Social Insurance Numbers, status cards, immigration documents, medical records, financial papers such as property deeds, bank statements, income tax returns, and others
 - basic clothing, including work clothes if needed
 - cash
 - medications and prescriptions
 - supplies for your children or pets
 - contact lists for support people or organizations

How can I get my partner, who lives in my home, to leave?

- If you're not in immediate danger but are afraid for your safety, call the police or other community service organization for help.
- Try to get legal advice from a family law lawyer. Generally, however, if you want to stay in the family home, you can make a court application for an "exclusive occupancy" order under the *Family Law Act*. This order allows you to live in the home, while at the same time prohibiting your partner from entering the home, for the time period set out in the court order.



Myth: Abuse doesn't count, or is less significant, if it's between same-gender partners.



Can my partner find me after I leave?

- Check your cell phone settings and make sure your cell phone can't be tracked.
- Determine whether your partner receives your credit card bills showing where you shop.
- Make sure your social media accounts and settings are private.
- Find out if any of your social media friends could actually be your partner using a fake account.

How can I increase my safety when I'm away from my home?

- Consider the following safety tips:
 - Keep a cell phone with you at all times and screen your calls.
 - Be aware of your surroundings and vary your shopping times, bus stops, and routes to work or school.
 - Inform your employer and friends at work about your situation and ask them to call for help if necessary.
 - Travel with others or get a security escort when possible.

How can I prevent my abuser from contacting me after I leave?

- Consider seeking a protection order, whether a peace bond through criminal court or a *Family Law Act* protection order in family court. Protection orders not only tell your ex-partner not to contact you, but may also help others fully understand the seriousness of your need for safety. To find out how to get one, see the LSS fact sheet *Protection Orders* at **www.legalaid.bc.ca/publications**. For more information, see **www.justicebc.ca/en/fam/safe**.



Myth: Excessive jealousy or possessiveness is a sign of love.

What should I do about shared financial resources?

- Avoid putting shared assets under your partner's name only or sharing assets that are yours, such as putting your savings into a joint bank account. Your abuser may try to persuade you to do this against your wishes. Speaking to an LGBTQ-competent lawyer or financial advisor can help to clarify the rights and risks involved.
- Talk to your bank(s) about options related to any joint bank accounts, lines of credit, and loans. Where possible, close current accounts and open new accounts at a different financial institution.
- Cancel shared credit cards or consult with a credit counsellor as soon as possible to reduce any possible effect.

What happens to the family home, other family property and debts, and financial interests?

- Talk to a family law lawyer about your options as soon as possible. Property division laws are complicated, and there are important time limits.
 - Generally, under the BC *Family Law Act*, you're considered a "spouse" if you're married or if you've lived with your partner, regardless of gender, for *two years* in a marriage-like relationship. A spouse is entitled to an equal share of the family property, which includes the family home, and is equally responsible for family debts. Note that family property doesn't include pre-relationship property and that family property can only be unequally divided by a court where an equal division would be "significantly unfair."

- In general, a person in an unmarried relationship (living with another person in a marriage-like relationship for *less than two years*) is entitled to keep what they brought into the relationship. But, if property is only in one partner's name and the other partner believes they're entitled to part of it, they'd need to make a "constructive trust claim."
- Consider reviewing and changing your will; Power of Attorney; Representation Agreement; any insurance policies, investments, or RRSPs; and employment pensions if your partner is named in any of these documents.

How can I be safer when accessing LGBTQ events and spaces?

- Go to events with friends who know about your abuser and also know the kind of support you need from them if your abuser arrives.
- Avoid leaving events alone if your abuser is there.

How can I keep my home safe?

- Equip your home with safety features such as a sturdy door with new locks, a peep hole, chain, and lockable screen door; outside sensor lighting and indoor alarm system; smoke detectors and fire extinguishers; and window bars and locks.

What can I do to create healthy relationship dynamics in the future?

- Working with a counsellor can help address impacts of having survived an abusive relationship, such as unconsciously learned perceptions of abusive relationship dynamics as being normal.

You may also want to plan for the following situations:

- How can I make sure that mutual friends or colleagues won't disclose my new address or contact information?
- How can I work with service providers to make sure my abuser and I don't access the same resource at the same time, such as facilitators of an LGBTQ support group?
- If I need to meet my abuser (such as for child visitation), what public meeting place won't become dark or isolated if they're late?
- Do my children know who to tell if my abuser is where they shouldn't be?
- Do staff at my children's daycare or school know who is and isn't allowed to pick up my children from school or call for information, and has the staff been provided with copies of any court orders?



Myth: Abuse is less significant if it happens only once or not very often; it isn't physical; or it happens only when the abuser is using drugs or alcohol, or dealing with health or stressful life challenges.

Community help



If you're in immediate danger and feel able to seek help, call **911**.


If calling 911 isn't an option for you, call VictimLink BC at **1-800-563-0808**.

Organizations can change over time, so call or email to find out about their current LGBTQ-inclusion policies, available services, and accessibility before visiting their office.

Battered Women's Support Services

Crisis line, free counselling, support groups and other programs, and legal advocacy.

 www.bwss.org


 604-687-1868 or 1-855-687-1868 (call no charge)

Crisis Line: 604-687-1867

BC Society for Male Survivors of Sexual Abuse


Victim services, therapy, and training for service providers. Counsellors aren't free or government funded; however, a government-funded service is available for men who are looking to report abuse or file a police report.


 www.bc-malesurvivors.com

 604-682-6482

Civilian Review and Complaints Commission

Civilian oversight agency created by Parliament, independent from the RCMP, that ensures public complaints about RCMP members' conduct are examined fairly and impartially.

 www.cccc-ccetp.gc.ca

 1-800-665-6878


TTY: 1-866-432-5837

Crisis Intervention and Suicide Prevention Centre of BC (Crisis Centre)

Non-profit volunteer organization that provides support to youth, adults, and seniors in crisis.

 www.crisiscentre.bc.ca

Free 24-hour phone support:

 604-872-3311 (Greater Vancouver)

BC Suicide Line: 1-800-SUICIDE / 1-800-784-2433 (call no charge, anywhere in BC)

 Online support (noon to 1 a.m.):


YouthInBC.com (for youth)

CrisisCentreChat.ca (for adults)

Family Justice Centres of BC

Province-wide services for British Columbians going through separation or divorce: short-term counselling, mediation, emergency and community referrals, and other free services, including help with *Family Law Act* protection orders for the prevention of family violence.


 www.justicebc.ca/en/fam/

 1-800-663-7867 (to find your nearest centre)

Family Services of Greater Vancouver

Counselling for adults (sliding scale fees).


 www.fsgv.ca

 604-874-2938 (Vancouver services)
604-279-7100 (Richmond services)

Health Initiative for Men

Low-barrier counselling and peer support services.


 www.checkhimout.ca

 604-488-1001

Justice Access Centres

Help with family and civil law issues, including *Family Law Act* protection orders: information about legal and related issues and referrals to self-help and information services, dispute resolution and mediation options, legal advice services, community resources and agencies, and courses. Located in Vancouver, Nanaimo, and Victoria.


 www.justiceaccesscentre.bc.ca

 1-800-663-7867 (to find your local centre)

Legal Services Society (Legal Aid)

Free legal information (publications and websites), advice services, and lawyers to take your case if you qualify.


 www.legalaid.bc.ca

 604-408-2172 (Greater Vancouver)
1-866-577-2525 (call no charge, outside Greater Vancouver)

Office of the Police Complaint Commissioner

Forum for complaints about homophobic treatment by municipal police when seeking support.


 www.opcc.bc.ca info@opcc.bc.ca

 250-356-7458 or 1-877-999-8707 (call no charge)

QMUNITY, BC's Queer Resource Centre


Referrals to lawyers, shelters, and other resources; free counselling, social and support groups, and LGBTQ-inclusion workshops.


 www.qmunity.ca

 604-684-5307 (ext. 112)

Safe Choices

Healthy same-gender relationships workshops for women, healthy same-gender relationship publications, referrals, consultation, and training for service providers.


 <http://endingviolence.org/prevention-programs/safe-choices-program/>

 604-633-2506 (ext. 12)

Sexual Assault Support Centre at UBC

Emotional support, legal advocacy, workshops, and referrals for students, staff, and folk connected with UBC who've experienced sexual abuse and/or other violence.


 www.gotconsent.ca

 604-827-5180

VictimLink BC

Free, multilingual 24-hour telephone service offering referral services and information about accessing support resources.

 www.victimlinkbc.ca

 1-800-563-0808

TTY: 604-875-0885

Text: 604-836-6381

Victoria Sexual Assault Centre

Supports, empowers, and advocates for women and all trans survivors of sexual assault and childhood sexual abuse; primarily serves the Coast Regional District of BC; offers counselling and serves as a liaison between justice, medical, and community services.


 <http://vsac.ca/>

 250-383-3232 (24-hour Crisis and Information Line)

Women Against Violence Against Women

Free counselling, 24-hour crisis line, Aboriginal program, and victim services.

 www.wavaw.ca

 Crisis line: 604-255-6344 or 1-877-392-7583 (call no charge)



You can read this publication online at www.qmunity.ca or www.legalaid.bc.ca/publications.

Other publications available online from QMUNITY and the Legal Services Society:

- *Safety for Trans* Folk in Relationships*
- *Supporting LGBTQ Folk Experiencing Relationship Abuse: A Resource for Allies and LGBTQ Communities*

QMUNITY is BC's queer resource centre — the hub for the lesbian, gay, trans*, bi and queer community programming, training, and advocacy. We envision a world where all queer people are included and free from discrimination.

Legal Services Society (LSS) is an independent organization that provides legal aid to British Columbians. It is funded primarily by the provincial government and also receives grants from the Law Foundation and the Notary Foundation.

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BC's Queer Resource Centre

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