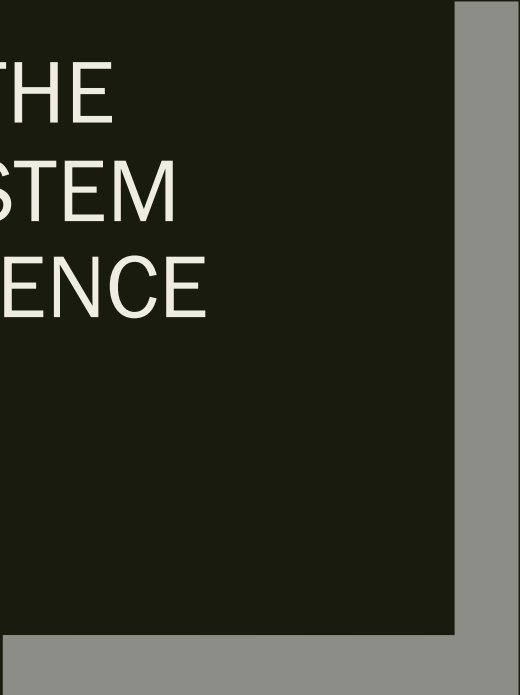




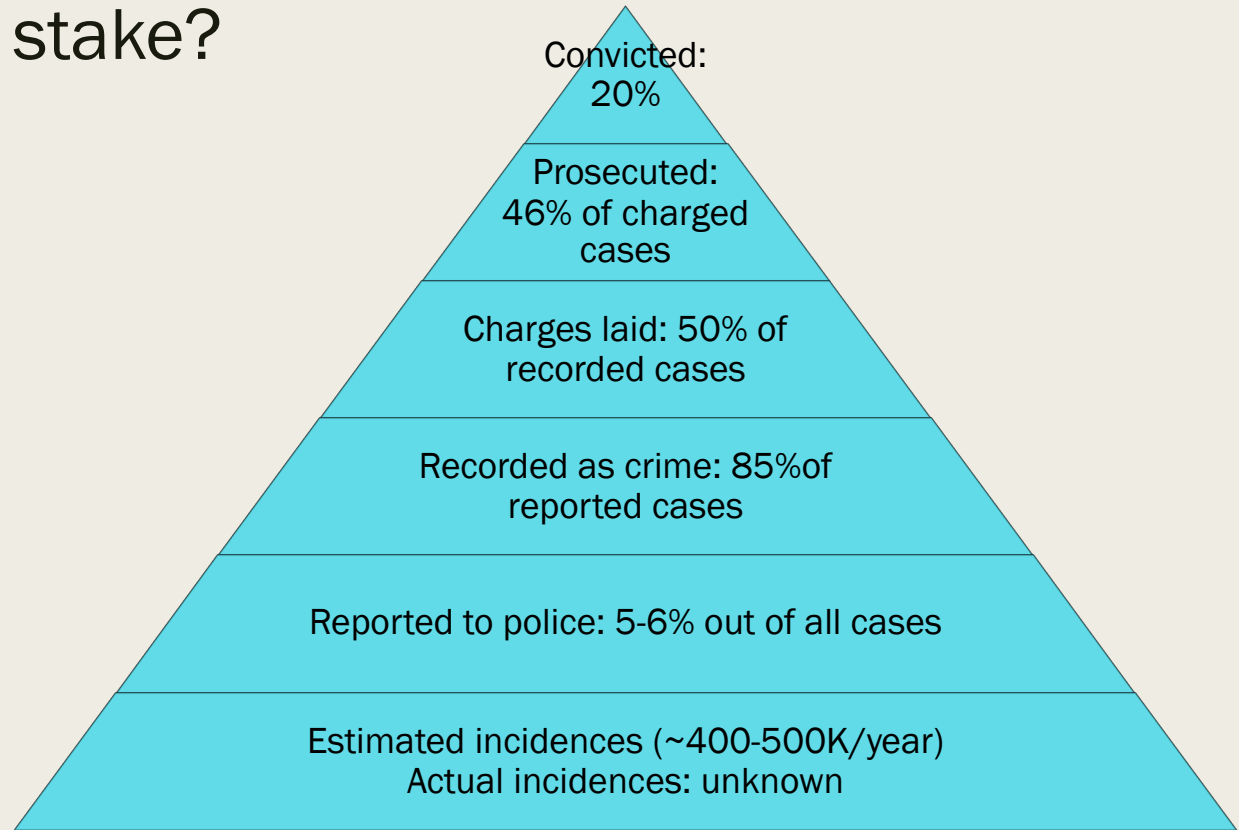
# MALPRACTICES IN THE CANADIAN LEGAL SYSTEM AROUND SEXUAL VIOLENCE

Aroosa Ijaz

July 15<sup>th</sup>, 2025



# Q1: What is at stake?



# Who is effected?

“Female fear of an open season of rape was probably the single causative factor in her original subjugation and her domestication by protective mating...the historic price of female protection by man against man is very steep<sup>[2]</sup>”

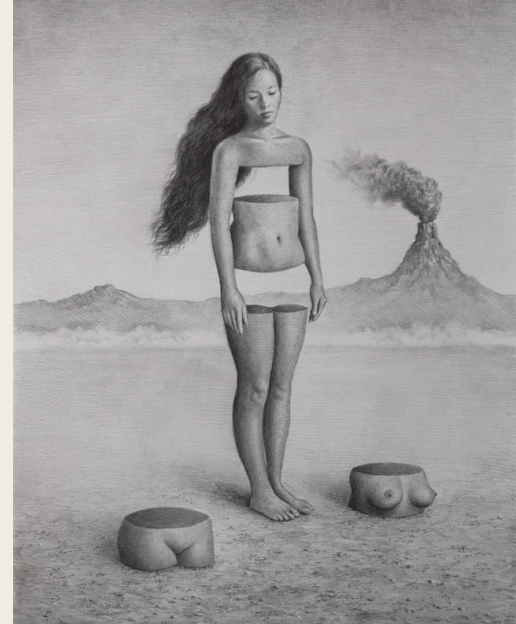


[2] Against our will: Men, women, and rape by Susan Brownmiller (1975)

[3] Statistics Canada, Canadian Centre for Justice and Community Safety Statistics (2024)

# In what ways are victims effected?

- PTSD
- BPD
- chronic emotional dysregulation
- disturbed self-identity
- problems with interpersonal relationships
- suicide ideation
- depression, anxiety
- reduced sexual pleasure
- 2/3 of victims will likely be re-victimized



[4] N. Sarkar, (2007). Sexual assault on woman: Its impact on her life and living in society

[5] C. Classen et.al (2006). Posttraumatic personality disorder: a reformulation of complex posttraumatic stress disorder and borderline personality disorder

# Underlying problem 1: trial setup

Crown

Vs.

Accused



HOCKEY CANADA TRIAL

## RECAP | Woman says defence's questions in world junior sex assault trial are an attempt to 'discredit' her

Updated May 9 · 5:12 PM EDT

E.M. pushes back against repeated questions after days of gruelling cross-examination

E.M.'s cross-examination has been replete with offensive assumptions about her intentions and wishes. For example, one lawyer made crude inferences, such as "As long as it's a tall guy, you'll go home with him?", and

Even so, E.M.'s cross-examination has seen repeated tropes about lies and misleading words (i.e. "That was your truth, but not *the* truth, right?"; "How would anyone know that your truth wasn't THE truth?"; and "You didn't say...")<sup>[8]</sup>.

<https://sexualassaultsupport.ca/sexual-assault-myths-abound-in-former-world-junior-hockey-players-sexual-assault-case-ontario-coalition-of-rape-crisis-centres-ocrcc-responds/>  
<https://www.cbc.ca/news/canada/london/livestory/recap-woman-says-defence-s-questions-in-world-junior-sex-assault-trial-are-an-attempt-to-discredit-her-9.6754418>

Nova Scotia

## **Bridgewater woman regrets reporting sexual assault after assailant released**

'How it affects my personal life? How it affected me? That doesn't matter to them'

[Adina Bresge](#) · The Canadian Press · Posted: Aug 29, 2016 6:46 AM EDT | Last Updated: August 29, 2016

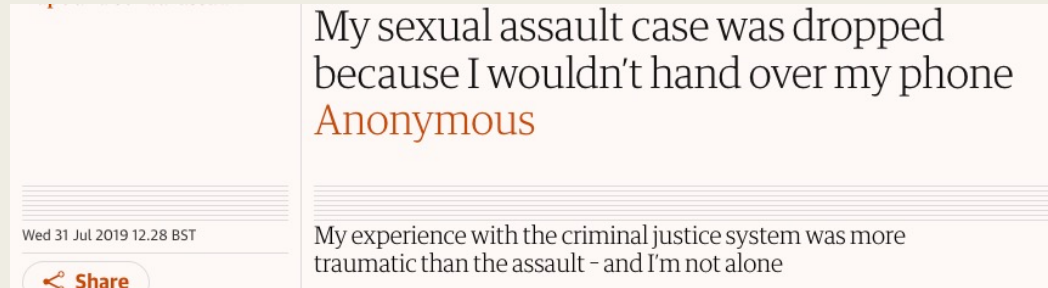
She wants victims of sexualized violence to know how the criminal justice system works, because she says if she had, she would have sought the help she needed rather than getting the authorities involved.

# Underlying problem 2: Police policies and attitudes

Discrimination

Apprehension vs prevention

Institutional protection

A screenshot of a Guardian article snippet. The main headline reads "My sexual assault case was dropped because I wouldn't hand over my phone" in a large, dark font. Below the headline, the word "Anonymous" is written in a smaller, orange font. At the bottom left of the snippet, there is a timestamp "Wed 31 Jul 2019 12.28 BST" and a "Share" button with a red icon. The background of the snippet is white with horizontal lines indicating text continuation.

My sexual assault case was dropped  
because I wouldn't hand over my phone  
**Anonymous**

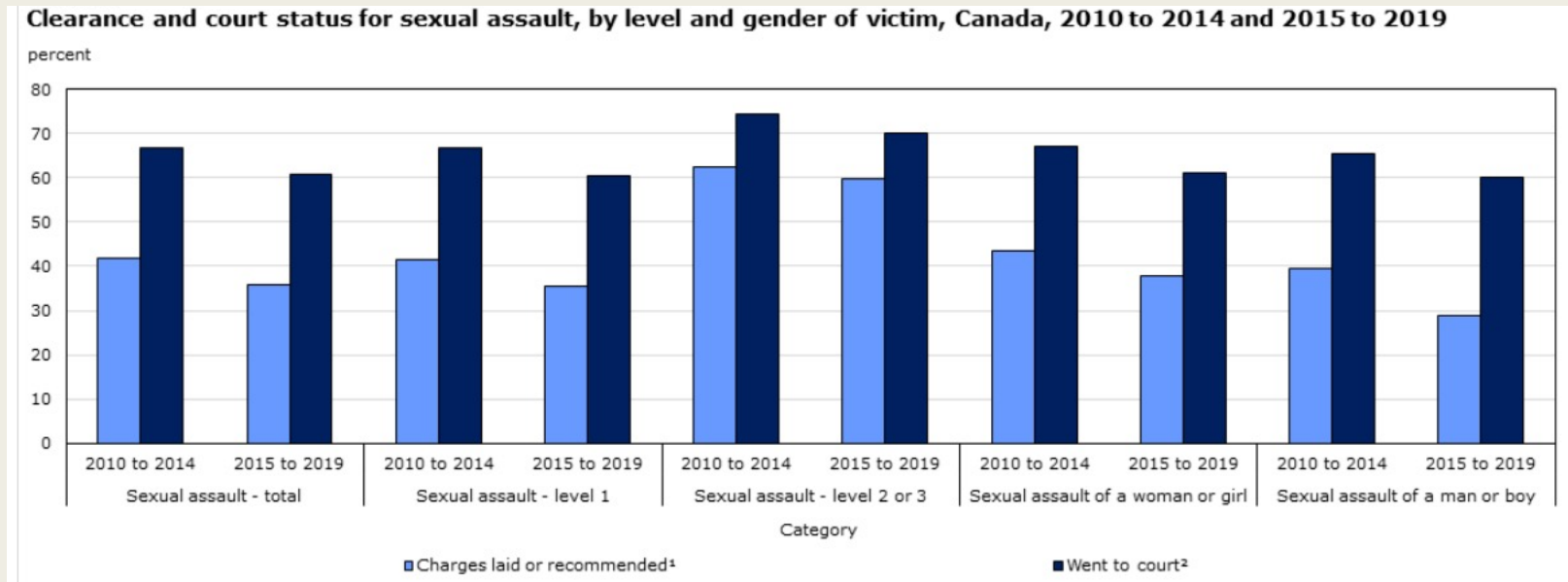
Wed 31 Jul 2019 12.28 BST

Share

My experience with the criminal justice system was more  
traumatic than the assault - and I'm not alone



# Underlying problem 2: Police policies and attitudes



[6] A. Cotter (2024). Criminal justice outcomes of sexual assault in Canada, 2015 to 2019

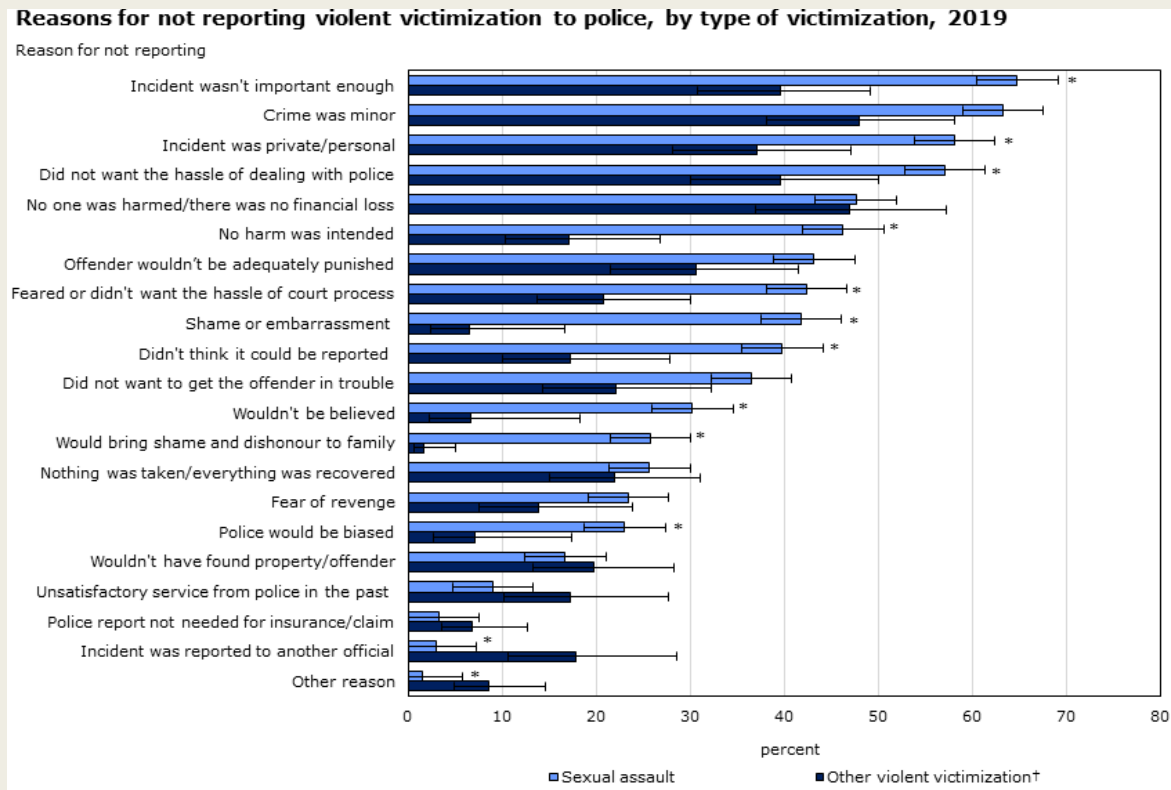
# Underlying problem 2: Police policies and attitudes

Jane Doe 1987 lawsuit against Toronto Police

commented: "I find it unsettling that in at least half of this random selection [of police occurrence reports] the 'motive' ascribed to the offence is that of 'sexual gratification' which to me belies a very basic misunderstanding of this crime."<sup>34</sup> This evidence of

**33.** *Ibid* at para 45, where Justice MacFarland reproduced the opinion of one officer, who said, "it would appear to me from talking to her, this young man is only fulfilling a fantasy of hers."

## Q2: why does it matter?



## Q3: who is working on it?



### Office of the Federal Ombudsperson for Victims of Crime

Leave quickly

An institution that operates independently and at arm's length from the Government of Canada, working to provide a voice for victims of crime, at the federal level, and to ensure that the commitments to respect victims and survivors are met and that their rights are upheld.

 [Email us](#)

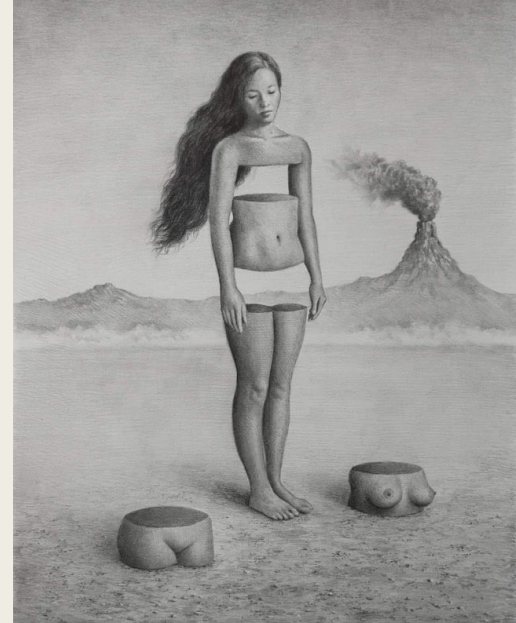
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## Q4: why do we care?

- We have dealt with assault ourselves
- Being from a religiously and culturally patriarchal society, I feel very strongly about this injustice (Aroosa)
- Every woman we know lives in the shadow of fear of possible violence
- It severely limits our actions and experiences



## Q5: what do we want to leave you with?

“[W]hack the complainant hard” at the preliminary inquiry.... “Generally, if you destroy the complainant in a prosecution...you destroy the head. You cut off the head of the Crown’s case and the case is dead.... [A]nd you’ve got to attack the complainant with all you’ve got so that he or she will say [‘I’m not coming back in front of 12 good citizens to repeat this bullshit story that I’ve just told the judge.[’]”

## Q5: what do we want to leave you with?

I wanted to call ... some expert witnesses of my own who could smash through police lines and provide the court with a definition of the crime of sexual assault, its inherent harm and the mythology that prevents us from understanding it. I wanted experts who could describe the sexist, discriminatory practices in policing and present me on the stand as an adult woman with some intelligence who reacted to her rape in ways that were “normal.”<sup>25</sup>