

Introduction

“A fundamental shift is necessary. After decades of systemic failures, it is evident that the system is deeply flawed and in desperate need of reform. To truly address this crisis, we must prioritize the voices of survivors. When the needle isn’t moving, it’s time to look around the room and figure out whose ideas, talents and perspectives are missing. To be clear, that means that when it’s time to decide how to respond to this inquiry, it is not enough to have gathered evidence from us and then decide on action items without us. It is time to centre our experiences and expertise in order to create a justice system that is truly victim-centred and effective.”¹⁰

SISSA Written Submission #01

Sexual violence is a profoundly harmful experience. For many survivors, this harm is compounded by the way they are treated within the CJS. Survivors who have contacted our Office describe feeling retraumatized, dismissed, and unsafe in a system meant to protect them. Their human rights are too often overlooked, their dignity compromised, and their voices sidelined.

In February 2024, the Federal Ombudsperson for Victims of Crime advised the Government of Canada that the Office was launching a national

systemic investigation on how survivors of sexual violence are treated in the criminal legal system.¹¹ This investigation was prompted by long-standing concerns raised by survivors, advocates, and legal professionals about persistent barriers to justice and the urgent need for reform.

Why Now?

Survivors and advocates have been calling for change for decades. The #MeToo movement launched widespread nation-wide conversations and media reports about barriers to reporting and the hurdles survivors face when they do report. There was an increase in calls to our Office about troubling experiences with the CJS for survivors of sexual assault. In addition, since the decision of the SCC in *R v. Jordan*,¹² an increasing number of sexual violence cases have been dismissed for delay.¹³ For some, this creates immediate safety risks.¹⁴

Legislative changes to publication bans in 2023¹⁵ have also made it easier for survivors to talk about their experiences in the legal system. In the coming years, Canada will face a wave of survivor-driven accountability that was partially silenced under previous rules.¹⁶

Structure of the report

This report is composed of chapters that stem from themes and issues raised during the course of our investigation. Each chapter can be read on its own and begins with a two-page highlight section outlining the issue at hand, key statistics, takeaways, and recommendations.

Guiding frameworks

This investigation was guided by a rights-based and survivor-centred approach drawing on domestic legal obligations and established principles of fairness. These frameworks informed both the design of our investigation and our evaluation of how the CJS treats survivors of sexual violence.

Canadian Victims Bill of Rights

The *Canadian Victims Bill of Rights* (CVBR)¹⁷ is a quasi-constitutional law passed in 2015. The CVBR provides victims rights to information, participation, protection, seek restitution, and provides a mechanism to file complaints when these rights are violated.

As a federal complaints mechanism for victims of crime, we help to ensure the primacy of the CVBR is respected and upheld.

Section 21 of the CVBR states:

To the extent that it is possible to do so, **every Act of Parliament** enacted — and **every order, rule or regulation** made under such an Act — before, on or after the day on which this Act comes into force **must be construed and applied** in a manner that is **compatible with the rights under this Act**.¹⁸

The following expectations established in the preamble of the CVBR guide our investigation:

1. Charter rights: Are victims' rights guaranteed by the *Canadian Charter of Rights and Freedoms* fully considered before being balanced against the rights of the accused?

- » How are these *Charter* rights being interpreted?
- » Are the *Charter* rights of victims fully considered before they are balanced with the rights of the accused under section 1 of the *Charter*?

2. Consideration of victim rights is in the interest of the proper administration of justice.

- » How are courts and criminal justice agencies respecting Parliament's direction to consider victim rights as part of the proper administration of justice?

3. It is important for victim rights to be considered throughout the criminal justice system.

- » Are victim rights to information, participation, and protection being considered from first contact with police through to sentence expiry in cases with a conviction?

4. Victims of crime and their families deserve to be treated with courtesy, compassion and respect, including respect for their dignity.

- » Would a reasonable person consider the treatment of survivors of sexual violence and their families in the criminal legal system to be courteous, compassionate, respectful, and mindful of their dignity?

We ask: *Is it possible to do better?*

Procedural fairness

In thinking about our investigation, we also drew on the principles of procedural fairness, outlined in the Canadian Association of Parliamentary Ombudsmen's Guide, *Fairness By Design* (2022). Under administrative law principles, public services are required to serve the public in a way that provides a fair process, fair treatment, and fair decisions.¹⁹

This framework emphasizes three dimensions of fairness:



Fair Process: must be used when public organizations make decisions that will impact certain people, groups, or organizations. Fair process requires:

- » Standard 1: Participation and being heard
- » Standard 2: Impartiality and integrity

Fair Decision: must be taken by public organizations to follow rules, be equitable and use fair discretion, in combination with fair policies and processes. Fair decisions require:

- » Standard 3: Lawful and fair rules
- » Standard 4: Reasoned decisions
- » Standard 5: Equity

Fair Service: People must be treated fairly by public organizations when accessing programs and services. This includes being respectful, accessible and responsive as well as accountable. Fair service requires:

- » Standard 6: Accessibility and responsiveness
- » Standard 7: Accountability

These dimensions are operationalized through **seven fairness standards**, which informed our evaluation of the criminal justice system’s treatment of survivors.

Fair Process	Fair Decision	Fair Service
Standard 1: Participation and Being Heard Advance notice for decisions, provides information about decisions, reasoning and the process, timely decisions, opportunities to be heard, a process for appeals and reviews. Standard 2: Impartiality and Integrity Conflict of interest policy/ training, impartial decisions, independent decision maker for appeals and reviews, and high ethical standards.	Standard 3: Lawful and Fair Rules Follow the laws and use fair rules to come to decisions and services. Standard 4: Reasoned Decision Training and resources for decision makers, fair and reasonable discretionary decisions. Standard 5: Equity Consider equity when designing programs and policies, look for diverse perspectives and have the organization be diverse.	Standard 6: Accessibility and Responsiveness Service delivery models be accessible, training for responsive and people-centred service providers, collaborate with Indigenous populations to create and deliver services, follow privacy and manage information as required. Standard 7: Accountability Ability to continuously improve, complaint process that is accessible and effective, feedback and complaints welcomed and apologize when needed.

We also drew on principles of **procedural justice**, which emphasize the importance of voice, dignity, neutrality, and trust in institutional processes. While closely related to procedural fairness, procedural justice focuses more explicitly on how individuals experience fairness in practice, particularly in interactions with legal and institutional actors.

Honouring the National Inquiry into Missing and Murdered Indigenous Women and Girls

This investigation was also informed by the 231 Calls for Justice issued by the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG). These Calls reflect the lived experiences of First Nations, Inuit, and Métis women, girls and 2SLGBTQIA+ people, including those who are victimized by sexual violence.

At the outset of our investigation, we undertook a targeted review to identify how our work could contribute to addressing these Calls. An alignment

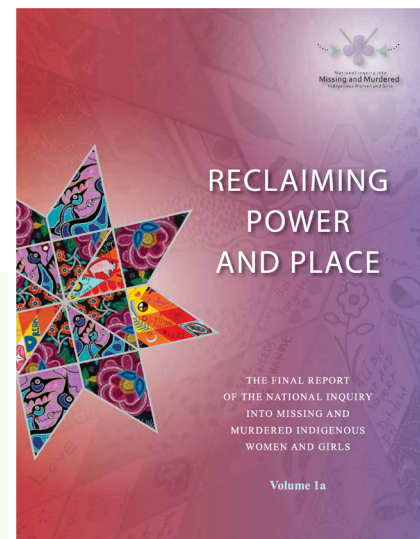
table outlining relevant Calls for Justice and corresponding findings from this investigation is provided in [Annex C](#). This includes Calls addressing sustainable funding for survivors supports, trauma-informed justice responses, culturally safe corrections, distinction-based data collection, and the need for accessible, Indigenous-led services.

By grounding our investigation in these Calls for Justice, we aim to honour the leadership of Indigenous survivors and families and reinforce the obligation of governments, institutions, and justice actions to respond with sustained, systemic action.



Motherly Love

Drawing/Painting by
Dee-Jay Monika Rumbolt



Methodology

We used a mixed methods approach to centre survivors’ experiences and identify systemic issues across the CJS. This included collecting both qualitative and quantitative data, as well as conducting a legal and media review. We also implemented inclusion measures to allow for broad and diverse participation, while acknowledging the barriers and limitations that shaped our findings.

Scope and upcoming special releases

When we initially launched this investigation, our Office planned to focus specifically on the

experiences of survivors of sexual assault within Canada’s CJS. However, early engagement with survivors and stakeholders quickly revealed experiences and systemic issues that extended beyond our original intent. In response, we widened our scope from sexual assault to sexual violence more broadly, capturing a wider spectrum of survivors’ experiences.

We also heard compelling testimony on three intersecting themes that warrant distinct and focused attention:

- » Sexual violence experienced by survivors of human trafficking
- » The transfer of sexual assault cases from the military system to civilian
- » The experiences of criminalized survivors of sexual violence

Investigation Methods





Cross-Canada Engagement

International 9

National 134

Undisclosed 769

Total 3,329

Nunavut

9

Iqaluit

Quebec

235

Ontario

702

Québec City

Valcartier
Trois-Rivières

North Bay

Timmins

Sudbury

Montréal

Laval

Gatineau

Ottawa

Fredericton

Akwesasne

Seelys Bay

Kingston

St. Catharines

Saugeen Shores

London

Brantford

Welland

Edmundston

Gaspé

Bathurst

Moncton

Kentville

Charlottetown

Eskasoni

Millbrook

Dartmouth

Halifax

Newfoundland
and Labrador

22

St. John's

Prince Edward
Island

16

Nova Scotia

70

New Brunswick

42

Due to the complexity and distinct nature of these issues, rather than compress them into this report, we have chosen to produce a series of **special thematic releases**. These forthcoming publications stem directly from the data, and insights gathered during our investigation, ensuring that these voices continue to inform reform efforts and public understanding in a focused and meaningful way.

We are especially grateful to organizations that co-facilitated targeted consultations on these topics, including the **Canadian Centre to End Human Trafficking** (CCTEHT), the **Sexual Misconduct Support and Resource Centre** (SMSRC), the **network of Canadian CYACs** (including Luna in Calgary) and the **Office of the Correctional Investigator** (OCI). Their contribution and collaboration were critical to ensuring that the voices of survivors were meaningfully included.

Survivor engagement

Interviews

We conducted interviews with **107** survivors of sexual violence who responded to our public call for participation. Outreach was conducted through a [press release](#), social media, our website, and stakeholder networks. Survivor interviews were held early in the investigation to inform subsequent consultations.

Interviews were semi-structured and flexible,²⁰ inviting participants to share their experiences in their own words. Survivors were interviewed virtually, by phone, or in-person, depending on their preference.

We also conducted interviews in two federal prisons in collaboration with the Office of the Correctional Investigator, speaking with 13 incarcerated women and gender-diverse individuals about pathways to criminalization as well as with staff of those institutions.

To protect privacy and safety, interviews were not recorded, and no identifying notes were kept. Participants provided written or verbal consent and were provided a resource list and self-care guidance following each interview.

Survey

We received **1,000 responses** to an anonymous online survey for adult survivors of sexual violence in Canada.²¹ The survey explored experiences with police, courts, sentencing and corrections, as well as issues related to the transfers of military sexual assault cases, non-disclosure agreements (NDAs), testimonial aids, victim impact statements, victim rights, and restorative justice.

We heard from survivors in every province and territory, from urban, rural and remote communities. Many had experienced multiple forms of sexual violence.

Table 1*Survivor Demographics (N = 1,000)*

	n	%
Province or territory		
Alberta	116	11.6
British Columbia	137	13.7
Manitoba	18	1.8
New Brunswick	9	0.9
Newfoundland and Labrador	5	0.5
Northwest Territories	5	0.5
Nova Scotia	39	3.9
Nunavut	2	0.2
Ontario	422	42.2
Outside of Canada	2	0.2
Prince Edward Island	7	0.7
Quebec	199	19.9
Saskatchewan	29	2.9
Yukon	10	1.0
Total	1,000	

Community Type		
Urban	751	75.1
Rural	190	19.0
Remote or Northern	54	5.4
Prefer not to answer	5	0.5
Total	1,000	

New to Living in Canada < 5 Years		
No	850	85.5
Yes	144	14.4
Prefer not to answer	6	0.6
Total	1,000	

Identify as a person with a disability*		
No	498	49.8
Yes	447	44.7
Prefer not to answer	55	5.5
Total	1,000	

* Our question was "Do you identify as a person with a disability? (Sensory, physical, pain-related, mental health-related, cognitive, or other disability)"

Table 2*Survivor Demographics (N = 1,000) **

Age Groups		
16-17	3	0.3
18-24	121	12.1
25-34	290	29.0
35-44	283	28.3
45-54	165	16.5
55+	129	12.9
Prefer not to answer	9	0.9
Total	1,000	

Gender Identity		
Woman	909	90.9
Man	35	3.5
Non-binary	64	6.4
Prefer to self-identify (e.g. agender, genderqueer)	8	0.8
Prefer not to answer	9	0.9
Total	1,000	

Identify as 2SLGBTQIA+		
No	590	59.0
Yes	361	36.1
Prefer not to answer	49	4.9
Total	1,000	

Sexual and Gender Diversity		
Straight or heterosexual	606	60.6
2S Two-Spirit	18	1.8
Lesbian	37	3.7
Gay	16	1.6
Bisexual	213	21.3
Transgender	28	2.8
Queer	112	11.2
Sexual/gender diverse community	61	6.1
Prefer not to answer	49	4.9
Total	1,140	

* Participants could choose more than one category for certain questions. Participants could skip any questions.

Table 3*Survivor Demographics (N = 1,000) **

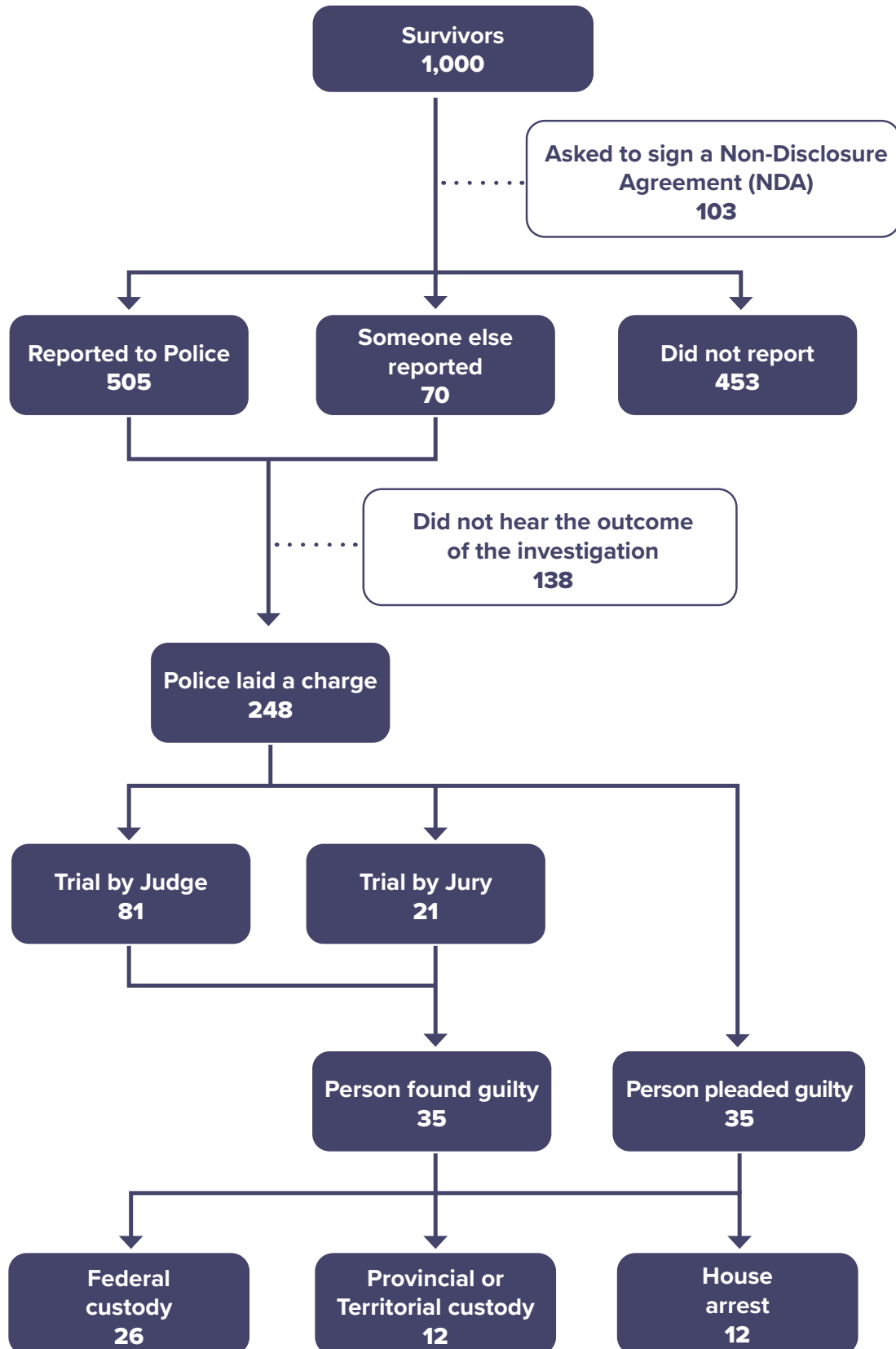
Ethnicity Breakdown		
Caucasian (White)	853	85.3
Black	30	3.0
First Nations	73	7.3
Inuit	4	0.4
Métis	37	3.7
Arab	8	0.8
Chinese	17	1.7
Filipino	6	0.6
Japanese	6	0.6
Korean	3	0.3
Latin American	19	1.9
South Asian (East Indian, Pakistani)	17	1.7
Southeast Asian (Vietnamese, Cambodia)	6	0.6
West Asian (Lebanese, Iranian, Syrian)	10	1.0
Other population group	2	0.2
Prefer not to answer	28	2.8
Total	1,121	

First Language Learned		
English	719	71.9
French	244	24.4
Indigenous language	11	1.1
Chinese	4	0.4
Spanish	10	1.0
Punjabi	2	0.2
Arabic	2	0.2
Tagalog	1	0.1
Other language	37	3.7
Prefer not to answer	13	1.3
Total	1,043	

* Participants could choose more than one category for certain questions. Participants could skip any questions.

Survivors Survey Respondents' Path Through the CJS

Flowchart of outcome (n = 1,000)



Stakeholder engagement

In addition to survivor voices, we engaged with **more than 1,400 stakeholders** through a combination of:

- » **681 stakeholder interviews** with Crown attorneys, defence lawyers, judges, police officers, victim services, academics, advocates, and legal experts. We heard from lawyers for sexual assault complainants, civil lawyers, Justices of the Peace, therapy and counselling professionals, sexual assault centres, health care providers, child protection workers, child and youth advocacy centres, First Nations, Inuit, and Métis service providers, survivor-advocates and legal advocacy centres.
- » **36 virtual consultation tables**, with a total of **315 participants** across Canada.²² These sessions explored barriers to justice, intersectional challenges, promising practices, and recommendations for reform. Tables were organized by professional role, population group, or context (e.g., human trafficking, military survivors).
- » Our anonymous **stakeholder survey** received **450 responses** from professionals working in justice and victim services. The survey addressed counselling and therapy records, the impact of *R v. Jordan*, legal reforms, testimonial aids, subpoena practices, and the CVBR.
- » We also met with various Cabinet Ministers, Members of Parliament, Senators, and heads of federal agencies or departments.

Number held	Consultation Tables
Legal Perspectives	
1	Law Enforcement
1	Crown Attorneys
2	Independent Legal Advice (ILA)
1	Women's Advocacy and Non-Governmental Organizations (NGOs)
3	Restorative Justice and Alternative Justice Models
Services for Survivors	
6	Independent Sexual Assault Centres
3	Victim Services
1	University and College Campuses
Population Groups	
2	First Nations, Inuit, and Métis
2	Black and Racialized Communities
3	Children and Youth
1	Newcomers
1	People living with disabilities
1	2SLGBTQIA+
1	Men and Boys
Contexts	
6	Human Trafficking
1	Military Survivors of Sexual Assault
36	Total Consultation Tables

Collaboration with systemic review in British Columbia: Our survivor and stakeholder surveys asked people living in BC if they would like to share their responses with the [Systemic Review of the Legal System’s Treatment of Sexual and Intimate Partner Violence](#) commissioned by the provincial government. We received consent from **123 survivors and 93 stakeholders**.

Written Submissions

Between 2024 to March 2025, we received **48 written submissions** from survivors, stakeholders, and organizations. These included personal experiences, policy briefs, and previously published reports relevant to our investigation.

Roundtables

We would like to thank the [Canadian Centre to End Human Trafficking](#) for their help with organizing and moderating the consultation tables on sex trafficking. We would also like to thank the [LUNA Child and Youth Advocacy Centre](#) for helping with the children and youth consultations.

We also thank the [Gatehouse](#) for their help organizing the consultation tables on restorative justice. A special thanks also goes to Sexual Violence Advisory Group Ontario Crowns Meaghan Cunningham and Teresa Donnelly for their expert legal lens.

Two focus groups were held in person at the [Barbra Schlifer Commemorative Clinic](#), who specialize in legal, counselling and interpretation assistance to women and gender diverse folk who may be marginalized, racialized and experienced violence. Thirteen lawyers and case managers participated in these focus groups. We also held a focus group with representatives from Athletes Empowered, Gymnasts for Change, and Stop Educator Child Exploitation: they provided key information on sexual abuse of children, including in sport.

Data collection and analysis

We designed a multi-method engagement strategy that prioritized accessibility, trauma-informed engagement, and intersectional representation. Our approach included survivor and stakeholder interviews, consultation tables, surveys, written submissions, legal, academic literature and media reviews.

Engagement was offered in both official languages, with accommodations for sign language and support persons. In-person interviews were primarily conducted in Ottawa, with some taken place in Québec, British Columbia, and Saskatchewan.

Qualitative Analysis

We used ATLAS.ti, qualitative data analysis software, to organize and code large volumes of textual data. This included notes from survivor and stakeholder interviews, consultation tables, written submissions, legal cases, academic reports, and media articles.

Quantitative Analysis

Survey data were analyzed using Stata, a statistical software program commonly used in social science research. We used descriptive statistics, such as frequencies, percentages, and means to summarize responses and highlight trends.

Group comparisons were conducted using cross-tabulations and appropriate statistical tests (e.g., chi-square tests, t-tests) to explore differences based on demographics, professional roles, and other relevant variables.

Legal and media review

Case law: We reviewed more than 750 legal cases, using CanLII, WestLaw, and LexusNexis. We focused on cases that intersected sexual violence with the *Criminal Code*, *Charter of Rights and Freedoms*,²³ or the *Canadian Victims Bill of Rights*. This included case law on testimonial aids,

records applications, victim impact statements; *Jordan* applications, *Charter* rights of victims of crime, and non-disclosure agreements, to name a few topics. We also reviewed facts from several recent appeals which have not yet been decided. We also received permission to observe several trials, including *R v. McLeod et al*, via Zoom.

Media analysis: We reviewed more than 300 media articles published between 2000-2025 related to key issues including non-disclosure agreements, *R v. Jordan* and 11(b) applications, military survivors of sexual violence, sexual violence in sport, and victim privacy. These were organized in ATLAS.ti and reviewed with support from the Victimology Research Centre at Algonquin College. Media analysis helped us identify relevant stakeholders, case studies, and findings from investigative journalists.

Accessibility and inclusion measures

From the outset, we prioritized accessibility and inclusion to ensure that survivors and stakeholders from diverse backgrounds could meaningfully participate in the investigation. Recognizing that access looks different for different people, we designed a flexible engagement strategy.

We offered multiple ways for survivors and stakeholders to share their experiences in both official languages and sign language, including:

- » Virtual, phone, and in-person interviews
- » Anonymous online surveys
- » Virtual consultation tables
- » Written submissions

We also made deliberate efforts to reach historically underrepresented populations, including:

- » Indigenous, Black and racialized survivors
- » People with disabilities

- » Deaf people
- » 2SLGBTQIA+ individuals
- » Survivors of human trafficking
- » Residents of remote and northern communities
- » Survivors in federal prisons
- » Refugees and migrants

Limitations and barriers

It was important to make participation accessible through various means, but there were limitations to our data collection.

- » **Geographic limitations:** Most consultations were held virtually with the exception of some interviews conducted in-person in Ontario, Québec, British Columbia and Saskatchewan. We were not able to travel to all regions for this investigation.
- » **Technological access:** Participation in our interviews, roundtables or surveys required phone or internet access, which may have excluded people in remote areas or those experiencing digital poverty.
- » **Language and Cultural Barriers:** Despite bilingual engagement, language barriers may have affected participation from Indigenous communities or newcomers whose first language is neither English nor French. Cultural differences and mistrust of institutions may also have influenced willingness to participate. We used Wordly to provide simultaneous French and English interpretation to roundtable participants.
- » **Youth representation:** A group who did not access these consultations were youth between 12 to 25 years old who are: unhoused, living in shelter, transient, in poverty, experiencing addictions, in group homes, or on reserve.

We had limited participation from Yukon (9), Northwest Territories (16), Nunavut (9), and PEI (16).

Advisory and consultative structures

About our Expert Advisory Circle members

Sunny Marriner – Chair

As the National Lead of the Improving Institutional Accountability Project (IIAP), Sunny Marriner spearheaded the introduction of independent advocate-led case reviews in uncharged sexual assault investigations across Canada and internationally. IIAP's independent police oversight model, Violence Against Women Advocate Case Review (VACR), is today used in over 30 Canadian communities over five provinces. Sunny's focus is advancing systemic change in responses to sexual violence across institutional and criminal justice frameworks by prioritizing systemic accountability, independent oversight, and improved data collection, while centering the role of feminist frontline, survivor-led advocacy movements as the key drivers of systemic change for women and girls in Canada.

Sunny's work is grounded in 27 years of advocacy and support to survivors of sexual violence as part of the Canadian independent feminist sexual assault centre movement. She regularly serves in provincial, national, and international capacities addressing police, legal, and state responses to sexual violence.

Corinne Ofstie

Corinne is the Co-Chief Executive Officer at Association of Alberta Sexual Assault Services (AASAS). She has expertise working as a cross-sector coordinator within community, system and government organizations in both the sexual and domestic violence services sectors. In her role with AASAS, Corinne works to achieve the goals and objectives of numerous special projects including the Workplace Sexual Harassment Awareness Campaign and Training project. Among her many achievements, Corinne co-chaired the provincial Collaborative Justice

Response to Sexual Violence Committee and was a member of the Gender Equality Network of Canada from 2017 to 2020. In 2018 Corinne was awarded Avenue Magazine's #Top40Under40. She is a member of the Rebuilding Lives Committee for the Canadian Women's Foundation and an Expert Advisory Panel member of Canadian Femicide Observatory for Justice and Accountability.

Deepa Mattoo

Deepa Mattoo is a dedicated lawyer and intersectional feminist recognized for her commitment to advancing equity, anti-oppression, and anti-racism. Her extensive career spans various legal and leadership roles. Since 2019, Deepa has served as the Executive Director of the Barbra Schlifer Commemorative Clinic, overseeing multiple departments and directing the Clinic's intervention and advocacy efforts. She has appeared before the SCC, parliamentary committees, and UN civil society meetings, advocating on a broad spectrum of social justice and human rights issues. In 2023, Deepa was appointed to the Domestic Violence Death Review Committee (DVDRC).

Janet Lee

Janet Lee (BA, BSW, RSW) is the Provincial Director of the Journey Project who is proud to lead a dedicated team of Legal Support Navigators in the quest to strengthen access to justice for survivors in Newfoundland and Labrador. Prior to joining Journey, Janet worked community organizing, residential care, and alternative education programs for over fifteen years, focusing her efforts on supporting survivors of gender-based violence in 2014 through her work at End Sexual Violence NL. Janet is passionate about aligning evidence-informed policy with survivor-centred service delivery to better serve the individuals and communities we work with and for.

Jessica Bonilla-Dampney

Jessica Bonilla-Dampney, a Latinx/Indigenous woman from El Salvador, has devoted her life to creating safer communities. As the Executive Director of the Sexual Assault Centre Hamilton & Area (SACHA), she has led numerous initiatives in Hamilton, all of which aim to build a city free of violence and oppression. With a comprehensive educational background from McMaster University as a graduate of the School of Social Work, Indigenous Studies and Health Studies programs, Jessica has forged these academic fields into public service and advocacy work in the not-for-profit sector. In addition to her role at SACHA, she holds key positions with the Ontario Coalition of Rape Crisis Centres (OCRCC), the Woman Abuse Working Group (WAWG), and the Hamilton Anti-Human Trafficking Coalition (HAHTC).

Joanna Birenbaum

Joanna Birenbaum is a litigator with expertise in gender equality and violence against women. Joanna has extensive experience in constitutional litigation, civil sexual assault claims, defending anti-SLAPP malicious prosecution and defamation claims targeting women who have reported violence, and representing women who have experienced harassment and discrimination in employment. Joanna prosecutes, including sexual abuse claims, for a regulated health college in Ontario and supports complainants before other professional discipline bodies. Joanna's advocacy in this area also includes human rights tribunal claims, university tribunal and Criminal Injuries Compensation Board hearings, and supporting complainants through the criminal justice process. She has been a McMurtry Fellow at Osgoode as well as adjunct faculty at Osgoode teaching Law, Gender, Equality and co-directing Osgoode's Feminist Legal Advocacy: Ending Violence Against Women clinical program. Joanna has lectured and published in the area of violence against women and women's equality rights.

Kimberly MacKenzie

Kimberly MacKenzie is the Territorial Nurse Practitioner, Mental Health and Substance Use, for the Northwest Territories. In this role, she works with service users who have complex mental health needs, and combines her frontline work with program and policy development. Kimberly has spent most of her career living and working in remote Northern communities, and she is an advocate for equitable access to healthcare across the Northwest Territories. Kimberly's formal education is in nursing, psychology, social work, and counselling and spirituality, and she draws from these perspectives, as well as her lived experience, to inform a holistic approach to recovery and healing.

Maggie Fredette

Committed for more than two decades to end violence against women, she works with passion and determination at the CALACS de l'Estrie (Centre d'aide et de lutte contre les agressions à caractère sexuel), where she worked for 11 years as a service provider, before assuming the position of Director 12 years ago. Her career has been marked by a deep commitment to defending women's rights and improving social and institutional practices in relation to sexual violence. Recognized for her expertise, she was a member of the Expert Committee formed by Minister Sonia LeBel, which aimed to rethink systemic approaches to sexual assault. She is also active in the VOIE committee, a group mandated to review police practices during denunciations to the Sûreté du Québec, thus ensuring a critical and committed look at the justice process. At the same time, she has been president of the board of directors of CIVAS Estrie (Centre d'intervention en violence et agression sexuelle) for more than 5 years, where she continues to put her leadership and experience at the service of the community.

Mandy Tait-Martens

Mandy Tait-Martens is a lifelong resident of Thunder Bay, Ontario. She served as the Executive Director of a street-based Mental Health and Addiction agency in Thunder Bay and surrounding districts for almost ten (10) years. Her career has centred around supporting individuals with complex care needs, concurrent disorders, victim supports, informal counselling and cultural intervention practices. Mandy applies her years of experience- working with street-based populations, program design, development, implementation, and her passion to drive change in communities to her current role as Acting Director of Community Services with Ontario Native Women's Association to create meaningful change to support healing and wellness.

Naomi Parker

Dr. Naomi Parker is the Director of Research for Luna Child and Youth Advocacy Centre (Calgary). She co-leads Kindex, the Research and Knowledge Centre of Canadian Child and Youth Advocacy Centres. Naomi is an Adjunct Assistant Professor with the Faculty of Social Work at the University of Calgary. Naomi boasts many years of experience working in the field of addiction and mental health, ranging from frontline practice to prevention, policy, and research. Naomi has extensive experience in leading community-academic partnerships and conducting policy-relevant research and evaluation.

Nneka MacGregor

Nneka MacGregor is the co-founder and Executive Director of the Women's Centre for Social Justice, also known as the WomenatthecentrE, our unique non-profit organization that was created for women survivors of gender-based violence, by women survivors. Nneka develops and delivers training to various agencies and organizations that promote better understanding of the issues, and

focuses on personal and political advocacy for women survivors, as well as on ways to engage men and boys in the initiatives to eradicate violence against women.

Pam Hrick

Pam Hrick is the former Executive Director & General Counsel of the Women's Legal Education and Action Fund (LEAF). Before joining LEAF, she practised law at Stockwoods LLP, maintaining a broad litigation practice, including advising survivors of sexual violence. Pam appeared as counsel or co-counsel at every level of court in Ontario, and at the Federal Court, the Federal Court of Appeal, and the SCC.

Pam has been contributing to the legal community and broader community for years, currently serving as a bencher of the Law Society of Ontario. She also served as Chair of the Board of Management of the 519, a City of Toronto Agency that advocates for 2SLGBTQ+ communities, and Chair of the Canadian Bar Association's Administrative Law Section.

Pam clerked for Justice Thomas A. Cromwell at the SCC and Justice David Stratas at the Federal Court of Appeal. Pam also served as the Legislative Advisor and Issues Manager to the Attorney General of Ontario. She received her B. Soc. Sci. from the University of Ottawa, her J.D. from Queen's University, and her LL.M. from New York University.

Rita Acosta

Rita Acosta is Director and Social Programs Officer at the "Mouvement contre le viol et l'inceste or MCVI" (Movement against rape and incest) in Montreal. She has a university education in social intervention (master's degree in social intervention), as well as a BA in Education. Together with her training in international politics, she has developed the analytical and demanding sense of social policy and advocacy. A committed

activist, Rita is dedicated to working for women's rights. Rita has been with MCVI for 25 years, bringing migrant women to the organization and representation tables. She works specifically on the issue of violence against women and, more particularly, immigrant and refugee women. For the past 10 years, the issue of trafficking migrant women for sexual exploitation has occupied a significant space in Rita's work at MCVI.

Robert S. Wright

Robert Seymour Wright is a queer, African Nova Scotian Social Worker and Sociologist whose 35-year career has spanned the fields of education, child welfare, forensic mental health, trauma, sexual violence, and cultural competence. He recently completed terms of service as the founding Executive Director of both the Peoples' Counselling Clinic and the African Nova Scotian Justice Institute and currently continues at the Peoples' Counselling Clinic as Director Emeritus, Consultant and Therapist. Robert's identity and work are grounded in his integrated and activist spirituality.

Tanya Couch

Tanya Couch is a Canadian Armed Forces officer and co-founder of Survivor Safety Matters, an advocacy group she launched with Alexa Barkley to protect the privacy and safety rights of sexual assault survivors. After navigating the criminal justice system herself, she launched House of

Commons Petition e-4749 and is working to amend Section 278.1 of the *Criminal Code*. Tanya also serves as the advisor representing women to the Cadets and Junior Canadian Rangers National Diversity and Inclusion Advisory Group, under the Professional Conduct and Culture Advisor. She brings lived experience and a survivor-centred perspective to systemic efforts for reform within both the military and civilian justice systems.

Valérie Auger-Voyer

Valérie Auger-Voyer has 15 years of work experience with non-profits committed to social justice. As the Advocacy Coordinator of the Ending Sexual Violence Association of Canada, Valérie works collaboratively with community-based organizations across the country to advocate for better services, policies and laws for survivors of sexual violence. Her national advocacy work is also informed by her years of experience as a frontline worker with women who experienced violence as well as her time on the Board of the Ottawa Coalition to End Violence Against Women. Valérie is also a Registered Psychotherapist (Qualifying) and holds a master's in counselling psychology as well as in sociology.

Federal Interdepartmental Consultative Committee

We convened a Federal Interdepartmental Consultative Committee to facilitate information-sharing and coordination across federal departments. This working-level group helped identify relevant federal initiatives and provided updates on efforts to prevent and address sexual violence.

Participating departments included:

- » Canadian Heritage (Sports Canada)
- » Department of National Defence (Sexual Misconduct Support and Resource Centre)
- » Immigration, Refugees and Citizenship Canada (IRCC)
- » Indigenous Services Canada (ISC)
- » Public Health Agency of Canada (PHAC)
- » Royal Canadian Mounted Police (RCMP)
- » Women and Gender Equality Canada, 2SLGBTQI+ Secretariat

We are also grateful to Dr. Denise Preston for her contributions to the military case transfers chapter in this report. Her expertise, deep knowledge and thoughtful analysis have significantly enriched our findings.

Dr. Denise Preston served as Executive Director of the Sexual Misconduct Response Centre at National Defence (2017-2022), where she advanced trauma-informed, restorative, and evidence-based approaches to support and policy development. She previously held senior roles at the Parole Board of Canada and the Correctional Service of Canada, with a 32-year public service career focused on justice, victim rights, and offender rehabilitation.

Dr. Preston holds a Ph.D. in clinical and forensic psychology from Queen's University and was a licensed psychologist from 1996 to 2022. Since retiring, she has continued to contribute her expertise as a Senior Advisor to the OFOVC and as a board member of a non-profit counselling agency.

Standing Advisory Circles

The OFOVC also drew on the expertise of its three ongoing advisory circles, which provided ongoing feedback and support throughout the investigation.

- » **Academic Advisory Circle**
- » **First Nations, Inuit and Métis Advisory Circle**
- » **Frontline Service Provider Advisory Circle**

Myths and Stereotypes

Since the 1990s, the SCC has addressed the improper use of rape myths and stereotypes in sexual assault trials, recognizing their harmful effects on survivors and judicial outcomes.

“A number of rape myths have in the past improperly formed the background for considering evidentiary issues in sexual assault trials. These include the false concepts that: women cannot be raped against their will; only ‘bad girls’ are raped; anyone not clearly of ‘good character’ is more likely to have consented.”²⁴

“The woman who comes to the attention of the authorities has her victimization measured against the current rape mythologies, i.e., who she should be in order to be recognized as having been, in the eyes of the law, raped; who her attacker must be in order to be recognized, in the eyes of the law, as a potential rapist; and how injured she must be in order to be believed. If her victimization does not fit the myths, it is unlikely that an arrest will be made or a conviction obtained. As prosecutors and police often suggest, in an attempt to excuse their application of stereotype, there is no point in directing cases toward the justice system if juries and judges will acquit on the basis of their stereotypical perceptions of the ‘supposed victim’ and her ‘supposed’ victimization.”²⁵

“In considering the lack of evidence of the complainant’s avoidance of the appellant, the trial judge committed the very error he had earlier in his reasons instructed himself against: he judged the complainant’s credibility based solely on the correspondence between her behaviour and the expected behaviour of the stereotypical victim of sexual assault. This constituted an error of law.”²⁶

These myths and stereotypes about child and adult complainants are particularly harmful because they wrongly comprise “common sense” and the “reasonable person” test that are the basis for many social comparisons or legal decisions. **Their pervasiveness and subtlety create the risk that survivors will be blamed, ignored, or unjustly discredited** in the minds of police, service providers, judges and jurors, policymakers, and decision-makers.²⁷

Facts about sexual assault

Most sexual assaults occur between people who are known to each other.²⁸ It is fundamentally a crime of power and control, and the presence of pre-existing relationships or familiarity, should not diminish its severity or influence the appropriate response. This fact is foundational to our investigation.

Women and girls remain the primary targets

and victims of sexual violence in Canada and globally.²⁹ Importantly, there is no single or ‘typical’ way that a survivor of sexual violence behaves during or after an assault.³⁰

Sex-based stereotypes and myths

In 1991, the SCC³¹ described the “twin myths” of sexual assault:

- » The belief that a woman who has engaged in consensual sexual activity in the past is more likely to have consented to the alleged assault.
- » The belief that a woman's sexual history is relevant to assessing her credibility.

The continued prevalence of the twin myths is indisputable. Survivors encounter them from friends, family, professional networks, law enforcement, Crown prosecutors, defence lawyers, and judges.

Survivors of sexual assault may commonly:³²

- » freeze
- » not say “no” clearly to unwanted sexual contact
- » show no physical injuries
- » exhibit no apparent emotional expression following a sexual assault
- » be unable to identify the perpetrator to police
- » provide seemingly inconsistent statements
- » deny or minimize the assault
- » blame themselves for the assault
- » maintain relationships with the perpetrator after the assault
- » struggle with decision-making
- » delay or avoid reporting
- » exhibit memory gaps or inconsistencies
- » recant the experience

Sex-based stereotypes are frequently used, overtly or unconsciously, in assessing the credibility of a survivor.³³ **“Some of the most common ways that victims react to sexual assault are precisely what people often have difficulty understanding.”**³⁴ Common and entirely natural survivor reactions, such as freezing, delayed reporting, memory inconsistencies, emotional numbness, or maintaining relationships with perpetrators, are misunderstood as credibility issues rather than typical and predictable responses to trauma.

These misconceptions are so frequent in legal proceedings that the National Judicial Institute explicitly instructs judges to inform juries in sexual assault trials that *“Silence does not constitute consent. Nor does submission or lack of resistance.”*³⁵

Discriminatory stereotypes have been used in so-called “rough sex” defences, subjecting survivors to humiliating cross-examination questions, such as whether they “enjoyed”

violent acts.³⁶ We heard that violent sexual acts are projected on screens in the courtroom and paused while the survivor is asked questions about whether she was enjoying herself.³⁷

Male survivors

Myths profoundly affect male survivors, significantly contributing to underreporting.³⁸ 68% of men who experienced childhood sexual abuse and 70% who experienced adult sexual abuse/assault did not report it.³⁹ The vast majority of men who sexually assault other men or boys are heterosexual.⁴⁰

Male survivors are affected by stereotypes about male strength, control and power, sexuality, and virility in their interactions with justice systems.

Programs and services for male survivors are much more limited – which creates a vicious circle with reduced reporting, funding, research, and understanding by service providers, decision-makers, and policymakers.

Sexual abuse and assault affects all of us.



VIDEO : Survivors of Sexual Trauma
Reveal an Important Truth [5:47] ⁴²

Content Warning:

Video includes descriptions of sexual assault.

*Boys are told, “man up,”
“don’t cry,” and “tough it out.”*

The Association of Alberta Sexual Assault Services identifies **common myths** about male survivors, including:

- » men can’t be sexually assaulted by women
- » sexual abuse is less harmful to boys than girls
- » male survivors don’t suffer as much as female survivors
- » only gay men are sexually assaulted
- » boys and men who have been sexually assaulted will sexually assault others
- » sexual arousal of a man indicates his consent⁴¹

Two-spirit lesbian, gay, bisexual, transgender, queer, intersex and others (2SLGBTQIA+) survivors

People who are sexual and gender minorities are disproportionately affected by sexual violence. Studies show that 2SLGBTQIA+ people **are three times more likely** than heterosexual people to be survivors of violent crime, including sexual violence.⁴³ A much smaller portion are crimes that happen within an intimate relationship.⁴⁴

Across all parts of daily life – in public, online, and at work – 2SLGBTQIA+ people are more likely to experience inappropriate sexual behaviours.⁴⁵ Despite this reality, myths and stereotypes continue to undermine public understanding of their experiences and access to support.

2SLGBTQIA+ people face both traditional rape myths like victim blaming and disbelief, alongside a second layer rooted in anti-2SLGBTQIA+ bias. Recent research highlights how these modern rape myths reflect persistent biases rooted in heteronormative assumptions, gender stereotypes, and widespread misconceptions about LGBTQ experiences of sexual violence.⁴⁶ These include false and harmful beliefs such as:

- » 2SLGBTQIA+ people deserve to be assaulted because their identities are deviant or immoral
- » Living openly as 2SLGBTQIA+ somehow invites or causes assault

- » Sexual violence is a “normal” or expected part of the gay lifestyle
- » Gay and bisexual men cannot be raped if they engage in anal sex willingly
- » Sexual assault between women is not real because it doesn’t involve male anatomy
- » Lesbian and bisexual women who are assaulted by men are being “turned straight,” not victimized

Survivors with disabilities

People with disabilities are diverse, encompassing both visible disabilities such as mobility impairments and invisible disabilities, including intellectual and cognitive conditions. Disability affects people across all demographics, but women with disabilities are particularly vulnerable to sexual violence. Research shows that women labelled with cognitive disabilities are four times more likely to be sexually assaulted than women without disabilities, and thirty times more likely than men without disabilities.⁴⁷

Despite this heightened risk, rape myths and stereotypes continue to shape how survivors of sexual violence with disabilities are perceived and treated. Harmful assumptions, such as the belief that people with disabilities are either asexual or sexually hyperactive, or that they are unreliable witnesses, can undermine their credibility and access to justice.

People with disabilities are disproportionately subjected to sexual violence.⁴⁸ For many disabled survivors, reporting violence poses additional risks – they may be dependent on others for personal care, housing, income, companionship, and access to community or services.

Why this matters

These pervasive myths and stereotypes significantly harm survivors by undermining their access to justice, safety, and healing. Myths and stereotypes can reinforce stigma, silence survivors, and perpetuate systemic inequalities, for example, by:

- » Discouraging survivors from reporting and limiting their access to counselling or testimonial aids
- » Denying validation and justice to 2SLGBTQIA+ survivors by failing to recognize their experiences of sexual violence as legitimate crimes
- » Compromising judicial decisions by influencing perceptions of what constitutes credible behaviour, affecting the disclosure of private records (including therapeutic records), permissible cross-examination questions, instructions to juries, etc.

Despite the Supreme Court’s clear and unequivocal direction that correct and reasonable decisions on sexual violence offences cannot be based on myths and stereotypes, we heard that myths and stereotypes remain pervasive in the criminal justice system. Annex B identifies specific myths and stereotypes that have been discredited by Canadian courts.

This image by [SACHA Sexual Assault Centre](#) in Hamilton addresses myths about sexual assault. Clothing, flirting, alcohol, going to a bar or walking home alone are not the cause of sexual violence.



Myths & Stereotypes about sexual assault

Myth #1: Real victims avoid the perpetrator(s) of the assault

Closing arguments: examples

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The Supreme Court of Canada has stated unambiguously that judging a complainant's credibility based on "the correspondence between her behaviour and the expected behaviour of the stereotypical victim of sexual assault" is an error of law.

(*R. v. ARD*, 2018 SCC 6 at para. 2)

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Endnotes

- 1 On more than one occasion during consultation tables, participating stakeholders referenced this quote to express concerns about how challenges persist despite years of changes to legislation.
- 2 The “brings the administration of justice in disrepute” is a phrase used in Canadian law. Its purpose is to protect the integrity and reputation of the justice system. In the Canadian *Charter of Rights and Freedoms*, it asks whether an action in the justice system (such as admitting or excluding evidence), would harm the justice system’s reputation in the eyes of an objective reasonable person. Government of Canada, Department of Justice (July 14, 2025). [*Charterpedia - Section 24\(2\) – Exclusion of evidence*](#).
- 3 *Canadian Victims Bill of Rights*, S.C. 2015, c. 13, s. 2.
- 4 *Canadian Victims Bill of Rights*, S.C. 2015, c. 13, ss. 18–19.
- 5 Canada, WAGE. (2024, December 4). [Facts, stats and WAGE’s impact: Gender-based violence](#). Canada.ca.
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- 7 McDonald, S., Tijerino, A., & Research and Statistics Division, Department of Justice Canada. (2013). [Male survivors of sexual abuse and assault: their experiences](#).
- 8 *Terms and Conditions of Employment of the Federal Ombudsman for Victims of Crime*, SOR/2007-54, retrieved on 2025-08-18
- 9 *P.C. 2007-0355*, March 15, 2007, para. 9(4).
- 10 SISSA Written submission #01
- 11 [A letter was sent to the Prime Minister, Minister of Justice, Minister of Public Safety, Minister of WAGE, and Minister of National Defence](#).
- 12 *R v. Jordan*, 2016 SCC 27 (CanLII), [2016] 1 SCR 631
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- 15 Bill S-12 codified the process for revoking or modifying a publication ban. Bill S-12, *An Act to amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer of Offenders Act*, 1st Sess., 44th Parl., 2023 (Can.).
- 16 [Landmark lawsuit launched by survivors of violence calls for changes to justice system – Marshall Law](#). (2025, April 1).
- 17 *Canadian Victims Bill of Rights*, S.C. 2015, c. 13 (Can.).
- 18 Emphasis added.
- 19 Canadian Council of Parliamentary Ombudsman. (2022). [Fairness by Design: An administrative fairness assessment guide](#).
- 20 Semi-structured interviews were based on Melissa DeJonckheere and Lisa M Vaughn’s (2019) semistructured interviewing practices for primary care research which focuses on flexible, exploratory, detailed experiences and communication strategies for interviews. DeJonckheere, M., & Vaughn, L. M. (2019). [Semistructured interviewing in primary care research: a balance of relationship and rigour](#). *Family Medicine and Community Health*, 7(2), e000057. <https://doi.org/10.1136/fmch-2018-000057>
- 21 The survivor survey was open from November 2024 to March 2025.
- 22 From October 2024 to January 2025
- 23 This includes sections 1, 2, 7, 8, 11, 15, 24 and 28.
- 24 *R v. Osolin*, 1993 CanLII 54 (SCC), at para 670. See also *Seaboyer*, [1991 CanLII 76 (SCC)]; *R v. Osolin*, 1993 CanLII 54 (SCC) at pp. 669-71; *R v. Ewanchuk*, 1999 CanLII 711 (SCC) at paras. 94-97.
- 25 *R v. Seaboyer*; *R v. Gayme*, [1991] 2 SCR 577.
- 26 *R v. A.R.J.D.*, 2018 SCC 6 (CanLII), at para 2; emphasis added
- 27 *R v. Find* (2001) 1 SCC 863 at paras 101-103. (McLachlin CJC)
- 28 [Sexual Assault & Harassment | Violence prevention | Canadian Women’s Foundation](#). (2022, November 22). Canadian Women’s Foundation.
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