



National Justice Network Update



February 2018

Volume 24, Issue 2

Greetings!

Welcome to the **FEBRUARY** issue of the *National Justice Network e-Update*, a publication of the Canadian Resource Centre for Victims of Crime. PLEASE SHARE THIS **FREE** NEWSLETTER WITH YOUR COLLEAGUES OR HAVE THEM SIGN UP TO RECEIVE IT DIRECTLY AT: <http://crcvc.ca/en/newsletter/>.

This newsletter was written and compiled with the assistance of Carleton University Criminology and Gender Studies student and CRCVC volunteer, Mari-Lisa Mank.

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Doing justice for Indigenous peoples; how the families of Colten Boushie and Tina Fontaine were let down

Social media platforms exploded in February following the failure of the criminal justice system to convict the persons accused of the murders of Colten Boushie and Tina Fontaine. Many Canadians feel Boushie, a 22-year-old Cree man, and Fontaine, a 15-year-old female member of the Sagkeeng First Nation, were acquitted due to deeply entrenched systemic racism in the courts and legal system. Protests were held across Canada in solidarity with the families.

Colten Boushie was shot and killed in August 2016 in Saskatchewan. Gerard Stanley was charged with second-degree murder, after he shot Boushie in the back of the head believing that he was trying to rob him. Stanley claimed that the shooting was an accident, and he was acquitted on February 9th.

According to observers, none of the jurors in Stanley's case were Indigenous. This fact has led to criticism of peremptory challenges during the jury selection

QUICK LINKS

Visit our [website](#) to access our live chat. A trained CRCVC staff member will be happy to help. Currently, regular support is available during these times:

Sundays 6 pm-1 am EST

Mondays 7 pm-1 am EST

Tuesdays 7 pm-1 am EST

Thursdays 7:30 pm-1 am EST

Fridays 8 am-4 pm EST

Read JP Larocque's Huffington Post [op ed](#) in the wake of charges laid against alleged serial killer Bruce McArthur in Toronto.

[Download](#) the citizenAID App from Google Play, Apple App Store, or the Windows store. The app can help prepare you for emergency situations, and can give step-by-step instructions in the midst of an emergency. The app offers information about active shooter, knife attacker, and bomb threats.

Learn more about the [Alberta Residential Tenancies Act](#) that helps victims of domestic violence to terminate tenancy

UPCOMING EVENTS

Summit on Criminal Guns and Gangs

A national summit on challenges, solutions, and best practices in the fight against criminal guns and gangs.



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process, which allows prosecutors and defence lawyers to remove a potential juror (up to a certain number) without articulating an explicit reason. The defence used the peremptory challenges to eliminate anyone who appeared Indigenous. It was a transparent defence strategy, and it worked.

Tina Fontaine's body was found in August 2014 in a Winnipeg river, wrapped in a duvet and weighed down with rocks. Although three witnesses testified that Raymond Cormier owned the same kind of duvet cover as the one in which Tina's body was found, no forensic evidence linked him to it or Tina's body. Pathologists could not determine the cause of her death and there was no sign of sexual assault, stabbing or blunt-force trauma. Raymond Cormier was found not guilty of second-degree murder by a jury, just weeks after Stanley's acquittal. Jury composition was not a point of contention in the Cormier trial.

Professor Milward, writing for CBC News, has suggested that these cases may necessitate a reconsideration of the extent to which the system protects jury secrecy. Jury secrecy, he says, is meant to ensure anonymity so that jurors can be free to deliberate on evidence and reach an objective verdict without outside pressure. However, this anonymous space can lead to jury nullification, whereby a jury understands the law and evidence, but makes their decision from an emotional standpoint. This can result in sympathy or prejudice seeping into major legal decisions, where they have no place.

The absence of Indigenous peoples from the jury selection process is a cruel irony, given that they experience the brunt of systemic racism, and are also disproportionately incarcerated. Statistics Canada [reported in 2016](#) that 23% of murder victims that year were Indigenous.

We know that racial considerations in exercising the peremptory prerogative are common. Former Supreme Court Justice Frank Iacobucci spelled it out in a report five years ago. Indigenous people are routinely underrepresented on juries, he said, and it's unjust, and Canada should end the practice of peremptory challenges, just as the United Kingdom has done.

Justice Minister Jody Wilson-Raybould has

When: March 2018
Read the Public Safety news release [here](#).

Justice for Ashton Dickson

Where: Ottawa City Hall

When: March 24, 2018

The family of Ashton Dickson would like to invite you to march with them on 24 March 2018, on what would have been Ashton's 26th Birthday, to celebrate his life and mourn his death by gun violence.

The march will begin at City Hall at 12pm, and head down Elgin Street ending at Ottawa Police headquarters. [More here](#).

Victim Support Europe Annual Conference 2018

This year's theme is "Reaching out to Victims".

When: May 23rd – 24th, 2018

Where: Stockholm, Sweden
Click [here](#) to learn more, and [here](#) to register.

Victims and Survivors of Crime Week

This year's theme is "Transforming the Culture Together".

When: May 27th – June 2nd, 2018

International Justice and Victims' Rights Summer School

A bilingual course led by several internationally renowned experts in the fields of criminology and law.

When: June 4th – June 9th, 2018

Where: Université de



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acknowledged how the justice system fails Indigenous peoples and perpetuates Canada's negative colonial legacy. She has said that she intends to effect change. These comments came after Colten Boushie's family travelled to Ottawa for discussions with senior cabinet ministers and Prime Minister Trudeau.

Minister Wilson-Raybould was careful to note that jury selection is not the only issue at hand; she said that the Government is working with Indigenous partners on other issues, including bail reform, the administration of justice, and restorative justice. A government official has said that a bill may be introduced in late winter or early spring to suggest reforms in response to the calls for change.

The verdicts in Colten Boushie and Tina Fontaine's cases are a harsh blow to Indigenous peoples, to whom the Government of Canada has promised reconciliation efforts. Canada's cultural genocide against Indigenous peoples has had far-reaching effects and left many families with intergenerational trauma. The Boushie and Fontaine verdicts have further diminished faith in the justice system, the Government, and the supposed commitment to reconciliation.

We need to make a real effort to remediate the long problem of Indigenous people being disproportionately victimized and over represented in Canadian prison populations, particularly in the West. As an act of reconciliation, we must address this serious problem facing our justice system. Indigenous peoples need to have hope they too can access justice in Canada.

Gabrielle Scrimshaw, a co-founder of the Aboriginal Professional Association of Canada, wrote in the New York Times that "until our leaders – and regular Canadians – state plainly that Canada has a problem with racism, indigenous people will continue to have their lives cut short."

Tensions remain amidst federal government's latest settlement offer with Indigenous communities

After the federal government proposed a \$800-million agreement with Sixties Scoop survivors late last year, a group of Indigenous Sixties Scoop adoptees is calling for a better deal. Priscilla Meeches, a plaintiff in

Montréal
Click [here](#) for more information, or [here](#) to register.

16th International Symposium of the World Society of Victimology

Victims and Victimization:

Moving Towards an International Victimology

When: June 10th – 14th, 2018

Where: Hong Kong

Deadline for early-bird registration is March 31st.

Regular registration is from April 1st to June 9th. Click [here](#) to register.

Shelters of the Future: A National Conversation

When: June 13th – 15th, 2018

Where: Ottawa, Ontario

National Organization for Victim Assistance 44th Annual Training Event

When: August 20th-23rd, 2018

Where: Jacksonville, Florida
Keep an eye on the [NOVA website](#) for event hotel reservation information and registration options coming soon.

SNAPSHOTS

Hedley allegations put spotlight on music industry in wake of #MeToo

This month dozens of mainly anonymous women have spoken out on social media about [alleged negative experiences](#) with B.C. pop-rockers Hedley. The sexual misconduct allegations began with band members and





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the national class-action lawsuit, stated that the settlement is not enough to adequately compensate the numerous victims. An Ottawa-based group, the National Indigenous Survivors of Child Welfare Network, has started a [campaign](#) opposing the settlement agreement. They are inviting signatures on their petition and objection form.

In Canada, we have a legacy of poor treatment of Aboriginal peoples. The Sixties Scoop was just part of the wider effort by the Canadian government to disrupt family life in the name of assimilation. The Sixties Scoop refers to "the mass removal of Aboriginal children from their families into the child welfare system, in most cases without the consent of their families or bands" ([Erin Hanson, Indigenous Foundations, University of British Columbia](#)). This problem became especially dire in the 1960s and in the decades following.

Social workers in the child welfare system at the time had no training or understanding of the culture or history of Aboriginal communities, and therefore continued to enforce Euro-Canadian ideals. Because of the suppression of Aboriginal cultures, many of the Sixties Scoop survivors were left with psychological and emotional problems and trauma.

The problem, however, still persists. While Canada helped to draft the 1989 UN Convention on the Rights of the Child, a 2007 UNICEF report stated that "Canada has been slow to honour its commitment to uphold those rights." The federal government's latest proposed settlement for these survivors is thought by many to fall short, too.

The proposed settlement sets aside \$750 million for individual compensation, which amounts to only \$20,000 to \$50,000 per claimant. Colleen Rajotte, a survivor herself, said that "\$20,000 might sound like a lot of money but we've lost our culture, our connection to our family, our language, our identity."

\$50 million is set aside for a foundation dedicated to reconciliation, and \$75 million for legal fees. The agreement also includes a clause that gives Ottawa the option to declare the agreement null and void if 2,000 eligible claimants opt out. Activist efforts are aiming to reach this number of signatures. Meeches feels that the stories of the Sixties Scoop survivors

many young or underage fans.

The band was quick to say the allegations were "unsubstantiated." Reaction by the music industry has been swift and strong. The quartet was dropped by its management team, ditched by the opening acts on their cross-Canada tour and blacklisted by radio stations including the CBC and more than a hundred Bell Media outlets.

On February 25th, CBC news reported an Ottawa woman was sexually assaulted and raped multiple times in a Toronto hotel in 2016 by Hedley singer Jacob Hoggard. The [details the survivor recounted](#) are horrific. She says she decided to share her story with CBC after drawing courage from the dozens of women who have spoken out on social media.

We applaud all of the women who have come forward in this case. It is not easy to make bring such allegations to light given the status of the band and the shame, blame and silence that is connected to sexual violence.

"Make it Your Business" video series tackles family violence prevention in P.E.I.

[Family Violence Prevention Services in P.E.I.](#) has

launched a new video series called "Make it Your Business". The videos work to help people to identify family





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were not heard in coming to these amounts. Other survivors, however, felt that no amount of money can provide justice to the victims. The settlement is still under review in courts, and submissions are scheduled for May.

Another problem with the proposed settlement is that it excludes groups such as Métis and non-status Indigenous Peoples. Métis people have been excluded because there aren't records to identify them during the relevant period of time. Rather, the qualifiers for eligibility are as follows:

- The individual was adopted or fostered between 1951 and 1991
- The individual can reside in Canada or have been adopted to another country
- Indigenous people who were wards of the Crown can be claimants

This settlement is not the only effort by the Government of Canada to rectify its past mistakes. In 2007, the \$2-billion Indian Residential Schools Settlement was established. Part of the settlement money was directed toward healing programs and reparations for survivors of sexual and physical abuse.

Global Affairs Canada's Consular Policy Bureau: Providing resources to victims of crimes abroad

Consular services begin with helping Canadians prepare themselves for safe travels abroad by providing them with travel information that is as timely and as accurate as possible. Outside of Canada, Canadians may require consular assistance for routine matters, such as passport services, or in situations of distress, including hospitalization, arrest, and death.

When a Canadian is victimized abroad, Consular Officers will offer assistance, treating all Canadians with dignity, respect, and sensitivity. The type of assistance offered may vary depending on the specific circumstances of the case and the wishes of the client. Consular Officers may be able to assist with cases of sexual or other forms of physical assault, homicide, abduction, scams, identity fraud and theft, and victims of terror attacks.

When appropriate, Consular Officers will inform sexual assault victims of the availability of resources such as

violence, especially in public places or work environments.

The videos address multiple types of violence, including sexual assault, elder abuse, child abuse, online harassment, or verbal abuse. The project was funded by the City of Charlottetown and the Province of P.E.I. Executive Director Dayna O'Malley is happy to see a positive step in moving these topics into public discourse, rather than ignoring the issue by claiming that it is 'private'.

The videos directly address the problem of the bystander effect, or bystander apathy, whereby people are in fact *more* reluctant to offer help in an emergency situation if there are several people in the vicinity, because they assume that someone else will step in. Sometimes this can lead to situations in which multiple people are witnessing someone be victimized, but no one is intervening or helping. The "Make it Your Business" videos combat this tendency by empowering individuals with the confidence and skills to recognize the signs of abuse and to help a victim. Click [here](#) to watch the video series.

No judicial misconduct in case of jailed sex assault victim, council finds

The Alberta Judicial Council has found no wrongdoing by a judge who forced a sexual assault victim to testify while in shackles in June 2015. The





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counselling services, and help identify local clinics. Additionally, victims of sexual assault may require a physical examination by a medical professional as a means of gathering evidence against the offender. Depending on the local conditions and availability of support organizations, a Consular Officer may offer to accompany the client if such examination takes place.

Case Study: When vacationing in the Caribbean, Sarah went for drinks at the hotel bar with friends to meet new people. That evening, she was sexually assaulted. Looking for ways to help, her roommate called the embassy. A Consular Officer asked if the victim needed medical attention and if she would like assistance in filling out a police report. The Officer provided her with a list of medical clinics and contact information for the local police. At her request, consular services contacted Sarah's family and helped with expediting her return to Canada. Following her return to Canada, the Officer checked in with Sarah and continued to track the status of the assault prosecution in the Caribbean.

Consular Officers also make clients, such as Sarah, aware of the [Victims Fund – Emergency Financial Assistance for Canadians Victimized Abroad Program of the Department of Justice](#). For specified violent crimes, Canadians may qualify for reimbursement of financial costs when no other source of financial assistance is available in cases of:

- homicide;
- sexual assault;
- aggravated assault;
- forced marriage;
- assault with serious personal violence, including against a child.

For further travel information, try [Ask Travel](#), a new tool to answer specific questions for common or urgent consular requests while travelling, studying, working, or living abroad. By using this application, users may research and navigate through a list of questions to find an answer online.

Global Affairs Canada urges any Canadian in need of emergency assistance while traveling, studying, working or living abroad to contact the Embassy of Canada in that country or to contact Global Affairs Canada's 24/7 Emergency Watch and Response Centre at +1-613-996-8885 or at +1-800-387-3124. Victims

Council found Judge Bodnarek's rulings were "intended to serve the objectives of the best administration of justice".

The victim, identified by the pseudonym Angela Cardinal, was detained by the court in order to testify against her attacker, Lance Blanchard. Detaining her was at the request of the Crown prosecutor, Patricia Innes, to make sure she would return to court as she was homeless at the time. Furthermore, Cardinal was brought to the courthouse in the same van as Blanchard, the predator who physically and sexually assaulted her. The Council says the media doesn't take all of the circumstances into account when discussing this case and conclude that the judge didn't intend or anticipated contact between the victim and her assailant.

After a weekend of being jailed, Cardinal re-appeared in court and pleaded to be released. The council states "while at that point Bodnarek could have undertaken an independent inquiry regarding the need for such restraints, his decision not to do so is not judicial misconduct." The council concluded that the judge did allow Cardinal to testify behind a screen, granted a request to have her testify in civilian clothes, and tried to ensure there was no contact between Cardinal and Blanchard.

The victim was an Indigenous





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may also email sos@international.gc.ca.

Gender Equality Support Centres at winter Olympics

For the first time in Olympic history, four Gender Equality Support Centres opened in PyeongChang, to address incidents of sexual misconduct during the course of the 16-day sporting event as a way for athletes, volunteers, spectators and anyone else to come forward for help. The South Korean county saw an influx of 2,900 athletes, 16,000 volunteers, and tens of thousands of spectators at the winter games this year. The support centres were established with the acknowledgement that sexual violence can happen anywhere, at any time, to anyone.

The Centres were staffed with counsellors who offer services in multiple languages, and who can help individuals in person or via their hotline phone number. Their services included medical treatment, legal advice, and therapy in an anonymous setting.

Kwon Eun Jin, the head of women's welfare in the Gangwon-do Provincial Office, said there were overall 21 cases of sexual assault or harassment reported throughout the region over the course of the Olympics — highlighting how such high-profile international events require more investment.

While the athletes' village at the Olympics has a reputation of being uninhibited and free-spirited, sexual encounters are not always consensual. The problem of sexual harassment and assaults at the Olympics has been amplified by the widespread news and social media coverage of the #MeToo movement and the trial of Larry Nassar. Nassar was the U.S. Gymnastics doctor recently sentenced to up to 175 years in prison after over 150 of his victims testified to being sexually abused by him.

It's unclear if the IOC plans to support the opening of sexual assault centers at future Olympic Games. The centers will reopen when PyeongChang hosts the 2018 Winter Paralympics in March.

"The Olympics and the Paralympics have been set up for our joy," Yoon added. "If we can help alleviate any of the gender violence, then it was worth them opening.

woman, so the question remains if race was an influential factor. The council however replied to this complaint saying that "there is no evidence that the gender or aboriginal status of the complainant influenced any of Judge Bodnarek's rulings in this case". Even though they find no wrongdoing in this case, the council also deems that "all participants in the criminal justice system must continue to strive to ensure that vulnerable victims of crime, particularly indigenous victims, are treated with respect, and that they receive the supports they require to participate in criminal proceedings."

Sadly, Cardinal died seven months after testifying. The man, who killed her in an accidental shooting, pleaded guilty to manslaughter.

In light of this case, an independent report ordered by Justice Minister Kathleen Ganley, made some recommendations. These include the creation of a provincial victim's services unit that is independent of police services. The government already started to act on most of the report's recommendations, including giving cultural competency training to staff, updating policies on detaining witnesses and hiring court workers to help victims and witnesses. Additionally, the sheriff's branch is also reviewing its policies on when





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The need for support of sexual violence victims at the Olympics has been longstanding, though. [The Washington Post](#) reported that over 290 coaches and officials who have worked in U.S. Olympic sports organizations have been accused of sexual misconduct since 1982. 175 of those have been convicted of sex crimes, and the rest have not faced criminal charges. This is not to mention the number of cases in other countries, nor any incidents perpetrated by U.S. Olympic athletes.

In 2012, two Paralympic athletes from Jordan and their trainer were barred from participating after reports of sexual assault and indecent exposure. One of the athletes pled guilty, but charges against the other two men were dropped.

In 2016, there were two incidents of alleged sexual assault by Olympic athletes. An Olympic boxer from Namibia was arrested after reports that he had sexually harassed a housekeeper. He was later released from jail in time for him to compete in a scheduled fight. A Moroccan boxer was also arrested for attempted rape. His passport was removed and he was incarcerated.

The Olympic website now includes a [page](#) on harassment and abuse in sport.

Proposed N.B. bill would grant domestic violence victims paid leave

The New Brunswick government introduced a bill at the beginning of this month that would allow victims of domestic, intimate, and sexual violence to take paid leave from work. Susie Proulx-Daigle, the New Brunswick Union president, has seen several instances of victims being penalized for missing work because of domestic violence in the home. If this bill passes, victims will be able to take needed time off to seek medical attention, legal assistance, or a new residence.

Specifically, stakeholders are lobbying for paid leave for up to ten days, either consecutively or intermittently. Further, they hope to see the provisions extended to both full- and part-time employees, since anyone can be a victim of domestic violence, regardless of their employment status.

to restrain and jail witnesses.

Mass shootings are connected to domestic violence

The recent school shooting in Marjory Stoneham Douglas High School in Parkland (Florida), where the 19-year-old Nikolas Cruz killed 17 of his previous fellow students and teachers, continues to raise debate about gun control in the US. What is not getting as much attention is the perpetrator's history of domestic violence, says [Flare](#). Although the motive of the shooter is still unknown, there are patterns of behaviour visible similar to other mass shootings.

Cruz was apparently obsessed with a girl at school. Several students described it as "stalking". Furthermore, sources reveal that the 19-year-old had been abusive to a former girlfriend and that his expulsion from Parkland was a consequence of a fight with the new boyfriend of this girl. Moreover, Cruz apparently took part in training drills of a white supremacist group, as reported by [Associated Press](#). The leader of this group says Cruz had trouble with this girl and he believed that it was no coincidence the attack took place on Valentine's Day.

Intimate partner violence is actually one of the greatest predictors of mass shootings. [Everytown USA](#) analysed 156 mass shootings during a seven year period and





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The bill recognizes the need for some workers to take time off to care for a family member. Labour Employment and Population Growth Minister Gilles LePage said, "it is essential that New Brunswick's employment legislation be continually modernized to maintain a competitive labour market and keep up with the needs of employers and employees." The passing of this bill would bring the province up to speed with the legislative progress in Manitoba, Ontario, Alberta, and Saskatchewan. Domestic violence victims often need to reboot their lives, so to speak, which is why this bill is so important. It would grant them some time to do this, without having to relinquish paid work time.

The New Brunswick Women's Council is optimistic about the legislation, but hopes that consideration of the bill will consult survivors and experts from emergency shelters, second-stage housing, and unemployment programs. These are the people who have first-hand experience, and have valuable expertise about how victims of domestic violence have been treated by their workplaces, and what changes they would like to see.

SPOTLIGHT ON RESEARCH

"The Effects of Arrest, Reporting to the Police, and Victim Services on Intimate Partner Violence" – M. Xie & J. P. Lynch (2017)

This U.S. longitudinal study examined the impact of certain events on re-victimization. They found that reporting an intimate partner violence (IPV) incident to the police, and victim contact with a social agency, can have a protective effect on a victim, and prevent re-victimization. However, arrest does not have such an effect. The scope of the paper did not include a determination of *why* those measures were effective.

Read the synopsis on page 7 [here](#), or get full access to the article [here](#).

concluded that more than half (54%) were related to family or domestic violence. "Mass shootings are not only about gun control, they are about men's violence against women," says anti-sexual violence educator and advocate [Farrah Khan](#).

Standing up for gun control, will not make the problem disappear. Men's violence against women is an epidemic that needs to end. A culture that takes violence against women more seriously, might make a difference. In light of this recent mass shooting, it is time to acknowledge that the issues of gun violence and domestic violence are entwined.

