



Ontario Coalition of
Rape Crisis Centres

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Ontario Coalition of Rape Crisis Centres (OCRCC) responds to the Ghomeshi verdict:

In 2014, when allegations of violence against women were first brought against Jian Ghomeshi, many responded with disbelief: he “sounded plausible and open,”¹ Globe and Mail’s Margaret Wente admitted in her 2014 column on Ghomeshi; and as one court observer described her interest in the case in February, “All of a sudden, he was off the air and I couldn’t believe it”².

But as [disclosures about Ghomeshi from women piled up](#)³, a different reflection began. It sparked important conversations in the public about the prevalence of unreported sexual assault in Canada. It also questioned the inadequacy of the criminal justice system in cases of sexual violence, and the many reasons why survivor-victims do not report—or in many cases, tell anyone at all. For example:

- Most reports of sexual assault do not lead to charges, let alone convictions. Out of every 1,000 sexual assaults in Canada, it’s estimated that 997 assailants walk free: 33 are reported to the police, just 29 are recorded as a crime; 12 see charges laid; 6 are prosecuted and just 3 lead to conviction⁴.
- The majority of sexual assault offenders are in fact known to the victim in some way⁵.
- Acquaintances, friends and dates are more likely to use verbal pressure, negative consequences, threats to relationships or victim-blaming rhetoric (i.e. “You know you wanted this”; “If you tell about what happened here, you will be in trouble”) during episodes of sexual coercion⁶. This inevitably impacts upon a victim’s ability to resist or report what happened – or in many cases, even name it as violence.

[Survivors of sexual violence](#) spoke out about the limitations of the criminal justice system and the enormous barriers that survivor-victims face. Advocates talked about how systems meant to support victims too-often disbelieved or blamed them, while offenders – and oftentimes, the violent incident itself – went unchallenged. At that time, we predicted that a guilty verdict in the Ghomeshi charges would be extremely unlikely given the limits of the system, the historical nature of the cases, general misconceptions and expectations on how victims “ought to” respond to sexual violence, and the relationships that the complainants had with the accused.

Today, we are not in any way surprised by the verdict of not guilty in this case.

Further, we *do not* see this verdict as an indication of “truth-finding” in what happened between the complainants and accused, and we urge others to pause on this reflection.

On the contrary, we see, once again, **the criminal justice system’s tendency to:**

- Put the focus on the women reporting: the credibility of victim-survivors is commonly questioned when reporting sexual assault⁷.
- Direct all questioning to the complainant, including questioning her actions before and after the violent incident. Having a social, physical, romantic, financial or other relationship with a person *does not* negate or reduce the possibility of violence within that relationship. If anything, a relationship is more likely to silence victims into compliance or self-doubt.

¹ Wente, M. October 28, 2014. Ghomeshi-gate: a bad day for everyone - The Globe and Mail. Online:

<http://www.theglobeandmail.com/opinion/ghomeshi-gate-a-bad-day-for-everyone/article21331661/>

² Toronto Star. February 1, 2016. Why they came to the Ghomeshi trial | Toronto Star. Online: <http://www.thestar.com/news/gta/2016/02/01/why-they-came-to-the-ghomeshi-trial.html>

³ Eight women in total informally shared their experiences with The Toronto Star (for a summary, see:

http://www.thestar.com/news/gta/2014/10/29/jian_ghomeshi_8_women_accuse_former_cbc_host_of_violence_sexual_abuse_or_harassment.html).

Three chose to report to the police.

⁴ Source: Johnson, “Limits of Criminal Justice Response: Trends in Police and Court Processing of Sexual Assault,” in Sheehy, *Sexual Assault in Canada: Law, Legal Practice and Women’s Activism*, (2012). See also: YWCA, 460,000 and Counting. Online: <http://ywcacanada.ca/en/blog/35?page=1>

⁵ Statistics Canada, 2003, The Daily, 25 July

⁶ Hakvag, H. *Does Yes Mean Yes?: Exploring Sexual Coercion in Normative Heterosexuality*. Canadian Woman Studies/les cahiers de la femme. Volume 28, Number 1. York University Publication: 122

⁷ Vopni, V. “Young Women’s Experiences with Reporting Sexual Assault to Police” in *Canadian Woman Studies* 25 (1,2) (Winter/Spring 2006), 110

- See that cases are unlikely to be prosecuted if the victim is constructed as unreliable⁸; and this construction is necessarily and structurally supported by holding witnesses to minor details of testimony during cross-examination.
- See that “cases are more likely to be prosecuted if the victim is White and less often when the victim belongs to a racial minority group”; and also more likely to be prosecuted when the accused is a person of colour⁹.
- Invisibilize the accused’s side of the story entirely, giving the impression that he maintained a consistent narrative throughout – when in fact our system is structured so that *he is never even asked* to present one at all.

In addition, we see, once again, the criminal justice system’s ongoing **limitations in:**

- Questioning the actual violent incidents in the case
- Querying the accused’s side of the story
- Querying the fact that many women (eight in total, in this case) identified similar experiences with the accused
- Identifying the victims’ acts of resistance in the midst of what they experienced. As we know too well most often a “victims’ apparent lack of resistance becomes the focus of assessment and intervention”¹⁰ in court. Every day, survivors of violence continue to interact with those that have harmed them. Realistic reasons include: not wanting to cause problems; being uncertain about whether the incident was in fact violence; hoping the relationship will improve; feeling responsible for improving the relationship; having an emotional attachment to the accused; wishing to maintain other relationships connected to the offender; or seeking explanation for the violent behavior.

We wish to note that the witnesses in this case *did* express resistance to their experiences with the accused: for example, they came forward and shared their stories upon hearing other similar allegations; they sought support and connection with other women who shared this experience; and they formally reported to the police in October 2014 when then-Police Chief Bill Blair urged women to do so. We recognize these significant actions as meaningful in the face of violence – even though this court case clearly did *not* do so – and commend all survivors for their own responses.

In response to the Ghomeshi verdict, the Ontario Coalition of Rape Crisis Centres reaches out to those affected by sexual violence in Ontario. We affirm (as we have from the very beginning) that sexual violence cases are not often resolved through the criminal justice system¹¹.

If something has happened to you, there are people who will believe and support you. You can talk to a trusted friend, family member, or contact a sexual assault centre support line. If you are considering reporting, we can help you think through your options. If you are not considering reporting, that’s okay too. All calls are free and confidential. You can access a sexual assault centre from any community across Ontario: go to www.sexualassaultsupport.ca.

If you are a friend or family member of someone who is dealing with sexual violence, there are things you can do too. You can be an ally to the person who is victimized, instead of the accused. You can listen to the person’s story without judgement, scrutiny or expectations that they formally report. You can then find safe places to seek additional support, if needed, too.

OCRCC recognizes the impact of sexual violence in Ontario. We believe that education and information goes a long way toward the prevention of violence. Together, we will make a difference.

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⁸ Patterson, D. 2011. The Impact of Detectives’ Manner of Questioning on Rape Victims’ Disclosure. *Violence Against Women*, 17(11) 1349–1373: 1370.

⁹ Patterson, D. 2011. The Impact of Detectives’ Manner of Questioning on Rape Victims’ Disclosure. *Violence Against Women*, 17(11) 1349–1373: 1370.

¹⁰ Coates, L. and Allan Wade. “Telling it Like it Isn’t: Obscuring Perpetrator Responsibility for Violent Crime”. *Discourse & Society* 2004: 15, 503

¹¹ The Learning Network. *The Network Comes to Life*. May 2012: 2. Available online:

http://www.vawlearningnetwork.ca/sites/learningtoendabuse.ca/vawlearningnetwork/files/LN_Newsletter_May_2012_Issue_1.pdf

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