

CANADIAN JUDICIAL COUNCIL

**IN THE MATTER OF AN INQUIRY PURSUANT TO S. 63(1) OF THE *JUDGES ACT*
REGARDING THE HONOURABLE JUSTICE ROBIN CAMP**

NOTICE OF MOTION

**AVALON SEXUAL ASSAULT CENTRE
ENDING VIOLENCE ASSOCIATION OF BRITISH COLUMBIA (EVA BC)
INSTITUTE FOR THE ADVANCEMENT OF ABORIGINAL WOMEN
METROPOLITAN ACTION COMMITTEE ON VIOLENCE AGAINST
WOMEN AND CHILDREN (METRAC)
WEST COAST WOMEN'S LEGAL EDUCATION AND ACTION FUND
(WEST COAST LEAF)
WOMEN'S LEGAL EDUCATION AND ACTION FUND INC. (LEAF)**

TAKE NOTICE that Avalon Sexual Assault Centre, Ending Violence Association of British Columbia ("EVA BC"), the Institute for the Advancement of Aboriginal Women ("IAAW"), Metropolitan Action Committee on Violence Against Women and Children ("METRAC"), and West Coast Women's Legal Education and Action Fund Association ("West Coast LEAF"), and the Women's Legal Education and Action Fund Inc. ("LEAF") (the "Proposed Intervener Coalition"), pursuant to the Directions to Potential Interveners issued by the Inquiry Committee on May 4, 2016, seek an order granting leave to intervene in the present Inquiry.

AND FURTHER TAKE NOTICE that the following documents will be referred to in support of this motion:

- (a) an Affidavit, affirmed by Diane O'Reggio on May 30, 2016;
- (b) an Affidavit, affirmed by Kendra Milne on May 30, 2016;
- (c) written submissions, dated May 31, 2016; and
- (d) such further or other material as counsel may advise and may be permitted.

AND FURTHER TAKE NOTICE that the motion shall be made on the following grounds:

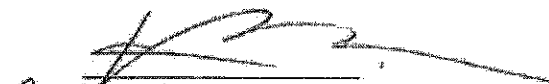
- (a) this Inquiry raises important issues concerning sexual assault law and the equality rights of women in Canada;
- (b) the Proposed Intervener Coalition has a unique perspective that will assist the Inquiry Committee in its consideration of the issues in this matter;
- (c) Sections 63 and 65 of the *Judges Act*; and
- (e) such further or other grounds as counsel may advise and may be permitted.

DATED at Toronto this 31st day of May, 2016



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Co-Counsel for Proposed Intervenor Coalition

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CANADIAN JUDICIAL COUNCIL

**IN THE MATTER OF AN INQUIRY PURSUANT TO S. 63(1) OF THE *JUDGES ACT*
REGARDING THE HONOURABLE JUSTICE ROBIN CAMP**

**MOTION FOR LEAVE TO INTERVENE
AVALON SEXUAL ASSAULT CENTRE
ENDING VIOLENCE ASSOCIATION OF BRITISH COLUMBIA (EVA BC)
INSTITUTE FOR THE ADVANCEMENT OF ABORIGINAL WOMEN
METROPOLITAN ACTION COMMITTEE ON VIOLENCE AGAINST
WOMEN AND CHILDREN (METRAC)
WEST COAST WOMEN'S LEGAL EDUCATION AND ACTION FUND
(WEST COAST LEAF)
WOMEN'S LEGAL EDUCATION AND ACTION FUND INC. (LEAF)**

AFFIDAVIT OF DIANE O'REGGIO

Affirmed on May 30, 2016

I, Diane O'Reggio, of the City of Toronto, in the Province of Ontario, SWEAR AND SAY THAT:

1. I am the Executive Director of the Women's Legal Education and Action Fund Inc. ("LEAF") and as such have knowledge of the matters hereinafter deposed, except where stated to be based on information and belief in which case I verily believe them to be true.
2. LEAF seeks to intervene in this Inquiry in coalition with Avalon Sexual Assault Centre ("Avalon"), Ending Violence Association of British Columbia ("EVA BC"), the Institute for the Advancement of Aboriginal Women ("IAAW"), Metropolitan Action Committee on Violence Against Women and Children ("METRAC"), and West Coast Women's Legal Education and Action Fund Association ("West Coast LEAF"), the ("Proposed Intervener Coalition").

3. My affidavit provides evidence as to the interest of four of the proposed intervener coalition partners (Avalon, IAAW, METRAC and LEAF), and the potential prejudice to them of denying the motion. The affidavit of Kendra Milne, also filed in support of this motion, provides evidence of the interest of the other two proposed intervener coalition partners (EVA and West Coast LEAF) and the potential prejudice to them of denying the motion.

Background of the Proposed Interveners

(a) Women's Legal Education and Action Fund (LEAF)

4. LEAF is a national, non-profit organization founded in April 1985 to advance the equality rights of women and girls in Canada as guaranteed by the *Charter of Rights and Freedoms*. To this end, LEAF intervenes in litigation, including human rights cases and criminal appeals, and engages in law reform and public education. LEAF is the only national organization that exists to advance the equality rights of women and girls under the law.

5. With branches across the country, including LEAF Edmonton and LEAF Calgary, and an affiliated organization, West Coast LEAF, in British Columbia, LEAF's membership is broad and includes women of all ages and backgrounds located across Canada.

6. LEAF litigates and educates to strengthen the substantive equality rights of women and girls, as guaranteed by the *Charter*. Substantive equality recognizes historically and socially-based differences and challenges systemic and structural discrimination. Since 1985, LEAF has made significant gains for women in numerous important cases, advancing women's rights in areas such as employment, housing, immigration, family law, pay equity and sexual assault law.

7. LEAF has advocated for *Criminal Code* amendments that respect and promote women's substantive equality. Of particular relevance to this Inquiry, LEAF has engaged in the development of the law of sexual assault since the 1980s, participating in most of the major

Supreme Court of Canada cases that developed the jurisprudence in this area, such as *The Queen v Canadian Newspapers Co.*, [1988] 2 SCR 122; *Seaboyer v The Queen*, [1991] 2 SCR 577; *O'Connor v The Queen*, [1995] 4 SCR 411; *R. v. Mills*, [1999] 3 SCR 668; *R. v. Ewanchuk*, [1999] 1 SCR 330; and *R v Darrach*, [2000] 2 SCR 443. LEAF was an instrumental advocate with respect to the Bill C-49 amendments to the *Criminal Code* in 1992 and in defending those amendments on the basis of women's equality as an intervener in *R v Darrach*, [2000] 2 SCR 443. Through Bill C-49, Parliament defined sexual consent, listed situations in which there could be no consent in law, limited the defence of mistaken belief in consent, and brought in new provisions regarding when an accused could introduce evidence of the complainant's sexual history.

8. LEAF has also had a longstanding interest in the importance of the judicial role in the Canadian criminal justice system. For example, LEAF intervened (along with the National Organization of Immigrant and Visible Minority Women of Canada) before the Supreme Court of Canada in *R. v. S. (R.D.)*, [1997] 3 SCR 484 to consider whether the test for a reasonable apprehension of bias was applied in a manner consistent with the equality guarantees in the *Charter*.

**(b) Metropolitan Action Committee on Violence Against Women and Children
("METRAC")**

9. Founded in 1984, METRAC is located in Toronto and has ten full-time and five part-time staff. METRAC is governed by a volunteer Board of Directors composed of 11 members. METRAC is a community-based, not-for-profit organization funded by individuals, corporations, foundations, and three levels of government. METRAC works with individuals, communities and institutions to change ideas, actions and policies that lead to violence against women and youth. METRAC's education and training initiatives aim to protect the right of women and youth

to live free from the fear, threat and experience of violence. METRAC's programs are guided by gender-based analysis and principles of access, equity and inclusion for all women and youth, addressing their distinct realities within and among diverse communities.

10. METRAC was established in 1984 as a collaborative response by police, government, community agencies and individuals to a number of brutal assaults and murders of women that occurred in the summer of 1982. Over the past 32 years, METRAC has evolved into a highly active community catalyst for policy development and law reform in several areas related to women's right to safety and the right to live lives free from the fear, threat, and experience of violence. METRAC's work to reform the laws governing crimes perpetrated against women has been extensive.

11. METRAC works to increase access to justice for vulnerable women affected by violence. METRAC has two main program areas: the Community Justice Program, and the Community Safety Program. METRAC's legal information workshops and trainings include information about the law of sexual assault and consent, presented to a variety of organizations and communities, including: high school students and teachers; women living in shelters; and women's support groups, especially newcomer and immigrant women from various cultural backgrounds. METRAC's programs seek to ensure that women understand the full meaning of voluntary consent to sexual activity, their rights to refuse sexual advances, and their options for seeking legal redress. METRAC is aware of a widespread mistrust of the criminal justice system, and a widespread belief that it neither deters sexual assault nor provides justice for survivors of sexual assault.

(c) Avalon Sexual Assault Centre ("Avalon")

12. Avalon is a feminist, community based organization located in Halifax, Nova Scotia which provides services for those affected by sexualized violence, with primary emphasis on

support, education, counselling and leadership or advocacy services for women and trans/non gender binary people.

13. The main services offered by Avalon are:

- Community education, public awareness, legal and professional training targeting the prevention of and intervention after sexualized violence/abuse;
- Individual therapeutic counselling and group program services for women and trans/non gender binary individuals 16 and over;
- Legal support and advocacy;
- System based/social justice advocacy and legislative reform;
- The Sexual Assault Nurse Examiner ("SANE") program, which provides immediate response to sexual assault victims of all ages and genders requiring medical care and the collection of forensic evidence; provide evidence and expert testimony in court;
- Information, support, referral over the phone, resource distribution.

14. As noted above, Avalon's mandate includes individual and systemic/social justice advocacy. Some recent examples of Avalon's initiatives to advance legal system reform and social justice are:

- Partnering with the Nova Scotia Barristers' Society to develop a handbook about the legal process after sexual assault and a sexual assault training curriculum for lawyers.
- Developing and delivering a sexual assault investigation and response training for police, including part of the trauma informed policing training for the Halifax Regional Police.
- Participating in a coalition of feminist and equality seeking women's organizations that advocated for the moratorium on Restorative Justice and adult diversion being used for sexual assault/abuse and domestic violence.
- Leading a provincial wide sexual assault needs assessment in 2008 "Suffering in Silence" that outlined specific recommendations including the need for a Provincial Sexual Assault Strategy.

- Presenting case statements and consultation to Nova Scotia government on the *Limitation of Actions Act* and changes to the *Child Protection Act* as well as participating in both provincial and federal law reform consultation processes.
- Avalon Centre participated in two national sexual assault research projects - one led by the Canadian Association of Sexual Assault Centres and one commissioned by Justice Canada.
- Conducting a two-year research project evaluating the impact of the SANE program on the legal system, which involved gathering both qualitative and quantitative data pertaining to the disposition of cases through the legal process and the impacts of the criminal justice process on victims of sexual assault.
- Reforming the RCMP internal review process including by making hearings open to the public and advancing expert testimony in cases involving sexual assault or domestic violence.

15. In addition, Avalon was responsible for the first victim-focused sexual assault legal support advocacy program. Avalon's Legal Support Advocate provided information about options after sexual assault, reporting to police and the legal or court process. Avalon also provided court preparation, accompaniment, and support for victims involved in the court process after sexual assault/abuse, as well as referrals to legal professionals and system based advocacy. Avalon has not been able to offer legal support or advocacy services due to a lack of funding since March 2015.

(d) Institute for the Advancement of Aboriginal Women (IAAW)

16. IAAW is a provincially incorporated non-profit organization founded in 1994 to promote the rights of Indigenous women. It has a Chief Executive Officer, four Program Coordinators, and one part-time Financial Manager. IAAW is governed by an eight-member elected board of directors, with additional guidance by a Circle of Honour Elders. IAAW has outreach to numerous communities in Alberta, and has a current registered membership of 270.

17. IAAW supports and serves Alberta's Indigenous women by spearheading the development and delivery of programs and services for Indigenous women, including community-based human rights training, family violence workshops, mediation and advocacy training, entrepreneurial and wellness programs, and youth human rights workshops. IAAW delivers pre-employment skill development programs to Indigenous women in Alberta to assist in addressing barriers to employment or education, and to partner Indigenous women with employers to increase their access to employment. On average, the IAAW provides full-time training to approximately 90 Indigenous women every year. Additionally, approximately 200 Indigenous women participate in workshops offered at the community level every year.

18. IAAW has been invited to participate across Canada in a variety of forums on human rights, social justice and violence against Indigenous women. These include, for example, participating in a fatality inquiry into the shooting deaths of two members of the Tsuu T'ina First Nation Reserve (Judge Thomas R. Goodson, *Report to the Attorney General, Public Inquiry, The Fatality Inquiry Act (2000)*), speaking in post-secondary classes and conferences, participating in intergovernmental initiatives, presenting to the United Nation's Special Rapporteur on the Rights of Indigenous Peoples in 2013, and participating in the International Day for the Elimination of Racial Discrimination. IAAW is also a co-intervener with LEAF in *R v Barton*, ABCA-Appeal-No. 1503-0091-A, which highlights the effect of discriminatory beliefs, misconceptions, or biases against Indigenous women in the context of sexual assault and the acquittal of the accused in the death of Cindy Gladue, to be heard by the Alberta Court of Appeal on September 6, 2016.

19. IAAW raises public awareness of the violence perpetuated against Indigenous women. The organization has compiled related reports on crimes against Indigenous women, the impact of Indigenous cross-cultural training for city police and RCMP, the effects of the *Protection Against Family Violence Act*, RSA 2000, c P-27 on Indigenous women. It has also created action

plans for increasing community consultations and reducing the violence against marginalized Indigenous women.

LEAF's Contributions as an Intervener

20. LEAF has contributed to the development of the meaning of substantive equality and to Canadian equality rights jurisprudence. LEAF has done so in part by intervening in dozens of cases, including before the Supreme Court of Canada in such cases as: *The Queen v Canadian Newspapers Co.*, *supra*; *The Law Society of British Columbia v Andrews*, [1989] 1 SCR 143; *Borowski v. The Attorney General of Canada*, [1989] 1 SCR 342; *Brooks v Canada Safeway Ltd.*, [1989] 1 SCR 1219; *Tremblay v Daigle*, [1989] 2 SCR 530; *The Queen v Keegstra*, [1990] 3 SCR 697; *Taylor v The Canadian Human Rights Commission*, [1990] 3 SCR 892; *Seaboyer v The Queen*, *supra*; *Sullivan v The Queen*, [1991] 1 SCR 489; *Canadian Council of Churches v Canada (Minister of Employment and Immigration)*, [1992] 1 SCR 236; *Butler v The Queen*, [1992] 1 SCR 452; *Norberg v Wynrib*, [1992] 2 SCR 226; *M.(K) v M (H)*, [1992] 3 SCR 6; *Moge v Moge*, [1992] 3 SCR 813; *Conway v The Queen*, [1993] 2 SCR 872; *R. v M.(M.L.)*, [1994] 2 SCR 3; *R. v Whitley*, [1994] 3 SCR 830; *Thibaudeau v Canada*, [1995] 2 SCR 627; *O'Connor v The Queen*, *supra*; *L.L.A. v A.B.*, [1995] 4 SCR 536; *Eldridge v British Columbia (Attorney General)* [1997] 3 SCR 624; *Winnipeg Child and Family Services v G.(D.F.)*, [1997] 3 SCR 925; *Vriend v Alberta*, [1998] 1 SCR 3; *R. v Ewanchuk*, [1999] 1 SCR 330; *M. v H.*, [1999] 2 SCR 3; *J.G. v Minister of Health and Community Services*, [1999] 3 SCR 46; *BCGSEU v British Columbia (Public Service Employee Relations Commission)*, [1999] 3 SCR 3; *R. v Mills*, [1999] 3 SCR 668; *British Columbia Human Rights Commission v Blencoe*, [2000] 2 SCR 307; *R. v Darrach*, *supra*, ; *R. v Shearing*, [2002] 3 SCR 33; *Auton (Guardian ad litem of) v British Columbia (Attorney General)*, [2004] 3 SCR 657; *Blackwater v Plint*, [2005] 3 SCR 3; *Dickie v Dickie*, [2007] 1 SCR 346; *Honda Canada Inc. v Keays*, [2008] 2 SCR 362; *R. v J.A.*, [2011] 2 SCR 440; *R. v D.A.I.*, 2012 SCC 5; *R. v N.S.*, [2012] 3 SCR 726; *Saskatchewan (Human Rights*

Commission) v *Whatcott*, 2013 SCC 11; *Québec (Attorney General) v A.*, 2013 SCC 5; *R. v Kokopenace*, 2015 SCC 28. At least a dozen of these interventions were in sexual assault cases.

21. LEAF has also intervened before courts of appeal including in the following cases: *R. v O'Connor* (1994), 89 CCC (3d) 109 (BCCA); *Ferrel v Ontario (Attorney General)* (1998), 168 DLR (4th) 1 (CA); *Kane (Re)*, 2001 ABQB 570; *Miller v Canada (Attorney General)*, 2002 FCA 370; *Falkiner v Ontario (Ministry of Community and Social Services, Income Maintenance Branch)* (2002), 212 DLR (4th) 633 (CA); *Lesiuk v Canada (Employment Insurance Commission)*, 2003 FCA 3; *Jean v Canada (Minister of Indian Affairs and Northern Development)*, 2009 FCA 377; *Canada (Attorney General) v Johnstone*, 2014 FCA 110; *Tanudjaja v Canada (Attorney General)*, 2014 ONCA 852; and in the upcoming appeal of *R v Barton*, *supra*, which focuses on the law of consent and sexual assault in the context of the acquittal of the accused in the death of Cindy Gladue, to be heard by the Alberta Court of Appeal on September 6, 2016.

22. LEAF has extensive background and experience in issues related to past and present *Criminal Code* provisions regarding the prosecution of sexual assault offences. Through its interventions in sexual assault cases, LEAF has addressed the constitutional equality standards that must be met if survivors of sexual violence are to obtain equal protection and benefit of the law, meaningful security of the person and equal access to justice. LEAF has intervened in over a dozen Supreme Court of Canada criminal and civil sexual assault appeals and has developed a contextual analysis which addresses the section 7, 15 and 28 *Charter* rights of sexual assault complainants and litigants. LEAF has played a leadership role in exposing and challenging rape mythologies, exploring the ways in which legal norms and trial processes continue to reinforce stereotypes and myths to the prejudice of complainants, and developing a nuanced understanding of a fair criminal trial process, which considers the rights and circumstances of complainants, as well as those of the accused and society at large.

23. LEAF has analyzed sexual violence as a form of sexual inequality and the ways in which the legal system maintains such inequalities. In particular, LEAF has played a leadership role in identifying and challenging rape myths and pointing out the ways in which legal norms and trial processes reinforce stereotypes and myths to the prejudice of complainants and victims. LEAF's contributions to sexual assault law are guided by the equality, security of the person and privacy rights of sexual assault complainants, sections 7, 15 and 28 of the *Charter*, and recognition of the ways in which sex inequality is compounded by other prohibited grounds of discrimination such as race, class, Aboriginal status, and/or disability (See for example: *Norberg v Wynrib, supra*; *O'Connor v The Queen, supra*; *Blackwater v Plint, supra*; *R v JA, supra*; *R v DAI, supra* and *R v Barton, supra*).

24. LEAF's experience is reflected in its role as an intervener in cases concerning:

- whether *Criminal Code* sexual offence provisions restricting the defence from cross-examining and leading evidence regarding a complainant's sexual conduct on other occasions, are unconstitutional: *Seaboyer v The Queen*, [1991] 2 SCR 577;
- whether, in a civil action, an addicted plaintiff, who participates in a sex-for-drugs arrangement with a defendant doctor, truly consented to the sexual conduct: *Norberg v Wynrib*, [1992] 2 SCR 226;
- whether limitations of actions legislation precludes a civil claim for historical sexual abuse having occurred when the complainant was a child: *M.(K) v M.(H)*, [1992] 3 SCR 6;
- whether a minor complainant is required to provide some minimal word or gesture of objection to sexual activity and whether lack of resistance can be equated with consent: *R. v M.(M.L.)*, [1994] 2 SCR 3;
- whether the trial judge misdirected the jury on the issue of consent: *R. v Whitley*, [1994] 3 SCR 830;
- whether the defence was entitled to production of a sexual assault complainant's medical and counselling records: *O'Connor v The Queen*, [1995] 4 SCR 411 and *L.L.A. v A.B.*, [1995] 4 SCR 536;

- whether, in law, there is a defence of “implied consent” to sexual conduct: *R. v Ewanchuk*, [1999] 1 SCR 330;
- whether *Criminal Code* provisions regarding the production of records in sexual offence proceedings were unconstitutional: *R. v Mills*, [1999] 3 SCR 668;
- whether *Criminal Code* provisions restricting the admissibility of evidence of a sexual assault complainant’s sexual history were unconstitutional: *R. v Darrach*, [2000] 2 SCR 443;
- whether the defence could introduce into evidence the sexual assault complainant’s diary: *R. v Shearing*, [2002] 3 SCR 33;
- whether a person can consent in advance to sexual activity that will occur when she is unconscious: *R. v J.A.*, [2011] 2 SCR 440;
- whether provisions in the *Canada Evidence Act* engaged discriminatory stereotypes affecting sexual assault complainants with disabilities: *R. v D.A.L.*, 2012 SCC 5;
- whether a woman should be required to remove her niqab when testifying as the complainant in a sexual assault trial: *R v N.S.*, [2012] 3 SCR 726; and
- whether, if a woman consents to a specific sexual activity, then she is also consenting, in law, to any degree of force in the performance of that activity; and whether it is always incumbent on a trial judge to require an application to be made under s. 276 of the *Criminal Code* before allowing introduction into evidence of a sexual assault complainant’s sexual history: *R v Barton*, *supra*.

25. LEAF will be able to provide a unique perspective and particular expertise on the public interest issues raised in this Inquiry based on its experience in the above cases and its expertise in:

- the criminal justice system’s responses to sexual violence against women and children;
- the relationship among inequalities based on race, sex, Aboriginal status, class, disability and other grounds;
- equality rights law;
- the application of equality principles in criminal law;

- statutory interpretation consistent with *Charter* values; and
- the lived reality of women in Canada, including violence against Indigenous women, and the systemic barriers that diminish sexual assault complainants' and victims' access to justice.

26. LEAF has previously collaborated with METRAC on a submission to a Parliamentary Committee on Immigration regarding Bill C-31 in 2012, and is currently partnering with METRAC on an initiative to increase access to justice for sexual assault survivors. METRAC was part of the LEAF coalition that intervened in *R. v. Canadian Newspapers, supra*, and in *R. v. Seaboyer, supra*. LEAF is currently partnered with IAAW to intervene in the appeal in *R v Barton, supra*.

The Proposed Intervener Coalition's Interest in this Inquiry

27. As is set out above, LEAF has experience and expertise in promoting and protecting women's equality in the development of sexual assault law and practice. Given this background, LEAF is interested in this Inquiry because the Statement of Allegations raises issues of public importance with respect to the administration of justice for women, and for sexual assault complainants in particular.

28. IAAW understands sexual violence to be a form of sexual inequality that is often exacerbated by prohibited grounds of discrimination such as race and class, and has experience of how the legal system can be seen to maintain and perpetuate such inequalities. IAAW plays a leadership role in promoting the rights of Indigenous women to be free from violence, exploitation, and discrimination based on race and gender. IAAW has a broad interest in ensuring that Indigenous women in Alberta are protected from discrimination and unequal treatment in their daily lives as well as in trial processes in which they may participate, including as complainants in sexual assault trials.

29. The IAAW has insight into the way in which discriminatory beliefs or biases about Indigenous women as complainants and victims influence the criminal trial process, and the way in which definitions of consent and the sexual history of a sexual assault victim can be used in court proceedings to perpetuate inequality. The IAAW has a strong interest in ensuring that consideration of the issues before this Inquiry are informed by an understanding of Indigenous women who have experienced the criminal justice system as complainants and victims.

30. As frontline organizations, METRAC and Avalon understand that women face many barriers to disclosing and formally reporting sexual violence, among them fear of victim blaming, shaming and alienation from their community. METRAC and Avalon are concerned that survivors of sexual assault will not seek the assistance of the judicial system if they do not have confidence that its decision makers will apply the law in Canada fully, fairly and with an understanding of the effects of sexual violence on survivors.

31. METRAC and Avalon seek to intervene in the Inquiry to assist the Inquiry Committee to understand the impact of behaviour and comments among the judiciary that reinforce stereotypes about women and sexual assault, which can include secondary trauma to victims and undermine public confidence in the legal system. METRAC and Avalon are concerned about the access to justice issues created by conduct such as Justice Camp's in terms of how it contributes to barriers that prevent disclosure and reporting. The impact extends further to social understanding of sexual assault, reinforces confusion about the law of consent and risks undermining the efforts of community agencies and groups working to increase access to justice for women affected by sexual violence.

Prejudice

32. The proposed Intervener Coalition will not suffer prejudice in the sense that term is ordinarily understood in legal proceedings. However, the issues before this Inquiry are of fundamental concern to the constituencies these four coalition partners represent: Indigenous

women, victims of sexual violence, and women and girls who are both potential victims of such violence and whose confidence in the protection the law affords them is essential to the integrity of the justice system. For these groups, the opportunity to participate in this public Inquiry represents an affirmation that their voices and perspectives are relevant to consideration of what constitutes "due execution of the office of judge" and, more generally the meaning of impartial adjudication.

33. I make this Affidavit in support of an order granting the Proposed Intervener Coalition leave to intervene in this Inquiry.

AFFIRMED BEFORE ME at the City of
Toronto, in the Province of Ontario, this 30th
day of May, 2016



Kim Stanton
LSUC #61160H
Commissioner for Oaths in and for Ontario



Diane O'Reggio