



## Tomorrow's Verdict: Everyone Loses

Jacqueline Foord, YWCA Chief Executive Officer

Thursday, March 24th is the day. It's the day we hear the verdict in Canada's most watched sexual assault trial. Jian Ghomeshi, the disgraced radio host, stood trial on four counts of sexual assault and one count of overcoming resistance by choking. Three women came forward to tell their stories and testify against him.

The trial was a media circus. Networks from around the world gathered in Toronto to cover the story in salacious detail. The testimony, the lawyer's strategies, and the mood in the courtroom were all rehashed and analyzed over and over again. The verdict will face the same scrutiny.

My not-so-bold prediction: whether the verdict is guilty or not guilty, no one will be satisfied with the outcome of this trial. Marches and rallies are planned in support of sexual violence survivors immediately after the verdict is delivered. There was a newspaper article this weekend speculating whether or not the accused can resume his career if he's found not guilty. The verdict will not be the end of this story.

Watching and reading the coverage during the trial made me angry and left me with big questions. Why didn't the police and the crown do a better job preparing for the trial? Why didn't the crown call an expert witness to explain that there is no 'standard response' during or after a sexual assault? Did the defense lawyer cross the line when questioning the witnesses? Was someone supporting the witnesses before, during, and after the trial? The frustration felt by every victim and victim's advocate was exacerbated by this trial.

Sexual assault trials happen in courtrooms across our country every day. A 2012 study revealed that there are about 460,000 sexual assaults in Canada every year.<sup>1</sup>

Of these:

- 15,000 will be reported to the police
- 13,000 will be recorded as a crime
- 5,500 cases will result in charges being laid
- 2,800 cases will be prosecuted
- 1,400 will result in convictions.

Read that again. For every **460,000** sexual assaults in Canada, there will be **1,400** convictions.

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<sup>1</sup> Johnson, "Limits of a 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

Those numbers are as problematic as they are horrific. Sexual assaults are exceptionally underreported crimes. But why? I spoke with sexual assault survivors and the picture became clearer.

These survivors had vastly different experiences, but they shared a common response to their circumstances. They didn't want to go to the police and they didn't want to talk to anyone about the assault. Their reasons were the same. They thought no one would believe them; they were embarrassed and ashamed, and they were scared that people would treat them differently once they found out what happened.

We have turned victim blaming and shaming into an art form. One of our psychologists at the YWCA has a theory that people find it easier to blame the victim rather than come to terms with the fact that evil truly exists in our world. If we accept the presence of evil, then we have to accept that it could happen to us and that is a completely intolerable notion. In a way blaming, the victim might even give us the illusion of control. We convince ourselves that if we just don't do what she did then it won't happen to us.

We pay an incredibly high price for victim blaming. Those who have been assaulted live in shame, guilt, and fear and the perpetrators face few or no consequences for their actions. It's a perverse cycle.

Now I was even angrier. I wanted to figure out how to change the system. (Yes I'm aware of how simple and self-important that sounds, but I like to think that every one of us has the capacity to make change in this world.) So I picked up the phone and talked to a police officer, a crown prosecutor, and a criminal defense lawyer. I asked them for their perspectives on the process and gave them the opportunity to tell me how they would make improvements.

After questioning, challenging, and listening to these people, I didn't find the answers I was looking for. Essentially, I learned that while it's not perfect, by and large the legal system is mindful and sensitive to the unique circumstances of sexual assault cases. That's not to say that everyone in the system is perfect. No humans are. There are times when the guilty go free and the innocent are punished. But in my conversations with these experts I heard the anguish that each of them feel when the system fails. I am grateful for the candour and thoughtfulness each of these individuals brought to our conversations. However, these calls left me disappointed, and still angry.

I felt compelled to try to make sense of this madness and to offer changes that would improve this picture. We all own a piece of this, so it makes sense to me that we all have to change a part of our behaviour. So I offer some not-so-simple solutions to a very complex issue.

To the legal community: I ask you to work with survivors and create a structure where those people wanting and ready to report sexual violence are treated with the utmost sensitivity. Take a look at the Zebra Child Protection Centre. They offer specialized assistance to children who have been abused. They work with the child and their family when abuse is reported and the staff and volunteers are with them right through the legal proceedings and beyond. It's not a perfect solution for adults, but it is a good model to start a discussion.

To the media: I ask you to report sexual assault cases with an eye for educating as you report. The reason I was able to get answers to the questions I had about the legal side of the trial is because I have privilege. The YWCA is known for its advocacy so when I picked up the phone, legal experts were kind enough to speak with me. Don't underestimate the desire of consumers of news to understand complex issues.

To each and every one of us: I ask that we demand more from our justice system and that we don't balk when it comes to paying the cost of improving services. Laying more assault charges means more strain on an already strained system, but the social and health care costs of doing nothing are substantial, we just don't see them.

I ask that we support media that goes beyond the sensational. Newspapers, radio stations, online sites, television stations, and YouTube channels all have one thing in common: they need an audience to survive. Make them earn your support, and let them know when they have done their job well.

And finally I ask that we actively support sexual violence victims. Listen to their story and never, ever forget that sexual assault has never been, and will never be, the fault of the person who was violated.

After Thursday this particular case will fade from the headlines, though it will be a temporary reprieve as the accused is due back in court in June to face another sexual assault charge. The real test for all of us will be whether or not we learned and changed our behaviour in a way that helps all those survivors who weren't front page stories.

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