



April 25, 2025

RE: Hockey Canada Sexual Assault Mistrrial

All eyes are on this trial, not only because of what it represents for the hockey world, but as an example of how the legal system treats victims of sexual assault. While we're glad that this mistrrial happened on day 4 instead of day 40, it is frustrating to have to begin again when the person at the centre of this case - E.M. - has already waited so long for justice.

We already know that sexual assault is one of the most underreported crimes in Canada. It takes incredible courage for a victim/survivor to come forward and report an experience that is deeply personal, traumatic, and often times shrouded in shame. To disclose those details to a stranger in uniform, knowing that your words and recollections are going to not only be shared but also investigated, scrutinized, and picked apart? It is a brutal process. And that's all before a charge gets laid—if any charges are laid at all. From there victims often have to wait years for their day in court, during which time not only will their experience be questioned but their very character put on the stand.

It is an unfortunate reality that one of the most common defenses in sexual assault cases is to admit that the sex happened, but argue that it was consensual. In order to do that though, the victim must be framed as unreliable - painted through implication or outright declaration as a liar, a drunk, a money-hungry party girl who regrets her promiscuity, or some other untrustworthy character. Anything but a victim who experienced the incredibly common survival responses of freeze or fawn in the face of fear. It is unsurprising that most survivors choose to forego that humiliation and seek their healing elsewhere.

Over the last decade, we've seen a huge reckoning in the national dialogue around sexual violence, the importance of consent education, and the implementation of some trauma-informed practices in our legal systems. Yet rates of sexual assault have not changed. Sexual assault is the only violent crime in Canada that continues to increase as other crimes fall, while simultaneously being least likely to end in a guilty verdict¹. That doesn't just hurt the victims involved in those cases, but reverberates out and impacts us all. It erodes public trust in the legal system, and enables perpetrators to continue harming without consequence.

Sexual violence is a serious issue, and it needs to be treated as such. If the legal system in its current form is incapable of adequately addressing it - and that seems truer than ever, even with recent changes - then what are we going to do about it? Anova is committed to serving survivors and walking beside them through their healing journeys regardless of legal involvement, but we can't do this work alone. We owe it to survivors - past, present, and future - to address the many ways that we are failed by our public institutions. The price of justice cannot continue to be the wellbeing of victims. It's too high a cost.

¹ <https://www150.statcan.gc.ca/n1/pub/85-002-x/2024001/article/00007-eng.htm>

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