

**Speaking Notes for**

**The Honourable Jody Wilson-Raybould,  
Minister of Justice and Attorney General of Canada**

**At the  
#AfterMeToo Town Hall Keynote Address**

**Toronto, ON: December 6, 2017**

**Time: 10:00 a.m.**

**FINAL**

**Check against delivery**

## ***I. Introduction***

*Gilakas'la.* It is an honour to share this time with you today on the traditional territory of the Mississaugas of the New Credit, and the gathering place of the Haudenosaunee.

**Journalists:** To the journalists at the Globe and Mail and your colleagues in the industry, I want to thank you in my capacity as an Indigenous woman, a lawyer and the Minister of Justice and Attorney General of Canada. Your important work has shone a new light on the troubling prevalence of violence, sexual harassment and sexual assault within our society – within our country. About patterns of behaviour that are not reflective of how we like to hold ourselves up as Canadians. Your reporting has put this issue front of mind for all of us, regardless of how we might like to see ourselves.

For me, personally, as an Indigenous woman it particularly resonates given the history of colonization and its enduring legacy. In thinking about what I wanted to share with you today ... whether thinking about society generally or in the heightened context of being Indigenous ... ..

it is not without insignificance that there is an Inquiry into Murdered and Missing Indigenous Women and Girls – I could not help but think about my own life – and to reflect on my family, friends and colleagues that have been affected. And how I have managed or coped. It made me reflect on how normalized it has become.

So, your leadership, in hosting events such as today's town hall, demonstrates the critical role that journalism plays in raising awareness and instigating social change, especially when such change is long overdue. Thank you.

**Survivors:** To the survivors of sexual harassment and violence, I hear you – we hear you. We acknowledge your pain. Your courage is commendable. Your lived experience is valued. Thank you for being here today and for sharing your stories.

Today, we remember the 14 young women in Montreal who were victims of a most extreme form of gender-based violence. These women were killed precisely because they were women, by a man who claimed to be “fighting feminism”.

Quite apart from that extreme form of gender-based violence, far too many women and vulnerable people continue to live silently with the prospect that they could be harassed, assaulted or even gravely harmed because they are women and girls or from a vulnerable group. We, as women and girls, still face significant structural and institutional inequalities, and these inequalities too often allow violence and misogyny to go unanswered. For persons from vulnerable groups – such as for many Indigenous peoples – this is also true and if female it is compounded. But I, like all of you, am one for breaking down barriers. So let us get started.

**Condemnation of sexual violence:** To all Canadians, hear me when I say that sexual harassment and violence must stop. We must break our past patterns of behaviour. It does not matter if it is in the home, on our streets, in our schools, or in our work-places. It does not matter if it comes from a lover, a family member, a friend, a colleague, or an employer. Sexual harassment and violence is deplorable. And it must end.

Sexual harassment is not “just having fun”. It is not “just how it is”. Sexual harassment is unacceptable and the days of victim shaming are over. Victims are not “just sensitive”, they do not “lack a sense of humour”, they are not “just feminists”.

When the harasser is denounced, we are not “ruffling feathers” or “creating a stir”, we are ending violence. The tacit enabling of harassers through silence is utterly unacceptable.

**Collective responsibility:** Each and every one of us has a role to play. All peoples, of all genders, must find their voice and acknowledge their role in stopping this conduct. To do this, we must all open our eyes to the prevalence of sexual violence and harassment, their insidious forms, and the devastating consequences they have for individuals, our families and our communities.

Together, we must turn this page into history. Each and every one of us is responsible for what happens next. What will you say when your “buddy” makes a comment in the lunch-room, at the conference table or in the locker room about “that pair of legs”? What will you do when your boss disparages your colleague on the basis of gender? How will you react when your friend tells you that they were groped at the Christmas party? Will you believe the woman and help protect her from retaliation? A brave person can stand up to his or her enemies, but it takes true courage to stand up to your friends or superiors. Will you?

Silence creates a culture of complicity. Cultures of harassment exist because people do not hold others accountable for unacceptable behaviour. One of the main reasons victims are afraid to come forward is fear of re-victimization.

As more stories of sexual harassment and sexual assault are told, we must ensure that survivors are heard and that we are ready to support them. I want to commend Mia Kirshner for adding her voice to this critical issue. I acknowledge your bravery. By coming forward with your own experience, you ignited a spark that helped make these discussions possible. You created a space where other survivors can lend their voice to yours. Thank you.

And to all of you, to my colleagues in Ottawa, to my fellow Canadians, I ask – will you create this space for dialogue in your home and workplace, a space where healing and learning can take place? Will you treat survivors with compassion and respect? Will you listen without judgment? This is a time of reckoning. I implore us all to never go back.

**Personal experience with violence:** Throughout my career, first as a Crown prosecutor, then as a Treaty Commissioner and Regional Chief of the B.C. Assembly of First Nations, I have heard many of these stories, and saw first-hand the devastating impact that sexual assault can have on victims and survivors – who are disproportionately women. Sadly, I have seen this violence in every corner, of every space that I have occupied.

I have also seen leadership in the face of such violence. I have seen its denunciation come from the communities that once perpetrated it. My grandmother, Pugladee, raised my sister and me to know who we are, to know where we come from, and to work hard for our success. She ensured that we knew our culture, our values, the laws of our big house, and how to conduct oneself as a leader.

Her values and perspective, like my own, were formed by my upbringing within the Eagle Clan of the Musgamagw Tsawataineuk and Laich-kwiltach tribes, which are part of the Kwakwaka'wakw nation of northern Vancouver Island. We are a matrilineal society in which property descends through the female line.



In our system I am a *Hiligaxste'* (a role always held by women). One of my jobs is to lead my Hamatsa, the chief, into the big house. This role can be translated as one that “correct the chiefs path”. We show them the way; a metaphor for life and in the potlatch symbolized in our rituals where now symbolically the power of the Hamatsa is “tamed” and he is ready to be chief.

My grandmother used to joke with us that when it came to the respective roles of woman and men that the women were too busy and too important to be the chiefs. But in all seriousness, we come from a communitarian culture. Everybody has a role to play in making our communities work well. The roles are very different but equally important in terms of ensuring the community functions the way it should. I call it balance. In fact our whole system was about balance – between men and woman – between clans and between tribes.

Now as Minister of Justice and Attorney General of Canada, I know and, most importantly, I accept I have a role to play in stopping this violence. I undertake to leave the criminal justice system and the judiciary better equipped to address sexual violence in Canada. Along with my colleagues, I am committing to taking bold steps to reduce sexual violence and harassment, and to ensure that survivors are treated with dignity and respect.

## ***II. Criminal justice system: context***

Many hold the view, understandably, that the law has failed victims of sexual violence. But it is not the laws on the books that have failed us. From a legal standpoint, Canada has some of the strongest laws in the world when it comes to sexual assault. Our *Criminal Code* clearly prohibits sexual assault in all of its forms – sexual assault being **any physical contact with someone, without their consent, that is of a sexual nature.**

The Criminal Code defines “consent” as the voluntary agreement to the sexual activity in question, and clearly sets out circumstances where the law will not recognize consent, such as where the complainant consents because of threats or violence. Where an accused claims that they honestly, but mistakenly, believed that the complainant had consented, he must show that he took reasonable steps to ascertain consent.

These laws were not always strong. Before 1983, the credibility of complainants in sexual assault cases could be attacked by asking them questions about their sexual history to suggest that they were less worthy of belief, or more likely to have consented, because of their sexual history. These are now known as the “twin myths.” These myths were and continue to be the by-product of misogyny, and they have been so endemic to the justice system that they required legislation put an end to their use.

The rape shield provisions in the *Criminal Code* now ensure that the use of evidence related to sexual history is strictly circumscribed. No longer can inferences and stereotypes about sexual assault victims be used as part of a defence. These amendments to the Code, along with others, protect complainants from assumptions based on myths and stereotypes about how victims of sexual assault are expected to behave.

This legislation, however, was not enough. It took renowned jurists to uphold and breathe life into the law. Indeed, Justice Sheilah Martin, who was just nominated by the Prime Minister to the Supreme Court of Canada, argued before the Supreme Court in *R. v. Mills*, seeking to uphold the constitutionality of the rape shield provisions in the face of a *Charter* challenge. She succeeded.

And yet, despite being upheld, the rape shield provisions in the Criminal Code have not adequately increased the rates of charging, prosecution or conviction in sexual assault cases. They are significantly lower than for other types of violent crimes.

Let me share with you a shameful statistic. It is estimated that only 5% of sexual assaults are reported to police. For those that are reported, 37% resulted in charges in 2016 and in 2015-2016, 44% of accused who ultimately appeared before adult court in sexual assault cases were found guilty.

This means that **less than one percent** of those accused of sexual assault in Canada are convicted. Less than one percent. This is the lowest conviction rate for any type of violent crime in this country. This cannot stand. We must work together to combat the underlying factors that contribute to this broken system.

### ***III. Effective Action***

Over the last year, media reports, particularly the Globe and Mail's award-winning investigative series, have highlighted the number of cases – an unacceptably high number – that police deemed **unfounded**, and the reasons why.

Victims of sexual assault still face significant barriers in reporting assaults to police and in testifying in court. Perhaps the greatest barriers that victims face are the myths and stereotypes that surround gender-based violence, tropes which continue to surface at all stages of the criminal justice system.

Indigenous, transgender, two-spirited, disabled and other marginalized survivors of sexual assault face further barriers to justice, compounded by additional myths and stereotypes. Victims are re-victimized. And the cycle of silence and violence continues.

So where do we go from here?

The **first step** is starting broad social dialogue, like the one we are having today. Survivors must be able to assert their right to be heard. We must all talk about it – and in safe spaces.

The **second step** is ensuring that our criminal justice system works. Every actor across Canada's criminal justice system must have the tools needed to better understand and apply the law. This includes specialized training on sexual assault law for police and Crown prosecutors, training for judges, and training for lawyers who wish to join the judiciary. This is why our Government funded critical training for federal and provincial judges on gender-based violence, including sexual assault and domestic violence. And while our laws are strong they can still be strengthened. This is why we have sought to clarify and strengthen the sexual assault provisions in the *Criminal Code*, through Bill C-51. Specifically, the system must understand that the rape shield provisions apply to sexual communications.

But having strong laws on the books, as we have seen, is not always enough. We also need to look at new approaches. We must look beyond changes to the letter of the law for solutions, and examine why the law is not being applied and enforced as it should be. This requires creating a system of public accountability for this type of violence.

This brings me to the **third step – transparency and accountability**. Statistics on the prevalence of sexual violence must be brought to the public's attention. Statistics Canada is now putting into place a standardized process for collecting and using quality statistics on unfounded criminal incidents, including sexual assaults. The importance of this data cannot be over-emphasized. To effect change, we must understand the contours and causes of this violence.

The *Unfounded* series also highlighted ways in which the systems for reporting and investigating sexual assaults could be improved, such as the model developed in Philadelphia. As I have said in the past, I am supportive of such models, which promote greater transparency and accountability, and our office has funded a pilot project in Thunder Bay, which is based on the Philadelphia model.

The **fourth step** in this journey is acknowledging that we need to do more for survivors. This includes making sure that our practices in dealing with survivors reflect an understanding of how trauma affects the brain and the ability to recall events.



Per Bill C-51, complainants must have the right to a lawyer in the courtroom when the court is determining whether to allow evidence of the complainant's sexual history to be admitted. This initiative, among others that we have brought forward, underscores the importance of treating victims with compassion, in a manner that better meets the needs of vulnerable populations, and one that takes a more integrated approach to addressing and preventing crime.

There are, of course, other needs as well. The better we understand and meet the needs of victims of crime, the more just and fair our criminal justice system will become.

This brings me to the **last step in our journey** together, a commitment that reaffirms my conviction every day. To stop sexual violence, we must stop sexism, misogyny and discrimination. This requires breaking patterns of behaviour that are, at the core, the problem within our society. At all levels, we need to commit to:

- achieving equality,
- denouncing discrimination,
- empowering vulnerable communities, and

- tackling ongoing sexism, homophobia and transphobia in all of its forms.

When Prime Minister Trudeau spoke at the United Nations General Assembly recently, he affirmed that Canada is one of the most diverse, peaceful, democratic, respectful and cohesive nations on earth. The *Canadian Charter of Rights and Freedoms* reflects these values and beliefs. And because of the *Charter*, we are all equal before and under the law – regardless of who we are, where we come from and who we love. And as we celebrate its 35th anniversary this year, we also celebrate what it means to be Canadian. Each of us can be a force for progress, compassion and fairness, both in Canada and around the world.

As Minister of Justice and Attorney General of Canada, it is my job to ensure that our laws and our Government programs reflect these values. For example, we must ensure that families of murdered or missing Indigenous women and girls have their questions answered by government agencies. We must fund culturally grounded, trauma-informed services and supports for Indigenous victims and survivors of crime, as our office has done across the country. The cycle of violence must end.

Within our own House, we must ensure that federally regulated workplaces, including Parliament Hill, are free from harassment and sexual violence. I am proud of the steps that my colleague, Minister Hajdu, took last month to address sexual harassment in the workplace and on the hill. And although I am proud to be part of a federal cabinet that is gender-balanced, only one in four Members of Parliament are female. This is unacceptable. We must continue to work promptly and decisively toward true gender equity in all spheres of society.

At the global level, Canada has a role to play as well. But we must lead by example. And when we do we must help to seek to eliminate barriers to equality everywhere – addressing the challenges that prevent women and girls from reaching their full potential. Women must be empowered to improve their own lives, and those of their families, communities and countries. Whether here at home or abroad. Simply put, empowering women and girls empowers humanity. Last month, our Government released Canada’s second National Action Plan on Women, Peace and Security. The action plan will guide Canada’s efforts from 2017 to 2022 to advance the role of women and girls and to protect their human rights in fragile, conflict or post-conflict countries and in all stages of peace.

### ***What next?***

As we reflect and look forward, in many ways and for many people who have been unfairly treated or ignored as part of the national conversation, the tide is turning. The fly-wheel is in motion. Let us use this momentum for real change.

So I will ask – what happens after we say “I hear you” or “you deserve more” or “me too” or “I pledge to end sexual harassment and violence”? What happens after we acknowledge that women and girls and members of vulnerable communities are equal? How do we translate belief into action? For the conversation does not end there, a fact that was brought into sharp relief by a story told to me by my father, Bill Wilson, a story that was televised nationally.

In 1983, during the constitutional conferences on Aboriginal self-government, my father, a well known Indigenous leader, told then Prime Minister Pierre Elliott Trudeau *"I have two children in Vancouver Island, both of whom for some misguided reason say they want to be a lawyer. Both of whom want to be the Prime Minister."* This statement elicited chuckles in the room. Unbelievably, however, these chuckles turned to outright laughter when my father said, *"Both of whom, Prime Minister, are women"*.

The audience laughed at the thought of an Indigenous female Prime Minister. The audience laughed at the dreams of young Indigenous girls. And the audience laughed at a father's conviction that his daughters deserved a seat at the table. My father's comments and the audience's reaction highlighted the barriers faced by women, especially Indigenous women. That was 1983.

I like to think we have come along way since then. And in many ways we have. I am here. You are here. But what is troubling is that below the surface the vestiges of intolerance still linger, manifesting itself at times into overt harassment or outright violence. And this must be of concern to us all.

So, in conclusion, in addition to listening to survivors, and building on the commitment I talked about earlier ... We must always:

- **Speak out** against violence;
- **Intervene** when we see acts of gender-based violence, when we can do so safely;
- **Take Action** by creating space for these discussions in our communities;

- **Lead by example;** and,
- **Know that your words and your actions matters.**

Like the Government's 16 Days of Activism Against Gender-Based Violence initiative, an initiative which ends on December 10, I urge you to affirm that everyone has the right to live a life free from violence.

I challenge you to take action to end gender-based violence. We must acknowledge our collective responsibility. We must move together towards inclusivity. Broader societal forces create and influence attitudes, and while they created the prevalence of gender-based violence, they will also end it... (*we will tame the Hamatsa – we will achieve balance*).

Those attitudes that condoned harassment and violence, resulting in the culture of silence that muted the denunciation of perpetrators, are yielding to new societal forces. Courage and compassion are the strengths that have broken this silence.

These strengths run deep in those who have come forward in recent weeks to recount in detail harrowing stories of harassment and abuse, in the workplace, at home and throughout society. Some only felt comfortable enough to say #MeToo. All of them are asking us, in their own way, to acknowledge them.

And we do. We must. And all of them are counting on us to take action #AfterMeToo, to ensure that the culture of violence and harassment ends. And we will. We must.

Thank you again for inviting me. And thank you all for your leadership and courage.

*Gilakas'la.*