

Prof wants overhaul of Canadian sexual assault laws

Legal system biased, offers very little justice for women and child victims, report says

BY MATTHEW KAYAHARA

OTTAWA (CUP) — A Carleton University professor wants to reform the way Canadian courts handle sexual assault cases after concluding they don't serve justice to female and child victims.

Carleton Psychology Prof. Edward Renner says his findings from a six-year research project confirm what women's groups have been saying for years: Canada's criminal justice system doesn't take male violence against women and children seriously.

"We got a sense of moral indignation from what we saw in the courts," says Renner.

Along with his associates, Renner searched for patterns in sexual assault cases that had been through the courts, including the sentences handed out to convicted offenders.

"Sentencing is one way to find objective criteria for what the court sees as serious."

His findings were unsettling.

"We found that a 'harsh' sentence of two years or more will be given to 13 per cent of those convicted of sexually assaulting a child [and] to 30 per cent of those who sexually assault a woman," said a report by Renner published in the journal *Canadian Psychology*.

The report, co-written by Renner's assistants Christine Alksnis and Laura Park, said the courts are often more lenient in cases where there's a relationship between the victim and offender, where there is no visible harm and where the offender has no criminal record or no weapon was used in the assault.

But these factors shouldn't

affect sentencing, Renner says — especially since there is usually a social relationship between the victim and aggressor.

"Seldom is there physical harm because most women and children choose to comply with the demands of the offender rather than risk harm as well," he adds.

The system is also selective in terms of which cases get prosecuted and which are discarded, and produces few guilty verdicts and heavy sentences, he says.

Renner's team also analyzed court transcripts, dividing them into snapshots that could be classified into 24 categories in a predictable way. "You tell me what happened in the case, and I'll tell you what will happen in the courtroom, because it's just a script waiting to be played out," the professor says.

He also points to the use of legal

arguments that rely on stereotypes and myths about sexual assault as one example of how the legal system discounts male violence against women.

Courtroom scenarios involving children were often the most troubling. Transcripts showed that child victims are often pressured into testifying and were asked tough questions on the stand.

Kids are often asked the same kinds of questions as adult witnesses, including those about concepts like clothing and resistance — which Renner says indirectly hold children responsible for sexuality. In fact, it's the responsibility of adults to avoid all sexual contact with children, an information sheet on Renner's research states.

Lawyers may also ask child witnesses sophisticated questions they often can't answer, causing their testimony to be discredited.

Elizabeth Sheehy, a University of Ottawa law professor, says Renner's conclusions are fairly accurate.

"[Renner's report] doesn't say that there are particular problems with the laws, but how those laws are implemented says a lot about the

legal system," says Sheehy.

Not only does the legal handling of sexual assault cases fail to serve justice, Renner says, but they may also cause harm.

"As long as the court continues to issue a blank cheque for male sexual violence, we'll have [an ongoing problem]."

He and his associates are proposing a three-part plan to work toward law reform.

First, he wants local groups to act as court watchers for cases that fail women and children.

They also want Crown attorneys to object when defense attorneys re-victimize children on the witness stand by badgering them or asking inappropriate questions. The group is also trying to convince the minister of justice to review Canada's sexual assault laws.

Finally, Renner and his associates want to ensure women who press charges aren't re-victimized by the justice system.

All that may sound like a tall order, but Renner is confident law reform can be achieved.

"The kind of change required is one that the court can implement immediately," he says.

Tibet's struggle for freedom

continued from page 8

They have a very large country — the size of Western Europe. They have very low density — their population density is one-hundredth that of China's. They have lost a substantial part of their population through the conflict with China — approximately one-fourth of the population has died in the last 40 to 50 years. There appears to be no legitimate reason for the prevention of [Tibetan] births. These policies appear to be geared toward eliminating Tibetans as a group.

Since the 1989 Tiananmen Square massacre, China has been successful in avoiding censure at the United Nations. Now the Chinese government, in addition to releasing dissident Wei Jingsheng, has agreed to sign both the International Covenant on Economic, Social, and Cultural Rights, and the Covenant on Civil and Political Rights. Will there be a noticeable improvement in the situation of Tibetan human rights if China goes through with these plans?

I have very little confidence that there will be any noticeable difference because China has been very quick to ratify many treaties — the Race Convention, the Convention on the Rights of the Child, the Torture Convention, the Women's Convention, and a number of other significant conventions. But despite this, China has so blatantly disregarded the treaties it has entered into by continuing to practice racial discrimination, continuing to practice torture, continuing to



violate the rights of women. So it is very hard for me to have much optimism that signing two more treaties will bring about any change. If there were some semblance of compliance with the treaties that have been ratified, then I would be excited about these treaties being signed since they are wider in scope

and provide broader [protective measures] than the treaties that have previously been signed. But in light of the callous disregard of the requirements and standards of conduct set forth in the treaties that have been ratified, I am somewhat pessimistic that signing these treaties will make a difference.

THE GAZETTE presents

a short fiction contest

Read the Gazette for information regarding judges and prizes.

Three selected entries will be printed in the January 28th edition of the Gazette.

For information call 494-2507 or drop by the Gazette, room 312, SUB.

Guidelines:

- up to 2500 words
- any style of prose permitted (THE GAZETTE reserves the right to refuse offensive, racist, sexist, homophobic, hateful or other unsuitable materials at its sole discretion.)
- open only to Dalhousie students
- deadline January 15, 1999



Don't keep it to yourself...

Hit Canada

www.altavistacanada.com

Hard.

the most powerful Canadian search engine

ALTA VISTA Canada

Presented by TELUS