

I know a woman whose ex-partner was convicted of aggravated assault against her. She was hung by ropes, naked, from the beam of a barn and whipped to a state of unconsciousness. The assault took place in front of the male's three children. The sentence he received was a \$200 fine and three years' unsupervised probation. The woman sat, disbelieving, as he was also fined \$500 for an unrelated charge of possessing illegal venison. Based on this sentence, one could argue that in the future moose and deer would be safer from this man than the woman he tortured.

Another man spent five weeks in jail and was convicted of assault with a weapon and utterances. With a sentence of one week in jail and three years supervised probation, which is in itself very rare, another judge in the same courthouse awarded this convicted assailant custody of two little girls, one four years old, the other two. The second judge, aware of the criminal proceedings...decided that the mother's return to school and residency in a shelter for battered women were more detrimental to the children's need for stability than their father's violence. The man took the children to his home 3000 miles away. I have since borne witness to a mother dying over and over and over again for her attempt at self-determination...

Rosemarie Kuptana, a member of Pauktuutit (Inuit Women's Association) provided the Committee with a number of examples of judicial comments and lenient sentences in sexual assault cases in the North which, in the view of Pauktuutit, have infringed upon "the constitutional right of Inuit females in the NWT to security of the person and to equal protection and equal benefit of the law (4:94). The examples reported to the Committee by Pauktuutit include the following (4:95-96):

In 1984, Judge R.M. Bourassa, of the territorial court in the NWT, sentenced three men convicted of sexually abusing a mentally impaired 13 year old girl to one week in jail. In his statement at the sentencing of the three men, the judge revealed his perception of Inuit culture:

For people of the eastern Arctic, there is no prima facie age restriction when it comes to sexual intercourse. The acculturation process of children does not include the terms 'statutory rape', 'jail bait', or other terms suggesting prohibition. Rather, the morality or values of the people here are that when a girl begins to menstruate she is considered ready to engage in sexual relations.

In 1984, a man who was convicted of a violent sexual assault against his daughter was sentenced to six months. The judge gave the following rationale for the sentence:

I can take into account that (the accused) has no criminal record; he has never broken the law before; he is a hunter and provides for his family in the traditional way. I have nothing before me to indicate that he is anything but a good hunter and a competent provider for his family.

In 1989, a man pleaded guilty to four counts of sexual assault which involved fondling young girls between 9 and 12 years of age. He received a suspended sentence and was ordered to perform 300 hours of community work. The sentencing judge commented:

I am going to take a chance with him and not send him to jail for these minor sexual assaults.