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An Open letter to members of the House of Commons

May 17, 2022

Honorable Senators and Members of Parliament,

We, the collective of Vancouver Rape Relief and Women's Shelter, urge you to bring forward new legislation that will remedy the recent judgment of the Supreme Court of Canada (R. v. Brown) ruling Section 33.1 of the Criminal Code – which prevented the defence of extreme self-induced intoxication for crimes such as assault and sexual assault - unconstitutional.

We have grave concerns regarding the impact of the ruling.

Since the accused need only prove on a balance of probabilities (that it is more likely than not) that he was at such a level of intoxication, we have every reason to believe that many sexual assault and intimate partner assault cases where the accused claims or in fact was drunk or high, will not end with a conviction.

Furthermore, since the Crown only pursues cases with a high likelihood of conviction, many sexual assault cases where the aggressor was very intoxicated, will not even reach trial.

At present, a very small number of sexual assault cases reported to police across the country result in a trial. Men in Canada know that they can beat and rape women and children with impunity. As one of our callers, for whom the Crown has decided not to press charges against her rapist, said to us, "Rape, effectively, is legal in Canada".

We encourage you to consult with feminist Canadian legal scholars to ensure that the new bill will provide legal protection for women and children who are victims of physical and sexual violence by a very intoxicated perpetrator.

Although this letter is on behalf of Vancouver Rape Relief and Women's Shelter, the responses we have already received on social media on this matter tell us that our call is backed by tens of thousands of Canadian women.

Sincerely,

Hilla Kerner, for the collective of Vancouver Rape Relief and Women's Shelter