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New legal supports for sex assault survivors fall short, advocates say

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A new hotline in Quebec will connect survivors of sexual violence with a Crown prosecutor, while Ontario is expanding a program that provides free legal advice from community lawyers. But support workers say advice is not enough.

**Launch of hotline in Quebec coincides with planned expansion of free legal advice in Ontario**

**Susan Burgess · CBC News · Posted: Apr 13, 2018 4:00 AM ET | Last Updated: April 13**

A new hotline in Quebec will connect survivors of sexual violence with a Crown prosecutor for free information, but support workers for victims say that program and others fall short because they don't provide advocacy throughout the judicial process.

A new hotline in Quebec is connecting survivors of sexual violence with a Crown prosecutor able to provide them with free information, just as the Ontario government embarks on a plan to extend and expand access to its own advice program.

But while support workers in the capital region are welcoming the new services, they aren't breaking out the champagne just yet.

"What we hear most frequently from survivors … is they really have a need for legal advocacy. And advocacy is different from advice," said Sunny Marriner, executive director of the Ottawa Rape Crisis Centre.

According to a news release from Quebec's director of criminal and penal prosecutions (DPCP), Quebec's hotline, which opened this week, will be staffed by a specialized prosecutor with extensive experience in cases of a sexual nature.

It's intended to encourage more victims to report crimes involving sexual violence.

* [Quebec Crown launches hotline to help sexual assault victims](https://www.cbc.ca/news/canada/montreal/dpcp-sex-assault-hotline-1.4612343)

A spokesperson for DPCP, Crown prosecutor Delphine Mauger, said the service would be available in both French and English.

Ontario's service [began as a pilot program for victims in Ottawa, Toronto and Thunder Bay](http://www.cbc.ca/news/canada/thunder-bay/sexual-assault-thunder-bay-pilot-project-naqvi-1.3695953)starting in 2016.

[The two-year program supplied up to four hours of free legal advice per client](http://www.cbc.ca/news/canada/thunder-bay/few-sexual-assault-survivors-seeking-help-from-provincial-pilot-program-1.4476954)using lawyers with a range of specialties.

It was scheduled to wrap up at the end of March, but last month the government announced it would continue and expand across the province.

**Advice, but no representation**

The Ottawa Rape Crisis Centre does refer clients to the Ontario program for particular legal questions, Marriner said, but the program's lawyers can't actually speak for those clients as they navigate the justice system.

Survivors could benefit from lawyers who could accompany them to a police station to make a report, or who could follow up with police about reports that aren't moving forward, she said.

Sometimes survivors are asked during a police investigation to make decisions without fully understanding the legal consequences.

"Often survivors are asked to sign 'consent to release information' forms as they proceed through a police investigation, for example. And sometimes signing those forms is not necessarily going to be in their best interest," Marriner said.

"Sometimes they're giving out more information than they have to. Those are moments at which we would really like them to have some legal input and legal representation, and that isn't available through the advice programs that we currently have."

**Lawsuits from alleged abusers**

In recent years, Marriner said she's also noticed an uptick in the number of defamation lawsuits filed against survivors by their alleged attackers.

Women must pay out of pocket for their own lawyers in such cases, regardless of their income, because Ontario's legal aid regime doesn't cover such costs for civil matters.

Sexual assault survivors require legal advocacy as well as advice, a need not being met by provincial programs, according to Sunny Marriner, executive director of the Ottawa Rape Crisis Centre. (Kristy Nease/CBC)

And though victims or even witnesses of many other crimes might also wish for free support from a lawyer besides the Crown, sexual assault survivors face unique challenges in court that make them worthy of special treatment, Marriner said.

Many feel the system assumes they are "lying until proven truthful," she said.

"If I'm a witness in a hit and run and I make a mistake in my testimony, nobody assumes that I'm lying. They always assume it's a mistake," Marriner said.

"Whereas in sexual assault, a lot of things will turn on those kinds of general mistakes. So there's a different jeopardy that's happening there."

**Hundreds have used Ontario program**

Ontario's Ministry of the Attorney General told CBC in a statement that more than 600 survivors of sexual assault have used the province's legal advice program so far, 100 of those in Ottawa.

"I'm surprised at how busy I've been through the program," said Blair Crew, one of the program's Ottawa-based lawyers and a part-time professor in the University of Ottawa's law faculty.

He estimates he's been getting a call or two a week since the pilot began, frequently from people trying to decide whether to report to police.

Attorney General Yasir Naqvi announced last month that the Ontario government would extend a pilot program that delivers free legal advice to sexual assault survivors, and expand the service across the province. (Giacomo Panico/CBC)

Crew agreed with Marriner that survivors need legal advocates as well as advisers, and said the existing program has actually highlighted that need.

Through him, women frequently learn about their options for redress outside the criminal justice system, such as the Ontario Human Rights Tribunal or the Criminal Injuries Compensation Board,

If they want help with the paperwork or someone to represent them in court, they must seek out another lawyer.

They also have to pay for that service unless they qualify for legal aid. If they choose to file a civil suit against their alleged attacker, they won't qualify for any financial help.

**Important differences**

Despite the shortcomings, Crew said he prefers Ontario's model to Quebec's hotline because it's open to survivors at any stage of the legal process, and because clients have access to lawyers with many different types of expertise.

A hotline staffed only by a prosecutor won't afford clients the same opportunity to explore options outside the criminal courts, he said.

Advice through the Quebec program also appears destined to be very general.

Prosecutor Delphine Mauger said callers would be actively discouraged from sharing facts of their specific cases because of the Crown's obligation to disclose such information to the defence in the event of a trial.

In Gatineau, social worker Isabelle Bélanger of *CALAS de l'Outaouais,* which supports survivors of sexual assault, had tepid praise for the hotline idea.

She said it could be empowering for some to connect directly with a prosecutor, but it might not add much to existing services.

"Generally, to give the basic information, organizations [such as rape crisis centres] are capable of doing that," Bélanger said.

The line is open weekdays from 8:30 a.m. to 4:30 p.m. at 1-877-547-3727.

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* [Ontario launches free legal advice program for sex assault survivors](https://www.cbc.ca/news/canada/toronto/sexual-assault-legal-1.3507559)
* [Sask. sexual violence survivors to get access to free legal advice](https://www.cbc.ca/news/canada/saskatchewan/sask-to-pilot-free-legal-advice-sexual-violence-survivors-1.4456253)
* [Juripop offers free legal advice for sex assault victims Friday, Saturday](https://www.cbc.ca/news/canada/montreal/juripop-offers-free-legal-advice-for-sex-assault-victims-friday-saturday-1.4372458)

**External Links**

* [Independent Legal Advice For Survivors Of Sexual Assault Pilot Program](https://www.attorneygeneral.jus.gov.on.ca/english/ovss/ila.php)
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