

Specialized court in sexual and domestic violence

Quebec's #MeToo movement joins government in attacking the presumption of innocence

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One hundred and forty nine people, most of them part of the #MeToo movement, recently signed an open letter written by Quebec Justice Minister Simon Jolin-Barrette defending his proposed law (Bill 92) creating a “specialized court” to supervise and adjudicate sexual and domestic violence cases. The signatories came primarily from the academic community, but also included journalists, Members of Parliament and even a Senator.

These establishment figures have no problem in aligning themselves with the minister most openly associated with the extreme Quebec chauvinism championed by the province's Coalition Avenir Québec (CAQ) government. Jolin-Barrette was the author of Bill 21, which bars Muslim women who wear Islamic headscarves from holding certain public sector jobs and women wearing full-face veils from receiving health care and other public services. He is currently piloting through the Quebec legislature Bill 96, legislation that would strip immigrants of the right to communicate with the Quebec government and its agencies in English.

With its support for Bill 92, the #MeToo movement is once again attacking long-established judicial protections for the accused. This campaign, which in many respects echoes the law-and-order rhetoric traditionally associated with the right and far-right, has nothing to do with defending victims of sexual violence or vulnerable women. Rather, it is part of a movement, rooted in the upper-middle class, and supported by much of the nominal liberal-“left” wing of the political establishment, to promote identity politics and, in the name of ending “women's oppression” and “equity,” secure women greater access to top jobs in corporate management, academia and the state.

The publication of the open letter on October 9 followed statements by Quebec Court Chief Justice Lucie Rondeau, including in an interview with the *Le Devoir*, in which she

said that the proposed special court would compromise judicial impartiality and the presumption of innocence.

The judge asserted that the courts must be “absolutely independent of other actors in the fight against crime” and that by placing “the way police officers question complainants” under the control of the special court, Bill 92 undermines this principle of judicial independence. Justice Rondeau also mentioned that the very name “specialized court in sexual and domestic violence” is “not compatible with the presumption of innocence” since it presumes that the allegation of violence is founded.

This intervention immediately led to an aggressive and, in some respects, hysterical reaction from the #MeToo movement and members of the ruling elite.

The Quebec National Assembly unanimously passed a resolution stating that the creation of a specialized court in sexual and domestic violence was “necessary” to bring about a “cultural change in the justice system.”

Laval University law professor Louise Langevin, a specialist in civil law and feminist theories of law with no apparent expertise in criminal law, said that Judge Rondeau's arguments did not hold water and even claimed her intervention constituted an attack on democracy, as the judiciary has no right to interfere with the legislative process.

A signatory of the open letter, documentary filmmaker and comedian Ingrid Falaise, claimed that the Chief Justice's intervention was the equivalent of being told “we're not listening to you” and, ridiculously, that it was “like being raped again.”

Also among the signatories of the open letter are Monique Néron and Émilie Perreault, two journalists who made the documentary *La Parfaite Victime* (The Perfect Victim), which was highly praised when it was released last summer. It was later revealed that the makers of *The Perfect Victim*

had used erroneous, if not fabricated, statistics to “prove” their documentary’s thesis that it is virtually impossible to convict someone of sexual assault. For example, at one point they claimed statistics showed only 18 percent of complaints of sexual crimes investigated by the police had resulted in criminal charges, when in fact the correct figure in the case cited was about 70 percent. The film also sought to trivialize core legal concepts, as when circus music was played while a lawyer was explaining what “reasonable doubt” means under criminal law.

A fact completely ignored by the documentarians is that in 2020, while Quebec’s #MeToo movement focused all its attention on the acquittals of celebrities Gilbert Rozon and Éric Salvail, 89 of the 102 sex crime cases heard in Montreal courts resulted in a conviction, disproving the myth that the justice system is systemically biased in favor of those accused of sexual violence.

#MeToo has championed the claim that those who assert they have been sexually assaulted, having little to no chance at “justice” in the current legal system, must be taken at their word. This then becomes the springboard for a frontal attack on due process and the presumption of innocence. Those who don’t endorse high-profile individuals facing allegations of sexual assault immediately being removed from their positions or who uphold the democratic principle that the veracity of sexual assault allegations need to be legally tested are denounced for “not believing” or “silencing” the victims.

Following, last December’s acquittals of Rozon and Salvail there were numerous calls from #MeToo proponents for reconsideration of the onus of proof in sexual assault cases. A direct attack on the presumption of innocence, this would mean those accused of sexual crimes would have the legal obligation to positively disprove the charges against them to escape conviction. Prime Minister Justin Trudeau himself refused to rule out the possibility of “reversing the burden of proof,” saying he was ready to listen to “the opinions of people who know what they are talking about.” (See: Quebec’s #MeToo movement denounces the presumption of innocence)

In effect, the #MeToo movement is demanding that long-established judicial protections for the accused—due process and the right to a fair trial, in which the onus is on the Crown to prove the guilt of the accused beyond a reasonable doubt—be effectively replaced by “justice” administered via anonymous denunciation on social media, and a legal system with eviscerated protections for those accused of sexual crimes.

The production of the misleading documentary *The Perfect Victim* is only one of many disgraceful episodes in the evolution of the #MeToo movement. The “Dis son nom”

(Say His Name) page is another striking example. Created in July and August 2020, Say His Name is a list posted online, on Facebook and on Instagram, of people accused of sexual assault. The denunciations are anonymous. Legal proceedings for defamation brought by a man listed on Say His Name revealed that the page’s administrators had made no serious attempt to verify the veracity of the allegations. The two administrators of the page had decided, by their own admission, to “believe the victims and not to question their heartfelt stories.” During the legal proceedings, the administrators of Say his Name deleted two thirds of the 1565 “denunciations,” presumably because they constituted confirmation of their reckless publishing of unverified accusations.

The anti-democratic demands of the #MeToo movement, which originated in the United States, are finding a sympathetic ear from the ruling class and its political representatives in Canada. The political establishment has been systematically attacking democratic rights for decades with the criminalization of strikes, the suppression of civil liberties in the name of the “war on terror” and the relentless promotion of militarism.

For the ruling class, the #MeToo movement is also a useful tool to divert attention away from the growing social inequality, hardship and misery produced by class society, toward identity politics based on gender, race, and ethnicity.

Jolin-Barrette and the entire right-wing CAQ government must be pleased with their alliance with the #MeToo movement over the specialized court, since it allows them to give a progressive veneer to a reactionary bill that, if passed, will lay the groundwork for further attacks on democratic rights.

Like all measures that encroach upon judicial guarantees under the pretext of tackling crime or terrorism, the attack on the presumption of innocence will be used against the working class as it comes into opposition with the austerity measures of the ruling elite and its disastrous handling of the COVID-19 pandemic.



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