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Blessings and Love

Nov 26 2022

It is only with God's Graces that I have been able to produce this work.

It is my Pleasure to serve You in progressing Justice with my Relations as an unattached Man, serving God's Great Plan, with Indigenous Powers while Canada struggles under the weight of European (foreign) infirmities.

I understand that many, if not all, of you carry the weights of Professional Reputations and industry standards.
(Industry standards that continue to fail to protect children)

Please be mindful of the Devil's fear tactics which leverage your success to inhibit your Heroic Journey.

By God's Graces, We have all the tools for success with ease and grace…This is a rare type of work that we will undoubtedly take with Us past Death- Be PROUD.

-Wegadesk D. G-P

ALL DOCUMENTS ARE TO BE REPRODUCED AND DISTRIBUTED UP THE CHAIN OF COMMAND.

THOSE WHO FAIL IN FORWARDING ALL OF THESE DOCUMENTS ARE FACILITIATING CRIMINAL ACTIVITY THAT IS EXPLOITING CHILDREN FOR SEXUAL PURPOSES.

ANY MAN OR WOMAN AIDING THIS TYPE OF CRIMINAL ACTIVITY INVITES INCREASED PUNISHMENTS WHO'S REMEDIES REQUIRE REPENTANCE AND FACILITATION OF JUSTICE.

ALL CORRESPONDENCES WILL BE PUBLISHED AND PROMOTED AS THE ADMINISTRATION OF JUSTICE IS DESPICABLE IN REGARDS TO ADEQUATELY PROTECTING CHILDREN IN GOVERNMENT FUNDED ORGANIZATIONS.

AS SUCH, GOD HAS DIRECTED ME TO INCREASE PUBLIC ATTENTION AND AWARENESS UNTIL APPROPRIATE MEASURES ARE DEESCALATING THIS MOST SERIOUS INJUSTICE.

THIS DUTY COMES WITH BENEFITS THAT CAN IMPROVE CHARACTER AND EARN GOOD KARMA…THE CURRENCY OF THE GODS…
IF YOU DO NOT WORK TO SAVE THE CHILDREN IN THIS LIFETIME, YOU GREATLY INCREASE YOUR CHANCES OF BECOMING A CHILD VICTIM OF SEXUAL ABUSE IN YOUR NEXT LIFETIME.

IN THE NAME OF JESUS CHRIST I HUMBLY ASK YOU TO ANSWER AND ACT ON THIS CALL FROM GOD

VICTORIA COURTHOUSE CONTEMPT OF JUSTICE

November 28 2022

Victoria Case #202598

Preamble: I highly encourage everyone in the Justice industry to honor My nearly supreme authority, under only God, prescribed in Law through my existence as a Man and articulated in the Canadian Bill of Rights, and my position as a First Nations Canadian Citizen, articulated in the Constitution Act and Royal Proclamation, who is entitled to experience ZERO RESISTANCE OR DISCREPANCY from any Persons lacking First Nations/Indian Status as long as I have not hurt anyone or damaged anything. And to the contrary, this case has tried to bring immediate Justice to an important area of our society that even the Supreme Court of Canada acknowledges that the Justice system is failing (*R. v. Friesen 2020*)…Sexual Exploitation of Children.

I am entitled to be SERVED by Justice industry employees when bringing forward such a serious complaint.

When laws are disregarded a karmic debt is incurred by the perpetrator.

When the perpetrator is a Justice industry professional the calamity is amplified.

When the perpetrator is given notice of his/her unlawful acts, the calamity is further amplified.

THIS NOTICE IS TO CLARIFY THAT MY RIGHTS AND ENTITLEMENTS WHICH SHOULD FACILITATE JUSTICE FOR MYSELF AND MY COMMUNITY HAVE BEEN DISRESPECTED BY EMPLOYEES OF THIS COURT:

REGISTRY: **I have been denied filing documents** because the paperwork was not perfect, even though the Supreme Court Rules Act allows for documents to be 'with variations as the circumstances of the proceeding require' (Rule 22-3(1)).

Certain types of crime, especially well funded and compounding crimes, can, and have in this case, prevented the victim from producing 'perfect' documents. Justice employees must account for that.

My case has to do with being sexually abused as a child by a government funded non-profit sports organization that is PROTECTS KNOWN PEDOPHILES.

To further compound this crime, the insurance company put a gag order on the non-profit which is unlawful according to:

PART1 3(3)(c) of the Canada Not-for-profit Corporations Act:

'**(3)** No corporation shall carry on the business of

(c) a company or society to which the Insurance Companies Act applies;'

The insurance company (Aviva Insurance Canada) suppresses the record and starves out the victim so they don't have to pay out accordingly which allows the pedophiles to continue raping kids because the sports organization has no official record to dismiss the pervert employees.

I even filed the appropriate paperwork to state this is a Special Case, and was denied by an ignorant master who thought she could strip me of my God given and lawfully prescribed rights as a Man and First Nations Canadian citizen to attain Justice for Me and My Community.

SHERIFFS: I have been removed by sheriffs, at the beckon of the Registry, after being denied filing documents.

I have served the Sheriff's office with verbal caution related to their contributions in suppressing the record. The Sheriff's office will also receive a copy of this package.

EVERY PERSON WHO CONTRIBUTES TO SUPPRESSING THE RECORD OF VICTORIA CASE #202598 IS FACILITATING THE SEXUAL EXPLOITATION OF CHILDREN.

NATURAL LAW, OFTEN UNDERSTOOD AS KARMA, WILL PUNISH THE DESERVING.

For example: The insurance company lawyer that advised the non-profit to stay silent recently had parts of his tongue cut out due to cancer.

THIS NOTICE IS A CAUTION TO EVERYONE WHO HAS CONTRIBUTED TO SUPPRESSING THE RECORD PREVIOUSLY, AND FOR THOSE WHO MAY DO SO IN THE FUTURE.

The level of disrespect I've experienced at this courthouse AS A FIRST NATIONS MAN BRINGING JUSTICE TO THE SEXUAL EXPLOITATION OF CHILDREN IN GOVERNMENT FUNDED ORGANIZATIONS is frightful when considering the karmic debt of each Person who fails their employment duties and the children who continue to be sexually exploitated.

JUDICIAL COMPLAINT: DAVID A. CRERAR

Accompanying this document is the official complaint forwarded to the Canadian Judicial Council.

SUPREME COURT RULES ACT

Rule 1-3 — Object of Rules

Object

(1)The object of these Supreme Court Civil Rules is to secure the just, speedy and inexpensive determination of every proceeding on its merits.

Proportionality

(2)Securing the just, speedy and inexpensive determination of a proceeding on its merits includes, so far as is practicable, conducting the proceeding in ways that are proportionate to

(a)the amount involved in the proceeding,

(b)the importance of the issues in dispute, and

(c)the complexity of the proceeding.

- My proceedings required almost $50 million in compensation.

- Continued sexual exploitation of children in government funded non-profit sports organizations is EXTREMELY IMPORTANT.
- These compounding crimes have been going on for over 50 years, and involve EXTREMELY WEALTHY AND POWERFUL perpetrators…making the proceedings quite complex.

This is why I scheduled 3 hours of court time to begin canvasing the case with the Justice industry employees at this courthouse…but have experienced resistance and refusal at all levels of the process.

I will be publicly reading all relevant materials included in this package at this courthouse on December 1st 2022 at 12 noon.

The public declaration will be published and promoted on various media outlets to inspire a solution that the current legal system is incapable of succeeding…also known as

THE ADMINISTRATION OF JUSTICE IS IN DISREPUTE.

I highly encourage the courts to document this event and due to the winter season, if weather does not promote this declaration outside I humbly request that a room be provided for myself and the many who may attend.

Understand that no circumstances will prevent this public declaration and publication, and others if necessary, from gaining a massive audience as this issue is prevalent in many other sports and Hockey Canada is embarrassing our Nation on a Global scale because of similar circumstances.

I HAVE PRODUCED THIS PACKAGE WITH DIRECT INSTRUCTION FROM GOD WHO IS EMPOWERING ME BEYOND ALL CORRUPTED FORCES.

PLEASE ASSIST GOD IN BRINGING EXPEDITED JUSTICE TO THIS ISSUE.

IF YOU'RE NOT IN, YOU'RE IN THE WAY!

THIS IS A CALL TO ACTION TO WORK WITH ME USING ALL THE AVAILABLE LAWS AND PERSONNEL TO EMPOWER THE FORMALIZING OF JUSTICE.

I EXPECT THE LEADERS IN THE JUSTICE INDUSTRY, ESPECIALLY THOSE HIGHEST ON THE TOTEM, TO CONTACT ME TO BEGIN FORMALIZING SOLUTIONS.

SPECIFICALLY:

Robert Bauman, Chief Justice of British Columbia.

Christopher E. Hinkson, Chief Justice of the Supreme Court of British Columbia.

Heather J. Holmes, Associate Chief Justice of the Supreme Court of British Columbia

THANK YOU GOD

Contact:
wegadesk@gmail.com

JUDICIAL COMPLAINT

David A. Crerar :
Delaying Justice, Protecting Sexual Exploitation of Children, Attempting to Extinguish Human, Indigenous, and Canadian Rights and Power.

Glorious Day to You Canadian Judicial Council, I hope this finds you all in good health and sound mind as the record of this case (Victoria Case #202598), the position you earn your living on, and this service to you of immediate required action will undoubtedly put your morally based actions to the test and cost Karma if not dealt with appropriately.

R. v. Friesen, 2020 SCC 9 is a loud message that the administration of justice is in disrepute when it comes to how Child Sexual Abuse matters are handled.

Preamble:

In the Spirit of "Shame to Him who Thinks Ill of It" : This publication is a Notice of undesired Record. I wholesomely understand that everyone is always doing their best, and even crime in action originates from unresolved trauma yet to be transformed into benefits…please join Me to bring Justice to Our National and Global community which is under attack by such powerful Criminals that even the Justice Industry is overwhelmed. Understand we can all work for God and your sworn allegiance to your organization should empower you to do this work with greater vigor, not shy away from appropriate measures because you don't want to lose your job or do something that's never been done before.
R. v. Friesen, 2020 SCC 9 has made it clear the status quo for how the justice industry deals with child sexual abuse is INSUFFICIENT.

In the Spirit of "God Is My Right" : As a Man with First Nations and Canadian Citizen status, who has not and will not appoint an Institutionally-bound agent to represent Me in this matter, I hereby notify You that GOD HAS SENT ME to facilitate JUSTICE in an area that CANADA IS EMBARRASSING ITSELF ON

A GLOBAL SCALE…The **SEXUAL EXPLOITATION OF ATHLETES IN TAX PAYER FUNDED AMATEUR SPORTS ORGANIZATIONS.**

ANY AND ALL ACTIONS BY JUSTICE EMPLOYED PEOPLE, ACTING IN ANY CAPACITY, THAT DO NOT FACILITATE JUSTICE FOR THIS CAUSE, WHICH IS BEING SPEARHEADED BY MYSELF OR ANYONE ELSE GOD FINDS CAPABLE, WILL LIKELY ENDURE EXPEDITED MALADY AS A RESULT.

The following publication outlines great hindrances to Justice brought to us by David A. Crerar who tried to act as judge on this matter but showed he lacked the appropriate morals to do so.

Long Story Short:

I was a national champion high diver who served for 10 years on the Canadian National High Diving Team. I was the poster boy for 8 years, featured locally and nationally for my exceptional performances and contributions to community.

A few years after I retired, I came forward publicly that my career coach, who was also a celebrity in the sport and held the national team head coach position, had been sexually abusing me as a youth.

Initially my public disclosure was quiet but I was forced to increase the publicity of my declaration because all authorities in the sport that I told were unwilling to actually do anything.

Because of the elevated publicity of my disclosure, another athlete was inspired to come forward facilitating a successful conviction.

During the prosecution of the coach, Trevor Palmatier, evidence was presented that showed Trevor Palmatier had been busted for sexual deviancy with his athletes 10 years prior to my disclosure. Trevor Palmatier was helped to

continue coaching as a major breadwinner for the organization by being moved to another city, Victoria BC, where he abused me and other children.

Further investigation shows Trevor Palmatier is 1 of several pedophile coaches who has been protected one way or another by the diving organization. Directors and officials either turn a blind eye to EXTREMELY suspicious behavior or Mitch Geller, the head of the National Team, personally protects the breadwinners by fudging facts during investigations or moving the coaches. Mitch Gellar married his athlete after beginning their relationship when she was an adolescent. Their age gap will attest to this.

Several officials in the sport have personally told me that they are afraid to come forward because Mitch Geller will terminate anyone's career who opposes him.

Hockey Canada is overwhelmed by the sexual abuse in its ranks EMBARRASING OUR NATION ON A GLOBAL SCALE. The documentary *'Athlete A 2020'* is about the same issue going on in the american gymnastics institution…

R. v. Friesen, 2020 SCC 9 **- IS A WAKE UP CALL TO CANADA ABOUT HOW SEXUAL ABUSE OF MINORS IS AVAIDING JUSTICE.**

I filed a civil claim against diving and its funding sources, and it's insurer, only to have the insurance company gag the public interest which should normally have been disclosed by the diving organization and encouraged by the government of Canada. This is a crime, which is articulated in PART1 3(3)(c) of the Canada Not-for-profit Corporations Act:

> **Limitations on business that may be carried on**
>
> **(3)** No corporation shall carry on the business of
>
> **(a)** a bank;
>
> **(b)** an association to which the Cooperative Credit Associations Act applies;

(c) a company or society to which the Insurance Companies Act applies; or

(d) a company to which the Trust and Loan Companies Act applies.

Due to the complexity of this case, I had scheduled a 3 hour court session to lighty canvas the substantial evidence mostly already in public records and to bring to the court's attention that the diving organization's primary public interest was being suppressed by the insurance company…

ISSUE #1 : JUDGE CONFLICT OF INTEREST WITH DEFENDANT

The night before our court appearance, the lawyer for the Government of Canada (Marlena McMurtry) emailed all parties notifying of a conflict of interest with David A. Crerar.

My response expressed the EXTREME DURESS I was under due to the nature of being sexually abused as a child by the government funded organization WITH NO HELP FOR 15 years. I was in no position to delay proceeding in any way.

NOTE: One of the first things David A. Crerar put on the record was to complement the insurance lawyer, calling him 'High-Minded'.
Extremely odd behavior but ultimately I believe the spirit that animates each Man seeks justice, either exposing its own criminality to be caught, or never giving up when formalizing Justice.

THE 'OLD'BOYS CLUB' IN THE JUSTICE INDUSTRY, WHERE LAWYERS AND JUDGES PRETEND LIKE THEY'RE NOT IN A NATURAL CONFLICT OF INTEREST IS CORRUPTING THE LEGAL SYSTEM! IT'S BEYOND OBVIOUS BECAUSE ALL JUDGES WERE A LAWYER FOR AT LEAST 10 YEARS BEFORE BEING PROMOTED.

ISSUE #2 : <u>JUDICIAL ORDER DELAYING PROCEEDINGS</u> AND <u>ATTEMPTED EXTINGUISHING RIGHTS</u> ARTICULATED IN THE (1)CANADIAN BILL OF RIGHTS, (2)CHARTER, (3)DIRECTIVES OF THE ATTORNEY GENERAL, (4)'PRINCIPALS' PUBLISHED BY THE DEPARTMENT OF JUSTICE, (5)UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE.

Within what felt like 15 mins of my allotted 3 hour court session, David A. Crerar shut down all discussions and ORDERED THAT ALL MY EXPRESSIONS GO THROUGH A LAWYER. This is an order DELAYING JUSTICE AND ATTEMPTING TO EXTINGUISH MY HUMAN, NATIVE, AND CANADIAN RIGHTS.

DELAY OF JUSTICE: Every good lawyer has more than 50 cases going at the same time.
Being forced to use a lawyer when under extreme economic duress from OBVIOUSLY criminal perpetration 15 years on my shoulders, is wholesomely ignorant to what the Justice Department is employed to do. I had made it BEYOND CLEAR that not only was I under massive duress from the highly funded and compounding crimes, but also that the children of the public were still being continuously exposed to known pedophiles, funded by tax payer money…and that this had been going on since the 1970's!

David A. Crerar should have allowed all reasonable unfoldments to take place within that 3 hour scheduled court proceeding. Instead he chose to compliment the insurance company lawyer just before he helped the insurance company continue to suppress the record.

AVIVA INSURANCE profited over $4 BILLION the year this case was suffocated. An insurance company should generally break even after paying it's bills, and these excessive profits are a sign of how large the swindling of support for victims is.

EXTINGUISHING OF RIGHTS:

There are 5 MAJOR points of authority within our legal system which David A. Crerar disrespected with 1 single order causing the sexual exploitation of children to continue unreasonably, and myself to experience ADDITIONAL AND FURTHER COMPOUNDING MALADY.

(1) I have an almost supreme place in Crown and Canadian Law, only under God, as a Man who has Value and Dignity according to the **Canadian Bill of Rights.** To cut off my allotted court time when the matter I bring to the legal industry is so important, I am under extreme duress, and I had not been rude is an obvious facilitation of crime. I even requested through proper paperwork this case be given 'special' authorization but was denied.

(2) UNLAWFUL ATTEMPT TO EXTINGUISH CHARTER RIGHTS:

- 2(b) - "Freedom of thought, belief and expression…"
- 7 - "...liberty…and not to be deprived thereof except in accordance with the principles of fundamental justice."
- 15(1) - "...equal protection and equal benefit of the law without discrimination…"
- **ABORIGINAL/INDIAN/NATIVE ENTITLEMENTS**
    - 25(a) - "...Royal Proclamation.."
        - The Royal Proclamation: "... all Persons whatever (colonial agents)…seated themselves upon any Lands within the Countries above described (everything

west of the peaks of the Appalachian mountain range)... forthwith to remove themselves from such Settlements."

David A. Crerar acted like a tenant disrespecting the landlord. I have housekeeping duties on my land and they include annihilating injustice, with God's Grace and Power whenever I witness it.
If you don't want to help, fine that's on you to pass up the opportunity to help God and His community, but don't hog-tie Me or you'll experience malady like the insurance lawyer did when he recently had parts of his tongue cut out due to cancer…the same tongue he used to diminish my claim.

- 35(1) - "...rights of the aboriginal peoples of Canada are hereby recognized and affirmed."
  - Time and time again, the corporate side of Canada, it's Justice industry included, fail to enforce their own laws due to personal economic pressures and unlawful professional standards well established by the Lawyer industry who gained it's power by killing and raping the First Nations People it claims to empower through legislation.
  - Lawyers Marlena McMurtry (gov.) and Bruno Devita (insurance), and judge David A. Crerar are like the man who preaches the bible but doesn't live it. God will remind them why it's best to live it and I hope you will facilitate God's encouragement or you might acquire a reminding for yourselfs.

(3)DISRESPECT OF ATTORNEY GENERAL DIRECTIVES:

- In 2018 the Attorney General published: “The Attorney General of Canada’s Directive on Civil Litigation Involving Indigenous People” - The document outlines repeatedly, in many different articulations, that the Crown and Canadian Government must respect the inherent rights of Indigenous people to govern themselves in their own land, and to have all the rights articulated in law really enforced.

(4)DISRESPECT OF JUSTICE DEPARTMENT PUBLICATION:

- In 2018 ‘PRINCIPLES - Respecting the Government of Canada’s Relationship with Indigenous Peoples’ was published by the Department of Justice to again emphasize how important it is for Indigenous People’s inherent AND LEGISLATED RIGHTS TO receive enforcement from Justice industry actors.

(5)UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE - DISRESPECTED

- All levels of government have made declarations to implement UNDRIP to enhance the repairing of the relationship between Canada’s legal landlords, the First Nations People, and the Crown and Government of Canada.

As I’m sure you all know, crime never wins. Justice is supreme. And those who facilitate crime by action or inaction incur a debt of karma which will follow a bloodline through generations if repentance is not exercised in this life.

David A. Crerar’s actions bring the administration of Justice into disrepute because he chose to exercise his greatest power against 5 major authorities in Canadian law, and a child rape victim, in favor of the

defendants who are sexually exploiting children or facilitating their continuaned exploitation.

BY THE POWERS CULTIVATED THROUGH MY RELATIONSHIP WITH GOD, AND THE RIGHTS ARTICULATED IN THE LAWS MENTIONED ABOVE, AND OTHERS, I EXPECT IMMEDIATE ACTION TO BE TAKEN BY ALL MEMBERS OF THE CANADIAN JUDICIAL COUNCIL TO RECTIFY THIS RECORD OF THIS INJUSTICE.

In particular the BC MEMBERS: Robert Bauman, Christopher E. Hinkson, and Heather J. Holmes should take this opportunity to assist the public in the manner the judges of judges are being called to.

THIS DOCUMENT WILL BE PUBLISHED AND READ ALOUD AT THE VICTORIA COURTHOUSE ON DECEMBER 1 2022 BECAUSE WE ALL KNOW POLICING OURSELVES IS MUCH MORE EFFECTIVE WITH PUBLIC SCRUTINY.

Conclusion:

As God guides me through this process he only provides the next step, but the destination is clear, and I will achieve expedited Justice as it's required by the lethargy of the justice industry's ability to deal with the sexual exploitation of children.

R. v. Friesen, 2020 SCC 9

As I have tried through prescribed methods to attain Justice for myself and my community, I was shown that the level of crime is so well funded (Aviva profited over $4 BILLION globally the year this case started) and pervasive, that even the lawyers and judge actions look like they're in on the take. Therefore, unusual methods, allowed by Law through my heritage and entitlements, will be exercised…I encourage your support and participation so you may continue reap the rewards of God's Graces.

The laws are clear about My rights and entitlements and the Reconciliation narrative is on repeat from all levels of government and legal authorities.

In 2007 I set a world record for the most difficult list of dives ever competed off the 10 meter platform. God has blessed me with the power to do things nobody has ever done before and in very strenuous circumstances.

My connection to God has never been stronger and I believe in sharing Victory with all who deserve it. Embrace responsibility and the severity of this issue…the judges of judges is the final formal position of power before God must unleash miracles to achieve Justice.

This issue is going globally-public and I want you all to be proud of what you've contributed to the required solution, that is why this notice is being given to you. I have many good ideas to implement but when the justice system works in harmony with the criminals to suppress the record we first must change that.

If you think Me getting what I want is a bad thing, you best take stock of your values because you use them to function and the moral standards of Life are rising quickly to filter out the unworthy for a future so bright and powerful that only the best may make it.

Whether or not appropriate action is taken by anyone served this notice, the record will continue to build and God will act accordingly

I expect public rescinding of David A. Crerar's order and special measures be implimented to assist Justice in formalizing here so the children who are our future can be treated with the respect they deserve and I can experience the Justice I am entitled to.
Thank you.

In the name of God -Wegadesk Dana Gorup-Paul

wegadesk@gmail.com
17785355403 (must text first before calling)
Youtube- Wega Paul
www.wegadesk.com
www.wegpaulart.store

GOVERNMENT OF CANADA Lawyer Marlena Mcmurtry: INCOMPETENT

Imagine being a lawyer for the largest service provider in the land, entirely tax payer funded, and having a civil claim filed by a First Nations Canadian citizen bringing forward his experience as a victim of sexual explitation of children in a government funded non-profit sports organization that has been going on for 50 years…IN A TIME OF 'RECONCILIATION!'

The primary interest that the Government of Canada has is to serve the public in bettering their life.

A proper acting lawyer would do their due diligence to investigate the claim to make sure if the allegations are true, that something substantial is done about it.

Instead Marlena Mcmurtry acted to have the case dismissed immediately and also threatened to sue me for 'costs'.

Thanks to Marlena Mcmurtry, and the other record suppressors of this case, children have continued to be exposed to known pedophiles and I have incurred compounded malady.

I have grave concerns that Marlena Mcmurtry believes the Government of Canada is a profit driven organization who must evade responsibility at all costs.

The sexual exploitation of children should possibly be the highest ranking concern for anyone employed by the Government of Canada.

What made Marlena Mcmurtry ignorant of the Government of Canada's service function, and the Reconciliation narrative?

6.ATTORNEY GENERAL OF CANADA'S DIRECTIVE ON CIVIL LITIGATION INVOLVING INDIGENOUS PEOPLE

(click name above or here to access document)

7.DEPARTMENT OF JUSTICE PUBLICATION: PRINCIPLES- RESPECTING THE GOVERNMENT OF CANADA'S RELATIONSHIP WITH INDIGENOUS PEOPLES

(click name above or here to access document)

9. Canada's Highest Court Delivers Wake-up Call on Child Sexual Abuse UPDATED (click here to access page)

Elizabeth Grace | April 23, 2020

The Supreme Court of Canada has spoken out about the pervasiveness of child sexual abuse and the profound harms it causes, and has implored those involved in the justice system to treat this problem with more care and sensitivity. In *R. v. Friesen*, 2020 SCC 9, a case involving a young victim of sexual offences, our highest court took the opportunity to deliver a wake-up call that extends beyond criminal law to other areas of the law.

As my interest lies with the civil justice system and how it responds to sexual violence against children and other vulnerable persons, I want to speak to

why and how *R. v. Friesen* is relevant to liability and damages in civil cases involving sexualized abuse and misconduct.

The Supreme Court opened its landmark 9-0 decision by stating the obvious: *"Children are the future of our country and our communities."* It went on to say it is *"send[ing] a strong message*" that:

...sexual offences against children are violent crimes that wrongfully exploit children's vulnerability and cause profound harm to children, families, and communities. Sentences for these crimes must increase. Courts must impose sentences that are proportional to the gravity of sexual offences against children and the degree of responsibility of the offender, as informed by Parliament's sentencing initiatives and by society's deepened understanding of the wrongfulness and harmfulness of sexual violence against children.

These powerful opening words have resonance in the civil context too. The claims (or causes of action) and the compensation (or monetary damages) assessment principles that are the bases for civil liability, must similarly be interpreted and applied in ways that reflect the wrongfulness of the sexual exploitation and violation of children, and the profound and often lifelong harms caused by this wrong.

We recently saw an example of such an approach in the Ontario Court of Appeal's decision in *MacLeod v. Marshall*, 2019 O.N.C.A. 842 (CanLII) – see my earlier post on this case entitled "Lower Threshold for Proving Income Losses in Cases Involving Childhood Sexual Abuse and Injury." In that case, the Court of Appeal clarified that principles for determining loss of income in historic child sexual abuse cases need to be adapted to the unique circumstances facing a victim whose harms were caused before they had finished school and/or started working. The Court of Appeal affirmed that the usual standard of proof – a balance of probabilities – is too harsh where the victim had not yet had the opportunity to start earning income. Instead, it favoured using the lower standard of "chance" or "real or substantial probability". Thus, in a civil lawsuit involving childhood sexual abuse, this lower standard of proof applies when assessing both past and future loss of income.

This is precisely the kind of adaptation of the law that the Supreme Court of Canada's decision in *R. v. Friesen* telegraphs as necessary if we are to recognize and validate the inherent wrongfulness and harmfulness of sexual

violence against children. Of note, on April 30, 2020, the Supreme Court of Canada dismissed the application for leave to appeal that was brought by the unsuccessful defendant religious organization in *MacLeod v. Marshall*. This means the Court of Appeal's ruling on how to approach loss of income in a historic childhood sexual abuse case is now the law in Ontario, and a highly persuasive legal authority in the rest of Canada.

While the criminal justice system is focussed on punishing individual offenders, the civil justice system has a special role in providing accountability and redress that extends beyond the individual perpetrator to others responsible for the wrongs and/or harms. The civil justice system is uniquely placed to make those who enable or empower (wittingly or not) perpetrators of child sexual abuse legally accountable. By casting the net of accountability and responsibility more widely and being prepared to do so in ever more insightful and reflective ways, the civil justice system can do its part in responding to the Supreme Court of Canada's call to action on child sexual violence in *R. v. Friesen*.

There are many "take-aways" from the landmark decision in *R. v. Friesen*, and what I have done below is distill what the Supreme Court of Canada has said that, in my view, has direct or indirect application to civil sexualized misconduct and abuse cases.

- The courts are seeing more cases involving sexual violence against children.
- New technologies like the internet are enabling new forms of sexual violence against children, and providing perpetrators with new ways to access and control youth. These technologies are also making qualitative changes to these sexual offences; for example, the online distribution of images repeats the original violation by making its victim live with the knowledge that others may be accessing these images in the future.
- Just as legislators have been recognizing, adapting and trying to keep pace with developments in child sexual abuse, "[c]ourts too have been on a 'learning curve' to understand both the extent and the effects of sexual violence against children". The law has had to and will continue to evolve to respond to its prevalence, and to the different manifestations of the wrong and harms it causes.
- The wrongful nature of child sexual abuse stems from the fact it represents a simultaneous invasion of a child's personal autonomy, a

violation of the child's bodily and sexual integrity, and an attack on the child's dignity and equality.

- "Violence is always inherent in the act of applying force of a sexual nature to a child." Whether or not there is additional physical violence and/or physical injuries that accompany such abuse, any physical contact of a sexual nature with a child is, the Supreme Court has said, "a wrongful act of physical and psychological violence".
- The attack on personal autonomy, bodily integrity, sexual integrity, dignity and equality that sexual abuse against a child represents means courts must consider the resulting psychological harm which will often be more pervasive and permanent than physical harm.
- Beyond the life altering consequences that flow to those who are targeted, sexual violence against children has ripple effects, including harm to people who are close to these children and harm to relationships. There is also harm to the broader communities in which the targeted children live, as well as to society as a whole:

Some of these costs can be quantified, such as the social problems that sexual violence against children causes, the costs of state intervention, and the economic impact of medical costs, lost productivity, and treatment for pain and suffering … [C]hildren who are victims of sexual violence may be more likely to engage in sexual violence against children themselves when they reach adulthood … Sexual violence against children can thus fuel a cycle of sexual violence that results in the proliferation and normalization of the violence in a given community.

- Courts must impose sentences – and I would add, damages awards – that are commensurate with the gravity of sexual offences against children.

It is not sufficient for courts to simply state that sexual offences against children are serious….courts must recognize and give effect to (1) the inherent wrongfulness of these offences; (2) the potential harm to children that flows from these offences; and (3) the actual harm that children suffer as a result of these offences.

- Sexual violence against children "inherently has the potential to cause several recognized forms of harm". These are harms that manifest themselves:

1. During childhood, such as self-destructive behaviours, acting out, guilty feelings and shame, lack of trust, low self esteem, inability to concentrate in school, running away from home, sleep disturbances and nightmares, anxiety, and depression; and
2. During the victim's adult years, such as difficulty forming loving and caring relationships with others, being prone to engage in sexual violence against children themselves, and struggling with substance abuse, mental illness, PTSD (post-traumatic stress disorder), eating disorders, suicidal ideation, self-harming behaviours, anxiety, depression, sleep disturbances, anger and poor self esteem.

- The Supreme Court warned that lower courts must reject the belief there is no serious harm if there was no additional physical violence that caused actual physical injury. It also warned against the tendency to downplay the wrongfulness of child sexual abuse or its harm to the victim where the acts did not involve penetration, fellatio or cunnilingus, but instead involved touching or masturbation. The notion that the latter kinds of sexual touching are "relatively benign" and thus inherently less harmful is, the Supreme Court said, "a myth that must be rejected". Why? Because it does not provide any meaningful insight into how the actions were experienced by the targeted child.

[C]ourts have at times spoken of the degree of physical interference as a type of ladder of physical acts with touching and masturbation at the least wrongful end of the scale, fellatio and cunnilingus in the mid-range, and penile penetration at the most wrongful end of the scale... This is an error — there is no type of hierarchy of physical acts for the purposes of determining the degree of physical interference. As the Ontario Court of Appeal recognized in Stuckless (2019), physical acts such as digital penetration and fellatio can be just as serious a violation of the victim's bodily integrity as penile penetration... Similarly, it is an error to assume that an assault that involves touching is inherently less physically intrusive than an assault that involves fellatio, cunnilingus, or penetration. For instance, depending on the circumstances of the case, touching that is both extensive and intrusive can be equally or even more physically intrusive than an act of fellatio, cunnilingus, or penetration. [emphasis added]

- The Supreme Court has reminded us that words matter, including those used by courts when they deal with child sexual abuse. Use of terms like "fondling" or "caressing" must stop. This is because they

implicitly characterize the perpetrator's conduct as erotic or affectionate, instead of inherently violent. Language like this is misleading and risks normalizing the very conduct that is being scrutinized and condemned.

- In cases where the target of sexual abuse is too young or otherwise unable or unavailable to provide direct evidence of the actual harm suffered, courts may nonetheless find actual harm based on factors such as breach of trust, grooming, multiple instances of sexual violence, and the young age of the child. The Supreme Court stressed that direct evidence from children or their caregivers is not required for a court to find that children have suffered actual harm as a result of sexual violence.
- Sexual interference with a child should not be treated as less serious than sexual assault against an adult, and sexual offences against children should generally be punished more severely than the same offences against adults. I would argue this differentiation has already been recognized in the civil context. Damages awarded to victims of child sexual abuse will usually exceed those awarded to adult victims. Whereas the upper range of general damages in child sexual abuse cases can exceed $385,000 (*M. v. Marson*, 2018 ONSC 3493 (CanLII)), the upper end of such damages where an adult is targeted is more in the range of $300,000 *(Zando v. Ali*, 2018 ONCA 680 (CanLII), aff'g 2017 ONSC 1289). For more on these kinds of awards, see my posts "Trends in civil sexual abuse awards, Part 1 and Part 2".
- A child victim's "participation" in sexual activity is not *de facto* consent and should never be treated as a mitigating factor. The Supreme Court's clear directive that such participation is not a legally relevant consideration at sentencing should, I would argue, apply equally to damages in civil sexual abuse cases. The Supreme Court appropriately acknowledged that "*Adolescence can be a confusing and challenging time for young people as they grow and mature, navigate friendships and peer groups, and discover their sexuality.*" It warned that a victim's participation should not distract from the harm suffered, and moreover that the absence of additional overt violence, such as weapons, intimidation and physical injury, does not mean the inherent violence of the sexual abuse of the child should be ignored or downplayed.
- Departure from prior precedents, be it from sentencing ranges, and I would add from civil damages awards, may be required to ensure a

> proportionate punishment and remedy are imposed and granted. The Supreme Court warned that not only should courts be cautious about relying on dated precedents that do not reflect current awareness of the impact of sexual abuse on children, but more recent precedents must also be treated with caution if they simply follow dated precedents. This warning by our top court rings equally true in the civil as in the criminal context.

While protection of children is one of the most fundamental values of Canadian society, the Supreme Court of Canada observed that sexual violence against this vulnerable group "turns this value on its head". *R. v. Friesen* is a refreshingly insightful and reflective decision by our highest court that debunks myths and stereotypes and warns about falling prey to common or outdated misconceptions. The Court provides clear direction about how our justice system needs to approach the tragic cases involving child sexual abuse that too often come before it. The Court's warnings and guidance transcend criminal law and should inform all of the legal contexts in which sexual violence against children arise, including the civil context. *R. v. Friesen* truly reflects a wake-up call for every one of us.