

Statement in Support of the Survivor-Led Initiative on Publication Bans

EVA Canada supports the survivor-led [Petition to the Government of Canada](#) that seeks to enable survivors of sexual assault to have a say in publication bans on their own identity.

Publication bans are an important mechanism to protect the identity and privacy of victim-complainants during and after sexual assault trials, in order to increase their safety, minimize victim-blaming, as well as to encourage others to come forward. However, not every survivor wishes for a publication ban to be placed on their identity, nor for it to be indefinite. When publication bans are unwanted, they can act to silence survivors by stopping them from sharing their own story, and they can protect the perpetrator's identity. Survivors such as Kelly, for whom a publication ban was placed on her identity without her knowledge and who wanted the ban lifted, has had [to fight in court to convince a judge that the ban was unnecessary in her case](#) - a process she found humiliating and retraumatizing.

For survivors who choose to speak out about their own experience of sexualized violence and breach their publication ban by doing so, whether inadvertently or not, consequences can be harsh and disproportionate, including [hefty fines](#) or up to two years in custody. **Any penalties levied against survivors for breaching a ban on their own identify must end.**

For survivors who interact with the criminal justice system, **there is a dire need for trauma-informed, survivor-centered processes.** This could include obtaining their **informed consent before placing a ban on their identity**, or perhaps more importantly, **a clear, accessible process to remove the ban at any time.** **Survivors should also have access to legal advocates** to accompany them throughout the court process.

Any changes to existing criminal code legislation should take into consideration the gendered nature of sexualized violence and reflect the intention behind publication bans – that of preventing further harm to survivors. In addition, measures should be taken to mitigate any unintended consequences for survivors choosing to lift their ban, by:

1. Ensuring survivors receive sufficient information about publication bans from prosecutors, coupled with free legal advice. Without access to thorough information, survivors may find themselves making important decisions based on insufficient information, potentially resulting in further harm and revictimization.
2. Ensuring survivors are not penalized for speaking out during an ongoing court case
3. Minimizing the risk of retaliatory libel/defamation lawsuits.
4. Balancing the rights of multiple survivors when there is more than one victim-complainant involved in a court case.

We commend the bravery of the survivors coming forward to speak out against the practice of placing publication bans on their identity without their say and with no clear way to remove them. We support their efforts to make criminal justice processes better adapted to the needs of the survivors who access this system. We also take the opportunity to highlight recommendations #11 and 12 from the [Improving Supports for Victims of Crime](#) Report released in December 2022 by the House of Commons Standing Committee on Justice and Human Rights that echo some of the recommendations put forward by survivors.

Nevertheless, we also recognize that the vast majority of survivors of sexualized violence do not access the criminal justice system. As such, there is **a pressing need for investments into alternatives to the criminal justice system, and into prevention work that addresses the root causes of gender-based violence.**

Add your voice and sign the petition [here](#).