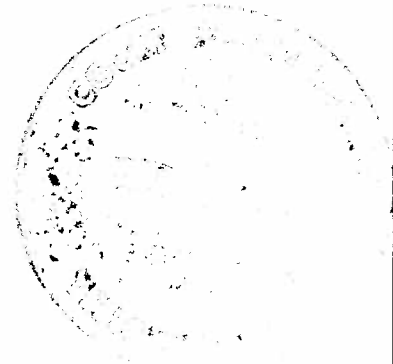


IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES
IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

J P



Transcript of the Reasons for Sentence delivered by
Justice P. C. Power, in Pangnirtung, in the Northwest
Territories, on the 28th day of February, A.D. 1998.

APPEARANCES:

MS. RAE PETERS:	On behalf of the Crown
MR. V. FOLDATS:	On behalf of the Defence

Charge under s. 271 C.C.

1 THE COURT: The accused, J P , has been
2 found guilty by a jury of his peers of 12 citizens of
3 this community on the charge that on October 28th,
4 1996, at Pangnirtung, in the Northwest Territories, he
5 did commit a sexual assault on S. S .

6 In the case of R. v. S.(W.B.) (1992), 73 C.C.C.
7 (3d) 535, reference is made to an informative article
8 entitled:

9
10 "Impact of Child Sexual Abuse: A
11 Review of the Research", by Angela
12 Brown and David Finkelhor, of the
13 Family Violence Research Program and
14 Family Research Laboratory of the
15 University of New Hampshire,
16 published in Psychological Bulletin,
17 January, 1986, vol. 99, No. 1. The
18 article has been disseminated in
19 Canada by the Family Violence
20 Prevention Division, National
21 Clearinghouse on Family Violence,
22 Social Service Programs Branch,
23 Health and Welfare Canada.

24 The article makes certain facts quite
25 clear. The initial effects of sexual
26 abuse of a child may include
27 reactions of fear, anxiety,
depression, anger, hostility, and
inappropriate sexual behaviour. The
long-term effects are summarized as
follows: "Adult women victimized as
children are more likely to manifest
depression, self-destructive
behaviour, anxiety, feelings of
isolation and stigma, poor
self-esteem, a tendency towards
revictimization and substance abuse.
Difficulty in trusting others and
sexual maladjustment in such areas as
sexual dysphoria, sexual dysfunction,
impaired sexual self-esteem and
avoidance of or abstention from
sexual activity have also been
reported by empirical
researchers..."

1 Child abuse is a relatively new
2 medical legal concept and reflects a
3 growing concern by society upon the
4 increasing number of children who
5 suffer from ill treatment by those
6 adults who have the duty to properly
7 care for them. It has taken western
8 society over 19 centuries to come to
9 a realization that children are not
10 the chattels of their parents, and
11 that they have a special right to be
12 reared in such a fashion as will
13 ensure that they can realize their
14 full potential as citizens in a
15 highly developed and competitive
16 world, while the Canadian response to
17 the protection of those rights has in
18 the past been somewhat tentative,
19 having regard to our respect for the
20 sanctity of the family. It can now
21 be set with some degree of assurance
22 that abuse of children in any form is
23 not officially tolerated in any part
24 of this country.

14 Child sexual abuse and neglect are
15 stains on our communities. Abused
16 children not only grow up to be
17 abusive parents, they also act out in
18 regressive ways and form a
19 significant percentage of those who
20 are convicted of criminal offences in
21 both our youth and adult courts.

19 There is one fact which must govern
20 the approach to be taken by the
21 courts to sentencing in cases of
22 sexual abuse of children: that in
23 every case of the sexual abuse of
24 children there is a very real risk of
25 vary real harm to the child. A
26 relationship between the victim and
27 the abuser constitutes an outrageous
breach of trust.

24 It is clear from the cases cited that retribution
25 or revenge is not an appropriate matter to consider
26 with respect to sentencing in cases such as this. A
27 sentencing for sexual assault is never an easy matter.

1 I have deliberated with respect to the case and with
2 respect to the facts of this matter at length, not just
3 today but I had given early thoughts to the facts. It
4 is the fact of the position of trust and the public
5 need to see denunciation which is paramount here.

6 Taking into account the mitigating factors and the
7 aggravating factors, it is my view that a global
8 sentence with respect to the charge that the accused
9 has been found guilty of would be six years
10 imprisonment.

11 The court is fully aware and understands that a
12 sentence imposed on an individual who does not speak
13 the English or French language and is sent to a prison
14 in the south away from his family, away from his
15 culture, is a very severe and harsh sentence. For
16 these reasons, the Court recommends to the prison
17 selection authorities that the sentence of J P
18 shall be served in the Baffin Correctional Centre.
19 That because of the traditional life that the accused
20 is involved with, the Court does not impose any
21 prohibition under Section 100 of the Criminal Code
22 dealing with being in possession of firearms,
23 explosives or ammunition. That because of the
24 financial circumstances of the accused, no victim
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impact fine will be imposed.

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Certified pursuant to Practice
Direction #20 dated December 28,
1987.

Annette Wright

Annette Wright
Court Reporter