Canadian Judicial Council
Conseil canadien de la magistrature

**IN THE MATTER OF AN INQUIRY PURSUANT TO S. 63(1)
OF THE *JUDGES ACT*
REGARDING THE HONOURABLE JUSTICE ROBIN CAMP**

**NOTICE TO JUSTICE ROBIN CAMP
(Pursuant to section 64 of the *Judges Act*, section 5(2) of the Canadian *Judicial Council Inquiries and Investigations By-laws, 2015* and section 3.6 of the *Handbook of Practice and Procedure of CJC Inquiry Committees*)**

TAKE NOTE that an Inquiry Committee has been convened under s. 63(3) of the *Judges Act*, R.S.C. 1985 c. J-1, as a result of a request made by the Minister of Justice and Solicitor General for the Province of Alberta;

The Inquiry Committee is required to conduct an inquiry into whether Mr. Justice Robin Camp (the "Judge") has become incapacitated or disabled from the due execution of the office of judge for any of the reasons set out in paragraphs 65(2)(b) to (d) of the *Judges Act* and should be removed from office;

Statement of Allegations

[1] In the course of the trial in *R. v. Wagar* in the Provincial Court of Alberta at Calgary bearing Docket No. 130288731P1 (the "Trial"), the Judge made comments which reflected an antipathy towards legislation designed to protect the integrity of vulnerable witnesses, and designed to maintain the fairness and effectiveness of the justice system, as follows:

a) Section 276 operates "for better or worse" and it "does hamstring the defence" (page 58 lines 29 to 39). It has to be interpreted "narrowly" (page 60 lines 30 to 32).

b) Section 276 is “very, very incursive legislation” which prevents otherwise permissible questions “because of contemporary thinking” (page 63 lines 5 to 7).

c) No one would argue “the rape shield laws always worked fairly” (page 217 lines 2 to 4).

[2] In the course of the Trial and in giving his reasons for judgment, the Judge engaged in stereotypical or biased thinking in relation to a sexual assault complainant and relied on flawed assumptions which are well-recognized and established in law as rooted in myths:

a) By questioning whether the complainant “abused the first opportunity to report” even though it was “no longer contemporarily relevant” (page 314 lines 22 to 29).

b) By stating, “Young wom[e]n want to have sex, particularly if they’re drunk” (page 322 lines 22 to 24).

c) By commenting during the Crown’s final submissions that the recent complaint doctrine was “followed by every civilized legal system in the world for thousands of years” and “had its reasons” although “[a]t the moment it’s not the law” (page 394 lines 35-41).

d) By judging the complainant's veracity and whether she consented to sexual activity by her not fighting off her alleged aggressor and/or blaming the complainant for the alleged sexual assault (page 375 lines 27-35; pages 395-97; and page 451 lines 2 to 4) and by her lack of visible reaction to the alleged assault (page 451 lines 8 to 11).

e) By hypothesizing a scenario in which the complainant was seeking revenge against the accused which was not based on the evidence before the judge (page 375 lines 32 to 33; and page 414 lines 11 to 18).

f) By adversely commenting on the character of the complainant in a way that went beyond assessing her credibility to denigrating the complainant and to suggesting that her character would make it more likely that she consented to sexual relations (page 353 lines 30 to 31; page 431 lines 29 to 30).

[3] In the course of the Trial, the Judge asked questions of the complainant witness reflecting reliance on discredited, stereotypical assumptions about how someone confronted with sexual assault would or would not behave and/or blaming the complainant for the alleged sexual assault:

a) By asking the complainant, “why didn’t [she] just sink [her] bottom down into the basin so he couldn’t penetrate [her]” (page 119 lines 10 to 11).

b) By asking the complainant, “why couldn’t [she] just keep [her] knees together" (page 119 lines 14 to 15).

c) By suggesting, “if she skews her pelvis slightly she can avoid him” (page 394 line 13).

[4] In the course of the Trial, the Judge made a rude or derogatory personal comment about Crown counsel in the course of disparaging a legal principle she was advancing in her submissions:

a) By stating to the Crown, “I hope you don’t live too long, Ms. Mograbee” when she submitted during an exchange with the judge about the abrogation of the recent complaint rule that “that antiquated way of thinking has been set by the wayside for a reason…” (page 395 lines 2 to 6).

[5] In the course of the Trial and in giving his reasons for judgment, the Judge made comments tending to belittle and trivialize the nature of the allegations made by the complainant:

a) By stating, “Some sex and pain sometimes go together […] that’s not necessarily a bad thing” (page 407 lines 28 to 29).

b) By stating, “sex is very often a challenge” (page 411, lines 34).

c) By stating, “I don’t believe there’s any talk of an attack really” (page 306 lines 9 to 10).

d) By stating, “There is no real talk of real force” (page 437 lines 6 to 7).

e) By stating, “She knew she was drunk […]. Is not an onus on her to be more careful” (page 326 lines 8 to 12).

[6] In the course of the Trial and in giving his reasons for judgment, the Judge made comments tending to belittle women, and expressing stereotypical or biased thinking in relation to a sexual assault complainant:

a) By asking the Crown whether there are “any particular words you must use like the marriage ceremony” to obtain consent to engage in sexual relations (page 384, lines 27 and 28).

b) By stating to the accused, “The law and the way that people approach sexual activity has changed in the last 30 years. I want you to tell your friends, your male friends, that they have to be far more gentle with women. They have to be far more patient. And they have to be very careful. To protect themselves, they have to be very careful” (page 427 lines 21 to 24).

c) By stating to the accused, “You’ve got to be very sure that the girl wants you to do it. Please tell your friends so that they don’t upset women and so that they don’t get into trouble. We’re far more protective of women – young women and older women – than we used to be and that’s the way it should be” (page 427 lines 28 to 33).

May 2, 2016

(Amended July 14, 2016)

The Honourable Austin F. Cullen, Chairperson of the Inquiry Committee, Associate Chief Justice of the Supreme Court of British Columbia

The Honourable Deborah K. Smith, Associate Chief Justice of the Supreme Court of Nova Scotia

The Honourable Raymond P. Whalen, Chief Justice of the Supreme Court of Newfoundland and Labrador, Trial Division

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