

## **Reforms to the Nova Scotia Limitations of Actions Act**

The Nova Scotia Limitations does not have exceptions for the two-year discoverability rule and the 15-year ultimate rule for sexual assault and historical abuse. There are no limitation periods for claims of misconduct of a sexual nature in much of our country. Specifically, there are no limitation periods for claims of a sexual nature in Saskatchewan, Manitoba, British Columbia, Ontario and New Brunswick. With regard to the sexual abuse of children all provinces and territories except Quebec and Alberta have exemptions to the limitation rule. This is an opportunity, a possibility for change in our legal system for women and girls in Nova Scotia.

Sexual assault and historical abuse is underreported to police. Women may also be reluctant to file a claim in Civil Court. There are many impacts associated with sexual trauma such as self blame, shame, guilt, stigma, fear of not being believed, flashbacks, anxiety, depression, increased risk of suicide and a host of other numerous reasons why women do not become involved in legal proceedings. Disruptions in trust, safety, feeling a lack of control and vulnerability hinder one's inclination to get involved in the legal system. The decision to make a civil claim can take years of therapy and decision-making. The current two-year discoverability rule to file in civil court does not allow for the amount of time women may need to process their experience. In addition there is a ripple effect from the individual to partners, family, workplace and community.

When looking at our society globally, men are typically in the most powerful positions in social, political, legal, economical, military and religious institutions. The dominance of men lead to patriarchal societies where men make rules and laws which are structured to uphold the status quo. As a result there is systemic and structural discrimination of women, vulnerable and marginalized groups of society.

Sexual assault and historical abuse is a crime of power and control that is used to instill fear and submission. Avalon Sexual Assault Centre strives to eradicate male violence against women and offers direct services for female victim survivors of sexual violence aged 16 and older. We believe sexual violence continues to exist because of patriarchal power imbalances that exist between men and women and are perpetuated and condoned in our society.

If we remove the barriers of the two-year discoverability rule and the 15-year ultimate rule for sexual assault and replace it with no limitation periods for claims of misconduct of a sexual nature, there is a greater potential for victim survivors to access Civil Court. This could mean that we have more convictions of sexual battery. We recommend that the proposed Limitations of Actions Act remove any limitation period for claims of trespass to the person, assault or battery if:

- a) The claim is based on misconduct of a sexual nature or,
- b) The claimant was dependent on or,
- c) The claimant is/was in an intimate relationship with the defendant at the time of the harm