

***R. v Ryan* (SCC) (Hearing scheduled for June 14, 2012)**

The Canadian Association of Elizabeth Fry Societies (CAEFS) and the Women's Legal Education and Action Fund (LEAF) have been granted leave to intervene in Coalition at the Supreme Court of Canada in *R. v Ryan*, as the Court considers for the first time, the availability of the defense of duress in the domestic violence setting.

In *Ryan*, the trial judge accepted the testimony of the Defendant (Ms. Doucet) regarding the extensive history of physical, psychological and sexual violence at the hands of her husband, including instances of death threats, stalking, strangulation and assault with a weapon. *Ryan* told Ms. Doucet that he would kill her and their daughter if she ever tried to leave. When she finally left *Ryan* after 15 years, she feared for her and her daughter's life and repeatedly sought the assistance of the police and victim services for protection. Her pleas went unheeded. With no place left to turn, Ms Doucet sought the assistance of a third party to protect herself and her daughter. But the third party turned out to be a police officer working under cover. On the basis of her discussions with that undercover officer, Ms Doucet was charged with counseling to commit murder.

Both the Nova Scotia Supreme Court and the Nova Scotia Court of Appeal acquitted Ms Doucet on the basis of duress, recognizing she had been subjected to a "reign of terror" and reasonably feared that she and her daughter would be killed by *Ryan*, she made repeated attempts to seek the protection of the state, and that she had "no other safe avenue of escape open to her".

CAEFS and LEAF have intervened in the appeal in order to raise fundamental issues about the availability of defences to abused women who take action to protect themselves and their children. Far too many women and children who experience violence at the hands of their abusive male partners or fathers are not protected by the state. Decisions not to prosecute abusive men too often reflect stereotypical assumptions about battered women and the options available to them. CAEFS and LEAF maintain that sections 7 and 15 of the Charter require that criminal law defences be defined in a manner that address the realities of abused women's lives, including the defense of duress.

The case will be heard by the Supreme Court of Canada on June 14, 2012.