

Guidelines for Reform

Reform of the Criminal Code should provide protection from their assailants pending trial to all women, regardless of their relationship to the assailant. Possible reforms include a) mandatory arrest of the accused and release on conditions in situation where there has been a relationship between the parties and b) revision of S 810 of the Criminal Code (peace bonds) to provide for interim protection on application by the woman, without notice to the assailant where her safety so requires.

While there may be a concern as to the effect of such reforms on the right of the accused to be presumed innocent until proven guilty, we would point out that both proposals are interim measures which in no way affect the result at trial and that peace bonds are not a criminal offence. Further, we submit that violence against women is a pressing and substantial problem in Canada and that these proposals could be justified as reasonable limits on the accused's rights, under section 1 of the Canadian Charter of Rights and Freedoms.

Submitted by the Ottawa-Carleton
Regional Co-ordinating Committee
on Wife Assault

15 April 1991