

threatened, physically and sexually assaulted and even killed by men who are under a restraining order from the court. Judith Parrack, a practising family lawyer associated with the National Association of Women and the Law, provided the Committee with an example of her experience with no contact orders.

I have a woman right now who has a restraining order, an exclusive possession order, and every order you can think. Her husband broke in Friday night and beat her up. Men have an opinion that they are above the law. Because of the lack of immediate police response that is swift and clear, they continue to get the message that they can sort of play the line and see how far they push it before somebody will actually act. (4:50)

Breaches of court orders have had lethal outcomes for women as well. In a final, desperate act of rage against the independent action taken by his estranged wife, in April 1991 a Gloucester, Ontario, man shot her to death as she was leaving her home for work and then turned the gun on himself. The assailant was under court order prohibiting him from going anywhere near the victim and was awaiting trial for breaching that order.

Witnesses advised the Committee that it should be made police policy that in cases of wife assault, the alleged offender should be removed from the home. They emphasized that it is imperative that any policy denying access to the family home be accompanied by clear and precise instructions to the police specifying how to respond to reported breaches of the "no contact" conditions and to the courts specifying penalties to be imposed on those convicted of breaching such an order.

The Committee is convinced that the current practice that forces victims of wife assault and their children to leave the family home and live in a crowded shelter in order to protect themselves from their abuser is fundamentally flawed and inequitable. This practice re-victimizes victims and fails to register adequate disapproval of the assailant's behaviour.

RECOMMENDATION 16

The Committee recommends that the federal government develop a legal policy that would allow a judge, on a request from a Crown prosecutor, to issue an order removing a man charged with assaulting his spouse or partner from the family home. The legal policy should ensure that the police and the courts provide adequate protection to the victim and enforce the court order.