



HOUSE OF COMMONS  
CANADA

# THE WAR AGAINST WOMEN

Report of the Standing Committee on Health and  
Welfare, Social Affairs, Seniors and the Status of Women

Barbara Greene, M.P.  
Chair

Sub-Committee on the Status of Women

June 1991

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CHAMBRE DES COMMUNES

Issue No. 3  
Tuesday, June 11, 1991  
Tuesday, June 18, 1991  
Chair: Barbara Greene

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Le mardi 11 juin 1991  
Le mardi 18 juin 1991  
Présidence: Barbara Greene

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and the Status of  
Women

Santé et du Bien-être  
social, des Affaires  
sociales, du Troisième  
condition  
féminine

# THE WAR AGAINST WOMEN

RESPECTING:

CONCERNANT:

Consideration of the First Report of the Sub-Committee on the Status of Women

Étude de premier rapport de Sous-comité de la condition féminine

INCLUDING:

**Report of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women**

First Report to the House on The War Against Women

La guerre contre les femmes

**Barbara Greene, M.P.  
Chair**

**Sub-Committee on the Status of Women**

Third Session of the Thirty-fourth Parliament, 1991

**June 1991**

troisième session de la trente-quatrième législature



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Y COMPRIS:

Premier rapport à la Chambre :  
La guerre contre les femmes

Third Session of the Thirty-fourth Parliament,  
1991

Troisième session de la trente-quatrième législature,  
1991

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WELFARE, SOCIAL AFFAIRS, SENIORS AND THE  
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Second Session of the Thirty-fourth Parliament,  
1989-90-91

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*Clerk of the Sub-Committee*

Third Session of the Thirty-fourth Parliament,  
1991

SOUS-COMITÉ SUR LA CONDITION FÉMININE DU  
COMITÉ PERMANENT DE LA SANTÉ ET DU  
BIEN-ÊTRE SOCIAL, DES AFFAIRES SOCIALES, DU  
TROISIÈME ÂGE ET DE LA CONDITION FÉMININE

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*La greffière du Sous-comité*

Christine Fisher

Troisième session de la trente-quatrième législature,  
1991

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The Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women has the honour to present its

## **FIRST REPORT**

In accordance with its mandate under Standing Order 108(1), your Committee established a Sub-Committee and assigned it the responsibility of examining the subject of the status of women.

The Sub-Committee submitted its First Report to the Committee.

Your Committee received the following Report which reads as follows:

FIRST REPORT OF THE SUB-COMMITTEE  
ON THE STATUS OF WOMEN

THE WAR AGAINST WOMEN

June 1991



The Sub-Committee acknowledges, with gratitude, the cooperation and support of all the women and men who contributed to this study of violence against women. We extend our thanks to all the witnesses who appeared and shared with us their knowledge, experience and insight on this sensitive subject.

The Sub-Committee also acknowledges, with thanks, the contribution of Ms Patricia Begin, from the Library of Parliament Research Branch, who led the research and the drafting of the report. Thanks also to Ms Karen Douglas, from the Library of Parliament Research Branch, who provided research support at the drafting stage.

The Sub-Committee expresses its appreciation for the essential services provided by Marie Camère, Clerk of the Sub-Committee throughout the research process.

## FIRST REPORT OF THE SUB-COMMITTEE ON THE STATUS OF WOMEN

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## ACKNOWLEDGEMENTS

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The Sub-Committee expresses its appreciation for the essential services provided by Marie Carrière, Clerk of the Sub-Committee throughout its hearings and for the assistance of Procedural Clerks, Christine Fisher and Nino Travella.

Many thanks also for the valuable cooperation of the staff of the Committees Directorate, the Translation Bureau of the Secretary of State, and the Support Services of the House of Commons and the Research Branch of the Library of Parliament.

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## LIST OF RECOMMENDATIONS

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1. The Committee recommends that the federal government exercise its leadership role to ensure security of the person for all Canadian women by mounting a national, multi-media education campaign on violence against women. The campaign should expressly denounce violence against women as criminal behaviour and emphasize societal responsibility for its prevention.
2. The Committee recommends that the federal government initiate discussions with provincial and territorial governments to ensure that the community has adequate resources to accommodate the demand for services that will emanate from the multi-media campaign on violence against women.
3. The Committee recommends that the federal government work with the provinces, the territories and relevant professions to promote strong and consistent violence-prevention education in schools across the country. The federal government should attempt to ensure that such education expressly addresses gender-equality issues and is a mandatory part of the school curriculum in all elementary, junior and high schools.
4. The Committee recommends that the federal government work with the provinces to promote policies governing educational institutions, parks and recreation departments and amateur sport organizations to eliminate practices which are barriers to the full participation of girls and to ensure that all individuals have equal access and equal opportunity to develop to their maximum potential.
5. The Committee recommends that the federal government work with the provinces, the territories and relevant professions to promote media literacy education in the high school curriculum across the country. Media literacy instruction teaches students to critically assess media representations and messages including violence against women.
6. The Committee recommends that the federal government take the lead role on gender sensitivity training for law enforcement personnel by requiring police officers in the federal sector (R.C.M.P.) to take mandatory training and refresher courses that focus on the prevalence of violence against women and children, its symptoms, its consequences for victims, and appropriate ways to respond to victims' needs. The content of the courses should be developed in consultation with front-line agencies

- that work with female victims of violence. The federal government should make available appropriate resources to provincial and municipal governments to enable them to require their personnel in the law enforcement, social and health sectors to take these courses.
7. The Committee recommends that the federal government take the lead on gender sensitivity training for judges by requiring section 96 judges (federally appointed judges) to take training and refresher courses that focus on violence against women and related gender-equality issues. The federal government should also encourage the provinces to require their provincially appointed judges to take these courses. The content of the courses should be developed in consultation with front-line agencies that work with female victims of violence.
  8. The Committee recommends that the federal government move within its own jurisdiction to eliminate systemic barriers which prevent women from enjoying equality of opportunity and security, and encourage the provinces to also do so.
  9. The Committee recommends that Parliament mandate the Women's Parliamentary Association (WPA) to study, and present a report, within six months on existing systemic barriers to women's full participation within the House of Commons and its Support Services, and to make recommendations for the elimination of such systemic barriers.
  10. The Committee recommends that the Canadian Advisory Council on the Status of Women be invited to conduct gender-sensitivity programs for Members of Parliament.
  11. The Committee recommends that the federal government take the lead role to ensure that secure, long-term funding is available for front-line agencies providing services to assaulted and abused women and girls. Financial support is needed to ensure that services will be accessible to all women in need and sensitive to the needs of women with disabilities, elderly women, and women who are immigrants and/or members of visible minorities.
  12. The Committee recommends that the federal government immediately release the evaluation results of its research on the effectiveness of the different program models for men who batter women.
  13. The Committee recommends that the federal government require federal prosecutors in the territories to take education courses on violence against women and that the prosecutors be directed to recommend mandatory counselling and treatment, in addition to other criminal penalties that apply, in cases where a man has

been convicted of assaulting his wife or partner. The content of the education courses should be developed in consultation with front-line agencies that work with female victims of violence. The federal government should also encourage provincial governments to direct their Crown prosecutors to take these courses and to recommend, in addition to other sentencing options, mandatory counselling and treatment programs in wife assault cases.

14. While the Committee recognizes assistance to victims to be a funding priority, it recommends that the federal government take the lead role to ensure that stable, adequate funding is available for treatment programs for violent men. Funding should go to program models that have been identified as the most effective in the federal government's evaluation research on treatment and counselling programs for men who batter.
15. The Committee recommends that the federal government take the lead role in coordinating the development of a housing policy in Canada and providing tangible support to resolve the crisis in affordable and accessible accommodation confronting low income earners and the poor, particularly for women who are not safe in their homes.
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.
17. The Committee recommends that the federal government take the lead role in stressing the importance of the mandatory charging policy in cases of physical and sexual assault and abuse by directing the R.C.M.P. to assiduously follow the policy. The federal government should also encourage provincial governments to direct their police forces to consistently support their respective mandatory charging policies.
18. The Committee recommends that an administrative body or task force, comprised of individuals with expertise in law as well as other expertise in areas affecting women's equality, be struck and charged with the task of developing equality-enhancing legislative responses to violence against women, through timely and meaningful consultation with equality-seeking groups. The groups should be provided with funding to enable them to develop their expertise and provide the

committee with input and assistance. This task force would be responsible for the screening of all legislative initiatives to determine their consistency with women's equality.

19. The Committee recommends that legislation adopted by Parliament which is designed to enhance the equality of women and to stop violence against women contain strong Preambles acknowledging women's inequality in Canadian society and invoking the constitutional equality guarantees as the purpose of the law.
20. The Committee recommends that, if the Supreme Court of Canada strikes down sections 276 and 277 of the *Criminal Code*, Parliament re-enact the provisions using section 33 of the Charter (the override provision) to protect the provisions from further constitutional challenges or erosion.
21. The Committee recommends that Parliament repeal the defence of "mistake of fact" which relates to honest mistaken belief in consent in sexual assault cases, as was articulated in the *Pappajohn* case.
22. The Committee recommends that the *Divorce Act* be amended to ensure that violence against women or children, including wife assault, sexual abuse and sexual assault, are factors to be considered in the determination of the custody of and access to children.
23. The Committee recommends that Parliament revisit the issue of gun control, and introduce legislation that will be stronger in the following specific ways: that gun ownership be reaffirmed as a privilege, and not as a right; that the privilege of gun ownership not be granted to persons who have been convicted of crimes against the person or other serious offences; that the minimum age for gun ownership be raised from 16 to 18 years; that semi-automatic weapons be made restricted weapons; that all weapons be required to be registered by type and serial number on the owner's Firearms Acquisitions Certificate (FAC); that a FAC be required for the purchase of ammunition; that a national data base of gun owners and guns be set up; that women and non-gun owners be included in the process of defining safe storage requirements for guns and that the safe storage requirements be enforced; that all assault weapons be removed from circulation; and that the necessary resources be allotted to each of these initiatives.
24. The Committee recommends that the federal government, in consultation with the Native Women's Association of Canada and other aboriginal women's organizations, establish a task force on family violence in aboriginal communities.

25. The Committee recommends that the federal government take a leadership role and work with women's groups across the country and with the provinces to establish a royal commission on violence against women.

## INTRODUCTION

---

The shocking and senseless murder of 14 women engineering students at École Polytechnique on December 6, 1989, was an unprecedented human and social tragedy in Canada. As Marc Lépine used a semi-automatic weapon to slaughter the young women in less than 20 minutes he made it clear that his act was based on his perception of them as "feminists", whom he hated, and who, by virtue of occupying spaces in the engineering school at the University of Montreal, were denying him his right to be there. This dramatic expression of male rage against women focused public attention on violence against women in Canadian society. In its aftermath, feminists and others stated in concert that the actions of Marc Lépine represented an extreme form of the violence women regularly confront in their lives. In her appearance before the Committee, Mary Collins, the Minister Responsible for the Status of Women, aptly expressed this view. The Minister stated: "the events that took place in Montreal are reflective of the same kind of violence that rustres the lives of so many women in Canada every day, in their homes, on the street, and at work" (1:13).

In essence, the Montreal massacre was the catalyst for Canadians to demand that violence against women be put on the public agenda. It generated a country-wide call for solutions to eradicate this abuse of power which threatens the personal security, safety and equality of Canadian women.

On June 22, 1989, the Standing Committee on Health and Welfare, Social Affairs, Seniors and on the Status of Women established the Sub-Committee on the Status of Women. On December 4, 1990, the Sub-Committee adopted the following terms of reference:

To enquire into the definitions, incidence, causes and costs of the problem of violence against women in Canadian society and the response of the criminal justice system, community groups and government to this problem and the role and responsibility of governments in seeking resolutions to it.



## INTRODUCTION

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Submissions were invited from interested parties on any relevant issues, particularly the following:

- 1) media images of women which provoke and perpetuate violence against women;
- 2) violence against particular groups of women — immigrant women, disabled women, older women, native women, women living in rural areas, women achievers in non-traditional fields including women in colleges and universities;
- 3) the nature of violence against women including whether there is a relationship between violence against women and the proliferation of firearms and increasingly powerful firearms;
- 4) program models and protocols developed by police, non-governmental organizations and community groups to prevent and respond to violence against women and obstacles to successful responses;
- 5) educational programs and resources developed to foster healthy attitudes toward human sexuality and human dignity;
- 6) models for conflict resolution and successful treatment programs for abusers; and
- 7) the need for a Royal Commission on Violence Against Women and what issues such a commission should include.

Over a five-month period, the Sub-Committee heard and received written submissions from abused women; government officials; a host of non-governmental community-based agencies and organizations which deliver services to abused women, children and abusers; professional organizations and associations which act as educators of and advocates for women victims of violence; and individual experts and commentators.

The testimony is to be found in Issue Nos. 1–13 of the Subcommittee on the Status of Women for the Second Session of the Thirty–Fourth Parliament.

This report is structured as follows. The first section defines violence against women and its incidence in Canadian society. The next section discusses the relationship between the inequality of women in this society and their vulnerability to victimization. The third section of the report describes the human and economic costs of violence against women. The report also sets out the Committee's findings and recommendations on issues it believes are in need of reform.

# DEFINITION OF VIOLENCE AGAINST WOMEN

WOMEN IN CANADA

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The definition of violence against women that has informed the Committee's thinking throughout this report is borrowed from the Brief entitled *Male Violence Against Women: The Brutal Face of Inequality*, which was submitted to the Committee by the Canadian Advisory Council on the Status of Women.

Violence against women is a multifaceted problem which encompasses physical, psychological, and economic violations of women which is integrally linked to the social/economic/political structures, values, and policies that silence women in our society, support gender-based discrimination, and maintain women's inequality.

This definition relates the abuse of women to their unequal status in our society and to societal beliefs, attitudes and values that condone violence against women. It is the view of the Committee that conceptualizing violence against women in this way leads to the inevitable conclusion that effective solutions to the problem must involve altering the status of women and traditional values that structure gender relations.

The national statistical reporting system in Canada, the Uniform Crime Reporting (UCR) system, contains statistics on criminal incidents in Canada. This database includes only crimes reported to police and records reported incidents of wife assault or assault. The UCR does not contain descriptive information about the relationship between victims and offenders or about the circumstances of the offence which would identify incidents of violence against women in the family.

In order to measure the frequency of those crimes that do not come to the attention of enforcement officials and those which take place in the family home, other sources of data have been developed. Victimization surveys ask respondents to report anonymously on incidents in a particular time frame in which they were the victim of a physical or sexual assault. One of the advantages of such surveys is that they measure both those incidents that were and were not reported to police. Another source of data are public opinion surveys measuring public attitudes towards and awareness of violence against women. Special studies carried out with shelters for battered women, sexual assault centres and other front-line agencies provide information on the number of victims who have sought assistance from these agencies.



# THE INCIDENCE OF VIOLENCE AGAINST WOMEN IN CANADA

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Rarely a day goes by in this country in which Canadian media do not carry reports of sexual and physical assaults, perpetrated by trusted persons and strangers against girls and women. The frequency with which incidents of this nature are reported in the media would lead the most Canadians to conclude that violence against women is, indeed, a serious problem in Canada. In fact, the gravity of the situation is far greater than the number of cases in news reports suggests. Research has shown that most women who are victims of violence do not report their victimization to the police. As a result, its actual incidence is largely invisible and absent from official crime statistics and, by extension, from media coverage. Indeed, sexual assault and wife assault are two crimes known to be significantly under-reported relative to other crimes of violence. A Canada-wide survey published in 1985 found that fewer than 40% of female sexual assault victims and less than half of wife assault victims had made a report to the police. Studies show that women's reluctance to report violent attacks against them is related to fear of retaliation that would result in further violence or death, lack of confidence in the police and the courts, guilt, and embarrassment.

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The incidence of violence perpetrated against women in this country received a considerable amount of attention from many witnesses. They presented the Committee with a shocking array of statistics derived from official data sources, victimization and public attitude surveys and special studies of emergency service providers.

- In 1989, 12,970 sexual assaults were known to the police. Between 1983 and 1989, the number of complaints of sexual assault made to the police increased by 93%. Every 17 minutes there is a sexual assault committed in Canada and 90% of the victims are female. One in four women will be sexually assaulted at some time in their lives, half before the age of 17. Between 63% and 83% of female victims will be sexually assaulted by someone they know. There are between 14,000 and 18,000 sexual assaults in the province of Quebec every year.
- Of aboriginal women surveyed in a recent study by the Ontario Native Women's Association, 80% had been assaulted or abused. In Toronto secondary schools, 20% of girls reported having been sexually assaulted and 11% reported physical violence while dating. One study reported that 53% of women who have been disabled from birth had been raped, abused, or assaulted. In the province of Quebec, of the requests for assistance received by sexual assault centres, 40% to 50% are from women who are incest survivors. Approximately 60% of women physically or sexually assaulted by their husbands or partners are injured, and 20% require medical attention. At least 50% of women are afraid to walk on their own streets at night unaccompanied.
- At least 1 in 10 women is physically and/or sexually assaulted each year by a husband, ex-husband or live-in partner. A woman is hit by a husband or partner an average of 30 times before she even calls the police. In any given year, if a woman is assaulted by a man in the community, it is 13 times more likely to be her partner than a stranger. In 1989, in Ontario, 78 transition houses accommodated 9,838 women, accompanied by 11,000 children, and 87% of the families were in an emergency shelter because of domestic violence. Osborne House, one of the largest shelters in Canada, provided emergency shelter to 2,000 women and children in the city of Winnipeg in 1989. The husband is the victim of battering in no more than 5% of all assaults by one spouse against another.
- In 1989, 48% of Canadians reported that they personally knew of situations in which women were physically abused by husbands or live-in partners. Of children who have lived in a shelter, 25% indicated, before counselling, that it was appropriate for a man to strike a woman if the house was messy. Of the total number of adults and juveniles charged by the police for crimes of violence in 1989, 89% were males. A study done in London, Ontario, in 1987, found that over 50% of young offenders

charged with crimes against the person had been exposed to domestic violence as children. Research found that the rate of wife-beating was 1,000 higher for men who had observed violence in childhood than for men who had not had similar experiences.

- A 1982 Canada-wide study found that 54% of all assaults against separated women were committed by former marital partners. In 1989, 119 women were murdered in Canada by current or former husbands or partners. Of all women murdered in Canada, 62% are killed by their partners. Trudy Don, the Executive Director of the Ontario Association of Interval and Transition Houses Against Abused Women reported that in the last four or five years there has been a marked increase in the number of women killed after they have, in effect, followed all the expected stages involved in leaving a violent relationship. “They have gone through the transition house, through counselling, through the legal system and through the custody battles for the children, and she still gets killed” (5:80).

Many of the witnesses implied in their submissions that these facts speak to the endemic, deeply rooted nature of violence against women in our society. They emphasized that the sheer volume of female victimization makes it unlikely that these incidents are independent of our system of values and attitudes and that the perpetrators are all aberrant or insane individuals. The Minister Responsible for the Status of Women informed the Committee that male violence against women is a form of the discrimination in our society that exists on a continuum that includes sexist jokes, pornography, sexual harassment, prostitution, emotional, psychological and physical wife assault, date violence, child abuse, incest, and individual, serial and mass murders (1:14).

Diane Lemieux, Coordinator, *Regroupement québécois des Centres d'aide et de lutte contre les agressions à caractère sexuel*, suggested to the Committee that the violence perpetrated against women is analogous to the aggression toward women that occurs during war time. Women in war locations are raped, threatened, harassed, beaten and killed. She likened rape crisis centres and shelters for battered women to a Red Cross for women where the physical and psychological wounds of the survivors are treated (13:5). Patricia Marshall, the Executive Director of METRAC, reiterated this war metaphor in her evidence. “I said this was a war on women. There is a need for war budget” (5:109).

Parentetically, according to a recent Amnesty International report, *Women in the Front Lines: Human Rights Violations Against Women*, human rights violations against women, including rape, sexual humiliation, threats of rape and physical violence intended to degrade, humiliate, and intimidate, occur on a world-wide scale, and are particularly evident in situations of political conflict (Amnesty International, *Women in the Front Lines: Human Rights Violations Against Women*, Amnesty International Publications, New York, 1991).

## RELATIONSHIP BETWEEN WOMEN'S INEQUALITY AND VIOLENCE

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The pervasiveness of violence against women has led many commentators on the subject to conclude that the phenomenon can be understood only by examining the social context of women's lives. The Committee was told that violence against women both reflects and reinforces women's inequality of status in relation to men. That is, the vulnerability of women to violence is integrally linked to the social, economic, and political inequalities women experience as part of their daily lives. Moreover, violence and fear of violence deprive women of their ability to achieve equality.

Many witnesses highlighted in their testimony the distressing, and all too familiar, unequal distribution of wealth, power and privilege between men and women in Canadian society. The Committee heard from Sheila McIntyre, of the Women's Legal Education and Action Fund, that the feminization of poverty is growing, particularly among single parent mothers and elderly women. The wage gap between male and female earners remains unchanged, with a woman earning 66 cents of every dollar earned by a man in full-time employment. Women are likely to work in occupations which are characterized by low-paid, non-union, casual or part-time jobs with inadequate benefits or pensions, or none. Women are under-represented in managerial and leadership positions in both the public and the private sectors (4:27).

If a woman is living in a violent relationship, is responsible for children, and is economically dependent on her partner, her options are limited by her access to resources. Economic resources purchase safety and services. Money is needed to move, to hire a lawyer, to pay rent, to feed and clothe herself and her children, to access to child care, to pay for transportation, to return to school or enter a job-training program, and so forth. We know from research in one jurisdiction in the United States that after a couple's separation, men's standard of living on average rose by 42%, while that of women and their children declined by 73%. These factors make women economically insecure and dependent on men for financial support and, by extension, susceptible to violence.

A further explanation of male violence against women is the presence of traditional values associated with sex roles. Witnesses expressed concern about the manner in which masculinity and femininity are constructed in our society. Men are encouraged to

be aggressive, strong, and in control. Conversely, women are expected to be passive, obedient and submissive. According to research studies, abusive men hold traditional views of male authority and female compliance. They adhere to the belief that they have the right to control persons with less status, particularly their wife and children. The Committee was informed of research findings showing that societies with male-dominant marriages have the highest rate of violence against women and societies with egalitarian marriages have the lowest.

Witnesses concluded that the enduring nature of violence against women is evidence that change will come about only when society's underlying structure and beliefs concerning sex roles and gender inequality are made visible and challenged.

During her appearance before the Committee, the Minister Responsible for the Status of Women advocated changes in the structures of society that keep women subordinate.

It is obvious from this cursory look at what we both know of the causes of violence against women that it is both a frightening symptom and a product of the subordination of women in society. Therefore, any efforts to address this violence must be broadly based strategies designed to effect fundamental change in the social and economic structures that maintain the subordination of women. These strategies must be considered and pursued in the context of overall efforts to promote equality for women. (1:19)

The Committee is impressed with this assessment and agrees with the thrust of the Minister's analysis. The relationship between inequality and violence is a theme that runs throughout this report.

## COSTS OF VIOLENCE AGAINST WOMEN

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When women are abused, there are costs to the victim, her family and to society. Witnesses pointed out that taxpayers pay significant sums of money in medical costs to doctors' offices, hospital emergency wards, and mental health clinics; in criminal justice costs for police services, courts and corrections; and, in social service costs for welfare, housing, and day care. As well, given that women are a major part of the labour force, employers pay for violence against women in high absenteeism costs and low productivity rates.

The physical effects on women who experience violence include broken bones, internal injuries, bruises, black eyes, burns, bites, lacerations, knife and gun shot wounds, and death. The psychological effects of violence are significant as well. It has been well-documented that women who are abused by a man with whom they are in an intimate relationship typically suffer from low self-esteem, fear, loss of control, and isolation. They internalize blame and minimize the impact of the violence. They perceive that they have limited options for setting their lives on a new course and their negative self-worth keeps them dependent and passive. Women who have been sexually assaulted are approximately five times more likely to have a nervous breakdown, six times more likely to attempt suicide, and eight times more likely to commit suicide or die prematurely (5:8).

Witnesses from the Addiction Research Foundation presented the Committee with research findings from an Ontario study of randomly selected women over 18 living with a male partner. The research shows that physical and sexual violence against women and children causes emotional trauma that leads to alcohol and drug abuse by the victim as a means of easing the physical and emotional pain (9:21).

Compared to women who have not been physically or sexually abused as children, 50% more women who were physically abused as children by either parent use drugs to sleep, and 100% more use drugs to calm down. Women sexually abused as children are twice as likely as other women to use drugs to sleep, and three times as likely to use drugs to calm down.

Compared to women who have not been physically or sexually abused as adults, 40% more battered women report using drugs to sleep, and 74% more battered women report using drugs to relieve anxiety. Sexually assaulted women are two-and-one-half times more likely than other women to use drugs to help them sleep, and nearly four times as likely to use drugs to combat anxiety.

Dr. Jeri Wine, of the Canadian Research Institute for the Advancement of Women, cited the findings of a recent study of women who are in psychiatric wards in Toronto general hospitals. Interviews revealed that 90% of them had suffered from severe sexual and/or physical abuse in their childhood. The witness concluded: "So clearly the costs of early abuse to the social health and mental health care systems is extremely high" (12:35).

The impact of violence against women extends beyond the victim to her children. There is solid evidence that violence against women is passed from one generation to the next. Witnesses who work with violent men and those who work with survivors of wife abuse told the Committee that child witnesses of violence in the home are likely to repeat the violence either as victims or as perpetrators. Gene Krawetz, a worker with a shelter for battered women in Saskatchewan told the Committee:

Our shelter has been opened for 11 years and we are now starting to see second-generation victims. Young women are coming to us, leaving an abusive relationship. We already know them because they were there with their mothers when they were girls of 10 or 12 or 15. (5:40)

The Committee heard this tragic story repeated by shelter workers from across the country. One of the witnesses who works with children and families involved in the court system pointed out that women do not seek violent men, but rather they are less likely to seek safety for themselves if they were exposed to violence in their family of origin.

The findings from *Creating Choices*, the recently released task force report on federally sentenced women further confirms the maxim "violence breeds violence". The study found that over 80% of the federally sentenced women interviewed had been abused; 68% indicated that they had been physically abused and 54% reported being sexually abused by parents, relatives, foster parents or institutional staff or by boyfriends, husbands or common-law partners. The incidence of assault and abuse among federally sentenced Native women was even higher (Task Force in Federally Sentenced Women, *Creating Choices*, Correctional Service Canada, April 1990, p. 52).

The Family Services Association of Metropolitan Toronto provides group counselling programs for men who batter their wives or partners. Ann Nosko, a social worker with the Association estimates that three-quarters of the men in the programs had experienced violence in their family of origin (12:29).

The school system also pays a price for the violence that children witness or experience in their homes. Kitty O'Callaghan, President of the Canadian Teachers' Federation, described to the Committee the impact of domestic violence on students' behaviour in the classroom.

Children who witness violence usually directed at their mother experience an insidious form of child abuse. Most bear life-long scars from watching their mothers being abused. They become part of a conspiracy of silence. They feel robbed of the affection and support of their mothers, and they exhibit physiological symptoms similar to those children who are physically abused....the disordered behaviours caused by this trauma interfere with students' education and their lives at school. Their experiences preclude any pretense of normal growth and development. (4:10)

The Committee learned from Gene Krawetz, of the Provincial Association of Transition Houses of Saskatchewan, that recognition of the effect of violence on children prompted the Saskatchewan government to incorporate into the definition of children in need of protection in its *Family Services Act* "a child who has been exposed to violence in the family" (5:39).

As noted earlier, violence against women also places a heavy burden on resources available in the community. Many wife assault victims have no independent source of income; when they leave the marital home they are often in need of subsidized housing, legal assistance, and a plethora of social services for themselves and their children. The criminal justice system, including police services, courts and corrections, incurs significant costs in responding to violence against women. In her 1987 report on wife battering in Canada, Linda MacLeod estimated that the total cost of police intervention and related support in wife abuse incidents in 1980 was \$32 million. This figure is not surprising, given the substantial demand on police resources that results from wife assault. By way of example, the witness from the Montreal Urban Community Police Department, John Kousik, told the Committee that since 1987 the Department has handled 19,817 cases of family related violence. This number includes criminal as well as non-criminal incidents (10:8).

In her testimony before the Committee, Dr. Glenda Simms, President of the Canadian Advisory Council on the Status of Women, identified a further cost of abuse borne by women.

Women's fear is perhaps the most pervasive and widespread cost of violence. More than 50% of women in urban areas are afraid to walk on their own streets at night. It is an intolerable situation when women cannot use and enjoy facilities for which they have paid with their taxes. The full range of women's fears extend beyond physical and sexual assault and includes the fear of being unprotected by the justice system, the fear of racism, and the fear for their children's safety, and fear of living in a violent society. (5:8-9)

Violence against women is clearly a multi-system issue. It is a criminal justice problem, a mental and physical health problem and a social problem involving welfare, short-term emergency and long-term affordable housing, job training, pay and employment equity, education, and day care. Accordingly, responses to violence must come from different sectors of Canadian society, including all levels of government. The provinces are responsible for the administration and delivery of health, education, welfare and justice services in this country; however, the Committee sees a strong, leadership role for the federal government to highlight the national importance of human dignity, rights, and equality and promote the right to personal safety and security for all Canadians.

In May 1990, at the annual federal, provincial, territorial meeting of ministers responsible for the status of women in Victoria, B.C., a declaration on violence against women was issued which recognized a number of important principles.

1. Violence against women is a crime and punishable by law.
2. Women are entitled to live in a safe environment.
3. Offenders must be held accountable for their behaviour.
4. The elimination of violence requires a response, including prevention, public education, services and enforcement of the law.
5. Every individual, community and government in Canada must do everything to help women, children and families affected by violence. We must all work together to achieve a society free from violence. (1:22)

The Committee is encouraged by the Victoria Declaration and the commitment from federal, provincial and territorial governments to work towards a violence-free and safe environment for women, children and families in Canada. The recommendations that follow in this report reflect the seriousness the Committee attaches to effectively dealing with violence against women and to the weight to be accorded to this important declaration.

## ISSUES FOR REFORM

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### A. NATIONAL EDUCATION CAMPAIGN ON VIOLENCE AGAINST WOMEN

Witnesses from across the country expressed their dismay and frustration over the lack of societal recognition and understanding of violence against women. Patricia Marshall referred to the dearth of knowledge on this issue as a "national blind spot" that is a threat to the safety and security of women. This state of affairs is seen to be particularly disturbing given the historical and contemporary evidence showing that violence against women, perpetrated by trusted persons and strangers, has in fact existed for centuries. They advocated a national education campaign to put women's safety and security on the public agenda.

The Committee was told that documentation in the research literature show that the public perceives physical and sexual assaults against women to take place mainly among the uneducated and the poor and to be committed by deviant individuals. Unless grievous bodily injury results, these attacks on the person are not regarded as causing long-lasting harm to the victims, many of whom are seen to be the authors of their own victimization because they are too provocative, too sexy, too angry, or too imprudent. These attitudes deny the cross-class character of violence, minimize the effects of violence on the victim, blame the victim, excuse the abuser, and fail to give appropriate weight to the criminal nature of violence against women. Witnesses spoke of mass education as a potentially progressive force to dispel myths about violence and to advance awareness of public responsibility for its occurrence and its prevention.

Glenda Simms, The President of the Canadian Advisory Council on the Status of Women, emphasized that violence against women works against the interests of all members of society:

"Violence against women is a women's issue, a men's issue, and it is society's issue. Massive change is needed to prevent violence in our society.... We must build on the growing awareness of and concern about violence against women. We must work for the equality of all women by working against the violence which keeps women fearful and robs us all of real dignity... Violence against women is morally wrong and it is never in the interests of our society to tolerate violence.  
(5:10)

Witnesses recommended the establishment of a national education campaign that would stress societal responsibility for violence and its prevention. They pointed to the need to heighten the awareness of people, of all ages and from all sectors of society, that

violence is a problem for their daughters, their wives, their girlfriends, their mothers, their sisters, and their neighbours. It is not somebody else's problem. A public education campaign against woman-abuse, analogous to that employed in the national initiative against drunk driving, was advocated. Sheila McIntyre, of the Women's Legal Education and Action Fund, described her thinking on the national program against drunk driving as follows:

The government used the coercive power of the criminal law and the preventive power of RIDE programs, and did a massive campaign that has fundamentally changed attitudes in the course of the last seven years. It is no longer socially acceptable to drink and drive. (4:38)

A campaign of this nature is regarded as having a number of advantages. It appeals to and involves many different sectors of society and thus broadens consciousness of the issue. It encourages the development of peer pressure and thereby renders the behaviour in question socially unacceptable. Ultimately, it has a preventive impact on behaviour.

There was a consensus among witnesses that campaigns to raise public awareness of violence are absolutely necessary. However, heightened awareness results in disclosures and there are too few community resources to accommodate all the new cases. An influx of referrals to shelters for battered women, to sexual assault centres, to programs for men who batter, to mental health centres for children and adults, and to substance abuse treatment facilities generally follow an awareness campaign. While campaigns give the impression that help is available, they rarely provide increased funding to these agencies to cope with the increased numbers who seek assistance. When women leave a violent relationship and seek shelter, they often find there is no room to accommodate them and their children. And, when they seek counselling and treatment for the sexual abuse they suffered as children, and find there is a waiting list of six months to a year, they are re-victimized.

Diane Lemieux, spoke of the outcome of a public education initiative in the province of Quebec:

Last year in Quebec there was a campaign on wife battering, and as a result, the social affairs network was swamped with calls from women. Rumour has it that the campaign was ended because the existing structures could no longer respond to the demand. (13:16)

The demand for services nearly tripled as a result of an awareness campaign in Winnipeg. Marlene Bertrand, Director of Osborne House in Winnipeg, told the Committee:

The emergency crisis telephone line normally receives 500 telephone calls per month. Last year a media campaign on violence against women was struck by the provincial government of Manitoba. At that point, 1300 calls per month were coming from women reaching out for the first time. (4:65)

The Committee agrees with the assessment that there is a national blind spot with respect to violence against women which must be immediately addressed. A national public education campaign would be a mechanism for denouncing violence against women, raising awareness of and sensitivity to the personal safety and security of women, dispelling myths, and involving different sectors of our society, beginning at the national level with legislators, in its prevention. The Committee is convinced that funding for community resources must accompany such an initiative. And it concurs with the proposal put forward by Gene Krawetz, Chair of the Provincial Association of Transition Houses of Saskatchewan, that a public education campaign should not focus solely on the victims of violence. She cautioned the Committee:

"...Any public education campaign that is done needs to be very carefully designed so that we are not appealing to people to have pity for "these poor women" and "those poor children"... It has to be designed in such a way that it is all of society that is held accountable, because of course, the roots of violence against women are embedded in our society in our societal institutions. So it has to be very clearly not them and us but all of us. (5:42)

## **RECOMMENDATION 1**

**The Committee recommends that the federal government exercise its leadership role to ensure security of the person for all Canadian women by mounting a national, multi-media education campaign on violence against women. The campaign should expressly denounce violence against women as criminal behaviour and emphasize societal responsibility for its prevention.**

## **RECOMMENDATION 2**

**The Committee recommends that the federal government initiate discussions with provincial and territorial governments to ensure that the community has adequate resources to accommodate the demand for services that will emanate from the multi-media campaign on violence against women.**

## B. VIOLENCE PREVENTION INSTRUCTION IN SCHOOLS

A number of witnesses argued before the Committee that primary prevention of violence against women should be a national priority. They stressed that the fundamental character of Canadian society will not be altered until we look at how young men and young women are socialized. Accordingly, the education system needs to become an active partner in eradicating violence against women.

According to Kitty O'Callahan, the President of the Canadian Teachers' Federation, the family context of students' lives provides models of how power, control, and punishment should be distributed; these influences on behaviour are acted out in the schools. Abusers and victims are shaped in early life. She added:

Those who observe trends in education from outside the system are ever more likely to call public attention to increasing violence in our schools, to the growing number of at risk students present in schools..., to the unacceptably high drop-out rate, and to an almost fatalistic despair typical of all too many of our adolescents. These kinds of behaviours, according to research, are entirely consistent with those exhibited by young people exposed to violence in the home. The pundits ignore any connections and appear unwilling to explore how the context of children's lives influences the more obvious aspects of schooling. (4:10)

The Committee learned how threats and actual victimization have led to feelings of extreme vulnerability and fear in adolescent women in this country. The Canadian Teachers' Federation carried out interviews across Canada with nearly 1,000 young women between the ages of 11 and 19 to find out how they perceived the world and their place in it. Included in the survey was the open-ended question "Name three things that you thought about in the last day or the last few days." Some of their responses included:

You just have to close your ears and get on with your life. Sometimes you have no choice — the streets or your dad bothering you — or your brother or your uncle. Do men ever stop thinking of you just as something for sex? Life's sad for most people. I know I must be strong, no one is going to take care of me...

Who can you trust these days? I can't be sure it won't happen to me. Can I say no if I loved my dad? (4:8)

Guys force you to do things that you don't want to — they presume you'll say yes. I'm scared to walk down the road at night. Rape really scares me. (4:9)

A 1991 research study involving 1,000 students from schools in London, Ontario, found a significant proportion of students who go home to violence in their family every night and many who are already in a violent dating relationship. A very high proportion of students indicated awareness of dating violence in their circle of acquaintances: 54%

overall and 60% of girls. A significant majority of students indicated awareness of abuse in family relationships — either their own or those of people they knew. Overall, 62% of students and 72% of females, expressed awareness of abuse (5:53).

London Family Court Clinic and clinics similar to it around the country do assessments for court-initiated cases of young offenders, child welfare matters, custody and access matters. They deal with court-related referrals that often involve the issue of violence against women. Peter Jaffe, the Clinic's Executive Director, is an active proponent of violence prevention programs in the schools. He recommended that they should be an essential part of the basics in every school system:

We believe fundamentally that violence is a learned behaviour, that the attitudes that promote violence against women are learned. They are learned in early childhood, and reinforced in a variety of ways based on what children witness in their own homes and based on the kind of images we have in our community, especially through the media... We believe that all school systems across this country should be actively involved in violence prevention programs. (5:49)

Mr. Jaffe maintains that the schools should be teaching "readin, 'riting, 'rithmetic, and relationships, in particular violent-free relationships" (5:48). The students of today are, after all, the spouses, parents, clergy, social workers, police officers and doctors of tomorrow. The thrust of his proposal was expressed by the Executive Director of the Metro Toronto Action Committee on Public Violence Against women and Children. Patricia Marshall told the Committee: "Mandatory violence prevention curriculum, kindergarten to grade 13, is the absolute essential" (5:98).

The school is one of the main socializers of children in our society. Witnesses pointed out that educators are well positioned to increase students' knowledge, awareness and comfort level with such subjects as violence, sexuality, relationships, and gender inequality. Appropriate classroom instruction can break the silence and dispel the myth that violence in the family or in other intimate relationships is a private matter, and thereby give students permission to talk about the issues. The Committee is encouraged by and supportive of the work of the Canadian Teachers' Federation. The Federation has developed a curriculum guide entitled *Thumbs Down, A Classroom Response to Violence Against Women*, which contains sample lessons designed for levels kindergarten to grade 12. In age-appropriate ways, it encourages classroom discussion and activities aimed at teaching boys and girls non-violence in human relationships, responsibility for one's own actions, emotional development, the effects of gender stereotyping, and the influence of the media on gender roles. The Committee is impressed that an integral part of the curriculum in school systems across Canada should include violence prevention programs that begin in elementary school and continue to the end of high school.

### **RECOMMENDATION 3**

**The Committee recommends that the federal government work with the provinces, the territories and relevant professions to promote strong and consistent violence-prevention education in schools across the country. The federal government should attempt to ensure that such education expressly addresses gender-equality issues and is a mandatory part of the school curriculum in all elementary, junior and high schools.**

The Committee heard that the societal beliefs, attitudes and practices which have fostered inequities between men and women are reflected in school curricula and extra curricula programmes for boys and girls sponsored by educational institutions, municipal parks and recreation departments and organizations which are frequently in receipt of public funding.

The Committee believes that every effort must be made to eliminate sexism and socially constructed gender limitations that restrict opportunities for girls and women and, by extension, limit their potential.

### **RECOMMENDATION 4**

**The Committee recommends that the federal government work with the provinces to promote policies governing educational institutions, parks and recreation departments and amateur sport organizations to eliminate practices which are barriers to the full participation of girls and to ensure that all individuals have equal access and equal opportunity to develop to their maximum potential.**

Some of the witnesses who appeared before the Committee expressed concern about the powerful role of the media in socializing young people. They recommended that a component of high school curriculum for young men and women should include study of media representations of violence and their effect on behaviour. Judith Posner, of the Association for Media Literacy, informed the Committee that violent imagery is portrayed by a variety of media, most of which is mainstream, such as popular films, fashion advertisements, rock videos and pornography. The common themes or depictions in violent media images typically show an imbalance of power between men and women and the presence of coercion. They intimate that women enjoy pain, violence and subjugation. In certain popular "slasher films," girls and women who are independent are the victims; they pay a price for their autonomy. According to Ms. Posner:

The media serve as agents for reinforcing the status quo and legitimizing...activities in which women are constructed as necessary victims. (5:66)

The Association for Media Literacy was founded in 1978 in Ontario. Its goals are to create awareness among high school students of the pervasiveness of the mass media and their social, commercial, and political implications for the development of the self in society. The Association is made up of teachers who are committed to developing media literacy skills in young people who are immersed in media culture. Association members believe that media literacy, which is a mandatory part of the high school curriculum in the province of Ontario, is an essential tool for understanding media representations, including those of violence toward women. Ms. Posner noted that the Association does not advocate censorship but rather attempts to put gender representation into context and encourage young people to look at what the media are portraying with a more critical eye.

The Committee is aware of the pervasive and powerful role that the media play in our culture. As well, it is concerned about the images of women portrayed in the mainstream media which legitimize violence and desensitize viewers to its effects. It considers media literacy to be an essential component of violence prevention education to equip students critically to assess media violence and gender representation.

## **RECOMMENDATION 5**

**The Committee recommends that the federal government work with the provinces, the territories and relevant professions to promote media literacy education in the high school curriculum across the country. Media literacy instruction teaches students to critically assess media representations and messages including violence against women.**

### **C. EDUCATION ON VIOLENCE AGAINST WOMEN FOR PROFESSIONALS**

The Committee heard testimony that stressed the continuing need of doctors, emergency room nurses, police and social workers for education about wife assault, sexual assault and dating violence. Some professionals were described as having minimal knowledge about indicators of abuse, sensitive and supportive intervention techniques, appropriate treatment and available community resources for referral. They were also described as reluctant to become involved in wife assault and child physical and/or sexual abuse cases. The witnesses felt that when professionals fail to provide adequate and comprehensive assistance to victims of violence they are reflecting and reinforcing the widely held views that the family home is a private domain in which a man has exclusive authority over his wife and his children and that victims abused or assaulted by family members or strangers are themselves to blame.

In her experience, Michelle Doyon, of the Federation of CLSCs in Quebec, has found that women feel ashamed of and responsible for the violence in their lives. When they seek medical care for physical and psychological ailments such as headaches, stomach aches, insomnia and depression they rarely relate these maladies to their abuse. She noted that prejudice and lack of knowledge on part of medical practitioners inhibits them from looking beyond the symptoms, asking the right questions and helping women link their medical problems to violence (10:13).

The Committee is aware that some community agencies have taken steps to alter staff attitudes to violence and have developed protocols and procedures to respond to the abuse of women and children. According to witnesses, however, informed and comprehensive responses are uneven and fragmented across the country. The Committee believes that front-line agencies, which are often one of the first sources of help a victim will approach, have a moral, professional and social responsibility to intervene in ways that are sensitive and appropriate to the needs of the woman.

#### **RECOMMENDATION 6**

**The Committee recommends that the federal government take the lead role on gender sensitivity training for law enforcement personnel by requiring police officers in the federal sector (R.C.M.P.) to take mandatory training and refresher courses that focus on the prevalence of violence against women and children, its symptoms, its consequences for victims, and appropriate ways to respond to victims' needs. The content of the courses should be developed in consultation with front-line agencies that work with female victims of violence. The federal government should make available appropriate resources to provincial and municipal governments to enable them to require their personnel in the law enforcement, social and health sectors to take these courses.**

#### **D. JUDICIAL EDUCATION ON GENDER-EQUALITY ISSUES**

It is through the criminal justice system that society articulates its denunciation of convicted aggressors and their actions. The function of the judge in the court setting is that of an arbiter; in criminal proceedings the role of the judge is to assess the relevance of evidence and to determine what constitutes truth. In civil proceedings the role of the judge is to resolve disputes between opposing interests. In our adversarial system of justice, judges are traditionally seen as acting as impartial adjudicators as they apply and interpret the law. However, as witnesses before the Committee pointed out, this task is

highly discretionary and judges are subject to a range of influences; the interpretive process involved in judicial decision-making does not occur in a vacuum. Rather, legal reasoning is informed by the values, experiences, attitudes and assumptions of the decision-maker. Accordingly, the Committee was told, some judges hold assumptions about the proper behaviour of women and their social roles that are based on sexual stereotypes and myths and result in unequal and unfair treatment for women in the judicial process.

This issue was taken up by Bertha Wilson, then a member of the Supreme Court of Canada, in a paper she presented at Osgoode Hall Law school in February 1990. Madam Justice Wilson cited U.S. research studies which "confirm that male judges tend to adhere to traditional values and beliefs about the natures of men and women and their proper roles in society." She went on to say: "The studies show overwhelming evidence that gender-based myths, biases, and stereotypes are deeply embedded in the attitudes of many male judges, as well as the law itself" (B. Wilson, *Gazette*, Law Society of Upper Canada, Vol. XXIV, No. 4, December 1990, p. 265).

Witnesses before this Committee recounted a number of court cases involving the sexual and physical abuse of women. In each example, the sitting judge revealed, in his comments and in the sentence given the convicted offender, insensitivity toward the victim and a lack of understanding of the effects of the harm caused by the violence against her. The Committee was struck by the many examples it heard of judges' comments that tended to excuse violence against women and to blame the victim. While acknowledging that there are a number of judges whose judgments reflect an awareness of gender-equality issues, the Committee also recognizes that many judges require education both to overcome certain prejudices that are demeaning to women, and to be made aware of changes in gender roles in Canadian society.

The Committee believes that the following cases highlighted by witnesses reveal a lack of fairness in the existing system of justice and underscore the need for immediate action.

Dr. Rhona Steinberg, from the Canadian Psychological Association, Committee on the Status of Woman, recounted the following comments made by members of the judiciary (12:46-47).

A Quebec judge stated in an assault case: "As they say, any rule is made like a woman, to be violated."

A Nova Scotia judge told a battered wife in court: "Women should respect their husbands." According to the witness, this same judge was subsequently convicted for assaulting his wife.

A British Columbia judge gave a 33-year old man a suspended sentence for sexually assaulting a three-year old girl. According to the judge: "The child was sexually aggressive."

It is the view of Dr. Steinberg that these events send a message to men and women, young and old, that men have permission to assault women and that women are to blame if they are assaulted. She added: "Violence against women is the only crime where the victim is blamed" (12:47).

In her appearance before the Committee, Sister Cecile Renault, of the New Brunswick Coalition of Transition Houses Against Abused Women, related the experience of one battered woman with the criminal court.

There was a woman who came to the shelter where I work... She had been in the hospital for three days before coming to the shelter...she was really badly battered. The police had laid charges. She went to court about three months later...and there was her husband, the batterer. Of course she was the only witness; therefore, she had to testify. She told me after that she was paralyzed. She could not say anything, and the judge said it was contempt of court. He sentenced her to five days in jail because she would not testify. The lawyer met with the judge and he did not send her to jail... Outside the court, [the judge] said he just wanted to frighten her. She was so frightened that she could not speak. This is what I mean by being sensitive enough to what the woman is going through. (5:119)

Witnesses from the Montreal Urban Community Police Department and the Federation of CLSCs gave evidence concerning the referral mechanism that exists between the two organizations in wife assault incidents. John Kousik, of the Montreal Urban Police Department and Michelle Doyon, of the Federation of CLSCs, in their joint presentation expressed concern over the lack of understanding and sensitivity demonstrated by the judiciary to the problems of victims of wife assault. John Kousik noted that when a judge releases a man charged with wife abuse pending a hearing, the release conditions imposed are often inadequate to protect the victim from further abuse.

Quite often we have to explain why a judge has released someone on bail or on their own recognizance and the types of conditions imposed pending a hearing. Perhaps the judiciary should do this and hear the anguish, fear, and pain in the voice of the victim. (10:8)

Representatives appeared from the Ottawa-Carleton Regional Coordinating Committee on Wife Assault, a coalition of agencies and community-based organizations that serve women, ranging from shelters and support groups for women, through to the police, hospitals and lawyers. Ann Sharp told of two recent judicial judgments rendered in the Ottawa-Carleton region that had had the effect of re-victimizing the women involved and their children (13:44-45).

I know a woman whose ex-partner was convicted of aggravated assault against her. She was hung by ropes, naked, from the beam of a barn and whipped to a state of unconsciousness. The assault took place in front of the male's three children. The sentence he received was a \$200 fine and three years' unsupervised probation. The woman sat, disbelieving, as he was also fined \$500 for an unrelated charge of possessing illegal venison. Based on this sentence, one could argue that in the future moose and deer would be safer from this man than the woman he tortured.

Another man spent five weeks in jail and was convicted of assault with a weapon and utterances. With a sentence of one week in jail and three years supervised probation, which is in itself very rare, another judge in the same courthouse awarded this convicted assailant custody of two little girls, one four years old, the other two. The second judge, aware of the criminal proceedings...decided that the mother's return to school and residency in a shelter for battered women were more detrimental to the children's need for stability than their father's violence. The man took the children to his home 3000 miles away. I have since borne witness to a mother dying over and over and over again for her attempt at self-determination...

Rosemarie Kuptana, a member of Pauktuutit (Inuit Women's Association) provided the Committee with a number of examples of judicial comments and lenient sentences in sexual assault cases in the North which, in the view of Pauktuutit, have infringed upon "the constitutional right of Inuit females in the NWT to security of the person and to equal protection and equal benefit of the law (4:94). The examples reported to the Committee by Pauktuutit include the following (4:95-96):

In 1984, Judge R.M. Bourassa, of the territorial court in the NWT, sentenced three men convicted of sexually abusing a mentally impaired 13 year old girl to one week in jail. In his statement at the sentencing of the three men, the judge revealed his perception of Inuit culture:

For people of the eastern Arctic, there is no prima facie age restriction when it comes to sexual intercourse. The acculturation process of children does not include the terms 'statutory rape', 'jail bait', or other terms suggesting prohibition. Rather, the morality or values of the people here are that when a girl begins to menstruate she is considered ready to engage in sexual relations.

In 1984, a man who was convicted of a violent sexual assault against his daughter was sentenced to six months. The judge gave the following rationale for the sentence:

I can take into account that (the accused) has no criminal record; he has never broken the law before; he is a hunter and provides for his family in the traditional way. I have nothing before me to indicate that he is anything but a good hunter and a competent provider for his family.

In 1989, a man pleaded guilty to four counts of sexual assault which involved fondling young girls between 9 and 12 years of age. He received a suspended sentence and was ordered to perform 300 hours of community work. The sentencing judge commented:

I am going to take a chance with him and not send him to jail for these minor sexual assaults.

In 1989, a comprehensive review of the justice system in the NWT and Judge R.M. Bourassa's dismissal from the bench were called for by Pauktuutit and other women's organizations in the North as a result of the following comments made by Judge Bourassa.

The majority of rapes in the Northwest Territories occur when the woman is drunk and passed out. A man comes along, he sees a pair of hips and helps himself... That contrasts sharply to the cases I dealt with before (in southern Canada) of the dainty co-ed who gets jumped from behind.

Aruna Papp, representing the South-Asian Family Support Services, has spent 14 years working with abused women from the South Asian community in Canada. She told the Committee:

The courts are not sensitive to wife abuse, women abuse, period. It does not matter what culture they are...It is very discouraging that not enough education has been done in that area. I do not think that it has to do with culture at all; it just has to do with women. (9:13)

The Committee agrees with the witnesses' assessments that these, and other examples it heard of judicial comment in physical and sexual assault cases, reflect cultural and gender insensitivity based on negative stereotypes and myths about women, sexuality, and violence. These perceptions of judges have had the effect of decreasing or negating the seriousness of violence and its impact on the victim. The Committee believes that until the judiciary responds to these crimes of violence against women in a way that deters and denounces the violence, women will continue to be revictimized by the criminal and family courts in this country.

Each of the witnesses who spoke on the subject of gender issues and the judiciary before the Committee highlighted the need to educate judges about violence against women. Each expressed the viewpoint that judicial education to address and enhance understanding of gender issues must be mandatory or judges would not participate. The Committee agrees with the thrust of these proposals.

The Committee is aware of the existence of the Canadian Judicial Centre which was established at the University of Ottawa in 1989. The mandate of the Centre is to design and coordinate educational services for sitting judges at all levels across the country. The national school is run by judges for judges. It provides both training and refresher courses on legal topics such as writing judgments, criminal evidence, interpreting the *Canadian Charter of Rights and Freedoms* and sentencing. As well, there are professional development seminars that emphasize, among other things, the changing values of society and a focus on wife assault, gender-equality and cultural diversity. Participation of judges is strictly voluntary. The Committee sees the inclusion of courses related to gender equality in the Canadian Judicial Centre curriculum as possibly

producing salutary effects. However, given that course participation is voluntary, the Committee is not sanguine that the judges who need gender sensitivity training the most will avail themselves of it.

The Committee holds the view that if judicial education on gender-equality issues is to be effective, the participation of judges must be mandatory and the course content must be developed in consultation with organizations and front-line agencies that work with abused women, as well as legal professionals. The participation and support of workers familiar with the needs and experiences of women victims of violence will facilitate the development of relevant course materials.

## **RECOMMENDATION 7**

**The Committee recommends that the federal government take the lead on gender sensitivity training for judges by requiring section 96 judges (federally appointed judges) to take training and refresher courses that focus on violence against women and related gender-equality issues. The federal government should also encourage the provinces to require their provincially appointed judges to take these courses. The content of the courses should be developed in consultation with front-line agencies that work with female victims of violence.**

## **E. VIOLENCE AGAINST WOMEN IN NON-TRADITIONAL ROLES**

The Committee learned that violence against women on university campuses is prevalent across the country. Dr. Rhona Steinberg, president of the Status of Women Committee of the Canadian Psychological Association, pointed out that, contrary to popular belief, violence toward women is found among university students – the wealthy, the educated and the supposedly enlightened (12:43).

She cited the findings of a study carried out on 34 university campuses in the United States involving over 6,000 students. Over 15% of the women who participated in the study reported that they had been victims of date rape, within the legal definition of rape. And 84% of the men, whose behaviour met the legal definition of rape claimed that they had definitely not committed rape. In another U.S. study, 32% of university men said they would rape if they were absolutely assured that they would not get caught. The percentage rose to 50% when the term “sexual assault” was substituted for “rape”. According to the witness, these findings suggest that we need to educate young people about what rape is and its consequences for victims. She noted that research done in Canada on a smaller scale at the University of Manitoba in the mid-1980s found a similar percentage of rape among women students (12:44).

Dr. Steinberg, who is currently involved in a national survey on the incidence of date rape on Canadian university campuses, told the Committee that "date rape is more insidious than stranger rape, because we know to fear strangers. In date rape we do not know whom to trust. We do not even trust our own judgment any more. If blaming the victim happens in stranger rape, you can well believe how it happens in date rape" (12:49).

In her evidence, Catherine Remus, Government Relations Officer from the Canadian Federation of Students, pointed out that the educational community is a reflection of the wider society, including its unequal gender relations. She told the Committee that barriers to women in post-secondary education are found in "the use of sexist language in the classroom and in educational materials, sexist articles in student papers, demeaning and hateful graffiti, systemic discrimination, sexual harassment and assault" (6:5).

Ms. Remus provided the Committee with the following recent examples of sexism, harassment and assault perpetrated against female college and university students on campuses across Canada (6:5-6):

In September 1989 at Queen's University, in response to a date rape awareness campaign that used the slogan "No Means No," some male students reacted by posting signs stating "No Means Kick Her in the Teeth," and "No Means Tie Her Up".

In September 1989, at Wilfrid Laurier University, after a party raid, several pairs of women's underpants were hung up on the wall of the university dining hall and smeared with ketchup and other substances to represent feces and blood.

In December 1989, at the University of Alberta, during a skit night organized by the Faculty of Engineering, when a female student took the stage with characters wielding toy guns, hundreds of people in the audience began chanting "Shoot the bitch, shoot the bitch".

In July 1990, at the University of Waterloo, a female student was forced by a group of male students to read explicit letters into a tape recorder and was threatened with abuse if she did not comply.

In October 1990, at the University of British Columbia, 22 male students sent obscene invitations to a tug of war that contained threats of rape and violence to 300 female students.

In the 1990 fall semester at Carleton University there were two reports of sexual assault, six cases of indecent exposure, one indecent phone call, eight cases of sexual harassment and five cases of harassment by phone. These were reported cases.

At the same time at the University of Ottawa there were 33 cases of indecent exposure, one report of sexual assault, six cases of physical assault, eight indecent phone calls and at least four cases of sexual harassment.

On December 6, 1989, 14 women engineering students of the University of Montreal were killed by a man who claimed to hate feminists. It was the most tragic act of violence against women ever witnessed on a Canadian campus.

Ms. Remus ended by commenting "unfortunately the list goes on throughout all of Canada's universities and colleges" and arguing that a national public awareness campaign on violence against women is urgently needed in this country.

Sylvia Siuofi, a researcher with the Canadian Federation of Students, informed the Committee that it is very difficult for students to show sexual harassment and sexual discrimination. Both at the national and provincial level there are human rights codes that cover sexual harassment in the workplace, in accommodation and in services, but there is no human rights protection against harassment of and discrimination against students in the educational community. She recommended that the human rights codes at the federal and provincial levels be amended.

The Committee agrees that there is a requirement that is not currently met by human rights legislation: there should be enforceable policies and procedures in place for the protection of both men and women from sexual harassment and sexual discrimination in educational institutions. The Committee also believes that Parliament should be exemplary in this regard.

Creating an environment in which men and women enjoy equality of opportunity, as well as freedom from violence, requires more than legislation mandating that men and women be treated similarly. Legislating formal equality, such as was done in Canada with the enactment of section 15 of the Canadian Charter of Rights and Freedoms, does not necessarily mean that substantive equality will follow. For Canadian women, equality in terms of freedom from violence continues to be a goal, and not a reality.

Substantive equality is hindered by systemic discrimination. Systemic barriers act to prevent women as a group from achieving real equality. For example, systemic barriers can deny women access to justice, and they can prevent women from entering certain professions or occupations, or prevent those women who gain entry from participating fully. Affirmative action, meaning the removal of systemic barriers, requires first the identification of the barriers that deny women opportunities, and second the eradication of the barriers.

The Canadian International Development Agency (CIDA) has compiled a policy, called *Women in Development: CIDA Action Plan*, which is applied to every proposal of a development project, requiring that the impact of the project on women be identified. The policy makes the consideration and removal of systemic barriers to participation by women a mandatory part of every proposal. This policy means that in every initiative CIDA undertakes, its impact on women is a crucial and immediate issue to be understood and accommodated in the manner best suited to the promotion of women's equality.

#### **RECOMMENDATION 8**

**The Committee recommends that the federal government move within its own jurisdiction to eliminate systemic barriers which prevent women from enjoying equality of opportunity and security, and encourage the provinces to also do so.**

#### **RECOMMENDATION 9**

**The Committee recommends that Parliament mandate the Women's Parliamentary Association (WPA) to study, and present a report, within six months on existing systemic barriers to women's full participation within the House of Commons and its Support Services, and to make recommendations for the elimination of such systemic barriers.**

#### **RECOMMENDATION 10**

**The Committee recommends that the Canadian Advisory Council on the Status of Women be invited to conduct gender-sensitivity programs for Members of Parliament.**

#### **F. FUNDING OF SHELTERS FOR BATTERED WOMEN**

Front-line workers who provide counselling, support, advocacy and shelter to physically and sexually assaulted women and their children told the Committee that too few services are in place to assist the number of victims of violence who need help. Services for battered wives and sexual assault victims are, in the main, provided by organizations that lack adequate and secure funding.

There are a total of 292 transition houses for battered women and their children across Canada (Canada, *Transition Houses and Shelters for Battered Women in Canada*, Health and Welfare Canada, 1989). Developed originally through community

action by women's groups, transition houses are often the only option for women who have no money or support systems. Transition houses offer a short-term, safe living environment for battered women and their children. They are the first step towards breaking the cycle of violence and control. The period of stay in a transition house can be for a few days, a few weeks or a few months. Simone Harris, a representative from the New Brunswick Coalition of Transition Houses Against Abused Women, described for the Committee the typical characteristics of women who come to a shelter in that province: they are in their late twenties or early thirties; on income assistance; and do not have a lot of family support. The witness pointed out that these are not, of course, true statistics for battered women in general because women who are financially well-off do not seek refuge in shelters, which are places of last resort for women who have nowhere else to turn for safety and support (5:126).

Transition house workers offer assistance to residents in their dealings with social, financial, legal, health, and housing services. They provide protection and arrange referrals to other services and crisis counselling. As well, in some transition houses, staff offer counselling for sexual assault, incest and family problems. Workers also accompany women to court and to their homes to collect their belongings. Job stress due to confronting daily evidence of brutality is endemic to the work of shelter workers.

Most transition houses do not have, and have never had, ongoing core funding. Limited government grants and low level *per diem* funding for each inhabitant is provided through the Canada Assistance Plan (CAP) and is relied on to operate a house and hire staff. CAP is a 50-50 cost-sharing program between the federal and provincial governments. Through its support of provincial welfare programs, it subsidizes the cost of social services for people living below the poverty line. The 1990 federal budget limited increases in federal spending under the Canada Assistance Program to 5%, for the fiscal years 1990-91 and 1991-92, in the provinces of Ontario, Alberta and British Columbia. In the 1991 federal budget, the limit on the federal contribution under CAP to these provinces was extended for three additional years. Eleanor Summer, Vice-President of the British Columbia/Yukon Society of Transition Houses, told the Committee, "if the CAP program goes, I have no trouble believing that transition houses will go" (5:30).

Witnesses from provincial associations of transition houses told the Committee that the funding arrangements for shelters are inadequate for keeping a shelter open 24 hours, operating a crisis line, and ensuring there is sufficient staffing. The absence of stable, predictable operational funding inhibits long-term planning and program development, and means there are no counsellors for the children who with their mothers flee violence in the family home. In Saskatchewan, there are 2.5 child counsellor positions funded by the government for all transition houses in the province (5:40).

Inadequate funding has meant that staff levels and salary levels are low. Witnesses noted that the pay levels are evidence that staff work for personal, not financial, rewards. The average wage in transition houses in B.C. is \$10 per hour whether a worker has a psychiatric nursing degree or a Bachelor's or Master's degree in Social Work (5:32). In Saskatchewan, counselling staff who have worked in a house for over six years make just over \$20,000 (5:39). As further evidence of their commitment, shelter staff contribute their labour on a volunteer basis to conduct fundraising, public education and awareness initiatives (5:39).

A problem identified by all the witnesses who addressed the topic of shelters for battered women is the chronic shortage of space in many shelters. Demand outstrips supply across the country.

Last year in Quebec, 4,264 women were admitted to 44 shelters. In that province, one woman out of two is turned away from the shelters because of lack of space (2:30).

In Alberta, approximately 1.5 or 2 women are turned away for every one who is accepted (2:30).

In Saskatchewan, a 16-bed shelter in North Battleford turned away 40 families in 1989-90. In the province, some women come 500 miles to access services (5:38, 44).

In Manitoba last year, the emergency shelter in Winnipeg run by the YWCA provided short-term emergency shelter to over 2,000 women and children (4:65).

In British Columbia, for every family taken in, two are turned away (5:25). The witnesses told the Committee that when a woman is turned away she may be put up in a hotel, where her safety cannot be guaranteed, or sent to a house elsewhere in the province that has room. In British Columbia, some women are sent to houses a two-hour car drive away from their homes. They may be safe there, but they have no support, no family, and the children are far from their friends and school (5:31).

For disabled women, Native women and immigrant and visible minority women who are abused, the dearth of accessible, culturally relevant and sensitive services and supports is even more acute.

Taking all these factors into consideration, the Committee is not surprised that there is a high turnover of staff in transition houses. It is in agreement with those who assist and support physically and sexually assaulted women that the chronic underfunding of emergency shelters and services reflects both the low priority our society accords to overcoming violence against women and the under-valuing of women's work in Canadian society.

## **RECOMMENDATION 11**

The Committee recommends that the federal government take the lead role to ensure that secure, long-term funding is available for front-line agencies providing services to assaulted and abused women and girls. Financial support is needed to ensure that services will be accessible to all women in need and sensitive to the needs of women with disabilities, elderly women, and women who are immigrants and/or members of visible minorities.

## **G. TREATMENT FOR VIOLENT MEN**

There are a total of 114 Canadian treatment programs for men who batter their partners (Canada, *Canadian Treatment Programs for Men Who Batter*, Health and Welfare Canada, July 1988). These programs often have formal links to the criminal justice system. They may be located within correctional institutions. They may be part of a sentence or an alternative to the criminal justice system offered in the community. And, they may be voluntarily entered into by a man whose partner has threatened to end the relationship unless he seeks help.

Treatment groups do not necessarily have the same focus or produce the same results. Witnesses reported that men who go through these programs may learn how to "manage their anger" and then resort to emotional abuse as a substitute for physical abuse. The preferred program model for violent men was described as one in which an abuser is encouraged to take responsibility for his violent actions and to recognize the cues that trigger them, to heighten his understanding about the causes and consequences of violent behaviour and to work towards changing his behaviour and attitudes.

The Committee is aware that the federal government has undertaken evaluations of existing treatment programs for violent men. The Brief to the Committee prepared by the Canadian Advisory Council on the Status of Women called upon the federal government to release the results of these evaluations to the public. The Committee endorses this proposal. It is anxious that treatment and counselling programs should not encourage violent men to substitute one form of abuse for another and that, indeed, men should come to accept responsibility for their violent behaviour.

## **RECOMMENDATION 12**

The Committee recommends that the federal government immediately release the evaluation results of its research on the effectiveness of the different program models for men who batter women.

As a result of the evidence it heard, the Committee is aware that not all abused women wish to see their husbands or partners jailed. Typically they want them to receive counselling and treatment and the abuse to stop. The Committee is also aware of research showing that many violent men will find another woman to abuse if their wife or partner ends the relationship. The Committee is convinced that a man who has resorted to threatening a woman with a gun or inflicting grievous bodily harm on her is unlikely to seek help by himself. Accordingly, the Committee agrees with the witnesses that, if the cycle of violence is to end, effective treatment and counselling, either in the community or a correctional facility, must be a mandatory part of the sentence given to a man convicted of physical or sexual assault against women or children.

Notwithstanding its endorsement, the Committee recognizes the limits of treatment programs. David Singleton, of the Assault Prevention Centre in Montreal, cited research on men who sexually abuse women and children. It shows that male violence against women is related both to traumatic experiences in childhood as well to normal male behaviour which is to gain power and control over persons with less status. Abusive men are rarely abusive towards someone they regard as their equal. These men have absorbed societal values and attitudes which give men permission to abuse women and children. Thus, programs must be sensitive both to earlier victimization and to the sexist culture which reinforces male dominance and control over women (13:20-21). John MacDonald, a facilitator with an Ottawa treatment program for violent men, believes that these programs are inherently limited by virtue of the context in which they are given.

I think that success is very, very limited and I think it is bound to be if we are talking about a short program in a society that does so much to reinforce men's feelings of men's privilege and sense of entitlement, which lies at the root of the choice to be abusive. (13:60)

However, Anna Nosko, a counsellor with the Family Service Association of Metro Toronto, who also runs programs for abusive men, told the Committee that despite their qualified success, "it is important to mandate programs for men... It is a statement that it is wrong... Even if they are very angry by the end of the program they will be held responsible for their behaviour. They will have been given a chance to learn how not to be violent" (12:30).

There are fundamental limits to the effectiveness of treatment programs that attempt to change sexist attitudes and violent behaviour towards women without altering the societal influences giving rise to and reinforcing those behaviours and attitudes. Yet, the Committee believes that violent men must be made accountable and responsible for their behaviour in order to protect women from becoming the future targets of their rage.

### **RECOMMENDATION 13**

The Committee recommends that the federal government require federal prosecutors in the territories to take education courses on violence against women and that the prosecutors be directed to recommend mandatory counselling and treatment, in addition to other criminal penalties that apply, in cases where a man has been convicted of assaulting his wife or partner. The content of the education courses should be developed in consultation with front-line agencies that work with female victims of violence. The federal government should also encourage provincial governments to direct their Crown prosecutors to take these courses and to recommend, in addition to other sentencing options, mandatory counselling and treatment programs in wife assault cases.

Of course, if treatment programs are to become one of the options a judge considers at sentencing, there must be resources in the community to deliver the service. Witnesses who run programs through community agencies told the Committee that the demand for their programs has created long waiting lists. This is the case even for those programs that have given wife assault cases priority and put wife abusers at the top of their treatment waiting list. As well, judges and lawyers must also be educated about existing resources, in order that they will use them in appropriate cases.

### **RECOMMENDATION 14**

While the Committee recognizes assistance to victims to be a funding priority, it recommends that the federal government take the lead role to ensure that stable, adequate funding is available for treatment programs for violent men. Funding should go to program models that have been identified as the most effective in the federal government's evaluation research on treatment and counselling programs for men who batter.

## **H. AFFORDABLE HOUSING**

The Committee heard from many witnesses that access to housing is inextricably linked to wife assault. The lack of safe, accessible, affordable housing forces women and children to remain in or return to violent living environments. As noted earlier in the Report, a woman's stay in a transition house is of short duration. Many women who leave the transition house go back to the abusive situation because they have neither the

resources to move into the rental market nor access to affordable housing. There is also a dearth of emergency, second-stage housing that offers accommodation for a longer term than can be offered by transition houses.

Bluma Teram, Director, Lincoln Road Apartments, YWCA, Kitchener-Waterloo told the Committee that amongst the multiple needs of abused women, safe, affordable housing is paramount.

Only after safety and affordability have been secured can a woman begin to deal with other serious concerns, such as legal issues, physical and emotional health problems, education and retraining and working towards economic independence. (4:68)

The Committee is aware of and supports the federal government's recently announced program Next Step, which is designed to create 150 to 170 housing units to meet the longer-term housing needs of battered women and their children. The length of stay in such accommodation would be for six months to a year. However, the Committee is concerned that this short-term housing, while necessary, does not respond to the urgency and gravity of the unmet long-term housing requirements of single mothers and their children.

## **RECOMMENDATION 15**

**The Committee recommends that the federal government take the lead role in coordinating the development of a housing policy in Canada and providing tangible support to resolve the crisis in affordable and accessible accommodation confronting low income earners and the poor, particularly for women who are not safe in their homes.**

### **I. REMOVAL OF VIOLENT MEN FROM THE FAMILY HOME**

Witnesses questioned the practice that requires an assaulted woman and her children to leave the family home to ensure their safety. They noted that in addition to the problems in obtaining alternative accommodation, fleeing the family home has profoundly disruptive effects on children. They not only leave the familiarity of their home but that of their school, their friends and their neighbourhood at a time when the family is in crisis. Witnesses suggested that, after the arrest of a violent man, a Crown prosecutor could ask a Judge to issue, as a special condition of release pending trial, an order prohibiting the accused from returning to the area of the family home. However, they pointed out that existing legal instruments to protect women, such as "no contact" judicial orders prohibiting batterers from approaching or contacting their wives or children, are constantly ignored. Women and children are frequently harassed,

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.**

## J. POLICE CHARGING POLICY

The Committee heard that police responses to violence against women are often inadequate. In sexual assault cases, the victim is often not believed. In wife assault cases, the perception of the sanctity and privacy of the family prevails over women's need for safety. Police intervention is critical as they set the entire criminal justice process into motion. When police arrest a violent man, his victim, and potential future victims, are provided with immediate safety and his behaviour is denounced and labelled criminal.

Canada has charging policies in place across the country with respect to wife assault cases. Typically, the policies state that when police have reasonable and probable cause to believe an assault has taken place, they do not have to have witnessed it in order to lay a charge. Witnesses commented, however, that there is a chasm between policy and practice. For example, one study carried out by the Ontario Solicitor General found that police did not lay charges in 50% of the domestic violence occurrences to which they responded (5:79).

Witnesses told the Committee that some police officers believe that wife assault calls are not serious and therefore fail to respond to these incidents in a timely manner. In point of fact, in May of 1991, a Calgary woman was severely beaten and raped in her home by an intruder when police did not respond to her 911 emergency call for help. The police explained that they did not respond to the call as an emergency because the 911 dispatcher indicated that he thought the call was a "domestic dispute" (Calgary CP, 9 May 1991). Police tend to believe that wife assault incidents will not profit from police intervention because the victim will continue her relationship with her abuser after he is charged, she will not appear in court and testify against him, and, in the end, he will be acquitted. Witnesses expressed concern that this attitude is discriminatory in that it fails to offer immediate protection to the victim and it reflects a profound lack of sensitivity towards the complexity of wife assault.

Research has revealed that women who are physically and sexually assaulted may refuse to testify against their assailant because they do not trust the criminal justice system, because they are ashamed or embarrassed, and because they fear retaliation by their assailant. Assaulted women often stay with their husbands or partners for a host of inter-related reasons: they do not have a job and are reliant on his salary; they cannot obtain affordable housing; they lack the necessary skills sought in the labour market; they cannot support themselves and their children on their salary; they lack child care enabling them to find and hold down a job; they do not want their relationship to end but would rather see the abuse cease. In short, women are confronted with limited choices when they try to put an end to the violence in their lives.

Helena Orton, Director of Litigation, Women's Legal Education and Action Fund, explained to the Committee the dilemma inherent in the mandatory charging policy.

One of the underlying problems is that there are not the supports for women to make the decisions to have a real choice about whether to participate in the criminal justice system. If she does want to leave her husband, the supports in order to be independent and get out of a battering situation are not there. While the whole movement towards charging has been extremely important in terms of recognizing violence against women, we cannot do it in a vacuum. We have to give women real options in order to address those sorts of changes. (4:39)

Peter Jaffe agrees that a charging policy works most effectively where support services are in place.

If the laying of charges is seen as an overall community response, where the police and support services from the shelter or other agencies work with the police from the moment the charges are laid, from the moment the assault had taken place through to the court appearance, then you are providing proper community service. (5:63)

John Kousik from the Montreal Urban Community Police Department, in his testimony before the Committee, acknowledged that many women are simply not able to testify against their partners because they require support that the police are not able to give. However, he believes that the advantage of the mandatory charging policy is that it sends out a message that violence against women in the home is unacceptable and a crime (10:20).

The Committee accepts that a necessary, albeit limited, element of the state's response to violence against women is the policy of laying charges in wife assault cases where reasonable and probable grounds exist for belief that an assault has occurred. It believes that federal and provincial governments should publicly direct police authorities diligently and consistently to support this policy. The mandatory charging policy should be extended expressly to cover sexual and physical abuse of women and children occurring both within and outside the family home.

## **RECOMMENDATION 17**

**The Committee recommends that the federal government take the lead role in stressing the importance of the mandatory charging policy in cases of physical and sexual assault and abuse by directing the R.C.M.P. to assiduously follow the policy. The federal government should also encourage provincial governments to direct their police forces to consistently support their respective mandatory charging policies.**

## K. CONSULTATION WITH WOMEN'S GROUPS

Although the history of legislation dealing with violence against women is as old as the criminal law, recent history has seen changes reflecting the impact of women acting as advocates for change. The Committee heard witnesses express their concerns about women as victims of domestic violence, women as victims of sexual assault, and women as participants in the justice system. In none of these spheres were witnesses able to report that existing legislation deals adequately with the overwhelming and terrifying problem of violence against women. The federal government's part in ending violence against women was addressed by some witnesses in terms of its legislative role.

The Committee was told that violence against women is a problem of sexual inequality. Laws currently in place are ineffective in stopping violence against women, and they can perpetuate inequality. When laws designed to deal with this problem are based on a model of gender neutrality, they fail to attack a very gender-specific set of problems. Sexual assault and wife assault cannot be treated as gender-neutral crimes: women are the victims of these crimes, and men are the perpetrators. The fact of the unequal position of women in Canadian society places women in relationships of unequal power, sometimes facilitating the commission of violent crimes. Women are limited by their political, economic and social inequality in Canadian society; when they attempt to gain access to the legal system in seeking solutions to violent situations, women often find themselves additionally disadvantaged.

Indeed, this position was argued by Madam Justice Beverly McLachlin in April 1991. In a speech in Calgary, she said that certain aspects of the criminal law in Canada are based on outdated sexual stereotypes that result in unfair and unequal treatment of women. "In the past, and to some extent the present, our criminal law has failed to accord equality to women". (*Ottawa Citizen*, 19 April 1991) Last year, Madam Justice Bertha Wilson, then of the Supreme Court of Canada, assailed gender bias in the criminal law when she stated: "Some aspects of the criminal law in particular cry out for change since they are based on presuppositions about the nature of women and women's sexuality that in this day and age are little short of ludicrous." (*Canadian Forum*, 68, March 1990, p. 8.)

Any legal response to violence against women which fails to take into account the reality of societal patterns of inequality and the resulting patterns of violence will not protect women's equality. Witnesses before the Committee described equality as including personal security, autonomy and sexual integrity, as well as access to justice. The Committee acknowledges Parliament's obligation under the *Canadian Charter of Rights and Freedoms* to guarantee equality for women, and therefore it recognizes that

all federal legislation must be subject to review for its effect on women's equality. The Committee was told that the process of scrutinizing prospective legislation in this way should incorporate the participation and suggestions of equality-seeking groups.

The alternative to adequate scrutiny of legislation is litigation by equality-seeking groups who are forced to challenge unconstitutional legislation before the courts, or, even more disturbing, to protect the legislative gains already achieved by women which have been challenged by those hostile to women's equality. This places an inordinate burden on non-profit equality-seeking groups, and women's equality should not depend on the litigation capacity of such organizations. Helena Orton, of the Women's Legal Education and Action Fund (LEAF) told the Committee that "equality requires that government respond to the needs of disadvantaged groups" (4:29), and she pointed out that this is a requirement for positive action, because inaction will often reinforce inequality.

In order for Parliament to make clear its message that violence against women is no longer acceptable in Canada, the Committee was advised that any statement to this effect must be accompanied by an allocation of resources to help the most disadvantaged groups in society who are seeking equality. The Committee agrees that the expertise of equality-seeking groups should be sought for timely and meaningful consultations on the drafting of legislation to deal with the problem of violence against women.

## **RECOMMENDATION 18**

**The Committee recommends that an administrative body or task force, comprised of individuals with expertise in law as well as other expertise in areas affecting women's equality, be struck and charged with the task of developing equality-enhancing legislative responses to violence against women, through timely and meaningful consultation with equality-seeking groups. The groups should be provided with funding to enable them to develop their expertise and provide the committee with input and assistance. This task force would be responsible for the screening of all legislative initiatives to determine their consistency with women's equality.**

## **L. PREAMBLES TO LEGISLATION**

Since the advent of the equality guarantee in section 15 of the Charter, women and their advocates, such as LEAF, have demonstrated in the courts some of the many instances of inequality experienced by Canadian women. Witnesses described the

primary areas of inequality highlighted in recent Charter cases. The systemic forms of inequality foster and render violence against women legitimate. They create the social climate in which violence against women takes place, and fails to be redressed appropriately, and they prevent women from effectively seeking solutions within the legal system. Legislation enacted to correct these imbalances in our society may be challenged by those hostile to changes that will result in greater equality and security for women. Witnesses before the Committee described examples of equality-enhancing legislation weakened or eroded by such challenges, such as the criminal law provisions limiting the admissibility of evidence on the sexual history of complainants in sexual assault cases.

Sections 276 and 277 of the *Criminal Code* represent an intervention by Parliament into the law of sexual assault, designed to curb the inquiry by defence lawyers into the complainant's past sexual conduct and sexual reputation. This attempt to revise legal rules based on stereotypical and erroneous beliefs about women's sexuality — for example, that sexually active women are more likely to lie about rape allegations and that their evidence is unreliable — represented the intention of Parliament to correct part of the social inequality underlying violence against women. This provision has been subject to several constitutional challenges in recent years, and has been ruled unconstitutional in the majority of cases to date. The issue has been heard most recently by the Supreme Court of Canada, whose decision is yet to be released.

As Helena Orton of LEAF told the Committee, referring to the cases of *R. v. Seaboyer* and *R. v. Gaymes*, where sections 276 and 277 were challenged:

"These provisions were fought very hard for by women's organizations in order to improve access to the criminal justice system for women. Rape has historically been one of the most under-reported crimes. The provisions are being challenged by two men accused of sexual assault, on the basis that they violate their trial rights, that evidence of sexual reputation and evidence of sexual history are relevant to consent" (4:30).

The Committee is concerned that legislation drafted and enacted to correct inequality in Canadian society will fail to achieve its objective if it is vulnerable to constitutional challenges because the drafters have failed to make clear the legislative purpose it serves. Such legislation can be strengthened by the inclusion of statements in its Preamble about Parliament's intention to acknowledge and correct women's inequality. When this is not done, the proving of systemic inequality can be an expensive part of the litigation process. For equality-seeking groups who are supporting legislation which was designed to remedy a disadvantage faced by women this expense is particularly burdensome, because their resources must be directed toward proving a disadvantage which was already accepted by the drafters of the impugned legislation.

## RECOMMENDATION 19

The Committee recommends that legislation adopted by Parliament which is designed to enhance the equality of women and to stop violence against women contain strong Preambles acknowledging women's inequality in Canadian society and invoking the constitutional equality guarantees as the purpose of the law.

### M. SECTIONS 276 AND 277 OF THE *CRIMINAL CODE OF CANADA*

The Committee is concerned with the preservation of sections 276 and 277 of the *Criminal Code*, one existing legislative initiative to combat violence against women. The striking down of these provisions by the Supreme Court of Canada would represent the perpetuation in legal doctrine and institutions of the social inequality which underlies violence against women. If women who are sexually assaulted must face brutal interrogation about their sexual history and reputation, they will be discouraged from reporting this type of offence and will be denied the measure of protection that could be afforded by our legal system.

Section 276 of the *Criminal Code* prohibits the leading of evidence regarding the sexual activity of the complainant with anyone other than the accused person, except in limited circumstances. The effect of the Ontario Court of Appeal decision in *Seaboyer* and *Gaymes* is to preserve section 276, but to allow trial judges discretion to set it aside in some cases, and to hear the evidence and decide when questions about the complainant's past sexual history will be allowed. The Committee is certain that Parliament had already considered all of the instances when such evidence should be allowed, and those instances are listed in section 276 of the *Criminal Code*. There should be no discretion left to trial judges to go beyond the list provided in that section.

Section 277 of the *Criminal Code* makes any evidence of the sexual reputation of the complainant inadmissible for the purpose of challenging or supporting her credibility. This provision has also been constitutionally challenged, but the courts have been more divided in their responses. Witnesses before this Committee advised that the courts, in striking down sections 276 or 277, have failed to weigh properly the value which is served by these provisions, that of promoting the personal security of women and their right to legal protection. The Committee feels that this objective formed the basis for the enactment of both these provisions and justifies Parliament's continued support for them.

## RECOMMENDATION 20

**The Committee recommends that, if the Supreme Court of Canada strikes down sections 276 and 277 of the *Criminal Code*, Parliament re-enact the provisions using section 33 of the Charter (the override provision) to protect the provisions from further constitutional challenges or erosion.**

### N. DEFENCE OF MISTAKE OF FACT IN SEXUAL ASSAULT CASES

The law relating to the evidence of victims of sexual offences was identified by Madam Justice Beverly McLachlin in a recent speech to the Elizabeth Fry Society in Calgary, Alberta, (17 April 1991) as an area of the criminal law where sexual stereotypes and myths have led to unequal and unfair treatment of women. The law reflects the continuing influence of the myths that claim women are irrational and profoundly sexual beings, predisposed to lying about having consented to intercourse. The law of consent in sexual assault cases is founded on stereotypes of sexual inequality.

This concern was raised by witnesses to this Committee, who said that the law on sexual assault in Canada contributes to the perpetuation of violence against women. Since 1980, it has been settled law in this country that an honest, unreasonable mistake as to non-consent could absolve an accused charged with sexual assault, as held by the Supreme Court of Canada in the *Pappajohn* case. Where an accused leads evidence that he was under a mistaken belief that a sexual act was consensual, the law allows him to use this as the basis for the defence that he did not commit the mental element of the offence. Witnesses before the Committee took the position that the defence of "mistake of fact", related to the mistaken belief in consent, is unconstitutional and should not stand.

The participants in the criminal justice system, judges, defence lawyers and prosecutors, can be influenced by myths and stereotypes about female sexuality, including the view that violent behaviour is normal for a sexual encounter. For example, it was reported recently that a B.C. Superior Court judge, in acquitting a man of sexual assault, found that the complainant had not resisted strongly enough. The judge's comments included: "No may mean maybe, or wait awhile". (*Globe and Mail*, April 27, 1991)

The Committee believes that if the criminal law is to be used as a tool to protect the right of women to self-determination in sexual relationships, it must be interpreted and applied in a manner that excludes all defences based on attitudes, beliefs and norms that are inconsistent with that right. The court's determination of the mental element of sexual assault offences should depend on the finding of consent on an objective standard. In other words, an unreasonable belief in consent should not be sufficient; the defence

should require that there be an honest and reasonable belief that the woman consented to the sexual act. Only when a woman consents to a sexual act explicitly and clearly is the validity of her consent established. Consent must have been voluntarily communicated before the act can be considered consensual.

## **RECOMMENDATION 21**

**The Committee recommends that Parliament repeal the defence of “mistake of fact” which relates to honest mistaken belief in consent in sexual assault cases, as was articulated in the *Pappajohn* case.**

### **O. CUSTODY OF AND ACCESS TO CHILDREN IN DIVORCE CASES**

Women who are affected by violence are often further harmed by inequality in the laws related to custody and access decisions in Canada. Some of these decisions are made under provincial family law legislation and the federal *Divorce Act* determines the rest. The *Divorce Act* requires that custody decisions be made on the basis of the best interests of the child. Parental conduct is relevant only to custody and access decisions where it adversely affects the emotional, psychological and spiritual welfare of the child. Judges do not direct their attention to aspects of parental conduct that are not seen as directly affecting the child.

Decisions about custody and access are not based on the needs or best interests of parents. The standard “best interests of the child” test is the one which is applied. The test is made up of assumptions that may not always reflect reality. For example, it is routinely assumed that it is in the best interests of all children to have maximum contact with both parents. Where one parent is the instigator of repeated violent incidents, this may not be true. Also, it is assumed that future promises are more important than past history, an assumption that often underlies a court’s unwillingness to base a decision to deny custody or restrict access on a history of violence.

In cases where domestic violence has occurred, courts may make custody and access decisions without considering the father’s assaults on the mother a factor. The fact that the father has assaulted the mother is considered not relevant in determining his parenting skills or ability, whether the issue at stake is custody or access. Lawyers advise their clients as a matter of course that allegations of wife assault will not be persuasive in disputes about custody or access, thus discouraging women from raising the issue of violence in custody litigation. In cases where these issues are raised, they are not accepted as determinative of the best interests of the children. For women who have

been assaulted by their partners, however, the violence continues to be a paramount issue in deciding what custody and access arrangement they feel will best meet their children's needs.

As the Committee heard from witnesses, sexual assault and other forms of violence against mothers and children have a tremendous impact on the well-being of children. The Committee was told of evidence suggesting that children who see wife assault and child abuse are likely to grow up to be batterers, if they are male, or battered, if female, as a result of exposure to violence within their own homes. The Committee is concerned that this pattern not continue. Men who batter their wives or children should not be afforded the same rights to custody of and access to their children as men who are not violent.

## **RECOMMENDATION 22**

**The Committee recommends that the *Divorce Act* be amended to ensure that violence against women or children, including wife assault, sexual abuse and sexual assault, are factors to be considered in the determination of the custody of and access to children.**

## **P. GUN CONTROL**

The Committee has explored the many dimensions of violence against women, including gun-related crimes against women. Women are more often victims than perpetrators of attacks with guns. The Committee was told that access to guns is a major public health hazard. Witnesses indicated that 80% of Canadians want tougher gun control laws. The costs of permitting the presence of guns in our society were also highlighted in statistics provided by Wendy Cukier, of Canadians for Gun Control. In 1987, 1,300 people were killed with guns in Canada; of these deaths, 200 were homicides, 22 accidental shootings, and over 1,000 were suicides. In addition, about 1,300 people were injured with guns. Firearms are used in over 30% of homicides in Canada (11:11-13).

Women are one-third of all firearms homicide victims. Women, on the other hand, are only 5% of the perpetrators of these crimes. These facts make the issue of gun control particularly germane to the study of violence against women, and legislative responses to it. It is apparent to this Committee that the presence of guns in our homes and communities puts women and children at risk.

Nor do guns afford any significant measure of protection. Wendy Cukier told the Committee of a study published in the *New England Journal of Medicine*, which showed that for every case of a self-protection killing, there are 1.3 cases of accidental shootings, where a family member is killed instead of an intruder; 4.6 criminal homicides, where someone is killed without justification; and 37 suicides involving firearms (11:13).

The Committee heard from Heidi Rathjen, also of Canadians for Gun Control, who spoke on behalf of the students of l'École polytechnique about the events of 6 December 1989, when Marc Lépine shot 27 people within 20 minutes with a semi-automatic, killing 14 young women. This event mobilized many of the students of the Polytechnique to work for more effective gun controls because of their reaction to the devastation caused by this single assailant. The students see gun control as one of many changes needed to prevent such a tragedy from being repeated. The students acknowledge that there were other causes of the massacre, including misogyny and other aspects of Canadian culture, and even though they, like a number of other witnesses, do not believe gun control alone is the solution, they set out to fight one specific factor which had contributed to the tragedy: the availability of guns.

The Committee was disturbed by the information given about the effects of the presence of guns in Canadian communities. Law enforcement authorities do not have access to reliable information about the numbers and locations of most guns, because there is no registration system for non-restricted weapons in Canada. In many respects, guns are too easily acquired; 16-year olds can obtain firearms acquisition certificates without parental knowledge or consent. Accidents with guns kill children as well as adults. Wendy Cukier described an accident in Consort, Alberta, where an eight-year-old was shot in the face and killed with a .44 Magnum while shooting with his stepfather at a gun club. In Wakefield, Québec, recently, another eight-year-old was shot by his friend when they were playing.

Witnesses before this Committee recognized that hunters and target shooters have a real interest in access to guns and therefore in their recommendations made exceptions for these two classes of legitimate gun users. They did not, however, recognize any compelling interest of gun collectors. This Committee agrees that the views of those whose security is undermined by guns should be given greater weight than the views of gun owners. As Wendy Cukier said, "I do not believe owning a gun makes you an expert in violence any more than having a disease makes you a physician" (11:10). The Committee believes that the presence of guns in our communities presents a safety risk to all Canadians, regardless of the non-violent intentions of individual gun-owners.

The Committee concurs with many of the witnesses that gun control is not the central issue in violence against women, although it is related. Rather it is one area where the federal government can legislate to improve the safety of all Canadians.

### **RECOMMENDATION 23**

**The Committee recommends that Parliament revisit the issue of gun control, and introduce legislation that will be stronger in the following specific ways: that gun ownership be reaffirmed as a privilege, and not as a right; that the privilege of gun ownership not be granted to persons who have been convicted of crimes against the person or other serious offences; that the minimum age for gun ownership be raised from 16 to 18 years; that semi-automatic weapons be made restricted weapons; that all weapons be required to be registered by type and serial number on the owner's Firearms Acquisitions Certificate (FAC); that a FAC be required for the purchase of ammunition; that a national data base of gun owners and guns be set up; that women and non-gun owners be included in the process of defining safe storage requirements for guns and that the safe storage requirements be enforced; that all assault weapons be removed from circulation; and that the necessary resources be allotted to each of these initiatives.**

### **Q. TASK FORCE ON FAMILY VIOLENCE IN NATIVE COMMUNITIES**

In their appearance before the Committee, representatives from the Native Women's Association of Canada spoke of the lack of services and appropriate responses within Native communities to meet the needs of women and their children who are physically, sexually, and emotionally abused. They pointed out that there is a dearth of emergency shelters and, as a result, women and children must leave their home and community to secure their personal safety. The victims are then doubly-victimized, as they are isolated and cut off from family support.

Further, police often will not lay charges after an assault has occurred unless the woman victim presses charges. Typically, in Native communities a woman lives with her husband and children in the home of her in-laws or parents. She is often dependent on her extended family for support and shelter and therefore reluctant to press charges. The criminal justice intervention preferred for abusive men over arrest and imprisonment is treatment and counselling. Programs of this nature, however, are lacking in Native communities.

Carol Wortman, of the New Brunswick Indian Women's Council, emphasized that within Native communities, violence against women affects all aboriginal people directly and indirectly. She put forward an aboriginal view of violence against women which sees family violence in the aboriginal context of the community. Ms. Wortman told the Committee: "The family is the centre of native culture. Children and elders, clans and the extended family are all part of the circle. We must bring abusers into the circle... The treatment of members of the family is the beginning of the healing of the society and culture" (4:81).

Ms. Wortman also described the type of intervention favoured by Natives. "The preferred approach to dealing with violence is to establish aboriginal lodges in the community for individuals, offenders and victims and family members, to work toward healing through the renewal of their spiritualism and customs" (4:83).

The Native Women's Association of Canada, through the Committee, recommended that the federal government set up a task force on family violence in aboriginal communities. Its mandate should be to present solutions that will empower communities to respond to aboriginal family violence and that take into consideration "the uniqueness of aboriginal family lifestyles and the traditional holistic approach to healing, both on and off reserve" (4:83).

The Committee recognizes that many of the issues and concerns expressed by the Native Women's Association of Canada are shared by all women victims of violence in this country. At the same time, the Committee supports the Association in its pursuit of effective solutions that are relevant to their community life, culture and traditions.

#### **RECOMMENDATION 24**

**The Committee recommends that the federal government, in consultation with the Native Women's Association of Canada and other aboriginal women's organizations, establish a task force on family violence in aboriginal communities.**

#### **R. ROYAL COMMISSION ON VIOLENCE AGAINST WOMEN**

There was an overwhelming amount of support from witnesses for the establishment of a royal commission on violence against women. In common they spoke of the need to reverse the invisibility of this violence in Canadian society and to work toward developing a mutual understanding of why women are the target of men's anger.

The Committee heard that despite the considerable research, money and effort that have gone into government initiated programs, legislation and services to combat violence against women, serious concerns remain with respect to service availability and

accessibility, responses by social service, health and criminal justice agencies and legislators, the level of the violence experienced by women, and the fear that circumscribes women's lives and limits their autonomy. These are not new areas of unmet need and concern. Indeed, one of the witnesses stated to the Committee that many of the recommendations included in her presentation were in fact the same recommendations she had made on behalf of her organization, the Ontario Association of Interval and Transition Houses Against abused Women, before a House of Commons committee studying wife battering nine years ago. She commented: "It is kind of scary to think that in nine years so little has happened" (5:78).

The reason why progress has not been made rests, in part, with the way in which violence against women has been officially conceptualized. Most government initiatives, and certainly the federal government's Family Violence initiative, launched in 1988 and renewed in 1991, have subsumed violence against women under the rubric "family violence". It was noted that the gender-neutral term "family violence" is exclusive in that it encompasses only one aspect of violence against women — that perpetrated within the context of the family. The Committee agrees with the witnesses that sexual assault, date rape, and sexual harassment are equally serious forms of violence against women that necessitate government response. Further, it was noted by Anne McGrath of the National Action Committee on the Status of Women that the labelling of violence against women as family violence does not name the victims of violence, who is committing the violence, and how the victims are victimized (2:13).

The President of the Canadian Advisory Council on the Status of Women described her thinking on this issue as follows:

"We...must say "violence against women", because if we say "family violence" it waters down the real thing. It is the women who are suffering the greatest violence... It is women who are suffering" (5:11).

This failure to name the problem has narrowed our understanding of how both women's economic, political and social inequality with men and social values and attitudes that condone the "controlling" of women are related to violence. And lacking such an understanding has militated against the development of multi-faceted, effective responses to violence against women. Witnesses stressed that a royal commission is required so that we, as a society, can examine how their status in society makes women vulnerable to violence and what changes are needed to enhance women's equality and reduce their vulnerability.

Patricia Marshall told the Committee:

"I think it [a royal commission] is the only answer right now. I think we have to improve our national understanding of what violence against women really is. We do not get it as a nation... We need a national understanding of the nature of violence, how women are sexually assaulted in their homes, in their workplaces, in their schools, in their churches, in their doctors' offices, as well as by men behind bushes, the pervasiveness, the impact, the political and social and health costs that women are paying and we as a society are paying" (5:99).

While the support for the establishment of a royal commission was virtually unanimous, witnesses qualified this support in three ways. First, the Committee was told that it should not be a strategy that would preclude doing other things to reduce abuse of woman. Witnesses recalled examples of previous royal commissions that had been set up to stall government action on contentious issues. Second, a commission should not be a mechanism that would reduce or divert funds away from existing programs and services. Witnesses noted that community resources are already inadequate to meet the current demand for services and, that therefore, any erosion of those resources was unacceptable. Third, they stressed that a royal commission on violence against women must involve women's groups, including front-line workers, in the planning and implementation stages. The broad mandate of the royal commission and the eventual recommendations for permanent solutions to violence against women envisioned would not be achieved, it was maintained, without the involvement of those who have an understanding of the problem and a commitment to its eradication.

As well, a number of witnesses were opposed to a royal commission that would engage in extensive research. They felt that the incidence of violence against women is well-documented and that one of the mandates of the royal commission should be to pull together and coordinate the information already contained in the numerous research reports. Any gaps in our knowledge identified through this process should then be the subject of focused research.

Representatives of front-line agencies expressed frustration about their negligible contact with colleagues across the country because of a lack of travel funds. The considerable expertise and good work that exists in communities in Canada and the innovative approaches being taken at the community level are fragmented and uncoordinated. As a result, there is duplication of both effective and ineffective programs. Witnesses felt that a royal commission could coordinate knowledge about services, funding, programs, training, protocol development and research findings and use existing agencies to develop solutions.

Witnesses called for an "action-oriented" royal commission, one that would develop an appropriate definition of violence, would make public the enormity of the problem of violence against women, and examine its endemic nature. Witnesses repeated that our

society needs a vehicle that signals that the government recognizes the great seriousness of the problem, brings the issue to public debate, and mobilizes public support for reforms that provide truly preventive action. They called for a royal commission that would travel across the country to hear women's voices, especially the voices of groups of women who have been under-represented such as aboriginal women, immigrant women, visible minority women, women with disabilities, elderly women, and rural women. Given the multi-faceted nature of the problem of violence against women and solutions to it, a broad mandate for a royal commission was recommended.

Lucille Panet-Raymond, a representative of the YWCA of Canada, made the following proposal to the Committee:

"The problem crosses all jurisdictional boundaries; so should the examination and eventual solutions. The mandate should be broad enough to examine the private and public faces of violence and call for changes to bring about equality for women, and equality which begins with adequate support services for women and children fleeing violence, equality which gives access to education and training and other resources if women are to become financially independent and not susceptible to control and domination" (4:70).

Witnesses emphasized that the outcome of the royal commission should be a national work plan that would recommend permanent ways of eradicating violence against women. For example, recommendations should identify laws in need of reform or abrogation, policies requiring review, gaps in education and reforms in criminal justice, health, education and social support services.

Finally, most of the witnesses stressed that the royal commission on violence against women should be composed of representatives of women's groups. However, most did not envision it as constituted only of women. An eloquent call for including both men and women on the royal commission on violence against women was made by Eunadie Johnson, President of the National Organization of Immigrant and Visible Minority Women of Canada:

"I want men to be part of it. I want them to hear; I want them to know; I want them to participate; I want them to have the commitment. I don't want women to constantly take the responsibility of violence against women. I want the whole House of Commons, every Parliamentarian, every politician, to be aware of the issue and to support any initiatives that will help eradicate violence against women... But women should control the committee (4:109).

The Committee endorses the recommendation of the many groups who appeared before it that a royal commission on violence against women should be established. The Committee is convinced that the issue must be put on the public agenda and its incidence and impact must be exposed in order that we, individually and societally, accept

responsibility for changing our passive acceptance of the present situation. The Committee does not believe that truly preventive action can or will be taken until a national understanding develops that violence against women is related to the unequal status of women in Canadian society and until responses are developed based on that understanding.

## **RECOMMENDATION 25**

**The Committee recommends that the federal government take a leadership role and work with women's groups across the country and with the provinces to establish a royal commission on violence against women.**

The terms of reference for the Royal Commission should include:

- The composition of the Royal Commission should be predominantly women. Consideration for membership on the Commission should be given to immigrant women, visible minority women, aboriginal women, women representing equality-seeking groups, lesbian women, women of various ages from urban and rural communities in the various regions of Canada, women with disabilities, and women from English and French speaking communities.
- The members of the Royal Commission should have a demonstrated understanding of violence against women, an awareness of the relationship between victimization and their economic and social inequality, and a commitment to improving the status of women and, by extension, women's security and safety.
- The Royal Commission's mandate should include an examination of women's experiences of physical and sexual assault and sexual harassment. As well the Commission should examine the influences or causes of violence against women and the costs and effects of violence against women on women, children, the family and the community.
- The Royal Commission's mandate should also include an analysis of how government and non-government agencies, physical education and recreation organizations, institutions and programs respond to violence against women. The study should include the criminal justice system, the health, education and social service sectors, religious organizations, the media, the government.
- The Royal Commission should establish consultative bodies or task forces made up of representatives from community-based agencies and national organizations to examine services, prevention models, and educational

initiatives related to violence against women. The task forces should identify ways to coordinate the sharing of information about the approaches taken at the community and national level and recommend new or enhanced programs to promote economic and social gender equality and prevent violence against women.

- The Royal Commission should be established in a way that ensures women from a broad cross-section of Canadian society will be heard. The hearings should be accessible, informal, and sensitive. They should make allowance for *in camera* sessions, and provide translation, signing and transcribing. The Commission should travel to all regions of the country and conduct outreach to acquire the participation of victims of violence, front-line workers and other professionals and agents in the field. Ongoing, relevant research should be conducted to support the Commission and establish a solid qualitative and quantitative data base on the incidence of violence against women in Canada.

# CONCLUSION

The evidence heard by the Committee over a five month period has led it to conclude that we, as a society, have no alternative but to work toward permanent, effective solutions to the endemic problem of violence against women. Sexual and physical assaults, threats, and murder are a terrifying and brutal reality for too many women. In spite of the good work and good will that exist across the country for enhancing the security and safety of women, violence against women has continued. As well, the phenomenon remains largely a women's problem of which there is minimal social awareness or support. This points to a requirement for innovative responses.

The Committee is convinced that security of the person is a fundamental human right that is denied to too many women in our society. The fact that women are the targets for men's violence is a tragic reflection of the unequal social and economic status of women in relation to men. It is the hope of the Committee that the recommendations in this report will help to redress the systemic forms of inequality that foster and legitimate violence against women.

ADULT PROTECTION CENTRE (MONTREAL)	13	April 15, 1991
Patricia Boess, Member David Singleton, Member Patricia Frame, Member		
ASSOCIATION FOR MEDIA LITERACY	6	February 13, 1991
Judith Posner, Sociologist, York University		
BRITISH COLUMBIA/YUKON SOCIETY OF TRANSITION HOUSES	5	February 13, 1991
Eleanor Sumner, Vice-President Bonnie McMackon, Vice-President		
CANADIAN ADVISORY COUNCIL ON THE STATUS OF WOMEN	5	February 13, 1991
Dr. Glenda R. Simms, president		
CANADIAN ASSOCIATION OF SEXUAL ASSAULT CENTRES	4	February 12, 1991
Lee Laskeman, Collective Member		



## LIST OF WITNESSES

**Sub-committee on the Status of Women  
Second Session of the Thirty-Fourth Parliament**

ASSOCIATIONS AND WITNESSES	ISSUE No.	DATE
<b>ADDICTION RESEARCH FOUNDATION</b> Karen Goldenberg, Vice-President, Programs and Services Judith Groeneveld, Research Associate	9	March 13, 1991
<b>ASSAULT PREVENTION CENTRE (MONTREAL)</b> Patricia Bossy, Member David Singleton, Member Patricia Kearns, Member	13	April 15, 1991
<b>ASSOCIATION FOR MEDIA LITERACY</b> Judith Posner, Sociologist, York University	5	February 13, 1991
<b>BRITISH COLUMBIA/YUKON SOCIETY OF TRANSITION HOUSES</b> Eleanor Summer, Vice-President Bonnie McMackon, Vice-President	5	February 13, 1991
<b>CANADIAN ADVISORY COUNCIL ON THE STATUS OF WOMEN</b> Dr. Glenda P. Simms, president	5	February 13, 1991
<b>CANADIAN ASSOCIATION OF SEXUAL ASSAULT CENTRES</b> Lee Lakeman, Collective Member	4	February 12, 1991

<b>ASSOCIATIONS AND WITNESSES</b>	<b>ISSUE N.</b>	<b>DATE</b>
<b>CANADIAN COUNCIL OF MUSLIM WOMEN</b> Talat Muiniddin, President	9	March 13, 1991
<b>CANADIAN FEDERATION OF STUDENTS</b> Catherine Remus, Government Relations Officer Sylvia Sioufi, Researcher	6	March 5, 1991
<b>CANADIANS FOR GUN CONTROL</b> Heidi Rathjen, Former Student, École polytechnique of Montreal Wendy Cukier, Professor, Ryerson Polytechnical Institute	11	March 20, 1991
<b>CANADIAN PSYCHOLOGICAL ASSOCIATION</b> Dr. Rhona Steinber, Chair	12	April 15, 1991
<b>CANADIAN RESEARCH INSTITUTE FOR THE ADVANCEMENT OF WOMEN</b> Dr. Jeri Wine, President Linda Clippingdale, Executive Director	12	April 15, 1991
<b>CANADIAN TEACHERS' FEDERATION</b> Kitty O'Callaghan, President Anne Wilson, President, Federation of Women Teachers' Association of Ontario Allan Bacon, Vice-President, Canadian Teachers' Federation Heather-Jane Robertson, Director, Professional Development Services Michael Côté, President, Ontario English Catholic Teachers' Association Horst Schweinbenz, Vice-President, Ontario Teachers' Federation Ken Taylor, President, Yukon Teachers' Association Rudy Schellenberg, President, Saskatchewan Teachers' Federation	4	February 12, 1991
<b>CARLETON UNIVERSITY SCHOOL OF JOURNALISM</b> Dr. Eileen Saunders, Associate Director	7	March 12, 1991

<b>ASSOCIATIONS AND WITNESSES</b>	<b>ISSUE N.</b>	<b>DATE</b>
<b>FAMILY SERVICE ASSOCIATION OF METRO TORONTO</b> Anna Nosko, Social Worker	12	April 15, 1991
<b>HEALTH AND WELFARE CANADA</b> Ian Green, Assistant Deputy Minister, Social Service Programs Branch Elaine Scott, Director, Family Violence Prevention Division Katherine Stewart, Senior Analyst	12	April 15, 1991
<b>INUIT WOMEN'S ASSOCIATION (PAUKTUUTIT)</b> Rosemarie Kuptana, Member of the Association Linda Archibald, Special Project Officer	4	February 12, 1991
<b>JUSTICE FOR ABUSED WOMEN</b> Christina Benson Maureen Brioux	9	March 13, 1991
<b>LONDON ONTARIO FAMILY COURT CLINIC</b> Peter Jaffe, Executive Director Deborah Reitzel, Research Coordinator Dr. Marlies Sudermann, Psychologist	5	February 13, 1991
<b>METRO TORONTO ACTION COMMITTEE ON PUBLIC VIOLENCE AGAINST WOMEN AND CHILDREN (METRAC)</b> Patricia Marshall, Executive Director	5	February 13, 1991
<b>MINISTER RESPONSIBLE FOR THE STATUS OF WOMEN</b> The Honourable Mary Collins	1	December 4, 1990
<b>MONTREAL URBAN COMMUNITY POLICE DEPARTMENT</b> John Kousik, Director	10	March 19, 1990

<b>ASSOCIATIONS AND WITNESSES</b>	<b>ISSUE N.</b>	<b>DATE</b>
<b>NATIONAL ACTION COMMITTEE ON THE STATUS OF WOMEN</b> Judy Rebick, President Flora Fernandes, Co-Chair, Committee on Violence Against Women Anne McGrath, Vice-President, (NCA) and Co-Chair of the Committee on Violence Against Women	2	December 11, 1990
<b>NATIONAL ASSOCIATION OF WOMEN AND THE LAW</b> Nicole Tellier, Criminal Justice Working Group Judith Parrack, Criminal Justice Working Group	4	February 12, 1991
<b>NATIONAL ASSOCIATIONS ACTIVE IN CRIMINAL JUSTICE</b> Linda MacLeod, President Lorraine Berzins, Member	4	February 12, 1991
<b>NATIONAL ORGANIZATION OF IMMIGRANT AND VISIBLE MINORITY WOMEN OF CANADA</b> Eunadie Johnson, President	4	February 12, 1991
<b>NATIVE WOMEN'S ASSOCIATION OF CANADA</b> Rose-Ann Morris, Director Carol Wortman, New Brunswick Indian Women's Council Marlene Pierre, Ontario Native Women's Association	4	February 12, 1991
<b>NEPEAN POLICE FORCE</b> David Ashton, Officer in charge, Victim Crisis Services Gillian Mercer, Crisis Intervention Coordinator	8	March 13, 1991
<b>NEW BRUNSWICK COALITION OF TRANSITION HOUSES AND EMERGENCY SHELTERS FOR ABUSED WOMEN</b> Sister Cécile Renault, President Simone Harris, Coordinator	5	February 13, 1991

<b>ASSOCIATIONS AND WITNESSES</b>	<b>ISSUE N.</b>	<b>DATE</b>
<b>ONTARIO ASSOCIATION OF INTERVAL AND TRANSITION HOUSES</b> Trudy Don, Executive Director Shirley Gladstone, Placement Student	5	February 13, 1991
<b>OTTAWA-CARLETON REGIONAL COORDINATING COMMITTEE ON WIFE ASSAULT SOCIAL PLANNING COUNCIL</b> Joan Gullen, Family Service Centre Lori Pope, University of Ottawa Legal Services Ann Sharp, Nelson House John MacDonald, New Directions Maria Shen, Boardmember of Immigrant and Visible Minority Women Against Abuse	13	April 15, 1991
<b>PROVINCIAL ASSOCIATION OF TRANSITION HOUSES IN SASKATCHEWAN</b> Gene Krawetz, Chairperson	5	February 13, 1991
<b>REGROUPEMENT DES CLSC DU MONTRÉAL MÉTROPOLITAIN</b> Michelle Doyon, Coordinator	10	March 19, 1991
<b>REGROUPEMENT QUÉBÉCOIS DES CALACS</b> Diane Lemieux, Coordinator Christine Pruneau, Intervener	13	April 15, 1991
<b>SECRETARY OF STATE</b> Catherine Lane, Assistant Under Secretary of State Denise Boudrias, Director, Women's Program	3	December 18, 1990
<b>SOUTH ASIAN FAMILY SUPPORT SERVICES</b> Aruna Papp	9	March 13, 1991
<b>STATUS OF WOMEN CANADA</b> Kay Stanley, Coordinator	1	December 4, 1990

**WOMEN'S LEGAL EDUCATION AND ACTION FUND      4      February 12, 1991**

Sheila McIntyre, Member, National Legal Committee  
 Helena Orton, Director of Litigation  
 Shela M'Gonigle, Member, Executive Committee and Chair of the Ottawa LEAF Chapter

**YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF CANADA (YWCA)      4      February 12, 1991**

Judith Wiley, Acting Chief Executive Officer  
 Marlene Bertrand, Director, Osborne House, Winnipeg  
 Joyce Emerson, Ajax-Pickering Shelter for Abused Women  
 Bluma Teram, YWCA-Kitchener-Waterloo  
 Lucille Panet-Raymond, National Board Member

## REQUEST FOR GOVERNMENT RESPONSE

THURSDAY, JUNE 6, 1991

(1)

Your Committee requests that the Government respond within 90 days to this report.

A copy of the relevant Minutes of Proceedings and Evidence (*Issue No. 3 which includes this report*) is tabled.

Respectfully submitted,

*Members of the Sub-committee present: Edna Jordan, Dawn Black, Mary Clancy and Barbara Greene.*

*Acting Member present: Louise Feltham for Pierrette Verne.*

*In attendance: From the Library of Parliament: ... Research Officers.*

BARBARA GREENE  
Chair

*The Clerk of the Sub-committee presided over the election of a Chair.*

*On motion of Mary Clancy, seconded by Dawn Black, it was agreed, -- That Barbara Greene do take the Chair of this Sub-committee.*

*Accordingly, Barbara Greene was declared duly elected and took the Chair.*

*On motion of Dawn Black, it was agreed, -- That the Sub-committee print 550 copies of its Minutes of Proceedings and Evidence, as established by the Board of Internal Economy.*

*On motion of Mary Clancy, it was agreed, -- That the Chair be authorized to hold meetings to receive and authorize the printing of evidence, when a quorum is not present provided that a Member of the Opposition is present.*

*On motion of Dawn Black, it was agreed, -- That the Terms of Reference and Workplan agreed to on December 4, 1990 be adopted.*

*On motion of Louise Feltham, it was agreed, -- That the Sub-committee continue to sit in camera.*

*The Sub-committee commenced consideration of a draft report on violence against women.*

*At 1:40 o'clock p.m., the Sub-committee adjourned to the call of the Chair.*

THURSDAY, JUNE 13, 1991

(2)

*The Sub-committee on the Status of Women of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women met in camera at 11:35 o'clock a.m., in Room 208 West Block, the Chair, Barbara Greene, presiding.*



## MINUTES OF PROCEEDINGS

THURSDAY, JUNE 6, 1991

(1)

[Text]

The Sub-committee on the Status of Women of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women met at 12:08 o'clock p.m., in Room 269 West Block, for the purpose of electing a Chair pursuant to Standing Orders 106(1) and (2).

*Members of the Sub-committee present:* Edna Anderson, Dawn Black, Mary Clancy and Barbara Greene.

*Acting Member present:* Louise Feltham for Pierrette Venne.

*In attendance: From the Library of Parliament:* Patricia Bégin and Kristen Douglas, Research Officers.

The Clerk of the Sub-committee presided over the election of a Chair.

On motion of Mary Clancy, seconded by Dawn Black, it was agreed,—That Barbara Greene do take the Chair of this Sub-committee.

Accordingly, Barbara Greene was declared duly elected and took the Chair.

On motion of Dawn Black, it was agreed,—That the Sub-committee print 550 copies of its Minutes of Proceedings and Evidence, as established by the Board of Internal Economy.

On motion of Mary Clancy, it was agreed,—That the Chair be authorized to hold meetings to receive and authorize the printing of evidence when a quorum is not present provided that a Member of the Opposition is present.

On motion of Dawn Black, it was agreed,—That the Terms of Reference and Workplan agreed to on December 4, 1990 be adopted.

On motion of Louise Feltham, it was agreed,—That the Sub-committee continue to sit *in camera*.

The Sub-committee commenced consideration of a draft report on violence against women.

At 1:40 o'clock p.m., the Sub-committee adjourned to the call of the Chair.

THURSDAY, JUNE 13, 1991

(2)

The Sub-committee on the Status of Women of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women met in camera at 11:35 o'clock a.m., in Room 208 West Block, the Chair, Barbara Greene, presiding.

*Members of the Sub-committee present:* Edna Anderson, Mary Clancy, Barbara Greene and Pierrette Venne.

*Acting Member present:* Jim Karpoff for Dawn Black.

*In attendance: From the Library of Parliament:* Patricia Bégin and Kristen Douglas, Research Officers.

The Sub-committee resumed consideration of its draft report on violence against women.

At 12:05 o'clock p.m., the Committee adjourned to the call of the Chair.

MONDAY, JUNE 17, 1991

(3)

The Sub-committee on the Status of Women of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women met in camera at 1:10 o'clock p.m., in Room 112-N, Centre Block, the Chair, Barbara Greene, presiding.

*Members of the Sub-committee present:* Dawn Black, Mary Clancy, Barbara Greene and Pierrette Venne.

*In attendance: From the Library of Parliament:* Patricia Bégin and Kristen Douglas, Research Officers.

The Sub-committee resumed consideration of its draft report on violence against women.

It was agreed,—That the draft report, as amended, be adopted as the Sub-committee's First Report and that the Chair be authorized to present the report to the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women.

At 1:35 o'clock p.m., the Sub-committee adjourned to the call of the Chair.

Christine Fisher

*Clerk of the Sub-committee*

## MINUTES OF PROCEEDINGS

TUESDAY, JUNE 11, 1991

(3)

[Text]

The Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women met *in camera* at 10:10 o'clock a.m., this day, in Room 237-C, Centre Block, the Chair, Barbara Greene, presiding.

*Members of the Committee present:* Edna Anderson, Barbara Greene, Jean-Luc Joncas, Rey Pagtakhan, Bobbie Sparrow and Stan Wilbee.

*Acting Member present:* Chris Axworthy for Jim Karpoff.

*In attendance: From the Research Branch of the Library of Parliament:* Odette Madore and Joan Vance, Research Officers.

The Committee considered its future business.

On motion of Stan Wilbee, it was agreed,—That, pursuant to Standing Order 108(1), a Sub-committee of the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women, composed of three (3) to five (5) members, with membership to be determined by the Chair after the usual consultations, be established with all the powers of the Committee except the power to report to the House; and that, pursuant to Standing Order 108(2), the said Sub-committee to examine various aspects of Health Issues in Canada and report its conclusions and recommendations to the Committee.

It was agreed,—That, the question of the sequence and amount of time allotted to questions at committee meetings was postponed for future consideration.

At 10:55 o'clock a.m., the Committee adjourned to the call of the Chair.

TUESDAY, JUNE 18, 1991

(4)

The Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women met *in camera* at 9:45 o'clock a.m., this day, in Room 237-C, Centre Block, the Chair, Barbara Greene, presiding.

*Members of the Committee present:* Edna Anderson, Barbara Greene, Jim Karpoff, Rey Pagtakhan, Bobbie Sparrow and Stan Wilbee.

*Acting Member present:* Mary Clancy for David Walker.

*Other Member present:* John Cole.

*In attendance: From the Research Branch of the Library of Parliament: Odette Madore, Joan Vance, Patricia Bégin and Kristen Douglas, Research Officers. From the Committees Directorate: Christine Fisher, Procedural Clerk.*

The Committee commenced consideration of the draft report of the Sub-committee on the Status of Women.

The Committee considered the individual recommendations.

At 10:50 o'clock a.m., the Committee adjourned to the call of the Chair.

#### AFTERNOON SITTING

(5)

The Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women met *in camera* at 4:05 o'clock p.m., this day, in Room 705, La Promenade Building, the Chair, Barbara Greene, presiding.

*Members of the Committee present: Edna Anderson, Barbara Greene, Jean-Luc Joncas, Jim Karpoff, Bobbie Sparrow and Stan Wilbee.*

*Acting Member present: Mary Clancy for David Walker.*

*Other Members present: Dawn Black and Pierrette Venne.*

*In attendance: From the Research Branch of the Library of Parliament: Odette Madore, Joan Vance, Patricia Bégin and Kristen Douglas, Research Officers. From the Committees Directorate: Christine Fisher, Procedural Clerk.*

The Committee resumed consideration of the draft report of the Sub-committee on the Status of Women.

Barbara Sparrow moved,—That, the Committee ask the Chair to present the First Report of the Sub-committee on the Status of Women as the First Report of the Standing Committee to the House of Commons.

The question being put on the motion, it was agreed to.

On motion of Jim Karpoff, it was agreed,—That, the Committee print 5,000 copies of the report with a special cover.

On motion of Jim Karpoff, it was agreed,—That, the Committee request the government to table a comprehensive response to the report within 90 days.

At 4:40 o'clock p.m., the Committee adjourned to the call of the Chair.

Nino A. Travella  
*Clerk of the Committee*



