

Canadian Network of Women's Shelters and Transition Houses

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October 2013

The Case for a National Action Plan on Violence Against Women

Executive Summary



Canadian Network of Women's
Shelters & Transition Houses

Réseau canadien des maisons
d'hébergement pour femmes

Before embarking on this project, the Canadian Network of Women's Shelters & Transition Houses sought and confirmed support for the *Mapping VAW Policy and Opportunities Project* (MVP) from all provincial/territorial sheltering associations.

Led by a core group of Network Board members who are experienced leaders in the VAW sector, the Network engaged the services of a team of research consultants to produce the present report. Research was conducted between January 2013 and June 2013.

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Executive Summary

In 2012, the Canadian Network of Women's Shelters & Transition Houses (The Network) initiated the *Mapping VAW Policy and Opportunities Project* (MVP) as one part of a set of activities toward a long-term goal to facilitate and inform the development of progressive and comprehensive national legislation addressing violence against women (VAW) in Canada.

The MVP is intended to build upon and advance the high-level [Scan on Funding and Policy Initiatives to Respond to Violence Against Women](#) undertaken by The Network in 2011 at the request of the Canadian Women's Foundation. This report is informed by two United Nations documents: the [Handbook for Legislation on Violence Against Women](#) (2010) and the [Handbook for National Action Plans on Violence Against Women](#) (2011).

The goal of the MVP is to develop a comprehensive map of existing national, provincial, and territorial policies, action plans, strategies, and legislation that would be impacted by, or could be used as the basis for, the development of national legislation on violence against women (VAW) in Canada.

The research objectives were to: a) ascertain how existing policy/legislation that touches upon VAW in direct or indirect ways is or is not working effectively to prevent violence, protect survivors or hold perpetrators accountable; and b) identify inconsistencies between the policies as written and adopted, and how they work in day-to-day practice. A third objective – to identify gaps within jurisdictions, inter-regionally, and federally in Canada – was beyond the achievable scope of this report.

A high-level review of policies, legislation, strategies, research, reports, action plans, and statistical data from across Canada relevant to the development of national VAW legislation was conducted.

In keeping with the recommended content of VAW legislation and action plans cited in the two UN *Handbooks*, the MVP research team identified and reviewed the following policy areas: government initiatives, strategies, and action plans at the federal and provincial/territorial levels; protection, support, and assistance to complainants/survivors; criminal justice responses; civil law; immigrant and refugee law; social services; child protection; prevention; monitoring and evaluation initiatives related to VAW; and policies related to gender equality and social justice.

Holding Canadian governments accountable for their failure to protect women from violence

In 2012, a UN committee found that Canada failed to fulfill its obligations under the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) on the petition filed by Cecilia Kell – an Aboriginal woman and victim of domestic violence who was robbed of her home. After fleeing to a shelter to escape her violent partner, he persuaded the NWT Housing Corporation to remove her name from homeownership documents without her knowledge or consent, rendering her and her three children homeless. Several lawyers and ten years later, Cecilia lost her case against the estate of her ex-partner and the NWT Housing Corporation in the Supreme Court of the Northwest Territories. The CEDAW Committee determined that the State and its agents did not refrain from discriminating against Cecilia nor take appropriate steps to ensure discrimination on the basis of sex and Aboriginality did not occur. The Committee recommended the Governments of Canada and NWT compensate Cecilia monetarily, provide housing commensurate to that which she was deprived, and review legal aid systems to ensure Aboriginal women who are victims of domestic violence have effective access to justice.[†]

Source: Committee on the Elimination of Discrimination Against Women

A wide range of data sources were consulted, including governmental reports and websites, libraries, electronic databases, relevant list-serves, materials of community agencies, and the resources of the Network members.

To contextualize the findings, input was obtained from experts whose experiences of various VAW policies and legislation on behalf of particular constituencies lend unique perspectives to this study. Seven qualitative informant interviews were conducted with representatives of the following experience and perspectives: women with disabilities, urban Aboriginal women, immigrant/linguistic minority women, law enforcement, The North, Quebec, and Ontario (because of its domestic violence and sexual violence action plans and Domestic Violence Advisory Council).

Key Conclusions

- Most provinces/territories recognize gendered violence within an historical context of gender inequality complicated by other social inequalities
- The federal government does not identify women (as a singular demographic) as an at-risk population in terms of intimate partner violence or sexual violence; women and girls are identified as most at risk of trafficking for the purposes of sexual exploitation
- Focus at the federal level is on gender-neutral victims of crime and family violence
- VAW is not defined comprehensively across federal and provincial/territorial policy
- Women's safety is compromised by government under-funding of social services, social housing, and supports for women affected by violence; the VAW sector requires an investment of training and resources to better respond to diverse groups of women and those with complex needs
- A change in orientation is needed for service provision to Aboriginal women: the short-term crisis intervention model that dominates Western therapeutic approaches should be replaced with a long-term holistic approach in Aboriginal shelters and those shelters serving Aboriginal women
- There are few evaluations of what works to prevent VAW, change attitudes and behaviour, and respond effectively

[†] Committee on the Elimination of Discrimination Against Women, fifty-first session, 13 February to 2 March 2012, CEDAW/C/51/D/19/2008: http://www2.ohchr.org/english/law/docs/CEDAW-C-51-D-19-2008_en.pdf

- Legal systems across Canada are costly, inaccessible, fragmented, and must be improved in order to better address VAW and benefit survivors
- Canada's affordable and low income housing deficit is felt most acutely by women leaving violent partners or emergency shelters and especially by women who are poor, Aboriginal, living with a disability, or living in rural/remote areas
- At the federal level, several mainstay initiatives offering support to survivors of VAW within the context of general victims' services maintain gender neutrality; none regards VAW through a lens of human rights or women's equality
- Victims' services programs within provincial/territorial Departments of Justice are gender neutral and framed within a “victims of crime” rather than a “violence against women” perspective
- There is an over-reliance on the criminal justice system to respond to domestic violence and insufficient attention to the reforms needed to ensure a more just response to survivors of sexual violence who face systemic discrimination
- Strict interpretation of pro-charging policies has resulted in dual charging, where both women and men are charged
- Holistic care involving outreach services and safe affordable housing is needed for women leaving shelters
- Mental health, family law, and child protection services often fail to protect women and children in Canada

In light of these conclusions, the research team recommends the goal of the MVP be to develop a National Action Plan on VAW in Canada as this would have broader reach and include legal reform as a key component. This report offers a starting point for discussion about a comprehensive strategy for developing Canada's first National Action Plan on VAW.

It is clear that in the absence of a National Action Plan, responses to VAW in Canada are largely fragmented, often inaccessible, and can work to impede rather than improve women's safety. Concrete examples are offered throughout this report of where problems lie and of instances of innovations that are important to consider in a National Action Plan.

A strategic and sustainable step toward meaningfully addressing VAW in Canada is to establish a multi-sectoral NAP that adheres to the guidelines and principles set out by the UN [*Handbook for Legislation on Violence Against Women*](#) (2010) and the UN [*Handbook for National Action Plans on Violence Against Women*](#) (2011).

Recommendations

While some important advancements have been made by various levels of government in Canada to respond to and prevent VAW, far more must be done.

As found by this report, many current policies, legislation, strategies, and action plans across Canada lack effective coordination of efforts, conflict with one another, and/or have unintended (negative) consequences.

A National Action Plan on VAW that follows the guiding principles laid out in the UN *Handbook for National Action Plans on VAW*¹ could help address such deficiencies. Several provinces/territories have already enacted plans that cut across agencies/ministries and are inclusive of different types of violence, many of which follow many of said guiding principles, making the pursuit of a National Action Plan that much more viable.

A coordinated NAP on VAW in Canada will help ensure:

- Consistency across and within jurisdictions in policies and legislation that address VAW
- Shared understanding of the root causes of VAW
- Consistent approaches to prevention of and responses to VAW
- Collective pursuit of the most appropriate solutions
- High-level commitment to a multi-pronged, coordinated, pan-Canadian approach
- Coordinated, clear, and effective services and systems for survivors of VAW that respect and respond to diversity

A coordinated NAP on VAW in Canada must include:

- New commitments and clear targets
- New financial resources
- Effective prevention mechanisms
- Universal coverage of response mechanisms for survivors
- Review of justice mechanisms and policing practices
- A robust mechanism for monitoring and evaluation and data collection

¹ United Nations (2011), *Handbook for National Action Plans on Violence against Women*. New York: UN Women

The process for developing Canada's NAP must include:

- Meaningful consultation with all stakeholders, including providing resources to stakeholders working directly in the area of VAW and to survivors of VAW
- Mechanisms to ensure that the voices and recommendations of survivors and front-line workers are reflected in the NAP
- Strong political leaders

