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A Blueprint for Canada's National Action Plan on Violence Against Women and Girls

Prepared by a Network of NGOs, Trade Unions and Independent Experts



Canadian Network of Women's
Shelters & Transition Houses

Réseau canadien des maisons
d'hébergement pour femmes

Preamble

The level of violence that women and girls experience in Canada has changed little over the past two decades. The current response to violence against women and girls has failed to significantly lower the levels of violence they experience. In order to build a Canada where women and girls are not subjected daily to these forms of violence simply because of their gender, our governments must take a new approach.

Canada needs a coherent, coordinated, well-resourced National Action Plan on Violence Against Women. This will require the leadership of the federal government, along with the cooperation of provincial, territorial and municipal governments, as well as on and off-reserve First Nations/Aboriginal governments. This blueprint provides a roadmap for Canada's National Action Plan on Violence Against Women and Girls. It covers both the content and the process for defining and implementing the plan.

The process of constructing a National Action Plan will be key in determining the plan's success. There are many individuals, organizations, communities and researchers working diligently to end violence against women. The government must draw on the diversity and depth of knowledge and experience offered by these communities, organizations and individuals. The final National Action Plan must clearly reflect the findings of those communities, organizations and individuals. Further, while violence against women is detrimental to all women, women experiencing multiple oppressions face an even greater number of obstacles which demand that solutions be created that acknowledge and reflect the realities of other forms of discrimination and marginalization.

We believe that the federal government must launch a national public inquiry into missing and murdered Indigenous women immediately. Canada's National Action Plan on Violence Against Women and Girls will be informed by the outcomes of the inquiry, and the action plan specific to Indigenous women will inform Canada's broader action plan on violence against women and girls.

The Case for a National Action Plan on Violence Against Women and Girls

Violence against women is a form of gender-based discrimination, a manifestation of historical and systemic inequality between men and women, and the most widespread human rights violation in the world. It refers to any act, intention or threat of physical, sexual or psychological violence that results in the harm or suffering of women and girls, including restrictions on their freedom, safety and full participation in society. It is inflicted by intimate partners, caregivers, family members, guardians, strangers, co-workers, employers, healthcare and other service providers. It occurs in the home, at work, in institutions and in our communities. Women's experiences of violence are shaped by multiple forms of discrimination and disadvantage, which intersect with race, ethnicity, religion, gender identity, sexual orientation, immigrant and refugee status, age, and disability.ⁱ Violence Against Women affects all of us.ⁱⁱ

In Canada:

- On any given night, 4,600 women and their 3,600 children are forced to sleep in emergency shelters as a result of violence. On a single day 379 women and 215 children were turned away from shelters in Canada, usually because they were full.ⁱⁱⁱ
- In 2011-12, 760 victim service programs helped almost 460,000 victims of crime. Among all females assisted, 84% were victims of a violent offence; 30% were women receiving services related to sexual assault, and 61% were victims of violent offences by a spouse, ex-spouse, intimate partner or other family member.^{iv}
- 1,181 Indigenous women went missing or were murdered between 1980 and 2012.^v
- 60% of women with a disability experience some form of violence.^{vi}
- In 2008, over 11,000 sexual assaults of girls under the age of 18 were reported to police in Canada. Given that approximately 10% of assaults are reported, the actual number is much higher.^{vii}
- The total cost of intimate partner violence has been estimated at \$7.4 billion per year.^{viii}

Under international law, every country has an obligation to address violence against women. The United Nations has called on all countries to have a National Action Plan by 2015. Currently, Canada has no comprehensive national plan or strategy to deal with violence against women.^{ix}

Initiatives at the federal level lack coordination, rely too heavily on the criminal justice system, and fail to acknowledge the gendered dimension and root causes of violence against women. This

results in underfunded and inadequate services that do not reflect women's lived realities, or effectively prevent violence and reduce impact. National Action Plans provide a framework for strengthening the systems that respond to violence against women. They establish national standards and call for collaboration between all levels of government, civil society, survivors, and service responders. They put women's knowledge, experiences and needs at the centre.

"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."

- *The Case for a National Action Plan on Violence Against Women*

Canada needs a National Action Plan to ensure all women are able to live free of violence.

Prevention Measures

Prevention work must be community-specific, adequately funded, and based on a gendered, feminist intersectional analysis of violence. The focus has to be on educating children, youth and adults on human rights and violence against women and girls through promoting understanding of healthy relationships, consent and rape culture, breaking down sexual assault myths, encouraging bystander interventions, offering programs to foster self-esteem, and working with men and boys to change attitudes and behaviours.

Canada's NAP on VAW will call on governments to:

With leadership from and partnership with the violence against women sector, support schools, post-secondary institutions, women's organizations, community groups, health and social services, ethno-specific and faith-based organizations to apply a gender-based intersectional framework to evaluation and training on topics including healthy relationships, sexual consent, bystander intervention, human rights and gender-based violence.

Establish national public education campaigns on violence against women and girls.

Foster prevention initiatives led by women working in partnership with men to educate men and boys on ways to acknowledge, challenge and prevent violence, including intensive work with perpetrators.

Ensure programming meets the specific needs of youth, older adults, people with disabilities and Deaf people, immigrants and refugees, and LGBTQ communities in addressing and preventing gender-based violence.

Support First Nations, Métis and Inuit organizations and governments to develop prevention strategies for their communities.

Support both research and initiatives that address evolving forms of violence, such as gender-based cyber violence and harassment.

Service Responses

A universal, coordinated and integrated system of support services must be adequately funded and offered across all geographic locations, and accessible to all women who have experienced any form of gender-based violence. This should include the development and implementation of service and practice standards and guidelines for all sectors that respond to violence against women, such as health, child protection, social assistance and housing, to name a few.

Canada's NAP on VAW will call on governments to:

Provide adequate funding to VAW shelters/transition houses to meet the demand for immediate and secure emergency and short-term accommodation for women and their children, as well as for second-stage and permanent housing.

Provide adequate funding to service providers including sexual assault, rape crisis and other community-based services to deliver immediate 24/7 crisis support.

Guarantee high-quality intersectional/trauma-informed counseling and support services in both the immediate and longer term.

Develop a health sector response to VAW, ensuring integration with and access to all areas of care including primary care, emergency services, reproductive and sexual health services and mental health, including PTSD.

“Canada’s federal government should initiate a process to develop a plan, involving provincial, territorial and Aboriginal governments as well as civil society, service providers and survivors of gender-based violence. Canada’s National Action Plan needs to include legislation as well as specific resources and strategies for those most vulnerable to violence: Aboriginal women, immigrant women, women with disabilities and young women. Canada’s Plan must also provide sufficient resources for the strategies to be implemented, including support for research to measure progress.”

- Canadian Labour Congress

Ensure that organizations and professional bodies training future professionals who will potentially intervene with victims of VAW receive adequate and ongoing training to identify violence and risk factors.

Ensure cross-sector coordination, collaboration and information sharing on safety planning.

Offer free legal aid representation and information for abused women, including free information about rights and entitlements for criminal and family court systems.

Provide comprehensive and consistent victim compensation programs.

Ensure appropriate services including counseling and safe childcare for children affected by domestic violence.

Establish family justice centres that allow for exchange of children (due to custody/access issues) and supervised access in a manner that is safe for both mothers and children.

Legal and Justice Responses

The National Action Plan on Violence Against Women and Girls must address police, legal, court, and prison systems to ensure they reflect and are responsive to the lived realities of women facing violence, and work to both prevent and reduce the impacts of violence and ensure women's safety.

Canada's NAP on VAW will call on governments to:

Ensure women have access to legal representation, advice and information for all processes.

Recognize and offer support to survivors who engage with the criminal justice systems, as well as those who choose not to for various reasons.

Review the evidentiary burden in sexual assault cases that currently result in very low conviction rates.

Ensure that police, lawyers, and judges receive training in intersectional gender-based analysis of family and sexual violence, including an understanding of the tactics an abuser will use during family court proceedings.

Ensure coherence between court systems and acknowledge the presence of family violence and/or sexual violence by ensuring the training of judges and lawyers, by creating dedicated and specialized teams within police forces and amongst prosecutors, by appointing dedicated judges and by ensuring that information pertaining to court orders be shared between the courts involved in cases dealing with family violence and/or sexual violence.

Make it mandatory for judges to consider family and sexual violence in access and custody decisions.

Ensure equitable division of assets accumulated during the relationship for both married and common-law women and the enforcement of child support payments without risk to the safety of the woman.

Ensure child protection systems do not place women at risk of losing their children because they have been unable to escape or control an abusive partner.

Ensure perpetrators are held responsible for their behaviour without exposing women who experience violence to unfounded charges.

Ensure efficient and effective cross-jurisdictional enforcement of protection and other court orders.

Ensure access to court diversion programs for First Nation, Métis and Inuit women to break cycles of violence leading to criminalization and incarceration of violence survivors.

Expand police cultural security training on all forms of VAW and increase First Nation, Métis and Inuit presence on police forces.

Social Policy Responses

The National Action Plan on Violence Against Women and Girls must address all policy areas that may affect women's vulnerability to violence and their ability to access services and protections. It must strive to achieve full substantive equality for all women to prevent, and eventually end, violence against women.

Canada's NAP on VAW will call on governments to:

Raise social assistance rates to provide adequate income to move beyond poverty. Ensure that full-time work at minimum wage provides a living wage. Provide supports for women's education and entry or re-entry into the paid labour force.

Implement a national plan to end women's homelessness and a national housing strategy that ensures every woman leaving a violent situation, a shelter, or a prison has a safe affordable home. Ensure development a housing strategy by and for Indigenous women.

First Nations, Metis and Inuit Peoples as well as many other concerned Canadians, are rising up and embracing their own forms of expression and their own calls for action to address the situation impacting Aboriginal women and girls. A national and public inquiry would be a crucial step in implementing a comprehensive and coordinated National Action Plan that is necessary to address the scale and severity of violence faced by Aboriginal women and girls.

- Native Women's Association of Canada

Ensure that immigration policy does not result in sponsored immigrants having to remain in abusive situations. Ensure that migrant workers or women with precarious immigrant status have full access to service responses and are not legally dependent on remaining with abusive sponsors or employers.

Ensure that employers take effective measures to prevent, investigate and remedy sexual harassment and other forms of discriminatory harassment in the workplace and address the impact of domestic violence at work, including leave to deal with the impact of violence against women.

A Blueprint for a National Action Plan on Violence Against Women and Girls

The elaboration of Canada's National Action Plan on Violence Against Women and Girls will follow the best practices identified by the United Nations, leading researchers, and countries with successful National Action Plans in place. It will include a comparative legislative review from relevant jurisdictions, as well as applicable domestic legislation.

All violence prevention and response systems must take a survivor-directed approach, be appropriate to the communities of women being served, taking into consideration culture, language, race, geography, religion, nationality, physical and mental ability, sexual orientation, gender identity and economic status.

A 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
- National standards with equality of access for women

A NAP on VAW in Canada must include:

- New commitments and clear targets
- Effective prevention mechanisms
- Universal coverage of response mechanisms for survivors
- Review of all justice mechanisms including policing, prosecution and offender management practices
- Efforts to strengthen social policies that affect women's vulnerability to violence
- Support for reliable data collection allowing for better tracking and evaluation, and better evaluation of data specific to Indigenous women
- Adequate human and financial resources to support these measures

The Process for Developing Canada's NAP must include:

- Consultation with all stakeholders, including frontline workers and survivors
- The direct and meaningful participation of non-governmental stakeholders and a formal mechanism for their ongoing participation in the planning and implementation of the NAP
- High-level leadership and accountability from governments at all jurisdictional levels
- Clearly-defined, time-bound goals measured against detailed baseline data
- Adequate human and financial resources to support these processes

Endnotes

ⁱ A more inclusive definition of violence:

Violence against women and girls refers to any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. It is a form of gender-based discrimination as a result of historical and systemic unequal power dynamics between men and women. Violence against women manifests in a number of forms and contexts, including but not limited to:

- Physical violence including battery and child abuse
- Sexual violence including sexual assault, sexual abuse, sexual harassment, incest and sexual assault on a child, sexual exploitation and trafficking
- Psychological and emotional violence
- Violent and harmful practices based on tradition which may include female genital mutilation, dowry-related violence, forced marriage and child marriage
- Financial abuse
- Cyber bullying and abuse through the use of internet resources and technology
- Neglect
- Destruction of property
- Stalking
- Physical, sexual and psychological violence and intimidation at work and in educational institutions
- Femicide

Violence against women is perpetrated by current and/or former intimate partners, caregivers, parents and guardians, co-workers and employers, service providers, the State and judicial systems, immigration and refugee systems. It may occur in relationships, in the home, at work or in the general community. It is intensified by other systems of oppression, including racism, colonialism, ableism, lesbophobia, transphobia, and poverty. Women of colour and indigenous women, trans women and non-binary people, queer women, women with disabilities and deaf women, poor women, sexually exploited women, newcomer and immigrant women, young women and older women and women who are of more than one of these identities are particularly vulnerable to violence against women.

ⁱⁱ Most domestic violence offences are committed by men against women and women are at the greatest risk of more severe violence. Ministry of Public Safety and Solicitor General, Attorney General and Ministry of Children and Family Development, Government of British Columbia, (2010). *Violence against Women in Relationships*.

ⁱⁱⁱ Mazowita Benjamin and Marta Burczycka (2014). "Shelters for abused women in Canada, 2012". *Juristat*. Ottawa: Statistics Canada.

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^v Royal Canadian Mounted Police (2014). "Missing and Murdered Aboriginal Women: A National Operational Overview". Ottawa.

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^{viii} Zang, Tingh et al. (2012). "An Estimation of the Economic Impact of Spousal Violence in Canada". Ottawa: Justice Canada.

^{ix} Canadian Network of Women's Shelters and Transition Houses (2013). *A Case for a National Action Plan on Violence Against Women*.

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