



# **Transforming our Communities**

**Report from the  
Domestic Violence Advisory  
Council  
for the  
Minister Responsible for  
Women's Issues**

**Final**  
May, 2009

## Transforming our communities

This was an exceptional opportunity for people working in the area of domestic violence to come together and share different perspectives. The years of experience and level of expertise made the conversations rich with understanding and knowledge.

We have benefited from this dialogue and believe that the women and children of Ontario will benefit from the implementation of the recommendations in this report.

We have come to understand that supporting a dialogue amongst sectors can produce better public policy. We strongly encourage the Government of Ontario to continue to provide opportunities for people dedicated to ending violence against women to come together to support public policy in this area.

Clare Freeman  
Chair  
Domestic Violence Advisory Council

*A very special note of appreciation to all the women who have turned to the VAW system and trusted us to support them. Council members have learned from what you have said worked well and what needs to improve. To the women who have needed us and not accessed our services, we are aware and committed to the changes that are needed to support you.*

*We strive in this report and in our daily work to be part of a system that actively works to end violence in our relationships and communities while addressing the immediate safety needs of women and children.*

## *Honouring and Acknowledging*

The Council would like to acknowledge the many people who supported our work. There are many people who did research, writing and provided logistical and strategic support throughout the deliberations of the Council. The Council's work could not have been accomplished without your support and we thank you.

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# Transforming our Communities

# Council Preamble

Vision Statement:

*“To free all women and their children from the fear or threat of domestic violence.”*

From the Domestic Violence Action Plan, 2005

## A. Introduction

The issue of violence against women has been a consistent and compelling concern for citizens, communities and governments in the last 30 years in Ontario. The vision is clear and yet the solutions have proven to be complex and multi-layered.

The Minister Responsible for Women’s Issues created the Domestic Violence Advisory Council (DVAC or the Council) in the Fall of 2007 to provide recommendations to improve the existing system of services to better meet the diverse needs of abused women and their children; and to focus on components and/or issues within the broader system of services supporting abused women and their children. The Council was to focus its work on recommendations that required no additional funds, could be achieved by making better use of existing resources and that built on promising practices.

Building upon the work done in the last 30 years by both the community and government to end violence against women, the Council identified two starting points: the stark statistics and stories of women’s deaths in the Domestic Violence Death Review Committee reports<sup>1</sup> and the goals and vision of the Ontario government as reflected in the Domestic Violence Action Plan.

The Council began by taking stock of the situation. Based on the last thirty years of hard work, where are we today? Looking at the system that has been created to respond to violence against women in Ontario, the Council observed:

- Ontario has a broad-based system that supports women and children fleeing violence.
- The system includes many sectors, community members and professionals working to address the issue, including: shelters, police, health care professionals, lawyers, child welfare workers and advocates. These sectors are not always well coordinated and can end up working in silos.
- The system we have created is primarily a response model set to react to the violence in a woman’s life. We often ask a woman to leave her family, her home and sometimes her community to end the violence.
- Specific groups of Ontario women are not fully accessing the services that exist; other groups of women do not have access to the services they require.
- We address men and their violence primarily when they enter the criminal justice system.
- Increasingly, community members recognize that they are affected by this issue and find violence to be unacceptable. Through public education, community members are engaged with us in ending the violence.

The Council then asked: where do we go from here? In addition to the specific recommendations found in this report, the Council has some overall goals: healthy,

violence-free relationships, healthy people, families and communities. We need to be creative and strategic with the resources available to get to our goals.

There are five Transformational Directions of the Domestic Violence Action Plan. These are:

- Government leadership;
- A focus on preventing the violence;
- Broad-based interventions through a wide range of sectors;
- A balanced approach with investments in the community and the justice sector; and
- Targeted approaches to meet diverse needs.

The Council has organized its recommendations under these Transformational Directions. Ultimately, to achieve these Transformational Directions, systemic barriers that perpetuate and tolerate violence need to be addressed and pockets of our community that are unwilling to acknowledge the violence that continues to exist will need to be respectfully challenged.

## **B. The Council's Working Process**

The Council's initial discussion recognized a need to focus and provide concrete recommendations that could be implemented within the Council's mandate.

The Council decided it would take a systemic approach to the issue. The questions would not only be about the immediate service needs of women and children but would explore questions from a broader context:

- What are the factors that lead to violence and how can they be addressed?
- What is the impact of poverty, inadequate housing, and the absence of social supports like childcare services for families in preventing and addressing violence?
- What is the impact of using the term domestic violence? How do we distinguish between forms of violence against women? Where does sexual violence fit?

Through a process of looking at the issues facing the VAW system and reviewing the recommendations of the Domestic Violence Death Review Committee, and due to time constraints, the Council reluctantly limited its focus to five key areas:

- Access and Equity for all women in Ontario to VAW services and programs. The Council developed a framework and set of recommendations to strengthen Ontario's ability to be responsive.
- The Legal Response to violence against women. Women can be involved in both family and criminal courts when they experience domestic violence. The Council focused primarily on the family law system, with some recommendations on further elements of the legal system.
- Education and Training provided to professionals and the public has resulted in some excellent material being produced. Recommendations have been developed to build on that knowledge through further coordination amongst the sectors.
- Threat Assessment and Risk Management offers a set of tools and processes to identify men who are most dangerous to women and ways to

bring justice and community partners closer together to address violence against women in a coordinated way.

- Child Welfare is a sector with a distinct role that is inextricably linked to domestic violence. Recommendations have been developed to support this sector as it goes through changes to better respond to its mandate to protect children in situations of domestic violence.

Discussions on violence against women are typically held between people in the same sector. What was most significant about the Council is that it brought people together from across the sectors to look at the system as a whole. This made the conversations challenging as many assumptions were tested and it demanded that the recommendations ensure a stronger relationship among all parts of the system.

In its deliberations, the Council reviewed research and documents, commissioned its own research and received presentations by a range of people with expertise in violence against women (see Appendix D). The Council also developed a Violence Against Women Access and Equity Framework to guide its work and to ensure that systemic issues and strategies to address women's individual needs were reflected in the recommendations.

The Council, in the end, shared ideas; engaged in discussions and passionate debates; and worked towards a consensus. The result is that the Council is submitting a report to the Minister that identifies forty-five recommendations intended to move forward the Ontario government's public policy direction to end violence against women. These recommendations represent a starting point rather than a conclusion. They move forward specific sectors of the VAW system but many critical issues need further attention.

### **Continuing the Conversation: Unfinished Business**

Taking a systemic approach to the issue of violence against women has left the Council with a number of outstanding conversations that need to continue. Some of these are:

- a) What are specific strategies that address violence against women and poverty?
- b) What are the consequences of different sectors in the VAW system using threat assessment tools?
- c) Are there other community services that need to be provided to men that would not be tied to the justice system and would intervene at an earlier stage than the Partner Assault Response program (PAR) but would support them in addressing their violence?
- d) Is there value in having men go to shelters with mandatory treatment for violence rather than always having women and children move out of their homes and into shelters?
- e) What are the specific needs of women who are in institutionalized settings that leave them in dependent relationships (e.g. women in criminal institutions and women with disabilities in residential settings)
- f) What funding and support mechanisms are needed to ensure that survivors of violence are engaged in the development of VAW polices and programs at the community and government level?

- g) Recognizing that schools play a critical role in socializing young people in Ontario, how do we further support the school system to teach the importance of healthy relationships?
- h) How do we anticipate possible unintended consequences of policies and programs? How do we respond when they arise?
- i) How can community based organizations in the Violence Against Women system be strengthened?

These compelling questions speak to the need for continued conversations among the players in the Violence Against Women system.

## **C. Reading the Council Report: Language and Definitions**

Similar to any discussion that engages the public, the conversations at the Council table were sometimes challenging because of the different language being used, often to convey the same concepts. The language used was based on the “lens” or worldview held by individual members sitting at the Council table.

The commitment to move beyond the initial language and get to the core meaning of the idea was paramount to the success of Council discussions. It required Council members to listen and engage in unfamiliar ways of discourse. The Council report, while intended to be clear, will at times reflect the complexity of the different sectors and approaches coming together.

To continue to successfully meet the vision of the Domestic Violence Action Plan, conversations like these will need to continue among community, government and public services.

### **Language**

While the term “domestic violence” is frequently used and is the term chosen by the Ontario government, the Council report will primarily use the phrase “violence against women” as it most accurately reflects the body of evidence about violence that occurs in the home.<sup>2</sup> The terms “violence against women”, “woman abuse” and “domestic violence” will also be used throughout the report, depending on the context of the discussion.

Primarily, domestic violence is perpetrated by men against women. As such we will refer to the victim of violence as a woman and the abuser/offender as a man throughout the Council’s report. This is not intended to deny or ignore that there is a small percentage of women that are abusive in their relationships with men. There can also be abuse in same-sex relationships.

### **Defining “Violence Against Women”**

Violence against women spans a continuum of attitudes, beliefs and actions. The Council sought to find or develop a broad definition of violence against women that contained three elements. The Council’s definition of violence against women:

- Recognizes that it is a symptom of systemic/structural inequality that establishes violence as a behavioural norm through its acceptance of unequal power in all forms of relationships (also defined as a gender-based analysis).
- Recognizes that there is a continuum of violence that can include physical, sexual, mental, psychological, emotional and financial violence; and
- Focuses on coercive and controlling behaviour.

The Council decided to use definitions developed by the United Nations to describe violence against women.

The term “violence against women” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.<sup>3</sup>

Through many discussions, the Council struggled with understanding and describing not just personal or direct violence, but also structural violence, or “the social arrangements that put individuals and populations in harm's way.”<sup>4</sup>

Direct or personal violence is the easiest to identify, as it is the type of violence where an individual or a group commits the violence personally or directly. Structural violence describes social structures that prevent or hinder individuals and/or groups from meeting their basic needs and reaching their full potential. There may not be any person who directly harms another person in the structure. Structural violence has also been described as social injustice.<sup>5</sup>

Structural violence describes a system of dominance that creates power imbalances in our personal relationships, our social structures and institutions. Domination can be based on race, class, sexual orientation, disability, gender and/or other differences that can be used to assign less value to an individual or a group of people. Inequitable economic, political, legal, religious and cultural structures result in individuals having unequal power and consequently unequal life chances.

Because structural violence is often embedded in stable and respected social institutions, it becomes part of our regular experience. Laws, policies, and entrenched ideas and traditions make unequal relationships of power seem normal and inevitable. Because they seem so ordinary in our ways of understanding the world, they can be almost invisible.<sup>6</sup>

To address structural violence we need to understand how it differs from personal or direct violence. The same systems that hold individuals who use violence accountable do not have the capacity to stop structural violence. Inequality is the foundation of structural violence. It can be difficult and confusing to say exactly who benefits from inequality and who does not. Our varied social locations mean that most of us both benefit and are hurt by inequality at different times. Efforts to assign individual responsibility for social inequality deter from the need to create social policy and social action that will address it and stop its harmful effects. We can all begin by recognizing situations and systems that perpetuate inequality and by using the power we have to make them more equitable.

### **Gender-based violence**

All women risk experiencing gender-based violence. Women who are further marginalized by differences including race, class, ability, faith, sexual orientation, age, etc. are even more vulnerable to this violence.

### **A continuum of violence**

As the United Nations definition describes, there is a continuum of violence that occurs in relationships. Domestic violence is only one form of violence that focuses on intimate partner relationships. Violence within other intimate relationships (caregiver, friend, family member) could also be considered domestic violence especially as different living and care arrangements continue to emerge in Ontario.

### **The focus is on coercive and controlling behaviour**

Violence against women is different from fighting in relationships because of its motives, dynamics, and consequences. The abuser uses force to hurt, punish, subjugate, exploit, or control a partner rather than to resolve differences. Domestic assaults are initiated to suppress rather than resolve conflict and are viewed as illegitimate by its victims. (Gayford, 1975) Violence against women is repeated over time and often escalates, leading to marked asymmetry in injuries and other outcomes. It is not just an act of violence but a process of controlling and coercive behaviour

A glossary is provided in *Appendix C* that provides definitions of key words and concepts used in the Council report.

### **Recognizing the uniqueness of every woman and each community**

Similar to the Ontario government Domestic Violence Action Plan's commitment to targeted approaches for specific groups, the Council recognized that specific measures must be taken to ensure that VAW services consistently and effectively respond to the diversity of Ontario women.

The Council made the commitment to apply an intersectional perspective that recognizes "*how multiple forces work together and interact to reinforce conditions of inequality and social exclusion.*"<sup>7</sup> An intersectional perspective recognizes that each person occupies many different social locations. "Social locations" are categories that prescribe attributes and denote power differentials and include such categories as: race, gender, age, faith and class.

An intersectional perspective invites paradox into our conversations and challenges the thinking that sustains inequalities, such as reducing each of us to only one social location (e.g. male/female).

An intersectional perspective allows us to come to public policy discussions recognizing that we must create systems that can be:

- Fluid, changing, and continuously negotiated;
- Specific to the interaction of a person or group's history, politics, geography, ecology and culture;

- Based upon a woman's multiple social locations and situations rather than upon generalizations; and
- A diverse approach to confronting social injustices focusing on many types of discrimination rather than on just one.

## **D. The Council's Principles<sup>8</sup>**

The principles of the Domestic Violence Action Plan have been enhanced to reflect the systemic focus the Council proposes in addressing violence against women.

### **The Right to Safety**

All women have the right to live in safety and dignity, free from threat, intimidation and violence. Violence against women is never justified.

### **Equality**

The root causes of violence against women are societal, and the solutions lie ultimately in changing values and behaviours so that the outcome is equality between men and women. A gender-based analysis of violence against women is essential to understand these inequalities.

### **Public Leadership**

Government must play a leadership role in protection, intervention and prevention, using the legislative, regulatory, policy, program and funding levers it has available to address violence against women.

### **Shared Responsibility**

We all share the responsibility to protect women and children who are at risk of harm and to prevent violence from happening. Ending violence against women and children is everybody's business. No one worker, agency, government or system can solve it alone. The community has a right and a responsibility to get involved. We cannot look away.

### **Partnerships**

Partnerships are needed between and among governments, public services, advocacy groups, community organizations, educational institutions, neighbours, friends, families and others to improve public understanding and to help change attitudes and behaviours that lead to violence against women.

### **Women-Centred**

Women know and understand their experiences, assets and needs best. In order to strengthen the VAW system, women who have experienced violence have an integral role to play in the development of policies and programs. Lived experience can build knowledge.

### **Personal Accountability**

Violence against women is contrary to this province's values. Men who use violent and controlling behaviours must be held accountable for their actions and should receive effective intervention to prevent future incidents of domestic violence.

**Right to Services**

Every woman has the right to access programs and services in the VAW system. In order for the system to become more accessible and equitable, a broader range of innovative and differentiated programs and services must be developed and offered.

Aboriginal and Francophone women have distinct legal rights/sovereignty which are to be acknowledged in all aspects of policy and program development and delivery.

**Diversity and Equity of Access**

The ethnic, linguistic, cultural and geographic diversity of Ontario requires focused and sometimes unique responses. What will work in a big city may not work in a rural area or in the north. If programs are to be successful in reaching all women, differences must be respected. Aboriginal women need services that recognize their culture and issues in their communities. Francophone women should receive services in their language in accordance with the French Language Services Act.

**Systemic Change**

Systemic change offers an opportunity to enact change while moving beyond thinking about individuals and individual organizations, single problems and single solutions. It entails thinking about the system as a whole. Systemic change is a process in which the impact of change on all parts of the whole and their relationships to one another are taken into consideration.

**A Holistic and Coordinated Response**

Violence against women requires a holistic response. It is a social issue, an employment issue, a housing issue, a child care issue, an education issue, a health issue, a community safety issue, a justice issue, and more. The lives of women do not conform to boundaries among programs, ministries, agencies, institutions or levels of government. Efforts must be coordinated within and across sectors to create an integrated continuum of supports.

**A Balanced Approach**

We must balance efforts to prevent violence, to intervene early, to identify risk, to hold men who abuse accountable, and to support and protect victims when violence occurs.

**Preventing Violence Against Women**

Prevention means addressing the root causes of violence against women, not just the symptoms. Education is a prerequisite to prevention. Ontario is a dynamic society, and the cultural and social context is continuously changing. The strategies to end violence must respond to the changing demographics.

**Measurable Progress Over Time**

Sustained, long-term commitment by government and its partners is needed to end violence against women. It is important to monitor what is working, to measure what has been achieved, and to continue to improve the quality and range of services provided, based on experience and new knowledge. Tools for

measurement, evaluation and research are best developed with community input.

The principles are intended to build on the commitments made by the different levels of government in their work to end violence against women.<sup>9</sup>

## E. Building on Existing Work

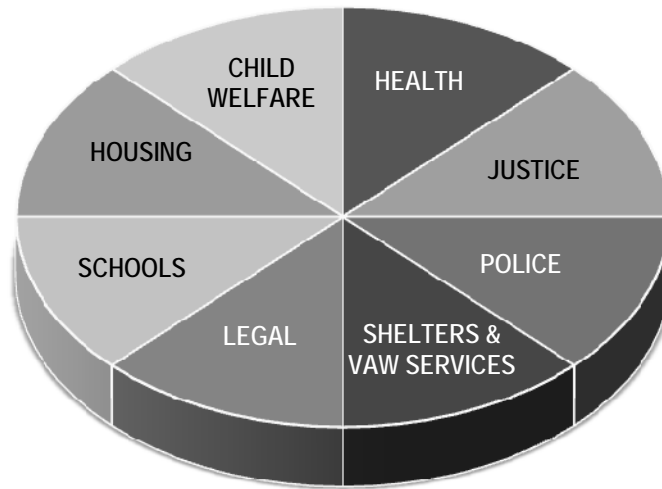
The Ontario government, with community partners, has shown a significant commitment to addressing domestic violence. The Council was aware that it was building on work that is currently being done and that must be maintained to effectively address VAW. Some of the strengths that the Council built on include:

1. The Ontario Domestic Violence Action Plan was launched in 2004 by the Ontario government following extensive consultations with stakeholders across the province. The plan targets approaches to meet the diverse needs of women (Francophone, Aboriginal, ethno-cultural/racial, people with disabilities, rural/farm/northern, and seniors). The Plan also includes a stated commitment to the principle of diversity and equity of access.

The Sexual Violence Action Plan is a new initiative, similar to the Domestic Violence Action Plan, which will bring together community experts of diverse representation to examine the issues of sexual violence and establish a provincial plan to address the issue of sexual violence in Ontario.

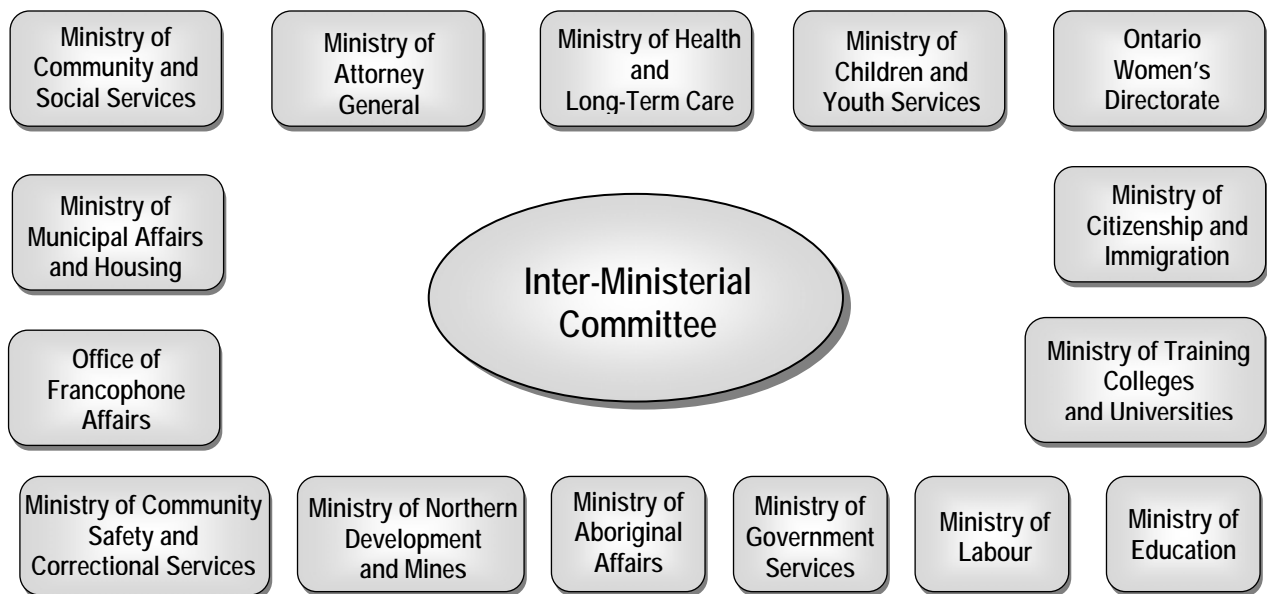
2. The ongoing implementation of the Ontario Domestic Violence Action Plan includes an investment of \$87 million in new funding over four years for services that support and protect women from violence, including educating and training the professionals they are likely to encounter.
3. There is a province-wide system that responds to violence against women which is made up of many partners and sectors including thirteen Ontario government ministries and two Directorates, public services (e.g. police, health care, child welfare), and community services and organizations. Increasingly through public education, the public is involved in addressing violence against women.

**Diagram 1**  
**Sectors in the violence against women system**



4. The Inter-ministerial Committee Model is an example of Ministries coming together to address a common issue, in this case domestic violence, to ensure that complementary and coordinated planning and responses are structurally possible. This approach recognizes the complexity of issues affecting women’s lives and uses a multi-sectoral strategy to deal with them.

**Diagram 2**  
**Ontario government ministries on the inter-ministerial committee**



5. Strategic Framework to End Violence Against Aboriginal Women: Aboriginal women, working with key Ontario government stakeholders, developed this Framework. The implementation process has been led by Aboriginal women and Aboriginal organizations and has included collaborative relationship-building between Aboriginal stakeholders and different parts of the Ontario government. The intent of the framework is to address all parts of the government that address/impact and deliver programs related to violence against Aboriginal women. (see Appendix B)
6. The Government of Ontario is working to acknowledge the distinct legal rights/sovereignty of Aboriginal and Francophone women when implementing any violence against women initiative.

# The Context for the Discussion

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## A. Historical Response to Violence Against Women in Ontario

Prior to the 1980s, violence against women was generally not well understood by Canadian society. It was largely considered to be a private matter, best kept behind closed doors. Legislation, both criminal and family, to respond to or address violence against women was limited. Few, if any, professionals (including police, lawyers, court staff, judges, child protection workers, medical personnel, etc.) had received any kind of training or education on the issue of violence against women and appropriate responses to it.

As a result, when a woman did report the violence she was experiencing -- whether to a family member, friend, faith leader, police officer or family doctor -- she was often treated with disbelief or scorn or the suggestion was made that she must have contributed to the problem and/or was responsible for solving it.

Through strong and consistent advocacy in the 1980s, 1990s and early 2000s by women's advocates, the issue of violence against women received considerable attention. The women's movement articulated clearly the right for women to be safe; it believed their stories of violence in their homes and it responded to the needs. These women were the original pioneers in establishing shelters, creating safety plans when women stayed in their homes; informing women of their legal rights and asking public services to support women and children experiencing violence.

Some of the changes that they helped to launch include:

- increased training for police officers and others involved in the criminal system;
- development by some police forces of specialized domestic violence units, which are staffed by police officers who have had extensive training and who have indicated a particular interest in working on this issue;
- development by some communities of collaborative working agreements and committees among those involved in responding to violence against women -- shelters, hospitals, child protection authorities, the police and others;
- reforms to make the laws more responsive to violence against women. For example, in the mid-1990s the behaviour of stalking became criminalized as the offence of criminal harassment;
- increased public awareness about the issue of violence against women over this period of time;
- recognition by child protection authorities that there was a negative impact on children who lived in homes where their mothers were being abused; and
- recognition by health care providers about the health impacts of living with violence.

A great deal of progress has been made, and yet more remains to be done. Violence against women continues to be a serious issue that costs women their safety, autonomy and, in some cases, their lives.

## B. The Cost of Violence Against Women

Violence against women exacts an enormous toll on society in terms of direct economic costs, lost productivity and lost potential. Although no single study has been able to accurately report the full financial toll to society, from the studies listed below, we can determine approximate figures that are clearly measured in billions of dollars.

<b>Author</b>	<b>Focus of cost estimate</b>	<b>Cost estimate</b>	<b>Geographic area</b>
Day 1995	Medical, dental, lost productivity, drug and alcohol abuse, shelters and other services	1.5 billion dollars	Canada, 1993
Greaves et al. 1995	Criminal justice, compensation, medical, shelters and other services, lost productivity	4.2 billion dollars	Canada, 1993

**Table source:** Statistics Canada, 2006, *Measuring Violence Against Women: Statistical Trends*, catalogue number 85-570-XWE2006001.

A system that can prevent and respond to violence against women can reduce the economic and emotional costs of domestic violence.

## C. The Shifting Public Policy Discussion on VAW

“Decision-makers require a clear understanding of the nature and severity of social problems in order to develop effective responses”<sup>10</sup>

In the thirty years since advocates first argued that domestic violence was not a private issue but rather a social issue demanding public attention, there has been a significant deepening of our understanding of the issue. Research has been conducted to better understand the dynamics of abusive relationships; the tactics used to exercise coercive control and instill fear; and the experiences of those who live in, flee, and sometimes die as a result of violent relationships. The majority of these studies report that men are most frequently the perpetrators of violence and women most frequently the victims. However, there have also been those who have argued that violence is gender neutral and bi-directional, that is, that women are as violent as men and men are victims as frequently as women. In order to trace the origins of these claims, we need to review and critique the available research.

### The Misrepresentation of Research

#### ***Flawed Measures***

While statistics are represented as factual, in reality they are never self-explanatory but are reflective of the kinds of questions asked, the types of analyses performed, and the specific populations included or excluded from the study. Most of the studies used by those who argue for gender symmetry are based on measures such as the Conflict Tactics Scale, a fundamentally problematic measure.

The Conflict Tactics Scale (CTS) and the revised CTS2 was designed in “its most frequent application is to obtain data on physical assaults on a partner”<sup>11</sup> Extensive critiques of this measure have appeared in various journals.<sup>12</sup> In brief, critiques of the CTS focus on four elements:

1. The CTS fails to address issues of ongoing intimidation, high conflict and high risk. Instead, in the introduction to the scale, the wording reads that all couples disagree and use a variety of tactics during an argument. It then inquires about the specific use of these items.
2. It is limited in the behaviours identified and ignores several forms of violence including: rape or other forms of sexual assault, choking, intimidation and stalking, physical assaults following separation.
3. The CTS counts episodes of violence without distinguishing between offensive versus defensive acts, potential or actual injury caused, or whether the episode was an isolated incident or part of a constellation of behaviours. One partner’s fear of the other would not be measured.
4. The CTS relies upon interviews conducted with just one member of the couple without verifying the respondent’s story with the other partner; with the results that accounts frequently differ.

In short, the CTS measures discrete episodes of violence. It does not assess who is the primary aggressor. It misses both the cumulative impact of multiple episodes of violence and the defensive nature of women’s violence. It measures as equivalent having something thrown at you and being hit. It does not assess coercive and controlling violence and similarly excludes behaviours such as forced isolation, stalking, threats to take the children and assault following separation.

In 2000 Statistics Canada released a report stating that 8% of women and 7% of men “experienced some type of violence by a partner during the previous 5 years.” Based on this statistic one might assume, as many did, that women were as violent as men. However, a closer look at the report reveals significant differences in the nature, severity and frequency of the violence experienced by women and men. For example, women were:

- 5 times more likely than men to require medical attention (15% of women versus 3% of men)
- 5 times more likely to fear for their lives (38% of women versus 7% of men)
- 5 times more likely to have been choked
- 3 times more likely to require time off from work.

Men were more likely to experience less injurious forms of violence such as being slapped, hit, kicked, bitten or having something thrown at them. Even a cursory glance at these findings indicates that the violence experienced by women and men is neither similar nor equivalent. Furthermore, women are more likely to be victims of stalking and sexual assault, and to experience substantial psychological impacts from whatever forms of violence they experience.<sup>13</sup>

### ***Who is included in the research?***

It has been suggested that there are different typologies of violence ranging from “common couple or bi-directional violence” to “intimate terrorism or battering”. Common couple violence is characterized by episodic violence where coercion and control are not salient issues. It is possible that measures such as the CTS are capturing primarily this

type of conflict. The measure is unable to distinguish between conflicts that escalate to episodic violence and patterns of coercive, controlling violence.

Gendered differences are clearly apparent in cases of homicide. The General Social Survey (2007 Stats Canada) reports that a Canadian woman is 9 times more likely to be killed by her husband than by a stranger. Perpetrators of spousal homicide or attempted homicide were overwhelmingly male (82% compared with 18% who were female). The proportion of male spousal homicide offenders who were "repeat" spousal abusers and "chronic" spousal abusers was 3.5 times greater than that of their female counterparts.<sup>14</sup>

In reviewing homicide data from the province of Ontario as reported by the Domestic Violence Death Review Committee we learn that in the years 2002-2006 there were 196 deaths including women, men and children. Of these, 94% of the victims were female; 94% of the perpetrators were men. Fully 80% of the domestic homicides were committed at the victim's residence.<sup>15</sup>

There are advantages and disadvantages to the homicide data collected annually from the police. The advantages include the fact that this data uses a standard measure over time and across the country, it is consistent with Criminal Code definitions and it is based on physical evidence and witnesses. The disadvantage is that police statistics represent just a small percentage of DV incidents, which are among the least likely incidents to come to the attention of the police. Also, despite the improvements in the ways police collect and report their statistics, there is little information on the victim, consequences of the violence, who the victim turns to for help, etc. Finally, the collection of this data is dependent on police policies, the public's attitudes towards reporting to the police, legislation, and other variables.

Different measures result in different prevalence rates. Although any source of data will have its limitations, it is important to note that the methods used to collect the data will shape the findings.

### ***The misleading use of gender-neutral language***

The efforts to promote the use of gender-neutral language and selectively cite research to incorrectly characterize violence as bi-directional, mutual, or occurring at similar levels for women and men is clearly misleading.

The conception of violence against women as gender-neutral suggests that violence results from ordinary, everyday social interactions in the family or other intimate relationships that have gone wrong and that women are just as responsible for the problem as men.<sup>16</sup>

This move to gender-neutral or bi-directional language reflects an intense political struggle to change the understanding of violence against intimate partners. This has serious practical implications. The endorsement of certain terminology effectively promotes certain responses to violence and abuse and precludes others. It affects research, policy, legislation and public understanding of violence.

Gender-neutral language misrepresents research on the nature of violence, impeding development of appropriate empirical work, policy and programs. Instead of making the discourse more inclusive, gender-neutral language promotes understandings of women abuse as mutual, reciprocal, or bi-directional, recalling the days before battered women's

advocates created shelters and fought for legal reforms, and scholars conducted hundreds of studies documenting survivor experiences.

Based on these distortions and misrepresentations of research, there is an increasing number of people who speak in family and criminal courts, at death inquiries, at public consultations and in the media from a worldview that does not reflect a gender analysis of violence. This direction has the potential to undermine progress that has been made to end the violence against women.

For public policy makers to continue to make effective decisions on ending violence against women, it is important to continue to look at the data from the Domestic Violence Death Review Committee, the police and government research bodies that consistently show domestic violence to be gender-based. Research also continues to show that there are constituencies of women who are especially vulnerable to violence against women, including Aboriginal women and women with disabilities.

# Moving Forward to End Violence Against Women

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## A. Supporting the Five Transformational Directions of the DVAP

The Council recommendations move forward on the five Transformational Directions of the Domestic Violence Action Plan (DVAP). The Council's understanding of the five Transformational Directions is described below and specific recommendations are located throughout the report.

### DVAP Transformational Direction: Government leadership

The Government of Ontario will always have a critical leadership role to play in ending violence against women in Ontario.

The Council made four recommendations to support government leadership:

#### **Recommendation Council 1:**

The Ontario government use a gender-based analysis as the foundation for violence against women (domestic violence) policies and programs that are developed and implemented by the Ontario government.

#### **Recommendation Council 2:**

The Ontario government continue to maintain and enhance the current investment in the violence against women (domestic violence) system.

#### **Recommendation Council 3:**

The Ontario government evaluate the implementation of the Domestic Violence Death Review Committee recommendations and a public report be published. VAW services that are implementing recommendations be publicly acknowledged as part of the release of the report.

#### **Recommendation Council 4:**

The Ontario government publish a public report every two years after the submission of the Domestic Violence Advisory Council's Final report to highlight the government's implementation of the Recommendations.

### DVAP Transformational Direction: Targeted approaches to meet diverse needs.

In order to support and serve all women, the VAW system will need to address a number of systemic issues. Women who are more likely to experience barriers in accessing the VAW system include but are not limited to, Aboriginal women, older and young women, women living with disabilities/Deaf women, immigrant and refugee women, Francophone women, homeless women, women with mental health issues, women abused by caregivers, women with concurrent disorders, women in conflict with the law,

transgendered women. Women living in rural or remote regions of Ontario also experience particular challenges in accessing the VAW system in a meaningful way.

The Council endorses the creation of a VAW Access and Equity Framework to support the systemic changes that are needed to ensure all women in Ontario have equitable access to VAW services. The vision for the framework would be:

*All women experiencing violence regardless of their social location or identity (ies) will be supported by an inclusive, responsive, accountable and integrated VAW system that is created in partnership with women and the communities in which they live.*

### **DVAP Transformational Direction: A focus on preventing the violence**

There is a relationship between public education and the demand for improved services, including trained professionals, to respond to the public's need. The Domestic Violence Action Plan made a commitment to "changing attitudes to prevent violence from happening in the first place" through public education and training and conferences for professionals to "identify women and children at risk and intervene earlier."

The Council identified the need for enhanced coordination between public education and professional training to further prevent violence.

### **DVAP Transformational Direction: A balanced approach with investments in community and the justice sector**

Today's VAW system was built in incremental pieces over the last 30 years to address the immediate safety needs of women and their children. The result is a responsive model that addresses VAW in a loosely coordinated silo approach. The various components of the system fit into one of two primary streams:

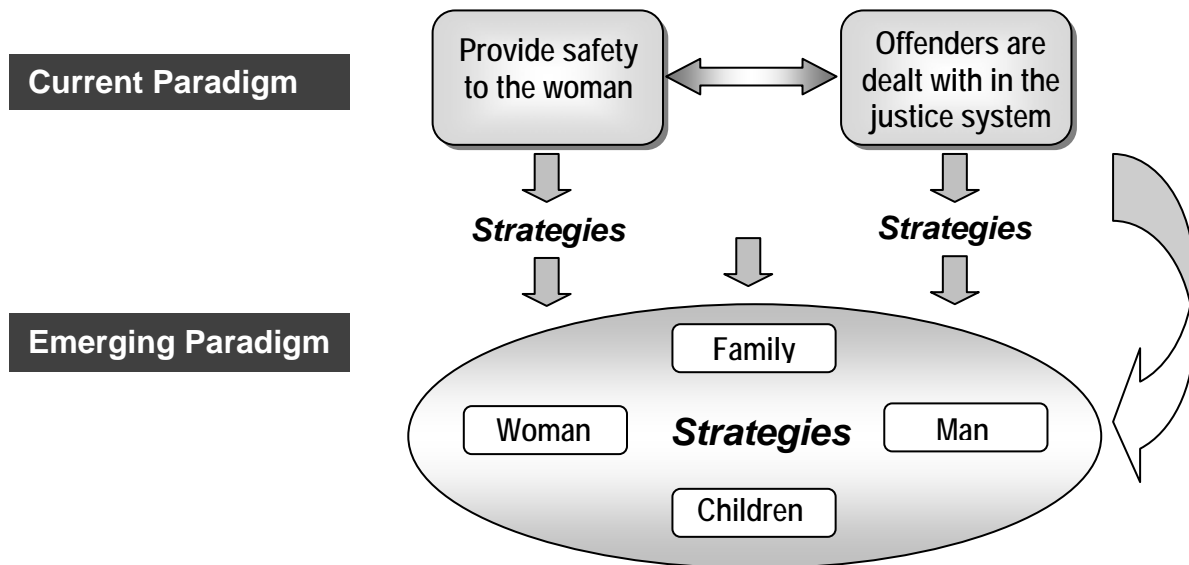
- Community services like shelters, which provide services to ensure the safety of women and children, and only came into existence through women's advocacy.
- The criminal justice system, which is primarily involved after a man is charged as a result of domestic violence. There are very limited community resources addressing men's violence before they are arrested.

Many professionals (doctors, lawyers, faith-based workers and others) are the front door to VAW services, sometimes without being provided with the training and knowledge to address the issues and provide appropriate referrals. Secondary community services, such as settlement services and Aboriginal organizations where some women would be more comfortable going are not directly mandated or funded for violence against women services. Few services are offered to families that want to address the violence and stay intact. There are few community programs that simultaneously hold men accountable for violent behaviour and protect women and children.

The current system has resulted in two sectors co-existing on parallel tracks. Women and children are on one track and are directed through professional services that do not always have domestic violence as their primary mandate. Men who abuse are dealt with

through a justice system that does not easily differentiate between men who have a willingness to recognize and change their violent behaviour and those unwilling to change.

**Diagram 3**  
**The VAW system: the current and emerging paradigms**



The current approach has significant limitations in moving forward towards the longer term goals and vision of the Domestic Violence Action Plan. The emerging paradigm is intended to bring together community and justice sectors to create new strategies and improve access to programs and services that can simultaneously address women and children’s safety needs and men to stop engaging in violent behaviour. The paradigm always has safety as the primary focus.

**DVAP Transformational Direction: Broad-based interventions through a wide range of sectors**

The range of professionals who come into contact with victims or perpetrators of domestic violence that results in homicide has been identified by Ontario’s Domestic Violence Death Review Committee (DVDRC) and includes service providers from: justice, health care, police, shelters, counselling, child welfare and other related VAW services.

**Table 2**  
**Percentage of domestic violence homicides reviewed by the DVDRC that had professionals involved with either the victim and/or the perpetrator**

	Mental Health & Counselling	Police	Courts	Medical	DV Treatment (e.g. shelter, group counselling, PAR program)	Child Protection Services	Clergy
2007	65%	43%	27%	23%	22%	18%	5%
2006	54%	62%	23%	3%	15%	8%	0%
2005	93%	29%	29%	29%	7%	14%	0%

An unintended consequence of the current approach has been that sectors sometimes work in isolation from one another. This lack of coordination between professionals who have contact with victims and/or abusers can endanger victims. For example, in its 2004 report, the DVDRC found that in 8 of the 9 cases it reviewed “tragedies may have been averted if different individuals had had an opportunity to put risk factors together as pieces of the same puzzle, rather than appearing to be isolated and unconnected incidents.” In retrospect, the DVDRC noted that interventions by individual professionals were less effective than they might have been with genuine collaboration. The DVDRC stated that an effective response to domestic violence requires the coordination of services by different professionals who are involved with family members, in addition to informed individual interventions.<sup>17</sup>

## **B. A Paradigm Change**

A different paradigm is needed to achieve the vision and direction of the Domestic Violence Action Plan. The violence against women system will need to work in an interconnected and collaborative way to apply a systemic approach to addressing violence.

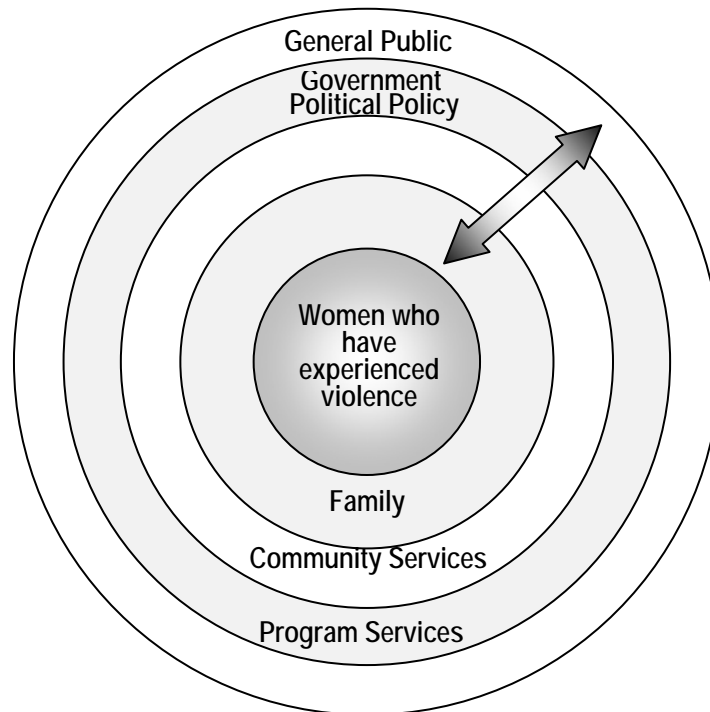
This paradigm has to hold two concepts simultaneously: work within the existing system to address the immediate violence that women are facing and lay the foundation for healthy relationships and communities through changes to that same system.

This paradigm relies on the application of an intersectional approach, so that the VAW system is not imbedded in a single approach to addressing violence but can respond to the specificity of the social location and the unique situation of women and their families. It asks the professionals and public policy makers to be fluid in their thinking and approach and to recognize that this work will not be completed until we have achieved the vision of women and children living free from violence.

The model that best reflects the paradigm shift the Council is promoting in its recommendations is referred to as the Ecological model.<sup>18</sup> It has two central starting points: all people and systems are interconnected and each can influence and impact the other.

Individual behaviours, including how a woman will respond to violence are determined in part by external factors: the family dynamics, the response from public services, government policies and available community services. Each of these circles is interconnected. When they do not work in a collaborative way that responds to a woman's needs we increase the risk of the violence escalating or remaining present in her life.

**Diagram 4**  
**The modified ecological model**



The model recognizes that everyone has a specific role to play in both addressing the immediate issue and being part of the transformation to healthy, non-violent relationships. What makes the model so effective is that it recognizes that change can start anywhere in the circles and have an impact: a well-trained professional can intervene; a survivor can be a model and support to other women; a family member can intervene and the Government of Ontario can continue to act as a leader clearly stating that violence against women is never acceptable and will not be tolerated.

# Access and Equity

## Targeted Approaches for Diverse Women

### **A. Preamble to Recommendations on Access and Equity**

Ontario's broad-based violence against women system is intended to provide a comprehensive response to all women experiencing violence. Yet, a number of studies and reports have documented equity and access barriers, gaps and issues faced by some women in accessing services and supports.<sup>19</sup>

While significant investment has gone into responding to individual incidences of violence, there is a need to respond to the systemic discrimination that leaves vulnerable women isolated and excluded from benefiting from and contributing to a system that is designed to protect them from violence. Unfortunately, racism, sexism and discrimination continue to be part of Ontario society and our institutions. To address these issues, a systemic anti-discrimination strategy is needed to change attitudes, institutions and systems.

The Ontario Human Rights Code defines *systemic discrimination* as “an act, practice, or policy that is applied consistently to all people but which results in unequal, unfair, or unfavourable treatment of a person or group.” Systemic discrimination results in the exclusion of some individuals and groups, even if it is unintentional.

While systemic discrimination is often unintentional, it can result in unequal outcomes for certain groups of women. Its effect is to restrict and exclude women who experience specific risk factors, based on, but not limited to, inequalities of race, ability, culture, geographic location, age, income, immigration status, occupation, sexual orientation, faith and gender identity.

An example of systemic discrimination is women who do not have equitable access to emergency call services (911) because the service is primarily offered in either English or French. This denies women who do not speak either language but still require emergency services.

The embedded nature of systemic barriers requires us to work from a different paradigm to successfully ensure all women have access to the VAW system. The Council is proposing a process for systemic change.

An intersectional approach illuminates the ways in which multiple forces work together and interact to reinforce conditions of inequality and social exclusion. The approach examines how factors including socio-economic status, race, class, gender, sexual orientation, ability, geographic location, and refugee and immigrant status combine with broader historical and current systems of discrimination such as colonialism and globalization to determine inequalities among individuals and groups.<sup>20</sup> An intersectional approach also assumes that policies and programs must be created by using multi-pronged and multi-dimensional approaches to understanding the issue; acknowledges that power relations shape how we do our work and recognizes that our solutions will need to be situational and not always universal.

## **B. Building on Existing Work**

Enhancing the safety of all abused women and their children involves doing existing work differently. Many initiatives place emphasis on highly selective policies or strategies targeted at specific communities of women, while others focus on broader and integrated approaches to equity. However, it is important to note that finding best practices of systemic change specific to the issue of violence against women is challenging.

A number of emerging practices include:

1. The Ontario Human Rights System: The passing of Bill 107, *the Human Rights Code Amendment Act, 2006*, into law has established a new three-tiered system for resolving discrimination claims faster and for advancing human rights at an individual and systemic level. As of June 2008, people have direct access to file a human rights application with the Human Rights Tribunal of Ontario. The new system offers legal advice, support, and representation to individuals filing a human rights application. Under the new law, the Ontario Human Rights Commission has shifted its focus to addressing the root causes of discrimination, through outreach, research and monitoring, policy and education. These changes have meant greater ability to examine and remedy systemic discrimination.

The Ontario Human Rights Tribunal offers language interpretation, sign language interpretation, real-time captioning, interveners to interpret in-person communication and audio recordings of its hearings.

2. The 2005 Accessibility for Ontarians with Disabilities Act (AODA) sets the standards and regulations for organizations in the public and private sector to achieve a barrier-free society for persons with disabilities. The first regulation took effect in January 2008. A committee comprised of individuals with disabilities, government ministries, industry representatives and community organizations came together to secure the passage of this new law to identify, remove and prevent barriers to accessing employment, services and information.
3. The French Language Services Act: The Act guarantees the right of French-speaking Ontarians to receive provincial services in French in the 25 designated areas of the province. As an example, the Ministry of Health and Long-Term Care (MOHLTC) is committed to integrating the FLS Act principles and the needs and concerns of Francophones in their business processes, program and policy development activities while ensuring that these are taken into account by internal and external partners. The Ministry of Health and Long-Term Care (MOHLTC) has initiated changes to equity, accessibility and sustainability of French language health services, through local planning, coordination, monitoring and resource allocation based on the expressed needs and concerns of Francophones (Framework for Action, Ontario Public service, Vol.10, 2008).
4. Language Interpreter Services (LIS) Program: The Ontario Women's Directorate provides funds to the Immigration Programs Branch of the Ministry of Citizenship and Immigration (MCI) to ensure that VAW services and police can respond to the linguistic diversity of Ontario. Spoken language interpretation is available in more than 60 languages to shelters and social, legal, and health care services. Additionally, the LIS initiative has developed the Language Interpreters

Certificate Program offered at community colleges and through trainings at community agencies, based on Ministry curriculum standards.

5. The Ontario Public Services Diversity Strategy strives to create an inclusive, respectful, fair, and discrimination-free Ontario Public Service, to better reflect and respond to the population of Ontario, and to support better and more responsive services to all citizens of the province. Examples of organizational change agenda in the OPS include the Ministry of Community Safety and Correctional Services' (MCSCS) implementation of a systemic change agenda to advance diversity and human rights, which is being imbedded throughout the ministry. The Ministry of Citizenship and Immigration (MCI) has taken steps to increase fairness for internationally-trained individuals seeking entrance to Ontario professions. OPS employee networks have also flourished, including the Black OPS group and the OPS Pride Network, for LGBTQ employees, to foster a sense of belonging in the work environment.

### **C. A VAW Access and Equity Framework**

The Council recommends the creation of a *VAW Access and Equity Framework* to promote and foster the rights of all women across Ontario. By design, the Framework would promote access to formal service systems for all women, including access to culturally competent services and resources that reflect the needs and assets of different communities.

The process for developing and implementing the Framework would include development of:

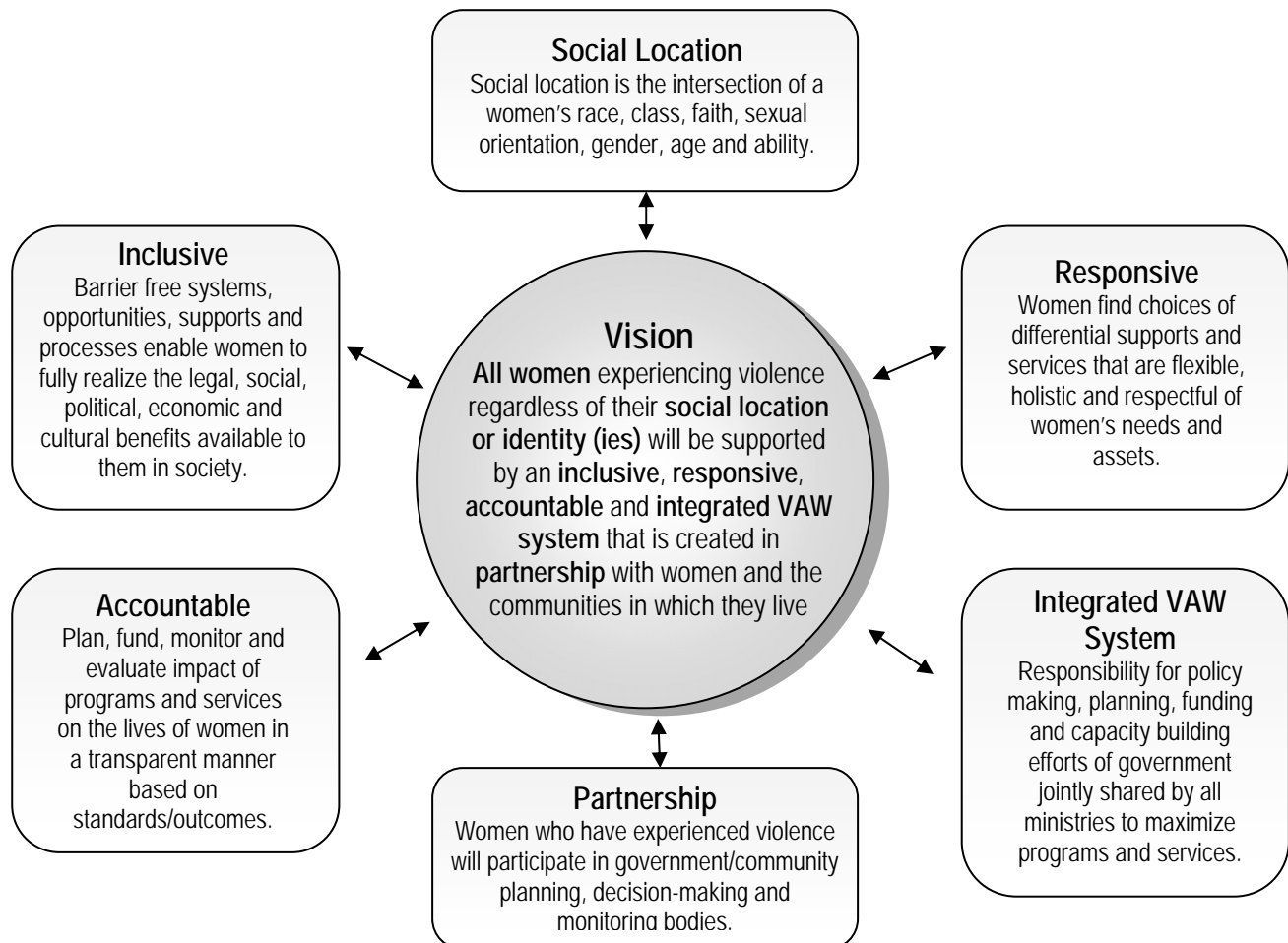
1. The VAW Access and Equity Framework.
2. Government of Ontario Cross-Ministry Action Plan.
3. Key Tools to support individual Ministries to develop implementation plans.
4. Individual Ministry implementation plans.

As part of the work done by the Council, a "Working document for developing the VAW Access and Equity Framework" was created to support the recommendations. The working Framework document includes a vision, principles, a conceptual model of change and specific outcomes. (see Appendix A)

## The VAW Access and Equity Vision

The Vision for the VAW Access and Equity Framework is below:

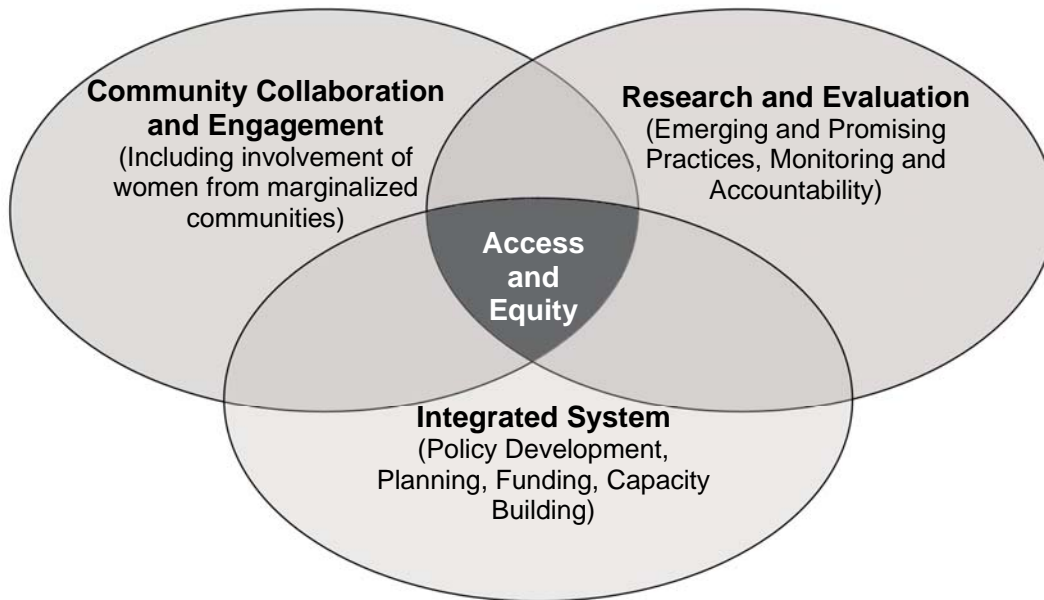
**Diagram 5**  
**Vision of the VAW Access and Equity Framework**



## The VAW Access and Equity Model

The proposed model for change is shown below. The three (3) building blocks together form the foundation required to ensure that all women have access to the VAW system in an equitable manner. Action must be taken on all three (3) building blocks together. Taking action on one building block only will not be effective. Change based on the implementation of outcomes in only one building block will not be sustainable over the long term. When concerted effort is taken in all three areas, access and equity, depicted in the centre of the diagram, will be achieved.

**Diagram 6**  
**The VAW Access and Equity model: Building blocks for change**



## The Outcomes

The 15 outcomes of the VAW Access and Equity Framework are:

### Community Collaboration and Engagement

- Women from marginalized communities who have experienced violence are part of government policy development, planning, fund allocation, decision-making and monitoring/evaluation bodies in meaningful and sustained ways.
- Women and their local communities including women and community advocacy organizations are pro-actively involved in developing, planning and evaluating relevant VAW programs and services based on the unique realities of their situation.
- Women and communities are adequately supported and compensated to come together, articulate their assets and needs, and then have the opportunity to voice those assets and needs in response to requests for consultation, advice, feedback, etc.
- Women from new and emerging communities are engaged in the VAW system using mechanisms that can support their engagement.

### Research and Evaluation

- All research factors in the perspectives of the diversity of women experiencing violence.
- New program development is undertaken to increase the range of choices of VAW programs and services both within and beyond shelters to ensure the diversity of women is served.
- Consistent, annual data is collected and analyzed to demonstrate the degree to which the diversity of women is being successfully served by the VAW system.

- Research is done to measure and analyze the differential impact of programs, policies and initiatives.
- Regular evaluation of all VAW system programs and services is undertaken that is adequately resourced to ensure that services are being provided consistent with the VAW Access and Equity Framework.
- A report is issued annually that focuses on the description of who is served as well as on the quality and impact of VAW programs and services.

### **An Integrated System**

- The Government of Ontario ensures that all programs and services in the VAW system are synchronistic, coordinated, mutually supportive and have an equitable impact on all women experiencing violence.
- All policies developed in relation to the VAW system demonstrate reasonable integration with each other in order to reduce gaps and enhance accessibility to the system for the diversity of women in Ontario.
- Clear measures of success are developed for all programs and services that include how desired outcomes will be achieved, including how access and equity will be ensured for the diversity of women in Ontario.
- The Government of Ontario funds programs and services within the VAW system that clearly demonstrate a commitment to access and equity in all of their operations.
- Programs and services receive adequate supports to build their capacity to serve women who have been excluded or marginalized from services, including supporting new and emerging community groups.
- The Government of Ontario coordinates key policy areas across jurisdictions and with different levels of government to ensure that women fleeing violence are safe anywhere in Canada.

## **D. Access and Equity Recommendations**

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“We are building a culture of diversity. Respect, inclusiveness and fairness must be part of everything we do – how we treat the public and how we treat each other.”  
Shelly Jamieson, Secretary of the Cabinet in describing the Diversity Strategy

### **Recommendation AE1: Develop the VAW Access and Equity Framework through an engagement process**

#### **Rationale**

Authentic community and stakeholder engagement is vital to the successful implementation of the VAW Access and Equity Framework.

At its core, the change process will require the active participation of women and communities impacted by violence, as well as public service members and agencies responsible for distributing resources and executing the Framework. As a first step, the Framework would be taken to communities and stakeholders for final development.

The process would ensure that collaboration occurs between the different stakeholders involved in ending violence against women:

- Ontario government policy and program developers;
- mandatory community services (police, health and child welfare);
- non-mandatory community services (shelters, counseling services, Aboriginal services; settlement services); and
- women who have experienced violence.

The engagement process recognizes that change around access and equity of the VAW system can only come about when government and their public partners and community partners work together.

**Recommendation AE1**

An engagement process with community and government stakeholders be undertaken to support the development of the Ontario government’s Violence Against Women Access and Equity Framework.

The engagement process would:

- Involve different constituencies including:
  - Women who have experienced violence;
  - Community stakeholders; and
  - Leaders in the VAW community.
- Use diverse consultation processes to effectively engage the different constituencies.
- Have collaborative forum that bring the different constituencies together.

**New financial resources required.**

**Recommendation AE2: Develop an implementation plan for the VAW Access and Equity Framework**

**Rationale**

Like the Domestic Violence Action Plan, the Framework will need to be implemented at multiple levels within the Ontario government. The provincial operational implementation of the Framework will take place across all of the 13 Ministries and two Directorates involved.

The Ontario government VAW work is currently led by a Ministerial Steering Committee on Domestic Violence and other committees that function below the Minister level of government.

Implementation might also be linked to the Ontario Public Service Diversity Strategy that has a set of objectives consistent with the VAW Access and Equity Framework.

**Recommendation AE2**

The Ministerial Steering Committee on Domestic Violence be the governance lead for the implementation of the VAW Access and Equity Framework.

The Ontario Women’s Directorate and MCSS be the operational co-leads in the Ontario Public Service.

**No new financial resources required.**

### **Recommendation AE3: Ontario Ministry Access and Equity Action Plans**

#### **Rationale**

Leadership and planning within Ministries is required to achieve the VAW Access and Equity Framework outcomes. Each Ministry has distinct work, responsibilities, structures and features in addressing violence against women. An action plan guided by the overall VAW Framework needs to be created by each individual Ministry that would clearly identify the different strategies the Ministry would use to meet the 15 outcomes.

#### **Recommendation AE3**

Each of the 13 provincial Ministries that are part of the Ministerial Steering Committee on Domestic Violence develop a Ministry-specific Action Plan for implementation of the VAW Access and Equity Framework.

**New financial resources required.**

### **Recommendation AE4: Access and Equity Tools**

#### **Rationale**

Those expected to implement this new plan will need appropriate supports and tools. The development of any tools and training would be done in collaboration with training leads in the Ontario government and in specific Ministries and might include the unions representing the Ontario public service; the Centre for Learning and Leadership and other training leads in the Ontario government.

#### **Recommendation AE4**

Develop core competencies, tools and training to support Ministries in developing and implementing their VAW Access and Equity Plan in order to achieve the VAW Access and Equity Framework outcomes.

**New financial resources required.**

Access and Equity training will be provided to all people in the Ministries who will be leading and developing the Access and Equity Action Plans.

Some tools to be developed include:

- Mandatory training (in-person or electronic) for all public servants working in the VAW sector to build commitment and understanding, skills etc.
- Core competencies.
- Sample Policies and Procedures to assist with integration.
- Checklists for access and equity considerations.
- Partnership and Collaboration models.
- Standards, guidelines and “how to’s” for engaging communities.
- Benchmark indicators for each outcome.
- Implementation Committee and other peer support networks to support the work of change.
- Case studies.

## **Recommendation AE5: Strategic Framework to End Violence Against Aboriginal Women**

### **Rationale**

The Aboriginal leaders of the Strategic Framework to End Violence Against Aboriginal Women are working in partnership with the government to achieve the strategic goals set by Aboriginal women. “While reliable, evidence-based, recent statistics on violence against Aboriginal women in Ontario are currently lacking, some statistics point to significantly high rates of violence experienced by Aboriginal women, compared to their non-Aboriginal counterparts.”<sup>21</sup>

- According to the 2004 General Social Survey (GSS), Aboriginal women experience spousal violence from either a current or previous marital or common-law partner at a rate that is three times higher than that for non-Aboriginal women, nationally.
- Aboriginal women between the ages of 25 and 44 are five times more likely than other women of the same age to die as the result of violence. Racism and discrimination underpin the violence Aboriginal women of all backgrounds experience - First Nations, Métis and Inuit women alike. (From Kizhaay Anishinaabe Niin website: [www.iamakindman.ca](http://www.iamakindman.ca))

As a result of these ongoing high rates of violence against Aboriginal women and the lack of progress in ending this violence, the Ontario Native Women’s Association (ONWA) and the Ontario Federation of Indian Friendship Centres (OFIFC) convened a strategy meeting on March 20-22, 2007, entitled “A Summit to End Violence Against Aboriginal Women” (the Summit). Out of the Summit, the Strategic Framework was created, based on the work of Aboriginal women; Aboriginal and non-Aboriginal service providers and government. (See Appendix B)

The Issues Framework outlines the eight areas for change:

**Diagram 7**  
**Issues Framework from the Strategic Framework to**  
**End Violence Against Aboriginal Women**



The implementation of the Strategic Framework to end Violence Against Aboriginal Women has included two subsequent Summits to address the issues specific to the Ministry of the Attorney General and the Ministry of Community and Social Services. The work continues to move forward as the Aboriginal lead organizations work to ensure implementation of the strategic directions in the Framework.

**Recommendation AE5**

The Government of Ontario endorse and resource the Strategic Framework to End Violence Against Aboriginal Women.

**New financial resources required.**

**Recommendation AE6: VAW Services to Francophone Women**

**Rationale**

The *French Language Services Act* (1986) (FLSA) guarantees an individual's right to receive services in French from Government of Ontario ministries and agencies in 25 designated areas. The preamble of the FLSA recognizes the contribution of the cultural heritage of the French-speaking population and wishes to preserve it for future generations.

Despite the provisions of the French Language Services Act in Ontario, Canadian law, and decisions of the courts that uphold language rights of French-speakers within the Province, all Francophones in Ontario cannot always access the French VAW services they need.

**Recommendation AE6**

The Government of Ontario support, through its policies and programs, the development and implementation of woman-centered, French Language Services to be governed by Francophones with expertise in programming for women who face violence, so that French-speaking women, in all their diversity, can fully realize their language rights when overcoming one of the most difficult circumstances in their lives.

In order to fulfill this recommendation the Government of Ontario will support and finance the development of a “FLS VAW Strategic Plan” and its implementation in partnership with the community of French-speaking women who possess the aforementioned expertise.

**New financial resources required.**

**Recommendation AE7: Research**

**Rationale**

Systemic discrimination can continue because it is often invisible and is even viewed as the norm. Research can help detect systemic biases by examining the results of policies and programs on diverse groups. The data will serve to adapt and revise existing programs and policies that are having unintended negative results and assist in the development of specific programs for communities that are marginalized and currently not fully accessing services.

It would be useful to collect and analyze data that makes visible a differentiated result to a particular policy or program. For example, Canada has received the highest ranking eight times in the last fifteen years by the United Nations Human Development Index. However, if only Aboriginal women are considered, Canada would be ranked below 60. Extracting that information provided the Native Women’s Association of Canada with the opportunity to highlight the situation of Aboriginal women in Canada and supported the launching of the Sisters in Spirit initiative.

**Recommendation AE7**

Government funded research be done that provides disaggregated results to allow for a demographic analysis of who benefits from VAW services, policies and programs.

**No new financial resources required.**

Research being undertaken in the area of VAW support:

- Community involvement in the creation of the research, including the use of participatory approaches;
- VAW sectors do cross sectoral research and analysis; and

- Further analysis and action be taken when differentiated response are shown.

### **Recommendation AE8: Accountability: Evaluation and Reporting**

#### **Rationale**

Implementing a VAW Access and Equity Framework is a long-term process. To support the work being done, different mechanisms need to be created for evaluation and reporting. Best Practices will continue to be developed and need to be shared with others in a way that they can be adapted to respond to their community.

#### **Recommendation AE8**

Evaluation and reporting processes be developed to support ongoing learning and development in the implementation of the VAW Access and Equity Framework.

**New financial resources required.**

Elements of that process would include:

- Development of evaluation tools and processes by every Ministry as part of their Access and Equity Action Plan implementation;
- An evaluation three years into the start of implementation of the Framework;
- Annual meetings of the Inter-ministerial Committees and Ministry Operational Co-leads to review the progress of the implementation of the VAW Access and Equity Framework; and
- Annual public reports on November 25<sup>th</sup> (International Day for the Elimination of Violence Against Women) showing progress on the implementation of the VAW Access and Equity Framework.

### **Recommendation AE9: Survivors Engagement**

#### **Rationale**

Survivors of violence against women intersect all communities and access an array of government and community-based services. A mechanism is needed through which women survivors can play key roles in the processes of developing / influencing public policy and programs. This cannot happen without government support.

Government, agencies, and VAW community organizations need to develop their own mechanisms to actively and effectively engage survivors, and will need to work in partnership with survivor-led mechanisms to ensure that services and policies reflect the diverse needs of survivors.

#### **Recommendation AE9**

Funding and supports be provided to mechanisms that will support survivors of violence to engage in the development of VAW polices and programs at the community and government level.

**New financial resources required.**

# Education and Training

## Recognizing, Responding to and Preventing the Violence

### A. Preamble to Recommendations on Education and Training

Education is a prerequisite to recognizing, responding to and preventing violence against women. The Province of Ontario has directed considerable effort and resources towards public education and professional training on violence against women. These investments are contributing to significant shifts in public awareness, professional practices and the collective recognition of our responsibility to protect women and their children.

Public education is a well-established way of increasing the public's capacity to address violence against women. However, the tools and measures to fully assess the effectiveness of public education in preventing violence have not yet been developed and implemented. As a first step, Dr. Holly Johnson has recently initiated the collection of baseline data in Ontario.<sup>22</sup> Her findings are heartening. She reports that just 11% of respondents still believe that domestic violence is a private matter, suggesting efforts to make this an issue of broad social concern have been successful with the vast majority of the province's population.<sup>23</sup>

Public education leads to two outcomes. First, an informed public will ask for more services. Service providers from many sectors have informally reported that whenever there is a sustained public education campaign in their community the demand for services increases.

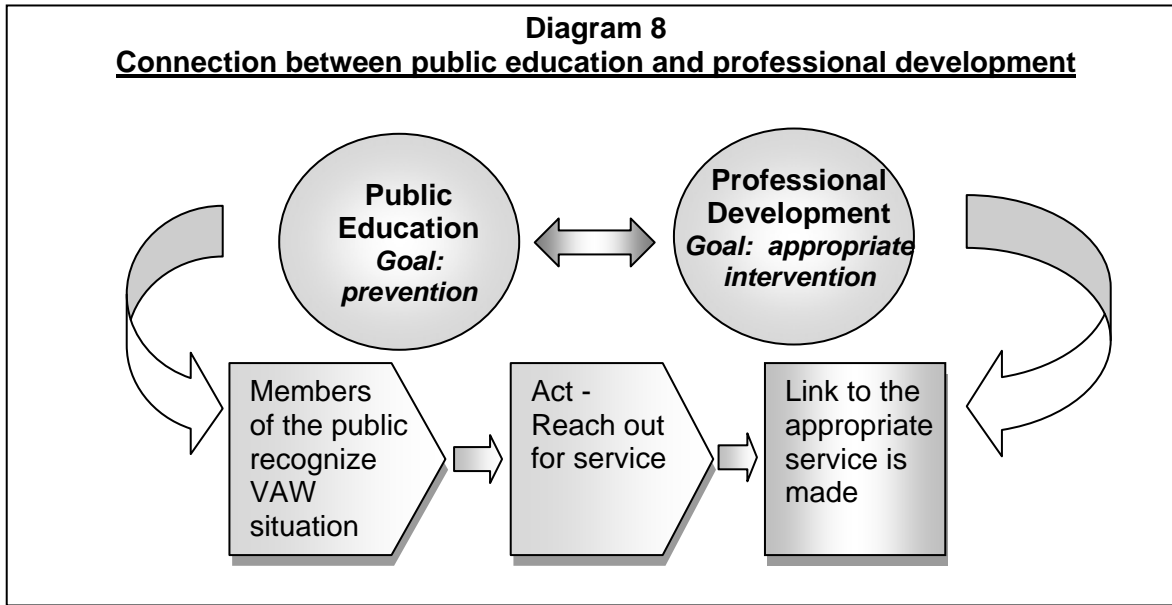
Second, an informed public will expect professionals to have the knowledge and skills to respond appropriately to the issue. Interestingly, professionals can also serve to change public attitudes by the way that they do their job. Simply asking a few questions about domestic violence can assure a woman that this is an issue she can share with a professional. Training for professionals must therefore equip them to work effectively, refer appropriately and work collaboratively with related sectors to address violence against women. When professionals lack training or when their training leaves them with little understanding of the issue and how best to help women, women and their children continue to suffer.

As there is no one profession mandated to provide overall services in the field of violence against women, different professions have come to understand their mandate about VAW through different avenues and have received different levels of education and training on the issue. The Domestic Violence Death Review Committee (DVDRC) reports identified seven key professionals to whom women frequently turn: mental health and counseling, police, lawyers, medical professionals, VAW services (e.g shelters); child protection services and the clergy.

When professional training on violence against women is conducted in professional silos, and in the absence of an understanding of how the professions interconnect with one another, the effectiveness of the training is compromised. Training on violence against women needs to include acknowledgement of the inter-related roles of the diverse professions involved in women's lives, as well as the many access points

women use to seek help and enter the system. For example, a woman may simultaneously need the services of a counselor, doctor, faith based worker and be involved with child welfare and the police. She may enter the VAW system through any one of these access points.

The model that the Council has used to reflect this interconnection between public education and professional development is below.



In addition to encouraging women to access the services they need, the primary goal of public education is violence prevention. To be effective in this role, public education needs to start early with young people in the primary school system. Ultimately, preventing violence against women is about breaking down systemic imbalances that foster inequality and violence and supporting individuals as they learn how to have healthy equal relationships.

## **B. Building on Existing Work**

Different Ontario ministries have funded training for professionals as part of the Domestic Violence Action Plan. The table below shows the education and training initiatives that have been supported by the Ontario Women's Directorate over the last four years. There are other initiatives that have been separately funded.

**Table 3**  
**Domestic Violence Action Plan Investments in Training and Skills-Based Education**  
**(from 2005 to 2009 through OWD)**

**HEALTH**

Emergency Department Personnel  
 Perinatal Care Providers  
 Paramedics

**EDUCATION**

English Language Educators  
 French Language Educators

**JUSTICE**

Police Communicators, Call Takers and 911 Operators  
 Legal Aid Providers  
 Judges and Justices of the Peace  
 Probation and Parole Officers

**SOCIAL SERVICES**

Front-Line Workers Serving Francophone Women  
 Front-line Workers and Management in Francophone VAW Services (Francophone Training Institute)  
 First Nations Service Providers  
 Settlement Service Providers  
 Shelter and Second Stage Housing Executives  
 Ontario Works Staff Serving First Nations  
 Front-Line VAW Workers  
 Service Providers Supporting Women Living with Developmental Disabilities

Some examples of these initiatives are described below.

1. A number of Expert Panels have been established including the Health Expert Training Panel, which developed core training materials and a province-wide implementation plan for hospital emergency department personnel. This training was designed to increase the knowledge and skills of doctors and nurses to be more effective at identifying abused women and women at risk, and at providing the type of support these women need. Further information can be found on the bilingual website ([www.dveducation.ca](http://www.dveducation.ca)).
2. Healthy Families, Healthy Nations (Minoyawin Dibenijgewining Minoyawin Tashekewining), is a program that provides training and resources in English and Ojibway on a sustainable, culturally sensitive, holistic family violence prevention model. Through the training offered by Equay-wuk, service providers in 30 remote, North-western Ontario First Nations communities are better equipped to identify situations of abuse and provide families with appropriate support.
3. Neighbours, Friends and Families is a public education campaign that focuses its work in neighbourhoods to educate friends and family about woman abuse.” In more than 170 communities across the province, Neighbours, Friends and

Families has been championed by a variety of individuals and organizations, including coordinating committee and service providers such as women's shelters and sexual assault centres, health units, police services, Crown Attorneys, probation and parole offices and counseling services as well as domestic violence assault review teams.

(<http://www.neighboursfriendsandfamilies.ca>)

Francophone and Aboriginal communities adapted and created their own materials and campaigns that are culturally and linguistically relevant and that take account of the unique characteristics and needs of their communities. The Aboriginal program is Kanawayhitown: Taking Care of Each Other's Spirit (<http://www.kanawayhitowin.ca>). The Francophone program is Voisin-es, ami-es et familles (<http://www.voisinsamisetfamilles.ca>).

4. The Women's Mental Health and Addictions Action Research Coalition in London developed a woman-abuse screening protocol through established collaboration and relationships between the agencies from mental health, addiction and woman abuse sectors, as well as with the contribution of the workers and consumers/survivors in the field. The title of the manual is "Facilitating Connections between Mental Health, Addictions and Woman Abuse" (2008). The manual is intended to provide guidelines on assisting abused women to create safety plans.
5. The Prevention through Intervention Project is a province-wide training for settlement service providers and other workers who provide services to immigrant, refugee and undocumented people. The program trained more than 1200 service providers and facilitators.
6. Finding Zoe is a web-based game focused on a youth audience. Its goal is to promote healthy, equal relationships and challenge gender-based violence among children and youth. The initiative was produced by the Metropolitan Action Committee on Violence Against Women and Children (METRAC). ([www.metrac.org/replay/index.html](http://www.metrac.org/replay/index.html)) A culturally appropriate French-language version of the game is also available called ReJouer: Où est Zoe and produced by Le Centre ontarien de prevention des agressions (COPA) in partnership with METRAC. ([www.infocopa.com/resources/](http://www.infocopa.com/resources/))
7. Respect for All People (RAP) Project is a training and resource initiative for multidisciplinary service providers of victims of domestic violence who are impacted by hate. Proposed topics to be covered in each training will include: social and historical constructions of hate, particularly as this relates to Aboriginal peoples, racialized groups, immigrants and Lesbian, Gay, Bisexual, Transgendered/sexual, and Queer communities.

## C. Education and Training Recommendations

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Public education and professional training are interconnected. The investment in public education and professional development as part of the implementation of the Domestic Violence Action Plan has been significant.

From April 1, 2004, through to March 31, 2009, the OWD provided approximately \$9.8 million for public education and \$7.8 million for training of professionals and service providers. In addition, there were annual investments in public education and training by other Ministries through their grants programs.

### **Recommendation T/PE 1: A Coordinated Approach: The Learning Institute**

#### **Rationale**

In reviewing the recommendations from the DVDRC and the recent investments in training and education designed to meet those recommendations, it is clear that there is significant overlap among professionals' training needs and the materials already developed. Collecting and disseminating these curricula requires a centralized system with the potential to both support the development of new materials as required and to share those materials with professionals and communities wanting to develop and deliver their own training. The entity we are proposing would be called the VAW Learning Institute.

All individuals working in the VAW sector are considered **professionals** and would thereby be governed by the recommendations regarding ongoing, sustainable education.

This designation is to be distinguished from a person's credential, degree, diploma or other forms of certification that formally confer status in the field.

The Learning Institute would support the development of a core curriculum for all professionals based, in part, on the five key training areas recommended by the DVDRC:

1. Recognizing woman abuse;
2. Identification of risk factors for women abuse and lethality;
3. Responding appropriately;
4. Cultural competency; and
5. Referrals and community collaboration.

#### **Recommendation T/PE1**

A **Learning Institute** (LI) be established to collect, support and promote education and training resources to serve professionals; the public including children and youth; and the government.

**Reallocation of existing DVAP funds.  
Graduated financial resources will be  
needed.**

The Learning Institute would support:

- the development of relationships with regulatory bodies and Colleges;
- further development of standards of practice for professionals;
- access to current and emerging research;
- identification of gaps in knowledge and practice;
- identification of emergent promising practices;
- development of cross-sectoral definitions and language;
- critical review of research and practices; and
- development of evaluation tools and processes to support the measurement of program effectiveness.

The key elements of the Learning Institute are:

- A **Secretariat** to be housed in the Ontario Women's Directorate that would support the activities and development of the Learning Institute.
- **Leadership:** Providing guidance in development and delivery of training in Ontario around violence against women and mentorship and support for the development of new leaders in the field through internships, work-study placements and so on.
- **Clearinghouse:** Through Service Ontario make available existing and new materials and provide an inventory of existing public education and professional development programs. The Clearinghouse would include website boards for discussions among and between sectors (e.g. public education board).
- **Roundtables:** Bi-annual roundtables that would bring together professionals including VAW experts and community members for specific opportunities to develop core competencies for basic curricula for all professional sectors, to share innovative approaches for the delivery of training and education and to develop evaluation frameworks and methodology to identify emerging needs, both content and audience, for training and education.
- **Support for Development of Training:** Work with professional groups, their governing and regulatory bodies and representatives from the professional schools to identify opportunities to address training needs around violence against women and opportunities for collaboration amongst sectors. The Institute would promote delivery approaches that are: user-friendly, recognizes different audiences, promotes ways to disseminate material to address a wider range of audiences; and
- **Emerging and Promising Practices and Evaluation:** Consolidating and distributing best practices examples including highlighting different ways to educate including using peer learning approaches and community based models. Offer models for evaluation that can measure outcomes among multiple services and sectors and incorporating access and equity principles.

The OWD, the Office of Francophone Affairs and MCSS are supporting the development of a Francophone Training Institute on Violence Against Women by Action ontarienne contre la violence faite aux femmes (AOcVF), which will provide training over three years to Francophone management and staff working in VAW services and wider social service agencies related to the field of VAW. AOcVF will also participate in mainstream and public education initiatives to help ensure that these initiatives are effective in meeting the needs of Francophone communities. This recommendation would be implemented in collaboration with the Francophone Learning Institute.

## **D. Recommendations for Professional Education and Training**

According to the Domestic Violence Death Review Committee, there may be many opportunities for different professionals to assess and respond to abuse that occurs in families. Accordingly, the DVDRC states that “[e]nhanced training and education of these professionals and agencies would assist in identifying and responding appropriately to domestic abuse.” (DVDRC 2007, 35)

In its 2007 report, the DVDRC stated the importance of all professionals, including those in child protection services, health care services, police, lawyers, religious leaders and individuals in different systems of education, recognizing domestic violence even when it may not be the presenting problem. That year, the DVDRC reviewed six cases where professionals, having had contact with either the victim or the perpetrator, failed to address the possible abuse within the relationship (DVDRC 2007, 33). Various reports also note pitfalls where professionals fail to communicate across sectors. Past DVDRC reports (2002-2007) make a total of 38 recommendations relevant to education and training. (see Appendix E)

Professional education and training, along with continuing education are key components in ensuring that women and children who experience violence and abuse encounter professionals (physicians, teachers, social service, child welfare, justice, shelter, faith based helpers and other workers) who have the knowledge, attitudes, and skills to most effectively help. Professionals can minimize their own frustration and be more confident in their abilities to meet the needs of their clients/patients through focused education and training on the issue.

### **Recommendation T/PE 2: Ongoing Training for Professionals**

#### **Rationale**

There are opportunities to train professionals in three priority settings:

1. Professional formal education and training;
2. Continuing education for professionals in practice; and
3. Workplace Training

The most effective way to inform professionals about domestic violence is at the beginning of their educational journey when the issue is embedded in the school curricula. This education must be supported through ongoing professional development and workplace training.

The evaluation of training programs for professionals is barely underway. The few reported evaluations of training suggest that training must be repeated over time<sup>24</sup> and take place within a culture that supports and reinforces the new knowledge.<sup>25</sup>

#### **Recommendation T/PE2**

Training and education be integrated in both formal and continuing education for those professionals who are likely to come into contact with women and children. Training and education must be integrated, sustained and routinely evaluated.

**Maintain existing financial resources.**

## **Recommendation T/PE 3: Training in the Workplaces**

### **Rationale**

A recent report prepared for the Blue Shield of California Foundation by economists Amy Farmer and Jill Tiefenthaler states, “The literature reveals that abused women are more likely to be employed, but are also more likely to be less productive at work. This impact of domestic violence in the workplace is borne by both the victim in terms of lower wages and employers in terms of lost productivity.”<sup>26</sup>

As part of a constellation of behaviours designed to control their partners, abusers may interfere with women in their places of work. Tactics used by male abusers generally fall into two primary categories: work disruption and on-the-job stalking and harassment. These tactics have significant ramifications for both victimized employees (individual-level consequences) and the places where they work (organizational-level consequences).<sup>27</sup>

To support victims and minimize disruptions in the workplace, organizations can put in place formal and informal systems designed to help women successfully a) cope with the abuse and b) maintain their employment. Studies show that receiving informal or formal support from their workplace helped almost 75% of women experiencing abuse to keep their jobs. Between 84 and 87% also reported that the supports helped them to cope with the violence at home.<sup>28</sup>

Research suggests that organizations that consider employees’ work and family concerns when making decisions pertaining to workplace policy often reap positive results for both employees and employers.<sup>29</sup>

The 2008 Ontario Coroner’s Inquest into the murder of Lori Dupont identified a number of key recommendations directed at strengthening workplaces to respond to violence against women. Highlights of the report include the need to provide support to workplaces to train all employees/workers/staff members about the dynamics of domestic violence, abuse and harassment.

### **Recommendation T/PE3**

Workplaces be supported to develop and implement a policy to address domestic violence as it relates to their workforce. As such, training be provided to workplaces.

**New financial resources required.**

## **E. Recommendations on Public Education**

### **Recommendation T/PE4: Continued Investment in Public Education**

#### **Rationale**

The Domestic Violence Death Review Committee recommendations regarding public education promote primary prevention and early intervention. The DVDRC made a total of 16 recommendations relating to public education from 2002 – 2007 acknowledging the importance of continued investments in public education. *See Appendix F*

“Many people are affected by domestic violence, whether directly or indirectly. The neighbours, friends and families, living and working as closely to abused women as they do, often hear and see things that others miss. But they may not understand what they’re seeing, or the significance and potential danger. And they often don’t know what to do with the information.”

(At Grass Level, Implementing the NFF Campaign, 2008)

**Recommendation T/PE4**

The Ontario government continue to provide long-term, sustained support to public education initiatives, and these initiatives be evaluated to measure impact.

**Maintain existing financial resources.**

## **Transformational Direction**

**Broad based interventions through a wide range of sectors**



# Child Welfare

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## **A. Preamble to Recommendations on Child Welfare**

The inextricable connection between child welfare and violence against women sectors has been acknowledged. Numerous studies indicate that child abuse and domestic violence co-occur at significantly high rates. Studies indicate that both forms of violence exist in 30-60% of the cases of either domestic violence or child abuse.<sup>30</sup> Further studies also indicate similar results:

- Edleson's 1999 review of more than 35 studies revealed the co-occurrence (30% to 60%) of both child maltreatment or adult domestic violence within the same family. This analysis identified an overlap between child abuse and adult domestic violence within families.<sup>31</sup>
- Forty per cent (40%) of female victims of spousal violence reported that their children witnessed (saw or heard) violence against them. In many cases children witnessed severe assaults against their mothers. In half of the incidents witnessed by children, the victim was injured; in half, the victim feared her life was in danger.<sup>32</sup>
- Almost one-third (32%) of all substantiated investigations completed by CASs in Ontario in 2003 involved exposure to domestic violence as the primary category of maltreatment. The same study revealed that the rate of substantiated maltreatment increased by 149% between 1998 and 2003, while the rate of exposure to domestic violence increased by 319% over the same time period.<sup>33</sup>
- There were 20 child deaths from 2002-2006 that occurred in Ontario in a domestic violence context. Child welfare professionals are increasingly identified as being involved with the victim or perpetrator. Child protection services were involved in 18% of cases that the Domestic Violence Death Review Committee (DVDRC) looked at in 2007.<sup>34</sup>

### **Situating the Discussion**

The current child welfare system in Ontario is made up of fifty-three (53) Children's Aid Societies. Five of the Societies have an Aboriginal Child Welfare specific mandate. Two of the Aboriginal Societies are not members of but are affiliated with the provincial member organization: the Ontario Association of Children's Aid Societies.

## **Collaboration between child welfare and violence against women sector**

Despite the overlap between child welfare and violence against women, the delivery of VAW and child welfare services has traditionally not been well coordinated.<sup>35</sup> A number of factors may contribute to the fragmented delivery of these services. The two systems have different histories, mandates, funding sources, organizational cultures, "philosophical foundations" and "ideological underpinnings."<sup>36</sup>

Despite those differences, it is a positive step that collaborative measures between the VAW and child welfare sectors have been attempted in some parts of the province over the last 10 years.

In 2002, the Ontario government made an explicit commitment to link the two sectors, through a protocol known as the Collaboration Agreement between Children's Aid

Societies and the Violence Against Women sector. The intent of the protocol was to increase the safety and wellbeing of children through better coordination between the sectors in the following areas:

- Helping women to be safe;
- Making the best use of the means available to hold the abusive man accountable for harming and being a risk to the women and their children; and
- Using the agreement as a template for collaboration with other sectors.

The Collaboration Agreement identified six points where VAW and CAS intersect for the purpose of collaboration:

- The CAS has received a referral/report/information that a child may be in need of protection or the CAS worker suspects or learns that woman abuse may be/is occurring in the home.
- The child protection worker is assessing safety and future risk to the child.
- The child protection worker is developing a Plan of Service for a family where woman abuse is present.
- The VAW worker is trying to determine whether a situation constitutes reasonable grounds to suspect that a child may be in need of protection.
- A woman and a child are involved with both a VAW agency and a Children's Aid Society.
- The VAW or child protection worker is assisting a woman who is trying to negotiate custody and access agreements in order to increase her safety and that of her children.

The collaborative agreement process was a missed opportunity: it did not always build on the innovative work already being done; there were minimal working relationships between the VAW and child welfare sector in some parts of the province; and the training was not sufficiently in-depth to build a common understanding of violence against women and its impact on children.

The violence against women services and child protection sectors are only beginning to fully understand the nature of the collaboration that can address both the complexities of woman abuse and children's safety and development as a result of being exposed to or witnessing violence.

While the child welfare system is not one of the primary service providers to address domestic violence, its work directly impacts and can assist in addressing the issue of domestic violence in communities.

The issue of partnership between the VAW and Child Welfare sectors is timely and relevant. Research evidence demonstrating the overlap between woman abuse and child maltreatment continues to exist. As a result of the co-occurrence of violence within families, the Council recommendations and the intended results of the Transformation Agenda<sup>37</sup> will lead to a paradigm shift in the child welfare sector by ensuring a community and differential response. Examination of studies and promising practices would suggest that the VAW and child welfare sectors are best situated to work as partners to address the issues of violence that arise in families. The recommendations recognize that a fundamental paradigm shift must happen within the child welfare sector.

That paradigm shift would mean that child welfare would adhere to the primary principle that guides the Council recommendations: by protecting abused women we help protect their children. As such, work would be done using the ecological model with a focus on both parents in the family, and external factors impacting that family's ability to function would be considered. This paradigm shift is articulated in the recommendations of the recent Coroner's Jury into the death of Andrew Osidacz. Many of the 35 recommendations were directed to the child welfare sector. Recommendation 26 emphasizes a key point in the paradigm shift:

The Ontario Association of Children's Aid Societies (OACAS, MCYS) should fundamentally alter its strategy for assessing risk in cases involving domestic violence so that the weight of decision-making rests on risk of harm posed by the perpetrator as well as the capacity of the non-offending parent to take protective action.<sup>38</sup>

## **B. Building on existing work**

There are a number of effective collaborations between child welfare and VAW sectors in Ontario. Some were highlighted in the DVDRRC 2006 Report, and the Council identified other examples. Below are some examples of work being done to create a stronger relationship between the VAW and child welfare sectors.

1. The "Woman Abuse Coordination Model" developed by the Ontario Association of Interval and Transition Houses (OAIH) This model of service is outlined "In the Best Interests of the Children and Mothers: A Proposed Child Welfare Response to Violence Against Women (2003).<sup>39</sup> The model includes the introduction of a Woman Abuse Coordinator into child welfare practice to ensure ongoing support and technical assistance for child welfare staff in responding to woman abuse and child witnessing of violence. The Coordinator would work as part of a team with frontline child welfare workers and community child witness and women's advocates. Similar initiatives are being developed in Hamilton, Ottawa, and Thunder Bay and District (Greenstone and Marathon).
2. Catholic Family Services Peel-Dufferin, as the lead agency, has been collaborating with the Peel Children's Aid Society and Family Services of Peel for the past four years to develop the Safer Families Program, a differential response to child welfare cases involving children's exposure to domestic violence. The Program's goal is to provide more effective service to families at the front-end of their involvement with the child welfare system by using inter-agency assessment and intervention teams consisting of a child welfare intake worker and a Family Service Association Violence Against Women counsellor. The initial assessment is done jointly and then the family is offered ongoing counselling services through Safer Families. This early intervention increases the safety of women and children and reduces long-term involvement with child welfare. This program also emphasizes father involvement and has a fathering specialist on the team. To further support men in accountable fathering, Safer Families offers a group program called "Best Fathers Possible".

3. Aboriginal specific responses – Tikinagan Child and Family Services is designed to cover the specific needs of First Nation and Métis people in the large territory of Nishnawbe Aski Nation (NAN) – from the Manitoba border to James Bay, Thunder Bay to the Northern boundaries of Ontario. The Mamow Obiki-Ahwahsoowin Service Model was developed and incorporates Customary Care. The model is based on indigenous knowledge and includes workers, the Elders and the legal responsibilities required under the provincial legislation as well as customary laws. In this model, there are four different interventions that can be used in domestic violence cases.
4. There are a number of cities with specialized teams. A highly successful specialized team called the Toronto CAS Domestic Violence Team was developed at Intake in June 2004 to address the overwhelming number of domestic violence referrals to the Society and to assist the agency in developing practice guidelines to effectively deal with domestic violence situations. The intake workers on this team are assigned to geographic areas as well as specific VAW services in order to enhance and further develop positive community partnerships and relationships. A worker with knowledge of domestic violence is assigned to screen reports and code them for domestic violence investigations. That worker has the task of determining whether or not the situation is to be routed through traditional case investigation processes or is diverted to a community service avoiding an investigation through the customized approach of differential response. Additional supports that CAS provides include contacting women and offering referrals to VAW agencies, services for children, police services, victim services and court services as necessary.
5. The establishment of an independent provincial advocate to better protect vulnerable children and youth in the Fall of 2008. This advocate will make it faster and easier for people to make complaints about certain services or decisions they have received from a Children's Aid Society. The new complaints process, to be used consistently across the province, began in December of 2008 and includes third party oversight by an independent body, the Child and Family Services Review Board (CFSRB).
6. The Family Network is an innovative program designed to keep the family together safely. It is a neighbourhood-based service (east and north east London) that supports families with children from birth to 16 years. Family Network meets with families to discuss their concerns and assists them in developing a support plan. This may include linkages with other community and neighbourhood services or having a trained mentor to provide support, assistance, guidance and advocacy. Family Network ensures families have access to 24/7 support as part of each family's support plan. The goals of Family Network are to: reduce the number of children entering care of the Children's Aid Society; enhance community response to children and families and facilitate an integrated collaborative network of community organizations.

## C. Child Welfare Recommendations

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The demonstrated connection between child welfare and domestic violence necessitates coordination between the two sectors. The need to strengthen the collaboration between the VAW and child welfare sectors is imperative.

The literature notes a number of fears and difficulties that abused women may experience in their interactions with the child welfare system. Abused mothers have reported fear that their children will be removed from their care. This may make women reluctant to disclose abuse. Other concerns identified in the literature indicate that child welfare practices may hold women more accountable for the occurrence of violence than their male partners, that women become the focus of investigations while perpetrators are ignored, that experiences with child welfare interventions may be “punitive” and “alienating” for women and that they may in fact be detrimental to children.<sup>40</sup>

The reluctance of abused women to disclose or seek services for their families has been identified as a theme in an article “In Whose Best Interest? A Canadian Case Study of the Impact of Child Welfare Policies in Cases of Domestic Violence.”<sup>41</sup> The article reported on a qualitative study based in an Ontario urban area that investigated the implications of child welfare reporting policies on mothers, children and service professionals. The study was conducted in 2005 and was limited to a small non-representative sample involving families, child welfare workers, administrators, and other professionals.<sup>42</sup> While some women reported supportive experiences with child welfare, others reported an experience that was intrusive, intimidating and blaming. In general, women expressed concern that they, rather than the perpetrators, were being investigated. Mothers’ perceptions of what may happen if they come in contact with child welfare contributed to their fear and apprehension during a child welfare investigation.

While there does not appear to be widespread removal of children from homes in which domestic violence occurs, fear among abused women exists. The OIS 2003 reveals that children exposed to domestic violence experienced the lowest rates of placements. Just 2% of investigations where exposure to domestic violence was the primary substantiated form of maltreatment resulted in a formal child welfare foster care placement. Placement was considered in an additional 1% of cases.<sup>43</sup> It is difficult to know if this captures the true relationship between child welfare and women who are in domestic violence situations. Some children may have been apprehended but captured under a different category.

*“They need to trust us more...we left the abusive situation for a reason, and we only have our child(ren’s) best interest in mind. They are our future and we don’t want to have the violence continue.”* Survivor Voices, 2008, OAITH, p 2.

Research has indicated that domestic violence is often combined with a combination of factors in the family. A study done in London between 1995 and 2001 found a 70% increase in the number of children in care at the Children’s Aid Society of London and Middlesex. In looking for an explanation for this increase, researchers did a study of 1,024 child protection cases during that time. They found that a set of complex, interconnected factors, acting together, resulted in children being taken into care

including: violence against children, woman abuse, poverty, mental health, impaired parenting capacity and intergenerational CAS involvement.<sup>44</sup>

The reality is that women in situations of domestic violence experience overwhelming fear that they will lose their children when dealing with child welfare. This fear has to be clearly understood by the child welfare system. The child welfare system is caught in a contradiction. It has two roles: mandatory policing of care of children and helping families. The primary tools required for the first role involve authority: investigating complaints, creating and insisting on changes in parental behaviour and removal of children. This creates severe limitations in achieving the second role: the ability to remove one's children hampers their role to create a place of safety where one can seek help for one's family.

Another contradiction is that the client is the child yet the focus of investigation has consistently been on the mother. "The focus of child welfare on performance failures of particular mothers<sup>45</sup> does not allow the system to capture the fully nuanced picture of the family. As a result it does not automatically take into account violence or abuse as a factor that would impact on the quality of care." Karen Swift further states that the focus on the mother is based on the belief that "the protection of the children is seen as the responsibility of the mother, and the instructions of neglect tell us to perceive violence to the children as the sign of her apathy or incompetence. Women are responsible for the home, for its atmosphere and for what goes on it. If violence occurs, the woman is culpable."<sup>46</sup>

At this time the embedded working assumptions of the child welfare system and the tools it sometimes uses makes it difficult to establish and maintain collaborative working relationships with mothers. The relationship between CAS and a mother is always based on a power differential within which she can potentially lose her children.

The literature indicates a number of further challenges facing the child welfare sector:

- When child welfare professionals enter a family situation, the primary mandate is to assess the child's safety.
- Since the Transformation Agenda (2006), CAS professionals also have the responsibility to screen for domestic violence.
- The only way to assess the child's safety is to be able to effectively interview both parents/guardians, therefore CASs may need to evaluate how they work with perpetrators of abuse.
- There is a preexisting/historical bias in the child welfare system that when a child may be at risk, it is the mother who should protect them. The bias has been reported in research by Karen Swift, who states that, while the category of failure to protect or neglect appears on the surface to be gender-free, implicating "parents" as responsible for the care of children, it means that in the majority of situations mothers are most often accused of failing to protect their child(ren) in cases of domestic violence.<sup>47</sup>
- Other professionals, including the police, have come to understand that "duty to report" means they automatically report when a child is involved in a domestic violence situation. This is unevenly implemented across the province and creates confusion within and across sectors.

- Since 2006, there has been a significant increase in the number of calls to CAS as a result of the changes in legislation related to the duty to report situations of domestic violence.

The Council recognizes the significant challenges faced by child welfare to respond to these issues. The assessment and intervention by CAS needs to factor in a wide number of influences on families, including the impact of domestic violence, substance abuse, mental health issues and poverty on the family's ability to function. To ensure that workers are well supported, they require appropriate knowledge, training, tools and ongoing development and feedback.

### **Recommendation CW 1: An accurate definition of violence**

#### **Rationale**

The current Eligibility Spectrum (2006) states bi-directional violence is the more common practice. This definition emphasizes that violence occurs equally between men and women, which is in direct contradiction with the evidence. The Domestic Violence Death Review Committee has shown that 94% of all deaths are of women and girls murdered by their male partners and fathers respectively. It also shows that there is increased risk to children in families where there is violence against women.<sup>48</sup>

The current definition in the Eligibility Spectrum (2006), Section 3, Scale 3 reads:

#### **Partner Violence – Scale 3**

Refers to violence occurring between parents or between a parent/caregiver and his/her partner. Women are most often the victims of the violence. The violence can encompass a range of intensity; it can be a single incident or it can be a pattern of physical and/or verbal violence and/or emotional harm in the home. It can be unidirectional, **or the more common occurrence - bi-directional with minor violence between partners.**<sup>49</sup> *[Emphasis ours].*

The definition is confusing and contradictory because it first notes that “women are most often the victim” and then states that the “more common occurrence is bi-directional violence.” The definition confuses different types of violence. York University sociologist Desmond Ellis reminds us that, “[i]gnoring context, meaning and motive is misinforming...[a]nd not separating different types of violence is misleading.”<sup>50</sup> A more accurate and useful definition would state that the type of violence labeled as coercive control, woman abuse, battering, or intimate terrorism is qualitatively different than infrequent, non-injurious acts that invoke no fear or coercion.

The child welfare sector requires a definition that reflects a gendered analysis as shown in the Child Protection Standards to be consistent with the significant evidence that women and children are more at risk of serious and lethal violence by their partners than are men.<sup>51</sup>

Other sectors have addressed this issue. For example, Ontario police forces in responding to mandatory reporting on domestic violence involving children have, over a period of time, developed a more appropriate conceptualization. Their framework differentiates between situations of aggressive violence where violence has been met

with self-defence. It can distinguish and identify a “dominant aggressor.” The violence framework also includes patterns, context, history and severity in the assessment of the situation.

### **Recommendation CW1**

The partner violence definition in the Eligibility Spectrum and Child Protection Standards be amended so that “bi-directional violence” is removed and replaced with the “woman abuse” definition found in the Child Protection Standards (p.13).

The definition of “woman abuse” in the Child Protection Standards (p.13) is the more appropriate working definition as it reflects the situations of highest risk to children has been identified in the literature and by the DVDRC.

“Woman abuse is predominately perpetuated by men and experienced by women. It is motivated by a need to control and is characterized by progressively more frequent and severe physical violence and/or emotional abuse, economic subordination, threats, isolation and other forms of control.”

This is not intended to neglect or ignore the exceptional situations of abuse against men and the specific circumstances in same-sex relationships.

The recommendation would require amendments to the following Child Welfare documents:

- Eligibility Spectrum 2006, pages 57 and 62
- Child Protection Standards 2007, pages 87 and 88

**No new financial resources required.**

### **Recommendation CW 2: Training Framework**

#### **Rationale**

With the changes in the Child Protection Standards in Ontario (2007) and the introduction of the Child Welfare Transformation Agenda, the child welfare sector is going through a significant shift in its response to children and their families. Child welfare is focused on the strengths of the family; working in partnership with the community and providing a differential response that is singularly appropriate for that family.

The Differential Response Model includes a number of core components including:

- All referrals are universally screened for domestic violence.
- Cases of more severe maltreatment with higher risk of future harm receive a “traditional” protection investigation focused on ascertaining facts in a legally defensible manner.
- Cases of less severe forms of maltreatment requiring a less intrusive response are offered a “customized” approach to facilitate client engagement as a means of effectively assessing and securing the safety of the child.
- An increased focus on child and family strengths and needs, which define the case service plan.
- Involvement of a wider range of formal and informal supports in service planning and delivery to the child and family.

CAS workers do not receive specific training on domestic violence. In the absence of specialized training and training tools the delivery of these components may leave child welfare workers unprepared and potentially leave women and children more vulnerable and men unengaged in the change process.

In addition to the additional requirements in the implementation of the Transformation Agenda, the Domestic Violence Death Review Committee has consistently identified the need to support the child welfare sector through training. Recommendations related to education for child welfare are in the chart below.

**Table 4**  
**Domestic Violence Death Review Committee**  
**Recommendations for Child Welfare Training (2004-2007)**

Identified Training Needed	Year/ Recommendation/Page
How to connect them to support systems in the community to enhance the safety of mothers and children	2004, Rec. 3, 33
Assessing if access should be permitted, particularly if the abuser remains untreated.	2004, Rec. 3, 33
Intervening directly with the offender on risk reduction and containment. How to locate and safely interview abusers.	2004, Rec. 3, 33
Effective ways to intervene in domestic violence cases.	2004, Rec. 3, 33
Risk factors for domestic violence.	2004, Rec. 2, 33
Risk assessment, safety planning, risk reduction and coordination of a community plan.	2004, Rec. 3, 33 2006, Rec. 23, 16
Assessment of the potential danger posed to children during separation.	2006, Rec. 19, 16
The dynamics of domestic violence in same-sex relationships.	2007, Rec. 17, 23 2007, Rec. 18, 24

The Ontario Association of Children’s Aid Societies (OACAS) has a contract with the Ministry of Children and Youth Services to train all new workers, managers and to resource families on child welfare legislation, standards of practice and supplementary assessment tools to ensure that all workers have a foundation to perform their job responsibilities.

Training over the last three years that focused on domestic violence has been embedded in the core training curricula and in the delivery of the VAW and CAS collaboration agreements. OACAS is engaged in the preliminary development of a domestic violence practice guide for the province of Ontario. Training on the new curriculum for the 8,000 full time equivalent staff will need to be done.

The input of professionals who have experience working with victims and perpetrators of domestic violence can help child welfare agencies develop appropriate practices and policies to respond to cases that involve domestic violence and help ensure that mothers

and children will not be endangered through actions taken and abusers will be managed in a way that addresses accountability and reduces escalating and dangerous behaviours.<sup>52</sup>

### **Recommendation CW2**

Mandatory, consistent, ongoing and specialized training be provided to all child welfare professionals and managers to ensure that they can appropriately assess and intervene in situations involving violence against women (domestic violence).

The mandated training would include:

- a) The development by OACAS of a VAW advisory group to support the development, delivery and evaluation of the training.
- b) A core curriculum that includes
  - Domestic violence in a child welfare context
  - Equity and accessibility analysis/framework
  - The impact of violence against women and family violence on children
  - Interventions with men
- c) Core training modules would include: the impact of duty to report; effectively working with a screening tool; how to assess and manage risk; the range of controlling behaviours and how the child welfare system can be used as a control technique, addressing unique experiences of Northern women and fly-in communities.
- d) Best Practice Guidelines on addressing domestic violence situations.
- e) Specific training modules for managers and supervisors that include:
  - Effective management of the Collaboration Agreement
  - Creating and maintaining partnerships with the VAW sector.
- f) The training modules, delivery and results to be evaluated by an independent researcher to ensure that knowledge transfer has occurred and to provide specific recommendations for further development.
- g) Alternative delivery training models to address the consistent high turnover of staff in CAS, including an e-learning format.
- h) A provincial launch of the training modules.

**Reallocation of existing funds and some  
new financial resources required**

### **Recommendation CW 3: Specialized domestic violence capacity in each CAS**

#### **Rationale**

As evidenced by the increasing number of innovative CAS/VAW partnerships, it is very evident that the child welfare and the violence against women sector can successfully work together to create effective interventions that enhance the safety of women and children and engage men in creative change processes. There is a need to continue to support the current and emerging practices of collaboration to address domestic violence and address the need for internal capacity in each CAS.

### **Recommendation CW3**

Each Children's Aid Society establish a specialized domestic violence response that builds upon existing local CAS-VAW models/practices and is in accordance with Best Practice Guidelines.

As such,

- a) Host a learning forum that brings together all the Children Aid Societies with domestic violence teams so participants can explore models and approaches that CAS can apply to ensure that they respond to DV.
- b) Establish an Expert Panel to transfer knowledge amongst the Children's Aid Societies on different approaches to developing a specialized capacity, including the development of specialized teams or consultations with VAW experts.
- c) Use different approaches to transfer information and knowledge.
- d) CAS work with key VAW partners in the community to develop the local CAS response.
- e) Each CAS is qualified to do child welfare assessments in cases where high risk has been identified. This includes the ability to address family court matters in a way that ensures safety for abused women.

**New financial resources required.**

### **Recommendation CW 4: Aboriginal Families**

#### **Rationale**

Research has repeatedly demonstrated the over-representation of Aboriginal children in out-of-home care and in interactions with the child welfare system more generally. For example, the 2000-2002 provincial and territorial data suggest that 30% to 40% of children and youth placed in out-of-home care were Aboriginal despite the fact that less than 5% of children in Canada are Aboriginal.<sup>53</sup> Further, the number of First Nations children from reserves placed in out-of-home care increased by 71.5% between 1995 and 2001.<sup>54</sup>

An analysis of the 1998 Canadian Incidence Study of Reported Child Abuse and Neglect (CIS)<sup>55</sup> found that 16% of children under the age of 16 investigated by child welfare services because of suspected maltreatment in Canada (excluding Quebec) were identified as Aboriginal – this despite the fact that Aboriginal children under the age of 16 make up 5% of the general population. The analysis also found that child welfare reports involving Aboriginal children are:

- more likely to be substantiated than those involving non-Aboriginal children (50% as compared to 28%)
- approximately twice as likely to be placed in out of home care as compared to their non-Aboriginal counterparts (9.9% as compared to 4.6%)
- leading to informal placements more than three times higher for Aboriginal children as compared to non-Aboriginal children (11.2% compared to 3.4%) and
- showing that 25% of Aboriginal children were removed or being considered for removal as compared to 10.4% of non-Aboriginal children.<sup>56</sup>

The 2005 publication “Ontario’s New Approach to Aboriginal Affairs” issued by the Ontario Native Affairs Secretariat (ONAS, now the Ministry of Aboriginal Affairs) noted that Aboriginal children are over-represented in Ontario’s child welfare system. The report stated that Aboriginal children account for approximately 17% of the caseload but only 3% of children in the province.<sup>57</sup>

The position of over-representation of Aboriginal families involved in child welfare is further supported by the OIS 2003, which revealed that 5% of 2,892 substantiated maltreatment investigations involve children of Aboriginal heritage.<sup>58</sup> Like the national CIS studies, the OIS 2003 compared service dispositions for Aboriginal and non-Aboriginal children. The OIS 2003 found that, as compared to non-Aboriginal children, Aboriginal children experienced higher rates of ongoing service, child welfare court intervention and placement in substantiated child maltreatment investigations.<sup>59</sup>

The Council fully supports the Strategic Framework to End Violence Against Aboriginal Women and sees this recommendation as a way to further support the implementation of the framework.

**Recommendation CW 4**

An Aboriginal stand-alone practice guide and accompanying training be developed for Child Welfare workers on a holistic approach to addressing domestic violence when children are involved. The training and guidelines be developed in conjunction with First Nation, Métis and Inuit organizations and incorporate First Nation, Métis and Inuit culture and practices appropriate to the region and family in protecting their children and supporting their families.

**New financial resources required.**

## Legal Response

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### A. Preamble to Recommendations on Legal Response

Abuse does not end at the point of separation. In fact, significant evidence exists to demonstrate that the risk of abuse and lethality heightens with separation, as the abused woman defies the control of her abuser. Separation violence includes physical assault as well as other abusive acts (e.g. threats of physical violence, controlling behaviours and/or psychological abuse) used to make a woman reconcile or punish her for leaving. The heightened risk of abuse during and after separation has serious implications for women, particularly those who share children with their abusers.

Separation is a critical time when many divorcing parents negotiate post-divorce parenting plans. At the most dangerous juncture in their relationship, abused women enter the family law system to make decisions about their children. Current custody laws and family court procedures and practices, emphasizing gender equity that does not exist in woman abuse cases, private dispute resolution, and the “best interests of the child” standard, deny the reality of ongoing abuse, are not designed to address women’s safety issues, and may also provide abusive men with a forum for separation assault.<sup>60</sup>

Many abused women negotiate for their rights and for their children in a climate of fear characterized by verbal threats and physical and psychological abuse. In their quest for control, abusers threaten to injure or kill their victims if they proceed with divorce or fight for custody and child support.<sup>61</sup> Many abusers also threaten to financially drain their victims, fight for custody, or abduct their children<sup>62</sup>. Abusers make such threats to force women to reconcile or forfeit rights to custody and support.<sup>63</sup>

Research indicates that a climate of fear during custody proceedings leads a substantial number of women to compromise their rights.<sup>64</sup> “Divorced women reported lowering or waiving their requests for child support because they feared further physical violence. In doing so, they exchanged their children’s long-term needs (e.g. financial security) in favour of temporary safety. Other women report exchanging child support for custody.”<sup>65</sup>

Abusers can play out their need for control in long and painful custody disputes<sup>66</sup>. Abusive men are highly litigious and significantly more likely to contest custody than are non-abusive men, as they continue to exert dominance over their victims.<sup>67</sup> Evidence suggests that some men use custody blackmail, or threaten to fight for custody even though they do not want it, to force their victims to waive their right to child support.<sup>68</sup>

*“In the family court system, survivors of domestic violence are left feeling re-victimized, like we will never obtain justice or receive fair treatment but will continue to live in humiliation and poverty forever.”<sup>69</sup>*

While there are any number of improvements that could be made to the Family Court system, the Council has focused its recommendations on the **front door services of the Family Court system**. By “front door services”, the Council means those initial areas generally encountered by all litigants, but which have a specific, adverse impact on abused women, recognizing the complex and multi-layers involved in instances of

woman abuse. The Council identified five key areas to address and to guide them in developing recommendations:

- 1) Access to Legal Representation
- 2) Safety and Security
- 3) Access to Information
- 4) Access to Services
- 5) Relationship with the Criminal Court

The Council drew from a number of reports, including the Domestic Violence Death Review Committee (DVDRC) reports between 2004-2007, Linguistic and Rural Access to Justice Project (Oct. 2008) and the Strategic Framework to End Violence Against Aboriginal Women, (2007).

In developing its recommendations, the Council also commissioned a study by Luke's Place Support and Resource Centre for Women and Children in Durham Region to identify needs and gaps for abused women in accessing front door services of the Family Court system.

In the study, women once again affirmed the reality of separation abuse. Some of the overall findings of the study included:

- A majority of women reported the persistence of severe abuse after separation. Significantly, 63.5% of respondents reported their abuser had made them fear for their life following separation.
- Women identified two distinct types of barriers to the family law process:
  - systemic barriers such as the overall community tolerance of violence (69.2%) and community attitudes about separating; and
  - specific barriers to individual access, including lack of access to legal services, lack of information on how the family court system works and lack of information on their rights.
- In response to a question about the most helpful resources, women identified shelter advocates and counselling services as the most useful.<sup>70</sup>

The Council developed recommendations guided by the Council principles and the principle that **women have a fundamental right to legal representation in family court**. In order to achieve this principle, it is necessary for Legal Aid Ontario to receive increased funding for family law cases. The hourly rate to lawyers must be increased and the maximum number of hours provided on certificates for cases involving women abuse must reflect the particular complexities of these cases.

## **B. Building on existing work**

While there continues to be a need to address the critical needs of abused women and their children within the family law process, it is also important to acknowledge the excellent work being done in Ontario with respect to some of these needs.

1. Bill 133, The Family Statute Law Amendment Act 2009, particularly those sections dealing with restraining orders and including the introduction of standard form order is a very positive and important step to keep women and their children safe from

ongoing abuse. The Council supports this package of family law reforms and encourages the government to continue working in a collaborative fashion with community stakeholders to address other elements of family law in Ontario.

2. The Ontario government's ongoing recognition of the need for additional investments in civil legal aid is to be commended and the government is encouraged to continue raising this issue with the federal government.
3. The Family Legal Education for Women (FLEW) initiative is an example of the provincial government recognizing the different needs of constituencies of women with respect to language, cultural appropriateness and supporting the creation of materials to ensure that the family law process can be understood by a greater number of Ontario women.
4. Legal Aid Ontario has developed domestic violence training for all staff in Legal Aid offices across the province, and to reach legal clinics, lawyers who work in courtrooms, family law lawyers and refugee lawyers. The training has been helpful in raising awareness and improving quality of service. We encourage LAO to continue offering this training on an annual basis to ensure that new lawyers and staff have access and to serve as a refresher for others. The Council supports that LAO require all family law lawyers who accept legal aid certificates take this training.

## **Legal Response Recommendations**

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The 2007 Report of Ontario's Domestic Violence Death Review Committee (DVDRC), in assessing all data it had collected from 2003 to 2006, found that 79% of domestic violence homicides occurred at the point of actual or pending separation.<sup>71</sup> This statistic provides stark and clear evidence that violence not only continues past separation, but escalates and may even be triggered by it.

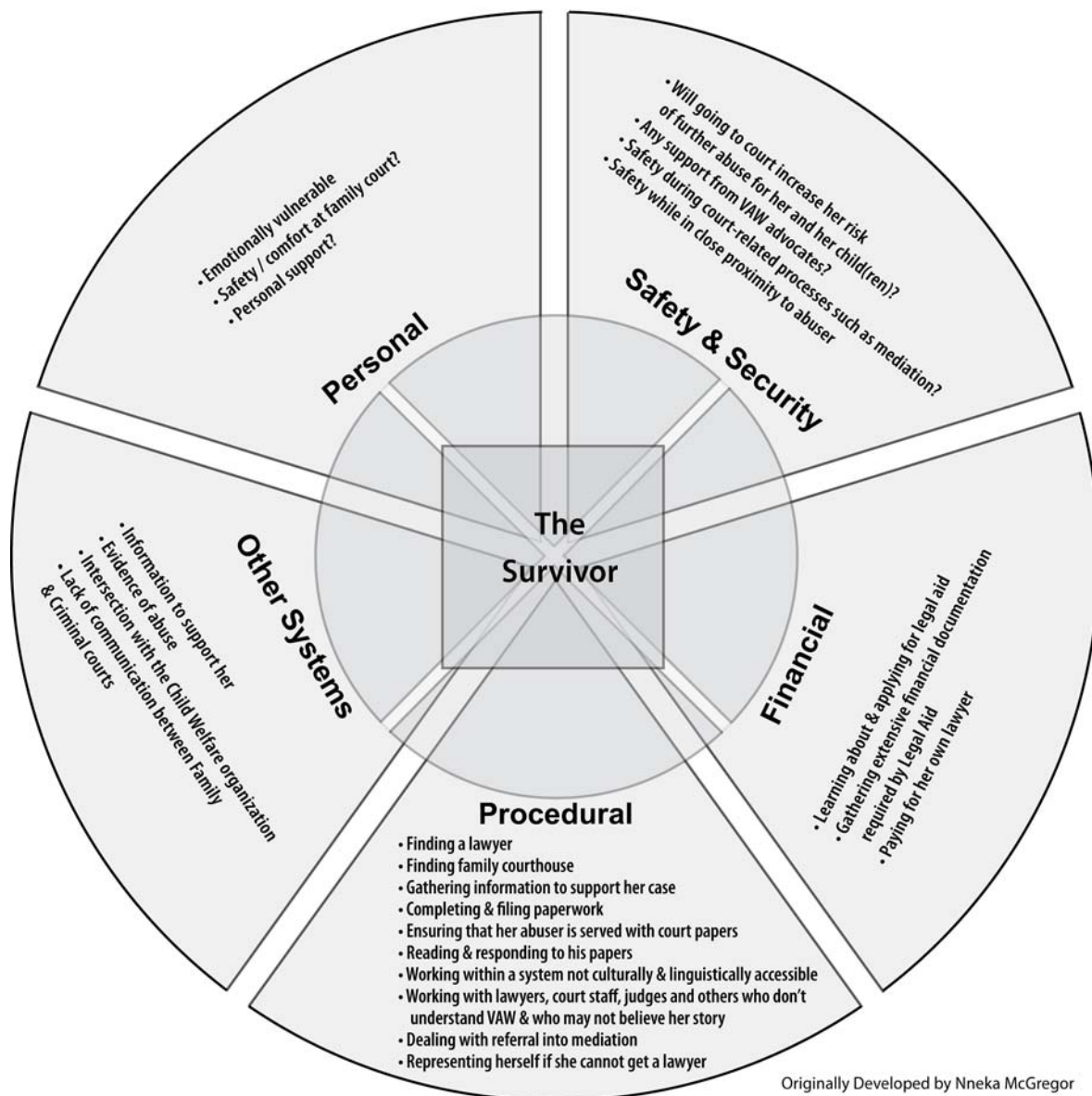
### **The Family Law "Front Door"**

The Family Court process can be overwhelming even under the best of circumstances. For women who have experienced abuse, the barriers can be all but insurmountable. Even beginning the process is a significant undertaking.

A woman who decides to leave her abusive partner and to resolve the outstanding issues between them by beginning a family court proceeding, needs to:

1. Assess for herself if going to family court will increase her or her child(ren)'s risk for further harm by the abuser.

**Diagram 9**  
**Decision-making wheel – leaving an abusive relationship**



2. Learn about how to find a lawyer, what the costs are, and where the family courthouse in her community is.
3. Learn about and then identify the legal issues that she needs to address. If she does not have a lawyer, she will need to do this by meeting with the Family Law Information Centre (FLIC) and / or duty counsel at the Family Court.
4. Make arrangements to finance the costs of starting the process. If she cannot afford it, she needs to learn about, find out where to go, and then make an application for legal aid, if she believes she may be eligible. This may require her

- to visit a separate legal aid office and to provide extensive financial documentation.
5. If she is unable to pay the cost of a lawyer and does not qualify for legal aid, learn how to begin the process on her own.
  6. Complete and file all necessary paperwork. This includes preparing an affidavit, which can be a very detailed and complicated document.
  7. Gather information to support her application, including financial documentation, evidence of any allegations she is raising, information about the children, etc.
  8. Ensure that her abuser is served with all paperwork. Without the proper mechanism by which she can do this, she is often forced to execute service on her abuser personally.
  9. Read and respond to his documentation.
  10. Spend time in a public space at the Family Court, potentially in close proximity to her abuser and / or his family and friends.
  11. Try to understand and work with a legal system and process that is not culturally and linguistically accessible to her.
  12. Work with lawyers, court staff, judges and others who do not understand violence against women and who may not believe her story.
  13. If there are children involved, there may be an intersection with the child welfare system, which often complicates and adversely affects her ability to navigate successfully through the process and often operates in isolation of a family court proceeding even if the child welfare authorities are placing demands on her to go through the family court proceedings.
  14. And, if assault charges have been laid against her estranged spouse, she has to contend with the criminal system that operates in isolation from the proceedings in the Family Courts.

Many women who enter the front door of the Family Court for the first time have little or no information about the law or the process. For most women, their access to the support services in their community comes only through happenstance and not in a coordinated way. Many women do not even know what a FLIC office is or what duty counsel can do. Often, no one helps them understand or assists them as they begin to try to find their way through this maze. It is not uncommon for women to begin a Family Court Application and even to make appearances in court without having had any access to legal information or other kinds of support.

## **D. Recommendations on Access to Legal Representation**

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### **Recommendation LR1: Expand the delivery sites for Legal Aid**

#### **Rationale**

Legal Aid has difficulty in responding to domestic violence cases in a timely way. There appears to be difficulty in both response rates and take up of family law certificates. The number of lawyers participating in the family law certificate system dropped by 29% over the past decade, largely because of the low hourly rate and maximum number of hours allowed on family law certificates.

**Table 5**  
**Comparison between criminal and family law certificates from 1999-2007**

	Criminal Certificates	Family Certificates
Certificates accepted	79%	69.2%
Certificates refused	21%	30.8%
Acknowledged Within 14 days	67.8%	49.7%
Acknowledged within 30 Days	81.8%	68.1%
Not acknowledged	3.7%	7.9%

(from Michael Trebilcock, Legal Aid Review, 2008)

Some key findings from data provided by Legal Aid Ontario suggest that family clients have considerable difficulty finding lawyers willing to accept certificates. While two-thirds of criminal certificates are acknowledged in a timely manner (less than 14 days), fewer than 50% of family certificates are acknowledged in the same timeframe. This data, coupled with the very high refusal rate for family applications (30.8%) suggest a significant accessibility problem for family legal aid. It is also important to note that the data likely *underestimate* the time period between applications and acknowledgements and refusal rates for family law certificates. This is because local practice in some LAO Area Offices is not to complete an application or issue a certificate if the office believes that there are no lawyers in the area willing to accept it. Alternative delivery models may be a viable way to provide services to women seeking legal services.

**Recommendation LR1**

Legal Aid Ontario expand its delivery sites for family law services to include community legal clinics and increase the number of Legal Aid Family Law Offices.<sup>72</sup>

<p><b>Reallocation of financial resources within Legal Aid Ontario required.</b></p>
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**Recommendation LR2 and LR3: Remove Legal Aid barrier**

**Rationale**

Currently, a woman on a legal aid certificate cannot retain a lawyer if she has seen that lawyer at a Family Law Information Centre (FLIC) or as Duty Counsel. The intent of this is to prevent lawyers using one role (Duty Counsel or FLIC Counsel) to solicit for clients in their private practice. While concern for conflict of interest is legitimate, appropriate conflict of interest policies would allow women to retain lawyers with whom they have established a connection and are beginning to trust.

It would also address access issues. Communities, particularly remote and rural communities, have very few lawyers to choose from, and access barriers can result in unnecessary delays or in women proceeding through family court without a lawyer.

**Recommendation LR2**

Remove the Legal Aid Ontario conflict barrier that prevents women on a legal aid certificate from being able to retain a lawyer they have seen at a Family Law Information Centre (FLIC) or as Duty Counsel, and create appropriate measures designed to provide checks and balances to avoid such professional conflict of interest.

**No new financial resources required.**

**Rationale**

There is an ongoing need for general education for community members, including women's advocates, about the extent of the discretionary power of Legal Aid Ontario Area Directors to provide lawyers with extra hours on certificates, to override the conflict of interest barrier (for women who have seen a lawyer as duty counsel and then want to retain that lawyer) and to assist survivors of woman abuse in obtaining a legal aid certificate even if they might not normally qualify financially.

**Recommendation LR3**

Immediately provide information to legal aid lawyers, community and legal advocates on the latitude available to Legal Aid Ontario to address access barriers to legal aid services for survivors of woman abuse.

**No new financial resources required.**

**Recommendation LR4: Change financial eligibility criteria for Legal Aid****Rationale**

Women have to be facing extremely serious financial hardship to qualify for legal aid. There are many women whose income disqualifies them from Legal Aid but who do not have enough money to pay for legal services on their own. They are essentially denied legal services unless they deplete any savings they might have; borrow from banks, family or friends or put a lien on their house. This last option can increase a woman's chance of experiencing violence because she is likely to co-own the house with her former partner.

It makes better sense to give women the ability to retain their assets and avoid moving down the income scale and thus increasing their need for other public services (e.g. housing). Survivors in the Luke's Place study found their income dropped on average by half at separation.<sup>73</sup>

The eligibility for legal aid should apply a poverty avoidance strategy and consider such questions as:

- ◆ What are the long-term implications of loss of assets?
- ◆ Does the denial of legal aid put the woman at greater risk of violence?
- ◆ Does the denial of legal aid increase her dependency on other public services?

*“My experience with clients that go to talk to duty counsel is that they are told to get a lawyer. Most of our clients cannot afford a lawyer but they don’t qualify for legal aid because they work or because they own a house, even though they have a mortgage and other debts.” (Luke’s Place Report, 2008)*

**Recommendation LR4**

Change the financial eligibility criteria for legal aid so people with moderate / middle incomes are eligible. Revise policies regarding ownership of property and money in savings accounts to allow greater discretion so women may be able to obtain legal aid based on their income rather than on assets that may not be entirely theirs or that may be unsafe for them to disclose or use.

**New financial resources required.**

**Recommendation LR5: Provide additional investments to Legal Aid**

**Rationale**

Research has established that Ontario’s legal aid system is accessible to fewer and fewer individuals<sup>74</sup> and, more specifically, that the number of self-represented litigants in family court is high and increasing.<sup>75</sup>

Unrepresented family law litigants are at a serious disadvantage in family court proceedings, but their lack of representation presents challenges also for the other party, the judge and the system as a whole.

Both the Canadian Bar Association and the Ontario Bar Association have called for increases to legal aid funding for years. For the past decade, this issue has always been the first raised by the CBA with Canada’s Ministers of Justice, and it was raised by the CBA during the 2008 federal election. The OBA has called for an increase in civil legal aid, and spoke directly about the dire situation of family law legal aid at the 2009 pre-budget hearings at Queen’s Park.

Supports and resources can never replace proper legal representation for parties dealing with family law matters. This is especially true for abused women, who should never have to deal with their abuser without benefit of legal representation. The only way to ensure legal representation for all those who require it is to increase the financial resources directed to civil legal aid.

*“When I applied for an emergency order without a lawyer, I was refused one and told to go get a lawyer. I had already tried to get a lawyer and could not see one for 3 weeks. Emergency orders can take just as long to get as regular orders.” (Luke’s Place Report, 2008)*

*“My ex has just been released from jail. I can’t afford to hire a lawyer to get an ex-parte restraining order so I filed for a peace bond. The peace bond is being contested by him and it has been 5 months with no order yet. The judge ordered a court-appointed lawyer for him and I get nothing.” (Luke’s Place Report, 2008)*

### **Recommendation LR5**

In cases involving domestic violence, provide additional investments in family law legal aid, including increasing the:

- ◆ maximum number of hours available per case so those who want to work with legally aided clients can afford to do so;
- ◆ hourly rate paid to lawyers; and
- ◆ maximum number of hours on family law certificates where woman abuse is involved, in recognition of the particular complexities of these cases.

**New financial resources required.**

### **Recommendation LR6: Family law education and curricula**

#### **Rationale**

The DVDRRC has consistently recommended that lawyers be educated about domestic violence. Lawyers are often the first contact women have with the family court system. Current work being done by the Ministry of the Attorney General, including the Advisory Committee on Attracting New Child Protection Lawyers, includes efforts to identify issues and make recommendations to attract new lawyers to child protection law, especially in the North.

The Federation of Law Societies of Canada created a Task Force in 2007 to review the criteria of the approved common law degree. The Task Force created a consultation paper in the Fall of 2008 that set out a draft list of “foundational competencies that candidates for entry to bar admission programs should possess.” The list does not include family law. At the present time, family law courses do not appear as part of this standard curriculum.

### **Recommendation LR6**

Build on the work being done through the Government of Ontario and professional schools to ensure that all law students study the issue of violence against women either in stand-alone courses or as part of other courses such as family, criminal and evidence law.

**No new financial resources required.**

## **E. Recommendations on Safety and Security**

Women’s safety and security during and after court proceedings will be greatly enhanced by increasing access to legal representation. Bill 133 will also be a significant tool to increase women and children’s safety.

However, to ensure the safety and security of women and children there needs to be a recognition of the different ways that the family court process can inadvertently lead to revictimizing women.

*“I have been running for my life for the past 16 months now. I live in constant fear, there is nothing this man will not do to find me.” (Luke’s Place Report, 2008)*

*"I had no idea the danger I was getting into. Nobody would help. I couldn't prove it. He has friends that lie for him. I am a sitting duck. I am still hiding 2 years later. I am exhausted."* (Luke's Place Report, 2008)

### **Recommendation LR7: Ensure privacy and safety for women**

#### **Rationale**

Many family courts and legal aid offices in Ontario do not provide any privacy or safety for abused women. Too often, women must wait for long periods of time in public waiting rooms where they are in close proximity to their abuser and / or his family and friends. Women do not feel safe coming to and leaving court, because their abuser can follow them from the bus stop or the parking lot, using this time to harass and intimidate them. Because many waiting rooms are simply large open spaces, women do not have the privacy to discuss their case or their strategy with their lawyer, support person, interpreter, etc.

Many kinds of women abuse are subtle and psychological, which means that any security provided by courts needs to be able to recognize and respond to this.

#### **Recommendation LR7**

Support the development of specific tools and strategies to increase women's safety based on their needs and the realities of the specific location.

For example:

- Development of a protocol that will allow women to have separate waiting space away from her abuser.
- Use of VWAP space for private waiting space where the family and criminal courts are co-located.
- Development and implementation of a standard design for all new FLIC offices.
- Support and expansion of court accompaniment for women.

**No new financial resources required.**

### **Recommendation LR8: Ensure safety for the diversity of women**

#### **Rationale**

The diversity of citizens in Ontario is represented in the family legal system. For each woman to be able to use the system effectively, additional supports need to be put in place to address individual safety.

When people need legal information or advice, it is often at a time of crisis or pivotal events in their lives. Safety cannot be ensured if women do not understand what is being said or the implications of the discussions because the language and the legal terminology are not understandable. Women in family court need to be provided with the best environment to support them to be able to listen and make informed decisions. As they are required to sit in rooms with their abusers, other factors need to be put in place to mitigate and enhance their sense of safety.

### **Recommendation LR8**

Support the development of specific tools and strategies that take into account the realities and needs of different communities including information about those tools and strategies, to increase women's cultural safety.

For example:

- Create culturally safe spaces for Aboriginal women to be able to see Elders and Native Court Workers in private.
- Provide space for women to exercise their spiritual practices. (e.g. prayer rooms)
- Offer interpretation services for women who have little or no knowledge of either official language.
- Enhance Francophone services in accordance with the provisions of the French Language Services Act; and other Ontario and Canadian laws and court decisions that uphold language rights of French speakers.
- Develop policies and practices to ensure that family court physical space and processes are accessible to and safe for women with disabilities and Deaf women.

**New financial resources required.**

### **Recommendation LR9: Training and Supports for FLIC**

#### **Rationale**

One of the most common criticisms made by abused women about their experiences in Family Court system is that the officials they dealt with, including those who work in the FLIC, did not understand violence against women; in particular, the fact that the violence is often subtle and psychological and that it continues, and even escalates, post separation.

*"The most difficult thing about family court was I had just had a baby (8 weeks old) when I was going through with the proceedings because CAS was pressuring me with getting it done. At the end of the proceedings when my ex-partner received his final court papers, the family court office didn't black out my new address and in not doing so my ex-partner found out my new "safe" home."*  
(Luke's Place Report, 2008)

MAG currently offers annual training to the FLIC staff in the 17 Unified Family Courts that can be enhanced.

### **Recommendation LR 9**

The Ministry of Attorney General's annual training to the FLIC staff in the 17 Unified Family Courts be enhanced to include specific training on violence against women.

**No new financial resources required.**

## **Recommendation LR10 and LR11: Address Legal Bullying**

### **Rationale**

Abuse does not end simply because the relationship ends.<sup>76</sup> Abusers may use family court litigation to continue their harassing and controlling behaviours.<sup>77</sup> Studies indicate that abusive men may be significantly more likely to contest custody than non-abusive men.<sup>78</sup>

The present Family Court process is an open invitation to a persistent abuser who wishes to continue to control, harass and intimidate his partner post-separation. For many women, the process of separation is or seems never-ending, especially when there are children involved. Abusers find countless ways to drag out court proceedings.

Until the Family Court process fully understands and integrates the reality of violence against women and the evolution of separation, woman abuse will continue to be perpetuated using the Family Court itself as a weapon. This is such a common phenomenon that it has its own name: legal bullying.

*"I have suffered almost as much abuse after leaving my ex-partner as I have before. He has financially ruined me. He has taken all of the valuables from our home. He has hired people to follow me around."*<sup>79</sup>

Legal bullying includes such strategies as the abuser bringing repeated motions on issues that have already been decided, failure to produce documents or information required in the court proceeding, repeated change of lawyers, making malicious and unfounded reports to the court and other officials about the women etc. This can lead to a number of undesirable outcomes for both the woman and the court process.<sup>80</sup>

*"I have had numerous final court orders. He has brought me back to court for the past 17 years. We are now in court again. He uses the legal system to keep abusing me!"* (Luke's Place Report, 2008)

It is imperative that learning opportunities for judges as well as training for lawyers and court personnel assist these key players in being able to effectively identify and respond to legal bullying.

Because legal bullying can be facilitated (albeit unintentionally) by the court process itself, any solution will require changes to that process. The two recommendations that follow are intended to assist the family court process identify and shut down legal bullying within the existing legislation and rules.

Note: The determination of some abusers to persist with legal bullying makes it critical that any strategies employed to limit legal bullying include a monitoring mechanism for unintended negative consequences.

*"Every new motion or hearing/trial he would either not show or have a new lawyer. This delayed things for two years. I asked how come no one is catching on to his scam and I was told that a person may have an infinite amount of lawyers and they all have the right to look over the case which again takes more time."* (Luke's Place Report, 2008)

### **Recommendation LR10**

A mechanism be implemented on the Family Court computer system (FRANK) to flag orders that prohibit a party from bringing further motions when there is a prior or existing order(s) that has not been followed.

**No new financial resources required.**

### **Recommendation LR11**

All lawyers be trained on how to use the Family Law Rules<sup>81</sup> effectively, especially in cases that involve woman abuse.

**No new financial resources required.**

## **F. Recommendations LR12-14: Access to Information and Services**

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### **Rationale**

When a woman enters the family court system there are a number of people she may be in contact with, in addition to her lawyer, who will provide her with information. She may receive information or support from FLIC services, paralegals, legal advocates and community advocates. Each has a specific role to play with a specific mandate.

Women who have been abused have consistently identified a number of problems. They:

- don't get information in a timely way;
- don't understand the verbal information that they have received;
- do not have sufficient written material to take away with them;
- do not have sufficient supports to fill out the forms that are required;
- do not understand the legal jargon and the protocols;
- do not have sufficient emotional, cultural and linguistic support to be able to work within the family court system;
- do not have access to information in various formats;
- do not have the financial resources to access services; and
- fear for their safety

*"How does an immigrant with no family support and little finances go through this process?" (Luke's Place Report, 2008)*

*"I found it difficult to obtain information pertaining to restraining orders. I went to the courthouse to talk to the JP and was sent upstairs to family court. I stood in line for 2 hours before being told to go back downstairs. It seemed no one wanted to help, I just kept being sent here and there. Finally I was told I wasn't going to be granted one because of my children." (Luke's Place Report, 2008)*

The recommendations below seek to increase the capacity of the overall system to respond to the barriers to access to information and services.

## **Recommendation LR12: Increase scope of support available to family court and FLIC services**

### **Rationale**

People can have 20 minutes with FLIC and, in fact, abused women may be able to get more time than this if they complete a brief financial qualifications test, especially if they have an emergency motion related to safety. This continues to be an insufficient amount of time for women to be able to address the issues required.

Legal Aid Ontario provides Family Violence Legal Advice Forms that give women two hours of free advice from a lawyer who accepts legal aid certificates. Most commonly, these certificates are distributed by abused women's services such as shelters.

Access to these forms, and thus to critical legal advice, could be significantly improved if they could be given out at the point of a woman's first contact with family court.

### **Recommendation LR12**

FLIC Advice Counsel and Duty Counsel provide abused women with two-hour advice certificates where appropriate.

**No new financial resources required.**

## **Recommendation LR13: Support community response to addressing barriers to access**

### **Rationale**

There is an important and legitimate role for women's advocates in the family court process. The Luke's Place Report surveyed women who had accessed a range of services. The top three services named as being most useful were:

- ◆ Paralegal (96.8% found it to be helpful)
- ◆ counseling (80.3% found it to be helpful) and
- ◆ shelter advocates (74.1% found it to be helpful)

The role of community and women's advocates can include providing women with current, accurate legal information and information about family court processes and forms, as well as assisting them in completing paperwork (including affidavits) and providing women with advocacy as needed.

*"Getting an emergency motion was a nightmare. I was sent from station to person to station not understanding any of it and being an emotional mess; I had just come from the shelter. Running out of time (the day was getting late) I had to beg a person to even accept the filing. Clerical error then lost my supporting documentation; so the judge didn't have the whole story. In the end, my ex's motion was heard, mine was dismissed and nesting order imposed". (Luke's Place Report, 2008)*

*"I feel the system lets us down with future enforcement of orders (i.e. increase of support, providing T4's or changes in income, etc). What good is the order if you need to go back to court to enforce it and risk opening up everything you have already had to fight for to settle? The system allows abusers to keep much control over victims to a degree." (Luke's Place Report, 2008)*

### **Recommendation LR13**

Continue to invest and build on innovative community models of legal advocacy that provide a comprehensive range of family law services to women based on addressing barriers and needs identified by women who have been abused.

**New financial resources required.**

Community-based women's advocate initiatives could include:

- The establishment of community committees consisting of advocates, survivors, lawyers, court service workers and others to discuss the development of a community response to address barriers to legal services faced by abused women,
- The development of protocols to support women's advocates, including clarification of roles and responsibilities, minimum training requirements, training models, communication systems and accountability measures.
- The development of appropriate tools and technology (telephone help-lines, website, online learning, etc.) to increase access for women in rural and remote communities or who are isolated for other reasons, including women with disabilities and Deaf women, with policies, procedures and protocols to ensure equitable access (e.g. TTY) and safety.

### **Recommendation LR14: Use of mediation in family court proceedings**

#### **Rationale**

The emphasis on mediation as an alternative way to resolve family law disputes has been increasing over the past decade. While there are strong arguments to support the use of mediation in cases where there is a relatively equal balance of power between the two parties, there are strong arguments against its use where there is a history of power and control, abuse and/or violence because those power imbalances and abuse can be replicated within the mediation process itself, despite all best intentions and protections. Those who promote the use of mediation state, correctly to a point, that it is voluntary. However, it often does not appear so to the parties involved, especially to women who have experienced abuse. For example:

- Legal Aid Ontario can insist on mediation before a decision is made about whether or not to extend the legal aid certificate to cover further proceedings. This removes any voluntary aspect from the process.
- When it is proposed by the judge, many women understand the suggestion to be an instruction and believe there will be a negative impact on their case if they do not go along with it.
- When mediation is proposed by the abuser, many women do not feel they can safely say no.

This recommendation seeks to address the first example noted above. While this will not address the issue in its entirety, it is an important first step.

### **Recommendation LR 14**

That Legal Aid Ontario no longer make referrals to mediation in any cases in which power imbalances, abuse or violence against women has been identified by either party.

**No new financial resources required.**

## **G. Recommendation LR15: The relationship with the criminal court**

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### **Rationale**

While not all women are involved in both family and criminal courts, many are. A flow of information between the two courts, particularly with respect to orders relating to contact between the parties, could increase women's safety and feelings of security.<sup>82</sup>

The Ministry of the Attorney General is presently working to establish a single case management system approach.

*"The family court and criminal courts need to work together by creating more communication to meet the safety needs of women and children so that they don't continue to fall between the cracks". (Luke's Place Report, 2008)*

*"My dealings with family courts have been the most upsetting and confusing time in my life; the fact they are not aware of criminal history is ridiculous. Even now that he is dead, I must still put motions in family court to get what should be mine!" (Luke's Place Report, 2008)*

### **Recommendation LR15**

Support the establishment of a single case management system approach, with the restraining order index as the first test of a business process to share information between the family and criminal courts. Priority be given to the communication of orders issued by either court.

**No new financial resources required.**

## **H. Recommendation LR16: Mandatory Charging**

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### **Rationale**

Prior to the 1980's the police response to violence against women tended towards the dismissive, with the responding officer asking the woman, often while in the presence of her abuser, whether she wanted to lay charges against him. For reasons that are obvious to us now, many women declined, and few perpetrators of woman abuse were arrested or charged.

In the 1980s, government at both the federal and provincial levels began to recognize that violence against women was a serious social problem requiring a legislative response. Over this decade, various "mandatory charging" policies came into effect across Canada. These policies directed police officers to lay charges in "domestic violence" cases where the police officer believed there was evidence to support such a charge. This approach removed the responsibility for making this decision from the woman and placed it properly with the responding police officer, as is the case in other areas of criminal law.

Between 1980 and today there has been an increase in awareness and education about violence against women, including the identification of unintended negative

consequences from mandatory charging practices as have been identified by violence against women advocates and others. These include:

- mandatory prosecutions leading to inflexible bail conditions and a Crown focus on proceeding to trial, even if this is not necessarily in the best interests of the woman;
- lengthy delays between the charge(s) being laid and the case being resolved, particularly in the North where the two parties often continue to co-exist in small, isolated communities;
- the phenomenon of "dual" or "counter" charging. In these situations, overzealous or inadequately trained police officers charge the woman because of comments made by her partner, who is, in fact, the primary or dominant aggressor;
- differential, and sometimes inappropriate, police response to same-sex partner abuse;
- inconsistent charging patterns based on social location factors of the victim and/or the abuser such as race, class, immigration status, disability, etc.; and
- charges being laid in cases where women explicitly do not want them laid for any of a number of reasons: potential immigration problems for themselves or their partner, involvement of child protection authorities, a fear that the abuser's violence will increase because of the criminal charges, past negative experience with the criminal court, concern about a loss of family income if the abuser goes to jail, etc.

Perhaps most importantly, many women simply do not know that once they call the police (or, the police are called by a third party, such as a child or a neighbour) they will lose control over what happens. Many women call the police because they need assistance in the moment, but have no intention of having their partner charged with a criminal offence.

The combination of a generally improved criminal law response to violence against women and problems with mandatory charging have led some experts to ask whether or not mandatory charging/prosecution is truly holding abusers accountable while enhancing women's safety.

Outstanding issues that have emerged from mandatory charging include:

- Many women call the police for safety reasons during or immediately following an abusive incident not because they want their partner to be charged with a criminal offence.
- The police are gatekeepers to women's access to other services. Their response should not create barriers to women in their attempts to reach out for support and assistance.
- The approximately 25 years since mandatory charging policies, guidelines and directives were introduced and implemented across Canada have brought with them other significant developments in the areas of criminal and other responses to violence against women.
- There is no clear research data to confirm whether or not mandatory charging practices have had a deterrent effect on men's violence.

These factors combine to make this an appropriate time to review mandatory charging, its positive and negative effects, the changing context of Canadian society, and other factors to determine whether or not changes to this approach might be appropriate. The

question to be asked is: Does mandatory charging hold all abusers accountable while enhancing the safety of all women?

**Recommendation LR16**

A provincial consultation be held to discuss the effectiveness, limitations and challenges related to mandatory charging and the possibility of other approaches that would increase the safety of women and children while also holding perpetrators accountable for their behaviour.

**New financial resources required.**

The outcome of the consultation would be the development of an appropriate criminal law response to violence against women to ensure the safety of women and children in the short, medium and long term.

Preliminary research on the use of mandatory charging across Ontario would be done to prepare for the consultation. Key research questions would include:

- What has been the impact of mandatory charging in the far North, particularly in First Nation communities?
- What has been the impact on different communities: immigrant communities; urban Aboriginal communities and the Deaf and disabled communities?
- What is the minimal service structure required to support mandatory charging in a community?
- What has been the impact of delays in court dates?
- What is the connection between mandatory charging and rates of recantation?

The lived experiences of women, in particular their experiences of the criminal system, would be integral to any discussions about mandatory charging. The discussions would acknowledge the particular impact of mandatory charging on racialized and immigrant women.

# Threat Assessment and Risk Management

## A balanced approach with investments in community and the justice sector

### A. Preamble to Recommendations on Threat Assessment and Risk Management

Threat assessment and risk management are emerging as effective tools in addressing violence against women. In the last 10 years, threat assessment and risk management processes and tools have been developed including screening tools to assess for increased threat of violence; high risk teams; programs for men who are violent and more coordinated safety plans for women.

In Ontario, there have been a number of isolated initiatives around threat assessment and risk management over the last five years. Unfortunately, the implementation and application of practice lacks consistency, and these initiatives continue to be largely fragmented.

There are clear grounds to promote threat assessment and risk management as tools that can lead to prevention of violence against women. The five Domestic Violence Death Review Committee (DVDRC) reports between 2003-2007 identified the need for appropriate tools for front line professionals dealing with victims and perpetrators of domestic violence to better assess the potential for reoccurring and lethal violence. The 2004 report showed that 60% of cases reviewed had several known domestic violence risk factors associated with lethal violence. A proper risk assessment was done in only one of the cases, and in that case it did not lead to an appropriate, coordinated response.<sup>83</sup>

#### **Threat assessment**

The formal application of instruments to assess the likelihood that intimate partner violence will be repeated and escalated. The term is synonymous with the use of instruments specifically developed to identify potentially lethal situations.

The DVDRC has provided 140 recommendations for change (prevention) in the VAW system. Fifty-four (54) of those recommendations were specific to threat assessment and risk management.<sup>84</sup>

Since 2003, the DVDRC has annually identified the presence of risk factors in each homicide review. "It is of considerable concern to the DVDRC that a number of cases appeared predictable and preventable in hindsight based on the high number of risk factors that were present. The DVDRC considers a case predictable and potentially preventable if there are seven or more known risk factors present."<sup>85</sup>

Between 2003 and 2007, 84% of the domestic homicide cases reviewed had seven or more risk factors identified.<sup>86</sup> Upon review, the DVDRC concluded that those 84% of domestic homicide cases were predictable and potentially preventable if interventions had occurred. This is not to say that every case with seven risk factors will lead to death, but certainly those for which a greater number of risk factors are present may require closer scrutiny or may raise more red flags than others.

While research on threat assessment and risk management of domestic violence cases is limited, there is a general consensus that threat assessment tools are valuable in evaluating lethality and the risk for reoccurring violence. A number of benefits have been linked to the use of threat assessment:

- To assist women and violence against women workers develop more realistic safety plans;<sup>87</sup>
- To assist perpetrator treatment programs select the amount and types of treatment.<sup>88</sup> For example, abuse of alcohol appears in many risk assessment lists. Screening for alcohol problems may identify the need to provide treatment for alcohol abuse, in addition to perpetrator treatment;<sup>89</sup>
- To help the criminal justice system identify which offenders need closer supervision;<sup>90</sup>
- To educate service providers about domestic violence;<sup>91</sup> and
- To promote a shared language about risk for service providers across a range of different sectors.<sup>92</sup>

#### **Risk management**

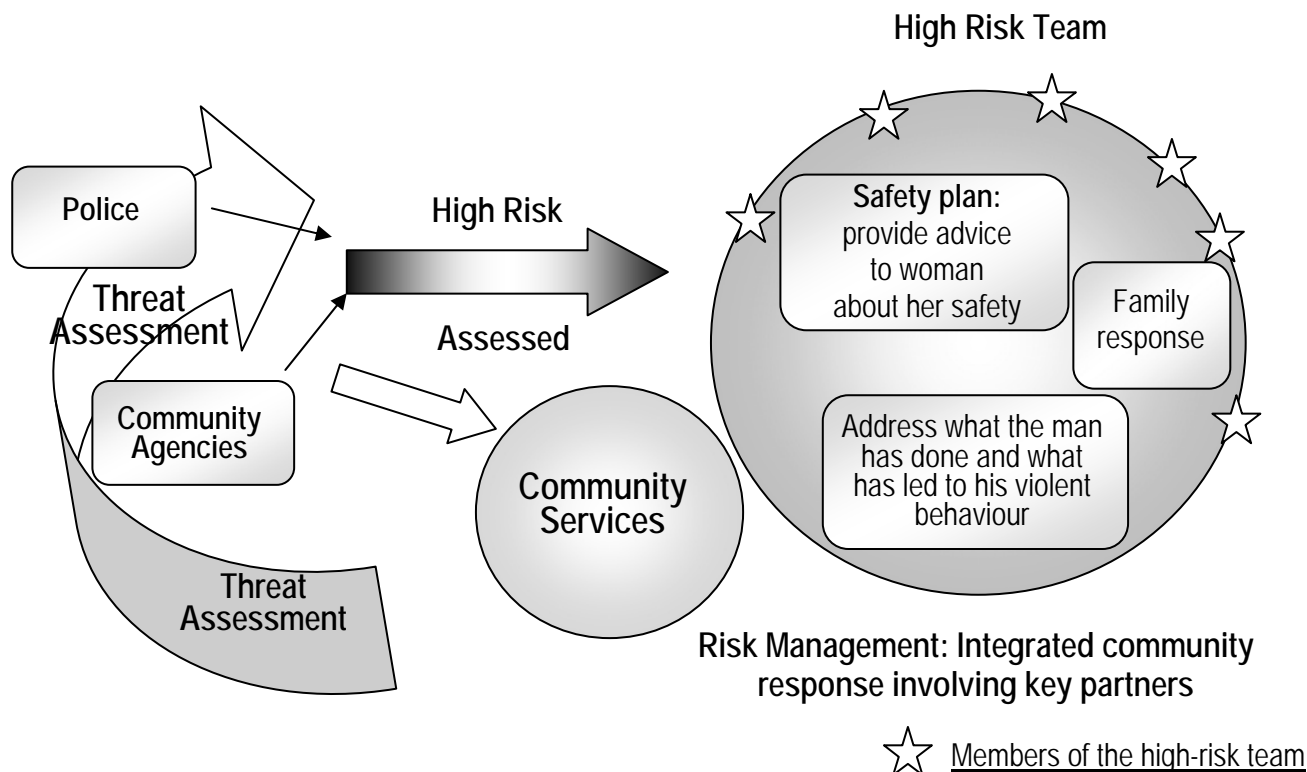
Risk management is a systematic approach to setting the best course of action under uncertainty by identifying, assessing, understanding, acting on and communicating risk issues.

While threat assessment and risk management cannot guarantee that all women's lives will be saved, it can enhance the capacity of the VAW system to make clearer distinctions between men who are high risk and those who are not. If professionals in the VAW system do not use even a minimum threat assessment tool at an initial point of contact, then the system misses the opportunity to support and protect women.

The Council's recommendations are based on a model that supports a coordinated response to threat assessment and risk management and has two goals: keeping victims of domestic violence safe and ensuring that offenders do not re-offend. Key elements that support a coordinated response include:

- a) Establishment of new working relationships between justice partners, VAW partners and other community members.
- b) Equal accountability among all partners to the overall goal and a common purpose, while recognizing some partners have specific legislative authority.
- c) A mutual respect for the unique roles that each partner plays.
- d) New skills, processes and structures to ensure the success of this approach.
- e) Development of new strategies through the use of high risk teams and coordinated responses.

**Diagram 10**  
**An integrated model of threat assessment and risk management for those who are high risk**



The model would have four outcomes:

**Threat assessment would be done in a consistent way**

The different sectors working in the area of domestic violence have long sought to develop an assessment tool that could accurately assess the level of risk to a woman and her children.

Currently, there are approximately 20 screening tools with five or six being most frequently used. Key VAW sectors (police, health and child welfare) have developed threat assessment tools to address domestic violence. Shelters have developed tools, modified other tools and used various threat assessment tools. Currently, there is no consistency in the tools that are used and how they are used with both the victim of violence and the offender.

Finding one screening tool for the entire VAW system is a compelling idea but difficult to achieve. The Council reviewed threat assessment tools with leaders in this field, in the hope of identifying one ideal assessment tool. The conclusion has been that there is no panacea to threat assessment with one tool. In fact, the situational specifics around domestic violence, the emerging research and promising practices suggest the use of a host of tools and interventions may be optimal.

Threat assessment tools are voluntary tools for women and must be used to support them in safety planning. A woman's treatment and or access to services must not be negatively affected if she chooses not to participate in a risk assessment or does not engage in the recommended follow-up.

### **Threat assessment would lead to risk management**

Threat assessment is an essential first step in risk management. Once cases are identified as high risk following an assessment, there must be a coordinated response by service providers. In many cases, risk management planning does not happen even after an assessment identifies that there is risk of violence.

Risk management cannot be done in the absence of a gender analysis, the specific situational context and the community capacity to manage the risk. It is important to respect a woman's right to choose how she will be safe. While some women may not develop and follow a risk management plan, it is important that we maintain some connection with women who have been identified to be in a high-risk situation. Many community services have a mandate or service obligation to protect and support her.

### **High-risk teams would be used to manage high risk cases**

An effective way to deal with domestic violence cases is through a highly coordinated response mechanism that ensures consistency and communication among the various service providers, including: police, VAW workers, and health professionals. The result is a comprehensive, holistic community response to address the needs of both the men and the women.

High-risk teams offer the opportunity to integrate the system's response to a man's probability of violent behaviour and the woman's safety. When police and community services work collaboratively, it allows them to address all aspects of the situation in an integrated manner. This integrated plan would include actions and programs to address the man's violent behaviour, supports and programs to assist the woman and ensure her safety, and family responses to address the situation, such as ensuring the safety of children and potentially involving extended family members and friends in the safety plan.

### **There would be a capacity in the community to support risk management, including having a differentiated response for men who are violent**

While any form of violence directed towards a woman is unacceptable, how we address the abuser and support his change process to become non-violent may differ at the point of intervention, the intervention or treatment approach and the monitoring needs.

Ed Gondolf's<sup>93</sup> multi-site evaluation of "batterer intervention systems" found that 20% of the men in his sample were repeatedly violent over the course of the follow-up and were responsible for the vast majority of serious injuries to women. This 20% finding appears consistent with the research of others<sup>94,95</sup> that suggests domestic violence is not a unitary phenomenon and that typologies exist differentiating individuals who use violence and other abusive behaviours in partner relationships. Johnson refers to these more dangerous offenders as "intimate terrorists"; Pence and Das Gupta call them "batterers".

Efforts to more accurately assess and identify these men early in their involvement with the criminal justice system are a suggested future direction, as a way to both stream them into more effective treatment options and/or to monitor and contain them if they are not amenable to intervention.

Men whose abusive or violent behaviour may not be occurring within a relationship characterized by persistent control and domination also require intervention. While their behaviour does not necessarily occur within an ongoing power and control dynamic, it remains unacceptable and can result in serious harm to a woman. While these men do not require the attention of a high-risk team, they do require intervention, counselling and support.

Finally, what of the men whose violence and abuse does not come to the attention of the criminal justice system? This group likely outnumbers by far those who do receive criminal justice intervention. With the elimination of government funding for non-mandated men in 1995/96, many men are unable to access a PAR program unless they have been criminally charged. This is unfortunate, as intervention before the violence and abuse escalates to the point of criminal justice system involvement should be a priority. There need to be programs to which community services and the justice system can direct men that go beyond high-risk teams and the existing PAR program and also to allow men to voluntarily engage in changing their violent behaviour.

## **B. Building on existing work**

The work highlighted below provides just a few examples of the work being done in threat assessment and risk management. The high-risk teams highlighted emphasize three elements: community involvement; participation of women who have experienced violence on the high-risk teams, and representation on the high-risk team that reflects the community with core or permanent partners and other community partners (e.g. faith-based, ethnic-based) as needed.

1. The Hamilton Police Service High Risk Domestic Violence Operational Team was created in 2003. It is comprised of two detectives from the Family Violence Resource Unit, a coordinator and administrator from the Victim Services Branch and a detective from the Bail Pilot Project. The team meets weekly to determine which cases of domestic violence should be considered high risk and develops action-oriented management plans for the ones that are.<sup>96</sup>
2. The Family Violence Project of Waterloo Region is a holistic collaboration of 11 diverse agencies represented by 130 professionals that provides wrap-around, seamless services and supports to victims of domestic violence - all from a single location. Victims connect with a person they can trust who guides them through a number of services. Services include: police trained to deal with family violence, personal counselling for adults and children, assistance with developing safety plans, shelters, crisis/medical support for sexual assault, financial counselling, children's services, support groups, outreach services to the community, legal services, specialized elder abuse services and rural outreach services. <http://www.fvpwaterloo.ca> <<http://www.fvpwaterloo.ca/>

3. Huron Assessment Risk Reduction Team (HARRT) was created in 2004 to address a systemic deficiency involving high-risk victims of violence. The Domestic Violence History Interview Guide contains 33 questions and a referral and safety plan. Police complete the form with the victim answering the questions. Although the form is not itself a risk tool, the Crown Attorney approved the domestic history form on the basis that:
  - the victim is the source of specific and reliable information;
  - the victim can express intuitive feelings and fears;
  - pre-incident indicators can be discerned and high risk offenders can be identified;
  - a case management plan can be implemented with the safety of the victim as a priority; and
  - the information can be used at a bail hearings or at sentencing or may lead to further investigation and additional charges.
  
4. Risk management requires a broader set of community programs that can support men who are at low or high risk to abuse. Some innovative programs for men include:

Kizhaay Anishinaabe Niin (an Ojibway phrase) translates to "I Am a Kind Man". At a time when violence is affecting whole communities, "I Am a Kind Man" reminds us that violence has never been an acceptable part of Aboriginal culture. The program embraces the Seven Grandfather Teachings which show us how to live in harmony with Creation through wisdom, love, respect, bravery, honesty, humility and truth. A youth focused project, entitled "Kizhaay Anishinaabe Niin – Aboriginal Male Youth Role Model Initiative", is being developed to engage Aboriginal male youth ages 10-14, in speaking out against all forms of violence against women and girls.

Kizhaay Anishinaabe Niin was created to provide an opportunity for communities to engage Aboriginal men and youth in understanding violence against women and to support them in joining together to end the violence. It is designed to offer Aboriginal men and youth a safe place to begin to understand their roles and responsibilities to end violence against Aboriginal young girls and women. It recognizes the challenges male youth and men face and encourages opportunities for them to reconnect to their traditional roles within families and communities. It provides a supportive, holistic model for community healing and can be easily adapted to suit individual communities. ([www.iamakindman.ca](http://www.iamakindman.ca))

#### Caring Dads

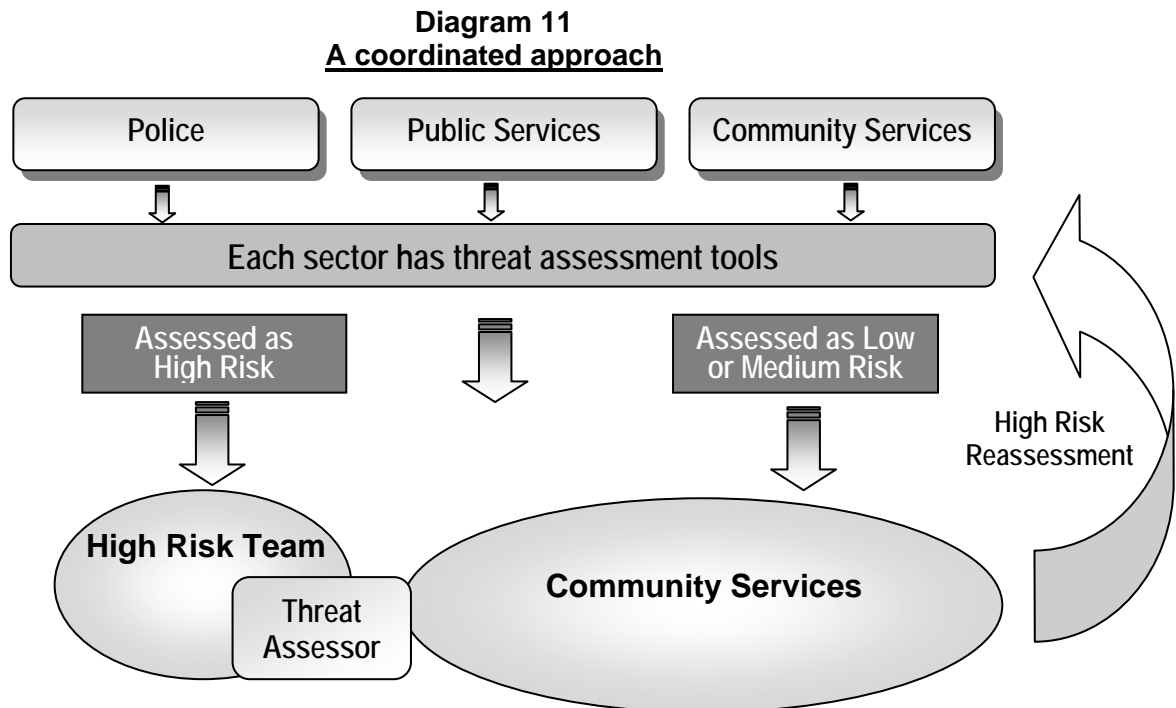
Caring Dads is an intervention program designed for men who have abused or neglected their children or exposed them to abuse of their mothers. Designed to fill a significant gap in services to maximize the safety and well-being of children and their mothers, Caring Dads was developed and piloted over five years in London, Ontario. Since that time the program has been offered in additional locations including Thunder Bay, Brantford and Toronto. This 17-session group program draws from best practices in the fields of batterer intervention, parenting, behaviour change, child maltreatment and working with resistant clients. The program is committed to being accountable to the safety and well-being of women and children while at the same time working to engage fathers

and support them in developing better relationships with their families. ([caringdads@oise.utoronto.ca](mailto:caringdads@oise.utoronto.ca))

5. The Bail Safety Project is an innovative approach to identify high-risk situations for victims of domestic violence and enables integrated teams of justice professionals (Crown Attorneys, police and victim witness workers) to improve victim safety in domestic violence bail hearings. The Project is currently operating in 10 sites.

### **C.Threat Assessment and Risk Management Recommendations**

A coordinated approach to threat assessment and risk management is depicted in the flow chart below.



The outcomes for this model would include:

Police, public and community services would all have specific threat assessment tools to facilitate identification of high-risk situations and individuals. Ideally, these threat assessment tools would be cross-sectoral and information could be shared. A cross-sectoral team would provide the training on the tools.

Police would be trained on domestic violence and threat assessment tools. Community services would receive educational forums and training on threat assessment and risk management.

A high-risk team would be created for each geographic region. A key resource to the high-risk team is the threat assessor who can provide more detailed assessments for the team. The police and community service can make a referral to the high-risk team.

In cases that are assessed as being low or medium risk, management plans for abusive men and safety plans for women should be developed with the community services they are accessing.

## **E. Recommendations for Threat Assessment Tools and Training**

Violent behaviour does not occur in a vacuum. Careful analysis of violent incidents shows that violent acts often are the culmination of long-developing, readily identifiable problems, conflicts, disputes, and failures.<sup>97</sup>

"By conducting a thorough and detailed examination and analysis of facts within individual cases, the DVDRC strives to develop a comprehensive understanding of why domestic homicides occur and how they might be prevented."<sup>98</sup>

Progressive and timely identification of escalation specific to both lethality and recidivism is essential to successful risk management. A key starting point is being able to assess the danger with a threat assessment tool. While the ideal would be to have one tool, we know that is not feasible at this time.

In the short term, we need to address some of the challenges we face when using a basket of tools. The diversity of assessment tools can limit effective communication between sectors when trying to assess risk or determine recommendations for intervention. Similarly, the use of multiple tools within the same sector and within the same agency significantly hampers the identification of escalation in risk because of the differences in factors assessed. The different tools can also undermine or contradict one another when they are used as evidence in court proceedings as a result of differences in wording and nuance across tools.

In the short term, the VAW system will be working with a basket of tools with the initial investment in establishing consistency in screening tools with a key sector; the police.

### **Recommendation TA-RM 1: Threat assessment tools for the police**

#### **Rationale**

Currently, the Ministry of Community Safety and Correctional Services recommends that all police services use the Domestic Violence Supplementary Report (DVSR). Implementation across the province has fallen short: some police services using the report as recommended, others using a significantly scaled down version of the report and still other using a significantly enhanced version of the report. The DVSR requires the recording of a simple "yes" "no" or "unknown" in response to the threat assessment questions. It does not require documenting the more detailed verbal responses. This makes it difficult to contextualize the information and may impact on making informed decisions.

At this time, it is advisable to work with one tool at the initial contact with the police. As tools are reviewed and improved, other tools can be used. What is essential is that **all** police forces use the same tool – consistently.

### **Recommendation TA-RM1**

An enhanced supplementary report (Domestic Violence Supplementary Report) be mandated as the threat assessment tool for all police.

**No new financial resources required.**

### **Recommendation TA-RM 2: Mandatory training for police**

#### **Rationale**

New police officers currently receive seven 90 minute periods on Domestic Violence over a 12 - 13 week recruit training course. During that time, they receive one 90 minute session on the Domestic Violence Supplementary Report Form.

“In the past, threat assessment was viewed as a ‘special skill’ used by officers working in behavioural sciences, organized crime or protection of public figures. These days it’s a fundamental skill for any police officer who works with violent offences and offenders.”<sup>99</sup>

### **Recommendation TA-RM2**

Mandatory training on domestic violence be provided for all police as part of their recruitment training. The training would be a three-day training. Annual training updates would be required.

**New financial resources required.**

### **Recommendation TA-RM 3: Core training for Domestic Violence Investigators**

#### **Rationale**

The 2007 Domestic Violence Death Review Committee report recommended ongoing training for police on the most effective response to domestic violence cases, especially where there is a history of homicidal and suicidal threats, separations, obsession with the victims, prior incidents of domestic violence and/or child abuse. Domestic violence investigators must be extensively trained on the known risk indicators of domestic abuse and be well versed in recognizing the signs of abuse. Police officers and domestic violence investigators require ongoing training in the dynamics of domestic violence in order to be able to deal with reluctant and ambivalent victims and/or perpetrators.<sup>100</sup>

Currently, Ontario has a 3 to 5 day training curriculum for Domestic Violence Investigators. The course involves community and justice experts and covers the following topics: investigating domestic violence incidents, community and court resources, dynamics of domestic violence, understanding the pressures on victims and their children, issues facing immigrant victims and victims with disabilities, impact of violence on children, legal issues (dual charging, evidence collection, statement taking, child witnesses), intervention programs and family law issues and implications.<sup>101</sup>

The existing Domestic Violence Investigators training would be expanded to include an access and equity analysis as well as the range of interventions appropriate for men and women at different stages of awareness.<sup>102</sup>

### **Recommendation TA-RM3**

Threat assessment and risk management become a one-day core component of the accredited Domestic Violence Investigators' training in the province.

**No new financial resources required.**

## **E. Recommendations TA/RM 4 and 5: Threat assessment training for community and public services**

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### **Recommendation TA-RM 4: Educational forums on threat assessment**

#### **Rationale**

Women can potentially end up using a different risk assessment tool for every service provider she may access when addressing violence in her life. A standardized assessment tool or set of tools will allow services and organizations to share information, with the women's consent, and not subject her to invasive questions or force her to repeat her story.

Currently, assessment tools are not routinely used in all services. However, there may be value in using an assessment tool that can assess risk and determine whether the violence is on the increase during intake or service delivery.

The Council's recommendation is based on the need to promote a dialogue and coordination between service providers about the value and use of threat assessment tools and risk management.

### **Recommendation TA-RM4**

Support ongoing educational forum(s) for community services (shelters, counselling, etc) and public services (child welfare, health, etc) on the value of using threat assessment tools and risk management.

**New financial resources required.**

### **Recommendation TA-RM 5: Training on threat assessment tools**

#### **Rationale**

Stakeholders and research have highlighted the importance of well-trained front-line professionals in the field of domestic violence. While assessment tools may provide an important starting point for evaluating risk, all professionals who use these tools must have the necessary training to ensure that appropriate assessment of risk is made. Independent research conducted on SARA suggested that specific training and expertise on the use of the tool would improve its reliability and validity.<sup>103</sup> Furthermore, since domestic violence is an extremely sensitive issue for victims, there is an added importance for front-line professionals to have training on its dynamics to enable them to display an appropriate level of sensitivity and understanding. Sensitivity of the screener is an important component of risk assessment; the more comfortable a woman is with the screener, the more likely she is to disclose valuable information about her case.<sup>104</sup>

Training for front-line professionals in identifying and responding to risk has been a reoccurring theme in the DVDRC reports. The 2003 report states that all front-line professionals who deal with individuals and families in crisis should adopt an appropriate risk assessment process and a mechanism or protocol at the local level to facilitate and enhance communication among agencies and professionals when a person is identified as at risk. These professionals include health providers, mental health workers, and intake workers at shelters and police services. The 2007 report recognized the need to enhance training for Emergency Medical Services and emergency department staff because they are often the first health-care providers to encounter victims of abuse.

#### **Recommendation TA-RM5**

Training on threat assessment tools and risk management be given to key professionals working on violence against women, including: police, community workers, shelters, sexual assault centres, Children's Aid Society, family court and health practitioners.

**New financial resources required.**

### **F. Recommendation TA/RM 6 and 7: Justice and community working together: high risk teams**

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#### **Rationale**

“An effective response to domestic violence requires not only well-informed individual interventions, but also coordination of services by different professionals involved with family members.”<sup>105</sup>

The DVDRC recognizes that much work has been done to use risk assessment tools to identify high-risk domestic violence cases. The problem is that once a case has been so identified, what is done to actively manage the case? The sad reality for many communities is that little, if anything, is being done. It is one thing to recognize that a person is dangerous; it is quite another thing to do something about it. The challenge for each community is to establish a case management model and process to actively manage and maintain continuing vigilance of high-risk domestic violence cases. In this way, a swift and affirmative response to minimize the risk and protect the potential victim is possible.<sup>106</sup>

The need for a coordinated, comprehensive response to high-risk cases has been identified in all DVDRC reports. The 2005 report noted that communities must have a formal management process for high-risk cases.<sup>107</sup> The 2006 report recommended that the Ministry of the Attorney General take the lead in consultations with justice and community stakeholders and develop a provincial plan for high risk management of domestic violence cases that have indicators of potential dangerousness or lethality. The development of high-risk case management teams for all geographic districts is an effective way of responding to this recommendation.

Cases reviewed by the DVDRC show that response effectiveness would have been significantly increased with cross-sectoral collaboration. Threat assessment and risk management can be better achieved when different individuals who intersect with clients at separate points are able to put risk factors together to form a complete picture.<sup>108</sup> The DVDRC found that, as a result of poor coordination and follow up of domestic violence

cases, some cases fell through the cracks in the system.<sup>109</sup> The 2004 report explicitly states that “perhaps the most effective way to manage high-risk domestic violence cases is to have a team approach.”<sup>110</sup>

Research on intervention strategies has pointed to the fact that successful outcomes are more likely with the justice system and community services working together.<sup>111</sup>

In Ontario there are various initiatives of high-risk teams or intervention teams focused on providing an appropriate response to high-risk cases of spousal violence. These teams provide intervention in selected cases where victims are assessed at high risk for serious violence or lethality, or offenders are deemed at high risk to re-offend. Intervention includes developing a comprehensive safety plan with the parties involved and implementing appropriate responses to cases of spousal violence.

#### **Recommendation TA-RM6**

All 54 criminal court jurisdictions establish a high-risk team.

**New financial resources required.**

The development of the high-risk teams would include a community engagement process. As such, the government will support the organization of a High-Risk Teams Promising Practice Forum to bring together the current high-risk teams from across the province and other jurisdictions that are interested in establishing a high-risk team. The Forum will promote a community based high-risk team model:

- Where multiple police agencies serve communities in one of the 54 criminal court jurisdictions, police within that district work together within one high-risk team.

The Forum will exchange information on lessons learned, identify promising practices and emerging trends. It will also develop recommendations on:

- The structure of high-risk teams in communities, including key professionals and community services that are typical members and ways to include service providers and community members on an as-needed basis.
- The process to support the creation and successful implementation of community high-risk teams that:
  - are cross-sectoral and have community involvement;
  - have a role for survivors;
  - address factors when working with communities with geographical challenges (e.g. far North) and other challenges around reporting and access to services or safety even when there is a plan (e.g. isolated and remote communities);
  - how each woman and man can create a unique team to support them;
  - the distinction between core or permanent partners and other community partners (e.g. faith-based, ethnic-based);
  - how to manage confidentiality;
  - will challenge systems and barriers to increase the safety of women, and
  - will introduce [incremental and creative] intervention strategies that hold abusers accountable, but also offer alternatives to violence.

The Forum will include survivors, members of the community, the VAW sector and criminal justice sector. All police forces in Ontario, including police forces on First Nation communities, will be invited to participate in this process.

In recognition of the time and investment required to create an effective community process, the Forum will provide support to each criminal court jurisdiction as it establishes a high-risk team. One support would be a bi-annual forum to support high-risk team development and an evaluation process.

### **Rationale**

A threat assessor who would be part of the high-risk team would use additional assessment tools in order to appropriately address situational circumstances. (e.g., in a case involving stalking and partner violence both the SAM (Guidelines for Stalking Assessment and Management) and SARA (Spousal Assault Risk Assessment Guide) may be used).<sup>112</sup>

#### **Recommendation TA-RM7**

Every high-risk team will work with an accredited threat assessor to apply a broad inventory of threat assessment tools.

**New financial resources required.**

## **G. Recommendation TA-RM 8: Intervention programs for offenders**

### **Recommendation TA-RM 8: Strengthening the PAR Program**

#### **Rationale**

While programs for men have existed in Ontario for more than 25 years, it has really only been within the past decade or so that they have been fully recognized and integrated as a necessary component of the criminal justice system's response to domestic violence. Ontario's Domestic Violence Court (DVC) Program, which began as a pilot project in Toronto in 1997, has now been expanded to every criminal court jurisdiction in the province. Partner Assault Response (PAR) programs have similarly been expanded, and now there are 68 PAR programs in Ontario delivered by 57 community agencies.<sup>113</sup> In 2007-08, approximately 95,000 men attended PAR programs. About 10% of PAR clients are women.<sup>114</sup>

PAR programs provide men with the opportunity to examine the beliefs and attitudes that have been used to justify abuse, and learn how to resolve conflict in respectful, non-abusive ways. PAR programs also maintain contact with the man's partner while he is attending the program. This is intended to enhance her safety by providing her with program information, referral and support, safety planning information and general feedback concerning his progress in the PAR Program.

Not surprisingly, there is great interest in the efficacy of programs for men who have been abusive. Put simply, do they work? Initial research has been equivocal; with some studies suggesting a positive "program effect" while others stating that outcomes were no better than for those who received no intervention whatsoever. However, more recent research points towards outcomes that give reason for optimism. For example, Dr. Katreena Scott, in her 2006 report titled "*Attitudinal Change in Participants of Partner Assault Response (PAR) Programs: Phase II*"<sup>115</sup>, writes that:

There is now considerable data available to examine rates of men's violence after having been identified by the system, either through an assault charge or through voluntary presentation to an intervention program. Follow-up data suggests that approximately two-thirds of identified men either end, or significantly delay (i.e., avoid violence for over one year), subsequent use of physical violence against identified intimate partners. . . . Studies have also found that cessation of physical abuse is most often associated with reduction, rather than escalation, in verbal and emotional abuse.<sup>116</sup>

Dr. Scott's findings in the 2006 study indicated that "men who completed a PAR program showed significant positive change in all attitude and knowledge domains assessed. Specifically, men increased their level of personal responsibility for their abusive behaviour, reduced their negative and blaming attitudes towards their intimate partners and were less likely to deny relationship difficulties. Men also showed significant improvements in their knowledge of cognition, or self-talk, that is most closely related to abusive behaviour. The importance of shifts in attitude to change in behaviour is supported by long traditions of research on intervention. . . . Although future studies are clearly needed to determine if changes in men's attitudes are related to changes in behaviour (see limitations), the current results provide a hopeful sign that PAR programs are fulfilling one of their main objectives."

The most important message of Dr. Ed Gondolf's American multi-site evaluation, funded by the Centers for Disease Control, is that "The System Matters!" The effectiveness of an intervention program (PAR) cannot be measured and assessed independently from the system in which it operates." The elements that were essential to the program were: that almost immediate referral to the intervention program, combined with mandatory progress updates and swift consequences for non-compliance, allows the shorter program to yield similar results to a longer, more intensive program that operates in a system without these supports.

#### **Recommendation TA-RM8**

Develop differentiated responses to intervention with individuals who have used abusive behaviours.

#### **New financial resources required.**

As such,

- Develop a consultation process between MAG (OVSS) and PAR service providers in order to gather input from front-line workers related to the issues that need to be addressed when working with men who may pose differential risk.
- Develop an intake/assessment tool or process that would assist in differentiating among clients; e.g., coercive/controlling, violent resistance and situational violence, thereby streaming them to the most appropriate intervention.
- Move from the current one-size-fits all 16-week PAR program to consider a variety of programming options that could include: longer or shorter duration program dependent on assessed level of risk; increased intensity or frequency of sessions; application of a Trans-theoretical Model of Change (Stages of Change) framework that recognizes resistance to accepting responsibility is complex and multi-faceted and attempts to match the intervention approach to the client's stage of change.

- Develop guidelines that would assist PAR programs to identify who is not an appropriate candidate for community-based PAR programs.
- Build on the development of specialized Aboriginal PAR programming.<sup>117</sup>
- Support the cultural adaptation or creation of new programs for immigrant and cultural communities.<sup>118</sup>
- Support access to the PAR program for voluntary entry for people who are not mandated to attend as a condition of a court order.
- Ensure PAR programs have capacity to provide French Language Services in all jurisdictions designated under the French Language Services Act.
- Pilot innovative ways to increase access to the PAR programs.

## Conclusion

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Every day in Ontario, individuals and communities are working hard to end violence against women. The recommendations in this report are intended to build upon this work and provide the direction for future work to help achieve our vision of a just and equitable province where all can live free of the fear of violence.

Healthy relationships, just and equitable access to services, services that respond to the diversity of Ontarians; these have been fundamental principles underlying the Council's work.

As a Council, we experienced the challenges and benefits of working collaboratively across our diversity of jurisdictions, professions, and services. Through this process, we have been convinced that more effective public policy is developed when we work together. Further, we recognize that collaboration and coordination of the various sectors that work in the VAW system is critical if we are to achieve our goal of supporting the women and children of this province to experience lives free of violence.

While the Council's recommendations highlight a number of areas on which to focus, we also recognize the limitations of this Report. There are many aspects to the VAW system and areas in related systems that require similar consideration and their own explicit recommendations.

The dialogue has begun. The conversation needs to continue between the VAW system and the government as we work to end violence against women in Ontario.

## Endnotes

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<sup>1</sup> Between 2003-2007, the Domestic Violence Death Review Committee made 140 recommendations to improve the Violence Against Women system.

<sup>2</sup> Statistics Canada, (2009) [www.statscan.gc.ca](http://www.statscan.gc.ca)

3. **Violence Against Women** is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared to men.”

The term “**violence against women**” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Accordingly, violence against women encompasses but is not limited to the following:

a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.

b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection.

From the United Nation’s Declaration on the Elimination of Violence Against Women, (1973); Beijing Declaration and Platform for Action, Fourth World Conference on Women (1995).

<sup>4</sup> Paul Farmer, *Pathologies of Power*. University of California, (2004)

<sup>5</sup> Johan Gultang, *Violence, Peace Research In Journal of Peace Research, International Peace Research institute*, (OSLO, 1969); Farmer, Paul. *Pathologies of Power*. University of California, (2004)

<sup>6</sup> Paul Farmer, *Pathologies of Power*. University of California, (2004)

<sup>7</sup> Canadian Research Institute for the Advancement of Women, *The Intersectional Feminist Framework*, (2006).

<sup>8</sup> Adapted from: *The Domestic Violence Action Plan* (2005); Deborah Sinclair, *Overcoming the Backlash: Telling the Truth about Power, Privilege and Oppression*, prepared for The Gender Advisory Committee of the Violence Prevention Coordinating Counsel (Durham Region, Ontario, 2004; Ontario Association of Interval and Transition Houses Anti-Racism/Anti-Oppression Policy and Springtide Resources.

<sup>9</sup> International Law:

*The Declaration on the Elimination of Violence Against Women*, adopted by the United Nations General Assembly in its Resolution 48/104 of 20 December, 1993; and

*The Convention on the Elimination of all Forms of Discrimination Against Women*, adopted by the United Nations General Assembly in its Resolution 34/180, 1979;

Federal Law:

*The Canadian Charter of Right and Freedoms* Being Part I of the *Constitution Act*, 1982, With specific attention to Section 15 (Equality Rights)

*Canadian Human Rights Act*, 1985 (specific to Harassment and Sexual Harassment)

*The Ontario Human Rights Code*

<sup>10</sup> Holly Johnson, “Measuring Violence Against Women: Statistical Trends”, *Statistics Canada Report*, (2006). p. 7

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- <sup>11</sup> Murray A. Strauss, Sherry L. Hamby, S Boney- McCoy and David B. Sugarman, "The Revised Conflict Tactics Scales (CTS2), Development and Preliminary Psychometric Data," *Journal of Family Issues*, (1996) p. 283-316.
- <sup>12</sup> Russell P. Dobash, R. Emerson Dobash, Margo Wilson, Martin Daly, "The Myth of Sexual Symmetry in Marital Violence Prevention", *Social Problems*, Vol 39 (1), (1996). p. 71-91. See also Sinclair 2003. Overcoming the Backlash: Telling the truth about power, privilege, and oppression.
- <sup>13</sup> Valerie Pottie Bunge and Daisy Locke, "Family Violence in Canada: A Statistical Profile, 2000", *Canadian Centre for Justice Statistics*, Statistics Canada, (2000).
- <sup>14</sup> Statistics Canada, *Family Violence in Canada: A Statistical Profile*, The Daily, Thursday, October 11, (2007).
- <sup>15</sup> Domestic Violence Death Review Committee, *Domestic Violence Death Review Committee Annual Report to the Chief Coroner, 2007*, Office of the Chief Coroner of Ontario, (2007). p.6
- <sup>16</sup> Walter S DeKeseredy and Molly Dragiewicz, *Shifting Public Policy Direction: Gender-Focused Versus Bi-Directional Intimate Partner Violence*, (2009)  
D. Ellis & Walter DeKeseredy, *The Wrong Stuff: An Introduction to the Sociological Study of Deviance*, 2<sup>nd</sup> edition, Toronto, (1996)  
Demie Kurtz, "Social Science Perspectives on Wife Abuse: Current Debates and Future Directions", *Gender & Society*, Vol. 3 (4), (1989)
- <sup>17</sup> Domestic Violence Death Review Committee. *Domestic Violence Death Review Committee Annual Report to the Chief Coroner, 2005*: Office of the Chief Coroner of Ontario. (2005).  
Domestic Violence Death Review Committee. *Domestic Violence Death Review Committee Annual Report to the Chief Coroner, 2004*: Office of the Chief Coroner of Ontario. (2004).
- <sup>18</sup> E. Krug, I. Dahlberg, J. Mercy, A. Zwi and L. Rafael (eds.), *World Report on Violence and Health*, World Health Organization, Geneva, (2002).
- <sup>19</sup> Higher rates of violence experienced by some women are linked to factors of discrimination based on Aboriginal identity, race, ability, age, poverty, immigration status, geographic location, sexual orientation, and Francophone identity and culture. Refer to appendix # for statistical indicators for rates of violence experienced by women who experience discrimination and oppression.
- <sup>20</sup> Canadian Research Institute for the Advancement of Women, *The Intersectional Feminist Framework – An Emerging Vision*, (2006).
- <sup>21</sup> Ontario Federation of Indian Friendship Centres and Ontario Native Women's Association, *Strategic Framework to End Violence Against Aboriginal Women*. (2007).
- <sup>22</sup> Holly Johnson & J. Fraser, *Evaluation of the Neighbours, Friends and Families Campaign: Baseline Survey Results*, University of Ottawa, (2008).
- <sup>23</sup> N. Taylor and J. Mouzos, "Community Attitudes to Violence Against Women Survey" *VicHealth*, Melbourne, Australian Institute of Criminology, (2006).
- <sup>24</sup> Elana Nudel Kripke et al, "Domestic Violence Training Program for Residents," *Journal of General Internal Medicine*, (1998).
- <sup>25</sup> Richard Birrer et al, "Domestic Violence: Curricular Issues in Family Medicine," *Journal of Aggression, Maltreatment and Trauma*, (1997).
- <sup>26</sup> A. Farmer & J. Tiefenthaler, *Domestic Violence and its impact on Women's Economic Status, Employers and the Workplace*, Blue Shield of California Foundation, (2004).
- <sup>27</sup> Lois Galgay Reckitt and Laura A. Fortman, *Impact of Domestic Violence Offenders on Occupational Safety and Health: A Pilot Study*, Maine Department of Labor and Family Crisis Services, (2004).

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- <sup>28</sup> Jennifer E. Swanberg & Caroline Macke, "Intimate Partner Violence and the Workplace," *Journal of Women and Social Work*, (2005).
- <sup>29</sup> James T. Bond, E. Galinsky and Jennifer E. Swanberg, *The 1997 National Study of Changing Workforce, The Families and Work Institute*, New York, (1998).
- <sup>30</sup> Peter G. Jaffe, Claire V. Crooks & Nicholas C. Bala, *Making Appropriate Parenting Arrangements in Family Violence Cases: Applying the Literature to Promising Practices*, Department of Justice Canada, (2006)
- <sup>31</sup> Jeffrey L. Edleson, "The Overlap Between Child Maltreatment and Woman Abuse", *Violence Against Women Journal*, (1999). Edleson reviewed 35 studies conducted over 25 years that mentioned an overlap between child maltreatment and adult domestic violence in the same families. Different approaches were taken in the studies. Some examined families with known or suspected cases of child maltreatment. Others examined families with known adult domestic violence. The studies reported different rates of co-occurrence of the two forms of abuse. Edleson's findings are based on a review of the rates of co-occurrence reported by the different studies.
- <sup>32</sup> Kathy AuCoin and Diane Beauchamp, *2004 General Social Survey on Victimization*. Statistics Canada (2006). 13 & 34.
- <sup>33</sup> Barbara Fallon, Nico Trocmé, Bruce MacLaurin, Della Knoke, TaraBlack, Joanne Daciuk, Caroline Felstiner., *Ontario Incident Study of Reported Child Abuse and Neglect*, Centre of Excellence for Child Welfare, Toronto, (2003).
- <sup>34</sup> Domestic Violence Death Review Committee. *Domestic Violence Death Review Committee Annual Report to the Chief Coroner, 2007*: Office of the Chief Coroner of Ontario. (2007). 35
- <sup>35</sup> Aron Shlonsky and C. Friend, "Child Maltreatment and Domestic Violence: Current State of Knowledge and Emerging Strategies for Policy and Practice. Brief Treatment and Crisis Intervention": *An Evidence-Based Practice Journal*, 7(4), (2007). Pg. 249-252.  
See: Greenbook National Evaluation Team, "The Greenbook Initiative Final Evaluation Report", The Greenbook Initiative, (2008) <http://www.thegreenbook.info/eval.htm>.  
Chantal Lavergne et al, *Domestic Violence: Protecting Children by Involving Fathers and Helping Mothers*, CECW Information Sheet #6E, Centre of Excellence for Child Welfare, (2003)  
Laudan Y. Aron and Krista K. Raine, "Efforts by Child Welfare Agencies to Address Domestic Violence", *Public Welfare* 55 no. 3, (1997). 4
- <sup>36</sup> Aron Shlonsky and C. Friend, "Child Maltreatment and Domestic Violence: Current State of Knowledge and Emerging Strategies for Policy and Practice". Brief Treatment and Crisis Intervention: *An Evidence-Based Practice Journal*, 7(4), (2007). Pg. 249-252.  
Eileen Morrow, "Woman Abuse Survivors Needs Unique Child Welfare Response," Springtide Resources, Toronto, (2000).  
Chantal Lavergne et al, *Domestic Violence: Protecting Children by Involving Fathers and Helping Mothers*, CECW Information Sheet #6E, Centre of Excellence for Child Welfare, (2003).
- <sup>37</sup> The Transformation Agenda of the Ministry of Children and Youth Services was a massive change in child welfare service delivery, supported throughout the children's service system in Ontario. Major changes were implemented beginning in April 2007 in the areas of differential response (a more child-family-centered approach: the right service at the right time), better permanency planning (including kinship and foster care, adoption, custody arrangements), and alternatives to court processes (mediation, talking circles). This approach is supported by research, information systems and an outcomes approach to accountability. The Transformation Agenda also includes special Aboriginal provisions for Aboriginal and First Nations children to be served by their own communities.
- <sup>38</sup> Verdict of the Coroner's Jury for Andrew Osidacz Office of the Chief Coroner, (April 9, 2009).
- <sup>39</sup> Ontario Association of Interval and Transition Houses, *In the Best Interests of Children and Mothers: A Proposed Child Welfare Response to Violence Against Women*, Toronto, (2003).

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- <sup>40</sup> Tara Black et al, "The Canadian Child Welfare System Response to Exposure to Domestic Violence Investigations," *Child Abuse and Neglect* 32, (2008) 393-404  
Kendra Nixon et al, "Do Good Intentions Beget Good Policy? A Review of Child Protection Policies to Address Intimate Partner Violence," *Child and Youth Services*, (2007). 2469-1486
- <sup>41</sup> Ramona Allagia, Angeliqve Jenney, Josephine Mazzuca and Melissa Redmond, "In Whose Best Interest? A Canadian Case Study of the Impact of Child Welfare Policies in Cases of Domestic Violence", *Brief Treatment and Crisis Intervention* 7, no. 4, (2007) 275-290
- <sup>42</sup> Interviews were conducted with: 8 child welfare informants, 8 VAW service providers, 2 survivors of woman abuse, 4 legal professionals, 4 police officers, 4 health care professionals. Focus groups were conducted as follows: 3 groups of child welfare workers (total 18 individuals), 1 group VAW service providers (total 6 individuals), 2 groups of survivors of woman abuse (total 16 individuals).
- <sup>43</sup> Other service dispositions for cases involving exposure to domestic violence as the primary form of maltreatment are as follows: 49% of such cases had previous case openings (this is the lowest rate); 29% of investigations had been closed within the past 12 months; 33% of cases remained open for ongoing child welfare services after the initial investigation; as discussed in greater detail later in the paper, at least one referral was made in 62% of such cases; an application to child welfare court was made in 2% of cases and considered in an additional 3%; and 7% of cases resulted in a police investigation for maltreatment – charges were laid in 3% of cases, OIS (2003). 68-81
- <sup>44</sup> A.W., Leschied, Whitehead, P.C, Hurley, D., & Chiodo, D. *Protecting Children is Everybody's Business: Investigating the Increasing Demand for Service at the Children's Aid Society of London and Middlesex*, The University of Western Ontario. (2003)
- <sup>45</sup> Karen J. Swift, *Manufacturing 'Bad Mothers': A Critical Perspective on Child Neglect*, University of Toronto Press, (1995). 150.
- <sup>46</sup> Karen J. Swift, (1995). 121.
- <sup>47</sup> Karen J. Swift, (1995). 101.
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<sup>84</sup>

**Table: Frequency of Threat Assessment and Risk Management Themes in DVDRC Recommendations from 2003-2007<sup>84</sup>**

	2007 Recommendations	2003-2006 Recommendations	Total Number of Recommendations
<b>Assessment and Intervention</b>	<b>13</b>	<b>41</b>	<b>54</b>
Risk Assessment Tools	2	5	7
Safety Planning/Shelters	1	3	4
High-risk Cases and Case Management	1	5	5
Police Interventions	1	9	10
Crown/Court Interventions	1	3	3
Workplace Interventions	3	3	3
Healthcare and Social Services Interventions	2	10	11
Access and Control of Firearms	2	3	5

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# Appendices

## Transforming our Communities

# Appendix A

## Violence Against Women Access and Equity Framework

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### Strengthening the Violence Against Women System

#### A. Introduction

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Ontario has a broad-based system that supports women and children fleeing violence. The system is intended to provide a comprehensive response to women experiencing violence.

Significant investment has gone into responding to individual incidences of violence. Ontario's Domestic Violence Action Plan (DVAP) describes the vision "to free all women and their children from the fear or threat of domestic violence."<sup>1</sup> The Government of Ontario is supporting the ongoing implementation of the Action Plan, which includes an investment of \$87 million in new funding over four years, for services that support and protect women from violence, including educating and training the professionals they are likely to encounter.

A key goal of the Domestic Violence Action Plan is to develop targeted approaches to meet diverse needs (francophone, Aboriginal, ethno-cultural/racial, people with disabilities, rural/farm, northern and seniors.) Yet we know that the VAW system is currently not fully serving all Ontario women. Women more likely to experience barriers to accessing the VAW System and less likely to be served include: Aboriginal women, older and young women, women living with disabilities/Deaf women, immigrant and refugee women, Francophone women, homeless women, women with mental health issues, women abused by caregivers, women with concurrent disorders, women in conflict with the law, transgendered women. Women living in rural or remote regions of Ontario also experience particular challenges in accessing the VAW System in a meaningful way.<sup>2</sup>

Focused attention is now needed to develop systemic responses to eradicate barriers that exclude, restrict and prevent women from accessing and contributing to the safety supports, services and resources for women at risk of, or experiencing violence.

The **VAW Access and Equity Framework** is intended to provide a pathway to a future where all women are served by Ontario's VAW system and points to the changes that are needed to make the Government of Ontario's vision a reality. The Framework will

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<sup>1</sup> Government of Ontario. *Ontario's Domestic Violence Action Plan*, 2005

<sup>2</sup> While all women are at risk of violence, women are not a homogenous group. Women experience violence differently, as individuals, as members of a family and as members of a community. Higher rates of violence experienced by some women are linked to factors of discrimination based on Aboriginal identity, race, ability, age, poverty, immigration status, geographic location, sexual orientation, and Francophone identity and culture.

support the Ontario government's goal of a more inclusive and integrated system, where all women faced by violence are treated equitably and are able to access relevant services and programs, including access to culturally competent supports and resources that reflect the needs and assets of different communities.

*The VAW Access and Equity Framework* recognizes the foundational commitments that the Ontario government has to equality for women including: the Canadian Charter of Rights and Freedoms; the French Language Services Act, the Canadian Human Rights Act; the Ontario Human Rights Code, and the Federal Multiculturalism Act. The Framework also acknowledges the distinct legal rights/sovereignty of Aboriginal and Francophone women when implementing any violence against women initiative.

## **B. What the VAW Access and Equity Framework will address**

The Ontario Human Rights Code defines *systemic discrimination* as “an act, practice, or policy that is applied consistently to all people but which results in unequal, unfair, or unfavourable treatment of a person or group” such as exclusion from programs and services, because of prohibited grounds including systemic or constructive discrimination, even if it was unintentional.

For example, emergency call services (911) appear to be available to anyone who calls them. However, because the services are primarily offered in either English or French, equitable service is denied to women who do not speak either language but still require emergency services. This is a form of systemic discrimination even though there was no intention to discriminate.

The imbedded nature of systemic barriers requires that we work from a different paradigm to successfully ensure that all women have access to the violence against women system. As such, the Council is proposing a process for systemic change using an inter-sectional approach.

### **Applying an Intersectional Perspective<sup>3</sup>**

An intersectional perspective understands the ways in which multiple forces work together and interact to reinforce conditions of inequality and social exclusion. This approach examines how different factors including race and gender combine with broader historical and current systems of discrimination such as colonialism and globalization to determine inequalities among individuals and groups.<sup>4</sup>

There exists no widely agreed-upon definition of intersectionality which is a perspective that:

- Looks at the impact of systems that differentiate between people because of systemic discrimination. (e.g., racism, classism, sexism, ableism, homophobia).

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<sup>3</sup> Hankivsky, O., & Cormier, R. *Intersectionality: Moving Women's Health Research and Policy Forward*. Vancouver, 2009, Women's Health Research Network. This publication is also available online at [www.whrn.ca](http://www.whrn.ca).

<sup>4</sup> Canadian Research Institute for the Advancement of Women. *The Intersectional Feminist Framework—An Emerging Vision* 2005

- Acknowledges people as having multiple identities, and does not treat any group as if all its members are exactly the same and have the same experiences, views and priorities.<sup>5</sup>
- Assumes that “different dimensions of social life cannot be separated into discrete or pure strands.”<sup>6</sup> An individual’s economic, political, cultural, subjective, and experiential lives intersect to create a whole that is more than the sum of its parts.
- Has as a central goal the social inclusion of previously ignored and excluded populations. More recently it is being constructed in a way that is “applicable to any group of people, advantaged as well as disadvantaged.”<sup>7</sup>

### Categories of Difference

At the core of an intersectional model is the understanding that individuals occupy complex and dynamic social locations. From an intersectional perspective, social categories are dynamic, historically grounded, socially constructed, and work at both micro and macro structural levels.<sup>8</sup>

A person’s social location is an intersection of many socially constructed categories that include class, race, gender, Aboriginal status, ability, sexual orientation, language, geographic location, culture, age and religion. Categories change over time but to each category is attributed a degree of power.

An intersectional approach assumes that policies and programs must be created by using multi-pronged and multi-dimensional approaches to understanding the issue; acknowledges that power relations shape how we do our work and recognizes that our solutions will need to be situational, and not always universal. It assumes that differential responses will likely be necessary to ensure that all women are equitably served.

The connection between different communities of women and the systemic barriers they experience can only be revealed when we have the opportunity to look at their experience of access to VAW services. Below are statistics that indicate differential experiences for specific social locations of women:

- Immigrant women face unique barriers that prevent them from seeking help. For example in some communities revealing abuse would ostracize them from the rest of their community, in which case women must choose between community acceptance and personal safety. This is difficult since, for the most part, their cultural communities are the sole source of support in Canada. *How can the VAW system ensure it reaches these communities of women and provides*

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<sup>5</sup> Morris, Marika and Bénita Bunjun. USING INTERSECTIONAL FEMINIST FRAMEWORKS IN RESEARCH...A resource for embracing the complexities of women’s lives in the stages of research. 2007.

<sup>6</sup> Avtar Brah and Anne Phoenix. “Ain’t I A Woman” in *Journal of International Women’s Studies*, Vol 5, #3, May 2004. p. 76

<sup>7</sup> Yuval-Davis, Nira. “Belonging and the Politics of Belonging” *Patterns of Prejudice* 40(3) 2006. p. 201.

<sup>8</sup> Lynn Weber & Deborah Parra-Medina. *Intersectionality and Women’s Health: Charting a path to Eliminating Health Disparities*. Arnold School of Public Health 2003.

*services that can potentially compensate for the loss of family and community support?*

- A 1996 Canadian government statistic reveals that Indigenous women between the ages of 25 and 44, with status under the Indian Act, were five times more likely than all other women of the same age to die as the result of violence.<sup>9</sup> *What are the systemic factors that have led to these statistics and how do we address them?*
- Women with disabilities, including women with hearing impairments and Deaf women, experience the highest rates of violence from partners, spouses, caregivers and family members.<sup>10</sup> *What needs to be done to address these higher conditions of vulnerability?*

### **C. An Access and Equity Vision for the VAW System in Ontario**

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The Council supports a VAW system that has certain characteristics, namely a system that is:

- interconnected, responsive and accountable;
- respectful of women's assets and needs; and
- able to create meaningful choices for women as they address the violence in their lives.

There is an urgent need for programs and services to be made available to all women, especially to those most marginalized in society. It was felt that the foundation for all programs and services in the system should be women's voices and lived experiences, and that the system should support all women to reach their fullest potential.

#### **Vision**

*All women experiencing violence regardless of their social location or identity (ies) will be supported by an inclusive, responsive, accountable and integrated VAW System that is created in partnership with women and the communities in which they live.*

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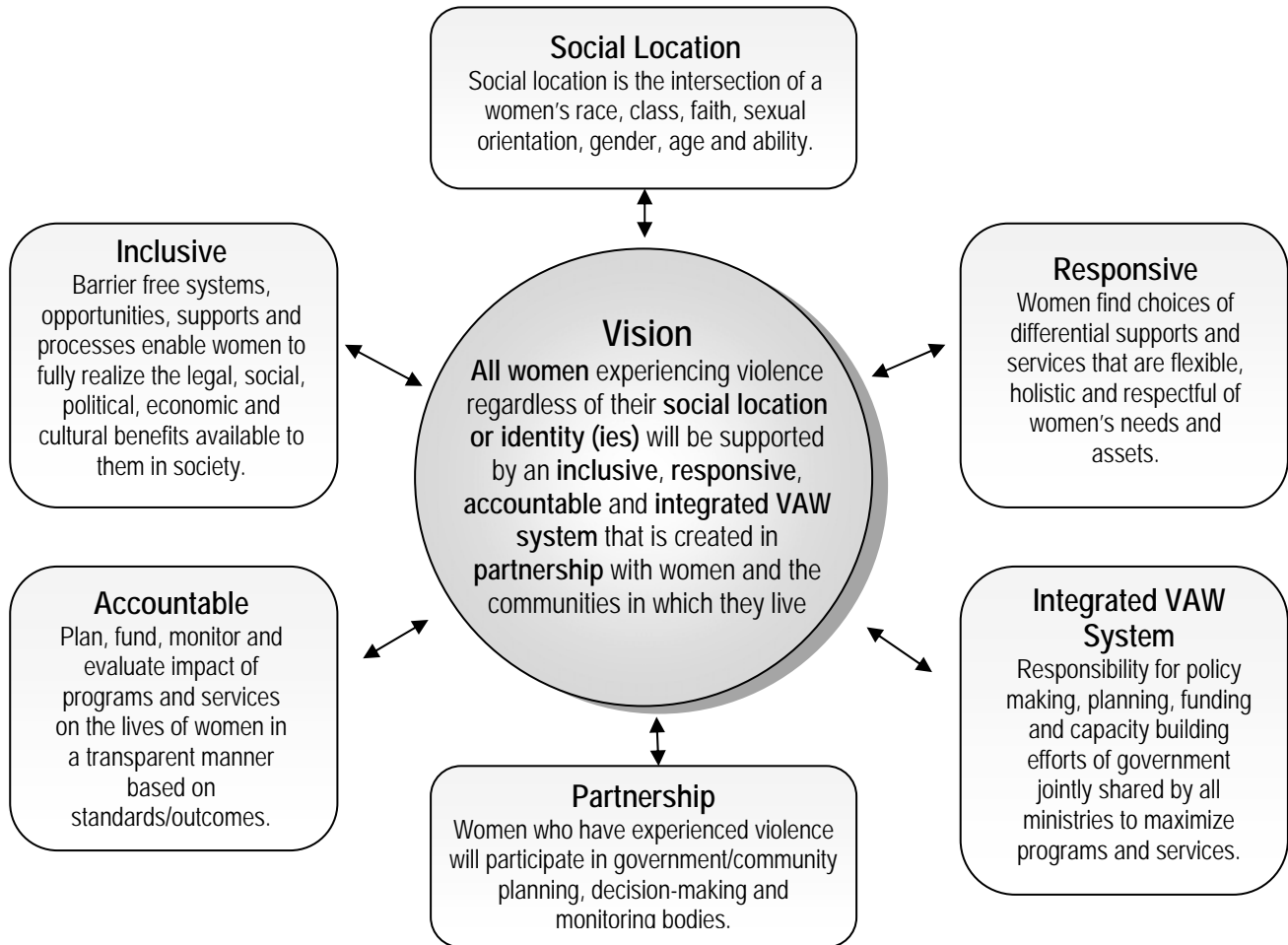
<sup>9</sup> Amnesty International. *Stolen Sisters: Discrimination and Violence Against Indigenous Women in Canada*, Ottawa, 2004.

<sup>10</sup> Ouimette, Johanne & Nicole Soucy, *L'Intégration des femmes d'expression française ayant un handicap: les meilleures pratiques*. Ottawa. 2007

## The VAW Access and Equity Vision

The Vision for the VAW Access and Equity Framework is below:

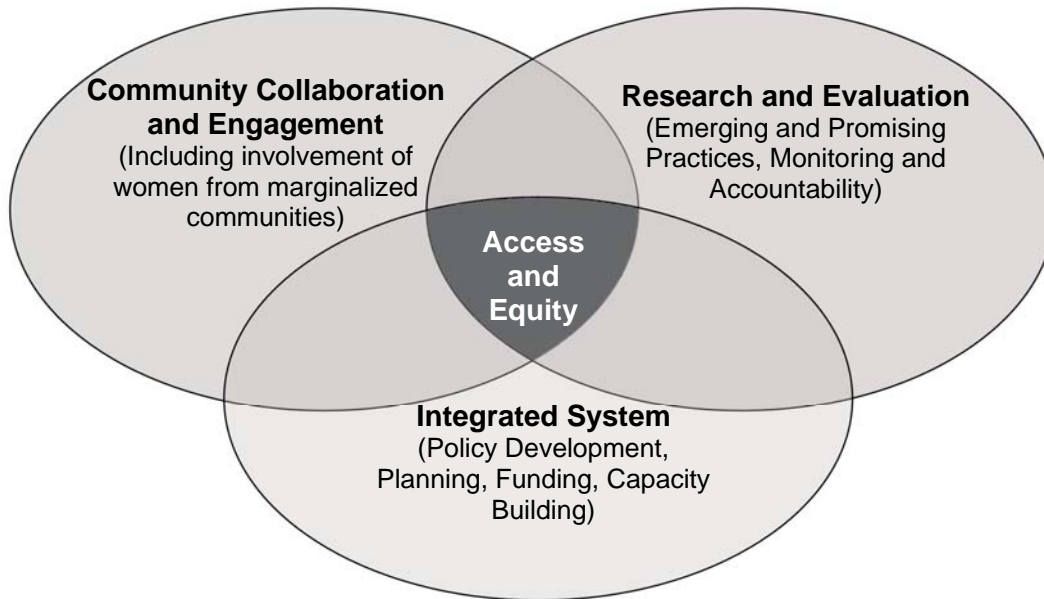
### Vision of the VAW Access and Equity Framework



### D. A Model for Change: Building Blocks

The proposed model for change is shown below. Each of the three (3) building blocks together form the foundation that is required to ensure that all women have access to the VAW system in an equitable manner. Action must be taken on outcomes in all three (3) building blocks together to achieve the desired impact. Taking action on one building block only will not be effective as they are interdependent. Change based on the implementation of outcomes in only one building block will not be sustainable over the long term. When concerted effort is taken in all three arenas, access and equity, depicted in the centre of the diagram, will be achieved.

## **Building Blocks for Change**



### **E. Outcomes for the VAW Access and Equity Framework**

Each building block features outcomes that directly support the vision and principles in the Framework. These outcomes, separately and together, are designed to maximize access and equity for all women accessing the VAW system. The outcomes can be used to evaluate existing initiatives, or in the development of new ones.

#### **Building Block 1 - Community Collaboration and Engagement**

The diversity of women who will use the services will be at the heart of the development, implementation and evaluation of all initiatives. Both community-based organizations that serve and advocate for women and women who have lived experience with violence would be engaged. Women can speak to the diversity of experiences and understandings of domestic violence in their lives, and the types of responses that would best support them in the short- and long-term. These outcomes recognize the need to adequately support women to participate as they often find typical government or agency-based processes intimidating, confusing and difficult to participate in.

#### ***Outcomes***

- Women from marginalized communities who have experienced violence are part of government policy development, planning, fund allocation, decision-making and monitoring /evaluation bodies in meaningful and sustained ways.

- Women and their local communities including Women’s and Community advocacy organizations are proactively involved in developing, planning and evaluating relevant VAW programs and services based on the unique realities of their situation.
- Women and communities are adequately supported and compensated to come together, articulate their assets and needs, and then have the opportunity to voice those assets and needs in response to requests for consultation, advice, feedback, etc.
- Women from new and emerging communities are engaged in the VAW system using mechanisms that can support their engagement.

### ***Building Block 2 – Research and Evaluation***

This building block highlights outcomes related to becoming more rigorous in the ways that research is conducted, data is collected and programs are evaluated so that the public and women themselves can have the confidence that the VAW system truly reflects their assets and needs. The current range of programs and services in the VAW system needs to be expanded so that the diversity of women can find appropriate service options and supports. Lastly, it points to the urgent need for clearer accountability measures to the public on program and policy successes, challenges and future strategic priorities to achieve a future free of violence against women.

#### ***Outcomes***

- All research and exploration of emerging and promising practices factor in the perspectives of the diversity of women experiencing violence.
- New program development is undertaken to increase the range of VAW programs and services both within and beyond shelters to ensure the diversity of women are served.
- Consistent, annual data is collected and analyzed to demonstrate the degree to which the diversity of women are being successfully served by the VAW system.
- Research is done to measure and analyze the differential impact of programs, policies and interventions.
- Regular evaluation of all VAW system programs and services that is adequately resourced to ensure that services are provided consistent with the VAW Access and Equity Framework.
- A report is issued annually that focuses on the description of who is served as well as on the quality and impact of VAW programs and services.

### ***Building Block 3 – An Integrated System***

The third building block focuses on an integrated system of programs and services for **all** women experiencing violence, especially women who are not currently accessing services, based on a shared vision and set of guiding principles. It speaks to the need for policy makers, funders, program planners, those supporting the community to build its capacity to respond to violence and service providers to come together in a regular and consistent manner to share struggles and strategies, to plan together and to learn from shared experiences. It further requires building a culture of collaboration and innovation in the VAW system, so that the silos that currently exist within the system can be broken down and all women can experience seamless, responsive services.

#### ***Outcomes***

- The Government of Ontario ensures that all programs and services in the VAW system are synchronistic, coordinated, mutually supportive and have an equitable impact on all women experiencing violence, especially women who have been marginalized from the system.
- All policies developed in relation to the VAW system demonstrate reasonable integration with each other in order to reduce gaps and enhance accessibility to the system for the diversity of women in Ontario.
- There are clear measures of success for all programs and services that demonstrate how desired outcomes will be achieved, including how access and equity will be ensured for the diversity of women in Ontario.
- The Government of Ontario fund programs and services within the VAW system that clearly demonstrate a commitment to access and equity.
- Programs and services receive adequate supports to build their capacity to serve women who have been excluded or marginalized from services, including supporting new and emerging community groups.
- The Government of Ontario coordinates key policy areas across jurisdictions and with different levels of government to ensure that women fleeing violence are safe anywhere in Canada.

### **F. Implementation: Components for Change**

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While the VAW Access and Equity Framework is in the process of development, there are key components for change would be part of the implementation process:

- Policy and legislation development
- Short and long term strategic and operational planning
- Fund allocation
- Research

- Monitoring, evaluation and accountability
- Capacity building
- Relationships with community stakeholders
- New program development and implementation

## **G. Moving the VAW Access and Equity Framework forward**

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The VAW Access and Equity Framework lays the foundation for the Ontario Government to undergo a transformational systemic change process that will impact all areas of government ministry work with respect to the VAW system.

It points to a future where all these areas within the VAW system are truly integrated, where all the ministries playing a part in the VAW System work together horizontally and synergistically to achieve access and equity for all women accessing the system.

When the VAW Access and Equity Framework is applied to all VAW system activities undertaken by the Government of Ontario, the government will achieve the goals articulated in the vision, namely that the VAW system will deny access to no woman, will be inclusive, responsive, accountable and integrated and developed in partnership with women and the communities in which they live.

By improving access and equity for the diversity of women in Ontario, the overall quality and reach of VAW services for all women experiencing violence will also be improved. The end result is that all women are free from the fear or threat of violence against women.

## Appendix B

# A Strategic Framework to End Violence Against Aboriginal Women



Ontario Native Women's Association  
Ontario Federation of Indian Friendship Centres

September, 2007

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# A Strategic Framework to End Violence Against Aboriginal Women

## Introduction

While reliable, evidence-based, recent statistics on violence against Aboriginal women in Ontario are currently lacking, some statistics point to significantly high rates of violence experienced by Aboriginal women, compared to their non-Aboriginal counterparts.

- According to the 2004 General Social Survey (GSS), Aboriginal women experience spousal violence from either a current or previous marital or common-law partner at a rate that is three times higher than that for non-Aboriginal women, nationally.
- In some northern Aboriginal communities in Ontario, it is believed that between 75% and 90% of Aboriginal women are battered.
- Children witness more than half of the violence that occurs between the adults in the home and are also targets for abuse, especially sexual crimes, with up to three quarters of Aboriginal girls under the age of 18 having been sexually assaulted.
- A study by the Ontario Native Women's Association (ONWA) entitled, *Breaking Free*, found that 8 out of 10 Aboriginal women in Ontario had personally experienced family violence.
- Aboriginal women are 8 times more likely to suffer abuse than non-Aboriginal women, and of those women, 87% had been physically injured and 57% had been sexually abused (Health Canada, 1997).

Aboriginal communities and organizations understand that these statistics do not reflect the whole picture and that in fact abuse likely occurs at significantly higher rates than those commonly cited, such as in the GSS.

As a result of these ongoing high rates of violence against Aboriginal women and the lack of progress in ending this violence, the Ontario Native Women's Association (ONWA) and the Ontario Federation of Indian Friendship Centres (OFIFC) convened a strategy meeting on March 20-22, 2007, entitled "A Summit to End Violence Against Aboriginal Women" (the Summit). The Summit was funded by the Ontario Women's Directorate and a number of provincial and federal officials attended.

The intent of the Summit was to bring together community "leaders" to develop a framework for a strategy to end violence against Aboriginal women. In addition to participants from the Ontario Federation of Indian Friendship Centres and the Ontario Native Women's Association women from the Union of Ontario Indians, Nishnawbe Aski Nation, Grand Council Treaty #3, independent First Nations, the Metis Nation of Ontario and some direct service providers also attended. The 120 Aboriginal women and a number of men who attended the summit began the discussion by reviewing the work that had been done at two previous gatherings that had discussed ending the violence against Aboriginal women:

- The National Policy Forum on Aboriginal Women and Violence held in Ottawa in March of 2006, hosted by Status of Women Canada; and,

- In May of 2006, the Ontario delegation to the National Forum, met in Toronto as a follow-up, hosted by the Ontario Women's Directorate.

There is a separate conference report that includes an overview of all the different aspects of the summit, including the presentations of various speakers and some best practices.

While much of this Strategy was designed at the March 2007 Summit, it built on work initially undertaken to inform the design of the Aboriginal Healing and Wellness Strategy. The ONWA *'Breaking Free'* Report, the *'Aboriginal Family Healing Strategy: For Generations to Come the Time is Now,'* and various research reports prepared by the OFIFC, all contributed to the Framework design.

Fundamental to the Strategic Framework to end violence against Aboriginal women is an integrated approach, which will continue to evolve with the direct engagement of ONWA, the OFIFC, other Aboriginal organizations, as they wish to participate, and most importantly, Aboriginal women themselves.

It is important to note that while not all violence directed at Aboriginal women comes from the Aboriginal community, violence against Aboriginal women must stop, regardless of the type of violence, or the origin of the offense.

In order to achieve this, a comprehensive strategy must be developed, supported, advanced and resourced, immediately. Action on this issue is long overdue by all organizations, governments and society as a whole.

## **The Strategic Framework**

The strategic framework is based on a number of foundational principles:

1. Violence against Aboriginal women must end.
2. To successfully end violence, all people affected by violence against Aboriginal women (victim, abuser, the families impacted and the witnesses of the violence) need to have specific supports.
3. Violence against Aboriginal women is always done within the context of a community, and as such, the community as a whole has a central role to play in addressing the issue.
4. Violence against Aboriginal women is rooted in systemic discrimination, and consequently, issues of gender, race and cultural exclusion must be considered in addressing these contributing factors.
5. A social/health determinants model must be applied to ensure that the causal issues of violence are addressed.
6. Flexible, evolving and ongoing efforts must ensure government and Aboriginal community co-ordination and collaboration.

7. To be effective, all activities required to address violence against Aboriginal women must be directed, designed, implemented and controlled by Aboriginal women.
8. Recognition and implementation of a framework will involve changes in research, legislation, policy, programs, education, community development, leadership, and accountability.
9. Gender-based analysis must underlie all work involved with this strategy.
10. The capacity of Aboriginal communities and governments to respond to violent crimes committed against Aboriginal women must be strengthened.
11. All perpetrators of violence against Aboriginal women must be held accountable and are offered culturally based healing programmes to prevent future incidents.

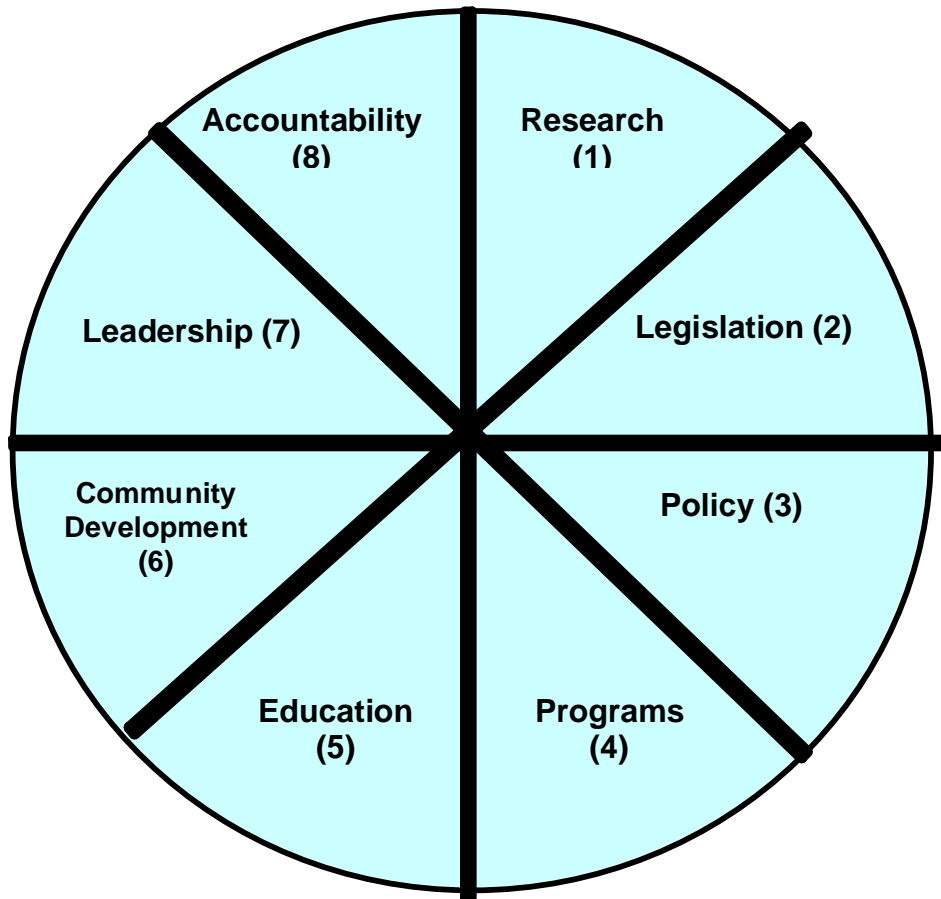
### **Flexible Framework**

The Framework is proposed on a medicine wheel design, to provide a continuum of approaches to address the issue, and will require strategies at many different levels and around different issues to successfully deal with violence. Each aspect may be developed separately but must be integrated and consistent with the overall approach. In order to be successful in this initiative, a community based, cultural and wholistic healing approach, focused on ending violence will have to be established. This cannot be done if all levels of government do not provide supportive policies, legislation, resources and approaches for it to occur.

In order to ensure that a medicine wheel approach can be pursued it will be necessary not only to involve the individual, but the family, the community and ultimately the territory/nation. This process cannot be one where representation, rights, blame, or resources are permitted to thwart the outcome of ending violence against Aboriginal women.

The framework must be designed so that there is accountability and reviews of progress at regular intervals by leadership, government and others engaged in the framework.

## Areas for Change – The Issues Framework



### Strategic Direction #1: Undertake Comprehensive Research and Data Collection on Issues Related to Aboriginal Women and Violence

Aboriginal communities and organizations, as well as mainstream organizations and service providers, have long asserted that Aboriginal women experience significantly greater rates of violence than non-Aboriginal women in Ontario, and that the many intersecting factors related to these levels of violence are unique for Aboriginal women, because they are directly related to such ongoing historical factors as colonialism, the impacts of residential schools, discriminatory provisions under the Indian Act, lack of recognition of Métis identity, the residual effects of related community trauma (i.e. mental illness, addictions, homelessness, poverty, etc.); as well as mobility and migration. Consequently, these groups have also consistently asserted that Aboriginal women

require support services that are specifically relevant for Aboriginal cultures and specific historical experiences and contexts.

However, despite this widely-accepted knowledge in both the Aboriginal-specific and mainstream Violence Against Women (VAW) sectors, there is a lack of formally documented, quantitative and qualitative, knowledge that can inform policy makers about the actual rates of incidences of violence against Aboriginal women in Ontario; the underlying factors that are contributing to the rates of violence against Aboriginal women; and the specific barriers, gaps and needs that must be addressed in order to work towards ending violence against Aboriginal women in Ontario.

**Goal 1.1: That all levels of government, across various relevant areas of jurisdiction, will commit to supporting Aboriginal organizations and communities in the undertaking of comprehensive research and data collection on specific issues related to Aboriginal women and violence. This comprehensive research and data will be utilized to inform and guide policy planning and development.**

Research that is community-driven and conducted by and for Aboriginal women must be supported. In addition, the research must strengthen Aboriginal community and organizational capacity development, particularly in the areas of ending violence against Aboriginal women. Aboriginal knowledge must be respected and protected throughout any research endeavour.

#### **Specific Actions:**

- Allocate funding for Aboriginal organizations and communities to undertake targeted studies on key issues related to Aboriginal women and violence.
- Undertake a province-wide study that would evaluate the effectiveness of community-based, local, provincial and federal responses to violence against Aboriginal women. Recommendations would subsequently be proposed to improve the effectiveness of these responses.
- Investigate the creation of a provincial baseline study and database to study, document and monitor the rates of violence against Aboriginal women, as well as the 'ripple effect' impacts and costs of injury to Aboriginal women due to violence, including, but not limited to:
  - domestic violence;
  - dating violence;
  - sexual assault;
  - stalking; and,
  - murder.

#### **Strategic Direction # 2: Legal Reform and Legislative Change**

The current criminal justice system re-victimizes and re-traumatizes Aboriginal women within the context of addressing issues of violence. This is, in part, due to ongoing historical experiences of colonization, the cyclical impacts of residential schools and the many other negative experiences with dominant institutions, structures, processes and procedures. In addition, the current criminal justice system requires women to recount, and therefore recreate and relive traumatic, violent experiences in order to effectively participate in the necessary trials and hearings. Although this is the experience of all

women, the lack of cultural relevance and appropriate supports within the current system serves to further victimize and marginalize Aboriginal women, and in many instances discourages their participation, thereby allowing the perpetrator to go free and the victimization to continue.

Additionally, various pieces of legislation may currently act as either systemic barriers or operate as contributing factors to violence against Aboriginal women. All relevant legislation must be reviewed within this context, and subsequent recommendations for legislative changes must be considered in order to effectively reduce the role of legislation as a contributing factor to this violence.

**Goal 2.1: That specific legislation be created that expressly prohibits violence against women, with a particular focus on violence against Aboriginal women and recognizes and enables Aboriginal women's rights to respectful, informed and judicious treatment under the law.**

**Specific Actions:**

- The requirement for government to evaluate periodically the effectiveness of federal, provincial, First Nation and local responses to offenses against Aboriginal women.
- Recognition and differentiation between different communities which have a strategy to address violence against Aboriginal women, as opposed to those who do not, in the legislation and accompanying funding formulae.
- The inclusion in legislation of a response for habitual offenders.
- The creation of specialized courts to deal with violence against Aboriginal women.
- Culturally specific and sensitivity specific training for judges, police officers, and court officers.
- Review of relevant legislation from an Aboriginal-specific and gender-based analysis, and consideration of recommended reforms.
- Establishment of a working group comprised of Aboriginal representatives, to specifically review relevant legislation.
- Addressing the issue of overrepresentation of Aboriginal children in the Children's Aid Society, some of which is a result of abuse Aboriginal women may be experiencing. [Thirty to 40% of all children in care in Canada are Aboriginal while only 5% of the child population in Canada is Aboriginal. See Cindy Blackstock, First Nations and Family Caring Society of Canada at <http://www.adoption.ca/news/050101edab0411.htm>]

**Goal 2.2: To ensure that the Aboriginal Justice Strategy makes the issue of violence against Aboriginal women a specific priority, and that a specific strategy that addresses violence and Aboriginal women be developed, with dedicated resources attached.**

**Specific action:**

- The employment of a strict gender balance in the design and development of the strategy, starting with gender balance within the representation at the table.

- A willingness to explore modifications of our current justice practice and encourage further innovation as well.
- Reform of the criminal justice system as a critical part of addressing violence against Aboriginal women.
- A commitment to the development of community capacity and infrastructure to insure that a true restorative justice does not re-victimize victims and whole communities.

**Goal 2.3: That relevant existing legislation is reviewed to identify the contributions to the social constructs leading to violence against Aboriginal women.**

**Specific Actions:**

- Identification of the relevant legislation (for example, *Child and Family Services Act, Indian Act, Education Act, Criminal Code, Family Law Act, Divorce Act, Day Nurseries Act*, etc.).
- Review of relevant legislation to clarify jurisdictional responsibilities.
- Review issues related economic independence and the impact of poverty.
- Review of integrated approaches including justice, health and healing, literacy, education and housing.

**Strategic Direction # 3: The Creation of a Comprehensive Policy to Target and Address Violence Against All Aboriginal Women in Ontario.**

There are many complex, interrelated factors and issues that result in higher rates of violence against Aboriginal women. Currently, policies, programs and services aimed at addressing violence against women are designed, developed and delivered independently of one another, with very minimal coordination, at both government and community levels.

The development of a comprehensive, multi-faceted policy is critical to effectively addressing violence against Aboriginal women. Such a policy would require pro-active inter-ministerial policy integration and coordination that would include such interrelated areas as justice, health and healing, education, employment, training, housing and social services. This type of policy coordination must also take place inter-jurisdictionally (i.e. between provincial and federal ministries and departments; between First Nations/Aboriginal organizations and communities and governments).

The Aboriginal Healing and Wellness Strategy (AHWS) was created to address family violence and health issues within an Aboriginal context. It has been very successful at doing so. It does not, however, have a specific focus on ending violence against Aboriginal women. A specific strategic framework will have to consider the existing AHWS services. It may be necessary to evaluate/ renew AHWS from the specific perspective of targeting Aboriginal women. It will be also necessary to review the Domestic Violence Action Plan (DVAP) and ensure that a specific Aboriginal women's approach is agreed to by Ontario, rather than watered down efforts to end violence against Aboriginal women by incorporation into a generic approach.

While the AHWS has been successful in its approach on health related aspects, there is a clear need for direct interventions as set out within this document.

**Goal 3.1: That ongoing intergovernmental policy coordination will be proactively pursued for the purposes of innovative and comprehensive policy development and integration.**

**Specific Actions:**

- Provincial and federal governments should establish inter-ministerial and inter-departmental working groups to specifically coordinate around the issue of violence against Aboriginal women.
- Establishment of ongoing policy discussions to understand the interconnection of the issues and the importance of an integrated strategy. This can be done through an annual re-visioning and realigning of the strategy.
- Jurisdictional issues between governments are worked out in a timely manner and there are mechanisms for all levels of government to work collaboratively and resolve issues.
- Relationships, protocols, MOUs and service agreements that create culturally appropriate partnerships be established.
- Resourced and comprehensive housing policy approach that includes shelters, second stage housing and permanent housing for women who have experienced violence.
- That there are policies and programs aimed at addressing Aboriginal men's healing in the context of violence against Aboriginal women.
- That there are policies and programs aimed at addressing Aboriginal children's healing in the context of violence against Aboriginal women.

**Goal 3.2: That an Aboriginal-specific strategy is included in all provincial and federal government policies designed to address violence against women.**

**Specific Actions:**

- A review of relevant federal and provincial policies will be conducted to ensure that issues of Aboriginal women and violence are considered.
- The Domestic Violence Action Plan (DVAP) would be redesigned to include a specific element to address issues of violence against Aboriginal women.
- A review of federal and provincial policies will be conducted to ensure that issues surrounding violence and Aboriginal women are addressed.

**Goal 3.3: That Aboriginal organizations and communities are directly involved throughout the process of policy planning and development on every matter of concern or interest to Aboriginal women.**

Simply adapting mainstream policies and programs has not proven effective in addressing violence against Aboriginal women. The current process in which policies and programs are developed must be transformed to include the direct involvement of Aboriginal people, and specifically Aboriginal women, in the policy planning and development process from the onset.

**Specific Actions:**

- Undertake a province-wide, community-based consultation and needs assessment to identify key issues and priorities.
- Aboriginal people will design, develop and deliver Aboriginal policies and programs, and will be included in all decision-making processes that impact Aboriginal people and communities.

**Strategic Direction # 4: The creation of a sustained policy and program infrastructure**

**Goal 4.1: That adequate fiscal resources are dedicated on an ongoing basis to policy and programs designed specifically to address violence against Aboriginal women.**

Recognizing that Aboriginal women experience significantly higher rates of violence than non-Aboriginal women in Ontario, adequate resources must be dedicated to the proposed comprehensive policy and programs aimed at specifically addressing violence against Aboriginal women. It is not acceptable that Aboriginal service providers committed to providing support services for Aboriginal women living off-reserve in Ontario must currently compete with mainstream organizations for much-needed resources.

**Specific Actions:**

- That designated resources for policies and programs designed to address violence against women include an Aboriginal-specific 'set-aside'.
- Eligibility criteria for accessing set-aside will be determined by Aboriginal organizations and communities.
- Increase funding for existing policies and programs that are viewed by the Aboriginal community as successful.
- A flexible government funding structure.
- Funding formulas based on needs.
- Equitable funding between Aboriginal and mainstream organizations and service providers.
- Commitment to conduct ongoing evaluations and maintain accountability.

**Strategic Direction # 5: Public education campaign to raise awareness of violence against Aboriginal women**

Education within the context of this strategy should be designed to support people in beginning and/or continuing their participation in the dialogue of ending violence against Aboriginal women. It is not intended only to give information or "educate" but primarily to stimulate discussion, action and capacity building, within communities, Aboriginal organizations and governments in order to address the issues of violence. The education component of the strategy would address the areas of research, development and implementation of appropriate tools and curriculum, messaging, targeted marketing

as well as evaluative processes. This will result in community mobilization and increased accountability for all stakeholder groups.

**Goal 5.1: To develop an ongoing, integrated public education campaign that teaches communities and stakeholders about the root causes of violence against Aboriginal women, violence prevention, and how to develop and maintain healthy relationships while opening up an ongoing dialogue about respectful relationships.**

**Specific Actions:**

- Funding provisions for communications liaison staff specific to ending violence against Aboriginal women thereby increasing capacity in Aboriginal organizations.
- The development of culturally respectful educational resources and programming.
- Create culturally appropriate programming for men and encourage men to speak out against violence in the community.
- Focusing resources on preventative strategies to stop the cycle of violence before it begins. (e.g. Youth Culture Camps, integration of traditional teachings in school curriculum that educates all students about the traditional equal roles of women and men in communities).
- Development of a role modeling program.

**Goal 5.2: Development of a province-wide media strategy and social marketing plan**

**Specific Actions:**

- Creation of social marketing campaigns (e.g. Kizhaay Anishinaabe Niin) that blankets the public and Aboriginal communities with consistent anti-violence and healthy relationships messaging, utilizing all available media. (e.g. web based, radio, television, print, multi-media).
- A targeted approach to educate large regional media outlets about the realities and scope of violence against Aboriginal women and what communities are undertaking to address the issue.
- Creation of youth specific media training supports. (e.g. film and video editing, screenplay development, website development).
- Development and implementation of a media relations curriculum for Aboriginal organizations.

**Goal 5.3: Strengthen public knowledge and understanding of the historical context of violence against Aboriginal women**

- Government in particular needs to initiate internal knowledge and capacity to understand the historical context and the traditional roles of women in Aboriginal society.

**Strategic Direction # 6: Build and sustain Aboriginal community and organizational capacity, as well as government capacity to end all forms of violence and abuse against Aboriginal women**

In order to end violence against Aboriginal women a multiplicity of capacities need to be strengthened.

**Goal 6.1: Government to increase its staffing to work with Aboriginal organizations and communities, to act as interface, to develop and maintain relationships, etc.**

**Specific Actions:**

- Dedicating resources to adequately staff Aboriginal policy and program positions and teams or departments .
- The Ministries responsible for the comprehensive policy to address violence against Aboriginal women will undertake annual consultations to solicit recommendations concerning the administration of funds and programs; enhancement of policies designed to address violence against Aboriginal women; and strengthening the government, organizational and community responses.

**Goal 6.2: Increase Aboriginal community and organizational capacity.**

**Specific Actions:**

- Provide adequate and ongoing human and fiscal resources.
- Provide resources for organizations to build capacity around partnership development.
- Build capacity to negotiate a coordinated approach that address incidences of violence against Aboriginal women, particularly in high risk situations.
- Ensure that Aboriginal communities and organizations are able to respond appropriately to Aboriginal women in crisis.
- Increased capacity for resource, information sharing, and knowledge transfer.
- Increased opportunities for women in remote communities to address the high incidences of violence.

**Strategic Direction # 7: Support and Build Community Leadership that works towards ending the violence against Aboriginal Women.**

There are many communities of Aboriginal people, whether they are on-reserve, or in urban settings. Each community has its' own specific needs and requires leaders that are willing to take up the role of ensuring that those needs are addressed. There have been many different models of leadership within communities, from the traditional, to the more mainstream. At this time, communities need to see the development of **positive**

leadership, which is actively to work to address the ending of violence against Aboriginal women.

**Goal 7.1: The creation and sustaining of effective, proactive leadership through education, awareness, and training.**

**Specific Actions:**

- Support positive leadership in women, men and youth.
- Develop appropriate education, awareness and training opportunities for leaders seeking to deal with this issue in their community.
- Actively address and name unhealthy leadership behaviour.
- Acknowledge Leaders that work to restore the community spirit.

**Strategic Direction # 8: Ensuring Accountability for Broad Commitment to the Strategy**

It is critical to the success of the Strategy that there be a broad commitment to this strategy by all parties involved and that such commitment be beyond mere lip service. Accordingly it is critical that measures of accountability be considered at all stages of the strategy to ensure that commitment remains legitimate and ongoing.

**Goal 1: Commitment and Involvement of all Relevant Parties**

**Specific Actions:**

- Involvement and commitment of First Nations and Métis leadership.
- Involvement and commitment of Aboriginal service providers.
- Involvement and commitment of federal government.
- Involvement and commitment of provincial government.
- Demonstrated commitment of mainstream organizations and service providers to support the strategy to end violence against Aboriginal women.
- Dedicated resources tied to the strategy to end violence against Aboriginal women.

**Goal 2: Creation of mechanisms to ensure the ongoing accountability of all relevant parties**

**Specific Actions:**

- The accountability mechanisms must be built in to the very design of the strategy.
- Gender balance and analysis inherent in all aspects, throughout the process.
- Monitoring and reporting of such activities as:
  - longitudinal evaluation,
  - impact assessment,
  - processes,
  - performance, etc.

- Restoration and encouragement of traditional approaches, traditional social norms/mores and the reassertion of the high esteem in which Aboriginal women were held in Aboriginal communities.

### **Outcomes:**

If there is adherence to the broad guidelines, goals and principles set out in the Strategy there are real and achievable outcomes that can be produced. These include:

1. That governments and Aboriginal organizations and communities work collaboratively to develop a 'continuum of care' to address issues of violence against Aboriginal women.
2. That we have clear, issue specific legislation to end violence against Aboriginal women.
3. That all Aboriginal women in Ontario are protected from every form of violence, be it physical, sexual, emotional or financial.
4. That Aboriginal women will once again join their rightful place as equal partners within Aboriginal communities, fully protected and enfranchised.

### **Recommendations:**

1. That a specific ***Strategy to End Violence Against Aboriginal Women*** be developed, adopted, resourced and implemented, consistent with the principles and design set out in this document.
2. That an Aboriginal women-specific gender-based analysis be developed by Aboriginal women in Ontario and be applied broadly by all levels of government.
3. That through an intensive process of examination, amendment and/or replacement, all legislation, policy, funding and programming processes ensure Aboriginal women are protected from all forms of violence and abuse.
4. That the Ministers responsible to address the Domestic Violence Action Plan or its successor meet with Aboriginal women forthwith, to discuss the Framework to End Violence Against Aboriginal Women and ensure that they undertake, at a minimum, annual meetings with Aboriginal women concerning the progress of the Strategy, administration of funds, and the enhancements of policies designed to address violence against Aboriginal women and strengthen the government, organizational and community responses.

## Appendix C

### Glossary

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**Aboriginal** refers to persons descending from the original inhabitants of Canada, including Status Indians, non-Status Indians, First Nations people, Métis and Inuit. In Ontario, Aboriginal people live both on- and off-reserve, and have unique and diverse heritages, languages, spiritual beliefs, and cultural and traditional practices. There are approximately 242,000 Aboriginal people living in Ontario. (Adapted from the Assembly of First Nations definition, Statistics Canada 2006 Census)

**Accessible** refers to the state or quality of whether needed services or opportunities are available to and are used by people from diverse groups. For example, people with disabilities often face barriers to accessibility in employment, communication, public transportation, public places, housing, office buildings, government services, use of everyday products and access to quality education (City of Toronto Task Force on Community Access & Equity, 1998-1999)

**Anti-Oppression** refers to strategies, theories and actions which challenge socially and historically built inequalities and injustices that are ingrained in our systems and institutions by policies and practices that allow certain groups to dominate over other groups (Canadian Race Relations Foundation)

**Anti-Racism** is an active and consistent process of change to eliminate individual, institutional and systemic racism as well as the oppression and injustice racism causes. (Canadian Race Relations Foundation)

**Bi-Directional violence** characterizes violence in intimate relationships as mutual, or occurring at similar levels for women and men. (Council definition)

**Discrimination** is the denial of equal treatment, civil liberties and opportunity to individuals or groups with respect to education, accommodation, health care, employment and access to services, goods and facilities. Behaviour that results from prejudiced attitudes by individuals or institutions, resulting in unequal outcomes for persons who are perceived as different. Discrimination involves differential treatment may occur on the basis of race, nationality, gender, age, religion, political or ethnic affiliation, sexual orientation, marital or family status, physical, developmental or mental disability. Discrimination includes the denial of cultural, economic, educational, political and/or social rights of members of non-dominant groups. (Canadian Race Relations Foundation)

**Diversity** is a term used to encompass all of the various differences among people – including race, religion, gender, sexual orientation, disability, socio-economic status, etc. The term is commonly used in Canada to describe workplace programs aimed at reducing discrimination promoting equality of opportunity and outcome for all groups. (Canadian Race Relations Foundation)

**Domestic violence** (also referred to as intimate partner abuse) is a crime. It results from an imbalance of power and control over one's partner. Domestic violence is primarily

committed by men against women but also occurs in same sex relationships and by women against men. All survivors are not physically battered or beaten. Abuse can include other forms of mistreatment and cruelty such as constant threatening, psychological/emotional, sexual, financial/material, spiritual and verbal abuse. (Ontario Network of Sexual Assault/Domestic Violence Treatment Centres)

**Ecological Model** recognizes the multiple interactions and relationships that exists between the individual and their environment. While individuals are autonomous, individual behavior is determined to a large extent by social environment, e.g. community norms and values, regulations, and policies. (Council definition modified from the U.S. Centre for Disease Control)

**Gender-based analysis (GBA)** is an analytical tool that systematically integrates a gender perspective into the development of policies, programs and legislation, as well as planning and decision-making processes. It helps to identify and clarify the differences between women and men, boys and girls, and demonstrates how these differences affect their lives. (Government of Canada)

**Intersectional perspective** recognizes “*how multiple forces work together and interact to reinforce conditions of inequality and social exclusion.*” An intersectional perspective recognizes that each person occupies many different social locations. “Social locations” are categories that prescribe attributes and denote power differentials and include such categories as: race, gender, age, faith and class. (The Canadian Research Institute for the Advancement of Women)

**Risk management** is a systematic approach to assess and respond to risk by identifying, assessing, understanding, acting on and communicating risk issues amongst community partners who are working with the victim of abuse or the abuser. (Council Definition)

**Social Location** reflects the many intersections of our experience related to race, religion, age, physical size, sexual orientation, social class, and so on. Social location contributes not only to our understanding of the ways in which our major institutions work, but also to our ability to access them. (See also Intersectional Perspective) (Cultural Safety: Peoples’ Experiences of Oppression, University of Victoria)

**Structural Inequality** exists where social groups based on ethnicity, race, tribe, gender, or cultural differences are systematically disadvantaged compared with other groups with which they co-exist. Structural inequality exists “when unequal status is perpetuated and reinforced by unequal relations in roles, functions, decision rights, and opportunities that are intricately bound up in a web of inter-dependence. (A. Dani & A. de Haan editors. *Inclusive States: Social Policy and Structural Inequalities*. World Bank, 2008)

**Structural violence** denotes a form of violence which corresponds with the systematic ways in which a given social structure or social institution prevents people from meeting their basic needs. (See also systemic discrimination) (Johan Galtung)

**Systemic Discrimination** is “an act, practice, or policy that is applied consistently to all people but which results in unequal, unfair, or unfavourable treatment of a person or group.” (Ontario Human Rights Code)

**Threat Assessment** is the formal application of instruments to assess the likelihood that intimate partner violence will be repeated and will escalate. The term is synonymous with the use of instruments specifically developed to identify potentially lethal situations. (Roehl, J., & Guertin, K. 2000, 'Intimate partner violence: The current use of risk assessments in sentencing offenders', *The Justice System Journal*, vol. 21, no. 2)

**Transformation Agenda** was a massive change in child welfare service delivery in Ontario. Changes began in April 2007 in the areas of differential response (a more child-family-centered approach and the right service at the right time), better permanency planning (including kinship and foster care, adoption, custody arrangements), and alternatives to court processes (mediation, talking circles). The Transformation Agenda also includes special Aboriginal provisions for Aboriginal and First Nations children to be served by their own communities. (April 4, 2007 media release, Ontario Association of Children's Aid Societies)

**Violence Against Women** is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared to men. (The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979)

The term “**violence against women**” means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Accordingly, violence against women encompasses but is not limited to the following:

- a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation.
- b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Acts of violence against women also include forced sterilization and forced abortion, coercive/forced use of contraceptives, female infanticide and prenatal sex selection. (United Nations Declaration on the Elimination of Violence Against Women, 1973; Beijing Declaration and Platform for Action, Fourth World Conference on Women 1995.)

**Women Abuse** is any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm, or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Woman abuse can be:

- Physical, including, punching, kicking, choking, stabbing, mutilation, disabling, murder
- Sexual, including, rape, any unwanted touching or act of a sexual nature, forced prostitution

- Verbal/Psychological, including, threats to harm the children, destruction of favourite clothes or photographs, repeated insults meant to demean and erode self-esteem, forced isolation from friends and relatives, threats of further violence or deportation if the woman attempts to leave
- Stalking, including, persistent and unwanted attention, following and spying, monitoring of mail or conversations
- Financial, including, taking away a woman's wages or other income, limiting or forbidding access to the family income, and other forms of control and abuse of power. (Thunder Bay and District Coordinating Committee to End Women Abuse)

## Appendix D

### Resources

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#### Presentations to the Council

Carol Barkwell, Luke's Place Support and Resource Centre for Women and Children

Dr. Akua Benjamin, Director of the School of Social Work, Ryerson University

Helene Berman, Associate Professor, School of Nursing, and Scotiabank Research Chair, Centre for Research and Education on Violence Against Women and Children, University of Western Ontario

Farrah Byckalo-Khan, Collective Dreams, METRAC

Domenica Di Nicolantonio, Human Resource Consultant, Catholic Children's Aid Society of Toronto

Bernadette Gallagher, Director of Education, Ontario Association of Children's Aid Societies

Jessica Gazley, Supporting our Youth

Ruth Greenspan, Bail Safety Program, Ministry of the Attorney General

Andrea Gunraj, Respect In Action, METRAC

Holly Johnson, Associate Professor & Senior Research Associate, Department of Criminology and Institute for the Prevention of Crime at the University of Ottawa

Ashley Judge, Youth representative

Radha Nayar and Betsy Kappel, Kappel Ramji Consulting Group

Det. Sgt Chris Kiriakopoulos, Victims Services Branch, Hamilton Police Service

Esther Levy, Acting Director, Prevention and Policy Unit, Child Welfare Secretariat, Ministry of Children and Youth Services

Andrea Lesage, Policy Analyst, Child Welfare Secretariat, Ministry of Children and Youth Services

Sylvia Maracle, Executive Director, Ontario Federation of Indian Friendship Centres

Rosemary McKay, Assistant Executive Director, Tikinagan Child and Family Services

Robert Morris, Crown Attorney, Huron Assessment Risk Reduction Team (HARRT)

Detective Sergeant Glenn Sheil, Ontario Provincial Police

Lisa Tomlinson, Supervisor, Domestic Violence Team, Children's Aid Society of Toronto

Jasmine Van Every, Aboriginal Youth Advocate, student and Children and Youth Worker, Fanshawe College

### **Research commissioned by the Council as background for their work:**

DeKeseredy, Walter S. and Molly Dragiewicz. Shifting Public Policy Direction: Gender-Focused Versus Bi-Directional Intimate Partner Violence, March, 2009 (unpublished)

Kappel Ramji Consulting Group. Framework for Accessibility and Equity to the VAW System, February 2009 (unpublished)

Kappel Ramji Consulting Group. Issues, Challenges and Systemic Barriers Faced By Marginalized Women Accessing VAW Supports and Services, February 2009 (unpublished)

Luke's Place Support and Resource Centre for Women and Children. Study on the Experiences of Abused Women in the Family Courts in Eight Regions in Ontario, November, 2008 (unpublished)

### **Primary Resource Documents used by the Council**

Domestic Violence Death Review Committee. Annual Reports to the Chief Coroner, Years 2003-2007.

In addition, the Council examined a wide range of research and literature to support work in the areas they explored. Specific studies are cited in the endnotes.

## Appendix E

### The Domestic Violence Death Review Committee Recommendations for Professional Training

The Domestic Violence Death Review Committee has made 38 recommendations on professional training. Below is a summary of the recommendations.

Professional Group	Identified Training Need	Year of the Report
Health Care Providers Child Welfare Ontario Works Teachers and staff School Boards Family Lawyers Police Officers	Dynamics of Domestic Violence and recognizing risk factors for domestic violence. (including the reluctance for victims to seek help)	2007, 2006, 2005, 2004
Health Care providers Psychiatrists, Family Medicine Residents, Social Workers, Counsellors, Clergy, Family Lawyers	Potential for lethality.	2007, 2006, 2005, 2004, 2002
Health Care providers Psychiatrists Family Medicine Residents, Shelter workers, Paramedics, Police	Potential for lethality, especially when working with patients who have a history of alcohol and/or drug abuse, depression, anxiety and suicidal ideation.	2007, 2006, 2005, 2004, 2002
Police Offers	Most effective response to domestic violence cases especially where there is a history of homicidal and suicide threats, separations, obsession with the victims, prior incidents of domestic violence and/or child abuse.	2007
Health Care providers	Warning signs of suicide in domestic violence situations.	2007
Psychiatrists	Correlation between depression and the risks associated with intimate partner violence	2006
Physicians	Unique role of family physicians in identifying domestic violence.	2006
Physicians Social Workers Child Welfare Workers	Appropriate risk assessment and safety planning.	2006
Child Welfare Workers, social service providers, other professionals	Assessing domestic violence within same-sex relationships	2007

Child Welfare Workers	Warning signs/Risk Factors of domestic violence	2006 2004
Child Welfare Workers	How to connect them to support systems in the community to enhance the safety of mothers and children	2004
Child Welfare Workers	Assessing if access should be permitted, particularly if the abuser remains untreated. Assessment of the potential danger posed to children during separation.	2006 2004
Child Welfare Workers	Effective ways to intervene in domestic violence cases.	2004
Child Welfare Workers	Risk assessment, safety planning, risk reduction and coordination of a community plan.	2006 2004
Child Welfare Workers	Intervening directly with the offender on risk reduction and containment. How to locate and safely interview abusers.	2004
Social Workers, Counsellors, Clergy, Police, Healthcare, All Front-line workers	Cross cultural and cultural competency training	2005, 2002
Teachers and Staff	Effective intervention in domestic violence situations that promotes the safety of the child.	
Police Officers	The seizure of firearms during the course of Domestic Violence Occurrences.	2007
Police Officers	How to do investigations when domestic violence assault may be imbedded in other types of criminal acts.	2007
Police Officers	Appropriate response to domestic violence cases that involve child custody and access.	2004

## Appendix F

### Public Education Recommendations from the Death Review Committee (2003-2007)

The DVDRC made a total of 24 recommendations relating to public education from 2003 – 2007.

Targeted Group	Public Education topics	Year
Public	Dynamics of domestic violence	2003 2004 2007
Public	Appropriate responses dynamics are recognized in potential abusers or victims.	2003
Potential victims and perpetrators of domestic violence.	<ul style="list-style-type: none"> <li>• Risk of violence to increases substantially.</li> <li>• The needs of depressed and suicidal men who require counselling and risk reduction interventions.</li> <li>• Specific material for persons of all cultures, languages, and faiths; and</li> <li>• Need to overcome cultural barriers and the feeling of “shame” as related to mental health issues, with the goal of reducing stigma.</li> <li>• How to recognize and respond in a strained relationship.</li> </ul>	2003 2005 2006
Public	<i>Culture of silence</i> surrounding domestic violence and its apparent acceptance that still exists in some families and small communities.	2004
Public	Harmful nature of emotional and psychological abuse.	2004
Public and private sector employees	Addressing domestic violence victims and perpetrators in the event that warning signs are visible in the workplace.	2006
Public	Offer family members appropriate information and support in cases where they have concerns about a family member’s safety.	2006
Public	Warning signs of domestic violence and an awareness of the risk factors for potential lethality.	2007
Public	Suicide awareness and prevention.	2007
Young Parents	Audit Education, alternative education programs, and regular school programs offer programs on how to respond to suspected or known cases of intimate partner violence among their clients.	2007
Aboriginal Communities	Kanawayhitowin, the Aboriginal public awareness campaign that was launched in the fall of 2007 be offered to all Aboriginal communities across the province.	2007
Public	Dynamics of Domestic violence in same-sex relationships.	2007

## Appendix G

### Recommendations of the Domestic Violence Advisory Council

#### **Recommendation Council 1:**

The Ontario government use a gender-based analysis as the foundation for violence against women (domestic violence) policies and programs that are developed and implemented by the Ontario government.

#### **Recommendation Council 2:**

The Ontario government continue to maintain and enhance the current investment in the violence against women (domestic violence) system.

#### **Recommendation Council 3:**

The Ontario government evaluate the implementation of the Domestic Violence Death Review Committee recommendations and a public report be published. VAW services that are implementing recommendations be publicly acknowledged as part of the release of the report.

#### **Recommendation Council 4:**

The Ontario government publish a public report every two years after the submission of the Domestic Violence Advisory Council's Final report to highlight the government's implementation of the Recommendations.

### Access and Equity Recommendations

#### **Recommendation AE1**

An engagement process with community and government stakeholders be undertaken to support the development of the Ontario government's Violence Against Women Access and Equity Framework.

#### **Recommendation AE2**

The Ministerial Steering Committee on Domestic Violence be the governance lead for the implementation of the VAW Access and Equity Framework.

The Ontario Women's Directorate and MCSS be the operational co-leads in the Ontario Public Service.

#### **Recommendation AE3**

Each of the 13 provincial Ministries that are part of the Ministerial Steering Committee on Domestic Violence develop a Ministry-specific Action Plan for implementation of the VAW Access and Equity Framework.

#### **Recommendation AE4**

Develop core competencies, tools and training to support Ministries in developing and implementing their VAW Access and Equity Plan in order to achieve the VAW Access and Equity Framework outcomes.

**Recommendation AE5**

The Government of Ontario endorse and resource the Strategic Framework to End Violence Against Aboriginal Women.

**Recommendation AE6**

The Government of Ontario support, through its policies and programs, the development and implementation of woman-centered, French Language Services to be governed by Francophones with expertise in programming for women who face violence, so that French-speaking women, in all their diversity, can fully realize their language rights when overcoming one of the most difficult circumstances in their lives.

In order to fulfill this recommendation the Government of Ontario will support and finance the development of a “FLS VAW Strategic Plan” and its implementation in partnership with the community of French-speaking women who possess the aforementioned expertise.

**Recommendation AE7**

Government funded research be done that provides disaggregated results to allow for a demographic analysis of who benefits from VAW services, policies and programs.

**Recommendation AE8**

Evaluation and reporting processes be developed to support ongoing learning and development in the implementation of the VAW Access and Equity Framework.

**Recommendation AE9**

Funding and supports be provided to mechanisms that will support survivors of violence to engage in the development of VAW polices and programs at the community and government level.

**Education and Training Recommendations**

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**Recommendation T/PE1**

A **Learning Institute** (LI) be established to collect, support and promote education and training resources to serve professionals; the public including children and youth; and the government.

**Recommendation T/PE2**

Training and education be integrated in both formal and continuing education for those professionals who are likely to come into contact with women and children. Training and education must be integrated, sustained and routinely evaluated.

**Recommendation T/PE3**

Workplaces be supported to develop and implement a policy to address domestic violence as it relates to their workforce. As such, training be provided to workplaces.

#### **Recommendation T/PE4**

The Ontario government continue to provide long-term, sustained support to public education initiatives, and these initiatives be evaluated to measure impact.

### **Child Welfare Recommendations**

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#### **Recommendation CW1**

The partner violence definition in the Eligibility Spectrum and Child Protection Standards be amended so that “bi-directional violence” is removed and replaced with the “woman abuse” definition found in the Child Protection Standards (p.13).

The definition of “woman abuse” in the Child Protection Standards (p.13) is the more appropriate working definition as it reflects the situations of highest risk to children has been identified in the literature and by the DVDRC.

“Woman abuse is predominately perpetuated by men and experienced by women. It is motivated by a need to control and is characterized by progressively more frequent and severe physical violence and/or emotional abuse, economic subordination, threats, isolation and other forms of control.”

#### **Recommendation CW2**

Mandatory, consistent, ongoing and specialized training be provided to all child welfare professionals and managers to ensure that they can appropriately assess and intervene in situations involving violence against women (domestic violence).

#### **Recommendation CW3**

Each Children’s Aid Society establish a specialized domestic violence response that builds upon existing local CAS-VAW models/practices and is in accordance with Best Practice Guidelines.

#### **Recommendation CW 4**

An Aboriginal stand-alone practice guide and accompanying training be developed for Child Welfare workers on a holistic approach to addressing domestic violence when children are involved. The training and guidelines be developed in conjunction with First Nation, Métis and Inuit organizations and incorporate First Nation, Métis and Inuit culture and practices appropriate to the region and family in protecting their children and supporting their families.

### **Legal Response Recommendations**

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#### **Recommendation LR1**

Legal Aid Ontario expand its delivery sites for family law services to include community legal clinics and increase the number of Legal Aid Family Law Offices.

**Recommendation LR2**

Remove the Legal Aid Ontario conflict barrier that prevents women on a legal aid certificate from being able to retain a lawyer they have seen at a Family Law Information Centre (FLIC) or as Duty Counsel, and create appropriate measures designed to provide checks and balances to avoid such professional conflict of interest.

**Recommendation LR3**

Immediately provide information to legal aid lawyers, community and legal advocates on the latitude available to Legal Aid Ontario to address access barriers to legal aid services for survivors of woman abuse.

**Recommendation LR4**

Change the financial eligibility criteria for legal aid so people with moderate / middle incomes are eligible. Revise policies regarding ownership of property and money in savings accounts to allow greater discretion so women may be able to obtain legal aid based on their income rather than on assets that may not be entirely theirs or that may be unsafe for them to disclose or use.

**Recommendation LR5**

In cases involving domestic violence, provide additional investments in family law legal aid, including increasing the:

- maximum number of hours available per case so those who want to work with legally aided clients can afford to do so;
- hourly rate paid to lawyers; and
- maximum number of hours on family law certificates where woman abuse is involved, in recognition of the particular complexities of these cases.

**Recommendation LR6**

Build on the work being done through the Government of Ontario and professional schools to ensure that all law students study the issue of violence against women either in stand-alone courses or as part of other courses such as family, criminal and evidence law.

**Recommendation LR7**

Support the development of specific tools and strategies to increase women's safety based on their needs and the realities of the specific location.

**Recommendation LR8**

Support the development of specific tools and strategies that take into account the realities and needs of different communities including information about those tools and strategies, to increase women's cultural safety.

**Recommendation LR 9**

The Ministry of Attorney General's annual training to the FLIC staff in the 17 Unified Family Courts be enhanced to include specific training on violence against women.

**Recommendation LR10**

A mechanism be implemented on the Family Court computer system (FRANK) to flag orders that prohibit a party from bringing further motions when there is a prior or existing order(s) that has not been followed.

**Recommendation LR11**

All lawyers be trained on how to use the Family Law Rules<sup>i</sup> effectively, especially in cases that involve woman abuse.

**Recommendation LR12**

FLIC Advice Counsel and Duty Counsel provide abused women with two-hour advice certificates where appropriate.

**Recommendation LR13**

Continue to invest and build on innovative community models of legal advocacy that provide a comprehensive range of family law services to women based on addressing barriers and needs identified by women who have been abused.

**Recommendation LR 14**

That Legal Aid Ontario no longer make referrals to mediation in any cases in which power imbalances, abuse or violence against women has been identified by either party.

**Recommendation LR15**

Support the establishment of a single case management system approach, with the restraining order index as the first test of a business process to share information between the family and criminal courts. Priority be given to the communication of orders issued by either court.

**Recommendation LR16**

A provincial consultation be held to discuss the effectiveness, limitations and challenges related to mandatory charging and the possibility of other approaches that would increase the safety of women and children while also holding perpetrators accountable for their behaviour.

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**Threat Assessment and Risk Management Recommendations**

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**Recommendation TA-RM1**

An enhanced supplementary report (Domestic Violence Supplementary Report) be mandated as the threat assessment tool for all police.

**Recommendation TA-RM2**

Mandatory training on domestic violence be provided for all police as part of their recruitment training. The training would be a three-day training. Annual training updates would be required.

**Recommendation TA-RM3**

Threat assessment and risk management become a one-day core component of the accredited Domestic Violence Investigators' training in the province.

**Recommendation TA-RM4**

Support ongoing educational forum(s) for community services (shelters, counselling, etc) and public services (child welfare, health, etc) on the value of using threat assessment tools and risk management.

**Recommendation TA-RM5**

Training on threat assessment tools and risk management be given to key professionals working on violence against women, including: police, community workers, shelters, sexual assault centres, Children's Aid Society, family court and health practitioners.

**Recommendation TA-RM6**

All 54 criminal court jurisdictions establish a high-risk team.

**Recommendation TA-RM7**

Every high-risk team will work with an accredited threat assessor to apply a broad inventory of threat assessment tools.

**Recommendation TA-RM8**

Develop differentiated responses to intervention with individuals who have used abusive behaviours.

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