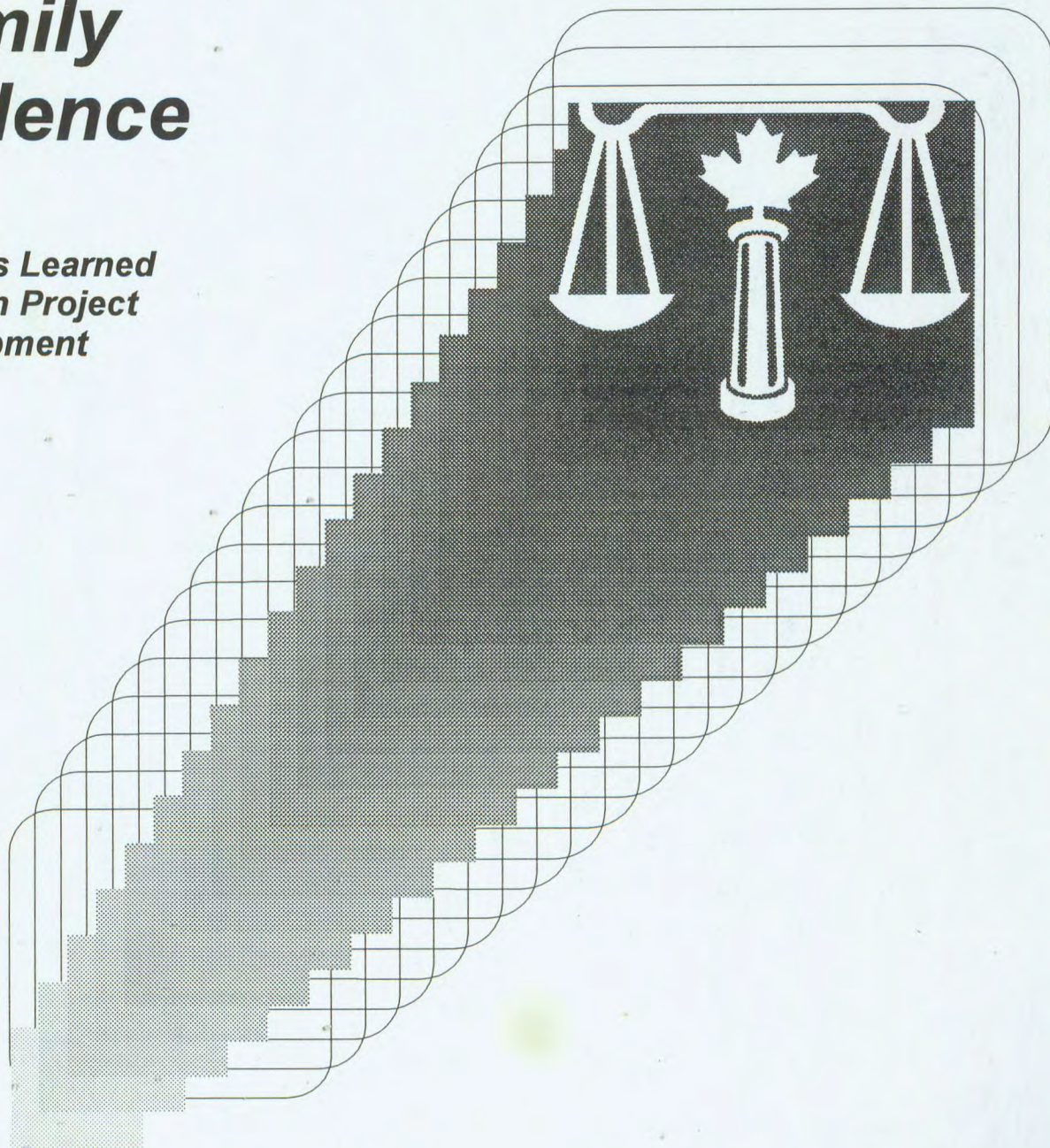


Family Violence

***Lessons Learned
Through Project
Development***



Project Development and Discretionary Funds Section



Department of Justice
Canada

Ministère de la Justice
Canada

Canada

- ## FAMILY VIOLENCE

FAMILY VIOLENCE

LESSONS LEARNED THROUGH PROJECT DEVELOPMENT

identified seven priorities relating to family violence (see below). In the study period, the department articulated several departmental priorities concerning such issues as restoration of society, Aboriginal justice, streamlining the administration of justice, access to justice, and family law. Most of the projects covered in the report responded to both the family violence and the departmental priorities, other two or more of such.

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EXECUTIVE SUMMARY

The Department of Justice has actively participated in the Family Violence Initiative since its inception. In the second phase of the Initiative, the federal Cabinet gave the Department \$7.1 million, over four years (1991-95), to support criminal law reform, research, and project development dealing with family violence and child sexual abuse.

This report reviews forty-eight family violence projects funded through the Department's Project Development and Discretionary Funds Section. The information it contains comes from the reports and documentation prepared by the project sponsors and **does not necessarily reflect the views of the Department**. By highlighting the experience and knowledge gained through these activities, the Department hopes to stimulate continuing exploration of the issues.

The report provides:

- (1) background information on the Family Violence Initiative and its priorities;
- (2) an overview of the projects;
- (3) a review of the information generated;
- (4) a summary of lessons learned and their implications; and,
- (5) a short description of each project.

In planning its participation in the Family Violence Initiative, the Department of Justice identified seven priorities relating to family violence (see below). In the same period, the department articulated several departmental priorities concerning such issues as protection of society, Aboriginal justice, streamlining the administration of justice, access to justice, and family law. Most of the projects covered in the report responded to both the family violence and the departmental priorities, often two or more of each.

Consistent with the priorities set for family violence activities, most of the projects had educational goals. They consisted of such activities as conferences, training events, and public legal education activities. The target audiences were most often criminal justice system personnel and allied professionals. About one in five projects, however, spoke directly to the victims of spousal violence. The promotion of multidisciplinary approaches was a dominant theme in more than half the forty-eight projects. This orientation was reflected in the range of funding sources involved. Many projects had the benefit of funding from two or more sources, including different federal and provincial government departments, foundations, and businesses.

The following highlights the experience and information about each of the Department's seven family violence priorities gained through the projects:

1. Sensitize justice personnel to family violence and multidisciplinary solutions

Twenty-one projects were planned to inform, educate, and sensitize criminal justice personnel about the dynamics of family violence and multidisciplinary strategies for dealing with it. Judges, more than other justice professionals, were identified as the target audience

for events and products intended to inform people about the realities of family violence. A more diverse audience benefited from projects covering multidisciplinary responses to family violence cases. Printed and audiovisual materials, as well as conferences and workshops, promoted the effectiveness of various protocols designed to facilitate cooperation among justice, health and community services.

The accumulated experience of these projects reinforced the message that the active participation of the affected professionals and agencies is critical to the success of projects. For example, multidisciplinary protocols developed cooperatively by the agencies involved produced better results than those imposed by one organization. Similarly, the reactions of conference and workshop participants highlighted the value of peer education. For example, ensuring that judges were actively involved in planning and delivering training for judges led to better overall results.

2. Family violence is a criminal act to be condemned

Since 1982, through legislation and policy statements, the federal government has condemned wife battering and encouraged law enforcement agencies to press charges in all cases. This has reinforced that family violence is criminal behaviour and should be treated as such. Through the Family Violence Initiative, funds have been allocated to convey this message to all Canadians, especially to priority groups which include women, children, elderly, native communities, rural and northern communities, ethnic minority groups, and persons with a physical or mental disability.

Twenty projects had goals related to increasing the awareness of Canadians generally, and vulnerable groups specifically, about the legal dimensions of family violence. Aboriginal groups, women, and youth were the main target populations. For the most part, the materials and events focused on providing people with a better understanding of the causes of family violence, aggravating factors, the nature of the crimes, and the procedures victims of family violence could follow. A few projects examined ways of preventing family violence. The actual effect of these information strategies was not measured by the projects.

3. Improve coordination of the justice system with other systems

Given its multifaceted nature, family violence demands a coordinated multidisciplinary response. Nevertheless, barriers to working together must be addressed at all levels.

Nineteen projects dealt with this issue. Most agencies reported that coordinating responses was a high priority. Parts of the criminal justice system, especially policing agencies, have made significant progress in implementing coordinated responses. Some, such as the medical profession, have major concerns about full participation in cooperative efforts. Still others, particularly prosecutors, defence lawyers, and judges, are reluctant to participate for fear of "contaminating" justice. Several projects developed protocols of understanding to help agencies ensure effective response.

4. Improve charging policy and prosecution of sexual offences

It was anticipated that incidents of family violence would be treated evenly throughout Canada after a mandatory charging policy was implemented more than a decade ago. However, practice seems uneven and some incidents of wife assault are not always prosecuted.

Five projects examined the charging policy and/or prosecution practices in cases of spousal violence and sexual offences against children. No unanimous conclusion was reached concerning the effectiveness or desirability of prosecution in all cases. Furthermore, Canadians receive somewhat contradictory messages from the criminal justice system since the charging policy is used inconsistently across the country. Those projects that studied *An Act to Amend the Criminal Code and the Canadian Evidence Act on Child Sexual Abuse*, known as Bill C-15, found in general that the new legislation seemed to have improved prosecution of child sexual abuse. However, implementation could have been better planned, which would have increased the likelihood of more efficient enforcement.

5. Testifying in court

To reduce family violence, victims have been encouraged to report assaults to the police and to use the criminal justice system. Unfortunately, the system is often unaware of the needs of victims who often find it stressful and frightening. To secure the cooperation of victims and witnesses, their stress must be reduced through realistic information and support services.

Seven projects focused on assisting women and children testifying in court. None fully evaluated the means used to ensure cooperation. Some strong indications suggest that a combination of services are necessary. Recommendations include being sensitive to victims' needs and fears and informing them of processes and expectations.

6. Treatment programs for men who batter

Five projects addressed this initiative. Most undertook research studies; however, one demonstration project and one international conference also looked at treatment programs.

The volunteer-based counsellor project showed positive progress, although it was based on few cases. There seemed to be a consistent reduction in the various forms of abuse, and referrals from the criminal justice system increased over the duration of the three-year project. In total, the projects showed the need to pursue initiatives in this area.

7. Encourage alternative dispute resolution techniques

Two projects demonstrated little agreement on the need for or effectiveness of alternative dispute resolution approaches to family violence. Indeed if it is agreed that family violence

is an issue of control and power, and that the women or children have lived in controlling situations, then alternative dispute resolution techniques must redress this imbalance of power since the premise of alternative dispute resolution is the equality of both parties.

Funding alternative dispute resolution projects may communicate messages contrary to the policy that says that family violence is a crime. Nevertheless, some women's groups are demanding that attention be given to this area to give battered women a choice in situations which affect them. Government must balance the consequences of exploring such alternatives in family violence cases.

Conclusion

The report concludes with the following recommendations:

- a document outlining policy requirements for information about proposals being considered for funding. This would enhance the communication between policy and project officers. Clear information requests could then be provided to the project or writer;
- a more specific clause in the memorandum of agreement to clarify departmental information requirements;
- standard formats outlining the type of information expected and the content expected in the reports. These will be used by project managers in preparing project reports;
- increased financial support for some projects to permit hiring a consultant to ensure that key information is gathered for in-depth analysis in reports.

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PROJECT SUMMARIES

The views expressed in this report are solely those of the projects and do not necessarily represent the views of the Department of Justice of Canada.

INTRODUCTION

This report describes the implementation of the Family Violence Initiative by the Department of Justice. In particular, it is a review of the projects funded by the Department in the area of family violence. It provides information for policy makers involved in the second phase of the federal government's Family Violence Initiative and will stimulate discussions with project officers. The information contained in this report comes from the funded projects themselves. **This report is not a policy document and it does not necessarily reflect the views of the Department.**

Most projects were conducted by non-governmental organizations or community-based agencies. They are often far removed from policy makers at the provincial/territorial level, and even more so from the federal level. Local dynamics differ from one project to another and these differences are reflected in the activities undertaken. Consequently, their perception of priorities, results, and new knowledge may be quite different from, even opposed to, views held by the Department. We hope that this analysis reflects their perspectives accurately without passing judgment.

Information has been acquired from two types of projects. Research studies provided substantive information, and demonstration projects and conferences provided process-oriented information. This information helps explain how different approaches, legislation, and methodologies could best be established, implemented and used. It can also be useful for developing policies and legislation, understanding their implementation, and assessing their future.

The report provides:

- background information on the Family Violence Initiative and its priorities;
- an overview of the projects funded - how they meet departmental and Family Violence Initiative priorities, their characteristics, their target groups and their funding partners;
- a summary of the substantive information acquired from these projects, according to the Initiative's thematic priorities: sensitizing justice personnel to family violence and multidisciplinary solutions, family violence as a criminal act to be condemned, coordination of the justice system with other systems, the charging policy and prosecution of cases, testifying in court, treatment groups for men who batter, and alternative dispute resolution techniques; and
- a summary of lessons learned and some of their implications.

BACKGROUND

The Department of Justice has been participating actively in the federal Family Violence Initiative since 1988. The first phase of the Initiative focused on increasing our knowledge of the justice system and its flexibility in dealing with family violence. Projects looked at ways of addressing criminal justice issues in family violence, such as the treatment of victims and offenders, the lack of consistency in police charging practices, prosecution of cases and sentencing, and the overall responsiveness of the system to the realities of family violence crimes.

In 1990, Cabinet approved the four-year (1991-92 to 1994-95) second phase of the Family Violence Initiative. The Department of Justice received \$7.1 million to undertake a series of initiatives designed to address the criminal justice aspects of family violence, especially the reform of the *Criminal Code* in the areas of family violence and child sexual abuse.

The Cabinet document and Treasury Board submission identified several issues to be examined and for which policies should be developed. These issues related to the:

- protection of family violence victims;
- inconsistency found in the laying of charges and the prosecution of offenders;
- treatment of victims in the court process;
- effectiveness of and inconsistency in sentences rendered in cases of family violence; and
- overall sensitivity of the justice system to the realities of crimes of family violence.

In addition, two other areas of concern were addressed: the role of the justice system in the practical application of sentences and the treatment of offenders, and the symbolic message given to Canadians by the criminalization of family violence.

Several *Criminal Code* amendments, other legislative measures, and research studies were suggested to deal with these issues. The legislative measures considered included:

- removing the alleged offender from the family home;
- ensuring better protection for a parent who removes the children when fleeing a violent situation;
- defining the "reasonable force" which can be used by a parent or guardian in the corporal punishment of children and youth;
- reviewing the *Divorce Act* to determine whether a judge should be required to consider a history of family violence in custody and access disputes;
- helping to defend federal child sexual abuse legislation against Charter challenges (Bill C-15, *An Act to Amend the Criminal Code and the Canadian Evidence Act on Child Sexual Abuse*); and
- examining approaches to family violence used in other countries through common law.

Proposed research studies included:

- review of case law in the area of child sexual abuse;
- examination of ways in which family violence cases are processed through the criminal justice system;
- examination of the unique problems faced by Aboriginal and rural victims as they deal with the criminal justice system;
- review and evaluation of various treatment programs as alternatives to sentencing; and
- development and analysis of national information about family violence (with the assistance of the Canadian Centre for Justice Statistics).

The general mandate of project funding was to help test policies or legislative amendments.

Broad funding priorities were identified as follows:

- promoting awareness in the general public and in specific target populations such as native people, isolated rural or northern communities, and the disabled and ethno-cultural communities to the fact that domestic violence is a criminal act;
- sensitizing northern, isolated and native communities, and criminal justice personnel to family violence issues;
- promoting flexibility in the justice system's response to spousal, child, and elder abuse in special target populations; and
- responding to issues arising from the Rogers report¹ and preparing a report on projects dealing with child sexual abuse funded by the Department.

Taking into consideration both these broad priorities and the specific priorities related to the Department of Justice's mandate, the following objectives were established:

1. To sensitize justice system personnel to the dynamics of family violence and to familiarize them with multidisciplinary solutions to these cases.
2. To educate Canadians to the fact that family violence is unacceptable behaviour and that it is a criminal act to be condemned. This can be achieved by supporting projects which:
 - a) promote public education and the development of information about family violence; and
 - b) develop documentation which informs priority groups (women, children, elderly, Aboriginal communities, ethnic minorities and persons with a physical and/or mental disability) about the laws concerning sexual abuse of children, spousal violence, and assault against elderly persons.

¹ Reaching for Solutions - The Report of the Special Advisor to the Minister of National Health and Welfare on Child Sexual Abuse in Canada, 1990.

3. To fund projects which improve the coordination of the justice system with other systems dealing with family violence.
4. To support projects which improve charging policies and prosecution of sexual offences against children and spousal violence.
5. To support projects which assist women and children to testify in court.
6. To study treatment initiatives for men who abuse their spouses.
7. To encourage projects related to the development of alternative dispute resolution techniques.

Although the second phase of the initiative started in March 1991, several projects that addressed these objectives had previously been funded. Others received their funding through a different source. To include lessons learned from all relevant projects, the following analysis reports on projects funded under the Criminal Law Reform Fund's specific objectives in the area of family violence, and projects funded under the overall objectives of the initiative. Forty-eight projects are considered here, of which thirty-six were funded during the second-phase of the Family Violence Initiative.

PROJECT DESCRIPTION

MEETING PRIORITIES

Provincial, territorial and municipal governments, non-governmental organizations, community groups, and individuals may submit project proposals to the Department of Justice for financial consideration. The Project Development and Discretionary Funds Section, now known as the Grants and Contributions Unit, reviews these proposals to ensure that they meet departmental and fund priorities, and that they fall within Treasury Board guidelines regarding activities that can be funded. Internal and often external consultations are conducted to ensure overall departmental and related support. In some cases, changes in projects may be negotiated to ensure maximum benefit for both parties.

Departmental priorities change from time to time. Table 1 shows how projects met the Department's main priorities of 1991-1993. To receive funding, it was essential that a project meet at least one departmental priority. This policy includes all projects funded by the department, not just those receiving support from the Family Violence Initiative. Therefore, projects were included in this analysis that received financial support from resources separate from the Family Violence Fund.

Table 1: Number of departmental priorities (1991-1993) met by the 48 projects¹.

DEPARTMENTAL PRIORITIES 1991-1995	PROJECTS
Protection of society: family violence	41
sexual assault	11
crime prevention	4
victims of crime	12
Access to justice: public legal information	11
Aboriginal	2
Streamlining the administration of justice: non-criminal law initiatives	5
Aboriginal justice	1
Family law	
TOTAL PRIORITIES MET BY THE 48 PROJECTS	87

¹ Projects can meet more than one departmental priority.

Table 2 shows the relationship between projects and family violence priorities. It reveals that a great majority of the funded projects related to education² (priorities 1 and 2). These projects consist mostly of conferences and the production of printed and audiovisual materials. Projects aimed at improving the coordination of justice system with other systems (priority 3) represent a fair proportion of the projects. Activities in this area overlap with the priority of familiarizing criminal justice professionals with multidisciplinary solutions.

Few projects related to treatment programs for men who batter (priority 6), especially programs not linked with the criminal justice system, or to alternative dispute resolution (priority 7). Two reasons may explain this situation. First, these issues were not part of the specific priorities identified for project funding by the Department of Justice. Second, program and policy development in these areas raise difficult questions since they might be seen as encouraging ways of evading the criminal justice system. The Department's interest in these areas does not in any way diminish its conviction that spousal assault is a criminal act and should therefore be prosecuted. However, some may argue for a process which focuses more on keeping

Table 2: Number of family violence priorities being met by the 48 projects¹ and the percentage of projects in relation to each priority.

FAMILY VIOLENCE PRIORITIES	PROJECTS
Sensitize justice system personnel and familiarize them with multidisciplinary solutions	21
Educate Canadians to the fact that family violence is a criminal act	20
Improve coordination of justice system with other systems	19
Improve charging policy and prosecution of sexual offences	5
Assist women and children to testify in court	7
Treatment programs for men who batter	5
Encourage alternative dispute resolution techniques	2
TOTAL NUMBER OF PRIORITIES MET BY THE 48 PROJECTS	79

¹ Projects may have more than one family violence priority.

families together, thus including solutions other than redress through the criminal justice system. There is a need to clarify the potential and benefits of treatment programs and alternative dispute resolution mechanisms, whether linked with the justice system or not. Therefore, the Department may support some activity in these areas in the future.

² For the purpose of this analysis, "education" includes sensitizing professionals and educating Canadians (informational type activities).

TYPES OF PROJECTS FUNDED

Even though concrete steps were taken as early as 1982 to recognize spousal assault as a crime, changes in the law do not ensure changes in behaviour or perceptions. This is true for the Canadian public generally, and also for criminal justice system personnel. A long-term educational process is needed to change perceptions which, in turn, will contribute to changing the operation of the system as well as its outcomes.

Table 3 shows the importance of this educational objective. It reveals that nearly three-quarters (34/48) of funded projects were of this nature — conferences, public legal education and information activities, and development of audiovisual or print materials.

Table 3: Types of projects funded

TYPE OF PROJECTS	PROJECTS
Demonstration, experimental, innovative	5
Consultation	5
Research, feasibility study	4
Conference/symposium/workshop/meeting (including training)	17
Public legal education and information, publication...	8
Audiovisual	9
TOTAL PROJECTS	48

When projects involve the production of written and audiovisual documentation, the Department does not usually control the distribution of the material, though copies are generally available through the Department. In most cases, funds are included in the project's budget to cover the costs of reproduction and distribution of materials. This has not been done consistently however, and efforts are being made to ensure that documentation is better publicized and more widely available.

TARGET GROUPS

The Family Violence Initiative targeted certain groups for project funding. They included: women, children, elderly persons, Aboriginal persons and communities, rural communities, ethnic minorities, persons with a physical and/or mental disability, offenders, and justice system personnel. Other than the three projects that defined fairly broad communities, the projects focused on one of the identified groups, sometimes more than one.

Stimulating and facilitating interdisciplinary cooperation between the criminal justice system and other systems was seen as an important issue for improving responses to family violence. As shown in Table 4, 12 projects focused specifically on training and educating justice and non-justice professionals together. In addition, many of the education-training projects targeting justice professionals focused on the need for and strategies for achieving interdisciplinary responses to family violence.

Victims of family violence, especially battered women and victims of child abuse, were the focus of ten projects, while three focused on men who batter. Most of these involved the production of manuals and audiovisual materials, such as protocols, a

Table 4: Target groups

MAIN TARGET GROUPS	PROJECTS
Adolescents	5
Persons with a disability (incl. mental disability)	1
Criminals/prisoners (incl. men who batter)	3
Victims (mostly battered women)	10
Aboriginal peoples	3
Justice professionals only	9
Other professionals	2
Combined justice and non-justice professionals	12
General community	3
TOTAL	48

legal handbook, and a guide to prosecution. Three projects focused on Aboriginal people and another five dealt with adolescents. One project produced four manuals examining the issue of sexual abuse of people with a mental disability.

OUR PARTNERS

Neither the Department of Justice nor the federal government are unique in identifying family violence as a priority. It is the Department's policy to co-fund projects whenever possible so they can benefit from the interest and commitment of all relevant systems. Most projects, therefore, received funding from multiple sources. The organizations involved in co-sponsoring projects included provincial departments; foundations; various private, business and nongovernmental organizations; and other federal departments, primarily Solicitor General, Health and Welfare, Secretary of State, and Multiculturalism.

To reduce administrative work for both sponsors and federal departments, memoranda of understanding³ are more and more often used among federal departments co-funding the same project.

The need for a multidisciplinary response to family violence is recognized by all concerned agencies. More than half of the projects involved coordinated, multidisciplinary approaches (Table 2), and this is reflected in the number of projects that received funding from several sources. In fact, the Department actually provided only eighteen per cent of the overall project budgets. This clearly demonstrates the commitment of many organizations and agencies to the issue of family violence and multidisciplinary approaches.

Summary

The knowledge acquired through funded projects depends on several factors, including the priorities met by the project, the type of project, the target group and the nature of the partnership. Most of the projects met more than one departmental priority (Table 1) and more than one family violence priority (Table 2). This shows that multifaceted projects have been funded, thus producing a wide range of knowledge.

A large proportion of the projects had educational-training objectives. Although they addressed a wide range of topics, they provided little in the way of new analysis of the issues or assessments of their effect. Given their nature, it is not surprising that the majority of these educational projects focused on criminal justice system personnel first and on other professional groups second.

The promotion of multidisciplinary approaches was a high priority for project development. Consequently, more than half of the funded projects directly promoted this approach. This is also reflected in the number and sources of funding partners.

³ A "memorandum of understanding" is an agreement among two or more federal departments which are co-funding a project. The agreement states that, although all departments are partners, only one of them will actually sign an agreement with the sponsor, therefore reducing the administration requirements for the sponsor. The co-sponsoring department will transfer their funds to the "administrative" department.

ANALYSIS OF ACQUIRED KNOWLEDGE

Projects were funded to assist the Department in its socio-legal and criminal policy development by providing new and timely information. The following sections of the report provide an overview of knowledge acquired through projects with respect to the seven priorities identified in the second phase of the Family Violence Initiative. Identification of "new" knowledge is not always possible in all areas. However, since most of our priorities are educational in nature, "new" techniques and documentation are considered.

The level of information obtained from a project is a reflection of both its type and its ability to communicate findings or messages effectively. Some projects were educational in nature, such as conferences, others were research oriented. More in-depth information can be obtained from a research study, while a conference usually provides a wider range of information. Since conferences and the production of educational materials were funded more frequently than research projects, the analysis will group the information by type of project to reflect the type of knowledge acquired, whether a wider range of issues were examined or an in-depth analysis provided.

A. SENSITIZING JUSTICE PERSONNEL TO FAMILY VIOLENCE AND MULTIDISCIPLINARY SOLUTIONS

Public officials, including judges, are being held accountable for their actions as never before. Indeed, the community has intense expectations that public officials be, and be seen to be, part of the community and removed neither physically nor emotionally from the mainstream of activity.

Many projects, directly or indirectly, attempted to achieve two objectives. First, they were designed to sensitize justice system personnel to the dynamics of family violence, including spousal assault, sexual assault, child abuse, and child sexual abuse. Second, they sought to familiarize personnel with multidisciplinary solutions to these problems. Results from these projects must be interpreted with caution since none provided direct information on their effectiveness in changing attitudes or behaviours of criminal justice personnel vis-à-vis family violence cases. Nevertheless, some information has been acquired with respect to the means used to communicate various messages to different groups.

Conferences

Since 1989, the Western Judicial Education Centre has held almost annual workshop to increase western and northern judges' awareness of the social context in which sentencing takes place. These workshops have consistently examined, among other topics, the issues of violence, both physical and sexual, against women and children. Gender equality in judicial decision-making, the consequences of inequality, and power and vulnerability have also been

components of some of the workshopss⁴. The messages given to judges through these workshops⁵ can be summarized as follows:

- Be conscious of mitigating and aggravating factors. Results of a critical examination of the history and practices of sentencing in sexual assault cases in western and northern areas have shown that:
 - judges too often use inappropriate language, for example, "fondle" does not have the same connotation for women as it does for men;
 - physical evidence which is visible and therefore more believable, is given more importance than threats which, for women, are equally important;
 - the lack of penetration is often seen as a mitigating factor;
 - the role of alcohol is treated inconsistently, sometimes as a mitigating factor and at other times as an aggravating factor;
 - offenders' prior criminal records seem more important than the present situation, even though research has shown that, on average, women will endure thirty-five assaults from a spouse before they call for help;
 - the reputation and background of abusers presenting a good community image will be considered as a mitigating factor and used to devalue the validity of the abused spouse's claims;
 - the effects, especially the psychological effects, of attacks on women are often not taken into consideration which reinforces the need to seek victim impact statements;
 - the breach of trust when the abuser is a family member is not considered an aggravating factor, while assault by a stranger is perceived as an aggravating factor; and
 - the actions of women are often seen as a provocation and therefore considered a mitigating factor.
- Be conscious of the effects of spousal assault; victims often experience deep fear, terror, internalization of blame, denial, minimization of incidents, loss of control, helplessness, and isolation. This condition is now recognized as the battered wife syndrome.
- Be conscious of the vulnerability of women: the lack of economic power which limits women's access to justice; the lack of social power where women's role in decision making in the law and government is almost nonexistent, where there are strong sex

⁴ Western Workshop Vancouver (6115-214); Western Workshop Alberta (6115-276); Western Workshop Yellowknife (6115-327); 1993 Western Provincial and Northern Territorial Judges Congress - "The Role of the Judge in the New Canadian Reality: Judicial Skills and Knowledge for the Future" (6115-301).

⁵ Includes information from background documentation.

role stereotypes against women and where their credibility is very weak; and the lack of interpersonal power where access to power, and therefore control, is in the hands of men.

- Be conscious of existing myths. For instance, it is incorrect to think that since victims do not leave the violent home, they must enjoy it.
- Be conscious that people with disabilities have a higher risk of becoming victims of sexual assault due to the following factors: social isolation; dependency on care givers; few opportunities to complain, often limited by some type of communication problem; often a lack of proper education to know the difference between sexual acts and affection; limited ability to make decisions; and poverty.
- Be conscious of the effects of abuse on children which include: increased fear, anxiety, depression, guilt, shame, hysterical seizures, suicidal tendencies, confusion over how their rights as persons fit with other people's rights, lack of trust, lack of autonomy, feeling that there is no safe place, and no sense of personal competency. It is now known that the younger the child is, the more serious the effects will be.
- Be conscious that police may not always believe abused women and may tend to transfer blame to women and minimize the violence. Crown attorneys and judges may rely on these perceptions for judgment.
- Be conscious that abused wives who consult conciliation-oriented lawyers suffer more serious forms of abuse after separation than wives who consult lawyers with an adversarial orientation (Kathleen Mahoney study⁶).

Participants, presenters, and organizers were questioned about the workshops. Gender issues did not seem to attract the same level of interest as some other topics, such as Aboriginal issues. Training on the issue of gender equality is somehow less likely to inspire professionals to change their attitudes or behaviours if presented by academics rather than by members of their own group. There seems to be a fine line between judicial discretion and outside professionals teaching judges how to interpret and administer the law. Some workshop organizers recommended that gender equality issues be integrated throughout the curriculum of the workshops instead of being treated as a separate issue.

Two other conferences examined the issue of race and family violence with members of the judiciary, criminal justice professionals, academics, para-professionals, and community

⁶ Kathleen Mahoney is a professor at the University of Calgary and presented her study during the workshop on "Assault Between Non-Equals: Sentencing and Procedure" (6115-276).

representatives⁷. These events examined issues related to prejudice within the criminal justice system in general and judicial decision making in particular, and considered possible solutions. The conferences wanted to heighten the awareness of judges to issues of racial, ethnic, and Aboriginal discrimination, and spousal assault within a multicultural context. Most of the judges who attended these sessions were from western and northern areas. Of particular concern was discrimination compounded by issues of gender and disability. The conference on northern issues also wanted to look at concrete, community-based programs that would contribute to an increase in community self-sufficiency in the administration of justice, and a decrease in dependency on external resources and centralized structures while working in harmony with larger Canadian legal and justice systems.

With respect to gender, race, and family violence, these conferences looked at special problems faced by immigrants, refugees, and people of colour. Wife assault in an immigrant community often is excused on the basis of culture. This should not be accepted by courts. When dealing with the system, minority women too often become the invisible victims, as justice system personnel consider the processes too legalistic to involve them. Workshops sponsored by the Law Courts Education Society of British Columbia found that targeting training and legal education to non-justice personnel and organizations⁸ working with immigrant and minority women would be effective in bridging language and cultural barriers that too often isolate them.

Aboriginal women talked about the painful realities of a life dominated by abuse and violence. One Ontario study⁹ showed that wherever they live, Aboriginal women have an eighty to eighty-five per cent chance of being a victim of violence during their lifetime. Family violence is often related to drinking and stress in the social environment. Policies and programs must:

- tackle drinking behaviour by restricting the availability of alcohol;
- educate people;
- ensure that political figures provide good examples; and
- provide treatment programs.

Developing skills in conflict resolution and intervention is highly recommended, along with working on power and control.

In conferences examining Aboriginal women and family violence, a clear need was expressed for more programs, especially counselling, to ensure the safety of women within small

⁷ Seminar on Race and Ethnic Relations (6119-35); Northern Conference: Sitka, Alaska - "Northern Justice: Toward Self Sufficiency" (6115-306).

⁸ Domestic Violence and the Courts: Immigrant and Visible Minority Perceptions (6422-75)

⁹ Ontario Native Women's Association, *Breaking Free: A Proposal for Change to Aboriginal Family Violence*, Thunder Bay, Ontario, 1989.

communities. These programs must be native driven, and batterers must be part of the healing process, along with the whole community, including the criminal justice system. The greatest concern for battered women is losing their children. Shelters for battered women are not available in all communities, consequently, a battered spouse must often move away from family and friends. The welfare system does not automatically award custody of the children to the mother if the father does not abuse them directly, or if he can offer them more stability within the extended family.

Gender equality was also the focus of another seminar¹⁰ attended by criminal justice and other professionals. The two main issues examined were violence against women and financial arrangements surrounding marriage breakdown. With respect to the first issue, it was emphasized that courts too often failed to identify the gender-specific nature of offences and therefore did not necessarily take into consideration power and control issues. Sentences currently given in cases of violence against women may be adequate, but there is a great public misconception since the media cover only exceptional cases. Media reports often identify the maximum possible sentence permitted by the *Criminal Code*, thereby giving the impression that the sentence in a particular case may be overly lenient. This information may promote the view that the justice system does not really view wife battering as a serious crime. As well, the public may have a tendency to confuse all sexual offences with the outdated concept of rape, which is now legally defined as sexual assault, therefore confirming the impression that sentences handed down are lenient. Public education is still required.

Judges often do not see child abuse as a gender issue. In court, offenders often refer to the abused child in sexual terms, as a "young woman" or a "young lady." Judges can make it clear that these victims are children and that they should not be cast in any other light. Unfortunately, some judges continue to reflect the offender's viewpoint and use similar terminology.

When examining the financial arrangements surrounding marriage breakdown, the concept and application of self-sufficiency was greatly criticized. Judges were called upon to examine its effects. In spousal support cases, it seems that the goal of self-sufficiency is operating unfairly with respect to wives who leave traditional marriages. In particular, it is leading to unfair time-limited awards. The courts must move away from treating self-sufficiency as the primary goal in maintenance cases. They must move towards an approach that more fairly balances all of the legislative goals. Economic self-sufficiency is a subjective concept to some judges, and it may result in unequal reapportionment of assets. Women and children end up suffering for it. Courts too often undervalue the contribution of a "housewife." Participants also examined the common perception which gives greater importance to self-sufficiency of the mothers than to child care obligations when minor

¹⁰ Gender Equality Seminar (6119-32).

children are involved. The amount the father can afford and the needs of the children must be carefully balanced when awarding support. One of the major recommendations to judges was to require complete information before making decisions to find the right balance with respect to self-sufficiency.

Four other conferences focused more on the need for multidisciplinary approaches to family violence, especially the need for the criminal justice system to be part of a team approach¹¹. Participants came from various groups: police, Crown attorneys, defence lawyers, judges, probation services, correctional personnel, family welfare services, victim service agencies, social services, teachers, mental health workers, women's organizations, tribal councils, Aboriginal services, and multicultural and visible minority groups.

The objectives of these conferences were to:

- develop a common ground between the criminal justice system and community groups;
- examine the implications of race, gender, and class for the treatment of victims;
- explore ways to develop more inclusive, non-hierarchical means of responding to victims of family violence;
- provide participants with new skills and innovative approaches to respond to family violence; and
- build interdisciplinary response teams and agreements.

Several multidisciplinary models were outlined during these conferences. Further, several issues were raised, including:

- the difficulty of getting the health care system to share patient information because of confidentiality;
- difficulties encountered because the health care workers, especially medical personnel, would not get involved;
- Crown attorneys' self-perception as latecomers, therefore having only limited input in the overall intervention process;
- the constant turf war between police and child protection workers, as well as among several other agencies, often due to lack of communication;
- services not well known to service providers and criminal justice system personnel;
- the general lack of trust among agencies; and
- the tendency of criminal justice agencies to ignore transition homes.

Actions recommended at these conferences can be summarized as follows:

¹¹ Justice: Extending the Vision — A National Conference on Victimization and Recovery (6119-36); Regional Workshops: A Team Approach to Family Violence and Child Sexual Abuse Cases (6119-22); Symposium on Woman Abuse in New Brunswick (6119-26); Séminaire provincial sur l'intervention sociojuridique auprès des hommes violents: Les aspects cliniques et judiciaires de la responsabilisation des hommes violents en contexte de sociojudiciarisation de la violence conjugale (6119-56).

- develop joint training opportunities to ensure a uniform application of the law through a mutual understanding of family violence and related issues such as violence against women, gender, race, and economic discrimination;
- prepare inventories of services for workers and the public;
- develop events and other ways to enhance communication among agencies, such as interagency committees;
- develop protocols based on expertise;
- consider family court systems such as the demonstration project initiated by the Manitoba Department of Justice (see 6119-25);
- stress offender accountability, especially in correctional institutions;
- offer more treatment programs for men who batter; and
- develop school programs for prevention purposes.

Protocols

To implement multidisciplinary responses to incidents of family violence, six communities and groups developed interagency protocols¹². Most of these protocols involved the criminal justice and health systems, community services, welfare, education, and churches. Commonly shared concepts found in these protocols were:

- the abuse of women is deeply rooted in beliefs that men have the right to exercise power and control over their partners;
- the dynamics of violence against women are complex; and
- there are various but equally serious forms of abuse.

General guidelines common to these protocols included the following:

- hospitals and other medical services play an important role in identifying cases;
- never compromise the safety of the woman;
- provide complete information to women about the next steps and assistance available;
- never blame victims;
- enhance women's sense of empowerment; and
- let women make their own decisions and respect those decisions.

The protocols provide information on such issues as:

- the importance of providing complete information to victims;
- general indicators that a woman has been abused;
- legislative provisions of both the province and the *Criminal Code*;
- medical examination and questioning of victims;
- the justice system; and
- coordination of services.

¹² Bridging the River of Silence (Renfrew Protocol) (translation) (6119-44); Abused Women Protocol (6119-31 and 6119-45/59); Interdisciplinary Guidelines on Domestic Violence - Phase II and III (6119-15 which consists of two projects); The Sexual Abuse of People with a Mental Disability (6119-28).

In addition, protocols provide guidelines for:

- social workers regarding when to intervene in a situation, for example, when a victim is likely to be in danger;
- mental health workers regarding how to assess risk of injury to women and children;
- public health nurses on such topics as primary prevention, early identification, and management;
- income assistance workers to help with identification and referral of cases, cooperation, and employment opportunities; and
- school personnel with respect to preventive education, intervention, and appropriate support.

Protocol information specific to the justice system includes defining the roles of:

- the police concerning the danger of domestic crisis intervention, assessing any risk a victim might be facing, and investigation;
- public prosecutors who must be satisfied that there is sufficient evidence before laying charges and who must determine that it is in the public interest to prosecute;
- the courts regarding an offender's arrest, detention, and release, witnesses, and sentencing;
- the family court services in providing counselling or mediation and identifying instances of abuse, recognizing that mediation is not an option in cases of abuse;
- correctional services with regard to victims and witness assistance programs, victim impact statements, offender services, and community corrections; and
- institutional services involving communication with victims, particularly informing them of an offender's release.

In general, these protocols were developed through discussions with direct service workers from various agencies. They provide a common understanding among organizations about the necessary roles each plays in dealing with spousal abuse cases.

The development of interagency protocols for responses to family violence is an important step towards full cooperation. Protocols should clarify expectations and commitments. They must be developed within each community. These projects provide examples which other communities can use to develop their own protocols.

Communities can learn about one of the protocols developed with Department of Justice funding through a video, *Bridging the River of Silence*. Through interviews with victims, police, shelter workers, and Crown attorneys, the video shows how Renfrew, Ontario, uses its protocol on spousal abuse. These individuals and agencies work together to assist victims to overcome their fear of the criminal justice system and their hesitancy to testify. The video depicts how victims are helped to go through the criminal justice process and continue their lives with support from shelter workers, police, and the Crown attorney.

In another effort, a coalition of nine national organizations developed and co-funded a three-phase project to develop interdisciplinary guidelines for professionals within the criminal justice system. The first phase of this project included a study to define the nature of the problem, identify the needs of practitioners, and to explore options for involving national organizations. The problem was found to be the lack of an interdisciplinary approach to domestic violence. Draft guidelines on interdisciplinary approaches were developed in the final step of phase one.

The second phase, for which the Department of Justice provided a financial contribution, involved:

- consulting with provincial and territorial affiliates to review the draft guidelines and identify resource needs;
- a national meeting to share information about existing interdisciplinary initiatives among provinces and territories and to hear perspectives and priorities from each region; and
- identifying issues and concerns for an effective response to domestic violence.

The third phase, for which the Department was again a co-sponsor, consisted of the production, distribution, and evaluation of a kit entitled *The Mountain and Beyond: Resources for a Collaborative Approach to Domestic Violence*, which is available in both official languages.

The kit can be used by conference and seminar facilitators, professionals, or instructors in professional schools and continuing education classes examining methods of responding to domestic violence. It includes:

- an introductory pamphlet, "Read Me First" ;
- a video, *Beginning with Us: A Collaborative Approach to Domestic Violence*;
- a video guide;
- a workbook entitled *How Do We Get There From Here*; and
- a booklet entitled *Examples of People Working Together*.

The motivational video looks at the benefits and frustrations of working together. It depicts twelve people from various fields participating in a weekend workshop on interdisciplinary approaches. The workshop encouraged participants to discuss their feelings and experiences in working in the area of domestic violence. The video is interspersed with group discussions, individual interviews with participants, and short vignettes illustrating an actual collaborative program.

The kit was distributed through the eighty-two local agencies and twelve facilitators in each province or territory. It was used at conferences, displayed at meetings and conventions, and distributed to interested individuals. Results of a survey to evaluate the effectiveness of the project indicated that the resource kit met the stated objectives. Respondents believed that the kit promoted collaboration within their professions. Almost one-third of the respondents

formed or became involved in a multidisciplinary group. More than one-half consulted more often with co-workers, and almost sixty per cent were more likely to suggest other services to clients. Other collaborative actions included preparing interagency protocols, adding information on collaboration to training curricula, and arriving at a common vision in a coordinating group.

Another project developed manuals to sensitize professionals to the issue of sexual assault of people with a mental disability and to initiate a multidisciplinary approach to such assaults. The four manuals, entitled *No More Victims*, targeted the legal community, police, counsellors, social workers, and families and friends of potential victims. The manuals explain what puts people at risk, how to detect abuse, appropriate responses, and suggests ways to avoid such abuse. The main chapters in the manuals are summarized as follows:

- How do we define mental disability? The definition includes people who learn slowly and have limited abilities to learn.
- What are the causes? What conditions are associated with mental disability? Thirty to eighty-seven per cent of people with a mental disability have other conditions, such as epilepsy or cerebral palsy.
- Where do they live? The majority live in communities with families or friends or in group homes.
- How do they live? They are still marginalized and socially isolated. Few are employed.
- What attitudes affect them? Society's attitude that people with a mental disability need to be protected, to be segregated reinforces their differences.
- What is the nature and extent of sexual abuse of people with a mental disability? Children and adolescents with a mental disability are at a higher risk of being abused than the general population. Some factors which put them at higher risk include emotional deprivation, social isolation, dependence upon their abuser, vulnerability to incentives, feelings of helplessness and powerlessness, ignorance of what is happening, and sexual curiosity.

In most cases, perpetrators of sexual abuse against people with a mental disability are caregivers or relatives. Abusers choose persons with a mental disability, thinking that they will not be competent witnesses.

Signs of sexual abuse may be either physical or behavioural, often both. For example, a child may be found to have a sexually transmitted disease or a woman to have become pregnant. A person with a mental disability may regress to infantile behaviours when distressed about being abused but be unable to communicate that distress directly. However, these signs are red flags, not proof of abuse.

Several issues are identified in the chapters on the law and sexual abuse. Of particular note are issues of consent, understanding, and the ability to communicate. The *Criminal Code* often raises the issue of consent given the delicate balance between protecting persons with a

mental disability from sexual assault verses respecting a person's right to choose whether to have a sexual relationship or not. According to the *Evidence Act*, witnesses may testify after promising to tell the truth. It does not require that a witness understand the meaning of an oath or solemn affirmation. Further, the law permits anyone who can communicate the evidence to testify. The law does not require a witness to demonstrate "sufficient intelligence," which can be difficult for persons with communication disabilities.

The manuals recommend following several principles to prevent sexual assault of people with a mental disability:

- provide opportunities to make decisions;
- undertake a concerted and cooperative approach and commitment to empowerment;
- provide a safe community environment;
- include them, communicate with them, and share information;
- provide ongoing basic education about sex and personal safety;
- provide information on sexual ethics, and rights and responsibilities;
- ensure ongoing staff training about all aspects of sexual assault, including the effects, consequences, risks, legal issues, and identification; and
- initiate protocols for dealing with allegations and instances of sexual abuse.

If a case of sexual abuse is discovered, the manuals recommend certain specific actions: talk to the victim, get medical attention and evidence, contact the police and/or child protection authorities, demand a legal system response, check the availability of community services, and develop an action plan to prevent further abuse.

These manuals were well researched and professionally developed and designed. They are general in their approach and would be useful to any organization dealing with people who have a mental disability, including the legal community, police, counsellors and social workers, and families and friends.

Video

Another project developed two videos and accompanying discussion materials on spousal assault and child abuse for superior and provincial court judges¹³. The first video, entitled *Melissa: A Case in Child Abuse*, examines the case of an eight year old girl who is sexually abused by her father, who appears to be a good and loving parent. The video depicts the drama of the crime, the disclosure, the judicial process, and the testimony of the victim. The objective is to show magistrates what a child can suffer when testifying on the stand. The video addresses the balance between the rights of the accused and the need to make children as comfortable as possible when testifying. Myths surrounding child abuse are also

¹³ Continuing Education Program on Family Violence for Judges (6119-29).

clarified. For example, abuse does hurt, and abusers may come from the upper class and may have a very acceptable profile.

Other issues surrounding child abuse are also examined:

- correct interview techniques;
- the way children recall events: they may not supply details but this does not mean it did not happen;
- contamination of testimony by social workers and Crown;
- necessity and difficulty for the judge to explain rules and procedures to children and to simplify defence tactics;
- intimidating atmosphere of courtroom for the child;
- child's needs on the stand, such as a drink or a washroom break if the testimony requires a long time;
- common responses of children to abuse, such as wearing many layers of clothing, taking the blame for an unhappy family, disassociating during the abuse;
- the child's ambivalence between love for the parent and the pain associated with abuse from that person;
- possible re-victimization of the child through insensitive medical treatment and court processes;
- long-term effect of the events, including the crime, the court experience, the breakup of the family, etc.;
- adults responses to disclosure;
- effect of the ordeal on the non-offending parent which often includes denial, ambivalence, stress, and the stigma on the family; and,
- the abuser's denial.

The second video is entitled *The Campbell Family: Frances and Terry — A Case of Spousal Assault*. Partially by exploring and exposing myths about spousal abuse, it affirms that:

- spousal assault can happen regardless of race, economic status, culture, etc.;
- perpetrators are often perceived by others as kind and gentle people;
- abuse may start at different times in a relationship and may take different forms;
- injuries are not always evident;
- remorse of abusers does not signify an end to the violence;
- women often express guilt and are ashamed to report abuse when they discover it;
- alcohol is not a cause;
- the effects on children who witness spousal abuse are long term; children often blame the victim and become abusers themselves;
- decisions must be made by the victims, not support services workers;
- victims too often suffer economic setbacks following action to stop the violence;
- steps taken to stop the violence often actually increase it;
- the court process is not always perceived as helpful;
- victims do not always appreciate, understand, or accept plea bargaining;

- the judicial process is often confusing, especially for people from different cultures or with limited education;
- the male-centred system increases a sense of powerlessness in women, and is often seen as de-humanizing;
- women want male abusers treated, not necessarily put in jail; and
- women often find it traumatic to see the abuser in court, even after a separation.

Study

In 1993, the first phase of a study was funded to gather preliminary information about the experiences of disabled women who become involved with the criminal justice system. The study was to determine whether any discrimination occurs¹⁴. It focussed on the judiciary and policing and the results used to help develop appropriate material to sensitize criminal justice personnel to the issues of family violence, gender, and disabled persons.

The need for training of police about issues related to violence against women with disabilities was assessed during the first phase. Thirty-nine per cent of the people surveyed responded to questions about accessibility of police facilities to people with various types of disabilities and about police training. Most police stated that their facilities were not fully accessible, though the majority were accessible by wheelchair, and almost half have adapted services for the hearing-impaired. Most respondents indicated a keen interest in making their services more accessible.

On the issue of training, few respondents reported having protocols or specialized training programs. However, most respondents indicated they would welcome training materials and showed a strong commitment to incorporating the material into a training program.

The study clearly showed that police administrators are well aware of the issues surrounding women with disabilities who have been victimized. They also have a good understanding of the problems which need to be addressed. Sensitization through training is seen as an important vehicle to improve the current situation.

Summary

Major initiatives have been funded to sensitize criminal justice personnel to the dynamics of family violence and to familiarize them with multidisciplinary approaches to handling these problems. Judges have been the major focus of these efforts, especially in regard to the dynamics of family violence. However, these efforts have been applied unequally throughout the country and are far from reaching the majority of judges. Messages from the criminal justice system on the unlawfulness of violence against a family member appear inconsistent;

¹⁴ Safety Net/Work: The Policing and Justice Component — Phase I (6119-49).

therefore, the courts have been an ineffective voice in educating the general public. Sensitization of criminal justice personnel has also been achieved through the development of protocols defining multidisciplinary responses to family violence in communities. Various types of protocols have been produced, distributed and implemented.

The process used to sensitize criminal justice professionals to family violence issues and multidisciplinary approaches seemed to have repercussions on the outcome of each project. Involving agencies in the development of protocols, rather than imposing pre-developed strategies has produced greater results than expected. It was found that judges respond best when presented information from peers rather than from others.

B. FAMILY VIOLENCE IS A CRIMINAL ACT TO BE CONDEMNED

Until 1983, it was not illegal for husbands to sexually abuse their partner within the boundaries of marriage. The law generally defined "rape" as sexual intercourse committed by a man with a woman who was not his wife, and without her consent. In 1983, amendments to the *Criminal Code* recognized sexual aggression as illegal regardless of the marital relationship between the offender and the victim. Physical violence against wives and partners is not specifically recognized under the *Criminal Code*; rather, it falls under the general provisions for common and aggravated assault. This history partly explains why both the general public and law enforcement personnel may still sometimes believe that wife battering is not a criminal offence. Parliament issued a strong statement in 1982 condemning wife battering and encouraging enforcement agencies to press charges in all cases. This was a clear signal that such violence is criminal behaviour. Since then, funds have been allocated to convey this message to all Canadians. Funds were also allocated to develop and distribute information about the laws related to the sexual abuse of children, spousal violence, and assault against elderly persons. This information was targeted specifically to certain priority groups such as women, children, elderly persons, native communities, rural and northern communities, ethnic minority groups, and persons with a physical and/or mental disability.

A variety of projects have directly or indirectly increased the awareness of Canadians generally, or target groups specifically, with respect to the legal dimensions of family violence.

Conferences

Five conferences or workshops were funded in various communities. Three addressed the issue of family violence in native communities¹⁵. Participants at these events identified and discussed elements that contribute to the breakdown of family life in native communities, developed programs that could improve family life by decreasing isolation, meet the needs of

¹⁵ 6119-20, 6119-14, 6119-42 (four of the eight workshops were in Aboriginal communities).

battered women, and increase awareness of family violence issues. Participants worked in various fields such as health, welfare, education, and criminal justice.

Issues examined included the following:

- The nature and effects of violence on the victims, their families and the community. This includes such wide-ranging concerns as rejection by the community; the effects of alcohol on native women both as a way to deal with the violent situation and as a compounding factor in making intervention more difficult; the difficulty of having to leave the home and children for an unfamiliar place with no known support, or the impossibility of leaving if the woman does not speak English; and keeping child abuse incidents unreported for fear of losing the child.
- The evolution of family violence. Some issues considered included dysfunctional family life, unemployment, poor housing, children learning to imitate the violent behaviour, alcoholism, stress resulting from acculturation, powerlessness, rootlessness, and loss of identity. One community even talked about the negative effects of militarization. Myths surrounding the phenomenon of violence include not being receptive to change, maintaining attitudes such as "she deserves it," man is the "king of his castle," and "his woman is a possession," the taboo of disclosure, and the denial of any damage.

Participants looked for solutions to the problems and identified resources available for prevention. They found that many communities have short-term resources, such as health care workers and the clergy, but lack long-term solutions. Some solutions suggested included:

- establishing a crisis centre;
- more efficient use of existing services;
- enhancing traditional and spiritual teachings, such as a holistic healing process involving elders;
- forming healing circles to help break down the isolation; and
- providing assertiveness training to help people regain control of their lives.

A three-step action plan was developed:

- the first step is to build a strong sense of community life. This requires recreating relationships and bonds which will foster support systems and ease the pain of violence and eventually eradicate it;
- the second step is the development of interdisciplinary committees to focus on these issues; and
- the third is to increase networking and communication with outside non-native experts.

Participants went a step further and looked at possible alternatives in dealing with family violence more effectively:

- looking at healing and integration instead of intervention;

- in northern and rural communities, rethink the use of peace bonds since police services are not always located in the area and therefore cannot enforce them;
- understanding the Aboriginal abuser and rehabilitating him through a healing process in prison or in the community;
- increasing community awareness through the use of local media such as radio, newspapers and video and through local schools;
- involving youth in the process; and
- use existing cultural strengths, such as political organization, attachment to land, close-knit communities, extended families, and traditional roles of women.

Some native communities had problems taking responsibility for family violence. They perceived family violence as an outcome of "white" civilization which brought poverty, unemployment, alcoholism, etc. This refusal to take responsibility inhibits the mobilization of community efforts. Many native people working with battered women and children recognize this limitation.

A series of workshops¹⁶ in British Columbia, Alberta and Manitoba, examined the conditions facing the victims of family violence in immigrant and visible minority communities and the role that non-justice service providers might play in delivering appropriate public legal information in these communities. Given the goal of ensuring that immigrant and visible minority women who are victims of family violence get the right service in the right place, the project report concluded that they require more information services about how the Canadian justice system works in order that they will know that Canadian laws and legal processes are different from their country of origin, that the police and other justice personnel will believe and help them, and when and how to obtain culturally appropriate legal services.

The report also noted that service providers within immigrant and visible minority communities require training to:

- understand pro-charge policy, including the history, rationale for the policy, and the dynamics of wife assault;
- understand the operation and structure of the criminal justice system in general terms;
- address attitudes and help service providers define appropriate boundaries in carrying out their roles;
- increase service providers skills in interviewing clients who are victims of wife assault, including understanding safety issues;
- assist the participants to network with specialized services; and
- address issues of appropriate referrals between agencies.

¹⁶ Domestic Violence and the Courts: Immigrant and Visible Minority Perceptions (6422-75)

Another conference brought together the ten member groups of the Provincial Association Against Family Violence in Newfoundland. The conference dealt with the isolation of battered women and the importance of supporting groups. They worked on developing effective lobbying techniques; comparing the needs of rural, isolated and urban women; identifying ways in which the justice system could better respond; and improving public legal information. They concluded that they needed to focus on court advocacy programs for victims, treatment programs for batterers, public education, and prevention. Participants decided that the main task of the association was to create a more formal structure to provide ongoing education for its members.

The Canadian Farm Women's Network also addressed the issue of family violence in rural Canada through conferences, consultations and research¹⁷. The report that emerged from these efforts made a number of recommendations of immediate relevance to the Department of Justice, including:

- specialized family violence courts in all provinces and territories;
- stiffer sentences to family violence offenders;
- laws to remove the abuser from the home when the charge of abuse is laid at the time of the incident;
- mandatory counselling/treatment for offenders;
- force the abuser to pay for the needed labour on the farm to replace themselves if it is necessary that they be removed for the safety of the victim and family;
- give custody of the farm business to the victim, if the victim is a spouse, parent, son, or daughter who is a working partner in the farm business;
- a crisis line that is consistent and will provide assistance to rural, remote and farm communities;
- make it mandatory for police to inform victims of the pending release from confinement;
- sensitize all judicial personnel that service rural, farm and remote regions to the unique aspects of that type of family life; and
- training for farm families coping with family violence, on legal process, laws, available services and economic security for farm family abuse victims in Canada.

The Alberta conference, entitled "Focus on Children — Protecting our Future," looked at a multidisciplinary approach to deal with child abuse and neglect¹⁸. The main objective of the conference was to educate service providers dealing with children about various issues related to child abuse. Workshops included: detection and response to child abuse; community response to latch-key kids; parental and criminal abduction; *Young Offenders Act*; victim-offender reconciliation; gangs; cults; interview process for sexually abused children; role of the National Parole Board; team approaches; citizen activist programs, such as Mothers

¹⁷ Family Violence in Rural, Farm and Remote Canada (6119-67)

¹⁸ 6115-392: Focus on Children - Protecting our Future

Against Drunk Drivers and Students Against Drunk Drivers; disabled children as victims; dealing with death; critical incidents in schools; hate crimes; street proofing; fundraising; drugs and alcohol; street kids; and refugees.

Children and youth

Since they represent the future, children are often the target of educational programs. Some projects dealt with children and the criminal justice system¹⁹. Every year approximately 150,000 youths and other members of the public attend an international conference in Montreal, the "Salon international de la jeunesse". In 1991, the topic was drug prevention and the Department participated with a booth highlighting justice and youth. Provincial judges, Crown attorneys, and audience members enacted court trials on sexual assault, illicit drug use, theft, and assault. Some youths who had been in conflict with the law also shared their experiences.

In the Spring of 1994, as part of the Salon International Pepsi Jeunesse, the periodical *Magazine Jeunesse* published a special edition devoted to informing teenagers about sexual abuse and aggression. The content included information about prevention and, for victims, information about the legal and personal steps that could be taken to deal with what had happened to them²⁰.

Sexual assault is a growing problem in the Northwest Territories. Common difficulties in dealing with the issue are compounded by the lack of services, the need for information for victims and witnesses when entering the judicial process, visiting circuit courts, distances required for travel, and the lack of interaction between justice personnel and communities. A kit was developed to assist children and young teens in rural or northern communities who are victims or witnesses in criminal justice cases. The kit includes:

- a guide explaining the contents of the kit;
- the book, *Kids in Court*, which explains what might happen;
- the video, also entitled *Kids in Court*, which demonstrates what might happen;
- the booklet, *My Court Kit*, with activities related to court processes; and
- the booklet, *Sexual Assault: A Guide for Teens*, which informs teens about sexual abuse, the law, healthy relationships, and how to get help.

The guide on sexual assault for teens is especially well done and has been translated into Inuktitut (Anecdottist). It examines several issues:

- judging whether relationships are healthy or unhealthy;
- the embarrassment, shock, and denial one may experience after a sexual assault;

¹⁹ Justice Jeunesse '91 (6119-27); Kids in Court Orientation Kit (6119-41)

²⁰ Projet Droits d'Ados (6119-55)

- police procedures and explanations about why so much information and so many details are necessary;
- procedures to follow when reporting the incident such as keeping evidence, names of witnesses, and giving all the details; and
- an overview of the criminal justice process, including the different kind of offences, what happens in court, identifying participants, responsibilities of witnesses, and the possibility of a not-guilty verdict.

The kit was distributed to social service agencies, territorial departments, specialized agencies providing victim assistance or court preparation for child witnesses, high schools, and other service centres. The kit is comprehensive and easy to understand.

Public Legal Education and Information

A number of projects which are described elsewhere in this report also met the objective of educating service providers or the general public on issues related to family violence²¹. The projects gave information about certain aspects of family violence to community workers to enable them to improve service to women, children in court, people with a mental disability, and offenders. For example, a book produced in Ontario, *For Abused Women: A Legal Rights Handbook and a Local Resource Guide* contains information on:

- the forms and common characteristics of abuse;
- the options a woman has who is being abused;
- practical steps a woman must take after deciding to leave her abuser, how to plan her departure and ensure her safety;
- the availability of resources;
- the legal procedures available, such as the type of charges which may be laid, the consequences of criminal and family courts, and the roles of various participants in a trial, such as the victim and the abuser;
- the accumulation of evidence for trial;
- consultation with a lawyer; and
- the steps required to build a new life, such as protecting her money, custody orders and their enforcement, divorce procedures, the job market, and compensation for her injuries.

In the Northwest Territories, the Women's Community Action Committee developed a comprehensive "how to" package entitled *From Dark to Light: Regaining a Caring Community*. The package includes a detailed facilitators' guide and units dealing with spousal

²¹ Legal Rights Handbook for Abused Women (6115-218); The Sexual Abuse of People with a Mental Disability (6119-28); Women's Guide to Wife Assault Prosecution *A Place to Start* (6119-46 and 34); Turning Point Project (6119-16).

abuse, sexual assault, child sexual abuse, good parenting, healthy relationships, and support groups for abusive men²².

The public service announcement campaign, *Speak Out Against Violence*, was the most ambitious of the public education and information projects²³. Sponsored by the Canadian Association of Broadcasters, in partnership with the federal government, the campaign of radio and television announcements has been a continuing success in drawing attention to the issues and effects of violence. Assessments of the campaign have highlighted the benefits of a positive approach to delivering these messages by including constructive suggestions about how to deal with abusive and violent situations.

The Family Transition Centre of Orangeville, Ontario, took an innovative approach to increasing awareness among men of the problems of spousal abuse²⁴. Its project sought to build a receptive attitude toward zero tolerance to violence and a sense of responsibility to intervene to prevent or stop abuse of women among male community leaders. These goals were pursued through involving men's service clubs directly in public education campaigns, funding of services, and recruiting the direct participation of individuals in a peer support program for abusers.

To share the benefits of the project, the Centre also published documents describing their model for involving men's service clubs in the prevention of abuse and strategies for community education aimed at males.

Corporal punishment has been used by the majority of Canadian parents. Its justification, however, is increasingly called into question as research reveals that it is not only ineffective but has risks for the child's development. The University of Manitoba's Faculty of Human Ecology, in cooperation with the federal departments of Health and Justice, reviewed legislation and literature on the issue²⁵. The study found that the laws permitting corporal punishment contribute to child abuse in two ways. First, such legal permission carries the message that maltreatment of children is not a crime, and, secondly, it legitimates the idea that the family is an intimate sanctum into which others are not permitted to intervene. The researchers recommended that section forty-three of the *Criminal Code* be repealed and that additional reforms be implemented to protect against unreasonable criminalization of child discipline practices.

²² Community Action Books and Training and Evaluation Workshop: *From Dark to Light — Regaining a Caring Community* (6422-62)

²³ *Speak Out Against Violence: Public Service Announcement Campaign* (6119-57)

²⁴ *The Development of Community Responsibility for a Male Abusers' Treatment Program* (6119-53)

²⁵ *Parental Beliefs and Practices in Sweden and Canada: Implications for reducing Rates of Corporal Punishment* (6119-74)

Based on the research, the faculty of Human Ecology planned to prepare and distribute education materials to inform parents and others concerned with child rearing about the limits and risks of corporal punishment. The publications also offered suggestions for managing a child's negative behaviour without recourse to physical discipline.

The consequences of child abuse and family violence generally are many and varied. The *Eye Level Series*, produced by the Seva Services Society of Vancouver, is about street kids who share a common history of abusive treatment²⁶. The set of six one-half hour films had several objectives:

- to increase public awareness of how children can be forced to flee abusive home environments;
- to educate adults and teens about the hard realities of street life;
- to highlight the lack of services for street kids and to advocate improved services both for those on the streets and for youth in their homes;
- to provide staff development and training materials for social service personnel; and
- to influence at-risk youth to seek means of solving problems other than escaping to the street.

Summary

Education is a first step toward changing behaviour. Several projects, using various techniques, focused on educating Canadians to the fact that family violence is not acceptable behaviour and that it should be condemned. Aboriginal groups, women, and youth have been their main target populations. Most of the materials produced and the conferences focused on understanding the causes or factors associated with family violence, the nature of the crimes, and procedures to follow for victims of family violence. Fewer projects examined the prevention of family violence. Educational materials were produced and distributed to target groups, some more widely than others, although measuring their effect has not been the focus of these projects.

C. COORDINATION OF THE JUSTICE SYSTEM WITH OTHER SYSTEMS

Given its multifaceted nature, family violence demands a coordinated, multidisciplinary response. The criminal justice system, on its own, cannot effectively deal with all the effects of family violence. This is now evident, and interagency cooperation still demands much attention.

The advantages of working together are many. Incorporating the experiences and knowledge of experts from various fields results in an increased understanding of the dynamics of family violence. Fewer violent incidents will remain unreported as workers

²⁶ Eye Level Series (6114-38)

become more aware of what to look for and agencies are more prepared to provide the necessary support to victims and families. At the same time, cooperation produces less duplication among agencies, improved planning, and more referrals. With the resulting efficiencies, agencies and workers can increase their advocacy for women and children at risk and provide better education for batterers to help them change their behaviour. Through such collaborative efforts, agencies gain greater understanding of the work of others which also results in more effective government consultation.

Despite these clear advantages, formidable barriers still exist. Agencies approach the same situation with differences in philosophy and training that may inhibit sharing of information and consultation. The police, for example, may see an incident involving violence differently from a social worker. Organizational structures and heavy workloads may mitigate against cooperation. There may be a denial of the problem of violence or a lack of understanding of the problem. Other barriers may include lack of resources, competition for funds, and the time required before results can be seen. Sixteen projects have directly or indirectly addressed the issue of improving coordination among various agencies dealing with family violence. Nine projects involved conferences²⁷, one was a demonstration project²⁸, and six involved developing guidelines or protocols²⁹.

Conferences

Representatives from many fields attended conferences, symposia, and consultations dealing with the coordination of services. The criminal justice system was represented by police, Crown attorneys, lawyers, probation officers, judges, and staff members from correctional institutions. Representatives were also numerous from the mental health and medical professions, education, social and welfare services, victim services, tribal councils, Aboriginal services, women's organizations, and multicultural and visible minority groups. These events generally worked towards a common understanding of and knowledge about the legal and policy issues relevant to each agency's response to family violence. Participants found that the events were helpful in several ways. For example, they:

- fostered cooperation among professionals and volunteers;

²⁷ Gender Equality Seminar (6119-32); Meeting of International Experts on Domestic Violence (6119-37); Regional Workshops: A Team Approach to Family Violence and Child Sexual Abuse Cases (6119-22); Family Violence Conference (6115-179); Conference "Communities in Crisis: Healing Ourselves" (6119-20); Justice: Extending the Vision — A National Conference on Victimization and Recovery (6119-36); Symposium on Women Abuse in New Brunswick (6119-26); Legal Information Program on Family Violence (6119-42); Focus on Children — Protecting our Future (6115-392).

²⁸ Family Violence Court Project (6119-25).

²⁹ *Bridging the River of Silence*: Renfrew Protocol (6119-44); The Sexual Abuse of People with a Mental Handicap (6119-28); Interdisciplinary Project on Domestic Violence (6119-15, consists of two projects); Abused Women Protocol (6119-31 and 45).

- facilitated local community team approaches to better respond to and prevent family violence;
- developed protocols and training for criminal justice personnel;
- improved efficiency in the development of workable protocols; and
- developed intervention strategies which incorporate traditional and contemporary methods in Aboriginal communities.

Discussions during, and recommendations coming from, these events may be summarized as follows:

- There is a need to agree that the objectives of cooperation are to:
 - improve prevention and response to all forms of family violence;
 - protect victims and provide them with adequate assistance;
 - hold offenders accountable; and
 - involve all agencies from the beginning.
- All agencies should affirm that women have the right to speak out about family violence and that offenders must take responsibility for their actions; as well, agencies should involve victims from the start.
- Each agency must respect the confidentiality of cases while maintaining its ability to ensure that decisions are based on complete information.
- There is a need to accept alternatives to the court process, especially in Aboriginal communities.
- Local interagency committees should be established to develop strategies, facilitate networking, and develop protocols to ensure consistency in delivery of services. Protocols must clarify roles, approaches, and expectations of each agency. Joint meetings should be held to develop trust among agencies. Information should be shared to increase appreciation of the difficulties of vulnerable groups, such as immigrant women. Provincial government departments should recognize interagency cooperation and mandate agencies' participation by endorsing and monitoring protocols. An interagency speakers' bureau of experts on issues relating to domestic violence should be established.
- Any need for additional services should be identified and cooperative efforts made to seek funds to establish them. Joint pamphlets outlining available services should be developed.
- School programs which would rely on local agencies for materials and resources should be developed.

- Joint ongoing training is needed to ensure that protocols are followed. Ongoing training should also include skills development, racism awareness, gender equality, information on services available, and explanations about changes to the law.
- A joint public education campaign is needed using one voice and one message: family violence is a criminal act.
- There is a need to empower people and communities to reduce the time span between an offence and its consequences. Occasions for genuine encounters among victim, offender, and community members should be arranged, especially in Aboriginal communities.
- Natives and non-natives need to join forces and share information and approaches.

It was clear that the starting point for cooperative responses to family violence was to attend such gatherings as these. Written documents and exposés by experts will ensure Canada-wide dissemination of information. However, to identify and to implement concrete measures at the local level, local professionals and volunteers must meet face-to-face. Funding conferences at the local level was highly recommended.

Demonstration projects

To reduce the six months it took an average case involving family violence to proceed through the courts in 1990, the Manitoba Department of Justice initiated a one-year demonstration project in Winnipeg. The project's goals were to reduce this period to three months, to make court practitioners available who specialized in the area of domestic violence, and to coordinate services with such agencies as the Child Abuse Witness Program and the Women's Advocacy Group.

One courtroom was assigned to handle spouse and child abuse cases. Court time was divided between first appearance and remands or guilty pleas and cases where a plea of not guilty was entered. It was demonstrated that coordinated responses to cases of family violence were very effective. In the first year, the specialized family violence court had an intake of eighteen hundred cases, a thirty percent increase in volume over the previous year. Despite the high volume, the court lived up to its goal of expeditious processing, by reducing the average processing time from intake to sentencing from six months to slightly more than three months.

The specialized response also was shown to affect several other areas. The number of stays of proceedings was reduced from thirty-two to twenty-two percent. Sixty-four percent of the cases resulted in convictions in comparison to only fifty-three percent prior to the project. The most frequent sentence given went from conditional discharge to supervised probation with court-mandated treatment, and the incarceration rate increased by twenty-two percent.

Protocols

Six projects dealt with developing protocols for cooperation among agencies responding to family violence. Where protocols were developed, cooperation was achieved, but all recognized that time and commitment are necessary components of success. Cooperative efforts benefit victims and help them overcome their reluctance to testify.

In general, protocols resulted in interagency agreements on basic principles. For example, all participants recognized the importance of speaking with a common voice about the need to help victims report abuse to the police. Protocols helped workers to recognize the different forms of abuse and the importance of always contacting victims individually. Other important elements of protocols that proved vital to participating agencies included guidelines on: providing complete information to victims about the steps to be taken; never blaming victims; permitting victims to make their own decisions and respecting those decisions; and helping victims find a sense of their own abilities.

As previously mentioned (see section A, Protocols), a series of manuals on the sexual abuse of people with a mental disability were developed to assist the police, the legal community, counsellors and social workers. While agency-specific manuals may not lead to interagency cooperation, they are a first step towards defining the issues by using common terminology and promoting common procedures.

A three-phase project was funded to produce the kit entitled *The Mountain and Beyond: Resources for a Collaborative Approach to Domestic Violence*. Both the materials produced and the process used to develop them were innovative. This project is also described in the Protocol unit of Section A. The three phases of the project included consultations at the national, provincial, or territorial level. These consultations resulted in the formation of a network of working groups committed to furthering interdisciplinary approaches to domestic violence at the service delivery level within each jurisdiction. The final version of the kit contained statements from national and affiliate provincial and territorial associations supporting interdisciplinary approaches, provincial and territorial information on resources available to assist in cooperative development, and guidelines for establishing cooperation. The kit, *The Mountain and Beyond: Resources for a Collaborative Approach to Domestic Violence*, includes a video, *Beginning with Us: A Collaborative Approach to Domestic Violence*, which presents the benefits and frustrations of working together. The kit also includes two booklets, *How Do We Get There From Here* and *Examples of People Working Together*, which explain in detail the best methods used to achieve interagency cooperation and collaboration for effective family violence services.

The kit is well documented and professionally produced. Another significant result of this project were the lessons learned about the process required for a number of agencies to adopt a new way of responding to family violence. The practical applications resulting from this process go far beyond the production of the kit.

Summary

In general, coordinating responses is a high priority for most agencies dealing with family violence. Protocols help ensure effective responses to family violence have been developed and implemented. Parts of the criminal justice system have progressed significantly towards actually implementing coordinated responses. Existing documentation regarding the development of coordinated responses identifies the major stumbling blocks and solutions to overcome them. It should also be recognized that the practical applications resulting from planning a collaborative process go far beyond the actual guidelines developed in specific instances.

D. CHARGING POLICIES AND PROSECUTION

Four projects examined charging policies and prosecution practices when dealing with sexual offences against children and spousal violence³⁰.

Conferences

In 1992, an international meeting of experts on the issue of domestic violence was convened in Vancouver to discuss and finalize a United Nations document entitled *Strategies for Confronting Domestic Violence: A Resource Manual*. Participating nations made a concerted effort to come to an agreement on several issues. Given the range of perspectives and experiences, it is not surprising that all nations did not endorse all initiatives, including Canada.

Among other issues, the conference examined procedures and strategies that would encourage women and children to prosecute acts of violence and to testify against the batterer. Specialized police units, Crown attorney offices, and/or courts, have expanded the methods used to gather evidence. In the past, charges often relied exclusively on testimony from the battered spouse. If the victim refused to collaborate, out of fear or for other reasons, it was often impossible to lay charges. Specialized units now seek alternative evidence which increases the likelihood of charges being laid. In turn, some spouses will testify when additional evidence can corroborate their testimony.

Law enforcement personnel, victim service providers, Crown counsel, social and mental health workers, and volunteers gathered at a national conference on victimization and recovery. They shared their experiences in running programs and services, explored emerging issues, and examined new approaches to support victims.

³⁰ Meeting of International Experts on Domestic Violence (6119-37); Justice: Extending the Vision — A National Conference on Victimization and Recovery (6119-36); Study to examine the implementation of *An Act to Amend the Criminal Code and the Canadian Evidence Act on Child Sexual Abuse* (known as Bill C-15) in Ontario (6119-21); Consultation on Family Violence (6119-43).

At one of the sixty-five workshops, a speaker from Manitoba showed how police-Crown interaction resulted in major changes in the court system, which in turn brought changes in policing practices. After implementing a charging policy, charging rates remained relatively constant in Manitoba until a family court was introduced. This new court resulted in a large increase in the number of prosecutions and afforded higher visibility to domestic violence. Both the press and the public could scrutinize inequities in convictions and sentencing. Such scrutiny led to criticism of police, Crown attorneys, and the courts, which facilitated making necessary changes.

Another workshop looked at the experience of British Columbia which was considering revisions to its charging policy in 1994. They were considering, for example, expanding the definition of wife assault to include all victim-batterer relationships independent of marital status or living arrangements. It was planned that the new policy would cover other forms of violence as well, such as intimidation, mental or emotional abuse, and neglect, and child abuse. The speaker also stressed the need for complete and ongoing training, for constant monitoring of the enforcement of the policy, and for a community accountability process.

Also from British Columbia, another speaker examined the controversy surrounding the lack of choice for the victim when police enforce the policy. The speaker said that the policy was enforced inconsistently and that police tended to ask the victim to decide whether or not to charge the offender. If the victim was reluctant to lay charges in one case, police would often identify the person as someone who was uncooperative, affecting how the police would deal with in the investigation of a subsequent assault. Victims felt judged and blamed for the violence when left with the responsibility to decide whether to lay charges. Victims were left with the feeling that their behaviour caused the abuse rather than realizing that abusers must take responsibility for their own actions. Training, education, monitoring, and accountability are essential to ensure progress on this issue.

An Ontario speaker recounted similar difficulties with the charging policy. Policies with such imprecise expressions as "should lay charges," leave the police to make the decision. In fact, the speaker reported that the victim's perceived "uncooperativeness" was given by police as the main reason for not laying charges.

Study

One project in Ontario examined charging practices and prosecution policies in child sexual abuse³¹, particularly:

- existing policies and guidelines for investigating and prosecuting child sexual abuse;
- police training;

³¹ Study to examine the implementation of *An Act to Amend the Criminal Code and the Canadian Evidence Act on Child Sexual Abuse* (known as Bill C-15) in Ontario (6119-21).

- investigative practices of child welfare and criminal justice workers in cases of child sexual abuse;
- judicial responses to allegations of child sexual abuse; and
- implications of caseloads, workloads, and costs to implement *An Act to Amend the Criminal Code and the Canadian Evidence Act on Child Sexual Abuse* (known as Bill C-15).

The effectiveness of the legislation was examined and summarized in a report on a survey which drew certain conclusions and made several recommendations.

With respect to existing policies and guidelines for investigating and prosecuting child sexual abuse, the survey found that:

- investigations were conducted jointly by police forces and the Children's Aid Society;
- the Ministry of the Attorney General of Ontario prosecuted and monitored these cases vigorously;
- designated prosecutors were used; and
- several Children's Aid Societies had implemented protocols with hospitals, child care centres, and other agencies dealing with children.

Training was an issue, however, as few had received any form of training concerning the new legislation. Some respondents felt that insufficient resources and time had been allocated to training. For example, only a little more than half the respondents had received specific training on such topics as case law, the dynamics of abuse, witness preparation, child testimony, interviewing children, credibility assessment, and expert witnesses. When training had been offered, it was generally found to be too late and too idealistic.

Videotaped interviews with children who had been victims of abuse were found to be used by children's aid workers, but both police and prosecutors expressed concern over the quality of the interviews. Conversely, children's aid workers were dissatisfied with the reluctance of police and prosecutors to use videotaped interviews. Police continued to look for corroborative evidence, though it is not required under the law.

Police and prosecutors preferred to obtain convictions on offences under the previous legislation, most frequently sexual assault. These former offences were perceived as carrying more stigma than offences found in the amended law such as sexual interference, invitation to sexual touching, and sexual exploitation. Police also found some amendments benefitted the defendant more than the victim, particularly those concerned with the admissibility of certain statements. It was also found that the new legislation required more time to conduct investigations, coordinate with other agencies, and prepare children for court appearances.

Screens, closed-circuit television, and videotaped statements were not often used; they were perceived to be cumbersome. Some respondents mentioned that measures designed to help

children testify were just as traumatic for the children as testifying in court. They found, for example, that children were just as afraid with as without the screen. Some respondents believed that these tools actually decreased the credibility of the child in the eyes of jury members.

Notwithstanding these problems, the new legislation was generally perceived to have improved the handling of child sexual abuse. This was particularly true in the areas of corroborative evidence, the use of screens, the qualification process, and the three offences added to the law. The study made several recommendations, including:

- improved training for police, Crown prosecutors, and children's aid workers;
- development of joint departmental directives, including training;
- review of existing directives for applicability;
- instructions in assessing validity of cases;
- clarification of the Ontario Child Abuse Registry;
- training for judges on the dynamics of child sexual abuse and child witnesses;
- amending the law to remove the offence of anal intercourse (section 159 — homosexual act) so that sexual orientation would not be an issue;
- maintenance of a database on local experts;
- common and wider use of videotaped interviews;
- development of a test for the use of a screen which would consider the well-being of the child;
- guidelines for closed-circuit television systems in all courtrooms;
- sufficient victim assistance programs;
- amendments to the *Evidence Act* to eliminate the possibility of the oath and stipulate only the need to tell the truth for children under 14; and
- wider use of experts.

Consultation

Members of the Church Council on Justice and Corrections drew several conclusions and made several recommendations when consulted on issues related to the criminal justice system and family violence. In general, they felt that the charging and prosecution policies were not effective solutions for victims. They believed that alternative procedures should be developed and offered. For example, special forms of diversion and conciliation should be available, and criminal prosecution should be used as a last resort. Council members believed that police should have full discretion as to whether or not to lay charges. Care-givers should be given more discretion in reporting suspected incidents of family violence, especially elder abuse. They requested that more assistance be given to victims to prevent secondary victimization. Further, they said that restorative justice principles should be incorporated into the resolution of family violence situations. It was found in this consultation that the charging policy regarding wife assault did not have unanimous support from all groups working with victims and offenders.

Summary

In general, projects focused on the merits of policies on laying charges. No unanimous conclusion was reached regarding effectiveness or desirability in the recognition and prosecution of family violence. While acknowledging that violence even within a family unit is a crime, the desirability of alternative measures to charging and prosecution is still inconclusive. There is increased recognition that charging policies are not used consistently across the country. Canadians therefore receive somewhat contradictory messages from the criminal justice system: the law says that spousal assault is illegal, but the administration of justice shows that under certain circumstances it may warrant neither prosecution nor punitive or rehabilitative actions. Those projects that studied Bill C-15, *An Act to Amend the Criminal Code and the Canadian Evidence Act on Child Sexual Abuse*, found in general that the new legislation improved prosecution of child sexual abuse. However, implementation could have been better planned, which would have increased the likelihood of more efficient enforcement.

E. TESTIFYING IN COURT

In an effort to reduce domestic violence, the justice system has encouraged victims to report assaults to the police and to use the criminal justice system to put an end to abusive behaviour. Unfortunately, the criminal justice process is often unaware of a victims' needs, and victims often find pursuing justice stressful and frightening. To secure the participation of women and children who are victims or witnesses, it is important to reduce their level of stress by providing realistic information and support services. Five projects dealt with these issues³².

Conferences

To improve the quality of testimony from witnesses to domestic violence, several components of the prosecution process must be re-examined. An international meeting of experts on domestic violence examined some of these components. Participants agreed to consider three issues:

- the difficulties of dealing with a witness who is intimidated;
- using specialized prosecution units in domestic violence cases, including special courts; and
- increasing the cooperation of victims and witnesses by providing adequate support at all stages of the prosecution process.

³²

Meeting of International Experts on Domestic Violence (6119-37); Women's Guide to Wife Assault Prosecution (6119-34 and 46); Kids in Court Orientation Kit (6119-41); Family Violence Court Project (6119-25).

Some experts had concerns about specialized police units and courts. They did not believe that

specialized training for a limited number of practitioners should replace general system-wide training in domestic violence issues. Some also believed that specialized family violence courts contradict the goal of treating domestic violence crimes the same as other violent crimes. Despite these concerns, many felt that the advantages of such specialized units should be noted. For example, they draw attention and resources to domestic violence and help improve the general information available on the issue. Special units permit the development of appropriate methods of dealing with difficult witnesses such as children. They expedite the criminal justice process, which reduces trauma for victims and encourages victims to participate in the prosecution.

Participants also examined the implications of releasing the accused before trial. They noted that several conditions should be imposed to ensure the safety of the victim. Such recommendations included:

- requiring a court appearance before granting bail to impress the gravity of the offence upon the accused. This would give the judge the opportunity to emphasize the seriousness of the accusation and outline the consequences of reoffending;
- limiting the accused's contact with the victim;
- requiring the accused to visit the children only under supervised circumstances to decrease fears of parental abduction;
- restricting the use of alcohol and removing weapons from the household;
- restricting the accused's movements in certain areas such as schools attended by children; and
- guaranteeing the victim peaceful use of household property, regardless of title and right of possession.

Participants believed that these conditions would help to reduce a victim's anxiety and increase the victim's cooperation throughout the legal process.

It was noted that prosecutors must improve their support to, and their communication with, victims to decrease fears of intimidation and to increase the likelihood of a successful prosecution. Prosecutors were advised to make arrangements to meet the victim as soon as possible, to provide emotional support and information on legal options, and to attempt to protect the victim from harassment and intimidation by the accused. Access to victim advocates and supporters who provide specialized services throughout the process was encouraged. Prosecutors were encouraged to consult with the victim at all stages of the prosecution so the victim may have power over decisions on such matters as filing charges, plea bargaining, preparing a victim impact statement, discussing the recommendations for sentencing, and at the end of the process, understanding the sentence handed down. Most felt that mandatory prosecution policies send a strong message about the criminality of the behaviour while protecting victims who are vulnerable to threats and harassment. Some

disagreed however; they said that these policies discourage some victims from calling the police or from involving the criminal justice system.

Participants noted that several mechanisms could be put into place to help reduce the potential effects of intimidation. Such mechanisms could include:

- providing advocates who accompany victims and serve as support during the trial, especially during testimony;
- creating separate waiting facilities to avoid pre-trial contact with the accused;
- preventing publication of any information that could lead to identification of victims and offenders, or proceeding behind closed doors, away from the public;
- accepting written statements from victims rather than oral testimony;
- allowing expert witnesses such as doctors who work with the victims and their families to replace victims unwilling to testify; and
- establishing a cooling-off period before the perpetrator is released.

The meeting of experts concluded that developing manuals which clearly outline these and other issues is essential, and gave examples from around the world.

Guide

Also related to the issue of testimony was the production of a guide entitled *The Criminal Law Process for Assaulted Women: A Place to Start*³³. It was intended for use by battered women facing the court process. The guide lists the services available to battered women, such as transition homes, criminal injuries compensation, and witness assistance programs. It explains the legal system, identifies precautions to take and steps to ensure the safety of the woman and her children. Details are given about such legal issues as peace bonds, indictable and summary offences, the preliminary inquiry, courtroom procedures, and the victim impact statement. In addition, the guide discusses how to choose a family law lawyer for divorce and custody issues, and for suing in civil court.

Video

A video, *Kids in Court*, and an accompanying package were developed for seven to fourteen-year-old children who are going to court as witnesses.³⁴ The video was designed for those who must testify about something that may have happened to them, or that they may have seen. This project was developed for northern communities with circuit courts. In *Kids in Court*, an 11-year-old girl has been abused and must testify against her uncle. The child is from a small community and must face pressures from friends and family while overcoming

³³ Women's Guide to Wife Assault Prosecution (6119-34) (6119-46)

³⁴ Orientation Kit: *Kids in Court* (6119-41)

her fears of going to court. Her aunt becomes her support person and helps her get ready for court.

In the story, the community is visited by a circuit court. In many rural or northern communities, this is a group of people who arrive only once every few weeks. This often makes it difficult for victims to talk to the prosecutor or find out about what happens in court. The video looks at some of the things children should know and examines ways that children can get prepared for what might happen in the courtroom. The video comes with information booklets designed to assist service providers in the preparation of children for court.

The Canadian Society for the Investigation of Child Abuse, located in Calgary, also produced a video and comic book for children and teenagers called to testify in abuse cases.³⁵ In addition, the society has prepared a manual for social service personnel or others helping a child to prepare for court. These materials are based on the organization's direct service work helping children and parents understand and prepare for the child's testimony at trial.

Demonstration projects

To reduce the six months it took an average case involving family violence to proceed through the courts in 1990, the Manitoba Department of Justice initiated a one-year demonstration project in Winnipeg. The project's goals were to reduce this period to three months, to make court practitioners available who specialized in the area of domestic violence, and to coordinate services with such agencies as the Child Abuse Witness Program and the Women's Advocacy Group. This project is described more fully in section C (Coordination of the justice system with other systems, Demonstration projects).

Summary

None of the projects have fully evaluated the effect of the means used to ensure the cooperation of victims and witnesses to testify in court. Some strong indications suggest that a combination of victim and witness services should be used, and that a designated court system might help in some ways to ensure that victims cooperate. Being sensitive to victims' needs and fears, and informing them of processes and expectations, seem to be the basic means being promoted.

F. TREATMENT PROGRAMS FOR MEN WHO BATTER

One objective of the Family Violence Initiative was to study treatment programs for men who abuse their spouses. For the most part, this was done through research studies.

³⁵ *You're Not Alone and Facilitator's Program* (6422-71)

However, one major demonstration project was funded and part of an international conference dealt with the topic³⁶.

Demonstration project

"Turning Point", a project established in Prince Edward Island, is a community-based, volunteer counsellor service where men charged with wife assault can obtain quick, short-term assistance. Its objectives are to:

- establish a formal structure for a province-wide interagency program with ongoing funding;
- ensure that shelter and support are available to battered partners;
- increase criminal justice system referrals by developing diversion approaches and educating criminal justice personnel in the dynamics of spousal abuse;
- educate social services and health professionals about resources for victims of family violence and assist these professionals in the development of intervention skills;
- educate the public on offender responsibility and criminal justice system intervention; and
- evaluate increases in referrals.

Several interagency committees were established to develop and implement work plans and strategies relating to these objectives. The Victim Advocacy Committee undertook ongoing consultation with other victim-related service providers to improve collaboration. The committee administered the Partner Support Worker program and created information kits for partners. Although the development of victim services was an objective of the project, no major activities were undertaken as the focus remained on offenders.

The Group Counselling Committee dealt mostly with providing support to counsellors through training, drafting of a resource guide, and standardization of intake kits. The committee also expanded services to other parts of the province and developed an innovative second-stage treatment program which focused on changing deeply held inner attitudes of dominance and control in some violent men. Committee members found their greatest challenge was to maintain their volunteer counsellors, which resulted in more work for committee members. This problem had a direct effect on the number of referrals that could be accepted and the length of time clients were on the waiting list.

The Education Committee developed a series of radio, television, newspaper, and public awareness-raising presentations. They also successfully organized a province-wide walk entitled "Men Joining Women on a Walk to End Family Violence." Given the level of participation and the increase in calls following these events, it was apparent that they were

³⁶ Turning Point Project (6119-16); Meeting of International Experts on Domestic Violence (6119-37).

very successful in raising awareness. The committee's main concerns were the lack of resources and experienced speakers.

The Justice Work Group's objective was to increase the number of referrals from the justice system and support province-wide access to counselling. The group was well organized and achieved its objective. After consultation, review, and clarification of expectations, the justice system increased their referrals, though the program had to hold back on referrals because of strained counselling resources. Because post-charge diversion programs have yet to resolve the dilemma created by the perception that they may not be viewing family violence as a crime, the implementation of these alternatives was postponed. Again, major difficulties encountered were related to the lack of resources which limited the number of activities.

The Project Management Committee was established to manage the overall program and to provide guidance to the coordinator. The committee encountered some representation and attendance problems and some mandate clarifications were required. These problems were addressed successfully. The range of issues requiring attention was so vast that the committee had difficulty being proactive. An Interim Management Committee was therefore formed to deal with some of these issues and the coordinator was given more decision-making powers.

Although the project was quite successful, the interagency model was difficult to implement. This was mostly due to two problems. First, it was difficult to keep counsellors involved because of the demands of their regular jobs. Second, finding the required broad-based representation of community and government at the management level proved challenging. The establishment of the Interim Management Committee solved some of these difficulties.

The Department of Justice conducted an evaluation of all components of the program. Although the number of people participating in the evaluation may have been too small to draw solid conclusions, in general the findings showed that the groups were consistent and counsellors were well prepared. Evaluators found consistent reductions in various forms of abuse and a significant increase in the awareness of the program as demonstrated through the number of referrals. However, the evaluation also showed that the mandate needed further clarification. It was found that the waiting periods were too long and sometimes counter-productive. Interagency cooperation needed further support, and the administrative shortcomings were due to limited resources. Following analysis of the evaluation findings, the program team stated the following recommendations for successfully implementing the ongoing program:

- acquire long-term funding;
- restructure the program to maximize interagency collaboration;
- increase long-term proactive planning;
- improve partnerships between community and government;
- clarify the mandate in relation to services to partners;

- develop contracts for group counsellors;
- explore open group concept;
- continue education initiatives;
- develop a clear fee-payment policy; and
- continue to explore and evaluate second-stage treatment groups.

These recommendations were endorsed by the project team.

The goal of reducing family abuse through interventions aimed at the perpetrator motivated the Youth Services Bureau of Ottawa-Carleton project³⁷. The multi-service agency, which works with youths at risk and in crisis, wanted to develop a program that would reduce and prevent the physical, sexual, and emotional abuse of girlfriends, sisters, and mothers by teenage males. The bureau also wanted to develop strategies for confronting attitudes that encouraged abusive behaviour in this group. The project involved three activities: the production of a twenty-minute video, *The Guy Next Door*; a ten-session group counselling model for abusive male youths; and outreach services to enhance the safety and provide support to mothers, sisters, and girlfriends.

The counselling program, described in the manual, *Alternatives to Violence: A Therapeutic Group Program for Male Youths Who are Abusive Toward Females*, was attended by fifty-two youths, forty-two of whom completed the ten sessions. The program evaluation found evidence that the participants experienced a significant decrease in the kinds of beliefs and attitudes associated with violent behaviour against females. It also found a decrease in abuse of mothers and sisters in a six month follow up; but no similar decrease was found in abuse of girlfriends.

Conference

An international meeting of experts on domestic violence examined the issue of treatment programs for men who batter. Experts agreed that treatment programs had to deal with two major issues, social attitudes and social-cognitive skills. Specifically, programs had to involve teaching men several skills:

- self-awareness to recognize the thoughts and feelings that lead to violence;
- the ability to challenge personal and societal beliefs about relationships;
- how to find and use alternatives to abusive control and behaviour; and
- conflict-resolution techniques and other nonviolent problem-solving tools.

The programs also had to provide assertiveness training, coping and relaxation techniques, and anger management.

³⁷ Confronting Male Youth Violence Against Women and Children (6119-54)

Court-ordered attendance may appear, in principle, effective. Without court orders, offenders generally attend treatment programs voluntarily, but participation and completion depend on their emotion and motivation. When participation is court ordered, completion rates increase and courts convey the message that offenders are accountable for their violent behaviour and must undertake remedial actions. Such orders also ensure some measure of safety to victims, since additional sanctions will follow if the offender re-offends. Furthermore, offenders who attend such programs are monitored. Experts at the meeting recognized that the effectiveness of these treatment programs is under scrutiny. Few short- or long-term effects had been evaluated with satisfaction to date. Programs appearing to hold promise have several attributes. For example, they have well-defined goals and clear structure; they thoroughly assess an offender's needs and the context of the abuse; they use sound admission criteria; and they rely on the abuser's motivation, commitment and accountability. This means, therefore, that the most successful programs are those not imposed by the court as part of the sentence. Preliminary indications also showed the need to offer joint drug and alcohol abuse treatment programs and support to the victim.

These and related issues were explored in a seminar³⁸ for justice personnel, social service agencies and others. The event was sponsored by l'Association des ressources intervenant auprès des hommes violent (ARIHV). The association holds that abusers have a direct responsibility to participate in interventions to reduce and prevent violence against women and children. It advocates both judicial and psycho-social interventions.

Summary

Treatment programs for men who batter were not a priority of the Department's project funding. However, new information has been acquired from the demonstration projects. The international meeting of experts also recognized the lack of knowledge in this area. It is a likely domain for future investigation.

G. ALTERNATIVE DISPUTE RESOLUTION TECHNIQUES

Among advocates and service providers, there is no accord on the need for or effectiveness of alternative dispute resolution techniques in family violence situations. Indeed, if it is agreed that family violence is an issue of control and power, and that the women or children have lived in controlling situations, then alternative dispute resolution techniques must overcome this imbalance. Some advocate groups do not believe this is possible.

³⁸ Séminaire provincial sur l'intervention sociojudiciaire auprès des hommes violent: Les aspects cliniques et judiciaires de la responsabilisation des hommes violents en contexte de sociojudiciairisation de la violence conjugale (6119-56)

Conference

Alternatives to prosecution were only looked at indirectly during an international meeting of experts³⁹. The participants voiced the same concern about the suitability of strategies which might suggest that family violence is not a serious offence. They observed that diversion techniques would be effective only when stiffer penalties were imposed when other strategies fail. Further, diversion techniques could be useful when there is insufficient evidence to proceed through courts, if charges are dropped when offenders participate in a treatment program, or when the case is referred to family or civil court.

Mediation is often seen as inappropriate because of the imbalance of power between men and women. Further, mediation may contravene Canadian policy and legislative intentions in charging and prosecuting family violence. Mediation does not ensure that offenders take responsibility for their actions and implies that victims may be required to change since they take joint responsibility. The major barrier to mediation is the absence of an enforcement system for agreements reached through mediation.

Nonetheless, experts also recognized the benefits of mediation approaches. Mediation focuses on the continuation of the relationship. It can deal with a wide range of problems and may reach the root causes of the violence. Findings show that it is more suitable for cases involving minor violence and/or one-time only offence, and when the offender acknowledges full responsibility. A support person for the victim and help to bring the balance of power into greater equilibrium. Mediation requires complete consent of the victim at all stages.

Two examples of community-based alternative dispute resolution techniques often used to replace inadequate police response were documented at the international meeting. One technique involved holding the offender up to public shame, although this technique did not seem to be used in Canada. The second technique involved turning to elders in Aboriginal communities.

Demonstration Projects

A demonstration project at Memorial University on family group decision making explored the potential of alternatives in practice⁴⁰. The project was influenced by the family conference model developed in New Zealand and the approach advocated by First Nations communities. It calls for interventions in which families are supported in making and carrying out their own decisions about how to prevent or reduce abuse against teenagers or adult family members. This is an alternative to interventions by social agencies and courts

³⁹ Meeting of International Experts on Domestic Violence (6119-37).

⁴⁰ Family Group Decision Making: New Rules for 'Old' Partners in Resolving Family Violence (6119-51).

that result in the system making decisions about and for the family at risk. In implementing the demonstration project, the sponsors wanted to assess its capacity to actually eliminate or reduce the incidence of violence and the reoccurrence of abuse. They were also interested in assessing the capacity of the model to adapt to the needs of various cultures and communities, such as aboriginal, urban, and rural.

The program involves a three step process. In the first step, families are screened, assessed and referred to assess their ability and willingness to participate. The second stage requires all family members, including members of the extended kinship group, to attend a family conference. The final steps focus on implementation, monitoring, and evaluation of the family's decisions. Throughout this process, the role of the program personnel is to support and assist the family members, individually and collectively, to participate in the search for and realization of solutions to their abuse problems.

The publication, *Family Group Decision Making: Manual for Coordinators and Communities*, describes the program in detail and provides practical advice about running it. The excerpts highlight some of the information learned from the project:

Findings at the sponsoring/referring organization level:

- on-going success requires that family group conferences be acknowledged in legislation;
- the model takes considerable time, preparation, and coordination to implement;
- local advisory involvement is essential in the planning and start-up phases;
- it is best administered by a well established community organization that can adapt the model to the local culture and conditions;
- the model does not substitute for existing roles of mandated authorities;
- the model is no more costly in financial terms than existing interventions in the host province and in many instances cost reductions are realized; and
- the model, when used in situations of family violence, requires a partnership between mandated authorities, families, communities and agencies in a position to help; it is not an attempt to decriminalize family violence.

Findings at the community level:

- ongoing consultation and training is essential. Consultation with the coordinator by a panel of local people who know the families and who are knowledgeable in the area of culture and family violence is a key part of this training and consultation;
- participation educates community members about the abuse that has been happening in particular families and builds awareness of the ways for identifying and stopping family violence;
- the conference mobilizes community resources to wrap around the family rather than slotting the family into pre-existing categories of service; and
- the conference serves to build connections among community services and between them and government agencies and individual families.

Findings at the family conference level:

- the majority of the invited family members come to the conference;
- the model brings multiple forms of abuse in the family and intergenerational patterns into the open;
- most families come up with a satisfactory plan. This includes families where serious, chronic social problems have been experienced by family members;

- the model does not place abused persons at greater risk of abuse than other interventions. Violence does not break out at the conferences even during the family's private deliberation time;
- abused persons speak up at the conference if they are adequately prepared, accompanied by support persons, and if they perceive it to be safe to speak up. Especially teens and male abusers should be encouraged to write down their thoughts and feelings before the conference;
- families do not always want abused persons to live with their abusers and many families are not taken in by promises from the abused to change for the better overnight; and
- the results of the conference are an immediate mobilization of the relationships within the family and around it from the professional network.

Potential long-range advantages of using the model for the family:

- the true facts of the abuse are more likely to be revealed when those present at the conference know the perpetrator;
- the inclusion of extended family members may surface a greater number of options to choose from in terms of solving the problem in both the short and long term;
- as a united group, the family group may have more clout in negotiating with authorities during and after the conference;
- re-connection with relatives may generate a sense of family affiliation and identity for individuals who might otherwise have remained estranged from their family; and
- the family may have a life-long investment in the outcomes with its members, especially children, that does not run out when the children become adults.

Potential long-range disadvantages of using the model for the family:

- the abuse may continue in cases where the child is not removed or the couple remains together;
- the abused person may continue to be captive to the "conspiracy of silence" around future or undisclosed levels or kinds of abuse;
- family members may not follow through with what they say they will do;
- some members may be too intimidated to speak up because certain people are present at the conference; and
- the process of arriving at decisions during the family private time lack fairness in the eyes of some members who may secretly prefer for the authorities to take action.

The project was implemented with the cooperation and assistance of the Newfoundland departments of Justice and Social Services and received funding from a number of federal departments and other sources.

Summary

Funding alternative dispute resolution projects may communicate messages contrary to the "family violence is a crime" message of the federal government. However, some women's advocacy groups are demanding that attention be given to this area to provide battered women a choice about situations which affect them. Governments will have to balance the consequences of exploring alternative dispute resolution techniques in family violence cases.

CONCLUSION

This review of projects funded by the Department of Justice under the Family Violence Initiative identified some of the lessons learned and the information gathered. Forty-eight projects were described, most of which were funded in the second phase of the Federal Family Violence Initiative. Most projects were conferences and workshops, some involved the preparation and production of printed or audiovisual material, and a few were research studies. This limits our capacity for in-depth analysis but provides the advantage of covering a wide range of activities and geographical locations.

Family violence is not a new governmental priority. In the early 1980s, charging and prosecution policies were implemented throughout Canada to ensure that police and Crown prosecutors recognized the seriousness of these crimes. Canadians generally, and professionals in the social and health services and the criminal justice system particularly, had to be educated to recognize and condemn these illegal behaviours. They had to better comprehend the nature, causes, and remedies to family violence.

The 1991 Cabinet document identified education as a priority. The groups specifically targeted were judges and other criminal justice professionals, rural and small urban communities, and vulnerable groups such as Aboriginal women and children, ethno-cultural minority women and children, and women and children with disabilities. The main issues communicated were that family violence is illegal and should be treated as such by all concerned, that understanding gender equality is necessary to render just and equitable judgements, and that multidisciplinary approaches to family violence are more effective. For Aboriginal communities, the importance of community approaches involving the elders was recognized, along with the need for community-based counselling services. However, the involvement of elders has not always been positive. Problems have been identified with this approach including those associated with differences between the value system of the younger generation and the elders, especially as they relate to the roles of men and women and the understanding of the relationship between the causes and the effects of violence. Aboriginal women are starting to share these concerns and there should be recognition that involving elders may not help in all cases of family violence. The criminal justice system is seen as only one element of the communities' solution to family violence situations.

Educational and training projects were funded to benefit specific groups and communities. The following are some examples:

- Training seminars were conducted with judges and other criminal justice professionals in some regions. The issues addressed in these seminars demanded a delicate balance between informing participants and influencing judicial discretion in their interpretation of the law. There are indications that follow-up training and incorporating these issues with other general training is required. There may also be an obligation to examine the issue of national training sessions to reach more judges.

- Some interagency protocols were developed and implemented. Though other areas may benefit from these endeavours, adjustments are always required to reflect the uniqueness of each community. Conferences or other forms of exchange among professionals in these communities must be encouraged to develop and implement these protocols. The short- and long-term effectiveness of these protocols is not yet clear, although there are indications that considerable effort is required to keep them effective and up to date.
- Audiovisual and printed documents were produced to strengthen interagency cooperation in responding to family violence and to assist victims to better understand and deal with the criminal justice system and other relevant services. Although these documents are being distributed, their effectiveness remains unknown.
- Local and national conferences, symposia, and consultations were funded to share information among the disciplines and regions. Innovative solutions were therefore examined which could possibly be implemented in other communities. Most participants recommended the funding of more local events with more in-depth focus.

Education and training have been the focus of project funding but they remain in high demand by community agencies. Considering the variety of approaches, it might be worthwhile to evaluate the effect of each approach and focus attention on groups or regions which have not yet been reached. Other questions which need consideration include whether or not:

- future educational projects should focus on prevention or on intervention;
- the most effective methods are being used to communicate the message that family violence is a crime;
- target groups have been reached in a systematic way; and
- the project materials are being used effectively.

The federal message is that family violence is a crime and it should be condemned. Information from the projects examining and discussing the charging and prosecution policies and practices shows that the message conveyed to Canadians might not be so clear. Media reports and interpretations of advocacy groups may support a homogenous message to Canadians. It may be necessary to examine alternative dispute resolution techniques, especially when many individuals and groups advocate choice in dealing with family matters. These questions should be the basis of our reflections for the next few years since they may affect the overall outcome of our attempts to prevent family violence.

Another message being promoted points to the effectiveness of multidisciplinary approaches. Increased understanding and cooperation among agencies will better assist family violence victims and, in turn, make the justice process more effective. Police services have often been promoters of interagency cooperation, but information from funded projects indicates that other parts of the criminal justice system are only beginning to examine their contribution. Indications are that a multidisciplinary response can best address the underlying causes of family violence. The question now is how to promote and implement

this approach effectively. It also indicates the need for interdepartmental and multilevel governmental exchanges of information. Project funding from multiple sources is a step in the right direction. Other steps should be investigated.

An effective response to family violence may involve the development of specialized units involving police, Crown prosecutors, and courts. Findings seem to indicate that these specialized groups may be effective. One of the priorities for future years may well reside in further development and monitoring.

Some target groups identified in the Cabinet documents and Treasury Board submissions have not been the focus of any family violence project. Consequently, public awareness in rural and ethno-cultural communities and elder abuse should be priorities for the final phase of the Initiative.

This review has highlighted several issues and areas of concern which should be part of the focus for future project funding. In addition, ways of improving the quality of lessons learned through project funding seem to emerge. Although the level and quality of information available from any project depend substantially on the character of the project, they also depend on the report writer. At present, few departmental guidelines and no standardized process exists to clearly articulate departmental requirements to the project or report writer. Development of the following should be considered:

- a document outlining policy requirements for information about proposals being considered for funding. This would enhance the communication between policy and project officers. Clear information requests could then be provided to the project or writer;
- a more specific clause in the memorandum of agreement to clarify departmental information requirements;
- standard formats outlining the type of information expected and the content expected in the reports. These will be used by project managers in preparing project reports;
- increased financial support for some projects to permit hiring a consultant to ensure that key information is gathered for in-depth analysis in reports.

These measures to clarify departmental information requirements should increase and improve the information contained in project reports. Future reviews of funding activities will consequently benefit from these improvements as they will provide more in-depth analysis of the issues and become more effective planning tools.

APPENDIX: Project Summaries

PROJECT SUMMARIES

6115-179 Family violence seminar

The Provincial Advisory Council on the Status of Women held a seminar on family violence in Cornerbrook, Newfoundland, at the end of January 1988. At least two members from each of ten committees attempting to deal with the issue of family violence in their communities participated in a series of workshops over a three-day period. The workshops examined such topics as: education about family violence issues; prevention strategies; funding options; communication and public speaking skills; and development and strengthening of committees.

6115-214 Western workshop — Vancouver

The Western Judicial Education Centre (WJEC) is a component of the Canadian Association of Provincial Court Judges. The Centre coordinates educational programs in British Columbia, Alberta, Saskatchewan, and Manitoba for provincial judges' associations. Since 1989, the Centre has developed a program to help judges understand the social context within which judicial decision making takes place. The Centre produced the three-part Western Workshop Series (see 6115-276 and -327), the Judicial Education Program on Gender Equality, and the Seminar on Race and Ethnic Relations. The fifth year of this intensive education program was dedicated to reviewing the accomplishments to date and to plan for the future (see 6115-301).

All western provincial court judges were to attend one of the three workshops over a three-year period and each judge would receive all materials from all three workshops. The first was held in Vancouver June 24-29, 1989. Two sub-issues were identified: sentencing and the rule of law, and sentencing and due process. The workshop emphasized possible reforms for both the adult and juvenile justice systems. Professionals and individuals from outside the legal community were invited to help judges consider the political and social implications of their sentences.

6115-218 Legal rights handbook for abused women

The Hastings and Prince Edward County Legal Services, in Ontario, edited, printed, and completed the local distribution of a handbook describing the legal rights of abused women. Phase II called for distributing 5,000 copies to legal aid centres and other individuals and organizations throughout Ontario, such as police departments, judges, lawyers, doctors, hospitals, libraries, boards of education, interval and transition homes, and Community Legal Education Ontario.

The handbook describes the legal rights of women who have been or are battered by their partners. It summarizes the steps in the legal decision-making process and provides general information about the justice system, including related criminal and family law. The handbook also lists services available to women in their communities.

6115-276 Western workshop, Alberta — Sentencing: The social context

The second Western Judicial Education Centre workshop (see 6115-214) was held May 12-18, 1990. Although the Alberta workshop followed the same themes as the 1989 Vancouver workshop, several issues were of particular importance: child abuse, spousal assault, sentencing problems related to Aboriginal people, and gender equality. Two days were devoted to sessions dealing with sentencing of Aboriginal people, Aboriginal people and court, and cross-cultural education. Sessions on child abuse and spousal assault ran for one full day.

6115-301 1993 Western Provincial and Northern Territorial Judges Congress, "The Role of the Judge in the New Canadian Reality: Judicial Skills and Knowledge for the Future"

A congress for all the provincial and territorial judges in Western and Northern Canada was held in Victoria, March 24-28, 1993 (see 6115-214; -276 and -327).

The congress was produced jointly by the WJEC and the Provincial and Territorial Judges' Associations in Western and Northern Canada. The central theme was "The Role of the Judges in the New Canadian Reality: Judicial Skills and Knowledge for the Future."

6115-306 Northern Conference: Sitka, Alaska — Northern Justice: Toward Self Sufficiency

Since its inception in the early 1980s, the Northern Justice Society has forged a unique partnership between northerners and Simon Fraser University. The society is governed by 34 directors from Alaska, Greenland, and the territories and provinces of Canada, and includes representatives from all those involved in the justice and related social service systems.

The Society held a conference in British Columbia, April 13-18, 1991, which brought together people from various geographical areas of the North. It included representatives from the judiciary, professionals and para-professionals from various fields, Aboriginal communities, and community organizations from Canada and the United States. The conference provided an opportunity for professional development, exchange of information and ideas, and networking.

The conference also provided a forum for participants to present, debate, and test whether strategies used in some communities might prove useful to other groups. Thus, the conference made an important contribution to the development of viable self-government strategies.

6115-327 Western workshop — Yellowknife

The third in the series of judicial education meetings for provincial and territorial court judges from western and northern Canada was held June 23-29, 1991 in Yellowknife. The purpose of these meetings was to concentrate on raising the consciousness of judges regarding the social context in which they make decisions (see 6115-214; -276).

The primary focus of the Yellowknife workshop was twofold: gender equality and Aboriginal justice. A comprehensive program on gender neutrality in decision making was presented for the first time at this workshop. The program addressed such topics as: gender equality in judicial decision making, the consequences of inequality, gender equality and sexual assault, power and vulnerability, gender-appropriate language, and gender equality and spousal assault. Sessions on Aboriginal justice issues included: cross-cultural understanding, identification of the existence of discrimination, cross-cultural education between judges and Aboriginal people, and improving judicial response to aboriginal offenders.

6115-392 Focus on Children — Protecting Our Future

The Canadian Organization for Victim Assistance and Child Find Alberta organized a conference entitled "Focus on Children — Protecting Our Future." The conference was held in Calgary, April 4-7, 1993.

The event gave delegates practical information to help deliver critically needed services within communities. The conference emphasized how to build and maintain programs and develop skills. Although mainly concerned with children's victimization, the conference also examined other themes such as community programs, voluntary groups, security, administration, and funding.

**6119-14 Labrador East workshop on family violence — Happy Valley, Goose Bay,
April 24-27, 1989**

The Lieutenant-Governor's Institute on Family Life has endeavoured to meet the challenge of preserving and protecting family life in Newfoundland. It reaches out to interested groups and individuals who are seeking to strengthen and promote the positive elements of family life. The institute also assists groups and individuals to foster support systems that encourage families to help themselves.

Through the 1989 workshop, the Institute explored issues related to family violence in Labrador, examined the social and psychological problem-solving techniques associated with family violence, and identified appropriate action and resources to meet the needs of the community to better respond to family violence cases.

6119-15A Interdisciplinary project on domestic violence (Phase II)

In 1986, nine national associations began to explore how to promote and enhance interdisciplinary approaches to domestic violence. The Canadian Association of Chiefs of Police Research Foundation piloted a project in which the following national associations were involved:

- Canadian Nurses Association (CNA);
- Canadian Bar Association (CBA);
- Canadian Institute on Children's Health (CICH);
- Canadian Teachers' Federation (CTF);
- Canadian Medical Association (CMA);
- Canadian Association of Social Workers (CASW);
- Canadian Psychological Association (CPA); and the
- Church Council on Justice and Corrections (CCJC).

The initial phase of the project involved four activities:

- researching the nature of domestic violence;
- identifying the needs of practitioners in the field;
- exploring options in promoting interdisciplinary methods; and
- producing draft guidelines on domestic violence.

In the second phase of the project, working groups of provincial/territorial affiliates reviewed draft guidelines on interdisciplinary approaches to domestic violence reviewed and identified resource needs. These working groups now form a provincial/territorial network committed to furthering interdisciplinary approaches to mitigating domestic violence.

6119-15B Interdisciplinary project on domestic violence (Phase III)

The group of nine national associations developed, produced and distributed a resource kit in the third phase of the interdisciplinary project on domestic violence (see 6119-15A). The resource kit includes:

- statements from national and affiliate provincial/territorial associations supporting interdisciplinary approaches for domestic violence;
- provincial/territorial information on resources available to assist in cooperative development;
- guidelines for developing cooperation in family violence cases;
- practical information on techniques for attracting "hard-to-reach" professionals, structures for a coordinating committee, planning and designing multidisciplinary training programs;
- lists of available films and print bibliographies;
- transparencies for presentations to groups trying to develop an interdisciplinary approach for handling domestic violence; and

- a fifteen-minute video to motivate professionals and to demonstrate the practical advantages of cooperation.

6119-16 Turning Point Project

The Turning Point Committee is an interagency group from criminal justice and social service agencies and concerned individuals in Prince Edward Island. The committee has been conducting treatment groups for men who batter since 1984. For several years, committee members had been examining ways of increasing referrals and providing a province-wide service. Subsequently they began a study on adult diversion in domestic violence cases. As a result of the study, the committee developed the Turning Point Project whose objectives include increasing criminal justice referrals to a counselling program for men who batter.

6119-20 Conference: "Communities in Crisis: Healing Ourselves"

Waseskun House, a non-profit organization, operates a community residential centre in Quebec for male ex-offenders. The centre provides a program of family, individual and group counselling in violence prevention, life skills training, and education. Waseskun held a conference dealing with breaking the cycle of violence in native communities during June 6-8, 1991.

This conference was a follow-up to a family violence conference held in December 1990. It was organized by native community workers to deal with issues relating to the health, welfare, education and justice systems. Topics included native, non-native, and traditional justice systems. spirituality in prisons, and healing circles.

6119-21 Ontario study to examine the implementation of *An Act to Amend the Criminal Code and the Canadian Evidence Act on Child Sexual Abuse* (known as Bill C-15)

This study examined the processes of investigation and prosecution of child sexual abuse cases in eight sites in Ontario. The results of this study have been integrated in the Department's research results on the implementation of Bill C-15 in Canada.

6119-22 Regional workshops : A team approach to family violence and child sexual abuse cases

The Public Legal Education (PLE) Society provides information about the law and legal resources to Nova Scotians. In particular, it has provided support and training to intermediaries such as social workers, child protection workers, community advocates, police and teachers.

The PLE Society and the Nova Scotia Family and Child Welfare Association have met to discuss three principal subjects: the possibilities for collaborative work; the type of legal information needed in the community about family violence and child sexual abuse; and long-term approaches to meet those needs. Members have developed a "multipronged" approach. The conference, "Children in the Justice System: A Conference on Child Sexual Abuse," held in February 1989, launched this approach. This project, the second step in the strategy, involved regional workshops that addressed how to work cooperatively in family violence cases to ensure an interdisciplinary approach. These workshops were held in Sydney (October 18-19, 1990), Halifax/Dartmouth (October 22-23, 1990), Truro (November 1-2, 1990) and Kentville (November 5-6, 1990).

6119-25 Manitoba Department of Justice project on family violence

By 1990, family violence cases in Manitoba were taking approximately six months to reach court after charges had been laid. Such a delay puts considerable strain on families and diminishes the chances that the case will be resolved. To improve this record, the Manitoba Department of Justice initiated a one-year demonstration project in Winnipeg.

The project's goals were to reduce this period to three months, to make court practitioners available who specialized in the area of domestic violence, and to coordinate services with such agencies as the Child Abuse Witness Program and the Women's Advocacy Group.

One courtroom was assigned to handle spouse/child abuse cases. Court time was divided between first appearance, remands or guilty pleas, and cases where a plea of not guilty was entered. Despite a thirty percent increase in the number of cases coming before the court, it has lived up to its goal of expeditious processing. The average processing time from intake to sentencing was reduced to slightly more than three months, and ninety-two percent of all cases were disposed within an eighteen month period.

6119-26 Symposium on abuse of women in New Brunswick

As part of the New Brunswick government's plan to develop a coordinated approach to deal with family violence, a symposium was held November 7-9, 1990. It was designed to foster cooperation among professionals and volunteers who respond to incidents of violence against women. Participants included Crown prosecutors, judges, family court counsellors, the Royal Canadian Mounted Police, municipal police, correctional services personnel, social workers, and representatives from batterer groups and transition homes.

6119-27 Justice Jeunesse 91

Every year approximately 150,000 youths and other members of the public attend an international conference in Montreal, the *Salon international de la jeunesse*. The April 5-14, 1991, gathering held a wide variety of special activities targeted at youth. The topic was

drug prevention and the Department participated in a booth highlighting justice and youth. Provincial judges, Crown attorneys, and audience members enacted court trials on sexual assault, illicit drug use, theft, and assault. Some youths who had been in conflict with the law also shared their experiences.

6119-28 Sexual abuse of people with a mental disability

As part of a comprehensive program for professionals, persons with a disability, their friends and families, the G. Allen Roecher Institute examined a number of child sexual abuse prevention programs to determine whether they would be suitable and beneficial to people who have a mental disability. A report then identified the steps necessary to produce a Canadian prevention program.

To develop training manuals, the institute held focus groups with legal and medical professionals, police, and families and friends of people with a mental disability. Four manuals, entitled *No More Victims* were developed for doctors, nurses, teachers, social workers, and others who may need to recognize abusive behaviour or deal with the effects of abuse. They explain what puts people at risk, how to detect abuse, appropriate responses, and look at ways to avoid such abuse.

6119-29 Continuing education program on family violence for judges

The National Judicial Institute developed a program to provide continuing education on family violence for Superior and Provincial Court judges. The program included two video tapes and descriptive materials on spousal assault and child abuse.

6119-31 Durham Region Experience: Creating a community response to abused women and their families

After a second round of consultations with participating organizations, the Prevention Council of the Durham Region revised its protocol on abuse of women. Concurrently, the Council prepared an outline for a manual describing the protocol development process to help other communities in Canada benefit from the experience of the Durham Region.

6119-32 Gender equality seminar

The Gender Equality Committee of Justices of the Supreme Court and Appeal Courts of B.C. co-chaired by Madame Justice Proudfoot, convened a seminar on October 19, 1991, to discuss gender equality in the courts. The seminar addressed gender issues in family and criminal law. Approximately sixty-five Court of Appeal and Supreme Court Justices discussed such gender issues as the economic consequences of marriage breakdown; i.e., maintenance issues and division of business assets, and some criminal law issues such as spousal assault, trial procedures and sentencing.

The committee also undertook to gather information about how female practitioners, witnesses, and litigants are treated in the courtroom. They researched the B.C. Supreme and Court of Appeal judgments from 1987 to the present to ascertain the nature and extent of gender bias.

6119-34 Women's guide to wife assault prosecution

The British Columbia Institute on Family Violence produced a guide to teach victims and witnesses about the criminal justice process in cases of wife assault prosecution. This first phase of the project developed the text using the experiences of victims and witnesses. The manuscript was developed in consultation with criminal justice personnel and social workers. Phase two is described in 6119-46.

6119-35 Seminar on race and ethnic relations for judges

The Western Judicial Education Centre (WJEC) held a seminar at the University of Saskatchewan, June 6-12, 1992 on race and ethnic relations. Judges from British Columbia, Alberta, Manitoba, Yukon, and the Northwest Territories also attended this Saskatchewan Provincial Judges' Association seminar, bringing the total attendance to approximately 100 judges.

WJEC has been working to improve the delivery of justice to Aboriginal people and women through the Western Workshop Series. The WJEC has decided to focus on issues of broader concern in our multicultural society, including discrimination. The program examined sexual assault within a multicultural context and the double indignity experienced when gender discrimination is coupled with racial discrimination.

6119-36 Conference — Justice: Extending the Vision

On March 2-5, 1992, the Justice Institute of British Columbia held a national conference on victimization and recovery, entitled "Justice: Extending the Vision," in Victoria. Law enforcement personnel, victim service providers, Crown counsel, social and mental health workers, and volunteers shared their experiences in running programs and services, explored emerging issues, and examined new approaches to support victims. Sixty-five workshops allowed conference participants to both enhance and update existing skills and learn new ones.

6119-37 International meeting of experts on domestic violence

Canada sponsored a resolution to develop a manual on domestic violence for practitioners at the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders. The Department of Justice prepared the draft with the assistance of the Helsinki United Nations Institute, now known as the European Institute for Crime Prevention and Control,

Affiliated with the United Nations. The International Institute for Criminal Law Reform and Criminal Justice Policy held a meeting of international experts in Vancouver, March 22-25, 1992, to review and make recommendations for the revision of the draft of the manual, entitled *Strategies for Confronting Domestic Violence: A Resource Manual*.

6119-41 Orientation kit: *Kids in Court*

The Department of Justice of the Northwest Territories produced an orientation kit for abused children, young teens, and parents or guardians whose children may be witnesses in child abuse cases. The kit consists of a video, a booklet and a users' guide based on the book, *Kids in Court*. The video combines on-location film footage with creative computer graphics to emphasize important points and ensure a dynamic and engaging presentation.

6119-42 Information on family law

Manitoba's Community Legal Education Association is a non-profit, community based agency whose mandate is to increase access to justice by increasing community knowledge of the law and the legal system. It organized a series of workshops in eight communities, Dauphin, Brandon, Thompson, Churchill, and four Aboriginal communities. CLEA modelled these workshops after the Winnipeg conference, "Issues in Family Law — A Legal Information Program on Family Violence," held on April 19, 1991.

Community workers providing services in the area of family violence attended the Winnipeg conference. Workshop topics included elder abuse, spousal abuse, children's rights and access, custody and guardianship. The rural workshops gave workers in the helping professions an understanding of the laws surrounding family violence.

6119-43 Consultation on family violence

The Church Council on Justice and Corrections used its June 18-19, 1992, Annual General Meeting, held in Alymer, Quebec, as a consultation on family violence. The meeting was entitled "An Exploration of the Dynamics Around the Criminal Justice System and Family Violence." The two-day program examined family violence and sentencing, looked at broader solutions to family violence, and developed a response to the Department of Justice's paper on intermediate sanctions.

The consultation comprised presentations, small group discussions and plenaries on questions dealing with the victims of child sexual abuse, wife battering, and child abuse. Participants included members of the CCJC and other church networks; federal government representatives from Justice, Solicitor General, and Health and Welfare; and a cross-section of resource persons from the community, church, and government.

6119-44 *Bridging the River of Silence*, Renfrew Protocol

The production company, Cine Metu, produced the French version of a video, and accompanying materials, entitled *Bridging the River of Silence*. The video is intended for criminal justice professionals, community workers, and victims of spousal assault.

The video uses interviews with victims, police officers, shelter workers, and a Crown prosecutor, to demonstrate one community's approach to spousal assault. It explains how different systems can work together to assist victims to overcome their fear of the justice system and their hesitancy to testify, and shows how victims can be given the necessary support to go through the criminal justice system. The video shows the role and support provided by shelter workers, police officers, and the Crown attorney in applying their community's protocol on wife assault.

6119-45/59 Protocol for abused women (two projects)

The Violence Prevention Council of Durham Region developed a protocol for responding to abused women. Phases I and II of the project involved consultations with more than eleven community organizations and agencies to produce drafts of a protocol for dealing with abused and a report on how to develop a protocol.

This phase of the project involved final revisions to the protocol and a second consultation with participating organizations. Concurrently, the manual describing the developmental process of a protocol was published, *Durham Protocol for Abused Women* and the *National Applicability Manual*.

6119-46 Women's guide to wife assault prosecution

The purpose of this project was to produce a guide to assist victims and witnesses to better understand the criminal justice process in cases of spousal assault. The first phase of this project consisted of the development of a manuscript (see 6119-34). This second phase of the project consisted of the production of the handbook.

6119-49 Safety Net/Work: The policing and justice component

The DisAbled Women's Network Canada, known as DAWN Canada, is a national organization for women with disabilities based in Vancouver. For the past five years, the organization has been conducting research to define, and designing programs to address, the needs and concerns of women with disabilities.

Phase I of the safety network project was to study the reality of disabled women who become involved with the criminal justice system to clarify whether these women are discriminated against by the system because of their disabilities. The research focused specifically on the

judicial and policing components of the criminal justice system and made recommendations for education, research and program development activities aimed at improving access to justice for women with disabilities.

6119-51 Family group decision making: New roles for 'old' partners in resolving family violence

This demonstration and research project was developed by The School of Social Work, Memorial University. The project explored the feasibility of family violence interventions similar to the family conference model of intervention pioneered in New Zealand and approaches to community intervention promoted by First Nations communities. Its objectives were to prevent or reduce abuse against youth and adult family members at risk. The model, called family group decision making, seeks to assist and support members of the family and the extended kinship group, to come up with recommendations and decisions about their problems, in their own best interests. In this approach, professional and institutional resources do not take over decision making. Rather, their role is to help create a safe and positive environment and aid them in implementing recommendations. The preliminary evaluation indicated that the model is effective and financially feasible. Long term follow up research is planned.

The Memorial University publication, *Family Group Decision Making: Manual for Coordinators and Communities*, describes the model and provides directions and advice for running family conferences.

6119-53 The development of community responsibility for a male abusers' treatment program

Family Transition Place, Orangeville, Ontario, is a community-based organization providing a range of services for the victims and perpetrators of family violence. This project, supported by the departments of Health, Justice and Solicitor General Canada, sought to increase the direct involvement of men and men's organizations in promoting zero tolerance and acceptance of personal and collective responsibility for preventing and stopping abuse of women. It sought to increase the involvement of men's service groups in supporting services for victims and abusers. In addition, it developed opportunities for men to directly participate in community education and intervention programs. To build on that experience, Family Transition Place published a written model for involving men's service clubs in the prevention of abuse and another on strategies for community education initiatives aimed at men.

6119-54 Confronting male youth violence against women and children

The Youth Services Bureau of Ottawa-Carleton, with the financial assistance of the departments of Health and Justice, undertook a program to reduce existing, and prevent

future, violence by male youths against girlfriends, mothers, and sisters. The project had four components:

- production of a twenty minute video, *The Guy Next Door*, highlighting interviews with abusers and victims. The material can be used as an aid in both counselling and awareness or educational programming.;
- design and delivery of a ten session group counselling program, *Alternatives to Violence: A Therapeutic Program for Male Youths Who Are Abusive Toward Females*. The sessions, based on a feminist, cognitive-behaviour approach, help male youths confront patriarchal beliefs, accept responsibility for their abusive behaviour, and learn skills for non-abusive relationships;

delivery of enhanced safety and support to the girlfriends and female family members who were the victims of the abuse; and

research assessing the impact of the group counselling model and revealing significant improvements in attitudes and ability to avoid some forms of abusive behaviour.

6119-55 *Projet droits d'ados*

The Spring 1994 special edition of the periodical, *Magazine Jeunesse*, was devoted to sexual abuse issues to help teenagers appreciate the gravity of the problems. The publication, sponsored by the Québec Department of Education, contained information about the nature of sexual abuse, the steps that victims could take, prevention, defences against abuse, and the responsibilities of individuals to work against attitudes that condone sexual violence. Sixty thousand copies were distributed throughout the province in conjunction with *Le salon international Pepsi Jeunesse 1994*.

6119-56 Séminaire provincial sur l'intervention sociojudiciaire auprès des hommes violents: Les aspects cliniques et judiciaires de legal aid responsabilisation des hommes violents en contexte sociojudiciaires de la violence conjugale.

L'Association de ressources intervenant auprès des hommes violents (ARIHV) sponsored a one day seminar dealing with interventions and treatment aimed at male abusers. The event brought together police, probation officers, prosecutors, case managers, and judges to share their experience and consider clinical and policy issues.

6119-57 Speak out against violence — A public service announcement campaign

The Canadian Association of Broadcasters, in partnership with the Department of Justice and seven other federal departments, sponsored a multi-year campaign of radio and television public service announcements and related activities. The campaign was undertaken to raise public awareness about the reality and effect of violence in Canadian society and to stimulate individual and community responses to the problems of violence generally and violence against women and children in particular.

The *Speak Out against Violence* campaign has been positively evaluated and was the 1994 winner of the Lotus Award for the Best Television Campaign of the Year.

6119-67 Family violence in rural, farm and remote Canada

The Canadian Farm Women's Network undertook research and consultations to identify and clarify the needs of women, children, and others living in rural environments who are concerned about or victimized by family violence. The work highlighted the special barriers faced by victims of family violence living in rural and isolated environments where services, information, and the justice system are difficult or impossible to reach. The report of the project included recommendations for action by a variety of federal and provincial government agencies.

6119-69 Youth consultations on female genital mutilation

Dr. Lula Hussein, with the support of the Department of Justice and the Horn of Africa Resource and Research Group, conducted consultations in the Ottawa area with youths of communities where female genital mutilation is a traditional practice. The purpose of the work was to identify appropriate ways to educate members of the community about Canadian law, health risks, and other matters associated with the practice.

The consultations contributed to the work of the Interdepartmental Ad Hoc Working Group on Female Genital Mutilation. Other consultations were carried out in Toronto and Montreal.

6111-74 Parental beliefs and practices in Sweden and Canada: Implications for reducing rates of corporal punishment.

The University of Manitoba, Faculty of Human Ecology, in cooperation with Health and Justice Canada, conducted a literature review on parental corporal punishment. The work had four objectives:

- to identify variables that contribute to parental use of physical discipline;
- to determine whether these variables are related to child rearing policies;

- to prepare recommendations concerning Article 19 of the *UN Convention on the Rights of the Child* and Section 43 of the *Criminal Code*; and
- to distribute information about physical discipline and its alternatives to parents, educators, and therapists.

The review concluded, among other things, that there is a documented relationship between corporal punishment and negative developmental outcome and that the absence of criminal law sanctions aids in maintaining its legitimacy.

6114-38 Eye Level Series

The Seva Services Society, Vancouver, produced a series of six half-hour films about the experience of youths who leave home to live on the streets. The society provides financial, counselling and training services with the dual focus of helping youths where they are, while providing them the skills they need to establish lives off the street. The film series was designed to:

- increase awareness of the conditions that may force a youth to leave home;
- educate adults and teens about the realities of street life; and
- increase awareness of the lack of services for street children and of the need for improved services for children in the home.

6422-62 Community action books and training/evaluation workshop, “From dark to light: Regaining a caring community”

The Women’s Community Action Team of the Northwest Territory directed the development of six resource books designed to assist facilitators prepare and deliver workshops dealing with violence against women and children in the Northwest Territories. The content of the individual titles — *Facilitator’s Book*, *Spousal Abuse*, *Sexual Assault*, *Child Sexual Assault*, *Healthy Relationships*, *Parenting Skills*, and *Abusive Men Support Groups* — was chosen based on a needs assessment and community surveys.

6422-66 Justice theatre

The Vancouver’s People’s Law School annually produces a justice theatre at the Pacific National Exhibition. In 1994, the school presented two plays incorporating audience participation and interaction. *Stalking: It’s a Crime* introduced audiences to the amendments to section 264 of the *Criminal Code* and the nature of the act of stalking. The second, *Turbans ‘n Twangs*, explored issues of human rights violations and investigations.

6422-71 You’re Not Alone and facilitator’s program

The Canadian Society for the Investigation of Child Abuse, which assists children who have been sexually or physically abused prepare for testifying in court, prepared two publications.

The first is a video and comic book package, *You're Not Alone*, designed to help children who must be witnesses prepare for court appearances when they do not have access to professional services. The other is a publication of a training program for community agencies and social workers starting court preparation programs for children.

6433-75 Domestic violence and the courts: Immigrant and visible minority perceptions

The Law Courts Education Society of British Columbia, in collaboration with the Legal Resource Centre of Alberta and the Community Legal Education Association of Manitoba, designed and delivered workshops for immigrant and ethno-cultural service providers. The workshops explored the legal information needs of immigrant and visible minority women who are victims of family violence and ways service providers can help meet those needs.