

**VIOLENCE AGAINST WOMEN:
CURRENT RESPONSES**

Patricia Begin
Political and Social Affairs Division

September 1991



Library of
Parliament
Bibliothèque
du Parlement

**Research
Branch**

The Research Branch of the Library of Parliament works exclusively for Parliament, conducting research and providing information for Committees and Members of the Senate and the House of Commons. This service is extended without partisan bias in such forms as Reports, Background Papers and Issue Reviews. Research Officers in the Branch are also available for personal consultation in their respective fields of expertise.

CE DOCUMENT EST AUSSI
PUBLIÉ EN FRANÇAIS

T A B L E O F C O N T E N T S

| | <u>Page</u> |
|---|-------------|
| INTRODUCTION..... | 1 |
| INCIDENCE OF VIOLENCE AGAINST WOMEN..... | 2 |
| COSTS OF VIOLENCE AGAINST WOMEN..... | 4 |
| ROOTS OF VIOLENCE AGAINST WOMEN..... | 9 |
| RESPONSES TO VIOLENCE AGAINST WOMEN..... | 12 |
| A. Public Education..... | 13 |
| 1. British Columbia Campaign to Combat Violence Against Women..... | 13 |
| 2. Alberta Violence Awareness Campaign..... | 14 |
| 3. Ontario Public Education Campaign..... | 14 |
| 4. Newfoundland Training Course to Counter Wife Abuse..... | 14 |
| 5. Ontario Medical Association Report on Wife Assault..... | 14 |
| 6. New Brunswick Protocols on Abuse of Women..... | 15 |
| 7. Violence Prevention in the Schools..... | 15 |
| B. Legal Responses..... | 17 |
| 1. Legislation..... | 17 |
| 2. Charging Policy..... | 17 |
| 3. Manitoba Domestic Violence Review..... | 18 |
| 4. Ontario Domestic Assault Prosecutor Program..... | 19 |
| 5. Electronic Alarm..... | 19 |

(ii)

| | |
|---|----|
| C. Services..... | 19 |
| 1. Victim Crisis Service, Nepean Police Service, Nepean, Ontario..... | 20 |
| 2. Women's Advocacy Program, Winnipeg, Manitoba..... | 20 |
| 3. Family Court, Winnipeg, Manitoba..... | 22 |
| 4. Family Violence Tacked in the Work Place..... | 22 |
| 5. Older Victim Services..... | 22 |
| 6. Toronto Transit Commission Safety Campaign..... | 23 |
| 7. Advocates to Assist Battered Women at Hospitals..... | 23 |
| 8. Transition Houses..... | 24 |
| 9. Treatment for Abusive Men..... | 24 |
| D. Other Initiatives..... | 25 |
| 1. Federal Panel on Violence..... | 25 |
| 2. Sub-Committee on the Status of Women Report on Violence Against Women..... | 26 |
| 3. Federal Government's Family Violence Initiative..... | 26 |
| 4. Report of the Federal, Provincial, Territorial Ministers Responsible for the Status of Women..... | 27 |
| 5. Edmonton's Mayor's Task Force on Safer Cities..... | 27 |
| CONCLUSION..... | 28 |



CANADA

LIBRARY OF PARLIAMENT
BIBLIOTHÈQUE DU PARLEMENT

VIOLENCE AGAINST WOMEN: CURRENT RESPONSES

INTRODUCTION

When the incidence, degree and consequences of violence against women, are considered, the issue emerges as a serious problem. Many single women and women in intimate relationships are physically, psychologically, sexually and emotionally abused, frequently in their own homes and by persons whom they know and trust.

Although physical and sexual violence against women has a long and tragic history, there has been a general lack of public awareness and knowledge of it, and, by extension, a failure to recognize that it is a social problem, not to mention a criminal act, worthy of the same attention given to other serious acts of violence in this country.

Indeed, recognition of violence against women as an unacceptable and serious abuse of power is only recent. The 1970 Royal Commission on the Status of Women in Canada was the first national in-depth and comprehensive review of federal, provincial and territorial regulations, legislation, practices, and policies affecting the equality of Canadian women. Twenty-one years later, it seems remarkable that, of the various issues addressed in this seminal study, violence against women was not one. (1)

Acknowledgment of the pervasiveness of violence against women in Canada, and of its significant human, social and economic consequences, evolved during the 1970s and 1980s. Over the last 20 years strategies to enhance women's safety and security have emerged from the efforts of grass roots organizations, government, educational, medical and

(1) Canada, *Report of the Royal Commission on the Status of Women*, Ottawa, 1970.

social service professionals, and the criminal justice system. Most victims of violence in the home and of sexual assault and abuse by strangers are female; lobbying by women was influential in alerting society to the incidence and seriousness of the problem.⁽²⁾

INCIDENCE OF VIOLENCE AGAINST WOMEN

Statistics on violence against women significantly under-represent its extent as such incidents, being reported to police less frequently than other crimes of violence, are largely invisible and absent from official crime statistics. A Canada-wide survey published in 1985 estimated that of the 17,300 sexual assault incidents in Canada in 1981, 90% involved female victims and fewer than 40% were reported to the police. The survey also found that fewer than half of wife assault victims had reported the incident to the law enforcement authorities.⁽³⁾ Various studies have shown that women's reluctance to report violent attacks against them is related to fear of violent retaliation that would result in further injury or death or to economic dependence on the abuser, lack of confidence in the police and the courts, guilt, or embarrassment.

The national Uniform Crime Reporting (UCR) system contains statistics on criminal incidents in Canada. It includes only crimes reported to police and records incidents of wife assault only as assaults. It does not contain information about the relationship between victims and offenders or about the circumstances of the offence that would specifically identify incidents of violence against women in the family.

Other sources of data have been developed to measure the frequency of crimes that do not come to the attention of enforcement officials and to differentiate wife assault from other forms of assault. Surveys ask respondents to report anonymously on incidents in a particular

(2) Canada, Health and Welfare, *Family Violence: A Review of Theoretical and Clinical Literature*, March 1989, p. 9.

(3) Canada, Solicitor General, *Female Victims of Crime*, Canadian Urban Victimization Survey, No. 4, Ottawa, 1985, p. 2-3.

time frame in which they were the victim of a physical or sexual assault. Such surveys measure both incidents that were and incidents that were not reported to police. Data also come from public opinion surveys measuring public attitudes towards and awareness of violence against women. Special studies carried out with shelters for battered women, sexual assault centres, police forces and other front-line agencies record the number of victims who have sought assistance from these agencies.

In her 1985 study on wife abuse in Canada, Linda MacLeod estimated that almost one million women are assaulted each year in this country.⁽⁴⁾ A Sub-Committee of the House of Commons Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women held hearings on violence against women in winter and spring 1990-91. Oral and written submissions presented statistics on violence against women derived from official data sources, victimization and public attitude surveys and special studies of emergency service providers. The Committee heard that:

At least 1 in 10 women is physically and/or sexually assaulted each year by a husband, ex-husband or live-in partner. A woman is hit by a husband or partner an average of 30 times before she even calls the police. In any given year, if a woman is assaulted by a man in the community, it is 13 times more likely to be her partner than a stranger. In 1989, in Ontario, 78 transition houses accommodated 9,838 women, accompanied by 11,000 children, and 87% of the families were in an emergency shelter because of domestic violence. Osborne House, one of the largest shelters in Canada, provided emergency shelter to 2,000 women and children in the city of Winnipeg in 1989. Approximately 60% of women physically or sexually assaulted by their husbands or partners are injured, and 20% require medical attention. The husband is the victim of battering in no more than 5% of all assaults by one spouse against another.

In 1989, 12,970 sexual assaults were known to the police in Canada. Between 1983 and 1989, the number of complaints of sexual assault made to the police increased by 93%. Every 17 minutes there is a sexual assault committed in Canada and 90% of the victims are

(4) Linda MacLeod, *Battered But Not Beaten...Preventing Wife Battering in Canada*, Canadian Advisory Council on the Status of Women, Ottawa, 1987, p. 7.

female. One in four women will be sexually assaulted at some time in their lives, half before the age of 17. Between 63% and 83% of female victims will be sexually assaulted by someone they know.

In 1989, 119 women were murdered in Canada by current or former husbands or partners. Of all women murdered in Canada, 62% are killed by their partners.(5)

COSTS OF VIOLENCE AGAINST WOMEN

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

The physical effects of violence against women include broken bones, internal injuries, bruises, black eyes, burns, bites, lacerations, knife and gun shot wounds, and death. The psychological effects of violence are also significant.

It has been well-documented that women who are abused by a man with whom they are in an intimate relationship typically suffer from low self-esteem, fear, loss of control, and isolation. They internalize blame and minimize the impact of the violence. They perceive that they have limited options for setting their lives on a new course and their negative self-worth keeps them dependent and passive. One commentator suggests that the characteristics of battered wives represent the effects of family violence. According to her research, these women:

- view themselves as incompetent, unlovable, unstable and worthless;
- internalize blame and assume responsibility for the violence;
- are passive in their interpersonal relationships;

(5) House of Commons, Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women, *The War Against Women*, 3rd Session, 34th Parliament, June 1991, p. 6-7.

- are protective and defensive of the men who beat them, to cope with anxiety and fear about abuse;
- experience social isolation and therefore lack social support from networks of friends and relatives;
- are compliant, to avoid further beatings;
- believe the abuser needs help; and
- feel ambivalent about their situation and about leaving because the abuser is someone with whom they have experienced love and intimacy. (6)

It has been documented that women who were physically and sexually abused as children and/or as adults are potentially afflicted with a host of physical, emotional and psychological ailments. Adult women who were sexually abused as children frequently suffer debilitating illnesses such as migraines, headaches and backaches, stomach problems, eating disorders, asthma, and epilepsy. (7) Women who have been sexually assaulted as children are approximately five times more likely than other women to have a nervous breakdown, six times more likely to attempt suicide, and eight times more likely to commit suicide or die prematurely. (8)

The Addiction Research Foundation carried out research of randomly selected Ontario women over 18 living with a male partner. It found that physical and sexual violence against women causes emotional trauma that leads the victim to alcohol and drug abuse as a means of easing physical and emotional pain. (9)

(6) Barbara Pressman, *Family Violence: Origins and Treatment*, Children's Aid Society of the City of Guelph and the County of Wellington, 1984, p. 26-29.

(7) Canada, Health and Welfare, *Family Violence: A Review of Theoretical and Clinical Literature*, March 1989, p. 46.

(8) House of Commons, Health and Welfare, Social Affairs, Seniors and the Status of Women, 13 February 1991, 5:8.

(9) *Ibid.*, 13 March 1991, 9:21.

A recent study of women in psychiatric wards in Toronto general hospitals revealed that 90% of them had suffered from severe sexual and/or physical abuse in their childhood. In her comments on these findings, Dr. Jeri Wine of the Canadian Research Institute for the Advancement of Women observed: "...clearly the costs of early abuse to the social health and mental health care systems is extremely high." (10)

There is solid evidence that violence against women in the home is passed from one generation to the next. (11) Practitioners who work with violent men and those who work with survivors of wife abuse have reported that child witnesses and victims of violence in the home are more likely to live in a violent relationship when they are adults. The experience of Gene Krawetz, a worker with a shelter for battered women in Saskatchewan is, unfortunately, not unique:

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

Ann Nosko, a social worker with the Family Services Association of Metropolitan Toronto, which provides group counselling programs for men who batter their wives or partners, estimates that three-quarters of the men in the programs had experienced violence in their family of origin. (13)

The school system is also affected by the violence that children witness or experience in their homes. Kitty O'Callaghan, President of the Canadian Teachers' Federation, told the committee:

(10) *Ibid.*, 15 April 1991, 12:35.

(11) Peter Jaffe *et. al.*, *Children of Battered Women*, Sage Publications, California, 1990.

(12) House of Commons, Health and Welfare, Social Affairs, Seniors and the Status of Women, 13 February 1991, 5:40.

(13) *Ibid.*, 15 April 1991, 12:29.

Children who witness violence usually directed at their mother experience an insidious form of child abuse. Most bear life-long scars from watching their mothers being abused. They become part of a conspiracy of silence. They feel robbed of the affection and support of their mothers, and they exhibit physiological symptoms similar to those of children who are physically abused...the disordered behaviours caused by this trauma interfere with students' education and their lives at school. Their experiences preclude any pretence of normal growth and development. (14)

Lorenne Clark maintains that the high correlation between males who witnessed abuse or who were physically and/or sexually abused children and those who become abusers as adults and the high correlation between juvenile and adult prostitution and child sexual abuse should make violence against women and children the "central core of the criminal justice system."

If we could deal effectively with violence against women and children, most of our crime control problems would disappear because as current empirical data make clear, abuse of children is probably the biggest single factor in creating those we now label criminals. So the first principle of a feminist criminal justice system is that the regulation, control, and ultimate elimination of...violence directed against women and children, is a first priority. (15)

As noted earlier, violence against women also places a heavy burden on resources available in the community. Many wife assault victims have no independent source of income; when they leave the marital home they are often in need of subsidized housing, legal assistance, and a variety of social services for themselves and their children.

The criminal justice system, including police services, courts and corrections, incurs significant costs in responding to violence against women and children. A 1987 report on wife battering in Canada

(14) *Ibid.*, 12 February 1991, 4:10.

(15) Lorenne Clark, "Feminist Perspectives on Violence Against Women and Children: Psychological, Social Service, and Criminal Justice Concerns," *Canadian Journal of Women and the Law*, Vol 3, 1989-1990, p. 428.

estimated that the total cost of police intervention and related support in wife abuse incidents in 1980 was \$32 million.⁽¹⁶⁾ This figure is not surprising, given the substantial demand on police resources that results from wife assault. According to John Kousik of the Montreal Urban Community Police Department, since 1987 the Department has handled 19,817 cases of family-related violence. This number includes criminal as well as non-criminal incidents.⁽¹⁷⁾

Dr. Glenda Simms, President of the Canadian Advisory Council on the Status of Women, has identified a further cost of abuse borne by women:

Women's fear is perhaps the most pervasive and widespread cost of violence. More than 50% of women in urban areas are afraid to walk on their own streets at night. It is an intolerable situation when women cannot use and enjoy facilities for which they have paid with their taxes. The full range of women's fears extend beyond physical and sexual assault and includes the fear of being unprotected by the justice system, the fear of racism, and the fear for their children's safety, and fear of living in a violent society.⁽¹⁸⁾

Indeed, the Canadian urban victimization survey found that 56% of women living in urban centres fear for their personal safety when walking alone in their neighbourhood after dark; this figure increased to 72% in the case of wife assault victims.⁽¹⁹⁾ Fear restricts autonomy and results in withdrawal from normal movement and activities. A past president of the Canadian Advisory Council on the Status of Women, in her comments on the murder of the 14 young women in Montreal in December 1989, stated:

(16) MacLeod (1987), p. 35.

(17) House of Commons, Health and Welfare, Social Affairs, Seniors and the Status of Women, 19 March 1991, 10:8.

(18) *Ibid.*, 13 February 1991, 5:8-9.

(19) Holly Johnson, "Wife Assault in Canada," Canadian Centre for Justice Statistics, Prepared for the American Society of Criminology, Reno, Nevada, November 1989, p. 4.

The bedrock of equality is having the right to live without fear in our own apartments, the right to walk freely in our city streets, to right to meet a stranger's glance directly without being accused of "asking for it." The right to live in this society free of the constant state of sexual terrorism that every young women in this country must be aware of today. (20)

ROOTS OF VIOLENCE AGAINST WOMEN

The preceding has shown that violence against women is pervasive, has serious consequences, yet is reported and detected less frequently than other crimes of violence. Significantly, violence against women is integrally linked to women's inequality and it is supported by the view that the family is a private institution in which men have authority over their children and their wives.

Given the pervasiveness of violence against women today, many commentators have concluded that to understand the phenomenon, we must examine the context of women's lives. Women's vulnerability to violence is associated with their daily exposure to social, economic, and political inequities. Moreover, violence and fear of violence deprive women of their ability to achieve equality. (21)

Economic data indicate that the feminization of poverty is growing, particularly among single mothers and elderly women. A gap between the wages of male and female earners persists, with a woman earning on average 66 cents of every dollar earned by a man in full-time employment. Women are likely to work in occupations characterized by low-paid, non-union, casual or part-time jobs with inadequate benefits or

(20) Doris Anderson, "A Hatred of Women Thrives in Our Society," *Toronto Star*, 7 December 1989.

(21) House of Commons, Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women, *The War Against Women*, June 1991, p. 9.

pensions, or none. Women are under-represented in managerial and leadership positions in both the public and the private sectors.(22)

If a woman is living in a violent relationship, is responsible for children, and is economically dependent on her partner, her options are limited by her lack of access to economic resources to purchase safety and services. She needs money to move, to hire a lawyer, to pay rent, to feed and clothe herself and her children, to find access to child care, to pay for transportation, to return to school or enter a job-training program, and so forth. Research has shown that economic pressures keep women in violent relationships since the alternative to victimization is often poverty. An evaluation of the 1985 *Divorce Act* carried out in four research sites by the federal Department of Justice found that 66% of divorced women with custody of their children had total incomes, including support payments, below the poverty line. One of the report's conclusions was: "The impoverishment of women remains one of the major consequences of separation and divorce."(23)

One explanation of male violence against women is the presence of traditional values associated with sex roles. Our society's perception of masculinity and femininity encourages aggressiveness in males and passivity in females. Men are encouraged to be assertive, strong, and in control. Conversely, women are expected to be obedient and submissive. According to research studies, abusive men hold traditional views of male authority and female compliance. They adhere to the belief that they have the right to control persons with less status, particularly their wife and children. Research findings show that societies with male-dominant marriages have the highest rate of violence against women and societies with egalitarian marriages have the lowest.(24)

(22) House of Commons, Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women, 12 February 1991, 4:27.

(23) Canada, *Evaluation of the Divorce Act*, Phase II, Monitoring and Evaluation, Department of Justice, Canada, May 1990. p. viii.

(24) House of Commons, Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women, *The War Against Women*, June 1991, p. 9-10.

Certain customs and legal practices have promoted and sanctioned the view that women are the possession of their husbands and have condoned men's violence against their spouses. In both ancient Greece and Rome, men had the recognized right to beat and kill their wives. In England and European cities during the Middle Ages women were flogged, sent into exile or killed for adultery and lesser offences. At one time, under English Common Law a natural part of a husband's responsibilities was to reprimand his wife. The author of the *Commentaries on the Laws of England*, Sir William Blackstone, wrote: "For as the husband is to answer for her misbehaviours, the law thought it reasonable to entrust him with this power of chastisement, in the same moderation that a man is allowed to correct his apprentices or children." In 18th century France, the chastisement of wives and children was limited to "blows, thump, kicks or punches on the back...which did not leave any marks..."(25)

Linda MacLeod identifies four themes running through historical accounts of wife beating:

- . women were seen to be owned by their husbands;
- . obedience and self-denial were expected of women in their relationship with their husbands;
- . men had total authority over their wives within the home;
- . the woman's place in the world was restricted to the home.(26)

Research on men who abuse women and children shows that such violence is related both to the men's traumatic experiences in childhood and to what is often accepted as normal male behaviour, the assumption of power and control over persons with less status. Abusive men are rarely abusive towards those whom they regard as equal or superior to themselves. These men have absorbed societal values and attitudes that tacitly give men

(25) Pressman (1984), p. 35.

(26) Linda MacLeod, *Wife Battering in Canada: The Vicious Circle*, Canadian Advisory Council on the Status of Women, Ottawa, 1980, p. 27.

permission to abuse women and children.(27) Many practitioners and commentators agree that the enduring nature of this form of violence is evidence that change will come about only when society's underlying beliefs about sex roles, gender inequality and power are made visible and challenged.

During her appearance before the Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women, the Minister Responsible for the Status of Women advocated changes in the structures of society that keep women subordinate.

It is obvious from this cursory look at what we both know of the causes of violence against women that it is both a frightening symptom and a product of the subordination of women in society. Therefore, any efforts to address this violence must be broadly based strategies designed to effect fundamental change in the social and economic structures that maintain the subordination of women. These strategies must be considered and pursued in the context of overall efforts to promote equality for women.(28)

RESPONSES TO VIOLENCE AGAINST WOMEN

Violence against women is multi-faceted, having implications for the criminal justice system, mental and physical health, and social services, such as welfare, emergency and long-term affordable housing, job training, pay equity, education, and day care. Accordingly, responses to violence must come from different sectors of Canadian society, including all levels of government. The provinces are responsible for the administration and delivery of health, education, welfare and justice services in this country, while the federal government has responsibility for criminal law and federal policing. The two levels of government share

(27) House of Commons, Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women, 15 April 1991, 13:20-21.

(28) *Ibid.*, 4 December 1990, 1:19.

the cost of many related services and have initiated and implemented responses to family violence.

The examples of strategies to address violence against women described below, some of which have been implemented and some of which are recommended, emphasize prevention, public education, provision of services and legal remedies.

Preventive strategies include public education programs that attempt to make professionals, victims, and abusers more aware of violence against women. Such strategies are based on the premise that violence against women and children is not generally the result of an individual's mental illness; rather, it is seen as learned behaviour, informed by history and supported by a host of social institutions and practices that accept male dominance and sexual inequality. The initiatives are intended to act as agents of change; to develop and encourage appropriate behaviours and attitudes, and, ultimately, to prevent such violence.

Legal responses, including law reform, law enforcement and training, are intended to protect abused women and their children and to deter batterers. They send out the message that violent behaviour in the family is a crime that will be prosecuted and punished in the same way as assaults on strangers. In principle, the law holds the abuser responsible for his actions.

Non-legal remedies, such as crisis intervention provided by transition houses for abused women, give protection in the aftermath of an assault, offer women a range of supportive services, and arrange for referrals to other community agencies. Other initiatives include services for abusive men.

A. Public Education

The provinces have initiated several public information campaigns.

1. British Columbia Campaign to Combat Violence Against Women

The provincial government's public awareness campaign to counter violence against women was announced in February 1991. It is

directed to victims of assault and abuse, informing them of available services, and to members of the general British Columbia population, informing them that physical and sexual violence against women is a crime punishable under the *Criminal Code* of Canada.

2. Alberta Violence Awareness Campaign

The violence awareness campaign announced by the Alberta government in January 1991 includes radio advertisements and the distribution of posters stressing that violence in the family is a crime. The campaign is an attempt to change the view that family violence is acceptable and to encourage women to report abuse by their husbands or partners to the police.

3. Ontario Public Education Campaign

Ontario has developed extensive public education materials since 1984. The 1990 campaign consisted of English and French posters and television advertising, a multilingual radio, newspaper and brochure campaign to reach minority and immigrant populations, a brochure for people with low literacy skills, and radio commercials in three native languages.

4. Newfoundland Training Course to Counter Wife Abuse

The training division of the Newfoundland Public Service Commission has developed an interdisciplinary course focusing on understanding the dynamics of wife abuse. The course is open to professionals working with the public, such as police, social workers, nurses and correctional staff.

5. Ontario Medical Association Report on Wife Assault

The Ontario Medical Association (OMA) has produced a booklet that gives physicians guidelines for assessing the male batterer and treating victims of wife abuse. The booklet is intended to raise doctors' awareness and understanding of wife abuse as a health issue so that they will be better able to help victims and abusers and possibly prevent further abuse.

6. New Brunswick Protocols on Abuse of Women

The New Brunswick Department of Health and Community Services, in cooperation with the Departments of Education, Income Assistance, Justice, the Solicitor General and the Women's Directorate, has produced a series of protocols designed to assist government employees who work with women victims of violence to identify, refer and manage incidents.

7. Violence Prevention in the Schools

Schools can be a forum for discussion of violence against women and for dealing with abusive relationships among dating couples. Many commentators believe that prevention of violence against women should be a national priority in which the education system should be an active partner.

A 1991 research study involving 1,000 students from schools in London, Ontario, found a significant proportion of students who go home to violence in their family every night and many who are already in a dating relationship where violence plays a part. A very high proportion of students (54% overall and 60% of girls) indicated awareness of dating violence in their circle of acquaintances. A significant majority (62% of all students and 72% of females) indicated awareness of abuse in family relationships - either their own or those of people they knew. (29)

The school is one of our society's main socializers of children. Educators are well positioned to increase students' knowledge, awareness and level of comfort with such subjects as sexuality, violent relationships, and gender inequality. Appropriate classroom instruction can dispel the myth that violence in the family or in other intimate relationships is a private matter, and thereby give students permission to talk about the issues. The Canadian Teachers' Federation has developed a curriculum guide entitled *Thumbs Down, a Classroom Response to Violence Against Women*, which contains sample lessons designed for levels from kindergarten to grade 12. The guide encourages age-appropriate discussion and activities aimed at promoting non-violence in human relationships,

(29) *Ibid.*, 13 February 1991, 5:53.

responsibility for one's own actions, emotional development, the effects of gender stereotyping, and the influence of the media on gender roles.

There is no question of the importance of the message communicated by violence prevention campaigns. The challenge is to meet the increased demand for services they produce. An influx of referrals to shelters for battered women, to sexual assault centres, to programs for men who batter, to mental health centres for children and adults, and to substance-abuse treatment facilities generally flow from prevention initiatives. While such initiatives give the impression that help is available, they can rarely provide increased funding to help agencies to cope with the increased numbers seeking assistance. Women who leave a violent relationship often find there is no accommodation for them and their children. When women seek counselling and treatment for the sexual abuse they may have suffered as children, they often find there is a waiting list of six months to a year.

The outcome of a public education program in the province of Quebec illustrates the imbalance between demand for help and the supply of services:

Last year in Quebec there was a campaign on wife battering, and as a result, the social affairs network was swamped with calls from women. Rumour has it that the campaign was ended because the existing structures could no longer respond to the demand. (30)

According to the Director of Osborne House in Winnipeg, the demand for services nearly tripled as a result of an awareness campaign in that city:

The emergency crisis telephone line normally receives 500 telephone calls per month. Last year a media campaign on violence against women was struck by the provincial government of Manitoba. At that point, 1,300 calls per month were coming from women reaching out for the first time. (31)

(30) *Ibid.*, 15 April 1991, 13:16.

(31) *Ibid.*, 12 February 1991, 4:65.

B. Legal Responses

1. Legislation

In 1983, Parliament repealed the rape legislation in Canada and replaced it with sexual assault legislation. This was intended, among other things, to shift the focus from the sexual to the violent and assaultive aspects of the offence. The 1983 legislation explicitly recognizes sexual assault in marriage, whether the spouses are living together or not. Prior to 1983, the rape law in Canada "granted a man an absolute right to sexual access to his wife...husbands could not be charged with raping their wives." (32)

Amendments to the *Criminal Code* were enacted in 1988 to assist victims of crime, including victims of wife assault. The amendments created a victim fine surcharge to be imposed on convicted offenders and used to fund victim services and programs; provided authority for the use of victim impact statements in the courts; and required the courts to consider restitution in all cases involving damage, loss, destruction and bodily harm.

2. Charging Policy

Canada is recognized as the first country in the world to have developed and adopted nation-wide charging policies in wife assault cases. In all provinces and territories, police, and most Crown prosecutors, have been issued directives that "encourage rigorous investigation and prosecution of wife assault cases. In most cases, police need not actually witness the violence but must have reasonable and probable grounds to assume that an assault took place." (33)

(32) Patricia Begin, "Rape Law Reform in Canada," in *Crime and Its Victims: International Research and Public Policy Issues*, ed. E. C. Viano, Hemisphere Publishing, New York, 1989, p. 154.

(33) Linda MacLeod, *Wife Battering and the Web of Hope: Progress, Dilemmas and Visions of Prevention*, Discussion Paper prepared for Working Together, National Forum on Family Violence, May 1989, p. 25.

In 1981, London, Ontario, was the first city in Canada to instruct police to lay charges in all cases of family violence where there was reasonable and probable cause for charges to be laid, whether or not the victim agreed. Previously, women had had to lay the charge in most cases and, being subjected to pressure, threats and fear, they usually dropped the charges before the court date and were often subjected to subsequent beatings. A ten-year study of the Family Court Clinic in London, Ontario, found that husbands' violence against their wives was significantly reduced in most cases where the police laid criminal charges against the abuser. (34)

Currently, the RCMP and local police forces across the country have instituted mandatory charging policies. The enforcement of these varies widely, however, across police departments. For example, last year, the London police laid charges in 89% of wife assault cases. In contrast, a report completed by the Metro Toronto Committee Against Wife Assault and the Assaulted Women's Helpline reported that in 60% of wife assault calls Toronto police refused to lay charges. In fact, 83% of battered women indicated they did not feel police had helped or protected them when the assault was reported and 20% indicated that they were assaulted again after the police had left. In response to the report's findings, Metropolitan Toronto and the provincial ministries of Community and Social Services, Solicitor-General and Attorney-General have launched a two-year project to develop a common protocol to be followed by Ontario social agencies, police, courts and doctors when dealing with abused women and their families.

3. Manitoba Domestic Violence Review

In November 1990, the Manitoba Justice Minister announced a review of the administration of justice related to domestic violence in the province. The review will examine and make recommendations on existing law, policies and procedures with regard to:

(34) Peter Jaffe et al., *Wife Assault as a Crime: The Perspective of Victims and Police Officers on a Charging Policy in London, Ontario from 1980-1990*, London Family Court Clinic, April 1991.

- . investigation and law enforcement;
- . processing of charges;
- . interim procedures pending trial and sentence;
- . restraining orders;
- . training of those involved in the enforcement system;
- . firearms acquisition certificates and control of weapons;
- . probation and institutional treatment of offenders; and
- . access to legal and paralegal assistance for victims.

4. Ontario Domestic Assault Prosecutor Program

The domestic assault prosecutor program ensures that at least one Crown attorney is designated as a domestic assault prosecutor in each office in Ontario. Prosecutors receive special training and act as resource persons to other assistant Crown attorneys.

5. Electronic Alarm

In a current pilot project, Winnipeg women who have been abused, are clients of one of the city's shelters for battered women, or have had no success in controlling their abusers with restraining orders and peace orders, are eligible, at no charge, to receive an electronic alarm that can bring the police in six minutes, thus sparing the victim the stress of trying to telephone for help. The alarm is a small transmitter worn on the person; when activated it sends out a silent signal to a security company, which immediately informs the police that an assault is in progress. The pilot project will be introduced in Laval, Quebec, in August 1991 and in Montreal and Calgary this fall.

C. Services

The victim's testimony is generally crucial to the successful prosecution of wife abuse cases; however, many female victims are reluctant to testify against their partners. These women require information and support in order to make informed decisions about whether to participate in the criminal justice system. In some jurisdictions in Canada, social service agencies and police forces have developed programs to meet the needs of victims of abuse. Some examples are described below:

1. Victim Crisis Service, Nepean Police Service, Nepean, Ontario

This police-based service provides support and assistance to victims of family violence through the criminal justice process. Victim crisis services include accompanying the victim to court, providing her with transportation, and accompanying her to interviews and the trial, if necessary. One of the anticipated effects of this supportive arrangement is that the victim will not withdraw the charges against her abuser.

2. Women's Advocacy Program, Winnipeg, Manitoba

The Women's Advocacy Program (WAP), which is part of Manitoba Community Services, provides legal and social support and information to victims of wife abuse. It assists victims in obtaining information about legal rights, charges and the court process. Counsellors assist victims in planning for themselves and their children. The program attempts to give women the support they need to testify against their abusers.

An evaluation of the WAP found that 52% of battered women who had used the program continued to live with their abuser after he had been charged. Significantly, 83% of these women were still being physically, emotionally or sexually abused.⁽³⁵⁾ These findings, while discouraging, are not unexpected. Research has revealed that women who are physically and sexually assaulted often stay with their partners for a host of inter-related reasons: they do not have a job and lack the necessary skills sought in the labour market; they are reliant on the husband's salary and cannot support themselves and their children on their own income; they cannot obtain affordable housing; they lack child care enabling them to find and hold down a job; they do not want their relationship to end though they want the abuse to cease. In short, women are confronted with limited choices when they try to put an end to the violence in their lives.

(35) Focus Consultants and C/S RESORS Consulting, *Evaluation of the Women's Advocacy Program (Winnipeg)*, Department of Justice, Canada, July 1990, p. 42.

As part of the evaluation of the WAP, workers with social agencies and community organizations dealing with battered women in Winnipeg were asked to rate 15 basic needs of battered women and their families. Four of the 15 needs identified are responded to by the Women's Advocacy Program. They are: basic information on the causes and results of family violence; legal information about charges and court procedures; long-term safety planning; and court accompaniment. Additional requirements of battered women that are not related to the criminal justice system and not met by the program were also cited: emergency housing; income support; long-term therapy or counselling for women; child care assistance; and job training/employment opportunities. (36)

Helena Orton of the Women's Legal Education and Action Fund, describes the dilemma inherent in strictly criminal justice responses that emphasize mandatory charging and aggressive prosecution of men who abuse their partners:

One of the underlying problems is that there are not the supports for women to make the decisions to have a real choice about whether to participate in the criminal justice system. If she does want to leave her husband, the supports in order to be independent and get out of a battering situation are not there. While the whole movement towards charging has been extremely important in terms of recognizing violence against women, we cannot do it in a vacuum. We have to give women real options in order to address those sorts of changes. (37)

Peter Jaffe agrees that criminal justice interventions work most effectively where support services are in place.

If the laying of charges is seen as an overall community response, where the police and support services from the shelter or other agencies work with the police from the moment the charges are laid, from the moment the assault had taken place through to the

(36) *Ibid.*, p. 97.

(37) House of Commons, Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women, 12 February 1991, 4:39.

court appearance, then you are providing proper community service.(38)

3. Family Court, Winnipeg, Manitoba

A special court to hear family violence cases was established in Winnipeg in September 1990. The Family Violence Court project in Winnipeg, which is part of the Provincial Court, is the only court of its kind in Canada. It handles all offences of family violence - spouse abuse, child abuse and elder abuse. The court's hours have been increased from 28 hours to 54 hours per week and this has decreased the waiting period for cases from 8-10 months to within three months. The Court handles first appearances, remands, guilty pleas, and preliminary inquiries. Full-time Crown attorneys have been assigned to the court, as have counsellors with social work backgrounds, who prepare victims for trial and support them through the process.

4. Family Violence Tackled in the Work Place

Public Works Canada has initiated a program, run by an employee assistance program advisor, to educate employees about wife assault and to provide a confidential service of information, counselling and referral for the victim or abuser. It is estimated that domestic violence costs businesses billions of dollars each year in absenteeism and low worker productivity. To address the myths about wife abuse, the program offers seminars and makes a video available to 8,000 Public Works employees and managers across Canada. In addition to the information session, an ongoing promotion of the program by the employee assistance advisor encourages employees to take advantage of the guaranteed confidentiality and talk about their problems.

5. Older Victim Services

A component of the Victim Services program in Winnipeg, Older Victim Services provides emotional support and practical assistance, including referrals to resources, to seniors who are victims of personal or property crime. For example, after a break-in, Older Victim Services assesses the safety of a dwelling and volunteers install security devices

(38) *Ibid.*, 13 February 1991, 5:63.

purchased by the senior. The Service also accompanies victims to court and keeps them informed about the progress of an investigation and the recovery of property. Older Victim Services' staff try to dispel fear and rebuild seniors' trust. Elderly victims have reported that the most valuable feature of the program is the contact with others who listen to their feelings and concerns.

6. Toronto Transit Commission Safety Campaign

In response to a proposal by the Metro Action Committee on Violence Against Women and Children, the Toronto Transit Commission (TTC) launched a pilot project for safer public transit in Scarborough. From after dark until the first light of the morning, women travelling on Scarborough TTC buses can ask drivers to let them off at points between any of the city's 4,000 transit stops. Many official stops in the city are far apart and isolated; most of the attacks on women attributed to the man known as the "Scarborough rapist" have occurred as women were making long walks home at night after leaving TTC buses. TTC also plans to install emergency exits, telephones and better lighting in transit shelters throughout the city.

7. Advocates to Assist Battered Women at Hospitals

Studies have revealed that at least 25% of the women who arrive with physical injuries at emergency rooms are victims of abuse. The Manitoba Medical Association's Council on Health Care has given its support to a proposed pilot project that would train staff at two Manitoba hospitals to detect and treat abused women who come to hospital emergency rooms. The project would also provide on-call volunteers trained to offer such women emotional support and information on options. The project was conceived by doctors, nurses and social workers who make up the Winnipeg Inter-Hospital Committee on Family Abuse. A proposal for the project has been submitted to the province for funding.

8. Transition Houses

There are a total of 292 transition houses for battered women and their children across Canada.⁽³⁹⁾ Developed originally by women's groups through community action, transition houses are often the only option for women who have no money or support system. Transition houses offer a short-term, safe living environment for battered women and their children and are the first step towards breaking the cycle of violence and control. The stay in a transition house can be for a few days, a few weeks or a few months. A representative from the New Brunswick Coalition of Transition Houses Against Abused Women, described to the House of Commons Committee the typical characteristics of women who come to a shelter in that province: they are in their late twenties or early thirties; on income assistance; and do not have much family support. It was pointed out that these are not, of course, true statistics for battered women in general because women who are financially well-off do not seek refuge in shelters, which are places of last resort for women with nowhere else to turn for safety and support.⁽⁴⁰⁾

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

9. Treatment for Abusive Men

There are a total of 114 Canadian treatment programs for men who batter their partners.⁽⁴¹⁾ These programs often have formal links

(39) Canada, *Transition Houses and Shelters for Battered Women in Canada*, Health and Welfare Canada, 1989.

(40) House of Commons, Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women, 13 February 1991, 5:126.

(41) Canada, *Canadian Treatment Programs for Men Who Batter*, Health and Welfare Canada, July 1988.

to the criminal justice system. They may be located within correctional institutions and may be part of a sentence or an alternative to the criminal justice system offered in the community. A man whose partner has threatened to end the relationship unless he seeks help may "voluntarily" enter such a program.

An evaluation of research literature on the effectiveness of batterers' treatment groups carried out for the federal Department of Justice suggests that these programs appear to have a marginal impact on violence against women.

It was hoped that the combined results of these evaluations would paint a more encouraging picture than they do. As things stand, it seems clear that these programs reach only a small percentage of abusive men. Of those men who do begin treatment, about 50% drop out. Of those who complete treatment, it is encouraging that about two-thirds remain physically non-violent, at least for the brief follow-up periods typical of these studies. The programs are less successful in terminating other forms of abuse, however. Of those abusive men who complete treatment, only about one in three are also psychologically non-abusive at follow-up. (42)

D. Other Initiatives

1. Federal Panel on Violence

In August 1991, the federal government established a nine-member panel of social workers, activists and experts to carry out an in-depth national study of violence against women. Its mandate is to examine violence against women, identify the issues, heighten public awareness, seek solutions and recommendations and devise a plan of action for both government and community groups. A report based on the panel's findings and recommendations is scheduled to be released in December 1992.

(42) Nanci Burns *et. al.*, "Treatment Programs for Men Who Batter: A Review of the Evidence of Their Success," Department of Justice, Canada, July 1991, p. 56.

2. Sub-Committee on the Status of Women Report on Violence Against Women

In June 1991, *The War Against Women*, the report of House of Commons Sub-Committee on the Status of Women, was tabled in Parliament. The report was the product of five months of public hearings during which the Committee heard and received written and oral submissions from abused women; government officials; non-governmental community-based agencies and organizations that deliver services to abused women, children and abusers; professional organizations and associations that act as educators of and advocates for women victims of violence; and individual experts and commentators. The report contained 25 recommendations. They included:

- . a national, multi-media education campaign on violence against women;
- . mandatory violence-prevention education programs in the schools from kindergarten to grade 12;
- . gender sensitivity training for judges, law enforcement personnel, and prosecutors;
- . secure funding for front-line agencies providing services to abused women;
- . a legal policy that would allow a judge to issue an order removing a man charged with assaulting his partner from the family home;
- . enforcement of the mandatory charging policy in assault cases; and
- . the establishment of a royal commission on violence against women.

3. Federal Government's Family Violence Initiative

In 1988, the federal government launched its Family Violence Initiative. The government allocated \$40 million to six federal departments - Health and Welfare, Canada Mortgage and Housing, Justice, Solicitor General, Indian and Northern Affairs, and Secretary of State - over a four-year period to enhance and augment their activities with respect to family violence. Canada Mortgage and Housing was allotted \$22.2 million for the creation of 500 new emergency shelter beds across the country. The special needs of native women, immigrant and visible minority women,

disabled women, and rural and isolated women are the focus of the initiative.

In February 1991, the federal government announced a four-year \$136-million initiative on family violence to build on the 1988 initiative. The initiative stresses that prevention of family violence is the responsibility not only of government but of all Canadians and concentrates on seven areas:

- involvement of all Canadians and mobilizing community action;
- strengthening Canada's legal framework;
- establishing services in Indian reserve and Inuit communities;
- strengthening Canada's ability to help victims and stop offenders;
- providing additional housing for abused women and their children;
- making available better national information on the extent and nature of family violence;
- sharing information on and solutions to family violence.

4. Report of the Federal, Provincial, Territorial Ministers Responsible for the Status of Women

In June 1991, Canadian cabinet ministers responsible for the status of women released a report on violence against women. Recommendations in the report included:

- an education campaign from kindergarten to grade 12;
- a media blitz, including billboards and pamphlets;
- research on the consequences of physical and sexual abuse;
- training for justice officials;
- programs for abusive men ;
- affordable housing for women escaping from abusive homes.

5. Edmonton's Mayor's Task Force on Safer Cities

In May 1991, the Edmonton Mayor's Task Force on Safer Cities Family Violence Committee released its report *Family Violence: Breaking the Cycle*. The report's recommendations included:

- providing information and education on the nature, extent and societal costs of family violence;
- sensitizing all components of the criminal justice system to the extent of family violence and the need to provide specialized and informed services;
- providing adequate, accessible and culturally relevant services to deal with the short-term and long-term needs of victims and perpetrators of violence;
- coordinating funding from all levels of government for services to combat family violence;
- ensuring that aboriginal people have access to comprehensive, adequately funded, and culturally sensitive services.

CONCLUSION

Sexual and physical assaults, threats, and murder are a terrifying and brutal reality for too many women. In spite of the good work and goodwill that exist across the country for enhancing the security and safety of women, the violence persists and is perpetuated. Services to victims, criminalization, and education have had some impact but they have not demonstrably succeeded in enhancing the safety of women and children. As well, the phenomenon remains largely a women's problem of which there is minimal social awareness. This points to a requirement for public input and support in creating permanent, effective solutions to the problem.

Security of the person is a fundamental human right that is denied to too many women in our society. The fact that women are the targets for men's violence is a tragic reflection of the unequal social and economic status of the sexes. Many commentators believe that female-oriented violence will come to an end only when society no longer accepts the legitimacy of violence as a means of resolving conflicts and the legitimacy of inequality between men and women.

Indeed, the Minister responsible for the Status of Women in this country has expressed the view that one way to prevent abuse of women is to enhance women's economic security.

...I believe we must think of the challenge of preventing violence against women as part of a wide-ranging program of empowerment for women. For example, all our efforts to secure economic equality for women -- employment equity, pay equity, access to training and education, to name a few -- will ensure that victims of violence will have real choices in the long term. (43)

(43) House of Commons Standing Committee on Health and Welfare, Social Affairs, Seniors and the Status of Women, 4 December 1990, 1:24.