

Submission to the House Of Commons Standing Committee On The Status of
Women for its Study on Intimate Partner and Domestic Violence in Canada

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March 17th, 2022

Background INTIMATE PARTNER VIOLENCE IS A VIOLATION OF A WOMAN'S HUMAN RIGHTS

The Istanbul Convention¹, of which Canada is not yet a signatory, sets legally binding standards to prevent gender-based violence, protect victims of violence and punish perpetrators. Canada has not yet met its obligation to protect women and children from gender-based violence under the UN Convention on the Elimination of All Forms of Discrimination against Women. The transition house movement in Canada arose in the 1970's from a dire need to protect victims of gender-based violence; sadly the movement has not been able to keep pace with growing demand². Transition houses currently face many challenges; funding shortages and the exorbitant cost of housing³. Many transition houses in Canada turn away 75% of those seeking safety outside of their home⁴. A patriarchal society with prevalent misogynist attitudes, combined with periods of economic, social and political instability and a deadly pandemic creates a perfect storm of unprocessed trauma that touches down most severely in the home⁵. As is glaringly obvious, war in the hearts and minds of men needs to be addressed so that war in the home can be eradicated. Preventative as well as protective/interventional measures need to rapidly evolve with the severity of this social justice issue. The inadequacy of the existing framework signals a necessary paradigm shift. But where do we begin?

A Necessary Paradigm Shift *From being forced to flee to being supported to stay at home*

Violence against women- especially the violence and abuse that occurs in the home- has always been treated as a private issue. Although much has been accomplished to bring the matter into public awareness, the rise in intimate partner violence begs a deeper engagement with the root of the problem. So long as it is expected that victims of violence must flee their homes to escape intimate-partner violence, interventions will always be piecemeal. So long as solutions are piecemeal and focused only on the victim, violence in the home will continue to be treated as an isolated crime of passion rather than the social phenomenon it is⁶. By reframing intimate partner violence through the lens of coercive control, says criminologist Jane Monckton Smith, not only can femicide be predicted, it can be prevented⁷.

The term paradigm shift refers to a major change in the worldview, concepts, and practices of how something works or is accomplished. Paradigm shifts take time. The paradigm shift from fleeing to staying will take time. NOW is the time to begin changing the paradigm. At the same time that the patterns of behavior that lead to intimate partner violence (coercive control) is being addressed, it is important to change a long standing policy bias: that women are expected to flee abuse. Statutory regulations to remove violent men from the home are imperative. It is a human right for women and girls who are currently living in unsafe environments to easily access support, resources, interventions and protection mechanisms that guarantee their physical and emotional safety. If

¹ <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention>

² <https://www.cbc.ca/news/canada/womens-shelters-turned-away-domestic-violence-1.5483186>

³ <https://www.chemainusvalleycourier.ca/news/cowichan-women-against-violence-has-just-3-weeks-to-find-property/>

⁴ Report of the Special Rapporteur on violence against women, its causes and consequences, United Nations General Assembly, 2019

⁵ Snyder, Rachel Louse, No Visible Bruises: What We Don't Know About Domestic Violence Can Kill Us.

⁶ <https://www.theguardian.com/society/2021/feb/21/jane-monckton-smith-in-control-domestic-abuse-murder-public-protection>

⁷ Smith, Monckton Smith. In Control: Dangerous Relationships and How They End in Murder (2021), Bloomsbury Publishing.

coercive control is the systematic taking away of the victims agency⁸, the right to stay safely at home is fundamental. Combined with public policy tools to eliminate patterns of abusive behaviour (Bill C-247), protection through barring orders⁹ is an effective strategy for removing violent men from the home.

In countries such as Australia¹⁰ and Austria¹¹ this assumption has been challenged through domestic violence interventions that seek to protect victims through policies and programs that enable women and their children to stay safely in their homes. In Canada, there is no such framework. Safety planning for women usually only offers one strategy: flee. Due to the inadequacy of the shelter supply and affordable housing market to meet the needs of women needing to escape intimate partner violence, most women cannot leave, many who do return to the home where abuse continues, and many become homeless. The Austrian Protection Against Violence Act is a legal framework under which the Austrian State is obligated to protect women and children within their own homes¹². Might Canada consider a similar approach? Physical violence in intimate partner relationships is almost always preceded by a pattern of coercive behaviour. Interventions during incidents of coercive control present an opportunity to prevent physical violence. As it is harder for women to leave a relationship once violence has escalated, interventions that address coercive control before violence escalates present a precious window of opportunity for the victim to safely separate from the abuser.

Recommendations:

1. Include in Bill-C247 the intervention mechanism of a barring order. Consult with the creators and evaluators of the Austrian Act on Protection against Domestic Violence regarding the barring order used when an offense is committed and the responding officer has authority to remove an abuser from the home for up to 14 days.
2. Create A Statutory Guidance Framework¹³ for Coercive Control that guides the use of barring orders. Require police training in intervention strategies in order to successfully conduct home risk assessments for coercive control and/or intimate partner violence. Similar to their use in Austria, barring orders can be utilized to evict the abuser from the home for a period of time once a risk assessment is complete.
3. Fund research into Violence Intervention and Protection Centers that incorporate trauma informed, culturally sensitive services. Such services develop and implement training, intervention resources, and legal support for victims who are able to stay in their homes, as well as perpetrators who are interested in working through a restorative justice lens. Victims that are reluctant to report coercive control and violence to police can receive safety planning through such centers.

Amamor Women's Foundation aims to be a catalyst for the prevention and elimination of domestic violence and femicide in Canada by utilizing a human rights approach. We are a non-profit, grassroots, registered charitable organization that provides grants to Registered Charities working to reduce domestic violence and femicide in Canada.

⁸ Snyder, Rachel Louise, No Visible Bruises: What We Don't Know About Domestic Violence Can Kill Us.

⁹https://www.citizensinformation.ie/en/birth_family_relationships/problems_in_marriages_and_other_relationships/barring_safety_and_protection_orders.html#l59761

¹⁰ <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.190.2695&rep=rep1&type=pdf>

¹¹ http://www.ikf.ac.at/english/austrian_legislation_against_domestic_violence.pdf

¹² http://www.ikf.ac.at/english/austrian_legislation_against_domestic_violence.pdf

¹³ <https://www.ourcommons.ca/Content/Committee/432/JUST/Brief/BR11085796/br-external/Jointly1-e.pdf>

