



West Coast Legal Education and Action Fund

555–409 Granville Street, Vancouver, BC, V6C 1T2

t: 604.684.8772 e: [info@westcoastleaf.org](mailto:info@westcoastleaf.org)

[westcoastleaf.org](http://westcoastleaf.org)

September 26, 2016

Status of Women Canada

By email: [FinALAViolence-EndViolence@swc-cfc.gc.ca](mailto:FinALAViolence-EndViolence@swc-cfc.gc.ca)

To Whom It May Concern:

**Re: Federal Strategy on Gender-Based Violence**

We are writing in response to your call for feedback on key issues and activities that can help to inform the development of the federal strategy against gender-based violence.

West Coast LEAF formed in 1985, the year the equality guarantees of the *Canadian Charter of Rights and Freedoms* came into force. Our mission is to achieve equality by changing historic patterns of discrimination against women through BC-based equality rights litigation, law reform and public legal education. West Coast LEAF is an incorporated non-profit society and federally registered charity, and is a separate organization from LEAF national. We are governed by an elected Board of Directors and supported by members, volunteers, and staff. We have established legal expertise in constitutional, human rights, family and international law in courtrooms, communities and classrooms throughout BC and beyond. For more information about West Coast LEAF and our work, please visit our website at [www.westcoastleaf.org](http://www.westcoastleaf.org).

We have made numerous submissions to every level of government about the rights and well being of women and girls, with a particular focus on gender-based violence. For example, we have recently been invited for the second time to appear as a witness before the Standing Committee on the Status of Women to make submissions in regard to cyber violence. This is in response to our work on cybermisogyny, and in particular, our report entitled *#CyberMisogyny: Using and strengthening Canadian legal responses to gendered hate and harassment online*. We have also recently completed significant law reform projects on access to justice, child care and mothering with disabilities. We were pleased to participate in the Vancouver Regional Roundtable, and have prepared these brief submissions to complement that consultation.

We want to highlight the significance of reforms to those areas of family law within federal jurisdiction, namely the *Divorce Act*. In addition to the statistics you have pointed out on your website (e.g. that women over 15 years of age represent roughly 80% of all reported intimate



partner violence), women are also much more likely to experience serious harm and even death at the hands of intimate partners. Women are four times as likely to be killed by their spouses than men (*Homicide in Canada*, 2014, Statistics Canada, p. 23. Available at: <http://www.statcan.gc.ca/pub/85-002-x/2015001/article/14244-eng.htm#a9>) . A 2013 report from Statistics Canada says:

“While women and men self-report similar rates of spousal violence, women's experiences are different from men. Women are more likely than men to experience the most severe forms of self-reported spousal victimization, such as multiple victimizations and incidents with physical injuries”

Family law plays a key role in keeping women safe within the intimate sphere of the family. The relatively new *Family Law Act*, [SBC 2011], c 25 in British Columbia contains a broad definition of family violence, including psychological and emotional abuse such as: intimidation; threats to persons, pets or property; unreasonable restrictions on a family member's financial or personal autonomy; stalking; and intentional damage to property. Importantly, family violence also includes the direct or indirect exposure of a child to physical, sexual or psychological abuse. Consideration of the best interests of children, a determining factor in many decisions under the *Act*, includes consideration of the impact of family violence on a child (including violence against a child's mother). The impacts of this broad definition are significant. West Coast LEAF urges you to ensure that equally progressive revisions are made to the *Divorce Act* in order to protect women within the family.

A federal strategy on gender-based violence also requires a holistic understanding of how federal law, policies and actions (or inaction) impacts on the safety of women and girls. Key to women's safety is funding social service supports (whether federally or provincially administered) and creating regulatory supports for women leaving violent relationships. The most dangerous time for a woman in a violent relationship is when she attempts to leave her abuser (*Measuring Violence Against Women: Statistical Trends 2006*, p. 38. Available: [http://www.unece.org/fileadmin/DAM/stats/gender/vaw/surveys/Canada/2006\\_Publication\\_VAW.pdf](http://www.unece.org/fileadmin/DAM/stats/gender/vaw/surveys/Canada/2006_Publication_VAW.pdf)). Risk of fatality – murder – is significant. Supports during this time are essential. To this end, the federal government must commit to funding family law legal aid in each province, not only the criminal legal aid it is currently funding. A national poverty reduction plan, as well as a child care strategy, is also vital to ensuring that women can be financially independent and therefore have the freedom to leave with the security of being able to support themselves and their children. And immigration law and policy must be revised to ensure that no women are



**West Coast Legal Education and Action Fund**

555–409 Granville Street, Vancouver, BC, V6C 1T2

t: 604.684.8772 e: [info@westcoastleaf.org](mailto:info@westcoastleaf.org)

[westcoastleaf.org](http://westcoastleaf.org)

kept dependent on their spouses by operation of law in order to retain their immigration status in Canada.

Finally, a strong network of civil society organizations will likely be best placed to implement some of the elements of a federal strategy against gender-based violence. Funding must be administered in a way that values innovations as well as ongoing promising practices, and does not further burden organizations that are already overstretched and under-supported. Grant processes should not be onerous, and funds should go to organizations with established reputations for driving credible and sustainable change.

Thank you for the opportunity to make written submissions at this stage in the development of the strategy. We would welcome the opportunity to continue discussions with Minister Hadju and senior staff, and to this end, we look forward to hearing from you.

Yours truly,

Kasari Govender  
Executive Director