

**Canada's Submission to the UN's In-Depth Study on
All Forms of Violence Against Women**

This is the Government of Canada's response to the letter dated 31 March, 2005, from the United Nations Division for the Advancement of Women, forwarded to the Permanent Mission of Canada to the United Nations, requesting information from Member States for the In-depth Study on All Forms of Violence against Women (as requested in resolution 58/185).

The Government of Canada's approach to this request for information has been to highlight the most recent initiatives and to provide an update to our submission to the Beijing 10-Year Review and Appraisal Process (as submitted in June 2004), as pertains to violence against women. We encourage the Division for the Advancement of Women to also consult the information reported by Member States on the issue of violence against women to the UN Special Rapporteur on violence against women, its causes and consequences (SRVAW).

Canada condemns violence against women and attaches great importance to its elimination. It is a priority both of our domestic and foreign policies and figures prominently in our work internationally on promoting and protecting women's rights and gender equality. Federal, provincial and territorial levels of government are engaged in activities to eliminate violence against women.

Canada continues to play an active and visible role internationally towards eliminating violence against women, including through its multilateral work at the UN Commission on Human Rights (CHR), the UN General Assembly and the UN Commission on the Status of Women where we support resolutions and participate in negotiations on agreements calling for the elimination of violence against women. In particular, Canada leads the annual resolution on the elimination of violence against women at the CHR which created the mandate of the SRVAW. Canada also supported the UN Declaration on the Elimination of Violence Against Women, adopted by the General Assembly in 1994. The Canadian government has also ratified the six principal UN human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women.

1. Forms and manifestations of violence against women: International legal and policy framework

A very great number of international legal instruments, including conventions, treaties, declarations and resolutions, are arguably relevant to the State's obligations to prevent, prosecute and punish all forms of violence against women. This is especially true if one takes an expansive approach concerned with addressing both violence against women and its root causes which lie, for example, in discriminatory attitudes and socio-economic structures. The following is a very brief overview of the instruments of particular relevance. Unless otherwise indicated, Canada is State Party of the following human rights instruments, and has supported the elaboration of the following declarations.

The Universal Declaration of Human Rights (UDHR) provides that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in it without discrimination of any kind, including on the basis of sex (articles 1 and 2). Article 3 of the UDHR provides that everyone has the right to life, liberty and security of the person.

The International Covenant on Civil and Political Rights (ICCPR) provides that each State Party undertakes to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized therein without distinction of any kind, including sex (article 2). Article 2 also requires States to ensure an appropriate remedy for violations of the rights contained in the Covenant. Article 3 provides that States Parties undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set out in the Covenant. Article 6 provides that every human being has the inherent right to life. Article 7 provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 9 provides that everyone has the right to liberty and security of the person. Article 23(3) provides that no marriage shall be entered into without the free and full consent of the intending spouses. Article 26 provides inter alia that all persons are equal before the law and are entitled without discrimination to the equal protection of the law. Taken together, the ICCPR requires States Parties to respect and take the necessary measures to protect the enjoyment of the rights set out in it by all women without discrimination. For example, this includes an obligation to exercise due diligence to protect the right to security of the person of women, and to provide an appropriate remedy for violations. Due diligence requires that States Parties criminalize all forms of violence against women and take all feasible enforcement measures, including prevention, as well as prosecution and punishment of offenders. Failure to exercise the necessary due diligence would constitute a violation by the State Party of this right.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Canada is a party, in article 2 requires States Parties to take measures to eliminate discrimination against women, including to establish equal legal protection of the rights of women, to refrain from engaging in any act or practice of discrimination against women, and to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. In 2002, Canada acceded to the Optional Protocol to the CEDAW, which provides for an individual complaints mechanism to the Committee established under the CEDAW regarding violations of the Convention. In the same year, Canada ratified the Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol).

Under an expansive view of the definition of women, the Convention on the Rights of the Child establishes protection for girl children. Article 19 in particular requires the State Party to take measures to protect children from violence, and to establish social programs for the treatment of child maltreatment. Article 34 refers to the State Party responsibility to protect children from sexual exploitation and abuse, while Article 37 deals with State Party responsibility in respect of prevention of torture, and the deprivation of liberty. One of the two Optional Protocols to the CRC, concerning the sale of children, child prostitution and child pornography (OP SOC), addresses issues of particular concern to girl children. Canada ratified the OP SOC on September 14, 2005.

Canada was also a strong advocate for the inclusion of sexual and gender-based crimes in the Rome Statute of the International Criminal Court. Under Article 7, for example, the term “crimes against humanity” is defined to include sexual based offences and persecution on the basis of gender and enslavement includes trafficking in persons, particularly women and children. Further under Article 7, the crime of “forced pregnancy” is defined. Article 8 defines the commission of sexual based offences as a war crime.

A number of international humanitarian legal instruments, as well as instruments from specialized agencies such as the International Labour Organization, touch on the issue of violence against women.

2. Prevalence and extent of violence against women: Statistics and data collection on all forms of violence against women

(A) Overview of all forms of violence against women

Patterns and Trends regarding Violence against women in Canada

- During a 30 year period, between 1974 and 2003, the rate of spousal homicide against females has typically been 4 to 5 times higher than the rate of male spousal homicide. In 2003, there were a total of 78 persons who were killed by their spouse, of which 64 were female victims and 14 were male victims;
- Women accounted for 84% of all police-reported victims of spousal violence in 2004, women aged 25-34 accounted for the majority; there were 25,922 cases reported by women and 5,070 reported by men;
- In 2004, more than one in ten females (11%) or 1.4 million women self-reported to the General Social Survey (GSS) on Victimization being stalked in the preceding five years in a way that caused them to fear for their safety or the safety of someone known to them. Just under 900,000 men or 7% experienced stalking;
- According to the GSS, women victims of stalking are twice as likely as male victims to be stalked by either a current or previous intimate partner (20% versus 11%);
- Some women, including Aboriginal women and women who are immigrants, refugees or members of a racial minority, experience disadvantages that make them more vulnerable to racialized and sexualized violence;
- The spousal homicide rate for Aboriginal women is more than eight times the rate for non-Aboriginal women and Aboriginal women are three times more likely indicate either physical or sexual violence by a current or previous spouse;
- Approximately 473 shelters for abused women reported 95,326 admissions of women and children, a decrease of 7% from 2003/04 to 2001/02;
- Children and youth under 18 years of age accounted for 61% of victims of sexual offences reported to police in 2003, approximately 80% were girls;
- A 1995 study estimated the total annual measurable economic costs of violence against women relating to health and well-being alone amounted to \$1.5 billion. When criminal justice, employment and other costs are included estimates were much higher.
- According to the 2004 General Social Survey there was a small but statistically significant decline in the number of women reporting spousal violence by a current or previous partner in the previous 5 years (8% versus 7% in 1999).
- While violence in previous relationships remains significantly higher than that in current unions, the percentage of women in these relationships who have experienced violence dropped significantly from 28% in 1999 to 21% in 2004.

(B) Gaps and challenges in data collection and methodology

Many of the gaps in data collection with respect to measuring violence against women in Canada have been addressed in recent years. For example, prior to adding spousal violence modules to the *General Social Survey on Victimization*, Canada did not have good measures of crimes to which women were particularly vulnerable. Most recently, the *2004 General Social Survey* added modules related to criminal harassment or stalking. Prior to this study, national victim data on the nature and extent of criminal harassment in Canada were lacking.

An area where there remain gaps in information is sexual assaults. While this is captured in the *General Social Survey*, it is not measured in the same detailed manner that it was in the one-time *Violence Against Women Survey*, conducted in 1993. Also, while some improvements have been made, detailed national data on violence against women among special segments of the population continues to be a challenge, e.g. violence experienced by different ethnic groups, immigrants, and the disabled. While data concerning violence against Aboriginal women has improved, small sample sizes in the national survey limits the analysis of these data.

Another area which requires further work and analysis is in the area of human trafficking. As part of the development of a national trafficking in persons federal strategy, work is however currently being done within the Interdepartmental Working Group on Trafficking in Persons to enhance data collection and research strategies in this area.

Frequency of data collection regarding victimization in Canada presents another challenge. Currently the survey is repeated on a five year cycle making it difficult to monitor trends overtime and understand what factors may be influencing trends.

Statistics Canada recently released *Family Violence in Canada: A Statistical Profile 2005*, a report which provides the most current data on the nature and extent of family violence in Canada, as well as trends over time, as part of the ongoing initiative to inform policy makers and the public about family violence issues. An edition of this report is released each year with a different focus. This year, the focus of the report was on stalking and spousal violence reported by both women and men to coincide with Canada's efforts in the past recent decades to prevent and reduce spousal violence. For example, the *Family Violence in Canada: A Statistical Profile 2005* highlights the number in thousands and the per cent of women either currently or previously married/living common-law and who experienced violence by type of violence (see table 1.1).

We are annexing *Family Violence in Canada: A Statistical Profile 2005* to this response for further information. We are also annexing to this response four additional reports which provide further information on Canada's shelters for abused women, victim services in Canada, sexual offences in Canada, and violence against children and youth. Lastly, we are annexing to this response two tables from the *Incident-Based Uniform Crime Reporting Survey* which outline the number of police-reported incidents of violence against women by relationship to the offender and by offence type for the year 2004.

3. Causes, consequences and costs of violence against women

For further information, we draw your attention to the report, *Family Violence in Canada: A Statistical Profile 2005*, as well as the additional reports annexed to this response.

4. Good practices in addressing violence against women

(A) Constitutional and legislative provisions

Responsibility for criminal law matters in Canada is divided between the federal and provincial governments. The federal government has responsibility for the criminal law and the provinces have responsibility for the administration of justice, including enforcement of the criminal law. Accordingly, both levels of government work closely together in developing criminal reforms designed to address violence against women.

In addition, the *Canadian Charter of Rights and Freedoms* provides an important constitutional framework in which legislation and policy on violence against women is enacted. For example, the *Charter* protects the right of everyone to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice (s. 7), the right to privacy (s. 8), the right to equality before and under the law and to the equal protection and equal benefit of the law without discrimination, including without discrimination on the basis of sex (s. 15) and requires that the *Charter's* rights and freedoms be guaranteed equally to men and women (s. 28). To give an example of where this constitutional framework has proven important in respect of the punishment of violence against women, the Supreme Court of Canada has recognized that in order to combat the wrongful reliance within the justice system on myths and stereotypes about the relevance of past sexual conduct in sexual assault cases, Parliament is entitled to balance carefully the victim's constitutional rights to privacy and equality against the accused's constitutional rights to life, liberty and security of the person and the right to be presumed innocent until proven guilty in the context of prosecutions of cases involving sexual violence against women. (See generally: *R. v. Mills*, [1999] 3 S.C.R. 668; *R. v. Darrach*, [2000] 2 S.C.R. 443).

At the federal level, the *Criminal Code* protects women from all forms of violence, including domestic violence, sexual assault and marital sexual assault. Although there are no specific provisions dealing with domestic violence in the *Criminal Code*, a number of offences apply including assault, sexual assault, homicide (manslaughter, murder), criminal harassment (commonly known as stalking), forcible confinement and uttering threats. In addition, the *Criminal Code* provides procedural protections, preventative measures and sets out sentencing principles applicable in relevant cases. For example, it is an aggravating factor for sentencing purposes where an offender commits an offence against his spouse or child; abuses a position of trust or authority; or where the offender was motivated by bias, prejudice or hate based on *inter alia* sex or sexual orientation. Moreover, a conviction for criminal harassment while under a restraining order is an aggravating factor that should be reflected in sentencing.

The *Criminal Code* contains measures to protect sexual offence victims by providing criteria to determine whether evidence of a complainant's sexual activity is relevant and should be admitted at trial, and restricting the circumstances under which accused persons could say they "mistakenly believed" the victim was consenting. A defence of mistaken belief cannot be used if the belief stemmed from the accused's drunkenness, recklessness, or wilful blindness, or if the accused did not take reasonable steps to determine whether the victim was, in fact, consenting. In addition, the *Criminal Code* contains measures restricting the production of personal information records, such as psychiatric, therapeutic and counselling records, in cases of sexual assault.

The *Criminal Code* also contains many provisions which seek to improve the experiences of victims in the criminal justice system including women who have experienced violence. Examples of such provisions include requiring police officers and judges to consider the victim's safety in all bail decisions, allowing for publication bans to protect the identity of victims, and permitting victims to inform the court of the impact of the crime on their lives through victim impact statements which may be presented orally at the victim's request.

Bill C-2, An Act to Amend the *Criminal Code* (Protection of Children and Other Vulnerable Persons) and the *Canada Evidence Act*, which received Royal Assent in July 20, 2005, enhances existing provisions in the *Criminal Code* and *Canada Evidence Act* to improve the participation of young and other vulnerable victims and witnesses such as victims of spousal abuse. The changes to the *Criminal Code* will allow vulnerable adult victims and witnesses to apply for testimonial aids such as screens and support persons or to testify by closed-circuit television and to restrict personal

cross-examination by self-represented accused persons. Previously these protections were only available to victims and witnesses under the age of eighteen. The Bill also contains provisions which facilitate the criminal law enforcement of breaches of civil restraining orders or protective orders. The new provisions provide a clearer and more consistent test for the use of aids. Many of these measures built upon July 2002 amendments to the *Criminal Code*, which included increasing the maximum penalty for criminal harassment from 5 to 10 years.

Other relevant federal legislation includes the *Firearms Act* which operates together with the *Criminal Code* to require all firearm owners and users to be licensed and all firearms to be registered. Spouses, former spouses and common-law partners are notified of an applicant's intention to acquire a firearm and are given an opportunity to raise any concern they may have about their own or someone else's safety. Public safety screening is conducted on a continuous basis for all licence holders and a special spousal line is also available to permit a person to voice any safety concern in relation to firearms. Legislative measures are available to permit police to take preventative action, including removing firearms and applying for an order prohibiting a person from possessing firearms and other weapons. Tougher penalties exist to respond to firearm offences. A minimum penalty of 4 years applies to ten serious offences committed with a firearm. These include manslaughter, attempted murder and sexual assault with a weapon.

Preventive measures such as restraining or protection orders are available throughout the country through either a criminal or a civil court. These orders, intended to protect victims who fear for their safety or the safety of someone known to them, restrict the movement and limit a potential abuser's ability to contact the victim. Violation of such orders may result in a penalty such as imprisonment or a fine.

In addition, specific domestic violence protection orders are available in the seven provinces and territories that have implemented civil domestic or family violence legislation. Saskatchewan adopted the first *Victims of Domestic Violence Act* in Canada in 1995. Prince Edward Island's *Victims of Family Violence Act* came into force in 1996 and is the first provincial act to include emotional abuse as a form of violence. Manitoba's *The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendment Act* came into force in 1999 and is the first act to address civil remedies for stalking. In 1997, the Yukon enacted its *Family Violence Prevention Act* which came into force in 1999. Alberta's legislation, the *Protection Against Family Violence Act*, came into force in 1999. Nova Scotia's *Domestic Violence Intervention Act* came into force in 2003 and the Northwest Territories *Protection Against Family Violence Act* came into force in 2005.

These civil statutes are designed to provide avenues of support for victims of family violence in addition to protections offered under the *Criminal Code* through immediate practical interventions and remedies pending criminal procedures. Measures provided include emergency intervention orders which may grant exclusive victim occupation of the home, and restrain the abuser from communicating with or contacting the victim or members of the victim's family. Some statutes also provide for victims' assistance orders which may include monetary compensation from the abuser, and warrants of entry which allow police officers to obtain entry to a home where violence is suspected.

Several jurisdictions have also created Domestic Violence Courts, which provide a range of specialized services, such as advocacy and support for women and children, expedited court processing, enhanced victim cooperation and support, translation services, greater conviction rates and appropriate sentencing, including treatment for abusers. The first specialized family violence court was established in Winnipeg, Manitoba in 1990. Since 1996, the Ontario

government has introduced the domestic violence court program to 42 court sites. They plan to expand into 12 more sites by the end of the 2005/2006 fiscal year. Dedicated courts and specially trained prosecutors can also be found in three cities in Alberta since 2000. The Yukon is currently reviewing the success of its Domestic Violence Treatment Option, first introduced in 2000.

Criminal law reforms initiated since 2001 include measures to create a new offence of voyeurism, and stronger child pornography provisions. There is also increased protection to children from sexual exploitation through the creation of new offences to target criminals who use the Internet to lure and exploit children or who transmit, make available, export or intentionally access child pornography. In addition, reforms were made to help ensure that participating in the criminal justice system is less traumatic for the victim or witness.

In May 2005, the federal Minister of Justice introduced Bill C-49, *An Act to amend the Criminal Code* (trafficking in persons) which would create 3 new indictable offences: trafficking in persons; an offence prohibiting anyone from receiving a financial or other material benefit from trafficking of a person; and, an offence prohibiting the withholding or destruction of documents for the purpose of committing or facilitating the trafficking in persons. The proposed new criminal offences will complement existing provisions in the *Criminal Code* that are being used to address trafficking-related conduct as well as the trafficking offence under the *Immigration and Refugee Protection Act (IRPA)*.

The *IRPA* includes new offences related to trafficking in persons and migrant smuggling, with penalties of up to life imprisonment and fines up to \$1M. In accordance with the Trafficking Protocol, sentencing considerations include the presence of aggravating circumstances, such as physical harm, degrading treatment, sexual exploitation, etc. suffered by the trafficked person. Victims of trafficking who would like to remain in Canada may request permanent resident status based on humanitarian and compassionate considerations, a refugee protection claim or an application for protection under the pre-removal risk assessment program. In some instances, a temporary resident permit (TRP) may be issued to a victim of trafficking who requires time to examine options.

The regulations supporting the *Immigration and Refugee Protection Act (IRPA)* address key areas to better protect women from violence. A sponsorship bar against sponsors in the Family Classes exists where they have been found guilty of criminal convictions for family violence. A sponsorship bar also exists for those with criminal convictions related to crimes of a sexual nature, or an attempt or threat to commit such an offence against anyone. Citizenship and Immigration Canada has recently initiated a review of the prevalence of this bar as a reason for refusal on sponsorship cases. Early reports indicate that though the numbers are low they are consistent from year to year.

The federal government also provides information to immigrants and refugees both prior to their immigrating and upon their arrival in Canada emphasizing that there are laws in place to protect women from violence and abuse. Funding is also available to immigrant and refugee service providing agencies for referral to existing services in the community.

In 2002, with the *IRPA* and in order to be more responsible to refugee needs, Canada made a legislative commitment to recognize the need for protection over the ability to establish. This softened criteria related to the *Refugee and Humanitarian Resettlement Program*, specifically around the ability to establish in Canada. These changes are particularly pertinent for female applicants who may have limited formal training and/or English/French language skills and can now also be assessed on the strength of their support network. In addition, the *Immigration and*

Refugee Protection Regulations now include a definition of "vulnerable" which applies to persons with a greater need of protection than others because of particular circumstances which give rise to a heightened risk of their physical safety. This allows Canada to recognize the unique protection needs of refugee women by exempting them from the resettlement requirement to demonstrate an ability to establish.

(B) Policies, strategies and action plans

On behalf of the federal government and 13 partner departments and agencies, the Public Health Agency of Canada coordinates the Family Violence Initiative (FVI). There have been three sequential Family Violence Initiatives, commencing in 1986. The FVI promotes the well-being of the family through public awareness of the risk factors of family violence and the need for public involvement in responding to it, improve the response of the justice, social services and health systems, and support data collection, research and evaluation efforts to identify effective interventions. With the long-term goal of reducing the occurrence of family violence in Canada, the Government of Canada provides the Family Violence Initiative with \$7 million permanent annual funding. This allocation supports and complements activities across seven departments and agencies: Public Health Agency of Canada, Canada Mortgage and Housing Corporation, Justice Canada, RCMP, Canadian Heritage, Status of Women Canada, and Statistics Canada. Additionally, Indian and Northern Affairs Canada, Human Resources Development Canada, Citizenship and Immigration Canada, Correctional Service of Canada and the Department of National Defence address family violence issues through existing departmental programs and activities.

The Family Violence Initiative (FVI) *Year Five Report* presents an overview of the achievements of the federal investment in family violence prevention for the period April 1997 to March 2002. The FVI continues to make significant advances in enhancing the national capacity for policy-relevant data collection and analysis as well as research and evaluation. As a result, policy-makers, researchers and community groups are better equipped with timely information to support action. A Performance Report providing an overview of the federal government's progress and results in family violence prevention and intervention for the period April 2002 to March 2004 will be available later this year (see Advocacy, Education and Outreach Efforts section below).

The Policy Centre for Victim Issues at the Department of Justice works with the Directors of Victim Services in the Provinces and Territories through the Federal/Provincial/Territorial (FPT) Working Group on Victims of Crime. Because responsibility for victims' issues is shared between the federal and provincial/territorial governments, the FPT Working Group provides an essential forum for collaboration in addressing victims' concerns. Recently, a sub-committee of this Working Group began to gather information to assess the incidence of Aboriginal victimization in Canada, available services, needs and gaps in services, and current issues in each jurisdiction. Information gleaned from this work will assist the Working Group in developing a work plan to respond to the needs of Aboriginal victims of crime.

Health Canada's Women's Health Strategy guides the work of the federal government department of Health Canada and ensures that the situations and needs of women are taken into account in program and policy development. The Bureau of Women's Health and Gender Analysis is leading the renewal of the *Strategy*, to ensure that it remains current and addresses emerging issues. The Bureau of Women's Health and Gender Analysis led the creation of *Health Canada's Gender Based Analysis Policy*, a horizontal policy, which recognizes that the differences between men and women are influenced by a variety of factors, including socio-

economic status, age, sexual orientation, gender identity, race, ethnicity, geographic location, education and physical and mental ability. Continued development of tools, methods and training materials will assist in integrating gender perspectives across many areas of health policy, including violence against women.

At the military level, the Canadian Forces (CF) has a Defence Administrative Order and Directive (DAOD) on Family Violence. The CF is committed to preventing family violence through education and understanding of the issues relating to family violence; establishing procedures for responding to reported incidents of family violence; and, rehabilitating and restoring healthy family units.

The CF also has established a Family Violence Advisory Committee that oversees all CF activities related to family violence. In addition, family crisis teams have been established and are composed of local personnel, normally including medical personnel, chaplains, the military police, Military Family Resource Centre prevention and intervention coordinators and, as appropriate, professional health and social service workers from the civilian community. These family crisis teams provide assistance to Commanding Officers in addressing family violence. They are involved in the development of local plans and procedures for dealing with family violence, coordinate the delivery of education and awareness programs, collaborate with civilian family violence services providers, monitor and review progress of local initiatives, and assess reported incidents.

Trafficked Women / Sex Trade Workers

In the area of human trafficking, the federal government has an Interdepartmental Working Group on Trafficking in Persons, which is co-chaired by the Departments of Justice and Foreign Affairs and includes representatives from 17 federal departments and agencies. This Working Group coordinates all federal anti-trafficking efforts and is currently developing a federal strategy to enhance federal anti-trafficking responses.

Three independent policy research projects on the Canadian dimensions of trafficking in women were funded by Status of Women Canada (SWC) in 2000: *The New Frontier for Filipino Mail-Order Brides*; *Migrant Sex Trade Workers from Eastern Europe and the Former Soviet Union: The Canadian Case*; and *Trafficking in Women in Canada: A Critical Analysis of the Legal Framework for Mail-Order Marriages and Immigrant Domestic Workers*.

SWC has been actively supporting community-based initiatives since the late 1990s. Recent funded initiatives include:

- Fall 2003 issue of *Canadian Women Studies* "Migration, Labour and Exploitation: Trafficking in Women and Girls";
- Initiative by the Canadian Council for Refugees, co-funded with the Department of Justice, to raise awareness across Canada and encourage collaborative community action to protect trafficked women and girls and to eradicate forced labour.
- Project by the Philippine Women Centre of BC linking health, immigration, labour, equality, and human rights policies affecting trafficked Filipino women, and the action research on off-street prostitution, the trafficking of Filipino women, and the role of cruise and cargo ships;
- Action research by the Comité de recherche-action sur le trafic sexuel des femmes au Québec on the realities of sex trafficking of women and children to develop policies and programs, and to support the victims;

- Development of a national strategic plan by the Canadian National Coalition of Experiential Women to address federal policy issues affecting the lives of sexually exploited youth and women working in the sex industry including those who are trafficked.
- Development of a strategic action plan by Aboriginal Women Against Violence Against Women (AWAVE), a coalition of Aboriginal women's groups, to implement their anti-violence strategy, including addressing missing women or trafficking of Aboriginal women.
- Project by the Asian Society for the Intervention of AIDS (ASIA), working with the Asian population in Vancouver, to document and address the experiences of Asian women trafficked into the sex trade. This project constitutes the local part of an international initiative examining the nature of international trafficking of women and addressing the conditions faced by trafficked women once they arrive in Canada. The final report, *Working Together, Working for Health*, was produced in October 2003.

Status of Women Canada's Women's Program approved \$322,646 in funding in 2004-05 for an initiative of the Canadian National Coalition of Experiential Women to enable current and former sex trade workers to establish a national organization that would give experiential women a voice in addressing legislation, policy and programs affecting women in sex work and in promoting their human rights. As a result of two national meetings, the Coalition developed position papers on five priority issues (health and safety, decriminalization/law reform, social justice, public education, and sexual exploitation of children and youth) - the basis for a national strategic action plan.

Currently this plan is pursuing the following concrete objectives:

- implementation in three provinces of drug addiction services specific to the needs of sex workers;
- presentation of sex workers' recommendations on legislation and policies to Minister and senior officials of Justice Canada and to Parliamentary Sub-Committees on Solicitation Laws;
- development of pilot projects in three provinces to overcome social service barriers encountered by sex workers trying to exit;
- dialogue with police and municipal officials in four major cities on mechanisms to reduce violence against sex workers;
- presentation of recommendations to Parliamentary Committee Against Commercial Sexual Exploitation of Children and Youth for prevention, intervention and exiting.

Family Violence / Family and Criminal Law

A total of \$180,000 was approved by SWC (2002-03 to 2005-06) for the initiative of the Alberta Council of Women's Shelters entitled *Toward a Provincial Family Violence Prevention Strategy* to carry out an effective strategy for the Government of Alberta in addressing issues of violence against women. The organization played a key role in the Premier's Roundtable on Family Violence and Bullying, which led to the issuing of the report, "Finding Solutions Together". The report includes five key areas for action: social change; provincial leadership; a collaborative, coordinated community response; services and supports; and accountability.

The Justice Options Steering Committee received \$46,000 from SWC's Women's Program for its initiative to influence the development of better practices concerning family law issues in Prince Edward Island (PEI) by addressing women abuse in the family and criminal law area. The most notable outcome was the realignment of the strategy in support of more integrated criminal and

family law systems. The partners were committed to exploring ways to introduce a domestic violence court process in PEI. This outcome is a significant success because it indicates a collective recognition among stakeholders in the criminal and family law systems of PEI that a more integrated approach is needed to address important gaps in the way these two systems address domestic violence cases.

Youth and Violence

Funding in the amount of \$116,819 was provided by SWC for an initiative of the Newfoundland & Labrador Sexual Health Centre to explore the issue of teen violence and healthy relationships. Adult facilitators helped youth develop their leadership skills so that they could better position themselves to address this issue with their peers. The organization forged community partnerships among teachers, guidance counsellors, school board administrators, community workers, government and youth organizations throughout the province. The initiative empowered youth to take a leadership role in addressing dating violence in their schools and community groups through a participatory approach. The organization was able to identify and procure funding to address and develop a complementary program, "Making A Splash", directed at younger teens, exploring similar issues but age appropriate for this group.

Live-in Caregiver Program

The federal government is committed to improving the effectiveness of the Live-In Caregiver Program (LCP) that allows foreign domestic workers into Canada with a requirement that they live in their employer's home for a specified period, after which they can apply to become permanent residents. As part of an overall program review, Citizenship and Immigration Canada held a National Roundtable in January of 2005 attended by Federal and Provincial governments and Non governmental organizations. Participants had the opportunity to express several key concerns and discuss in-depth aspects of the LCP including conditions of the work permit, eligibility criteria and permanent residence. The Government of Canada continues to evaluate the outcomes of the review, including possible policy and regulatory changes.

Safe Third Agreement

Both Canada and the US have invited the UN High Commission for Refugees (UNHCR) to monitor the implementation of the Safe Third Country Agreement. As part of the monitoring agreement, Citizenship and Immigration Canada (CIC) has committed to providing statistical information on refugee claims to the UNHCR. This will include disaggregated statistics by gender and age that will be used for UNHCR monitoring and internal analysis at CIC. The Safe Third Agreement is based on the principle of responsibility sharing and further to the terms of the agreement, refugee claimants are required to make their claims in the first country of arrival.

Indigenous

Under Canadian family laws in each province or territory, spouses have certain matrimonial property rights and protections during marriage as well as protections related to separation and divorce. However, for Indigenous people living on reserve lands under federal jurisdiction, these provincial/territorial family law protections are not fully available. In particular, the protection of matrimonial real property, which includes the family home and the land on which it is situated, is limited.

On-reserve matrimonial real property (MRP) includes the family home and the land on which it is situated. When a marriage breaks down, the courts cannot apply provincial/territorial family law legislation to alter individual interests in MRP located on reserves. As a result, many of the legal rights and remedies relating to MRP which are available off reserves, such as the exclusive possession of the home, and prohibition against the sale of the home without the written consent of both spouses, are not available to individuals living on reserves. While this issue affects all reserve residents, when there is family breakdown or domestic violence, women and children are most vulnerable and are often forced to leave their reserve community to seek support systems and alternative housing. MRP can be addressed on reserves under the *First Nations Land Management Act*, in which signatory reserve communities develop laws to manage reserve lands, including MRP, and in self-government agreements. Despite the progress that has been made under these initiatives, there are still many Indigenous reserve communities in which the issue of MRP is not addressed.

There are multiple and complex policy, legal and social considerations to the MRP issue, including, for example, constitutionally protected individual and “Aboriginal” collective rights. Steps taken by the Government of Canada to date to address this issue include comprehensive legal and policy research, a Senate of Canada study and House of Commons study of MRP, as well as information-sharing and awareness-raising activities with Indigenous individuals and leadership. Canada is committed to resolving the MRP issue in collaboration with Indigenous peoples and has begun to engage national Indigenous organizations in this regard.

(C) Advocacy, education and outreach efforts

On behalf of the Government of Canada Family Violence Initiative, the Public Health Agency of Canada also manages the [National Clearinghouse on Family Violence](http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/index.html) (NCFV) (<http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/index.html>). The NCFV is Canada’s resource centre for information on violence within the family. It provides a centralized and comprehensive reference, referral and distribution service for information on aspects of family violence prevention, protection, and treatment.

The Department of Justice Canada through the Family Violence Initiative actively addresses family violence through on-going activities that focus on criminal law and policy development and supporting research, programming, public legal education and information and evaluation. The products of many of these activities can be accessed from the Department’s family violence website (<http://canada.justice.gc.ca/en/ps/fm/index.html>).

For example, the Department recently released three new research products. The report *Criminal Justice Outcomes in Intimate and Non-Intimate Partner Homicide Cases: Research Reports*, by Myrna Dawson, Ph.D. (released May 13, 2005) examines the role of intimacy in criminal law by comparing criminal justice outcomes in cases of intimate partner homicide to outcomes in cases of non-intimate partner homicide. It is available online at <http://canada.justice.gc.ca/en/ps/rs/rep/2004/rr04-5/index.html>.

The second recent report *The Development of the Brief Spousal Assault Form for the Evaluation of Risk [B-SAFER]: A Tool for Criminal Justice Professionals : Research Report*, by P. Randall Kropp, Ph.D. and Stephen D. Hart, Ph.D. (released April 29, 2005), describes the development of a risk assessment tool to be used by criminal justice professionals in spousal abuse cases. The B-SAFER tool was developed and piloted with 6 police agencies in Canada and 2 in Sweden. Results indicate that the tool includes relevant risk factors present in spousal abuse cases and can

be coded easily by police officers in the course of routine investigations. The Report is available at <http://canada.justice.gc.ca/en/ps/rs/rep/2005/rr05fv-1/index.html>.

The third report *A Peer Public Legal Education and Information (PLEI) Programme for Women in Family Violence Situations* by Gayle Broad and Anna Hagerty (released June 23, 2005) is based on a project designed to provide Public Legal Education and Information (PLEI) peer support to women who had experienced family violence and assess its validity as a model for PLEI delivery. The goal of the project was that the peers would then share this information within their own networks of family, coworkers and communities, using resources already developed and existing in their areas. The findings of this study support peer development as a valid PLEI model of delivery. This Report is available at <http://canada.justice.gc.ca/en/ps/rs/rep/2004/rr04-5/index.html>.

The Department has also developed various information materials including a booklet entitled *Stalking is a Crime Called Criminal Harassment*, (available in English, French, Chinese, Punjabi, and Spanish) a booklet on the use of peace bonds as well as a guide which explains how to do gender equality analysis in the prosecution of family violence cases. Moreover, the Department has developed information materials on spousal abuse for immigrant women entitled [Abuse is Wrong in Any Language](#). This booklet, produced in 10 different languages, is available on the Department's website at <http://canada.justice.gc.ca/en/ps/fm/plei.html> and is also published in Braille. An adaptation of this booklet, called [Abuse is Wrong in any Culture](#), has also been published in three Inuit dialects and in both official languages. The Department has also published *Abuse is wrong in any language: A Handbook for service providers who work with immigrant women*. This handbook is available on the Department's Family Violence website in both official languages.

In addition, the Department of Justice and the Royal Canadian Mounted Police (RCMP) recently supported the Centre for Children and Families in the Justice System to develop "*Handbook for Police Responding to Domestic Violence*." It is a user-friendly, Canadian resource for police officers that provides information on domestic violence and its impacts on children, and on special considerations for police officers responding to domestic violence calls.

The Victims Fund has also funded violence against women projects such as the Pickton Missing Women Website which was developed by the Victim Services Division of the Minister of Public Safety and the Attorney General in B.C. to provide information to the families of victims regarding the trial and other related matters.

Under the Family Violence Initiative, the Public Health Agency of Canada also manages the [National Clearinghouse on Family Violence](#) (NCFV) (<http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/index.html>). The NCFV is Canada's resource centre for information on violence within the family. It provides a centralized and comprehensive reference, referral and distribution service for information on aspects of family violence prevention, protection, and treatment.

Each province is responsible for the delivery of services to victims of crime in their jurisdiction as part of the administration of justice. All Canadian jurisdictions offer victim services, either delivered through the criminal justice system (police, Attorney General, Court-based or correctional) or through community-based organization. Most jurisdictions have sexual assault centres and other community-agencies to assist victims and provide counselling. According to the Victim Services Survey, 2002-2003, almost all agencies provide emotional support and information about the criminal justice system. In addition, many agencies provide services for the

immediate safety of the victim. More than half (57%) of agencies reported having one or more programs dedicated to specific populations of victims. Programs focusing on children (41%) and adults (37%) were the programs most frequently reported by agencies. One quarter of victim service agencies offer special programs dedicated to Aboriginal peoples and about 8 out of 10 agencies provide services to clients who do not speak either English or French. The most frequently reported non-official languages that staff or volunteers communicate in are Spanish, German, Chinese, Punjabi and Italian.

On October 22, 2003, Statistics Canada conducted the first one-day survey snapshot of Canadian victim service agencies. The 2002-2003 Victim Services Survey representing 81% of total victim services agencies in Canada with the exception of transition homes and shelters which are covered in the Transition Home Survey. Accordingly, the snapshot indicated that more than three quarters of people seeking assistance from victim services were victims of crimes against the person (78%) and most were women or girls (77%), of whom about 84% had been the direct or indirect victim of a violent crime as compared to 59% of the men surveyed that day. Thirty percent of clients reported that they were victims of sexual assault and 16% of these were victimized by a spouse, ex-spouse or intimate partner. Just under one-half (47%) of victims who used a sexual assault centre, community-based agency or other type of agency (such as a hospital-based sexual assault treatment program) on that day had reported the incident to the police, 30% had not reported the incident and for 22% of clients, reporting to the police was unknown.

In 2003-2004, according to the Transition Home Survey, there were 543 known shelters in Canada for abused women and their children. Shelters include transition homes, short-term housing and emergency-type facilities (including women's emergency centres and general emergency shelters). Between April 1, 2003 and March 31, 2004, a total of 95,326 women and children were admitted to 473 shelters in Canada. Total annual admissions for 2003/04 were down 7% from the previous survey of 2001/02 and 11% lower than the total in the 1997/98 survey. The declines were largely due to decreases in the annual admission of children. Of all shelters reporting to the survey, about 7% were located on Aboriginal reserves. The most frequently reported services offered by shelters include advocacy (89%), in-house counselling services (87%) and housing referral (84%). Shelters reported offering a variety of other services such as parenting skills support, life skills support, legal services, financial or welfare assistance and a crisis telephone line. Sixty-four percent of facilities reported providing culturally sensitive services for Aboriginal women.

On Snapshot Day, taken on April 14, 2004, of the 6,109 women and children residing in shelters, three-quarters (about 5,000) had escaped an abusive relationship. Other reasons for admission include housing problems, drug or alcohol addiction or mental health issues. Almost one-in-three (31%) women in shelters on Snapshot Day had resided in that same shelter in the past. About one-in-ten (11%) women intended on returning to their spouse.

Federally, the Shelter Enhancement Program (SEP) assists in repairing and improving existing shelters for women and children, youth and men who are victims of family violence. SEP also assists in the acquisition and construction of new shelters and second stage housing. In 2002, Canada provided some \$23 million in SEP funding assisting some 1,975 shelter units. In 2003, Canada provided some \$15.6 million in SEP funding assisting some 1,500 shelter units. From 1995 to 2004 over \$72 million was provided to create and/or renovate shelters, including funding for First Nations communities. According to a 2001 evaluation, 70% of shelters and second stage housing have received funding for repairs and improvements and SEP funding covered 60% of all repair costs in these shelters; the program had positive impacts on shelter usage by women and enhanced family violence programs; a third of shelters that received SEP repair funding reported

an increase in the number of women coming to the shelters; and nearly 30% said that women were staying longer. The 2003/2004 Transition Home Survey reported that annual admissions for women declined 3% over 2001/2002 and 3% over 1998/1999 as well.

At the provincial/territorial level, each jurisdiction has coordinating mechanisms in regards to family violence that encourage inter-agency collaboration and foster the implementation of multi-sectoral strategies. In some cases special short-term mechanisms are established either to implement recommendations of a given report or to implement a specific action plan. In most jurisdictions, regional or local committees to address family violence have been established, generally with representation from the criminal justice system as well as community organizations.

Some Canadian jurisdictions provide or provide support to programs for children exposed to domestic violence. Complementary support programs are sometimes provided for mothers who have been abused to assist them with parenting skills and help to prevent inter-generational cycles of abuse.

Aboriginal Women

As has been indicated above, the risk of experiencing violence remains higher for Aboriginal women in Canada. For example, according to the 1999 General Social Survey on Victimization reported spousal violence rates for Aboriginal women were twice as high as Aboriginal men and three times higher than non-Aboriginal women and men. Moreover, data from the *Homicide Survey* from 1991-1999 indicates that the rates of spousal homicide for Aboriginal women were more than eight times greater than for non-Aboriginal women. Accordingly, the Department of Justice continues to support measures that specifically respond to violence against Aboriginal women. Various community-based justice programs of relevance to Aboriginal women are supported through the Aboriginal Justice Strategy (AJS) and cost-shared with provincial and territorial governments. This strategy is designed to support Aboriginal communities as they take greater responsibility in the administration of justice, to help reduce crime and incarceration rates in Aboriginal communities and to foster improvements in the justice system that respond to the needs of Aboriginal peoples.

For example, in 2002, the Elisipogtog First Nation, located in Big Cove, New Brunswick, launched the Elisipogtog Victim's Assistance Program in partnership through the Aboriginal Justice Strategy and the Policy Centre for Victims Issues (PCVI) of Justice Canada, in partnership with the Department of Public Safety, Government of New Brunswick. The Aboriginal Justice Strategy continues to fund the Program, with PCVI playing an advisory role. The Victim's Assistance Program provides services and public education to victims of crime. The Victim's Assistance Worker prepares victims for the Court System and the Elisipogtog Restorative Justice Healing Circles. The proposed project is a step to bridging the cultural and language gap existing between Aboriginal and non-Aboriginal peoples; the project assists victims of crime at the pre-trial, during trial, and post-trial stages of the court system, including the pre-charge stage of the Restorative Justice Healing Circles.

In addition, through the Victims Fund, the Policy Centre for Victims Issues (PCVI) has been able to fund innovative projects and activities that respond to the needs of Aboriginal victims of crime.

- The Victims Fund has funded Aboriginal Service Worker (ASW) positions in a number of jurisdictions. In the Northwest Territories and the Yukon the fund provides resources

for additional positions to assist victims in those territories, many of whom are Aboriginal.

- The PCVI completed case studies on a number of ASW and Victim Service Worker (VSW) projects. Stakeholders that were interviewed from ASW projects reported that access to victim services has increased with an ASW located on the reserve who speaks the language of those accessing the services. Interviewees reported improvements in victims' access to information about the outcome of their cases, in victims' preparation for both favourable and unfavourable outcomes and in their appearance at hearing since victims from remote, rural, and First Nations communities now have someone to accompany them to court, provide support, and explain procedures in their own language. It was also reported that many of these projects have increased the likelihood that victims will get in-person service rather than telephone or letter contact.
- In the Northwest Territories, the Fund supported an innovative project to explore whether, given the challenges to providing basic victim services in the territories (roads, infrastructure, high crime rates, etc) a fee-for service model would be an effective approach.

The Victims Fund, the Family Violence Fund and the Aboriginal Justice Fund of the Department of Justice have provided funding to the Pulaarvik Kablu Friendship Centre for a Spousal Abuse Counselling Program for Rankin Inlet and Aboriginal Justice continues to be a funding partner in this initiative. The Program provides a culturally appropriate counselling program for abusers, victims, and an educational community outreach program.

The Ka Ni Kanichihk of Winnipeg received \$80,000 from the Youth Justice Renewal Fund to develop a culturally relevant intervention program for sexually exploited female youth between 12 and 17 years of age. The project entitled, *Kima Ma Na – A Prevention and Intervention Service for Aboriginal Female Children and Youth*, was funded to develop training modules, identify community resources and culturally appropriate teachers and reach out into the community to offer the program.

In the three Northern Territories, the Attorney General of Canada prosecutes *Criminal Code* offences. Prosecutions are handled by the Federal Prosecution Service (FPS). The Department of Justice employs ten Crown Witness Coordinators (CWCs) to respond to the needs of victims in the criminal court process. The VCI provides resources to support the complement of CWCs and works closely with the Northern Region to provide training and resource materials for all CWCs. Evaluation results indicate that support for federal CWCs benefits victims in the north, many of whom are Aboriginal. Victims in the territories, who otherwise might not have received information on services and assistance given the lack of capacity in the north, now have an increased opportunity for receiving more effective court-based victim services that are offered in their own language as several CWCs speak Inuktitut.

Status of Women Canada's (SWC) Women's Program is currently experimenting with 12 Aboriginal and 5 Inuit communities to define a variety of tested models, frameworks, tools and lessons learned that could guide the efforts of other communities wanting to take action against violence against women and children. This project was established on the basis that for Aboriginal women (Métis, First Nations and Inuit alike), solutions to violence against women and children need to involve whole communities with each component (government, social agencies, band councils, businesses, all types of organizations - from the sport structure to childcare) to take part in the collective efforts. A description of some elements of this project follows:

Aboriginal Women Against Violence Everywhere - This initiative supported the development strategies and activities of the coalition of Aboriginal Women Against Violence Everywhere. The organization which involved a partnership between five organizations that were working jointly for the first time developed and agreed on terms of reference to guide its collective work and individual contributions of each organization represented; and, listed, assessed and summarized research documents and tools being used by either First Nations, Métis or Inuit women shelters and other violence against women organizations.

After having consolidated results of the assessment, the working group developed an Aboriginal Women's Strategic Action plan to engage a wide cross-section of Aboriginal women's organizations in supporting its implementation. Research summaries, tool assessment results, best practices and lessons learned were documented and have been shared with stakeholders. The evaluation reported on the accomplishments of and challenges faced by the members of the coalition and proposed recommendations to support the decision making process.

The supplement supported the additional work required by the coalition to consolidate the research and documentation on violence against Aboriginal women. It recognized the complexity and diversity of the target communities across Canada, there is a need to invest more time in reaching consensus on collective strategic options that the coalition will move forward in the next three years. In addition, it initiated communications to ensure Aboriginal leaders and organizations know and understand the work and plans and take a position to addressing family violence in the aboriginal communities.

Women Reducing Violence in First Nations Communities - Still underway, this initiative focuses on community taking responsibility and strategic action towards the elimination of violence in Aboriginal communities. The processes and progress will be documented to ensure partners have the capacity to make their strategies more effective in 12 First Nations/Aboriginal communities. To achieve this, the organization will, in partnerships with its 47 shelters, develop the framework and tools required for local community partnerships; provide support and coordination; define timelines as well as the roles and responsibilities of local partners. Responses to questionnaires will establish current community resources and how to use these more effectively. Responses will be compiled and position papers will be developed. These will be shared and worked upon at a national forum where participants will identify the communities. Partnerships will then be initiated between shelters, on reserve community services and decision making bodies (including social services, schools, tribal councils, Royal Canadian Mounted Police), the role, responsibilities and contribution of each partners defined as well as data gathering and information sharing mechanisms developed. Finally, the Aboriginal Circle Against Family Violence, with the input of local communities, shelters and other partners, and in co-operation with Assembly of First Nations, Indian and Northern Affairs Canada will determine the impact of current policies on violence and how to change these to eliminate violence against women and children. An evaluation framework will be developed to collect data and to report on progress and results achieved. This information and lessons learned will be shared with local, provincial/territorial and national partners.

In another initiative, Pauktuutit Inuit Women's Association is focusing on empowerment and capacity building for Inuit women working to prevent violence against women. Working in co-operation with local/regional women's organizations, territorial/provincial government representatives and other federal departments, Pauktuutit supports joint efforts that build on what has been accomplished so far to implement a zero tolerance policy for violence against women and children in five communities in the North. These five communities, with direct support from

Pauktuutit, are developing and piloting test comprehensive approaches to ending violence. To achieve this, Pauktuutit supports community partnerships lead by women that involves health workers, school officials, social agencies, police, territorial government representatives and where possible, community leaders who work together to implement agreed upon measures to mobilize community members in this effort to end violence against women and children. The organization provides facilitators and tools, responds to information and supports requirements, monitors progress, exchanges information on community strategies, communicates partners' successes, and supports the commitments of women in the North to reduce violence in their communities. The knowledge and expertise of this network of violence prevention service providers will be shared with members from everywhere in the Canadian Arctic.

Further, the Government of Canada is providing \$5 million over five years (2005-2010) to the Native Women's Association of Canada (NWAC) for the Sisters in Spirit initiative to ensure that NWAC has the capacity to collaborate with other Aboriginal women's organizations and the federal government to: undertake research to assess the extent and causes of racialized and sexualized violence against Aboriginal women and to monitor trends; engage in public education initiatives to increase knowledge and understanding of the problem; and to inform policy direction and development.

The FVI supported Aboriginal communities (on- and off-reserve) in their efforts to address family violence issues through a variety of means, including the use of holistic approaches that emphasized — among other things — the importance of teaching traditional values, culture and practices. Between 1989 and 1998, construction of shelters in Aboriginal communities expanded. In 1999/2000, 63% of shelters for abused women in Canada reported they provided culturally sensitive services for Aboriginal women.

(D) Implementation and enforcement issues

With regards to criminal proceedings for domestic violence offences, all provinces and territories have directives or guidelines to police and Crown prosecutors with respect to domestic violence cases. These policies, commonly are known as “pro-charging” and “pro-prosecution” policies, require police to lay criminal charges where there are reasonable grounds to believe that an offence has been committed, and prompt the prosecutors to prosecute where there is a reasonable prospect of conviction and it is in the public interest to do so. The purpose of these policies is to ensure that domestic violence is treated as a criminal offence rather than a private matter and that the usual criminal standards are applied to such cases. In April 2004, Justice Canada implemented its revised Crown Counsel Prosecution Policy on Spousal Abuse.

In September 2000, the Federal/Provincial/Territorial (FPT) Ministers Responsible for Justice requested a review of these policies, the first comprehensive review since their inception in the early 1980's, in order to assess the effectiveness of these policies and their application and to strengthen the government response to domestic violence. The results of the review are discussed in response to question E below.

All Canadian jurisdictions have instituted professional training initiatives to enhance the criminal justice system's response to domestic violence. In most cases, training is offered to police and Crown prosecutors with regards to the dynamics of spousal abuse. Specific training programs have accompanied the implementation of provincial and territorial domestic violence legislation, domestic violence courts and jurisdictional action plans on domestic and sexual violence. Police enter all *Criminal Code* protection orders (such as recognizance orders) and most civil domestic violence protection or restraining orders into the Canadian Police Information Centre (CPIC)

database, the principle mechanism for sharing information among police forces in Canada. This facilitates the laying of charges against an abuser who violates the conditions of a protection or restraining order.

Most Canadian jurisdictions offer intervention and treatment programs for men who have abused their common-law or marital spouses. All programs offer group counselling, some supplement with individual counselling, on the dynamics of power and control in relationships. These programs may be offered through the criminal justice system, such as the correctional institutions, the health and social services institutions or delivered through private agencies with government funds. A 2004 directory entitled *Canada Canada's Treatment Programs for Men Who Abuse Their Partners* is available on the site for the National Clearinghouse on Family Violence (http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/femabus_e.html)

The Department of Justice, together with its federal/provincial/territorial partners, developed guidelines for police, Crown prosecutors and other criminal justice personnel on the investigation, charging and prosecution of criminal harassment cases - sometimes referred to as "stalking". First released in December 1999 and revised in March 2004, *A Handbook for Police and Crown Prosecutors on Criminal Harassment* has been distributed to police, Crown Attorneys, victim services, corrections, the judiciary and other criminal justice personnel across Canada. The Handbook is available online at: <http://canada.justice.gc.ca/en/ps/fm/pub/harassment/index.html>.

As part of the Family Violence Initiative the Department of Justice Canada hosted two Federal/Provincial/Territorial Forums on Spousal Abuse Cases (in March 1998 and in March 2001). These fora brought together senior officials from policing, prosecutions, victims' services, corrections and policy sectors across Canada to identify new and emerging issues and trends, and to exchange information about best practices in investigating, charging and prosecuting spousal assault cases, and implementing measures to protect victims.

Justice Canada and the International Organization for Migration held a training seminar on trafficking in persons for police, prosecutors, immigration, customs and consular officials in March 2004. The RCMP hosted a similar seminar in May 2005, at which a guidebook for law enforcement officials, entitled "Human Trafficking Reference Guide for Canadian Law Enforcement," was released. In 2004 an anti-trafficking pamphlet available in fourteen languages was distributed to Canadian missions abroad and non-governmental organizations. In the same year the Department of Justice launched a Trafficking in Persons website (<http://canada.justice.gc.ca/en/fs/ht/index.html>) and released an anti-trafficking poster. This poster has recently been updated and is currently being translated into fifteen additional languages.

(E) Lessons learned: the need for multi-sectoral and multi-stakeholder approaches

In 2001, a review of the national pro-charging and pro-prosecution policies for spousal abuse was undertaken at the direction of Federal/Provincial/Territorial (FPT) Ministers Responsible for Justice. The resulting 2003 report assessed criminal justice measures undertaken during the preceding twenty years and identified three key objectives for responding to spousal abuse: criminalizing spousal abuse, promoting the safety and security of the victim; and maintaining confidence in the administration of justice. The report recommended the retention of pro-charging and pro-prosecution policies in spousal abuse cases as well as the development and enhancement of supporting programs, services and structures. The report also highlighted the critical importance of a strong, co-ordinated multi-sectoral response to spousal violence. The report is available online at: <http://canada.justice.gc.ca/en/ps/fm/reports/spousal.html>.

The 2002 five-year report of the federal Family Violence Initiative confirms the importance of continuing the federal government's co-ordinated multi-sectoral response to family violence. The report is available online at: http://www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/html/fvfvirprt_e.html.