

**Forty-four percent:
A SHORT HISTORY OF INTIMATE PARTNER VIOLENCE**

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**For the Inquest into the deaths of
Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam**

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TABLE OF CONTENTS

Important moments in women's equality in Canada	3
Connecting women's equality to violence against women	5
Some statistics	6
Changing understandings of violence against women	7
What is intimate partner violence?	9
History of responses to IPV	10
Police and criminal law	11
Family law and court	13
Challenges in change making	16
Principles for change	18
Recommendations	18

Important moments in women's equality in Canada

I never use the expression “rule of thumb.” That’s because, in the late 18th century, the English judge, Sir Francis Butler, is reported to have said that a man could beat his wife as long as he used a stick no larger around than his thumb.

Women’s inequality and violence against women have been woven together throughout history, and it’s important, even in 2022, to be aware of that history and the impact it still has today.

That’s why I am starting my presentation with a whirlwind tour of the fight for women’s equality in Canada.

While white women had had the right to vote in some parts of Upper and Lower Canada in the early to mid 1800s. that right was taken away in 1867 by the *British North America Act*, which restricted voting rights to men.

In 1918, the hard work of suffragettes resulted in white women being granted the right to vote in federal elections. Over the next few decades, this right was extended to white women at the provincial level.

However, Indigenous people were not granted the right to vote until 1960.¹

Less than 100 years ago, women were not legally “persons” in Canada. It took a legal case brought by five women that went all the way to the Privy Council in England before women were declared to be “persons,” meaning, among other things, that they could be, appointed to the Senate.

Until 1955, women in the federal civil service automatically lost their jobs when they got married. The same was the case for women in the Canadian military until 1971.

Women in British Columbia had access to maternity leave beginning in 1921, but it was not until 1964 that it was available in other jurisdictions, and federal maternity leave legislation was not passed until 1971.

The distribution of information about birth control was illegal until 1969. Prior this this, courageous women like Dorothea Parker had broken the law and been arrested because of their commitment to ensuring that women had access to this important information. Women continued to struggle to have control over when they became pregnant and when they had babies, with abortion only being decriminalized in 1988. Even today, women in many parts of this province and Canada face barriers in accessing abortion services.

¹https://www.thecanadianencyclopedia.ca/en/article/suffrage?gclid=Cj0KCQjwm6KUBhC3ARIsACIwxBigKPUFAnntG44GSKw3ORuvuDiu4gltoljhjwCUXHCW18IsPEjRSmgaAvxAEALw_wcB

Women in Canada still don't have substantive pay equity, despite legislation and court cases that have attempted to advance women's economic rights. In 1970, women earned just under 60 cents for every dollar earned by men. According to Statistics Canada, in 2019, our income had crept up to 71 cents for every dollar men were earning.²

Thanks to the efforts of Jeanette Corbierre Lavell and others, the *Indian Act* was changed in 1985 so that Indigenous women kept their status when they married men who were non-status. Indigenous men had always kept their status, regardless of whom they married.

Tawney Meiorin, a forest firefighter in British Columbia in the early 1990s was suspended from her job when she failed a speed running test by just a few seconds. Her case eventually made its way to the Supreme Court of Canada, which found that the required running speed was not necessary for someone to perform their job as a firefighter, and it discriminated against women, who generally have a lower aerobic capacity than men. This decision meant that employers could no longer set unnecessary criteria for employment, such as height and weight requirements, that discriminated against women.³

There are many other stories I could share about women's ongoing struggles for equality in Canada, but I am going to end with one that leads directly into the topic of violence against women.

The Royal Commission on the Status of Women was established in 1967 to "inquire into and report upon the status of women in Canada, and to recommend what steps might be taken by the federal government to ensure equal opportunities for women in all aspects of the Canadian society."

Its final report was tabled in 1970 and contained 167 recommendations⁴ about:

- Women in the economy
- Education
- Women in the family
- Taxation and child care allowances
- Poverty
- Participation of women in public life
- Immigration and citizenship
- Criminal law and women offenders

There is one obvious and glaring gap in this list: Despite the commission having heard from women who talked about violence by their partners, the report carried nary a recommendation about it.

² <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410032401>

³ <https://www.westcoastleaf.org/our-work/bcgeu-v-pserc-1999/>

⁴ <https://women-gender-equality.canada.ca/en/commemorations-celebrations/royal-commission-status-women-canada.html>

Connecting women's equality to violence against women

In 1982, NDP MP Margaret Mitchell rose in the House of Commons to ask what Prime Minister Pierre Trudeau's government planned to do to assist battered women, noting that one in 10 women was regularly beaten by her husband. Her next remarks were drowned out by laughter from some male MPs, as well as the remark by one to another: "I don't beat my wife. Do you, George?"⁵

The *Charter of Rights and Freedoms*, which came into being in 1982 -- just one month before Margaret Mitchell's experience -- created a framework of formal equality for many women in Canada; in particular, those of us who already enjoyed many privileges because of our skin colour, class, education and more. But substantive equality continued -- and continues -- to lurk in the background and still provides the landscape on which violence against women thrives.

Women generally face ongoing substantive inequality in this country. Some women face even greater inequality because of their social location; their race, Indigeneity, economic status, health and ability, age, gender identity, sexual orientation, geographic location. Until this is corrected, our vulnerability to gender-based violence continues.

Women who are poor, who cannot find employment -- or, if they do, cannot find high quality affordable child care -- are more vulnerable to being abused in their intimate relationships because they are not economically independent.

Newcomer women or women who have been sponsored by a partner who is abusive may fear losing their standing to remain in Canada if they leave the relationship or tell anyone about the abuse.

Many Black, racialized and Indigenous women don't want to report intimate partner abuse to the authorities because they fear a discriminatory response, based on their past experiences with those systems.

For women with disabilities, leaving the abuser may mean leaving their caregiver because they are the one and the same person.

Importantly, in the context of this inquest, women in rural communities whose partners are abusing them face unique barriers and inequalities.⁶ The prevalence of guns and isolation increase women's vulnerability to abuse. Long distances coupled with no public transportation systems make accessing services, which are limited in numbers because of small populations and a lower tax base, challenging.

⁵ <https://www.theglobeandmail.com/news/politics/mp-margaret-mitchell-famously-called-wife-abuse-no-laughing-matter/article34392492/>

⁶ <https://lukesplace.ca/wp-content/uploads/2013/01/Going-the-Distance-August-2016.pdf>

Some statistics

I don't want to spend a lot of time throwing statistics at you. I imagine you will hear a lot over the next three weeks and, if you are like me, they all start to blur after a while.

However, I'd like to share a few, just to set some context.

A woman is killed approximately every six days by her partner or former partner.⁷ This is eight times the rate at which men are killed by their partner or former partner.⁸

Intimate partner abuse is the most commonly reported violent crime against women: 42% compared to 12% for men.⁹

In 2018, 44% of women reported having been subjected to psychological, physical or sexual violence by their intimate partner¹⁰

Indigenous women are 12 times more likely to be murdered or go missing than other women.¹¹

Police-reported intimate partner violence is 75% higher in rural communities than in urban areas.¹²

Two-thirds of us know a woman who has been subjected to physical, emotional or sexual abuse.¹³

The aftermath of intimate partner violence costs Canadians \$7.4 billion a year.¹⁴

In his 2016 report, "A Focus on Family Violence in Canada," Canada's Chief Public Health Officer Dr. Gregory Taylor¹⁵ noted:

Women are more likely than men to be killed by an intimate partner and more likely to experience sexual abuse, more severe and chronic forms of intimate partner violence, particularly forms that include threats and force to gain control.

⁷ <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2019001/article/00016-eng.pdf?st=QDsltU7u>

⁸ <https://www150.statcan.gc.ca/n1/pub/11-627-m/11-627-m2020055-eng.htm>

⁹ <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2015001/article/14241-eng.pdf?st=H3wH1hnq>

¹⁰ <https://www150.statcan.gc.ca/n1/en/daily-quotidien/210426/dq210426b-eng.pdf?st=acOt7ab9>

¹¹ https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf

¹² https://www.vawlearningnetwork.ca/our-work/issuebased_newsletters/issue-35/Issue-35.pdf

¹³ <https://canadianwomen.org/blog/new-survey-few-well-prepared-to-support-someone-facing-gender-based-violence/>

¹⁴ https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/rr12_7/p0.html#sum

¹⁵ Gregory Taylor, "The Chief Public Health Officer's Report on the State of Public Health in Canada 2016—A Focus on Family Violence in Canada," Government of Canada (Public Health Agency of Canada, October 21, 2016), canada.ca/en/public-health/services/publications/chief-public-health-officer-reports-state-public-health-canada/2016-focus-family-violence-canada.html

The pandemic has had a profound impact on the rate of intimate partner violence, which as escalated significantly. Some of this has been due to women's increased economic vulnerability: 10 times more women than men have left the labour force since 2020,¹⁶ making them more dependent on a partner, even if he is abusive.

Public health protocols aimed at slowing the spread of COVID-19 – in particular, stay at home orders – have also played a significant role in increasing the rate of IPV.¹⁷ So much time together and the additional stresses families have faced over the past two plus years has led to more abuse.

In 2020, when the impact of the pandemic was at its most intense, 160 women and girls were killed by violence, compared to 118 in 2019.¹⁸

Changing understandings of violence against women

Obviously, violence against women in the family is not new, to this century or the last one. It has existed across cultures, religions, locations and every other way we can categorize people for millennia. At times, it has been endorsed – subtly or not so subtly – by systems of law and cultural and religious edicts, many of which have openly granted more rights to men than to women. Some such legal systems continue to exist.

Often, women were seen as the legal property of men, with no inherent rights of their own. This has affected social attitudes about and responses to violence against women for hundreds of years.

When people thought about intimate partner violence at all, they tended to see it as a private matter; something that went on in the privacy of people's homes and was not the business of anyone else. As the old and not so old sayings go:

*"A man's home is his castle."*¹⁹

*"There is no place for the state in the bedrooms of the nation."*²⁰

Only in the second half of the last century did society and lawmakers begin to understand the extent and seriousness of intimate partner violence in Canada.

Initially, the issue was seen very narrowly, as physical assault and not much else. Slowly, over time, due to the hard work done of IPV survivors, VAW frontline workers and feminist academics, our understanding of IPV has expanded.

¹⁶ <https://thoughtleadership.rbc.com/covid-further-clouded-the-outlook-for-canadian-women-at-risk-of-disruption/>

¹⁷ <https://www150.statcan.gc.ca/n1/en/pub/45-28-0001/2020001/article/00065-eng.pdf?st=7jbVvkoy>

¹⁸ <https://femicideincanada.ca/callitfemicide2020.pdf>

¹⁹ Sir Edward Coke, *The Institutes of the Laws of England*, 1628

²⁰ Then Justice Minister Pierre Elliott Trudeau, 1967

Now, for example, the *Divorce Act* defines what it calls family violence as:

“any conduct, whether or not the conduct constitutes a criminal offence, by a family member towards another family member, that is violent or threatening, that constitutes a pattern of coercive and controlling behaviour or that causes that other family member to fear for their own safety or for that of another person – and in the case of a child, the direct or indirect exposure to such conduct”

The definition goes on to list the kinds of behaviours that are to be considered family violence:

- Physical abuse, including forced confinement, but excluding the use of reasonable force to protect themselves or another person
- Sexual abuse
- Threats to kill or cause bodily harm to any person
- Harassment, including stalking
- The failure to provide the necessities of life
- Psychological abuse
- Financial abuse
- Threats to harm or kill an animal or damage property, and
- The killing or harming of an animal or damaging of property

In particular, we now understand the extent and seriousness of coercive control, which is a pattern of behaviours by one partner designed to manipulate, intimidate and instil fear in the other. Coercive control may not involve any physical abuse at all but, over time, it removes any sense of autonomy from the victim. Many survivors of intimate partner violence report that this is the most difficult kind of abuse to overcome, because it is so insidious and is often invisible to anyone outside the family.

As our understanding of violence that happens in families has expanded, so has the language we use changed: from wife assault to domestic violence to family violence to intimate partner violence, although the use of the word “violence” in almost all terms continues to minimize non-physical forms of abuse, and most terms do not make clear the gendered reality of IPV.

Along with broadening our understanding of what constitutes family violence, over the past few decades, we have begun to bring an intersectional analysis to this work. First elaborated by American critical race feminist activist and legal scholar Kimberle Crenshaw²¹ in the 1980s, an intersectional analysis requires us to examine violence against women to understand not just that its victims are different from one another but also that each victim has multiple characteristics that combine to affect her experience of violence and of systemic responses to her.

²¹ <https://www.law.columbia.edu/faculty/kimberle-w-crenshaw>

Movement towards an intersectional analysis of violence against women has come about largely because of the determined efforts of women of colour, Black women, Indigenous women, lesbians, trans women and women with disabilities.

The VAW movement continues to struggle with internal racism, classism, heterosexism and ableism as we work to expand our understandings and create space for the voices of those who have long been sidelined, largely by white privileged feminists.

What is intimate partner violence?

The federal Women and Gender Equality department²² defines gender-based violence (GBV), of which intimate partner violence forms a subset, as:

“violence based on gender norms and unequal power dynamics, perpetrated against someone based on their gender, gender expression, gender identity or perceived gender. It takes many forms, including physical, economic, sexual, as well as emotional (psychological) abuse.”

Most often, violence in an intimate relationship consists of a pattern of behaviours that can include the use of many different tactics, like those discussed above, although a single episode of severe abuse also constitutes FV.²³

Abuse looks different from one relationship to another, can change over time and almost always escalates over the life of the relationship. It often begins as subtle behaviours that are not obviously abusive, making it difficult for the woman and others to identify. Family violence is often inter-generational, which means that for those who have grown up in a home where their father abused their mother, the behaviour is normalized and acceptable.

In most relationships involving IPV, there is a common cycle that begins with a tension-building phase. This follows a period—short or long—of relative calm. During the tension-building phase, the abuser becomes increasingly aggressive and demanding. In response, the woman does the best she can to meet his expectations. Many women describe this as a time when they feel as though they are walking on eggshells while they do what they can to keep the peace.

However, because the abuse is the responsibility of the abuser and not the woman, it does not matter what she does: eventually the cycle will move to the explosive incident phase. Typically, we think of this as a physical incident, but it can be an extreme incident of any kind of abuse.

²² “Gender-Based Violence Glossary,” Women and Gender Equality Canada (Government of Canada, May 7, 2021), femmes-egalite-genres.canada.ca/en/gender-based-violence-knowledge-centre/gender-based-violence-glossary.html

²³ <https://women-gender-equality.canada.ca/en/gender-based-violence-knowledge-centre/intimate-partner-violence.html>

This is the point at which the abuser “blows up.” He might hit the woman, throw something at her, scream at her and embarrass or frighten her in front of other people.

Immediately after this incident, both people pull back from what has just happened. The abuser may justify his actions by blaming the woman: “She’s at home all day while I am out working. All I want is a decent meal when I get home.” Or he may minimize the seriousness of what he has done: “Well, at least I didn’t hit her. If my mum had behaved like that, my dad would have smacked her across the face.”

The woman may also attempt to justify or minimize her partner’s actions by taking responsibility for what he has done or by convincing herself that it could have been worse.

The final phase in the cycle of violence is what is called the honeymoon phase. This is when the abuser makes promises to the woman: promises never to hurt her again, promises to get help, promises to make it up to her. He may buy her gifts, take care of a task he has left undone for some time, or suddenly (and temporarily) be so kind, affectionate and devoted that she begins to question her memory and perception of reality and may feel guilty for getting upset.

Because most women want to make their relationship work, this honeymoon phase is a very effective hook to keep a woman from leaving. Every time, even though the promises are not usually kept for very long, she believes the abuser and hopes this is the time he will really change—back into the person she fell in love with.

History of responses to IPV

Over the past several decades, considerable attention has been paid to the issue of violence within families. In particular, progress has been made in developing more effective responses to intimate partner abuse and building supports for survivors. Progress on preventing the violence from happening in the first place has been slower and more uncertain.

It must be said that this work has advanced in bits and pieces rather than wholistically, at least in part because of a lack of political will, which is rooted to some extent in a lack of community engagement and understanding. As we have seen since March 2019, with community engagement and political will, systems can change and adapt on a dime.

Why is the pandemic of violence against women – one in which 1/3 women are affected – so different from the COVID pandemic?

As has been the case with the advancement of women’s equality rights more generally, improvements in systemic responses to IPV have come about largely because of advocacy and hard work undertaken by women, including survivors of family violence.

The shelter movement, to which I will refer only briefly because you will be hearing from Marlene Ham – the real expert on this topic – shortly, was initiated by women alone or in small groups housing other women and their children who needed somewhere safe to go. Sometimes, that was on a couch in their own home, but in 1973, Interval House, Canada’s first shelter for abused women, opened in Toronto. It was a far cry from today’s shelters: with no funding, it was managed by volunteers who spent a lot of their time looking for donations of furniture, clothing and food.²⁴

In the almost 50 years since Interval House opened its doors, the number of shelters has grown to more than 620, housing more than 12,000 women and children fleeing abuse across Canada. While shelters are far from rolling in money – in fact, they exist in a kind of bare-bones survival mode -- they are funded to ensure staff are paid, rent and heating bills are covered, there is food on the table, and to support programs and services for women and children.

In the 1980s, the Victim Witness Assistance Program was created, to provide support to victims of crime during any criminal court proceeding. Overwhelmingly, it was survivors of sexual assault and IPV who used these services.

In 2011, the Family Court Support Worker program was launched in Ontario. This program provides survivors of family violence with assistance and guidance through their family law case.

Police and criminal law responses

Criminal laws have slowly evolved to show some recognition of gender-based violence. Rape laws were overhauled in 1983, making it illegal for a man to rape his wife and changing the language from rape to sexual assault in order to address a wider range of sexual offences. Stalking became a criminal offence called criminal harassment in 1993. Limits on the ability of the accused to ask questions about the survivor’s prior sexual history were introduced in Canadian criminal courts, and the right of the accused to have access to the survivor’s private records, including therapy and counselling records, has been significantly restricted.

Nonetheless, many myths about both intimate partner abuse and sexual violence remain in place, making the criminal law system a less than welcoming environment for many survivors.

Until the 1980s, when police responded to a domestic violence call, they often asked the woman, with her partner who had just assaulted her standing nearby, whether she wanted to charge him. Not surprisingly, this often deterred women from proceeding further and stopped many of them from calling the police again.

To address this problem, mandatory charging policies were introduced in the mid-1980s in most Canadian jurisdictions, including Ontario. The intention was to relieve a woman of the responsibility to charge her partner, instead requiring the police to lay charges in all cases of

²⁴ <https://fernwoodpublishing.ca/book/runaway-wives-and-rogue-feminists>

domestic violence where they felt there was a reasonable possibility of a conviction at trial. While these policies have been helpful for some women, there have been unintended negative consequences for others. Some officers still ask women if they want charges to be laid against their partner, rather than making this decision as dictated by the policy.

Many times, women call the police because they need immediate assistance during an assault. They have no knowledge that once the police respond to the call, it is the police who will control what happens next.

For some, having charges laid against their abuser helps them take the next steps in developing a plan to move forward that will keep them and their children safe. In these cases, mandatory charging has a positive impact on the family; particularly if the charges lead to the abuser being held accountable and being offered opportunities to change his behaviour.

For other women, having charges laid against their abuser makes their lives more difficult. The violence may escalate; the family may lose its primary or sole breadwinner, bail conditions may make it impossible for the family to function as it did previously; families in the midst of an immigration or refugee process may have their status in Canada placed in jeopardy; child protection authorities may become involved with the family in a way that is not helpful.

Perhaps the most egregious of mandatory charging's negative consequences is that it has resulted in women being charged when they shouldn't be. Sometimes, this happens when the woman has acted to protect or defend herself or a child against an attack or anticipated attack²⁵. Sometimes, it's because the primary aggressor – the woman's partner – lies to the police about what has happened, and he is seen as more credible.

When this happens, the implications for the woman are serious. She faces the possibility of bail conditions that limit her contact with her children. If she pleads guilty, as many women do simply because they do not have access to legal representation and want to deal with the criminal case as quickly as possible, or if she is found guilty, the outcome will affect her family court case as well as child protection proceedings; it may have an impact on her employment and her ability to travel outside Canada; it could affect her housing status and, if she is a newcomer to Canada, it may affect her immigration.

A 2005 research report by the Woman Abuse Council of Toronto concluded:²⁶

Mandatory charge policies were implemented in order to send a social message that male abuse of women is not only unacceptable, but it is also a crime. However, the response of the criminal justice system in domestic violence cases assumed

²⁵ It is important to note that abusers sometimes create a situation that will provoke a physical response by a woman – for instance, by blocking her access to a crying child or physically preventing her from leaving a room.

²⁶ Woman Abuse Council of Toronto. "Women Charged with Domestic Violence in Toronto: The Unintended Consequences of Mandatory Charge Policies." March 2005.

*gender equality. . . . such an approach ignores the reality that gender inequality exists and in the vast majority of cases it is male partners who are abusing women. By ignoring and obscuring the reality of gender inequality, such an approach decontextualizes women's experiences by failing to take into account women's motivations for aggressive behaviour and the nature of the relationship.*²⁷

Family law and court²⁸

Women's historic and ongoing inequalities are readily apparent in Canada's family laws. Until the 1970s, a woman whose name did not appear on the deed to the family home could not claim an equal division of the home's value upon divorce. Until the late 1990s, Canada's child support regime was arbitrary and inconsistent, leaving many women and children living in poverty after separation.

While both these situations have improved due to law reform, inconsistencies remain that place women with abusive partners in vulnerable economic positions. Married people now must equally share the value of their property, including the home, but that is not the case for people living in common-law relationships. While Canada now has guidelines to ensure that child support is calculated in a consistent manner and has government-run systems to collect that child support, there remain a number of loopholes for someone who does not want to pay what the court has decided he should.

Restraining order legislation has improved, making the consequences for an abuser who breaches an order more significant. However, restraining orders are still just pieces of paper and offer little to no protection when the abuser is determined to harm his former partner, regardless of the consequences to himself. And, they are of especially limited value to women who live in rural communities, often far from the closest police detachment.

Another hurdle for women involved with family court is the cost of hiring a lawyer.²⁹ Presently in Ontario, more than 50% of people involved with family court do not have a lawyer.³⁰ Most often for women, this is because they neither have enough money to pay for a lawyer themselves nor are poor enough to qualify for assistance from Legal Aid Ontario.

Anyone dealing with a family law problem should have a lawyer. The issues that arise at the time of family breakdown are complex, feelings and emotions are running high and outcomes can have long-term implications for everyone, including the children.

²⁷ Ibid, p. 25

²⁸ https://lukesplace.ca/pdf/It_Shouldnt_Be_This_Hard.pdf

²⁹ <https://lukesplace.ca/wp-content/uploads/2020/07/Through-the-Looking-Glass-Unrepresented-Abused-Women-Lukes-Place-2008.pdf>

³⁰ <https://www.lco-cdo.org/en/our-current-projects/family-law-reform/towards-a-more-efficient-and-responsive-family-law-system-interim-report/quick-facts-about-ontarios-family-justice-system/#:~:text=Between%2040%25%20and%2070%25%20of,the%20costs%20of%20legal%20representation>

This is especially so for women who leave abusive partners and are facing ongoing abuse, harassment and intimidation. Trying to manage a family law case without legal representation can be a nightmare and can result in outcomes that do not reflect the very real safety concerns of the woman and her children.

Perhaps most importantly, with respect to family law challenges for women leaving partners who have abused them, until just over a year ago, Canada's and Ontario's laws about parenting arrangements for children favoured ensuring that children spent as much time as possible with each parent over recognizing the impacts of family violence on children. As of 2021, however, both the federal *Divorce Act* and Ontario's *Children's Law Reform Act* contain a broad and nuanced definition of family violence and make it mandatory for courts to consider its presence when deciding on post-separation parenting arrangements.

These changes to the law are important and encouraging, as are some of the early decisions made under them.

I want to mention just two of the many myths that remain alive and well in the family law system.

First, is the notion that abuse ends when the relationship ends. In fact, as the Domestic Violence Death Committee has reported repeatedly, actual or pending separation is the most dangerous time for women. The homicide risk for women increases six-fold as soon as the partner knows or believes she is leaving, and the first two to six months after separation are the most dangerous in terms of both lethal and non-lethal violence.

Because the abuser no longer has ready access to his partner in the privacy of the family home, post-separation abuse often looks quite different from the abuse that went on during the relationship. Verbal abuse, threats, stalking and intimidation often increase. The abuse moves out of the family home and into the woman's workplace, the children's school or day-care centre and community places where the abuser knows he can find his ex-partner.

He may take out a membership at her gym and show up when he knows she will be there, suddenly begin attending her religious institution, interfere with her social life and/or appear at events with her extended family.

The abuser may be verbally abusive in front of the children, emotionally manipulate the children to feel sorry for him or get them to spy on their mother for him.

Technology-enabled abuse also often escalates post-separation. The abuser may stalk the woman online, post intimate or embarrassing images, install spyware on her phone or in the home, place a tracking device on her car and/or threaten her via text and email.

This initial period of separation, when the violence continues and possibly escalates, is also when separated couples may be involved in difficult and contested family court proceedings. Emotional and stressful for any separating couple, these proceedings can take on a deadly tone for families where there has been a history of woman abuse.

Second, is the idea that women lie about being abused. This myth is often expressed in questions such as “Why didn’t she just leave?” “Why did she go back?” or “Why didn’t she call the police?”

These are the wrong questions to ask. They imply that if a woman does not leave, if she returns or if she doesn’t call the police, either she is responsible for the abuse to which she is being subjected or it’s not really all that serious.

The questions that *should* be asked are: “Why is he abusing her?” or “Why doesn’t he stop abusing her?”

Women DO leave – again and again and again. Two weeks ago, I spoke with a woman who, in a marriage of more than a quarter century, left the abuser some 20 times. She always returned, because of her fear about what he might do to her or their children if she didn’t.

There are many reasons why women stay with or return to abusive partners. They are as diverse as the women who are abused and as the partners who abuse them and include:

- Financial dependency
- Fear of losing the children to the abuser
- Fears about increased abuse
- Denial about the seriousness of the abuse
- Self-blame and shame
- Isolation
- Concerns about the legal implications of leaving
- Love

For some women, staying is actually a better option as it allows them to manage the violence and protect their children in a way they could not if they left. It may keep them a part of their community from which they would become isolated if they left the abuser.

Even for those who want to leave, the process is a slow one, sometimes called the evolution of separation. It can involve a number of trial departures—expeditions into the world to find out what it is like to be away from the abuser, what services and supports are available, how the children cope and what the abusive partner does to try to get her to come back.³¹

Challenges in change making

There are many challenges in developing the appropriate responses to IPV and to figuring out how to prevent it from happening.

The first challenge is the ongoing reluctance of many systems to acknowledge the gendered reality of all forms of gender-based violence. This creates a serious impediment to finding the right solution. If we don't identify the problem correctly, how can we find the correct answer?

While men can be victims of abuse by their female partners, and there is violence in same sex relationships between men and between women, as well as intergenerational violence within families, the majority of those subjected to the most serious forms of abuse are women. It is women who are victims of coercive control, who wind up in the hospital with serious physical injuries and who are killed by their partner or former partner.

Because this gendered reality is not properly understood, the solutions that we craft are not as effective as they could be and outcomes are often unsuccessful, inadequate or counter-productive, even, at times, worsening the problem.

There are a number of other challenges in the work to respond to and prevent GBV.

1. As noted above, as long as women do not have access to substantive equality in all aspects of our lives, we remain disproportionately vulnerable to abuse in our intimate relationships. Thus, working to end GBV means also working for women's equality in all spheres. Working for women's equality means challenging misogyny and sexism at every turn.

This is not easy work.

2. Particularly in the area of family law reform, so-called fathers' or men's rights groups have been a persistent challenge; alleging that fathers are actually the victims of vindictive women who want to take all their money and deny them a relationship with their children. These groups, some of them highly organized, have interfered with almost every improvement to family laws using tactics from theatrical to intimidating.

³¹ For some women's stories about why they stayed with or returned to an abuser, see: <https://www.thestar.com/news/gta/2016/03/25/why-i-stayed-one-womans-story.html>, <https://www.bbc.com/news/av/world-us-canada-56121202>, https://www.ted.com/talks/leslie_morgan_steiner_why_domestic_violence_victims_don_t_leave?language=en

Because of the lack of a gender-based analysis, as discussed above, they manage to gather sympathy and support for their positions, which are largely unsupported by objective research.

3. Understandably, many survivors do not trust the very systems that are intended to support them, so may be reluctant to engage in work to transform them. Despair and cynicism can be powerful roadblocks to advocacy for change.
4. As we have learned over the past 40 years, even when systems propose changes out of a genuine desire to make improvements, those changes don't always work. Any process to make systemic change must include a careful consideration of all possible unintended negative consequences. This requires bringing an intersectional magnifying glass to the exercise, because a proposed change that might work perfectly well for some women may not work so well for others.

For example, laws and policies that may work reasonably well for women in urban centres, who are close to public transportation, shelters and police stations, may not work well for women in rural communities. A policy that assumes women have had good experiences with policing systems may not be helpful to women who have experienced racism or other forms of discrimination at the hands of the police.

This can put women in a double-bind: the change does not help them **and** they are judged negatively for not taking advantage of it.

5. The funding of services for women and children has been a good thing. It has allowed shelters and other services for survivors to operate without constant scrambling for money; pay staff properly; offer comfortable housing to women and children at a vulnerable time in their lives; and provide supports beyond a bed and a meal. These services have saved and changed the lives of tens of thousands of women and children.

However, over the past 40 years, there has been a mainstreaming and depoliticizing of violence against women work because of the focus on finding individual solutions for individual women. There has been a loss of the social movement focus on structural change because energy is being used to build and maintain effective services and to keep funders happy.

We are all guilty of this: it is very difficult to prioritize working for a somewhat abstract and distant systemic change when a woman is sitting in front of us needing practical help right now.

This work has also become increasingly siloed. People work in isolation and, as a result, families don't get the wholistic supports they need.

6. The VAW movement has made increasing space for survivors' voices in its work, but this

remains an ongoing challenge: ensuring there is space at the table for those with lived experience, speaking with and not for, making a meaningful commitment to the philosophy “nothing about us without us.”

A framework for meaningful change³²

You, the jurors at this inquest, have a daunting task: to explore the circumstances of the deaths of Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam with a focus on the dynamics of gender-based, intimate partner violence and femicide in rural communities and to consider recommendations that could prevent future deaths and protect victims of IPV in those communities.

I offer this framework to assist you as you consider the many recommendations you will hear over the course of the inquest.

1. We all have the right to live our lives free from abuse and the threat of abuse, especially in our intimate relationships.
2. It is everyone’s responsibility to end violence against women and gender-based violence, which means ending misogyny and sexism using an intersectional lens to reflect the experiences of diverse individuals and communities.
 - The best kinds of change come through collaborative partnerships including survivors, frontline workers, professionals, community partners, system decisionmakers, media and politicians.
3. We can’t lose sight of the big picture – prevention – in favour of responses to individual situations
4. The consideration of unintended negative consequences must be a priority in all proposed reforms.

Recommendations

Ministry of the Attorney General

1. To assist potential victims of IPV make safe decisions about new relationships, explore the implementation of an interpersonal violence disclosure protocol – often known as called Clare’s Law – whereby a police service can disclose certain risk-related information to a current or former intimate partner where such information could assist them in making informed decisions about their safety and relationship. Such a protocol should require that safety-related information available in family court files be included.
2. To increase consistency in decisions and safety for women and children, improve communication and information sharing between the criminal and family court systems.

³² Many thanks to Deborah Sinclair, who shared her expertise and insights with me in the preparation of this report; in particular with respect to the framework and recommendations.

Department of Justice (federal)

3. To provide more options for victims/survivors of coercive control, consider the possibility of creating a criminal offence for coercively controlling behaviour in intimate relationships, taking into careful account experiences in other jurisdictions as well as potential negative consequences; in particular, the possibility of such charges being used against survivors and the impact of that on a woman's family law case.³³

Legal Aid Ontario

4. To increase access to justice for survivors, expand the financial and legal eligibility criteria for legal aid certificates so all survivors who cannot afford to pay for a lawyer themselves can retain one.

Ministry of Children, Community and Social Services, Ministry of the Attorney General and others

5. To move towards the eradication of IPV, ensure adequate and sustainable funding to community organizations that support survivors, children and abusers, especially in rural communities, with a revised funding formula that recognizes the low populations and large distances in those communities.

Ministry of the Attorney General/Minister of the solicitor General/Professional bodies

6. To ensure equitable access to justice and safety, mandate sustainable, ongoing education and training for all legal and justice system actors, including members of the judiciary, who work with or could work with survivors and/or perpetrators of intimate partner violence.³⁴

“No revolution happens within one lifetime so we work to capacity, we believe in what we are doing knowing full well we won't see the fruits of our labour. It is a hard place to hold.”

(Audre Lord)³⁵

³³ <https://lukesplace.ca/wp-content/uploads/2022/03/Stopping-Coercive-Control-by-Criminalization-Lukes-Place.pdf>

³⁴ <https://nationalactionplan.ca/wp-content/uploads/2021/06/NAP-Final-Report.pdf>

³⁵ From Dream of Europe: Selected seminars and interviews 1984 - 1992