

Violence Against Women & Children

Background

- Violence against women and girls can include physical, sexual, and psychological abuse, stalking or criminal harassment and other abuses of power. Coercive control also includes financial control.
- While women of all backgrounds are vulnerable to violence, some are more vulnerable than others, including young women and children, women with disabilities, women with lower incomes, Aboriginal women, and women who are part of ethnic and racial minorities.
- Women are considerably more likely than men to be victims of violent crimes.¹ Similarly, women were over six times as many female victims of sexual assault as male victims and women were over three times more likely than men to be victims of criminal harassment.²
- 39% of adult women in Canada report having been sexually assaulted.³
- Women in subordinate social or economic positions are particularly vulnerable. Immigrant and refugee women who are paid very little and work in private homes as domestic workers often do not know their rights or that legal services are available to them. Husbands and/or employers may threaten them with deportation if they report abuse.
- Prostituted women are extremely vulnerable to physical and sexual violence and even murder. They often do not receive support despite the fact that many young sexually exploited women are fleeing abusive homes without other economic options open to them.
- Women protecting themselves against assault or unwanted sexual advances while in the sex trade are among the 9% of federally sentenced women serving sentences for homicide.⁴
- The use of terms like “spousal assault” and “domestic violence” conceal the gendered nature of this violence, most of which is committed by men against women and results in more serious injury than violence committed by women against

¹ Statistics Canada, *Measuring Violence Against Women: Statistical Trends 2006* (Ottawa: Minister of Industry, 2007) at 36.

² Federal-Provincial-Territorial Ministers Responsible for the Status of Women, *Assessing Violence Against Women: A Statistical Profile* (Ottawa: Status of Women Canada, 2002) at 21.

³ Statistics Canada, *Measuring Violence Against Women: Statistical Trends 2006* (Ottawa: Minister of Industry, 2007) at 24.

⁴ Canadian Human Rights Commission, *Protecting Their Rights A Systematic Review of Human Rights in Correctional Services for Federally Sentenced Women*. (Ottawa: Canadian Human Rights Commission, 2004).at 7.

their male partners.

- There are many reasons why can not leave abusive relationships. Many women fear for their lives, or for the lives of their children. Many also lack the resources to support themselves and their children. Those who have tried to leave in the past have likely experienced little to no support from the police or others and may therefore feel additionally entrapped. Others may be dependent on their abuser because of illness, disability, or immigration status.⁵
- Most incidents of violence against women are not reported to police.⁶ Those that are sometimes are not even recorded, and rarely lead to a conviction.. There are not only problems in recording and investigation, but also in court proceedings and sentencing practices, that have prevented the effective criminalization of the victimization of women.
- Not only do victims of violence against women have to cope with the trauma of the violence itself, they also have to face the sexism embedded in the process of holding their attackers accountable. In the case of *R v. Tyhurst*, women who were sexually assaulted by their therapist were attacked in court on the basis of the mental health issues that had first put them in the vulnerable position with their therapist that led to their victimization.⁷
- Young are socialized to believe that it is important to be nice, nurturing, and caring especially to their fathers, brothers and boyfriends.
- Violence against women may result in death, injury or permanent disability, unwanted pregnancy, sexually-transmitted diseases, and/or emotional trauma, and in the longer term, abuse can lead to a range of chronic health problems.
- Violence against women affects the daily lives of all women. Violence creates fear, and this fear affects all women. The psychological and economic impacts of violence against women also impact their families and society.⁸
- Women are more likely to report being more cautious/aware after the attacks; to have sleeping problems; feel ashamed or guilty; afraid for their children; more self-reliant; and to have problems relating to other men/women.⁹

⁵ Ekuwas Smith, *Nowhere to Turn: Responding to Partner Violence Against Immigrant and Visible Minority Women* (Ottawa: Canadian Council on Social Development, 2004).

⁶ Statistics Canada, *Measuring Violence Against Women: Statistical Trends 2006* (Ottawa: Minister of Industry, 2007) at 14.

⁷ Tamara Gorin. "R v. Tyhurst and Gorman v. Tyhurst." In Lee Lakeman eds. *Canada's Promises to Keep: The Charter and Violence Against Women* (Vancouver: the Canadian Association of Sexual Assault Centres (CASAC): JYT Graphics, 2004).

⁸ Statistics Canada, *Measuring Violence Against Women: Statistical Trends 2006* (Ottawa: Minister of Industry, 2007) at 13.

⁹ Kathy AuCoin and Diane Beauchamp, *Impacts and Consequences of Victimization*, GSS 2004 (Statistics Canada) 27 1 at 5.

- Of the 873 spousal murder-suicides reported between 1961 and 2003, women were the victims in 97% of the cases.¹⁰
- Spousal violence makes up the single largest category of violent offences in non-specialized adult courts in Canada between 1998 and 2002. Over 90% of the perpetrators were men.¹¹
- Family relations that emphasize the importance of marriage and family at the expense of economic self-sufficiency, add to socio-cultural factors that influence violence against women.¹²
- The relative poverty of women can also increase their risk of assault. For instance, they may be forced to rent inadequate housing or live in ground floor and basement suites with inadequate locks. If they rely on public transit they may also be forced to wait for buses or taxis in darkened streets. Poverty may also make it difficult to avoid dependency on abusive partners and bosses.
- In Canada, the establishment of shelters as a refuge for women fleeing abusive situations dates back to the 1970s. Since then, the number of shelters has increased considerably, rising from fewer than 20 in 1975 to over 500 by 2004.¹³
- A national survey of 486 transition homes providing services to abused women and their children, recorded 105,711 admissions of women and dependent children to shelters across Canada between April 1, 2005 and March 31, 2006.¹⁴
- When government legislation, policy, and procedures treat women as deserving of inequality the sexism of the whole society is reinforced. Section 319 of the Criminal Code prohibits the incitement of hatred against identifiable groups as set out in Section 318(a). These include any section of the public distinguished by colour, race, religion, ethnic origin or sexual orientation. But it does not currently include “sex”.¹⁵
- In 2003, Canada was criticized by the United Nations regarding our record vis-à-vis the Convention on the Elimination of All Forms of Discrimination Against Women. Criticisms included: neglect of women, particularly with regards to social welfare, poverty, immigration policy; the treatment of Aboriginal women and trafficked women; elimination of funding for equality test cases; and decreased funding for crisis services and shelters for victims of violence against women.
- Individual men who commit acts of violence against women must take responsibility

¹⁰ Kathy AuCoin, ed., *Family Violence in Canada: A Statistical Profile 2005*, (Catalogue Number 85-224) (Ottawa: Statistics Canada, 2005) at 10.

¹¹ Valerie Smith, “Criminal Code Omission Endangers Girls and Women” Federal Election Fact Sheet (Free Radical, 2008) online: <www.freeradical.ca>.

¹² Ekuwas Smith, *Nowhere to Turn: Responding to Partner Violence Against Immigrant and Visible Minority Women* (Ottawa: Canadian Council on Social Development, 2004).at 10.

¹³ Statistics Canada, *Measuring Violence Against Women: Statistical Trends 2006* (Ottawa: Minister of Industry, 2007) at 14.

¹⁴ Statistics Canada, *Transition Home Survey 2005-2006* (Ottawa: Statistics Canada, 2007) at 7.

¹⁵ *Criminal Code* (Ottawa: Department of Justice Canada, 2008).

for their own choices and the consequences of their actions. “No child could warp into such a man without the intentional collusion of some, the mindless cooperation of many, and the indifference of even more. And we are not talking about their mothers. We must ask ourselves, who introduced them to pornography, to weapons, to abuse, to being abusive, to sexualizing abuse, to abusing for sexual gratification? Who ignored, or even rewarded their actions, as they became more terrible and more terrifying.”¹⁶

- Gender based violence impairs or nullifies the enjoyment by women of human rights and fundamental freedoms and it circumscribes women’s ability to function as full citizens in society.
- Charter obligations to the women of Canada are ignored by those responsible for emergency services, police intervention, and those prosecuting cases. The promise to women in the Charter of Rights and Freedoms is broken when it comes to women who complain of violence against women.¹⁷

¹⁶ Kim Pate and Debbie Kilroy, *Developing International Norms and Standards to Meet the Needs Of Criminalized and Imprisoned Women* (Ottawa: Canadian Association of Elizabeth Fry Societies, 2005).

¹⁷ Valerie Smith, “Criminal Code Omission Endangers Girls and Women” Federal Election Fact Sheet (Free Radical, 2008) online: <www.freeradical.ca>.

Cases in Point: 500 Missing and Murdered Aboriginal Women

- The investigation into the disappearances and murders of numerous women from Vancouver's downtown eastside was handled in a manner of "gross negligence," as it was deemed in a subsequent civil suit against the government and police. The lawsuit suggests the failure of police to fully investigate these events directly resulted in the murders of more women before Robert William Pickton was arrested and charged on February 22, 2002.¹⁸
- Charges against Pickton had been stayed back in 1997 because a witness against him was not seen as credible based on her being described as a "drug-addicted prostitute." Many of the women whose murders Pickton is now convicted of were also known to police for their history of petty crimes. In the time it took for police to take these matters seriously and charge Pickton in 2002, it was noted that there was a significant increase in the number of missing women.¹⁹

More Systemic Errors

- Paul Bernardo's (and Robert William Pickton's) sexist violence was assisted by mistakes of the police because of territorial wars, failure to co-operate between detachments, failure to follow policy and procedures, and failure to use common sense. In this category too, is the failure to adjust to technological change: to test DNA handed to them, to record evidence technologically, and to communicate with others electronically.²⁰

- Stalking is defined as a pattern of behavior that involves repeated and unwanted intrusive actions which bring about fear and intimidation for its victims. Examples of stalking include being followed or spied on, or receiving threatening and/or unwanted phone calls, e-mails, letters, and unwanted gifts.
- Women are much more likely than men to be the victims of stalking. An estimated 1.4 million women, more than one in 10 of the total female population of Canada, reported that they had been stalked in the past five years in a way that caused them to fear for their lives or safety, or the safety of someone known to them. The majority of victims are stalked by males (80%) regardless of the sex of the victim.²¹

¹⁸ Suzanne Jay. (2004). "Pickton, the Police, the Pig Farm and the Missing Women." In Lee Lakeman ed. *Canada's Promises to Keep: The Charter and Violence Against Women* (Vancouver: the Canadian Association of Sexual Assault Centres (CASAC): JYT Graphics, 2004).

¹⁹ Suzanne Jay. (2004). "Pickton, the Police, the Pig Farm and the Missing Women." In Lee Lakeman ed. *Canada's Promises to Keep: The Charter and Violence Against Women* (Vancouver: the Canadian Association of Sexual Assault Centres (CASAC): JYT Graphics, 2004).

²⁰ Anne McGillivray, "A moral vacuity in her which is difficult if not impossible to explain': law, psychiatry and the remaking of Karla Homolka" (1998) 5 *International Journal of the Legal Profession* 255.

²¹ Kathy AuCoin, *Family Violence in Canada: A Statistical Profile 2005* (Ottawa: Statistics Canada, 2005) 9.

- Sponsored immigrant and refugee women, mail-order brides, and domestic live-in caregivers are especially vulnerable to abusive relationships. Dependent upon their partners and employers for immigration status and economic support, these women face threats of withdrawn work contracts, difficult access to legal help due to economic and language barriers, communication and cultural roadblocks, and distrust or fear of the Canadian legal system.²²
- The violence women experience at the hands of their intimate partners can have profound effects on their children. Children who are exposed to violence in the home suffer from emotional trauma, have poor educational outcomes, and are at increased risk of using violence to solve problems.²³

Statistics

- In 2000, women and girls were 86% of all sexual assault victims, 78% of all criminal harassment or stalking victims, and 67% of all victims of abduction or hostage-taking.
- Half of Canadian women, approximately 51%, have been victims of at least one act of physical or sexual violence.²⁴
- Women and girls victimized by partners, family or friends/acquaintances made up 77% of all women who were victimized in 2000.
- In 2001, 29% of all homicide victims were women, and 52% of these women were murdered by someone to whom they had been married or whom they dated. The corresponding statistic for men is 8%.
- On April 19, 2006, 7,425 residents were in shelters across Canada, of which 53% were women and 47% were dependent children. 74% of these women had suffered abuse, 66% of the abuse victims escaped psychological abuse, 55% physical abuse, 41% threats, 37% financial abuse, 28% harassment, and 23% sexual abuse. 51% of the abused women went into the shelters with their children, 67% had children under the age of ten, and 52% were protecting their children from witnessing abuse, 41% were protecting them from psychological abuse, 26% from physical abuse, 19% from threats, 16% from neglect and a further 5% from sexual abuse.²⁵
- In 40% of spousal homicides with male victims it was determined by the police that the victims were the initial aggressors in the incident, compared to only 5% of spousal homicides against women.²⁶

²²Ekuwas Smith, *Nowhere to Turn: Responding to Partner Violence Against Immigrant and Visible Minority Women* (Ottawa: Canadian Council on Social Development, 2004).

²³H. Berman, J. Hardesty and J. Humphreys, "Children of abused women" In J. Humphreys and J. Campbell Eds. *Family Violence and Nursing Practice* (New York: Lippincott Williams & Wilkins, 2004)

²⁴Federal-Provincial-Territorial Ministers Responsible for the Status of Women, *Assessing Violence Against Women: A Statistical Profile*. (Ottawa: Status of Women Canada, 2002) at 10.

²⁵Statistics Canada, *Transition Home Survey 2005-2006* (Ottawa: Statistics Canada, 2007) at 7.

²⁶Federal-Provincial-Territorial Ministers Responsible for the Status of Women, *Assessing Violence Against Women: A Statistical Profile*. (Ottawa: Status of Women Canada, 2002) at 17.

- A history of spousal violence was known to police in 74% of spousal homicides against women committed by ex-husbands, 57% of those by common-law husbands, and 41% of those by current husbands between 1993 and 2000.²⁷ Based on victimization surveys it is believed that only 10% or fewer women sexual assault victims report the incident to the police.²⁸
- Women and girls who are victimized are more than twice as likely to be injured, three times more likely to fear for their lives and twice as likely to be the targets of more than 10 violent episodes.²⁹
- Women made up 85% of all spousal assault victims in 2002, with the highest rates associated with women between the ages of 25 and 34 years of age.
- Girls made up 80% of all family related sexual assault victims in 2004, with the highest rates associated with girls aged 12 to 14.³⁰
- In 2004, the majority (58%) of women who were victims of sexual assault were young women and girls under the age of 18.³¹
- Children and youth are the primary victims of sexual assaults, representing 61% of reported sexual assaults. Girls make up 8 out of 10 of these reported assaults.³²

²⁷ *Ibid.*

²⁸ Statistics Canada, *Measuring Violence Against Women: Statistical Trends 2006* (Ottawa: Minister of Industry, 2007) at 70.

²⁹ *The Declining Health and Well-Being of Low Income Women in Canada* (Ottawa: Canadian Association of Social Workers, 2006) at 21.

³⁰ Kathy AuCoin, *Family Violence in Canada: A Statistical Profile 2005* (Ottawa: Statistics Canada, 2005) at 11.

³¹ Statistics Canada, *Measuring Violence Against Women: Statistical Trends 2006* (Ottawa: Minister of Industry, 2007) at 36.

³² Kathy AuCoin, *Family Violence in Canada: A Statistical Profile 2005* (Ottawa: Statistics Canada, 2005) at 69.

Criminalized Women

- Cuts to social, health and educational services, combined with state practices which punish women for resisting abuse, like “gender-neutral” zero tolerance policies, contribute to the criminalization and imprisonment of women, making them the fastest growing prison population in Canada and throughout the world.³³
- Criminalized women are far more likely to have experienced abuse than are other women, and Aboriginal women are more likely than non-Aboriginal women to have histories of abuse. These experiences have devastating long-term effects, which can put these women more at risk of being criminalized and then shape how they experience prison. Prison can revive controlling aspects and experiences of abuse and feelings of loss of control and power over their lives.³⁴
- Prior to incarceration, 80% of federally sentenced women had experienced physical abuse and 53% had experienced sexual abuse,³⁵ the incidence is over 90% for Aboriginal women alone.
- The victimization of federally sentenced Aboriginal women prisoners includes sexual and physical assault, emotional and psychological abuse prior to their imprisonment.³⁶
- Once inside prison, women are subjected to further physical, sexual and psychological abuse at the hands of the state. On October 19, 2007, 19 year old Ashley Smith was found dead in her segregation cell. Eight staff were disciplined and five are charged as a result of their alleged assaults or criminal negligence in relation to her death.³⁷
- Young women in police and youth custody report abuse and mistreatment such as the performance of breast and gynecological exams as part of their psychiatric assessments.³⁸
- Since the prison environment reinforces feelings of powerlessness, extreme power imbalances and unpredictability, it can trigger flashbacks and other post-traumatic effects of abuse such as dissociation, anger and self-harm.³⁹

Aboriginal Women

³³ Kim Pate, “Why we should form an international coalition against women's imprisonment...” (2001: Brisbane, Australia) at 6 online: <www.elizabethfry.ca/confernc/nov29-01/1.htm>.

³⁴ Canadian Human Rights Commission, *Protecting Their Rights A Systematic Review of Human Rights in Correctional Services for Federally Sentenced Women*. (Ottawa: Canadian Human Rights Commission, 2004).

³⁵ *Ibid.*

³⁶ Elizabeth Comack and Gillian Balfour, *The Power to Criminalize: Violence, Inequality and the Law* (Fernwood Publishing, 2004).

³⁷ Shoshana Pollock, *Locked In, Locked Out: Imprisoning Women in the Shrinking and Punitive Welfare State*. (2008).

³⁸ Justice for Girls, “Teenage girls routinely put through breast exams during psychiatric assessments in custody; Legal experts disturbed” (2007) online: <www.justiceforgirls.org>.

³⁹ Shoshana Pollock, *Locked In, Locked Out: Imprisoning Women in the Shrinking and Punitive Welfare State*. (2008).

- The Royal Commission on Aboriginal Peoples linked the high rate of violence in Aboriginal communities to systemic discrimination, economic and social deprivation, substance abuse, and cycles of violence across generations that are the long-term effects of colonization.⁴⁰
- Violence against Aboriginal women highlights the manner in which Aboriginal people are over-policed in terms of being arrested and detained in circumstances in which non-Aboriginal people may not be, they are also under-policed in that they do not generally experience preventive and supportive police services. In a tragic example of police failure to respond, in February 2000, Corinne McKeowen and Doreen Leclair were stabbed to death after their five desperate calls for help were ignored by police.⁴¹

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⁴⁰ Statistics Canada, *Measuring Violence Against Women: Statistical Trends 2006* (Ottawa: Minister of Industry, 2007) at 64.

⁴¹ Nicole Robillard, “911 Death By Indifference in Winnipeg.” In Lee Lakeman ed. *Canada’s Promises to Keep: The Charter and Violence Against Women* (Vancouver: the Canadian Association of Sexual Assault Centres, 2004).

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