



Woman Abuse Survival Strategies: Making the Legal Remedies Work

*Woman Abuse Survival Strategies:
Making the Legal Remedies Work
Fredericton, New Brunswick
November 27 & 28, 1992*

Executive Summary

Executive Summary of the Conference

*Woman Abuse Survival Strategies:
Making the Legal Remedies Work
Fredericton, New Brunswick
November 27 & 28, 1992*

Ad Hoc Committee on Woman Abuse
c/o Public Legal Education and Information Service of New Brunswick
P.O. Box 6000
Fredericton, New Brunswick
E3B 5H1
(506)453-5369

May 1993

ISBN: 1-55137-147-2

CONFERENCE ORGANIZERS **The Ad Hoc Committee on Woman Abuse**

President

Dr. Margaret McCallum
Law Faculty
University of New Brunswick
P. O. Box 4400
Fredericton, NB
E3B 5A3
(506) 453-4669

Vice-President / Secretary

Dr. Deborah Doherty
Executive Director
Public Legal Education and Information
Service of New Brunswick
P.O. Box 6000
Fredericton, NB
E3B 5H1
(506) 453-5369

Treasurer

Michele McElman
Director
Women in Transition House Inc.
P.O. Box 1143
Fredericton, NB
E3B 5C2
(506) 457-2770

Lori Beaman-Hall
New Brunswick Coalition of
Transition Houses and Centres
Sussex Corner, NB
EOE 1R0
(506) 433-6287

Valerie O'Brien
Muriel McQueen Fergusson Foundation
Kensington Court
Fredericton, NB
E3B 1Z7
(506) 452-1346

Conference Manager

Susan Gunter
693 Golf Club Road
Fredericton, NB
E3B 4X4
(506) 458-2673



INTRODUCTION Abused women need reliable and accurate information on their legal rights, in addition to information on the services available to them. Individuals who are aware of their rights are better able to make informed decisions. They are also more apt to seek legal remedies, take action, complain when they experience an injustice and in some cases advocate for law reform.

To address this need and to improve access to information about the law, legal remedies and services for abused women, representatives from several community groups concerned with woman abuse issues formed a committee. Its goal was to organize a one and a half day conference on this topic. *Woman Abuse Survival Strategies: Making the Legal Remedies Work* was held in November 1992 in Fredericton, New Brunswick. Its purpose was to facilitate discussion about the legal information needs of abused women. It offered a forum for intermediaries, police, legal professionals and government officials to discuss strategies for making legal remedies more accessible to and more effective for abused women.

Transition house workers and other service providers were the primary target audience of the conference. These individuals have consistently demonstrated a desire to have better information on such legal intricacies as how an abused woman's complaint to the police is handled, the prosecution of abusers, and access to legal and other services for abused women. Misinformation abounds about the legal system's response to the needs of abused women. This often acts as a deterrent for those considering legal remedies and exacerbates the fear and suspicion of the legal system. Professionals who work with abused women must have access to, or know how to access, accurate law-related information. By sharing this information, these intermediaries can play a key role in helping abused women make informed decisions about their options.

FUNDING The Conference and related initiatives received funding from the Women's Program of the Secretary of State, the Public Legal Education and Information Service of New Brunswick (through a Department of Justice Canada project grant), and the Victim Services Fund of the Department of the Solicitor General of New Brunswick. Simultaneous translation was made possible by a grant from the Department of Intergovernmental Affairs New Brunswick.

CONFERENCE FORMAT The Conference organizers designed the conference to be information-disseminating. Opportunities for question and answer sessions were important to this goal. The evening keynote address was intended to introduce the participants to the themes of the conference. As well, a *Legal Rights Handbook for Abused Women*, prepared by the Public Legal Education and Information Service of New Brunswick, was launched and made available to all participants. The following morning, a plenary session dealing with the criminal justice system and woman abuse examined a range of issues. Breakaway sessions followed the morning plenary (twenty people per group), giving participants a chance to have in-depth discussions about the topics raised in the plenary. Experienced facilitators conducted the breakaway sessions.

After lunch, three concurrent panel workshops, each of two hours duration, were offered. The workshops featured an English and a French workshop on the topic, *Services for victims of violence*. The topics covered ranged from legal aid, victim services, counselling, income assistance to subsidized housing. In addition, another workshop with simultaneous translation explored the topic *Starting over*. This workshop included discussion of the special information needs of abused native women and immigrant women.

Finally, the many issues touched on in these sessions and workshops were brought together in a strategic planning session conducted at the end of the day by an experienced professional planner. Participants concentrated on identifying potential solutions to the problems discussed throughout the conference. The conference's strategic planner attended many sessions and she was assisted by the facilitators and student note takers. Prior to the last session, they provided her with collated information taken from standard reporting forms which they had filled in throughout the day. These forms outlined the issues discussed at the various workshops and contributed to a comprehensive strategic planning process.

RECOMMENDATIONS Although the primary goal of the conference was to provide information to service providers about the legal remedies and services available to abused women, the conference organizers, and indeed the funders, felt strongly that development of an advocacy strategy and recommendations should be another goal.

Clearly certain concerns expressed about the legal system's response to the issue of male violence in the family and the consequences for women and children cannot be solved by information and dialogue. Steps must be taken to achieve "zero tolerance" of male violence against women and children. We must encourage government and other stakeholders to recognize woman abuse as a high priority issue and to work cooperatively to find solutions to address the needs of abused women. To achieve this, we must better adapt both the legal remedies, criminal and civil, and the services offered to abused women. We are challenged as a society to demonstrate that all forms of violence against women are abhorrent and intolerable. The victims of such violence must be treated with compassion.

For this reason, the conference participants and organizers worked to identify issues/goals, outline strategies and responsibilities and develop recommendations. The recommendations deal with such issues as public and professional education, victim services, legal representation, the legal system, and law reform. They also touch on women's equality issues relating to women's subordinate economic position. The recommendations are intended to move New Brunswick closer to the goal of zero tolerance. They represent a wish list of actions which conference participants felt must be implemented to combat woman abuse.

The recommendations leave no stone unturned. They identify a broad range of government departments, community agencies, the education system and others who must take up the challenge of responding to woman abuse in our society. We hope the government departments and interest groups identified will respond in the positive, hopeful and cooperative spirit in which the recommendations were developed.

**SUMMARY OF
WOMAN ABUSE
RECOMMENDATIONS**

The Ad Hoc Committee on Woman Abuse and the participants in the conference *Woman Abuse Survival Strategies: Making the Legal Remedies Work* of November 1992, recommend...

PROFESSIONAL EDUCATION AND INFORMATION

1. That additional training regarding the Woman Abuse Protocols be directed to all personnel who deal with abused women and abusers. Police, Crown Prosecutors and other professionals dealing with abused women should be given more training on the dynamics of woman abuse and the cycle of violence. This should be facilitated by the Office of Attorney General of New Brunswick.
2. That government assess the Woman Abuse Protocols, evaluate their implementation and publicize the findings.
3. That mandatory judicial training include workshops on the effects of woman abuse and the cycle of violence. Bodies such as the Law Society of New Brunswick, New Brunswick Continuing Legal Education and the Canadian Bar Association - New Brunswick Branch should undertake to offer such training in consultation with service providers.

PUBLIC EDUCATION AND INFORMATION

4. That a widespread education campaign be developed to move society to zero tolerance of woman abuse, as was the case with drunk driving. Initiatives should be coordinated among government departments and community groups.
5. That information be provided for abused women that is sensitive to such different circumstances as might be faced by immigrant and native women, common-law wives, impoverished women, rural women, etc.

6. That churches play a role in eliminating male violence against women including providing information on the criminal aspects of woman abuse as part of the pre-marriage preparation classes provided.
7. That Health & Community Services play a key role in fostering greater awareness of the effects on children who witness woman abuse.
8. That stakeholders such as the New Brunswick Teachers' Association and the Department of Education work closely with community organizations to develop resource materials on woman abuse issues for use in schools.
9. That educators and parents work together to educate and counsel children to develop dispute resolution techniques to better deal with violent behaviour.
10. That government and the Public Legal Education and Information Service of New Brunswick work cooperatively to produce and distribute plain language information on family and criminal law.

WORKPLACE

11. That unions and employers work together to offer awareness sessions to workers emphasizing zero tolerance for woman abuse.
12. That unions and employers develop employer-based victim counselling, abuser counselling and alcohol treatment programs to combat family violence.

RESEARCH

13. That the Muriel McQueen Fergusson Centre for Family Violence Research undertake research to show the economic consequences to society generally, and employers in particular, of woman abuse.
14. That the Muriel McQueen Fergusson Centre for Family Violence Research consult with the New Brunswick Coalition of Transition Houses and Centres, community groups, service providers and abused women on the kinds of projects that would be most useful in the elimination of woman abuse.
15. That any organization undertaking research on woman abuse issues consider investigating the differential impact of socio-economic, ethnic and cultural factors on the needs of abused women and make its research available to the communities affected.

SERVICES FOR VICTIMS

16. That the emergency 911 number be made available throughout the province including rural areas.
17. That government make more counselling available for abused women, their children and abusers.
18. That every transition house receive additional specific funds to provide counselling programs for children resident in their shelters.
19. That a complaint mechanism, such as an independent Advocate for Abused Women, be established to accept and act on complaints from abused women and their service providers concerning all aspects of the legal system.
20. That the *Compensation for Victims of Crime Act* be amended to allow greater compensation to be awarded for counselling abused women, their children and abusers.
21. That information about victim services for abused women, particularly in relation to being a witness, compensation for crime and counselling be provided to the public in general and woman abuse service providers in particular. This could include pamphlets, posters, television and radio announcements.

22. That police and Crown Prosecutors take the time to explain to abused women why they have to testify about the cause of their injuries, since there is often no other witness to the actual assault, even though someone else can testify about the extent of the injuries.
23. That information about the Victim Services Fund and its intended uses be communicated more widely to the public.
24. That more victim service workers be hired for the Victim Services Program to be available to prepare and accompany all woman abuse victims going to court.

LEGAL REPRESENTATION

25. That the New Brunswick Domestic Legal Aid Program be overhauled to better meet the needs of abused women. Specifically:
 - eliminate financial eligibility criteria for women in transition houses;
 - increase amount of the Legal Aid certificate;
 - appoint both french and english speaking solicitors experienced in family law to a list of lawyers available in each region who handle domestic legal aid cases;
 - coordinate access to services such as legal aid, entry into transition house, income assistance, victim services so that the abused woman does not have to repeat her story several times.
26. That the services provided by Crown Prosecutors of the Court of Queen's Bench, Family Division be communicated more widely to the public.

POLICE AND THE LEGAL SYSTEM

27. That the police and RCMP officers accompany an abused woman, or someone acting for her, who is returning to her home to collect personal effects.
28. That Public Prosecutions and Policing Services instruct police, RCMP and Crown Prosecutors on how to deal effectively with reluctant witnesses, mandatory charging and peace bonds.
29. That the police and RCMP provide the public with clear information on when mandatory charges would be appropriate in domestic violence situations and when peace bonds would be appropriate.
30. That police, RCMP and prosecutors strictly enforce peace bond violations by arresting or detaining the offender or by revoking the offender's probation or parole.
31. That police and RCMP explain to abused women their responsibility to report a peace bond breach and the consequences of contacting the abuser.

LAW REFORM - CRIMINAL

32. That government review sentencing in domestic assault cases and give greater consideration to innovative ways to deal with abusers, including mandatory counselling.
33. That all Crown Prosecutors ask for stronger sentences in woman assault cases than in stranger assault cases because of the breach of trust involved.
34. That the penal provisions for woman assault include specified penalties and fines and a mandatory jail term for the second offence.
35. That the federal and provincial governments consider introducing legislation to protect women from the predatory behaviour of ex-partners who stalk them when the relationship has ended.
36. That the federal and provincial Departments of Justice review the charges under the *Criminal Code* concerning child abduction by a parent or guardian to ensure that these sections are not being used to prevent mothers from leaving abusive situations.
37. That the federal and provincial governments undertake research and consultation to suggest ways that the criminal justice system could better deal with the prosecution of woman assault cases recognizing that abused women are usually reluctant witnesses and many cases are eventually dismissed.

LAW REFORM - FAMILY AND SOCIAL WELFARE

38. That the provincial government amend the New Brunswick *Rules of Court* to ensure that *ex parte* custody orders are more available to abused women who fear their spouse or partner will abduct the child.
39. That the provincial government amend the *Family Services Act* and the federal government amend the *Divorce Act* so that individuals who are convicted of domestic assault of their partners cannot apply for custody of the children or ask for visitation rights for a minimum of six months after sentencing.
40. That the provincial government amend the *Marital Property Act* and the *Family Services Act* so that in all cases of woman abuse, the abuser can be ordered from the marital home so that the victim and children are not forced to leave.
41. That the federal and provincial governments introduce or amend legislation to guarantee women's equality rights in such areas as homemaker wages and pensions, child care and pay equity.
42. That income tax legislation be amended so that child support payments do not have to be claimed as income by the parent receiving them on behalf of the children.
43. That the provincial social welfare legislation be amended so that parents on income assistance do not have the support payments they receive deducted from their benefits.

COOPERATION

44. That government funded services and programs for abused women not be changed or eliminated without consulting with appropriate service providers and women's organizations.
45. That the mandate, authority and reporting relationship of existing local committees on family violence be clarified and refined. Areas without such committees should be encouraged to establish them with a broad representation of service providers and stakeholders.
46. That government facilitate the development of partnerships among the social, legal, medical and mental health communities so efforts to help abused women and children may be coordinated. A government-appointed facilitator could help communities establish and improve existing linkages.

STARTING OVER

47. That women who are leaving an abusive relationship have immediate access to emergency income assistance funds.
48. That the Department of Municipalities, Culture and Housing increase access to second stage housing for abused women by developing policy guidelines to give abused women and their children priority in subsidized housing allocation. That department should encourage non-profit and co-operative housing units to adopt such policies.

IMMIGRANT WOMEN

49. That Immigration Canada develop mandatory legal information sessions for all immigrants to Canada to familiarize them with legal rights and responsibilities and with what constitutes a crime in Canada. Translation services, multicultural organizations and local lawyers and service providers should be listed for their information.
50. That Immigration Canada develop clear guidelines for Immigration officers stating that abused immigrant women will not be deported if their sponsorship relationship breaks down because of abuse. The evidence required to demonstrate abuse should be clearly spelled out, and should be sensitive to the unique difficulties of immigrant women. Abused immigrant women must qualify immediately for social services if their sponsorship relationship breaks down.

ABORIGINAL WOMEN

51. That government consult with representatives of aboriginal women's groups about the impact of self-government on aboriginal women's status and rights.
52. That Indian Affairs disseminate information about appropriate legal remedies be specifically to meet the circumstances of aboriginal women living on reserves.
53. That training sessions dealing with the specific law-related information needs of service providers for abused aboriginal women be funded by Indian Affairs.

LOBBYING AND ADVOCACY

54. That the Ad Hoc Committee on Woman Abuse invite media coverage on the issues, strategies and recommendations of the conference through press conferences, interviews and press releases.
55. That the Ad Hoc Committee on Woman Abuse be responsible for ensuring that the recommendations of the conference are published and brought to the attention of all relevant stakeholders for action.
56. That the Minister Responsible for the Status of Women be lobbied to direct the New Brunswick Interdepartmental Committee on Family Violence to consult with community organizations and to play a more active role in addressing woman abuse issues.
57. That the Ad Hoc Committee on Woman Abuse, community groups and women's organizations lobby government to enact or amend legislation such as in these recommendations to improve the legal system's response to abused women.
58. That the New Brunswick Advisory Council on the Status of Women, the New Brunswick Women's Directorate and other women's organizations lobby government, both federal and provincial, with respect to women's equality issues such as wages and pensions for women working at home, child care and pay equity.

ATTITUDES

59. That government and community groups work together to develop a male violence awareness campaign to foster zero tolerance in our society.
60. That awareness initiatives be developed that are sensitive to the stigma felt by women who are battered. The message should indicate that the problem is not so much woman abuse, but "male violence against women".