

ENDING VIOLENCE

Association of Canada



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Reducing Intimate Partner Violence by modernizing our Federal laws

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As victims' advocates, we are committed to the goals of eliminating sexual and intimate partner violence and increasing safety for women and children. Today Justice Minister Jody Wilson-Raybould continues to show her commitment to these goals, too. The Minister introduced Bill C-78, which comes on the heels of bold reforms which were introduced last month in C-75. These bills make concrete improvements to the family law and criminal justice systems.

Reducing Violence by updating the Divorce Act

Bill C-78 reflects long overdue changes that advocates have been calling for over the past decade. As people who work with survivors every day, we can confidently say that our federal family laws are in desperate need of amending to better address the needs of Canadian families, particularly women and children exposed to violence. As we all know, divorce and separation are processes that can be dangerous for those trying to leave abuse and violence. Over 2 million Canadian children live in separated or divorced families, yet the federal *Divorce Act* has not been overhauled in over 20 years. Until now.

Under the *Divorce Act* currently, there is no mention of how violence in a relationship could be a relevant consideration in parenting after divorce. Bill C-78 closes this gap by providing a definition of family violence, and requiring courts to take family violence into account when determining parenting arrangements. The bill defines family violence as any conduct that is violent, threatening, causes a family member to fear for their safety, or involves a pattern of coercive and controlling behaviour.

Finally, the bill would require family law courts to proactively inquire about existing civil protection, child protection or criminal court proceedings involving the parties, which is important in ensuring that these orders are upheld and reinforced, protecting the safety of survivors. This change is significant because up until now, family courts were not required to consider the proceedings in other courts. Considering the possible existence of other protection orders related to violence is a key protective action our family courts will now be required to take.

Reducing Violence by updating the Criminal Code

The changes proposed in Bill C-75 further strengthen the federal legislative response to intimate partner violence (IPV) as well.

Briefly, the proposed changes in Bill C-75 as they relate to IPV include: emphasizing the need for courts to consider IPV when decisions about bail and sentencing are made; clarifying that strangulation, choking

and suffocation is an elevated form of assault; defining “intimate partner” for all Criminal Code purposes and clarifying that it includes current or former spouses; clarifying that the current sentencing provisions, which treat abuse against a spouse or common law partner as an aggravating factor, apply to both current and former partners; and allowing for the possibility of seeking a higher maximum penalty in cases involving a repeat IPV offender.

Sexual and intimate partner violence is a reality for at least one in two (50%) women in Canada. Women who are Indigenous, trans, older, new to Canada, living with disability are at increased risk of experiencing violence due to systemic barriers and failures. The personal and often life-long consequences of violence against women are enormous. The introduction of these two bills shows that the Government, and the Justice Minister, are tuned into these complex issues. Women, and children are being heard. Women, and childrens’ safety is being seen as a priority.

We believe bills C-78 and C-75 will put in place needed and progressive reforms so that women and children will be kept safer.

We applaud our Minister of Justice for this leap forward as we fully believe these reforms will concretely and practically increase the safety of women and children harmed by this violence.