

**INDEPENDENT SYSTEMIC REVIEW:**

**The British Columbia Legal System's  
Treatment of Intimate Partner Violence  
and Sexual Violence**

FINAL REPORT  
DR. KIM STANTON  
JUNE 2025

## Where to Get Help

If you or someone you know is in need of support, resources are available [here](#).

This report includes references to gender-based violence, which may be distressing to some readers. Please take care while engaging with this material and seek support if needed.

*The Review acknowledges with gratitude and respect the Wyomilth (Esquimalt), Lkwungen (Songhees), and WSÁNEĆ (Saanich) peoples, on whose territories the Review was conducted.*

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# Letter to the Attorney General

Honourable Niki Sharma, KC  
Attorney General of British Columbia  
PO Box 9044 Stn Prov Govt  
Victoria, BC V8W 9E2

June 24, 2025

Dear Minister Sharma,

## Re: Final Report

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On May 30, 2024, you appointed me to conduct an independent, systemic review of the treatment of sexual violence and intimate partner violence in the province's legal system and to propose recommendations to effectively address this longstanding challenge. I am pleased and honoured to provide you with my final report.

At the outset of my mandate, in order to avoid duplicating the efforts of past processes and to minimize the burden on survivors, I conducted a thorough review of past recommendations. I examined why so many recommendations have been repeated without a marked improvement in access to justice for survivors. There are several institutional barriers preventing sustainable systems change: the operation of silos within the system; the lack of accountability within institutions; a focus on the cost of change, while underestimating the cost of inaction; and the lack of an intersectional analysis in designing legal system processes. Without addressing these structural barriers, we will struggle to make meaningful change within the legal system.

The Report provides a roadmap to addressing these systemic barriers and the barriers to individual survivors, first by addressing the systemic changes needed and then by focusing on the legal system itself. Again, the legal system changes will be useful and sustainable only if the systemic changes are made. This is why I have proposed nine steps to disrupt the cycle of making repeated recommendations that do not make an appreciable difference to survivors. If implemented in partnership with leaders both inside and outside government, these steps can fundamentally change the way that our legal system and our government work to support survivors and address the epidemic of gender-based violence in this province.

Grounded in the evidence and the experiences of survivors and those within the legal system, I have also proposed a dozen constructive steps that can be taken to improve the treatment of survivors of sexual violence and intimate partner violence by the legal system itself. I have sought to honour the voices of those who generously spoke to the Review, and to be respectful of the care and commitment I encountered from the many people within the systems over the last year. Yet there is still much to learn. I accept responsibility for any mistakes or omissions in this Report with the same humility and commitment to learning that I have urged upon actors in the systems examined in this Review.

The important next step is to act in a collaborative, whole-of-government way to improve the treatment of intimate partner violence and sexual violence in British Columbia. Wider accountability and change require elimination of silos, increased commitment to evaluation and monitoring, investment in prevention, and adoption of intersectional analysis from the design stage of any initiative onward. This will ensure that the needed innovations will not be thwarted by ongoing structural barriers.

At the same time, a reimagining of what justice can look like is called for by those inside and outside the legal system: small changes are not sufficient to solve complex problems. The preventive and restorative approaches recommended in this Report can set the province on a more hopeful path to addressing gender-based violence. It is time to use these tools to improve the lives of survivors and to make all of us safer.

Thank you for entrusting me with this challenging and timely task. Now the task is yours. Please accept my best wishes as you take these steps toward a more just legal system in British Columbia.

Yours truly,

*Kim Stanton*

Kim Stanton, BA (Hons), LLB, LLM, SJD

cc. Honourable Garry Begg, Minister of Public Safety and Solicitor General

# Glossary

<b>2SLGBTQI+</b>	Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex, and additional sexually and gender-diverse people
<b>ALRC</b>	Australian Law Reform Commission
<b>BC</b>	British Columbia
<b>BCCS</b>	British Columbia Coroners Service
<b>BCFNJC</b>	British Columbia First Nations Justice Council
<b>BCPC</b>	Provincial Court of British Columbia
<b>BCPS</b>	British Columbia Prosecution Service
<b>CBABC</b>	Canadian Bar Association of British Columbia
<b>CBSW</b>	Community-based support worker
<b>CCSS</b>	Community Coordination for Survivor Safety
<b>CVAP</b>	Crime Victim Assistance Program
<b>DVU</b>	Domestic Violence Unit
<b>FLA</b>	Family Law Act
<b>FRA</b>	Family Relations Act
<b>FSGV</b>	Family Services of Greater Vancouver
<b>GBV</b>	Gender-based violence
<b>GEO</b>	Gender Equity Office
<b>ICAT</b>	Interagency Case Assessment Team
<b>IDV</b>	Integrated domestic violence
<b>IJC</b>	Indigenous Justice Centre
<b>IPV</b>	Intimate partner violence
<b>IPVRAU</b>	Intimate Partner Violence and Risk Assessment Unit

<b>IWJP</b>	Indigenous Women's Justice Plan
<b>LEAF</b>	Women's Legal Education and Action Fund
<b>MACIW</b>	Minister's Advisory Council on Indigenous Women
<b>MCFD</b>	Ministry of Children and Family Development
<b>MMIWG</b>	Missing and murdered Indigenous women and girls
<b>PODV</b>	Provincial Office of Domestic Violence
<b>PSSG</b>	Ministry of Public Safety and Solicitor General
<b>RCMP</b>	Royal Canadian Mounted Police
<b>RCY</b>	Representative for Children and Youth
<b>TIP</b>	Trauma-informed practice
<b>TPR</b>	Third-party reporting
<b>TRC</b>	Truth and Reconciliation Commission of Canada
<b>UFC</b>	Unified Family Court
<b>VACR</b>	Violence Against Women Advocate Case Review
<b>VAWIR</b>	Violence Against Women in Relationships Policy
<b>VPD</b>	Vancouver Police Department
<b>WAGE</b>	Women and Gender Equality Canada



## About Language

### WOMEN

Sexual violence and intimate partner violence (IPV) are forms of gender-based violence (GBV), a type of harm that is mainly perpetrated by men, with a disproportionate impact on women and gender-diverse people. Throughout this issues paper, the terms “women” and “women and gender-diverse people” are used to represent a complex diversity of women, girls, and Two- Spirit, lesbian, gay, bisexual, transgender, queer, intersex, and additional sexually and gender- diverse (2SLGBTQI+) people in British Columbia. The Review recognizes the distinct and differentiated experiences of those whose identities include other intersecting characteristics, as well as the systemic gender-based oppression experienced by all women and gender-diverse people.

### INTERSECTIONALITY

Women are not a homogenous group but rather individuals who are shaped by multiple factors such as race, ethnicity, religion, gender, class, and disability. While all women, girls, and 2SLGBTQI+ people are subject to gender discrimination arising from a confluence of structural and systemic factors, those with intersecting identities are disproportionately affected by violence and by other forms of discrimination that emanate from histories of colonialism, systemic racism, ableism, ageism, homophobia, transphobia, and the feminization of poverty.

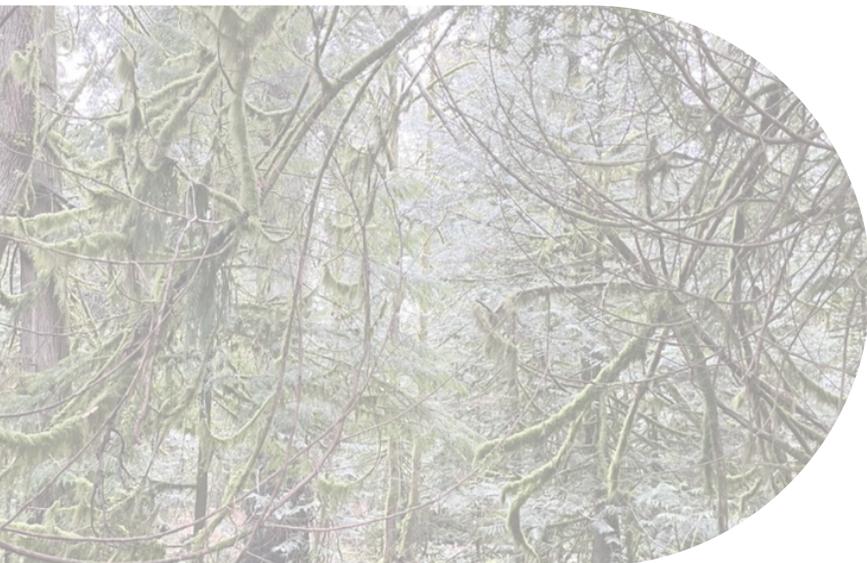
In Canada, Indigenous women and girls, Black and racialized women, immigrant and refugee women, 2SLGBTQI+ people, women with disabilities, and women living in northern, rural, and remote communities are disproportionately subjected to violence. In addition, the consequences of reporting violence can deepen the inequality they experience. The disparate effects of violence on already marginalized and differentially affected groups inform this Review.

Readers are encouraged to be mindful of the complexity and diversity of experiences of gender-based violence wherever this report refers to “women”.

## SURVIVORS

The language used when referring to someone who has been subjected to sexual violence or intimate partner violence matters, and the terms “survivor” and “victim” (and others) are the subject of much debate.

Some aspects of the system, particularly those associated with the criminal law, tend to use of the word “victim”. The Criminal Code uses the term “complainant” in some places to reflect the legal principle of the presumption of innocence. In other contexts, the word “survivor” has been adopted in order to shift the focus onto the agency of the individuals who have experienced violence, emphasizing their resilience. As noted above, because violence is a gendered phenomenon, in that it is mainly perpetrated by men and has a disproportionate impact on women, the Review uses the term “women” to refer to survivors of gender-based violence. In addition, even though sexual violence and intimate partner violence are mainly perpetrated by men, not all who experience such violence identify as women. Therefore, the Review also uses the term “survivor” to refer to individuals who have experienced or are experiencing sexual violence and/or intimate partner violence. This term is used throughout this Report, including in sections dealing with the criminal law, to reflect the language chosen in the mandate set by government and to ensure the focus remains on survivors. Finally, it must also be acknowledged that not all those who have experienced these forms of violence do survive. Some are killed, die by suicide, or die in some other manner as a direct or indirect result of the long-term effects of the violence they have experienced.



## Executive Summary

*I would never recommend another woman from going through this ordeal. Run, hide and start over somewhere else.*

—Survivor

That is what a survivor [answered](#) when asked how they would advise a close friend who found themselves in a similar situation to them.

This response is emblematic of why this Review was established by the BC government in 2024.<sup>1</sup>

Survivors of sexual violence and intimate partner violence are many in this province (and globally), but few report the crimes to the police, and fewer still go through the legal system. (See [Appendix 1.](#))

*[Sexual assault] is a crime no one is held accountable for.*

—Sexual assault centre worker

Why would a survivor advise their friend to run rather than seek help from the legal system?

For many years, report after report has identified the barriers to survivors in accessing justice and made recommendations for what to do. One report author reviewed 33 years of repeated recommendations and concluded: “We know what to do. We just need to do it.”<sup>2</sup>

So why aren’t we doing it? Or if we are, why isn’t it working?

The government established this Review to take a look at the whole system that deals with sexual violence and intimate partner violence and figure out why, despite all that we know, things are not getting better for survivors. (See [section 1.](#))

This Report builds on what survivors and other experts have already said about existing barriers and what to do about them. The Review surveyed recent initiatives (including British Columbia’s [Gender-Based Violence Action Plan](#) and the [National Action Plan to End Gender-Based Violence](#)) and examined the many past inquiries, inquests, and other processes that have produced analyses and made recommendations to address the legal system’s treatment of sexual violence and intimate partner violence. Rather than making a swath of new recommendations, the Review sought to find

out why the many repeated past recommendations were either not implemented or not working, and to make targeted recommendations for overcoming these seemingly intractable obstacles.

Survivors have generously shared their experiences many times in past consultation processes, often at great personal cost. This Review began with the premise that listening to their voices is essential, but subjecting them to a fresh round of consultations is not. Rather, we must hear what they have been consistently saying for many years.<sup>3</sup>

- 94% of sexual assaults are not reported to police.<sup>4</sup>
- 80% of intimate partner violence is not reported to police.<sup>5</sup>

Since most survivors never access the legal system, the government tasked the Review with identifying the barriers to accessing it. The Review found that there are two kinds of barriers that need to be addressed: [institutional barriers](#) that prevent system change and [barriers that prevent individual survivors](#) from accessing or continuing to engage with the legal system.

The Review determined that since most survivors never report violence to police, and those who do experience further barriers to remaining engaged with the legal system, there is a profound need to look at what is happening in the community safety ecosystem to prevent survivors from accessing justice. (See [section 1.2.](#)) The legal system is reactive; it can deal with only the cases that come to it. Since most cases never get there, and the government wants to improve the treatment of survivors, then there is a need to consider the big picture into which the legal system fits.

### System-Wide Recommendations

In British Columbia, more than one third (37%) of women over the age of 15 have been sexually assaulted.<sup>6</sup>

Nearly half (48%) of women over the age of 15 in British Columbia have experienced intimate partner violence.<sup>7</sup>

The Review has recited the [statistics](#) about the pervasiveness of sexual violence and intimate partner violence in BC and in Canada. These statistics should be shocking. Yet the Review found that there is a normalizing of gender-based violence in Canada that devalues it as crime. Further, the ongoing operation of myths and stereotypes about survivors of gender-based violence in the legal system contributes to this devaluation. There is a need to underscore the prevalence of these forms of vio-

lence and the urgency required to address them. Therefore, the Review sought a way to ensure an immediate increase in public awareness of the extent of the issue and to motivate a whole-of-government, whole-of-society response to it.

**RECOMMENDATION 1** The Review recommends that the BC government declare that gender-based violence is a provincial epidemic.

In questioning why recommendations have been repeated for decades, the Review determined that the answer indicates a systems-level problem. The Review then identified several systemic barriers to change. These are structures and dynamics built up over time, not because of conscious or intentional desire to prevent change but because systems gain their own logic and become set in their ways and feel too big to question or reshape. These structural barriers prevent institutional actors from improving the ways our systems and society respond to gender-based violence. In addition, the fact that gender-based violence is a longstanding, pervasive problem is linked to the fact that we live in a society with deeply rooted structural inequalities that perpetuate narratives that are very difficult to dislodge.

Two of the systemic barriers identified by the Review are silos and a lack of accountability at a systems level. Silos are created when different ministries, branches, departments, units, or agencies focus on their own mandates without effectively sharing information or collaborating with the other entities that share common goals or address related issues. The Review found that silos are present both within legal system institutions and between legal system actors and other branches of government and community services. This leads to the duplication of effort, missed opportunities, and inefficiencies in public service delivery.

A second systemic barrier is echoed as a theme throughout the Report: a lack of accountability. This arises from a structural issue related to silos—no identified leader with the authority to ensure that what needs to be done gets done. This means that while everyone works in their own lane, no one has their eye on the bigger picture to evaluate and monitor whether all the activity is accomplishing the desired outcome. In terms of addressing sexual violence and intimate partner violence, there are [many different programs, services, and initiatives underway in BC](#), but the whole system would be improved for survivors if there was an acknowledged locus of leadership to ensure that the disparate parts of the system work together to increase survivors' safety and their ability to access justice. The Review recommended two solutions for this, one internal to government and one external.

**RECOMMENDATION 2** The Review recommends that the BC government create a strong internal government accountability mechanism.

**RECOMMENDATION 3** The Review recommends the appointment of an independent GBV Commissioner.

A third systemic barrier identified by the Review is the belief that doing what must be done at a systems level to address gender-based violence is too costly. This is false economy, since the [costs of violence](#) to society are enormous. In light of these costs, efforts to address the treatment of sexual violence and intimate partner violence in the legal system must be twinned with prevention measures aimed at decreasing the prevalence of violence in our society.

Prevention includes not only public education about the need for affirmative, ongoing consent, the foundations of healthy relationships, and the need to step in to prevent violence against others, but also education that challenges the longstanding forms of oppression that perpetuate the normalization and devaluing of gender-based violence, such as misogyny, colonialism, racism, ableism, homophobia, transphobia, and other forms of systemic discrimination. This kind of prevention work is necessary in light of the fourth systemic barrier identified by the Review, a [lack of intersectional analysis](#). Employing an intersectional lens means considering how the various policies, programs, and structures in the systems create different challenges for survivors who are disproportionately affected by those systems because of their gender, race, and other identifying characteristics. (See “[Intersectionality](#)” in [About Language](#)).

The Review met with people of good will across sectors who are deeply concerned with the legal system’s treatment of sexual violence and intimate partner violence and who work hard to address it. There is genuine commitment to improving the policies and processes in their sphere. Nonetheless, a systemic analysis of these policies and processes reveals that, incremental changes notwithstanding, institutional actors in the legal system (and the adjacent systems) do not yet employ a bedrock intersectional analysis in the development and provision of services to BC’s diverse population. **In a similar way to how public policy is often designed for an urban environment and therefore fails to address the unique needs and contextual factors affecting rural settings,<sup>8</sup> the legal system is designed by people with considerable privilege in our society, and it therefore contains barriers to marginalized people that are hard to see from the place of privilege and hard to get past from the margins.**

In addition to dismantling these barriers for survivors, as part of its work to focus on root causes, prevention must attend to those who use violence. This is why the Review includes a discussion of services for men who use violence. Preventing revictimization of survivors of violence who do encounter the legal system means that education of institutional actors must be trauma-informed and be regularly updated with input from anti-violence experts. Further, to ensure that the standards the public should be able to expect from institutional actors are consistently met, there is a need for a system of core competencies and certification for those who work with survivors of gender-based violence. The Review’s recommendations on prevention flow from these conclusions.

**RECOMMENDATION 4A** The Review recommends that the BC government prioritize support for prevention initiatives, including public education, to reduce and prevent violence before it escalates to the point of engaging the legal system.

**RECOMMENDATION 4B** The Review recommends that in addition to prioritizing support services for survivors (recognizing that sexual violence and intimate partner violence disproportionately affect women and gender-diverse people), the BC government support quality, accredited services for men who use violence.

**RECOMMENDATION 4C** The Review recommends strengthening the system-wide framework for education and training of institutional actors (including government agencies, police, Crown counsel, courts, and corrections) on the causes and dynamics of gender-based violence, unconscious bias, and the elements of effective trauma-informed practice. This framework should include:

- a) a system of core competencies and certification; and
- b) evaluation of whether education and training for system actors is being utilized, whether the programs are effective, and whether outcomes are improved.

A further structural barrier identified by the Review arises from the finding that despite many positive initiatives over the years, the various aspects of the legal system persistently do not work well for women and gender-diverse people experiencing violence, and that failure is most acutely felt by the most marginalized. Survivors' prospects for safety should not depend upon whether they report to police or how well they know the legal system. It may be that a survivor does not yet (or never will) wish to report to the police. Indeed, at present, 94% of sexual assault survivors are in this category. When the system is not designed with their needs centred, the barriers can be significant.

The Review found that a “no wrong door” approach to assisting survivors is crucial to improving the treatment of sexual violence and intimate partner violence in the legal system. This approach is best achieved by ensuring that there are supports available to survivors, delivered by actors who understand the dynamics of gender-based violence and can meet survivors where they are and help them no matter in which direction they need to go.

Community-based support workers (CBSWs) are critical to how survivors manage from that point forward in their lives. The CBSW role is to meet survivors with a trauma-informed approach, to provide them with information on available supports and pathways, and to support them on their journey, no matter which path they choose to take. The Review identified the need for meaningful referrals to CBSWs, as well as information sharing between other institutional actors (including police) and CBSWs to improve survivor safety.

The Review found that properly resourced, well trained CBSWs with a clear scope of practice can improve the operation of the whole safety ecosystem. In line with the “no wrong door” approach, survivors should have access to support services outside the criminal legal system, such as family law advice, housing, child care, and counseling. Given the range of needs that GBV survivors have, [a hub model of service provision](#) can enable efficient and collaborative work across systems. The Review also identified the need for [family law survivor support services](#).

The Review found that CBSWs are the support of choice for survivors, are relied upon by other institutional actors for their expertise and deep commitment to supporting survivors, reduce the barriers that survivors experience and create efficiencies across systems. Despite this, the community-based feminist organizations that train and employ these essential workers are the least well-funded partner in the community safety ecosystem. Thus, ensuring that the services that survivors actually access are properly funded to meet their needs is mission critical.

**RECOMMENDATION 5A** The Review recommends strengthening established anti-violence community-based organizations across the province by providing stable, core funding to hire, retain, and appropriately train CBSWs to support survivors.

**RECOMMENDATION 5B** The Review recommends that survivor support services with stable and adequate core funding be available to survivors navigating the legal system, whether through civil or criminal processes. In particular, programs underway to support survivors in the family law system should be continued and strengthened.

The Review found that a multitude of past reports have emphasized the need for collaboration and communication between system actors. This is in line with the understanding that effective survivor safety relies upon a range of supports. Cross-sector information sharing, collaborative service provision, and coordinated, consistent risk assessment and safety planning are essential. These can be achieved by improving opportunities for intentional relationships between institutional actors. The Review also noted the value of [offender management](#) as an important aspect of supporting survivor safety. There are a number of cross-sector collaborative mechanisms in operation in BC. These are reviewed in [section 3.6](#) of the Report.

The Review determined that such cross-sectoral mechanisms and initiatives can be highly effective, but they are currently limited by a lack of system-wide coordination and undermined by the unmet need for stable core funding for community-based feminist survivor support services. Coordination and collaboration can make us all safer. In addition, when government ministries, agencies, police, legal actors, and community organizations work together, siloing is decreased, intersectional analysis is facilitated, costs are reduced, and accountability is increased. For these reasons, the Review recommended deepening these forms of cross-sector collaboration.

**RECOMMENDATION 6A** The Review recommends that the BC government provide ongoing support for collaborative mechanisms between entities that address gender-based violence, including Violence Against Women in Relationships/Violence in Relationships (VAWIR/VIR) tables, interagency case assessment teams (ICATs), domestic violence units (DVUs), and the Community Coordination for Survivor Safety (CCSS) program.

**RECOMMENDATION 6B** The Review further recommends that wraparound (hub) models of service provision to survivors be supported and sustained, including Child and Youth Advocacy Centres (CYACs), Indigenous Justice Centres (IJC), and Family Law Centres.

The Review recommends three further mechanisms to increase system-wide accountability and effectiveness: [a standing gender-based violence death review committee](#), [a collaborative gender-based violence data strategy](#), and an updated and revised [provincial cross-sector policy](#) to improve the legal system's treatment of sexual violence and intimate partner violence.

While numerous policies, laws, and intervention programs exist in British Columbia, there remains a critical gap in how the legal system and social services analyze, respond to, and prevent gender-based fatalities. A death review committee for gender-based violence could play a pivotal role in closing this gap, bringing together people with multidisciplinary expertise in intimate partner violence and family violence from various sectors, including law, law enforcement, mental health, and anti-violence advocacy. The committee would work with the Office of the Chief Coroner in the investigation and review of IPV-related deaths and femicides to make recommendations to help prevent future deaths. A GBV-DRC would systematically review gender-based, interpersonal, violence-related homicides, identifying patterns and providing evidence-based recommendations for policy and legislative changes. The Review notes that the suspected use of [toxic drug overdoses](#) as a method of femicide is an area that requires investigation, and this is an example of the kind of concern that a GBV-DRC could identify.

**RECOMMENDATION 7** The Review recommends that the province create a standing Gender-Based Violence Death Review Committee (GBV-DRC).

The Review found that fragmented data systems across police, prosecutors, courts, and corrections prevent actors within the legal system from getting a clear picture of how GBV cases are handled across the system and over time. This contributes to the systemic barriers of silos and lack of accountability, increases system costs, and impedes effective intersectional analysis of programs and services. A [collaborative GBV data strategy](#) will provide the tools to understand the effectiveness of new interventions and to evaluate areas where more work is needed. Co-creation of the data strategy would also help to dismantle information silos and to support significantly improved use of inter

sectional analysis in policy and program development. Data transparency is essential to meaningful accountability, effective implementation, and evidence-based evaluation.

**RECOMMENDATION 8** The Review recommends the development of a broad and collaborative gender-based violence data strategy across government agencies and legal system institutions, with participation from academic and frontline experts.<sup>9</sup>

The systemic barrier of a lack of accountability is exacerbated when institutional actors work in silos and either assume key tasks are being done by someone else or duplicate efforts. An effective way to address this inefficient and potentially dangerous situation is for government and the institutional actors to get together and provide clarity about whose job it is to do what. A dedicated policy (such as the [Violence Against Women in Relationships \(VAWIR\) policy](#)) clearly communicates common values both to the public and to institutional actors; it supports decision-makers in navigating competing priorities on the ground, and it articulates a coherent, overarching, society-wide framework for the government's services, programs, and overall approach in a given policy area. Although outdated now, the VAWIR policy is still the guiding star for collaboration and communication between the different institutional actors in the BC public safety and legal systems. The policy's overarching collaborative guidance provides the essential bedrock for the culture shift necessary to break down silos. The Review therefore considers [updating the VAWIR policy](#) to be a necessary systemic change to improve the treatment of survivors of sexual violence and intimate partner violence in BC. Among other updates, the revised policy should include [a provincial sexual assault policy](#).

**RECOMMENDATION 9** The Review recommends that the BC government lead a process to update and reinvigorate the VAWIR policy to improve the legal system's treatment of intimate partner violence and sexual violence.

The Review asserts that if these nine recommendations for system-wide accountability are implemented, then the legal system-specific changes that are recommended will be more effective and more sustainable. The Review cautions that seeking to simply make changes within the legal system without making the broader systemic changes will not succeed because the barriers that the system-wide recommendations are meant to dismantle will continue to impede progress. The systemic accountability recommendations are thus intended to disrupt the cycle of a review making the same recommendations made by past reviews, the government responding, and yet expecting a different outcome. Without addressing the root causes of the barriers affecting survivors, which implementing the system-wide recommendations is intended to do, the shift needed to improve the reality for survivors will not occur.

## Legal System Recommendations

The discussion of accountability in this Report focuses on disrupting the cycle of repeated recommendations that has failed to improve the situation for survivors. This theme is taken up in [section 4](#) of the Report, which focuses on the legal system itself. The section begins from the following four key points:

1. While there is good law and policy in place in BC, the Review observed considerable unevenness across the province with respect to how well legal system actors fulfill their responsibilities.
2. The first and simplest way to improve treatment of GBV survivors is for institutional actors to follow the law and policy already in place.
3. At a systems level, institutions must have a way to ensure that law and policy are universally understood and followed and that their own members act with competence and care.
4. The goal is to address unevenness across the province not by dropping the bar but by ensuring consistency at a higher standard of conduct.

The recommendations in section 4 of the Report are more granular than the system-wide ones in section 3, and some of them affirm recommendations made by other processes or organizations that should be prioritized for implementation. Some immediate next steps that should be taken by the Attorney General to build on the progress made to date are identified. The section also includes suggestions to other independent actors that are necessary as part of the required system-level changes to address sexual violence and intimate partner violence.

The Review's mandate is to make recommendations to improve how sexual violence and intimate partner violence are addressed in British Columbia's legal system. Many areas of law address these forms of violence. In light of the breadth of the mandate and the one-year time frame, the Review has focused on the family and criminal law systems. The Review, having listened to survivors and stakeholders from across the legal system, has focused on a few aspects of the legal system that are the subject of past recommendations or repeated concerns raised during this process. The complexity of practice in each of these areas is considerable, and rather than being prescriptive about how particular processes should be changed, the Review has recommended working groups of actors and experts with the necessary pragmatic knowledge to determine the best path forward in a number of the areas.

Keeping in mind the dual mandate of addressing both sexual violence and intimate partner violence, the first section of this part of the Report examines [the family law system](#). The next sections consider the journey through [the criminal legal system](#) that survivors take if they report their experience with violence, starting with the [police](#), then [Crown counsel](#), and then the [courts](#).

With regard to family law, the Review concluded that while there is good legislation in BC, there is room for improvement. A process for improvement is underway in the form of the [Family Law Modernization project](#), and the Review adopted some of the anticipated proposed reforms and suggested some others that require urgent attention.

**[RECOMMENDATION 10A](#)** The Review recommends that specified listed key amendments to the Family Law Act and associated policy changes be adopted without delay.

**[RECOMMENDATION 10B](#)** The Review recommends that the BC government engage with Indigenous partners to implement the Indigenous justice strategies already endorsed by the BC government, including the BC First Nations Justice Strategy and the Métis Justice Strategy.

**[RECOMMENDATION 10C](#)** The Review recommends that specified additional amendments to the Family Law Act be implemented at the earliest opportunity.

**[RECOMMENDATION 10D](#)** The Review recommends several changes to family law Protection Orders.<sup>10</sup>

One area that current family law legislation does not directly address is the continued operation of [myths and stereotypes](#) in adjudication in the family law system, despite many measures taken over the years to counteract their deleterious effects on survivors. The Review therefore suggests that the government explore a more direct method to address this barrier to survivor equality, in consultation with those who have expertise in this difficult area of practice.

**[RECOMMENDATION 11](#)** The Review recommends that the BC government design law reforms in civil and administrative law matters regarding sexual violence and intimate partner violence in order to mirror the protections in criminal law against the improper application of myths and stereotypes.

Further, it is evident that there may be a number of pragmatic changes to rules and practices that can address challenges faced by survivors in the family law system. The courts have made important changes to improve family law processes for litigants in BC. However, the Review has determined that these changes are of more benefit to those families without violence in their relationships. Therefore, some structural changes are needed to specifically address the needs of survivors. These are best determined in consultation with the courts and with those who have expertise in this difficult area of practice.

**[RECOMMENDATION 12](#)** The Review recommends that the BC government co-design changes to Supreme Court and Provincial Court rules and other court practices that will alleviate challenges faced by survivors who are engaged in family law litigation.

The lack of legal representation in family law is detrimental to all concerned. The Review concurs with the Canadian Bar Association BC Branch that the government must expand the scope of legal aid and legal aid funding for family law in BC.

**RECOMMENDATION 13A** The Review recommends expanding the scope and funding of legal aid for GBV survivors to cover family law services.

Turning to the criminal law, the Review explores systemic approaches to addressing issues that arise for [the few survivors who do report violence](#) to police, for the smaller number whose matter is then referred to Crown counsel for charge assessment, and for the even smaller number who become witnesses in a prosecution.

Once again, the need for legal representation for survivors is evident, so the Review commences the discussion of criminal law by acknowledging this reality.

**RECOMMENDATION 13B** The Review recommends that when the privacy or safety interests of survivors are affected in matters going to trial, independent legal advice should be made available to them (while observing appropriate fair trial safeguards).

If survivors do report the violence they experienced to police, the Review found that their ability to access justice through the legal system is not assured. While there are good policing standards in place, there is room for improvement, both in the standards themselves and in the adherence to them. Unfortunately, the operation of myths and stereotypes about survivors persists in policing, as it does in other parts of the system. The Review considered the new policing standards for sexual assault investigations and suggests the accountability mechanism could be strengthened, particularly in light of some of the harrowing stories survivors related to the Review about their treatment by some general duty police officers.

**RECOMMENDATION 14** The Review recommends that section 5.4.5 of the BC Policing Standards be amended so as to replace the biannual case conference model with a more frequent, collaborative advocate case review model.

With respect to intimate partner violence investigations, again there is room for improvement. Most intimate partner homicides flow from a history of violence (including nonphysical forms of violence such as coercive control). Despite training that includes evidence-based content about the risk factors for lethality in IPV cases, it does not appear that all general duty police officers and RCMP members in BC understand the risk that is posed by episodes of intimate partner violence. The risk extends beyond the survivor, but even if it did not, police need to take these cases seriously. The notion that they are private matters must be firmly rejected. The approach needs to be reframed from “what charges can be laid here?” to “how can I keep them safe?” This requires a shift in the policing lens and

in policing practice. In the meantime, it is apparent that further work is needed to dispel the myths and stereotypes that continue to permeate police departments and RCMP detachments in BC.

**RECOMMENDATION 15** The Review recommends that the BC government and policing bodies responsible for development of policing standards work with anti-violence sector experts (including Indigenous organizations and representatives of marginalized survivors) to update and improve policing protocols for intimate partner violence investigations.

If a survivor's report to police leads to a report to Crown counsel, the Review found a number of [barriers requiring attention](#). The Report discusses charge assessment policies, addresses the importance of Crown counsel meeting the standards expected of them in sexual assault and intimate partner violence cases, and proposes mechanisms for ensuring that occurs.

As with every part of the legal system, the Review heard both about exemplary conduct by Crown counsel and about egregious conduct that cannot go unaddressed. The Review learned that there is considerable variation in practice around how early and how often Crown counsel contact survivors and whether and how Crown counsel engage with survivors by [explaining decisions not to pursue charges](#). There is unevenness in whether and how Crown counsel contact victims before plea deals are made. This aspect of a survivor's interaction with Crown counsel can be remedied by improved communication throughout the criminal legal process, and in particular about decisions made by prosecutors along the way.

**RECOMMENDATION 16** The Review recommends that Crown counsel policy be updated to clarify that when a decision not to prosecute has been made and the survivor, the public, or another significantly interested person is aware of the police investigation, it is in the public interest that the survivor, public, or other significantly interested person be given adequate reasons for the non-prosecution.

An area of grave concern for survivors, advocates, police, and Crown counsel is that of [breaches of conditions](#). If a survivor has come forward and conditions are placed on their abuser, there needs to be monitoring of compliance in order to support survivor safety. The Review heard about considerable variation in police and Crown counsel practice on this point and recommends that a cross-sectoral working group be convened to urgently address this issue.

**RECOMMENDATION 17** The Review recommends that a robust cross-sectoral standard and set of guidelines be developed on an urgent basis for police and Crown counsel to treat breaches of conditions with the seriousness required.

The role of Crown counsel is quasi-judicial. Individual prosecutors exercise broad discretion in deciding whether or not to bring reported instances of sexual violence and intimate partner violence before the courts. The independence of the BC Prosecution Service (BCPS) from external interference with the exercise of prosecutorial discretion is a cornerstone of the rule of law. The Review considered the [mechanisms in place to ensure compliance with Crown counsel policy](#) and found them to be inaccessible for most survivors, particularly marginalized survivors. The Review determined that there is a need for improved feedback for ensuring Crown counsel conduct themselves in accordance with the weighty responsibility accorded to them.

**[RECOMMENDATION 18A](#)** The Review recommends that a transparent, accessible process be provided for survivors (or their representatives) to make complaints about Crown counsel conduct and decisions.

**[RECOMMENDATION 18B](#)** The Review recommends that Crown counsel develop an automatic review mechanism of sexual violence and intimate partner violence files to identify areas for improvement or reinforcement.

**[RECOMMENDATION 18C](#)** The Review recommends that the BC Prosecution Service annual reports include reporting on the uptake and outcomes of both the complaints mechanism and the automatic review mechanism.

With regard to the courts, the Review noted ongoing challenges for survivors who encounter myths and stereotypes that impede their equality rights and lessen their confidence in the administration of justice. The Review acknowledges the considerable efforts made to improve judicial education over the years but notes that, as with all legal system actors, there continues to be unevenness in the extent to which the principles included in that education are adhered to in judicial practice. As with the other legal system institutions, simply suggesting more education is not the answer. In keeping with the ethical judicial principles of independence and equality, the Review proposes two means of [internal reflection for the judiciary](#) to short-circuit the perpetuation of myths and stereotypes: formalized peer mentoring and anonymized internal case reviews to identify patterns and opportunities for improved dialogue within the judiciary. These suggestions are intended to support the judiciary in bolstering public confidence in the administration of justice.

The Review heard from survivors, advocates, and lawyers that the likelihood that a family experiencing violence will have multiple proceedings in different courts creates a tremendous burden on survivors, exacerbated when conflicting orders are issued due to a lack of awareness by courts about concurrent matters. The Review has adopted a recommendation of the Québec's Comité d'experts sur l'accompagnement des personnes victimes d'agressions sexuelles et de violence conjugale<sup>11</sup> to address the need for improved coordination when there are multiple legal processes regarding a survivor.

**RECOMMENDATION 19** The Review recommends that the Ministry of Attorney General and the BC courts work together (in consultation with anti-violence experts and practitioners) to create a Court Coordinator role to gather and manage information across different legal processes.

The Review heard from survivors, support workers, lawyers, and experts about barriers and safety concerns for survivors arising from [the physical infrastructure of BC courts](#). While some work is underway to address these issues, there is a pressing need for this work to accelerate. The Review has therefore adopted multiple past recommendations that directly address barriers (some of them literal) to survivors accessing the courts. Further, although the [Canadian Victims Bill of Rights](#) and the Criminal Code provide survivors with the right to request [testimonial aids](#), there is unevenness across the province about the availability of these tools and how they are offered or ordered. Whether these aids are available in courts should not depend upon charitable donations. Nor should testimonial accommodations be limited to criminal proceedings; they should also be available to survivors in family law proceedings.

**RECOMMENDATION 20A** The Review recommends that recommendations made by the Rise Women’s Legal Centre and the Canadian Bar Association BC with regard to physical infrastructure improvements at BC courthouses be implemented without delay.<sup>12</sup>

**RECOMMENDATION 20B** The Review recommends that testimonial aids be available in both criminal and family law proceedings.

Finally, in recognition of the immense challenges for all concerned in the operation of the legal system with regard to sexual violence and intimate partner violence, the Review recommends a two-track approach for the government. The first track is to attend to the changes needed in the current system. The second is to earnestly embark upon an exploration of other possible responses to violence by considering restorative responses to sexual violence and intimate partner violence.

**RECOMMENDATION 21** The Review recommends that the Ministry of Attorney General create a working group to explore the use of restorative responses to sexual violence and intimate partner violence in BC.

## Mobilizing Change Through Leadership and Accountability

The Report concludes by providing a roadmap for the government to take steps in the immediate term in order to move forward [implementation of the Review's recommendations](#). The Report also provides some models for [monitoring and evaluation](#).

The Review, conducted from summer 2024 to summer 2025, occurred during [a time of constant news items](#) circulating about sexual assault, femicide, and criminal trials. The Review heard from survivors, support workers, police, judges, government workers, researchers, and many others who simply want things to improve—for violence to decrease and for the legal system to work more effectively. The need for leadership across the system to ensure that the good laws and policies already in place are adhered to in practice is a strong thread throughout the Report. Leadership is a twin to another strong thread in the Report: accountability. These two concepts can be mutually enforcing and uplifting. They can make our communities safer.

The Review has proposed a path forward to address the systemic barriers that cause ongoing harm to survivors of sexual violence and intimate partner violence. It is up to the government and the legal system actors to take that path.





“I wanted to be safe.”

# 1. Introduction

*[T]he system is broken and treats victims horrifically. I would never recommend anyone putting themselves on the Stand in an attempt to seek justice from sexual assault or domestic abuse. The victims always lose.*

—Survivor

In May 2024, the Government of British Columbia established an [independent systemic review](#) of the BC legal system’s treatment of sexual violence and intimate partner violence (“the Review”).<sup>13</sup>

The Review mandate sets two main tasks:

1. To take a systems-level approach to identify ways in which the system as a whole can do better for those affected by sexual violence and intimate partner violence; and
2. To identify barriers to survivor access to the legal system and to propose recommendations that could improve how sexual violence and intimate partner violence are addressed in British Columbia.

Intimate partner violence and sexual violence are forms of gender-based violence. Gender-based violence is a global epidemic<sup>14</sup> with complex root causes. This means that no single department, branch, ministry, sector, system, or government can cure it alone. Therefore, the mandate acknowledges that focusing on the legal system<sup>15</sup> in order to improve how sexual violence and intimate partner violence are addressed in British Columbia, while necessary, is not sufficient.

The legal system does what it is designed to do: litigation and prosecution, judging and sentencing. Cases involving sexual violence and intimate partner violence are complex and resource intensive. The legal system can make changes to how those cases are managed, but it is essentially reactive: it deals only with the cases that come to it. The depth and breadth of gender-based violence extend far beyond the legal realm.

- 94% of sexual assaults are not reported to police.<sup>16</sup>
- 80% of intimate partner violence is not reported to police.<sup>17</sup>
- In British Columbia, more than one third (37%) of women have been sexually assaulted since the age of 15.<sup>18</sup>
- Nearly half (48%) of women in British Columbia have experienced intimate partner violence since the age of 15.<sup>19</sup>

The systems-level approach required by the mandate is necessary because despite many efforts to improve legal system access, outcomes, and supports for survivors of sexual violence and intimate partner violence, both survivor accounts and statistics demonstrate that these forms of violence continue to be pervasive and drastically underreported. Many survivors who do access the legal system report negative experiences in their attempts to secure justice.

Survivors may access support from sexual assault centres, shelters, transition houses, health care providers, educators, child welfare agencies, housing, and other social services. How these entities respond can affect the course of a survivor's journey, including whether that journey takes the survivor into and through the legal system. Government policy and programs in a wide range of areas, including employment, workplace safety, child care, transportation, resource extraction, infrastructure such as cell phone service and internet, housing, health care, education (in schools, colleges, universities, and wider public education), policing, corrections, reconciliation, antiracism, disability, and human rights, can have implications for how and if gender-based violence is addressed within our society—and ultimately prevented over the longer term.

This is why the mandate first calls for a systems-level approach. Such an approach is necessary in order to identify how different institutions and structures work (or do not work) together, to locate gaps and barriers, and, where possible, to identify solutions. The mandate directs that this systems-level approach, which integrates broader governmental institutions, programs and policies, is then followed by a closer look at the legal system itself.

## 1.1. Report Structure

The Report begins by providing an overview of the Review's process and identifying the themes that permeate the many past reports upon which this Review builds. A summary of some of the current initiatives in British Columbia addressing gender-based violence is provided.

The Review's systems-level analysis reveals two types of barriers: institutional barriers that prevent system change and barriers that prevent individual survivors from accessing the legal system. The Report outlines recommendations to address these barriers. In response to the mandate's two main tasks, system-wide recommendations are made. Then the legal system's treatment of sexual violence and intimate partner violence is addressed.

The Report concludes by proposing some next steps for implementation of the recommendations and further work.

### Facts about Gender-Based Violence<sup>20</sup>

#### SEXUAL VIOLENCE

Sexual assault is prevalent and disproportionately impacts women. In Canada, 90% of victims of police-reported sexual assault are women and girls.<sup>21</sup> In British Columbia, 37% of women have been sexually assaulted since the age of 15.<sup>22</sup> The rates are higher for certain groups, including Indigenous women (54%),<sup>23</sup> women with disabilities (46%), and sexual minority women (56%).<sup>24</sup>

Sexual assault is the most underreported crime in Canada. After controlling for other incident characteristics, sexual assault is about 80% less likely to be reported to police compared to other violent crimes. It is estimated that only 6% of sexual assaults are reported to police.<sup>25</sup> When sexual assault incidents are reported to police, they do not result in charges or prosecution in the majority of cases.<sup>26</sup>

#### INTIMATE PARTNER VIOLENCE (IPV)

Intimate partner violence is pervasive in British Columbia. Nearly half (48%) of women in British Columbia have experienced intimate partner violence since the age of 15.<sup>27</sup> The prevalence of intimate partner violence is higher for certain groups, including Indigenous women (64%), LGBTQ2 persons (72%),<sup>28</sup> women with disabilities (62%), women who live in rural areas (54%), and women with a household income of less than \$20,000 (55%).<sup>29</sup> The rate is also higher for young women.

39% of men in British Columbia have also reported experiencing intimate partner violence. However, women disproportionately experience more severe forms of intimate partner violence compared to men.<sup>30</sup>

Intimate partner violence can continue after partners separate. Many survivors continue to experience physical abuse, psychological abuse, intimidation, harassment, and control after they end the relationship. In fact, in some cases, the risk and severity of violence increase after separation, as well as the risk of lethality.<sup>31</sup>

**It is estimated that 80% of intimate partner violence is not reported to police.**<sup>32</sup> When charges are laid in intimate partner violence cases in British Columbia, they are more likely to result in a stay of proceedings<sup>33</sup> and less likely to result in a guilty outcome compared to prosecutions generally.<sup>34</sup>

### FEMICIDE

Women in Canada are more likely to be killed by an intimate partner than by any other type of perpetrator.<sup>35</sup> In 2022, the BC Coroners Service reported that about one in ten or 9.4% of reported homicide deaths in British Columbia involved an intimate partner.<sup>36</sup> Nationally, nearly half (46%) of all women victims of solved homicides from 2009 to 2022 were killed by an intimate partner.<sup>37</sup> In 2023, there were 67 victims of intimate partner homicide in Canada, and women continued to account for the vast majority (73%) of victims.<sup>38</sup>

Indigenous women and girls are more likely to be victims of homicide.<sup>39</sup> In 2021, the rate of gender-related homicide of Indigenous women and girls was more than triple that of gender-related homicides of women and girls overall, a reality identified as genocide by the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG).<sup>40</sup> Women in rural areas are also 2.5 times more likely to be killed by gender-related homicide compared to women in urban areas.<sup>41</sup> From 2004 to 2014, the rate of IPV homicide was highest in the northern and interior regions of British Columbia and lowest in Metro Vancouver and Island regions.<sup>42</sup>

A history of intimate partner violence against a woman has been identified as the primary risk factor for intimate partner homicide.<sup>43</sup> Among spousal homicides between 2008 and 2018 in Canada, 60% involved a known history of family violence.<sup>44</sup>

## 1.2. Report Context and Process

*We know what needs to be done. The challenge is to do it.*

—Linda Light

In 2012, Linda Light authored a report for the Ending Violence Association of British Columbia (EVA-BC) called “Violence Against Women and Their Children in BC: 33 Years of Recommendations.”<sup>45</sup> In it, she reviewed key recommendations from reports produced since 1979, beginning with the United Way of the Lower Mainland’s “Report of the Task Force on Family Violence.”<sup>46</sup> As she noted,

[The United Way] report was followed over the next three decades by task force reports, working group reports, reports of inquiries, research reports, and coroners’ reports describing in powerful detail what needs to be done to protect women and their children from violence.<sup>47</sup>

In her review of three decades of recommendations, Light noted that the reports “repeat the same messages over and over” of what is needed “to keep women and their children safe.” She synthesized the repeated themes:

- Access to specialized support for women who experience violence
- Better coordination and information sharing
- Services to better meet the needs of marginalized women who experience violence
- Consistent risk assessment and coordinated safety planning
- Clear, effective province-wide policies
- Adequate legal aid for women who experience violence
- Offender accountability
- Effective use of specialization
- Training in domestic violence issues
- Comprehensive prevention efforts
- System accountability, including systematic data collection
- Fair wages and working conditions for community-based workers

A common thread in the reports is that the changes needed to be made in partnership with affected communities. **This list of themes still applies in this 2025 Report.**

This Report builds on what survivors and other experts have already said about existing barriers and what to do about them. The Review surveyed recent initiatives (including British Columbia's [Gender-Based Violence Action Plan](#) and the [National Action Plan to End Gender-Based Violence](#)) and examined the many past inquiries, inquests, and other processes that have produced analyses and made recommendations to address the legal system's treatment of sexual violence and intimate partner violence in the dozen-plus years since the EVA-BC synthesis of 33 years of recommendations.<sup>48</sup> The most comprehensive report in recent years is the 2023 seven-volume, 3000-page report of the Joint Federal/Provincial Public Inquiry into the April 2020 Mass Casualty in Nova Scotia (the Mass Casualty Commission).<sup>49</sup> That mass casualty began with a violent attack on the long-time spouse of the perpetrator, who had abused her and other women over many years. The mandate of the Commission included gender-based violence, and a significant portion of the report focuses on the epidemic of gender-based violence and how to prevent and address it.<sup>50</sup>

Survivors have generously shared their experiences many times in past consultation processes, often at great personal cost. This Review began with the premise that listening to their voices is essential, but subjecting them to a fresh round of consultations is not. Rather, we must hear what they have been consistently saying for many years. With this in mind, the Review looked closely at the insights that survivors have shared in past reviews and research rather than seeking to replicate that good work. This allowed the Review to learn from survivor experiences without retraumatizing survivors with new processes.

That said, the Review received voluntary input from survivors via an anonymous and confidential survey and arranged in-person meetings with appropriate supports available for survivors who wished to share their experiences with the legal system. The Review benefited from hearing their voices, which reinforced the themes of past processes. Where these survivors and others are quoted in the Report, they are quoted anonymously. The results of the survey are included as [Appendix 2](#).

The Review also consulted extensively with organizations that serve survivors, many of which are staffed by survivors and other experts who have encountered barriers to the legal system both in their own experience and while supporting others. Finally, the Review sought to speak with institutional actors (including government agencies, courts, prosecution service, and police) who have responsibility for making policy, managing systems, and implementing past recommendations in order to find out what barriers are in the way of doing what we already know needs to be done or, if recommendations have been implemented, in order to see how they have worked.

The Review examined barriers to survivors by looking at what survivors experience from the point of their initial decision whether to contact support services, police, or a lawyer, through to the end of the legal process.

Following the environmental scan of relevant reports to consider past recommendations and implementation efforts already undertaken, the Review held initial meetings with key stakeholders to discuss areas of consistent concern at a systems level so that the scope of the Review could be as focused as possible. The Review then published and circulated an [Issues Paper](#) in November 2024 and organized a series of focus groups and meetings to hear from stakeholders on some of the longstanding challenges to addressing these forms of violence.

The Review heard virtually and in person from people in communities across the province, including policymakers, advocates, RCMP and municipal police, judges, civil, family and criminal defense lawyers, Crown counsel, support workers, a range of anti-violence sector and other civil society workers, government workers, researchers and academics, survivors, and families of those who did not survive. In addition, the Review invited submissions from anyone who wished to contribute, receiving responses regarding a wide range of topics that are relevant to the mandate.

The Review also benefited from the expertise of frontline service providers in the anti-violence sector. Their long experience working with survivors, offering supports and services, as well as their systemic work to improve the system's treatment of sexual violence and intimate partner violence is a critical source of expert knowledge for government, police, and other system actors. These organizations are a fundamental part of the community and public safety ecosystem, relied upon by all other system actors to address sexual violence and intimate partner violence. As discussed in [section 3.5](#), **frontline service providers are a locus of deep expertise and essential services, and they deliver the services most accessed by survivors—yet they are the least resourced component of that ecosystem and are often treated as outsiders to the system.**

Concern about the legal system's treatment of intimate partner violence and sexual violence is not unique to British Columbia. In the last few years, other Canadian jurisdictions have sought solutions to address the ongoing barriers experienced by survivors.<sup>51</sup> Other common law jurisdictions are also taking steps to improve responses to gender-based violence. The Review benefited from considering significant initiatives in New Zealand,<sup>52</sup> the United Kingdom,<sup>53</sup> and Australia.<sup>54</sup>

## 2. Positive Steps and Ongoing Barriers

There are a number of positive, promising, and necessary actions that have been taken or are underway to improve legal responses and support services for intimate partner violence and sexual violence in British Columbia. Some are described later in this Report, while some are included in the province's 2023 [Gender-Based Violence Action Plan](#), a three-year strategy aimed at preventing, addressing, and responding to gender-based violence in BC. Several promising recent initiatives are highlighted here.

### 2.1. Recent Initiatives in British Columbia

The BC GBV Action Plan includes new funding of \$10 million annually for sexual assault services, including **five new sexual assault centres** in Victoria, Prince George, Surrey, Vancouver, and Kamloops that will deliver community-based services to survivors, as well as the seventy sexual assault programs established in 2023, twenty-two of which were designed for Indigenous survivors specifically.<sup>55</sup>

[Stand Informed](#), established in 2023, is another important initiative. The program is run by the Community Legal Assistance Society (CLAS) and provides three hours of free legal advice for any survivor of sexual assault.

Further in 2023, funding was provided to the [Salal Sexual Violence Support Centre](#) and the [Indian Residential School Survivors Society](#) to enhance crisis lines that provide specialized gender-based violence support.<sup>56</sup>

[Indigenous Justice Centres](#) (IJC) are another example of an encouraging ongoing initiative. Indigenous Justice Centres provide support, advice, and representation to Indigenous people, primarily for criminal and child protection issues. There are sixteen Indigenous Justice Centres in the province, including a virtual one. The centres seek to address the broader circumstances that have led to the commission of offences.<sup>57</sup> They “take a holistic approach to client and community wellness by facilitating client connections to supports such as housing, mental health and addictions treatment, and employment services.”<sup>58</sup> They also assist in the creation of individualized restorative justice plans.<sup>59</sup> Indigenous Justice Centres are an important component of the [BC First Nations Justice Strategy](#) and help to address the need for legal supports and services that are culturally appropriate and responsive to the impacts of colonization and intergenerational trauma on Indigenous clients.

In 2023, the BC government passed the [Intimate Images Protection Act](#), which creates processes to stop the nonconsensual distribution of intimate images and obtain monetary damages for harms suffered by survivors.<sup>60</sup> In addition, the Intimate Images Protection Service provides support for people who have had their intimate images shared without their consent, including emotional support and resources, legal information, assistance with applications for Intimate Images Protection Orders, and service of those orders.<sup>61</sup>

In 2024, **enhancements to legal aid for family law** were implemented, including increased hour allotments for legal aid lawyers assisting clients experiencing family violence in certain circumstances<sup>62</sup> and adjustments to the income and asset eligibility criteria for survivors of family violence who seek legal aid services.<sup>63</sup> The [Family Law Centre Program](#) was also launched in December 2024. It provides legal representation and connects survivors of family violence to other services.<sup>64</sup> The program has two physical clinic locations, in Surrey and Victoria, and offers in-person and virtual services to people in those cities and surrounding areas. The program takes a multidisciplinary approach to helping survivors of family violence, and the clinics are staffed by teams of lawyers, advocates, paralegals, and intake workers. The team approach is intended to provide trauma-informed assistance to connect clients to such needs as housing, counselling, and supports for children, in addition to legal services.

In 2024, amendments to the legalisation and regulation enhancing the [Crime Victim Assistance Program \(CVAP\)](#) came into force.<sup>65</sup> The updates include:

- a) adding new offences that vulnerable victims can receive support for, including gender-based violence, conversion therapy, and online sexual exploitation (for example, voyeurism, publication of intimate images without consent, and trafficking in persons); and
- b) significantly increasing benefit rates to ensure that key services remain accessible to victims, including funeral expenses, crime scene cleaning, and counselling services (for example, increasing the rate for registered clinical counsellors and Canadian certified counsellors from \$80/hour to \$135/hour).<sup>66</sup>

The Review heard from support workers and survivors that the long overdue counselling rate increase is a game-changing improvement because it provides survivors with more access to counselling. **Compensation schemes are critical to making practical forms of assistance available to survivors quickly and readily.** Given the low numbers of cases that proceed through to a guilty verdict, such assistance also provides a form of institutional acknowledgement of the impact of violence.

The province has also committed to building the [Women's Transition Housing Fund \(WTHF\)](#), which was created in 2018 to deliver new transition, second-stage, and long-term housing spaces for women and children.<sup>67</sup> Further, in March 2025, the provincial and federal governments announced additional **rental supports for survivors of gender-based violence** through the [Canada-BC Housing Benefit \(CBCHB\) Program](#).<sup>68</sup>

BC has introduced a pilot program to address a critical gap: assistance for IPV survivors in the family court system. Under the aegis of the **Safe Supports project** and with temporary funding (expiring in March 2026),<sup>69</sup> family court support workers in five primarily rural, remote, and northern locations<sup>70</sup> provide wraparound services to survivors regarding Family Law Act matters in Provincial Court. Services include the provision of legal information, safety planning, referrals for legal and nonlegal needs, and accompaniment to meetings and hearings. The family court support workers receive training in trauma-informed and survivor-centred practices, as well as in the intersections of family law and family violence. They also participate in local GBV coordination initiatives to enhance knowledge of family law issues and increase collaboration with the family law system.

The Safe Supports program has also worked with the BC First Nations Justice Council (BCFNJC) to explore an Indigenous-focused version of the family court support worker role. In collaboration with Safe Supports, the Council has created a unique **"Auntie" role** within some of its Indigenous Justice Centres.<sup>71</sup> The Aunties support survivors of family violence and those affected by the Missing and Murdered Indigenous Women and Girls (MMIWG) crisis with cultural and trauma-informed support at various stages of the legal process, specialized service resourcing and advocacy with complex system navigation.

The Safe Supports project includes an **Information Gatherer** role to support survivors of intimate partner violence in accessing court information and records relating to their own court matters.<sup>72</sup> The family court support workers act as the liaison between survivors and the Information Gatherer to obtain current and relevant information and documents on survivors' behalf.

One of the BC GBV Action Plan's stated priorities is "learning from and monitoring our progress."<sup>73</sup> This too is positive, since (as will be discussed further below) monitoring and evaluation of implementation are essential forms of accountability.

These and other initiatives, projects, and mechanisms are positive steps, and each addresses a critical need. Yet they are not sufficient to address the system-wide challenge that gender-based violence poses. During the years of attempts to address the violence, the rates of violence have not declined,<sup>74</sup> and the need for support services for survivors has only grown. This suggests that there are underlying broader systemic challenges to be met. The BC GBV Action Plan provides a framework for many of the initiatives underway, but if it is to achieve its goals, a much stronger framework to create system-wide accountability and dismantle barriers is required.



## 2.2. Barriers to System Change

The Review observed that the same themes continue to be repeated, and many recommendations from prior reports remain relevant despite decades of work to address gender-based violence. While there have been some improvements in implementation—for example, improved training and education, increased funding for sexual assault centres and transition housing—the question is: why have we not seen improvement in the grim [statistics](#)?

Answering this question requires us to look seriously at systemic barriers to change. These are structures and dynamics built up over time, not because of conscious or intentional desire to prevent change but because systems gain their own logic and become set in their ways and feel too big to question or reshape. These are structural barriers that prevent institutional actors from improving the way our systems and society respond to gender-based violence. In addition, the fact that gender-based violence is a longstanding, pervasive problem is linked to the fact that we live in a society with deeply rooted structural inequalities that perpetuate narratives that are very difficult to dislodge.

As explained in this section, a **siload approach** persists rather than the whole-of-society approach that is needed to address gender-based violence. We need to create **accountability** mechanisms within the system(s) to ensure that what must be done is actually being done in an effective way. We need to understand the **cost** of *not* acting to address gender-based violence. And we need to genuinely do the work to assess each and every initiative, program, and system through **an intersectional lens**. This lens will ensure that we listen to the voices of marginalized survivors (and others with expertise) about the ways in which we can—and must—ensure safety for all women, girls, and gender diverse people in British Columbia.

### 2.2.1. Silos

The Review has identified siloing as part of the reason for the barriers encountered by survivors to the legal system. Silos are created when different ministries, branches, departments, units, or agencies focus on their own mandates without effectively sharing information or collaborating with the other entities that share common goals or address related issues. Silos are present both within institutional actors in the legal system and between legal system actors and other branches of government and community services. This leads to the duplication of effort, missed opportunities, and inefficiencies in public service delivery.

Siloing reinforces the boundaries of systems rather than focusing on the people those systems are meant to serve. The 2024 report of the BC Representative for Children and Youth (RCY) “Don’t Look Away” observed that silos remain, despite many reports over many years that highlight their detri-

mental effect. It concluded that a “whole-of-government approach” is necessary.<sup>75</sup> A whole-of-government approach works to break down silos in government, replacing them with mechanisms and structures aimed at greater integration, and sharing objectives across organizational boundaries.<sup>76</sup> Beyond a whole-of-government approach, silos can be broken down with a focus on user-centred design—thinking about how procedures and processes are experienced by the people who they are designed to serve. **We must reorient systems around human experience rather than seek to improve how people experience the systems.**<sup>77</sup>

*The legal system was confusing and complicated.*

—Survivor



In Part 1, the Review recommends a number of ways to address this systemic barrier, including improved cross-sector collaboration and enhanced transparency. But the most immediate way to address silos is to identify a locus of responsibility with the authority to work across silos and generate accountability from the various actors who will achieve more progress if a coordinated approach is facilitated. (See [Recommendation 2](#) on creating a strong internal government accountability mechanism below.)

### Government Mapping

Early in the mandate, the Review requested that the government provide a chart of the various ministries, departments, branches, and units that touch upon the issues related to the Review. The reason for the request was to have some system mapping in order to understand lines of accountability—which of the various ministries, units, branches, departments, and programs that have responsibility for what a survivor may encounter on their journey. A picture of how the various ministries, units, branches, departments, and programs relate to each other would also help the Review to identify who has the power and responsibility to decide upon implementing or rejecting recommendations, particularly where the responsibility for and impact of those recommendations would stretch across various departments or institutions.

But no such map or chart existed. The version included here was painstakingly compiled by government staff, checking organizational charts and other information that was gathered from past projects, consulting with people responsible for leading each specific work area, and working from their direct knowledge and institutional memory. The result thus requires a caveat that it may be incomplete and contain inaccuracies.

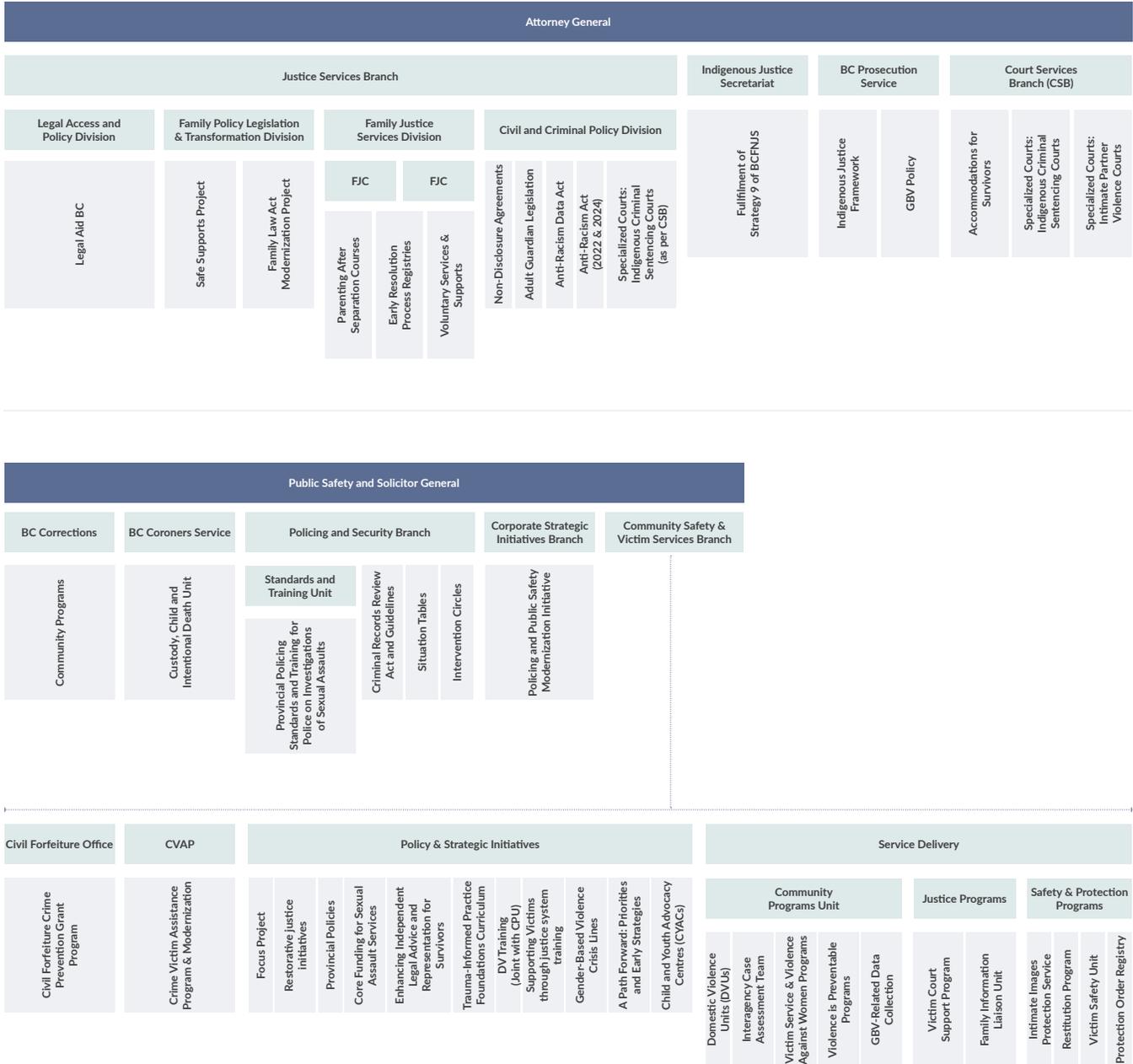
Understanding this matrix at a systems level may assist with reducing silos within government. Such a tool can be useful for decision-makers to recognize, understand, and then reduce the silos in which they operate. The chart also illustrates the complexity of the challenges confronting anyone trying to access services and supports in the context of gender-based violence. It underscores the need for a coordinated whole-of-government response to the epidemic of gender-based violence.

## Mandate-Related Government Entities

(Note: Figure may contain errors and omissions.)

### Legend

- Ministry level
- Branch / Division level
- Initiative / Program / Work / Delivery level



Finance	Children and Family Development				Post-Secondary Education and Future Skills				Housing and Municipal Affairs									
Gender Equity Office	Provincial Services		Provincial Director of Child Welfare	Youth Justice	Post-Secondary Policy and Programs		Immigration Services & Strategic Planning		Engagement & Encampment Response Branch		Development of Gender-Based Violence Training for Shelter and Housing Staff	Community Gaming Grants						
GBV Action Plan Implementation	Beat Practices Approaches: Child Protection and Violence Against Women		Sexual Abuse Intervention Program	Caring Dads Program	GBV Resources for Youth in Care		Short-Term Rental Supplements		Youth Justice		Sexual Violence Policy Review	Intersectional Sexualized Violence Project	Sexualized Violence Data and Reporting Working Group	Sexualized Violence Advisory Group	BC Newcomers' Guides		Women's Transition House Funding	

Health			Education and Child Care	Environment and Parks	Labour		Tourism, Arts, Culture and Sport			
Population & Public Health	Population and Public Health		Hospital Services Branch	Student Learning Branch	Environmental Assessment Office	WorksafeBC	Labour Policy and Legislation Branch		Sport & Creative Sector	
Adult Mental Health and Community Initiatives: Community Counselling Grant	IPV Training for Health Care Workers		Sexual Assault Forensic Exam Policy and Guidelines	Respectful Futures	Let's Talk About Touching	Environmental Assessment Process	WorkSafeBC		Employment Standards Act Leave for Domestic or Sexual Violence	Participation in National Initiative on Complaints about Criminal Violence and Maltreatment in Sport

Transportation and Transit	Citizens' Services			Indigenous Relations and Reconciliation	Social Development and Poverty Reduction				
Policy, Programs and Partnerships Division	Community Safety & Victim Services Branch		Connected Communities	Socio-Economic Partnerships Branch	Strategic Policy Initiatives Branch				
Rural Transportation Enhancements	French Language Services		Enhanced Cell Service & Wi-Fi Coverage	Minister's Advisory Council on Indigenous Women (MACIW)	First Nations Well-Being Fund	Income Assistance for Persons Leaving Abuse Policy	Poverty Reduction Strategy	Period Poverty	Stronger Community Services Fund

Legend

- Ministry level
- Branch / Division level
- Initiative / Program / Work / Delivery level

### 2.2.2. Lack of Accountability

The Review's environmental scan of several decades of reports and recommendations revealed that the same underlying challenges persist. Many of the same recommendations have been repeatedly made with little or no take-up by institutional actors; the process of responding to reports often depends on changing budgetary, staffing, policy, and political priorities. But years of repeated recommendations, initiatives, and effort without an appreciable decrease in gender-based violence also indicate that, in addition to siloing, another system-level issue exists. There have certainly been improvements in training, education, law, and policy. **There have been many programs, services, and initiatives introduced in response to various recommendations over the years. Yet when the Review sought assessments of the degree to which recommendations were implemented and, importantly, evaluations of their effectiveness, the scan produced very few.**

New programs and initiatives must be followed by meaningful monitoring or evaluation. Yet the Review found that when publicly available evaluations have been undertaken, those efforts have focused on measuring a program's costs and efficiency for the system rather than on gauging its effectiveness in terms of outcomes for survivors. Even more overlooked have been the ways in which programs or initiatives are experienced by those with diverse, marginalized, and intersecting characteristics. Institutional actors sometimes also appear to rely upon the existence of laws, policies, training and education, trusting that implementation of a recommendation alone will generate improvement. **But there is a crucial next step: evaluating how effective the program is at doing the thing it was designed and expected to do. This means asking: Does it work? Could we do better? What have we learned? Who is being left behind? How can we improve?**

Monitoring and evaluation should be standard steps routinely included in project design processes to ensure quality control and return on investment.<sup>78</sup> **The Review found that more robust accountability mechanisms within the system(s) are needed to ensure that what needs to be done is actually being done in a meaningful way in order for survivors to benefit and have a pathway toward safety.** These accountability mechanisms are proposed in the recommendations below.

### 2.2.3. Cost

One reason for the failure to implement even repeated recommendations is a fear that major system reform is prohibitively expensive. However, the reality is that inaction is also extremely expensive—in both human and economic terms.

Gender-based violence is a barrier to women's equality and self-determination. Violence against women enforces gender roles and norms and contributes to maintaining women at a social and economic disadvantage relative to men. All these impacts and costs are disproportionately visited on marginalized women, families, and communities, reinforcing systemic racism and other inequalities. These heightened inequalities also come at a monumental societal cost.<sup>79</sup>

In addition to the moral imperative of acting on recommendations designed to prevent future harms, it makes good economic sense to invest time and money in implementation, since gender-based violence has tremendous costs in society. The economic costs of sexual violence and intimate partner violence are extreme—and predominantly borne by survivors.<sup>80</sup> To the degree that these costs can be reduced or eliminated, savings will be evident in many areas, including policing, courts, health care, child welfare, and social services.<sup>81</sup>

No matter what other changes are made to the child-, youth- and family-serving systems, if we do not address violence in families and communities, the impact of all the other efforts will be minimized. This must be an all-in priority for compassionate action to get at the root causes and perpetuating conditions for intimate partner and family violence.<sup>82</sup>

In many cases, when we fail to invest in effective prevention, we are left with only the most expensive tools in the system to respond to violence that has already escalated and now requires complex and costly responses from the health, family law, social, and criminal systems. It is estimated that in the year 2009 alone, the economic cost of intimate partner violence in Canada was \$7.42 billion,<sup>83</sup> and the cost of sexual assault and other sexual offences was \$4.8 billion.<sup>84</sup>

The **actual costs are likely much higher** given the significant underreporting of these forms of violence. (See [Appendix 1](#) for facts about gender-based violence.) These figures include legal system costs and items such as medical care, lost wages, losses to employers, the value of stolen or damaged property, the negative long-term impact on children exposed to spousal violence, costs for social services, and other government expenditures. A 2013 research paper cited international studies that tally many billions in the economic costs of gender-based violence worldwide, noting the many costs

the figures do not reflect and asserting, “The social costs are multiplying. We can ill afford not to take effective action.”<sup>85</sup>

**In the face of a gender-based violence epidemic, the question we should ask is: what is the cost of inaction?** Recognizing just how much the current systemic failures cost our communities and governments is an important part of unlocking the policy imperative and fiscal capacity to make changes. If the moral imperative to make our communities safer is not enough to prompt change, then the fact that inaction is fiscally irresponsible should create an incentive to act.

#### 2.2.4. Lack of Intersectional Analysis

The Review met with people of good will across sectors who are deeply concerned with the legal system’s treatment of sexual violence and intimate partner violence and who work hard to address it. There is genuine commitment to improving the policies and processes in their sphere. Nonetheless, a systemic analysis of these policies and processes reveals that, although this is slowly changing over time, the institutional actors in the legal system (and the adjacent systems) do not yet employ a bed-rock intersectional analysis in the development and provision of services to BC’s diverse population.

Gender intersects with colonization, race, age, ability, sexual orientation, class, religion, immigration status, and many other factors that all influence how people understand and experience gender-based violence, while simultaneously impacting the kinds of structural supports available to survivors.<sup>86</sup>

An intersectional lens considers how the various policies, programs, and structures in British Columbia’s systems create different challenges for survivors who are disproportionately affected by those systems because of their gender, race, and other identifying characteristics. (See “[Intersectionality](#)” in [About Language](#) above). In a similar way to how public policy is often designed for an urban environment and therefore fails to address the unique needs and contextual factors if simply applied to a rural setting,<sup>87</sup> the legal system is designed by people with considerable privilege in our society, and it therefore contains barriers to marginalized people that are hard to see from the place of privilege and hard to get past from the margins.

**Despite many positive initiatives over the years, the systems persistently do not work well for women and gender-diverse people experiencing violence and that failure is most acutely felt by the most marginalized. We need to ensure that our assessment of how systems are working keeps that intersectional lens front and centre.**

That is, for each aspect of the systems that operate to address gender-based violence, at each stage, those designing, operating, and evaluating these systems must consider whether they will include and support diverse survivors or further marginalize them. These considerations must be made in concert with those who are experts in applying this lens—that is, this work should be undertaken in consultation with survivors, including those from marginalized and precarious communities, as well as people from the gender-based violence advocacy and support sector.

The Review notes that the government has assembled a Gender-Based Violence Advisory Council<sup>88</sup> and a [Minister’s Advisory Council on Indigenous Women](#) (MACIW), and these bodies represent some of the diversity, experience, and regional representation needed to provide expert advice on government initiatives. This model benefits all government ministries and sector leaders, ensuring they too work through an intersectional lens.

In its 2020 mandate letters,<sup>89</sup> the BC government stated that the need to address systemic discrimination would inform policy and budget decisions and that it would review all decisions through a Gender-Based Analysis Plus (GBA+) lens.<sup>90</sup> However, such a direction needs to be supported by a strong framework that would truly ensure that each of these actions employs a gender-based analysis. MACIW has developed an [IGBA+ toolkit](#) to assist government and others to seriously consider all policies, projects, and processes through an Indigenous women and gender-based lens.<sup>91</sup> Their invitation to do so must be adopted in earnest by all who are working to address gender-based violence in BC.

An intersectional analysis needs to be employed in order to drive change with credibility and authority. This will help us to chart a path forward toward safety and accountability.

### 2.3. Barriers to Survivors

*The hardest thing was ... the way no one believed me and treated me as though I was the one in the wrong for reporting the violence committed against me.*

—Survivor

The four issues discussed above (siloining, lack of accountability mechanisms, cost, and lack of intersectional analysis) are institutional and governmental obstacles to system-level change. The following barriers are experienced by individual survivors more directly.

A myriad of factors conspire to heighten the barriers to survivors accessing or persisting with a legal path to justice. These barriers contribute to the fact that intimate partner violence and sexual violence are usually not reported to the police. (See [Appendix 1.](#))<sup>92</sup>

*It takes a lot to come forward.*

—Support worker

The unacceptably low rate of reporting of gender-based violence is a result of factors such as systemic barriers rooted in the criminal justice system and the operation of racism, gender-based myths, and stereotypes; the complex interactions among the criminal, family law, and immigration law regimes; and the fact that these systems do not adequately take into account the reality of women's lives. Many women fear disbelief by others, including the police, do not trust that police will ensure their safety, and are concerned about being criminalized or subject to other state harms. These barriers are heightened for marginalized women survivors.<sup>93</sup>

The Review heard from survivors and frontline workers about a range of barriers to accessing the legal system. The barriers generally align with those that have been documented in prior research and reports.<sup>94</sup> In response to a survey question about what advice they would give to a close friend who had experienced gender-based violence, survivor respondents were clear about their lack of trust in existing systems to keep them safe.

*I would tell them not to say anything and try to source private protection. My partner was not going to be punished and never was.*

—Survivor

A key barrier to reporting violence is the lack of confidence in the criminal legal system felt by many survivors. Survivors often have no confidence that participating in the legal system will improve their safety or offer meaningful accountability for the harms done to them. In addition, many survivors fear that participating in the legal system will cause them further harm, including additional trauma, indignity, and loss of agency. The Review heard from survivors, support workers, and lawyers that a particular concern is the risk that an application will be made for a survivor's counselling records or records related to her past sexual activity. These concerns often stem from prior negative experiences with the legal system or from hearing the experiences of other survivors.

*I don't tell the police anything now. If I'm a victim of crime, I suck it up and keep it to myself.*

—Survivor

Women may also fear becoming criminalized themselves. These barriers are intensified for Indigenous women and racialized women, who are already over-criminalized and under-protected, to devastating effect.<sup>95</sup>

Social and economic factors also play a key role in survivors' decision-making about whether to report violence to the police. Particularly when a survivor lives with the perpetrator, the survivor's access to financial resources, housing security, needs and well-being of their children or other dependents, and availability of supports may play a role in deciding whether to report violence to the police.<sup>96</sup> Survivors may also be hesitant to report due to concerns about consequences for the perpetrator,<sup>97</sup> who is typically a person the survivor knows. The survivor may be the perpetrator's partner and may wish the relationship to continue—but without violence. If the perpetrator and survivor have children together, the survivor may not want to disrupt the children's relationship with their other parent. Or the survivor may be aware that the perpetrator is marginalized in some way and therefore rightly fear that the criminal justice system will not treat them fairly.

*I did not initially mention ANY physical violence because I was warned that any physical violence shared would and must result in criminal charges, which I was very afraid of for him.*

—Survivor

An additional barrier to reporting is fear of reprisal from the perpetrator. This may include threats or further violence against the survivor or family members. Some survivors also fear the perpetrator will harm their pets or farm animals.<sup>98</sup> These risks and the intensified need for protection in the period after violence is reported are not adequately addressed by the legal system.<sup>99</sup>

*Oftentimes, sending abusers to prison is like placing a hornet in a jar, shaking it up and then opening the jar and setting it free. [The perpetrator] already had a twisted pattern of thinking his ex-partners were the source of his problems. But that twisted thinking couldn't be fixed by throwing him in prison and then letting him out, angrier than ever.*

—Malcolm Warmerdam, whose mother, Nathalie Warmerdam, was murdered in Renfrew County, Ontario, on September 22, 2015<sup>100</sup>

Other reasons why women do not report violence include feelings of shame, self-blame, fear of not being believed, and a lack of information about what constitutes sexual assault or intimate partner violence. Women may also be subject to pressure not to report from family, friends, or perpetrators themselves. Many of these barriers are exacerbated in small communities where “everyone knows everyone” and privacy is reduced—for example, when you can be spotted and identified when accessing a transition house. Many still view gender-based violence as a private family matter, a concept that must be firmly debunked.<sup>101</sup>

A recent report focusing on Indigenous women in northern BC noted that “the linkages between the MMIWG+ issue and systemic racism, sexism, and gender bias ... were not well understood by the RCMP... the RCMP would not act on an issue of a woman’s safety unless her partner had physically abused her.”<sup>102</sup>

According to data from the General Social Survey, survivors of sexual assault may not report to police for reasons that include a perception that the incident was not important enough to report (65%) or that the matter was private or personal (58%).<sup>103</sup> Survivors of sexual assault also cited a desire to avoid dealing with police (57%) and with the court process (42%), and a belief that the police will be biased (23%). These statistics can be contrasted with other types of violent crime where these concerns appear to play a less significant role in decision-making about whether to seek police assistance. Specifically, victims of other types of violent crime are less likely to report not wanting to deal with the police (41%) or the courts (21%), and only 7% believe the police will be biased.<sup>104</sup>

The reasons identified by survivors of sexual assault for not reporting also include feelings of shame or embarrassment (42%), a perception that they will not be believed (30%), and fear of bringing shame and dishonour to their family (26%). Again, victims of other violent crime cite these barriers to reporting much less frequently. Only 6% of victims of other violent crime cite feelings of shame or embarrassment, 7% cite a perception that they will not be believed, and 2% fear bringing shame and dishonour to their family.<sup>105</sup>

Barriers to reporting are significantly exacerbated for women and gender-diverse people who already face marginalization and discrimination, including Indigenous, racialized, and immigrant women, women with disabilities, 2SLGBTQI+ people, women living in poverty, and criminalized women.

*I had no source of support. I had no resources or legal advice. I had to dig deep down inside and find the reserves to fight this battle all on my own. Some days I feel that my anger is all that is keeping me alive.*

—Survivor

Indigenous people are alienated from the legal system as a result of colonization and ongoing systemic racism.<sup>106</sup> Mistrust of police and the legal system is heightened among Indigenous women, who are twice as likely to report having “not very much” or “no” confidence in the police compared with non-Indigenous women.<sup>107</sup> Indigenous survivors may also be more likely to face challenges accessing culturally appropriate services or programs<sup>108</sup> and to be socially or economically dependent

on a violent partner.<sup>109</sup> Furthermore, women who live in rural and remote areas may not have access to adequate supports due to geographical isolation.

Immigrant women also face distinct barriers to reporting, including racism and discrimination, language barriers, and limited knowledge of laws, rights, and services.<sup>110</sup> Women with precarious immigration status face particular vulnerability due to their risk of removal from Canada, especially where their documented status depends on an abusive spouse or common law partner.<sup>111</sup>

*I don't know why I talked to the police. I was trafficked, so it was on me to get out of the situation. They didn't have resources to help me at the time. I also have [a disability]. They didn't have patience to listen to me try to fit the story together.*

—Survivor

Women with disabilities suffer higher rates of intimate partner violence and sexual violence, as well as heightened barriers to accessing the legal system. Survivors with disabilities may face discriminatory beliefs on the part of legal system personnel about their credibility or reliability as witnesses, as well as physical or communication barriers to accessing services. Survivors with disabilities may also be less likely to report violence if the perpetrator is a caregiver or someone they rely on.<sup>112</sup>

2SLGBTQI+ people also experience higher rates of violence and heightened barriers to reporting and getting help. 2SLGBTQI+ survivors, particularly trans survivors, may be unable to access inclusive and affirming support services.<sup>113</sup> 2SLGBTQI+ survivors are more likely to be distrustful or afraid of authorities in light of historic and ongoing systemic discrimination within policing, healthcare, and social services against 2SLGBTQI+ people.<sup>114</sup> Many 2SLGBTQI+ survivors fear that they will be met with judgment, homophobia, or transphobia if they come forward.<sup>115</sup> They may also fear outing by perpetrators, as well as consequences for their employment, housing, faith community, or families.<sup>116</sup>

Finally, there are unique barriers to reporting for male survivors of intimate partner violence and sexual violence, including repressive societal ideas of masculinity and related feelings of shame; there are also comparatively few available resources for survivors who are men.<sup>117</sup>

### 2.3.1. Fear of Child Removal

*Often kids are removed from homes due to intimate partner violence. It's very disempowering for the moms. The normal course is still: 911 call, remove the kids rather than remove the perpetrator. The starting point should be asking the woman what needs to happen for her and her kids to be safe.*

—Indigenous leader

A significant barrier to reporting intimate partner violence, particularly for Indigenous and racialized women, is the pervasive and well-founded fear that children will be removed from the custody of survivors. The Canadian Truth and Reconciliation Commission's first few [Calls to Action](#) focus on child welfare in recognition of the fact that the modern child welfare system echoes many aspects of the residential school system.<sup>118</sup> Indeed, there are more Indigenous children in the care of child welfare authorities today than were in residential schools at the height of that dark era. The numbers are totally disproportionate to the numbers of non-Indigenous children. A surfeit of other reports on intimate partner violence and family violence have already identified the fear of child removal as a significant barrier to reporting.<sup>119</sup> As noted in a report by Carrier Sekani Family Services, "These are serious challenges that must be addressed in order to increase trust between IWG+ and the services that are intended to support them."<sup>120</sup>

In both the research literature and RCY's engagement sessions, the most frequently cited barrier to parents acknowledging violence in their family and accessing or accepting support and help was the fear they had of losing their children to the child protection system. Research indicates that a principal factor behind mistrust in child welfare systems is the overrepresentation of Indigenous, Black, and other racialized families and children, as well as Eurocentric and settler colonial policies and practices. [...]

Nonetheless, the mistrust of the child welfare and policing systems runs so deep, especially among populations that have every reason to mistrust these authorities such as Indigenous peoples and people with mental health or substance use concerns, that the fear of their involvement prevents help-seeking and promotes secrecy, concealment and resignation. [...]

Indigenous peoples disproportionately experience poverty, homelessness, and housing insecurity, among other factors that increase risk of violence. Indigenous families are also four times more likely to be the subject of child protection investigations than non-Indigenous families. This amplifies existing barriers to safety for Indigenous victims/survivors and families due to distrust of settler colonial systems and fear of removal of their children.<sup>121</sup>

### 2.3.2. Structural Barriers

Many of the barriers to survivors arise from the deep systemic sexism and racism on which our society is based,<sup>122</sup> along with centuries of colonialism and the resulting intergenerational harms that manifest in the MMIWG crisis, which has been documented by the National Inquiry into MMIWG, the Truth and Reconciliation Commission (TRC), and the Royal Commission on Aboriginal Peoples.<sup>123</sup>

A number of other barriers to survivors were identified in the course of this Review. Some (such as improving courthouse safety and accessibility, which would in turn facilitate the provision of testimonial aids) are addressed below in [section 4](#). Others are cross-cutting issues that have also been the subject of many past recommendations (such as the lack of basic infrastructure in some communities, which creates further hurdles for survivors, especially those marginalized by virtue of their Indigeneity, rurality, and economic circumstances).<sup>124</sup> A fundamental cross-cutting barrier is the lack of housing: “[a] lack of financial resources is one of the main reasons why victims stay in abusive relationships or return to them.”<sup>125</sup> These structural barriers require a whole-of-government response.

### 2.3.3. Risk and Responsibility

It can be difficult to face a litany of statistics about gender-based violence because such facts represent a broad societal failure to keep our own community members safe. When the statistics show that portions of our communities are disproportionately targeted for violence, some people look to those most marginalized populations to see what they are doing to bring this on themselves rather than examining our systems to figure out what structures and processes have caused such extreme inequality. There is a longstanding pattern in our societies of victim-blaming, but it is vital that we “do not situate risk within Indigenous women, girls, or gender-diverse individuals, or within Indigenous families, and communities. Risk is created and sustained by colonialism and the interlocking systems of oppression.”<sup>126</sup>

**Many women do not report violence to the police because they believe, and in some cases have come to know, the criminal justice system is not a safe route that will help them to escape danger. It is important to recognize that women experience barriers to reporting, but it is equally important to refrain from locating the problem of reporting at the individual level. The focus should and must be on the systems we have developed and implemented to respond to violence in relationships.**<sup>127</sup>

The reporting rate to police has remained unacceptably low for decades. Adopting a whole-of-government, whole-of-society approach is necessary. It cannot be the responsibility of survivors to fix the evident systemic failures. The systemic actors must take responsibility for doing the heavy lifting. This requires a shift to address both systemic barriers and the barriers to survivors while putting survivors and their experiences front and centre in any reforms. This shift will move us from an institution/system-centred approach to a human/survivor-centred one. This is both necessary and achievable.



## 3. System-Wide Recommendations

The first task of the Review mandate was to take a systems-level approach to assessing ways in which the system as a whole can do better for those affected by sexual violence and intimate partner violence. This part of the Report provides the Review's recommendations for addressing the systemic problems identified in the course of the Review. Each recommendation is aimed at creating system-wide accountability and change to enable the shift to a whole-of-government, whole-of-society, survivor-centred approach.

*Accountability should rest with those in positions of power, not with individuals who have already been harmed.*

—Survivor

System-wide accountability and change require three kinds of mechanisms:

1. Accountability to survivors and those who engage with the legal system, through improved supports, standards, services, and prevention measures;
2. Accountability between system components, ensuring and creating a seamless public safety ecosystem through collaboration; and
3. Overall accountability through leadership and evaluation at the system-wide level.

Achieving each of these forms of accountability requires action on a number of interrelated fronts, as explained below.

### 3.1. Declare an Epidemic

**RECOMMENDATION 1** The Review recommends that the BC government declare that gender-based violence is a provincial epidemic. Declaring an epidemic is an authoritative signal intended to clearly communicate the scale of the challenge and to propel action with the urgency necessary to address gender-based violence, specifically intimate partner violence and sexual violence.

The declaration of a gender-based violence epidemic would support a systemic shift toward **primary prevention** (through public education campaigns and school-based curriculum reform), early intervention through more sophisticated monitoring, better **integrated services, culturally safe and**

**accessible programs, and data-driven, results-based approaches.** This would address each of the systemic barriers identified above by the Review since it would:

- encourage the necessary system-wide approach to breaking down silos;
- create accountability by recognizing the scale of gender-based violence;
- address system-wide costs by investing in the removal of longstanding barriers; and
- use an intersectional analysis to ensure policies and programs are inclusive and responsive to the most marginalized members of our communities.

In December 2012, the Assembly of First Nations called for a national public inquiry into missing and murdered Indigenous women and girls, citing the epidemic levels of violence being experienced by Indigenous women.<sup>128</sup> In 2014, the United Nations Special Rapporteur on the Rights of Indigenous Peoples also reported that the rates of missing and murdered Indigenous women and girls in Canada are “epidemic.”<sup>129</sup> The United Nations declared gender-based violence to be a global pandemic in 2015.<sup>130</sup> Many Canadian jurisdictions have since adopted the terminology of epidemic in related contexts, including the federal government,<sup>131</sup> Nova Scotia,<sup>132</sup> New Brunswick,<sup>133</sup> and one hundred Ontario municipalities.<sup>134</sup> At least one municipality in BC (Prince George) has also declared an epidemic of gender-based violence.<sup>135</sup>

Attaining our collective goal of ending the epidemic of gender-based violence requires a monumental, coordinated, and comprehensive public health approach underpinned by a similarly ambitious accountability plan. We see an opportunity created by our recent effective collaboration to deal with another global public health crisis: the COVID-19 pandemic. Our joint work on that front yielded significant results. What if we applied the timelines and lessons learned and treated gender-based violence with the same seriousness?<sup>136</sup>

In his January 16, 2025 mandate letter, BC Premier Eby directed that the incoming Minister of Finance and the Parliamentary Secretary for Gender Equity:

Work with partners to address the **national epidemic of gender-based violence** as it relates to our province, and work with stakeholders to ensure that government programs and initiatives reflect the interests and concerns of people with lived experience.<sup>137</sup>

Given that the premier has acknowledged a national epidemic, it is time to clearly declare that gender-based violence is a provincial epidemic, clearing the way for a whole-of-government, whole-of-society response.

### 3.2. Create a Strong Internal Government Accountability Mechanism

**RECOMMENDATION 2** The Review recommends that the BC government create a strong internal government accountability mechanism. As indicated in the [government mapping section](#) above, there is a plethora of services, programs, and initiatives underway across multiple ministries and government agencies in the province, but no one has a grasp of the whole picture. British Columbia lacks a body with the requisite authority to address siloing in government, increase accountability across ministries and their component parts, effectively allocate resources, and ensure an intersectional analysis in programs and budgeting.

In 2012, the province established the Provincial Office of Domestic Violence (PODV). PODV was intended to be the permanent government entity responsible and accountable for leading a coordinated response to improving and strengthening the services and supports for families affected by intimate partner violence. Monitoring, evaluating, and reporting on progress were to be key functions of the office. The PODV released an action plan entitled *Taking Action on Domestic Violence in British Columbia*.<sup>138</sup> This plan was followed in 2015 by the *Violence-Free BC strategy*.<sup>139</sup>

In 2018, the PODV was closed, and the coordination and responsibility for addressing domestic violence was moved from the Ministry of Children and Family Development (MCFD) to the Ministry of Public Safety and Solicitor General (PSSG) Community Safety and Victim Services Branch, which has responsibility for victim services and violence against women programs. Also in 2018, the government appointed a Parliamentary Secretary for Gender Equity and created the Gender Equity Office (GEO), housed in the Ministry of Finance, with the purpose of incorporating gender equity into government budgets, policies, and programs and to coordinate cross-government action on gender issues.

Neither the GEO nor the earlier PODV was accorded the requisite authority to lead a whole-of-government effort to address an epidemic.

The current framework to address gender-based violence in BC is the 2023 [Gender-Based Violence Action Plan](#). The Minister of Finance (via the Parliamentary Secretary for Gender Equity) and the Minister of Public Safety and Solicitor General share the joint mandate commitment for delivering on that GBV Action Plan. The 2022 mandate letter to the GEO identified the following shared responsibilities of GEO and the Minister of PSSG:

With support from the Minister of Public Safety and Solicitor General, lead work to develop an action plan to end gender-based violence, including minimum standards for sexual assault response, more training for police, Crown Counsel and justices, and establishing core funding for sexual assault centres.<sup>140</sup>

The Ministry of Attorney General is notably absent from this set of responsibilities, though the January 2025 mandate letter to the Attorney General directs, “With support from the Parliamentary Secretary on Gender Equity, continue work to ensure that the justice system is responsive to the needs of survivors of gender-based violence.”<sup>141</sup> The Attorney General has oversight of the legal system with which survivors interact if they report sexual violence or intimate partner violence and charges result, or if they are engaged in civil or family law processes. However, it is PSSG that is responsible for the many programs intended to support those who survive these forms of violence.

Furthermore, in BC, there is no Minister of Women and Gender Equality. The Parliamentary Secretary for Gender Equity is tasked with “collaborating with partners to implement government’s action plan to address gender-based violence in BC.”<sup>142</sup> However, it appears that GEO lacks both the power of the purse and the cross-government influence that might have been anticipated from its location within the Ministry of Finance. GEO does not have an operational mandate: it does not deliver any programming. In contrast, the federal Minister of Women and Gender Equality leads [Women and Gender Equality Canada](#) (WAGE), which is responsible for advancing equality in Canada, including by leading the federal strategy on gender-based violence and funding anti-violence programs across the country.

This lack of a provincial system actor with clear responsibility for addressing gender-based violence means that no one has a clear line of sight or the authority over what needs to be a whole-of-government approach. The different ministry actors may earnestly carry out their duties within their own areas of jurisdiction, but they lack overarching leadership and authority to ensure that their actions (and treasury board submissions) are complementary, coordinated, and effective.

This challenge may be addressed by creating a Minister of Women’s Equality, but often that role is not accorded the same authority as others around the cabinet table. The instinct to house the Parliamentary Secretary in the Ministry of Finance is a good one; but the position must have the authority of that Ministry behind it in order to effect real change across government.

This Review’s recommendation for a GBV Commissioner in [section 3.3](#) below is intended to provide accountability for addressing the dire situation at hand, but **the government needs a leader at the cabinet table with the requisite authority to ensure that silos within government are dismantled and system-wide change moves forward, at both the public service and political levels.**

### 3.3. Appoint a Gender-Based Violence Commissioner

**RECOMMENDATION 3** The Review recommends the appointment of an independent GBV Commissioner. This recommendation is made in light of the intractability of the epidemic of gender-based violence, the lack of a strong internal accountability mechanism for government to ensure collaborative progress, and the clear need to better integrate the work (both inside and outside of government) to end gender-based violence. An independent, nonpartisan commissioner would provide the necessary leadership, **system-wide accountability, increased transparency**, integrity, and coherence to elevate gender-based violence as a cross-cutting, whole-of-government priority.

The need for an independent expert accountability mechanism is not new. Calls for this kind of independent accountability go at least as far back as those in the 1992 British Columbia Task Force on Family Violence report “Is Anyone Listening?”<sup>143</sup> It has recently been highlighted in the Ontario Chief Coroner’s recommendations<sup>144</sup> and the report of the Mass Casualty Commission.<sup>145</sup> A 2024 report of the national Women’s Legal Education and Action Fund (LEAF) released a report endorsing the call for a national GBV Commissioner and highlighting the importance of a body that operates independently from government to coordinate, advise, and provide public leadership to end gender-based violence.<sup>146</sup>

GBV Commissions have been established (under various names and with somewhat varying mandates) in several other jurisdictions (discussed in more detail [below](#)):

- New Zealand: [Te Puna Aonui](#) (2018)
- United Kingdom: [Domestic Abuse Commissioner](#) (2019)
- Finland: [National Rapporteur on Violence against Women](#) (2022)
- Australia: [Domestic, Family and Sexual Violence Commission](#) (2022)

A Québec committee of experts, Comité d’experts sur l’accompagnement des personnes victimes d’agressions sexuelles et de violence conjugale, conducted a comprehensive review of legal and nonlegal supports for survivors of sexual violence and intimate partner violence. The committee’s 2020 final report, “Rebâtir la confiance (Rebuilding Trust),” recommended that a secretariat be established for the coordination and integration of actions in matters of sexual assault and domestic violence.<sup>147</sup> The BC Representative for Children and Youth has recommended reestablishing the PODV within the Ministry of Children and Family Development.<sup>148</sup> However, an independent, arms-length accountability mechanism is necessary in order to ensure the transparency of implementation, monitoring, and evaluation that are required to address this epidemic.

This model is consistent with other independent offices, such as the Representative for Children and Youth, the Human Rights Commissioner, and the Information and Privacy Commissioner. The GBV Commissioner's office could be established through legislation that explicitly outlines its powers, reporting obligations, and relationship to other oversight bodies; and the Commissioner could have a line of accountability directly to the legislature.

As evidenced by the [government mapping section](#) above, there are countless services, programs, and initiatives underway across the province but little oversight of the whole picture. A GBV Commissioner would provide that oversight to reduce siloing and thus improve resource allocation (addressing both the accountability and cost barriers), enhancing the depth of engagement both inside and outside of government between those with expertise related to gender-based violence.

In addition, a GBV Commissioner would track implementation of policy and legislative frameworks across sectors and track implementation of key recommendations from inquiries, inquests, and reviews (including, for example, the Calls for Justice of the National Inquiry into MMIWG). The GBV Commissioner would play a critical role in coordinating efforts under current strategies, including the BC GBV Action Plan, the National Action Plan to End Gender-Based Violence, an updated Violence Against Women in Relationships (VAWIR) Policy (discussed in [section 3.9](#)), the BCFNJC Justice Strategy, the [Métis Justice Strategy](#), and the Indigenous Women's Justice Plan (IWJP) (discussed in [section 3.9.2](#)). The government should develop the Commissioner's mandate in consultation with its Gender-Based Violence Advisory Council and MACIW in order to ensure the Commission employs an intersectional lens, informed both by the needs of survivors, including women from marginalized and precarious communities, and by the GBV advocacy and support sector.

The Commissioner would contribute to enhanced transparency, robust system evaluation and would drive accountability by working with all stakeholders to promote coordinated, integrated, and consistent monitoring, evaluation and reporting frameworks. The Commissioner would have a responsibility to coordinate the cross-government and cross-sector reforms needed to correct the systemic issues related to data (discussed in [section 3.8](#)).

### 3.4. Improve Safety through Prevention

**RECOMMENDATION 4A** The Review recommends that the BC government prioritize support for prevention initiatives, including public education, to reduce and prevent violence before it escalates to the point of engaging the legal system.

Tackling an epidemic requires us to take prevention seriously. The whole-of-government, whole-of-society approach requires a robust prevention focus.

It is challenging to consider shifting focus to prevention when the immediate needs of the current system are overwhelming. However, it is critical that the government allocate adequate additional resources to preventing gender-based violence so that in time we may eventually move away from perpetually reacting to its devastating and costly aftermath.

The prevention measures recommended here focus on three things: education for young people and the general public; services for men who use violence; and education and training for institutional actors within our public sector institutions. These proven methods of changing harmful attitudes and behaviours can disrupt cycles of abuse.<sup>149</sup> This will ultimately reduce the costs to society of gender-based violence. Prevention now will reduce costs of responding to violence later on.

### 3.4.1. Public Education

*Believing women is prevention.*

—Support worker

Education is a key component of a prevention strategy. Societal attitudes that teach us myths and stereotypes about women (including that survivors lie about experiencing gender-based violence) are shaped by centuries of misogyny, colonialism, racism, and other forms of oppression. A consistent recommendation from past processes has been the need to pair any program and service for survivors with education for the wider public in order to bring about lasting social change.<sup>150</sup> As the Review repeatedly heard from anti-violence workers and researchers, this education should include provision of age-appropriate K-12 education and wider public awareness prevention initiatives, encompassing the issues of bystander intervention, healthy masculinities, consent, and healthy relationships. **Although this sort of training is nominally already offered in BC schools, in order to be effective, it requires direction from leadership (ministry, school boards, principals), along with monitoring and evaluation of the training that is actually occurring.**

Bystander intervention education can help people to know how to respond in a way that could positively influence the outcome when encountering a potentially harmful situation or interaction.<sup>151</sup> Bystander intervention can take many forms, from making at-risk individuals aware of services and resources to respectfully speaking up for and modelling appropriate behaviour.<sup>152</sup> It can address the immediate prevention of violence as well as cultural or social norms that “contribute to condoning gender-based violence.”<sup>153</sup> This is increasingly important in the age of incel culture (which has been linked to violent attacks on women),<sup>154</sup> a proliferation of online pornography, and misogynist rhetoric in the “manosphere.” Partnerships with predominantly male organizations are key to the success of bystander intervention training initiatives and should be expanded in British Columbia.<sup>155</sup>

### 3.4.2. Services for Men who Use Violence

*This is a men's issue—we are first responders to a men's issue, not a women's issue.*

—Shelter worker

**RECOMMENDATION 4B** The Review recommends that in addition to prioritizing support services for survivors (recognizing that sexual violence and intimate partner violence disproportionately affect women and gender-diverse people), the BC government support quality, accredited services for men who use violence.

As with the public education measures discussed above, providing services for men now will reduce the costs to survivors and to society of responding to violence later.<sup>156</sup> This kind of prevention programming is less expensive than policing and corrections and less costly to society than ongoing violence.

This recommendation also supports accountability. As the Québec Report recognized, programs for violent men can promote accountability among participants.<sup>157</sup> The ongoing dearth of services for violent/abusive men perpetuates the idea that gender-based violence is “a women’s issue” that does not concern men. Acknowledging the importance of services for men also helps to shift responsibility for addressing violence in our communities away from survivors.

While there are some situations in which the removal of a violent spouse from the home is necessary, in many cases of intimate partner violence, survivors want the violence to stop but do not wish to break up their families. This cannot be achieved if the perpetrators cannot access help to understand and change their behaviour, to learn about sexual consent, emotions, porn culture, and positive masculine role models.<sup>158</sup> Programs and counselling must be available to teach men to self-regulate, to recognize the likely consequences of their actions, and to learn parenting skills and how to be positive role models to their kids.<sup>159</sup>

*I wanted my partner to receive help. I wanted to be safe.*

—Survivor

Past recommendations have called for wraparound supports for men, including evidence-based interventions that are not punitive or adversarial but rather relational and supportive.<sup>160</sup> Such services offer people opportunities to learn, to develop skills, and to change. This approach recognizes that men who have committed violence must often face their own underlying trauma. The reality is that often a person who uses violence is a survivor of childhood abuse themselves.<sup>161</sup> Moreover, abusers cannot all be treated the same—there is a considerable range in behaviours, some of which can be

addressed through support services directed at perpetrators of violence and some of which require legal system interventions. Planning and decision-making about services for men must take an intersectional approach. Crucially, programs for men must be culturally appropriate in order to be effective. In BC, Indigenous communities should be engaged in identifying what is needed for Indigenous men who use violence so that actions and activities are Indigenous led and culturally appropriate.<sup>162</sup> Again, evaluation of programs and outcomes is required.<sup>163</sup> Men's programs should be guided by the evidence of what works and should be required to meet certain standards and practices, including relationship-building with other anti-violence services so that they do not work in isolation from one another.

It is critical that services include support for perpetrators who voluntarily seek help to stop being violent before they become involved in the legal system. Currently, available programs with stable funding tend to be connected to arrests or other involvement in the criminal legal system. If prevention of serious harm through early intervention is to be achieved, programs need to be available before violence has escalated to involve criminal intervention.

The [Northern Society for Domestic Peace](#) has run a program for men for decades because they see the value of attending to the source of the violence while they pick up the pieces for the survivors of that violence.<sup>164</sup> This community-based feminist organization must fundraise each year in order to provide this program. **These programs should be understood as a community safety service and should not increase the financial burden on the least resourced parts of the sector.**

In the past there has been some backlash over the fact that the majority of programs and services are focused on women survivors to the exclusion of men, and conversely, there is a fear that men's programs will be funded at the expense of women's programs and services. It must be recognized that both are necessary. Both require stable, ongoing funding, and neither should be at the expense of the other.

## Australian Anti-Violence Services for Men and Boys

The [Men's Referral Service](#) is an Australian national counselling, information, and referral service for men who use violence and abuse and who seek to change their behaviour.

The [Brief Intervention Service](#), provided by the Men's Referral Service, provides flexible, multisession counselling support and referral options to assist men who have used violence. It focuses on short-term multisession telephone support for men who use family violence, men who are on a waiting list for other family violence support, and men who are unable to access family violence support because services are not readily available or have long waitlists; they live in remote or regional areas; they have barriers to attending group programs; or they have non-English-speaking backgrounds.

[Men's Behaviour Change Programs](#) (MBCPs) are mostly group-based programs that support men who have used abusive and controlling behaviours towards their partners or family members, helping them to change their behaviour and build healthy and respectful relationships. MBCPs work with men to develop strategies and skills to help them be accountable for their actions, recognize their violent behaviour, and work towards nonabusive relationships.

[Changing for Good](#) helps men to have violence-free relationships and has two programs:

- [Post Men's Behaviour Change Program](#), a six-month telephone counselling program that helps men continue the work they started in a Men's Behaviour Change Program.
- [Violence Prevention Program](#), a two-month telephone counselling program for men who are worried that their thoughts and behaviours may escalate to physical violence.

[Avow](#) is a free mobile phone app for people in New South Wales who have an Apprehended Domestic Violence Order (ADVO) or a domestic violence charge. Avow information-planning tool and tips can help users better understand and comply with their ADVO conditions and prepare for court. Avow users can find their ADVO and court information directly from their mobile phone device and read about the court process, the consequences of breaching an ADVO, and use the Avow planning tool to comply with their order.

[The Man Cave](#) is an Australia-based preventative mental health and emotional intelligence charity that empowers teenage boys by creating psychologically safe spaces, challenging problematic gender stereotypes, and providing participants with opportunities to practice healthier masculinity attributes. The preventative, strengths-based programs are designed to create long-term, positive shifts in attitudes and behaviours by reaching teenage boys before problems take hold.

### 3.4.3. Institutional Actor Education

**RECOMMENDATION 4C** The Review recommends strengthening the system-wide framework for education and training of institutional actors (including government agencies, police, Crown counsel, courts, and corrections) on the causes and dynamics of gender-based violence, unconscious bias, and the elements of effective trauma-informed practice. This framework should include:

- a) a system of core competencies and certification; and
- b) evaluation of whether education and training for system actors is being utilized, whether the programs are effective, and whether outcomes are improved.

Education for institutional actors is particularly important for addressing the myths and stereotypes that continue to play a detrimental role in how survivors are treated in the legal system.<sup>165</sup> In addition, system actors trained to identify risks and the dynamics of escalating violence are more likely to intervene in ways that make women safer and prevent future violence.

*Everywhere I went, every official I met with in the legal system, let me know that they believed that women are vindictive, that women lie, that women lie about being raped, and that what I was reporting was very bad and very unfair for my husband. I just didn't matter to anyone in the system at all.*

—Survivor

A survivor who encounters a police officer, lawyer, or judge who is trained in and applies trauma-informed principles has a different experience from a survivor who encounters legal actors who have not had or do not apply that training. Access to trauma-informed public services should not be a lottery. It is imperative that all women in British Columbia who turn to the legal system for help can reliably expect to encounter people who understand and apply basic competencies for responding to gender-based violence. This must be true regardless of where in British Columbia the woman lives.

The province should **develop a system of core competencies and certification** for institutional actors across the system. This should be included in the updated VAWIR policy (discussed in [section 3.9](#)) and would ensure a more consistent and effective approach to assisting survivors.

Training and education must include an **unconscious bias** component to alert institutional actors to their own worldview and perceptions of survivors that may be imbued with myths and stereotypes. Training in **trauma-informed practice** (TIP) should also be undertaken by all legal system actors who have contact with survivors, including lawyers, sheriffs, justices of the peace, associate judges, and judges.<sup>166</sup> In addition, based on what the Review heard from survivors and support workers, 911 call-takers, front desk clerks in police stations, and court clerks need to have this training. Such

education needs to take an intersectional approach<sup>167</sup> and be informed by the expertise of those in community-based organizations on the front lines of helping survivors. For example, training programs should teach institutional actors how to understand the perspectives of survivors and how to be alert to the dynamics of power imbalance and offender manipulation. These skills and qualities help legal system actors to do a better job in cases involving sexual violence and intimate partner violence.

Some trauma-informed training is already available for legal system actors in British Columbia, but leaders in each institution must prioritize this training in their workplaces. Through the Community Safety and Victim Services branch of PSSG, the Department of Justice Canada has funded the development and maintenance of online TIP training, available through the Canadian Police Knowledge Network; one-day in-person follow-up training is offered through the Justice Institute of BC. These courses are free to justice sector participants (police, Crown, victim services, corrections, etc.).

While there have been considerable improvements over the last few decades in the amount and quality of training and education offered to legal system actors, there is very little done to evaluate the impacts of that training on performance. **Evaluation of whether education and training for system actors is being utilized, whether the programs are effective, and whether outcomes are improved is a necessary form of accountability.** Even with improved training/education, some form of quality control needs to be in place to ensure the training is effectively applied in the course of dealing with gender-based violence.

Further, it is not enough that the education and training be available. **Leaders in the legal system must strongly encourage and expect members of their professions or workplaces to take that training and education and then act to adopt its principles.**<sup>168</sup> Leadership from the Attorney General, the Solicitor General, Law Society benchers, law school deans,<sup>169</sup> chief justices, senior lawyers, police chiefs, and others in positions of influence is required to prompt the culture shift necessary for education to have the desired effect. One key action that can be taken that does not require new resources is for leadership of institutional actors to impress upon all the people in the systems they lead the importance of fulfilling their responsibilities according to the laws, policies, regulations, and standards already in place.

Prevention initiatives such as those designed for institutional actors require an investment, but they will ultimately reduce the costs of gender-based violence that permeate society. **Investment in prevention will pay dividends** in decreased costs for such things as policing, court time, corrections, social services, health care. Most importantly, investment in prevention will reduce suffering in BC homes and communities and will support women's full participation in the economic and social life of the province.<sup>170</sup>

### 3.5. Strengthen and Support Community-Based Support Workers (CBSWs)

**RECOMMENDATION 5A** The Review recommends strengthening established anti-violence community-based organizations across the province by providing stable, core funding to hire, retain, and appropriately train CBSWs to support survivors.

On the front lines of the GBV epidemic are community-based support workers (CBSWs) who know its depth and breadth all too well. They have expertise that is essential to addressing gender-based violence. The Review heard repeatedly that **the most trusted service for survivors is that provided by well-trained, accessible community-based support workers.** The Review also heard from system actors and survivors alike that an early point of contact with trained support is crucial to improving a survivor’s journey, and it can have an outsized impact on the survivor’s subsequent experiences with the rest of the system.

*I wish that someone would have listened to me, taken me seriously, maybe expressed some anger for what I had gone through, and maybe done something about it?*

—Survivor

The title of the BC GBV Action Plan refers to the fact that everyone deserves to be safe and supported. Likewise, the Australian Law Reform Commission (ALRC) report on sexual violence recommends a safe, informed, supported approach to survivors disclosing their experiences of violence. The ALRC emphasizes that survivors are best served by a “no wrong door” policy that takes the burden off them to identify and approach the relevant services.<sup>171</sup> An important part of such a policy is to ensure that when a survivor seeks help, there is a trained CBSW who can be their first point of contact and who will ensure the survivor is connected with the services and assistance they require in a timely, seamless manner.

*The [location omitted] women’s shelter has been the only place where I’ve found any help.*

—Survivor

Survivors’ prospects for safety should not depend upon whether they report to police or how well they know the legal system. Community-based support workers are critical to how survivors manage from that point forward in their lives. The CBSW role is to meet survivors with a trauma-informed approach, providing them with information on available supports and pathways, and supporting them on their journey, no matter which path they choose to take. This sets CBSW apart from the other categories of victim support workers such as police-based or court-based workers, who must work within the confines of the systems that employ them and then work only with the small percentage of survivors who actually report to the police and the even smaller percentage who make it to court.

Specialized knowledge is required to properly support survivors of sexual violence and intimate partner violence. Police-based victim services workers are trained to support victims generally (for example, car accidents, burglaries, etc.) and may not be equipped to deal with survivors of gender-based violence. Moreover, due to the history of colonialism and oppression in Canada,<sup>172</sup> many Indigenous, racialized, and marginalized communities feel deep distrust of the police,<sup>173</sup> and in such contexts, the role of community-based workers is even more important.

*Knowing the history with the RCMP and our people, I would have no clients if I was with the police.*

—Indigenous CBSW

It may be that a survivor does not yet (or never will) wish to report to the police. Indeed, at present, 94% of sexual assault survivors are in this category. In line with the “no wrong door” approach, these survivors should nonetheless have access to support services outside the criminal legal system, such as family law advice, housing, child care, and counseling. Given the range of needs that GBV survivors have, a hub model (discussed further in [section 3.6.8](#)) can enable efficient and collaborative work across systems.

Regardless of the system that a survivor may need to navigate, a CBSW can be with them every step of the way. This could reduce the barriers that survivors experience and create efficiencies across systems. **Ensuring that the services that survivors actually access are properly funded to meet their needs is mission critical.**

### 3.5.1. The Role of CBSWs

If a survivor’s path includes engagement with the legal system, a CBSW can serve as an important legal system navigator for the survivor.

- A CBSW/navigator provides support during initial and ongoing interactions with police, prosecutors, the court, and related systems.
- CBSWs provide information about survivors’ rights related to protection from further violence (including peace bonds).
- CBSWs provide crucial information about how GBV cases progress through the criminal law process, including, for example, making sure that a survivor knows they will be a witness rather than a party to any court case, as well as what that means for their rights of participation.

- CBSWs ensure that survivors are aware that if they speak to counsellors or therapists, those records may be subpoenaed.
- CBSWs can explain how to access Independent Legal Advice (ILA) and may advise a survivor to seek legal advice before reporting violence to police.
- CBSWs alert survivors that they should be advised of the outcome of any police investigation and any decision made by Crown counsel about whether charges will ensue and whether a plea agreement will be presented to court.
- If a case proceeds to trial, a CBSW can provide advice about publication bans, how to have one removed, and requests for testimonial aids.
- CBSWs can provide information to a survivor about how to file a complaint if policing standards or Crown policy are not followed, about any relevant restorative justice programs, and about potential compensation under the Crime Victim Assistance Program (CVAP).
- CBSWs can fulfill the role recommended by the Québec Report by being the first professional to come into contact with a survivor, informing them of potential restitution measures, helping them to document damages they have suffered, and making the prosecutor aware of them.<sup>174</sup>

### 3.5.2. The Benefits of CBSWs

The role of a community-based support worker requires considerable focus and dedication. If a survivor is connected to a trained CBSW, not only will their experience of the criminal legal system be improved, but other actors in the system will benefit from the reliable and steady support provided by the CBSW. Given the degree of attrition of sexual violence and IPV matters in the criminal legal process (outlined in [Appendix 1](#)), CBSW engagement can make an invaluable difference to making a survivor feel safe and supported<sup>175</sup> and to ensuring they know what to expect if they choose to proceed in the criminal legal process.<sup>176</sup> The Report of the Australian Law Reform Commission (ALRC) recommends justice system navigators for survivor support, noting evidence that: “[N]avigators reduce the likelihood of complainants withdrawing their support in formal investigations and prosecutions of sexual offences—and therefore support ongoing engagement with the justice system.”<sup>177</sup>

Further, evidence shows that having a CBSW increases the safety and prospects of survivors:

[O]ne-quarter (24 per cent) of the women assigned an advocate reported no new physical abuse two years later compared to only 10% of women who did not receive the advocacy service. They had also accessed more services, were less depressed, and were better able to access social supports.<sup>178</sup>

The existence of wraparound services related to housing and counselling means that lawyers can more effectively and efficiently focus on a survivor's legal issues. In addition, a process that incorporates CBSWs provides a way to hold police, Crown, and other institutional actors accountable: someone connected to the survivor has the capacity to advocate for them and to recognize when the other actors in the system are not upholding policies and standards.

*[My] community-based victim services worker ... was phenomenal and EXTREMELY helpful in many other ways.... I also found respite, emergency housing, care, resources, support, food, clothing, funding help, goal-setting help, executive function help, and ultimately, second-stage long-term housing help through the [location omitted] Women's Transition Home.*

—Survivor

### 3.5.3. Referrals

The current BC Referral Policy for Victims of Power-Based Crimes<sup>179</sup> requires police to refer survivors to CBSWs in a timely manner. If there is no community-based victim service program serving the community at issue, then police are to refer victims/survivors to a police-based victim service program.<sup>180</sup> Where there is no community-based or police-based victim service program, the policy states that victims/survivors should be referred to VictimLink or other local services.<sup>181</sup>

The Referral Policy for Victims needs to be reinforced by police leadership. The Review heard from RCMP sources and community-based organizations that, in their experience, adherence to the policy depends on individual detachment commanders. Representatives from some communities reported that commanders do not direct RCMP members under their command to refer survivors to sexual assault centres because of what were described as “negative attitudes toward feminists.” Unfortunately, this accords with many past reports that have pointed to an entrenched misogynistic culture within the RCMP.<sup>182</sup> Not only is this attitude likely to increase the harms to survivors by depriving them of helpful support, it is also counterproductive for police:

[P]olice should be especially attentive to connecting victims with services that will support their successfully leaving the abusive relationship. By introducing practices that focus on identifying offenders most at risk of re-victimizing their partners, police can more effectively

manage their limited resources and coordinate meaningful interventions to prevent future occurrences of domestic violence.<sup>183</sup>

In addition, the Review heard that many rural, remote, and northern communities have no police officers who specialize in sexual violence, so a referral to a CBSW is especially important to ensure proper support is provided. Where an array of local services does not exist, the support of a local community-based support worker in a smaller centre may provide the continuity of care that enables a survivor to potentially continue with a legal process, bridging the lack of local resources by connecting the survivor to various virtual or other resources that they cannot easily locate on their own. Police detachments and Crown counsel offices should have regularly updated resource lists so that accurate information can be readily provided to survivors about available local support services. If a CBSW is not available locally, then a phone or remote option needs to be offered; ideally, this is a CBSW who is based at a hub clinic, but at the very least, a Victim Link operator can provide referrals to CBSWs. The fact that survivors in some communities do not have the supports available in urban areas exacerbates their sense of isolation and may contribute to an outcomes gap for rural and remote survivors.

#### 3.5.4. Information Sharing with CBSWs

Despite their crucial role in assisting survivors, which gives them access to information other system actors may not hold, CBSWs are often left out of informational circles that could help them to do their jobs—and could help others to do their jobs better too. Partners can and should confidently share information with well trained, properly funded CBSWs with a clear scope of practice.

While federal and provincial privacy laws allow information sharing when an individual is at risk or with a survivor's consent,<sup>184</sup> the Review heard from different vantage points about difficulties in building relationships and trust between CBSWs and stakeholders such as Crown counsel, due to concerns about disclosure and institutional risk aversion. Ideally, there should be partnership between CBSWs and institutional actors (police, Crown) to share potentially life-saving information where necessary.

CBSWs have identified getting access to information as a key challenge. Mutual respect between CBSWs and other actors should include an understanding that CBSWs are able to manage confidential information. Two potential system changes, which will be outlined further below, would be of assistance to all concerned, especially survivors. **First, CBSWs should be able to attend police and Crown interviews with a survivor if the survivor wishes; and second, CBSWs should be able to access legal system database information to ensure they can keep survivors safe and up to date on legal processes.**

*Definitely would tell [other survivors] to contact an outreach worker at a community agency for support, it really helped me because I had someone to turn to.*

—Survivor

#### 3.5.4.1. ATTENDING INTERVIEWS

The Review heard repeatedly from CBSWs and survivors that when police and Crown refuse (usually on the basis of privacy concerns) to allow CBSWs to accompany survivors during their witness interviews, survivors emerge retraumatized. CBSWs must not be excluded from witness interviews if the survivors in question wish them to be present as support. Having a CBSW present can help to ensure that a survivor feels safe and supported through her journey/ordeal. In addition, **if a survivor feels supported and if she is provided with a trauma-informed process, the police and Crown counsel conducting interviews will get better evidence than if the survivor feels unsupported and retraumatized.** VAWIR policy (discussed further below) is clear: “Police should inform victims that a victim support worker or advocate, if available and appropriate, may accompany the victim to their police interview, if the victim wishes.”<sup>185</sup> Any concerns about coaching or tainting of evidence can be addressed by ensuring CBSWs are well trained, with a clear scope of practice and a clearly defined role when attending interviews as support persons.

#### 3.5.4.2. ACCESSING LEGAL DATABASES

The importance of keeping survivors informed and supported throughout the aftermath of violence cannot be underestimated. Building on the VAWIR policy, protocols for information to be shared early and often with survivors should be in place for system actors to facilitate effective safety planning. Having a CBSW/navigator as the main point of contact for a survivor can be helpful to all concerned. Survivors are often more trusting that a CBSW will contact them in a trauma-informed manner. But in order to ensure the safety of survivors and to keep them informed so that they maintain agency over their progress through the system, CBSWs need to be able to pass on information from legal system actors. An updated VAWIR policy, discussed in [section 3.9](#), must reinforce the importance of appropriate information sharing between service providers and system actors.

Given the weight of past similar recommendations, it is clear that CBSW access to the justice sector database JUSTIN<sup>186</sup> on an extended-hours basis would be a step towards effective information sharing.<sup>187</sup> Currently, CBSWs need to seek client-specific information from police or Crown counsel. There can be delays relaying that information to CBSWs, which can create unsafe situations for survivors (and for CBSWs). As noted above, CBSWs are often the most relied upon point of contact for survivors, whose concerns do not arise on a Monday-to-Friday, 8am–4pm schedule. CBSW access to the JUSTIN Database (with appropriate protocols) would facilitate the direct and timely transmission of accurate information to survivors.

Given the extreme sensitivity of this information, a viable approach is to **create a hub staffed by workers with the necessary security clearance, criminal record checks, etc. who are trained and available for extended hours to provide necessary information to CBSWs with the ultimate aim of ensuring the safety of survivors.**

There is another practical reason for CBSW involvement and partnership building between sectors. The Review heard a frequent complaint from police and Crown that despite various protocols and policies,<sup>188</sup> it is often difficult to contact survivors. This can create very real dangers for survivors of gender-based violence. A trusting relationship between a survivor and a CBSW, on the other hand, improves the chances that police, Crown, and corrections staff have access to accurate, current contact information when trying to notify the survivor about investigative, legal, and penal processes. Properly structured, provision of this information so that CBSWs can get real-time updates without having to pull police or Crown away from their own tasks will be more efficient for all concerned, especially survivors in higher-risk situations.

CBSWs embedded within domestic violence units (DVUs) already experience better information sharing, but even so, such partnerships would be enhanced if CBSWs were entrusted with information through a designated pathway rather than having to ask their police partners for the information. For survivors, granting CBSWs access to more information means more effective teamwork, which means better wraparound service for survivors: if CBSWs are up to speed, they can identify strategies for navigating higher-risk situations, which, in turn, means that survivors can more successfully and safely go out into the community, go to court, attend medical appointments, and so on.<sup>189</sup>

There is a cost to the courts, to health services, and to other institutions when a GBV survivor is unable to attend appointments on dates they are expected to attend. Investing in CBSWs to smooth the path for survivors to be able to function both in their lives and in the legal process is a cost-effective investment for everyone concerned.

### 3.5.5. Family Law Survivor Support Services

**RECOMMENDATION 5B** The Review recommends that survivor support services with stable and adequate core funding be available to survivors navigating the legal system, whether through civil or criminal processes. In particular, programs underway to support survivors in the family law system should be continued and strengthened.

Generally speaking, “victim support” services are understood to be in relation to criminal law proceedings. This limitation is likely a question of resources. Prior reports have identified the need for support services to be made available to survivors who navigate the family law system.<sup>190</sup> Anecdotally, Indigenous court workers do try to assist families “off the side of their desk,”<sup>191</sup> but there is a need for dedicated staff with IPV expertise. In addition, there is often overlap between criminal and family

law processes, and for survivors, it is the experience of violence that creates the need for a navigator, not the delineation of which law applies to the situation.

**There is a strong need for support and information regarding the family law aspects of high-risk/complex cases in the criminal legal system.** Linking or integrating family court support workers with initiatives such as Interagency Case Assessment Teams (ICATs) and Domestic Violence Units (DVUs) (both discussed in [section 3.6](#)) could enhance the effectiveness of safety planning for high-risk cases. Similarly, including family court support workers in other coordination initiatives discussed below, such as [VAWIR/VIR committees](#), would provide beneficial integration of family law issues and dynamics into systemic approaches to enhance safety and response at the local level.

As noted in the [Positive Steps section](#), a Safe Supports pilot project is underway that provides a family court support worker in five communities to assist survivors of intimate partner violence with navigating the family law system. In addition, the BCFNJC Aunties program provides some assistance in navigating the family law system at some Indigenous Justice Centres, offering culturally safe and trauma-informed support. The Safe Supports program fills a considerable gap in the supports available to survivors, but unfortunately its funding will end in March 2026.<sup>192</sup>

The wraparound services model embodied by Safe Supports locations, Indigenous Justice Centres, and GBV family law clinics is intended to be survivor-centred so that irrespective of the entity responsible for different junctures on survivors' pathways, they can be supported according to their needs.

### 3.5.6. Stable, Core Funding

Community organizations must be adequately resourced in order to ensure that CBSWs have proper training and good working conditions, which in turn are necessary for CBSWs to successfully build relationships with survivors, to provide the necessary level of support, and to meet the volume of need in their communities. Work by people in community-based feminist survivor support services (such as co-chairing cross-sector tables, described in [section 3.6](#)) is often done as an uncompensated add-on to their other work. **As centres of local expertise in anti-violence work and the support system of choice for many survivors who seek help, such support services are a critical part of the community safety net.** Yet they typically operate with very limited budgets and must repeatedly compete for and report on term-limited grants. Constantly seeking funding through grant-writing and fundraising uses time and capacity that could be better spent on prevention and core work. Larger institutional actors in the justice sector often rely heavily on these support service providers and their expertise, but the significant contribution of anti-violence agencies is not reflected in stable funding for them or in fair compensation and benefits for those working in these community-based organizations. CBSWs should not be the lowest paid actors in the community safety ecosystem.

The organizations that hire and train CBSWs, such as sexual assault centres, shelters, transition houses, anti-violence organizations, and women's centres, are crucial points of access for survivors and hubs for referrals to and from other system actors. **This means that stable, core funding is critical for these community-based organizations.** To maximize accessibility, they must provide survivor support in person, virtually, by phone, and through outreach services in communities that lack any or reliable cell and internet services or where language or other barriers are present (such as immigrant areas or tent cities). Further, the conditions under which many of these essential workers provide support to survivors requires attention. Many rural, remote, and northern communities still lack cell service, which is critical for support workers to be able to access help if they need it. They regularly go into communities to support people whose safety is at risk, and **the CBSWs in these circumstances are also concerned for their own safety.** Providing them with the infrastructure to improve the conditions in which they conduct life-saving and underappreciated (by other legal system actors) work is surely in order.

Given the disproportionate violence faced by Indigenous and immigrant women, support organizations also need to be in a position to recruit Indigenous, racialized, multilingual, and culturally competent CBSWs. The Québec Report recommended the development of culturally relevant sexual assault and IPV services for Indigenous people living in rural communities and urban centres.<sup>193</sup> **Ensuring that services are provided by and for racialized, Indigenous, and otherwise marginalized community members is essential to reducing barriers.**<sup>194</sup>

Stable, core funding would also ensure that **appropriate training** be available and provided to the people who take on these difficult roles. Because they are relied upon to guide survivors through the many proceedings that may flow from disclosure of having survived violence, CBSW training must include a solid understanding of both legal processes and trauma-informed approaches. There must also be a **clear scope of practice** guidance so that CBSWs and cross-sector partners are confident in what kinds of information and support they can and cannot offer to survivors.

In 2022, the province created a GBV Action Plan Advisory Council, comprised of representatives from many organizations that contributed to the GBV Action Plan and continue to assist with monitoring and evaluating the government's actions.<sup>195</sup> The commitment and contribution of anti-violence sector organizations to survivor safety is solid; their funding should be too.

### 3.6. Deepen Cross-Sector Collaboration

**RECOMMENDATION 6A** The Review recommends that the BC government provide ongoing support for collaborative mechanisms between entities that address gender-based violence, including Violence Against Women in Relationships/Violence in Relationships (VAWIR/VIR) tables, interagency case assessment teams (ICATs), domestic violence units (DVUs), and the Community Coordination for Survivor Safety (CCSS) program.

**RECOMMENDATION 6B** The Review further recommends that wraparound (hub) models of service provision to survivors be supported and sustained, including Child and Youth Advocacy Centres (CYACs), Indigenous Justice Centres (IJC), and Family Law Centres.

When government ministries, agencies, police, legal actors, and community organizations work together, siloing is decreased, intersectional analysis is facilitated, costs are reduced, and accountability is increased.

The need for cross-sector information sharing, collaborative service provision, and coordinated, consistent risk assessment and safety planning is a frequent theme in prior reports addressing gender-based violence. Recommendations about collaboration can be found in coroners' reports,<sup>196</sup> commissions of inquiry,<sup>197</sup> and other reviews.<sup>198</sup> Many reports have also identified the need for partnerships between police-based and community-based supports for survivors.<sup>199</sup> Collaborative networks across sectors and communities are now recognized as essential for gender-based violence agencies, especially in rural, remote, and northern communities.<sup>200</sup>

As discussed in [section 2.2.1](#), silos prevent effective resource sharing, information exchange, and understanding between actors who should otherwise effectively work as partners to improve community safety, as well as the experiences of both survivors and CBSWs. When institutional actors earnestly go about their work unaware of parallel or overlapping goals and methods being advanced by other agencies or programs, efforts may be duplicated and limited resources may be stretched further than necessary.

**Reports have repeatedly recommended cross-sector collaboration and communication because it works. Respectful and intentional relationships between institutional actors make communities safer.** In recognition of this, government agencies and institutional actors have made efforts to coordinate their work to address intimate partner violence under the VAWIR policy (discussed in [section 3.9](#)). The VAWIR policy recognizes the importance of collaboration between legal sector actors and anti-violence and other agencies that work directly with survivors. It directs the use of integrated cross-agency policies and guidelines to promote coordinated responses to intimate partner violence.<sup>201</sup> For example, the [Community Coordination for Survivor Safety \(CCSS\)](#) program helps communities to develop models of cross-sectoral coordination, communication, and collaboration

in order to effectively respond to gender-based violence. The VAWIR policy also includes a [Highest Risk Protocol](#), which mandates that legal and child welfare personnel provide a coordinated and collaborative case management response in high-risk cases. Once a case has been designated as high-risk, the Protocol comes into effect, which includes “enhanced provisions for information-sharing and case management.”<sup>202</sup>

Although such mechanisms and cross-sectoral initiatives can be highly effective, they are currently limited by a lack of system-wide coordination and undermined by the unmet need for stable core funding for community-based feminist survivor support services—a chronic problem that has been highlighted in multiple past reports (and in [section 3.5.6](#)).

**Coordination and collaboration make us all safer.** Given the wealth of past recommendations that emphasize the importance of cross-sector collaboration in preventing escalated intimate partner violence, this Review considered a number of the collaboration initiatives currently active in the province and ways that cooperation may be improved.

**The different mechanisms discussed below each contribute to increasing survivor safety.** Again, there is unevenness across the province as to whether a region has any or all of these mechanisms in place. Communities should be encouraged and supported by government to adopt the model that best serves their contexts. This requires funding, in particular, funding for: the anti-violence sector co-chairs of VAWIR tables and ICATs, as well as continued support for the provincial Community Coordination for Survivor Safety (CCSS) program that works with responders in communities across BC; and the development of province-wide, integrated, coordinated, and cross-sectoral responses to gender-based violence. Such funding is an investment in community safety. **Leaders of the sectors represented at the CCSS table should be encouraged to reinforce the importance of this collaborative work within their own institutions across the province.**

### 3.6.1. Regional Coordination Committees

A past mechanism that warrants revisiting is a regional one. Regional coordination committees for women’s safety, which the province supported in the 1990s, facilitated coordination between non-profit and government services to enhance the safety of women and children, including collaboration in specific cases. The regional model could helpfully be revived in light of the differences in circumstance across this large province. Leadership at the regional level would assist in effective adoption of an updated VAWIR policy (recommended in [section 3.9](#) below).

### 3.6.2. VAWIR/VIR Committees

VAWIR/VIR committees/tables are a forum for service providers and representatives from other agencies involved in preventing and responding to gender-based violence to meet and work together. Across the province, some cross-sector actors come together as VAWIR/VIR tables, meeting regularly to share concerns and local knowledge on trends and issues regarding community safety. Other such tables, however, have been sporadic or collapsed altogether. These committees can include prevention activities, such as information sessions in the community, rather than simply being reactive when problems arise.

An updated VAWIR policy (as recommended in [section 3.9](#)) could and should reinvigorate these committees. They are a valuable way to build understanding of the links across issues in communities—indeed, they can demonstrate that the social determinants of community safety can be improved with collaborative action.

The Ministry of Public Safety and Solicitor General convenes a number of situation tables across British Columbia. Situation tables bring together frontline staff from the public safety, health, and social service sectors to identify what the province refers to as “high-risk individuals” and to collaboratively and rapidly connect those persons to services and supports that they need before they experience a negative or traumatic event (e.g., victimization, overdose, incarceration, eviction, etc.). While these tables are not specifically focused on gender-based violence, they are sites for cross-sectoral collaboration and coordination that could potentially be leveraged in setting up VAWIR/VIR tables, DVUs, and ICATS (discussed below) where none currently exist. Membership of situation tables and VAWIR/VIR tables may overlap, but each has value. However, **leadership is needed to prioritize addressing gender-based violence in the regions that lack a VAWIR/VIR table, DVU, or ICAT.**

### 3.6.3. Interagency Case Assessment Teams (ICATs)

Interagency case assessment teams target the highest risk domestic violence cases in a community. They are “a partnership of local agencies, including police, anti-violence, child welfare, corrections, health and other agencies.”<sup>203</sup> An ICAT is often a subcommittee of the larger VAWIR/VIR coordination initiative. The purpose of ICATs is to “work together to review suspected highest risk cases of intimate partner violence with the goal of increasing safety and preventing further harm and lethality.”<sup>204</sup> Members work together to create risk management plans and implement services and monitoring strategies with respect to perpetrators.<sup>205</sup> ICATs are specifically case-based mechanisms, and while effective, they do not perform the same function as the VAWIR/VIR tables, which have a broader preventive lens. Both are important and necessary.

The Review heard from multiple stakeholders that ICATs are an effective collaborative mechanism, building relationships between sectors in communities and saving lives. Unfortunately, this model is not consistently in place across the province and is not reliably funded.<sup>206</sup> **ICATs must be made consistently available and resourced throughout the province.**

Further, there needs to be clarity in the areas of overlap between the embedded DVU and ICAT models. Finally, the ICAT model needs an effective offender management component. (See [section 3.6.7 below](#).) Both of these points could be addressed in an updated VAWIR policy.

#### 3.6.4. Repeat Violent Offending Intervention Initiative (ReVOII)

In contrast to ICATs, the Repeat Violent Offending Intervention Initiative (ReVOII) has received comparatively substantial funding. The BC Prosecution Service (BCPS) Annual Report describes the ReVOII as follows:

In response to the province's Safer Communities Action Plan, the BCPS implemented a team of Crown Counsel and professional staff to adopt a prolific offender management model to address repeat violent offending in BC Communities. During fiscal 2023/24, five Regional hubs were fully staffed, and prioritized individuals were placed into the Program. Coordinated, consistent and streamlined information sharing and dedicated resources have assisted prosecutors in making informed decisions about charge assessments, bail, and prosecutions. The Program provides for improved information sharing between justice system partners that focuses on the [individual offenders] presenting a heightened risk to public safety across the province.<sup>207</sup>

The Review was advised that ReVOII is currently the best funded and supported collaborative model in the justice sector, but that it does not deal with cases of intimate partner violence. There are clear challenges with repeat violent offending in IPV cases, including repeat offenders who breach court orders and pose significant risks to identifiable targets. **The ReVOII mandate should be revised to include gender-based violence—and intimate partner violence in particular.**

#### 3.6.5. Domestic Violence Units (DVUs)

There are nine domestic violence units in BC, which pair dedicated police with community-based victim services, and in some communities, a child protection worker, to improve case coordination and collaboration in the highest-risk cases of domestic violence. Domestic violence units provide a useful model for the integration of social services workers with police officers to facilitate coordinated and specialized responses to violence.<sup>208</sup> DVUs can be an effective vehicle for offender management. In addition, these units create valuable in-house expertise that can provide guidance for general duty members on the complexities of gender-based violence as well as opportunities for learning and

mentorship by providing rotations for general members through DVUs. DVUs can be an asset in breaking down some of the myths and stereotypes that continue to permeate police departments and detachments in BC.

One example of this model is [Greater Victoria's regional domestic violence unit](#). Following an inquest and report by the Representative for Children and Youth into the murder of a family by an abusive husband in Oak Bay, a DVU was established in the Capital Region. The DVU co-locates dedicated police officers, victim services workers, and a child protection worker in the unit to facilitate collaboration and information sharing. Unfortunately, the West Shore RCMP is withdrawing from this unit,<sup>209</sup> which is a step backward in the region.<sup>210</sup>

*Partnerships are the key that unlocks the door for these investigations to proceed.*

—Police leader

The Review heard from police and community service providers about the success of integrated partnership models that pair CBSWs with police. **These partnerships work for both for survivors and institutional partners.** For example, the [Family Services of Greater Vancouver](#) (FSGV) and the Vancouver Police Department (VPD) have a 28-year partnership supporting survivors, and in the fall 2024, the two jointly launched a pilot program that paired an Indigenous police investigator with the FSGV support worker staff within the Intimate Partner Violence and Risk Assessment Unit (IPVRAU), until funding for a community-based Indigenous support worker could be secured. This pairing dramatically increased the number of Indigenous women survivors who were offered support and connected to services and who subsequently decided to engage with IPV investigations. The pilot is viewed as a very valuable and successful partnership. Unfortunately, funding was not secured, and the pilot ended. Continued efforts are being made by both FSGV and the VPD to secure funding for the community support worker.

There is considerable disparity in resource allocation—including pay structures, benefit plans, training opportunities, and work conditions—between police-based programs and community-based organizations. This disparity places community partners on unequal footing, and against this background, it is especially challenging to navigate the critical work of relationship building. Yet both survivors and the police benefit when community-based partners are reliably and adequately resourced. Stable funding is needed for all parts of the public safety ecosystem.

*It's a dance, being in a partnership with police—the most important thing is that the survivor feels informed, empowered, that she has control over her life.*

—Support worker

### 3.6.6. Third-Party Reporting (TPR)

Third-party reporting allows adult survivors of sexual assault (age 19 and over) to access supports and to report details of a sexual assault to police anonymously through a community-based agency. TPR gives survivors opportunity to report sexual assault with the support of anti-violence workers, without having to immediately make decisions about becoming fully involved themselves with the criminal legal system; survivors can then choose to make a full report at a later date. In the meantime, TPR partnerships between police and community-based support services allow the tracking of multiple assaults by the same perpetrator.

The TPR protocol has been in effect for three decades in British Columbia, but it is not an option that is widely known. It is nonetheless an important tool both for preserving evidence should a survivor not be in a place to come forward immediately after an assault and for alerting police to a potential serial assailant in a community.

### 3.6.7. Offender Management

[Section 3.4.2](#) above addresses the need for wraparound services for men who use violence and notes the importance of making those services available to men before violence escalates to the point of involving the criminal justice system. Yet it is also important that perpetrators of violence who have become involved with the criminal justice system receive adequate monitoring and supports to prevent repeat offending and to keep survivors safe. The VAWIR policy specifies that “minimizing the risk of violence, enhancing victim safety and ensuring appropriate offender management are priorities for the province.”<sup>211</sup>

Communication and collaboration across agencies support effective offender management:

A particularly important time to maintain the connection with the perpetrator is once they have returned to the community. Flowing from the principles of community policing, partnerships with other agencies and engaging the community would be beneficial at this stage. At the point of release, parole officers and/or police investigators regularly check in with the offender to ensure they are abiding by their release conditions, including curfews, program attendance, and no contact orders. Some communities utilize police-parole partnerships where they will take a team approach to following up with the perpetrator, in other cases, police may request that high risk offender supervision teams monitor or conduct home checks with the perpetrator.<sup>212</sup>

The VAWIR policy states that police should monitor suspects and, if necessary, reassess risks to victims when circumstances change during the course of an investigation or prosecution. The policy acknowledges that effective assessment and reassessment of risk may require communication with other agencies. This policy direction should be followed:

Because domestic violence cases are complex and often involve dynamic factors, the risks posed to victims may change when new or unforeseen circumstances develop. Consequently, a reassessment of risk might be required in conjunction with communication with other involved agencies (e.g., child welfare worker, corrections staff) to ensure the continued safety of victims.

Police should:

- Monitor the suspect to ensure compliance with imposed conditions;
- Check with the victim (or with victim services) on the status of safety planning; and
- Ensure that any breach of release conditions results in a review of the risks present in the case, and a reconsideration of what measures, if any, are necessary to protect the victim.<sup>213</sup>

The VAWIR policy also provides directions to corrections personnel regarding offender management, including a direction for “co-ordinated supervision and enforcement of bail and sentence orders in co-operation with other justice system and law enforcement agencies.”<sup>214</sup> Communication between probation officers and DVUs can significantly improve outcomes. A weekly touch-base to connect on shared files would ensure awareness of issues like breaches of conditions and promote relationship building between agencies.

As noted above, DVUs and ICATs can support effective monitoring of perpetrators in the community. The VAWIR Highest Risk Cases Protocol provides for collaborative offender monitoring and safety planning:

When a case is identified as highest risk, justice and child welfare personnel will provide a heightened, co-ordinated and collaborative case management response that includes monitoring of the accused/offender and comprehensive safety strategies for the victim and others as appropriate.<sup>215</sup>

Regardless of whether a case falls under the Highest Risk Protocol, **collaborative offender management and safety planning is good practice. Ensuring that survivors are included in risk assessment and safety planning is also essential.**

Members of the Greater Victoria regional DVU have incorporated offender management into their routine. When a file is taken up by the unit, officers make efforts to meet with the perpetrator, whether he is in custody or not. If he agrees to meet with them, they offer to connect him with services. While they cannot guarantee to get him into needed programming, they can assist him in making the effort. As the file progresses, they stay in touch, building a relationship so that he is aware he can call them if he needs to understand the criminal legal process, including asking them if a particular activity might violate his no-contact order. The Review heard from the unit that in their experience, this relationship building assists in supporting survivor safety by reducing breaches, recidivism, and the temperature of the situation.

**This type of relationship building creates accountability and is a critical method of preventing further harm. These initiatives must be put in place and strengthened across the province.**

*Checking in with people saves lives. Holding people accountable while walking beside them says so much to them, to the victim, to the community. We can hold people accountable without demoralizing everything—and victim safety must come first. People need someone to walk with them. A victim will stay in the system and have some satisfaction from it, and the offender may not reoffend if they have someone to walk with them.*

—Community-based support worker

### 3.6.8. Hub Model

Survivors of violence have needs that do not neatly remain within the legal sphere. Their needs may span law, health care, mental health care, employment, child care, housing, and so on. Even in the context of the legal system, the needs of GBV survivors may span multiple areas, including family, criminal, immigration, and Indigenous law. Attending to only one aspect of a survivor's needs is inefficient and ultimately more costly. **The hub model facilitates survivor-centred solutions that account for survivors' global needs, including the factors that make someone vulnerable to violence in the first place.** It also allows lawyers, social workers, police, and others to focus on the things they are good at and get results that improve safety.

In order to address barriers to the legal system for survivors, they must be provided with supports in the other areas of their lives. Wraparound supports tend to increase reporting and decrease attrition. They also make women safer. In addition, a centre that enables service providers to connect with one another may facilitate relationships among workers, which can be protective against burnout.

*Relationship is an antidote to burnout.*

—Anti-violence advocate

Integrated services are needed both to **prevent violence** and to **support survivors**. Proactive and community-integrated service models can address individual and family needs, preventing violence and forestalling formal legal system involvement. Distinct from incident-specific responses to intimate partner violence, such services feature practical and accessible resources, including support for basic needs such as housing and food. Such services should be context-based, holistic, and responsive to family needs and realities.

Integrated services also address the needs of survivors who have experienced violence, including needs in relation to the legal system, law enforcement, health, violence against women supports, child welfare/protection, and education. **Ensuring that services are coordinated is particularly important for children who are exposed to intimate partner violence in their homes, as “the presence of children often increases the number of agencies involved with a family.”**<sup>216</sup> In cases of sexual assault, hub models can include dedicated sterile spaces for forensic nurse examiners to conduct their work and store evidence<sup>217</sup> while offering support services to survivors.

**Government must use an intersectional lens in policy development and service delivery. It must also take into account dramatic differences in services and policy considerations for urban centres as compared to rural, remote, and northern communities.**<sup>218</sup>

The wraparound approach needs to be a parallel to the intersectional approach in order to ensure that policies and programs take into account the differing situations of the people they serve. Unless we support survivors in all the areas they need help, they remain vulnerable to returning to their abuser (or not leaving in the first place), and/or they are unlikely to seek support after experiencing sexual violence. The cycle will continue, and the costs to society will increase.

Indigenous Justice Centres and the recently created legal aid clinics for survivors of family violence in British Columbia (both discussed in [section 2.1](#) of the Report) are designed with a wraparound service model. These initiatives not only assist people in current difficulty but set them up to better prevent future crises. Community hubs that include health care, child care, and legal and court services provide efficiencies and improved outcomes that can pay dividends over time. Hubs that include support worker navigators, along with the connections to services that survivors need, go a long way in improving the safety of communities. Over time, this has the potential to reduce system costs.<sup>219</sup>

An example of a wraparound hub service model in operation in British Columbia are the Child and Youth Advocacy Centres (CYACs), described by the Representative for Children and Youth (RCY) as a “bright spot” in addressing family violence in the province:

This collaborative model of supporting children and youth who are victims of child abuse and crime first emerged in the US, and was introduced to Canada in 2012. BC now has a network of 11 Child and Youth Advocacy Centres (CYACs) scattered around the province, serving more than 700 children and youth annually.

The centres provide a co-ordinated response to child abuse and other crimes against children and youth. They bring together police, victim support, health services and social work to provide comprehensive services that support child and family at an extremely stressful time, while helping them navigate complex systems and processes around medical care, the justice system, and child protection.

Each centre works with children and families in a number of ways, providing: forensic child interviews; safety planning; trauma therapy; court preparation and accompaniment; victim support; integrated services; advocacy; and health support. [...]

A 2021–22 analysis of the social return on investment from BC’s CYAC network found that the \$3.2 million invested in CYACs that year had brought \$19.6 million in social and economic value.<sup>220</sup>

### 3.7. Create a Standing Gender-Based Violence Death Review Committee (GBV-DRC)

**RECOMMENDATION 7** The Review recommends that the province create a standing Gender-Based Violence Death Review Committee (GBV-DRC).

A death review committee is a multidisciplinary body composed of people with expertise in the area of intimate partner violence and family violence, from various sectors including law, law enforcement, mental health, and anti-violence advocacy. The purpose of a DRC is to work with the Office of the Chief Coroner in the investigation and review of IPV-related deaths and femicides to make recommendations to help prevent future deaths.

The creation of a GBV-DRC responds to several themes that have cut across the Review process and would bridge the gap between data collection and policy implementation. By addressing barriers in the legal system, promoting accountability beyond political cycles, and fostering ongoing system learning and public education, a GBV-DRC would be a transformative force in the fight against the epidemic of gender-based violence.

DRCs are an important tool for accountability, data collection, institutional learning, and breaking down silos that can impair meaningful prevention of gender-based violence homicide in British Columbia. Given the costs of intimate partner violence, the identification of systemic issues that affect violence and accountability of institutional actors will reduce the related costs over time.

Several Canadian jurisdictions have had death review committees dedicated to femicide, intimate partner violence, or gender-based violence homicides.<sup>221</sup> Ontario was the first jurisdiction to adopt a standing domestic violence DRC (in 2003), in response to the recommendations of coroner's inquests into the deaths of three women killed by their intimate partners: Gillian Hadley, Arlene May, and Bohumila Luft, who was killed along with her four children.<sup>222</sup> IPV and/or femicide DRCs have also been created in the United States, Australia, New Zealand, England, Wales, Northern Ireland, Norway, Portugal, and Ireland.<sup>223</sup>

DRCs retrospectively examine systemic and individual factors present in instances of domestic homicides through interdisciplinary expert analysis from a variety of sectors and fields, including violence against women experts, criminal system experts, academia, and mental health experts. While the conduct of such reviews varies across jurisdictions, most adopt an interdisciplinary approach that leads to helpful recommendations for systemic and structural changes both locally and beyond.

A number of past recommendations (at least as far back as those from a 1992 BC Task Force) call for the establishment of an ongoing death review committee in BC.<sup>224</sup> These calls have emphasized the need to include experts from community-based anti-violence organizations, to take account of factors particularly affecting Indigenous and marginalized groups, including cultural and immigration factors, and to document demographic trends.<sup>225</sup>

The BC Coroners Act provides the chief coroner with the discretion to establish death review panels to review the facts and circumstances of deaths in order to provide the chief coroner with advice on medical, legal, social welfare, and other matters that may impact public health and safety and prevention of deaths.<sup>226</sup> A death review panel may review one or more deaths before, during, or after a coroner's investigation or inquest. Panel members are appointed by the chief coroner under Section 49 of the Coroners Act.

In addition to death investigations undertaken by the BC Coroners Service (BCCS), British Columbia has convened two domestic violence death review processes:

- A 2010 Domestic Violence Death Review Panel examined eleven fatal incidents of domestic violence, selected from over one hundred cases dating back to 1995.<sup>227</sup>
- A 2016 Death Review Panel reviewed seventy-five fatal incidents of intimate partner violence resulting in one hundred deaths in the period 2010–2015.<sup>228</sup>

While numerous policies, laws, and intervention programs exist in British Columbia, there remains a critical gap in how the legal system and social services analyze, respond to, and prevent gender-based fatalities. A GBV-DRC could play a pivotal role in closing this gap by systematically reviewing gender-based, interpersonal, violence-related homicides, identifying patterns and providing evidence-based recommendations for policy and legislative changes.<sup>229</sup>

IPV fatalities often occur in situations where warning signs were present but not noticed or adequately addressed. Victims frequently encounter barriers when seeking protection, such as lack of legal support, inadequate police intervention, and social stigma. A structured and data-driven approach to reviewing these cases would assist in identifying risk factors and establishing systemic improvements to prevent future tragedies.<sup>230</sup>

Based on the engagement undertaken as part of this Review, a broad consensus exists for the creation of a Standing GBV-DRC in British Columbia.



## Toxic Drug Crisis

Overlapping with the gender-based violence epidemic is the public health emergency of the toxic drug crisis. Every community in British Columbia is affected by the prevalence of toxic drugs, addiction, and the accompanying high number of deaths. Many support workers do their work against backdrops of underlying community grief over multiple overdose-related deaths.

*I run into the same core issue under every complex file: grief. Grief is very loud here.*

—Support worker

The Review heard several reports from support workers in different parts of the province concerned that drug overdose may have become a means of femicide. While the extent of this suspected phenomenon is unknown, the possibility of a pattern of weaponized overdoses is deeply concerning and requires immediate attention. This may entail the Coroner's Office assessing its existing practices at the scene of overdose deaths and potentially including a search for evidence that the deceased may have been experiencing intimate partner violence or family violence. It is worth investigating whether the deceased has sought safety at a local shelter/transition house, and interviews with family members may reveal no history of drug use by the deceased. These are very challenging cases from an evidentiary perspective, but it is **important to ensure that each death receives a full investigation, rather than assuming that it is an accidental or suicidal overdose.**<sup>231</sup>

This is an example of the kind of pattern that a GBV-DRC could identify and provide guidance on for different system actors in order to ensure that these deaths are not missed or mischaracterized.

### 3.7.1. Considerations for an Effective GBV-DRC

The Review conducted several dedicated focus group sessions to hear from experts across Canada on GBV-focused DRCs. Based on those sessions and the research considered, the Review offers the following guidance for a standing GBV-DRC:

- Conduct thorough, multidisciplinary reviews of domestic violence homicides.
- Consider all femicides and homicides of gender-diverse people in order to capture all GBV-related killings, since focusing solely on IPV deaths obscures, for example, stalking victims/femicides and matricide.<sup>232</sup>
- Identify systemic failures and missed intervention opportunities.
- Operate independently from political influence to ensure unbiased reviews.
- Proactively and publicly publish regular reports with clear recommendations for policy and legislative changes.
- Engage with survivors and advocacy organizations to ensure recommendations are survivor-centered.
- Consider the most effective way to include meaningful participation from family members of the deceased, subject to their willingness to engage, and with appropriate supports available when needed. They will be able to offer critical contextual information that may not appear in the records related to the deceased.
- Consider adopting a thematic approach to annual systemic reviews, including updates on implementation of prior recommendations, where relevant and appropriate.
- Some jurisdictions have adopted a specific thematic lens to consider Indigenous cases. A subcommittee, including Indigenous experts, focused on the femicides of Indigenous women, may be appropriate.
- Develop an in-depth learning process with key stakeholders to ensure broad understanding and adoption of any DRC recommendations. The GBV-DRC should also be engaged in reciprocal learning with policymakers and others so that committee members are continuously learning about how to enhance the recommendations they make.
- Be adequately funded to ensure that the mandate can be meaningfully discharged.

By establishing a framework of accountability, a GBV-DRC would ensure that government agencies and service providers remain committed to improving responses to gender-based violence over the long term.

### 3.8. Develop a Collaborative Gender-Based Violence Data Strategy

**RECOMMENDATION 8** The Review recommends the development of a broad and collaborative gender-based violence data strategy across government agencies and legal system institutions, with participation from academic and frontline experts.<sup>233</sup>

#### 3.8.1. Background

Systematic and accessible data on intimate partner violence and sexual violence is essential for developing evidence-based policy and service delivery and for monitoring the efficacy of reforms. The National Action Plan to End Gender-Based Violence and the BC Gender-Based Violence Action Plan both specify that enhanced data collection has a role in addressing gender-based violence.<sup>234</sup> Currently, even within and between BC justice sector institutional actors, data collection and sharing is uneven, preventing effective monitoring and evaluation. Without the ability to share and understand data across government agencies and legal system actors, the ability of those agencies and actors to address the systemic barriers identified by this Review is limited.

Across jurisdictions, independent oversight bodies have repeatedly emphasized the critical role of data transparency and system accountability in addressing gender-based violence. As noted below, other countries have developed exemplary practices that could inform British Columbia's approach.

Existing data practices are not working well to provide information about what is needed to improve the effectiveness of our programs, and deepen our understanding of what works, and where innovation is needed. There are five areas where the Review observed that our current approach falls short:

##### 3.8.1.1. DATA COLLECTION

A significant challenge in analysing data about intimate partner violence and sexual violence in British Columbia is that different data sources use different definitions for important terms and may report information at different time intervals (e.g., calendar versus fiscal year, annually versus biannually). This poses challenges for researchers trying to integrate various sources of data. In 2022, the Special Committee on Reforming the Police Act noted the “need for consistent and accessible data to identify patterns of gender-based violence that could aid in prevention.”<sup>235</sup>

Police-reported data is critical to understanding legal system responses. However, any analysis using police-reported data alone grossly underestimates the prevalence and impacts of these forms of violence because they are usually not reported to the police. Furthermore, the way that the police record and classify incidents of violence may not be consistent across police departments or over time.<sup>236</sup>

The main source of self-reported data for intimate partner violence and sexual violence in Canada is the General Social Survey (GSS). The GSS captures more information about intimate partner and sexual violence compared to police-reported data, but it is also subject to important limitations. A 2025 report from the Indigenous Data Collection Project noted that the GSS is not reliable for collecting data from Indigenous people who live on reserves because it relies on internet and telephone service.<sup>237</sup> The report further explains that GSS data collection and analysis is particularly challenging in small northern communities where “the government cannot reveal data at a community level, since there is potential for individuals to be recognized through cross-referencing of data.”<sup>238</sup>

Furthermore, data is often not collected in a way that facilitates analysis of regional or demographic patterns.

### **3.8.1.2. DATA INTEROPERABILITY**

Data about sexual assault and intimate partner violence is held across multiple, unlinked systems. The police use the Uniform Crime Reporting (UCR) survey to send incident data to Statistics Canada; courts file conviction and sentencing data with national surveys; corrections record admissions.

The Review met difficulty in getting a whole-of-system data picture. The different system actors use different approaches, categories, and terms in data collection, so it is almost impossible to get a big-picture view. For example, it appears there is no straightforward way to find out how many sexual assault cases go through each BC court each year. This limits the ability of a person looking to analyze the legal system’s treatment of these cases. It also limits the ability of the legal system actors themselves to analyze their own data and therefore make proper resource allocations and decisions about processes.

### **3.8.1.3. DATA TRANSPARENCY**

The Court Services Branch of the Ministry of the Attorney General receives ad hoc requests for data from government, the judiciary, media, researchers, and the public, and provides data each quarter to the Canadian Centre for Justice and Community Safety Statistics in accordance with the Statistics Act.<sup>239</sup> However, the Court Services Branch does not routinely produce or analyze reports about intimate partner violence or sexual violence.

Moreover, official data is often outdated, inconsistent, or siloed. Key national surveys such as the General Social Survey are infrequent.<sup>240</sup> Police and court data uses evolving definitions and shifting terminology (for example, in 2018, Statistics Canada changed what it counts as “founded” crime<sup>241</sup>), making year-to-year comparisons difficult. Court outcomes are reported in annual justice tables, but many jurisdictions do not publicly link police files to court dispositions. For example, a 2019 analysis found that police-reported cases not matching a completed court case were simply omitted from

analysis.<sup>242</sup> As a result, fragmented and intractable data systems across police, prosecutors, courts, and corrections prevent any actors within the system from getting a clear picture of how GBV cases are handled across the system and over time.

#### 3.8.1.4. DISAGGREGATED DATA

Statistical reporting can also lack detailed demographic and contextual information. Crucial identity factors—race/ethnicity, Indigenous identity, disability, sexual orientation, socioeconomic status—are often missing or inconsistently recorded. The Department of Justice has noted that administrative data rarely capture distinctions-based information, and surveys underrepresent marginalized groups.<sup>243</sup> A Statistics Canada initiative seeks to address the lack of disaggregated, intersectional data,<sup>244</sup> which could assist with such research into links between racism and reporting of sexual assault—a data gap that is especially significant for Indigenous and racialized GBV survivors. The National Inquiry into MMIWG explicitly calls for distinctions-based and intersectional data on Indigenous women, girls, and 2SLGBTQQIA people.<sup>245</sup> The BC GBV Action Plan also notes that marginalized victims are vastly underrepresented in police data and that improved data collection and evaluation are essential to the effectiveness of the Action Plan.<sup>246</sup>

#### 3.8.1.5. DATA QUALITY

Even where data exists, it often omits crucial context. Administrative records rarely capture whether a violent offence was gender based or whether the victim had a relationship with the accused. Homicide data only recently added variables for “history of family or intimate partner violence” but still cannot track the direction, escalation, or type of violence.<sup>247</sup> Similarly, the Review heard from court support workers, police, and people who work in the courts about challenges arising from the incomplete or inaccurate coding of cases within the system.

### 3.8.2. Elements of a Collaborative GBV Data Strategy

The GBV data strategy should include:

1. **Standardized data collection:** A shared set of metrics with standardized terminology, definitions, and coding must be compiled to improve information sharing and clarity about what is being measured. The GBV data collection framework should be codeveloped with experts from inside and outside of government and supported with a legislative mandate.
2. **Disaggregated and intersectional data:** Data collection processes should include disaggregated and intersectional data to capture distinctions-based, identity-specific information about Indigenous women, 2SLGBTQQIA+ people, and other marginalized groups within the province.<sup>248</sup> This can dovetail with the government’s Anti-Racism Data Act.<sup>249</sup>

3. **Mandated integrated systems and data sharing:** Successful implementation of the Review's recommendations requires a central, integrated database, drawing inputs across institutions, with an acute need for better information sharing in high-risk and missing persons cases.<sup>250</sup>
4. **Transparency:** The collaborative GBV data strategy should adopt an open data framework, and anonymized data should be open by default. The strategy should undertake analysis of key themes and trends. This approach echoes the commitment to regular evaluation, public reporting, and shared indicators across sectors that is already in the BC GBV Action Plan and the National Action Plan to End Gender-Based Violence.<sup>251</sup>
5. **Investment in research and infrastructure:** Investment in data functionality and interoperability is long overdue. Our inability to track cases across different branches of the system and the challenge of producing an overall data picture make change challenging to conceptualize and extremely difficult to measure. Federal-provincial agreements have started allocating funds to improve data systems,<sup>252</sup> and BC must seize this opportunity to develop data capabilities that serve the mission of tackling barriers in the justice system's response to sexual violence and intimate partner violence and ending gender-based violence.

In addition, within the legal system, **the Court Services Branch should work with the courts to consider how to modernize and integrate the court file systems to improve data collection systems.**

These recommendations address several systemic barriers, including silos and the need for increased accountability and intersectional analysis. Without the ability to share and understand data across government agencies and legal system actors, the ability of those agencies and actors to address the systemic barriers identified by the Review will be limited.

A collaborative GBV data strategy will provide the tools to understand the effectiveness of new interventions and to evaluate areas where more work is needed. Co-creation of the data strategy would also help to dismantle information silos and to support significantly improved use of intersectional analysis in policy and program development.

Data transparency is essential to meaningful accountability, effective implementation, and evidence-based evaluation.

### International Best Practices: Transparency and Accountability in GBV Data

The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recommends that all Member States “establish a system to regularly collect, analyse and publish statistical data on the number of complaints about all forms of gender-based violence against women.”<sup>253</sup>

In the United Kingdom, the [Domestic Abuse Commissioner](#) monitors the response of statutory agencies and publishes reports on compliance with domestic abuse duties. The Commissioner’s 2022 report emphasized the need for a **national data dashboard** on domestic abuse, calling for **a mandatory data standard across police, courts, and health systems**.<sup>254</sup> The Commissioner has also been a strong advocate for **statutory data duties**, ensuring that agencies are legally required to collect and share anonymized, disaggregated information that can be used to monitor systemic progress and gaps.

In Australia, the [Domestic, Family and Sexual Violence Commission](#) (set up under the National Plan to End Violence against Women and Children) **has prioritized system-wide accountability**.<sup>255</sup> The Commission is tasked with monitoring government progress, including the development of national outcomes frameworks and performance indicators. A key innovation is the **use of integrated data sets that combine justice, health, housing, and social service information, while protecting survivor privacy**.<sup>256</sup> These integrated systems enable analysis of system pathways and bottlenecks.

New Zealand’s [Te Puna Aonui](#), a cross-agency initiative that includes ten ministries, focuses on transforming the government’s response to family and sexual violence. The initiative emphasizes Māori-led data governance and accountability, embedding Te Ao Māori principles into system evaluation. Te Puna Aonui has implemented a **shared measurement framework** that includes both quantitative and lived-experience indicators to monitor change across sectors.<sup>257</sup>

In Finland, the [National Rapporteur on Violence against Women](#) (an independent ombudsperson) **regularly reports to Parliament on the state of gender-based violence, with specific attention to data and state accountability**. The Rapporteur has called for **legally mandated data collection** across sectors, with clear indicators tied to international human rights obligations.<sup>258</sup>

Together, these international examples show the feasibility and effectiveness of independent oversight, standardized and disaggregated data collection, integrated systems, survivor-centered accountability, and transparent public reporting. Such principles can guide BC efforts to improve data use and ensure legal system accountability for survivors of sexual and intimate partner violence.

### 3.9. Update the Violence Against Women in Relationships (VAWIR) Policy

It is fundamental to accountability that people understand their roles and responsibilities in addressing a complex challenge such as gender-based violence.

*No one thinks it's their job.*

—Support worker

A primary method of providing clarity about whose job it is to do what is through the guiding legislation and policy framework for institutional and system actors.

**RECOMMENDATION 9** The Review recommends that the BC government lead a process to update and reinvigorate the VAWIR policy to improve the legal system's treatment of intimate partner violence and sexual violence.

#### 3.9.1. Background

A dedicated policy such as the [Violence Against Women in Relationships \(VAWIR\)](#) clearly communicates common values to the public and to institutional actors; it supports decision-makers in navigating competing priorities on the ground, and it articulates a coherent, overarching, society-wide framework for the government's services, programs, and overall approach in a given policy area. These functions are critically important to combat the problems of siloing that have been raised throughout this Report.

The province developed the VAWIR policy in 1993 to revise and expand the Ministry of Attorney General's earlier "Wife Assault Policy." The VAWIR policy has been updated several times (1996, 2000, 2004, and most recently in 2010) to reflect applicable federal and provincial legislative amendments as well as changes to operational policies. The Ministries of Public Safety and Solicitor General, Attorney General, and Children and Family Development created the revised VAWIR policy as part of the province's now defunct [Domestic Violence Plan](#).

Though the appropriate terminology may have changed, the concepts and purpose underlying VAWIR remain relevant:

The primary purpose of the VAWIR policy is to ensure an effective, integrated and co-ordinated justice and child welfare response to domestic violence. The goal is to support and protect those individuals at risk and facilitate offender management and accountability.<sup>259</sup>

The current policy includes updated guidelines and operational protocols and outlines the roles and responsibilities of service providers across legal, child welfare, police, and victim services agencies and systems that respond to intimate partner violence.

While the current BC GBV Action Plan is a broad statement of the government's initiatives underway to comport with the [National Action Plan to End Gender-based Violence](#), the more granular policy framework that is designed to provide clarity to police, the Ministry of Children and Family Development (MCFD), Crown and Victim Services on roles and responsibilities to improve safety in BC is the VAWIR policy. It emphasizes the following concepts that have enduring importance:

While the VAWIR policy focuses on the justice and child welfare response to domestic violence, collaboration with allied service providers is vital to ensure a comprehensive response....

Developing and maintaining positive working relationships among service providers in the justice, child welfare, health, housing and social service sectors is key to ensuring that victims of domestic violence are well supported....

The importance of keeping the victim informed and supported throughout the situation should not be underestimated.<sup>260</sup>

The VAWIR policy provides clarity to workers within each sector as to who is responsible for what and therefore provides clarity to survivors because those workers can explain to them, for example, why Crown counsel are doing something or what MCFD's obligations are in a particular situation.<sup>261</sup> Although the VAWIR policy has not been updated since 2010, the collaborative model that it supported has endured in various ways. The protocols and guidelines for the different legal and child welfare actors have provided a more cohesive approach to intimate partner violence than would have occurred without a province-wide policy.

The VAWIR policy also prompted the design and implementation of training for agencies operating under the policy, as well as standardization of mandatory police training,<sup>262</sup> development of high-risk protocols, and improved accountability between the relevant actors. In order to create the VAWIR policy, collaborative processes and cross-sector coordination were required. This created awareness between sectors of each other's roles and responsibilities and provided opportunities for building relationships that can reinforce and improve communication.

For some actors in some parts of the province, the VAWIR policy is still relied upon, and for others, it has fallen into disuse. Although outdated now, the VAWIR policy is still the guiding star for collaboration and communication between the different institutional actors. **This overarching collaborative guidance provides the essential bedrock for the culture shift necessary to break down silos.** While some may see it as more labour intensive than maintaining a siloed approach, a collaborative approach can reduce duplication and confusion by increasing clarity over whose job it is to do what. The resulting relationship building can reduce burnout because people benefit from constructive connections with colleagues, and the increased trust from information sharing (as discussed in [section 3.5.4](#) above) has the potential to garner better results in terms of community safety.

### 3.9.2. Elements of an Updated Policy

1. **Updated Language:** A revised policy requires updated language. Some regions have renamed their VAWIR committees, referring instead to “violence in relationships” (VIR) in order to be more inclusive. The gendered nature of the violence being addressed must not be lost, so “gender-based violence in relationships” (GBVIR) would be appropriate.
2. **Mandated Collaboration:** An updated policy must underscore the importance of participation in collaborative mechanisms such as VAWIR/GBVIR committees, ICATs, and DVUs (discussed in [section 3.6](#) above).
3. **Modern Updates:** A revised policy will need to be modernized to include guidance regarding topics such as sharing intimate images, use of nondisclosure agreements (NDAs), and other forms of gender-based violence that were not contemplated in the 2010 policy.
4. **Incorporation of Diverse Needs:** The province is home to considerable diversity in cultures and backgrounds that require appropriate policy consideration. In addition, gender-based violence disproportionately affects marginalized populations. Therefore, an updated VAWIR/GBVIR policy must be developed using an intersectional lens, with advice from representatives of marginalized populations in order to have a policy that more cohesively and effectively addresses the needs of diverse survivors.
5. **Consideration of Rural/Urban Differences:** A revised policy needs to account for the different policy needs of urban, rural, remote, and northern communities.
6. **Co-development with Indigenous peoples:** An updated policy must be co-developed with Indigenous, Métis, and Inuit organizations in order to dovetail with the BC First Nations Justice Strategy (BCFNJS), the Indigenous Women’s Justice Plan (IWJP), the Métis Justice Strategy, the National Action Plan to End Gender-Based Violence, and the BC GBV Action Plan. Given the findings of the TRC and the National Inquiry into MMIWG, the deep challenges facing Indigenous survivors require concerted attention in a revised policy.

7. **Implementation, Monitoring, and Evaluation Mechanisms:** An updated policy must be accompanied by a clear implementation, monitoring, and evaluation plan that dovetails with the Indigenous justice strategies underway. The implementation framework should include specific and intentional leadership from across institutional actors, both inside and outside of government.
8. **Regional Coordination:** When the VAWIR policy was initiated, the province had six coordinators to ensure its smooth operation. Currently, EVA-BC facilitates the [Community Coordination for Survivor Safety \(CCSS\) program](#), a valuable opportunity for cross-sector relationship building and information exchange. In concert with CCSS, regional coordination would be a useful way to monitor and evaluate policy compliance.
9. **Strengthened Accountability Mechanisms:** There is currently no recourse when the VAWIR policy is not followed. An updated policy should strengthen accountability mechanisms (for example, see the discussion of the case review model [below](#)). It is critical to ensure that institutional actors follow the policy. If those covered by a well grounded policy do their work in accordance with that policy, the situation of survivors can be immediately improved. **Many of the barriers that survivors face are created not by policies but by the failure of institutional actors to act according to the spirit of those policies** (applying myths and stereotypes, not making appropriate referrals, not sharing information as required, etc.).
10. **A Renewed Focus on Transparency and Public Engagement:** The existing VAWIR policy highlights the importance of transparency. The policy states that it intends to “provide the public with information about the complex criminal issue of domestic violence, including the roles and responsibilities of justice and child welfare system partners.”<sup>263</sup> A commitment to transparency and engagement is essential to improving the province’s response to survivors and more effectively addressing sexual violence and intimate partner violence.
11. **Inclusion of a Provincial Sexual Assault Policy:** Currently, there are standalone sexual assault policies for various actors in the legal system (such as a Crown policy manual, policing standards, and statutory and policy training requirements for actors in the system), but there is no overarching policy framework in British Columbia for sexual assault. As discussed further in [section 3.9.3](#) below, a comprehensive provincial policy framework for sexual assault is an essential element of a revised VAWIR/GBVIR policy.

### Indigenous Women’s Justice Plan (IWJP)

The [Indigenous Women’s Justice Plan](#) was developed under the [BC First Nations Justice Strategy](#), which was jointly developed by the BC First Nations Justice Council (BCFNJC), BC First Nations communities, and the Province of British Columbia. The Strategy is based on four pillars and includes 25 strategies, each with lines of action, which involve the reformation of the current system as well as the restoration of First Nations legal traditions and structures.<sup>264</sup>

The BCFNJC released the Indigenous Women’s Justice Plan in April 2024. The Plan builds from key reports and recommendations, including the National Inquiry into MMIWG [Calls for Justice](#) (2019), the [Red Women Rising Report](#) (2019), and the [Highway of Tears Symposium Report](#) (2006).

Given the significant Indigenous population and the outrageously disproportionate statistics for Indigenous women, girls, and Two-Spirit people in British Columbia, the IWJP is a necessary component of any overall strategy in the province to address gender-based violence.

**In updating the VAWIR policy and indeed in implementing any of the other recommendations in this Report, the tenets of the IWJP must be centred along with the experience, knowledge, and approach of the BCFNJC.**

#### 3.9.3. Provincial Sexual Assault Policy

The establishment of an overarching policy for sexual assault, akin to the VAWIR policy, has been proposed for decades to provide an integrated framework for police, Crown, courts, child welfare, and anti-violence sector agencies to coordinate their work and build accountability into the response to sexual violence. Like the VAWIR policy, it would set out roles and responsibilities and develop minimum practice standards for all system actors. Proponents of this approach argue that a province-wide policy would enable improved coordination and consistency across sectors while also providing oversight and transparency at a systems level. A key element would be the ability to provide consistent support and information to survivors, regardless of their point of entry into the legal system. Another key element would be stable, core funding for services and supports for survivors, perpetrators, and children.

A provincial sexual assault policy was drafted under the auspices of the Ministry of Attorney General in the late 1990s and completed in 2000, but it was never implemented. It is indeed apparent from stakeholder discussions conducted as part of this Review that it would be challenging to achieve a cross-sector policy regarding how best to address this particular type of violence. Nonetheless, a

coordinated approach is required and would improve consistency in handling sexual assault cases across BC.

Systemic issues of safety and access to justice continue to be of acute concern for survivors of sexual violence in British Columbia and those who work with them. The simple fact is that 94% of sexual assaults are not reported due to the barriers to survivors accessing justice, including mistrust of the system itself.<sup>265</sup>

Some progress has been made very recently. For example, there are now more survivor support services in BC; and there are improved policies for Crown counsel and more modernized policing standards related to sexual violence.<sup>266</sup> Trauma-informed practice (TIP) training is now mandatory for some system actors, and trauma-informed investigative practices are more present in some policing. Some specialized sexual violence police units are now in place.

A more coordinated approach to sexual assault in BC would ultimately be more efficient for the province's various systems and institutions. A “no wrong door” approach (discussed in [section 3.5](#) above) would allow survivors of sexual assault to walk through any institutional door in the province and receive a consistent and coordinated response. This could vastly improve survivors' experiences and reduce overall costs to society. (Added trauma may be averted, depression and mental illness may be prevented, and fewer survivors may drop out of school, become homeless, develop health issues, lose community supports, or experience other negative outcomes from disclosing gender-based violence.)

The 2022 Report from the Special Committee on Reforming the Police Act observed that an approach like VAWIR policy (which includes coordination across multiple ministries and services) is needed for sexual assault:

[M]any cases of sexual assault do not get reported due to stigma, out of date policies, and difficulties navigating the system and the complaints process. The process is also traumatic for the survivor, so they need to be supported throughout the process. Committee Members highlighted the need to balance creating a caring, compassionate response with administering a justice system and protecting the integrity of the investigation where the evidentiary standard that must be met is very high.

The Committee noted a lack of coordination between healthcare, community organizations and police in this regard and discussed best practices that could be expanded such as those used by the Victoria Sexual Assault Centre and the Philadelphia Model in which frontline workers coordinate with police to review sexual assault cases to improve the investigation process.<sup>267</sup>

Since the Committee's report, the policing standards have been updated to include standards for sexual assault investigations.<sup>268</sup> However, a policy vehicle for cross-ministerial/cross-sector coordination on sexual assault is still needed.

#### 3.9.4. Supporting Accountability with Updated Policies

As noted by numerous past reports, collaboration and communication are critical to increasing safety and reducing barriers for survivors to access supports and a measure of justice. An updated VAWIR policy could reemphasize the ways in which a unified approach increases safety and in the process would improve relationship building between sectors. The people carrying out their roles in each sector could also turn to the policy for backup when there is pushback from another sector about whether something is “their job” or not. In particular, the protocols around information sharing are a necessary aspect of increasing safety and an essential part of successful partnerships. Information sharing cannot simply rely upon the goodwill of someone holding information that another person needs to do their job well (especially when doing their job well means keeping someone safe).

**If there is a unified framework within which everyone is working, then there is clarity around who should be doing what. Such clarity increases accountability. It increases community safety.**

Finally, a cross-ministerial approach (such as that which is being used to shape the government's response<sup>269</sup> to the 2024 RCY report<sup>270</sup> and the approach taken to the COVID-19 pandemic) should be taken to this cross-sector collaboration policy update. A whole-of-government approach is needed in order to address the complex issues of intimate partner violence and sexual violence. **Reducing gender-based violence requires a clear understanding across government of the ways in which gender-based violence, child welfare, community safety, education, mental health, addictions, physical health, poverty, legal frameworks, and other cross-ministry responsibilities intertwine.** Information sharing is essential to break down legislative, cultural, organizational, and policy barriers in order to shift the culture of silos. To ensure an intersectional lens when formulating its response, the government should seek and include advice from both the [Minister's Advisory Council on Indigenous Women](#) (MACIW) and its Gender-Based Violence Advisory Council.

If these forms of system-wide accountability are implemented, then the system-specific recommendations discussed in [section 4](#) below will be more effective and more sustainable.

## 4. Legal System Recommendations

*Very few can help, police are limited, lawyers are limited, the courts were useless, child protection staff are limited. The entire system is broken and disjointed which makes it impossible to seek pure safety, a positive resolution when fleeing an abuser and feeling safe. The system and police are broken.*

—Survivor

The second main task in this Review's mandate is to make recommendations to improve how sexual violence and intimate partner violence are addressed in the British Columbia legal system. Many areas of law address these forms of violence. In light of the breadth of the mandate and the one-year time frame, the Review has focused on family and criminal law. The first section of this part of the Report examines the family law system. The next sections consider the journey through the criminal legal system that survivors may take if they report their experience with violence, starting with the police, then Crown counsel, and then the courts. Because there is no simple way to disentangle these areas of law as they affect survivors, the family law section includes some discussion of courts, and the section that looks at the courts also considers some overlap with criminal law and family law.

A lack of accountability is identified in [section 2.2.2](#) as one of the systemic barriers that must be addressed to improve the legal system's treatment of sexual violence and intimate partner violence. The barrier arises from the absence of effective monitoring and evaluation of programs, initiatives, policies, or actions. **The discussion of accountability in this Report focuses on disrupting the cycle of repeated recommendations that has failed to improve the situation for survivors.** If the government takes up this Report's recommendations in [section 3](#) above, which are aimed at creating system-wide accountability and shifting to a whole-of-government, whole-of-society, survivor-centred approach, then the recommendations in this section are more likely to succeed.

The recommendations in this section of the Report are more granular than the system-wide ones in [section 3](#), and some affirm recommendations made by other processes or organizations that should be prioritized for implementation. This section identifies some immediate next steps that should be taken by the Attorney General to build on the progress made to date and includes suggestions to other independent actors that are necessary as part of the system-level changes needed to address sexual violence and intimate partner violence.

The Review also provides short- to medium-term process recommendations for further research and consideration by working groups composed of representatives of the provincial government, legal system institutions, and survivors/advocates.

The processes and practices that will be most effective are highly dependent on the needs of survivors in any given context, and before they can be considered effective, they need to be well implemented and evaluated. An iterative approach is needed. Furthermore, against a backdrop of the hundreds of recommendations made in past reports, it is apparent that many small changes could incrementally improve matters in a patchwork manner for some survivors—but **systemic barriers need to be addressed in order for the whole system to improve for all survivors in British Columbia.**

The legal system-specific recommendations offered here are aimed at improving access to justice for sexual violence and IPV survivors in the form of expanded legal aid as well as some amendments to law, policy, and practice. The recommendations therefore also include proposals for mechanisms within the purview of institutional actors (police, Crown counsel, judiciary) that enable feedback, evaluation, and accountability.

The BC legal system rests on a bedrock of law that has been improved over time through law reform and litigation to counter the barriers faced by survivors of gender-based violence. In addition, past recommendations regarding improvements to education and training have already been implemented to varying degrees. But some barriers have been reinforced within the law itself,<sup>271</sup> so legal system actors and institutions have a distinct responsibility to identify and dismantle these barriers. The next important and necessary step is for the actors in the system to ensure that legal principles are scrupulously followed and that the purpose of the laws and educational programs is achieved within the daily work of the system.

Police, Crown counsel, and the judiciary each have a measure of independence under the law. For example, police have investigative independence,<sup>272</sup> and judges are entitled to the constitutional protection of judicial independence.<sup>273</sup> The judiciary is appropriately sensitive to any threat of external government interference with its decision-making and activities. Thus, while external scrutiny is warranted in some cases, this Review includes recommendations for internal mechanisms for each of these actors to evaluate their own adherence to expected standards and to provide for ongoing reform. Public confidence—and survivor confidence—in the legal system rest on the institutional actors who must take responsibility for improving their own conduct.

*I would advise [other survivors] that unfortunately the legal system is not structured for fairness, and the wealthier party/the party with the most perseverant and obstructive approach will have the advantage. I would advise to still report to the police, apply for legal aid, apply for [Family Justice Centre help] but not to hope for their needs to be met there.*

—Survivor

As explained in the [Introduction](#), intimate partner violence and sexual violence cannot be addressed by the legal system alone. These forms of violence require coordinated and sustained responses across many sectors, including health, education, justice, and social services.<sup>274</sup> Further, while the legal system has an essential role to play, the support workers, police, lawyers, judges, and others consulted throughout the course of the Review all agreed that the legal system is not well equipped to deal with these forms of violence.

*A survivor's experience will depend upon which judicial actor is assigned to her case.*

—Survivor

When a survivor enters the criminal legal system, their experience very much depends upon the reception they receive from: as applicable, the 911 or non-emergency call-taker, the police officer who first responds, any police officers with whom the survivor subsequently deals, the Crown counsel assigned to the file, the defence lawyer (who may be provided by legal aid) who represents the perpetrator, and the judge who might eventually hear the case. Similarly, a survivor's experience of the civil family law system depends upon that particular survivor's interactions with child welfare workers, lawyers, mediators, judges, and so on.<sup>275</sup> As discussed in [section 3.4](#), myths and stereotypes continue to operate in Canadian society and thus in the Canadian legal system. These long-held beliefs continue to thwart the many positive efforts in the legal system to improve the treatment of survivors of gender-based violence and must therefore be addressed.

*I felt out-of-the loop, misinformed, and completely helpless on next steps, just hoping somehow, someone would miraculously see our legal and safety needs and step in to help us stay safe.*

—Survivor

This section is based on the following four points:

1. While there is good law and policy in place in BC, the Review observed considerable unevenness across the province with respect to how well legal system actors fulfill their responsibilities.
2. The first and simplest way to improve treatment of GBV survivors is for institutional actors to follow the law and policy already in place.
3. At a systems level, institutions must have a way to ensure that law and policy are universally understood and followed and that their own members act with competence and care.
4. The goal is to address unevenness across the province not by dropping the bar but by ensuring consistency at a higher standard of conduct.

**Improved accountability must begin with the system actors themselves. Internal review and feedback mechanisms should be normalized by leadership and approached as a form of institutional learning and quality control that will improve access to justice and pay dividends in bolstering public confidence in the administration of justice. Most importantly, such measures increase community safety.**

#### 4.1. The Family Law System

This section provides an overview of what the Review heard regarding ongoing issues for survivors in the context of family law.

The adversarial family law system does not adequately account for the power imbalances embedded within relationships affected by intimate partner violence. This is especially true when people in the system are not represented by lawyers. Although reforms have begun to address the varied circumstances of the people coming before the courts, the lack of an intersectional lens in most system change (discussed in [section 2.2.4](#)) and the other ongoing systemic barriers for survivors mean that challenges remain. This section provides some recommendations for law reform, as well as some guidance on how best to focus available resources given the current reality for survivors who navigate the family law system.

Violence in the family law context is qualitatively different from many other forms of violence since the parties know each other well, and there are often ongoing ties between survivors and abusers, especially those with shared children, extended family, and/or community connections.

*When I first began seeking a separation, I was terrified. I was met with many barriers to satisfaction, including my ex intimidating and threatening me and my children the entire time. I accepted less than fair child support, less than fair division of assets in the interest of a faster, cheaper conclusion, and to stop my ex from harassing me. It was all worth it, and I am living a happier and safer life now. After our divorce was complete, my ex still harassed me and my children for years while he fought the judge's order on child support almost every month despite enrolling in the [former Family Maintenance Enforcement Program]. My youngest child will turn 19 this year, and I will not be pursuing child support while he is in post-secondary school even though I would legally be entitled to it. Fairness is not worth the terror of allowing my ex into my life longer than necessary.*

—Survivor

Family law in British Columbia is very good on paper, thanks to the work that went into the 2013 [Family Law Act](#)<sup>276</sup> and the 2021 amendments to the [Divorce Act](#).<sup>277</sup> Since the FLA came into effect, government and courts have undertaken a number of positive initiatives to improve the operation of this area of law, including the initiatives discussed below. There has also been over a decade of further judicial education, which includes materials intended to reduce the use of myths and stereotypes in the legal system.<sup>278</sup>

Despite these positive initiatives, survivors of intimate partner violence (which can include sexual violence) whose journey takes them through the family law system continue to face barriers in accessing justice.<sup>279</sup> In every BC community that the Review visited and in a range of stakeholder meetings and focus group sessions, the Review heard about negative survivor experiences with a common theme: the family law system compounds the difficulties of survivors as they try to move forward from the violence in their lives.

#### 4.1.1. The Family Law Act Modernization Project

Family law is an area of the BC legal system that is currently the subject of a broad multiyear government review, the [Family Law Act Modernization Project](#). The project is being conducted in three phases over several years<sup>280</sup> and is focused on the governing legislation, the Family Law Act, which has undergone only piecemeal amendments since coming into effect in 2013, as well as developments in the caselaw. Given the mismatch between what was intended in the 2013 revisions to the law and the ongoing challenges in this arena, the project is an important one. In particular, the consultations conducted by the project have identified a number of areas where improvements can be made to the operation of the legislation in the context of family violence.

This Review has been advised by the Ministry of Attorney General that in response to the feedback and research gathered in the Family Law Modernization Project, the government intends to propose the following key legislative amendments and policy changes:

1. update the definition of “family violence” to more explicitly reference types of violence that are prevalent but not always recognized;
2. expand who is eligible for protection orders by broadening the meaning of “family member” and including dating relationships within the protection order provisions;
3. adding additional examples of vulnerabilities that increase the risk of family violence and must be considered in a protection order application;
4. adding detail to the terms and conditions that may be included in a protection order;
5. extending the default duration of protection orders from 1 to 2 years;
6. creating a presumption that upon application a subsequent protection order will be made unless there is evidence there is no continued risk of violence;
7. emphasizing that orders concerning care and time with children are to promote the safety of the child, parents and guardians and other family members when family violence is an issue.

These proposals are responsive to concerns heard from survivor advocates throughout the Review.

**RECOMMENDATION 10A** The Review recommends that these listed key amendments to the Family Law Act and associated policy changes be adopted without delay.

The Review has additionally been advised by the Ministry of Attorney General that the government also proposes to explore opportunities to improve response to Indigenous families experiencing family violence. In light of recommendations made by the Truth and Reconciliation Commission, the National Inquiry into MMIWG, and other processes, this proposal for unspecified improvement is insufficient.

**RECOMMENDATION 10B** The Review recommends that the BC government engage with Indigenous partners to implement the Indigenous justice strategies already endorsed by the BC government, including the BC First Nations Justice Strategy and the Métis Justice Strategy.

**RECOMMENDATION 10C** The Review recommends that additional amendments to the Family Law Act be implemented at the earliest opportunity:

8. FLA section 183(2)(a) currently requires that a court determine that “family violence is likely to occur” in order to make a **protection order**. However, courts should not have to predict reoccurrence—survivors themselves are better placed to make those judgment calls.<sup>281</sup> If it has been proven that family violence has already occurred and that the survivor fears it will reoccur, that should be enough for a court to make a protection order.
9. FLA section 38 lists a number of factors a court must consider in determining the **best interests of the child** in the context of family violence. For example, s. 38(h) stipulates that a court must consider “any steps the person responsible for the family violence has taken to prevent further family violence from occurring.” This is important, but a parent should provide more than the absence of violence. The Divorce Act, in comparison, stipulates the consideration of “the ability and willingness of each person in respect of whom the order would apply to care for and meet the needs of the child” (s. 16(3)(h)). The FLA would be strengthened by adding this provision.
10. A 2023 report from the UN Special Rapporteur on Violence against Women and Girls, states that **parental alienation** is a discredited, unscientific pseudo-concept and a tool used by abusers to continue their abuse.<sup>282</sup> The Review heard from support workers and lawyers about the harm that arises when allegations of so-called parental alienation are weaponized within family law proceedings. This phenomenon has been widely discredited as a form of litigation abuse, and **the FLA should be amended to protect survivors of intimate partner violence from accusations of parental alienation when accessing the family court system**. Advocates are currently seeking changes to the federal Divorce Act to severely limit the ability of parties in family law proceedings from raising these allegations. **As these changes to the Divorce Act proceed, BC should be prepared to make consequential amendments to the Family Law Act to ensure that the corollary protections are available to unmarried partners.**

**RECOMMENDATION 10D** In addition, the Review recommends several changes to family law Protection Orders,<sup>283</sup> including:

11. Restrict time-limited protection orders (i.e., time limited to next available court date to allow service and response of respondent) and make full-length protection orders the default on without-notice applications in order to prioritize survivor safety and affordability. (The ability to make *ex parte* applications is critical for survivor safety.)
12. Improve enforcement of protection orders and consequences for breaches.

13. Provide training to CBSWs on seeking protection orders and to all system actors about lethality risks in the context of family law proceedings.
14. Support the creation and distribution of user-friendly guides for obtaining family law protection orders for self-represented survivors of family violence.

*I was hoping for them to help ensure our safety and for protection from him, from his ability to track and find us.*

—Survivor

#### 4.1.2. Addressing Myths and Stereotypes

**RECOMMENDATION 11** The Review recommends that the government design law reforms in civil and administrative law matters regarding sexual violence and intimate partner violence in order to mirror the protections in criminal law against the improper application of myths and stereotypes.

Myths and stereotypes continue to operate in the family law system.<sup>284</sup> The Review encountered a marked disconnect between generally positive judicial perceptions of the progress made in the last decade and the negative experiences relayed by survivors (some of which are evident in the survey report in [Appendix 2](#)), support workers, and advocates.<sup>285</sup>

*You have to start every submission with: “This is a family violence case, not a high-conflict case.”<sup>286</sup> You have to educate the judge, because it is true that people conflate the two all the time. Lawyers do it, too.*

—Family lawyer

The Review heard from anti-violence experts and senior members of the family law bar who noted that while more judges with an understanding of the dynamics of intimate partner violence are being appointed every year, there is still room for improvement. While the Review did hear from judges and associate judges who absolutely have taken on board education about power dynamics in intimate partner violence, this is unfortunately not uniformly the case among their colleagues. A recent BC Court of Appeal decision indicates that myths and stereotypes persist in the family law context in British Columbia.<sup>287</sup> The Review heard concerning stories from survivors, support workers, and lawyers about ongoing barriers for survivors arising from a lack of understanding in the courts about the prevalence and dynamics of family violence.

An example of this lack of understanding is addressed by the Supreme Court of Canada in *Barendregt v. Grebliunas*, on appeal from the BC Court of Appeal: “The suggestion that domestic abuse or family violence has no impact on the children and has nothing to do with the perpetrator’s parenting ability is untenable.”<sup>288</sup> The Court also acknowledged, “Domestic violence allegations are notoriously difficult to prove.... Thus, proof of even one incident may raise safety concerns for the victim or may overlap with and enhance the significance of other factors, such as the need for limited contact or support.”<sup>289</sup> Further, the Court observed, “The prospect that such findings could be unnecessarily relitigated on appeal will only deter abuse survivors from coming forward. And as it stands, the evidence shows that most family violence goes unreported.”<sup>290</sup>

In designing the law reforms proposed in [Recommendation 11](#), British Columbia should refer to the approach taken in Québec’s Bill 73, which amends both the *Labour Code* and the provincial Act to Establish the Administrative Labour Tribunal by adding the following section:

Despite any rule of evidence, where a matter contains allegations of sexual or spousal violence, the following facts are presumed irrelevant:

1. any fact relating to the reputation of the person who is the alleged victim of the violence;
2. any fact related to the sexual behaviour of that person, other than a fact pertaining to the proceeding, and that is invoked to attack the person’s credibility;
3. the fact that the person did not ask that the gestures, practices, verbal comments, behaviour or attitudes cease;
4. the fact that the person did not file a complaint or exercise a recourse regarding the violence;
5. any fact in connection with the delay in reporting the alleged violence, except to demonstrate the existence or absence of reasonable grounds for extending a time limit or for relieving a person or not from the consequences of failing to act within a time limit; and
6. the fact that the person maintained relations with the alleged perpetrator of the violence.<sup>291</sup>

This language is intended to remove the operation of myths and stereotypes in civil processes where individuals pursue claims related to violence or harassment.

However, caution must be exercised in designing law reform in this area. As with all other recommendations in this Report, consultation with anti-violence experts and system actors, and application of an intersectional lens are essential in formulating proposed law reform provisions. To avoid

unintended negative consequences, any working group struck by the Ministry of Attorney General in response to this recommendation should also include civil litigators who represent survivors.

#### 4.1.3. Making Family Law Processes Work Better for Survivors

**RECOMMENDATION 12** The Review recommends that the BC government co-design changes to Supreme Court and Provincial Court rules and other court practices that will alleviate challenges faced by survivors who are engaged in family law litigation.

The positive steps already taken to revise court rules and reduce the number of families going through extended damaging court proceedings by early intervention and case management are an improvement for those families who can benefit from these measures. For example, in 2019, the provincial government and the Provincial Court (BCPC) initiated a [pilot project](#) in Victoria for early resolution of family law matters.<sup>292</sup> The process can more efficiently address cases arising from relationship breakdown while avoiding protracted and expensive court processes and saving court resources.

The government has made the policy choice to support and expand the early intervention model based on positive evaluation reports that identify that these models have secured efficiencies in the use of court resources.<sup>293</sup> The evaluation conducted of the Victoria process concluded: “the model is contributing to more effective and efficient use of court.”<sup>294</sup> The evaluation’s statistical tests determined that there were fewer cases with a court appearance, fewer court appearances per case, less court time, and fewer cases with a trial appearance. The report concluded that this would enable the Provincial Court “to devote more time to cases that require judicial attention.”<sup>295</sup>

The purpose of the early resolution process is to improve the functioning of the overall provincial court family law process. While the model appears positive for improving court metrics, the Review has heard from survivors, support workers, Indigenous organizations and lawyers that for family law litigants for whom violence is a factor in their relationship history or breakdown, the model does not offer the desired benefits, especially as survivors are often in even more danger during the relationship breakdown phase. One way forward would be to focus the court resources saved through dispute resolution measures on intensified supervision and engagement with cases involving family violence.

The early resolution process rightly includes screening tools to identify cases involving family violence. However, the Review heard from survivors, support workers, Indigenous organizations and lawyers that some survivors will not disclose violence because they believe, with good reason, that their children will be apprehended if they do (see [section 2.3.1](#) above). It is imperative to examine how programs can have disproportionately adverse effects on those who are most marginalized.<sup>296</sup> Measures to improve the family law system’s treatment of survivors must be developed with an

intersectional lens to effectively address the challenges facing survivors of family and/or intimate partner violence.

For those who are appropriately screened out of the early dispute resolution model,<sup>297</sup> the path through the courts is still fraught with the same longstanding barriers and challenges. These survivors remain in an adversarial and complex system that offers no better structure for them and that is (like all of our systems) still imbued with myths and stereotypes that deepen their inequality and leave them vulnerable to their former partner using the legal system to further control and abuse them.

*So we finally got to court, which is where we needed to be to get the orders we needed to get matters resolved and keep her and the kids safe, and the judge looked at me and asked, “Why are you here, wasting my time? This should have all been mediated.” A judge who understood intimate partner violence would understand mediation was not appropriate in the circumstances. Sometimes litigation is appropriate.*

—Family lawyer

**Since the policy decision to expand the early dispute resolution model has already been made, it is all the more important to design and implement initiatives that improve the family law system specifically for survivors,** as well as to evaluate programs through the accountability mechanisms recommended in this and past reports.

Where power dynamics and violence create conditions in which dispute resolution is inappropriate and litigation is necessary, family law proceedings are an essential use of judicial resources. These parties cannot opt out. They require the time and supervision of the courts to protect against further abuse and harm. They also need legal representation.

**The resources and time saved by the early resolution model should be redirected to focus on those cases involving family violence that this model cannot help. These often challenging, complex cases are the ones that benefit from court time, judicial attention, and case management, and that necessitate legal representation.**

#### 4.1.4. Next Steps: GBV Family Law Working Group

In support of [Recommendation 12](#), the Ministry of Attorney General should strike a working group of ministry, courts, family law bar and anti-violence experts to convene with the aim of co-designing changes to Supreme Court and Provincial Court rules and other court practices that will alleviate challenges faced by survivors who are engaged in family law litigation. For example, case management processes could be expanded to include trauma-informed case management conferences to

provide continued oversight of the behaviour of abusive litigants and to minimize/prevent delays and litigation abuse. Rules could also be revised to include express provision for testimonial accommodations, such as the use of technology or other testimonial aids that could improve the safety and comfort of survivors; and trial management briefs could be revised to require counsel to consider the desirability of such accommodations for their clients and to seek accommodations well in advance of trial. Again, an intersectional lens is essential for designing these changes.

In addition, the working group should consider and address as a matter of urgency the recommendations regarding protection orders and peace bonds that have recently been outlined in reports from the Rise Women’s Legal Centre and Battered Women’s Support Services.<sup>298</sup>

Finally, the Supreme Court of Canada (SCC) is expected to hand down a decision in *Ahluwalia v. Ahluwalia*, a case involving a trial judge’s decision to recognize a civil claim for family violence at common law.<sup>299</sup> In its *intervention* at the SCC, the BC Attorney General supported the recognition of a new tort of family violence to address the unique characteristics of the harms arising from intimate partner violence and to enhance access to justice for survivors. The Attorney General highlighted the important leadership role to be played by the province’s legislature on broader issues of family violence, including impacts on children, the role of extended family members, possible no-fault statutory torts, and other direct and indirect impacts of family violence. In anticipation of the SCC decision, the implications for survivors and for family law in British Columbia will be best reviewed and addressed by the suggested working group.

#### 4.1.5. Family Law-Related Legal Aid for GBV Survivors

**RECOMMENDATION 13A** The Review recommends expanding the scope and funding of legal aid for GBV survivors to cover family law services.

*For the first four years of my ex’s violence, I was on Legal Aid. My initial Legal Aid lawyers could not even read the entirety of my case in their allotted time because of the legal mess my ex and his lawyer created. Their tactic was to produce huge amounts of nonfactual paperwork to overwhelm and baffle court proceedings.... I was fortunate to have a lawyer who worked frequently for free and saved my life. I am deeply indebted to her.*

—Survivor

A major barrier for survivors is their inability to afford legal representation. This is a chronic problem across Canada,<sup>300</sup> but it is particularly acute in British Columbia. According to the BC branch of the Canadian Bar Association (CBABC):

British Columbia is the only province in Canada without legal aid for routine family law matters to help those on a low-income access legal help and bring down costs in these challenging circumstances. All other provinces in Canada provide legal aid coverage for divorce, parenting disputes, and spousal and child support.<sup>301</sup>

*You are desperate and constantly forced to cut corners on your own case. It is TERRIFYING.*

—Survivor

**The Review endorses the CBABC’s call to expand the scope and funding of legal aid to cover these family law services.** CBABC notes that women have been disproportionately affected by past cuts to legal aid, face more systemic barriers in relationship breakdown, and represent 68% of family law legal aid recipients.<sup>302</sup> The CBABC further notes the additional costs to the system due to the large number of unrepresented family law litigants:

40% of family law cases in the BC Provincial Court involve a person who is not represented by legal counsel. Their unfamiliarity with laws and the justice system takes increased time and resources as they often end up requiring aid from other government programs.<sup>303</sup>

Court time is far more extensive than the time allotted for representation by a legal aid lawyer, and yet the length of court proceedings is significantly impacted by the additional time required when a litigant is unrepresented. **The Review echoes the assessment that failing to fund legal aid, particularly in the area of family law, is a false economy, as well as an extreme burden for litigants who must go unrepresented.**

*Legal is the cornerstone of our society. I learned brutally that it was widely able to be weaponized by a resourced-abuser.*

—Survivor

Clients with family law matters that involve violence need to describe their experiences to lawyers, and this can take both an emotional toll and time, due to the impacts of trauma and the complex dynamics of abuse. The whole system will therefore function more effectively if litigants in complex family law proceedings have legal representation and wraparound supports. This is why the [Family Law Centre Program](#) is such a promising initiative.<sup>304</sup> The two new clinics (plus virtual services), which opened in late 2024, serve family law clients who have experienced violence and thus represent an important step forward. **Assuming a positive evaluation (using intersectional measures), this program must be further expanded, and infrastructure for additional virtual services must be put in place across the province, especially in rural, remote, and northern areas.**

#### 4.1.6. The Transform the Family Justice System Collaborative

Access to Justice BC has an initiative called the [Transform the Family Justice System Collaborative](#) that focuses on addressing Adverse Childhood Experiences (ACEs). But its publicly available materials make no reference to intimate partner violence, which is too often a feature of contexts that produce ACEs. Unfortunately, the Review did not have the opportunity to inquire more deeply into this initiative but heard considerable concern from stakeholders (including family lawyers, Indigenous government and anti-violence sector advocates) about this apparent gap in a multi-sectoral collaboration initiative. In addition, the Review heard concern that a sole focus on ACEs could exacerbate disproportionate levels of child removal, particularly in Indigenous communities (see [section 2.3.1](#) above). Accordingly, **the participants in the Collaborative are encouraged to engage with Indigenous anti-violence sector experts, to employ intersectional analysis, and to squarely address the connection between intimate partner violence and ACEs.**

### 4.2. The Criminal Legal System

The consequences of the criminal law for both survivor and accused can be life-altering. Proper preparation and support for complainants, as well as accessible information about the legal process, are critical for reducing uncertainty and anxiety for those who go through criminal law proceedings. This requires trained support workers and Crown counsel who employ a trauma-informed approach. Ideally, court staff (including clerks and sheriffs) and judges are also trauma informed, and defence counsel should follow the Supreme Court of Canada's directive that myths and stereotypes have no place in the Canadian courts.<sup>305</sup> While many of these actors are offered education about combatting myths and stereotypes in their work, the Review heard from survivors, support workers, police, lawyers, and others, that not all such actors take that education on board.

This section explores systemic approaches to addressing issues that arise for the few survivors who do report violence to police, for the smaller number whose matter is then referred to Crown counsel for charge assessment, and for the even smaller number who become witnesses in a prosecution.

#### 4.2.1. Independent Legal Advice for Survivors

**RECOMMENDATION 13B** The Review recommends that when the privacy or safety interests of survivors are affected in matters going to trial, independent legal advice should be made available to them (while observing appropriate fair trial safeguards).

Ideally, survivors should very quickly be connected with CBSWs so that they can learn about their options and how best to navigate whatever path they choose. (See [Recommendation 5A](#).) If that path takes a survivor into the legal system, then independent legal advice such as that provided by the [Stand Informed](#) program should be available.<sup>306</sup>

Survivors in sexual assault and intimate partner violence matters that proceed through the criminal law process are witnesses in a procedure that pits the accused against the state. The accused has a constitutional right to legal representation and therefore can access a legal aid lawyer if they are not able to pay for a lawyer themselves. The state is represented by Crown counsel, whose job is not to win a conviction but to act in the public interest, which means they must present the admissible evidence thoroughly and fairly. Crown counsel do not act on behalf of the survivor/complainant; they are not the survivor's lawyer. Survivors are witnesses and have no constitutional entitlement to legal representation. There is no solicitor/client privilege between Crown counsel and complainants. This has many implications for a complainant. For example, anything a survivor tells Crown counsel can be disclosed to the accused.

Limited legal aid representation may be made available to complainants for the narrow purpose of dealing with an application for disclosure of a survivor's counselling records or "other sexual activity" evidence.<sup>307</sup> Complainants are permitted to obtain their own legal advice, but many cannot afford to do so, and even if they are represented, they will not be parties in the criminal law proceedings. There are limits on a lawyer's ability to represent a complainant in a criminal prosecution, arising from the complainant's status as a witness. For example, before they testify, witnesses should not have access to other evidence in proceedings or notice of proposed lines of cross-examination.

Given the unique nature of the crime of sexual assault, multiple past reports have contained recommendations that publicly funded legal representation be made available to complainants in sexual assault trials, subject to the protections that are already in place to uphold the fairness of the trial.<sup>308</sup> Similar programs have been created in other jurisdictions with considerable success, for example, in Ontario, where the [program](#) is delivered by the Barbra Schlifer Commemorative Clinic.

#### 4.2.2. Police

While many survivors never report the violence that they have experienced to any state actor (see [Appendix 1](#)), if they do report, their path may well take them into the criminal legal system. Their first point of entry is often with police. What happens at this stage can be crucial to their entire journey and their ability to access this form of justice.

*If they don't want to report, I would fully support that decision as the police are awful.*

—Survivor

As discussed in [section 3.6](#) above, the collaborative models that include police, such as DVUs and ICATs, are essential to improving survivor safety and addressing gender-based violence with the seriousness and expertise required. An updated VAWIR/GBVIR policy (see [Recommendation 9](#)) that reinforces those collaborative approaches and includes a provincial sexual assault policy would make

a considerable impact in the treatment of sexual violence and intimate partner violence in the criminal legal system.

The Review heard from police members of those units and models who have commendably devoted themselves to supporting survivor safety. However, as with other institutional actors, the Review found considerable unevenness in overall police adherence to policies and to their own policing standards across the province.

This section addresses the importance of the police meeting the standards expected of them in sexual assault and IPV investigations and proposes mechanisms for ensuring that occurs.

#### 4.2.2.1. SEXUAL ASSAULT INVESTIGATIONS

*The hardest part was trusting the police at all. The inappropriate comments and behavior made it really hard to trust them. Also, the fact that they didn't even go through a court process because the rapist had a "better story" even though I had been drugged.*

—Survivor

In 2024, the Director of Police Services implemented new [provincial Policing Standards on sexual assaults](#). These new standards are highlighted in the BC GBV Action Plan (although the Action Plan does not address the standards in detail). The updated standards are a positive step toward addressing ongoing issues in police handling of sexual violence and related barriers for survivors. But the important next step is to ensure that the updated policing standards are universally adopted and their intent is honoured, and these require ongoing monitoring and evaluation.

The sexual assaults policing standards stipulate that an officer responding to a report of sexual assault must have appropriate knowledge, skills, abilities, and investigative and interviewing experience appropriate to the nature of the incident or the type of investigation, and must have completed provincially-approved training.<sup>309</sup> The standards also impose several requirements with respect to supervision, including that “[a] supervisor and/or a specialized unit must review a sexual assault file as soon as practicable and as appropriate throughout the duration of the investigation” to ensure adherence to several enumerated requirements.<sup>310</sup>

**This kind of internal oversight mechanism is absolutely crucial to improving how sexual assault files are treated by police.** However, not all supervisors may be able or willing to conduct the ongoing reviews contemplated at the investigation stage. Fortunately, the new standards require police agencies to establish processes for reviews of sexual assault files, subject to minimum requirements in the standards.<sup>311</sup> This mechanism is a necessary improvement in that it provides some oversight of and accountability for police handling of sexual assault matters. The chosen mechanism does require improvement, however, as discussed in the next section.

### *Replacing the Case Conferences Model with a Case Review Model*

**RECOMMENDATION 14** The Review recommends that section 5.4.5 of the BC Policing Standards be amended so as to replace the biannual case conference model with a more frequent, collaborative advocate case review model.

In recent years, sexual assault cases that have been determined to be unfounded by police have been closely examined, giving rise to two distinct approaches to improving transparency and systemic accountability.<sup>312</sup>

The case review model, often known as the Violence Against Women Advocate Case Review (VACR) model, refers to a form of civilian investigatory oversight designed to be used mainly at the local/municipal level wherein independent frontline sexual violence subject matter experts attend the police station to review sexual assault reports and investigations that were not cleared by charges. Reviewers are selected according to detailed criteria designed to ensure independence, expertise, and knowledge of the reporting community. The goal is to catch cases that may have been closed prematurely or inappropriately. These reviews can also identify structural and systemic issues affecting police response to sexual violence. Once the initial reviews are conducted, police join the reviewers to discuss the findings. The outcomes are then tracked, studied, and evaluated.

British Columbia has adopted a somewhat different approach: the case conference model. Unlike the VACR model, the case conference model does not review every sexual assault case that does not proceed to charges, and it is not led by anti-violence sector experts. Instead, the case conference approach is led by police officers who, with an invited interdisciplinary group, review a sample of sexual assault cases. This model may look for trends, note issues and concerns that need to be addressed, and then make recommendations.

Both models are emerging practices. The case review model has been adopted in several jurisdictions and is recognized by anti-violence advocates to be the best practice for meaningful, accountable collaboration between policing and gender-based violence partners. Case conferences, on the other hand, have been criticized for leaving much of the control over the process in the hands of the police, making this model less transparent and ultimately less collaborative.

While the revised BC policing standards discussed above use the term “case reviews,” the process adopted is not consistent with the established practice of a VACR. Rather, it is a case conference model. Although the standards state that the case conferences are collaborative, they are headed by police officers and are required only every twenty-four months. In contrast, the VACR model is based on reviews being conducted by anti-violence sector workers and occurring every three months. Moreover, the VACR model provides an opportunity for cases to be redirected back toward

charges being laid, whereas case conferences do not offer real-time operational oversight, instead directing the gaze to future cases.

The province has the power to negotiate contractual terms that improve accountability and cross-sector collaboration. **Case reviews should be specifically required in the Provincial Police Service Agreement if the RCMP continues as the provincial police force.**<sup>313</sup>

#### 4.2.2.2. INTIMATE PARTNER VIOLENCE INVESTIGATIONS

*If anyone asked me if they should go to the police and report, I would say no, not after what I've been through. I would say kill him next time—it's safer for you.*

—Survivor

The police in British Columbia do not regularly publish data regarding the number or proportion of calls to police that involve intimate partner violence. However, the report of the 2016 Death Review Panel indicated that 13,000 people in British Columbia annually sought police assistance to stop abuse by a current or former intimate partner.<sup>314</sup> The BC RCMP reported that from 2013 to 2019, domestic violence call volume increased by 36%, and the time spent on domestic violence calls increased by 48%.<sup>315</sup> Nationally, 30% of all victims of police-reported violence are victimized by an intimate partner.<sup>316</sup>

Not only do these statistics indicate the prevalence of intimate partner violence in communities across the province and the country (recall that it is vastly underreported), they also represent an enormous allocation of police resources. Given the considerable proportion of police time that evidently relates to these calls, it is all the more important that the response to survivors is informed with appropriate training, and that these calls are answered rather than dismissed because of myths and stereotypes about women<sup>317</sup> or about whether nonphysical violence is truly violence. Intimate partner violence must not be devalued as “private” violence, as acknowledged by the Ontario Court of Appeal:

Intimate partner violence is a pervasive social problem. It takes many forms, including physical violence, psychological abuse, financial abuse and intimidation. In Canada, nearly half of women and a third of men have experienced intimate partner violence and rates are on the rise. What was once thought to be a private matter is now properly recognized for its widespread and intergenerational effects.<sup>318</sup>

This kind of gender-based violence all too frequently leads to femicides, as shown by the many inquests in British Columbia and across Canada, as well as by the more rare but more visible “public” violence of mass casualties.<sup>319</sup>

Police need to respond to these cases with seriousness. Most intimate partner homicides flow from a history of violence (including nonphysical forms of violence such as coercive control). Experts have accumulated considerable evidence about the risk factors for lethality in IPV cases.<sup>320</sup> Police must all understand the risk that is posed by episodes of intimate partner violence.<sup>321</sup> This is not to say that mandatory charging should be reinstated.<sup>322</sup> Rather, **the approach needs to be reframed from “what charges can be laid here?” to “how can I keep them safe?”**<sup>323</sup> This requires a shift in the policing lens and in policing practice. Despite recent updates to police training in BC (described below), additional action is needed to address police response to intimate partner violence.

**RECOMMENDATION 15** The Review recommends that the BC government and policing bodies responsible for development of policing standards work with anti-violence sector experts (including Indigenous organizations and representatives of marginalized survivors) to update and improve policing protocols for intimate partner violence investigations.

#### 4.2.2.3. TRAINING

In 2021, the Province announced updates to four existing mandatory training modules on IPV that were then more than a decade old. The updates were developed in “consultation with police, non-police experts and Indigenous partners and sector service providers.”<sup>324</sup> The updates included, among others:

- revisiting factors police use to identify domestic violence risk, including placing added emphasis on perpetrator behaviours intended to oppress, dominate, isolate and control victims;
- integrating new content respecting safety-planning and trauma-informed practice considerations, some of which relate to unique factors that Indigenous women may experience; and
- **revised templates to strengthen case documentation in police intelligence systems and, as appropriate, reports to Crown counsel.**<sup>325</sup>

In 2022, new RCMP training was also introduced with regard to sexual assault investigations, sexual assault myths, [Canadian Victims Bill of Rights](#), trauma-informed practice, and cultural awareness.<sup>326</sup> The updated training is a good step forward.

Provincial policing standards require that all frontline officers and frontline supervisors in British Columbia receive mandatory training on intimate partner violence as well as refresher training every five years.<sup>327</sup> Police are also required to complete training on trauma-informed practice, though no refresher training on trauma-informed practice is required. However, officers who are part of specialized units that deal with investigations involving vulnerable witnesses and victims “must update

their skills and knowledge about trauma-informed practice every 3 years, at a minimum.”<sup>328</sup> Provincial policing standards also require all police officers to complete Indigenous cultural safety training.<sup>329</sup>

**Updated and mandatory training, codesigned and delivered with anti-violence sector expertise, is essential.** The updated provincial policing standards are an important improvement. Again, however, despite the standards and improved content of police training, the Review heard from survivors, support workers, and counsel that a disconnect persists between formal policing standards and the experiences of survivors when they become part of GBV police files.

*When the police showed up, I could see they just thought it was my fault because I had gone back and he beat me again. The first cop that showed up looked at me as if to say “What do you expect?”*

—Survivor

Rotations for general-duty police and RCMP members through DVUs can provide opportunities for learning, guidance, and mentorship, and may assist with breaking down some of the myths and stereotypes that continue to permeate police departments and RCMP detachments in British Columbia.

#### 4.2.2.4. NEXT STEPS: ADDITIONAL POLICE EVALUATION/ACCOUNTABILITY MEASURES

The 2010 Domestic Violence Death Review Panel report to the BC Chief Coroner recommended the implementation of a domestic violence investigation guide supported by a quality assurance program.<sup>330</sup> The report recommended further that the guide and quality assurance program be embedded in the Police Records Information Management Environment (PRIME) in order to allow access across jurisdictions. It appears that this was implemented, and this is a useful internal mechanism for evaluating and improving police accountability in BC.

Another useful internal accountability mechanism is found in the current VAWIR policy, which directs that all IPV cases be reviewed by a supervisor.<sup>331</sup> Different police departments and detachments may have different practices in terms of implementing such reviews. **The degree to which this important step is heeded should be monitored and evaluated for effectiveness.**

Further quality assurance mechanisms are needed to evaluate and improve police accountability in intimate partner violence investigations. As noted in [Recommendation 15](#), updated and improved policing protocols for intimate partner violence investigations should be developed, including with regard to consistent risk assessments. **The working group struck to achieve this recommendation should consider how to adopt a case review model (as recommended for sexual assault cases) to ensure accountability in the police investigation of intimate partner violence cases.** Case reviews

would identify both good practices and issues to be addressed, and would provide the necessary information for ongoing updates to policing standards for intimate partner violence investigations.

In addition to ensuring supervisor reviews of IPV files and adopting a case review model, police departments and RCMP detachments should consider if their performance metrics truly capture whether their members are meeting the standards the public expect. In particular, is gender-based violence treated with the seriousness required?<sup>332</sup>

The BC Missing Women Commission of Inquiry recommended in 2012 that police incorporate into training, standards and performance metrics the ability of police members to develop and maintain community relationships, particularly with vulnerable people at risk of being treated unequally.<sup>333</sup> The Provincial Policing Standards require that abilities related to community relationship building be included in performance management tools for evaluating recruits, and that community relationship building be a consideration when assessing officer performance.<sup>334</sup> Where this has not already occurred, these relationships should be developed in collaboration with anti-violence sector community-based organizations since they have the expertise from which police should be learning.

#### 4.2.3. Crown Counsel

If a survivor has reported to police, after investigating, the police may then make a report to Crown counsel. In British Columbia, Crown counsel are responsible for approving charges and conducting prosecutions. This section discusses charge assessment policies, addresses the importance of Crown counsel meeting the standards expected of them in sexual assault and intimate partner violence cases, and proposes mechanisms for ensuring that occurs.

The role of Crown counsel is quasi-judicial. Individual prosecutors exercise broad discretion in deciding whether or not to bring reported instances of sexual violence and intimate partner violence before the courts. The independence of the BC Prosecution Service (BCPS) from external interference with the exercise of prosecutorial discretion is a cornerstone of the rule of law.<sup>335</sup>

The Review benefited from hearing from BCPS representatives and Crown counsel who uphold the highest standards of their profession and are dedicated to ensuring that sexual violence and intimate partner violence are taken seriously in the criminal legal system in British Columbia. They carefully navigate the duties expected of them to act in the public interest on extremely difficult matters. As with all other legal system actors, however, the Review also heard from survivors, support workers, advocates, and police officers that there are significant variations in Crown practice across the province, and this is a major factor affecting survivor experience of the BC criminal legal system. While some people who spoke with the Review relayed experiences of Crown counsel performing their role with dedication and professionalism, others had much less positive experiences. For example, the Review heard that there is considerable variation in practice around how early and how often

Crown counsel contact survivors<sup>336</sup> and whether and how Crown counsel engage with survivors by explaining decisions not to pursue charges.<sup>337</sup> There is unevenness in whether and how Crown counsel contact victims before plea deals are made.<sup>338</sup> If a case is going to proceed to trial, there is inconsistency on whether testimonial aids are offered or requested.<sup>339</sup> There is also unevenness in the degree to which Crown counsel attempt to uphold the legal protections for complainants at trials.<sup>340</sup> None of these examples of variation seems clearly to be a matter that falls within the core of prosecutorial discretion that would attract the principle of prosecutorial independence.<sup>341</sup>

Since external scrutiny of prosecutorial discretion is limited by strong legal conventions, it is challenging to understand and evaluate the basis for this unevenness. For example, it could be a product of insufficient training, inconsistent application of policy, differences in case load or resource allocation, or differences of opinion among Crown counsel. At times, it may reflect relevant differences between cases.

No matter the reasons behind these variations, the Review heard that unevenness in Crown counsel conduct decreases trust in the legal system among survivors, support workers, lawyers, police, and advocates. The following subsections discuss two areas of concern related to charge assessment and then an overarching concern about the concomitant lack of transparency in Crown counsel decision-making.

#### 4.2.3.1. CHARGE ASSESSMENTS

One area of significant concern raised by survivors relates to charge assessment. Given how few survivors come forward to report sexual violence and intimate partner violence, it can be very hard to learn that charges will not proceed. The Review heard that survivors suffer further harm when there is no explanation of why charges did not proceed. A clarification of relevant policy, adopting language from a public inquiry as discussed below, would assist.

**RECOMMENDATION 16** The Review recommends that Crown counsel policy be updated to clarify that when a decision not to prosecute has been made and the survivor, the public, or another significantly interested person is aware of the police investigation, it is in the public interest that the survivor, public, or other significantly interested person be given adequate reasons for the non-prosecution.

It is within the purview of Crown counsel to decide whether prosecutions for intimate partner violence and sexual violence start or continue. They are required under the Crown Counsel Act to examine all relevant evidence and “approve for prosecution any offence or offences that Crown Counsel considers appropriate.”<sup>342</sup> The two-part test for charge assessment is as follows:

1. whether there is a substantial likelihood of conviction; and, if so,
2. whether the public interest requires a prosecution.<sup>343</sup>

Charge assessment decisions by individual Crown counsel “are entitled to reasonable deference and should not be overturned or second-guessed by other Crown counsel, Directors, or their respective deputies, unless they are wrong in fact or law, unreasonable, or contrary to the public interest, or unless there has been a material change in circumstances.”<sup>344</sup> Crown Counsel are required to exercise their charge approval function “independently of all partisan concerns and improper motives.”<sup>345</sup>

Data published by the BCPS indicates that the charge approval rate for intimate partner violence has decreased over the past several years, consistent with the charge approval rate for all types of crime.<sup>346</sup> The BCPS does not routinely publish similar data in respect of sexual violence offences,<sup>347</sup> but data with regard to outcomes for sexual assault charges involving adult complainants in British Columbia indicates that almost half of all sexual assault charges laid are eventually stayed by Crown Counsel.<sup>348</sup>

When decisions are made about whether to approve charges, the survivor(s) in question may not be provided with any explanation. Unlike judicial decisions, Crown counsel are not required to provide reasons to the public for their exercises of prosecutorial discretion.

*Crown counsel dropped the charges the weekend before trial. Even though he admitted it in an affidavit that he jumped and banged my head on the ground, I got the impression that Crown counsel said it was not proof enough or got the impression that it would not be worth their time or taxpayers' money.*

—Survivor

Crown Counsel policy regarding information requests from third parties states that “routinely disclosing records related to the exercise of prosecutorial discretion” would “undermine” the independence of the prosecution service and the rule of law, and this information may be privileged or confidential.<sup>349</sup> This policy is interpreted by some Crown counsel to mean that they cannot speak to complainants about why charges do not proceed or are withdrawn. However, as the BC Court of Appeal noted in 2009, the Crown adopted the following recommendation from a BC public inquiry:

Where a decision not to prosecute has been made, and the public, a victim or other significantly interested person is aware of the police investigation, **it is in the public interest that the public, victim or other significantly interested person be given adequate reasons for the non-prosecution**, by either the police or Crown Counsel.<sup>350</sup>

For survivors, who are usually not legally trained, decisions not to prosecute can leave them feeling confused and not believed, adding to the harm they have already experienced. The Review heard from survivors, support workers, and Crown counsel that some Crown counsel will meet with survivors upon request and explain the process and provide reasons. Without going into all the specifics of their assessment of the evidence, a prosecutor can share with the survivor what is required in order to prove a charge beyond a reasonable doubt in order to help them understand the decision not to proceed. While it is undoubtedly difficult for Crown counsel to meet with disappointed survivors, it accords them the dignity of having some explanation for why their difficult decision to come forward is not going to culminate in the form of accountability that the criminal law offers.

### **SURVIVORS AS RELUCTANT WITNESSES**

Current Crown counsel policies on intimate partner violence and sexual assault state that it is generally in the public interest to prosecute these offences where the evidentiary threshold for charge approval is met.<sup>351</sup> The Crown Counsel policy guidance with respect to reluctant witnesses also states:

Crown Counsel should recognize that vulnerable victims and witnesses may be reluctant to participate in the criminal justice process. They may minimize or seek to withdraw their evidence. A variety of factors may affect their willingness to co-operate, including past negative interactions with the justice system. Crown Counsel should attempt to ascertain the reasons for their reluctance to testify and develop strategies to address the issues. [...]

Crown Counsel should consider whether the charge assessment standard (CHA 1) can be met with other available evidence without the witness' testimony.<sup>352</sup>

VAWIR sets out additional guidance on charge assessment in intimate partner violence cases involving a reluctant victim. It states:

Spousal violence often involves a reluctant victim/witness. When Crown counsel has a reasonable basis to conclude that the victim may not testify, they should consider the availability of other independent evidence that is capable of meeting the charge assessment standard.<sup>353</sup>

As discussed in [section 3.9](#) above, the VAWIR policy, though still in effect, is outdated in some respects. The Review heard a considerable range of views from survivors, support workers, police, and Crown counsel on whether charges should proceed in the absence of survivor cooperation. While some Crown counsel do pursue prosecutions in this circumstance, for others it is a nonstarter. Those Crown counsel who do proceed without a survivor's cooperation tend to do so on the basis of other evidence gathered in the investigation, familiarity with the persons involved, and the knowledge that it is likely that future incidents involving the same accused may well occur. They act based

on a genuine concern for the safety of survivors, and their strategy is to create a track record that demonstrates their seriousness in charging the accused so that eventually the survivor(s) involved might have the ability to cooperate. Sometimes, Crown counsel do not proceed with charges in cases where police in domestic violence units with a deep understanding of risk and safety express concern about the safety of survivors who are not willing to make statements.

There is a very delicate balance to be struck in these circumstances, and each situation must be assessed on its own facts since each is unique. **There is no easy answer here for those with direct experience of making these decisions.** It is critically important that police conduct full investigations and create evidentiary records (that include any nonphysical abuse) that can support charges; and Crown counsel must equally seriously conduct charge assessments. A survivor's own assessment may be that their safety will be more compromised if charges proceed, and state actors should not lightly override such an assessment. In some instances, not proceeding with a charge may simply be a correct reflection of the (lack of) strength of the case—i.e., it would not likely result in conviction without a survivor statement. Crown counsel must carefully weigh all aspects of the public interest in deciding whether to charge these offences.

**Given the enormous complexity of these cases, the system-wide recommendations discussed in [section 3](#) of this Report come into relief.** If a survivor has the support of a CBSW and wraparound services, the survivor will likely have more options available for how to keep safe if the state proceeds against the abuser. Over time, establishing strong and collaborative relationships across sectors will reduce the frustrations that can arise when one institutional actor makes decisions that seem incorrect to others who are differentially located. When actors work collaboratively to share information in highest-risk cases, then the options for how to keep the survivors safe may not be limited to considering whether a survivor can be “persuaded” to cooperate despite their concerns, or whether to charge an abuser without the survivor's cooperation. **The systemic pieces need attention so that the focus can truly be on what is needed for survivor safety—and on what is needed to prevent perpetrators from committing future violence.**

#### 4.2.3.2. BREACHES OF CONDITIONS

Related to the issue of charge assessment in cases of intimate partner violence and sexual violence is the practice surrounding an abuser's breach of conditions (such as orders to have no contact with the survivor). The Review heard complaints from survivors and CBSWs that police and Crown counsel do not act to address breaches, as well as from police and Crown counsel about each other's lack of adherence to applicable policy, in particular regarding failures by police to monitor breaches and failures by Crown counsel to lay charges for breaches. Such conditions, if upheld, not only provide survivors with some measure of safety but also offer opportunities for offender management (discussed in [section 3.6.7](#)), which can improve survivor safety and reduce recidivism. Documentation

and accountability for these breach-of-conditions offences create a record that evidences a refusal to adhere to conditions and may be relevant to risk assessment, consideration of future charges, a dangerous offender designation, and other such tools.

**RECOMMENDATION 17** The Review recommends that a robust cross-sectoral standard and set of guidelines be developed on an urgent basis for police and Crown counsel to treat breaches of conditions with the seriousness required.

*Police did not do anything about the breaches and just warned him multiple times. I felt like the court system didn't believe me.*

—Survivor

There are a number of moving parts with regard to conditions, including: whether a particular survivor is aware of the conditions imposed on an abuser; whether the survivor understands what a breach of them looks like, what that might mean, and how to report a violation; and whether there is a designated person (police, Crown counsel, or a support worker) who is responsible for keeping the survivor aware of the abuser's release from custody.<sup>354</sup> Many of these questions would be positively addressed were the proposed system-wide recommendations in [section 3](#) implemented, such as all survivors having adequate access to well-trained, properly funded CBSWs, cross-sector collaboration, and offender management (to name a few). In addition, improved cross-sector policy is required.

The VAWIR policy states, “Because a breach of a court order is an identified risk factor for future violence, Crown counsel should consider laying charges for breaches of bail and probation in cases when the original (substantive) charge was a spousal violence offence.”<sup>355</sup> The Crown counsel policy on intimate partner violence (IPV 1) likewise states:

As a breach of a court order is an identified risk factor for future violence, it is important for Crown Counsel to consider approving charges, when appropriate, for breaches of bail, conditional sentence orders, and probation orders. For any breach involving harm or threats to or intimidation of an intimate partner, if the evidentiary standard of a substantial likelihood of conviction is met, generally there is a strong public interest in favour of prosecution. Even when the accused is not convicted of the substantive charge giving rise to the court order, in situations identified by the police as “highest risk,” any provable breach of court order should be prosecuted.

When there is an allegation of a breach of a protection order made under the Family Law Act (FLA), the Child, Family and Community Service Act, or a restraining order under the former Family Relations Act (FRA), Crown Counsel should consider a breach prosecution when the circumstances of the non-compliance are safety related. [...] <sup>356</sup>

The IPV 1 policy also states that when there is a decision not to lay a charge or a stay of proceedings, Crown counsel should consider whether the safety of a victim or their family requires an application for a recognizance under section 810 of the Criminal Code. Further, “Crown counsel should consider whether participation in the Respectful Relationships Program or similar program administered by BC Corrections would be appropriate as a condition of the recognizance, which for practical reasons requires a period of community supervision of at least a year.”<sup>357</sup>

The Review has not suggested a return to mandatory charging for IPV cases and likewise does not suggest instituting mandatory charging for breach of conditions. However, nor should a survivor be responsible for monitoring adherence to conditions imposed on the abuser. There is cause for genuine concern when charges are not pursued even though a survivor has been assessed as being at risk of harm, and especially in circumstances where the survivor provides evidence of a breach and requests charges be pursued due to a justified fear for their safety.

*I provided printouts of his breaches of his conditions. I have written evidence. He’s violating his conditions. He’s openly threatening me in writing. He’s in breach, [but] they aren’t charging him. Why aren’t they taking it seriously?*

—Survivor

A robust, cross-sectoral standard and set of guidelines are urgently needed to ensure that breaches of conditions are acted upon in a manner that does not cause more harm. This requires both an intersectional lens and anti-violence sector expertise.<sup>358</sup> **Per [Recommendation 17](#), a working group of ministry, Crown counsel, police, and anti-violence sector experts should be struck to do this.** The ensuing guidelines could, for example, include a set of standard conditions to be used by Crown counsel, defence counsel, and courts to improve and standardize practice in this area and to address such situations as family law and criminal law orders conflicting on their face. (See also [section 4.3.2](#) below.)

**The working group must include Indigenous representation.** Following the conclusions of the National Inquiry into MMIWG, the BCFNJC Justice Strategy has identified the need for the BCFNJC and the BC government to “jointly develop a strategy to address the challenges of intimate partner violence and the range of issues caused by enforcement of no contact orders, administrative offences and providing safety to victims of violence in communities.”<sup>359</sup> Given the systemic issues affecting Indigenous communities, including lack of infrastructure such as transportation and phone service,<sup>360</sup> it is important that enforcement of these orders be conducted with an eye to ensuring survivor safety. Improving infrastructure that enables a higher likelihood of compliance with the orders could also alleviate the related concern of Indigenous overincarceration.

#### 4.2.3.3. COMPLAINTS AND CASE REVIEW MECHANISMS

The Review encountered many instances of exemplary conduct from Crown counsel in the context of GBV cases, but the Review also heard about some Crown counsel conduct that cannot go unaddressed.

*The Crown called me and told me not to tell anyone he said this, but it was too much work for him to take it to trial.*

—Survivor

*The survivor had no idea that charges had been laid until I was assigned to her case a week before trial, having just heard from the Crown counsel that someone needed to phone her and tell her she was being called as a witness. This was two years after the survivor made her complaint to police, and she had heard nothing afterward, not from police, not from Crown. She assumed no one had believed her and that she would need to just get on with life. It was devastating.*

—Court-based victim support worker

**RECOMMENDATION 18A** The Review recommends that a transparent, accessible process be provided for survivors (or their representatives) to make complaints about Crown counsel conduct and decisions.

**RECOMMENDATION 18B** The Review recommends that Crown counsel develop an automatic review mechanism of sexual violence and intimate partner violence files to identify areas for improvement or reinforcement.

**RECOMMENDATION 18C** The Review recommends that the BC Prosecution Service annual reports include reporting on the uptake and outcomes of both the complaints mechanism and the automatic review mechanism.

As noted at the outset of this section, Crown counsel fulfill a quasi-judicial function when deciding whether to initiate or continue a criminal prosecution. Prosecutorial discretion is almost entirely shielded from external scrutiny, and unlike judges, Crown counsel are not required to publicly disclose the reasons for their decisions.

According to the Crown Counsel Charge Assessment Guidelines (CHA 1):

The independence of Crown Counsel must also be balanced with measures of accountability. Crown Counsel must review the available evidence and applicable law and exercise their discretion in accordance with published policies. This ensures consistent and principled decision-making.<sup>361</sup>

The BC Court of Appeal has opined:

Protection of prosecutorial independence should not be compromised; nonetheless, the courts must recognize that in a system in which prosecutorial discretion is generally exercised outside of the public gaze, mechanisms for public accountability ought not lightly be discarded.<sup>362</sup>

There is no question that Crown counsel must walk a very difficult line with survivor witnesses who may be unfamiliar with the criminal process and with the obligations of Crown counsel to act in the public interest rather than as counsel for survivors. However, it is entirely consistent with the principles of prosecutorial independence and respect for prosecutorial discretion to state directly that Crown counsel should:

1. keep survivors up to date on what is happening with their files;
2. advise survivors of what they need to do to prepare for court proceedings and to stay safe;
3. inform survivors about what decisions are being made in respect of files in which they are victims and about how those decisions will affect them;
4. object when defence counsel or judges fail to apply relevant legal standards or behave inappropriately with respect to the legal and procedural protections accorded to survivors.

When these principles are not followed, survivors' experiences of the system become much more difficult. Given the statistics—for example, showing that sexual assault cases continue to be less likely to proceed to court compared to other types of prosecutions<sup>363</sup>—additional assurance is necessary to maintain public confidence in those entrusted with acting in the public interest.

**What then are the democratic and constitutionally appropriate mechanisms currently in place to ensure Crown decisions are made in accordance with existing law and policy?**

### *Internal Mechanisms*

The Crown Counsel Policy Manual provides certain limited internal oversight mechanisms for the exercise of prosecutorial discretion in cases of sexual violence and intimate partner violence. Specifically, the sexual assault policy (SEX 1) stipulates that Crown counsel should<sup>364</sup> consult with a Regional Crown Counsel, Director, or deputy before staying a sexual assault charge:

Crown Counsel should not stay proceedings, withdraw, or call no evidence on a charge falling under this policy unless the charge assessment decision was wrong in fact or law, unreasonable, or there has been a material change in circumstances, and the charge assessment standard (CHA 1) is no longer met. Crown Counsel should consult a Regional Crown Counsel, Director, or their respective deputy before staying proceedings or calling no evidence on, withdrawing, or resolving by way of recognizance, any charge falling under this policy.<sup>365</sup>

The Crown Counsel resolution discussions policy (RES 1) also directs consultation with a Regional Crown Counsel, Director, or deputy in cases where a victim or the police express significant concerns about a proposed resolution of the matter:

If they express significant concerns about the proposed resolution or wish to have it reviewed, Crown Counsel should consult with a Regional Crown Counsel, Director, or their respective deputy and should not conclude resolution discussions, withdraw charges, or enter a stay of proceedings until that consultation has occurred. [...]

While Crown Counsel should consider any concerns expressed by the victim, the victim's family, or the police or other investigative agency, the final decision as to the appropriate charge or disposition rests with the BC Prosecution Service in accordance with this policy.<sup>366</sup>

The Review heard some criticism of this approach to creating accountability (i.e., that Crown counsel must consult with a regional Crown in these two circumstances) because it adds time and levels of bureaucracy and because it is not workable to consult a manager about every such decision. Further, some Crown counsel perceive this direction to be an interference with prosecutorial discretion.

The Davies Commission looked into the exercise of prosecutorial discretion.<sup>367</sup> In its 2011 final report, the Commission stated:

When there is a concern that an original no-charge decision may have been wrong, I recommend that the Branch develop a written policy respecting the reconsideration of a Branch prosecutor's no-charge decision. This new policy should address such issues as:

1. the level of certainty that must be met that the original decision was wrong before the charge assessment will be reconsidered;
2. whether the reconsideration should take the form of a new charge assessment (applying the substantial likelihood of conviction standard) or a review (applying a reasonableness standard);
3. who should conduct the reconsideration; and
4. the duty to take into account whether it may constitute an abuse of process to approve a charge following an earlier decision not to charge.<sup>368</sup>

This is a well-balanced approach to creating an internal accountability mechanism in the event that a concern arises about a no-charge decision.

The internal measures of accountability provided by the two Crown policies mentioned above (SEX 1 and RES 1) simply require a conversation between colleagues—a remarkably low threshold to meet and a reasonable internal mechanism for ensuring appropriate judgment is being exercised in keeping with the public interest and current law.<sup>369</sup> Given the wide variation in Crown counsel practice in the province, this kind of internal guidance is to be encouraged, but this accountability approach is the *minimum* that should occur as practice.

**The BCPS must itself embark upon a process to assess the degree to which all its members practice trauma-informed lawyering and follow their own policy with regard to sexual violence and intimate partner violence.**

#### *External Mechanisms*

There are two ways for concerns about Crown counsel decisions or conduct to come to light in a more public way: judicial decisions and complaints.

Reliance on judges to address prosecutorial conduct in their decisions is inadequate for several reasons, not least that many cases of intimate partner violence and sexual violence do not result in judicial decisions.<sup>370</sup> Furthermore, while judges may comment on Crown counsel tactics, exercises of prosecutorial discretion are immune from judicial supervision, with very limited exceptions. The majority of Crown counsel interactions with survivors occur beyond the supervision of the courts.

Complaints about Crown counsel conduct can be made to the Law Society. But this avenue is confined to conduct that is not a matter of prosecutorial discretion,<sup>371</sup> and discipline proceedings against Crown Counsel are relatively rare.<sup>372</sup>

There is Crown counsel policy about how to handle a complaint when one is received,<sup>373</sup> but it does not include a process for making that complaint in the first place. The Complaints Relating to Prosecutions (COM 1) policy addresses the process for handling complaints about a prosecution from members of the public, including witnesses, victims, or other persons directly affected by a prosecution. The policy is very brief. It directs that if a complaint includes an allegation of prosecutorial misconduct or mishandling, Crown counsel should consult with an Administrative Crown Counsel (and in some cases, Regional Crown Counsel, Director, or their respective deputy) to determine how to respond. The policy does not explain to a member of the public how to make a complaint or to where it should be submitted. Indeed, **there is no obvious complaint mechanism for complainants to access.** While the BC Provincial Court reports on complaints made about judges in its annual reports,<sup>374</sup> the BCPS does not include this form of transparency in its annual reports.

*We also need an independent complaints procedure to handle public complaints against Crown counsel the way we currently have for police. We even have a public complaints procedure for judges. No public officials should ever be above the law in the way they are.*

—Survivor

**GBV survivors must have a transparent, accessible avenue for raising questions and concerns about Crown Counsel conduct and/or seeking reconsideration of Crown counsel decisions regarding sexual violence and intimate partner violence.**

The COM 1 policy requires the Crown counsel who is the subject of the complaint to be provided with a copy of the complaint, be given an opportunity to respond and provide relevant information or records, and be provided with a copy of any written response to the complainant issued by the BCPS. However, beyond this, there is no process in the policy respecting the investigation of such complaints. Nor is there any direction on what if any processes are used to ensure that, where valid concerns about the conduct of a prosecution are raised, the responsible Crown counsel receives guidance or feedback.

Crown counsel offices are often understaffed and overworked. In addition, the Review heard about challenges arising from the retirement of many senior Crown counsel and a resulting lack of mentorship for junior Crown counsel. Further, for those Crown counsel whose work focuses on intimate partner violence and sexual assault, burnout is an important consideration; if actors with expertise are lost to the toll that these cases take on the human beings, then there are negative consequences for everyone involved.

Absent an influx of resources to address the staffing and workload issues of Crown counsel, it is all the more important to have mechanisms to alert the BCPS to conduct that is not in keeping with law and policy. While there is a fair amount of collaboration in Crown offices, we cannot rely on the hope that someone will notice if a colleague is off track and will personally find an opportunity to speak with them. There must be a more reliable safety net.

Survivors of violence—who may be marginalized, traumatized, or otherwise not in a position to bring forward a complaint and are usually without legal counsel—cannot (and should not) be solely responsible for raising concerns about prosecutors’ conduct or decisions. Other jurisdictions have considered this point. In Australia, “[m]ost Offices of the Directors of Public Prosecutions have a **system of internal review** which operates at the request of the complainant. Victoria has a discontinuance review framework that operates automatically, rather than at the complainant’s request.”<sup>375</sup> The ALRC has recommended that all Offices of the Directors of Public Prosecutions establish review systems that operate at the request of the complainant and should consider a discontinuance review framework that operates automatically rather than at a complainant’s request.<sup>376</sup> In addition, the recent ALRC Report notes the model adopted by the United Kingdom’s Crown Prosecution Service (CPS), which incorporates **external review of prosecution decisions**:

The CPS’ National Operating Model for Adult Rape Prosecutions includes a No Further Action Scrutiny Process. That Process involves the CPS holding at least quarterly Rape Scrutiny Panels with multiple agency representation (including academics and voluntary sector specialist organisations), periodic national panels (involving external experts), and evaluating and publishing their rape scrutiny insights annually.<sup>377</sup>

The UK CPS model is part of a national strategy to improve the way rape and serious sexual crimes are prosecuted, following what the Director of Public Prosecutions acknowledged was a “crisis of trust” in the CPS and other agencies in the UK criminal legal system for their handling of these cases.<sup>378</sup> The UK CPS also offers a process for survivors to question some aspects of prosecutorial discretion (separate from their complaints process):

The Victims’ Right to Review (VRR) scheme enables victims to seek a review of certain CPS decisions not to start a prosecution or to stop a prosecution. It is an important safeguard in England and Wales in relation to the rule of law. The scheme was launched in 2013.<sup>379</sup>

The UK model of external scrutiny for sexual violence and intimate partner violence is worth considering for British Columbia. Such consideration should include a study of the CPS process, its effect, and any lessons learned. The BCPS should also adopt an internal audit approach to address concerns with coaching, mentoring, and training modules focused on issues related to gender-based violence.

**In British Columbia, an accessible, transparent complaints mechanism, as well as an automatic review mechanism that does not put the onus on complainants, are overdue.** In addition, once these mechanisms are in operation, BCPS annual reports should include reporting on their uptake and outcomes.

There is no question that Crown counsels' discharge of their quasi-judicial function is weighty. They are also afforded the extraordinary privilege of making important decisions that are not subject to any appeal. Given the intractable barriers to survivors in accessing justice, some measure of accountability in an area largely immune from scrutiny is warranted. The above mechanisms offer a path forward to protect the important principles of prosecutorial discretion and independence while bolstering public trust in the administration of justice.

*I also think we should have a Victims' Right to Review Scheme in BC, the way they do in the UK. That way, when Crown wrongly refuses to lay charges, victims have somewhere they can go, even without a lawyer, to receive some redress and make sure their rights and safety are protected.*

—Survivor

#### 4.2.4. Next Steps: Criminal Legal System

The Review heard about a large number of matters over the course of the year, and not all of them can be thoroughly explored in this Report. These matters include but are not limited to the need for consistent risk assessments, technology-assisted violence, improvements in how victim impact statements are handled, sentencing and corrections, and the need for more diversity of hiring and appointments (for example, more Indigenous justices of the peace are needed). Along with the following areas, these matters require further examination. The working group struck to address [Recommendation 17](#) should be tasked with addressing these and other areas that pose ongoing criminal law barriers for survivors.

##### 4.2.4.1. THIRD-PARTY RECORDS APPLICATIONS

The Review heard considerable concern from support workers and lawyers that there is a rising use of third-party records applications by men who use violence as a further form of control and abuse. The Ministry of Attorney General, in consultation with relevant experts, should consider whether a form of **presumptive evidentiary privilege** (sometimes called a class privilege)<sup>380</sup> could be extended through legislation to safeguard confidentiality of communications between survivors and crisis workers in order to thwart the weaponizing of records applications in cases of gender-based violence.

#### 4.2.4.2. FORENSIC MEDICAL EXAMINATIONS

Lack of access to forensic evidence collection is a barrier for survivors who might want to seek justice in the criminal legal system.<sup>381</sup> This need is especially acute in more remote areas of the province, where sexual health care and community supports are less accessible.<sup>382</sup> In a recent nationwide study, 30% of BC hospitals did not have Sexual Assault Evidence Kits (SAEKs), relied on the RMCP to bring SAEKs, or refused to disclose whether their facility had these essential forensic tools.<sup>383</sup> Medical professionals, along with survivors in British Columbia, have been vocal in drawing attention to the issues related to accessing SAEKs for at least a decade.<sup>384</sup>

##### *PACE Kits*

A BC organization has recently developed a supported forensic self-collection kit for victims of sexual assault, to be used within 48 hours of an assault. The PACE kit<sup>385</sup> is being piloted in two locations in the province: Trail and Terrace.<sup>386</sup> The kit includes forensic tools, user support, and a system for evidence preservation following a sexual assault. Following the collection of evidence, the kits can be securely provided to the police, who will maintain the chain of custody until a survivor decides whether they want to initiate a criminal proceeding.

For survivors who may not otherwise have access to SAEKs, the PACE kit may provide a more accessible means of collecting evidence following the trauma of a sexual assault. In addition to improving access for survivors who live in areas that are underserved by the health care system, these kits may be important tools for members of the 2SLGBTQIA+ community, Indigenous survivors, or others who have faced historical discrimination or a lack of understanding in traditional health care or criminal law settings. However, self-collection is a relatively new option, and issues may arise about admissibility and reliability when their results are offered in court.

**The government, with meaningful input from anti-violence sector organizations, particularly Indigenous and northern community-based organizations, should evaluate the pilot programs in Trail and Terrace to determine the efficacy of making the self-collection initiative available across the province. The results of this evaluation should be shared with federal-provincial-territorial partners.**

#### 4.2.4.3. PUBLICATION BANS

In a criminal proceeding relating to sexual offences, [sections 486.4 and 486.5 of the Criminal Code](#) allow the court to make an order directing that any information that could identify a victim or a witness not be published in any document or broadcast, and not be transmitted in any way. These orders are commonly called publication bans. Publication bans are intended to protect the identity of victims and witnesses.

Since this 2023 change in the Criminal Code,<sup>387</sup> survivors can apply to courts at any time during or after a criminal proceeding to have a publication ban revoked or amended. The Crown is required to make the application on the survivor's behalf, regardless of their own position. With very limited exceptions, once the application is made, the judge is required to revoke or amend the ban. This is to happen without a hearing, unless amending or revoking the ban would affect the privacy interests of any other person who is protected by it. In British Columbia, an application to have a section 486.4 or section 486.5 publication ban varied or revoked can be made by filling out a form.<sup>388</sup>

In accordance with [Recommendation 13B](#), British Columbia should ensure that survivors have access to free legal advice to support them in navigating this process and in seeking the revocation of a publication ban. This is particularly essential when the Crown elects to have the revocation on a publication ban brought to a hearing.

In keeping with the Review's findings about the barriers to survivors that arise from the inconsistent and uneven application of laws and programs across the province, **the province should undertake an evaluation of the effect of this change to the Criminal Code and the provincial policy framework within five years of the date that the change came into force.**

### 4.3. Courts

The Review mandate directs an examination of the treatment of sexual violence and intimate partner violence in the legal system, as well as an identification of ways in which the system as a whole can do better. The provincial government does not have the authority to direct the judiciary on matters such as the content of judicial education or the assignment of judges to cases. Nonetheless, courts are an integral component of the legal system. Accordingly, and given the system-level mandate of this Review, it is necessary to consider how courts treat these forms of violence.

Judicial independence and public confidence in the administration of justice are both keystone principles within the Canadian legal system. The courts take conscientious steps to earn and maintain that confidence, including through regular and updated judicial education programming. However, members of the judiciary are also members of a society that remains replete with myths and stereotypes about survivors of sexual violence and intimate partner violence. While judicial education and incorporating attention to diversity in the judicial appointments process are part of the answer to eradicating these myths and stereotypes from legal processes, they are not a complete solution.

The Review heard from a range of people, including survivors, support workers, lawyers, and organizations representing Indigenous and racialized people that, just as with other legal system actors, there is considerable unevenness in how courts treat survivors of gender-based violence.

One of the major systemic barriers identified by the Review is the lack of evaluation of the measures that have been adopted with the intention of improving the treatment of gender-based violence in the system. In [sections 4.2.2](#) and [4.2.3](#) above, this Review has proposed feedback/evaluation/accountability mechanisms for other legal system actors in an effort to encourage improvement from within, and it offers analogous strategies for judicial consideration here in section 4.3. In addition, this section of the Report provides some suggestions on how to improve courts' coordination of multiple matters related to the same survivor, and flags the need to attend to the issues of courthouse safety and accessibility, along with the topic of testimonial aids. The section closes with some areas for further exploration, including consideration of overlapping criminal/family law models of court specialization.

#### 4.3.1. Maintaining Judicial Independence while Fostering Reflection

There have been improvements in recent years in the judiciary with regard to the treatment of sexual violence and intimate partner violence.<sup>389</sup> Appellate court decisions have given clear direction to lower courts to banish myths and stereotypes about sexual assault and intimate partner violence from their proceedings and to adopt more nuanced understandings of the dynamics of gender-based violence.<sup>390</sup> Judicial education materials have taken up this jurisprudence and translated it into guidance for judges.<sup>391</sup> There have been efforts to revise rules to streamline and simplify court processes, and the practice of publishing annual reports and posting more information on court websites helps the public to understand the work of our courts. The BC Provincial Court has been particularly proactive in the last few years in improving transparency through such initiatives.

However, as previously stated, the Review encountered a disconnect between the generally positive judicial perception of the progress made in the last decade and the more negative experience of survivors and those supporting them through the legal system. There is still room to improve:

Judicial reliance on myths and stereotypes regarding sexual violence and IPV continue to deny women's constitutionally guaranteed right to equal treatment before and under the law, despite substantive legislative change, and more than 25 years of judicial social context education.<sup>392</sup>

Appeal courts continue to find that myths and stereotypes are perpetuated in trial courts, sometimes by judges.<sup>393</sup> Frequently, however, the reliance on these myths and stereotypes is not clearly evident in judgments but instead emerges from study of court transcripts.<sup>394</sup> Currently, the only way to identify and address these examples is through mechanisms that are difficult for the general public to access, particularly for survivors from marginalized populations. Appeals are unavailable to victims in criminal cases. Transcripts are expensive to order, no entity has capacity to review transcripts on a system-wide basis, and court watch programs are not systematically conducted. The net result is

that it is impossible to know with certainty how widely myths and stereotypes are being relied upon in courtrooms. However, research conducted by academics and sector actors and the information collected by this Review from survivors, advocates, and lawyers both suggest that equality-defeating myths and stereotypes continue to flourish in BC courts and that these myths and stereotypes often go unchallenged by judges.<sup>395</sup>

*All decision-makers need to be trained on gender-based violence, hidden abuse, institutional abuse, litigation harassment, financial abuse.*

—Survivor

In order for problematic conduct by a judge to be addressed, the current system relies on: an appeal on grounds concerning conduct that occurred during the lower court proceeding;<sup>396</sup> a complaint to the Canadian Judicial Council (which rarely progresses to the point of a judge being sanctioned); or a complaint to the Office of the Chief Judge of the Provincial Court.<sup>397</sup> Thus, the adoption by judges of myths and stereotypes about survivors comes to light only if a complaint is made public, if an appellate decision discusses the allegation, or if someone happens to be present in the courtroom who makes a media report. In practical terms, there is rarely any public consequence for improper judicial reliance upon myths and stereotypes. Remediation and opportunities for improvement in judicial skills are a matter internal to the judiciary.

Judicial education opportunities are provided regularly to judges, and the substance of judicial education has improved considerably over the decades since it was first developed.<sup>398</sup> Mentorship between colleagues is more common and more strongly encouraged by chief judge and chief justices than in years past. Indeed, there is laudable judicial leadership in the BC courts, conscientiously working to improve the longstanding challenge of eradicating myths and stereotypes that perpetuate inequality from court processes and judicial reasoning.

**Formalizing peer mentoring programs is one promising practice that is unlikely to interfere with judicial independence. Chief justices should continue to encourage a culture of judges seeking advice from colleagues identified as having expertise in gender-based violence and encouraging further education on gender-based violence for those judges lacking confidence and/or experience in these areas.**

As stated in the Canadian Judicial Council's "Ethical Principles for Judges":

Equality, according to law, is fundamental to justice and is strongly linked to judicial impartiality and to public confidence in the administration of justice. Accordingly, judges should ensure that their commitment to equality is unwavering and that their conduct is such that any reasonable and informed member of the public would have confidence in the judge's respect for and commitment to equality.<sup>399</sup>

Independence and equality are two of five enumerated ethical principles and must both be respected. Public confidence that these principles are being respected could be enhanced if the public had some assurance that peer (judge-to-judge) feedback on courtroom conduct and decision-making is a possibility. While the topic is controversial even to raise,<sup>400</sup> it is nonetheless apparent that some form of evaluative and professional development mechanism that is not complaint driven would more effectively address the perpetuation by judges of prejudicial myths and stereotypes about intimate partner violence and sexual assault.

The judiciary could develop its own **case review model** in the form of periodic case reviews by the education committee (for example, reviewing a sample of anonymized transcripts at regular intervals). The results could help to identify potential opportunities for annual judicial education conference sessions both to indicate positive examples in challenging areas and to identify opportunities for internal dialogue and peer mentoring. Taking this step could produce better and more consistent judicial decision-making in the cases that are most susceptible to the operation of prejudicial myths and stereotypes, and it would bolster public confidence in the judiciary and the legal system.

Consistent with the principle of judicial independence, courts need to determine the best mechanisms for evaluation. But public confidence requires that members of the public, particularly survivors, can see that courts are actively addressing the epidemic of gender-based violence within their areas of constitutional responsibility.

#### 4.3.2. Court Coordination

The Review heard that considerable challenges arise for survivors who go through multiple proceedings and received feedback from a variety of stakeholders regarding the need for improved court coordination.

The frequent interplay between intimate partner violence and immigration law can be missed due to the lack of coordination in the legal system. For example, a survivor's status as a sponsored immigrant may place the survivor in a precarious position if the sponsor uses the sponsorship as a form of coercive control, keeping the survivor in a relationship upon threat of deportation if abuse is reported. Indeed, the Review heard from multiple support workers and lawyers about cases in which

violence reported to the police had been followed by threats from an abusive spouse to remove the survivor from a sponsorship application if they cooperated with the police and Crown counsel. Immigration law, though an area of federal jurisdiction, must be part of the analysis in criminal and family law matters.

**Education about the complex interplay between immigration law, criminal law, child welfare, and family law systems is essential for all legal system actors, including judges and Crown counsel.** Precarious immigration status is often a barrier for survivors who fear a loss of legal status if they leave their abusive relationships. These survivors may be even more at risk of serious harm, as they may not have established support networks in Canada. It is crucial to provide appropriate supports (including legal assistance) for survivors whose immigration status is precarious or who are seeking refugee protection in Canada.

A survivor-centered, intersectional approach must be adopted to improve awareness and court coordination in all the areas that a survivor might be encountering, including criminal law, family law, child welfare, and immigration law. Past reports have expressed the need for coordination between law courts in order to improve the treatment and experience of gender-based violence survivors.<sup>401</sup> For example, the 2010 report of the BC Domestic Violence Death Review Panel recommended the development of coordinated legal system approaches, including “[a] review of the opportunities for appropriate information sharing between crown counsel and family law practitioners” and “integrated approaches to enforcing protective conditions included in civil and criminal orders.”<sup>402</sup>

The 2013 Report of the FPT Ad Hoc Working Group on Family Violence identified challenges faced by individuals navigating multiple legal proceedings related to family violence and explored options for coordination and information-sharing across legal proceedings. These options included the implementation of integrated domestic violence (IDV) courts (a model discussed in [section 4.3.4.2](#) below), which at that time had been piloted in several jurisdictions, including New York, Idaho, Vermont, and Toronto.<sup>403</sup> The report noted concerns respecting fairness and due process had been raised in relation to IDV courts; these would require further consideration.

The report also explored the potential for direct communication between judges in concurrent and related proceedings. Direct judicial communication has been used in international cases, particularly in the context of international child abduction. The focus of such communication is not to determine the merits of the respective proceedings but rather “to obtain information about matters such as the custody laws of the other jurisdiction, to assist in managing the case in each jurisdiction more efficiently, and to promote return of the child, including by ensuring that mirror orders are made in each jurisdiction.”<sup>404</sup> The FTP Working Group recommended this model for direct judicial communication in the context of concurrent criminal and family law proceedings in order to improve coordination in some cases.

The National Action Plan to End Gender-Based Violence also identifies “improving coordination between criminal court and family court to better support victims and survivors of family violence, including IPV, and their children” as an area for potential action.<sup>405</sup>

Since one proceeding may not address all of a survivor’s matters (such as financial support, access to children, no contact orders, family property, etc.), parties face added complexities when dealing with conflicting orders. Having concurrent proceedings without an understanding of how outcomes in one process may affect another not only is costly and inefficient but can also create unsafe conditions for a survivor and obscure the use of litigation as a form of abuse by a spouse.<sup>406</sup>

#### 4.3.2.1. COURT COORDINATOR

**RECOMMENDATION 19** The Review recommends that the Ministry of Attorney General and the BC courts work together (in consultation with anti-violence experts and practitioners) to create a Court Coordinator role to gather and manage information across different legal processes.

With this recommendation, the Review adopts the approach suggested in the 2020 Québec Report.

1. The Québec Report recommended the creation of a position of Court Coordinator in the courts to improve the sharing of information between courts and ensure better case coordination and consistency in the decisions rendered.<sup>407</sup> The Québec Report also recommended guidelines for consistent information sharing and case coordination measures.<sup>408</sup> Domestic violence courts and integrated domestic violence courts have used this model.<sup>409</sup>
2. The Court Coordinator could assist the courts and litigants by gathering information that would streamline court processes. For example, a judge could issue a standard order at the first proceeding in a family law case that all relevant documents that are in the public sphere should be before the court and released to the parties. This would include any court orders that relate to the same parties.
3. The Court Coordinator could ensure that all these documents are gathered, subject to privacy and safety concerns. (For example, if the survivor’s address is on a document, that should be redacted before it is made available to the abusive spouse.) Currently, in some instances, unrepresented parties can spend weeks trying to figure out what form is needed to obtain what documents; and represented parties can spend thousands of dollars just to get disclosure to get child support.
4. The Court Coordinator could gather any court orders that relate to the same parties. Often, unrepresented litigants are not sure how to articulate what other systems they have participated in; and even if they have lawyers, their counsel may rely on them to be able to say whether there are other orders relevant to them.<sup>410</sup> Tracking down this

information may be challenging even for a Court Coordinator, but having a dedicated point of contact who has expertise about court systems would lower the barriers for all concerned so that courts do not issue conflicting orders.

*One of the biggest predictors of whether a survivor will return to a violent relationship, particularly given the housing crisis, is whether they can obtain child support. The longer they have to wait through the uncertainty of whether they can obtain an order for support, the more likely they are to have to return to the violent situation. So if courts aren't making that happen right away, then we have a system that's just, you know, actually making violence worse, because when people go back to violent relationships, violence increases.*

—Family lawyer

#### 4.3.2.2. NEXT STEPS: COURT COORDINATION

The Review heard a number of proposals that warrant further consideration with regard to improving court coordination. A joint ministry/courts working group, with advice from anti-violence experts and practitioners, could be formed to look into:

1. models for **coordinating information between criminal, family, and immigration law systems** while addressing safety and privacy concerns; and
2. **earlier and more case management** in relation to cases with concurrent proceedings.

Finally, the courts could consider a small change to pleadings by issuing a **practice direction that pleadings should include an overview section listing any concurrent proceedings, the nature and status of those proceedings, and any existing orders related to them**. This would provide high-level context for all relevant actors, who would not need to dig into details but could avoid running afoul of other proceedings. For example, if a judge hearing a family law matter sees there is another file related to the same family with a “K” in the registry number of the court and Crown file, the judge would then immediately know a case before them involves someone who is part of an IPV criminal case. This is because the Crown IPV Policy<sup>411</sup> states that every IPV case (as defined in the policy) approved for prosecution is designated as a “K” file. The judge may be making decisions about child custody in the family’s case, but because the pleadings overview section lists a concurrent criminal law registry “K” file, even without further details of the criminal case, the judge will at least be aware of the challenging family context.

### 4.3.3. Courthouse Safety and Accessibility

The Review heard from survivors, support workers, lawyers, and experts about barriers and safety concerns for survivors arising from the physical infrastructure of BC courts. While some work is underway to address these issues, there is a pressing need for this work to continue.

**RECOMMENDATION 20A** The Review recommends that recommendations made by the Rise Women’s Legal Centre and the Canadian Bar Association BC with regard to physical infrastructure improvements at BC courthouses be implemented without delay.<sup>412</sup>

A 2022 report by Rise Women’s Legal Centre identified significant safety and accessibility issues in BC courthouses. The report found that in small communities, the lack of physical space in courthouses means that survivors must sit with their abusers in a single waiting area for lengthy periods of time.<sup>413</sup> Some courthouses also lack private spaces for people to meet with lawyers<sup>414</sup> and may only have one entrance/exit, making it easy for survivors to be seen and followed by their abusers when leaving court.<sup>415</sup> As the report observed, particularly in rural areas served by circuit courts, “Getting to court is a serious access-to-justice problem with a disproportionate impact on women, because they are less likely than men to own vehicles, and in many rural and remote communities, transportation is primarily via people’s personal vehicles.”<sup>416</sup> Barriers to accessibility also include the lack of childcare to enable attendance at legal proceedings, lack of access to food and drink in some courthouses, and the location and condition of courthouse washrooms.<sup>417</sup> Courthouses also often lack clear directions about where to go or what to expect, and survivors experience difficulties seeking information from registry staff.<sup>418</sup> The report noted, “Many courthouses have noisy, crowded, and confusing spaces that create significant environmental stressors for participants suffering from traumatic experiences.”<sup>419</sup>

The Rise report made 25 recommendations, including creating paging systems that allow people to go outside the courtroom or into separate areas of the courthouse when waiting for their matter to be called, as well as the creation of safe interview rooms and separate waiting areas (which might simply be trailers in courthouse parking lots in order to avoid costly renovations to existing buildings).<sup>420</sup> Other key recommendations included ensuring courthouses have two entrance/exits that are clearly marked and visible to courthouse staff so that they are not unsafe for women to use, and courthouse navigators to help court users find their way and to answer basic questions. The report also recommended increased funding for support workers<sup>421</sup> and expansion of the role of advocates and support workers to make clear that they can apply for family law protection orders on clients’ behalf under section 183(1) of the Family Law Act.<sup>422</sup> Further, the report recommended that all courthouses have accessible drinking water and vending machines or other source of food; gender-inclusive washrooms; and separate space where people can pray, smudge, or carry out other importance practices. The recommendations also address the need for a comprehensive and accessible

online registry so that people can access their files without paying fees or travelling to a courthouse; allowances for both in-person and virtual appearances; and designated space within courthouses for virtual appearances in cases involving family violence.<sup>423</sup>

### Safe Spaces to Support Justice

The Canadian Bar Association of BC's "Agenda for Justice 2025" includes incisive observations and conclusions about BC courts:

Outdated and deteriorating courthouses put the judiciary, tasked with ensuring safety and comfort in its spaces, on the back foot. British Columbians attending court do not have access to life essentials. Abbotsford courthouse does not have clean drinking water, and the Victoria courthouse is falling apart. People may not be aware that they could spend long days in court without access to food and water.

The shortage of safe spaces causes discomfort and compromises safety. In B.C. courts, survivors of violence might share waiting rooms with their attackers. As women and families seek to permanently escape domestic abuse, separate waiting rooms, interview rooms and entrances/exits help reduce intimidating and potentially harmful interactions. Courthouse spaces for childcare can help survivors of violence who would otherwise need to pay for childcare to attend court.

Courthouses also lack private spaces, pushing lawyers to meet clients outdoors for confidential conversations regardless of the weather. Short on time, legal aid lawyers meeting clients at the last minute do not have private spaces, impacting the effectiveness of their work.

Enhancing confidence in the justice system involves ensuring positive and safe courthouse experiences through improved physical infrastructure.

CBABC recommends the BC government provide adequate funding and support to improve the physical infrastructure of courthouses across the province.<sup>424</sup>

#### 4.3.3.1. TESTIMONIAL AIDS

Related to the issues described above regarding courthouse safety and accessibility is the provision of testimonial aids.

**RECOMMENDATION 20B** The Review recommends that testimonial aids be available in both criminal and family law proceedings.

The Criminal Code identifies a number of tools that may make it easier for victims and witnesses to provide their testimony in court.<sup>425</sup> These are called “testimonial aids” and might include:

1. providing their evidence from outside the courtroom by **closed-circuit television** or inside the courtroom but **behind a screen** so they can avoid coming into contact with the accused;
2. having a **support person** with them while they testify to make them more comfortable;
3. **closing the court to members of the public** for all or part of the hearing.

Although the [Canadian Victims Bill of Rights](#) and the Criminal Code provide survivors with the right to request testimonial aids, there is unevenness across the province about the availability of these supports and how they are offered or ordered. Some survivors and advocates expressed to the Review the opinion that when requested by the Crown, testimonial aids should be presumptive for all sexual assault and intimate partner violence survivors, especially for children and youth. The Review also heard that testimonial aids should be readily available in family law proceedings.

The issue of whether testimonial aids should be ordered is moot if they are simply not available. The Review heard from support workers and counsel that some judges are reluctant to order their provision in rural, remote, and northern communities where it would be a challenge to provide them. A court’s decision in, for example, a criminal case should be based on a consideration of whether the testimonial aid helps the witness provide their evidence and is in the interest of the administration of justice, rather than on the availability of testimonial accommodation in that courthouse.

In 2010, Victim Service Staff in Smithers initiated a Testimonial Aids project for the Smithers Court House.<sup>426</sup> With donations and a grant from a local Credit Union, staff were able to purchase technological aids including: microphones for witnesses, closed circuit TVs, silent courtroom keyboards, a camcorder and tripod, and comfortable furniture for the witness waiting room. Whether these aids are available in courts should not depend upon charity.

#### 4.3.4. Next Steps: Courts

The Review heard about a large number of matters over the course of the year, and not all of them were possible to adequately explore and address in this Report. The following areas require further exploration.

##### 4.3.4.1. HUBS FOR COURT-RELATED SERVICES

The Review suggests the government explore whether it is possible to utilize the hub models discussed in [section 3.6.8](#) above to address some of the needs relating to court access and court services access. For example, as discussed [above](#), Child and Youth Advocacy Centres (CYACs) are hubs that bring together a number of services. BC could consider regional court hubs. Such facilities could:

1. include secure spaces for virtual service delivery such that courts could allow for remote appearances by lawyers and clients;
2. provide for testimonial aids, with reliable internet and equipment, in a secure room;
3. have childcare facilities;
4. provide referrals and other supports.

These things would significantly reduce barriers related to cost and the unpredictability of winter travel. Such a hub requires government to provide the necessary infrastructure.

Allowing and normalizing virtual appearances could greatly increase a survivor's sense of safety, mitigate their sense of intimidation about going to court, and help them to provide better evidence.

In addition, hubs might be able to provide spaces for supervised parenting time and supervised parenting exchange. The latter can be a particularly dangerous time for survivors and children who are witnessing and/or directly experiencing abuse because it is a time of heightened conflict. Having wraparound services available may greatly increase safety.

A number of these objectives and services could be mapped onto hubs that already operate in communities across the province.

#### 4.3.4.2. SPECIALIZED COURTS FOR CRIMINAL AND FAMILY LAW MATTERS

*There should be specific courts designed to handle sexual abuse and domestic abuse. Instead, we got a judge who deals with all criminal trials and seems to not understand the trauma involved with someone who has been sexually assaulted [many] times in their violent marriage.*

—Survivor

The question of specialization is multilayered and cannot be adequately explored within the constraints of this Review. Specialized courts have been recommended in the past,<sup>427</sup> though creating this kind of infrastructure, especially in rural, remote and northern communities, has been identified as a challenge.<sup>428</sup> There is also a tension between the call for all legal actors to be properly prepared to deal with matters of gender-based violence and the desire for specialized, streamlined processes.

This Report does not provide an explicit recommendation in this regard; the epidemic of gender-based violence require a long-term reform process to determine what works and in what situations for which groups of survivors. The question of specialization must be considered in light of the system-wide recommendations made in [section 3](#) of this Report. If those recommendations are implemented, the data strategy and other systemic accountability mechanisms will provide guidance on how best to allocate resources to achieve survivor-centred solutions.

Ideally, all judges should be prepared to handle all cases with skill and confidence, no matter the topic. They, like survivors themselves, would benefit from all counsel being well-versed in the many issues and complicated dynamics of gender-based violence. Given the increasing complexities of laws and society, however, this ideal is likely out of reach. The Review heard from a range of stakeholders that there continues to be considerable unevenness in knowledge levels on the part of judges and counsel, and certainly many litigants and witnesses remain unrepresented. We must therefore look to solutions beyond our high expectations of all members of the bench and bar.

There may be a clear benefit of having judges with a comprehensive understanding of gender-based violence sit on these cases. However, caution should be exercised in determining what it means to be a specialist: people who are seen as specialists by some are not always viewed the same way by others. Furthermore, there is a very real concern about vicarious trauma for those doing unremitting work with very difficult cases.<sup>429</sup> For this reason, it is worth evaluating whether it may be effective to have a specialized court or dedicated list, where the specialized GBV court services are a constant, but the judges and other personnel work on a rotation.

Currently in British Columbia there are a number of specialized courts for criminal law matters: nine Indigenous criminal sentencing courts, an Aboriginal Family Health Court, Vancouver's Downtown

Community Court, two integrated sentencing courts in Victoria and Kelowna, and a drug treatment court in Vancouver. Relevant to the Review mandate are the Duncan and Nanaimo Domestic Violence Courts (established in 2009 and 2013 respectively) and the Remand Courtroom for Domestic Violence Charges in Surrey Provincial Court.<sup>430</sup>

The general rationale for creating specialized mechanisms such as domestic violence courts is that intimate partner violence cases are distinct from many other criminal matters and require unique responses. According to the BC Ministry of Justice, distinct features of intimate partner violence cases include the likelihood of repeat violence and complex, ongoing ties between the perpetrator and the victim.<sup>431</sup> Specialized court models have arisen in part due to evidence that traditional legal system processes struggle to effectively respond to these cases and to adequately meet the needs of victims.

*Train all judges and masters on gender-based violence and control and coercion. Only trained judges with gender-based violence training should make decisions on these cases.*

—Survivor

Past recommendations calling for specialized courts, units, or positions are premised on the idea that they may improve decision-making by bringing specialized knowledge, experience, and processes to bear. Specialized courts might also address barriers for victims accessing the legal system, including court delays, revictimization, and safety concerns. The BC Representative for Children and Youth has also reported that specialized courts may yield higher conviction rates in part because victims are less likely to recant.<sup>432</sup> However, some past reports have raised the question whether standalone specialized courts are the right approach to combatting sexual violence and intimate partner violence.<sup>433</sup> These courts may not be viable for rural, remote, or northern communities. Instead, some experts and advocates suggest that individual specialists and sexual violence and IPV mechanisms should be spread throughout the system.

The Québec Report recommended establishing a specialized sexual assault and domestic violence court in the Court of Québec with a view to serving all of Québec by taking urban and regional realities into account.<sup>434</sup> As noted by the FREDA Centre in a 2021 report on specialized courts:

Integrated and specialized court systems in other jurisdictions have shown promise ... though they require certain features to succeed, including streamlined sharing of information, specialized training and knowledge on family violence, active judicial monitoring and safeguards to protect privacy and due process.<sup>435</sup>

Two approaches have been tried in the past: specialized mechanisms such as domestic violence courts, and specialized lawyers and judges who focus on those cases. The answer may lie somewhere in between. One model bridges these two approaches, the dedicated list model. Since 2016, the Remand Courtroom for Domestic Violence Charges has operated in Surrey Provincial Court.<sup>436</sup> All matters related to IPV charges other than trials are heard in one dedicated courtroom. The matters include bail, applications to change bail, guilty pleas, and sentencing hearings less than thirty minutes long. According to the Provincial Court website, Crown counsel are assigned to this courtroom for extended periods. But it might be efficacious to also assign a judge with a comprehensive understanding of the relevant issues and dynamics of intimate partner violence.

The dedicated list model reduces delays in dealing with these matters, an approach which past recommendations favour because reduced delay increases the likelihood of ongoing survivor engagement with the process. The model also builds expertise for all personnel involved. However, it is important to be aware that those personnel, particularly the Crown counsel who are assigned to the dedicated list court for long periods, can also experience adverse effects from vicarious trauma.

**Each of the following three specialized court models warrants further consideration by government and the judicial system in the quest to improve how family law cases unfold for survivors of violence. Given that issues that arise in the criminal law context regarding the retraumatization of survivors also arise in the family law sphere, it would be worth exploring whether some of the procedural innovations that seek to mitigate those effects (such as testimonial accommodations) could improve how family law matters proceed.**

*I was seeking a protection order or a conduct order and had to endure 5 years of emotional abuse before a judge finally warranted it. I was hoping there would be more understanding of emotional abuse and how to identify a perpetrator.*

—Survivor

### *Unified Family Court (UFC)*

The Québec Report is one of several processes that have recommended exploring a unified family court (UFC) model.<sup>437</sup> In recommending that the BC government establish a UFC, the CBABC noted that various studies such as that by the 2005 Family Justice Reform Working Group have recommended a unified family court.<sup>438</sup> In supporting this model in 2025, the CBABC pointed to the overlap in family law jurisdiction between the different BC courts:

The Provincial Court deals with over half of family law cases but this court doesn't have jurisdiction to decide division of assets and debts. The Supreme Court has jurisdiction over all family law issues but has fewer locations and more complex procedures. The overlap in jurisdiction is confusing and wastes scarce resources for families who are already going through a difficult and stressful time. The creation of one court to deal with all family law issues, known as a Unified Family Court, would help simplify the process. Funding is readily available from the federal government and UFCs have seen success in seven other provinces. A UFC provides one efficient and effective access point to direct matters to the appropriate legal service or offer alternative resolution options. The new court would increase access to justice, reduce the emotional distress and help save time and money when dealing with family disputes.<sup>439</sup>

The Review heard from family lawyers that despite recommendations from the CBABC and others, the UFC model has not gained traction in British Columbia. For the reasons identified in past reports, it is worth exploring.

### *One Judge–One Family Model*

The “one judge–one family” model is a specialized family court model in which a single judge is assigned to each family law matter, following the case from beginning to end. The Québec Report recommended that Québec “design and implement a One Family, One Judge pilot project for sexual assault or domestic violence cases involving both the Criminal and Youth divisions to harmonize and improve their progress and processing.”<sup>440</sup>

*So far I have seen three different judges and only one seemed to understand the situation I was in and finally assisted with a conduct order.*

–Survivor

Although one past report suggested that the one judge–one family system may not be possible with limited resources, especially in smaller centres,<sup>441</sup> a family law expert offers the opposite opinion:

Although it may appear impractical to establish IDV [integrated domestic violence] courts in rural areas or small communities, these areas are often serviced by single judges, who would be well placed to implement a one judge/one family model, provided they had the requisite unified jurisdiction.<sup>442</sup>

### *Integrated Domestic Violence (IDV) Courts*

A variation of the one family–one judge model integrates family and criminal cases: one judge hears both criminal and family matters pertaining to the same family.<sup>443</sup> This is referred to as an integrated domestic violence (IDV) court. Where IDV courts are not in use, information sharing protocols between family and criminal matters may still be helpful:

Jurisdictions without the resources to implement IDV courts can develop information sharing protocols to avoid inconsistent orders in different courts, while being mindful of the risks of information sharing. For example, direct judicial communications have been used in international child abduction cases and could be useful for coordination involving the same parties within a jurisdiction as well. These communications have also included safeguards for ensuring procedural fairness, as judges are directed to focus on the process and not the merits of the case. These information-sharing protocols, as a starting point, can assist in coordinating courts without requiring significant resources for developing an integrated court system.<sup>444</sup>

Development of these types of protocols are worth exploring given the longstanding challenges in this area of law. Again, violence in the family law context is qualitatively different from violence in a context where the parties are unlikely to maintain contact and some form of relationship. The complexity of this kind of violence cannot be underestimated, and the challenges arising from it has spillover effects in other parts of the system. For example, inconsistency between orders from criminal court and family court for the same family can not only cause additional turmoil for the family but also affect the ability of police, Crown counsel, child welfare workers, judges in later court proceedings, and others as they attempt to comply, monitor, uphold, or interpret the orders. **Consideration of these specialized court models by a Ministry of Attorney General working group is warranted.**

#### 4.4. Restorative Approaches to Addressing Gender-Based Violence

*There is no justice. Just us living with legal trauma that is completely avoidable.*

—Survivor

*I hoped that the legal system would stop him from hurting me again, or harassing me.*

—Survivor

*I also hoped that they would force him to get counselling, as this wasn't his first offence. But because there was no record, they didn't do anything.*

—Survivor

*I found it most difficult wrestling with the idea, [for four months], on whether or not I should tell anyone there had been physical violence, and whether or not I should report such a thing, and whether or not it would ruin our daughter's life, his life, and my life, and if it would become the biggest regret of my life to report it, because I recognized if I did report it, those words couldn't be taken back and the impact could not be undone. I really wish someone would have encouraged me and supported me in that big decision. But no one ever discussed it with me or mentioned it to me.*

—Survivor

**RECOMMENDATION 21** The Review recommends that the Ministry of Attorney General create a working group to explore the use of restorative responses to sexual violence and intimate partner violence in BC.

The working group should:

- have representation from a range of institutional actors (including the judiciary), community-based actors (including anti-violence sector organizations and those that provide survivor support), and Indigenous organizations (those leading justice strategies and those that focus on gender-based and family violence);
- include and be informed by anti-violence experts and experts in restorative approaches; and
- learn from existing experience, knowledge, and information sharing, both from initiatives already underway in BC and from other provinces and jurisdictions.

In the criminal legal system, there is an often unreconcilable tension between the presumption of innocence owed to an accused perpetrator of violence and the anti-violence movement's #webelieveyou approach to survivors. The beyond-a-reasonable-doubt standard of proof is a very high threshold for determining that an accused is a perpetrator of violence, especially in circumstances lacking witnesses or corroborating evidence. The difficulty in meeting the threshold is exacerbated by the devaluing of gender-based violence and the ongoing presence of myths and stereotypes throughout society and therefore throughout the legal system.

The Review mandate focuses on the legal system's treatment of sexual violence and intimate partner violence. While there are steps that can be taken to improve the way the current system operates, there are limits to the changes that can be made to this fundamentally adversarial system, which is intentionally designed to protect the rights of the accused. Therefore, it is necessary to consider methods of addressing these pervasive forms of violence that fall outside the criminal legal system's current approach. While there is not sufficient scope to fully explore alternative pathways in this Report, this section briefly discusses where that exploration of restorative responses might begin.

In recent years there has been a growing consensus that the criminal legal system retraumatizes survivors and may not meet their needs for relief or redress.<sup>445</sup> As noted in section 2, the barriers to survivors accessing the legal system remain entrenched. In addition, in some cases, survivors suffer violence from someone they not only know but love, someone they consider family, with whom they may have children and do not wish to see jailed, particularly given the starkly disproportionate over-incarceration of marginalized members of some communities.

*I did not initially mention ANY physical violence, because I was warned that any physical violence shared would and must result in criminal charges, which I was very afraid of for him.*

—Survivor

These realities are among the factors that have prompted exploration of restorative or transformative justice approaches.

Restorative justice (RJ) is defined as achieving justice in a way that involves, to the extent possible, those who have a stake in a specific offence or harm to collectively identify and address harms, needs and obligations in order to heal and put things as right as possible. Most scholars and advocates agree that beyond any specific application or process, RJ pursues justice based on a recognition of human dignity and interconnectedness.<sup>446</sup>

Transformative justice [is] an approach to justice that investigates the crime, as well as the context in which the crime occurred, to uncover and address oppression.<sup>447</sup>

Restorative justice and transformative justice are related concepts, and both garner considerable debate.<sup>448</sup> However, “properly understood restorative justice and transformative justice are aligned: they are both aimed at interpersonal and social/structural transformation.”<sup>449</sup> For the purposes of this Report, the common ground between these concepts is discussed, which is that both incorporate restorative principles in designing processes to address harms to survivors of gender-based violence:

Restorative principles require a non-adversarial, inclusive, and collaborative approach. They oblige us to focus on facts and issues in context rather than in isolation, and on accountability and responsibility rather than liability or blame. These principles underscore that in seeking answers, we can develop clear understandings, acknowledge harms done, and develop practical reforms.<sup>450</sup>

The [BC First Nations Justice Strategy](#) has a two-track approach, first to reform the current system and second to restore and rebuild Indigenous justice systems. Restorative justice owes much to Indigenous knowledge and understandings of justice, but it is often conflated with Indigenous legal approaches to addressing harms. While there is some overlap, Indigenous laws exist independent of Canadian laws, and efforts to transform the legal system or build other justice pathways cannot undermine or replace the self-determined and self-governed work of Indigenous justice—though these efforts must be aligned.<sup>451</sup> With respect to Canadian legal reforms to address gender-based violence, the BC government also needs to adopt a two-track approach.

**It is apparent that a reimagined approach is required for addressing the legal system’s treatment of intimate partner violence and sexual violence.** The current system is not being replaced any time soon. However, it is a fundamentally flawed way of addressing these forms of violence and requires reform. In addition, as stated in the BC GBV Action Plan, “It is essential that survivors know they have options for alternatives to the criminal justice system and policing systems.”<sup>452</sup> What those options might be is not completely clear. The BC government does support a number of alternative measures and programs in the province, some of which are restorative justice programs and some of which operate in Indigenous contexts.

As in many jurisdictions, British Columbia in the 1990s placed a moratorium on the use of restorative justice processes in GBV cases in most contexts.<sup>453</sup> Although many sexual assault cases remain excluded from alternative measure programs in BC, there is not a complete ban, and the province is investigating the potential of restorative approaches for addressing gender-based violence.<sup>454</sup> While some advocates continue to outright reject these approaches as inappropriate in GBV cases, others wish to consider the conditions under which these processes may enable survivors to have agency in seeking accountability and redress on their own terms for the harms they have experienced while avoiding the destructiveness of what is perceived as a broken legal system.<sup>455</sup>

The Alberta courts introduced a restorative justice pilot project in 2022 called the [Honourable Beverley Browne—Wîyasôw Iskweêw—Restorative Justice Committee Pilot Project](#). The first phase involves only criminal matters, with later phases to expand restorative practices into family and civil matters. In Nova Scotia, a research initiative is underway to support a restorative approach to multiple proceedings (RAMP) in gender-based domestic violence situations, a promising practice that addresses the harms caused by the interface or gaps between criminal and family law systems.<sup>456</sup> Various jurisdictions internationally have restorative processes that explicitly address gender-based violence in prescribed circumstances.<sup>457</sup>

A 2021 dialogue in BC explored the potential of restorative justice in the context of gender-based violence. That discussion between anti-violence experts, restorative justice practitioners, and Indigenous and immigrant leaders centred on the reality that very few survivors report their experiences of violence to police.<sup>458</sup> Framing this reality as a longstanding access to justice issue provides important context for understanding the potential of restorative justice to provide a measure of community empowerment for addressing violence outside the legal system.<sup>459</sup> In addition, it must be understood that “a restorative approach to justice offers more than efficient and effective alternative practices and programs.”<sup>460</sup> It reveals the need to engage systems in the work of justice:

A restorative approach to justice redraws the traditional lines around where the work of justice belongs. It cannot be only the work or responsibility of the justice or legal system. Dealing with the root causes of injustice and creating the conditions for justice requires attention from many systems and sectors. A restorative approach to justice demands comprehensive multisectoral attention, action and investment to secure public safety and justice.<sup>461</sup>

Many survivors seek outcomes that are consistent with restorative processes, but there are significant barriers to accessing such processes, including moratoriums on their use for certain offences and a lack of legal protections for participants and their disclosures.<sup>462</sup> There are additional nonlegal barriers to accessing restorative processes, including negative attitudes from the public, legal community, and anti-violence advocates; significant resource constraints for organizations that offer restorative processes; and underdeveloped relationships between legal actors and organizations that provide restorative processes.<sup>463</sup> There is a need for considerable capacity-building. Among other concerns, there is a lack of qualified facilitators with a strong understanding of the dynamics of gender-based violence and with the necessary judgment to ensure a trauma-informed process.<sup>464</sup>

Restorative approaches offer promise, but certain conditions must be in place before they are a viable alternative. The design of any restorative process must incorporate an intersectional lens, as discussed throughout this Report. This means engaging with marginalized, disproportionately affected survivors of gender-based violence to ensure the process will be welcomed rather than directly or

inadvertently causing further harm. Moreover, any restorative approach adopted must be properly resourced to ensure adequate capacity and training of facilitators so that they can lead in a way that will not cause more harm.

Despite the concerns and risks, the 2021 BC dialogue identified possible benefits of using restorative approaches in GBV cases, including:

... a flexible approach to meet the diverse needs of victims/survivors; meaningful accountability through a non-punitive approach; avoiding the harms of the mainstream criminal justice system; and supporting healing and transformation for victims/survivors, offenders, families and communities.<sup>465</sup>

In 2024, the ALRC also canvassed the risks and potential benefits of using restorative justice to address sexual violence, concluding:

Even with these risks, restorative justice offers powerful potential to give control and a voice back to people who have experienced sexual violence. It can hold people who are responsible for sexual violence to account and connect them with treatment and other services.<sup>466</sup>

Ultimately, the ALRC recommended the adoption of legislation to make well-governed, safe restorative justice widely available for sexual violence cases, where it is appropriate and desirable.<sup>467</sup> The ALRC also recommended the development of national guidelines for the safe delivery of restorative justice for sexual violence, with input from people who have experienced sexual violence, sexual violence services, Aboriginal Community Controlled Organisations, community organisations (including those representing groups who are disproportionately reflected in sexual violence statistics), and restorative justice researchers and providers.<sup>468</sup>

**If managed carefully and with appropriate safeguards in place, restorative processes have the potential to respond more comprehensively to the needs of both survivors and perpetrators.** Restorative processes, if adequately funded and with feminist anti-violence experts involved, may provide survivors with greater control over their pursuit of justice and offer supports to perpetrators in their healing, growth and efforts to make amends. **In the process of doing this, restorative processes open up space to inform and support the more fundamental transformations of justice responses that still need to come. In light of the low reporting rates and ongoing barriers to survivors in the BC legal system, the time has come to move forward on this potential pathway to accountability.**

## 5. Implementation, Monitoring, and Evaluation

The Review began with the knowledge of the weight of unimplemented or insufficiently evaluated past recommendations. The Review's systems-level analysis revealed a number of institutional barriers that prevent system change and a number of barriers that prevent individual survivors from accessing the legal system. The recommendations made in this Report are aimed at addressing these complex systemic problems.

### 5.1. Implementation

The Review has identified not only a lack of implementation of past recommendations but also a failure of accountability in ensuring that where implementation has occurred, it has been effective. It is common for recommendations such as those made in this Report to be initially accepted but to have their implementation overtaken by pressing new political priorities of the day. The Review proposes that the following steps be taken in the immediate term to move forward implementation of the Review's recommendations:

1. The government should introduce a motion in the legislature to declare that gender-based violence is an epidemic in British Columbia ([Recommendation 1](#)). This will raise awareness and support public education about the scope and challenge of irradicating gender-based violence ([Recommendation 4A](#)).
2. The government should create a strong internal government accountability mechanism with the authority to lead the efforts to prevent and address gender-based violence in BC and to champion implementation of the recommendations ([Recommendation 2](#)).
3. Within three months of the Report's release, the government should establish an implementation committee to examine the Review's recommendations and determine steps for implementation. The implementation committee should:
  - a) include senior members of the ministries connected to the Review's mandate, one of whom should be the co-chair;
  - b) include anti-violence sector experts, one of whom should be the co-chair;

- c) given the overlapping issues and the need for a whole-of-government response to the epidemic of gender-based violence, coordinate with the deputy minister portfolio table that is responding to the 2024 RCY report;<sup>469</sup>
  - d) be prepared to address the systemic barriers identified in the Report so as to reduce siloing, increase accountability, factor in the cost of inaction, and apply an intersectional lens;
    - i) make a timeline and plan for investing in prevention and for rebalancing the allocation of funding among various parts of the public safety ecosystem, including nonprofit and community-based services;
  - e) seek guidance from the BC GBV Action Plan Advisory Council and MACIW in determining steps to implement the Review's recommendations;
  - f) monitor progress on implementation by posting quarterly updates on a publicly accessible tracking webpage; and
  - g) provide an annual report on implementation progress to the legislature, for three years.
4. In order to further explore the areas described in the various Next Steps sections of the Report, the Attorney General should create a series of cross-sectoral working groups with the expertise to consider how best to implement the steps identified in the Legal System Recommendations.
- a) These working groups should include experts from inside and outside the government and institutions implicated in this Review.
  - b) The working groups should be established within six months of the Report's release.

Next, within one year of this Report's release, the following recommendations should be enacted through legislation:

1. Create an independent Gender-Based Violence Commissioner to provide system-wide leadership and accountability and to act as a bridge between government and expertise within the sectors that lie outside of government ([Recommendation 3](#)). The legislation establishing the position should include a mechanism to ensure transparency and reporting to the legislature.
2. Amend the Coroner's Act to legislate a standing Gender-Based Violence Death Review Committee ([Recommendation 7](#)).

3. Create a legislative mandate for a five-year review and update cycle for the VAWIR policy to ensure that the policy framework keeps pace with changes in law and society ([Recommendation 9](#)).
4. Provide the legislative framework for the collaborative gender-based violence data strategy, including the ability to compel the production or disclosure of data if necessary, pursuant to the data strategy ([Recommendation 8](#)).
5. Enact proposed changes to the Family Law Act ([Recommendation 10](#)).
6. Enact legislative changes to mitigate the improper operation of myths and stereotypes in civil and administrative law related to gender-based violence ([Recommendation 11](#)).
7. Provide an annual public-facing report on implementation of the Review's recommendations for the next three years.

## 5.2. Monitoring and Evaluation

One of the stated priorities of the BC GBV Action Plan is “learning from and monitoring our progress.”<sup>470</sup> As discussed throughout this Report, monitoring and evaluation of implementation and initiatives are essential but often neglected forms of accountability. If we are to improve the legal system’s treatment of sexual violence and intimate partner violence, then the implementation of the Review’s recommendations needs to be tracked, with monitoring and evaluation to determine their effectiveness. The government response to the Review must identify who is responsible for doing what tasks, and there must be both transparency about how that work is progressing and frank assessment of what is not working when things do not progress. This section offers some suggested models to support monitoring and evaluation of implementation of the Review’s recommendations.

First though, the government must determine its objectives in order to design measures that evaluate whether those outcomes are met. While legal outcomes (for example, the number of convictions or acquittals) are relevant data points for policy development, they are not the only or even most important indicator of women and gender diverse people’s safety and well-being. It is necessary to define what “success” should look like in order to design data collection systems that can effectively measure progress on key objectives. A 2018 report from the federal Department of Justice noted the complexity of measuring “success” for survivors in the criminal legal system, and it highlighted potential indicators of “success”:

One measure of success is conviction rates. That measure may not reflect the “quality of the process, the relative difficulty of the case, or the experience of the victim.” Other key elements in measuring “success” are:

... reduced reliance on myths and generalizations in decision-making; increased reporting; increased referral rates from law enforcement; increased collaboration with other professionals; victim input being solicited and respectfully considered; introduction of all relevant and probative evidence; exclusion of irrelevant evidence; protection of victim privacy and safety consistent with fair trial rights; support for victims throughout the process; trial strategies which expose predatory behaviour and educate the fact finder; and appropriate sentences reflecting the seriousness of the crime and reduced incidence of sexual violence.<sup>471</sup>

Different actors may hold different views about many of these elements, and the Review is not endorsing each suggestion. Indeed, as noted in [section 4.4](#), success may lie outside of the criminal legal system for some survivors. However, the list of objectives provides some indication of the considerations that government should give to defining its desired outcomes for the path ahead within the BC legal system. **The one outcome the Review identified that is shared widely between the relevant actors is the desire for our families and communities to be safer. This should be the bedrock and benchmark of the path toward accountability.**

The government needs to ensure its response to this Review dovetails with the initiatives already underway in the National Action Plan to End Gender-Based Violence, the BC GBV Action Plan, the BCFNJC Justice Strategy, the IWJP, the Métis Justice Strategy, and the response to the RCY report, among others. **It is absolutely essential that any action taken by British Columbia to address gender-based violence employs an intersectional analysis in order to prevent known barriers to survivors being replicated in any new work and to “actively work to deconstruct systemic barriers and power imbalances and ground our actions in humility, co-creation and consensus.”<sup>472</sup>**

The BC government has accountability requirements for public sector organizations set out in the [Budget Transparency and Accountability Act](#). The BC Auditor General has steadfastly worked over the years to improve the government’s provision of accountability markers to the public.<sup>473</sup> The federal Treasury Board has a Policy on Results that sets out baseline requirements for departmental accountability for monitoring and evaluation.<sup>474</sup> These are helpful starting points, but with regard to implementation of anti-violence recommendations, there are other models to draw upon. First, the BCFNJC Justice Strategy [Tracking Justice](#) tool is a transparent and useful way to share the implementation status of the Strategy’s lines of action. The [Indigenous Women’s Justice Plan](#) calls for “an easily accessible, public space where criminal and social justice actors such as Government bodies, Police, Courts, and Organizations responsibilities and progress are tracked and plainly reported.”<sup>475</sup> These are positive steps towards transparency about where things stand regarding the implementation of these strategies’ various elements.

In its 2015 annual report, the now shuttered PODV stated that it had developed an evaluation framework in partnership with Kwantlen Polytechnic University that was intended to incorporate cross-jurisdictional data in support of the continued assessment of the Provincial Domestic Violence Plan's progress.<sup>476</sup> This Review was not in a position to assess the effectiveness of that framework, but if it is still useful, the government can avoid reinventing a wheel.

The New Zealand government's [Te Aorerekura Action Plan](#) ("Breaking the Cycle of Violence") established an Outcomes and Measurement Framework (OMF) in 2023:

The OMF is one of the integral ways that progress of the Action Plan will be measured. The OMF sets out **two levels of outcomes** that are the intended results of implementing Te Aorerekura.

1. Longer-term outcomes are the 25-year results that we want to see for people, families and whānau, and system transformation. These are high-level and express the overarching intent of each shift.
2. Short-term outcomes specify what we will see over time as we progress towards the longer-term outcomes. These describe in simple language what success looks like.<sup>477</sup>

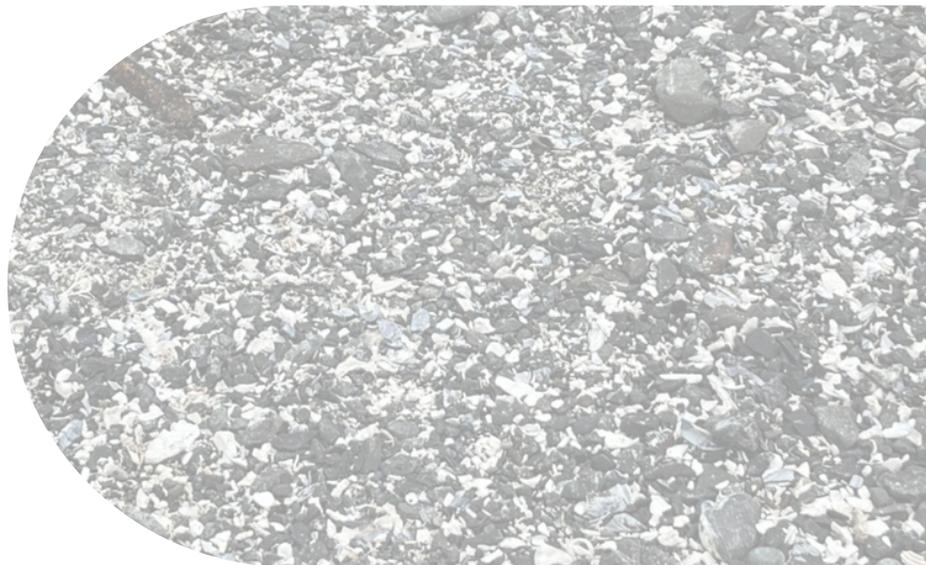
Notably, the OMF requires quarterly performance reporting and annual reporting on the intended short-term outcomes of Te Aorerekura. The OMF also uses a number of tracking tools<sup>478</sup> that are worth considering for adaptation in British Columbia.

The monitoring and evaluation work that flows from this Report should align with any monitoring and evaluation that the government has already undertaken in reference to the National Action Plan to End Gender-Based Violence and the BC Gender-Based Violence Action Plan.

In any event, **the important next step is to act in a collaborative, whole-of-government way** to improve the treatment of intimate partner violence and sexual violence in British Columbia. The Report provides a roadmap to addressing the systemic barriers and barriers to individual survivors identified in [section 2](#), first by addressing the systemic changes needed and then by focusing on the legal system itself. However, the legal system changes will only be useful and sustainable if the systemic changes are made.

Wider accountability and change require elimination of silos, increased commitment to evaluation and monitoring, investment in prevention, and adoption of intersectional analysis from the design stage of any initiative onward. This will ensure that the needed innovations will not be thwarted by ongoing structural barriers.

At the same time, a reimagining of what justice can look like is called for by those inside and outside the legal system: small changes are not sufficient to solve complex problems. The preventive and restorative approaches recommended in this Report can set the province on a more constructive path to addressing gender-based violence. It is time to use these tools to improve the lives of survivors and to make all of us safer.



## 6. Conclusion

*How many women have to die?*

—Transition house worker

During the course of the year in which this Review took place, reports of femicides and sexual assaults filled the news across the world, in Canada, and in British Columbia.

In the fall of 2024, a case proceeded in a French court, trying a man and the dozens of other men he had arranged to rape his wife while she was unconscious. The fifty accused ranged in age from 27 to 74, lived in the surrounding area of the husband’s village, and included firefighters, truck drivers, tradespeople, and a journalist.<sup>479</sup> Several had previous convictions for domestic violence, but most had no criminal record. Most pled not guilty to the charge of rape.<sup>480</sup> The trial was striking for two reasons. First, the extraordinary courage of the survivor, Gisèle Pelicot, and her decision to waive her anonymity and have a trial in the open—in her words, making “shame swap sides” from the victim to the rapists.<sup>481</sup> Second, the shock that seemed to permeate the public that the rapists were essentially average members of their communities, earning them the name “Monsieur-Tout-Le-Monde (Mr. Everyman).”<sup>482</sup> It seemed difficult for people to fathom that so many men would penetrate an unconscious woman and further that they would not see such an act as rape.

In the fall of 2024 and winter of 2025, Nova Scotia recorded seven intimate partner femicides in the course of a few months.<sup>483</sup> This spate of killing occurred less than five years after a mass shooting in the province that began with a man’s assault on his longtime and badly abused spouse, leading to a joint provincial/federal inquiry that shone a spotlight on gender-based violence.<sup>484</sup>

In British Columbia, there were 21 femicides in 2024 (in Nanaimo, Chilliwack, Surrey, Vancouver, Abbotsford, Sq’ewqel First Nation, Lumby, Richmond, Sicamous, Maple Ridge, Okanagan Region, Montrose, and Langley).<sup>485</sup> Vanessa Renteria, a refugee woman who had sought help from her abusive spouse, was killed by Surrey RCMP,<sup>486</sup> underscoring the barriers faced by marginalized women who experience intimate partner violence.

From August to December of 2024, 15 Indigenous people were killed by police in Canada.<sup>487</sup>

As this Review ends, in London, Ontario, a high-profile trial concludes of five Hockey Canada team members, accused by a young woman of sexual assault. Her nine days on the stand, answering hundreds of questions in cross-examination by five separate legal defence teams,<sup>488</sup> remind survivors every day of why the decision to come forward cannot be taken lightly.

And in a striking echo of the Pelicot case, CTV aired journalist Avery Haines' investigative documentary "Sleeping with the Enemy" on May 31, 2025, describing a "massive global network" of men, including many across Canada, who have drugged their wives and girlfriends, videotaped sexually assaulting them, and uploaded the videos to public porn sites, all without the women's knowledge and consent.<sup>489</sup>

The BC GBV Action Plan is built on the assertion that "gender-based violence is preventable."<sup>490</sup> If we circle back to this Report's Introduction and Linda Light's list of themes from her 2012 review of 33 years of recommendations, it is clear that we have long known what needs to be done. We just need to it.

Why do we repeatedly commit to addressing gender-based violence but fail to live up to this commitment? What causes this disconnect? [...]

The result of this disconnect is the normalization of gender-based violence: the acceptance that violence is a routine feature of our society. [...]

We need to bridge this disconnect by mobilizing a "whole of society" response.

If we want to end gender-based violence, whether it will take 10 years or a generation, we need to act right now.<sup>491</sup>

The courage of survivors and the lives of those who did not survive must propel us into action.

So be brave.

Take leadership, create accountability and do what needs to be done to walk with survivors, their families, and communities toward a safer life.

## Appendix 1: Facts about Gender-Based Violence

*Everyone has the right to live free from violence. However, many people in Canada continue to face violence every day because of their gender, gender expression, gender identity or perceived gender. This is referred to as gender-based violence (GBV) and it is a violation of human rights.*

—Women and Gender Equality Canada (WAGE)<sup>492</sup>

Gender-based violence is a type of harm that is mainly perpetrated by men, with a disproportionate impact on women and gender-diverse people. Gender-based violence can be “verbal, physical, sexual, emotional, psychological, financial, online—or a combination of any of these—and includes violence committed by a spouse or intimate partner, family members, acquaintances or strangers.”<sup>493</sup> Gender-based violence is “a complex social issue rooted in patriarchal political, social, and economic systems.”<sup>494</sup>

Intimate partner violence and sexual violence are forms of gender-based violence. They take an enormous toll on survivors, families, and communities and reinforce existing patterns of inequality.

Sexual violence is a broad term that includes any type of sexual activity without consent, including attempted or threatened acts or behaviours.<sup>495</sup> Sexual assault, sexual abuse of children, sexual exploitation, sexual harassment, sexualized threats or intimidation, and nonconsensual sharing of intimate images are forms of sexual violence. Sexual violence is often used as a way to exert power or control over another person.

Intimate partner violence (IPV) refers to behaviours by an intimate partner or ex-partner that cause physical, sexual, or psychological harm. Intimate partner violence includes physical aggression, psychological abuse, sexual coercion, and coercive control. Intimate partner violence can occur in any intimate relationship, regardless of whether the partners live together, the length of the relationship, and whether the relationship is exclusive. Intimate partner violence can happen in heterosexual or same-sex relationships and does not require sexual intimacy.

There are ways in which sexual violence and intimate partner violence overlap. They are both gendered forms of violence that usually occur in private spaces between people who know each other, although some sexual violence is perpetrated by strangers. Sexual violence can be a form of intimate partner violence and vice versa.

While sexual violence and intimate partner violence intersect, there are ways in which they are distinct. Sexual violence can occur outside of intimate partner relationships and there are forms of intimate partner violence that do not involve sexual abuse. The barriers to accessing the legal system for survivors of sexual violence and intimate partner violence overlap but are not always the same.

## A. Sexual Assault

Sexual assault includes any form of sexual contact where consent is not freely given. It includes “[f]orced sexual activity, attempted forced sexual activity, unwanted sexual touching, grabbing, kissing or fondling, or sexual relations without being able to give consent.”<sup>496</sup> Sexual assault is prevalent and disproportionately impacts women. In Canada, 90% of victims of police-reported sexual assault are women and girls.<sup>497</sup> In British Columbia, more than one third (37%) of women over the age of 15 have been sexually assaulted.<sup>498</sup> The rates are higher for certain groups, including Indigenous women (54%),<sup>499</sup> women with disabilities (46%), and sexual minority women (56%).<sup>500</sup>

Men and boys also experience sexual assault, although at much lower rates than women. Based on data from 2018, 11% of men have been sexually assaulted in British Columbia. The rates are higher for Indigenous men (21%), men with disabilities (14%), and sexual minority men (27%).<sup>501</sup>

Survivors of sexual assault experience immediate physical injuries as well as long-term harms to their physical and mental health.<sup>502</sup> Survivors of sexual assault may experience feelings of powerlessness, fear, and extreme violation, which can significantly affect their overall sense of security and view of the world.<sup>503</sup> Survivors may suffer anxiety, depression, sleep disruption and nightmares, hypervigilance, isolation, and detachment.<sup>504</sup> One in five survivors of sexual assault suffer symptoms of post-traumatic stress disorder, and more than a quarter experience difficulty carrying out everyday activities after the assault.<sup>505</sup> Some victims of sexual violence are killed by the perpetrator, and others die by suicide.

## Underreporting

**Sexual assault is the most underreported crime in Canada.** After controlling for other incident characteristics, sexual assault is about **80% less likely to be reported** to police compared to other violent crimes.<sup>506</sup> It is estimated that **only 6% of sexual assaults are reported to police.**<sup>507</sup> By comparison, about 36% of physical assaults are reported.<sup>508</sup> The extremely low reporting rate means that “proportionately, far fewer sexual assaults are addressed by the criminal justice system” compared to other crimes.<sup>509</sup>

## Attrition

“Attrition” in sexual assault cases is “the phenomenon whereby, at each stage of the criminal justice process, some cases do not proceed further, and fewer cases remain or are retained throughout the entirety of the process.”<sup>510</sup> As set out above, the first and most significant point of attrition happens at the reporting stage because the vast majority (94%) of sexual assaults are never reported to police in the first place.

**When sexual assault incidents are reported to police, they do not result in charges or prosecution in the majority of cases.**<sup>511</sup> In 2023, there were 4,458 incidents of sexual assault reported to police in British Columbia.<sup>512</sup> Police classified about 11% of these incidents as unfounded.<sup>513</sup> Of the incidents classified as founded, 1,522 (38%) were cleared by charge.<sup>514</sup>

A significant portion of sexual assault incidents that are cleared by charge do not proceed to court. In 2024, Statistics Canada published a report that compared criminal justice outcomes for police-reported sexual assault with outcomes for physical assaults from 2015 to 2019. In British Columbia, physical assaults were only somewhat more likely than sexual assaults to be cleared by charge (44% versus 41%) but significantly more likely to proceed to court.<sup>515</sup> Whereas physical assaults for which police recommended charges proceeded to court<sup>516</sup> in 71% of cases, only 54% of sexual assault incidents cleared by charge proceeded to court.<sup>517</sup>

National data indicates that when sexual assault cases do get to court, they are as likely as physical assault cases to result in a finding of guilt.<sup>518</sup> However, because of the higher attrition rates at earlier stages of the criminal legal process (decisions to charge and proceed to court), fewer incidents of sexual assault ultimately result in conviction or sentence compared to physical assaults.<sup>519</sup>

## B. Intimate Partner Violence

Intimate partner violence is pervasive in British Columbia. **Nearly half (48%) of women over the age of 15 in British Columbia have experienced intimate partner violence.**<sup>520</sup> The prevalence of intimate partner violence is higher for certain groups, including Indigenous women (64%), LGBTQ2 persons (72%),<sup>521</sup> women with disabilities (62%), women who live in rural areas (54%), and women with household income of less than \$20,000 (55%).<sup>522</sup> The rate is also higher for young women.<sup>523</sup> In British Columbia, the majority of women and girls aged 15 to 24 (66%) and 25 to 34 (55%) have experienced intimate partner violence.<sup>524</sup> Most intimate partner violence happens in people's homes.<sup>525</sup>

Men in British Columbia also report experiencing high rates of intimate partner violence (39%).<sup>526</sup> However, women disproportionately experience more severe forms of intimate partner violence compared to men.<sup>527</sup> Women who experience intimate partner violence are about four times more likely to report being afraid of their partners compared to men (37% of women versus 9% of men).<sup>528</sup> Women who experience intimate partner violence are also more likely to feel controlled or trapped by an abusive partner (43% of women and 24% of men).<sup>529</sup> In Canada, the vast majority of police-reported intimate partner violence involves women victims and male perpetrators.<sup>530</sup>

Intimate partner violence can continue after partners separate. Many survivors continue to experience physical abuse, psychological abuse, intimidation, harassment, and control after they end the relationship. In fact, in some cases, the risk and severity of violence, as well as the risk of lethality, increases after separation.<sup>531</sup> Contrary to the widely-held belief that survivors and their children will be safe *if only they would leave*, a decision to end the relationship with the perpetrator, or communication the desire to do so, is frequently identified as a risk factor in intimate partner homicides.<sup>532</sup>

**It is estimated that 80% of intimate partner violence is not reported to police.**<sup>533</sup> When charges are laid in IPV cases, they are more likely to result in a stay of proceedings<sup>534</sup> and less likely to result in a guilty outcome compared to prosecutions generally.<sup>535</sup>

Intimate partner violence affects women's and gender-diverse people's physical and mental health, both during the violence and throughout their lifetimes and those of their children. The majority (54%) of survivors who report intimate partner violence to police have suffered a physical injury.<sup>536</sup> Hits to the head and face, and strangulation are common forms of physical intimate partner violence, and pose risks of brain injury.<sup>537</sup> These risks are intensified if the violence occurs repeatedly.<sup>538</sup> There is a pressing need to acknowledge and address the prevalence and severity of undiagnosed traumatic brain injuries among survivors of intimate partner violence.<sup>539</sup>

Long-term health problems associated with intimate partner violence include, among other things, chronic pain, sleep disorders, and general reductions in physical functioning or health-related quality of life.<sup>540</sup> Intimate partner violence is also associated with depression, anxiety disorders, post-traumatic stress disorder, suicidal behaviour and self-harm, and alcohol and substance dependence.<sup>541</sup>

Exposure to violence can harm children even when they are not the direct victims of the violence. Childhood exposure to violence is associated with an increased risk of several adverse health and social outcomes, including post-traumatic stress disorder, mood and anxiety disorders, difficulty forming attachments, trouble at school and in adolescence, and substance use.<sup>542</sup> The effects of witnessing intimate partner violence as a child can contribute to intergenerational cycles of violence.<sup>543</sup> Witnessing violence in childhood is associated with a higher risk of violence in intimate partner relationships in adulthood, both perpetration and victimization.<sup>544</sup>

Intimate partner violence also affects survivors' employment and financial well-being. Economic harms to survivors include missed work or reduction in earning ability resulting from physical injuries or mental health problems caused by the violence.<sup>545</sup> Survivors may also miss work as a consequence of participating in legal proceedings. In some cases of intimate partner violence, survivors are cut off from accessing financial resources by the perpetrator or may be required to flee their housing. **Intimate partner violence is one of the leading causes of homelessness for women in Canada.**<sup>546</sup>

### Coercive Control

Coercive control is a form of intimate partner violence. The Final Report of the Mass Casualty Commission set out the following definition of coercive control:

[A] pattern of behaviours to assert control over a person through repeated acts that disempower the other partner in a number of possible ways including through fear for the safety of self or others, removal of rights and liberties or fear of this removal, by isolating them from sources of support, exploiting their resources and capacities for personal gain, removing the victim's rights and liberties, depriving them of the means needed for independence, resistance, and escape, and regulating their everyday behaviour.<sup>547</sup>

Research has identified a strong link between coercive control and intimate partner homicide.<sup>548</sup>

A 2025 Statistics Canada publication identified the following common examples of coercive control:

- social isolation from friends or family, work or school;
- deprivation of basic needs;
- monitoring everyday activities either in person or electronically;
- repeatedly insulting, humiliating, or putting a person down to foster feelings of worthlessness;
- threatening to harm them, their loved ones or pets, or themselves;
- damaging personal property;
- economic abuse and control.<sup>549</sup>

These forms of abuse are prevalent and may continue after separation. In 2018, more than half (54%) of young women aged 15 to 24 in Canada had experienced emotional, financial, or psychological abuse by an intimate partner, and about 28% experienced those forms of abuse during the 12 months leading up to the survey.<sup>550</sup> About 44% of young women in British Columbia had experienced a partner who was jealous and did not want them to talk to other people, 24% had had a partner demand to know their whereabouts at all times, and 18% had experienced harassment from an intimate partner by phone, text, email, or social media.<sup>551</sup>

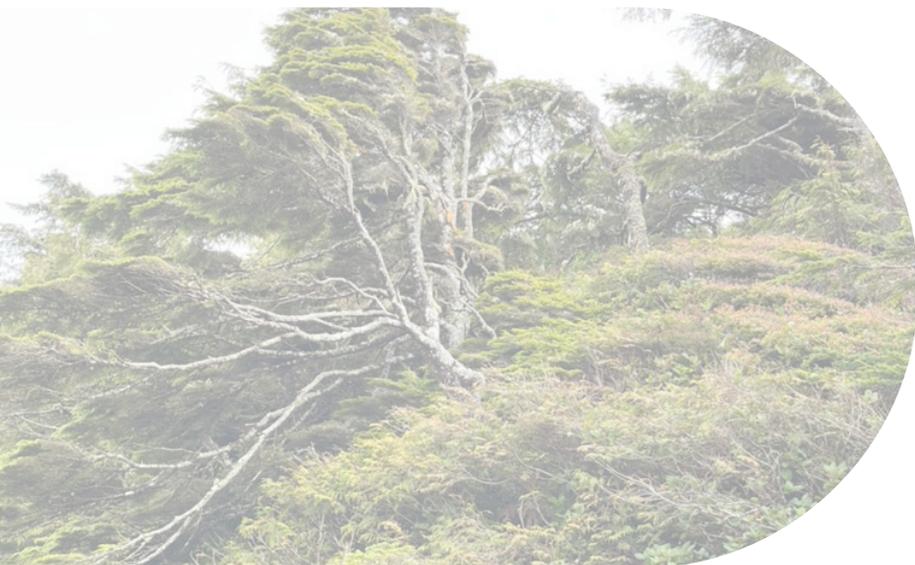
### Intimate Partner Homicide

**Women in Canada are more likely to be killed by an intimate partner than by any other type of perpetrator.**<sup>552</sup> In 2022, the BC Coroners Service reported that about one in ten or 9.4% of reported homicide deaths in British Columbia involved an intimate partner.<sup>553</sup> Nationally, nearly half (46%) of all women victims of solved homicides from 2009 to 2022 were killed by an intimate partner.<sup>554</sup> In 2023, there were 67 victims of intimate partner homicide in Canada, and women continued to account for the vast majority (73%) of victims.<sup>555</sup>

**In 2021, the rate of gender-related homicide of Indigenous women and girls was more than triple that of gender-related homicides of women and girls overall.**<sup>556</sup> Women in rural areas are also 2.5 times more likely to be killed by gender-related homicide compared to women in urban areas.<sup>557</sup> From 2004 to 2014, the rate of IPV homicide was highest in the northern and interior regions of British Columbia and lowest in Metro Vancouver and Island regions.<sup>558</sup>

A history of intimate partner violence against a female victim has been identified as the primary risk factor for intimate partner homicide.<sup>559</sup> Among spousal homicides between 2008 and 2018 in Canada, 60% involved a known history of family violence.<sup>560</sup>

In 2016, the BC Coroners Service Death Review Panel published a report on intimate partner violence deaths between 2010 and 2015 in British Columbia. The panel found that during that six-year period, an average of 12 persons died each year in BC as a result of injuries inflicted by an intimate partner, and 232 women were admitted to hospital for severe injuries.<sup>561</sup> Nearly two thirds of the victims of intimate partner homicide during that period had a known history of intimate partner violence, but fewer than one third had reported the violence to police. Very few of the victims had a protection order. **The vast majority (80%) of victims were killed in their own home.**<sup>562</sup>



## Appendix 2:

# Report on the BC Lived Experience Survey

Compiled by [Dr. Emma Cunliffe](#), University of British Columbia

### A. Introduction

The BC lived experience survey was designed to provide those who have lived experience of violence and the BC legal system a way to give input to the independent systemic review of the BC legal system's treatment of intimate partner violence and sexual violence. The survey supplements other methods being used by the systemic reviewer, Dr. Kim Stanton, to obtain evidence. It was designed to be trauma informed, and measures were taken to ensure that every respondent had access to expert support from an anti-violence support worker before, during, and after completing the survey. This study design likely reduced the number of respondents to the survey, but it also increased the likelihood that the responses we received were genuine.

Open from December 2024 to March 2025, the survey received 30 valid responses (one response was repeated, and the duplicate response was excluded from this analysis). As this provides a relatively small sample size, responses may usefully be compared with those emerging from other qualitative studies of the experiences of survivors of gender-based violence, such as studies conducted by Rise Women's Legal Centre and the BC Women and Children's Hospital. Overall, the experiences reported within the lived experience survey are highly consistent with the findings of these other studies. At the same time, this survey collected rich information from each respondent, and it is the richness and quality of the information we received, together with the intrinsic warrant of the validity of responses that arises from our trauma-informed method of recruiting survey participants that make this study particularly useful.

### B. Who We Heard from

45% of respondents indicated that they live in the lower mainland of British Columbia, and 25% live in another BC city. The remaining 30% of those who provided a response to this question indicated that they live in a small town. Rural respondents were notably absent. This constitutes a limitation in the survey results and may reflect rural residents' relative lack of access to anti-violence support services. Other Canadian research shows that rural survivors of intimate partner violence and sexual violence have distinct experiences from their urban counterparts, and care should be taken not to generalize from these study results to the experiences of all survivors.

Of those who responded to a question about gender identity, 95% self-identified as women, and 5% self-identified as nonbinary or gender-fluid people with lived experience as a trans person.

15% of respondents identified as a member of the 2SLGBTQI+ community, 80% did not identify in this way, and 5% indicated that they preferred not to say.

72% of respondents self-identified as white or other European, 17% identified as Indigenous or Métis, and 10% identified as having another social, cultural, or ethnic identity.

The age at which respondents had their first relevant interaction with the BC legal system ranged from 15 to 50. We defined first relevant interaction to mean the first time a respondent's experience of violence was reported to authorities or was raised in a legal process, or when a respondent decided not to raise their experience in a legal process despite the fact that it may have been relevant. Three respondents were minors (ages 15–17) at the time of their first relevant interaction. Of those who responded to this question, the greatest number were in their 40s at the time of their first relevant interaction with the BC legal system.

The experiences with the BC legal system that were reported in this survey were, for the most part, very recent. 63% of respondents had had their most recent interaction less than a year ago, while a total of 84% were reporting experiences from the past five years or less. We also asked respondents about the time that had elapsed between the violence and their first report being made to the legal system. Of those who responded to this question, 37% reported the violence within 24 hours of it occurring, and 26% reported it more than 24 hours but less than a year after it happened. 26% reported the violence more than a year later, while 10% shared that they had never disclosed violence to the legal system despite the fact that it was potentially relevant to a legal proceeding in which they were involved.

### C. Respondents' Experiences of Reporting Violence

We asked respondents to share information about the circumstances in which their experiences of sexual violence and/or intimate partner violence became relevant to the BC legal system. Their responses reflected the variety of ways in which such experiences can become significant to legal processes. For example, some respondents went to police seeking protection from violence:

*I was having my life threatened so I went to the police for a no contact order.*

Others were hesitant about whether to report their experiences of violence:

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*I did not initially mention ANY physical violence, because I was warned that any physical violence shared would and must result in criminal charges, which I was very afraid of for him.*

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*I did call the police the same day I was assaulted. But I did not push to press charges. Then later I ended up fleeing to a transition house. Then there I filed a police report.*

In some instances, violence was reported by another person:

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*I never reported. After the separation/divorce, during co-parenting, my mother called the police to report....*

Some respondents reported being disbelieved or feeling that they were at fault when they attempted to report experiences of violence:

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*Initially I was seeking assistance to remove my then-partner as I was experiencing emotional abuse/coercive control. I spoke with RCMP and a family lawyer, who both said there was nothing they could do unless he physically harmed me or threatened my life.*

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*I talked to the police. No report was made because it was my fault the sexual assault happened.*

#### D. Respondents' Hopes of the BC Legal System

We also asked respondents to describe what they hoped to achieve when a matter in which they were involved was taken up by police or the BC legal system. A majority of respondents emphasized that they wanted the legal system to intervene to ensure their safety and, for some, that of their children or other family members who had experienced harm:

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*I was hoping for them to help ensure our safety and for protection from him, from his ability to track and find us.*

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*I hoped that the legal system would stop him from hurting me again, or harassing me.*

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*I hoped to get help for a fair separation and divorce. I hoped the police would intervene with the abuse my family was suffering and remove my ex. I hoped they would follow up to ensure our safety from him in the future.*

Some respondents also wanted there to be legal consequences for a perpetrator's wrongdoing:

*I suppose I expected them to stand up for me, protect my rights, and punish my husband for wreaking such life-altering violence against me and my children.*

*I was hoping that he would be charged. I wanted him to be accountable for what he did to me.*

*I was hoping the authorities would be clear on him not following the rules.*

Some respondents expressed concern for the well-being and recovery of the person who had perpetrated violence against them:

*I wanted my partner to receive help. I wanted to be safe.*

*I also hoped that they would force him to get counselling, as this wasn't his first offence. But because there was no record, they didn't do anything.*

A significant proportion of respondents also conveyed (sometimes implicitly) that they hoped to encounter decision-makers within the legal system who would have the time, patience, and skills necessary to recognize violence and abuse, and the resources necessary to respond effectively:

*I don't know why I talked to the police. I was trafficked so it was on me to get out of the situation. They didn't have resources to help me at the time [identifying information removed], they don't have patience to listen to me try to fit the story together.*

*All decision-makers need to be trained on gender-based violence, hidden abuse, institutional abuse, litigation harassment, financial abuse.*

*[I expected that my privacy would be safeguarded by authorities but] was sadly disappointed in this expectation.*

*It is not possible to have support specifically made for spouses who experience sexual abuse in partnerships and domestic violence. The judges are not trained correctly, and the defence attorneys treat the victims in such horrific ways it should not be allowed in the court system.*

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*I was seeking a protection order or a conduct order and had to endure 5 years of emotional abuse before a judge finally warranted it. I was hoping there would be more understanding of emotional abuse and how to identify a perpetrator.*

## E. Listening and Responding to the Needs of Survivors

The lived experience survey asked respondents about the extent to which they felt that the BC legal system and those working within it recognized respondents' needs and helped them. Some respondents reported that they had felt heard and supported by some police, but in many instances, this experience did not produce a more positive overall experience or outcome:

*It was nice to have someone listen to me. The police can't do anything for me. I've never pressed charges because that's not going to go anywhere.*

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*I felt heard and taken very seriously. At first, I was hopeful and optimistic that they could and would definitely ensure that we would be safe and find safety. But after the assignment of my case to a detective in victim services, the detective assigned was very confusing and disappointing to me—no protection offered, no legal recourse directed, no protection order allowed, no help in minimizing his contact or his tracking us down, and no information on my rights to file criminal charges.... I was NOT encouraged to share anything about the physical abuse.*

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*They recognized, or made statements to me that they did.*

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*The police didn't help at all with the rape case. They closed the case maybe a week later because they believed my rapist over me.... The second incident they did their best, at least I believed so, but not soon after he was arrested, he got murdered.*

Some identified that they had received other forms of helpful support from other actors within the legal system:

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*I was fortunate to have a lawyer who worked frequently for free and saved my life. I am deeply indebted to her.*

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*My case was assigned to a community-based victim services worker who was phenomenal and EXTREMELY helpful in many other ways (finding schooling, making a safety plan, acquiring a bank account, accessing some legal documents and identity documents, community resources and support, food banks, finding housing, etc).*

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*Victim services was amazing through this.*

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*My outreach worker did.*

Some respondents felt that their needs had not been heard or addressed:

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*Police did not do anything about the breaches and just warned him multiple times. I felt like the court system didn't believe me.*

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*Crown counsel dropped the charges the weekend before trial. Even though he admitted it in affidavit that he jumped and banged my head on the ground, I got the impression that CC said it was not proof enough or got the impression that it would not be worth their time or taxpayers' money.*

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*For the first four years of my ex's violence, I was on Legal Aid. My initial Legal Aid lawyers could not even read the entirety of my case in their allotted time because of the legal mess my ex and his lawyer created.*

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*Most workers took a benign impartial view, which was very traumatizing.... The overall feeling is that the entire legal system does not care about my safety and is happy to extract money while they participate economically in my facing violence.*

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*Very few can help, police are limited, lawyers are limited, the courts were useless, child protection staff are limited. The entire system is broken and disjointed, which makes it impossible to seek pure safety, a positive resolution when fleeing an abuser and feeling safe. The system and police are broken.*

Others emphasized that their needs were only seen or met because they persisted after initially feeling disbelieved or misunderstood:

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*So far I have seen three different judges, and only one seemed to understand the situation I was in and finally assisted with a conduct order.*

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*The second time my ex lied and had the police show up the night before court ... [T]he Supreme Court Judge could see the level of institutional violence ex was capable of...*

## F. Losing Control

We also asked respondents about the extent to which they felt able to control what information about them was shared, with whom, and what happened within the legal process. We asked how that sense of control or its lack affected their decision-making. Overwhelmingly, respondents indicated that they felt little or no control:

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*I have zero control.*

---

*I was never contacted. The [identifying information removed] crown counsel never received or processed any report of the violence. I felt out-of-the loop, misinformed, and completely helpless on next steps, just hoping somehow, someone would miraculously see our legal and safety needs and step in to help us stay safe.*

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*I had zero control. Zero.*

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*My identity was leaked. They didn't do their job, I didn't talk to anyone about what happened. Made me feel very unsafe.*

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*I felt like I didn't have any control.*

One respondent connected this lack of control within the legal system directly with her experience of coercive control:

*Coercive control eradicates control. Coercive control that is litigation harassment and institutional violence eradicates control. Violence is intended to eradicate control.*

Another linked this lack of control to the inadequacy of legal aid funding:

*On Legal Aid you have little control. Especially with a highly complex case.... You are desperate and constantly forced to cut corners on your own case. It is TERRIFYING. Can you tell a judge you are experiencing violence and be believed? Not entirely. Can you tell a judge you are experiencing litigation harassment? No.*

Only one respondent indicated that she felt she had some power to decide what happened with her information. This respondent indicated that she believed her experience was not universal:

*My outreach worker was really good about asking me when she wanted to share information or my story. It was not the same for any other people.*

## G. Finding Support

We invited respondents to reflect on sources of support they had as they navigated the legal system. Numerous respondents indicated that anti-violence workers and victim support workers had been invaluable sources of practical support and help:

*The [identifying information removed] women's shelter has been the only place where I've found any help.*

*[My] community-based victim services worker ... was phenomenal and EXTREMELY helpful in many other ways.... I also found respite, emergency housing, care, resources, support, food, clothing, funding help, goal setting help, executive function help, and ultimately, second-stage long-term housing help through the [identifying information removed] Women's Transition Home.*

*Victim services and counselling services. They were both amazing. They believed me and supported me the best they could.*

*My Outreach Worker and CBVS worker [were] amazing.*

*I accessed resources for women seeking safety and found some of them very helpful.*

One respondent specifically identified that she had found the exclusion of victim services workers from a family law case conference difficult:

*In family case conference you aren't allowed any support. I would have liked to have community-based victim services or another support from the anti-violence sector there to advocate for me.*

Some respondents identified that they had relied on family, friends, and supports available through their workplace:

*I had supportive family members, most notably my mother. She helped me financially and emotionally. I had a few friends who were tirelessly supportive.... My workplace was understanding.*

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*My family were amazing.*

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*I had a few friends who were supportive.*

---

*Friends*

Many respondents identified the importance of obtaining access to mental health services. In addition to a comment above that identifies the importance of counselling services, examples include:

*Privately paid for psychotherapist. Privately paid for [Eye Movement Desensitization and Reprocessing (EMDR)] trauma therapist.*

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*I accessed counselling and found it somewhat helpful.*

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*I later had an amazing counsellor.*

One respondent identified other, nonhuman sources of support:

*The ocean is my solace. There is almost nothing in the human world that can be believed in.... I undertook endless exercise. Exercise was the only thing that could match the uncomprehensible stress I was under.*

Two others simply responded:

*I had no source of support. I had no resources, or legal advice. I had to dig deep down inside and find the reserves to fight this battle all on my own. Some days I feel that my anger is all that is keeping me alive.*

and

*No.*

## H. The Hardest Things

We invited respondents to reflect on what had been the hardest things about their experience with the BC legal system. Some expressed how traumatizing it was that they continued to feel unsafe while trying to get the legal system to intervene to protect them:

*I also feared for my life. That is terrifying. My ex was so brazenly misusing the courts and police I had no trust that if I was killed it would be understood for what it was: gender-based violence. I also currently believe that my ex will not stop until he has killed me from stress.*

*I was forced to charge him despite my fears for my life.*

*Both admitting that I needed help and acknowledging the severity of the situation, and then having to “convince” others the severity of my situation*

Others expressed that they were disbelieved and felt that they were judged for seeking a remedy through a legal process:

*The way no one believed me, and [they] treated me as though I was the one in the wrong for reporting the violence committed against me.*

*As previously explained, the system is broken and treats victims horrifically. I would never recommend anyone putting themselves on the Stand in an attempt to seek justice from sexual assault or domestic abuse. The victims always lose.*

*The hardest part was trusting the police at all. The inappropriate comments and behavior made it really hard to trust them. Also, the fact that they didn't even go through a court process because the rapist had a "better story" even though I had been drugged.*

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*That it felt that I wasn't believed and that my abuser was given the benefit of the doubt.*

Some identified how lonely and isolating they had found it to make decisions about the legal process, often without good advice or support:

*I found it most difficult wrestling with the idea [for four months] on whether or not I should tell anyone there had been physical violence, and whether or not I should report such a thing, and whether or not it would ruin our daughter's life, his life, and my life, and if it would become the biggest regret of my life to report it, because I recognized if I did report it, those words couldn't be taken back, and the impact could not be undone. I really wish someone would have encouraged me and supported me in that big decision. But no one ever discussed it with me or mentioned it to me.*

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*The legal system was confusing and complicated. There was much about family law that I did not understand, and it is costly to pay lawyers to explain this. I availed of every free resource I could find, but for a lawyer to represent my interests was very expensive. I had to decide between what was fair vs what was affordable (and not really affordable...).*

As did the respondent quoted in the previous comment, some others mentioned the financial cost of seeking legal remedies as something that compounded other hard things:

*6 figures lost.... All the money lost, I couldn't work, I had mental health issues, the post-separation abuse worsened.*

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*The impact of having to attend court so frequently. My legal aid lawyer only got paid for in-persons in courts so in-person we went. I think we went in 35 times to Supreme Court. That means 35 days off work, not to mention the trauma. Not the mention all the lawyer time and prep and getting information. This massively impacted my professional employment and work relationships and reputation. Legal [processes] necessitated taking leaves from work. This is a strong contributing factor to my ongoing poverty.*

One respondent identified that the hardest thing is knowing that, even if she becomes a victim of crime, she would not report that victimization:

*I don't tell the police anything now. If I'm a victim of crime I suck it up and keep it to myself.*

## I. What Would Have Made a Difference

Our respondents had a lot of ideas about how the BC legal system could be improved. Some focused on specific features of the court system, including the expense and delay associated with seeking legal remedies for violence, how time-consuming it can be to interact with the legal system, and the challenges that arise from courts and other services operating predominantly during business hours:

*For me to get a fast-track into full custody, so that down the road, I didn't encounter so many difficulties and stressors in trying to navigate systems and meet my daughter's needs.... Overall, the system made it very clear that no one wanted to help us until I had custody rights, yet the wait for any family court custody to begin was over a year, just to BEGIN the process, and I have no idea if the process will ever end.*

*Most situations happen after hours or on weekends when my lawyer is not working and therefore I felt I had no support during that time. It wasn't a RCMP issue as there wasn't an order in place so therefore I couldn't call them, and I couldn't get an order in place because he wasn't physically violent. I felt very vulnerable during those times.*

*Attending these appointments was a second job.*

*Do not allow child support to be addressed individually. This needs to be administered centrally, calculated centrally, money provided to the under-resourced parent, and money collected by resourced parent WITHOUT ANY INTERACTION BETWEEN THE PARENTS.*

*A safe person to talk to right after it happened.*

Similarly, many identified the importance of having access to high quality, accurate, affordable legal advice, and system navigators to assist victims and survivors:

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*Actual legal counsel. I was given many untrained victim assistance providers with no legal experience and tons of misinformation, and that was a waste of my time and energy.*

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*I had zero access to navigate the legal system. Victims of crime need lawyers to represent our interests to police and Crown counsel.*

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*Free legal support without eligibility criteria.*

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*No limits on legal aid representation. Do not pressure targeted women. No person should have to self-represent if they don't explicitly want to.*

The importance of having effective complaints mechanisms and offices tasked with upholding victims' rights and holding system actors accountable for their decision-making was also highlighted:

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*I also think we should have a Victims' Right to Review scheme in BC, the way they do in the UK. That way, when Crown wrongly refuses to lay charges, victims have somewhere they can go, even without a lawyer, to receive some redress and make sure their rights and safety are protected.*

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*We also need an independent complaints procedure to handle public complaints against Crown counsel the way we currently have for police. We even have a public complaints procedure for judges. No public officials should ever be above the law in the way they are.*

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*Ban and bar abusive Lawyers. The existing complaint for legal and lawyer misconduct is insufficient and sides with the lawyer. Remove grey zones in ethics and code of conduct of lawyers so more psychopathic lawyers are caught early and de-barred.*

Many respondents also emphasized the importance of training judges and other legal system actors or otherwise taking steps to ensure that there are expert decision-makers in cases involving intimate partner violence and sexual violence:

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*There should be specific courts designed to handle sexual abuse and domestic abuse. Instead, we got a judge who deals with all criminal trials and seems to not understand the trauma involved with someone who had been sexually assaulted [many] times in their violent marriage.*

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*Trauma informed members of the legal community, including judges who know about coercive control, forms of intimate partner abuse and violence, and implications for survivors seeking safety and security. Police officers who are aware of coercive control etc.*

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*That there was more of an understanding around the financial disparities.*

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*Train all judges and masters on gender-based violence and control and coercion. Only trained judges with gender-based violence training should make decisions on these cases.*

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*I wish that there was more understanding around the micro-aggressions of family violence.*

Some respondents also emphasized that the legal system would be improved if perpetrators were held accountable through that system and/or if system features that allow perpetrators to perpetuate their control and abuse were addressed:

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*Clear accountability on his part. Instead of giving him break after break, tell him in the face, you are abusive, you are financially abusive, you are psychologically abusive, you must stop this. There needs to be FINES in provincial court to stop these men from playing the victim card and ruining our lives. There are no consequences.*

---

*Do not allow visitations to be weaponized.... Monetarily fine perjurers—determine the fine amount based on a percentage of their CRA income, not a set fine amount so it is actually dissuasive (and not the “cost of doing business”—business here meaning brutality).*

## J. How Respondents' Personal Identity Affected Their Experiences

We asked respondents to reflect on whether their personal identity affected their experiences within the legal system. Of those respondents who answered this question, 55% believed that their personal identity had made a difference. We asked these respondents to explain why or how their personal identity had affected their treatment or experience.

Many of the respondents who felt they had been treated differently identified that they felt their experiences had been shaped by their gender or that they had approached the process differently because of their socialization as a woman. Some concluded that this had worked to their disadvantage within the system. Some respondents reported the persistence of myths and stereotypes about sexual violence and intimate partner violence within officials' attitudes to them:

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*I am a female so that means I have less resources, less savings, less economic ability to pay for legal protection. It means I am projected after divorce to be a single mother. It means that I will be needing child support. I means I need to navigate an insufficient child support system that has no teeth and allows misbehavers to have low-no consequences for their bad behaviour. As a mother, it means I am misbelieved that I love my child.*

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*One of my first interactions was with the Family Justice Counsellor in my area. His approach at my first intake appointment indicated to me that he was already siding with my ex husband. He said things like "... if you're going to ruin his life and take his family away..." I assume this was because I was the woman in the relationship.*

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*Because I am a woman, all of the authorities I came into contact with (MCFD, Crown Counsel, CVAP, the Legal Services Branch of the Ministry of the Attorney General), treated me like I was the one in the wrong.... Everywhere I went, every official I met within the legal system let me know that they believed that women are vindictive, that women lie, that women lie about being raped, and that what I was reporting was very bad and very unfair for my husband. I just didn't matter to anyone in the system at all.*

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*I am a woman. I did everything by the book, he did not. Yet they awarded him by allowing him to repeatedly go to court, repeatedly abuse legal aid despite my many complaints to them, repeatedly hire incompetent lawyers that cost me money because they kept filing wrong forms*

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*I think being a woman is still very difficult fleeing domestic violence.*

One respondent reported that when they became the subject of a coercive mental health intervention, their identity as a person who identified as nonbinary and trans led to further harms:

*When I was apprehended under the mental health act, there was a push to place me (someone who was sex trafficked by men) in a group home for men. I guess because I didn't identify as woman, so I must go with the men.*

## K. What Would You Tell a Friend?

The survey asked respondents to tell us how they would advise a close friend who found themselves in a similar situation to that of the respondent. The answers we received to this question revealed a very low level of trust in the effectiveness of the BC legal system, specifically in its capacity to keep women safe:

*Kill your abuser and move to another province because no one is going to believe you.*

*I would tell them not to say anything and try to source private protection. My partner was not going to be punished and never was.*

*I think that anyone who hears what happened to me will be very reluctant to report domestic and sexual violence. I ended up so much worse off. Not only was I humiliated and demeaned by every and all officials, denied even basic respect and dignity for my person, but I ended up being the victim of further criminal victimization [identifying information removed].... The system in BC is not safe for women to report. Women are not safe reporting domestic and sexual violence: we will be placed at greater risk if we report; we will be victimized further if we report. Reporting to authorities is very, very dangerous for women in BC.*

*The justice system does nothing. At best it may do some "damage control" if you fight for your family.*

*RUN!!!*

Some respondents offered practical advice to others about how to keep themselves safe and how to navigate the BC legal system:

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*I would suggest calling a [transition] house to get extra support (I now work at one) before going to the cops and to have someone supportive be there with you when reporting. If they don't want to report, I would fully support that decision as the police are awful.*

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*Definitely would tell her to contact an outreach worker at a community agency for support. It really helped me because I had someone to turn to.*

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*Document everything.*

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*I would advise to read and learn as much as possible about family law so that they could maximize the value of the paid time with lawyers to consult about their specific situation. I would advise that unfortunately the legal system is not structured for fairness, and the wealthier party/the party with the most perseverant and obstructive approach will have the advantage. I would advise to still report to the police, apply for legal aid, apply for FJC but not to hope for their needs to be met there.*

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*You have rights as a domestic abuse survivor, you can press criminal charges yourself, if the police don't. It is good, helpful, and right to report ALL domestic abuse, including any physical violence. The police and legal system are less helpful to nonphysical violence/ abuse victims. The police and legal system are more helpful only to those who experience physical violence, because other forms of abuse are not considered criminal offenses. The most important thing is safety. It is VERY BEST to cut off all ties from your abuser and avoid any contact with him or anyone who knows him. And just make a completely new, clean, separate and safe life, with new people, completely away from him (your abuser). Let go of any and all ties to belongings, people, jobs, networks, friends, or anything that might drag you back into any contact with your abuser—it's not worth risking your safety. Everything can be replaced—furniture, belongings, friends, jobs, cars, homes, EVERYTHING. And even the baby books and photos and family heirlooms that cannot be replaced are actually much less important than your safety, so just let them all go, as though they were burning up in a fire. You may miss them, but it can't be stopped, and it's certainly not worth risking your life and safety just to reclaim a few or a lot of sentimental items. And I wish I could say, but each victim needs to make this decision for themselves. But if I could convince them in the heart, I'd wish I could convince them—DON'T GO BACK TO HIM! NEVER GO BACK! You CAN do this! YOU CAN LIVE WITHOUT HIM! And things will get better, much better. It's just really, REALLY, REALLY, REALLY hard at first when you have absolutely nothing and you miss him so much and are so afraid for your life and confused why love hurts so much.*

## L. What Surprised You about the BC Legal System?

We asked respondents to tell us what had surprised them most about the BC legal system. Respondents reflected that the BC legal system seemed to be unprofessional and poorly organized or to operate in an ad hoc, nonexpert, or piecemeal manner and that these features left the system open to being manipulated by abusers:

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*How messy and unprofessional and uneducated the whole situation was.*

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*I was surprised at how complicated and elitist the system is. I was surprised at how little intervention a survivor or victim can expect in ensuring their safety. I was surprised that professionals in the legal system, who are being paid very well, still do not have a basic understanding of intimate partner violence, abuse, coercive control, or the impacts of these on women, mothers, people of lesser income.*

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*I'm surprised at how many court appearances they allow him to have, how they allow baseless applications with very little proof to go through, how the court registry makes so many mistakes.*

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*It was so expensive to have a lawyer and that legal aid is so limited in hours and such a lower quality level of service than a regular lawyer. And that the whole system of family court is so slow-moving and hard to navigate. That each city within BC handles their domestic violence and spousal abuse department and services SO DIFFERENTLY!*

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*The lack of respect of a victim. The lack of response. The lack of training. How long it takes.*

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*Legal is the cornerstone of our society. I learned brutally that it was widely able to be weaponized by a resourced abuser.*

## M. Closing Thoughts

Our final survey question was an open one: is there anything else that respondents would like us to know about their experiences in the BC legal system that hasn't been addressed in previous questions? Respondents reflected in their answers on a wide range of other matters, including the importance of offering education and support to survivors of intimate partner and sexual violence, regardless of means:

*I would love to see educated legal supports, lawyers, and victims rights offered to survivors of domestic violence.*

*We need subsidies to help middle class women. I live in poverty as a result of this. And I do not qualify for anything.*

One respondent reiterated her view that the legal system treats survivors appallingly, to an extent that becomes retraumatizing:

*Sexual abuse survivors are treated badly from the onset of the report. Police officers who judge and ask insensitive questions, lawyers, judges, the defence attorney. The entire process was horrific.*

Another reflected on the continuing toll of having fought for an outcome she could live with:

*When I first began seeking a separation, I was terrified. I was met with many barriers to satisfaction, including my ex intimidating and threatening me and my children the entire time. I accepted less than fair child support, less than fair division of assets in the interest of a faster, cheaper conclusion, and to stop my ex from harassing me. It was all worth it, and I am living a happier and safer life now. After our divorce was complete, my ex still harassed me and my children for years while he fought the judge's order on child support almost every month despite enrolling in the FMEP. My youngest child will turn 19 this year, and I will not be pursuing child support while he is in postsecondary school even though I would legally be entitled to it. Fairness is not worth the terror of allowing my ex into my life longer than necessary.*

In some instances, we have also incorporated answers we received to this question into our analysis of answers received to previous questions.

A wide, flat, sandy beach under a cloudy sky. The sand is light-colored and shows some subtle ripples and textures. The horizon line is low, and the sky is filled with soft, grey clouds. The overall mood is calm and serene.

“The ocean is my solace.”

## Endnotes

- 1 In May 2024, the Government of British Columbia established an independent systemic review of the BC legal system's treatment of sexual violence and intimate partner violence ("the Review"). See the Review website, <https://ipvsvreview.ca/>. See also the government webpage on the Review, <https://www2.gov.bc.ca/gov/content/justice/about-bcs-justice-system/justice-reform-initiatives/systemic-review>. The Government appointed [Dr. Kim Stanton](#) to conduct the Review.
- 2 Linda Light, "Violence against Women and Their Children in BC: 33 Years of Recommendations" (Ending Violence Association, April 2012), [https://endvaw.ca/wp-content/uploads/2015/12/33\\_year\\_of\\_vaw\\_recs\\_vf\\_april\\_24\\_2012.pdf](https://endvaw.ca/wp-content/uploads/2015/12/33_year_of_vaw_recs_vf_april_24_2012.pdf).
- 3 That said, the Review did hear from survivors, both in person, in writing and via an anonymous survey made available by Dr. Emma Cunliffe, Professor at the Allard School of Law, University of British Columbia, with trauma-informed supports made available to respondents. See [Appendix 2](#) for a summary of the survey results.
- 4 Adam Cotter, "Criminal Justice Outcomes of Sexual Assault in Canada, 2015 to 2019" (Statistics Canada, Juristat catalogue no. 85-002-x, November 6, 2024), <https://www150.statcan.gc.ca/n1/pub/85-002-x/2024001/article/00007-eng.pdf>, p. 3.
- 5 Shana Conroy, "Spousal Violence in Canada, 2019" (Statistics Canada, Juristat catalogue no. 85-002-X, October 2021), <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00016-eng.pdf>, p. 3.
- 6 Statistics Canada, "Self-Reported Sexual Assault since Age 15 (Table 35-10-0166-01)" (December 2, 2020), <https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=3510016601>.
- 7 Statistics Canada, "Intimate Partner Violence, since Age 15 and in the Past 12 Months, by Selected Characteristics of Victim (Table 35-10-0205-01, British Columbia)" (January 10, 2023), <https://doi.org/10.25318/3510020501-eng>.
- 8 See Karen Foster, "Crime Prevention and Community Safety in Rural Communities" (April 2022) <https://masscasualtycommission.ca/files/commissioned-reports/COMM0053824.pdf>.
- 9 In making this recommendation, the Review endorses a recommendation of the Canadian Bar Association of BC, "Agenda for Justice 2025" [hereafter "CBABC Agenda for Justice"] (January 2025), [https://www.cbabc.org/CBAMediaLibrary/cba\\_bc/pdf/A4J/2025/Agenda-For-Justice\\_2025.pdf](https://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/A4J/2025/Agenda-For-Justice_2025.pdf), p. 14:
 

[T]he BC government [should] establish data collection and disclosure standards across government agencies to identify and address major inequalities in our justice system. Collecting quality data, including disaggregated data, around the demographics of British Columbians who interact with the justice system will provide the government and other stakeholders with the information needed for reform.
- 10 Two recent anti-violence sector reports focus on urgent issues for survivors related to protection orders and peace bonds. Released in late 2024, the reports contain much more detail and offer many recommendations: Haley Hrymak, "Protection Orders in BC and the Urgent Need for a Specialized Process and Coordinated Reform" (Rise Women's Legal Centre, December 2024), <https://www.womenslegalcentre.ca/publications/protection-orders-in-bc>; and Hannah Ellison, Summer Rain, Tina Ye, and Angela Marie MacDougall, "Justice or 'Just' a Piece of Paper? A Report

- on the Findings of a Community-Based Study” (Battered Women’s Support Services, November 2024), [https://www.bwss.org/wp-content/uploads/BWSS\\_Justice-or-Just-a-Piece-of-Paper.pdf](https://www.bwss.org/wp-content/uploads/BWSS_Justice-or-Just-a-Piece-of-Paper.pdf). For further discussion of these reports, see [section 4.1.4](#).
- 11 In 2020, Québec’s Comité d’experts sur l’accompagnement des personnes victimes d’agressions sexuelles et de violence conjugale conducted a comprehensive review of legal and nonlegal supports for survivors of sexual violence and intimate partner violence. The 21-member expert committee’s 2020 final report, “Rebâtir la confiance (Rebuilding Trust)” [hereafter “Québec Report”], included 190 recommendations to improve legal processes and social supports for survivors in the province: <https://www.quebec.ca/justice-et-etat-civil/systeme-judiciaire/processus-judiciaire/tribunal-specialise-violence-sexuelle-violence-conjugale/rapport>. See the English language summary of the Québec Report: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/org/SCF/publications/violences/Synthese-Rapport-Rebatir-confiance-VA.pdf>.
  - 12 See Haley Hrymak, “Creating Safety in BC Courts: Key Challenges and Recommendations” [hereafter “Rise Safety Report”] (October 2022), <https://www.womenslegalcentre.ca/s/Creating-Safety-in-BC-Courts-Rise-Womens-Legal-Centre-2022.pdf>; and CBABC Agenda for Justice (cited above). See also Vicky Law and Stephanie Melnyk, “Building Inclusive and Accessible Family Justice: Practical Approaches to Innovate Family Law Systems in BC’s Rural and Remote Communities” (October 2024), <https://www.womenslegalcentre.ca/s/Building-inclusive-and-accessible-family-justice-report.pdf>.
  - 13 See the Review website: <https://ipsvsreview.ca/>. See also the government webpage on the Review: <https://www2.gov.bc.ca/gov/content/justice/about-bcs-justice-system/justice-reform-initiatives/systemic-review>. The Government appointed [Dr. Kim Stanton](#) to conduct the Review.
  - 14 United Nations, “Violence against Women a Global Epidemic” *UN News* (November 25, 2015), <https://news.un.org/en/audio/2015/11/606852>. See also United Nations Secretary-General, “Violence against Women, Girls May Be World’s Longest, Deadliest Pandemic, Secretary-General Warns in Message to Group of Friends Commission Event” (press release, SG/SM/21195, March 22, 2022), <https://press.un.org/en/2022/sgsm21195.doc.htm>; and Mass Casualty Commission (Joint Federal/Provincial Commission into the April 2020 Nova Scotia Mass Casualty), “Turning the Tide Together: Final Report of the Mass Casualty Commission” [hereafter “Final Report of the Mass Casualty Commission”] (March 2023), <https://masscasualtycommission.ca/final-report/>, “Volume 3: Violence,” <https://masscasualtycommission.ca/files/documents/Turning-the-Tide-Together-Volume-3-Violence.pdf>, p. 274. In 2014, the United Nations Special Rapporteur on the Rights of Indigenous Peoples reported that the rates of missing and murdered Indigenous women and girls in Canada are “epidemic”: James Anaya, “Report of the Special Rapporteur on the Rights of Indigenous Peoples, Addendum: The Situation of Indigenous Peoples in Canada” (A/HRC/27/52/Add.2, July 4, 2014), <https://digitallibrary.un.org/record/777907?ln=en&v=pdf>.
  - 15 The Review acknowledges that this is a country of legal pluralism, with multiple Indigenous legal orders operating in the same territories as Canadian laws. Given the scope of the mandate, the Review has focused on the Canadian criminal and family law systems in British Columbia.
  - 16 Cotter, “Criminal Justice Outcomes of Sexual Assault in Canada, 2015 to 2019,” p. 3.
  - 17 Conroy, “Spousal Violence in Canada, 2019,” p. 3.
  - 18 Statistics Canada Table 35-10-0166-01 (cited above).
  - 19 Statistics Canada Table 35-10-0205-01 (British Columbia) (cited above).
  - 20 Additional information can be found in [Appendix 1](#).

- 21 Shana Conroy, “Recent Trends in Police-Reported Clearance Status of Sexual Assault and Other Violent Crime in Canada, 2017 to 2022” (Statistics Canada, Juristat catalogue no. 85-002-x, April 26, 2024), <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2024001/article/00006-eng.pdf>, p. 3.
- 22 Statistics Canada Table 35-10-0166-01 (British Columbia).
- 23 Loanna Heidinger, “Violent Victimization and Perceptions of Safety: Experiences of First Nations, Métis, and Inuit Women in Canada” (Statistics Canada, Juristat catalogue no. 85-002-X, April 26 2022), <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2022001/article/00004-eng.pdf>, p. 25, Table 3. Note the statistic is reported differently in Statistics Canada Table 35-10-0166-01.
- 24 Statistics Canada Table 35-10-0166-01.
- 25 Conroy, “Recent Trends in Police Reported Clearance Status of Sexual Assault and Other Violent Crime in Canada, 2017 to 2022,” p. 4.
- 26 Cotter, “Criminal Justice Outcomes of Sexual Assault in Canada, 2015 to 2019,” pp. 3–4.
- 27 Statistics Canada Table 35-10-0205-01 (British Columbia).
- 28 “LGBTQ2” is the category term used by Statistics Canada in its data collection.
- 29 Statistics Canada Table 35-10-0205-01 (British Columbia).
- 30 Adam Cotter, “Intimate Partner Violence in Canada, 2018: An Overview” (Statistics Canada, Juristat catalogue no. 85-002-X, April 26, 2021), <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2021001/article/00003-eng.pdf>. Women who experience intimate partner violence are significantly more likely than men to report being beaten, choked, injured, threatened with a gun or a knife, or sexually assaulted: Canadian Centre for Justice Statistics, “Family Violence in Canada: A Statistical Profile, 2014” (Statistics Canada, Juristat catalogue no. 85-002-X, January 21, 2016, corrected December 7, 2021), <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2016001/article/14303-eng.pdf>. See also the Public Health Agency of Canada webpage “Family Violence: How Big Is the Problem in Canada?” (updated May 31, 2018), <https://www.canada.ca/en/public-health/services/health-promotion/stop-family-violence/problem-canada.html>.
- 31 Canadian Centre for Justice Statistics, “Family Violence in Canada: A Statistical Profile, 2014.”
- 32 Conroy, “Spousal Violence in Canada, 2019,” p. 11.
- 33 In 2023/24, intimate partner violence prosecutions resulted in a stay of proceedings in 47% of cases, whereas prosecutions generally resulted in a stay of proceedings in only 35% of cases: BC Prosecution Service (BCPS), “Annual Report: 2023/24,” <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/reports-publications/bcps-annlreport.pdf>, pp. 21–22. About half of all stays of proceedings directed by Crown Counsel involve some form of consequence for the accused, including a guilty plea in a different case or a referral to alternative measures (p. 16).
- 34 In 2023/24, 55.5% of concluded files (across all types of offences) resulted in a guilty outcome, whereas only 37.5% of completed intimate partner violence files resulted in a guilty outcome: BCPS Annual Report 2023/24 (ibid), pp. 21–22, Tables 8 and 9.

- 35 Jean-Denis David and Brianna Jaffray, “Homicide in Canada, 2021” (Statistics Canada, Juristat catalogue no. 85-002-X, November 21, 2022), <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2022001/article/00015-eng.pdf>, p. 16.
- 36 This Review calculated 16 IPV homicides out of 170 total = 9.4%. See BC Coroners Service, “Homicide Deaths in BC, 2012–2022” (BC Ministry of Public Safety and Solicitor General, September 2023), [https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/statistical/homicide\\_deaths\\_knowledge\\_update\\_2012-2022.pdf](https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/statistical/homicide_deaths_knowledge_update_2012-2022.pdf), p. 1.
- 37 Statistics Canada, “Trends in Police-Reported Family Violence and Intimate Partner Violence in Canada, 2022” (Component of catalogue no. 11-001-X, November 21, 2023), <https://www150.statcan.gc.ca/n1/en/daily-quotidien/231121/dq231121b-eng.pdf>, p. 3.
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- 39 Statistics Canada, “Table 6: Rates of Homicide Victims and Accused Persons, by Sex and Indigenous Identity and Province and Territory, 2018” (Canadian Centre for Justice and Community Safety Statistics, Homicide Survey, November 27, 2019), <https://www150.statcan.gc.ca/n1/pub/85-002-x/2019001/article/00016/tbl/tbl06-eng.htm>.
- 40 National Commission of Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), “Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls” [hereafter “Final Report of the National Inquiry into MMIWG”] (June 2019), <https://www.mmiwg-ffada.ca/final-report/>, vol. 1a, p. 50.
- 41 Danielle Sutton, “Gender-Related Homicide of Women and Girls in Canada” (Statistics Canada, Juristat catalogue no. 85-002-X, April 5, 2023), <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2023001/article/00003-eng.pdf>, p. 3.
- 42 BC Coroners Service, “Intimate Partner Violence, 2004–2014 YTD” (2014), <https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/statistical/intimate-partner-violence.pdf>, p. 2.
- 43 Daniele Sutton-Preddie, “Police Contacts and Sociodemographic Characteristics of Persons Accused of Gender-Related Homicide in Canada, 2009 to 2022” (Statistics Canada, Juristat catalogue no. 85-002-x, April 16, 2025), <https://www150.statcan.gc.ca/n1/pub/85-002-x/2025001/article/00004-eng.pdf>, p. 10.
- 44 Shana Conroy, Marta Burczycka, and Laura Savage, “Family Violence in Canada: A Statistical Profile, 2018” (Statistics Canada, catalogue no. 85-002-X, December 12, 2019), <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2019001/article/00018-eng.pdf>, p. 26.
- 45 Light, “Violence against Women and Their Children in BC.”
- 46 Report of the Task Force on Family Violence (May 1979), available at: <https://www.ojp.gov/pdffiles1/Digitization/67316NCJRS.pdf>
- 47 Light, “Violence against Women and Their Children in BC,” p. 3.

- 48 For example, British Columbia Task Force on Family Violence, “Is Anyone Listening? Report of the BC Task Force on Family Violence” (Minister of Women’s Equality, 1992); BC Missing Women Commission of Inquiry, “Forsaken: The Report of the Missing Women Commission of Inquiry” [hereafter “Report of the BC Missing Women Inquiry”] (November 2012), <https://missingwomen.library.uvic.ca/wp-content/uploads/2010/10/Forsaken-ES-web-RGB.pdf>; BC Coroners Service Domestic Violence Death Review Panel, “Report to the Chief Coroner of British Columbia: Findings and Recommendations of the Domestic Violence Death Review Panel” [hereafter “BC DRC Report 2010”] (May 2010), <https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/death-review-panel/domestic-violence.pdf>; Federal-Provincial-Territorial Ad Hoc Working Group on Reviewing Spousal Abuse Policies and Legislation, “Final Report of the Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation” [hereafter “FPT Working Group on Spousal Abuse Report 2003”] (2003), [https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/pol/spo\\_e-con\\_a.pdf](https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/pol/spo_e-con_a.pdf); Critical Components Project Team, “Keeping Women Safe: Eight Critical Components of an Effective Justice Response to Domestic Violence” (April 2008), [https://endvaw.ca/wp-content/uploads/2015/12/8\\_critical\\_components\\_of\\_effective\\_justice\\_response.pdf](https://endvaw.ca/wp-content/uploads/2015/12/8_critical_components_of_effective_justice_response.pdf); BC Association of Specialized Victim Assistance and Counselling Programs, British Columbia/Yukon Society of Transition Houses, and British Columbia Institute against Family Violence, “Critical Elements of an Effective Response to Violence against Women: High Risk Information-Sharing Protocol” (2007); Pacific Association of First Nations Women, Ending Violence Association of BC, and BC Women’s Hospital & Health Centre, “Researched to Death: BC Aboriginal Women and Violence” (September 2005), [https://web.archive.org/web/20190130023455/http://www.endingviolence.org/files/uploads/Researched\\_To\\_Death\\_Final\\_2005.pdf](https://web.archive.org/web/20190130023455/http://www.endingviolence.org/files/uploads/Researched_To_Death_Final_2005.pdf); Final Report of the National Inquiry into MMIWG; and Office of the Chief Coroner (Ontario), “Inquest into the Deaths of Carol Culleton, Anastasia Kuzyk, and Nathalie Warmerdam” (June 28, 2022), [https://lukesplace.ca/wp-content/uploads/2022/06/CKW-Inquest-Verdict-Recommendations-SIGNED\\_Redacted.pdf](https://lukesplace.ca/wp-content/uploads/2022/06/CKW-Inquest-Verdict-Recommendations-SIGNED_Redacted.pdf).
- 49 Final Report of the Mass Casualty Commission (cited above). The Reviewer was one of three commissioners of the Mass Casualty Commission.
- 50 Final Report of the Mass Casualty Commission, vol. 3. The report also makes the link between incidences of intimate partner violence and mass casualties, as well as the significance of dismissing gender-based violence as a form of “private” violence given how often it spills out into the public sphere.
- 51 For example, in 2020, Quebec’s Comité d’experts sur l’accompagnement des personnes victimes d’agressions sexuelles et de violence conjugale conducted a comprehensive review of legal and nonlegal supports for survivors of sexual violence and intimate partner violence. The 21-member expert committee’s 2020 final report, “Rebâtir la confiance (Rebuilding Trust)” [hereafter “Québec Report”], included 190 recommendations to improve legal processes and social supports for survivors in the province: <https://www.quebec.ca/justice-et-etat-civil/systeme-judiciaire/processus-judiciaire/tribunal-specialise-violence-sexuelle-violence-conjugale/rapport>. An English-language summary of the Québec Report is available: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/org/SCF/publications/violences/Synthese-Rapport-Rebatir-confiance-VA.pdf>. In March 2024, the Office of the Federal Ombudsperson for Victims of Crime launched a systemic investigation into the experiences of survivors of sexual assault in Canada’s criminal justice system. A report is expected in 2025. <https://www.canada.ca/en/office-federal-ombudsperson-victims-crime/sissa-essas.html> The systemic investigation has involved information gathering and consultation processes, including interviews with survivors and stakeholders, consultation tables with various sectors, a survey of survivors’ experiences, written submissions, and guidance from an Expert Advisory Circle. <https://www.canada.ca/en/office-federal-ombudsperson-victims-crime/sissa-essas.html>
- 52 In 2015, the New Zealand Law Commission reported on needed reforms to address the treatment of sexual violence in the criminal legal system. New Zealand Law Commission. The Justice Response to Victims of Sexual violence: Criminal Trials and Alternative Processes (2015). <https://www.lawcom.govt.nz/assets/Publications/Reports/>

- [NZLC-R136.pdf](#) New Zealand launched a National Strategy to Eliminate Family Violence and Sexual Violence and an Action Plan in late 2021. See Government of New Zealand, “Te Aorerekura: National Strategy to Eliminate Family Violence and Sexual Violence” (December 2021), <https://tepunaaonui.govt.nz/assets/National-strategy/Finals-translations-alt-formats/Te-Aorerekura-National-Strategy-final.pdf>.
- 53 In September 2017, the United Kingdom Crown Prosecution Service published a three-year “Violence against Women and Girls Strategy” aimed at improving responses to crimes of gender-based violence: [https://www.cps.gov.uk/sites/default/files/documents/legal\\_guidance/VAWG-Strategy-2017-2020-R01.pdf](https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/VAWG-Strategy-2017-2020-R01.pdf). In 2020, it published a five-year strategy on Rape and Serious Sexual Offences: UK Crown Prosecution Service, “Rape and Serious Sexual Offences Strategy” (July 2020), <https://www.cps.gov.uk/publication/rape-and-serious-sexual-offences-rasso-2025>.
- 54 In January 2024, the Attorney General for Australia tasked the Australian Law Reform Commission (ALRC) with conducting an inquiry into justice system responses to sexual violence. The ALRC’s final report, issued in January 2025, contained 64 recommendations aimed at addressing barriers to accessing and engaging with the justice system, improving justice system processes and accountability processes, and expanding justice pathways and available remedies. ALRC, “Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence” [hereafter “ALRC Report”] (ALRC report #143, January 2025), <https://www.alrc.gov.au/wp-content/uploads/2025/02/JRSV-Final-Report-Book-for-Web-final-20250211.pdf>.
- 55 See Government of BC, “Safe and Supported: British Columbia’s Gender-Based Violence Action Plan” [hereafter “BC GBV Action Plan”] (December 2023), <https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/services-policies-for-government/gender-equity/safe-and-supported-gender-based-violence-action-plan-december-2023.pdf>, pp. 6 and 18.
- 56 See the BC GBV Action Plan, p 18; <https://news.gov.bc.ca/releases/2023PSSG0036-000754> The funding was provided over four years as part of the Women and Gender Equality Canada’s National Action Plan to End Gender-Based Violence. See WAGE Canada, “National Action Plan to End Gender-Based Violence” [hereafter “National Action Plan to End GBV”] (November 2022), <https://www.canada.ca/en/women-gender-equality/gender-based-violence/intergovernmental-collaboration/national-action-plan-end-gender-based-violence.html>. A summary of the plan is also available: <https://www.canada.ca/content/dam/wage-fegc/documents/gbv/National%20Action%20Plan%20on%20Gender-based%20Violence%20-%20In%20Brief%20-%20English.pdf>.
- 57 BC GBV Action Plan, p. 22
- 58 <https://bcfnjc.com/indigenous-justice-centres/>
- 59 BC GBV Action Plan, p 22
- 60 BC Attorney General, “New Legislation Will Help Protect against Sharing of Intimate Images without Consent” (news release, March 7, 2023), <https://news.gov.bc.ca/releases/2023AG0012-000271>.
- 61 See the webpage of the Intimate Images Protection Service, <https://www2.gov.bc.ca/gov/content/safety/public-safety/intimate-images/intimate-images-support>.
- 62 Legal Aid BC, “Family Legal Aid Expansion” (Notice to Counsel newsletter, March 28, 2024, #123), <https://legalaid.bc.ca/sites/default/files/2024-03/NTC-123-Family%20Legal%20Aid%20Expansion.pdf>, p. 1.
- 63 Ibid, p. 2.
- 64 Ibid, p. 4; and Legal Aid BC, “Legal Aid BC Launches New Family Law Centre Program” (news release, December 2, 2024), <https://legalaid.bc.ca/communications/news/legal-aid-bc-launches-new-family-law-centre-program>: “FLC

advocates are the main point of contact for clients, attend client meetings and appointments, and connect clients with other services such as counselling, Indigenous cultural supports, parenting support programs, settlement services, and victim services.”

- 65 The Crime Victim Assistance Act, SBC 2001, c. 38 governs the Crime Victim Assistance Program (CVAP), which is administered by the Victim Services and Crime Prevention Division of the Ministry of Public Safety and Solicitor General. The CVAP replaces the former Criminal Injury Compensation Program.
- 66 BC Ministry of Public Safety and Solicitor General, “People Affected by Crime Will Soon Have Better Support, Access to Care” (news release, December 8, 2023), <https://news.gov.bc.ca/releases/2023PSSG0089-001948>; and the CVAP webpage, <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/if-you-are-a-victim-of-a-crime/victim-of-crime/financial-assistance-benefits>.
- 67 BC GBV Action Plan, p. 19; BC Housing and Municipal Affairs, “Nearly 230 Transition Housing Spaces Open for Women, Children Leaving Violence” (news release, March 17, 2025), <https://news.bchousing.org/nearly-230-transition-housing-spaces-open-for-women-children-leaving-violence/>.
- 68 BC Housing and Municipal Affairs, “Rent Support for Survivors of Gender-Based Violence in British Columbia” (news release, March 12, 2025), <https://news.gov.bc.ca/releases/2025HMA0012-000192>.
- 69 Funding comes from the federal Justice Partnership and Innovation Program. See BC Ministry of Attorney General, “2022/23 Annual Service Plan Report” (August 2023), [https://www.bcbudget.gov.bc.ca/Annual\\_Reports/2022\\_2023/pdf/ministry/ag.pdf](https://www.bcbudget.gov.bc.ca/Annual_Reports/2022_2023/pdf/ministry/ag.pdf), p. 13.
- 70 The host organizations and locations for the family court support workers are South Peace Community Resources Society (Dawson Creek); Robson Valley Community Services (Robson Valley, including McBride & Valemount); and Northern Society for Domestic Peace (Smithers/Hazleton/Houston). The Safe Supports project is led by the Family Policy, Legislation, and Transformation Division of the Justice Services Branch.
- 71 BC Attorney General, “BC, First Nations Justice Council Open 6 More Indigenous Justice Centres” (news release, February 6, 2025), <https://news.gov.bc.ca/releases/2025AG0009-000096>.
- 72 The information gatherer role operates out of the Court Services Branch (CSB) headquarters.
- 73 BC GBV Action Plan, pp. 4 and 35.
- 74 Statistics Canada, “Victims of Police-Reported Family Violence and Intimate Partner Violence, by Type of Violence, Gender and Year, Canada, 2009 to 2023: Chart 1” (*The Daily*, October 24, 2024), <https://www150.statcan.gc.ca/n1/daily-quotidien/241024/cg-b001-png-eng.htm>.
- 75 BC Representative for Children and Youth (RCY), “Don’t Look Away” (report, July 2024), [https://rcybc.ca/wp-content/uploads/2024/07/RCY-Dont-Look-Away\\_July2024.pdf](https://rcybc.ca/wp-content/uploads/2024/07/RCY-Dont-Look-Away_July2024.pdf), p. 182.
- 76 Council of Parties (Nova Scotia), “Journey to the Light: Final Report of the Restorative Inquiry—Nova Scotia Home for Colored Children” (2019), <https://restorativeinquiry.ca/report/Restorative-Justice-Inquiry-Final-Report.pdf>, p. 386, citing United Nations, “E-Government Survey 2012: E-Government for the People” (2012), <https://www.slideshare.net/slideshow/united-nations-egovernment-survey-2012-12023033/12023033>, chapter 3, p. 64.
- 77 Council of Parties, “Journey to the Light” (ibid), p. 379.
- 78 For example, an evaluation of the Indigenous Courtworker Program nationally determined that “Courtworker

activities help prevent clients from unnecessary arrests and time in custody. The cost savings to the criminal justice system from these activities are estimated to be about \$73 million per year.” This shows the benefit of evaluating programs to determine the effectiveness of implementation of recommendations and to assess the investment of resources. See Department of Justice, “Results at a Glance: Evaluation of the Indigenous Courtworker Program” (2023), <https://www.justice.gc.ca/eng/rp-pr/cp-pm/eval/rep-rap/2023/eicp-epapa/results-resultats.html>. Evaluation of the Indigenous Courtwork Program was conducted by the Department of Justice Evaluation Branch and covered fiscal years 2018/19–2021/22. Its main objective was to examine the relevance, effectiveness, and efficiency of the Program in accordance with the Treasury Board’s *Policy on Results* (2016), <https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=31300>.

- 79 Final Report of the Mass Casualty Commission, vol. 3, p. 308 (emphasis added).
- 80 Ting Zhang, Josh Hoddenbagh, Susan McDonald, and Katie Scrim, “An Estimation of the Economic Impact of Spousal Violence in Canada, 2009” (Department of Justice, 2012), [https://justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/rr12\\_7/rr12\\_7.pdf](https://justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/rr12_7/rr12_7.pdf), Fig. 6.1.
- 81 Final Report of the Mass Casualty Commission, vol. 3, p. 307.
- 82 BC RCY, “Don’t Look Away,” p. 76.
- 83 Zhang et al., “An Estimation of the Economic Impact of Spousal Violence in Canada,” p. 80.
- 84 Josh Hoddenbagh, Ting Zhang, and Susan McDonald, “An Estimation of the Economic Impact of Violent Victimization in Canada, 2009” (Department of Justice, 2014), [https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr14\\_01/rr14\\_01.pdf](https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr14_01/rr14_01.pdf), p. 6. Citing this statistic, the majority in *R v. Goldfinch*, 2019 SCC 38 opined at para 37: “The harm caused by sexual assault, and society’s biased reactions to that harm, are not relics of a bygone Victorian era.”
- 85 Linda C. Nielson, “Enhancing Safety: When Domestic Violence Cases are in Multiple Legal Systems (Criminal, Family, Child Protection)” (Department of Justice, 2013), [https://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/enhan-renfo/neilson\\_web.pdf](https://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/enhan-renfo/neilson_web.pdf), p. 2.
- 86 Angela Marie MacDougall, Harsha Walia, Melody Wise, “Colour of Violence: Race, Gender and Anti-Violence Services” (Battered Women’s Support Services (BWSS), 2022), <https://www.bwss.org/colour-of-violence/report/>, p. 11.
- 87 See Foster, “Crime Prevention and Community Safety in Rural Communities.”
- 88 See BC GBV Action Plan, p. 16.
- 89 See, e.g., the 2020 mandate letter from Premier John Horgan to Attorney General David Eby, [https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/eby\\_mandate\\_2020\\_jan.pdf](https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/eby_mandate_2020_jan.pdf). All 2020 mandate letters can be found at <https://librarianship.ca/blog/bc-mandate-letters-2020/>.
- 90 The Department for Women and Gender Equality (WAGE) has a webpage on GBA+: <https://www.canada.ca/en/women-gender-equality/gender-based-analysis-plus/what-gender-based-analysis-plus.html>, which states:

Gender-based Analysis Plus (GBA Plus) is an analytical tool used to support the development of responsive and inclusive policies, programs, and other initiatives. GBA Plus is a process for understanding who is impacted by the issue or opportunity being addressed by the initiative; identifying how the initiative could be tailored to meet diverse needs of the people most impacted; and anticipating and mitigating any barriers to accessing or benefitting from the initiative. GBA Plus is an intersectional analysis that goes beyond

biological (sex) and socio-cultural (gender) differences to consider other factors, such as age, disability, education, ethnicity, economic status, geography (including rurality), language, race, religion, and sexual orientation.

- 91 MACIW, “Indigenous Gender-Based Analysis Plus (IGBA+) Toolkit” (hereafter “MACIW IGBA+ Toolkit”) (2021), [https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/maciw\\_igba\\_toolkit.pdf](https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/maciw_igba_toolkit.pdf); and the MACIW webpage “Indigenous Gender Based Analysis Plus (IGBA+) Toolkit” (updated April 30, 2024), <https://www2.gov.bc.ca/gov/content/governments/indigenous-people/minister-s-advisory-council-on-indigenous-women-maciw/gender-bases-analysis>.
- 92 The Review mandate requires a focus on both sexual violence and intimate partner violence. While the Review has attempted to balance this twin mandate, at different points one form will be foregrounded ahead of the other. This should not be taken as an indication of prioritization of one set of survivors needs over another.
- 93 Final Report of the Mass Casualty Commission, vol. 3, p. 364.
- 94 See, for example, Alana Prochuk, “We Are Here: Women’s Experiences of the Barriers to Reporting Sexual Assault” (West Coast LEAF, November 2018), <https://westcoastleaf.org/wp-content/uploads/2023/05/West-Coast-Leaf-dismantling-web-final-1.pdf>.
- 95 Final Report of the Mass Casualty Commission, vol. 3, pp. 361–64; and Final Report of the National Inquiry into MMIWG.
- 96 Final Report of the Mass Casualty Commission, vol. 3, p. 312:
- Many women living in unhealthy, power-imbalanced, and violent relationships know they are at risk of continued and potentially escalating violence from their intimate partners. These self-assessments are carried out in the context of complex situations and involve complicated decisions that combine personal, community, and societal factors. These decisions include considerations pertaining to relationship and family dynamics, the needs and welfare of their children and other dependants (other family members, pets, and livestock), financial security, housing options, and access to services.
- 97 Conroy, “Recent Trends in Police-Reported Clearance Status of Sexual Assault and Other Violent Crime” (cited above), p. 15. In 2022, 21% of police-reported sexual assaults in Canada were perpetrated by an intimate partner, 31% were perpetrated by a friend or casual acquaintance, 13% were perpetrated by a family member, and only 13% were perpetrated by a stranger (p. 14).
- 98 Final Report of the Mass Casualty Commission, vol. 3, p. 326; and BC Society for the Prevention of Cruelty to Animals (SPCA), “How Are Animal Abuse and Domestic Violence Linked?” (2017), <https://spca.bc.ca/wp-content/uploads/Animal-abuse-and-family-violence.pdf>. See also the BC SPCA webpage “Safekeepers Program,” <https://spca.bc.ca/programs-services/community-work/safekeepers-program/>.
- 99 Final Report of the Mass Casualty Commission, vol. 3, p. 354.
- 100 “We Need a System that Isn’t Just for Catching Monsters” (Chatelaine, September 22, 2022), <https://chatelaine.com/living/features-living/renfrew-county-inquest-recommendations/>. See Chief Coroner (Ontario), “Inquest into the Deaths of Carol Culleton, Anastasia Kuzyk, and Nathalie Warmerdam” (cited above).
- 101 Final Report of the Mass Casualty Commission, vol. 3, p. 12.
- 102 Jacqueline Holler, Carolina Alday Mondaca, Zaida Lara Gonzáles, Grace Lekwuawa, Oliveth Orjiocha, and Dawn

- Hemingway, "When Is the Solution Going to Start Happening? Missing and Murdered Indigenous Women, Girls, and LGBTQ2S+ People Moving from Tragedy to Prevention through Community Knowledge and Action" (Indigenous Data Collection Project, Carrier Sekani Family Services (CSFS), January 2025), [https://www.csfs.org/uploads/FINAL\\_CSFS-NFIRE%25202024%2520Report.pdf](https://www.csfs.org/uploads/FINAL_CSFS-NFIRE%25202024%2520Report.pdf), p. 78.
- 103 Cotter, "Criminal Justice Outcomes of Sexual Assault, 2015 to 2019" (cited above), p. 6.
- 104 Ibid.
- 105 Ibid.
- 106 R v. Gladue, 1999 CanLII 679 (SCC), [1999] 1 SCR 688, <https://canlii.ca/t/1fqp2>, at para 65.
- 107 Heidinger, "Violent Victimization and Perceptions of Safety," p. 16.
- 108 Ibid, p. 4.
- 109 Amanda V. McCormick, Irwin M. Cohen, and Raymond R. Corrado, "Enhancing Surrey RCMP Detachment's Domestic Violence Unit" (Centre for Public Safety and Criminal Justice Research, University of the Fraser Valley, 2017), <https://cjr.ufv.ca/wp-content/uploads/2017/07/Surrey-RCMP-Domesitc-Violence-Report.pdf>, p. 5.
- 110 Jassamine Tabibi, Sidrah Ahmad, Linda Baker, and Dianne Lalonde, "Intimate Partner Violence against Immigrant and Refugee Women" Learning Network, issue 26 (Centre for Research and Education on Violence against Women and Children, September 2018), [https://www.gbvlearningnetwork.ca/our-work/issuebased\\_newsletters/issue-26/index.html](https://www.gbvlearningnetwork.ca/our-work/issuebased_newsletters/issue-26/index.html). On the risk of ostracization, see McCormick et al., "Enhancing Surrey's Domestic Violence Unit," p. 5.
- 111 Final Report of the Mass Casualty Commission, vol. 3, p. 315.
- 112 Australian Law Reform Commission Report, p. 121, para 3.47.
- 113 Canadian Women's Foundation and Wisdom2Action, "Queering Gender-Based Violence Prevention and Response in Canada" (June 2022), [https://cnpea.ca/images/queeringgbvprevention-and-response\\_english.pdf](https://cnpea.ca/images/queeringgbvprevention-and-response_english.pdf).
- 114 Prochuk, "We Are Here," p. 33.
- 115 See the Human Rights Campaign webpage "Understanding Intimate Partner Violence in the LGBTQ+ Community" (updated November 4, 2022), <https://www.hrc.org/resources/understanding-intimate-partner-violence-in-the-lgbtq-community>.
- 116 Ibid.
- 117 Christine McGoey, "Moving Forward: Promising Practices for the Prosecution of Cases of Sexual Assault against Adults" (Department of Justice, 2018), <https://publications.gc.ca/site/eng/9.897139/publication.html>, p. 8.
- 118 Truth and Reconciliation Commission of Canada, "Calls to Action" (2015), [https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls\\_to\\_action\\_english2.pdf](https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls_to_action_english2.pdf), Calls 1-5.

- 119 See, for example, the Final Report of the National Inquiry into MMIWG, vol. 1b, p. 632. See also McCormick et al., “Enhancing Surrey’s Domestic Violence Unit,” p. 36: “some victims of domestic violence do not report their victimization for fear of losing custody of children or being reported.” See also Holler et al., “When Is the Solution Going to Start?” p. 78: “women with children are afraid to report abuse because they are afraid MCFD will immediately apprehend their children.”
- 120 Holler et al., “When Is the Solution Going to Start?” p. 78.
- 121 BC RCY, “Don’t Look Away,” pp. 79–80 and 89 (citations omitted, emphasis added). “RCY has addressed intimate partner and family violence in various reports since 2007” (p. 77).
- 122 See Final Report of the Mass Casualty Commission, vol. 3, p. 357; and MacDougall et al., “Colour of Violence.”
- 123 Final Report of the National Inquiry into MMIWG, vols. 1 and 2; Truth and Reconciliation Commission, “Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada” (2015), [https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive\\_Summary\\_English\\_Web.pdf](https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf); Royal Commission on Aboriginal Peoples, “Final Report of the Royal Commission” (1996), <https://www.bac-lac.gc.ca/eng/discover/aboriginal-heritage/royal-commission-aboriginal-peoples/Pages/final-report.aspx>.
- 124 “Just 36% of rural communities and 38% of rural Indigenous communities have access to high-speed internet”: CBABC Agenda for Justice, p.8, citing Government of British Columbia, 2021.
- 125 Michaela Mayer and Denna Berg, “Women’s Economic Empowerment Is Crucial to Canada’s Strategies against Gender-Based Violence” (Policy Options, February 12, 2024), <https://policyoptions.irpp.org/magazines/february-2024/economics-gender-violence/>. See also Khulud Baig et al., “An Intersectional Feminist Housing Agenda for Canada: A Briefing Guide for Canada’s Housing Minister” (December 2023), <https://womenshomelessness.ca/wp-content/uploads/An-Intersectional-Feminist-Housing-Agenda.pdf>.
- 126 MACIW IGBA+ Toolkit, p. 12.
- 127 Final Report of the Mass Casualty Commission, vol. 3, p. 350 (emphasis in original).
- 128 Assembly of First Nations, “Demanding Justice and Fulfilling Rights: A Strategy to End Violence against Indigenous Women and Girls” (2012), cited in Assembly of First Nations, “Learning Module 18.1: Ending Violence against Women” (2021), <https://education.afn.ca/afntoolkit/web-modules/plain-talk-18-ending-violence-against-women/ending-violence-against-women/>.
- 129 James Anaya, “Report of the Special Rapporteur on the Rights of Indigenous Peoples, Addendum: The Situation of Indigenous Peoples in Canada” (UN A/HRC/27/52/Add.2, 2014), <https://digitallibrary.un.org/record/777907?ln=en&v=pdf#files>.
- 130 United Nations, “Violence against Women a Global Epidemic” *UN News* (November 25, 2015), <https://news.un.org/en/audio/2015/11/606852>. See also United Nations Secretary-General, “Violence against Women, Girls May Be World’s Longest, Deadliest Pandemic, Secretary-General Warns in Message to Group of Friends Commission Event” (press release, March 22, 2022), <https://press.un.org/en/2022/sgsm21195.doc.htm>. See also the discussion of the epidemic in the Final Report of the Mass Casualty Commission, vol. 3, p. 274.
- 131 Letter from the Minister of Justice and Attorney General of Canada to the Office of the Chief Coroner (August 14, 2023), [https://www.documentcloud.org/documents/23919401-ckw-justice\\_attorney-general-response/](https://www.documentcloud.org/documents/23919401-ckw-justice_attorney-general-response/); and Molly Hayes, “Intimate Partner Violence an ‘Epidemic,’ Federal Government Says in Response to Coroner’s Inquest” *Globe and Mail* (September 15, 2023), <https://www.theglobeandmail.com/canada/article-federal-government-says->

- [intimate-partner-violence-is-an-epidemic/](#). On June 3, 2025, the Union of BC Indian Chiefs (UBCIC) called on Prime Minister Mark Carney to declare gender-based violence a national epidemic, citing inaction since the release of the Final Report of the National Inquiry into MMIWG: Union of BC Indian Chiefs, “UBCIC Calls on Prime Minister Carney to Declare Gender-Based Violence a National Epidemic, Six Years after National Inquiry’s Publication” (news release, June 3, 2025), [https://www.ubcic.bc.ca/six\\_years\\_after\\_national\\_inquirys\\_publication](https://www.ubcic.bc.ca/six_years_after_national_inquirys_publication).
- 132 Intimate Partner Violence Epidemic Act, SNS 2024, c 8, <https://canlii.ca/t/56c49>.
- 133 In June 2025, the New Brunswick legislature unanimously passed a motion declaring intimate partner violence an epidemic and systemic crisis: Unifor, “Unifor Encouraged as NB Government Declares Intimate Partner Violence an Epidemic” *Unifor News* (June 5, 2025), <https://www.unifor.org/news/all-news/unifor-encouraged-nb-government-declares-intimate-partner-violence-epidemic>.
- 134 See the webpage “The Epidemic of GBV-IPV” by the Building a Bigger Wave Ontario Network for a map of municipalities that have declared intimate partner violence an epidemic: <https://www.buildingabiggerwave.org/actions/gbv-epidemic>. At the time of writing, Bill 55 had just passed first reading in the Ontario legislature: <https://www.ola.org/en/legislative-business/bills/parliament-44/session-1/bill-55>. The Intimate Partner Violence Epidemic Act 2025 would declare intimate partner violence to be an epidemic in Ontario and establish an implementation committee to address the 86 recommendations of the 2022 Chief Coroner’s Jury Inquest into the 2015 Renfrew County femicides of Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam (cited above).
- 135 See the minutes of the May 21, 2024 meeting of the Prince George Standing Committee on Intergovernmental Affairs, <https://www.princegeorge.ca/media/3841>.
- 136 See the Final Report of the Mass Casualty Commission, vol. 3, p. 459.
- 137 Mandate letter from Premier David Eby to Minister of Finance Brenda Bailey (January 16, 2025), [https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/mandate\\_letter\\_brenda\\_bailey.pdf](https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/mandate_letter_brenda_bailey.pdf) (emphasis added).
- 138 Provincial Office of Domestic Violence (PODV), “Taking Action on Domestic Violence in British Columbia” (Ministry of Children and Family Development, September 2012), [https://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/domestic-violence/podv/taking\\_action\\_on\\_domestic\\_violence\\_in\\_bc\\_report](https://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/domestic-violence/podv/taking_action_on_domestic_violence_in_bc_report).
- 139 Ministry of Justice, “A Vision for a Violence-Free BC: Addressing Violence against Women in British Columbia” (2015), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/bc-criminal-justice-system/if-victim/publications/violence-free-bc.pdf>.
- 140 Mandate letter from Premier David Eby to Parliamentary Secretary for Gender Equity Kelli Paddon (December 7, 2022), [https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/fin\\_-\\_gender\\_equity\\_-\\_paddon.pdf](https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/fin_-_gender_equity_-_paddon.pdf).
- 141 Mandate letter from Premier David Eby to Attorney General and Deputy Premier Niki Sharma (January 16, 2025), [https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/mandate\\_letter\\_niki\\_sharma.pdf](https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/mandate_letter_niki_sharma.pdf).
- 142 See the government webpage “Gender Equity in BC” (accessed June 4, 2024), <https://www2.gov.bc.ca/gov/content/gender-equity>.
- 143 British Columbia Task Force on Family Violence, “Is Anyone Listening? Report of the BC Task Force on Family Violence” (Minister of Women’s Equality, 2012).

- 144 Chief Coroner (Ontario), “Inquest into the Deaths of Carol Culleton, Anastasia Kuzyk, and Nathalie Warmerdam” (cited above), Recommendations 2 and 3.
- 145 Final Report of the Mass Casualty Commission, vol. 3, pp. 458–61 and vol. 6, p. 11.
- 146 Amanda Dale, “What It Takes: Establishing a Gender-Based Violence Accountability Mechanism in Canada” (LEAF, 2024), <https://www.leaf.ca/wp-content/uploads/2024/10/What-It-Takes-Establishing-a-GBV-Accountability-Mechanism-in-Canada-Full-Report.pdf>.
- 147 Québec Report, ch. 15, recommendations 188–90.
- 148 BC RCY, “Don’t Look Away,” p. 190. As noted above, PODV did not have the requisite authority to effect whole-of-government action.
- 149 ALRC Report, p. 31. New Zealand’s Te Aorerekura Action Plan indicates that a number of initiatives/interventions for people who use violence are under review and will be expanded during fiscal year 2025/26. See Government of New Zealand, “Te Aorerekura Action Plan 2025–2030: Breaking the Cycle of Violence” (December 2024), <https://tepunaaonui.govt.nz/assets/Uploads/Second-Te-Aorerekura-Action-Plan.pdf>.
- 150 For example, the PODV identified public awareness and prevention as the first of five key areas in its 2015 report: PODV, “British Columbia’s Provincial Domestic Violence Plan: First Annual Report, 2015” (Ministry of Children and Family Development, 2015), [https://cdhpi.ca/sites/cdhpi.ca/files/PODV\\_First\\_Annual\\_Report.pdf](https://cdhpi.ca/sites/cdhpi.ca/files/PODV_First_Annual_Report.pdf). The BC Domestic Violence Death Review Panels also included enhanced public education and awareness in their 2010 and the 2016 recommendations. See BC DRC Report 2010, Recommendation 17; and BC Coroners Service Death Review Panel, “A Review of Intimate Partner Violence Deaths, 2010–2015: Report to the Chief Coroner of British Columbia” [hereafter “BC DRC Report 2016”] (November 2016), <https://cdhpi.ca/sites/cdhpi.ca/files/intimate-partner-violence2010-2015%20BC%20DRP.pdf>, Recommendation 1.
- 151 Final Report of the Mass Casualty Commission, vol. 4, p. 471.
- 152 Ibid.
- 153 Ibid, p. 487–88. See also Recommendation C.17 “Promoting Bystander Intervention as a Daily Practice.”
- 154 Examples include the 2018 van attack in Toronto by a man who said he “was motivated by the incel movement as he had been rejected by women and admitted that he frequented incel chatrooms on the internet.” He was convicted of ten counts of first-degree murder and sixteen counts of attempted murder: *R. v. Minassian*, 2021 ONSC 1258 (CanLII), <https://canlii.ca/t/jdj3t>. In 2014, a man who posted a manifesto in which he expressed sexual frustration and a loathing of women, attacked a sorority in California, killing five young women, shooting a young man, and injuring several other people: BBC, “Elliot Rodger: How Misogynist Killer Became ‘Incel Hero’” *BBC World News* (April 25, 2018), <https://www.bbc.com/news/world-us-canada-43892189>. More recently, a 23-year-old man was arrested on June 2, 2025 in connection with assaults on several women in Toronto’s Union Station, which the police reported were hate-motivated: CBC, “Man Charged after ‘Unprovoked’ Assaults of Several Females at Union Station: Police” *CBC News* (June 2, 2025), <https://www.cbc.ca/news/canada/toronto/suspected-hate-motivated-assault-investigation-toronto-union-station-1.7550357>.
- 155 For example, “Be More than a Bystander” (<https://www.bclions.com/bemorethanabystander/>) is a training program initiated in 2011 by EVA-BC in partnership with the BC Lions football team. It encourages boys and men to speak up instead of remaining silent when they hear negative attitudes or see abusive behaviour. The grassroots Moose Hide Campaign (<https://moosehidecampaign.ca/>) similarly focuses on encouraging men and boys to speak up in order to

break the silence surrounding gender-based violence.

- 156 According to the Parliamentary Budget Officer, the cost to incarcerate someone is \$120,589 per year, and \$32,037 per year on parole. The Correctional Service of Canada (CSC) had a budget of \$2.7 billion in 2019–20 (and was expected to rise to \$2.8 billion in 2023–24): Office of the Parliamentary Budget Officer, “The Federal Cost of Minimum Sentences” (March 2022), <https://distribution-a617274656661637473.pbo-dpb.ca/02dfb42d16bddfd4415c9ef26d0779e91812398586a738092ffa019c329234b3>, p. 13 (citations omitted).
- 157 Québec Report, Recommendation 125 “With a view to promoting accountability, make programs for violent spouses available throughout Québec.” See also the ALRC Report, p. 31.
- 158 Holler et al., “When Is the Solution Going to Start?” p. 71.
- 159 Ibid, p. 70: “programs for boys and men are an essential part of addressing the MMIWG+ issue.”
- 160 Final Report of the Mass Casualty Commission, vol. 4, pp. 645–46.
- 161 Government of British Columbia and Naqsmist, “Gender-Based Violence Action Plan: Indigenous Engagements” (2023), <https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/services-policies-for-government/gender-equity/naqsmist-gbv-action-plan-indigenous-engagements-2023.pdf>, pp. 23–24.
- 162 See the BC First Nations Justice Strategy.
- 163 Québec Report, Recommendation 121 “Improve, support, and evaluate the programs for violent spouses and see that they receive certification.”
- 164 See the Northern Society for Domestic Peace webpage “For Men: Domestic Peace Program,” <https://domesticpeace.ca/services/for-men/>.
- 165 “Statistics make clear the systemic and deeply entrenched nature of gender-based-violence in Canadian society, and there is incontrovertible evidence that myths and stereotypes distort the justice system response to sexual assault, IPV and coercive control”: Rosemary Cairns Way with Donna Martinson, “Including Public Stakeholders in Judicial Education: The Politics of Judicial Accountability” (2025) 103:1 *Canadian Bar Review* 267, <https://canlii.ca/t/7nnjw>, pp. 275–76 (citations omitted).
- 166 TIP training is offered by the BC Justice Institute: see the webpage “Trauma-Informed Practice (TIP) Foundations Curriculum,” <https://www.jibc.ca/trauma-informed-practice-tip-foundations-curriculum>. Ideally, this training should be undertaken by all public servants, including child welfare workers, health care workers, and so on.
- 167 See United Nations Convention on the Elimination of Discrimination against Women (CEDAW) Committee on the Elimination of Discrimination against Women, “Concluding Observations on the Tenth Periodic Report of Canada” (CEDAW/C/CAN/CO/10, October 30, 2024), p. 18, para. 48(d): “The Committee recommends that the State party: Ensure that family court judges and other professionals in the family court system are trained on domestic violence and on intersectionality.” [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FCAN%2FCO%2F10](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FCAN%2FCO%2F10).
- 168 ALRC Report, 7.26. Recommendations 14 and 15 “strongly encourage” education and training for court staff, barristers and solicitors, and judicial officers who work on sexual violence matters as the most suitable method to foster a culture of participation where ongoing professional development is expected and facilitated.
- 169 The question of law school education and bar admission course content is beyond the capacity of this Review to

address, however, there is a clear need for members of the profession to learn about and understand the prevalence and dynamics of gender-based violence.

- 170 The Indigenous Women’s Justice Plan (IWJP) contains a proposal for a joint review of public safety funding earmarked to policing in order to develop a fiscal plan that redistributes these funds to public safety and community-based justice programming. BCFNJC, “Indigenous Women’s Justice Plan: Final Draft” [hereafter “IWJP”] (April 2024), [https://bcfnjc.com/wp-content/uploads/2024/04/BCFNJC-IWJP\\_Final-Draft\\_APR3.pdf](https://bcfnjc.com/wp-content/uploads/2024/04/BCFNJC-IWJP_Final-Draft_APR3.pdf), p. 32. The Mass Casualty Commission recommended a “prevention-first approach to safety” premised on the “need to decentre the criminal justice system as our primary response”: Final Report of the Mass Casualty Commission, vol. 4, Recommendation C.14; see also p. 428. A public safety advisor who appeared before the Commission cited a chair of the House of Commons Standing Committee on Justice and the Solicitor General: “We need to invest the same amount of resource in prevention that we do in enforcement,” citing a need in particular to invest in “things we know address root causes of harm in community”: Final Report of the Mass Casualty Commission, vol. 4, p. 431.
- 171 ALRC Report, p. 139.
- 172 See the Final Report of the National Inquiry into MMIWG.
- 173 The National Inquiry into MMIWG directed that victim services must be independent from prosecution services and police: MMIWG Calls for Justice, [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Calls\\_for\\_Justice.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Calls_for_Justice.pdf), 5.6.
- 174 See Québec Report, Recommendation 68.
- 175 “Provision of victim services is incredibly important to the successful management of domestic violence cases because it can increase the victim’s real and perceived sense of safety and improve the chances that the victim will support and persist with criminal charges.” McCormick et al., “Enhancing Surrey’s Domestic Violence Unit,” p. 18.
- 176 See McCormick et al., “Enhancing Surrey’s Domestic Violence Unit,” pp. 18, 26, and 35. While CBSWs need to have a solid understanding of the legal systems, they should not be giving legal advice. Ideally, survivors should have access to lawyers who can answer questions and provide guidance as needed. CBSWs can assist lawyers who work with survivors on legal issues such as immigration law or family law issues, while being the constant for the lawyers’ clients.
- 177 ALRC Report, 3.95.
- 178 McCormick et al., “Enhancing Surrey’s Domestic Violence Unit,” p. 18, citing C.M. Sullivan and D.I. Bybee, “Reducing Violence Using Community-Based Advocacy for Women with Abusive Partners” *Journal of Consulting and Clinical Psychology* (1999) 67: 43–53.
- 179 Ministry of Public Safety and Solicitor General, Policing and Community Safety Branch, “Referral Policy for Victims of Power-Based Crimes: Family Violence, Sexual Assault, and Criminal Harassment” [hereafter “BC Referral Policy”] (January 2007), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/victims-of-crime/vs-info-for-professionals/info-resources/power-based-crimes-referral-policy.pdf>. See also the BC government webpage “Legislation & Policy Related to Victims in the Criminal Justice System” (updated March 2, 2021), <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/service-providers/legislation-and-policy>; BC Ministry of Public Safety and Solicitor General, Ministry of Attorney General, and Ministry of Children and Family Development, “Violence against Women in Relationships (VAWIR): Policy” [hereafter “VAWIR”] (December 2010), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/victims-of-crime/vs-info-for-professionals/info-resources/vawir.pdf>, p. 31; and Provincial Policing Standards, Section 5.4.2 Intake and Investigations of Sexual

Assaults.

- 180 Police-based victim service programs are contracted services funded by the Ministry of Public Safety and Solicitor General. They are located within RCMP detachments or municipal police departments and work closely with police to provide support services to victims of all types of crime. Some programs may also provide on-scene crisis response services in conjunction with the police.
- 181 BC Referral Policy, p. 2.
- 182 Final Report of the Mass Casualty Commission, vol. 5, pp. 15, 562, and 627–28; and Michel Bastarache, “Broken Lives, Broken Dreams: The Devastating Effects of Sexual Harassment on Women in the RCMP—Final Report on the Implementation of the Merlo Davidson Settlement Agreement” (11 November 2020), <https://www.rcmp-grc.gc.ca/wam/media/4773/original/8032a32ad5dd014db5b135ce3753934d.pdf>.
- 183 Amanda V. McCormick, Irwin M. Cohen, and Darryl Plecas, “Reducing Recidivism in Domestic Violence Cases” (BC Centre for Social Responsibility, June 2011), [https://www.ufv.ca/media/assets/ccjr/reports-and-publications/Reducing\\_Recidivism\\_in\\_Domestic\\_Violence\\_2011.pdf](https://www.ufv.ca/media/assets/ccjr/reports-and-publications/Reducing_Recidivism_in_Domestic_Violence_2011.pdf), pp. 12–13.
- 184 Provincial and federal privacy legislation allows information to be shared. The BC Freedom of Information and Protection of Privacy Act (FIPPA) (RSBC 1996, c. 165) allows information sharing in certain circumstances: s. 25(1), s. 33(3)(a)(i) allows a public body to disclose personal information if “compelling circumstances that affect anyone’s health or safety exist”; and s. 26(f) allows personal information to be collected to reduce “the risk that an individual will be a victim of domestic violence, if domestic violence is reasonably likely to occur.” Section 8(2)(m) of the federal Privacy Act (RSC 1985, c. P-21), which governs federal police (RCMP), also allows the disclosure of otherwise confidential information if the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure.
- 185 VAWIR, p. 18. The Québec Report recommended that, with certain exceptions, it should be a requirement for a psychosocial worker to meet with the victim of sexual or intimate partner violence before the police officer takes the victim’s statement: Recommendation 45.
- 186 JUSTIN (Justice Information) is the case-management system maintained by the BC Prosecution Service to support charge approval and conduct of prosecutions in British Columbia. PRIME-BC (the Police Records Information Management Environment for British Columbia) connects every municipal department and RCMP detachment throughout the province. Police submit information to the BCPS via the JUSTIN-PRIME interface. See BC Government Records Service, “BC Prosecution Service Operational Records Classification System” (December 2019), [https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/services-policies-for-government/information-management-technology/records-management/orcs/bc\\_prosecution\\_service\\_orcs\\_schedule\\_201915.pdf](https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/services-policies-for-government/information-management-technology/records-management/orcs/bc_prosecution_service_orcs_schedule_201915.pdf).
- 187 EVA-BC Information Bulletin: Community Based Victim Service Workers – Access to JUSTIN (December 2018) [https://endingviolence.org/wp-content/uploads/2022/08/Access-to-JUSTIN-Information-Bulletin-FINAL\\_Dec2018.pdf](https://endingviolence.org/wp-content/uploads/2022/08/Access-to-JUSTIN-Information-Bulletin-FINAL_Dec2018.pdf)
- 188 See the Provincial Policing Standards, section 5.4.2 “Intake and Investigations of Sexual Assaults” (updated June 2, 2025), <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/policing-in-bc/policing-standards/5-4/5-4-2-intake-investigations>, s. 9. The VAWIR policy states that the police will notify the victim if the accused is released, although when agreed practices are established, Crown Counsel may do so instead.
- 189 Another aspect of this information-sharing dynamic has been identified by McCormick et al., who discuss the

- integration of a community victim service worker into the DVU. See McCormick et al., “Enhancing Surrey’s Domestic Violence Unit,” p. 27.
- 190 A 2003 federal-provincial-territorial (FPT) working group recommended that victim services include assistance for survivors in the family court system: FPT Working Group on Spousal Abuse Report 2003 (cited above), Recommendation 12. See also J. Light, “Family Law Services for Women who Are Victims of Violence: What Can Be Done? Issues and Options for BC” (BC Association of Specialized Victim Assistance and Counselling Programs, 2005), p. 4.
- 191 The Indigenous Courtwork Program is primarily aimed at assisting Indigenous people charged with offences. See the government of Canada webpage: <https://www.justice.gc.ca/eng/fund-fina/gov-gouv/acp-apc/index.html> (updated September 5, 2024).
- 192 See Ministry of Attorney General, “2022/23 Annual Service Plan Report.”
- 193 Québec Report, Recommendation 16.
- 194 MacDougall et al., “Colour of Violence,” pp. 19, 108, 129, and 134.
- 195 See Gender Equity Office, “BC Supporting Survivors, Breaking the Cycle of Gender-Based Violence” (Ministry of Finance news release, December 10, 2023), <https://news.gov.bc.ca/releases/2023FIN0072-001953>; and BC GBV Action Plan, pp. 35–36.
- 196 E.g., Office of the Chief Coroner of BC, “Findings and Recommendations as a Result of the Inquest into the Deaths of Seth Thornett and William Bethell” (2006), p. 10; DRC Report 2016, p. 3; and BC Representative for Children and Youth, “Honouring Christian Lee—No Private Matter: Protecting Children Living with Domestic Violence” (September 2009), [https://rcybc.ca/wp-content/uploads/2019/06/honouring\\_christian\\_lee.pdf](https://rcybc.ca/wp-content/uploads/2019/06/honouring_christian_lee.pdf), p. 54.
- 197 E.g., Final Report of the National Inquiry into MMIWG, vol. 1b, p. 95.
- 198 E.g., the 2003 Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation identified the need for “comprehensive and co-ordinated strategies” to address intimate partner violence as “the key lesson learned” through its process: FPT Working Group on Spousal Abuse Report 2003, p. 83. See also Linda Light, “Police-Reported Spousal Violence Incidents in BC in which Both Partners Are Suspects/Accused: An Exploratory Study” (BC Ministry of Public Safety and Solicitor General, July 2009), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/victims-of-crime/vs-info-for-professionals/info-resources/police-reported-spousal-violence.pdf>, p. 30; Canadian Panel on Violence against Women, “Changing the Landscape: Ending Violence, Achieving Equality—Executive Summary/National Action Plan” (1993), pp. 40 and 51; Ministry of the Attorney General of British Columbia, “Coroner’s Inquests into the Deaths of Rajwar Kaur Gakhal, Karnail Singh Gakhal, Darshan Kaur Gakhal, Balwinder Kaur Gakhal, Kalwinder Kaur Gakhal, Halvinder Kaur Gakhal, Jaspal Singh Gakhal, Jasbir Kaur Saran, and Baljit (Roger) Singh Saran” [hereafter “Vernon Inquest”] (September 26, 1996), Recommendation 13; and Jane Doe Advocates Group, “31 Things BC Can Do Right Now to End Violence against Women” (2013), <https://www.salalsvc.ca/31-things-bc-can-do-right-now-to-end-violence-against-women/>, Recommendation 31.
- 199 E.g., Special Committee on Reforming the Police Act, “Transforming Policing and Community Safety in British Columbia” [hereafter “BC Special Committee Report”] (BC Legislative Assembly, 3rd session, 42nd Parliament, April 2022), [https://www.leg.bc.ca/committee-content/279/SC-RPA-Report\\_42-3\\_2022-04-28.pdf](https://www.leg.bc.ca/committee-content/279/SC-RPA-Report_42-3_2022-04-28.pdf), pp. 35–36 and 80. See also the Final Report of the National Inquiry into MMIWG, vol. 1b, p. 95.

- 200 Robert Nonomura and Linda Baker, “Gender-Based Violence in Rural, Remote and Northern Communities” (Learning Network, Issue 35, May 2021), [https://www.gbvllearningnetwork.ca/our-work/issuebased\\_newsletters/issue-35/Issue-35.pdf](https://www.gbvllearningnetwork.ca/our-work/issuebased_newsletters/issue-35/Issue-35.pdf), p. 10.
- 201 VAWIR, p. 1.
- 202 VAWIR, p. 59. See also the Protocol forms: <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/victims-of-crime/vs-info-for-professionals/info-resources/vawir-optional-notification-forms-guide-high-risk-cases.pdf>.
- 203 Ending Violence Association of BC, “Community Coordination: Intimate Partner Violence (IPV)” (webpage), <https://endingviolence.org/intimate-partner-violence/>.
- 204 Ibid.
- 205 Ending Violence Association of BC, “Community Coordination: Intimate Partner Violence (IPV)” (webpage), <https://endingviolence.org/intimate-partner-violence/#VAWIR>.
- 206 Although ICATs can apply for Civil Forfeiture grants, they work without stable funding.
- 207 BCPS Annual Report 2023/24. Note that the risk is not just to identifiable targets; there is growing evidence of a connection between a history of gender-based violence and perpetration of mass casualties. See Final Report of the Mass Casualty Commission, vol. 3, p. 246ff, “Mass Casualty Incidents as an Escalation of Gender-Based Violence”.
- 208 BC GBV Action Plan, p. 24.
- 209 Roxanne Egan-Elliot, “In Domestic Violence Cases, Police Are Seeing ‘a Very Serious Number’ of Strangulations” (Times Colonist, February 23, 2025), <https://www.timescolonist.com/local-news/in-domestic-violence-cases-police-are-seeing-a-very-serious-number-of-strangulations-10270933>.
- 210 Carla Wilson, “Fractures in Policing Are Hurting the Region: Victoria Chief” (Times Colonist, November 10, 2024), <https://www.timescolonist.com/local-news/fractures-in-policing-are-hurting-the-region-victoria-chief-9788001>.
- 211 VAWIR, p. 1.
- 212 Irwin M. Cohen, Amanda V. McCormick, Garth Davies, and Christine Neudecker, “An Analysis of The Socio-Economic and Socio-Demographic Contributors to Intimate Partner Violence in RCMP Jurisdictions in British Columbia” (Centre for Public Safety and Criminal Justice Research, University of the Fraser Valley, 2018), <https://www.ufv.ca/media/assets/criminology/Contextual-Explanations-of-IPV-in-BC.pdf>, p. 153.
- 213 VAWIR, pp. 18–19.
- 214 Ibid, p. 25.
- 215 Ibid, p. 60.
- 216 BC RCY, “Don’t Look Away,” p. 95.
- 217 The importance of access to forensic tools for survivors seeking justice in the criminal legal system is addressed in [section 4.2.4.2](#) of this report.
- 218 Holler et al., “When Is the Solution Going to Start?” p. 74.

- 219 Citing successful models in other jurisdictions, a report assessing efficacy of regional hubs for gender-based violence noted that co-locating service providers at a community or regional hub had many benefits and could offer long-term cost savings: Amanda V. McCormick and Irwin M. Cohen, “Police Investigations of Intimate Partner Violence Involving Strangulation in British Columbia” (Centre for Public Safety and Criminal Justice Research, April 2024), <https://blogs.ufv.ca/cpscjr/files/2024/10/Strangulation-Report-in-Centre-Format.pdf>, p. 68.
- 220 BC RCY, “Don’t Look Away,” p. 91.
- 221 See the Canadian Domestic Homicide Prevention Initiative webpage “DVDRC Committees,” <https://cdhpi.ca/dvdrc-committees>.
- 222 Domestic Violence Death Review Committee, “Annual Report to the Chief Coroner: Case Reviews of Domestic Violence Deaths, 2002” (2004), [https://cdhpi.ca/sites/cdhpi.ca/files/2003\\_Annual\\_Report\\_0.pdf](https://cdhpi.ca/sites/cdhpi.ca/files/2003_Annual_Report_0.pdf), p. 4.
- 223 Michael Saxton, Shaz Bukhari, Peter Jaffe, and Katreena Scott, “How to Prevent Domestic Homicides: A Qualitative Study of Recommendations from a Canadian Domestic Homicide Review Committee” *Journal of Family Violence* (2024), p. 2.
- 224 BC Task Force on Family Violence, “Is Anyone Listening?” See also BC Association of Specialized Victim Assistance and Counselling Programs, BC Institute against Family Violence, and BC/Yukon Society of Transition Houses, “Critical Elements of an Effective Response to Violence against Women” (2007), p. 2; and Light, “Violence against Women and Their Children in BC,” p. 92.
- 225 Critical Components Project Team, “Keeping Women Safe” (cited above), p. 64, Recommendation 3.8.7; and Light, “Violence against Women and Their Children in BC,” pp. 92–93, citing BC Association of Specialized Victim Assistance and Counselling Programs et al., “Briefing Documents” (ibid), p. 2.
- 226 Coroners Act, S.B.C. 2007, c. 15, s. 49.
- 227 See BC DRC Report 2010 (cited above).
- 228 See BC DRC Report 2016 (cited above).
- 229 See Katreena Scott, Michael Saxton, Katerine Reif, Shaz Bukhari, Dan Ashbourne, and Peter Jaffe, “Preventing Child and Parent Homicides: A Road Map to Implement Recommendations from the Ontario Domestic Violence Death Review Committee” (Centre for Research and Education on Violence against Women and Children, 2022), <https://www.learningtoendabuse.ca/resources-events/pdfs/Roadmap-DVDRC-Full-Nov30.pdf>.
- 230 See United Nations Office on Drugs and Crime (UNODC), “Background Paper on Femicide Review Committees” (May 2023), [https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ\\_Sessions/CCPCJ\\_32/CRPs/ECN152023\\_CRP6\\_e.pdf](https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_32/CRPs/ECN152023_CRP6_e.pdf); and Linda L. Dahlberg and Etienne G. Krug, “Violence: A Global Public Health Problem” in E.G. Krug, L.L. Dahlberg, J.A. Mercy, A.B. Zwi, and R. Lozano (eds), *World Report on Violence and Health* (Geneva: World Health Organization, 2002), pp. 1–56.
- 231 See Skye Ryan, “Nanaimo Homicide Victim Wendy Head Remembered as ‘Most Loving, Beautiful Soul’” *Chek News* (October 19, 2023), <https://cheknews.ca/nanaimo-homicide-victim-wendy-head-remembered-as-most-loving-beautiful-soul-1173870/>.
- 232 See the Battered Women’s Support Services blogpost “The Growing Concern of Matricide: Analyzing Sons Killing Their Mothers in Canada and Globally” (December 31, 2024), <https://www.bwss.org/the-growing-concern-of-matricide-analyzing-sons-killing-their-mothers-in-canada-and-globally/>.

- 233 In making this recommendation, the Review endorses a recommendation of the Canadian Bar Association of BC (CBABC Agenda for Justice (cited above), p. 14):

[T]he BC government [should] establish data collection and disclosure standards across government agencies to identify and address major inequalities in our justice system. Collecting quality data, including disaggregated data, around the demographics of British Columbians who interact with the justice system will provide the government and other stakeholders with the information needed for reform.

- 234 The BC GBV Action Plan (p. 36) states:

to strengthen prevention and survivor supports, research and evaluate programs as they are rolled out, and improve data collection and reporting on gender-based violence (p. 9)... We will work with victim services and violence against women programs to better understand the ways their services make a difference and what gaps and barriers still exist, especially for Indigenous, racialized and other equity-deserving survivors. As part of our approach to monitoring progress, we will work with providers to enhance data collection systems.

See also the National Action Plan to End Gender-Based Violence, especially Pillar 5.

- 235 BC Special Committee Report, p. 46.
- 236 For example, in 2017, comprehensive review of police classification of sexual assaults revealed inconsistent practices among the police and over-classification of sexual assault incidents as “unfounded.” As a result, new classification standards were implemented in 2018 that require the police to classify incidents as founded unless there is credible evidence confirming otherwise. Following the implementation of the new standards, fewer sexual assault incidents have been classified as “unfounded” both nationally and in British Columbia. Statistics Canada has explained that following the changes to coding practices, more incidents of police-reported sexual assault have been included in official data that previously may have been excluded from police-reported statistics. See Cotter, “Criminal Justice Outcomes of Sexual Assault, 2015 to 2019” (cited above), p. 7 (Text box 1) and p. 8.
- 237 Holler et al., “When Is the Solution Going to Start?” (cited above), p. 53.
- 238 Ibid, p. 26.
- 239 Ibid.
- 240 The GSS is conducted every five years. See the Statistics Canada webpage “General Social Survey: Canadians’ Safety (GSS),” <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=4504>; and Adam Cotter, “Criminal Victimization in Canada, 2019” (Statistics Canada, Juristat catalogue no. 85-002-X, August 25, 2021), <https://www150.statcan.gc.ca/n1/pub/85-002-x/2021001/article/00014-eng.pdf>.
- 241 “The new definition, which represents a commitment to a victim-centred approach for crime, includes incidents where there is no credible evidence to confirm that an incident *did not* take place and those based on third-party reports”: Greg Moreau, “Police-Reported Crime Statistics in Canada, 2018” (Statistics Canada, Juristat catalogue no. 85-002-X, July 22, 2019), <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2019001/article/00013-eng.pdf>.
- 242 Benjamin Mazowita and Cristine Rotenberg, “Police-Reported Sexual Assault in Canada, 2018” (Statistics Canada, Juristat catalogue no. 85-002-X, September 11, 2019), <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2019001/article/00004-eng.pdf>, p. 6.

- 243 Department of Justice Canada, “Justice Data Modernization Initiative” (updated July 12, 2022), <https://www.justice.gc.ca/eng/rp-pr/jr/jdmi-imdj.html>.
- 244 Statistics Canada, “Disaggregated Data Action Plan” (updated November 27, 2024), <https://www.statcan.gc.ca/en/trust/modernization/disaggregated-data>.
- 245 Final Report of the National Inquiry into MMIWG, Calls to Justice 5.24, 16.16, 16.44, 17.2, 18.3, and 18.4.
- 246 BC GBV Action Plan, pp. 7 and 36.
- 247 Myrna Dawson, “Data is a Defence Against Femicide” Policy Options (IRPP: 2021), <https://policyoptions.irpp.org/magazines/december-2021/data-is-a-defence-against-femicide/>.
- 248 See the Final Report of the National Inquiry into MMIWG.
- 249 Anti-Racism Act, S.B.C. 2024, c. 22, <https://canlii.ca/t/c2rd>.
- 250 The BC Missing Women Commission of Inquiry and the National Inquiry into MMIWG both called for centralized databases and better interjurisdictional information sharing, especially for high-risk or missing persons: Report of the BC Missing Women Inquiry, pp. 128–29; and Report of the National Inquiry into MMIWG, vol. 1b, Call for Justice 9.5(v) and p. 99. British Columbia has made a commitment to fund an Indigenous data and evaluation initiative to increase the impact of the efforts to implement the Calls to Justice: National Family and Survivors Circle, “2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQIA+ People National Action Plan” (June 2021), <https://mmiwg2splus-nationalactionplan.ca/eng/1670511213459/1670511226843>, p. 86.
- 251 BC GBV Action Plan, p. 36; Government of Canada, “Canada–British Columbia Transfer Payment Agreement on the Implementation of the National Action Plan to End Gender-Based Violence” (2023), <https://www.canada.ca/en/women-gender-equality/gender-based-violence/intergovernmental-collaboration/bilateral-agreements/british-columbia-agreement.html>, ss. 7 and 8.
- 252 Department of Justice, “Justice Data Modernization Initiative” (cited above).
- 253 UN CEDAW, 2017, article 49, General Recommendation no. 35. See UN Committee on the Elimination of Discrimination against Women, “General Recommendation No. 35 on Gender-Based Violence against Women, Updating General Recommendation No. 19” (CEDAW/C/GC/35, July 26, 2017), <https://docs.un.org/en/CEDAW/C/GC/35>. See also UN Women and World Health Organization (WHO), “Improving the Collection and Use of Administrative Data on Violence against Women: Global Technical Guidance” (2022), <https://iris.who.int/bitstream/handle/10665/365692/9789240058750-eng.pdf>, p. 25.
- 254 UK Domestic Abuse Commissioner, “A Patchwork of Provision: How to Meet the Needs of Victims and Survivors across England and Wales” (summary report, 2022), [https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC\\_Mapping-Abuse-Suvivors\\_Summary-Report\\_Nov-2022\\_FA.pdf](https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Suvivors_Summary-Report_Nov-2022_FA.pdf).
- 255 Australian Government, “National Plan to End Violence against Women and Children” (2022), <https://www.dss.gov.au/system/files/resources/national-plan-end-violence-against-women-and-children-2022-2032.pdf>.
- 256 Ibid, especially pp. 25–26.
- 257 See the Te Puna Aonui webpage “Outcomes and Measurement Framework” (updated December 2024), <https://tepunaaonui.govt.nz/data-and-insights/tracking-the-progress-of-te-aorerekura>; and Te Aorerekura Outcomes and Measurement Framework, “Insights Summary of Family Violence and Sexual Violence over Time in Aotearoa: Baseline

- Report, Data Tables” (2024), <https://tepunaonui.govt.nz/assets/National-strategy/Te-Aorerekura-Outcomes-and-Measurement-Framework-Baseline-Report.pdf>, p. 33.
- 258 See the April 20, 2023 news post from the National Rapporteur on Violence Against Women, <https://yhdenvertaisuusvaltuutettu.fi/en/-/the-next-government-must-combat-violence-against-women-non-discrimination-ombudsman-recommends-several-measures-for-the-upcoming-government-programme>.
- 259 VAWIR, p. 2.
- 260 VAWIR, pp. 2 and 3.
- 261 Crown Counsel receive policy direction through the Crown Counsel Policy Manual, which is developed by the BC Prosecution Service, consistent with its independent role. Therefore, with respect to Crown Counsel, VAWIR notes that VAWIR and Protocol for Highest-Risk Cases “must be read in conjunction with the Crown Counsel Policy Manual,” which “provides specific guidance to Crown counsel on many of these same issues.” The guidance to Crown Counsel included in VAWIR covers charge assessment, alternative measures, bail, and the highest-risk protocol.
- 262 For example, the Evidence-Based, Risk-Focused Domestic Violence Investigations Course that is mandatory for all police in British Columbia.
- 263 VAWIR, p. 2.
- 264 IWJP (cited above).
- 265 Conroy, “Recent Trends in Police-Reported Clearance Status of Sexual Assault and Other Violent Crime” (cited above), p. 4.
- 266 In 2024, the Director of Police Services implemented new Provincial Policing Standards on police response to sexual assault [hereafter “BC Sexual Assault Policing Standards”]. See the BC government webpage “Guiding Principles for Sexual Assault Investigations” (updated June 2025), <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/policing-in-bc/policing-standards/5-4/guiding-principles>.
- 267 BC Special Committee Report, p. 75.
- 268 The “case review” model adopted in the new policing standards is in fact a case conference model, not the Philadelphia Model, which is a precursor of the method of case review that would be much more effective in addressing the needs of survivors, as discussed in [section 4.2.2](#).
- 269 BC Ministry of Children and Family Development, “[Province Takes New Direction for Vulnerable Children, Families](#)” (news release, July 16, 2024), <https://news.gov.bc.ca/releases/2024CFD0009-001124>.
- 270 BC Representative for Children and Youth, “Don’t Look Away” (cited above).
- 271 See *R v Kruk* 2024 SCC 7, <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/20315/index.do>, e.g., para. 32:
- In the past, multiple legal barriers operated to ensure that the testimony of sexual assault complainants—who, at the time, were almost exclusively women—was treated as inherently unreliable. The term ‘myths and stereotypes’ was coined to describe how the exceptional procedural protections historically afforded to those accused of sexual assault discriminated against complainants and made sexual assault not only the most underreported crime, but one that was exceptionally difficult to prove in court. These myths and stereotypes, formerly embedded into the law, arose in relation to both credibility and consent, and made sexual assault inherently dissimilar to other crimes.

- 272 See the Final Report of the Mass Casualty Commission, vol. 5, pp. 434–40.
- 273 Canadian Judicial Council, “Ethical Principles for Judges” (2021), [https://cjc-ccm.ca/sites/default/files/documents/2021/CJC\\_20-301\\_Ethical-Principles\\_Bilingual\\_Final.pdf](https://cjc-ccm.ca/sites/default/files/documents/2021/CJC_20-301_Ethical-Principles_Bilingual_Final.pdf), pp. 13–17; and British Columbia (Attorney General) v. Provincial Court Judges’ Association of British Columbia, 2020 SCC 20, <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18433/index.do>, paras. 28–31.
- 274 National Action Plan to End GBV (cited above): “Ending GBV is everyone’s responsibility. It is a multi-faceted and complex issue that requires cross-sectoral approaches, with responses from education, health, justice, and social service sectors.”
- 275 ALRC Report, pp. 17–18:
- [A] complainant’s experience of a criminal trial can depend greatly upon the judicial officer. A judicial officer proactively implementing trauma-informed practices and procedures can make the complainant’s experience of the criminal trial less traumatising. The opposite can be retraumatising, and lead to the view that justice has not been done.
- 276 The BC legislature passed the Family Law Act in 2013 after considerable consultation. Family Law Act, SBC 2011, c 25, <https://canlii.ca/t/8q3k>. The Act made fundamental changes to family law in BC, replacing the Family Relations Act (FRA), which had not been comprehensively reviewed since its introduction in 1978. The new Act did the following:
- defined the term “family violence”<sup>\*</sup> (in contrast to the earlier FRA, which did not refer to family violence at all);
  - imposed a duty on all family dispute resolution practitioners, such as lawyers and mediators, to screen for violence in order to determine what processes are appropriate;
  - provided for the enforcement of protection orders by police through the *Criminal Code*;
  - included family violence as a factor in the “best interests of the child” test and provided factors to assess the impact of family violence when making decisions about parenting arrangements for a child;
  - directed judges to consider any criminal or civil proceedings, including child protection, that may affect the child’s safety when considering the best interests of the child.

<sup>\*</sup>“Family violence” is defined in section 1 of the Family Law Act as follows:

“Family violence” includes, with or without an intent to harm a family member, physical abuse of a family member, including forced confinement or deprivation of the necessities of life, but not including the use of reasonable force to protect oneself or others from harm, sexual abuse of a family member, attempts to physically or sexually abuse a family member, psychological or emotional abuse of a family member, including intimidation, harassment, coercion or threats, including threats respecting other persons, pets or property, unreasonable restrictions on, or prevention of, a family member’s financial or personal autonomy, stalking or following of the family member, and intentional damage to property, and in the case of a child, direct or indirect exposure to family violence.

The term “family violence” is used in this Report for consistency with the relevant sources. However, the Review acknowledges the term elides the gendered nature of this violence.

- 277 Divorce Act, RSC 1985, c 3 (2nd Supp), <https://canlii.ca/t/7vbw>. The amendments define “family violence” to include such forms of violence as coercive control, financial abuse, psychological abuse, and a child’s direct or indirect exposure to family violence. The best interests of the child are defined to include consideration of violence involving people in the family as well as people in a family-like relationship (s. 2.1).
- 278 Cairns Way with Martinson, “Including Public Stakeholders in Judicial Education” (cited above), p. 279.
- 279 See, for example, the Supreme Court of Canada’s decision in *Barendregt v. Grebliunas*, 2022 SCC 22, paras. 144–45 regarding the challenges of proving intimate partner violence, the underreporting of family violence, and the deterrence to survivors to coming forward.
- 280 Phase 1 began in 2022; phase 2 began in 2024: <https://engage.gov.bc.ca/govtogetherbc/engagement/making-family-law-better/>.
- 281 Final Report of the Mass Casualty Commission, vol. 3, pp. 312–13.
- 282 UN Special Rapporteur on Violence against Women and Girls (Reem Alsalem), “Custody, Violence against Women and Violence against Children: Its Causes and Consequences” (UN Office of the High Commissioner for Human Rights, A/HRC/53/36, April 13, 2023), <https://docs.un.org/en/A/HRC/53/36>, para. 11.
- 283 Two recent anti-violence sector reports focus on urgent issues for survivors related to protections orders and peace bonds. Released in late 2024, the reports contain much more detail and offer many recommendations: Hrymak, “Protection Orders in BC and the Urgent Need for a Specialized Process and Coordinated Reform”; and Ellison et al., “Justice or ‘Just’ a Piece of Paper?” (cited above). For further discussion of these reports, see [section 4.1.4](#) and [section 4.2.3.2](#).
- 284 *KMN v SZM* 2024 BCCA 70, <https://www.bccourts.ca/jdb-txt/ca/24/00/2024BCCA0070.htm>, paras. 110 and 120, citing law professor Jennifer Koshan in a discussion of “longstanding and pervasive” myths. See Jennifer Koshan, “The Myth of False Allegations of Intimate Partner Violence” (University of Calgary Faculty of Law blog post, 8 November 2023), <https://ablawg.ca/2023/11/08/the-myth-of-false-allegations-of-intimate-partner-violence/>: “when women report violence to the police, apply for protection orders, or raise [intimate partner violence] in family proceedings, they are often met with the accusation that they are fabricating the violence to gain an upper hand in family disputes.” See also Jennifer Koshan, “Challenging Myths and Stereotypes in Domestic Violence Cases” *Canadian Journal of Family Law* (2023) 35(1): 33, pp. 38–39. And see Chelsea Pang, “Supporting Survivors through Court Reform: Assessing the Role of Integrated and Specialized Courts for Family Law in British Columbia” *Family Violence & Family Law Brief #11* (Freda Centre for Research on Violence against Women and Children, 2021), [https://www.fvfl-vfdf.ca/briefs/Briefs%20PDF/Family\\_Violence\\_Family\\_Law\\_Brief-11\\_EN.pdf](https://www.fvfl-vfdf.ca/briefs/Briefs%20PDF/Family_Violence_Family_Law_Brief-11_EN.pdf), p. 15, citing Donna Martinson and Margaret Jackson, “Risk of Future Harm: Family Violence and Information Sharing between Family and Criminal Courts” (Freda Centre, January 2016), <https://fredacentre.com/wp-content/uploads/Observatory-Martinson-Jackson-Risk-Report-FINAL-January-14-2016.pdf>.
- 285 For examples of survivors experiencing disregard for nonphysical violence, a lack of understanding of risk, and the widespread false belief that women regularly apply for protection orders to gain advantage in their family law matters, see Hrymak, “Protection Orders in BC” (cited above).

- 286 “Legal actors may also mislabel violence as ‘high conflict’ or communication problems, which elides the violence, minimizes its legal and systemic significance, and misplaces responsibility on both parties”: Koshan, “Challenging Myths and Stereotypes in Domestic Violence Cases.” On differentiating high conflict from family violence, see also Peter G. Jaffe, Nicholas Bala, Archana Medhekar, and Katreena L. Scott, “Making Appropriate Parenting Arrangements in Family Violence Cases: Applying the Literature to Identify Promising Practices, 2023” (Department of Justice of Canada, February 2023), [https://www.justice.gc.ca/eng/rp-pr/jr/mapafvc-cbapcvf/docs/RSD2023\\_RR\\_MakingAppropriateParentingArrangements\\_EN.pdf](https://www.justice.gc.ca/eng/rp-pr/jr/mapafvc-cbapcvf/docs/RSD2023_RR_MakingAppropriateParentingArrangements_EN.pdf), p. 27:
- In the family justice literature, “high-conflict” couples are identified as those who have high levels of hostility and often require lengthy family court involvement to resolve disputes post-separation. Family violence issues are present in many high-conflict separations, though certainly not all (Birnbaum & Bala, 2022). This distinction is important because not all conflict can be considered violence, and conversely, violence should not be euphemized as conflict.
- 287 *KMN v SZM*, 2024 BCCA 70, <https://www.bccourts.ca/jdb-txt/ca/24/00/2024BCCA0070.htm>, paras. 110 and 120.
- 288 *Barendregt v Grebliunas*, 2022 SCC 22, <https://www.canlii.org/en/ca/scc/doc/2022/2022scc22/2022scc22.html>, para. 143.
- 289 *Ibid*, para. 144 (citations omitted).
- 290 *Ibid*, para. 143.
- 291 Bill 73 (An Act to Counter Non-consensual Sharing of Intimate Images and to Improve Protection and Support in Civil Matters for Persons who Are Victims of Violence), [https://www.publicationsduquebec.gouv.qc.ca/fileadmin/Fichiers\\_client/lois\\_et\\_reglements/LoisAnnuelles/en/2024/2024C37A.PDF](https://www.publicationsduquebec.gouv.qc.ca/fileadmin/Fichiers_client/lois_et_reglements/LoisAnnuelles/en/2024/2024C37A.PDF), s. 21, Title II, Chapter V. Bill 73 received royal assent, with most of its provisions coming into force, on December 4, 2024. It may be the subject of a constitutional challenge, which would require further review.
- 292 The BC Supreme Court has a longstanding requirement that parties to a family law proceeding attend a (judicial) case conference to encourage early resolution, and provides a mechanism for survivors to request to be exempt from the requirement or to attend virtually.
- 293 The project was first expanded to Surrey and is now being expanded to nine further courthouses (Port Coquitlam, Abbotsford, Chilliwack, New Westminster, North Vancouver, Pemberton, Richmond, Sechelt, and Vancouver (Robson Square)). See the government webpage “Early Resolution Process” (updated March 31, 2025), <https://www2.gov.bc.ca/gov/content/life-events/divorce/family-justice/your-options/early-resolution>. See also BC Ministry of the Attorney General Family Justice Services Division, “Evaluation of the Victoria Early Resolution and Case Management Model (ER-CM Model): Final Evaluation Report” [hereafter “Victoria ERM Evaluation Report”] (November 2021), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/justice-services-branch/fjsd/victoria-model-evaluation-report.pdf>; and BC Ministry of the Attorney General, “Evaluation of the Early Resolution Process in the Surrey Registry” [hereafter “Surrey ERM Evaluation Report”] (January 2025), [https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/justice-services-branch/fjsd/surrey\\_erp\\_evaluation\\_report.pdf](https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/justice-services-branch/fjsd/surrey_erp_evaluation_report.pdf).
- 294 Victoria ERM Evaluation Report (*ibid*), p. 68.
- 295 *Ibid*, p. 69.

- 296 Unfortunately, a recent evaluation of this program does not disaggregate feedback received from participants along identity lines, which prevents an intersectional analysis for these litigants who are most marginalized. Neither the Victoria nor the Surrey evaluation mentions any consideration of Indigenous or racialized women's experiences with the model, although both do include the percentage of survey respondents who identified as such. In Victoria, "A minority of respondents identified as immigrants (10%), a person with a disability (10%), First Nations (7%), or Métis (3%)": Victoria ERM Evaluation Report, p. 16. In Surrey, 9% of respondents identified as Indigenous, 28% as immigrants, 11% as having physical illness/disability and 13% as having mental illness/disability: Surrey ERM Evaluation Report, pp. 1 and 15. The Victoria evaluation states that 28% of respondents felt the needs assessment with the Family Justice Counsellor (FJC) was not helpful or not at all helpful in identifying their safety issues, while 16% of respondents did not feel that their safety concerns were understood by the FJC: Victoria ERM Evaluation Report, pp. 36 (Figure 5) and 47. The Victoria evaluation stated that a majority felt they were helped in identifying their safety issues. It did not assess whether the 16–28% of those who did not feel that way were also those respondents who identified as disabled, Indigenous and/or racialized, or otherwise marginalized. The Surrey report states that 19% of those who completed consensual dispute resolution (CDR) considered their safety or power imbalance concerns to be addressed "not well enough" or "poorly" (p. 38). Again, this is a minority of respondents, but their safety concerns were not satisfactorily addressed, and we have no way of knowing whether the 10% of Indigenous respondents were overrepresented in the one fifth for whom the process felt unsafe. Note that both the National Action Plan to End GBV and the BC GBV Action Plan (at p. 36) stress the need to collect and report on disaggregated data in order to bring gaps in services to light and in order to address persistent specific barriers for racialized communities accessing programs.
- 297 See Surrey ERM Evaluation Report, p. 5.
- 298 Hrymak, "Protection Orders in BC"; and Ellison et al., "Justice or 'Just' a Piece of Paper?". See [Recommendation 10D](#), [section 4.2.3.2](#), and [section 5.1](#) for further discussion.
- 299 *Ahluwalia v Ahluwalia*, 2023 ONCA 476, <https://canlii.ca/t/jz277>, leave granted: 2024 CanLII 43115 (SCC); appeal heard and SCC judgment reserved February 12, 2025.
- 300 The UN Committee on the Elimination of Discrimination against Women has recommended that Canada "secure free and accessible legal aid for all women who cannot afford private legal advice and representation, in particular in family matters." UN CEDAW Committee, "Concluding Observations on the Tenth Periodic Report of Canada (cited above), p. 18, para. 48(a).
- 301 CBABC Agenda for Justice (cited above), p. 4.
- 302 *Ibid.* See also *Michel v Graydon*, 2020 SCC 24, <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18460/index.do>, para. 90: "Three decades later, it remains true that gender roles, divorce, separation, and lone parenthood contribute to child poverty and place a disproportionate burden on women" (referencing the SCC decision in *Thibaudeau v Canada*, [1995 CanLII 99 \(SCC\)](#), [1995] 2 SCR 627).
- 303 CBABC Agenda for Justice (cited above), p. 4.
- 304 See discussion of the program in [section 2.1](#) above.
- 305 *R v Ewanchuk*, [1999] 1 SCR 330, 41 WCB (2d) 122, pp. 94–97. Indeed, we must rely upon both Crown counsel and judges to ensure defence counsel do not violate the legal protections of complainants against the use of myths and stereotypes in court.

- 306 As noted in [section 2.1](#) of this Report, the Stand Informed program provides limited independent legal advice to BC residents who are survivors of sexual assaults, whether or not they have reported to police. A roster of lawyers can provide three to five hours of free and confidential legal advice to explain the rights and legal options available to survivors. The service also provides referrals to relevant support services. See the Community Legal Assistance Society webpage “Stand Informed,” <https://clasbc.net/get-legal-help/stand-informed-legal-advice-services/>.
- 307 Bill C-51 (An Act to Amend the Criminal Code and the Department of Justice Act and to Make Consequential Amendments to Another Act) came into force on December 13, 2018. It legislated the right of complainants to be represented by counsel with respect to the admissibility of evidence concerning prior sexual activity of the complainant in a sexual offence trial and the rules around the production of third-party records (ss. 276 and section 278 Criminal Code matters).
- 308 See, e.g., the Québec Report, Recommendation 26; the ALRC Report, s. 6.91; and the Final Report of the National Inquiry into MMIWG, Call to Justice 5.13.
- 309 Provincial Policing Standards, s. 5.4.2 ([Intake and Investigations of Sexual Assaults](#)), standard 6.
- 310 *Ibid*, standard 12.
- 311 Provincial Policing Standards, s. 5.4.5 (Sexual Assaults Case Reviews).
- 312 For an overview of the two approaches, see Government of Northwest Territories, “What We Heard: Engagement Session August 12–13, 2020—Stakeholder Insight on New Initiatives to Support Victims of Sexualized Violence in the NWT” (2021), <https://www.justice.gov.nt.ca/en/files/victim-services/What%20We%20Heard%20Report%20Stakeholder%20Engagement%20August%2012-13%202020.pdf>, p. 2. See also Sunny Marriner, “Platform for Change: Ending Violence Association of Canada Recommendations for the RCMP Sexual Assault Investigations Review Committee Program” (Ending Violence Association of Canada, 2024), [https://endingviolencecanada.org/wp-content/uploads/2024/06/EVA-Canada\\_RCMP-PlatformForChange-Report\\_EN.pdf](https://endingviolencecanada.org/wp-content/uploads/2024/06/EVA-Canada_RCMP-PlatformForChange-Report_EN.pdf).
- 313 The RCMP contract is set to expire in 2032. British Columbia Provincial Police Service Agreement, Schedule A (April 2012), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/publications/agreements/police-agreement-provincial-2012.pdf>. See also the BC Special Committee Report, p. 10, Recommendation 2; and Public Safety Canada, “A New Policing Vision for Canada: Modernizing the RCMP” (March 2025), <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2025-mdrn-rcmp-grc/index-en.aspx>.
- 314 BC DRC Report 2016, p. 8. This statistic also appears in Greater Victoria Police Integrated Units, “Annual Report: 2020/21” (2021), <https://saanichpolice.ca/wp-content/uploads/2022/02/Integrated-Units-Report-%E2%80%93-2020-2021.pdf>, p. 10 (graphic).
- 315 BC Special Committee Report, p. 46.
- 316 Jaffe et al, “Making Appropriate Parenting Arrangements” (cited above), p. 16; and Shana Conroy, “Family Violence in Canada: A Statistical Profile, 2019” (Statistics Canada, Juristat catalogue no. 85-002-X, March 2021), <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2021001/article/00001-eng.pdf>, p. 29.
- 317 Final Report of the Mass Casualty Commission, vol. 3, pp. 375 and 378.
- 318 *Ahluwalia v Ahluwalia*, 2023 ONCA 476, para. 1.

- 319 Final Report of the Mass Casualty Commission, vol. 3, pp. 5, 12, and 246–54. “There is a growing body of evidence that many men who commit mass casualties have previously committed gender-based violence, intimate partner violence, or family violence” (p. 246). See also discussion at p. 247 of “four ways in which gender-based violence and mass casualties are connected.”
- 320 Marcie Campbell, Myrna Dawson, Peter Jaffe, Anna-Lee Straatman, “Domestic Violence Death Review Committees: Speaking for the Dead to Protect the Living” (Canadian Domestic Homicide Prevention Initiative, Domestic Homicide Brief 1, May 2016). [https://cdhpi.ca/sites/cdhpi.ca/files/Brief\\_1\\_FINAL\\_0.pdf](https://cdhpi.ca/sites/cdhpi.ca/files/Brief_1_FINAL_0.pdf), p. 7. For a more comprehensive discussion of risk factors, see Office of the Chief Coroner (Ontario), “Domestic Violence Death Review Committee: 2021 Annual Report” (November 2024), <https://cdhpi.ca/sites/cdhpi.ca/files/2021-DVDRC-Annual-Report-EN.pdf>; and Government of Saskatchewan, “Domestic Violence Death Review: Report” (January 2025) <https://www.saskatchewan.ca/-/media/news-release-backgrounders/2025/jan/domesticviolencedeathreview---4274.pdf>.
- 321 Final Report of the Mass Casualty Commission, vol. 3, pp. 290, 378, and 384–85.
- 322 Mandatory charging does not accord with a survivor-centred approach, and there are legitimate concerns about the criminalization of survivors as well as the overincarceration of racialized and Indigenous people in Canadian prisons: Final Report of the Mass Casualty Commission, vol. 3, pp. 366–70; and *R v Gladue*, [1999] 1 SCR 688, <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/1695/index.do>.
- 323 Final Report of the Mass Casualty Commission, pp. 439–40.
- 324 BC Public Safety and Solicitor-General, “Police Training, Risk Assessment Updated to Save Lives” (news release, November 29, 2021), <https://news.gov.bc.ca/releases/2021PSSG0094-002274>.
- 325 Ibid.
- 326 RCMP, “The Way Forward II: An Update on the Implementation of the RCMP’s Sexual Assault Review and Victim Support Action Plan” (2022), <https://www.rcmp-grc.gc.ca/en/the-way-forward-ii-an-update-the-implementation-the-rcmps-sexual-assault-review-and-victim-support>.
- 327 Provincial Policing Standards, s. 3.2.6 (Training to Enhance Service Delivery to Vulnerable Communities) (2024), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/standards/3-2-6-train-service-vulnerable.pdf>, standards 6–7.
- 328 Ibid, standards 4–5.
- 329 Ibid, standards 1–3. The implementation of cultural competency standards and training is addressed in the National Action Plan to End GBV, the BCFNJC Justice Strategy, and the Indigenous Women’s Justice Plan. See discussion of these above.
- 330 BC DRC Report 2010, p. 7.
- 331 VAWIR, p. 17.
- 332 See the Final Report of the Mass Casualty Commission, vol. 3, pp. 5 and 12.
- 333 Report of the BC Missing Women Inquiry, Recommendation 4.10.
- 334 Provincial Policing Standards, s. 6.1.2 (Community Engagement) (2023), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/standards/6-1-2-community-engagement.pdf>.

- 335 The Attorney General may provide direction to the Criminal Justice Branch on policy regarding the approval or conduct of prosecutions and the administration of the branch. See Crown Counsel Act, RSBC 1996, c. 87, s. 6. The Attorney General “superintends [the prosecution] function and remains accountable to the Legislature for all exercises of prosecutorial authority”: BCPS, “Crown Counsel Policy Manual: Guiding Principles (GUI 1)” (effective May 20, 2022), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/gui-1.pdf>, p. 1. For a discussion of the purpose and scope of prosecutorial independence and its relationship with prosecutorial discretion, see also Ontario (AG) v Clark, 2021 SCC 18, <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18855/index.do?q=%22prosecutorial+independence%22>.
- 336 The BCPS Vulnerable Victims and Witnesses Policy (VUL 1) provides that Crown Counsel should “make reasonable efforts to proactively establish and maintain communication with vulnerable victims and witnesses from the earliest stages of the prosecution, through to its conclusion, and to provide them with timely information about the status of the prosecution”: BCPS, “Crown Counsel Policy Manual: Vulnerable Victims and Witnesses” (effective January 15, 2021), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/vul-1.pdf>, p. 2. The BCPS Intimate Partner Violence Policy (IPV 1) provides that “Crown Counsel or designated BC Prosecution Service personnel should provide timely information to the victim about any charges laid, release conditions, or other developments in the case as required by the BC Victims of Crime Act, the federal Canadian Victims Bill of Rights and the policy on Victims of Crime (VIC 1)”: BCPS, “Crown Counsel Policy Manual: Intimate Partner Violence” (effective April 8, 2025), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/ipv-1.pdf>, p. 7. The VAWIR policy provides that “Whenever possible, Crown counsel tries to provide timely information to the victim directly or through victim services, upon request, pursuant to the Victims of Crime Act, or in any case involving particular concerns about safety, regarding any charges laid, release conditions imposed, or other developments in the case”: VAWIR, p. 22. The Sexual Assaults Policy (SEX 1) provides that “Crown Counsel should take steps to establish and maintain direct communication with the victim and provide timely information about the status of the prosecution”: BCPS, “Crown Counsel Policy Manual: Sexual Assaults—Adult Victims” (effective December 18, 2023), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/sex-1.pdf>, p. 2.
- 337 The BCPS Charge Assessment Guidelines (CHA 1) provide that Crown Counsel should “when appropriate, communicate the decision to those affected, including the police, so that they understand the reasons for the charge assessment”: BCPS, “Crown Counsel Policy Manual: Charge Assessment Guidelines” (effective January 15, 2021), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/cha-1-charge-assessment-guidelines.pdf>, p. 8.
- 338 The BCPS Resolution Discussions Policy (RES 1) states that in cases involving serious injury or severe psychological harm, the Crown should take reasonable steps to inform the victim and provide them with an opportunity to express any concerns they have before concluding resolution discussions, withdrawing charges, or directing a stay of proceedings: BCPS, “Crown Counsel Policy Manual: Resolution Discussions” (effective January 15, 2021), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/res-1.pdf>, p. 5.
- 339 The BCPS Victims of Crime Policy (VIC 1) provides that “Crown Counsel should make victims aware of available testimonial accommodations and their right to make an application for an accommodation.” See BCPS, “Crown Counsel Policy Manual: Victims of Crime” (effective December 18, 2023), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/vic-1.pdf>, p. 1. The policy also directs that Crown Counsel should apply for a testimonial accommodation whenever appropriate (pp. 2–3). The IPV 1 and SEX 1 policies (cited above) also address testimonial accommodations. Recommendation 63 of the Québec

Report says prosecutors should offer testimonial aid measures to sexual assault and domestic violence victims and request them in court.

- 340 See McGoey, “Moving Forward,” p. 17.
- 341 See Ontario (AG) v Clark (cited above).
- 342 Crown Counsel Act, RSBC 1996, c. 87, s. 4(3)(a).
- 343 This charging standard continues to apply throughout the prosecution: Crown Counsel Policy Manual: CHA 1 (cited above), p. 2.
- 344 Ibid.
- 345 Ibid, p. 1.
- 346 The proportion of IPV files that Crown Counsel approved to court decreased from 85% in 2017/18 to 76% in 2023/24. Similarly, the proportion of all files approved to court has decreased during this time period (from about 84% to 76%). 2017/18 data is found in BCPS, “BC Prosecution Service: Annual Report, 2021/22” (2022), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/reports-publications/bcps-annreport-2021-22.pdf>, pp. 21–22. 2023/24 data is found in BCPS, “BC Prosecution Service: Annual Report, 2023/24” (cited above), pp. 21–22.
- 347 Data published by Statistics Canada indicates that in British Columbia, Crown Counsel reject charges in about 7% of sexual assault cases where charges are recommended by police: Conroy, “Recent Trends in Police-Reported Clearance Status of Sexual Assault and Other Violent Crime,” p. 11.
- 348 With respect to IPV cases, data published in 2024 indicates that about half of IPV cases (47% or 4,377 out of 9,322) result in a stay of proceedings, but it is not specified if this figure includes judicial stays of proceedings in addition to those directed by Crown counsel: BCPS Annual Report 2023/24, p. 22. In 2024, 49% of sexual assault charges (84 out of 170) in the BC Supreme Court and 46% of charges (327 out of 714) in the BC Provincial Court resulted in stays of proceedings directed by Crown. Source: data compiled by the Court Services Branch respecting concluded sexual assault charges and outcomes (adult complainants only), provided to the Reviewer on January 24, 2025. Note that this data was reported in terms of individual charges (rather than cases or accused persons) so Crown counsel’s approach to charging in individual cases may affect this data. For example, when multiple allegations of sexual assault are encompassed within a single count or charge, it results in only one outcome or data point. However, if multiple allegations are instead each charged as separate counts, the file gives rise to multiple outcomes and data points. There may be cases in which Crown counsel stays one or more charges against an accused person but proceeds with the prosecution of other charges against that accused person. The BCPS reports that about half of all stays of proceedings—across all types of crime—involve some other consequence for the accused, e.g., a peace bond, referral to alternative measures, or a guilty plea on another charge: BCPS Annual Report 2023/24, p. 16).
- 349 BCPS, “Crown Counsel Policy Manual: Information Requests from Third Parties (INF 1)” (effective April 16, 2019), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/inf-1.pdf>, p. 4.

- 350 *British Columbia (Attorney General) v Davies*, 2009 BCCA 337, para. 63, leave to appeal dismissed *Attorney General of British Columbia v William H. Davies*, Q.C., *Commissioner*, 2010 CanLII 17152 (SCC), <https://canlii.ca/t/29748>, citing Stephen Owen, “Discretion to Prosecute Inquiry: Commissioner’s Report” (November 1990), <https://bcombudsperson.ca/assets/media/DiscretionToProsecuteVol1.pdf>, Recommendation 8(2) (emphasis added). The Court of Appeal at para. 64 cites s. 15(4) of the Freedom of Information and Protection of Privacy Act (RSBC 1996, c. 165), which is still in effect, as facilitating compliance with this recommendation:
- 15(4) The head of a public body must not refuse, after a police investigation is completed, to disclose under this section the reasons for a decision not to prosecute
- (a) to a person who knew of and was significantly interested in the investigation, including a victim or a relative or friend of a victim, or
- (b) to any other member of the public, if the fact of the investigation was made public.
- 351 Crown Counsel Policy IPV 1 (cited above), p. 2; and Crown Counsel Policy SEX 1 (cited above), p. 2.
- 352 Crown Counsel Policy VUL 1 (cited above), p. 5.
- 353 VAWIR, p. 22.
- 354 Some of these issues are addressed in the Québec Report recommendations on enforcing no contact orders, and where they are not already in place in British Columbia, those recommendations should be considered. The Québec Report specifically identified the need to inform survivors of conditions imposed on the accused, as well as the need to ensure they understand the conditions and know how to report violations (Recommendation 95). Further, survivors should be provided with a checklist of steps to take if the accused violates conditions imposed by the court (Recommendation 96); and there should be a designated person responsible for contacting the victim immediately if the accused is released, and informing the survivor of any conditions (Recommendation 92). The Québec Report also recommended that prosecutors handling sexual assault or domestic violence cases consider the possibility of seeking a restraining order on behalf of the victim, even if the accused is detained (Recommendation 90).
- 355 VAWIR, p. 22.
- 356 Crown Counsel Policy IPV 1 (cited above), p. 3.
- 357 *Ibid*, p. 3. Delivered by BC Corrections staff, Respectful Relationships is a group program that teaches emotion and behaviour management skills to people who have assaulted or threatened assault of their intimate partners. See the Government of BC webpage “Community Programs” (updated March 17, 2025), <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/if-you-are-convicted-of-a-crime/serving-a-community-sentence/community-programs>.
- 358 As noted in [sections 4.1.1, 4.1.4, and 4.2.3.2](#) above, two recent reports by anti-violence organizations provide considerable depth and expertise on this issue and should guide policy development in this area: Hrymak, “Protection Orders in BC” (cited above); and Ellison et al., “Justice or ‘Just’ a Piece of Paper?” (cited above).
- 359 BCFNJC Justice Strategy, p. 38. Note that Canadian Bar Association of BC recommends that the BC government fully fund the BCFNJC Justice Strategy: CBABC Agenda for Justice, p. 11.
- 360 See Holler et al., “When Is the Solution Going to Start?” pp. 43–45.
- 361 Crown Counsel Charge Assessment Guidelines (CHA 1) (cited above), p. 1.

- 362 BC Attorney General v Davies (cited above), para. 65.
- 363 Nationally, when sexual assault cases do get to court, they are as likely as physical assault cases to result in a finding of guilt, but due to higher attrition rates at earlier stages of the criminal legal process (decisions to charge and proceed to court), fewer incidents of sexual assault ultimately result in a conviction or sentence compared to physical assaults: Cotter, “Criminal Justice Outcomes of Sexual Assault, 2015 to 2019” (cited above), pp. 14 and 17. See also p. 50, Table 4, which indicates that in British Columbia, physical assaults for which police recommended charges proceeded to court in 71% of cases, but only 54% of sexual assault incidents cleared by charge proceeded to court.
- 364 The Crown Counsel Policy Manual states that policy directions that use the word “should” (as opposed to “must”) are not necessarily mandatory. Rather, “‘Crown counsel should’ means that Crown counsel will ordinarily follow the policy guidelines, unless they determine the interests of justice require a decision inconsistent with that policy guideline”: Crown Counsel Guiding Principles (GUI 1) (cited above), p. 8.
- 365 Crown Counsel Policy SEX 1 (cited above), p. 6.
- 366 Crown Counsel Policy RES 1 (cited above), pp. 5–6.
- 367 The Attorney General questioned whether a public inquiry had the authority to explore issues surrounding the exercise of the Crown’s prosecutorial discretion. The BCCA found that it did: British Columbia (Attorney General) v Davies (cited above).
- 368 Davies Commission Inquiry into the Response of the Criminal Justice Branch (BC), “Alone and Cold: Criminal Justice Branch Response” (May 2011), <https://opcc.bc.ca/wp-content/uploads/2017/04/The-Davies-Commission.pdf>, pp. 19–20, Recommendation 7.
- 369 Under the heading of “Ancillary Issues,” the Davies Commission made this similarly gentle suggestion at p. 161:
- In British Columbia, Branch prosecutors have historically willingly accepted personal responsibility for making charge assessment decisions. Some believe that it is a “Minister of Justice” responsibility that rests on them individually. While I laud the seriousness with which the charge assessment function is undertaken, I invite the Branch to give consideration to introducing a more collegial decision-making approach, at least in more complex and difficult cases. When important decisions need to be made in a law firm setting, it is common practice for the firm to bring together those most knowledgeable about that area of practice to collegially discuss the facts, the law, and the options, and collectively reach a decision on how to proceed. More brainpower is brought to bear on the issue, more dimensions of the issue are identified and discussed, and the firm as a whole takes responsibility for the final decision. I believe such an approach by the Branch is an alternative worth examining.
- 370 For example, a case that ends in a stay of proceedings directed by Crown counsel may not result in a judicial decision, nor will any case tried by a jury.
- 371 *Krieger v Law Society of Alberta*, 2002 SCC 65, <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/2007/index.do>.
- 372 Andrew Flavelle Martin, “Twenty Years After *Krieger v Law Society of Alberta*: Law Society Discipline of Crown Prosecutors and Government Lawyers” *Alberta Law Review* (2023) 61(1) 37, <https://canlii.ca/t/7n79g>.
- 373 BCPS, “Crown Counsel Policy Manual: Complaints Relating to Prosecutions (COM 1)” (effective December 18, 2023), <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/prosecution-service/crown-counsel-policy-manual/com-1.pdf>.

- 374 See, e.g., Provincial Court of British Columbia, “Annual Report 2023/24” (2023), <https://provincialcourt.bc.ca/system/files/AnnualReport2023-2024.pdf>, pp. 62–63.
- 375 ALRC Report, 5.60, p. 188 (emphasis added).
- 376 Ibid, 5.61.
- 377 Ibid, 5.62.
- 378 UK Crown Prosecution Service (CPS), “The National Operating Model for Adult Rape Prosecution” (July 2023), <https://www.cps.gov.uk/publication/national-operating-model-adult-rape-prosecution>, Foreword.
- 379 CPS webpage “Victims Right to Review Scheme” (updated May 27, 2021), <https://www.cps.gov.uk/legal-guidance/victims-right-review-scheme>, para. 5.
- 380 See, for example, *AB v Henry*, 2021 BCSC 2562, <https://canlii.ca/t/jltzc>.
- 381 MMIWG Calls for Justice, 5.5 (iii).
- 382 SheMatters, “Silenced: Canada’s Sexual Assault Evidence Kit Accessibility Crisis” (2021), <https://www.shematters.ca/silencedreport>.
- 383 Ibid, pp. 35–36.
- 384 Laura Kane, “Rape Kit Inaccessibility a Hurdle to Justice for Victims in Canada” *CBC News* (October 12, 2015), <https://www.cbc.ca/news/canada/british-columbia/rape-kit-justice-victims-squamish-1.3267448>.
- 385 See the Four Words webpage “paceKit,” <https://www.fourwords.ca/pacekit>.
- 386 See City of Trail, “Trail Sets New Standard for Sexual Assault Survivors with paceKit Initiative” *Rossland Telegraph* (January 21, 2025), <https://rosslandtelegraph.com/2025/01/21/trail-sets-new-standard-for-sexual-assault-survivors-with-pacekit-initiative/>; and Harvin Bhathal, “Self-Collection Rape Evidence Kits Will Be Available Soon in Terrace” *Terrace Standard* (February 1, 2025), <https://www.terracestandard.com/local-news/self-collection-rape-evidence-kits-will-be-available-soon-in-terrace-7788941>.
- 387 Senate Bill S-12 (44th Parliament, 1st session) An Act to Amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer of Offenders Act (assented to October 26, 2023), <https://www.parl.ca/DocumentViewer/en/44-1/bill/S-12/royal-assent>.
- 388 “Application to Vary or Revoke Publication Ban under Section 486.51” (British Columbia, PCR318 07/2024), [https://www.bccourts.ca/supreme\\_court/practice\\_and\\_procedure/practice\\_directions\\_and\\_notices/Criminal/CPD-7\\_Form\\_pcr318.pdf](https://www.bccourts.ca/supreme_court/practice_and_procedure/practice_directions_and_notices/Criminal/CPD-7_Form_pcr318.pdf).
- 389 Cairns Way with Martinson, “Including Public Stakeholders in Judicial Education,” pp. 278–79. Note that the authors also state, “The idea that judges may unknowingly rely on discriminatory myths and stereotypes and thereby perpetuate inequality and unfair disadvantage is no longer controversial” (p. 279), citing the Ethical Principles for Judges, which urge judges to “educate themselves on the extent to which their assumptions rest on stereotypical thinking.” See Canadian Judicial Council, “Ethical Principles for Judges,” p. 36, 4C3.
- 390 See, e.g., *R v Kruk* (cited above), paras. 31–44; and *KMN v SZM* (cited above), paras. 109–27.
- 391 Cairns Way with Martinson, “Including Public Stakeholders in Judicial Education,” p. 279.

- 392 Ibid, p. 284.
- 393 *KMN v SZM*, para. 110, in which it was determined that the trial judge's failure to provide any findings of fact about family violence, allegations of which were central to the mother's case (para. 107), irreparably tainted his resolution of the case (para. 108). See also *R v Thompson*, 2019 BCCA 1, 370 CCC (3d) 354, paras. 54–55, cautioning against impermissible reasoning in the criminal law context as to how stereotypical domestic assault victims react; *R v Lavallee*, 1990 CanLII 95 (SCC), [1990] 1 SCR 852; *R v Seaboyer*, 1991 CanLII 76 (SCC), [1991] 2 SCR 577; *R v Kruk* (cited above), paras. 35–37; *R v TWW*, 2024 SCC 19 (CanLII); and *R v Barton*, 2019 SCC 33 (CanLII), [2019] 2 SCR 579, <https://canlii.ca/t/j0fqj>, para. 68 affirming that the responsibility for ensuring compliance with protections for the complainant is with the trial judge.
- 394 It was a review of transcripts by four law professors who heard by chance about the judgment in *R. v. Wagar Docket: 130288731P1* (ABPC) that brought the conduct of then Alberta Provincial Court judge Robin Camp to the attention of the Canadian Judicial Council: Alice Woolley, "The Resignation of Robin Camp: Background and Reflections" *Legal Ethics* (2017) 20(1): 134–37, <https://www.tandfonline.com/doi/epdf/10.1080/1460728x.2017.1346550>.
- 395 Donna Martinson and Margaret Jackson, "Family Violence and Evolving Judicial Roles: Judges as Equality Guardians in Family Law Cases" *Canadian Journal of Family Law* (2017) 30(1): 11–70, <https://commons.allard.ubc.ca/cgi/viewcontent.cgi?article=1011&context=can-j-fam-l>; Koshan, "Challenging Myths and Stereotypes in Domestic Violence Cases" (cited above); Haley Hrymak and Kim Hawkins, "Why Can't Everyone Just Get Along? How BC's Family Law System Puts Survivors in Danger" (Rise Women's Legal Centre, January 2021), <https://static1.squarespace.com/static/64220f300321233050a209ec/t/65de3b22be93725ee19fa396/1709062949128/Why+can%27t+everyone+just+get+along.pdf>; Cairns Way with Martinson, "Including Public Stakeholders in Judicial Education," citing Parliamentary testimony by Dr. Jennifer Kagan, whose child died in an apparent murder-suicide while in the unsupervised custody of her father:
- I was a victim of domestic violence in my previous marriage. It was a short marriage, and I was subject to multiple types of domestic violence, which included isolated episodes of physical violence as well as coercive control. I had a young daughter and I was able to safely escape the abuser, but when I sought protection for Keira in the family court system, I found that the court system was not equipped to protect a small child. I was before, I believe, between 10 and 12 different judges, none of whom had an understanding of domestic violence and coercive control. During my trial, when I went to the stand to talk about the abuse I had experienced, I was cut off by the judge and told that abuse is not relevant to parenting and he was going to ignore it. (Evidence given before the House of Commons, Standing Committee on the Status of Women (44th Parliament, 1st session, no. 18, May 6, 2022), <https://tinyurl.com/y94f2p59>).
- This testimony echoes much of what this Review heard about judicial views that intimate partner violence is not relevant to parenting—contrary to the direction of the Supreme Court in *Barendregt v. Grebliunas*, 2022 SCC 22, para. 143 (discussed in [section 4.1.2](#)).
- 396 A bias challenge can also be brought during a proceeding. These are high risk, intimidating, and seldom successful.
- 397 If a complaint is made about a Provincial Court Judge, the Office of the Chief Judge examines the complaint and responds to the complainant, usually either to explain that the behaviour was deemed appropriate or to acknowledge that it was inappropriate but not rising to a level that requires further action. Most complaints end there. If the Chief Judge considers that further action is required, the Provincial Court Act (RSBC 1996, c. 379, s. 22.1) requires that the Chief Judge conduct an investigation as to the judge's fitness. The Attorney General may also direct that an investigation take place or may order an inquiry. Such an inquiry is rare. The Act requires that a report of any investigation be made to the Attorney General but does not mention providing it to the complainant.

- See the BC Courthouse Libraries webpages “Complaints and Inquiries before the Judicial Council” (updated July 3, 2024), <https://www.courthouselibrary.ca/how-we-can-help/our-legal-knowledge-base/complaints-inquiries-judicial-council>; and “Judges: Complaints” (updated June 26, 2024), <https://www.courthouselibrary.ca/how-we-can-help/our-legal-knowledge-base/judges-complaints>; and the BCPC webpage “Complaints,” <https://provincialcourt.bc.ca/navigating-court-case/information-all-types-cases/appeals-and-complaints/complaints>.
- 398 Former BC Supreme Court Justice Donna Martinson and Professor Rosemary Cairns Way have asserted that “meaningful transparency about judicial education can enhance public confidence” and that bringing knowledgeable public stakeholders into judicial education does not threaten judicial independence but strengthens judicial understandings of gender-based violence: Cairns Way with Martinson, “Including Public Stakeholders in Judicial Education,” pp. 295–96.
- 399 Canadian Judicial Council, “Ethical Principles for Judges,” p. 34, 4.A.2. See also commentary at 4.B.1 “Equality of Proceedings” and 4.C.1 “Avoidance of Stereotypes.”
- 400 See Troy Riddell, Lori Hausegger, and Matthew Hennigar, “Evaluating Federally Appointed Judges in Canada: Analyzing the Controversy” *Osgood Hall Law Journal* (2012) 50(2): 403–27, <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1025&context=ohlj>.
- 401 See BC DRC Report 2010; Federal-Provincial-Territorial (FPT) Ad Hoc Working Group on Family Violence, “Making the Links in Family Violence Cases: Collaboration among the Family, Child Protection and Criminal Justice Systems” [hereafter “FPT Working Group on Family Violence Report”] (November 2013) <https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/mlfvc-elcvf/mlfvc-elcvf.pdf>, p. 95; Jackson and Martinson, “Risk of Future Harm”; and Linda C. Neilson, *Responding to Domestic Violence in Family Law, Civil Protection and Child Protection Cases* (CanLII, 2nd edn, 2020).
- 402 BC DRC Report 2010, p. 9, Recommendation 12.
- 403 FPT Working Group on Family Violence Report, p. 95.
- 404 *Ibid*, p. 99.
- 405 National Action Plan to End GBV, “Opportunities for Action” section.
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- 407 Québec Report, Recommendation 153.
- 408 *Ibid*, Recommendation 154.
- 409 FPT Working Group on Family Violence Report, pp. 81–82 and 100–2.
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- 447 Sophia Boutilier and Lana Wells, “The Case for Reparative and Transformative Justice Approaches to Sexual Violence in Canada: A Proposal to Pilot and Test New Approaches” *Shift: The Project to End Domestic Violence* (blog post, December 20, 2018), <https://preventedomesticviolence.ca/the-case-for-reparative-and-transformative-justice-approaches-to-sexual-violence-in-canada-a-proposal-to-pilot-and-test-new-approaches/>, p. 31. Transformative justice emerged in anti-carceral Black feminism activism and scholarship as a survivor-led justice response to the root causes of harm. See Angela Y. Davis, *Women, Race, and Class* (New York: Random House, 1981); INCITE! Women of Color against Violence and Critical Resistance, “INCITE!-Critical Resistance Statement: Statement on Gender Violence and the Prison-Industrial Complex” (2001), <https://incite-national.org/incite-critical-resistance-statement/>; and Mimi Kim, “From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration” *Journal of Ethnic and Cultural Diversity in Social Work* (2018) 27(3): 219–33.
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- 449 Jennifer Llewellyn, “Transforming Restorative Justice” *International Journal of Restorative Justice* (2021) 4(3): 374–95, [https://www.researchgate.net/publication/357272379\\_Transforming\\_restorative\\_justice](https://www.researchgate.net/publication/357272379_Transforming_restorative_justice), p. 378 (citations omitted). See also Llewellyn’s explanation of restorative justice as a relational theory of justice (p. 382). This approach fundamentally shifts away from the narrow stringencies of the adversarial criminal legal system to enable an understanding of the interplay between the systemic/institutional and the personal/interpersonal.
- 450 Final Report of the Mass Casualty Commission, vol. 7, <https://masscasualtycommission.ca/files/documents/Turning-the-Tide-Together-Volume-7-Process.pdf>, p. 20. See also the principles of a restorative approach enunciated in Restorative Research, Innovation and Education Lab, “Report from National Restorative Justice Collaborative Learning Conference (NRCLC) 2022” [hereafter “NRCLC 2022 Report”] (2023), <https://restorativelab.ca/wp-content/uploads/2024/02/National-Restorative-Collaborative-Learning-Conference-2022-Final-Report.pdf>, p. 16. The NRCLC is a federal-provincial-territorial meeting of delegations of ministries responsible for justice and public safety.
- 451 “Indigenous justice broadly and Indigenous restorative justice specifically is receiving and must continue to receive separate investment and attention”: NRCLC 2022 Report, p. 7.
- 452 BC GBV Action Plan, p. 22.
- 453 Evans, “Restorative Justice and Gender-Based Violence,” citing Angela Cameron, “Stopping the Violence: Canadian Feminist Debates on Restorative Justice and Intimate Violence” *Theoretical Criminology* (2006) 10(1): 49–66, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2245321](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2245321).
- 454 LEAF Avenues to Justice Report, p. 30. In 2020, Justice Canada contracted the Ending Violence Association of BC and Just Outcomes Inc. to undertake a project called “Restorative Justice and Gender-Based Violence in BC: Revisiting the Conversation.” The project involved a dialogue with participants from gender-based violence and restorative justice communities, as well as Indigenous and immigrant leaders. See the Ending Violence Association webpage “Project Update,” <https://endingviolence.org/resources/project-update-restorative-justice-and-gender-based-violence-in-bc-revisiting-the-conversation/>.
- 455 See the literature review in a Department of Justice paper that surveys the evolution of feminist perceptions of restorative justice: Evans, “Restorative Justice and Gender-Based Violence.” See also Pamela Cross, *And Sometimes They Kill You: Confronting the Epidemic of Intimate Partner Violence* (Toronto: Between the Lines, 2024), p. 169.

- 456 Amanda Kirby-Sheppard, “Building a Pathway for a Human-Centred Response to Gender-Based Violence” *Dal News* (January 23, 2024), <https://www.dal.ca/news/2024/01/23/dalhousie-elizabeth-fry-nova-scotia-partnership.html>. Pamela Cross discusses the possible application of restorative justice and transformative justice in the family law context (*ibid*), p. 175.
- 457 See Marie Keenan and Estelle Zinsstag, *Sexual Violence and Restorative Justice* (Oxford: Oxford University Press, 2022); and Jo-Anne Wemmers, “Judging Victims: Restorative Choices for Victims of Sexual Violence” *Victims of Crime Research Digest*, no. 10 (Department of Justice Canada, 2017), <https://justice.gc.ca/eng/rp-pr/cj-jp/victim/rd10-rr10/rd10-rr10.pdf>, pp. 12–17. Also note that the European Forum for Restorative Justice has launched a Working Group on GBV, developing standards and training for safe, anti-oppressive restorative practices. See the webpage: <https://www.euforumrj.org/working-group-gender-based-violence>.
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- 460 NRCLC 2022 Report, p. 6.
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- 462 See the June 9, 2025 open letter to the Attorney General of Ontario by over fifty individuals and organizations calling for access to restorative justice options for sexual violence survivors: <https://www.survivors4justicereform.com/letter>. See also Deepa Mattoo and Pam Hrick, “The Criminal Justice System Keeps Failing Sexual Assault Survivors” *Globe and Mail* (June 9, 2025), <https://www.theglobeandmail.com/opinion/article-the-criminal-justice-system-keeps-failing-sexual-assault-survivors/>; and LEAF Avenues to Justice Report.
- 463 LEAF Avenues to Justice Report.
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- 513 Ibid. The Review calculated the total unfounded incidents (including sexual assault Levels 1, 2, and 3), 489, as a percentage of the total incidents, 4,458, which equals 10.9%.
- 514 Ibid. The Review calculated the founded incidents by subtracting the unfounded incidents from the total incidents (4,458 - 489 = 3,969). The Review then calculated the incidents cleared by charge (1,522) as a percentage of total founded incidents (3,969), which equals 38%. For reported incidents that police consider to be founded, the police report a clearance status. An incident is "cleared by charge" if the police recommended a charge against an identified individual in connection with the incident. See the definition of "clearance rate" in Statistics Canada, "Definitions," (July 26, 2024), <https://www150.statcan.gc.ca/n1/pub/85-002-x/definitions-eng.htm#c1>. See also Jacob Greenland and Adam Cotter, "Unfounded Criminal Incidents in Canada, 2017" (Statistics Canada, Juristat Catalogue no. 85-002-X, July 23, 2018), <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2018001/article/54975-eng.pdf?st=l3dhwoCE>, p. 3.
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- 533 Conroy, “Spousal Violence in Canada, 2019” (cited above), p. 3.
- 534 In 2023/24, IPV prosecutions resulted in a stay of proceedings in 47% of cases, whereas prosecutions generally resulted in a stay of proceedings in only 35% of cases: BCPS Annual Report: 2023/24 (cited above), pp. 21–22. About half of all stays of proceedings directed by Crown Counsel involve some form of consequence for the accused, including a peace bond, guilty plea in a different case, or a referral to alternative measures (p. 16).
- 535 In 2023/24, 55.5% of concluded files (across all types of offences) resulted in a guilty outcome, whereas only 37.5% of completed IPV files resulted in a guilty outcome: BCPS Annual Report 2023/24 (ibid), pp. 21–22, Tables 8 and 9.
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