

**Re: United Nations Special Rapporteur on violence against women's
Call for submissions: COVID-19 and the increase of domestic violence against women**

Introduction

This submission has been prepared through the collaboration of leaders, experts, and researchers from a number of frontline and advocacy organizations, including Deepa Mattoo and Alina Butt from the Barbra Schlifer Commemorative Clinic, Lise Martin and Krys Maki from Women's Shelters Canada, Raji Mangat from West Coast LEAF, Anjum Sultana from YWCA Canada, Tara Paterson and Vicky Smallman from the Canadian Labour Congress, Suki Beavers from the National Association of Women and the Law, the Ontario Council of Agencies Serving Immigrants, and the Canadian Centre for Policy Alternatives.

On March 11, 2020, the World Health Organization (WHO) declared that COVID-19 was a pandemic, and responses to its spread have varied across the world.¹ In Canada, as cases were discovered across the provinces and territories, different parts of the country entered into lockdowns at different paces. People have been encouraged to stay at home and non-essential businesses closed or moved online, but people have not been required to stay at home unless they recently travelled or have been exposed to someone else who has tested positive for COVID-19. There has also been consistent public messaging about social distancing and rules around gathering in limited numbers, among other region-specific health and safety guidelines.

The following submissions are not intended to be comprehensive or representative of the full extent of experiences and measures taken in Canada regarding violence against women (VAW) in response to the COVID-19 pandemic. Instead, this information represents the research and localized knowledge of the various contributing organizations.

Furthermore, it is difficult to obtain a complete picture about the state of Canada's response to VAW because of the lack of consistency in the country's approach to the matter. The current response is regional and varied at both the federal and provincial or territorial levels of government. In fact, there is no national action plan or policy regarding the country's approach to VAW, a recommendation that the Special Rapporteur herself has made and urged members to implement.² If a national action plan did exist, it would make it easier for governments and organizations such as the contributors to coordinate a response as well as collect and analyze data in situations such as the COVID-19 pandemic and beyond.³

¹ <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>

² <https://digitallibrary.un.org/record/1641160?ln=en#record-files-collapse-header>

³ <https://endvaw.ca/wp-content/uploads/2019/09/NAP-on-VAW-Election-2019.pdf>

1. To what extent has there been an increase of violence against women, especially domestic violence in the context of the COVID-19 pandemic lockdowns? Please provide all available data on the increase of violence against women, including domestic violence and femicides, registered during the COVID-19 crisis.

In the first few months since the start of the COVID-19 pandemic in Canada and based on data gathered from frontline organizations across the provinces and territories, there has been a 20 to 30 per cent increase in rates of gender-based violence (GBV) and domestic violence in some regions of the country.⁴ Ontario's Attorney General has noted a similar increase in domestic violence based on reports from frontline victim services organizations in that province.⁵

Rates of gender-based violence have historically been higher among Indigenous Women, a trend that continues and has even intensified during the pandemic. For instance, the Native Women's Association of Canada reported that one in five Indigenous women had experienced physical or psychological violence over the past three months during the pandemic.⁶ Some reasons for this higher rate of violence include historically higher rates of poverty, poor housing conditions, overcrowding, and overall lack of access to social determinants of health.

Non-status, refugee and immigrant women (NSRI) are also particularly vulnerable during the pandemic. Reporting of GBV against NSRI women by service providers across New Brunswick, Ontario, Alberta, and British Columbia has been highlighted at the planning meetings, roundtables, and webinars of the Ontario Council of Agencies Serving Immigrants (OCASI), which focused on the intersectional impacts of the COVID-19 pandemic on NSRI communities. Across the five regions in OCASI's project, service providers shared that the persistence of GBV in communities and lack of effective strategies to abate it were exacerbated following the emergency response measures put in place during the pandemic. For more background about the challenges facing NSRI women, please see question 11.

To more generally explain the increasing rates of domestic violence, the restrictive measures implemented in response to the COVID-19 pandemic can cause stress due to increased social and physical isolation, employment interruptions, and financial pressures. All of this can result in more likelihood of conflict in the household, as well as exacerbate risk factors (like alcohol use) that are associated with higher rates of intimate partner and sexual violence.⁷

As for how women themselves are feeling about the effects of the COVID-19 pandemic, a recent Oxfam survey found that 71 per cent of Canadian women are more anxious, depressed, isolated, overworked, or ill because of increased unpaid care work. Specifically in relation to the occurrence of violence, Statistics Canada conducted an online survey at the start of April that found that one in 10 women is "very or extremely concerned about the possibility of violence in the home."⁸

Violence can also include the death of women, or as it is more formally termed, femicide. Femicide refers to gender-related killings of women and girls.⁹ There is currently no official government tracking system for femicide. Instead there is the Canadian Femicide Observatory for Justice and Accountability, a multi-sectoral

⁴ <https://www.cbc.ca/news/politics/domestic-violence-rates-rising-due-to-covid19-1.5545851>

⁵ <https://toronto.citynews.ca/2020/04/08/domestic-violence-calls-surge-during-coronavirus-pandemic/>

⁶ <https://www.theglobeandmail.com/canada/article-violence-against-indigenous-women-during-covid-19-sparks-calls-for-2/>

⁷ <http://www.vawlearningnetwork.ca/docs/COVID-gbv-canada-recommendations.pdf>

⁸ <https://www150.statcan.gc.ca/n1/daily-quotidien/200408/dq200408c-eng.htm>

⁹ <https://femicideincanada.ca/callitfemicide.pdf>

panel of experts from across the country that documents femicide as well as the social and state responses to femicide at national, provincial, and territorial levels.¹⁰

On average, one woman is killed by her intimate partner every six days in Canada.¹¹ Yet in the first month of pandemic-related lockdowns, at least 9 women and girls were killed in likely domestic homicides.¹² This does not include the Nova Scotia shootings that occurred in mid-April, where nine men and 13 women were killed in a rampage that started with the perpetrator attacking his female partner in a case of domestic violence.¹³

Also notable is the fact that femicide rates for Indigenous women are six times higher than non-Indigenous women.¹⁴

As well, police in some areas have noted an increase in domestic violence calls. In Ontario, York Regional Police saw domestic incidents grow by 22 per cent.¹⁵ There are other areas such as Durham Region or Peel Region that have seen little to no changes during the months of March and April.¹⁶ However, year-to-date Durham has seen a 14 per cent increase in domestic violence-related calls and 22 per cent increase in sexual assault-related calls.¹⁷

In Alberta, the Edmonton police have seen a 62 per cent increase in domestic violence calls compared to last year, though this number is based on a timeframe that starts in January.¹⁸

In Saskatchewan, the Saskatoon police have noticed an increase in domestic violence calls in March, having received 484 calls this year compared to 359 calls last year.¹⁹

Regardless, shelter workers say that this data does not accurately reflect reality since the majority of domestic or sexual violence victims do not call the police.²⁰ Further to that, many racialized and non-status communities choose not to report to the police for fear of the potentially harmful consequences of these interactions.

The availability of further data is limited however, as noted previously, because of the lack of a unified national action plan on VAW (though there have been calls for better data collection).²¹

2. Are helplines run by Government and/or civil society available? Has there been an increase in the number of calls in the context of the COVID-19 pandemic?

There are some helplines that are run by the Government, though most others are provided by organizations across Canada.

In terms of relevant provincial crisis phone lines, for residents of British Columbia and Yukon there is Victim Link BC, a toll-free, confidential, and multilingual service available by telephone or email to support victims of

¹⁰ <https://www.femicideincanada.ca/home/what>

¹¹ <https://canadianwomen.org/the-facts/gender-based-violence/>

¹² <https://www.theglobeandmail.com/canada/article-at-least-nine-women-and-girls-killed-in-domestic-homicides-in-canada/>

¹³ <https://atlantic.ctvnews.ca/focus-on-femicide-the-nova-scotia-shootings-connection-to-domestic-violence-1.4915852>

¹⁴ <https://www.femicideincanada.ca/about/trends>

¹⁵ <https://toronto.citynews.ca/2020/04/08/domestic-violence-calls-surge-during-coronavirus-pandemic/>

¹⁶ <https://toronto.citynews.ca/2020/04/08/domestic-violence-calls-surge-during-coronavirus-pandemic/>

¹⁷ <https://toronto.citynews.ca/2020/04/08/domestic-violence-calls-surge-during-coronavirus-pandemic/>

¹⁸ <https://nationalpost.com/news/crime-in-a-time-of-covid-19-how-the-pandemic-is-changing-criminality-in-our-neighbourhoods>

¹⁹ <https://www.ckom.com/2020/04/14/saskatoon-police-sees-drop-in-dispatched-calls-in-march-domestic-violence-calls-up/>

²⁰ <https://toronto.citynews.ca/2020/04/08/domestic-violence-calls-surge-during-coronavirus-pandemic/>

²¹ <https://endvaw.ca/wp-content/uploads/2019/02/Blueprint-for-Canadas-NAP-on-VAW.pdf>;

https://www.policyalternatives.ca/sites/default/files/uploads/publications/National%20Office/2013/07/Gap_in_Gender_Gap_VAW.pdf

crime and provide immediate crisis support for victims of family and sexual violence.²² Alberta has a multilingual 24-hour Family Violence Info Line.²³ In addition, the Association of Alberta Sexual Assault Services operates a 24/7 provincial sexual assault support line that offers phone, text, or online chat options.²⁴ Manitoba has a toll-free, 24-hour crisis line as part of its Family Violence Protection Program that can be called or texted for support, shelter options, and free transportation to an emergency shelter.²⁵

In the Atlantic provinces, availability of provincial crisis and support lines vary. For example, in New Brunswick, sexual assault crisis lines are run out of community-based organizations serving various regions of the province.²⁶ Neither Prince Edward Island nor Nova Scotia currently has a provincial sexual assault crisis line, however, there are a number of crisis lines associated with shelters and women's resource organizations across the region.²⁷ In Newfoundland and Labrador, the Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre runs a sexual assault crisis line that serves the entire province, and domestic violence crisis lines operate out of various organizations across the province.²⁸

There has been a notable increase in the number of calls made to service providers in the context of the COVID-19 pandemic.

In Ontario, the Assaulted Women's Helpline, a 24/7 crisis counselling service, has seen a total increase of 5 per cent in the number of calls it receives, but now four times as many of these calls are related to women seeking shelter.²⁹

The Ontario Association of Interval and Transition Houses, which represents over 70 shelters, reported that 20 per cent of their organizations experienced an increase in calls.³⁰

In northeastern Ontario, victim services agencies have also reported an increase in calls.³¹

In the case of one unnamed shelter in the Greater Toronto Area, it was reported that there was a 400 per cent increase in calls for help.³²

Nisa Homes, a transitional home for Muslim and immigrant women and children that operates across Ontario and in British Columbia, has seen calls double since the pandemic began.³³

In British Columbia, Battered Women's Support Services instituted a 24/7 support line that saw a steady increase in calls, peaked at 300 per cent, and estimated that 40 per cent of these calls involve women living in abusive situations and who are isolated with their abusers.³⁴

²² <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/victimlinkbc>

²³ <https://www.alberta.ca/family-violence-prevention.aspx>

²⁴ <https://aasas.ca/initiatives/ibelieveyouonline/>

²⁵ <https://www.gov.mb.ca/msw/fvpp/index.html>

²⁶ <https://svnb.ca/en/services>; https://www2.gnb.ca/content/gnb/en/corporate/promo/sexual_violence/support.html

²⁷ <https://women.novascotia.ca/resource-map>; <http://www.fvps.ca/anderson-house/>

²⁸ <https://endsexualviolence.com/>; <http://thanl.org/shelters/find-shelter/>

²⁹ <https://www.nationalobserver.com/2020/04/28/news/spike-domestic-violence-happening-toronto-due-covid-19-experts-say>

³⁰ <https://toronto.citynews.ca/2020/04/08/domestic-violence-calls-surge-during-coronavirus-pandemic/>

³¹ <https://www.cbc.ca/news/canada/sudbury/domestic-violence-reports-covid-1.5586890>

³² <https://www.cbc.ca/news/politics/domestic-violence-rates-rising-due-to-covid19-1.5545851>

³³ <https://toronto.citynews.ca/2020/04/08/domestic-violence-calls-surge-during-coronavirus-pandemic/>

³⁴ <https://www.ctvnews.ca/health/coronavirus/advocates-scramble-to-help-domestic-abuse-victims-as-calls-skyrocket-during-covid-19-1.4923109>

In Alberta, the provincial One Line for Sexual Assault also reported a 57 per cent increase in calls to its crisis line during the first month of the pandemic.³⁵ Interestingly, the bulk of calls to this line have been made via the online chat function, something that speaks to the importance of text and online options to increasing accessibility when stay-at-home measures may make it difficult to utilize traditional phone lines.³⁶

At the same time, in some areas organizations have seen the number of calls drop, such as the Wheatland Crisis Society in rural Alberta.³⁷ There have also been regions like the Northwest Territories and rural or northern communities, including Indigenous communities in Manitoba, where calls have been greatly reduced.³⁸ The same has been reported by shelters and agencies in New Brunswick.³⁹ In remote, isolated, and rural areas, the lack of public transportation and culturally-appropriate services are also big barriers for women to seek and find support.

Where calls have decreased, there are concerns that this has less to do with a decrease in domestic and sexual violence and more with the pandemic making it difficult for women to seek help safely, as well as suggests that there could be an influx in the need for services once lockdown measures are lifted.⁴⁰ Additionally, OCASI's consultations have resulted in service providers and organizational leaders highlighting that there was first a drop in calls, followed by a sharp increase and volume, understood as an adjustment period for those who may have been navigating living and isolation with an abuser during contagion measures.

Furthermore, advocates have emphasized that any decrease in the number of calls to crisis and support lines must be understood in the context of significant economic and digital divides across the country. Access to the technology and internet connectivity necessary to contact support services during the pandemic are severely limited or simply not available for women who cannot afford cell phones, data plans, computers, or who are living in regions with poor or no internet connectivity.⁴¹ In a recent webinar on frontline sexual assault services, one frontline worker spoke about how the lack of internet access in rural First Nations communities in Saskatchewan has created significant barriers in providing trauma and crisis counselling for victims of violence.⁴²

For survivors who are self-isolating with their abusers, it also may not be possible to safely call for help. A specific instance where this limitation has been recognized is that a coalition of VAW groups in Ottawa launched a new text and chat service that has end-to-end encryption and ensures that the user's chat history does not remain on their phone.⁴³ Other such platforms to provide online counselling and referrals have also been developed, such as iDetermine by the Redwood Shelter.⁴⁴

On a related note, there has also been an increase in online activity with respect to searching for resources and support. Sheltersafe.ca is an online interactive map that helps survivors of domestic violence find help in their community. There have been significant increases in visitors to this website, as visits in March 2020 were

³⁵ <https://www.cbc.ca/news/canada/calgary/alberta-sexual-violence-1.5587207>

³⁶ <https://endingviolencecanada.org/ending-violence-association-of-canada-hosts-webinar-on-sexual-violence-and-covid-19/>

³⁷ <https://www.cbc.ca/news/politics/domestic-violence-rates-rising-due-to-covid19-1.5545851>

³⁸ <https://www.cbc.ca/news/canada/north/domestic-violence-shelters-nwt-covid-19-1.5556398>; <https://www.cbc.ca/news/canada/manitoba/indigenous-victims-domestic-violence-homicides-1.5574176>

³⁹ <https://globalnews.ca/news/6908469/domestic-violence-concerns-covid-19/>

⁴⁰ <https://toronto.citynews.ca/2020/04/08/domestic-violence-calls-surge-during-coronavirus-pandemic/>; <https://www.cbc.ca/news/canada/north/domestic-violence-shelters-nwt-covid-19-1.5556398>

⁴¹ <https://www.cbc.ca/radio/spark/working-from-home-data-surge-a-balancing-act-for-isps-tech-expert-1.5511650/internet-is-the-only-lifeline-they-have-canada-needs-to-confront-digital-divide-amid-covid-19-crisis-1.5513206>

⁴² <https://endingviolencecanada.org/ending-violence-association-of-canada-hosts-webinar-on-sexual-violence-and-covid-19/>

⁴³ <https://www.cbc.ca/news/canada/ottawa/new-web-chat-text-service-for-victims-domestic-abuse-ottawa-during-covid-19-1.5528572>

⁴⁴ <https://www.idetermine.ca/>

doubled compared to March 2019 and tripled in April 2020 compared to April 2019.⁴⁵ The website has also been updated to include text lines and web chat features to reach survivors who are unable to call for help.

3. Can women victims of domestic violence be exempted from restrictive measures to stay at home in isolation if they face domestic violence?

Victims of domestic violence have not been explicitly exempted from restrictive measures implemented due to the COVID-19 pandemic through legislation or in public health messaging. However, many provinces have publicly acknowledged the issue and are trying to address it in other ways to make sure support is available. As will be discussed later, some examples of this include providing additional funding for frontline organizations, ensuring shelters remain open and available, and supporting alternative housing measures.

4. Are shelters open and available? Are there any alternatives to shelters available if they are closed or without sufficient capacity?

There are approximately 552 VAW shelters across Canada, including 428 short-term emergency shelters and 124 long-term shelters (also known as second-stage shelters).⁴⁶ VAW shelters had already been operating at capacity prior to the COVID-19 pandemic. On a snapshot of a single day taken by Statistics Canada, that being April 18, 2018, 669 women, 236 accompanying children, and 6 men were turned away from VAW shelters, with over 80 per cent being because the shelters were full.⁴⁷

During the pandemic, most provinces and territories declared VAW shelters as an essential service and they have remained open. However, in the Northwest Territories, Manitoba, and Newfoundland and Labrador, VAW shelters are not considered an essential service. In Nova Scotia, while shelters are not considered an essential service, the work that they are doing is. Evidently there is a lack of consistency in provincial and territorial governments responding to the work of VAW shelters across Canada. For more information about the working conditions of shelter workers, please see question 11.

Since the COVID-19 pandemic took hold, VAW shelters have had to make adjustments in how they support and house survivors to maintain the health and safety of both residents and staff. In many instances, shelters have reduced the number of staff onsite, adjusted work hours, and have staff working remotely using video-conferencing and other technologies to provide support and counselling to residents. Some shelters are equipped with enough space to follow physical distances within the shelter and are operating at full capacity with various health and safety measures in place.⁴⁸ Others have had to reduce the number of women and children they can serve to comply with public health and safety guidelines.⁴⁹ This has resulted in it becoming more difficult to find available space to place women and children, and women are now being referred to shelters outside of their home communities in some regions, especially in Toronto, Ontario.⁵⁰ Situations like this can introduce further complicating factors, like access to transportation.

Prior to the pandemic, many VAW shelters had arrangements with local hotels or motels to help shelter survivors when the shelter was at capacity. Drawing on these existing relationships, shelters have made arrangements with hotels to house survivors who need to self-isolate during the pandemic.⁵¹ For example, Nisa Homes, which operates a group of shelters for immigrant, refugee, non-status, and Muslim women, had made

⁴⁵ Women's Shelters Canada, June 22, 2020.

⁴⁶ https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2019001/article/00007-eng.pdf?st=pA_vAxTJ

⁴⁷ https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2019001/article/00007-eng.pdf?st=pA_vAxTJ

⁴⁸ Women's Shelters Canada, June 9, 2020.

⁴⁹ <https://www.cbc.ca/news/politics/domestic-violence-rates-rising-due-to-covid19-1.5545851>;

<https://www.nationalobserver.com/2020/04/28/news/spike-domestic-violence-happening-toronto-due-covid-19-experts-say>

⁵⁰ <https://www.nationalobserver.com/2020/04/28/news/spike-domestic-violence-happening-toronto-due-covid-19-experts-say>

⁵¹ Women's Shelters Canada, June 9, 2020.

alternative living arrangements for women and children by temporarily housing them in hotels, though this is considered a last resort and is a costly measure for them.⁵²

Elsewhere, a few shelters had to close down temporarily because of an outbreak and move residents to a hotel.⁵³ In other instances, some VAW organizations that own second-stage apartment units are using the vacant units for self-isolation and overflow.⁵⁴

There are provincial governments that have tried to assist in this regard. For example, British Columbia has “secured nearly 300 additional spaces in communities throughout B.C. for people leaving violent or unstable situations, with more spaces to come. These are in addition to more than 100 transition houses and safe homes that the Province funds on an ongoing basis.”⁵⁵

Still, it is important to point out that the lack of shelter space is informed by a lack of government-funded affordable housing. Current assistance and measures like hotels and motels are only temporary solutions.

5. Are protection orders available and accessible in the context of the COVID-19 pandemic?

In Canada, the term “protection order” is often used to refer to two different things. A person can obtain a restraining order in the family courts and a peace bond in the criminal courts.

A person can contact the police and/or apply (with or without the help of a lawyer) to a judge or justice of the peace under s. 810 of the *Criminal Code* for a peace bond against anyone, having to prove “a reasonable fear” that the other person will harm them, an intimate partner, child, or damage their property.⁵⁶

In Ontario, a person can apply (with or without the help of a lawyer) to a judge for a restraining order under s. 46 of the *Family Law Act* against someone they were married to, lived with, or have a child with upon proving “reasonable grounds” to fear for one's own safety or the safety of a child.⁵⁷

Despite efforts to make the application process easier, more than half of the applications made for protection orders are dismissed or withdrawn, as demonstrated by the 52 per cent rate for 2018-2019 in Manitoba.⁵⁸ This rate has been attributed to the inaccessibility of the applications for self-represented litigants to try to fill out, containing legalese and not enough guidance on how to most persuasively convey the context that requires a protection order.⁵⁹

Protection orders are still available in the context of the COVID-19 pandemic, though there are now additional barriers to obtaining them. For example, there is inconsistency in the opening and closure of courts from place to place, as well as accessibility only on the basis of the urgency of the matter.

As the non-profit organization Luke’s Place summarizes, “A woman seeking a restraining order at this time will need to establish that her need is urgent (cannot wait for a resolution), that the situation significantly affects her health or safety[,] and that her concern is real and not theoretical. She will need to be able to provide the court with detailed evidence to support her claims.”⁶⁰ To this end, there have been some recent cases where protection

⁵² <https://toronto.citynews.ca/2020/04/08/domestic-violence-calls-surge-during-coronavirus-pandemic/>

⁵³ <https://globalnews.ca/news/6957369/native-womens-shelter-of-montreal-closes-after-covid-19-outbreak/>

⁵⁴ Women’s Shelters Canada, June 9, 2020.

⁵⁵ <https://news.gov.bc.ca/releases/2020FIN0025-000774>

⁵⁶ <https://owjn.org/2016/08/protection-orders-part-3-a-basic-guide-to-peace-bonds/>

⁵⁷ <https://owjn.org/2016/08/protection-orders-part-2-a-basic-guide-to-restraining-orders/>

⁵⁸ <https://www.cbc.ca/news/canada/manitoba/domestic-violence-intimate-partner-violence-protection-order-1.5491248>

⁵⁹ <https://www.cbc.ca/news/canada/manitoba/domestic-violence-intimate-partner-violence-protection-order-1.5491248>

⁶⁰ <https://lukesplace.ca/wp-content/uploads/2020/05/COVID-19-Family-Law-VAW-Toolkit-Lukes-Place.pdf>

orders have been granted during the pandemic, including *Rankin v. Rankin* (unreported) and *Harrington v. Dennison* 2020 ONSC 2114.

In British Columbia, protection orders are granted under the province's *Family Law Act*. During the pandemic, access to protection orders (and other urgent family matters) has been maintained by way of telephone hearings. An individual seeking a protection order must make an application for an urgent hearing and an application for an order with supporting affidavit evidence at the same time. During the closure of courts, affidavit evidence does not need to be sworn or affirmed. Ex parte protection orders are permitted in the province, but ex parte orders of protection in British Columbia tend to be limited in duration to only a few weeks at a time. Judges have significant discretion to decide whether the matter is urgent. If it is found to be urgent, a hearing for the protection order will be scheduled for participation by phone or videoconference.

It is also worth noting that protection orders have been found to not offer women that much protection and peace of mind in situations of violence, as they often do little to deter abusers.⁶¹ Abusers are still able to find ways to physically and psychologically terrorize their victims despite surveillance and security measures, and police responses.⁶² Charges of breaching orders are common, and have a greater negative impact on victims than abusers.⁶³

Protection orders also do not serve as a viable solution for non-status women in particular, instead layering further risk on their already precarious situations.

6. What are the impacts on women's access to justice? Are courts open and providing protection and decisions in cases of domestic violence?

Though some courts have tried to make themselves available remotely, it is still challenging to gain access to justice since there is great inconsistency in the response. Each province and courthouse has established a different set of rules related to whether they are open or what hours they keep, as well as what procedure to follow in order to have a matter heard. Unfortunately, and especially in the early days of the pandemic, information about access to the courts was not readily available to the public.

At the same time, the provision of legal aid services has also seen changes due to the COVID-19 pandemic.

Legal Aid Ontario (LAO) has moved to make its summary legal advice program more accessible by moving to telephone and online formats. The organization has also increased its capacity to respond to family law issues by increasing lawyer staffing and waived financial eligibility requirements (though legal eligibility requirements stay in place).⁶⁴ Despite these efforts, an important qualification here is that LAO is not very consistent in its practice of issuing certificates. Still, for victims of domestic violence in particular, all legal and financial eligibility requirements have been waived until further notice.⁶⁵

The non-profit organization Luke's Place has also established a Virtual Legal Clinic for women fleeing abuse in any part of Ontario and using a VAW service to access family law support, connecting them to lawyers through online video-conferencing to receive free summary legal advice.⁶⁶

⁶¹ <https://www.thechronicleherald.ca/news/canada/no-contact-orders-in-domestic-violence-cases-arent-enough-newfoundland-judge-says-463476/>

⁶² <https://www.thechronicleherald.ca/news/canada/no-contact-orders-in-domestic-violence-cases-arent-enough-newfoundland-judge-says-463476/>

⁶³ <https://www.thechronicleherald.ca/news/canada/no-contact-orders-in-domestic-violence-cases-arent-enough-newfoundland-judge-says-463476/>

⁶⁴ <https://www.legalaid.on.ca/news/changes-to-summary-legal-advice-services-at-legal-aid-ontario-due-to-covid-19-pandemic/>

⁶⁵ <https://www.legalaid.on.ca/services/domestic-abuse/>

⁶⁶ <https://lukesplace.ca/supporting-women-to-access-family-law-supports-during-covid-19/>

Beyond the provision of legal services, law-making itself has been impacted by the pandemic. For example, the implementation of recent amendments to the *Divorce Act*, which include new and stronger protections for women and children experiencing family violence in the context of divorce, were supposed to come into force on July 1, 2020 but have now been delayed until March 1, 2021 because of the pandemic.⁶⁷

Family Matters

Though there may be variations based on location, in Ontario, family courts have seen closures or suspended operations due to the COVID-19 pandemic but have been available on a telephone and teleconferencing basis to hear urgent matters as well as requests for 14B consent orders.⁶⁸ Limited case conferences are being held, generally for no more than 30 minutes, and judges are setting limits on which issues will be addressed so they can focus on the most urgent matters.⁶⁹

A test for urgency was established in *Thomas v. Wohleber* 2020 ONSC 1965 and involves four main considerations: the concern must be immediate (i.e. cannot wait for resolution at a later date); the concern must significantly affect the life and safety or economic well-being of the parties and/or their children; the concern must be definite and material rather than speculative, and must relate to something tangible (e.g. health, welfare, or finances) rather than theoretical; and it must be clearly particularized in evidence and examples demonstrating its urgency.⁷⁰

As such, three potentially urgent family law issues include: the safety of a child or parent (e.g. obtaining a restraining order, or other restrictions on contact between parties or the party and a child, or exclusive possession of the home); the well-being of a child (including the wrongful removal or detention of a child); and dire financial issues (such as the need for a non-depletion order).⁷¹

The experience in British Columbia is similar to that in Ontario. As of March 19, 2020, the Supreme Court of British Columbia (BCSC) suspended regular operations to help contain the spread of COVID-19. All civil and family matters scheduled were adjourned. Effective June 1, 2020, some matters being heard in chambers were reinstated by telephone and since then, more and more matters have been scheduled to be heard remotely.

Essential and urgent family matters are identified by the BCSC as those in which the following relief is sought: orders relating to safety of a child or parent due to a risk of violence or immediate harm (including protection orders, conduct orders or exclusion possession of the home); orders relating to the risk of removal of a child from the jurisdiction; and orders relating to well-being of a child (such as essential medical decision, or urgent issues relating to custody and access that cannot reasonably be delayed). Limitation periods have been suspended for most matters. The Provincial Court of British Columbia (BCPC) has likewise made adjustments to its operations, with a phased approach to resuming the hearing of non-urgent matters. Urgent matters, which include applications for protection orders, have continued to be available via a two-step procedure, whereby an application is first made to determine if the matter is urgent, and then if so determined by a judge, the hearing or trial is conducted via telephone. As of mid-June, the BCPC has opened one courtroom in each of 28 locations for in-person proceedings in addition to the opening of two courtrooms each in six other locations which took place as of June 8, 2020. These in-person hearings are limited to priority matters that cannot otherwise be accommodated remotely. In light of the significant numbers of self-representing litigants in British Columbia

⁶⁷ <https://www.canada.ca/en/department-justice/news/2020/06/government-delays-divorce-act-amendments-coming-in-to-force-in-response-to-requests-from-justice-partners-due-to-covid-19-pandemic.html>

⁶⁸ <https://lukesplace.ca/supporting-women-to-access-family-law-supports-during-covid-19/>

⁶⁹ <https://lukesplace.ca/wp-content/uploads/2020/05/COVID-19-Family-Law-VAW-Toolkit-Lukes-Place.pdf>

⁷⁰ <https://lukesplace.ca/wp-content/uploads/2020/05/COVID-19-Family-Law-VAW-Toolkit-Lukes-Place.pdf>

⁷¹ <https://lukesplace.ca/wp-content/uploads/2020/05/COVID-19-Family-Law-VAW-Toolkit-Lukes-Place.pdf>

courts generally, and on family law cases in particular, these processes have been difficult to navigate for many women litigants.⁷²

Criminal Matters

In Ontario, trials and preliminary hearings in the criminal courts have been suspended until early July unless the judges involved believe the appropriate court resources are present, and court appearances where the accused is not in custody have been adjourned for 10 weeks. Proceedings that are occurring, such as those where the accused is in custody, bail hearings, or where the matter is deemed urgent, will continue by means of audio- and video-conferencing.⁷³

Notably, domestic violence court programs have not necessarily been treated differently or as inherently “urgent”—in Nova Scotia, matters were adjourned and rescheduled from April through to the end of May.⁷⁴ As of June 10, the Domestic Violence Court in Halifax finally resumed through telephone hearings.⁷⁵

7. What are the impacts of the current restrictive measures and lockdowns on women's access to health services? Please specify whether services are closed or suspended, particularly those focusing on reproductive health.

Because public authorities have been consistently messaging that people should stay at home as a means to prevent the healthcare system from becoming overwhelmed, women may be unaware that emergency rooms, shelters, and transition houses remain open, and otherwise face barriers (such as concerns about exposure to the virus) that prevent them from accessing these resources.⁷⁶

The Ottawa Hospital Sexual Assault and Partner Abuse program has seen a significant decrease in people seeking treatment (from two to three patients a day to one patient every five days) and put out a call that they are operating as normal to provide full support to victims.⁷⁷ The police in Ottawa have also expressed a related concern, that “victims of domestic abuse are potentially not attending hospitals or clinics for their injuries, and therefore a significant portion of our cases which would normally come from health-care professionals, are going unreported.”⁷⁸

Hospital-based domestic violence and sexual assault services in Ontario, including the Sexual Assault Nurse Examiner programming, have also seen decreases in the number of sexual assault and domestic violence victims presenting to the emergency department. Those working in these services emphasize that this decrease should not be equated with a decrease in rates of domestic or sexual violence. Rather, uncertainty about the availability of services, fear about visiting a hospital during the pandemic, as well as the exacerbation of persistent systemic barriers that prevent marginalized women from seeking health care services are all essential contexts within which to situate any analysis of a decrease in the number of domestic and sexual violence victims presenting at hospitals.⁷⁹

⁷² <https://www.canadianlawyermag.com/news/general/self-representation-rising-in-b.c.-chief-justice-warns/272527>;
<https://www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/jf-pf/srl-pnr.html>

⁷³ <https://www.ontariocourts.ca/ocj/covid-19/covid-19-criminal-matters/>; <https://www.ontariocourts.ca/ocj/covid-19/covid-19-protocol-bail-hearings/>

⁷⁴ https://www.courts.ns.ca/provincial_court/NSPC_domestic_violence_court.htm

⁷⁵ https://www.courts.ns.ca/News_of_Courts/documents/NSPC_DV_Court_Halifax_05_21_20.pdf

⁷⁶ <http://www.vawlearningnetwork.ca/docs/COVID-gbv-canada-recommendations.pdf>

⁷⁷ <https://ottawa.ctvnews.ca/ottawa-hospital-encourages-survivors-of-sexual-assault-partner-violence-to-seek-er-treatment-during-pandemic-1.4903698>

⁷⁸ <https://nationalpost.com/news/crime-in-a-time-of-covid-19-how-the-pandemic-is-changing-criminality-in-our-neighbourhoods>

⁷⁹ <https://endingviolencecanada.org/ending-violence-association-of-canada-hosts-webinar-on-sexual-violence-and-covid-19/>

In an attempt to address some of these barriers, the Ontario Network of Sexual Assault and Domestic Violence Treatment Centres launched an internal 24/7 nurse-staffed telephone navigation line to assist individuals looking for support in navigating services.⁸⁰ This navigation line provides information to victims of domestic and sexual violence regarding availability and access to services, provides options for care including health and forensic examinations, and can support people in connecting with sexual assault nurse examiners.

Across Canada, community-based sexual assault centres and other sexual assault support services continue to operate despite physical office closures.⁸¹ Sexual assault centres continue to offer support via crisis and support lines, and they have also adapted in-person counselling to virtual environments. Many sexual assault centres across Canada normally offer hospital accompaniment for individuals receiving sexual assault forensic exams or other hospital-based services related to violence. Due to restrictions at many hospitals the option of volunteer accompaniment has been suspended, but in Newfoundland, the Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre has continued to offer this service via telephone.⁸²

In Ontario, sexual assault centres are still operating though there are physical office closures.⁸³ People can still access 24-hour telephone crisis support, as well as some text- and web-chat support, and telephone and video counselling services.⁸⁴

While many non-essential and elective procedures and surgeries have been postponed as part of the response to the COVID-19 pandemic, organizations such as Action Canada for Sexual Health & Rights and the National Abortion Federation have advocated for access to pregnancy and abortion care to be deemed essential.⁸⁵

In response, provincial and territorial governments have deemed abortion an essential medical service and public health officials have assured that services will be maintained during the pandemic.⁸⁶ This move is consistent with guidance from the World Health Organization (WHO) that states, “Women’s choices and rights to sexual and reproductive health care should be respected irrespective of COVID-19 status, including access to contraception and safe abortion to the full extent of the law.”⁸⁷

Still, some governments, like the Saskatchewan Health Authority, have recommended that where appropriate, women should opt for medical terminations over surgical procedures in an effort to promote physical distancing.⁸⁸ However, there has already been a shortage in Canada of Mifegymiso, a drug used in medical abortions, at the end of March because the supply chain in Europe was impacted by the pandemic.⁸⁹

Action Canada also noted a 30 per cent increased in the last two weeks of March in calls to their 24-hour information line, with people concerned about new barriers to abortion, STI testing, and contraception access.⁹⁰

⁸⁰ <https://www.sadvreatmentcentres.ca/continuing-care-during-covid-19.html>

⁸¹ <https://endingviolencecanada.org/ending-violence-association-of-canada-hosts-webinar-on-sexual-violence-and-covid-19/>

⁸² <https://endsexualviolence.com/>

⁸³ <https://sexualassaultsupport.ca/covid-19-pandemics-and-gender-ocrcc-statement/>

⁸⁴ <https://sexualassaultsupport.ca/covid-19-pandemics-and-gender-ocrcc-statement/>

⁸⁵ <https://www.actioncanadashr.org/news/2020-03-20-joint-statement-essential-abortion-care-during-covid-19;>

<https://www.actioncanadashr.org/news/2020-03-26-letter-minister-health-sexual-and-reproductive-rights-during-covid-19>

⁸⁶ https://www.huffingtonpost.ca/entry/abortion-access-coronavirus_ca_5e8b54d5c5b6e7d76c6805c7;

<https://www.ctvnews.ca/health/coronavirus/canada-experiencing-shortage-of-abortion-pill-amid-covid-19-outbreak-1.4874666>

⁸⁷ <https://www.leaf.ca/wp-content/uploads/2020/05/Abortion-Access-Framework-May-2020.pdf>

⁸⁸ <https://www.ctvnews.ca/health/coronavirus/canada-experiencing-shortage-of-abortion-pill-amid-covid-19-outbreak-1.4874666>

⁸⁹ <https://www.ctvnews.ca/health/coronavirus/canada-experiencing-shortage-of-abortion-pill-amid-covid-19-outbreak-1.4874666>

⁹⁰ https://www.huffingtonpost.ca/entry/abortion-access-coronavirus_ca_5e8b54d5c5b6e7d76c6805c7

Reproductive choices and options for women wanting to get pregnant are also limited or paused during the COVID-19 pandemic.⁹¹

In New Brunswick, the health service only funds abortions if they take place in hospitals, so the province's only freestanding abortion clinic can only provide services at a great cost (up to \$850 for procedures).⁹² This means that if a person cannot afford an abortion, they must go into hospitals, which in the context of the pandemic poses a great risk to their health.⁹³

As for women in labour and giving birth, they must choose only one person to be in the delivery room, and in some cases when it was unclear, they had to give birth alone.⁹⁴

In one organization's experience, there is also the issue of access to healthcare for female prisoners that has been noted in jails in British Columbia. There have also been challenges with regards to keeping women and their children together while also trying to prevent or respond to the heightened risk of COVID-19 in incarcerated populations.

8. Please provide examples of obstacles encountered to prevent and combat domestic violence during the COVID-19 lockdowns.

An issue that speaks to the scale of the country and the diversity of experiences women can have in Canada during the COVID-19 pandemic is the impact of geography. Women's ability to flee violence is of particular concern for those in rural, remote, and northern (RRN) communities where service gaps and isolation impede a survivor's access to support.⁹⁵ While there are fewer cases and outbreaks, the availability of services may still be impacted. Survivors often have to cross provincial and territorial borders to access VAW shelters and other essential supports if there are none available in their community, or they are at high risk for femicide and lethality.⁹⁶ There is no current information or formal data collection about whether interprovincial border closures allow for flexibility for those who are fleeing violence.

However, YWCA has seen challenges in supporting women experiencing domestic violence due to sub-national border restrictions. If a woman is fleeing domestic violence, provincial or territorial border closures due to the pandemic can impede travel to a safe site.

Another example involves active denial at the border. A shelter in the Northwest Territories reported that a woman fleeing abuse in Alberta was turned away at the Alberta-Northwest Territories border. She was trying to find safety at her mother's home in Yellowknife but was told she could not cross the border and to go find an available emergency shelter in Alberta instead. As a result, internal borders exacerbated the risk of harm for this woman.

With many women having to shelter with their abusers during the COVID-19 pandemic, there are heightened privacy concerns and risks creating barriers to accessing resources. It may be more difficult to communicate to others about what is happening at home, especially in-person. Supports are now largely moving online, so it is recommended that women frequently clear their call and online browsing histories.⁹⁷ Their reduced ability to

⁹¹ <https://www.cbc.ca/news/canada/newfoundland-labrador/fertility-services-vanessa-mayo-1.5580017>;
<https://www.cbc.ca/news/canada/ottawa/ivf-patients-precious-time-covid-1.5569210>

⁹² https://www.huffingtonpost.ca/entry/abortion-access-coronavirus_ca_5e8b54d5c5b6e7d76c6805c7

⁹³ https://www.huffingtonpost.ca/entry/abortion-access-coronavirus_ca_5e8b54d5c5b6e7d76c6805c7

⁹⁴ <https://www.ctvnews.ca/health/coronavirus/giving-birth-in-a-pandemic-answering-questions-about-covid-19-and-pregnancy-1.4869249>

⁹⁵ https://nwtresearch.com/sites/default/files/intimate_partner_violence_-_final_report.pdf

⁹⁶ Women's Shelters Canada, June 9, 2020; Women's Shelters Canada, June 23, 2020.

⁹⁷ <https://lukesplace.ca/wp-content/uploads/2020/05/COVID-19-Family-Law-VAW-Toolkit-Lukes-Place.pdf>

leave the house also means that new safety plans and signals need to be developed with support persons and/or neighbours.

While the shift to online supports has been an essential adaptation made by organizations to prevent the interruption of services, the differential access to technology and internet across Canada, and particularly for those living in poverty, homelessness, and/or in RRN communities, mean that such supports are not available equally.⁹⁸ Lack of access to technology and the internet have thus become additional ways in which some women have been further marginalized and face additional barriers in seeking support and safety from violence.

In light of the impacts on access to health services, it is evident that public messaging is also creating a barrier during the COVID-19 pandemic. Messages that individuals need to “sacrifice” to reduce the burden on emergency services (e.g. hospital, police) may discourage women from seeking assistance.⁹⁹ As well, though VAW shelters remain operational in Canada, some representatives have expressed concern about the prevalent misconception that these services have been reduced due to social/physical distancing measures.¹⁰⁰

Women’s experiences of violence may also be excused as “stress” related to the pandemic and not taken seriously.¹⁰¹

Women’s access to safe and affordable housing may also be compromised during the pandemic. In Prince Edward Island, the restrictive measures surrounding the pandemic have made it more challenging for housing workers to help women view apartments and get placed.¹⁰²

Meanwhile, in Newfoundland, “sex for rent” has gained popularity with landlords offering to reduce rent in exchange for sex.¹⁰³ Women who have fled abuse are particularly vulnerable to this abuse of power as landlords may know their history of violence if they acquired their housing through the domestic violence special priority status application.¹⁰⁴

9. Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by Governments.

The federal government has approved a \$200 million financial aid package to support VAW and Women’s Homelessness shelters across the country, with \$50 million earmarked for VAW shelters that service women and children fleeing domestic violence.¹⁰⁵ This package includes \$20.5 million for Women’s Shelters Canada to distribute to shelters, \$5.5 million to the Quebec government to distribute to shelters, and another \$4 million for the Canadian Women’s Foundation to distribute to sexual assault centres across the country. Eligible organizations were contacted directly.

The Ministry of Women and Gender Equality (WAGE) is working with provincial counterparts, as well as Women’s Shelters Canada and the Canadian Women’s Foundation, to identify which women’s shelters and sexual assault centres will be eligible for funding and “to ensure coordinated approaches to addressing domestic

⁹⁸ <https://www.cbc.ca/radio/spark/working-from-home-data-surge-a-balancing-act-for-isps-tech-expert-1.5511650/internet-is-the-only-lifeline-they-have-canada-needs-to-confront-digital-divide-amid-covid-19-crisis-1.5513206>

⁹⁹ <http://www.vawlearningnetwork.ca/our-work/infographics/covid19safety/LN-Safety-COVID-19-PT-1.pdf>

¹⁰⁰ <http://www.vawlearningnetwork.ca/docs/COVID-gbv-canada-recommendations.pdf>

¹⁰¹ <http://www.vawlearningnetwork.ca/our-work/infographics/covid19safety/LN-Safety-COVID-19-PT-1.pdf>

¹⁰² <https://canadianwomen.org/blog/covid-19-pandemic-gender-based-violence/>

¹⁰³ <https://www.cbc.ca/news/canada/newfoundland-labrador/sex-for-rent-1.5554415>

¹⁰⁴ <https://www.toronto.ca/wp-content/uploads/2018/04/9034-special-priority-application-form.pdf>

¹⁰⁵ <https://cfc-swc.gc.ca/fun-fin/shelters-refuges-en.html>; <https://lukesplace.ca/wp-content/uploads/2020/05/COVID-19-Family-Law-VAW-Toolkit-Lukes-Place.pdf>; <https://toronto.citynews.ca/2020/04/08/domestic-violence-calls-surge-during-coronavirus-pandemic/>

violence during the outbreak.” As of June 2020, all funds had been distributed to VAW shelters and sexual assault centres.

Another \$10 million went to Indigenous Services Canada’s network of 46 emergency shelters on First Nation reserves to support Indigenous women and children fleeing violence.¹⁰⁶ The funds will go directly to the shelters, or their respective band councils to provide them with additional operational funding.

Just recently, Ontario announced an emergency payment of \$2.7 million to support victims of domestic violence other crimes during the pandemic. The government’s one-time emergency payment will go to more than 50 community agencies across Ontario, including indigenous organizations and groups based in rural areas.

Alberta allocated \$5 million to women’s shelters.¹⁰⁷

In addition to the emergency funding, the Ministry of Children’s and Women’s Issues announced a \$40 million Residential Relief Fund to help address increased residential costs at organizations, including shelters that help women fleeing domestic violence.

In Nova Scotia, the Department of Justice refused to grant early release in the context of the COVID-19 pandemic to prisoners with convictions related to domestic violence, in line with recommendations from the United Nations.¹⁰⁸

Frontline and advocacy organizations have been working with governments to determine best practices.

The Government of Yukon partnered with the Yukon Status of Women Council and Northwestel to provide 325 phones with voice and internet access to vulnerable women as a means to access support while isolating with someone who is violent.¹⁰⁹ Unfortunately, the Yukon government recently and unexpectedly cut off access to data being provided through this program citing concerns about its cost, with little warning to participants. This move puts women who were relying on these cell phones and data plans as part of their safety planning at significant risk.¹¹⁰

Another example is that YWCAs across Canada have been working with local public health authorities to get the message about the fact our shelters are open and ready to serve communities.¹¹¹ They are continuing to provide safety planning via mobile and online services, where safe to do so. Women’s Shelters Canada also worked with WAGE and the Public Health Agency of Canada to get the messaging out.

Municipalities such as Montreal, Toronto, and Ottawa have also been involved in identifying hotels for overflow or isolation, although one potential challenge that arises is that many different populations end up being mixed at these shelter points (for instance, survivors of domestic violence, homeless people, and refugee families may be living all together).

Municipalities have also made efforts towards the provision of testing. In Montreal, the public health service has specifically assigned nurses to shelters so that if they have concerns that a resident might have been exposed to or infected by the virus, testing can be done at the shelter instead of the resident having to go to a testing

¹⁰⁶ <https://www.sac-isc.gc.ca/eng/1100100035253/1533304683142>

¹⁰⁷ <https://www.cbc.ca/news/canada/edmonton/province-rolls-out-60-million-in-funds-for-shelters-and-grants-for-non-profits-1.5507565>

¹⁰⁸ <https://www.cbc.ca/news/canada/nova-scotia/n-s-won-t-grant-early-release-to-abusers-1.5527090>

¹⁰⁹ <https://yukon.ca/en/news/government-yukon-provides-phones-vulnerable-women-during-covid-19-pandemic>

¹¹⁰ <https://www.yukon-news.com/news/yukon-government-suspends-phone-program-for-vulnerable-women-after-data-coverage-issues/>

¹¹¹ <https://www.cbc.ca/news/canada/north/domestic-violence-shelters-nwt-covid-19-1.5556398>

centre. Meanwhile in northern Ontario in Simcoe County, mobile testing has also been made available to shelters and their residents.

10. Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by NGOs and NHRIs or equality bodies.

NGOs that are not directly supporting survivors of gender-based violence are doing their part to support the women's sector and anti-violence organizations who work on the frontline by conducting research, sharing information, and contributing to public discourse on GBV during the pandemic through op-eds, articles, and media interviews.

For instance, the Canadian Women's Foundation is partnering with various NGOs (Ontario Nonprofit Network, Canadian Centre for Policy Alternatives, Women's Shelters Canada, etc.) to produce a series of reports called, "Resetting Normal: Building Gender Equality in the Pandemic Recovery."¹¹² These reports focus on the care economy, the role of the women's work sector and the need for funding, and GBV.¹¹³

The Centre for Research and Action on Violence Against Women and Children's Learning Network has also produced a series of briefs, backgrounders, infographics, and other documents to distribute to service providers and the general public.¹¹⁴ These accessible reports are an important contribution to support front line workers and educate the wider public on issues related to VAW during the pandemic.¹¹⁵

Provincial and territorial associations of VAW shelters, as well as Women's Shelters Canada, have been hosting regular meetings and webinars with members and frontline workers to keep up to date on the progress of the pandemic, increases in VAW, promising practices, and how the VAW shelter sector is responding.¹¹⁶ Similarly, the Ending Violence Association of Canada has also hosted weekly meetings of regional, provincial, and territorial sexual assault networks and services to identify key challenges and needs, as well as a webinar exploring the impact of the COVID-19 pandemic on frontline sexual assault services.¹¹⁷

At the national level, the women's sector has called for a National Action Plan (NAP) on Violence Against Women.¹¹⁸ Women's Shelters Canada, along with 20 other collaborators, are advocating for a NAP to ensure consistency across and within jurisdictions to address, prevent, and end VAW.¹¹⁹ A NAP on VAW would ensure that survivors, regardless of region, have access to the same levels of support during and after the pandemic.

In terms of NGOs that are directly supporting survivors of violence, in Ontario the Barbra Schlifer Commemorative Clinic's COVID-19 response includes a High-Risk team working from the Clinic, as well as the full team providing virtual services. Other adjustments to services include utilizing virtual and texting platforms, making phones, internet, and tablets available to isolated women through donations from companies as well as assistance from the Ministry of the Attorney General, and providing food vouchers and care

¹¹² <https://canadianwomen.org/resetting-normal/>

¹¹³ <https://canadianwomen.org/wp-content/uploads/2020/05/Resetting-Normal-Report-Womens-Sector.pdf>

¹¹⁴ <http://www.vawlearningnetwork.ca/our-work/Resources%on%20Gender-Based%20Violence%20and%20the%20COVID-19%20Pandemic.html>

¹¹⁵ <http://www.vawlearningnetwork.ca/our-work/infographics/covid19safety/index.html>

¹¹⁶ Women's Shelters Canada, June 9, 2020; <https://bcsth.ca/blog/health-safety-covid-19/>; <https://www.casw-acts.ca/en/webinar/keeping-survivors-safe-healthy-vaw-shelters%E2%80%99-responses-covid-19>

¹¹⁷ <https://endingviolencecanada.org/10-reasons-why-additional-funding-during-covid-19-is-important-for-sexual-assault-centres/>; <https://endingviolencecanada.org/ending-violence-association-of-canada-hosts-webinar-on-sexual-violence-and-covid-19/>

¹¹⁸ <https://endvaw.ca/wp-content/uploads/2019/02/Blueprint-for-Canadas-NAP-on-VAW.pdf>

¹¹⁹ <https://endvaw.ca/wp-content/uploads/2019/09/NAP-on-VAW-Election-2019.pdf>

packages.¹²⁰ Like other organizations, the Clinic has also been focused on contributing to resource creation, such as resource lists for non-status women.¹²¹

Women's Shelters Canada also received a \$4.5 million donation from the Rogers family to improve the lives of women and children fleeing violence by building the capacity of the VAW sector across the country.¹²²

11. Please send any additional information on the impacts of the COVID-19 crisis on domestic violence against women not covered by the questions above.

Non-status women

Organizations across the country have adjusted and adapted to the needs stemming from rural, urban, disability, and access-related issues. However, migrant women and their experiences have not yet been addressed. The Rights of Non-Status Women Network calls attention to the fact that non-status women experiencing violence at home during the COVID-19 pandemic are even less likely to call the police because of the fear of not being able to remain in Canada, and generally having more limited access to resources and health or social services.¹²³ As confirmed in a recent article, non-status women remain largely invisible in the COVID-19 public health response and emergency support programs.¹²⁴

Such conditions predate the pandemic, though. Racialized NSRI women were already in crisis, as racialized immigrant women face social, economic and health risks due to lack of equitable access to healthcare, housing, safety, and income supports. They are also subject to informal working conditions, employer abuse, exploitation, and social isolation. The impact of the pandemic on NSRI communities is also exacerbated by intersecting structural inequalities rooted in gendered immigration policies and racism and xenophobia.¹²⁵

Women and work

Women (and especially non-status women) as workers in the essential services sector during the COVID-19 pandemic become especially vulnerable to health and violence risks. After all, Canada has not yet ratified the International Labour Organization Convention 190 concerning the elimination of violence and harassment in the world of work, which includes provisions on addressing domestic violence at work. Still, in recent years, the labour movement, researchers, and NGOs have collaborated on a number of initiatives to raise public awareness about the impacts of domestic violence on workers and workplaces, winning changes in legislation in every jurisdiction, including paid domestic violence leave (for example, see the inclusion of s. 206.7 in the *Canada Labour Code*).

At the same time, as workplaces have shifted to remote work, opportunities for workplace intervention as well as the increased likelihood of violence at home pose amplified risks to women.

The refusal of federal and provincial governments to address the looming crisis in child care and the community sector more broadly speaks to a disregard for women's caring labour and the sector's work more broadly.

¹²⁰ <https://schliferclinic.com/covid-19-crisis-resources/>; <https://schliferclinic.com/wp-content/uploads/2020/04/Resources-for-Non-Status-Women-During-Covid-19-FINAL.pdf>

¹²¹ <https://schliferclinic.com/covid-19-crisis-resources/>; <https://schliferclinic.com/wp-content/uploads/2020/04/Resources-for-Non-Status-Women-During-Covid-19-FINAL.pdf>

¹²² <https://endvaw.ca/archives/news/womens-shelters-canada-receives-historic-4-5-million-donation-from-the-rogers-family/>

¹²³ <https://rnswn.files.wordpress.com/2020/05/the-rnswn-covid-19-statement.pdf>

¹²⁴ <https://www.opendemocracy.net/en/pandemic-border/canada-non-status-women-are-being-left-behind/>

¹²⁵ <https://www.opendemocracy.net/en/pandemic-border/canada-non-status-women-are-being-left-behind/>;
<http://www.immigrantandrefugeenff.ca/sites/immigrantandrefugeenff.ca/files/us-too.pdf>

Funding and sustainability

Frontline organizations also have concerns about the long-term impacts that the COVID-19 pandemic will have on women's access to resources and supports going forwards. The Canadian Centre for Policy Alternatives has noted that the pandemic "will strain Canada's public health and social security systems in the short to medium terms."¹²⁶ There is a documented link between economic downturn and increased domestic violence, and some frontline organizations have criticized the fact that the "social safety net" for victims was already not very strong, so the sustainability of funding is a major concern.¹²⁷ A more specific issue concerns non-profits (and particularly grassroots organizations like women's centres outside larger urban centres) being able to continue operating, or having to reduce their operations because of the economic impacts resulting from the pandemic.

Even now there are concerns about, for example, the working conditions of frontline staff. The COVID-19 pandemic has only exacerbated and put a spotlight on the glaring need for funding and attention to the working conditions at frontline organizations. This sector has been underserved as far as provision of personal and protective equipment (PPE) is concerned. Some provinces such as British Columbia tried to facilitate orders of PPE for shelters, but there have still been delays that leave shelters looking for cover (such as in the form of donations).

Shelter workers also faced delays in receiving pay bumps for working during the pandemic, otherwise known as "pandemic pay."¹²⁸

For health and safety purposes, frontline workers are also limited to only working at one place, which limits how much money they are able to make to support themselves. As a result, frontline workers are increasingly vulnerable both in terms of their health as well as financial security.

In New Brunswick, one shelter faced a series of resignations from workers who were underpaid and subjected to poor and unsafe working conditions.

Racialized impacts on health

The health impacts of the COVID-19 pandemic are also asymmetrically affecting racialized women. There is a lack of data collection on the racialized experience of the pandemic, but in particular the Black community has been the focus of attention.¹²⁹ That, coupled with continued exposure to COVID-19 because racialized women are more likely to work in the essential services sector, puts them at greater risk.¹³⁰

Intersections with police violence

At least two racialized women have died in the past month in circumstances involving the police, when they were called to perform wellness checks. These women were Chantel Moore, an Indigenous woman from New Brunswick, and Regis Korchinski-Paquet, an Afro-Indigenous woman from Ontario.¹³¹ Their stories serve as reminders of the complex relationships racialized persons and those with mental health issues can have with calling the police, which serves as another deterrent from getting help during instances of distress or violence.

¹²⁶ <https://www.policyalternatives.ca/newsroom/updates/our-social-and-economic-analysis-covid-19>

¹²⁷ <https://ipolitics.ca/2020/04/16/domestic-violence-organizations-laud-new-funding-but-call-for-more-supports-as-covid-19-escalates-risk/>

¹²⁸ <https://www.cp24.com/news/about-375-000-ontario-front-line-workers-still-waiting-for-pandemic-pay-premium-1.4985203;>
<https://www.ontario.ca/page/covid-19-temporary-pandemic-pay>

¹²⁹ <https://globalnews.ca/news/6892178/black-canadians-coronavirus-risk/>

¹³⁰ <https://globalnews.ca/news/6920505/more-women-have-coronavirus/>

¹³¹ [https://www.theglobeandmail.com/canada/article-nb-police-shooting-of-indigenous-woman-sparks-outrage-across-canada/;](https://www.theglobeandmail.com/canada/article-nb-police-shooting-of-indigenous-woman-sparks-outrage-across-canada/)
<https://www.cbc.ca/news/canada/toronto/regis-korchinski-paquet-toronto-1.5606704>

Conclusion

All in all, there is a real absence of a Gender-Based Analysis Plus (GBA+) analysis or lens applied to Canada's response to the crisis, this despite the federal and provincial legislative responses to the pandemic.¹³² One article that explains the importance of a gender-based analysis states:

“... universal measures which require social distancing and staying home assume the home is a safe place. As isolation is a key tactic used by abusers, stay at home measures increase the risk and inescapability of gender-based violence: when women and children are confined with abusive family members or are unable to connect with their support networks, this intensifies an abuser’s control over their victims.”¹³³

The current response is not adequate, especially considering the long-term impacts and potential for a second wave of the COVID-19 pandemic.

Sincerely,

Signed by

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Contributors

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¹³² <https://cfc-swc.gc.ca/gba-acs/index-en.html>

¹³³ <https://www.opendemocracy.net/en/pandemic-border/canada-non-status-women-are-being-left-behind/>