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Response to call from United Nations Human Rights, Office of the High Commissioner, Special Rapporteur on violence against women, its causes and consequences for femicide-related data and information.

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This submission responds to the call from the Special Rapporteur for information on gender-related killings of women and girls. In response to the above request, the following information is provided from the *Canadian Femicide Observatory for Justice and Accountability* (CFOJA; see www.femicideincanada.ca).

In addition, the eight-month report of the CFOJA is attached (also available in French and Spanish). The inaugural one-year report is in process and pending in January 2019.

■ ***Background of the CFOJA:***

This Observatory was launched on December 6, 2017 which is Canada's National Day of Remembrance and Action on Violence Against Women. Its establishment was, in part, the response to the UN Special Rapporteur call for such watches or observatories as well as the culmination of two decades of research on femicide in Ontario (1974-2018), Canada by the Observatory's Director, Myrna Dawson. The ongoing research was in the process of being rolled out nationally to examine regional similarities and differences in gender-related killings of women and girls in Canada (same time period of 1974-2018), with a specific emphasis on marginalized or vulnerable groups including, but not limited to, women and girls who are Indigenous, immigrants/refugees, elderly, disabled, or women living in rural/remote/northern regions of the country. The international focus on gender-related killings of women and girls as well as the national roll out of the long-standing research project made it timely and crucial to launch an Observatory whose core goal is to "establish a visible and national focus on social and state responses to femicide in Canada" including documenting femicides as they occur.

The CFOJA defines femicide as the killing of all women and girls primarily by, but not exclusively, men. We do so for two reasons.

- (1) Given that the CFOJA focuses on femicide using a national lens in Canada, this definition enhances the ability to make provincial/territorial comparisons. This same reasoning is used to support the adoption of a broad definition at the international level.



- (2) This definition allows for the possibility that femicide may involve female perpetrators in various social and cultural contexts.

It is our goal, however, to direct subsequent efforts to develop more specific parameters that can capture the ‘*killed because they were women*’ elements of narrower definitions of femicide and to identify various subtypes of femicide. This will be discussed in more detail in our annual report in January 2019.

The ultimate goal is to create a sustainable foundation for this Observatory which is currently driven and supported by research funds awarded to the Centre for the Study of Social and Legal Responses (www.violenceresearch.ca) at the University of Guelph. At the time of its launch, some outreach occurred with various federal government agencies (Status of Women Canada, Department of Justice Canada, Federal Ombudsmen for Victims of Crime, and the Canadian Human Rights Commission) but there has been no response to date.

- In addition to documenting femicides as they occur, there are **three core activities** of the CFOJA:

- 1) *Documenting social responses to these deaths.* Social responses are captured by focusing on media coverage of these killings to identify stereotypes and biases that may exist and, in particular, how they may be linked to varying social identities of the women and girls killed. The goal is to identify ways in which media coverage of these killings can be improved as one mechanism for improving education and awareness about gender-related killings of women and girls (e.g. see *Tips for Media* on CFOJA homepage).

Current and ongoing research is being conducted by various members of the CFOJA and is available upon request. [See also: <https://www.femicideincanada.ca/media>.] The goal is to better understand the presence of societal messages and norms about femicide given that it is recognized that entrenched attitudes, beliefs, and resulting stereotypes about violence against women perpetuate and maintain practices that are harmful to women and girls.

- 2) *Documenting state responses to these deaths:* State responses are captured by focusing on existing federal/provincial/territorial legislation as well as criminal justice responses in terms of charges, convictions and sentences that result.

First, identifying current/existing legislation and how it varies nationwide as well as in-depth analysis of various legislative content and prevention initiatives is ongoing. [See: <https://www.femicideincanada.ca/profile>.]

Second, court outcomes in cases of femicide are also being tracked and monitored to determine if variations exist depending on specific characteristics of the crimes (e.g. level of intimacy, indigeneity, age, etc.). In-depth analysis of sentencing comments is also



ongoing to determine how stereotypes and biases may present themselves in this context. [See also: <https://www.femicideincanada.ca/courts.>]

Internationally, a key concern is the impunity of many perpetrators, often resulting from the lack of action or inadequate responses by state actors. Worldwide, there are discussions about the impunity of those who perpetrate these crimes but, with the exception of a few countries, we have little to no information on exactly what happens. The CFOJA seeks to contribute to this gap in knowledge in the Canadian context.

- 3) *Gender-based indicators of femicide*: The third key activity of the CFOJA is to identify key indicators of gender-related killings of women and girls. To date, including that of the CFOJA, the majority of femicide research has been inclusive when defining such acts, incorporating one of two approaches: (1) a focus on all killings of women and girls or ‘female homicide victims’; or (2) a focus on what is commonly perceived as the most obvious gender-motivated type of femicide – ‘intimate femicide.’

Given ongoing discussions surrounding how femicide should be defined, one of the most exciting operational guides that has been released is the *Latin American Protocol for the Investigation of Gender-Related Killings of Women (Femicide/Feminicide)* (hereafter referred to as *the LAP*). To date, this provides the most comprehensive treatment of the various gender-based indicators that might be used to help investigators and/or prosecutors determine if a killing can be classified as femicide. For researchers with a specific emphasis on femicide, this document and the indicators described provide a starting point for understanding what we mean by femicide beyond the counting of all homicides involving female victims which has been the most common approach to date. With any new approach, however, there are various issues that will need to be addressed, both in the context of understanding their use by state and/or criminal justice actors well as the use of indicators in social science research to better capture trends and patterns in this phenomenon.

The CFOJA is using longitudinal data on femicides for a period of four decades as well as current data to assess the availability, accessibility and utility of various indicators to more clearly identify femicides in the Canadian context. This work is ongoing, but presentation content and/or draft manuscript is available upon request.

- The attached eight-month report from the CFOJA documents 106 killings of women and girls in Canada during the period January 1 and August 31, 2018. Its first annual report which will be released in January 2019 will document killings of women and girls from 2016-2018; however, data is still being analyzed and is not available at this time.
- As also noted in the report, 33 of the above deaths or almost one-third of the femicides (31%) were intimate femicides – women killed by male partners, whether current or estranged.



Another 13 percent were killed by other family members. In total, then, 44 percent of women and girls killed in Canada in 2018 during the period examined were killed in the context of intimate or familial relationships.

- With respect to the number of killings of children, disaggregated by sex, in the contexts of gender related violence against women, the *Canadian Domestic Homicide Prevention Initiative with Vulnerable Populations* (www.cdhpi.ca) for which Myrna Dawson is a Co-Director is focusing on children killed in the context of domestic violence. This team is currently preparing a report based on data from 2010-2015 to be released in December.

How does the work of the CFOJA differ from existing initiatives in Canada?

- While the killing of all women is included as a core focus of data collection for Statistic Canada's Homicide Survey, data is limited, not easily accessible, and has little focus on justice and accountability following the femicide beyond initial charge laid and no focus on the media.
- While several provinces currently have domestic violence death review committees, not all do have such an initiative in place. Further, where they do exist, the goal is primarily to examine a subtype of femicide referred to as intimate femicide defined as the killing of a female by a current or former male partner. Some do include children killed in the context of domestic violence and third-party collateral victims as well. However, this largely excludes in-depth examinations of women killed by non-intimates (e.g. strangers, friends, acquaintances) or in other contexts (e.g. gang involvement, sex trade workers, human trafficking, organized crime).

Further, the focus of review initiatives is on the events leading up to the killing with no attention to social and legal responses to the intimate femicide after it has occurred. While their prevention focus is crucial, it does not address justice and accountability in the same way that the CFOJA does, arguing that such responses serve as a social barometer for the perceived severity of such killings and, as a result, contribute to prevention at various levels as well.

To date, as noted by the Special Rapporteur, there is virtually no data on the investigations, prosecutions, and convictions of perpetrators as well as reparation to victims. Given the public nature of media and court decisions, the CFO will focus on charge, conviction, and sentence outcomes for femicide perpetrators to determine justice and accountability in the courts. To focus more broadly on social justice and accountability, the media's role in contributing to our understanding of femicide will be examined.

If further information is required, please do not hesitate to touch base by emailing cfoja@uoguelph.ca. Thank you for the opportunity to submit information on the work of the Canadian Femicide Observatory for Justice and Accountability.