

The Power/Politics Within the Project as We Begin

The lines of political authority for the project were settled in our contract with Justice. We refused to change our decision-making process (Regional Rep's as an interim decision-making body between conventions, consistent with policy and conventions, with one centre/one vote to establish policy whenever possible); this was our attempt to minimize the dangers of limited project funding, especially in the absence of core funding. The Canadian Association of Sexual Assault Centres has never received core funding from any government, provincial or federal. There have been a few funded projects, but it has usually had to rely totally on the voluntary participation of its members. Our project budget and work plan, therefore, included meetings of the national decision-making group: the Regional Representative Committee. We hired LINKS and a national staff from within our current membership and obtained office space from which the project would be conducted.

The national staff was hired in Vancouver to allow effective over-seeing by the responsible regional representative, requiring as little time as possible. CASAC insisted that the project meet the political standards of our organization, so it was essential to have a bilingual coordinator.¹⁷ It was also essential that the national staff be experienced as much as possible in frontline anti-violence work. The coordinator, half-time office manager, and web-site staff, all had to be able to understand and lead a discussion with frontline workers in the midst of a cross-Canada dialogue stemming from the everyday, normal experiences, opportunities, and frustrations of anti-violence work. Since CASAC didn't have a permanent national office and since it was crucial to spend what funds we had on supporting the centres, we housed the project in the basement of the Vancouver centre. Space and equipment for the project was rented from Vancouver Rape Relief and Women's Shelter, where the infrastructure of phones, copier, fax, and computers meant less money had to be allocated to the overhead expenses of running a national office. In fact, there were only two desks facing each other, equipped with computers, etc. and sharing a phone. The Vancouver Rape Relief Collective supplied reception services, security, and all staff personal needs.

The Regional Representative Committee maintained the final political authority over both the project and the publication of any outcomes. Each year, the committee met five or six times to discuss our progress and to advance the work of the regions in relation to the LINKS project. We also used those meetings to steer our organization, as best we could, and to advance the coalition's work well beyond the terms of the project.

Pan-Canadian Issues

The Regional Representative Committee agreed to propose and choose together which centres would participate on the basis of several criteria. They were to be already functioning and established anti-violence centres, which had long-term staff who were famil-

iar with the current legal information and practice needed for everyday advocacy regarding violence against women, and who could also be released from other duties to dedicate the time needed for the duration of the project. The centres needed to have an existing internal organization that would promote group discussion of new possibilities and recurring questions. The role of groups and grouping was essential to our design and execution of the project and research.¹⁸

We agreed that we would choose one from each region and two more from the most populated provinces/regions. The choice of a range of centres was especially important because we wanted some level of involvement from the whole organization, not only in administrative support, but also in terms of political involvement in the discourse we were creating. We needed the reputation of the centres in their communities, their relationships with professionals in their communities, and their crisis support work. We wanted the work of this project to have long-term implications that would be visible in the long-term work of the participating communities and centres.

A Regional Representative approached each centre to enlist their participation and agreement to second a staff person half time to the project and to enter into an agreement with the National Office in which the National Project Office would take responsibility for sending quarterly payments and receiving reports as well as financial and political accounting. The national staff would not have a direct “boss” relationship to the workers. The coordinator and director of the project took responsibility for suggesting directions for the LINKS portion of the worker’s time; the centre and their established system of accountability would remain in place for all other aspects of her work. Any relationship with interviewees, including disbursements for their expenses and honorarium, would be conducted through the centre.

We had agreed that staff seconded from the centres to work on the LINKS project were to be long-term workers (paid staff or volunteers) who had experience with the legal system in their roles as anti-violence advocates in their centres, and who could lead the rest of the centre in the work coming out of the project. In the end, only half the workers fit these particular criteria; in part, because the funding pressure on centres was already having an impact. Once the centres were chosen, the project was underway.

Centres Selected

Vancouver Rape Relief and Women’s Shelter was chosen from the beginning and remained with the project throughout.

Calgary Communities Against Violence left after the first year of the project because they did not want to participate in the research portion of the project...the centre feared punishment from local authorities and had spent a lot of time and resources building a relationship with the authorities in Calgary.

AWO'TAAN Native Women's Shelter was asked to be part of the project and remained with it until the end of the five years.

Tamara's House (transition house in Saskatoon) stayed with the project until the LINKS worker resigned in the second quarter of the fifth year of the project; the decision was made at that time, because of lateness of the project, to not replace the centre.

KLINIC Sexual Assault Counseling Program, Winnipeg was chosen from the beginning and remained with the project throughout.

Toronto Rape Crisis Centre/Multicultural Women Against Rape left after one-and-a-half years because they had made an internal decision to focus the energy of the centre on local and provincial alliances.

Timmins Area Women in Crisis replaced Toronto in the second year of the project.

Ottawa Sexual Assault Support Centre left the project in the second year for fear the project would further victimize women; they feared that women's anonymity could not adequately be protected, and that too many details that would reveal the women would have to be included. We were not successful in interesting another centre from Ontario. They were totally engaged in protecting themselves from the Harris government agenda. After the second year of the project, we accepted that Ontario would have one centre instead of two.

Montreal Mouvement Contre le Viol et l'Inceste participated in the project from the beginning and remained throughout the five years of the project.

CAPAS de Chateauguay participated in the project from the beginning and remained throughout the five years of the project.

Fredericton Sexual Assault Crisis Centre participated in the project from the beginning and remained throughout the five years of the project.

Avalon Rape Crisis Centre, Halifax participated in the project from the beginning and remained throughout the five years of the project.

Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre (formerly called *St-John Rape Crisis Centre*) participated in the project from beginning and remained for the five years of the project.

PEI Rape Crisis Centre participated in the first year of the project and decided to withdraw in the second year of the project; the centre had gone through many years of lack of funding and did not have an adequate staffing level to dedicate one woman's position half-time to the project.

Antigonish Women's Resource Centre came on board the project in the second year and remained with the project until the end of the five years.

Having centres in as many provinces and regions as we had gave us the opportunity for pan-Canadian discussions. It helped to highlight what social, legal, and political policies affected women across the country.¹⁹ We had no idea, at the beginning, that we would also be chronicling the disintegration of national standards and removal of what state protections for women had been won in law and policy in the previous fifty years. It was a failure of design not to anticipate this and not doing so has slowed us down considerably. Centres closed, words about rights lost meaning, women who called us, volunteered with us, and worked for us, were more and more impoverished and desperate. Centre workers were in a constantly escalating crisis of having to attend to individuals in need of help due to diminishing services, increasingly hostile governments, increasingly contentious media, and communities in uproar.

We hoped and planned that the financial benefit of LINKS to the centres would be significant. The centre in Newfoundland did not have the money to rent a permanent space.²⁰ It had been operating for years, but was floundering. The women who had sustained the collective with volunteer hours were under ever more severe economic pressure, preventing volunteer organizing. The women who called them needed more and more daytime advocacy.²¹ The changes in the condition of women in Newfoundland meant that their anti-rape collective collapsed under the weight of no paid help.²²

The Strength of Frontline Feminist Experience

We knew that by involving experienced long-term members of the centres, whether their experience had been as paid staff or as volunteers, we would have access to a tested and flexible analysis and praxis about violence against women and women's equality which we might be able to reinforce and authorize with the national discussion, and which would then reinforce that voice within each group of local organizers. We knew that equality-seeking activists were in need of some think-tank-like possibilities and that strategies and tactics, campaigns, and recommendations would logically flow from any contact between such women. The voices of the individual women we would interview would be critically important, but the voice of women who had met with thousands of such women would be no less so. The callers would give us an individual snap shot and the workers would confirm its context and present a collage.

Practiced, long-term rape crisis, and anti-violence workers bring a level of expertise and analysis to research interviews, allowing for more detailed information, and accurate judgments about the situation for women using the justice system. More practiced crisis workers would teach the language and practice of anti-violence work to the newer members. Newer members would have the opportunity of the project, through the research and national conversations, to develop themselves as advocates and organizers within their own regions.

They would bring to their work a level of data and comprehensive analysis they could not develop in isolation. Not only would workers be much better at navigating the legal systems, and much better advocates for the centre and its clients, but they would locate their work in relation to the international women's movement, the international struggle for human rights, and the struggle against international globalization. Our main hope was that practiced women would be able to spot and analyze what was happening to women in Canada, juxtaposing the promise of the Charter against the current crisis in women's equality, especially in the area of violence against women. Since we built the plan on the participation and leadership of whole centres, we were dependent on both their success locally and their membership responsibility within CASAC.

Opportunities for grouping women in response to their experience in the system, as well as opportunities to organize women in the women's movement were expected, as was action outside of the terms of the project.²³ We were looking for opportunities and actions to take what was learned about the Canadian Charter of Rights and Freedoms and use that knowledge in the advocacy for individual and collective groups of women.

Getting Started Always Means Reconnecting with Older Political Agendas

Even as representatives discussed the project with centres in their regions and with closely allied groups in their area, the work began. The profile of CASAC was heightened. Questions about when and when not to work together as anti-violence groups were raised.²⁴ Pressure against us working together came from many sides. The Ontario Harris government, for instance, had tried to force together services for abused women, and raped women, to confine the already small budgets of both under the guise of One Stop Shopping. While we debated whether or not to consider "violence against women" as a category more useful in the political context than "wife assault," or "incest," or "rape," since it reveals who did what to whom, and, therefore, what and who must change, we did not argue for combining services for efficiency of cost or service delivery. We might sometimes need specific services and combined political formations. Many governments, including the Harris Tories, had imposed community "coordination models" on local centres that impaired the ability of non-government groups to advocate for the women who needed them by tying funding to impossible partnerships.²⁵ Discussions began as to which professionals could be trusted for cooperation and which agencies would be helpful. Some old struggles were re-ignited.

The project had to bridge the gap between the unilingual English-speaking centres in Canada and the centres in Quebec, which were either bilingual or French. Bilingual and French centres were growing in Ontario and B.C. The language and culture gap was challenging enough. We began to manage some meetings between the dominant Anglophone group, with two Quebec centres, and one bilingual centre in Ontario. Opportunities for learning about the unique coalitions and groups in Quebec were essential to

the rest of the centres. And our picture of the Canadian context was simply impossible without the women of Quebec. Ordinarily, as a matter of policy, Regional Representatives work in centres. We decided to allow the participation of a Quebec provincial coalition staff person as a Co-representative who did not meet our criteria of “centre based” as a concession to the collective needs of Quebec.²⁶ This proved both problematic and useful at various points in the five years. We had the opportunity and the challenge of bilingual meetings of Regional Representatives and of LINKS staff from centres, sometimes with professional researchers and consultants hired for the project. Materials both written and digitalized had to be translated with very little money. We started with a convention that the meetings would remain in the Ottawa, Toronto, and Montreal triangle, in order to save funds for travel, translation, and meeting space. The hosting region or centre would supply the administrative needs of the meeting: chair, minute-taker, personal supports, translation, meeting space, etc. We hoped that we might strengthen the commitment of the centres to a bilingual practice and interest local members of local centres in the workings of CASAC.²⁷ The plan was a moderate success. Translation was always a problem, and is very difficult, if not impossible, to solve without extra dollars.

The women from Quebec often had to manage an exhausting situation full of political double meanings. The Anglophones had to handle a situation in which they carried the anger from many other moments of English domination that had offended intentionally. The current unintentional harm, therefore, was always additionally destructive and suspect.

But most of our energy, from both sides of the language divide, went to meeting the challenge of two criminal justice systems, two Charters, and our ignorance of each other’s reality. Certainly, very few workers in English Canada were aware of the progressive history of criminal justice issues in Quebec or the history of the development of the systems of community building and public popular education organizations. None of us were fully aware of the breadth of women’s groups and their coalitions being funded in Quebec.²⁸

The Quebecoise and, increasingly, the Ontarians were not fully aware that many of the issues they were confronting at the provincial level were being led and often controlled at the federal level in policy and law. Nor were they aware of the differing access to federal funds for women’s groups as experienced especially in the west and the Atlantic regions.²⁹

Penniless Regional Organizations

We knew we could reduce the isolation of the centres across regional boundaries, but we could not address the lack of contact within CASAC regions.³⁰ We could try to assist regional meetings, and we could and did plan digital networking to be of some assistance, especially in those regions, like B.C., and the Atlantic, which could not afford to meet face-to-face as they needed to. It could not replace access to national conferences and pan Canadian meetings to which they might be invited or that interested them, but it could help.

Penniless National and Local Women's Movement

In the original conception of the project, we planned to broaden the base of the alliances, both within and outside of CASAC by funding the participation of shelters and women centre's equal in number to rape crisis centres. We also planned to add to that mix, a number of visible minority immigrant women's groups as well as aboriginal women's groups that would not ordinarily meet our membership criteria as providers of emergency and usually twenty-four hour services.³¹ We hoped to speed the formation of a broader and ever more intelligent movement of women who work against violence against women from a feminist perspective. We thought it might be time to intensify the feminist political link and loosen the link to service models or even to community development models.³² We had some hope that out of the informal dialogue that always accompanies shared work we would define a new basis of unity for the future.³³ Very tight budget restrictions limited that option. Nonetheless, over the five years, we did find ways to advance that agenda too.

We had a sample of women centres and transitions houses within the project where we could begin that dialogue. Several years earlier, in the work to form a situational coalition to help construct the new rape shield law, we had included an even wider selection of service/political formations committed to ending rape, but without more money, our experiment in LINKS was limited.

Race and class differences between us and between groups of callers had to be faced in our discussions. Planning honoured our intentions for a world without class and race oppression, but we knew we would not over-come the historical differences within Canada. We were wary that economic forces were creating a gap between the women who use our services and those who collectively operate them. Our main advance, we thought, even after the budget restrictions, could be in the alliance work among national organizations. We did work on and achieve some increased race integration of staff and services, and other progressive changes at the local level,³⁴ but we under-estimated, by far, the changes happening to other groups with whom we hoped to build alliances: Pauktuutit Inuit Women's Association, Metis National Council of Women, Native Women's Association, Congress of Black Women. All have suffered economic blows and political restructuring that have reshaped their functions under new government regimes.

Some of Our Organizational Weaknesses

Centres leaving the project during the course of the five years led to some instability. It was always a huge problem since we had invested so much. New centres had to catch up with a project already familiar to the others. Work was delayed. Some of the original concepts of the project were lost as a result. Losing Toronto as a centre meant that the project could not benefit from the unique experience of a women calling a rape crisis centre in the most culturally and economically diverse city in the country. The leadership on race

integration questions that might be expected from Toronto was absent and had to be offered from weaker centres. To be fair, LINKS had less to offer to the Toronto centre. It was better funded than most, had more access to the national media than we could achieve, and would have found itself working to educate some of the others. It was CASAC that suffered for lack of Toronto. Although it is still the opinion of the participating members that Toronto would have gained too in positioning itself in the national discourse. Vancouver, and Montreal Centres, that carried similar, if less, community power, decided to participate for reasons of their own. Losing PEI Rape Crisis Centre left that province out entirely from the benefits of financial stability and regional coalition building. And, more importantly, it isolated the PEI centre from our human rights discourse.

Still, we missed opportunities for public education through the media in response to high profile cases as a result of this lack of representation of the biggest centre in Ontario. But we also lost voice because the consolidation of ownership of the media was working against us. The cuts to the CBC and the changes in print media ownership all cost us influence with the public. We were still extensively covered. Most media coverage focused on the Vancouver and national staff. It was hoped that more of this would come from the regions when high profile cases were publicized in their cities. Opportunities became available in Montreal from time to time, but the language barrier was often an issue.

There was an obvious problem of execution in our plan in that many of the workers assigned were much newer than we had hoped. It was usually the result of local economic pressure on the centres, but sometimes a pan-Canadian skepticism crept in regarding what could be achieved in a project based on law. Centres expressed fear for women, and some participating centres expressed a distrust of any partnership with research professionals, or government agents. The worldwide experience of government intervention in the women's movement had taken its toll.³⁵

The work we planned and imagined required skillful practice as an anti-rape activist. We presumed those skills based on experience as a counsellor, media spokeswoman, lobbyist, and alliance builder. Virtually every long-term worker has those skills. But new women were more or less skillful. They lacked even the confidence that would make them jump to action in particular ways. Consequently, we missed opportunities for public legal education with our groups and through the media. We also missed opportunities for using regional coalitions and coordination within cities to advance equality for women and anti-violence work. Research interviews, in some cases, lacked political judgment in terms of follow-up questions and probes. Perhaps most important, there were missed opportunities for grouping women within the centres around the issues coming out of the research and the project. We missed some opportunities to organize callers and users of the centres. There was a certain level of denial or self deception or deceiving each other about this, instead of facing it squarely, which prevented us from solving the confidence and skill-sharing problem. For instance, more involvement from the

Regional Representative might have supplemented the needs of the newer staff without sacrificing opportunities.

Every change in LINKS staff meant more difficult group building for the national team. Since we had very little money to meet, it was important that we remember each other from one meeting to the next, and be satisfied with email connections in-between. With a stable work force, this would have been barely sufficient, but any change in personnel disrupted whatever culture we had established, and renewed any unresolved fears and discomforts. The team building was, nonetheless, very successful, and hopefully, lasting.

Power Politics Not of Our Making: The Giant in Our Midst

We did not imagine how fast and how totally the social fabric of Canada would change. Consequently, we did not plan to research that impact on women, and on our organizing for women's equality. But the knowledge gained in communicating with each other, nonetheless, does record some of the consequences of the withdrawal of Canada's safety net, as it applies directly to women raped and battered, and as it applies to the infrastructure of services and advocacy organizations which had been built during the period of the existence of that net.³⁶

What, after all, can a transition house mean for most women when there are so many less jobs for women? When there are few jobs at all, and we lose the right to welfare, pensions, and UIC? Transition to what? Who can protect women's legal Charter rights in an undocumented mediation or alternate dispute resolution (ADR)? Do mediators get equality training? How do we challenge a mediator's failure to apply Charter law, without legal aid, or provincial test case litigation funds? What can violence against women still mean when city governments promote the legalization of prostitution in massage parlours red light districts and escort services for tourist dollars? What can gender mainstreaming mean when a federal budget can be imposed which does not consider the impact on women? What are we to do with the increasing fear in racialized communities of the imposition of police state tactics? What does it mean to criminalize violence against women, then charge, as nuisances, the women who complain of the violence? What is the impact of a targeted criminalizing practice? What does it mean to target international trafficking as organized crime, and then to jail the victims?

Government changes have affected each woman's and each centre's use of the state in the protection of her rights and freedoms. Our project could have been much better designed to consider and triangulate these changes, these blows. In the lead up and over the course of the project, centres would have to deal with the impacts of:

- Father's rights groups;³⁷
- Victim's rights groups;³⁸
- Right-wing law and order agendas that cared little about women's equality;

- The downsizing and secreting of government decisions;³⁹
- The rhetoric of mainstreaming equality;⁴⁰
- No money to women's groups;⁴¹
- Relentless cuts to public sector programs⁴² and jobs;⁴³
- Back-tracking on the fifty years of small steps of income redistribution that had been achieved;⁴⁴
- Fundamental reorganization of education and health care;
- All centres were threatened and cowed by the increasingly punitive responses to women's advocates;⁴⁵
- Women in need being targeted, particularly for welfare fraud, prostitution, refugee claims, for being trafficked women, and for unsuccessfully complaining of violence;⁴⁶
- Such pressure from the government and the public hindered some centres' participation and led to some distrust between officials and the centres.

Some of Our Criteria for Success

In the end, our co-workers and callers will judge. Did we do the job? Did we reinforce the centres to do their job? Do we understand better the discussion of rights? Can we better understand what callers are asking of us? Can we better articulate women's demands for equality—for freedom from sexist violence? Do we know each other better as centres, workers, and advocates? Do we understand the achievements and failures or weaknesses of the movement that won the Charter of Rights and Freedoms? Can we understand and use that achievement without losing our place in grassroots organizing? Can we survive the restructuring of information in the digital revolution? Can we make the digital revolution work for us? Can we unite to better the protective net that shelters and anti-rape centres offer? Can we unite to advocate for systemic change to prevent violence against women? Can we unite in an even greater force to demand the protection of our sisters and daughters, our mothers, and neighbours, our friends, and lovers, from the violent tyranny of sexism? That is, after all, what we really set out to do.

Notes

1. In spite of many requests and some publicized versions, we have never seen a real accounting of the Fund monies, or how it was used except in an internal document, which Allan Rock offered me to analyze in his constituency office (1997). See Minister of Supply and Services Canada. (1991). *Family Violence in Canada: A Call To Action*, cat. H72-21/66-1991.
2. I can never understand the need for more public dollars to educate the most privileged and most formally educated members of society. Why not simply require it as a job-performance factor?
3. I saw briefing notes prepared for the Minister in which that grant was revealed. Those notes were shared with me by Allan Rock in his constituency office as we prepared for a meeting with George Thompson, Deputy Minister, to press him to deliver on the Minister's promise of funds in 1997.
4. Allan Rock, Minister of Justice, personal communication (June 1995).

5. In April 2003, B.C. funding ended for Victoria Sexual Assault Centre, Kamloops Sexual Assault Centre, and Terrace Sexual Assault Centre, leaving only two free-standing feminist rape crisis centres in B.C. The others were replaced with Specialized Victim Assistance Programs whose funding is based on the population base since they are charged with servicing criminal justice victims, not preventing the victimization of women. Their funding too has been curtailed.
6. Brodsky, G., and Day, S. (1998) *Women and the Equality Deficit: Impact of Restructuring Canada's Social Programs*. Ottawa: Status of Women Canada.
7. By 1998 nearly all federal funding directed to women's equality was being used to support professional or para-professional research.
8. But we continue to protest the policy change that directed what little women's programme money remained, to research only. This practice has divided activism from analysis, and has intensified the race and class divide in the movement. It has also blocked the integration of the intelligence of working class women from the current debates.
9. In particular, the loss of national standards and the involved pieces of legislation.
10. For example: National Women's March process, FAFIA think tanks, Beijing plus-five processes, consultations with Status of Women Canada, rebuilding the left processes, World Social Forum processes, including Puerto Alegre, the Quebec anti-poverty bill processes, and Critical Resistance processes against the prison industrial complex.
11. CASAC convention in Ottawa, October 29-31, 2001. Minutes available at CASAC.
12. Women's Internet Conference proceedings, October 18-21, 1997, Ottawa: Canada. See online: <<http://womenspace.ca/confer/>>.
13. Rock had agreed to pay for several years of Internet access through the Access to Justice Network for those invited to the Justice consultations. That access permitted our early experimentation.
14. Women's Internet Conference proceedings, online: <<http://womenspace.ca/confer/>>.
15. METRAC was also experimenting and eventually built the OWJN, The Ontario Women's Justice Network website: <www.owjn.org>. The Hot Peach Pages had yet to launch its website: <www.hotpeachpages.net>.
16. Renting is promoted under the contract, but we suggested ways to buy and constantly trade-up to keep women abreast of the new technology.
17. CASAC policy requires communication in both official languages for all national meetings.
18. Fine, M., Weis, L., Weseen, S., and Wong, L. (2000). For Whom? Qualitative Research, Representations, and Social Responsibility. In Denzin, N. and Lincoln, Y. (Eds.), *Handbook of Qualitative Research*, Thousand Oaks: Sage Publications, pp. 107-131.
19. *Ibid.*
20. Until the LINKS project paid the rent and paid a half time worker.
21. Daytime advocacy is usually necessary to win those goods and services that are normally delivered by the government.
22. LINKS supplied one half-time salary for a worker who could fold the rest of her work into the LINKS project, and work the rest of a full-time job for free, until they could raise more money from the provincial government. We were hoping their work in the project would help them make the necessary connections to achieve that funding.
23. Fine, N., Weis, L., Wessen, S., and Wong, L. (2000).
24. Old debates about united approaches for battered women, raped women, harassed women, and prostituted women, as well as, debates about how to consider the work to protect children from the abuse of men in their families. But also debates as to whether sexual assaults in residential care should be considered within the incest paradigm, since the men were in surrogate father roles.
25. Coordinating bodies are often created by blackmail, cooperating in order to get funding, and are often comprised of low-level government officials, and take enormous amounts of time from frontline workers in a process that is more like "catch me if you can," using the failures of the system in individualized cases. Obviously it works to correct the treatment of some women, sometimes, but rarely.

26. Staff of CALACS (provincial association of anti-rape centres in Quebec) are also members of CASAC.
27. This worked well sometimes with members coming to translate, chair, observe, but gaining a sense of the movement and their national organization, as a by-product of giving the project that support.
28. There are as many as thirty ongoing women's service coalitions with offices and paid staff.
29. There is one rape crisis centre in Newfoundland, one in Nova Scotia, and one in New Brunswick. All under-funded and under-staffed. There are two rape crisis centres in Vancouver compared to several in Montreal and Toronto.
30. Except in the case of Ontario and Quebec, who have coalitions supported by federal funds, as well as, provincial, centres do not have the benefit of provincially funded coalitions of rape crisis centres. Victim services were quite another thing.
31. The Kenora centre hosted a meeting funded by Women's Programs in Winnipeg to construct a wide advisory committee that we kept informed through to the CASAC Women's Resistance Conference: from *Victimization to Criminalization*, October 1-3, 2001, in Ottawa. As well, members discussed in preparation for the convention, and criteria by which we could broaden our membership to include racialized groups, but not the new depoliticized victim assistance groups.
32. The reps agreed that the integration of service and politics was key, as was the continuum from consciousness raising to advocacy, and that we were not interested in intensifying the unity on counselling, for instance.
33. The problem we were facing in our communities is that of authority shifting to those groups who provide no service and, therefore, have no frontline sources of women's reality. Often they were paraprofessional and less working-class based.
34. The Quebec coalition in 2003 has assigned Diana Yaros to lead some internal education and access work for its centres.
35. In Australia: Flaskas, C., and Hounslow, B. (1980); and in the USA: Sullivan, G. (1982). See as well: Dobash, E., and Dobash, R. (1992).
36. Lakeman, L. (2000).
37. Senator Anne Cools' 1998 country-wide tour, For the Sake of The Children, sponsored by the Senate, provided a platform for men to complain about their support payment obligations as though they were custody and access issues.
38. An Act Respecting Victims of Crime, Victim's Bill of Rights, 1996, and the formation of the Office for Victims of Crime in Ontario under Scott Newark's leadership eventually assumed responsibility for overseeing women's rape centres, so that now women's equality issues are considered a sub-set of victim's rights according to the Ontario government.
39. The actual Vancouver Agreement among the governments of Canada, British Columbia, and the city of Vancouver, March 9, 2000.
40. For example, see online: <www.swc-cfc.gc.ca/resources/gba-research_e.html#gender>.
41. For example, see online: <<http://herstory.womenspace.ca/timeline3.html>>.
42. Ranging from lunch programs for school children to lack of long-term beds for elderly women.
43. Particularly women's well-paid jobs in the health, education, and welfare sectors.
44. Landsberg, M. (2003, September 28). Tories Waging a Sinister War on Women. *Toronto Star*; B.C. CEDAW group. (2003). *British Columbia Moves Backward on Women Equality*. (Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of The Committee's Review of Canada's Fifth Report).
45. Mary Lou McPhedran worked for years to hold accountable those doctors who abuse their patients. She is now facing a lawsuit from The Canadian Medical Association for naming doctors and other health professionals who rape in a *The Globe and Mail* article. See proceedings Women's Resistance at CASAC.
46. Kimberly Rogers paid with a lifetime ban from welfare for her transgressions and then with her life. See online: <<http://www.elizabethfry.ca/rogers/3.htm>>. The Coroners Inquest (began Oct. 15, 2002) inquired into the death of Kimberly Rogers, August 11, 2001.

R. versus Tyhurst and Gorman versus Tyhurst

Tamara Gorin

IN 1989, FOUR WOMEN came forward to the Vancouver RCMP and Vancouver Crown to report attacks on them by their psychiatrist, Dr. James Tyhurst. They described that over a period of twenty years, he conducted “treatment” on all of them that included signed contracts to participate in “master/slave” therapy. He required the women to undress and remain partially or completely naked throughout the therapy sessions. He escalated to sexual assaults, including rape, and physical assaults, including the use of sado-masochist paraphernalia, such as, whips and jewellery. These attacks occurred in his office, his home office, his home on Gabriola Island, and in the homes of the women.

At least one woman complained to the British Columbia College of Physicians and Surgeons in 1981, one woman informed the state (her parole officer), and another informed her therapist. Three of the women attended support groups with WAVAW (a rape crisis centre in Vancouver).

The RCMP did most of the job they were supposed to do in this case: they took the statements of the women and searched his home in Vancouver with a valid search warrant. They forwarded the appropriate charges to the Crown. After a gruelling and very public case in which the testimony of the women was luridly quoted daily in the local and national press, Tyhurst was initially convicted of five counts of indecent and sexual assault and sentenced to four years in jail.

At appeal, the defence argued the trial judge’s answers to the jury’s questions were confusing and not appropriate. The judge, Justice Whetmore, was accused of being drunk at the time. Had Justice Whetmore been sober, or, as he insisted, rested, when the criminal court jury asked him for further direction, the defence would have had little or no grounds for appeal. But the appeal was granted and, upon retrial, Tyhurst was acquitted of all charges. The Crown appealed to the B.C. Court of Appeal and was denied.

In 1991, at the same time as the criminal trial was proceeding, Jill Gorman, one of the complainants, filed civil charges. By the time the case came to court, it became clear that the defence would rest its case on the validity of similar fact evidence—that is, the admissibility of the evidence of other women who Tyhurst had attacked to support the complainant’s case.

The court ruled in Ms. Gorman’s favour in 2001. She was awarded just under \$557,000 in damages. The defence immediately filed for appeal and the appeal was heard in May 2002. The Supreme Court of B.C. ruled in April 2003 that the judgement was sound and denied the appeal, ordering Tyhurst to pay Ms. Gorman the amount set at the first trial.

The criminal and civil cases brought against James Tyhurst by the Crown and Ms. Gorman are important for a number of reasons:

- The accountability of medical professionals for the treatment of their women patients, both at the time the original criminal charge was brought, and currently with the civil decision, remains contested;
- An examination of the criminal and civil court processes, including the treatment of women engaged in the court process, how the myths about rape pervade the judicial system to this day, and what prevents criminal convictions in cases of violence against women, what do women need to establish civil liability, and the frequency of the requirement of similar fact evidence to build both criminal and civil cases against violent men;
- The case exposes what the courts actually get to know, and, therefore, end up basing their judgements on, in violence against women cases. What ultimately becomes the court record of violence against women are not necessarily the violence and the crime that occurred.

The police did investigate, but they missed some key investigative procedures. If the police had obtained a warrant for Tyhurst's office at the hospital and for his property on Galiano Island, they may have found evidence to support the women's statements. As it was, any evidence found on Galiano Island was ruled inadmissible. Even so, a careful examination of the court record shows the evidence of the women, particularly Ms. Gorman, remains constant for the duration of the trials; it is Tyhurst's evidence that shifts and changes over time.

As for the civil cases, the Canadian Supreme Court decisions in June, and July, 2002, *R v. Handy* and *R v. Shearing*, each with distinct rulings on the admissibility of similar fact evidence, seems to have helped the B.C. Supreme Court settle on their findings in Ms. Gorman's case with more confidence.

The involvement of feminist therapists and the ongoing support and encouragement of first WAVAW, and then Vancouver Rape Relief and Women's Shelter, was crucial for the women involved and crucial in the public discussion. As the trial began, there was a groundswell of feminist support for the laying of these charges and calls for accountability.

The combination of the women coming forward, and the agitation of the women's groups, and women doctors, such as Dr. Susan Penfold and Dr. Judith McBride, provided forums for women to meet, take care of each other, and demand changes. Before these trials and the activism that accompanied them, doctors and other professionals seemed to be considered almost infallible and beyond reproach. The activism in both British Columbia and Ontario in 1990-1992 resulted in recommendations for change at both Colleges of Physicians and Surgeons by November of 1992. Now, women expect there will be accountability for the violence done to them by doctors.¹ The demand for the accountability of doctors and therapists in the last fifteen years could not have been accomplished without the work of the independent women's movement.

With Ms. Gorman's most recent achievement, the women Tyhurst attacked are finally vindicated: the courts are clear; he breached his duty of trust, his "fiduciary duty." The legal grounds for establishing this breach are laid out in the decision. While we cannot count on decisions of the court to last or remain constant for women over time, this ruling provides women the legal grounds for our complaints: violence against us by professionals is not only a breach of our trust, it is a breach of the law.

The personal toll on individual women, already damaged by violence against women, living through violence as fundamentally demeaning and oppressive as Tyhurst's, and then standing up to the scrutiny of the courts, withstanding the sexism of the defence councils and various commentators, is enormous. We have long heard women speak about the endurance they muster to withstand not only the violence itself but also the sexism imbedded in every step of the court process, which is directed at them personally. Ms. Gorman spent the last fifteen years working to hold this one doctor accountable, and there is still more to do.

All of the women were referred to Tyhurst because of suspected depression. By the end of the criminal trial, the Crown and the defence agreed to use the term "borderline personality disorder" to describe the illness. This diagnosis does not exist outside of the court record, but it persists through to the final judgement in Ms. Gorman's civil trial.² Ms. Gorman presented to Tyhurst and he did not ever treat her, either with therapy or medication, for the illnesses that she is described as having in the court record. These "symptoms" were only recognizable as such after years of violence against her at the hands of Dr. Tyhurst.

Many women exhibit varying degrees of poor self-esteem, self-hatred, eating-disorders, hyper-vigilance to their appearance, sadness after the birth of a child, loss of identity after marriage breakdown, loneliness caused by extreme isolation. These particular women walked into Tyhurst's office describing the feelings and thoughts associated with their oppression as women, and ended up fighting for their credibility in court. Yet at no time did anyone argue to any court that Tyhurst's attacks undermined their Charter Rights to equality and security of their person.

The cases brought against James Tyhurst are important to the average woman because average women are still pathologized and sent to medical professionals for therapy, medication, or treatment in response to their everyday lives.

Powerful men do not get to over-ride our rights; the courts seem to be our only way to ensure our Charter rights are upheld, though it becomes clear, even in Ms. Gorman's case, that the myths about violence against women persist to the highest level of the courts. For instance, in the B.C. Appeal Court judgement upholding the original civil judgement, the Judges state that particularly in cases where the attacks occurred several years in the past, both the victim and the attacker have reason to exaggerate the facts. In this case, and in similar cases, the medical reasons for which we are in the care of these men are used against us; depressed and damaged, our personal credibility is questioned,

and as ordinary women, we have no standing before the courts. What is most often required is another woman complaining. But even then, as we see in the arguments to the appeal in the civil trial, the defence still can use women's individual testimony against each other.

At the end of the project, Ms. Gorman is waiting for the Supreme Court of Canada to decide whether they will hear the latest appeal launched by the defence. After conversations with me, we approached her lawyer who was preparing the response to the court to discuss how to include objections to the defence's continued characterizations of Ms. Gorman. It seemed to us that their insistence on using the psychiatric labels was undermining her Charter Rights. Also, there must be a way to include legal arguments about how Tyhurst's violating his fiduciary duty undermined her Charter Rights. The lawyer (who has not been paid and won't be until all is settled) responded that they had not made these points in the past and could not enter new arguments now, as they would constitute new information and, therefore, are not admissible. At that point, I went back and checked the judgements in the Handy and Shearing cases: no one seemed to have argued women's Charter Rights in those cases either. So there was no way to tuck anything in because the B.C. Court of Appeal referred to the cases in their decision.

Three very important cases dealing with violence against women and admissible evidence made it all the way to the Supreme Court of Canada, and not a single lawyer argued for any of the women's Charter Rights. With Ms. Gorman's case, we would hope this could be remedied with the rejection of the appeal, or with the acceptance of an intervener in the case should it proceed. Without access to federal money to do so, the latter seems unlikely.

Notes

1. So much so that the Canadian Medical Association is suing Mary-Lou McPhedran in Ontario for publicly naming doctors and other health professionals as rapists in a (2000) *The Globe and Mail* article. See: Women's Resistance: From Victimization to Criminalization Conference Workshop: *A Gender Analysis of Screwing Patients*, available online: http://www.casac.ca/conference01/cd_order02.htm.
 2. And the diagnosis, of course, makes it into the defence's Statement of Facts in their application to appeal to the Supreme Court of Canada, June 2003, at paragraph 2.
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Designing the Research: Stepping into the River

It is the everyday experience of workers in sexual assault centres, women's centres, and transition houses that most events of male violence against women are not reported to the criminal justice system.¹ Of those reported, very few result in appropriate criminal sanctions. There are no charges recorded, for instance, that match the number of reports in government findings of attacks. *The 1993 Violence Against Women Survey* found that 51 percent of Canadian women had experienced at least one incident of physical or sexual violence since the age of sixteen, and of those women, almost 61 percent were the victim of more than one such incident.² Most are not taken beyond the initial reporting of the incident. Sometimes the incident does not even get recorded. It seems to us that the entire system, not just the courts, prevents cases from reaching conviction and/or any other appropriate resolution.

A better process would reveal and record violence against women as being the source of hateful, effective damage that it is. It would express community outrage. It would contain violent men, prevent future violent sexist incidents, impose community disapproval of men's violent oppression of women, and change collusive state practices that support male violence. It would reinforce women's dignity and freedom. It would *not* be an impossible task if the federal government chose to do so.

In this project, we connect the feminist women's centres, the women who use them, and the Charter of Rights and Freedoms, which promises all women in Canada equality under the law, and the actual, lived experience of women who engage the system after an incident of male violence. We examine what happened to the women who complained. We see some of the nature of and reasons for low conviction rates (as well as high attrition rates within the system) in these and other cases of violence against women. And we reveal the connections between these outcomes, with other facts of women's inequality.

Before the research and report design process began, we already knew some of the threads we hoped to weave together:

- A literature review of what was already documented that might support/challenge our understanding and that might result in a bibliography annotated for anti-violence workers;
- An examination by CASAC of the policies and procedures affecting local situations that would evaluate local consistency with the Charter of Rights and Freedoms;
- Interviews by CASAC with personnel in the criminal justice system to see what would be revealed of the barriers to Charter-promised justice;
- Interviews by CASAC with women who use the criminal justice system to learn from their subjective and objective experience and understanding;
- An examination of the high profile cases affecting public discourse and attitudes;
- Integration of the ongoing advocacy, discussion, and shared organizing work among CASAC women, so that we could bring thirty years of praxis to bear on the questions, and apply current, relevant feminist activity and analysis.

We began with books, and looked to the basics first: Del Martin and Diana Russell,³ and Dobash and Dobash,⁴ for instance, and, of course, Andrea Dworkin.⁵ We were intent on focusing our discussion on Canadian experience and Canadian data as well as Canadian methodology. We were especially interested in documenting and theorizing about our own work. We engaged the professional and political assistance of Mary Crnkovitch and Linda Archibald, Ottawa-based feminist researchers.

What Do We Want to Know?

We focused our research inquiry on the question: How does the system prevent convictions in cases of violence against women?

We looked for 100 women who would tell us their story of using the justice system. We asked for the justice system's documents regarding policy and procedure at those same sites. That data was collected and analyzed across Canada at eleven local sites, and further collected, and analyzed, nationally. The study and its project considered the national situation, as seen by our member centres, and fifteen women, and as described to us by each of the eleven chosen sites as they interacted with the justice system at the following five points of contact: emergency response (911), police investigation, Crown Attorney (decision to proceed), court proceedings, sentencing. We examined cases and situations that were reported no earlier than January 1, 1997. We located them within the context of some of the other events of those five years in Canada.

- CASAC LINKS researchers interviewed in their area and followed up with those local women. Researchers on-site analyzed the interviews according to an analysis template developed collectively;
- This first stage of analysis was further refined by the project coordinator and by the project director at the national office using the same tools;

- A tool for tracking charges as well as the application of policies was developed collectively among the researchers on site, the national staff, and research consultants;⁶
- The CASAC LINKS Director, who was also a Regional Representative, answered to the Regional Representative Committee as to the meshing of the project with CASAC's accumulated knowledge and current activity.

Qualitative Research: From the Point of View of Those Below Water

There might have been things to count or track in a study, but certainly there were stories that needed telling. We were interested in the stories themselves and with increasing the power of the voices that told them. We debated whether to simply repeat 100 stories. We knew that 100 women would produce many more than 100 incidents of criminal violence. We questioned whether to ask questions at all in interviews and, if not, how to compare narratives. We already know how to interview in order to plan our alliance with women and in order to advocate on their behalf. We built on our success with our confirmed, usual techniques of interviewing with very open-ended questions.⁷

We considered when to use collective voice/narrative and how not to reduce 100 interviewed women (or perhaps more accurately, 200 women's voices) to simple rhetoric.⁸ We worried about how to reveal "the system" and the social and legal policy for what they actually are. It was a guiding principle that we wanted to "reveal up": that is, to tell more about the system and the process than about each individual woman. We worried, knowing those stories could over-reveal 200 women's resistances and lives to predictably harsh judgment and perhaps interference. We worried too about whether it would be safe or wise to reveal our feminist failures or even successes.⁹

The Money Story: Who Owns the Dam and Controls the Flow of the River

Research, especially research supporting government policy, is almost the only state-funded activity of national equality-seeking women's groups in Canada. We decided that the political economy of the project and of the research questions themselves should be something we considered and tried to incorporate into our analysis and report. Throughout the project and research we exposed and discussed:

- The federal budget decisions affecting violence against women;
- The current economic condition of women affecting violence against women;
- The Family Violence Initiative Fund;
- That interviewees were paid tiny honorariums and expenses such as childcare and transportation;
- A normal centre budget and rape crisis worker's pay;
- The economic state of other women's groups;

- Economic decisions dividing women, in particular, welfare, prostitution, and poverty policy affecting violence issues;
- Government's economic commitment nationally and internationally to women's organizations.

Action-Oriented and Participatory Research: Pulling One Another Out of the River...One by One

We planned our research so that, as much as possible, our actions advanced women's situation in that they: sustained and added to each woman's fight for equality, safety, and justice; and sustained and strengthened the centres and movements that we believe are the best tools in the struggle for legal improvements. We hoped to examine the awareness of and ability of women to invoke human rights, as promised by the Charter of Rights and Freedoms, in line with international human rights understandings. We hoped to understand the "right" being invoked by women choosing to use the justice system; we hoped to begin to explore an appropriate stance for CASAC regarding a human rights framework for resisting violence against women. And, we would be inclusive of all women speaking by accepting a colloquial understanding of women's expectations of government rather than requiring legal language. We would be using the sense common to women on the street and, only when necessary, interpret to a technically correct legal meaning or judgment. We decided that we would engage Canadian Charter debates which affect our work to end violence against women:

- Notions of formal vs. substantive equality;
- Notions of the need for protection from government intrusion vs. the need for positive obligation on the part of governments;
- Notions of collective vs. individual understandings of the condition of women and approaches to human rights;
- Notions of sexist violence, not interpersonal violence;
- Notions of a progressive debate between courts vs. parliament as democratic authority;
- Jurisdictional debates as to the application of the Charter;
- Notions of a resolvable contest between fighting for rights vs. economic control; that is, anti-globalization vs. world court, or UN processes, as well as, the contest between the authority of Canadian courts and the economic intentions of the government.

That women had contacted their government was our starting point. Each had called on the state voluntarily and from her judgment of both her rights and her situation. Our observations were always to be part of our overall plan of response to sexist violence, but also of her initial action, and call to us to act. Her attempt to use the system, as she saw it, was to be advanced with the help of the advocates whenever possible. We sought women

to interview who intended to use the system and whose situation could be understood as a crime in terms of a best-case scenario for the legal system.

Equality Seeking: Let's Go Up the River and Get the Guys Who are Throwing Women In

CASAC used to simply identify ourselves as a women's group which was commonly understood to mean that we were pro-women and working for the advancement of the status of women. Once the federal government, under the Mulroney Conservatives, started to accept anti-feminist groups under the heading of "women's groups" within consultations and funding policies, it became necessary to identify ourselves as an "equality-seeking women's group." For many purposes, this term is fine. We used it ourselves when Richard Mosley of the Justice Department repeatedly included anti-feminists in meetings intended to shape an opinion requested from Justice Minister Campbell regarding a new Rape Shield Law.¹⁰ Of course, any consensus of "women's groups" opinion was impossible under those conditions. Once we limited our group to "equality-seeking," the anti-feminist group were disqualified, and we could easily agree on how to respond.

We talk about violence against women in terms of a political category rather than limit ourselves to use only the social service delivery, mental health, or criminology categories of: battered wives, crime victims, women in counselling, family violence, intra family violence, child assault, children's rights, victim's rights, bad dates, clients, etc.

We apply a vision of women in pursuit of liberty, not one of vengeful retributive justice, or traditional "law and order," nor one of the "safety of slaves," or the agency of children, or the unable. We decided to emphasize equality over criminality. We decided there was no such thing as "an observer," no such thing as "value-free research." We would take responsibility to express our opinions from our unique position in the world. We decided to function within the authorized structure of CASAC to control the project: do the research, reduce hierarchy, and increase participation of the movement in the project. The structure emphasized the centre, instead of the individual researcher, so that both institutional and movement memory is maintained even when women come and go. Individuals led discussions in their centres and improved the overall discourse. The problem is systemic and not just individual. We decided not to reveal either the names or the identifying information of individuals working within the system, unless their behaviour was truly extraordinary in our collective opinion.

We expected to learn from each woman participating and for each woman to learn from the centre. We expected that reciprocity of communication and learning to be met at every level of interaction for the researchers/public educators/advocates. Our plan was to honour each woman's choice to act. We wanted to tell her story of purposeful resistance. She chose to use the system, and she also chose to use, or engage the local centre, and women's movement.

Identifiable Limits to the Methodology

We did not plan to bring every guilty man to justice. It was a failure of design. We could have decided ahead of time and announced publicly that CASAC would pursue every case as a national issue. That would have encouraged best practices on the part of the system and made it more possible to distinguish between personal and systemic failures.

We did not succeed in convincing every actor for the state to change a practice or propose a change of policy in some way that would increase convictions. We could have held individuals accountable for progress as well as the systems within which they functioned. Although we talked about this, we did not have a joint national action plan designed to aid this local, ongoing pressure for change; for example, we might have had mid-way reports of what we were finding publicly released nationally.

We did not design a tool to list and match the specific practices; particularly the specific polices that were most destructive in each case involved. We wanted and sought the overall view, but a step of also recording on site, identifying the specific failures to meet equality needs would have shown us more. Of course, it would have been enormously expensive. It would be better to have time and money to enable us to go back to the women to submit our versions of their stories as well as the whole collective story for their further comment. The learning could have multiplied many times over in both directions.

In seeking the cases that would endure in the system, we were in danger of painting a much rosier picture of what happens to women than is actually true. We abandoned the original plan of interviewing officials in the system because of time constraints. Workers met with the officials necessary to gain the documents they needed, and in some cases were able to access the information through the Privacy of Information Act, and web sites. We needed more discussion, ahead of settling on the design, to tease out the information about courts and sentencing. We underestimated our internal ignorance of what happens there, and so our follow up questions and probes were inadequate.

We failed to anticipate the ongoing attacks on the *Violence Against Women Survey*, and the likely attempts to reduce or counter the newly authorized statistical evidence of the existence of violence against women. We left ourselves dependent on the production of critiques, and supporting documents, and analysis by the Justice Department.¹¹

Our research plan was modest and contained, but had some open-ended possibilities in that it was housed within the larger project of the *Canadian Association of Sexual Assault Centres*. We were not so much interested in the science of who has been attacked and who has been failed, as we were in the political science of how change can happen, including, but not limited to, criminal justice options. Our plan worked quite well to educate many and to inform many more. We hope it assisted 100 women to fight their attacker more effectively, to experience the solidarity of their community against the indignity they suffered, and to move toward a peaceful, egalitarian future.

We should have spent more time designing the research. We needed to pursue conversations with British, New Zealand, and Australian, or South African women, as to the implication of the erosion of the welfare state on frontline work, which had developed out

of the welfare state.¹² We needed a meeting with an American expert regarding the loss of the ERA¹³ momentum and the passing of the VAW bill; this could have included LEAF knowledge and NAWL²⁴ women. It would have been better if we could have interviewed academics and practitioners writing about criminal law and the Charter to pursue ideas they expressed, so we could jointly understand the implication of their judgment on the women, and so that they could be more aware of the practical implications and the Charter challenge possibilities. We did not plan to use one level of government against another: a traditional Canadian reform technique. In the preparation for research, we could have sought out the federal-provincial working group members relevant to our inquiries.

Notes

1. The Donner Foundation report that was eventually published as book. Clark, L., and Lewis, D. (1977). *Rape The Price of Coercive Sexuality*. Toronto: Women's Press. This was an early, if not first, of Canadian documentation of "unfounded cases," for instance. That work sprang from front line alliances between the Vancouver Status of Women (a women's centre) and the Vancouver anti-rape movement. More recently, Vancouver women complained for three days about policing to the Oppal Commission on Policing in B.C. Those proceedings are available at the Justice Institute of B.C.
2. Federal-Provincial-Territorial Ministers Responsible for the Status of Women. (2002). *Assessing Violence Against Women: A Statistical Profile*. Ottawa: Author, cat. SW21-101/2002E, p.10.
3. Martin, D. (1976). *Battered Wives*. San Francisco: Glide Publications. And Russell, D. & Van de Ven. (Eds.). (1976). *Crimes Against Women: Proceedings of the International Tribunal*. California: Les Femmes.
4. Dobash, E., and Dobash, R. (1990). How Theoretical Definitions and Perspective Affect Research and Policy. In D.J. Besharov (Ed.). *Family Violence: Research and Policy Issues*. Washington: AEI Press, pp. 108-129; Dobash, E., & Dobash, R. (1992); Dobash, E., & Dobash, R. (Eds.) (1998). *Rethinking Violence Against Women*. Sage: Thousand Oaks.
5. Dworkin, A. (2003). Landscapes of the Ordinary: Violence Against Women. In Morgan, R. (Ed), *Sisterhood is Forever*. New York: Washington Square Press, pp. 58-69.
6. See Appendix: Tool for Tracking Charges.
7. See Appendix.: Interview questions of CASAC LINKS Report.
8. One hundred plus interviews, eleven LINKS workers, plus eighty centre workers, plus three national staff, and five regional representatives.
9. Fine, M., Weis, L., Weseen, S., and Wong, L. (2000).
10. Richard Mosley hosted those meetings and invited Gwen Landolt of REAL Women.
11. We were delighted to see Dawson, M. (2001, December) *Examination of Declining Intimate Partner Homicide Rates: A Literature Review*. Ottawa: Department of Justice Canada, cat. 2001-10e.
12. Department for Women. (1996). *Heroines of Fortitude: The Experiences of Women in Court as Victims of Sexual Assault*. New South Wales, Australia: Author, ISBN 073105204, was being produced at this same time from a very different starting point and using quantitative approaches. And the American women were working on books like Daniels, C., and Brooks, R., Eds. (2001). *Feminists Negotiate the State: The Politics of Domestic Violence*. Lanham, Maryland: University Press of America, as well as, internationally, Dobash, E., and Dobash, R. (Eds.) (1998). *Rethinking Violence Against Women*. Sage: Thousand Oaks, at the Rockefeller Institute in Lake Como. Also see: Abused Women's Advocacy Project. (2000, February). *The Voices of Victims: Victim Accounts of Law Enforcement Response to Domestic Violence Data Report September 1998-1999*. Lewiston, Main: Author.
13. Equal Rights Amendment would have given American women some of what we have won.
14. Legal Education and Action Fund: see online <<http://www.leaf.ca/>> and The National Association of Women: see online <<http://www.nawl.ca/>>.

Nellie Nippard's Story

Louisa Russell

NELLIE NIPPARD KNOWS too well how the criminal justice system fails to protect women. That is why she was willing to come when I invited her to speak at the Women's Resistance conference, and to meet Jane Doe, and Bonnie Mooney.

I automatically figured that if the time ever came that I would get the nerve or the courage to make the decision to go to the RCMP, I just took it for granted that everything would be taken care of, but I got no help... They told me it was a family dispute, we can't go in there. That was a big let down for me.¹

Nellie's husband later stabbed her 33 times. He did it in spite of the fact the mother of six had gone to the police many, many times for help. It was her opinion that the officer had sided with her husband Lew and that they had become buddies.

One time she had gone to the police after he had threatened to shoot her in the woods near their house. He was taken to court for uttering threats. Like many women, she was feeling alone with the story and was looking forward to having the opportunity to tell it in court. Many people in the small town of Lewisporte did not want to talk about her experience so she had been alone with the problem until now.

On the day that they went to court, his lawyer took her aside and asked, "Do you really think that Lew would kill you?" She looked at him plainly, and said, "I know that he will."² But when she came to go to court they told her that it was not necessary for her to testify, as the lawyers had come to an agreement. The lawyers had told the Judge that the couple would like to reconcile and that she was not afraid of him.³

I was too scared to say anything. No one explained what was going on. The defence attorney had lied, and said that I was not afraid, and the Crown, I guess, had believed him. Lew got off based on this.

I moved to a house close to the police station and had been away from him for a year. He watched me constantly and phoned me nearly every day, counting down the days that I had left to live. Finally, the countdown was zero, and I was convinced he would try to kill me anytime now. I stayed at home.

The following Tuesday I left to give a friend a ride and he attacked me on the lawn. I tried to keep him off with one hand. I felt something in my stomach—he sliced my liver three times, and stabbed me all over. I made a grab at him. I scratched his face. In the hospital the IV kept me alive. The stretcher was filled with blood. I fought to stay awake. I was scared if I slept I would die.⁴

Lew pleaded guilty to *attempted murder* in 1990 and he was sentenced to life in prison with no parole for twelve years. However, an appeal in 1993 concluded that the judge didn't have the authority to set an eligibility date, and he was, therefore, eligible to apply for full parole after serving seven years.⁵

Fortunately, for Nellie, Lew has not yet been granted parole. In 1995, the parole board decision stated that, “[Lew’s] risk of causing serious harm to [his] ex-wife...is high.” At the sentencing, two psychiatrists testified that the 47-year-old man was obsessed by a paranoid jealousy of his wife that led to unreasonable fits of anger and violence against her. The board went on to state “that [he] could act out violently, and of specific concern is [his] lack of understanding and minimization of [his] violence.”⁶

Yet, Nellie still lives in fear that one day he will be released and come to finish her off. Part of her resistance has been to tell her story, so that she is not alone. Every two years Nellie travels to New Brunswick to tell the parole board in person what he did to her. Nellie established this practice. Before her, it was not allowed, and parole boards are prone to abandoning the judgments and monitoring to the abused women, imposing an impossible burden that belongs to the parole board and corrections.

Nellie has spoken at Take Back the Night, and at provincial conferences, such as Inquest of Justice, that looked at areas where women aren’t getting what they need from the justice system.⁷ Nellie and I shared a stage at the Women’s Resistance from Victimization to Criminalization Conference. Her story, as told on television, is used as a training module in our rape crisis centre. Each time Nellie tells her story, she gathers feminist support; she continues to keep her story public for her own safety.

Notes

1. Nippard, N., personal communication (2001, October).
 2. Nippard, N., Mooney, B., and Russell, L. (2001, October). From Victimization to Criminalization Conference Workshop: *How to hold the Police Accountable*. Available online: <www.casac.ca/conference01/cd_order02.htm>.
 3. *Ibid.*
 4. *Ibid.*
 5. Wife-Abuse Issues Subject of Conference (1993, October 25). Montreal: *The Gazette*, p. A8.
 6. (1997) *Parole Board decision*, St John’s, Nfld.
 7. Wife-Abuse Issues Subject of Conference (1993, October 25).
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Jane Doe and The Charter

from the CASAC Point of View

Jane Doe has told her story, we, as CASAC, feel freer to comment.¹ Jane Doe took full advantage of Canadian anti-rape centres. She walked into the Toronto Rape Crisis Centre already influenced by the feminist public education work done, by then, in that city for a decade. She was informed about the political nature of rape and her entitlement in law to police response. She was reinforced in her belief in a natural as well as legal right to complain about rape and be protected from rape. She was aware of and part of a political movement creating women's power. That knowledge informed her outrage at being used by the police as bait instead of being protected from the "balcony rapist."

She did her best to assist in the capture, trial, conviction, and imprisonment of that man and CASAC helped.² Then she went after the forces that contributed to her being attacked. When she wanted to officially complain, when she wanted to poster her neighbourhood to warn other women and find her rapist, when she wanted to organize a new temporary feminist action group, she used the resources of the Toronto centre. She asked for and got aid from phone numbers, to womanpower, paper and photocopier, meeting space, and library.³

She was the most difficult kind of woman caller for our centres: smart, angry, aggressive, working class, moderately well educated, opinionated, individualistic, and determined. She was not looking for a shoulder on which to cry, counselling about how it was not her fault, or basic facts about rape. She would not be satisfied with a lecture from anyone on how the system works. She wanted to know how to *make* it work. She hunched from the beginning that for her mental as well as social well being, whatever therapeutic aid she might need, had to be companioned with collective political action.⁴ She was rarely grateful or satisfied since there was no real reason she should be satisfied or grateful for the way things are for raped women in the world or even in our centres.⁵ She was the most difficult kind of caller, the most likely to survive the experience and effect social change.

Over the course of the next ten years, using the resources of the movement including LEAF, CASAC, and NAC, she fought for the right to sue the police, and won that right for all

of us. Then she fought to hold the police accountable for their treatment of her for the sake of the next women raped.⁶ She quietly criticized our members, at our request, as to how we could better assist rebellious women.⁷ And finally, she tried to effect the reform of the very police force that had failed her in Toronto, by gathering together women's groups, and working with the city government to review the problems and propose solutions.⁸

She had to learn about rape law and the Charter. The only sources of information available to her to legitimize her equality-driven struggle with Charter law, were the women with whom she shared a support group for assaulted women,⁹ feminist legal academics who followed and supported her case,¹⁰ and two key women's groups committed to equality law: LEAF and CASAC.

During all those years, she received and called on the centre and members of CASAC for emotional, political, and concrete aid to support her insistence on access to justice. She has continued to insist on that support through the five years of producing the next level of her public education materials: speaking tours, the production of her made-for-TV movie, and her book.

The Jane Doe story is one of individual ingenuity, wit, and determination, but it is also the story of what Jane Doe has achieved for women raped, as part of the Canadian women's movement, particularly in partnership with CASAC. Jane Doe's story seems to be the best we can get so far: that failures of the justice system are met with outrage and work to change things for the next women. Jane Doe has worked more than a decade to hold accountable the justice system that failed her, and to make the struggle a little easier for the women who follow. She has succeeded. CASAC is grateful for her courage and her wilfulness. Our alliance with her has made all of us stronger, and angrier, and has increased women's expectations of law, especially, equality law for women in Canada.

Notes

1. Doe, J. (2003).
2. *Ibid.* Her poster campaign to warn others and identify him caused someone to suggest him to police and he was arrested.
3. *Ibid.*
4. Profitt, N. (2000, August).
5. CASAC invited Jane Doe to critique services and to suggest ideas for our conference planning at our Winnipeg meeting in 1998.
6. Jane Doe does not consider that fight successful. Personal communication, Winnipeg, 2001.
7. In her presentation at Winnipeg.
8. Bain, B. Plenary/Round Table, *Policing in Canada: Either They Won't Come, or They Won't Leave Us Alone*. Chair: Kim Pate, Beverly Bain, Anne Derrick, Julie McKay, Dr. Sherene Razack, Bonnie Morton, Tamara Gorin, Dianne Martin. Available online: <http://www.casac.ca/conference01/cd_order02.htm>.
9. They remain anonymous but are somewhat portrayed in the book and movie.
10. Notably, Law Professor Liz Sheehy, University of Ottawa.

An International Discussion: Violence and Equality

When and How Did CASAC Become Internationalist?

Canadian progress, the international promotion of Canadian law (for instance in South Africa and the Balkans), the use of rape in war, all focused attention on violence against women. But those were not the starting points for us. We have been aware for some time of the Canadian exporting of ideas regarding violence against women through both aid agencies and United Nations mechanisms. Too often we were confronted by the contradictions between what our government said abroad and what it did at home. Women from Russia, the Caribbean, India, Mexico, Latin America contacted us, convinced that the problems had been solved in Canada, and looking for the magic key we had found to win co-operation from our governments and enlightened responses from our politicians.

For CASAC women, the experience and understanding of the international consideration of violence against women has been very different across the country.

Quebec women dove into work on the International March of Women Against Poverty and Violence. It was thrilling for CASAC women to participate, and sometimes lead an international grassroots movement modelled on what they achieved inside Quebec with their anti-poverty march. As soon as the call became international, our members were delighted that the rallying cry included the call to end violence against women. These are the twin axis of women's oppression as the new century begins: poverty and violence. Quebec feminists not only organized women from around the world to speak to the United Nations special session, but marched us through the Streets of New York, spoke on our behalf to officials of the World Bank, and mobilized with others for the Social Forum in Puerto Allegro where we also spoke. Those same women came to report to us at our conference and convention.¹ All of this has resulted in fabulous opportunities for anti-violence activists to meet from around the world, and to discuss our shared understandings of our respective legal, social, and political situations.

Women in English-speaking Canada certainly participated in the Women's World March events, and national organizing, but had less of that consciousness-raising experience. We were shaped by other events. Ontario was the settlement site for many new immigrant populations who were taking their place in the political discussions. Toronto and southern Ontario are now more varied in cultures, more racially diverse, and more multi-lingual than most other major cities of the world. This dynamism is palpable and has pushed every public institution to new understandings of a world united. The whole country has been dramatically affected by swings in immigration and immigration policy. Proximity to New York, and the "security" issues pressed on us after the American response to World Trade Centre attacks, rocked Ontario women. The spectre of war both abroad and at home loomed over this period. We were suddenly connected to women in the Middle East in a new way. We struggled and found leadership in Star Hawk, and in Robin Morgan's, by then, dated book, *The Demon Lover* (a new edition has since been successfully called for; there hasn't been a war that didn't include rape).²

Women in Alberta were isolated from much of the international activism, but were, unfortunately, subject to the influence of American conservatism that was guiding local politics. The impact of this on anti-violence work was intense. Fewer women were focused on anti-violence work, and there was a lot of pressure for them to focus the work on victimology. There were, of course, fine exceptions like the coalition work to build the Mills case.

The women and children so desperate to enter Canada that they would take to the life-threatening waters off our coast, challenged B.C. women. At the same time, we had to contend with both the missing women of Ciudad Juarez, and the missing women of the Vancouver downtown east side. A campaign began to grow for the missing aboriginal women of the north coast; this has since become a national issue. B.C. women were the most engaged in challenging the Canadian government's fifth report to the United Nations CEDAW committee, perhaps because the recent change in provincial government propelled our understandings of the links between international and local policy, and perhaps because the leadership of aboriginal women dramatized the plight of the women most affected in this country.

CASAC, as an organization, had been involved in international work for some time. Not only had we sent a delegate to the UN Conference in Nairobi and to the Commonwealth Women's Conference in Toronto, we also sent a delegate at the invitation of Russian women to Moscow for the first all-Russia meeting of women to fight violence against women. For a week we trained those women who would be opening the first rape crisis centres and shelters, and contributed a foreword to their manual on how to open such centres. It is still in use and has been updated with a new message from us. We also attended a week-long seminar at the women's university in Bombay, SNDT, to compare strategies, and tactics on ending violence against women with women activists from across India.

Discussion of Equality and Sexist Violence in the UN, Post Beijing

For CASAC members, the push toward internationalism began with Beijing, and the alternate conference held there of women's NGO's (non-government organisations actually registered by the United Nations). Women began to imagine the possibility of the United Nations' reinforcement of their aspirations. Every state was being challenged by its citizens and residents to come to the aid of women. We were convinced that such aspirations are normal, and universal, and that the experience of sexist violence is everywhere understood by women to be an impediment to women's freedom and well being.

CASAC women watched with interest over several UN meetings, the discussions between states about violence against women. "Watch" is a bit of an understatement. The CASAC Regional Representative from the Prairies, Unide Johnson, represented us in Nairobi, CASAC representative from B.C. and Yukon, represented us in Cairo, as well as, the NGO planning meetings for Beijing, and Beijing plus five. CASAC also attended in New York for the discussions of the Optional Protocol to CEDAW. CASAC participated as a member of FAFIA in the Vienna meetings, and in the CEDAW Alternate Report Committee, both at the national and B.C. provincial levels.³

In this book, we are examining the application of Canadian law by state officials responding to violence against women (with particular reference to the five-year period of this report), so we thought it best to review for ourselves Canada's legal responsibilities to women, as they are understood internationally.

In May of 2003 when the Minister Responsible for the Status of Women sent us the report *Assessing Violence*, we were a little surprised. This wasn't our first reading of the federal *Assessing Violence Report*.⁴ In January 2003, it had been considered by a UN Committee working with and between national governments to improve the lives of women.⁵ Many states had agreed on CEDAW's⁶ policy and platform. Canada, to her credit, had also signed on to The Optional Protocol, an important implementation mechanism that women's groups, including CASAC, had promoted.⁷ The Canadian government delegation had used the Statistical Report as part of the argument for how well Canada was doing in her compliance with this international commitment, the purpose of which was to end sexist discrimination. As part of this process, Canada reports every five years to an international group overseeing CEDAW.⁸ Those states that signed the agreement are to account for what efforts (in this case, Canada) have been made and how successful they have been in improving the status of women.

Women's groups independent of government can also report to the Committee to provide an alternate source of information. CASAC, as part of a coalition of women, prepared an alternate report, and sent a delegate to attend the New York session in which Canada made its fifth periodic report. Our version, which varied considerably from the government's version of the situation in Canada, was written and delivered in alliance with other women's groups.⁹ The facts and stories had been gathered by feminist

frontline workers in both specific regions, like B.C. (where things were changing even more quickly for the worse), and Canada-wide.¹⁰

Reading and hearing Canada's official presentation, including the Statistical Report on Violence, was a caution. From our point of view, the official report didn't begin to describe the extent of the crisis being endured by women in Canada. And, it set the example for official obfuscation, instead of revelation, of what is commonly known of the problem. In any case, even allowing for such differences in worldview, and attitude to accountability, and social change, we were astounded by this use of the Violence Report.

How could the nature and numbers of violent crimes committed against women in Canada be reassuring?¹¹ How could the understanding of the relationship between social policy, social programs, and their impact on violence against women be reassuring? How could one avoid facing the impact of the loss of women's right to welfare on the violence situation? How could one accept the hiding of the class and race divisions that so profoundly affect any understanding of violence against women? How could the loss of national standards in health, education, and welfare be made to appear unrelated to the devastating violence figures? How could the loss of any of the commitments to gender-specific initiatives, from stand-alone ministries, to the funding of shelters and centres for women being diminished, allow any hope of solving the problems of violence against women and women's equality?¹²

While we prepared our alternate report to the UN, anti-violence workers could hardly bear the compounding of our understanding about the conditions of many women in Canada. Every meeting with other feminist groups meant new realizations of how bad it was and how much worse it was getting. For us, it was painfully discouraging and sometimes overwhelming. For battered, abused, raped, and harassed women it was desperate and sometimes hopeless. Every voice in those meetings increased the depth of understanding between us and strengthened our hand but added terrible new interlocking data and analyses. Certainly, all the groups and their delegates shared the burden. We had excellent professional advice and counsel and, more importantly, excellent leadership in composing our unity and in arguing our joint positions in New York.¹³

To CASAC it was and is clear that if any progress is being made in Canada at reducing violence against women and its impacts, it is unacceptably and unnecessarily slow and shallow. Furthermore, it was and is clear that women are suffering terrible set backs in policy that will affect both the aftermath of violence against women in each life and community and will surely increase the levels and severity of individual incidents of violence against women.

Sometimes we could see that politicians were even using violence against women cynically to excuse a "law and order" approach to governance, a gated community approach to nation interests, which we know and they know is contrary to any advance for women.¹⁴

The international committee considered all these sources of information and expressed its opinion in its recommendations and concluding remarks.¹⁵

Even at this state-controlled UN level of removal from our lives and from the women who talked to us, the Committee concluded that women in Canada could and should be much better served by government at all levels. Indeed, we all agree that law and international agreement have promised women in Canada better. In its recommendations, the Committee agreed with us on many points. But certainly even without the UN women and before the movement-wide meetings, antiviolenace workers had our own frontline understanding of the inseparability of criminal law and equality law and social policy.

Peers in the UN body reviewing compliance with this agreement have criticized Canada. In the "concluding comments" the committee points out Canada's several failures to meet international obligations.¹⁶ These comments include criticism for the lack of funding for feminist service/advocacy organizations fighting sexist violence as well as for the failure to hold provinces to their obligations to equality. The comments particularly focus on the needs of aboriginal women and the particularly dire situation in B.C. Now we take up the work of pressing the government in Canada for compliance.

We are also engaged in discussions about the human rights abuse that is violence against women and we are beginning to partner with several Canadian and international NGO formations regarding this approach.

At the official UN conference in Beijing, China, Canada endorsed the Beijing Platform for Action that calls governments to "seek to ensure that before policy decisions are taken, an analysis of their impact on women and men, respectively is carried out."¹⁷ It calls on governments to "review policies and programmes from a gender perspective" and to "promote a gender perspective in all legislation and policies."¹⁸

Canada also endorsed Further Actions and Initiatives to Implement the Beijing Declaration and Platform for Action that was adopted by the Special General Assembly of the United Nations on June 10, 2000. In it the UN calls on governments "to ensure that national and legislative reform processes...promote women's rights,"¹⁹ and it states that governments must "as a matter of priority, review and revise legislation, where appropriate, with a view to introducing effective legislation, including on violence against women, and take other necessary measures to ensure that all women and girls are protected against all forms of physical, psychological and sexual violence, and are provided recourse to justice."²⁰

In 1992, the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW), in the General Recommendation 19 framed during its eleventh session, viewed "gender-based violence" as a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.

It clarifies that "discrimination against women" under Article 2 of the Women's Convention includes:

...gender-based violence. That is violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.²¹

Gender based violence impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law and it circumscribes women's ability to function as full citizens in society.

Those rights and freedoms of women that are implicated in gender-based violence include:

The right to life.

The right not to be subject to torture or to cruel, inhuman, or degrading treatment or punishment.

The right to equal protection according to humanitarian norms in times of international or internal warfare.

The right to liberty and security of the person.

The right to equal protection under the law.

The right to equality in the family.

The right to the highest standard attainable of physical and mental health.

The right to just and favourable conditions of work.

The CEDAW General Recommendation 19 also emphasizes that while gender-based violence under the Women's Convention applies to violence perpetrated by public authorities, states may also be responsible for private acts, under general international law and specific human rights covenants, if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence and for providing compensation.

Acts of violence directly committed by the State and its personnel are breaches of State obligations under general international human rights laws and under other conventions, including the Women's Convention. It further emphasizes that discrimination under the Convention is not restricted to action by or on behalf of Governments: it calls on State parties to take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise.

The initiative taken by CEDAW through its General Recommendation 19 was groundbreaking. It became the normative basis for the UN Declaration of the Elimination of Violence Against Women (UNDEVAW)²² the year after and the creation of the mandate for a UN Special Rapporteur on Violence Against Women (UNSRVAW). While not itself legally binding, the Declaration represents an authoritative international consensus be-

tween states on government obligations, including Canada's, to eliminate violence against women. It affirms norms that are legally binding, either under specific human rights treaties or as customary international law.

The UNDEVAW defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering of women, including threats such as acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life."²³ This definition emphasizes that acts of violence against women are rooted in gender inequality. The adoption of the same text in the 1995 Beijing Platform for Action (under Strategic Objective D on violence against women) strengthens the normative basis of this definition.

In our minds, violence against women in armed conflict and in peacetime conditions are not distinct phenomena but form part of the same spectrum of behaviour. They are both products of systemic relations of male power and domination.

The 1998 Rome Statute of the International Criminal Court (ICC), which explicitly recognizes rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and sexual violence as war crimes and crimes against humanity, builds on earlier developments in international law and signals another important addition to the human rights system that promises accountability for gender-based violations of human rights.

Violence, according to the UN, can be physical, psychological, or sexual and may take the form of deprivation or neglect. In her first report in 1993, Radhika Coomaraswamy of the UNSRVAV considered various forms of violence against women under three principle categories:

- Violence in the Family: domestic violence, including battering, marital rape, incest; traditional practices, including female genital mutilation, son preference, early marriage, dowry-related violence, and penalties such as stoning or floggings under religious customary laws;
- Violence in the Community: rape and sexual assault; sexual harassment in the workplace, educational institutions and elsewhere; forced prostitution,²⁴ trafficking for purposes of prostitution or domestic labour; violence against women migrant workers; and pornography which is linked to violence against women;
- Violence Perpetrated or Condoned by the State: custodial violence, including rape and other forms of sexual assault and beatings; violence against women in situations of armed conflict; and violence against refugee and internally displaced women.

CASAC agrees with what seems to be clear at this level of inter-state discussion that a continuum exists across the various forms and locations of violence against women mainly because they share common roots found in deeply embedded discriminatory behaviours, values, and practices toward women that are still prevalent in many societies, including Canada. These roots perpetuate the cycle of discrimination and violence against women.

Oftentimes, the different forms of violence are inter-connected. For example, numerous studies indicate that physical violence by an intimate partner is often accompanied by sexual abuse and even rape. Incest, while always coercive, sometimes includes child rape. All human rights are connected.²⁵ Violence against women can be understood to violate many forms of human rights. CASAC understands that freedom from sexist violence cannot intelligently be separated from any or all other women's human rights.

International human rights standards such as the UDHR affirm the equal rights of men and women and claim that everyone should enjoy human rights without discrimination on the ground of sex. However, women's rights activists, including CASAC, have only recently explored the application of this statement of principle to our own state. We have pointed out that women's enjoyment of their rights is not only affected by the will of their states to uphold human rights, but by their gender as well as class and race.

In practice, human rights theorists and actors (never mind the limited application by states) have not usually properly analyzed the gendered nature of women's oppression and violence. There has been virtually no understanding of racialized or class-based gendering. Until recent years, very little feminist awareness and analysis has been applied by anyone, other than the international non-governmental women's movement, to the many forms of violence that primarily affect women, such as "domestic" violence, date rape, sexual harassment, prostitution, or incest. A "gender blind" international human rights framework has ignored all.

However partial the UN discussion (between states, human rights experts, etc) was, it is important to note it has also been threatened with foreclosure. In our fourth year of this project, war was declared by the American state on the Middle East. Canada was asked to support the American military force. The bombing of the World Trade Centre in New York happened.²⁶ Violence against women and women's oppression was a big part of the American rhetoric used to justify obstructing and defying UN peace processes and even bombing and invasion.

Does Trade Trump Rights? World Trade Organization (WTO) and the UN

At the time, CASAC was hosting more than six hundred women at a conference in Ottawa: Women's Resistance from Victimization to Criminalization.²⁷ The women on the opening panel of the conference were well known for their integrated activism and as women who would not avoid the challenge of the day. Each in turn, from Susie Rojzman who had just addressed World Bank executives, to Sunera Thobani, past president of the National Action Committee on the Status of Women, to Kim Pate, prisoners' rights activist, joined us in denouncing war as an alternative.²⁸ They addressed, among other things, the relationship between the behaviour of the UN and its member states and the violence done to Afghani, Palestinian, and aboriginal women in Canada.

Over and over again we were confronted with the reality of corporate interests, including the WTO, World Bank, and World Monetary Fund in restructuring states for the

sake of profit making. They also addressed the impact that the structural adjustment drive was having in Canada: the elimination of the public sector and the imposition of a very gendered "law and order" agenda.²⁹

CASAC does not argue for abandoning the work at the UN level, but we are cautious with our energy and focus. At best, we see we are dealing with a definition of human rights agreed to by states and a comprehension and compliance only as useful as the uprising of women within each state. Calling on the state to enforce women's rights is always problematic. There is no state in which women have full democratic access to power. No state upholds women's rights fully. No state has the full confidence of its women citizens. How wise is it to call for the criminalization of violence against women in all states, when women do not have economic and social equality, and when there is no parallel initiative to enforce those rights?

Women carry yet another burden when regimes do not uphold the right of accused persons or the rights of prisoners to vote or even to eat. States may use violence against women to attack innocent or even progressive men and women.³⁰ How valuable is a civil or political right when one is starving or facing indentured slavery?³¹ These topics were opened up at the conference. One of the achievements of this project is our cooperation with the conference presenters to gradually post all proceedings on our web site.³² All plenary proceedings are now available; the 100 workshops are being added.

In any case, appealing to the UN as a kind of super government will rarely be useful for the women who call on us in CASAC centres. But we do note that it was useful for the women of Tobique.³³ There is no power of enforcement and who could trust it if there was? At least the uneven power of states and the hegemony of the American state would often sabotage us. Feminists, including CASAC, successfully lobbied Canada to sign CEDAW's Optional Protocol. But we know that so far, women have had to fight their government in court, usually without funding, all the way to the Supreme Court before even approaching the UN. The women who call CASAC seeking justice will rarely struggle through such processes.

We don't underestimate the importance of the UN as a forum for world discussion. And we will probably continue to participate, intermittently, in lobbying at that level. And we are aware of several dramatic, positive highlights of activity in the UN over these past few years. Kofi Annan's (Secretary General of the United Nations) recognition of the role the unequal status of women plays in the international AID's epidemic, and the necessity to fight for the liberty, and autonomy including sexual liberty and sexual autonomy of women for the sake of world health.

We need a deep social revolution that will give more power to women, and transform relations between women and men at all levels of society. It is only when women can speak up, and have a full say in decisions affecting their

lives, that they will be able to truly protect themselves-and their children against HIV.³⁴

This clear reference to rape and sexual coercion was helpful.

The delivery of the message of our coalition, the World March of Women, by Francoise Davide, to the assembled states of the United Nations.³⁵ The World March activities engaged us all in 2000, but especially the women at both ends of the country, and in Quebec. B.C. was awestruck by the organizing of the Fraser River Journey of the Aboriginal Women's Action Network. They gathered partners from the anti-violence groups and set off down the mighty Fraser River in a two-week rafting trip that took them through some ten communities. In each they stopped and held a focus group to gather the opinions and outrage of the aboriginal women in those communities about restorative justice. It was a dramatic and effective action to denounce the sexist violence in their communities and identify the problems with restorative justice. On the East coast women rallied, trucked, marched, and met in large and colourful numbers connecting their economic plight and their lack of services to deal with poverty and violence. But the women of Quebec were amazing in their province-wide engagement in this international action. There is no doubt that the March 2000 activities internationalized and advanced the consciousness and effectiveness of the entire women's movement in Quebec. The speech at the UN and at the World Bank became symbols of the understanding of many women new to the movement that rights could be enlivened by our own organizing of political power outside of the circle of authorities and not just those bestowed by the authorities. They also effectively united the struggle for an end to violence against women and the struggle to end women's poverty in a unity that promised to sacrifice neither.

The refocusing of many actors within the UN systems on the indivisibility of rights and the necessity to attend to the economic rights of women in our efforts to end violence against women. From the achievements in Vienna to the new expressions of traditional human rights groups, like Amnesty International to the Charter cases proceeding through the Canadian courts, hundreds of women both within Canada and within the UN network are reconstituting a struggle to reintegrate the efforts to give meaning to equality by meshing women's international poverty and the international phenomenon of sexist violence against women.

We value the possibilities of the United Nations, especially as a forum for the examination and development of human rights. We also have seen the value of the Social Forum processes. We, along with the world's youth, have also had to turn our attention to the multi-nationals that are over powering and replacing our governments. And we have had to attend to the refusal of our governments to buffer us from that unrestrained greed. The World Trade Organization (WTO) was formed in 1995, the same year that the Beijing Platform for Action was adopted. The WTO "battle in Seattle," the Puerto Allegro and New Delhi fora, and the changing tide in the Third World have all caught our imagination and

hope. CASAC has taken its place on the international violence committee of the World March of Women as the elected delegate from the pan-Canadian March Committee.

International exchanges and perspectives are affecting those working in professional disciplines as well. The 1998 publication of *Rethinking Violence* edited by Dobash and Dobash crosses professional as well as political boundaries in updating the discussion of what can be documented and understood, at least across the industrialized west and north, as violence against women and its function in the repression of women's rights. Soon the literature available in Canada will encompass a more global understanding.

In a similar vein, we have become active members in international electronic networks linking frontline women's activists around the world. We have been inspired by the work of Japanese women to confront the sex tourism launched from inside their borders by their alliances with women in the hosting/invaded countries, for instance, Thailand. And we have modelled projects on that cross-border work. The international communication is awkward and truncated still but never the less revolutionary. Nothing has replaced or diminished our hope in and commitment to the growth of an independent, democratic, international women's movement and, within it, the development of collaboration and mutual aid possibilities among grassroots frontline women's groups committed to ending violence against women.

Notes

1. Women's Resistance from Victimization to Criminalization, October 1-3, 2001.
2. Morgan, R. (1990, c1989). *The Demon Lover: On the Sexuality of Terrorism*. New York: Norton.
3. Canada has played a significant role in that discussion, for instance: Canada led the resolution at the fiftieth session on the Commission on Human Rights in 1994, to appoint the special Rapporteur on Violence Against Women, to obtain information on violence against women, and to recommend measures to eliminate such violence.
4. Federal-Provincial-Territorial Ministers Responsible for the Status of Women (2002).
5. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Review committee of the United Nations.
6. See Appendix: Convention on the Elimination of All Forms of Discrimination Against Women.
7. This mechanism is designed to allow, under very limited circumstances, women to appeal to the CEDAW committee when our national governments have failed us. See: Accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (2002, October).
8. Canada's Fifth Report, for the Convention on the Elimination of All Forms of Discrimination Against Women. Available online at <http://rapereliefshelter.bc.ca/issues/cedaw_Jan2003.pdf>.
9. Feminist Alliance for International Action (FAFIA), a coalition of women's groups, including CASAC, are autonomous from government, and independent of other political forces and formations.
10. Feminist Alliance for International Action (FAFIA) (2003). *Canada's Failure to Act: Women's Inequality Deepens*. Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Occasion of the Committee's Review of Canada's Fifth Report. Also B.C.

- CEDAW Group (2003). *British Columbia Moves Backwards on Women's Equality*. Submission to the UN CEDAW on the Occasion of the Committee's Review of Canada's Fifth Report).
11. The 1993 VAWS found: "Grouped together 45 percent of all women had experienced violence by men" known to them," Federal-Provincial-Territorial Ministers Responsible for the Status of Women (2002), p 10.
 12. World March of Women demands federal funding to feminist anti-violence services. This Canadian agreement was adapted from a demand worked out at the National Action Committee of the Status of Women (NAC) and led by CASAC. The federal government has a responsibility to the equality-seeking nature of these organizations. They are not just services, but combine service with advocacy through which women could collectively achieve equal treatment toward equal participation in Canada. They had been initially partially funded through the women's programme department of the Secretary of State as a matter of establishing women's equal citizenship. The reversal of that policy is still challenged. And a proposal to win support for a fifty million dollar initial budget has begun.
 13. Shelagh Day, Professor Margo Young, and Sharon McIvor.
 14. Lakeman, L. (2000).
 15. CEDAW Committee Concluding Remarks available online at www.un.org/womenwatch/daw/cedaw/28sess.htm#report.
 16. See Appendix, also online: http://www.casac.ca/allies/cedaw_recommendations2003.htm.
 17. Available online at <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N96/01/pdf/N9627301.pdf?OpenElement>.
 18. *Ibid.*, para.204.
 19. *Ibid.*, para.68.
 20. *Ibid.*, para.69.
 21. CEDAW, Article 2.
 22. Available online at: http://www.genderandpeacekeeping.org/resources/5_DEVAW.pdf.
 23. UN Declaration of the Elimination of Violence Against Women (UNDEVAW), Article 1.
 24. As far as we are concerned, this inclusion of "forced" is discriminatory in itself.
 25. See UNDHR: <http://www.un.org/Overview/rights.html>.
 26. "9/11" (September 11, 2001). We are grateful for the correspondence with Robin Morgan and the pre-existing version of her book, (1989) *Demon Lover*, which allowed to us live this moment with more intelligence. And we encouraged a just peace with a joint statement of conference participants available in the conference proceedings.
 27. Women's Resistance Conference proceedings, October 1-3, 2001, Ottawa, Canada. See online: www.casac.ca.
 28. Women's Resistance: From Victimization to Criminalization. Opening Plenary. Locating this Conference in the Wider World – 2001. Chair: Diana Yaros, Tina Beads, Senator Landon Pearson, Dr. Hedy Fry, Dr. Sunera Thobani, Dr. Julia Sudbury, Suzy Rojzman, Kim Pate, Lee Lakeman. The panel presentations are available on CD and also on the web site: <http://www.casac.ca>.
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The Trafficked Chinese Boat Women of Fujian Province

Alice Lee

EVER SINCE JULY 20, 1999 when the first boat from China arrived on the shores of B.C. with 123 Chinese refugees, Vancouver Rape Relief and Women's Shelter has been grappling daily with the issue of trafficking.¹ In the months following that summer, three more decrepit boats arrived depositing a total of 599 refugees into B.C. Traffickers from the second boat had dumped its passengers in the cold waters of the North Pacific near Vancouver Island as they fled from authorities. We were all horrified to hear about the conditions the refugees had endured trying to get here and, along with other women, we struggled for an effective response. Although at that time our collective was not as clear, we soon confirmed that trafficked women are subjugated to indentured labour, including prostitution.

People arriving in Canada as refugees are not a new thing. But the arrival of several boatloads in a row gave many people in B.C. a sense of urgency. People wanted to materially aid the women, men, and children.

Canada engaged in a systematic and purposive response to the refugees. With the end goal of deportation, the government encouraged a racist media campaign, introduced incarceration as an appropriate immigration policy, and actively suppressed the legal rights that are the entitlement of all persons who come to Canada.

Upon arrival on B.C. shores, the refugees were "welcomed" by local police. They were immediately detained under military guard and checked by doctors for disease and general health. Most of them were strip-searched, finger printed, and handcuffed. After the first boatload, many were automatically detained and remained in jail until their deportation (some were jailed for more than a year and a half). Children under eighteen were apprehended and placed in government group homes. Out of the 599 refugees, 90 of them were women, and 96 were under the age of eighteen.

Because Zhen was nineteen, she was jailed with the women. Solitary confinement was a common punishment. She and other refugee women, who eventually lived in our shelter, told us they were held in solitary confinement and Zhen herself was isolated there for crying. She was in confinement for days and, feeling unable to cope any more, Zhen attempted suicide by jumping and hitting her head on the concrete.

In response to the first boat, the Immigration Department designated the Canadian Forces Base at Esquimalt as a port of entry to process them. The Fujians were confronted with a process that jeopardised the likelihood that they would be rightly recognized as political refugees. They were detained illegally and denied legal counsel during their initial interviews with Immigration Canada. This made them extremely vulnerable because the interviews became part of their refugee application. It was under those circumstances that they were processed and, as a result, many exclusion orders (legal determinations that individuals could not apply for refugee status) were issued.² Denied access to counsel, the claimants were unaware that they could assert refugee status and, under B.C. law, engage legal aid to assist them with the immigration process.

A media that branded and isolated them supported the government strategy. Messages carried in local and national media embodied predictable, negative judgments that prevented humanization of the people. We were not informed of the conditions of their lives and the reasons why they would take such dangerous risks. We were directed and encouraged to participate in the construction of racist and classist stereotypes. As the boats arrived, the media continued to sensationalize the story, evoking strong racist anger causing a split in my Asian community as well as the general public.

The distancing of the refugees was enhanced by the structure of current immigration laws that have opened the borders to those who are wealthy or hold professional standing. Headlines such as *Go Home*³ fuelled the debate, distorting the public discussion in terms of a matter of costs, the “relaxed” Canadian immigration laws, and the illegal refugees “jumping queue.” A demand for deportation, without legal process, was loudly and repeatedly expressed in the media. There was no discussion of why the people had been illegally detained or reasons for a substantive shift in legal criteria whereby group profiling was utilized as a just reason for detention. They were deemed guilty without a fair hearing.

Women around us were outraged and rallied against the detention on International Women’s Day, March 2000. That summer, women’s groups at a Legal Education Action Fund (LEAF) conference heard Direct Action Against Refugee Exploitation (DAARE) recount the plight of the refugee women who were jailed. We called for their immediate release and challenged the argument that the government was only protecting them from dangerous traffickers and that there was no place for them to go.

My shelter collective quickly offered space and a welcome to the community. We joined with DAARE. Our efforts aided in the release of several Fujians and created opportunities for them to group with other women to share and plan for their survival. Zhen was released to us from prison, pending her refugee hearing. The Fujians were eventually allowed legal representation, either through legal aid, or individual lawyers paid by the province. Providing inadequate translation services, insufficient and overworked legal counsel, the government ensured that most refugees would lose their claim for refugee status. Since that time, even our own justice system has recognized the unfair treatment the Fujians received and has acted to overturn many of the exclusion orders in court. Of course, some of those people will not benefit. Justice delayed.

In the process of offering what we hoped would be useful and appropriate aid, we were confronted with many challenges, some successfully resolved, others regrettably not.

The primary difficulty we faced was the collection of useful information regarding the trafficking of women. During the months that followed the arrival of the first boat, it was almost impossible to get any accurate information regarding how many refugees there were, why they chose to take this incredible risk, who had trafficked them, and who benefited from the trafficking of women.

Zhen knew very little about her traffickers. She had contact with one person and only knew his alias. He told her not to bring any belongings as everything she needed would be provided for her and that she would be traveling for only a few days. He had as-

sured her the ship was fully equipped, including her own private room and bed. Zhen was on the ship for over a month. She did not want to talk much about it.

Zhen came from a poor family and had no opportunity for higher education. Her mother had remarried, but her stepfather was in jail, and she could barely keep up with the living expenses of Zhen and her brother. One day a stranger asked Zhen if she would like the opportunity to come to Canada. It would cost her 35,000 USD. She was not required to make a deposit but had the understanding that work would be set up for her when she arrived to repay that debt. She had no idea what kind of work she would be doing but decided to come since she had always heard that Canada was a land of opportunity and freedom. When I asked what made her take such a risk, she replied that she was her family's only hope for any future.

Zhen lived in Fujian province, China and lacked formal educational training, characteristics shared with many of the refugees trafficked by boat. Almost all were either escaping political repression or extreme poverty. Women are subjected to severe birth control measures under China's one child policy. Forced abortions or sterilization continue to be common enforcement methods. The pressure and push for globalization in the West is an impetus for China's change in economic policy, resulting in extreme poverty and massive unemployment. It is estimated that by 2002, over twenty million public sector workers will lose their jobs as China moves toward privatization. It is said that China's "floating population" is around 70 to 100 million people.⁴

Many people migrate to the cities in search of work. Both women and men end up working for little pay at exploitive jobs as day labourers, factory workers, restaurant cooks and servers, and for many women, as prostitutes. Although prostitution is not legal in China, it is rampant, very much a part of the local economy.

In Jinan, China, people I talked to noted that change in municipal government policies have greatly encouraged the growth of "night entertainment." "Night entertainment," restaurants and bars has been accompanied by a tremendous increase in prostitution. Some believe this is deliberately overlooked as part of the government's plan for increased tourism and investment. With no social safety net, women are forced to service men. Canada, along with other Western countries, actively promotes such conditions by aggressively pressing for economic trade agreements that are only beneficial to the wealthy few. By moving their businesses to the developing world and demanding outrageously low wages and poor working conditions, the businesses not only control the world resources but they have succeeded in commodifying human lives and migration opportunities.

Even the Criminal Intelligence Service of Canada acknowledges that international migrants are highly extorted and women are often gang raped and sold into prostitution. Zhen was unaware that she was a likely young candidate. The federal government, however, is aware of the presence of various gangs in Vancouver trafficking women like Zhen. To close the borders more and more, and then to jail the trafficked women, seems the least effective way to manage the situation. Often women like Zhen are sent on to Toronto and New York.⁶ Both of these destinations have a high Fujianese population. Many remain there without status. They are very much a part of the economy providing cheap,

illegal labour in the sweatshop industry and prostitution. Without legal standing in our country or the US, trafficked refugees are intimidated and controlled by real threats to them and/or their families back home.

Helping, in this environment, is difficult. Women are suspicious of services offered for their aid. In China, women's services are often controlled and operated by the state, not an independent women's movement. These realities, in conjunction with the women's treatment by the Canadian government, created barriers that made it difficult for them to trust in the possibilities. A guarantee of Landed Immigrant status would increase the willingness of at least some to testify against their abusers. Obeying our own laws might help to make us trustworthy.

Zhen told me that she had no idea what the journey would be like and would never have imagined being put in jail by the Canadian government. If she had known, she might not have come. Having women visit in jail was a great encouragement and having a place to stay at Rape Relief was a tremendous relief for her. After staying at our shelter, along with DAARE, we found her more permanent housing while she waited for her hearing.

Zhen grew more and more restless as she waited. She grew increasingly scared of being deported, as she knew prison would be waiting for her in China. Any future that she might have had back home would no longer be an option. The media was full of stories of other refugees' deportations, and, in the end, Zhen disappeared.

Our collective found that the individual experiences of the Fujianese women were not so different from other battered women staying in our transition house but they had the extra burden of language barriers, cultural differences, and global positioning. Isolation is a primary factor in all of these women's lives. Extreme poverty makes women even more susceptible to male violence. Both the traffickers and the State acted to isolate these women from each other and from the community—that is, they created and sustained conditions where women remain desperate and can be duped by promises of a "better life." In such an environment, there is little wonder why women are apprehensive and find it difficult to navigate their way toward autonomy and freedom. We regret that we could not offer Zhen any guarantee that staying in Canada for her hearing would mean a fair chance to achieve a "better life" and her autonomy.

Notes

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 3. Harnett, C. (1999, August 15). Go Home: We asked you to have your say about the latest wave of migrants to reach our shores. Your response was huge, the message was clear: send them back immediately. *Times Colonist*, p. A1.
 4. James, A. and Price, J. (1999, November). *No Safe Harbour: Confronting the Backlash against Fujian Migrant Workers* (Working Paper Series-Series #1, Working Paper #2). Vancouver: Canada Asia Pacific Research Networks.
 5. Canadian Intelligence Service Canada (1998). National Organized Crimes Priorities, online: <www.cisc.gc.ca/AnnualReport1998/Cisc1998en/asian98.htm>.
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Restructuring Canada at the Beginning of the New Century

On May 28, 2003, roughly a week after Sherry Heron's death, the Canadian government sent CASAC a letter signed by the Hon. Jean Augustine, Minister Responsible for the Status of Women.¹ It accompanied the publication called *Assessing Violence Against Women: A Statistical Profile*.²

That publication confirmed that, at least for the moment, we were not, as frontline workers, in a struggle with our national government about the existence of the violence done to women. After thirty years, some things had been accepted. The data sources listed in the government publication: *Assessing Violence Against Women: A Statistical Profile* included the Canadian Criminal Victimization reports and surveys of 1998 and 1999, including the Statistics Canada General Social Survey (GSS) and the Violence Against Women Survey of 1993.³ Based on the source of the report and accompanying letter, it seemed clear that the government understood the situation to be a critical infringement on the status of women.⁴ Obviously too, the Status of Women staff and Minister were aware of the value of the Violence Against Women Survey created by Holly Johnson and now recognized by scholars internationally and were protecting it from the predictable ideological challenges: questioning its outcomes by challenging its methods.

Maybe, as we hoped, it is no longer necessary to repeat to government the basic numbers or basic definitions.⁵ Of course, our point of view—that of rape crisis centres, transition houses, and women's centres—both allows and compels a more detailed and encompassing view of the landscape of women's lives. From where we stand, it is more possible to see the extent and function of sexist violence being committed by men in Canada.

Some Effects of Restructuring on the Nature, Severity and Incidence of Violence Against Women

"The poor will always be with us," "prostitution is the oldest profession," and "men are just naturally that way." These essentialist positions or attitudes are not promoted in CASAC centres.⁶ Rather, we see that among other things, each corporate move, social

policy, and interaction of the state and its subjects moves us toward or away from the desired future. Class, race, and gender division and domination are social and economic constructions always in the making. As is equality.⁷

There are those who see it differently. We have had to defend our positions rather rigorously in the last few years. The government has applied only formal equality when attending to equality at all. It has sometimes ignored both the Supreme Court rulings against formal equality and the reverse impact of the application of these policies. Huge economic and political forces have been mounted to oppose any government role beyond armies and prisons. Sometimes we have found ourselves reeling from many simultaneous blows.

Sometimes both progressive prison abolitionists⁸ and capitalist privatization promoters challenge us to consider whether the adversarial justice system (either criminal or civil) is an appropriate vehicle for women to use. They apparently agree with each other that the state is suspect on the issues of freedom and oppression. One side fears direct repression by the state and the other fears wasteful expenses and "social engineering." Others challenged that this was a time of the "shrinking of the state" and our worries about the imposition of the law and order agenda and victim's rights approaches were ill placed. Our insistence on the positive obligations of government, they claim, are dated and doomed. But some of the same people support aggressive federal government intervention in urban redevelopment in the name of health or so-called "harm reduction strategies." Some do not see the government intervention and impositions involved when, in divorce settlements of property, mobility, custody, and access, the government falsely claims gender neutrality while upholding the apparently perpetual, paternal, social, and economic interests in the family.

The end of the welfare state provided the backdrop for all of this legislative intervention, and so we found we had to reconsider welfare. Funding to national women's groups was essentially gone. The funding that had been available to women's services through the provinces because of CAP arrangements was gone.⁹ At the same time, there was a big push, supported by government, to promote the rights of victims, even a possible new national victim's association. The government promotion of the notion of "victim" as a legal policy category plus the changes to community policing, sentencing changes to confinement in the home rather than jails, and the promotion of prostitution, opened questions within criminal justice of who defines community and how? And who is considered part of the community? What is the relationship between the state and the community? We were interested in those conversations that might affect our understanding of our options as the nature of the Canadian state changed.¹⁰

The end of social welfare and the welfare state is part of the globalization process in which Canada has played a role and that has engulfed women living in Canada. We have rarely had the opportunity to express, in our own way, the connections we live daily between those international economic forces, federal laws, and policies, and what is hap-

pening in anti-rape centres. Rare indeed is our opportunity to express the LINK between global/federal forces and our advocacy supporting women, especially those violated women trying to engage the state against abusing men.

The autonomous member centres of CASAC have come together, exposing what is commonly happening to women who call us from across Canada. We share a joint vision at the national and international level. Initially, we stated our agreements in our constitution.¹¹ We renewed and tailored those agreements in an internal evaluation completed in 1981.¹² In response to the government mandate of the "Blue Ribbon Panel on Violence Against Women," we again captured and advanced our common understanding in *99 Federal Steps to End Violence Against Women*.¹³

The CASAC LINKS project offered possibilities for renewal and speaking out about the lives of women; we were compelled to do so by the changes in our daily work brought by the changes in Canadian society.

We learned early in our herstory, as we understood and discussed our lived experiences, a critique of the welfare state as social control.¹⁴ And we share with many a critique of the dismantling of the welfare state and the social safety net that it sometimes provided.¹⁵ The documentation and criticism of the imposition of the neo-liberal agenda is formidable. Those sometimes overlapping understandings have found widespread agreement among our members, and, in fact, among second and third wave feminists.¹⁶

Women working in the anti-rape area of advancing women's interests also have observations and analyses from our distinct and discreet points of view: our class and race composition, geographic locations, day-to-day advocacy work, consciousness-raising methods, and from the positions we took previously regarding disability, lesbianism, and immigration, for instance.¹⁷ We have also been shaped in our opinions and policies by our herstory of alliances.¹⁸

We are not the best ones to articulate and there isn't space here to fully express the loss to the women of Canada of public sector jobs and services.¹⁹ But from our point of view, there are few women who have not been made more vulnerable to criminal sexual assault. There is no incident of criminal violence against women in Canada that has not been negatively affected. There is no libratory and/or ameliorative process affecting violated women that has not been negatively affected.

CASAC's economic target of a social economy that values women's labour and shares wealth with women has been moved back drastically. The trajectory of reforms toward those ends that had been won by our grandmothers, mothers, and ourselves...from the vote to unemployment insurance, pensions to childcare, self determination to settling land claims, welfare to more humane immigration policies, criminalizing sexist violence to the inclusion of women in a living Charter of Rights and Freedoms, has been reversed in the service of grotesque individualism and corporate wealth.

CASAC wishes to express our understanding of those impacts which we have encountered most often in our crisis work and which affect anti-violence work most pro-

foundly: the loss of women's right to welfare, the promotion of prostitution, the use of the Divorce Act in such a way as to uphold the permanence of the patriarchal family, the restructuring of Canada from the shape of the justice system to the shape of the community, with neither offering a diligent application of the current knowledge of the condition of women's oppression nor an appropriate commitment to women's advancement. It remains to be seen whether the Social Union Framework can and will substantially improve the future situation. It does of course improve the prospects that loomed under the Meech Lake Accord. Certainly the process so far has limited Canadian non-government involvement in the planning and consideration.²⁰ We have seen no reassurance that either our particular identities will be recognized or that our collective and universal needs and entitlements will be met.²¹ While there seems to be a consensus that the framework can be adjusted to serve us as citizens, and specifically as women, we should not be satisfied with less than language that encodes those promises in enforceable national standards and oversight mechanisms.

The Bottom Line: The Loss of the Women's Welfare

Most voters, citizens, and members of the community realize that we are contending with mean-spirited welfare reductions and restrictions that make life more difficult for the poor. Although it is difficult to keep track of the specifics, some have been publicized. In B.C., for instance, we know that "women with children will lose one hundred dollars a month from their already inadequate cheques by April 1, 2004."²²

No government declared honestly to its citizens before election either the nature of welfare cuts it intended or the further gendering of poverty that would be imposed by those welfare cuts. It is simply not true that Canadians voted for those attacks on the poor. And no government within Canada has been given a mandate to end welfare. Any such mandate would be legally questionable in any case given the Charter and human rights law and conventions. This is perhaps why no government makes public those it is refusing subsistence. But CASAC women are witness to the fact that women across the country have no guaranteed, or even likely, access to a promised minimum standard of living. No matter how poor, women have no guarantee of welfare in any form. As women consider their options for improving their lives they/we certainly learn it.

We have lost a small but significant recognition of the historically disadvantaged economic condition of women's lives. But as predicted in feminist accounts of the end of CAP funding²³ and as recorded in our alternate reports to CEDAW, women in Canada have lost what application we had of this encoded economic human right.²⁴

CASAC is most concerned that we are losing this benchmarked redistribution of income toward equality.

In each province and community the attacks and erosion have been different: from workfare to "man in the house" rules, age limitations, rate decreases, time limited access,

life time bans, immigration and settlement restrictions, punishment bans after and through criminalization, to bans based on health requirements. Not only has the formal policy been degraded, but the positive discretionary power in procedures and regulations has also been curtailed. Management and sometimes the remaining staff too often interpret rules with the same anti-entitlement attitudes.

The abdication of the federal role in assuring women and others who need a guaranteed dignified income is plain and Canada wide. This includes the downward pressure of shrinking transfer payments and block funding without national standards.²⁵ That abdication encourages provinces to set welfare, education, and health needs against the needs of business for roads and bridges, to ship goods, and transport tourists.

Transition houses in Canada emerged partly to deal with the limits that existed in the welfare policy of the 1970s. Welfare departments would refuse to grant women a welfare cheque when she came to the state for assistance in dealing with an abusing husband. Welfare workers were directed to tell women that the state could not be responsible "for the break-up of families."²⁶ If she left and established residency on her own, then welfare might be granted since it was an assumed economic right of Canadians to not starve or be homeless. Since they usually had no money, women moved to transition houses, where they didn't need rent or deposits, not only for immediate safety, but to establish a separate residence to prove to the state that they had left the marriage/family/couple. During their stay with us, they qualified for welfare.²⁷

Women still come. Transition houses are full. Shelters for the homeless or other emergency facilities are also full. But now these women "qualify" for welfare less and less often, and they do not ordinarily receive benefits without aggressive advocacy from someone independent of government. They are told constantly that it is not a right and cannot be relied on. Welfare, she is told, can be reduced, withdrawn, and denied temporarily. She could be banned for life.²⁸

Women, especially poor women, have always had to make extra legal deals with the men in their lives. When ex-husbands or lovers are taking responsibility by sliding women money under the table for childcare we are all glad. But in a position of extra dependence, created by the state withdrawal, sometimes those deals are dangerous underground contracts, which the women cannot enforce, and which subjugate them to the very men they are trying to leave for the sake of themselves and their children.

Any welfare granted currently is so inadequate and insecure as to force the women into subsidizing it with an informal economy: house work for others, childcare for others, personal health care for others, food preparation and production for others, drug sales, and prostitution.²⁹

Poverty is criminalized.

Women who complain to the state of rape, sexual harassment, incest, sexual exploitation, and trafficking, face the denial of security: no exercisable right to welfare. If by some

cleverness, accident, or kindness she gets welfare and is subsidizing it to get by, she is vulnerable to blackmail by her attacker. If she reports criminal sexual abuse, she will quickly be threatened (directly and indirectly) by the defence bar. Exposure can cause either a loss of informal income or the loss of credibility as a complainant. She can and will be painted as a liar, thief, con, drug dealer, prostitute, unworthy of the protection of the law.

The fourteen or eighteen year old incest victim leaving home, the worker on minimum wage, or making her way in the informal economy, the dislocated women pulled from small towns or reserves into the city for work or education, the immigrant women struggling to survive or trying to transition into lawful citizenship and a reasonable life, are all frustrated. If the normalcy of male violence against women were not known, one might think this was something other than state collusion with violence against women.³⁰ Access to the rule of law and equal protection under the law become meaningless.

Predictable access to welfare was a power used by more than the destitute. It was a power in the hands of all women: the knowledge that we could (in a very modest amount) pay for food and shelter for ourselves and our kids by right. It was a power used to fend off attackers and to take advantage of opportunities. It was a basis on which to build one's self respect: the community had declared, in the organizing of the 1930s and legislated in welfare rights, that everyone in Canada was entitled to at least this minimal share in the common wealth.

We have no romantic memories of the days when welfare was great. In all social welfare schemes, there was always too much emphasis on social control, especially of women. We needed much more income redistribution and much less regulation of the lives of women.³¹

In anti-rape centres we now face daily many women who judge that they simply cannot leave or escape men who criminally abuse them: husbands, fathers, bosses, pimps, johns, landlords, and sometimes social or welfare workers.³² Since they cannot afford to actually leave, they cannot afford to effectively stand up to them either. Those that do leave these economic positions are on their own with their children and they know it.

Canadians have been deceived and manipulated to achieve this reversal of social policy. Clearly national standards are necessary as are achievable protections for women across the country. When we redesign "welfare," as we surely will, we must revive and improve the Guaranteed Annual Income concepts that generated the welfare reforms from the 1930s to 1975. Feminists will not tolerate going back to notions of family income, the worthy and unworthy poor, disempowering immigrant workers, divisions of minimum wages from disability rights, disassociated child poverty, or mother's allowances, aboriginal disempowerment, forced work camps, age restrictions, or entitlements. We will certainly not tolerate going back to the intrusive state supervision of the private lives of women.

In this desperate time for so many women, perhaps we should take heart that most Canadians have not yet realized our loss of welfare and will surely rise to the occasion.

A Global Economy: The Promotion of Prostitution

Can anyone still believe that there is no connection between the economic redistributive functions of the state, including within the social safety net, and the staggering increase in the informal economy? Are we meant to say the emperor is clothed? The economic division of the peoples of the world is staggering. The economic division between Canadians is growing exponentially.

Racism infused much of the violence against aboriginal women in Canada since earliest colonial time. Organizing against racist violence has accelerated in the last five years to match the threat. Not only the Ontario Aboriginal Women and the AWAN collective have led the way, but so have women of colour formations both permanent and ad hoc. India Mahila persisted through thirty years of support work, but smaller situational coalitions also formed to deal with moments of violence. In Vancouver one such group responded to a number of violent street assaults against Asian women by calling a press conference and asserting their observations of how the media and officials were handling the events and refusing to see the racism that connected them. They wanted to provide a strong image of Asian women in resistance and they did.³³

Child and street level prostitution and the so-called "adult entertainment" industry are booming. This is globalization being brought to Canada. Drug trafficking and prostitution are replacing welfare, health care, and education as the hope of the destitute.

Professor Dara Culhane at SFU describes it as "a process that moves women farther and farther out from under whatever small protections working people and women have been able to construct within the state."³⁴ They are moving out past the imposition of the law and order agenda to the no woman's land of the urban and suburban informal, illegal economies. Aboriginal women have been talking about this for years as a factor in violence against women on and off reserve. We remember Teresa Nahanee at an Ottawa LEAF conference in the early 1990s describing the condition of aboriginal women in many parts of Canada as having to live without any basic rule of law. Now these are the conditions for many women in every major Canadian settlement.

Many women are being driven into the hands of global traders in labour, flesh, and drugs. They are trafficked into and throughout Canada, on the one hand, by those global traders and, on the other, within Canada by Canadian gangs, particularly the motorcycle gangs.³⁵ As protection we are offered racist immigration practices that jail the people trafficked and legalization of the prostitution industry. Of course, we don't want the criminalization of the victims, including all those at the bottom of these rigid hierarchies.³⁶ But surely we are all aware now that this multi-billion dollar prostitution industry is actively involved not only in the trade itself, but also in the promotion of the legalization of the trade in women and drugs.³⁷

As with our struggles against the rest of the inhumane multinational trade agenda, we must expose, confront, and interfere with the managers, owners, and profiteers. The leader-