> As far as I know, they stopped it because (one of the assailants) passed the polygraph, (the other's) was inconclusive and not enough to prosecute him according to (the investigating officer).[16] This is the case of the woman who is sexually assaulted by two male co-workers. The police based their case on the polygraph test and do not believe her account of the events.
>
> [LINKS Interviewer: Did he take a statement?] "Yes, from both of us." [Interviewer: Have you had contact with the police since then?] "They said the Domestic Conflict Unit would contact me in a couple of days, and it's been over two and half weeks and I haven't heard anything. I called that officer back to say I was on the night shift, and they could contact me in the day. Then I called the Domestic Conflict Unit and they said the officer has to investigate and make a charge before they can contact me." The woman never heard back again from the police and so assumes the case was dropped.
>
> "At the time, he was supposed to refrain from drugs and alcohol. He was on probation. And that night, he was drunk. So the cops did not check him out." The police did not take a statement. There was no further follow-up by the police.
>
> It wasn't what I expected. I thought they would arrest him. They wouldn't even look at my injuries. They wouldn't even come over and look at my wrist, which you could see, was scraped from where I fell. The guy said, "You guys called two officers in off the street for something that you could probably solve yourselves by sitting and talking like adults."

With stranger assaults the police manage to have the case go away by lack of investigation and evidence gathering. In all cases something more could have been done. One worker summed up the attitude problem:

> I'd love to attend a cop training session where they're given 'sensitivity training' about violence against women. Clearly what they don't get is an education in the Charter to teach them even the basic principles of formal equality: where everyone who calls the police have the right to have their case heard and followed through with. Never mind any ideas of substantive equality where they could be taught that the social inequality of women's condition means that we have more obstacles to overcome in firstly, calling the police to respond to the crime and secondly, following through with a complaint. I think they're given a lot of psycho-babble about women needing to be taken care of and that's it. As soon as a woman puts up a fight with the cops (either wanting them to do their job, or questioning them as to why they have to take him away in handcuffs, or worrying about what's going to happen to the guy) they (the police) are hostile and behave as if we have wasted their time.[17]

Consistently, the primary reason that cases are lost occurs at the level of the first police response (uniform attending to the call). There are 28 cases that do not make it to the

crown's desk and are considered unfounded at this point. Looking over all the cases, it's clear that the police have stock responses to violence against women: Women are often treated as damaged or psychologically fragile beings who are patronized with "everything is all right" and they will "do their best to get the man." But, those comforting statements are not matched with investigation.

The initial police response was often contemptuous of her sense of danger and dismissive of her request for assistance. Civil restraining orders do not constitute a conviction. Nor are they often a crime prevention device. They could be, but the administration of justice would have to change to oversee them properly. *This is one way that the system prevents conviction; by taking the case out of the criminal realm and letting women think that they have been heard. It doesn't criminalize the behaviour of the man,* and it doesn't put the resources of the criminal justice system to work on the problem of wife assault, or the social problem of violence against women, or the compounding impacts of inequality and violence.

Too often, women are treated as liars who want to get back at a man. Sometimes we are seen as sexually out of control females who feel guilty the next day ("are you sure you didn't entice him?"). Failing that, women are mocked for choosing the wrong man or choosing the wrong behaviour ("you guys called two officers in off the street for something that you could probably solve yourselves by sitting and talking like adults").

From our interviews, it appears that most of the cases that don't go forward to the crown have not had enough basic investigation from the initial and detective police. The motivation to do a good job is weak. The revealed sexist attitudes cover up the lack of pressure from their superiors to achieve a successful investigation. Sometimes those attitudes subvert their orders and are the reason for the lack of investigation. Both attitudinal responses must go and could be handled with a policy of promotions, quotas, and so on. Failing that, they are likely to engender more and more civil suits against the police.

Evidence gathering like pictures of the place of attack (taken in only five cases), pictures of the injuries (taken in only six cases), interviewing possible witnesses (completed in only 33 cases), is pushed aside and justified by the officer's initial sense/judgement/bias of whether the woman is telling the truth and whether the case is worth their while investigating. Police often act as though they have been given the personal discretion rather than legal professional discretion as to whether or not to investigate.

There are several cases of sexual assault where the woman has not had a forensic exam, and the police say the reason for not pursuing the rest of the investigation is a *lack of evidence.* There are also cases where the woman has given a description of the man, or even has his name, and knows where he is, and the police do not proceed. In some cases of violence against women where there is evidence of abuse, the police arrest him, and charges are brought against him eventually. But in many of these cases:

> They leave the case without work, and so it remains as 'he says, she says', tell her they are powerless and wish they could do more, and it would be great if you went to get a restraining order.[18]

One researcher says: "I don't know what the documents will show about proactive charging and whether all the regions have policies of arrest, no matter what. However, if I hear the phrase 'do you want to charge him?' one more time, I'm going to scream."

American television, jargon, and mythology about the system leads a lot of women, anti-violence workers included, into believing that individuals in Canada have the power to decide whether a complaint will proceed to an eventual charge.

> But when cops say it to women, they know or sure as hell should know, that as the police responding to the call, they decide if there is enough to go on to warrant an application for a charge against the man. What the police are in fact asking her is 'do you want to make a complaint?'...Well, why else would she have put herself in the position of calling them in the first place?[19]

This question is almost always asked of women reporting wife assault and, in some cases, child incest, but it happens too in cases of casual acquaintance rape. There are the situations where the woman is up against not only her husband and father (or uncle or grandfather) but also her socially constructed notions of her position as woman in this society. The police response does not deal with her inequality as a woman or the inequality of all women; police do not do all that they can to promote her safety and security.

It's at the police level that there is the most personal interaction between the victim and the criminal justice system. *Many women don't talk to the crown until shortly, even moments, before the case is taken to preliminary hearing or trial.*[20]

Notes

1. CASAC LINKS worker.
2. *Ibid.*
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. *Ibid.*
15. *Ibid.*
16. *Ibid.*
17. *Ibid.*
18. *Ibid.*
19. *Ibid.*
20. *Ibid.*

David Hilton Jr, Convicted March 2001, Sentence 7 Years

Tamara Gorin

IN 1999, TWO TEENAGE SISTERS went to police to reveal three years of sexual assault by boxer David Hilton. Hilton had been lovers with the girls' mother, and was violent to her also. Between 1995 and 1998, Hilton sexually assaulted the girls separately and together, often when other adults were in the room sleeping. The girls described many more than the nine counts for which he was eventually charged and convicted: sexual assault, two counts sexual interference with a minor, and two counts of invitation to sexual touching. They described forced kissing, forced oral-penis penetration, and eventually rape. They were twelve years old when he started and fifteen by the time he stopped.

The Crown had statements from their mother describing the battering he did to her in this time also: no charges were laid against him for these attacks, which included burning her with cigarettes and an iron, threatening her with a gun to her head, and forcing her to have sex with another man while he watched. When the Crown attempted to have this violence entered into evidence in the trial, arguing this violence against their mother potentially indicated how Hilton used that violence as a way to control the girls, the judge disallowed it, saying the testimony did not indicate Hilton exercised control over the girls as a result of the violence he did to their mother.

From the date the charges were announced, both the Montreal and the pan-Canadian press were awash with speculation about yet another athlete charged with violence against women. The courtroom was packed daily with men and women fans of Hilton, many looking for autographs and for a chance to see their working-class champ first-hand. Claims that Montreal had celebrated Hilton as their own, as the boxing family "the Fighting Hiltons" had been part of the city's boxing folklore for two generations, drowned out any claims otherwise—the small yet vocal boxing community seemed to dominate the discourse. Questions of consent and alleged blackmail dominated, along with speculation about the future of Hilton's title. The hard-luck, rags to riches life of an athlete was at stake, and the details of his crimes—sexual assault and rape of two girl-children—barely in their teens, took a back seat to what might happen to the fallen star.

Hilton claimed he did not remember much because he was drinking so heavily. Yet, it was during this time that he was training and travelling towards his goal: winning the World Boxing Council's super-middle-weight championship. He did this in December 2000, just months before the trial began. While awaiting trial, he was remanded to treatment for alcoholism. He says nothing sexual ever happened with the girls, and brought forward witness after witness who said they often spent time with Hilton when the girls were present and saw no sign of anything sexual or "funny" going on.

Both girls testified, as did their mother. The defence's position was that their mother was out to make money off Hilton—which does not make sense, considering he

was apparently cash-poor at the time the charges were brought forward, he had not yet won his championship title. She would have been with him on the road during the time they were together, and knew firsthand there was not much money floating around. It is worth noting that there is no civil suit filed against Hilton by any member of the girls' family. The only hint at money comes after the charges are laid, when a publisher approached the mother to write a book.

What led to this conviction? Apparently, the police did their jobs here—interviewing the girls and their mother, providing enough investigation and background information so the recommended charges could come to trial and the Crown could start building a case. The Crown, Helene Di Salvo, did her job as well—she presented a range of evidence at trial, and the girls and their mother seemed well prepared to testify. Lastly, the judge, Rolande Matte, seems to have decided the credibility issues presented at trial about both the girls and Hilton came down to the details of attack and how each of the witnesses presented themselves. Defence lawyer Paul Skolnik called several witnesses who said they didn't see anything, and he even tried to make the girls' mother looked like she was out for money, but he did not succeed in calling into question the essential evidence at trial. Di Salvo presented a case which provided the evidence and supported the girls' credibility, and so Matte was able to convict.

The charges for the violence against both girls were brought together (instead of charging him with the assaults on one sister and using the other's evidence as similar fact), and this seems to have improved the chances of conviction here. He was charged with nine offences, which increased the likelihood that the judge could find him guilty of any or all the charges. As well, Hilton started attacking the girls when they were twelve; the majority of the charges here were related to the sexual assault of minors, who cannot legally consent. It is noteworthy in this context that the potential assault charges for the violence Hilton did to their adult mother were not pursued. The battering boyfriend seems a useful evidentiary sideline to what the police and Crown were after: a child molester. One hopes Hilton would have been charged and convicted if the girls had been fourteen to sixteen when he attacked them or if their mother had reported the violence he did to her at any point separately from the attacks on her daughters. But the law changes and so does the state's response to adult men's violation of teenage girls' and adult women's bodies.

News Sources:

CBC News-Indepth background, Martin O'Malley, CBC News Online. Retrieved online March 11, 2002 from CBC website: <http://www.cbc.ca/news/indepth/background/hilton_dave.html>.

Malenfant, L. (2001). Hilton's Grounds for Appeal: The Report Magazine. Retrieved online March 11, 2002 from the Newsmagazine website: <www.fathersforlife.org/php/hilton1.htm>.

Hamilton, G. (2001, February 8). Hilton's mother "heartbroken" by sex charges, *National Post*, p. A9. Montreal Watches as Fighting Hiltons dealt latest blows (2001, March 18), *The Province*, p. A36.

Will We Have Our Day in Court?

The government is aware that those women's stories that are told to public officials can be so distorted or minimised by the process of becoming official data, as to hide great swirls of women's reality.[1] "Many had told it all, for instance, but it did not register."[2] The violence disappears, the equality issues disappear, and women's resistance disappears. We know because women tell us in their own words, in their own time, when we participate in an encouraging equality-seeking environment.[3] In these one hundred stories, all involved physical violence already committed. Nothing less than an assault charge would therefore be appropriate. And many involved breaches of trust, confinement, threats of more harm, death threats, and weapons.

It is clear from the responses to the questions relating to the crown's preparation of the case for trial, that "this part of the process is very confusing to women."[4] Criminal court cases and convictions are out of the normal experience of both the workers in the centres and the women interviewed. Neither knows enough. Women are at times unsure of the difference between pre-trial and trial, between arrest and charge, between the crown's responsibility to present the case to the courts on behalf of the state and the role victims play as witness for the state. Popular culture, television, and movies are as close to the real thing as many women will ever get, and their understanding of the system is reflective of this. And nowhere can we find in the information provided to us that the professionals in the system took any pains to educate and correct most misconceptions.

So, as we move up through the system, women (individually and collectively) have less and less experience and knowledge about the system and how it can and does contend with claims of violence. "We are so unaccustomed to having our cases go further than the police."[5] We have very little personal built up collective knowledge of the system.

"Women talk about the crown as "their" lawyer, see the case of so and so vs. the state (province or country) as her vs. him."[6] There is very little on the spot informing and educating of women. But this lingo and colloquial speech often used by victim witnesses complaining of violence also reveals that she assumes that she and the government are on the same side and that, by virtue of this, the prosecutor is her lawyer. They will per-

haps not have the same interests in total but since she is the one violated and the state has declared an interest in interfering with that violence, she naturally presumes shared interests. She is often profoundly surprised and disappointed to be treated as a body of evidence or as a pawn in a power game between other people that has very little to do with her experience or violence against women.

Once the bargaining begins, charges do not necessarily go away, but the system's response to violence against women is no longer at issue. The violence and equality imperatives disappear. "The crown pleads charges down in a way that takes women and women's equality out of the picture":[7]

- Three counts of sexual assault committed against a daughter gets plead down to death threats: he gets probation and anger management;
- Incest gets reduced to sexual interference;
- Nine charges of incest-related offences reduced to three counts of sexual interference and corruption of morals;
- Wife assault results in a bond to keep the peace for one year.

Our information about what happens in court is sketchy. Between the crown office and the courtroom, the women and their advocates are reduced to passivity. "She has no legal counsel or legitimate voice in the court unless she has hired counsel of her own."[8] Crown counsel tries to avoid the defence attacks on the crown key witness by keeping women ignorant and out of contact, preferably isolated from advocates. We know from our interviews that women were ill prepared and ill informed. After the events, many cannot say clearly what happened to them or their case.

Only twenty-seven women are kept informed about the case by the crown;
Fifty-five women tell us that charges are laid;
Ten charges are dropped shortly into the process.

We know that often the police do not adequately attend to the victim nor do they investigate in a way that makes apprehension and conviction more likely. But what happens once the case is laid on the desk of the crown attorneys? What are the charges brought against men when women complain of breaches of human rights that they call criminal assault? How relevant is her story and her experience of the events to the case brought to the courts?

In this case of stranger rape, where he has broken into her apartment, confined her and used a weapon (screw driver), the police recommend sexual assault with a weapon and robbery. The crown proceeds with both of those charges. But how relevant is her situation to the proceedings? He had a previous conviction for Break and Enter and she believes they wanted him for those. "They were quite determined after my rape." Looking back, we think they want him for serial rape, but no one says so. At court she realizes he

has previous convictions for sexual assault and we wonder if the police and crown already knew him as a serial attacker. So he is known to the system, is picked up because he had "broken his probation and was in a half way house when he raped me." The man re-offended since his release from the three and a half years sentence on the conviction of her rape.[9]

How do we explain the divide between her reality and the charges that are eventually brought against the man? *Why is the man not charged with the most serious crime he committed?* And why is he not charged with a crime that matches her description of the offence she is reporting? What are women meant to take from this? It does erode the usefulness of criminalizing sexist violence.

It was wife assault. The police recommend a charge of assault and the crown agrees. Yet she has given evidence of confinement and his threatening her life. He had pinned her down while yelling at her that he would "get rid of her" rather than let her leave him. The man pleads guilty of assault and is given a conditional sentence and no contact order.

He sexually assaults her and has been harassing her. She is a woman of colour and there is a sexualized nature to the harassment. He calls her "filthy stinking bitch." "Fat ass." Calls her a "thing" and "filthy bitch" to the police. He exposes her breast by pulling her clothes over her head and rubs the nipple roughly with his forearm. Her screaming and her son coming to her aid interrupt the incident. His under-age son gives her son pornography of Asian women that has been given to him by his father. She is a South Asian woman. The police recommend two charges against the man, one of assault, and one of theft. Crown proposes a Section 810 Peace Bond against both of them. In the end, the court has no information about the sexist, racist nature of the case. Of how significant it was that she was from a recent wave of immigration seen to be "moving in" to her community. This was an attack by a white male and his son.

Two men, who are known to the police, rape the woman. The crown has lots of evidence: her clothes, semen, DNA, pictures of the bruises. She had called the police immediately; the friend who found her had been interviewed. But the crown decided not to proceed with a charge against the men.

> I called the Crown Attorney's office in Saskatchewan to ask about my case. They said the police there had interviewed my friend and a couple of her friends that were there that night, and they identified the guys who the police already knew from other incidents. They said they wanted to proceed because they felt they had plenty of evidence, but the cop in Winnipeg told them it wasn't worth it because I asked for it.

The police believe it is her fault and that she was behaving in an unacceptable manner for women. She had been drinking with these men and knew them. Obviously, they believed this "type of woman" would have consented to the events: brutal sex in a field with two

men, which left her bruised after being dragged there by them. The crown could have at least argued that she was too drunk to have given meaningful consent.

Where did notions of freedom and equality go? Where did notions of violence against women as a social reality go? There are no discussions or recommendations of a demeaning and hateful crime, and never can we find in the crown's preparation of the case, the question of social impact when considering the charge. Rather than challenge the police's victim blaming in the case above, *the crown continues to disregard her right to equality and to the rule of law.*

A political directive to crowns to go ahead with trials only in cases where there is a high likelihood of conviction (now coded as a competing social interest) causes great harm. *Costs now always trump the social impact of a quick and fair judgement on violence against women.* The political directives argue against "undue" court costs, against burdening the system with difficult cases. But these cases will remain expensive and difficult and too often without conviction unless there is a concerted effort to try a critical mass of them. We would rather value the social impact of being seen to be quick and fair in the service of equality and women's Charter rights.[10]

The impact of the directives to crowns is to erase violence against women as a crime against the community (in the name of the state). The police begin the problem by constructing cases of missing evidence and missing confident, willing complainants. Crown attorneys decide not to proceed based on that missing evidence or hesitant witness and the political directives from the Attorney General. Sometimes they decide to proceed on a charge that does not reveal or respond to violence against women. That does not criminalize the sexist violence.

> It is a case of wife assault: the police have recommended a charge of assault to the crown. She is not really interested in pursuing the assault but wants him charged on the past sexual assault of her. She refuses to cooperate with the crown. When the crown loses this particular witness he decides not to proceed at all, this despite his insistence that it "has nothing to do with you, it's not your business. You don't even have to come to court."
>
> Another case of wife assault: the police say there is not enough evidence to lay assault charges against him, (this after not taking her statement nor forensics and photos). They inquire instead whether she would like them to charge him based on what he did to trash her house.

Sometimes violence against women disappears from the criminal justice system because of pre-conviction diversion offered for reasons of cost cutting or time saving. The same process of erasure happens with plea-bargaining to a voluntary conviction on lesser charges. In the following example, pre-conviction diversion combines with plea-bargaining.

> Woman discovers after separation from ex-common law that he has made sexual advances to her daughter. She confronts him with the incest in a letter she writes after the daughter reveals the incident. He comes over and threatens her with a gun. She decides to proceed by going to the police since obviously she cannot handle this alone any more. Police recommend three charges: exploiting a minor, invitation to sexual touching, uttering death threats. He is released on bail. He comes over again with a gun, and she decides to convince her daughter to recant since obviously they are in danger and he will not be held. The threat happens after the charges are laid. The mother and daughter get scared, and they decide the daughter should recant. Crown contacts her to ask what happened. They clearly know that the mother has interfered: to save her daughter. The crown proceeds anyway but only with an order to pre-conviction anger management diversion and the criminal conviction goes away. How would anger management handle the incest problem? If the crown was going to divert why not something that captured the nature of the crime? Police and crown could have protected her before they lost the case and should have suspected the danger to mother and daughter and the reasons for recanting.
>
> Woman reveals past incest: the police recommend four charges of incest, four charges of sexual interference, and four counts of sexual touching. The man pleads guilty to reduced charges: the incest charge is gone.
>
> Incest. Police recommend crown uses 9 charges: sexual assault x3, sexual touching x2, inciting a minor to sexual contact, corruption of morals, physical assault x2. The man pleads guilty to the lesser 2 charges of sexual assault and corruption of morals with 2 years less a day with 15 years probation.

In nineteen cases we know men got a no-contact order with bail conditions after being arrested and charged. In twenty-eight cases, there is insufficient information to know. The question of race seems clear; only two of the cases of the twelve women of colour got conviction for wife assault and the other cases were abandoned.

> Wife assault: the police attend and take her to a transition house. She is reluctant and doesn't know where the transition house is, feels like she has no control over the proceedings. The police recommend charge to the crown, but the crown does not recommend that he remain in custody.
>
> Physical assault by ex-boyfriend who refuses to accept that she has ended the relationship. He commits several acts of harassment before he gets a no contact order, which he repeatedly breaches. He is charged with criminal harassment. The crown recommends that he should stay in jail for her safety, but this only after many instances of her safety being jeopardized by this man. In

> the end, the time served pre-trial is used to reduce his sentence. That is used to justify that his sentence is probation. She is then back in the situation of relying on him not breaching his conditions of release.
>
> Wife assault: "At the bail hearing the judge asked me to leave because he was going to release him. This was for my safety apparently. I put up a fuss and asked why didn't he hold him in jail then if I was in so much danger that I required a head start?"

Eighteen women told us that they were referred to crown-based victims services. There were no women referred to independent advocates. In the instances where women had independent advocates, they enlisted their assistance on their own, prior to or during involvement with the criminal justice system.

Twenty-seven women told us they were kept informed by the crown through its own office or through victim services of the crown. But, the involvement with victim services and answering yes to the question of whether the crown kept them informed in the case still results in powerless lack of information and crippling ignorance of the criminal justice system and the law.

In the following example it is clear that even the advocate is unsure of the distinction between the crown attorney and his role as attorney for the state vs. her own lawyer. The statements also imply she has responsibility and power in determining the validity of a plea agreement and the sentence proposed. Too often empathy with her is expressed in this confusing way.

This woman cooperated with the criminal justice system in response to the attack on her. Her case merited not only a first call to the police, but sustained through the process to conviction, and no one has bothered to educate her.

> The woman was consulted two days (not working days) before the trial. Her lawyer had received a proposal from the defence counsel. The defence proposed that the accused plead guilty and spend nine months in jail [actually in a halfway house]. The Crown attorney told her that if she accepted the plea bargain she wouldn't have to go to trial. The woman said she didn't know what to do at that point; she didn't know whether she should agree to the plea bargain. She talked about it with a friend. The rape crisis worker who had been accompanying her wasn't at the office. The woman decided to continue and not accept the offer. The day of the trial "everything went very fast." The case was announced. The two lawyers made their presentations. After arriving at court, her lawyer told her "we won't be able to get more than twelve months" [sentence]. The woman answered, "I'll take the twelve months." The woman did not have to appear before the judge. The woman thinks that her victim's statement made a difference in the sentencing, but she's not cer-

> tain of it. Obviously, the sentencing had little or nothing to do with anything she said or did. And in fact her wish to have a trial was to serve some now unknown reason that has been solved by the crown with a deal regarding sentencing. She was dragged along, disrespectfully.[11]
>
> Wife assault: the man is convicted of assault and is sentenced, but the woman has no idea what is going on: "I don't know how the court works," no, they didn't tell her that she could make a victim impact statement.

Many women report that they spent as much as two hours getting a tour of the facilities from the court-based victim service worker. They were introduced to the court building and were told how the day in court would go. But most women got no access to the crown counsel ahead of the days in court, and little to no discussion with crown officials, or the crown herself as to specifics of her case.

The woman reports that the court worker sat with her and was emotionally supportive but did not explain the court process according to her or to the rape crisis worker.

> The crown meets with her in a rush in the hall "He met with us in the hall and said he wanted to meet with us individually. He quickly explained about the preliminary trial, and that the prelim was to prove the charges that we were there to make, to make sure they had enough information. He's a very busy man."
>
> The crown attorney had no knowledge of their (woman and man's) relationship and about the case. Only interviewed for ten minutes just before trial. She wasn't allowed to speak. Crown did not even address her but addressed victim services worker with her.[12]
>
> Woman struggles to get an appointment with the crown and gets a rushed ten minutes standing in a hall way.
>
> Woman calls the crown attorney three times and she doesn't call her back before court. "I heard nothing from the Crown. They probably knew my name, saw it, and thought I would call if I had any questions. I don't know why. I made a pretty good forgotten victim."

Sometimes the woman reports that she met with the crown but it is evident in her statement that she met the victim assistance workers from the crown office and is unaware of the authority difference. She met the crown only later.

> J'ai été chanceuse, parce qu'il ma contacté une semaine et quelque jours en avant. Il y avait dit que, 'bin oui, on vas le faire vite. On vas envoyer la police, la police va communiquer avec (fils), et puis on vas avoir les papiers'. Ils ont communiquer à l'avance, pas mal à l'avance. D'habitude il dit qu'il communique jusque deux ou trois jours avant, d'abord je suis chanceuse. Quand j'était arrivé, j'ai vu le procureur de la couronne. (Translation: "I was lucky, because he con-

> tacted me a week and a couple of days ahead of time. He said: "Yes, we'll make it happen quickly. We'll send the police, the police will communicate with (son), and then we'll get the papers." They contacted me ahead of time, quite a bit ahead of time. He said that usually they would contact me just a couple or three days ahead of time, so I was lucky. When I arrived I met with the crown attorney.")

They do not ensure that the prosecution's witness, the woman making the complaint, is sufficiently prepared and participating with full knowledge of the law.

We know that 35 cases went to trial and that 29 women testified in court. Twenty-seven women were cross-examined; in 13 cases there were other witnesses called; and 13 cases saw the trial held over or delayed.

The crowns (overworked I'm sure, all of them) follow directives to a fault about not pursuing unless the case is winnable. They could also look at the woman involved and consider taking the case as a chance to advance women's equality interests. Sometimes it takes a number of such cases to begin to make this sort of case winnable.

At this point in the system, eight more cases are dropped: four for lack of evidence according to the crown, one by pre-trial diversion (wife assault, restraining order) and three to alternative dispute resolution. In one incest case he pleads guilty and gets house arrest in a "halfway house"; one wife assaulter pleads guilty and "gets weekends and a fine"; one is still on bail and she thinks they are recommending probation and counselling.

Except for the cases where the crown dismissed for lack of evidence and where they got her to get a restraining order instead, the abusing husbands do plead guilty and are sentenced. Dropping and consolidating charges though is where the violence against women starts to disappear. After initial crown involvement, 38 cases do not proceed further through the system.

In the end, this "best case" scenario of women who are interviewed because they have gone through the system or have decided to go through the system, leads to 34 convictions. Of those convictions, according to what the women know, eighteen were guilty pleas. So, in fact, we know of sixteen convictions that came out of the whole court process (that is, heard by a judge or jury and a verdict rendered at the end of the trial). There were eight "not guilty" decisions. So even in our "best case" scenario, only half of those heard (that we know about) get a conviction.

The women report being dissatisfied with the sentences imposed after the attacker is convicted. They see no connection to the seriousness of the crime or threat to their safety and security, or to his potential rehabilitation. Usually the judge does not impose jail time because the crown does not ask for it. One woman doubts what the judge says when he claims the 90-day sentence he imposes "is the law."

Women know that judges are bound by the criminal code and legislation in imposing sentences. And we know that they are also bound by law in rendering decisions. The judge's decisions and the commentary is what women are seeking. Here is the opportunity for the judge to make comment about violence against women, to pepper the decision with concerns and arguments about equality, looking, as he/she must, at the Supreme Court as the guide in that decision-making.

In some of the cases, the opportunity is lost before it gets to court because the crown has decided to proceed on a lesser charge, one that may not involve violence against women. But the judge is sitting in the court and hears all the testimony and knows that the issues at hand are about male violence against women and that there are equality issues. He could comment.

Sentencing principles must be applied. Yet, if the sentences imposed don't reflect society's condemnation of the behaviour, how are the rest of men supposed to know that violence against women is a crime? There has to be someone who says, in imposing the sentence, or in the sentence itself, that the crime was committed, it was committed against the laws of the state and the state values it's citizens, all, and will uphold the law.

What is the Relationship Between Her Success in Court and Our Advocacy?

Looking into the relationship between the presence of an independent advocate (not a court or police-based victim services worker) and the experience of women bringing complaints of male violence against women, reinforced what we already know: women are better off with independent advocates on their side through the criminal justice system.

Of the 92 women interviewed, nine women had us (feminist frontline workers) with them from the start. Of those nine women, two cases are pending and have not gone through the system yet.

- In eight of the nine cases, the police took a statement from her;
- In eight of the nine cases, they immediately arrested him;
- In eight of the nine cases, they took a description of him (one Missing Information);
- He pleads not guilty in eight of the nine cases;
- Two were found not guilty and two are still pending;
- Out of the five convicted, except for one Missing Information, all have conditions of release and a no contact order attached;
- Charges were laid in all the cases;
- In none of the cases did they try to divert the case;

- The one negative is that police are even less likely to keep women informed directly. Only two were kept informed by the police.

Women Speak About the Usefulness of Having an Advocate With Her

> The best thing possible about my experience with the crown was having my advocate from the rape crisis centre there with me. I don't know what I would have done without her.

In the case of a woman who did not have her rape crisis worker with her when she met with the crown:

> Ce qui m'aurait aidé c'est d'avoir une intervenante avec moi. Pas de rencontre avec le procureur. (Translation: "What would have helped me was having my advocate with me. Not meeting with the crown.")
>
> I didn't even think about it as a crime until I went to the shelter. The workers there showed me how I am worth more than that and he doesn't have the right to kick me around. I went to the cops after that, but it took some time for me to get there.

Workers noted too that things happen, the police and crown move once, there is an advocate in the room. Women who tried previously to get information about their case, or tried to get the crown to proceed, were successful once the advocate was there. In any event, the stories from the 92 women show that having an advocate with them gets better police response, better crown attention, and, therefore, more likelihood of conviction.

When compared to women's experience with the crown-based victim services workers, who behave more as court tour guides, it is still more obvious why it is useful for women to have advocates. In one case the victim services worker writes a letter to victim's compensation for her (the police have refused to proceed) and says: "This is an open and closed case, call me if you need anything else, she's been through enough."

Even when a woman is pleased with the victim services worker, she can see that there is more that could be done:

> Victim services (court based) were great. Very understanding and supportive. Nice and courteous but could offer a more varied service—not just in court. Women need to be trained and prepared for what will happen in court. Support is important but preparation is vital.

Though praise is not always forthcoming for victim service workers:

> In imitation of Victim Services (court-based) she said, "here's the court room—don't say anything about your case." While saying this, the woman turned her head away and put her hands out to indicate that the Victim Ser-

> vices workers gave indications that not only did they avoid hearing about the case, but were not interested in engaging with the woman as a person.[13]

The following numbers, while not clearly indicative, do leave an impression. Of 34 cases of wife assault reported to the state: twelve women were native or women of colour; 22 were white women; 31 were poor or working class.

> We decided not to focus on regional differences but something stands out in Alberta with wife assault and I'm not sure how to talk about it or even how to find evidence to support the conclusions. Many of the cases we recorded were wife assaults on native women. In Alberta there is a Domestic Assault Court, yet of the thirteen cases of wife assault in Alberta, only three got to conviction. I know the numbers are too small to prove anything, but it sure looks like racism. All ten that drop out do so at the police stage. Of the three who do make it to conviction, there is one native woman and two white women.[14]

Of the twelve wife assault convictions: two were women of colour and five were poor women. All others are working class and white women (one case is pending and one we lost contact with so there is no information). The question of race seems clear, since only two of the twelve women of colour got conviction for wife assault.

Of the fifteen women who did not make it past the police stage of the system: nine women of colour and six white women, ten poor or underclass women and five working class women.

Two women did not make it past the crown level of the system; of those two, one was a woman of colour and both were poor. Two women did not make it past the preliminary court stage; both are white and working class. One case is pending.

Is it more likely that a casual acquaintance will escape conviction, as opposed to a stranger or a professional on the job? Where do those cases drop off, and is it a case of lack of evidence or lack of police follow through? Where there is no conviction, what is the stated reason?

Of 27 sexual assaults (not incest cases), nineteen were casual acquaintances, six were stranger rapes, and two were professionals on the job. Of the casual acquaintances, four resulted in convictions, three not guilty verdicts (one stay of proceedings because the man died at the time of the court process), and nine terminated before court at police level (two still pending). Of the not guilty verdict, all were because of lack of collected evidence. Of the casual acquaintance cases, it is usually the case that the police don't believe the woman and allow that to infect their investigation responsibilities.

Of the stranger rapes: three convictions and three terminated before court. All three terminated at police level. Of the professionals attacking while on the job, one case was terminated before it got to court, at crown level, the other found not guilty.

Their judgments about court are often mixed up with their judgements and feelings about the outcome, of course. However, it also seems that the powerlessness they feel in court renders them complete outsiders to the process.[15] It limits their understanding to judgements about: Who was polite to them? Who did not cause them indignity? Who did not put them at higher risk? And that is expressed as: Who cared? Who tried?

In many cases we don't have enough information about sentencing. In some cases, women don't actually know what the man is finally charged with and don't know what the plea agreement is. In some cases, they just know what the sentence is. In some cases they don't even know that. One can speculate that crown prefers not to carry this diversion and plea bargaining information back to the women. The crown no longer needs the women, as witness, so there is less reason for crown to make time for the women.

Often women are discouraged and alienated by the end of this ordeal. The reputation of the justice system is built on the word passed from one to another of these experiences. So, too, the disrepute of the government builds in the eyes of women. Often by this stage of a case the women are gone from the process. They have turned their attention to their own lives and what they can control. Safety, dignity, and equality will often have to be assured by other means.

Notes

1. Not meeting the standard of proof of criminal or civil law conventions, use of terms of categorization like "family violence," for instance, which hides who is doing what to whom, or the refusal to recognise incidents of rape of wives or prostitutes as a legal matter, or the use of charges like "break and enter" in a rape case in which the police have not constructed a legal case of sexual assault, or the charging and jailing of women who defend themselves from violent men, rather than understanding women's self defence.
2. CASAC Links worker.
3. Lakeman, L. (1999). A Consideration of Feminist Process. In Meister, J., and Masuda, S. (Eds.), DAWNing: How to start and maintain a group. Vancouver: DAWN Canada, pp. 85-98.
4. CASAC Links worker.
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. *Ibid.*
10. *Ibid.*
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. *Ibid.*
15. *Ibid.*

Former Nova Scotia Premier, Gerald Regan and Eighteen Sex Related Charges

Irene Smith

IN 1993, RCMP REPORTS they are investigating Gerald Regan for crimes of sexual assault (at the time it was against police policy to release the names of suspects before charges were laid). Regan was the Liberal Premier of Nova Scotia from 1970 to 1978. In 1980, he became the Federal Minister of Labour and Mines responsible for Fitness and Amateur Sports. He lost his seat in 1984.

March 1995, Regan is charged with eighteen sex-related charges involving thirteen women. Most of these women are in their early to late teens (14-24 years). The complainants included six family babysitters, a secretary, a political intern, and a young reporter.[1]

Most of these assaults occurred almost 40 years ago.

Regan hires one of the best known and most highly paid criminal defence lawyers in the country (Mr. Ed Greenspan) and drops out of sight. In March and April 1995, the RCMP lay a total of eighteen charges against Regan, including rape, indecent assault, attempted rape, unlawful confinement involving some thirteen women in the years between 1956 and 1978. In April 1996, the preliminary inquiry begins and runs for one year. His lawyer alleges mistakes by the prosecution and RCMP endanger Regan's chances for a fair trial.

January 19, 1998, Greenspan, for Regan, motions for the case to be thrown out on the basis of an assertion of misconduct of Police and Prosecutors.

April 2, 1998, Justice Michael MacDonald throws out ten of the charges involving nine women. He ruled that these are less serious incidences of sexual assault and that to proceed with them would jeopardize the integrity of the Justice system.

November 9, 1998, three years after the original charges were laid, the case goes to trial. November 24, 1998, on the fifteenth day of the trial, Regan's lawyer (Greenspan) cross-examined two of the complainants both of who are 56 years old now. They testified that they were fourteen years old when Regan raped and attempted to rape them. Greenspan's cross-examination was brutal, suggesting that the women made up the whole story. He made reference to one woman's past sexual history without objection from the crown. However the judge did object and cite Seaboyer.

Avalon Centre staff notes that his adult children, two daughters, their husbands visibly supported Regan. His son and his wife accompany him to court and often sit behind him in the courtroom. One of his daughters, Nancy Regan, is an ATV anchorperson, and his son is a lawyer in a prominent law firm. His wife, who is expected to be a witness, is not in court for much of the graphic details of the rape and attempted rape. Avalon's position in that first three years was to support the women who called them and to speak publicly through the media as to their courage. Avalon Centre women attended and monitored the case.[2]

After two months of sensational evidence and legal pyrotechnics, he was acquitted of the eight most serious charges including rape and attempted rape.

Before the trial began, Nova Scotia Supreme Court stayed nine of the charges, saying that the crown had tainted the evidence by talking to the victim's witnesses ahead of trial and by "shopping" for a judge without a shared history in his political party.

February 14, 2002, in a dramatic 5-4 split, Supreme Court rules that Regan must face charges. They said, "the police possessed serious evidence that Mr. Regan had sexually abused vulnerable young subordinates who trusted him. Victims of sexual assault must be encouraged to trust the system and bring allegations to light." Mr. Justice Louie LeBel wrote for the majority (including McLaughlin, L'Heureux-Dubé, Gonthier, Bastarache), "The evidence in this case exposes the systemic concerns that sexual assault complainants often have."[3]

The *Globe and Mail* catches the public mood and response in an editorial that applauds the ruling as a confirmation that this was "far from being a case of backlash against the powerful, as Mr. Regan argued, this case illustrates the difficulties in prosecuting charges of sexual assault" and speculates "whether the complainants will still wish to proceed after this drawn out legal battle is an open question."[4]

April 17, 2002, in Halifax, the director of the Nova Scotia Public Prosecution Service, M. Herschorn, announced it would not prosecute the former premier and federal cabinet minister citing the staleness of the cases, the high cost of a second trial, and the likelihood Regan would never see the inside of a jail cell; "It is not in the public interest to proceed."

Notes

1. Boomer, R. (2002, April 18). Nova Scotia prosecutors give up on Regan case. From Halifax, *Daily News*, carried in *The Vancouver Sun*, p. A6.
2. Smith, I. (1998, November 25). Memo to Lee Lakeman of LINKS: Profiles on Current Issues in Nova Scotia.
3. Makin, K. (2002, February 15). Top Court Revives Charges Against Regan. Ruling Exposes Sharp Division Among Justices As Majority Decides Ex-premier Should Face Sexual-Assault Allegations. *The Globe and Mail*, p. A3.
4. *Ibid.*

Just For Laughs:
From Guilty Plea to Unconditional Discharge

Diana Yaros and Danielle Tessier

GILBERT ROZON is the founder and the director of the "Just for Laughs" comedy festival in Montreal. He is 44 years old, married and the father of three young children. On February 17, 1998, Rozon encounters K.C., nineteen years old, during a fundraising evening at the Manoir Rouville where K.C. is working as a croupière. They talk about her interests and where she would like to work. Rozon offers to help her get started. In K.C.'s words:

> Before the assault he was kind. He wanted to know what I wanted to do. He gave me his telephone number. He told me that he would offer me a job. He said he had many contacts. I was happy that such a well-connected person was interested in me, a little black-jack croupière.

Social Class

It was agreed that they would continue this discussion elsewhere when the gaming tables closed. Rozon invited K.C. up to his room to discuss job opportunities. Rozon tried to obtain sexual favours from K.C. without her consent. Despite her resistance, he continued to sexually assault her. She eventually succeeded in fighting him off and ran out of the hotel room bumping into several people who later testify to her panicked state. Media attention highlighted the tenacious prejudices still surrounding sexual assault. Rozon's actions are minimized (considered a grey area of what constitutes seduction), as are the consequences for the woman. Despite the fact that the accused pled guilty to sexual assault, he received an unconditional discharge from the Québec Superior Court.

The First Judgment

On November 30, 1998, charges are laid for sexual assault, unlawful confinement, and simple assault. G. Rozon pled guilty to a reduced charge of simple sexual assault. The crown prosecutor, Mme. Josée Grandchamp, then informs the court that the only charge is a summary offence of simple sexual assault. There is no mention of the initial charges. Before going any further, here we have encountered the first problem and major obstacle to women's equality rights guaranteeing security of the person. The banalization of sexual assault by reducing the charges laid in order to obtain a guilty plea. Because of the prosecutor's choice, we remain ignorant of the full extent of the criminal actions of the accused. Most importantly, all future analyses of this case by the media, as well as the sentencing hearings, are limited by this harmful decision of the crown prosecutor. Despite widespread media attention, Judge Robert refuses to accept the defence's argument that public attention is punishment enough and refuses to accord an unconditional discharge to the accused.

On December 11, 1998, Judge Denis Robert sentenced Rozon to a fine of $1,100.00 (maximum sentence is eighteen months in jail) despite the defence's additional claim that Rozon should receive an unconditional discharge because he needed to travel for his work. "The accused must receive a sentence in accordance with his actions, not for who he is." Rozon will have a criminal record. How can one evaluate a sum of money that corresponds to the attack on the integrity and security of women?

The first judgment was based on several factors: The unpremeditated nature of the attack. The absence of a previous criminal record, and excessive intake of alcohol. Rozon's intentions are not questioned but the victim's are. Her agreeing to go to his hotel room is seen as suspect, she must have known what was going to happen. This despite the fact that article 33.1 of the Criminal Code forbids the use of voluntary intoxication as a mitigating factor in sexual assault cases. Would we use this argument if we were dealing with a drunk driving charge?

Appeal of Sentence

An appeal of the sentence is registered in Québec Superior Court on February 19, 1999. The defence reasons that public interest is not served because the sentence may harm Gilbert Rozon's ability to continue to organize the Just For Laughs festival with potential loss of jobs and revenue for the city! Does this mean that any wealthy individual who owns a large business is above the law because their criminal record may harm the business? Surely other individuals could carry out the work.

Furthermore, the defence continues, the sentence is too severe considering the minimal nature of his actions. Little or no traumatizing effect on the victim is cited, this despite the woman's claim to the contrary, as stated in media reports. Finally, the defence adds that Judge Robert made a "mistake of principle" when he considered the crime involved: sexual assault. While Judge Robert considered the actions and not the man, the Appeal Court Judge Béliveau thought it was more important to consider the career of the accused than the consequences for the woman.

The defence also argued that because Rozon was a well-known person, the excessive media attention was more punishing for him than it would be for a lesser-known individual. This sets a dangerous precedent where any high profile case can effect the defence's ability to insist that the accused has been punished enough and so merits a differential treatment in sentencing. Do we now have a two-tier justice system where the wealthy and famous are absolved from jail or criminal records while the poor are sent to prison? No one brings up the negative impact of media attention for the woman.

Justice Has No Gender?

High-profile media attention as a mitigating factor in sentencing has now set a terrible precedent. In the months following the Rozon trial, two more men, both accused of sexual assault, are granted an unconditional discharge. Luigi Leoni, a Québec restaurant owner is granted an unconditional discharge because the judge considered that the unfa-

vourable media attention was punishment enough. The principal of Arvida High School in Québec was also granted an unconditional discharge after his conviction because the judge thought that having a criminal record would have negative consequences in his work with teenagers. Somehow the sexual assault was not considered to have a negative impact on his work, only the fact that he was found out and convicted!

The Regroupement Québecois des CALACS (a Quebec coalition of sexual assault centres) along with fourteen other women's coalitions, petitioned the Québec Justice Minister, then Linda Goupil, to appeal Rozon's sentence. The minister refuses to appeal the unconditional discharge granted to Gilbert Rozon. "I denounce violence against women...For a legal judgment involving violence against women, the Rules of Law apply because justice has no gender." Various editorials continue along these lines, most of them making a special point of the insignificant nature of the "assault," seeing it more as a seduction scene gone bad than as violence against women. Women and sexual assault centres are accused of exaggerating the seriousness of the crime. Three decades forward and four decades back, once again we are faced with the same myths: women lie and exaggerate about sexual assault. This is justice with no gender?

Rozon Epilogue

Following the criminal trial, K.C. took out a civil suit against Gilbert Rozon. An out of court settlement with a confidentiality clause prevents us from revealing the agreement. K.C. was demanding her Charter rights to live in safety without being sexually assaulted. She was putting into practice something that many feminists have insisted upon with respect to justice issues. K.C. was stating publicly that sexual assault is unacceptable in Canadian society. She gave us a context for understanding that protection is a right as granted by the Canadian Charter of Rights and Freedoms.

Canada has also signed an international agreement on the Elimination of all Forms of Discrimination Against Women. Clearly, the banalization of sexual assault through the granting of unconditional discharges to men guilty of sexual assault, as well as refusing to lay more serious charges in the interest of obtaining a guilty plea, or to save money, is discriminatory of women. It undermines the confidence of women in the criminal justice system. It perpetuates age-old myths about the severity of violence against women, implying that we are asking for it, exaggerating or vindictive. It certainly leads women to know that justice in Canada is not objective. It does, indeed, have a gender...one that is not ours.

How Does the System Prevent Convictions in Cases of Violence Against Women? What is the Connection to Women's Rights and Violence Against Women?

Conclusions and Recommendations of CASAC LINKS

As Dworkin said:

> A woman sits in her living room reading. A woman makes her way to bed. A woman works, eats, sleeps. She walks along the street. She does the work of the house even if she is not a housewife. Then somewhere, sometime, somehow, in the landscape of the ordinary, she is battered or assaulted or raped or molested; she is hit or punched or touched without her desire or consent. Some of the crimes are repetitive—for instance battery may not happen every day but it happens often and it creates an ongoing environment of threat and hostility. Some crimes happen once—for instance, the rapist who is a stranger rips apart a woman's life, shreds it with his bare hands, a penis, a knife, the poison of an amnesiac drug, and after that every shadow has the possibility of a rapist folded into it. Nothing about being raped by a stranger guarantees that she will not be raped again: by a stranger or acquaintance or friend or a husband or lover.[1]

A Summary

This inquiry considers how to express more fully what it means to the Canadian Association of Sexual Assault Centres (CASAC) to seek a better and feminist future for women in Canada. Our current reality of a system of violent repression of women's rights persists. We seek a future in which it will be a rare occasion when a man abuses a woman and in that future the response will be swift and just. We look to a future where women live in autonomy, peace, and freedom, without the hideous enforcer phenomenon of violence against women.

CASAC has always been concerned with the low conviction rates and high attrition rates in cases of violence against women. In the CASAC LINKS project we focused our inquiry on the questions: How does the system prevent convictions of violence against women? We asked how do the policies procedures and practices of the justice system impact on the low conviction rates of violence against women and what is the relationship of these impacts to women's inequality. We looked for and found one hundred criminally assaulted women who would tell their stories of using the Justice system in eleven locations across Canada. And we grouped their answers in relation to: emergency response, police investigation, crown attorney decisions, court proceedings, and sentencing

By law each of 92 cases women brought to the system merited conviction on at least one charge. The justice system convicted men in only 34 of women's cases.

We asked for the justice system's documents regarding policy and procedure of those justice functions at the same sites. We examined those documents for consistency with understandings of the Charter of Rights and Freedoms. That data was collected and analyzed across Canada at both the eleven sites and further collected and analyzed nationally. It was compared and added to the international positions Canada has promoted and the current national situation as seen by our member centres and as understood by the women who engaged the justice system at those sites. In combination we expected to see some of the nature of and reasons for low conviction rates and high attrition rates in these and other cases of violence against women. And we did.

We found that the Charter obligations to the women of Canada are ignored by those responsible for emergency services, police intervention, and those prosecuting cases. The promise to women in the Charter of Rights and Freedoms is broken when it comes to women who complain of violence against women.

We found that women calling the police expect that they are calling on their rights to equality and on Canada's obligation to protect those rights. We found that women around the world are complaining of the same horrors of violence against women and poverty. And most national groups of women complain of their government's response. In coalition with other Canada wide groups and in conjunction with women's groups around the world women are saying that we know we have a right to be free of violence against women, as well as poverty, and that we are developing an international agenda, mechanisms, and a movement to address those concerns. We have come together to complain of that violence and poverty through the World March of Women to national governments at International Social Forums, at the World Bank, and World Trade Organization (WTO) processes, and at the United Nations.

We read the Charter of Rights and Freedoms together with international documents outlining human rights agreements of states in the United Nations: each document being designed to inform the other. The United Nations, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) committee, criticized Canada in Jan-

uary 2003. After our report to them they criticized Canada's failures to over see with economic mechanisms that all levels of government comply with international agreements that Canada signs. They criticized the failure to support substantive equality, including the provision of social welfare, funding for equality test cases, Canada's treatment of aboriginal women, women's poverty, immigration policy, the treatment of women trafficked. The United Nations made a special point of urging the Canadian government to "step up its efforts to combat violence against women and girls and increase its funding for women's crisis services and shelters in order to address the needs of women victims of violence under all governments."

We operated with some hope of improving the treatment of women and children.

In this project we were connecting the restructuring of Canada with respect to social programs, the function and effect of feminist women's anti-violence centres, the women who use them, and the Charter of Rights and Freedoms. That new Charter in the constitution promises all women in Canadian equality under the law and protection of the law. We were connecting that promise to the lived experience of women who complain to the criminal justice system after an incident of sexist violence. For five years we participated in local national and international meetings coalitions and actions. We saw that globalization is changing the Canadian state and changing violence against women. We saw the promised indivisibility of rights and, therefore, assessed the impact of other inseparable issues of women's equality. We saw among other things increased trafficking of women, the loss of welfare to women, and shifts in the criminal justice system that effectively decriminalize violence against women. We found that the changes from Canada Assistance Program (CAP) to the Canada Health and Social Transfer (CHST) and the Social Union Framework Agreement (SUFA) are changing federal provincial relations. Those changes must be adjusted to prevent further undermining of the promise of equality and freedom from violence made to Canadian women.

We hoped to encourage change along the way. We had already made public *99 Federal Steps Toward an End to Violence Against Women* as a program that could reduce violence against women. Throughout that document, and this one, as well as across the five-year span, we recommended guidelines for policy changes on issues of criminalizing violence and developing equity. We hoped we might improve the policy development of police and crowns at least in relation to wife assault, sexual assault, criminal harassment, peace bonds, and sentencing. We knew we would be of assistance to women beaten and raped including, within the family, as well as those at risk on the job, and those driven into prostitution. But at the end of this five-year project we find the situation is worse for women reporting violence for criminalization.

The project was also conceived to benefit rape crisis centres, many of which have existed for years in their communities with too little or no federal government funding, in spite of the start up funds of the 1970s, which identified these centres as vital to the advancement of the equality of women. That usefulness and the demand for the centres is

evident in the numbers of women who call every year, the numbers who want to be involved with the independent women's movement, and who want and need information about the law and their rights under the Canadian Charter of Rights and Freedoms. We found that the involvement of independent feminist advocates in a legal case increases the likelihood of conviction. At the end of this five-year project women's centres against rape and wife assault have less access to federal dollars than five years ago. CASAC LINKS has regenerated a commitment from Canadian feminists to insist on the political and economic support necessary to sustain women's centres, transition houses, and rape crisis centres, as the best tools women have to decrease their isolation, and vulnerability to violence against women, and to increase the convictions that criminalize that violence.

Some Key Recommendations Arising from the Local Document Review and the Cases of Another 100 Women

There is no one document or one woman's experience that we could find that applies the law, policy, and procedure while taking into account women's disadvantaged status. CASAC reconfirms our recommendations made in *99 Federal Steps Toward an End to Violence Against Women* and reconfirms our recommendations made in the consultations with the department of justice over the last ten years. The following recommendations are made in addition and updating of those standing recommendations:

- Canada should establish publicly owned and operated 911 emergency response service in every jurisdiction.
- CASAC recommends to the departments of Justice Health and the Solicitor General and the Status of Women that those services not be submerged under police control but managed separately or jointly with other emergency response systems.
- Canada should set national guidelines for 911 response, using the *R. v. Godoy SCC 1999* case as part of the standard.
- CASAC recommends that any procedure and response policy should be consistent with the Criminal Code.
- CASAC recommends that the importance of the operator be recognized by establishing in job descriptions that operators have the time as well as criteria with which to accomplish their job of assessing and making appropriate referrals.
- CASAC recommends that all 911 calls be recorded and preserved (for at least five years) as public record of emergency response especially to violence against women.
- CASAC recommends that the Solicitor General in conjunction with the Minister of Justice should affect a national policing policy that acknowledges the gendered nature and function of violence against women and the historical disadvantages women face when accessing the justice system when reporting criminal violence against them.

- CASAC recommends that the above policy should be designed to affect all police in the country to be more consistent with the promise of Sections 7 and 15 of the Charter of Rights and Freedoms. That policy should include actions meant to address and compensate for the disadvantages of women as a group and the disadvantage of particular groups of women. That policy should be public.
- Establish national targets and methods of evaluating the implementation of policing changes toward the promise in Charter Sections 7 and 15.
- Establish as a nation-wide norm that police investigate all reported crimes of violence against women.
- Establish as a norm that appropriate initial investigation includes collection of all relevant evidence including her word in a well-taken statement, all physical evidence available, and all supporting witness statements available. Any police discretion as to the merits of cases should be applied after that initial investigation and not before.

After an appropriate investigation as above CASAC recommends that police pursue a charge toward conviction: not divert cases by redirecting women to civil court orders; and,not divert cases by pursuing criminal protection orders.

We recommend that only when a criminal charge is not fully supported by the evidence (and after a full investigation) police provide criminal protection orders, and they automatically and immediately enforce them.

The roles of the police and crown-based specialized victim's services should be understood by the women who use them to be limited to the provision of public legal information and supplementary supports to the justice system:

- Police-based victim's services should identify themselves as working for the police and that they are not independent advocates;
- Police-based victim assistance should also indicate that they are not themselves police and do not hold police investigative or evidence gathering functions or powers and that victims are free to refuse them;
- Crown-based victim's services should identify themselves as assistants to the crown prosecutor, therefore, not independent advocates;
- Crown-based victim services should also indicate that they are not crown and do not hold evidence presenting or prosecutorial powers;
- Crown-based victim services should be instructed to educate about court processes not just court buildings;
- Specialized victim's services programs may be based in community groups. They are independent, but should indicate that their mandate is limited to supplement the justice system with some services to women, and not to support women in contesting any action or inaction of policy procedure or functioning of the system.

- CASAC recommends that it is consistent with the Charter that police and crown charge approval policies incorporate that it is in the public interest, particularly women's equality interest, for charges to proceed before the courts.
- CASAC recommends that Attorneys General be encouraged to make public all charge approval guidelines, particularly ensuring availability to women complainants and their advocates.
- CASAC recommends that Attorneys General be reminded and encouraged to direct the management of court cases involving violence against women toward particular attention to the historical disadvantage of women and, therefore, the Charter involvement on recommended bail conditions, preparing women to witness in court, supporting women through trial, and making sentencing recommendations in order to protect women's equality rights.
- CASAC recommends and digitalization permits now that Canada should establish that written judgments with reasons are recorded and available at all levels of courts.

The current unequal status of women and the current level of violence in marriage should shape policy, law, and procedure in any future discussions of the divorce act and other legislative changes particularly regarding property settlements, custody, and access agreements during and after marriage. CASAC recommends rejection of any normalizing of shared parenting principles or any other application of formal equality because of the reverse impacts guaranteed to follow.

Some of the Key Recommendations Arising from the Charter Case Section of the Report

The Charter is written with the recognition that women as a group are disadvantaged; this disadvantage requires government action in achieving our civil social, political, and economic equality.

- CASAC recommends increased funding for the Court Challenges program and expansion of funding for the legal costs to assert our rights. To implement legal strategies equality-seeking women need access across Canada to provincial Test Case Litigation funds and funding for other legal moments where women's Charter Rights are at issue such as coroners inquests and public inquiries.
- CASAC women see huge expenditures of public money and time on training and education of police, prosecutors, and judges with little positive change. This model of gaining compliance is not working. CASAC recommends more strict requirements so that legal professionals meet the Charter standards and that professional's standards include incorporating an observable commitment to Canada's Charter promises of women's equality.

- CASAC recommends that the federal government fund national women's non-government groups to meet discuss, write, and otherwise give voice to and act as equality advocates. Such funding enables women's groups to contribute to the meaning given to and to monitor the implementation of rights legally encoded in the Charter.
- CASAC recommends that Industry Canada recognize CASAC LINKS as a successful pilot project, which should be enlarged and repeated among anti-rape centres. It can be understood as an example of infrastructure development in civil society that is building the capacity of women and women's groups to continue to increase participation in Canadian democracy.
- CASAC LINKS web site and resource library should be supported and maintained as an important component in public legal education regarding access to Supreme Court decisions and lay discussion about how these decisions can be used by women's equality-seeking groups to maintain and keep alive the promise of the Charter to women in Canada.

Canadian women know that the federal government is culpable and liable for the high attrition rates and low conviction rates on crimes of violence against women. Increasingly, they are holding the policies and practices and personnel of the government to the test of law and of the Constitution: the Charter. CASAC recommends that once the facts have been established that the federal government should accept liability for its mistakes rather than fight in the courts to the point of exhaustion and financial disaster those cases brought by women such as Jane Doe and Bonnie Mooney.

Some of the Key Recommendations Arising from the Section on the Restructuring of Canada

Freedom from violence is intricately connected to women's autonomy and economic security and is best assured with women's political participation.

- We recommend that the federal government recommit to redistribution of income by requiring provincial and territorial governments to provide guaranteed annual income that meets nationally set standards in order to get federal transfer money. These national standards should embody the Charter.
- We remind the federal government that any governance scheme with municipal governments is not exempt from Charter values or CEDAW obligations.
- We recommend the federal government redistribute tax income to remove pressure on municipal governments to accept and manage prostitution.
- Alternative Dispute Resolution mechanisms do not meet Charter obligations of substantive equality to women and current ADR practices actively interfere with women's equality interests in both civil and criminal legal realms.

- We recommend the federal government review the application of ADR to examine the effect of these changes in philosophy and policy on the implementation of women's Charter rights. Everywhere in the country, equality-seeking women's groups have protested pre-conviction diversion, pressured or mandatory mediation, many so called restorative justice processes, administration of justice changes that reduce access to legal counsel. Too often the application of ADR effectively reduces the opportunities for equality-seeking interveners, prevents the benefits of the involvement of equality-seeking advocates, requires the loss of the role of legal advocates, and the loss of the role of the public courtroom where justice can be seen to be done.

The United Nations CEDAW Committee called on the federal government to require compliance from all levels of government to application of the international convention.

- We recommend the federal government implement the FAFIA (Canadian Feminist Alliance for International Action) five-point plan for a national mechanism to oversee compliance with the CEDAW agreement.
- We recommend that the federal governments do as the United Nations urged and increase funding for women's rape crisis centres and transition houses in order to address the needs of women victims of violence under all governments:

The federal government's obligation to improve the status of women can be effected through directly funding these organizations or directly funding the component of their work identified as equality seeking. The federal government obligation to improve justice for women should motivate direct funding to these centres as depots of legal education and sites of community engagement with Charter rights. The federal government has a role to play in assuring the availability of women's advocacy equally in all parts of Canada. The federal government has a role to play in assuring the availability of women's support services from the provinces that cannot be abandoned with changes in federal provincial relations.

CEDAW and CASAC point to Canada's treatment of aboriginal women and Canada's failures to support women's organization addressing violence against women as two key issues that must be addressed in any compliance strategy.

Some Key Recommendations Arising from the Section on the International Discussion: Violence and Equality

Women around the world have shared our stories and a common understanding that though the details of our lives are different much of our oppression and the sexist violence we face are the same. We are building an international movement to end violence against women and women's impoverishment.

In the United Nations the Canadian government has recognized the historical disadvantage of women and agreed that all governments must account for and compensate

for that disadvantage. The Canadian government is aware of the public support for and the legal need for independent advocacy work from feminist or equality-seeking women's groups. CASAC recommends that the Canadian Government meet its stated obligation to cooperate with feminist and equality-seeking women's groups to improve democratic governance.

CASAC endorses the worldwide demands of the World March of Women Against Poverty and Against Violence Against Women.

The Canadian government is complicit in the global conditions that have forced women to migrate to Canada legally and illegally: women are trafficked in the form of indentured labour, prostitution, mail ordered brides, and domestic workers. Trafficked women often find themselves targeted for criminalization.

Domestic workers only have temporary residency and are without adequate social security. They are forced to stay in the homes of their employers and are often punished when leaving abusive employers for breeching the conditions of the Live In Caregiver Program. We wish to restate our earlier recommendations to eliminate the live in requirement of the program.

Trafficked women are in the hands of their traffickers forced into indentured labour and prostitution. Canada should refuse to criminalize these women, protect their rights to establish themselves as refugees, involuntary migrant workers, and trafficked persons who are to be protected under UN and Canadian conventions. Canada should refuse to blackmail them with offers of only temporary visas based on their contribution as witnesses against their traffickers. CASAC recommends all women trafficked into Canada receive:

- Adequate settlement services;
- Legal representation including for their gendered status;
- Genuine achievable routes to landed immigrant status.

> To understand the enormity of the crimes against women, one must first accept that women are human beings and like all human beings have an intrinsic value that need not be earned. No special pleading is required to say that an assault against a woman is anti-human, that it distresses the flesh and wreaks havoc on the mind. The boundaries of a woman's body are the boundaries the perpetrator violates. Usually he believes he has a right to transgress against those boundaries. Until the Women's Movement challenged that belief, law and social policy supported it.[2]

Notes

1. Dworkin, p. 58.
2. *Ibid.*

Postscript

This book records our advocacy in significant sexist violence cases and records the research and development project of CASAC Links to make it publicly available. One hundred women raped reported to police and sought the advocacy of their ten anti-rape workers located in ten urban feminist centres. That was coordinated by and aided by their five Canadian regional representatives in CASAC. But in the end the book was authored by me, one woman speculating on the agreement of the others to a complex pan-Canadian feminist analysis. The collective process of the Links project and the two CASAC conventions since I began, confirmed my speculations of what would reflect the collective praxis. Since the circulation of my original draft report, the other women in the ten hosting centres and regional groupings approved and endorsed my analysis and advised me to return the results to the rest of the CASAC membership. So with reports of the work in my suitcase I travelled across Canada to many frontline anti-violence centres to invite criticism and support of the transformation of the LINKS project into policy for CASAC and this book for the public. I wondered by the time I arrived if the stories of women trying to use the system would have advanced to any more acceptable outcome? Would the issues identified still be those originally highlighted by the centres?

Would the centre members find my conclusions too radical to use or too removed from their everyday experience? In the book I claim I observed a sweeping lack of application of Charter encoded notions of equality in the delivery of criminal and civil law for women. It amounts, I said, to the decriminalization of violence against women and the criminalization of women's self-defense. I claimed to see an inseparable and worsening spiral of interconnections between women's poverty and violence against women. In particular I argued the loss of welfare, the use of family law (particularly financial maintenance), the pay equity evasions of government, and the obvious targeted criminalization of poor and racialized women. We worried that the government would back up from the best research it had produced: the Violence Against Women Survey.

I made accusations that the decriminalization and industrialization of the worldwide sex trade industry is amounting to the promotion of prostitution/trafficking of women and children by government power holders. I pointed to the entrenchment of, and insistence on, the patriarchal family particularly in the processes of family court, violence in

the family and the divorce act considerations, the handling of the gay marriage debate. I warned of government policy attacks on the natural and accumulated authority of feminists to fight for women. In particular the ideological and financial attacks by government on the effectiveness and even existence of the NGO's not only national coalitions like NAC and CASAC but also on women's centres, rape crisis centres and feminist transition houses that are an important backbone of the independent women's movement.

Core Funding, Pay Equity, Nellie Nippard

I travelled to Newfoundland in the fall, where I met with Tracy Duffy and the St John's women at their new centre. They have a smaller, less central, office because without the financial support of our research project they have too little operating money. At their invitation a hundred of us took to the streets to Take Back the Night to a spot where I would speak. I was tempted to stay on for a week to join and encourage those women planning to protest the inaccessibility of provincial ministers responsible for the Status of Women who were meeting in a St John's hotel. They presented five key demands including one for core funding. As this book goes to print the Parliamentary Committee on the Status of Women has again recommended core funding be added to project funding available to women's groups and that the federal government increase funding to women's groups by twenty-five per cent. They also recommended greater cooperation and consultation with the equality-seeking women's groups. Even though that committee is headed by Anita Neville (the very effective chairwoman of the ruling Liberal party women's caucus) it has so far been ignored. Perhaps the new budget will bring relief.

For our equality purposes there were two other huge issues to update the equality fight in Newfoundland. The federal courts just pronounced that the provincial government could evade pay equity obligations to its employees. It owed millions to the poor public sector worker women.[1] Newfoundland authorities asserted that the province was too poor to pay. The Supreme Court required no proof, no payment plan, no consequences. That equality decision appears to also exempt the federal government (contrary to all international notions of federal obligation), from all economic responsibility for equality decisions of its components. Of course they are wrong.

And for us the other sadly important issue: Nellie Nippard, battered woman and fierce advocate for the right to the protection of criminal law for battered women, died without having experienced a day of peace from the fear that her husband would kill her.[2]

Women Only Space, A Provincial Restorative Justice Moratorium, The Pictou Statement On Women's Economics

Once I got myself to the Atlantic coast, other centres extended invitations too. New Brunswick and Halifax centres hosted me in their cities and planned public education events to use me and the research.

At Dalhousie I was invited to address women at the university women's centre. It would be one of the last acts of a woman-only centre soon to be sacrificed to the post modern urge to "include" men in the form of the "transgendered." Vancouver Rape Relief and Women's Shelter has already won its human rights case refusing such "inclusion." On December 19th, 2003 the British Columbia Supreme Court set aside the decision of the Human Rights Tribunal.[3] The declaration of the court was that it is not discrimination for a feminist rape crisis centre to build its work and membership on the belief and practice that the shared life experience of being oppressed as women is the building block of our work.

The Avalon Centre women in Halifax were glad to tell me that they won agreement from their provincial government for a moratorium on Restorative Justice programs applied to violence against women and were working on policy to condemn all current Restorative Justice programs across Canada for their failure to uphold women's Charter rights. They hoped all of CASAC would endorse.

While on the east coast, I joined forces with the *Canadian Women's Studies Journal* and the national committee of International Women's March to construct a meeting of feminist anti-poverty thinkers including women from the National Anti-Poverty Organization, the Federation des Femmes du Quebec, Nova Scotia Fish-Net and the Antigonish Women's Centre. After a three day meeting and together with me, they wrote the Pictou Statement as another step in the dragon dance for women's sense and economic rights (in the form of a guaranteed livable income).[4] Once written we began the cross country lobbying and negotiations necessary to accumulate consensus. We knew that the Supreme Courts had recently rejected/defeated, even trounced, an economic rights perspective in the Gosselin case (Gosselin v. Attorney General of Quebec). It was time for an increased emphasis on an extra legal strategy. We planned to bring Pictou to CASAC membership as a whole. We also planned to take it to the LEAF/NAWL conference where feminist based in legal work might be glad of an alternative to lighten the despair about a neo-liberal court.

The Autonomous Women's Movement And The World March Of Women

In Quebec I was invited to a meeting on the shores of the St Lawrence of all the Calacs or anti-rape centres. Women were struggling with our need to understand, express, and reinforce ourselves as the independent/ autonomous women's movement. They brought my attention to their relationship with the work of Francine Descarries at the University of Quebec and her expression of "nous femmes." She was encouraging Diane Matte of the World March of Women to compose, in writing, the new understandings she was bringing back to Quebec from her participation in the planning and execution of the World Social Forums in Latin America and India, her meetings with the World Bank and the United Nations, her organizing with women of DAWN and other feminists in the south, and indeed, with women around the world. Diane began her activism in the eighties within Hull Rape Crisis Centre collective.

The Quebec centres are repositioning themselves. Quebec nationalist players were questioned by feminists in this time of a swing to the right but also the World March of Women allowed centres to see themselves in the world-wide francophonie and the world-wide movement. The Gomery mess, or corruption in both federalist politicians and the federal government dealings with Quebec, meshed with the uprisings of labour and the students against the Charest provincial government. Together they might have pulled women back. While the national project remains important to them, anti-rape centres seem to be very much in the struggle of redefining their work and membership in the context of new populations of immigrants of colour, the pan-Canadian autonomous women's movement and the international struggle of women.

Prostitution

The Quebecoise decided to use the LINKS report and the upcoming convention to lead the efforts to modernize our CASAC anti-prostitution policy. The report made bold statements. We had moved forward with anti-trafficking policy at our last convention in 2001. But Quebecoise were facing an upcoming Montreal sex industry trade fair which was being subsidized with federal health department money.[5] Women in Quebec centres told me that they were very frustrated with the provincial politics especially the process within the FFQ (umbrella group of women's organizations) which had facilitated under past leadership, one sex worker service group, Stella, to manoeuver the huge women's coalition of FFQ into a de-gendered neutrality, even temporary paralysis on the question of prostitution as violence against women. The anti-rape workers were preparing to call for solidarity from the rest of anti-violence workers across the country to fight the promotion of prostitution by the Canadian and Quebec government actions.[6]

Vancouver women were trying to prevent the same promotion being tolerated and instituted in the name of harm reduction. At the Raging Women conference in 2002 we exposed and challenged mayor Larry Campbell who had called for a red light district and had never retracted those statements. The pressure against protest was so fierce that hosting a forum of anti-prostitution speakers was highly controversial. We did so in conjunction with prostitutes and aboriginal leaders in October 2003 and published abolitionist opinions widely.

In November of 2004 in Ottawa, the Parliamentary Subcommittee on Solicitation Laws (the second recent attempt to decriminalize the trade) was established by the Standing Committee on Justice, Human Rights, Public Security and Emergency Preparedness. Immediately a group of Quebecers, including Diane Matte, led by Elaine Audet and Micheline Carrier, signed a letter which they published against the prostitution promotion. They also began to collect the public denunciations.[7]

The committee mandate to improve the *safety* of "sex-trade workers" and to recommend changes that would *reduce* the exploitation of and violence against "sex-trade work-

ers" already revealed the bias of the committee assignment. According to the *Washington Post* the term "sex worker" was coined by the American pimp and pornography producer Carol Leigh. That phrasing normalizes and recasts prostitution as a choice of job and clearly serves the purposes of pimps, not us. In anti-violence centres, we know that violence is intrinsic to flesh trade and the world-wide exploitation of women and children is the very nature of this industrialization of prostitution. Daunted by the stacked-deck parliamentary process and the almost impossible time-line, we nevertheless scambled to find ways to record our positions with the parliamentary subcommittee crossing the country.[8]

There was a danger that women might have yet more roadblocks put in the way of their escape from violence by the alliance (to decriminalize and regularize) between the Liberal minority government and the N.D.P. opposition. No money is being committed to social programs supporting women and their children or to income redistribution. The federal budget approved in May 2005 did not contain the much needed 25% increase to funds for women's advocacy groups. Both parties might claim that decriminalizing the trade was an inexpensive way to be advancing "human rights" even though they would be defacto legalizing the prostitution industry. Both would likely agree to impose state "health" based regulatory powers against the women and children trapped in prostitution. While harm reduction and health projects might create numbers of jobs for middle class workers, they will not reduce prostitution or increase women's escape routes. Such outcomes are completely consistent with current neo-liberal government trends.

Hilton And The Impressarios

You will remember the Hilton case in Quebec of the boxer who tortured his wife and daughters for years with incest and beating. He remains in jail sentenced to ten years and still denying wrongdoing. The Hilton girls, Jeannie (now 21) and Anna Marie, got the Quebec court to reverse the decision to ban publication of their identities so that they could release their own book: *Le Coeur au beurre noir* or *The Heart with a Black Eye*. They report themselves damaged but moving on in their lives, although found it necessary to move to the U.S. to be sure they would not be attacked by their father's friends.

The revelation of abuse by Quebec impressarios continues. In November 2004, Guy Cloutier, TV producer, pleaded guilty to five charges for years of sexually abusing two children. In May speculation was confirmed when Nathalie Simard asked the court to release the publication ban that had been protecting her anonymity; she had been abused by Cloutier from age 11 to adulthood. She had been discovered as a talented child by Cloutier along with her brother Renee. He developed their careers to the level of household names within Quebec abusing her and at least one other child along the way. Cloutier is serving a 42-month term in prison. And, Robert Gillet, radio host, was sentenced to 30 days for "buying sex from an underaged prostitute" (we would call that child abuse, if not rape). His sentence, too, was suspended.

Sexual Harassment Leading To Death, Racial Integration And Race Relations

In Ontario the emphasis was a bit different, but the urgent solid agreement among us was not. Women in Chatham hosted the province-wide gathering of anti-rape centres and showcased their work to reveal the dangers and horrors of sexual harassment on the job. In particular, they used the coroner's inquiry into the case of a Theresa Vance, a woman worker at Sears who was harassed on the job, ignored in her plight, and murdered in the space created by state and corporate inattention to women's inequality.

Ontario women focused, too, on increasing the leadership of women of colour within their coalition and their centres. Women in the north like the women in Kenora, were hiring aboriginal women and reconstructing their relationship to aboriginal women in need and to feminists on and off reserve. Toronto had been the site of the fastest changing demographics in the country and that centre was determined to adjust their structure and practice to welcome the new groups of women resident in that city.

Together the Ontario centres were resisting the pressure to answer to the office of Victims of Crime instead of the more appropriate Ontario Women's Directorate. They worried because their funding was through the Attorney General, not the health departments, as in Quebec. As well, Ontario is the site of the greatest pressure to professionalize the work of our centres. Many shelters require degrees now. The George Brown college program had attracted many ex-collective members from the Toronto centre as instructors on the argument that the program was more feminist and progressive there than courses elsewhere. It is in fact unique in that it genders the program and keeps close ties with the community activists. Women across the country are considering again the nature of counselling, the nature of advocacy, and the relations between individual and communities of women who call us and the centres where we organize.

Jane Doe And The Toronto Police

Jane Doe's book and film have been a success. She's working in a research project regarding the usefulness of anonymity in the pursuit of justice for women raped. She was also widely circulating as a guest speaker and trainer. With her friend Bev Bains, she was still gathering up the activists in Toronto and with them pressing the Toronto police for changes using the Police Audit.[9]

Bernardo And Homalka

Paul Bernardo remains in jail and Karla Homalka was released from jail on July 4th, 2005, having served her sentence. Again people debate whether she or Paul Bernardo were the greater danger to women. Is she dangerous without him? Some recognize that the willing "Barbie Doll" version of mindless femininity she was adopting in her youth might be more dangerous than they once thought. There are always predatory men ready

to use it. Rape crisis workers found themselves conflicted. We wanted to protect her from the sexism that blames her more than Bernardo by discounting the facts that he beat and raped her. We wanted to protect her from the threats of sexist violence aimed at her. But we also wanted to protect other women from the Karla who turns herself into an automaton for men, any men who will praise that femininity. Those are dangerous men.

Research On Violence Against Women And On CASAC

Enormous anti-feminist effort went into challenging the bit of government authorized research documenting the incidence of violence in Canada known as the 1993 Violence Against Women Survey. The author Holly Johnson was forced to defend her methodology. The attacks on the research and her are analysed in *Violence Against Women, New Canadian Perspectives.* In 2005 on www.Sisyphe.org *Backlash and Whiplash: A Critique of the Statistics Canada 1999 General Social Survey in Victimology* summarizes the issues as well. We are aware of a new generation of federally funded research seeking to focus Canadians on individual psychological and chemical management of women's responses to rape. But we CASAC women are building our own data bank. Some centres are digitalizing their years of crisis work for analysis. In Alberta, Lise Gotell and her team at the University of Alberta are collecting the data we as anti-rape centres had supplied from across the country about the nature and work of anti-rape centres. She was chronicling the lack of application by police and crown of the law reform work of the last decade.

"Marthas And Henrys"

Across Alberta more than 200 women have joined the listserve called *Martha's Monthly* (so named as Premier Klein refers to the "ordinary" Albertans as "the Marthas and the Henrys") and the March 2005 created quite a stir. Opposition parties read the *Martha* letters into the House and more than a few female MLAs are proud members of *Martha's Monthly.* This clever use of new technology as a resistance strategy appealed to me especially when *Martha* took on violence issues. Manitoba women still relied on the only anti-rape centre in Winnipeg. It operates as part of Klinic a long standing progressive health organization. And Saskatchewan women held one of the more important gatherings of aboriginal feminists in the last few years.

Coroner Inquiry, RCMP In Alberta

Jan Reimer, Co-ordinator of the Alberta Council of Women's Shelters was invited to the CASAC convention too but she was preoccupied in the spring of 2005 supporting battered women and shelter workers. They were preparing to intervene in the coroner inquiry into another murder of a battered woman. The femicide of Betty Fekete and her child Alex and the suicide of her husband Josif was a vivid reminder of the Heron case in

B.C. and of the repeated scenarios with the RCMP. In this case, her complaints to the RCMP, of violence against her, were imagined by the officers as just her way of communicating a version of her husband as controlling and dangerous so that she could manipulate to unfairly win custody of her son. Constable Pierre Morel of the Red Deer RCMP wrote that "complainant Blagica is using any means to get the upper hand." In many cases the RCMP seem unable to train officers to begin their response to violence by believing women are reporting incidents of violence in order to seek police help.

Workers at Alberta shelters had advocated for police protection of Blagica warning the RCMP that Josif had guns and was dangerous. He had already crashed into one shelter demanding access to his wife and forcing workers to secret her through the night to a shelter in another city. Workers told the RCMP of Blagica's emotional physical and sexual abuse by her husband. Still officer Peter Calvert testified that police had "no idea of the existence of guns before the murder suicide" and that "trying to find guns would have been time-consuming and complex noting that it would have taken four or five hours and they would have had to get a search warrant." Mounties admitted they didn't follow up with charges after being told of death threats. They had received dozens of calls in the months before the deaths but understood them only as mutually accusatory: the husband had complained that his wife didn't always use the car seat and sometimes didn't make herself available with the child, and the wife had complained of beatings, rape, danger to her child, and death threats. Blagica's 3-year-old son told a shelter worker of the Central Alberta Women's Emergency Shelter staff that he knew his father was going to kill him. The staff told the inquiry how Blagica Fekete tried to protect her son from the visit to his father. Those visits were required by the courts on the basis of his father's rights and the "best interests of the child." This mother had begged child protection authorities to recognize the safety issues for her and her son. When Josif returned the child to his mother after a visit, he came with a sawed-off shot gun and killed Blagica, Alex, and then himself. The coroner's inquiry was told that after the murders, the RCMP had conducted a rigorous review of themselves. We should all accept, they seemed to argue, their assurances that every problem was now fixed.

Heron, Mooney And Vlescick, Fekete—All RCMP Failure Cases

Another coroner inquiry had also concluded. This one examined the murders of Sherry Heron and her mothe, Anna Adams, at the Mission hospital, and the suicide of her husband. At the families request I had agreed to testify but the coroner decided, based on the arguments of the lawyer representing the federal government, that it would be distracting to have the perspective of women's groups or anti-violence activists. Every incident of violence against women had to be isolated from every other. No mention was made of any other cases except by the lawyer for the family who raised the Vernon massacre as a similar incident followed by a self-examination by the RCMP. But again as in the Mooney

case, the Vlescic case, the Fekete case, this death and this RCMP behaviour were completely separated from every other femicide or attempted femicide mishandled by the RCMP. The coroner's jury did its best with a lack of evidence in front of them and made the usual recommendations for training and oversight within the RCMP. And the RCMP assured us that better detachments existed and the RCMP brass had examined the situation and was already doing those changes and as they claimed in every case above, every problem was now fixed.

Bonney Mooney was shut out of the courts. Her case and our intervention were turned down. There is no further legal way for her to hold the justice system or the RCMP accountable for the abandonment of her and her daughter and the death of her loyal friend. She is left with her government saying on the one hand that she is, in the constitution, promised the rule of law, and on the other that she, when ignored by police and attacked by a vicious man, was "the author of her own misfortune."

Tyhurst And Abusive Doctors

In the Dr. Tyhurst case of sexually enslaving his patients, an aging Tyhurst was, in January, refused an opportunity to stall payment again. He was refused leave to appeal the decision against him to the Supreme Court. Still the woman is awaiting disbursement of the funds he owes her or the cost awarded by the courts.

Marilou McPhedron continues to defend herself in the Ontario case brought by doctors against her and we continue to defend the work she did, and does, to hold the medical establishment to account for abuses of women.

Pickton, Bakker, The Fujian Traffic, And Prostitution

The Pickton case lumbers toward preparedness with many a battle over legal aid costs in high profile cases since there is no pre-set schedule. It may be years before we see the thousands of pieces of evidence and learn the rest of the truth of the men who slaughtered the destitute women of the downtown eastside of Vancouver. But we know there is more than one. And we know the role of poverty, colonialism, and prostitution now.

The Native Women's Association of Canada was finally awarded the government money for their campaign to record the missing women from their communities and has created a national and international campaign. They did not settle for the money or for simply recording the horror. They have declared their position that men should be criminalized, as in Sweden, for demanding prostitution and buying sex. It seemed so appropriate that they should make this stand since it is the aboriginal women who are suffering in the greatest numbers and their suffering and the suffering of their families is being cynically appropriated in the call for legalization and regularization of the prostitution industry.

We are now faced with the opportunity and horror of the precedent-setting arrest of Donald Bakker. He was originally arrested for sex crimes against prostitutes and other destitute women in the downtown eastside of Vancouver. But when police found depictions of his child abuse in 70 videotapes of children overseas he was charged with those crimes. The location of his abuses has not been revealed yet, but it will be new to charge and try men for their sex tourism and sexual abuse abroad.

Since the arrival of the Chinese boat women in Canada, many coalitions have formed to respond to the needs of those trafficked. Still many were desperately trying to disintegrate the issues of international trafficking from domestic prostitution, or racism from prostitution or class and gender from prostitution. They were building walls that created false dichotomy between forced or "voluntary" enslavement, between child and adult "choices," between violent or "non violent rape." For us the links are made by Bakker and Pickton between sex tourism in the third world, child abuse, and violence against local prostitutes, between global economics and aboriginal women. For women of the Rape Relief collective in Vancouver, the connections between racism, tourism and prostitution, and women's equality are unavoidable, transparent.

CASAC Convention 2005

In May 2005, Vancouver welcomed some 120 frontline workers from all regions of the country to update the stories of women who call, to compare our experiences of advocacy and organizing, and to decide on new shared policy arising out of the LINKS report. We all wanted to embody, renew, and apply our approaches to ending violence against women. We needed to share our understanding of the Charter of Rights and Freedoms and to decide if there was still any promise in it. Since only a very few of those who wanted to come could attend the convention, we web cast one day of the events, prepared a permanent record, and sound recorded all three days of it for future use.[10]

We endorsed an internationalist anti-capitalist perspective as relevant to the fight against violence against women. We denounced prostitution as violence against women and have taken an abolitionist stance. We endorsed the Pictou Statement on economics including women's right to a guarantee of a liveable income. We rejected the notion of guest workers in Canada and insisted on landing needed workers. We rejected mail order bride systems and insist on protection for immigrant women violated. We rejected the model of Restorative Justice offered by the Canadian government and rejected any diversion to religious or otherwise privatized courts or tribunals.

We confirmed our expectations for police services including those to criminalize sexist violence against women, including prostitution. We confirmed our wish to protect from criminalization all the women prostituted/trafficked. We confirmed that we willingly accept progressive sentencing provisions for men convicted, but will not consider conditional sentences on sexist violence. We insist on written judgements of criminal

proceedings regarding male violence against women and that we do not consider court cases fair if they do not include the equality provisions necessary for women complaining and witnessing of violence against women. Several discussions were opened including a serious discussion as to whether it is ever necessary to jail women. Perhaps the most serious was the beginning of several talks about the relationship between us and the women who call us. How shall we see ourselves? How do we display that we and the callers are equals? What about her community? Are we to see ourselves as rape experts? Are they? Equality experts? Are we to practice as paraprofessional counsellors? Political players? What does activism mean in our organizations? Since we see ourselves as political people, what are the implications for action in counselling? Can women self-define? If not what political group are we?

Day Of Feminist Dialogue

We were joined by some fifty other invited feminists for our Day of Feminist Dialogue. During that day we presented our report and our policy decisions for their consideration.

For a special deliberation of how our proposed policies would address First Nations and Aboriginal women attacked, we asked for the opinion of several key women: those delegates of our centres who are of First Nations (including women from Nippissing, and Kenora) and the three past and current elected presidents of the Native Women's Association of Canada (Sharon McIvor, Terry Brown, and Bev Jacobs) plus the president of the Metis Women's Association (Sheila Genaille) and a Metis woman researching prostitution issues (Jackie Lynn), a representative of the Experiential Women's coalition (Cherry Kingsley), ex-volunteers at Vancouver Rape Relief and Women's Shelter (Tina Beads, Mabel Nipshank), past vice-president of NAC (Fay Blaney), and, we were joined by others over the day. We received a resounding endorsement for our equality approach, and our particular policies against Restorative Justice programs, prostitution, and diversion. We were clearly instructed on our political right and obligation as more privileged women to speak up in support of aboriginal women and when necessary to speak for aboriginal women. It was a challenging radical call for feminist support and solidarity which will be difficult and which I hope we will continue to meet.

In the hour or so we devoted to examining our plan against racism, we were challenged to continue to insist on the criminalization of violence particularly by the women of colour from the Black community, from the Muslim communities, and from the South Asian community. We were urged to stick by our position to refuse the diversion to religious or otherwise privatized courts by several members, particularly by the Ottawa center delegate and the representatives from the coalition against Shari'a law in Canada. They were joined by the guest from the African Canadian legal clinic in pushing us not to give up on the fight to make fair law apply to violence against women. We must not be dissuaded from our task by the current race and class biases of the overall justice system.

Asian and South Asian women led the caucus in calling on all of us to see our anti-prostitution policy and our call for feminist economic justice as an anti-racist stance that could achieve strides for women both within Canada and in our international work.

We were cautioned again to watch for and resist the increased criminalization of women that is occurring worldwide. We were told horror stories of what workers used to call double charging of both the husband and wife once she calls for police assistance, now being experienced as charging only the women and dropping the charges against him. We reminded ourselves that we wanted youth treated as youth and not charged or apprehended or jailed as adults. On the other hand we wanted them to have the advantages of legal representation and not be jailed or criminalized "for their own good."

Women activists, including founding members of national groups, told of fathers and husbands abusing them in the most privileged families and of the failure of the system to hold those men accountable. Mary Eberts among them denounced the silence maintained by women of privilege and called on powerful women to speak up for their own sake and for the sake of the less privileged.

As the day ended we renewed our appreciation and membership in both FAFIA and the World March of Women. But we also increased our expectation that as we moved into the next meetings with those umbrella groups like LEAF and NAWL, they would better reflect our expertise in Violence Against Women and the struggles of working class activists.

May Day Vancouver 2005

You just can't keep the women down. Especially the young ones.

Ask those tattooed and winged ones on stilts leading the Vancouver May Day parade. They came to greet the world's womanly aspirations and visions as they have been scrolled into the Women's Global Charter for Humanity. CASAC women were the organisers of the reception of the Charter to Canada. A motorcade of young women in a decorated van relayed the Charter from the American women greeting them at the border under International Peace Arch. These two gangs joined with other cheeky young women whose breezy skepticism by-passed the election campaigns underway in B.C. Their feminist women elders may be depressed at the state of equality mechanisms, but the young thumb their noses and flash their crinolins and their piercings and go directly to the street.

In their mother's electoral and judicial politics, public childcare, pay equity, an end to women's impoverishment and violence against women, are once again demanded and at best cynically promised. Listening to Canadian politicians and judges you could be led to think of these as lavish social gifts asked by special interest women's groups. Never mind they are the basics of women's economic, and social, civil, and political human rights. Even the United Nations has criticized Canada for unequal treatment of women.

The rowdy young including Erin Sandberg from North Delta and Paula Broeder of Kenora are not apolitical. Every week they answer the calls from women needing advo-

cates. In Vancouver they gathered with 150 other anti-rape activists to challenge the grim reality of individual men's power in the disappearances of aboriginal women and the daily assaults of men on women. Then they took on the institutional attacks on women's equality-seeking services both in Victoria and in Ottawa. They crashed the meeting of equality-seeking feminist legal scholars to put in their two cents worth. They make common cause with the blue hairs and the stilt walkers, hitting the streets in celebration of the consensus of visionary messages of their peers: women writing in Spanish, French, and English, as the Women's Charter for Humanity accumulates consensus circling the globe.

They were joined by Tonika Morgan entrusted among the young to carry the Charter scroll from Vancouver to Yellowknife, Winnipeg, Ottawa, Moncton, and Quebec. She carried it in solidarity with the 30,000 women who dispatched it from Sao Paolo, Brazil on International Women's Day 2005, and with the women of Latin American and Central America as it passed. From Vancouver's joyful rowdies, she would carry it on to 15,000 women waiting to greet her, and it, in Quebec City. One of them, Barbara Legeault, will be among the young who pass the Charter hand-over-hand through old Quebec City to the parliament.

All these young women refuse to suffer any party's cynical recycling of promises of women's rights as election rhetoric. They expect to achieve. They know that parties and politicians can ill afford to ignore them. Young women take to the streets to build and claim a future in which poverty among women, and violence against women, no longer constitute the social/political norm. Dancing, they gather their babies, their lovers, their sisters, and their mothers, with them.

Notes

1. See: http://www.nape.nf.ca/media/news_news_release_223.htm.
2. See: http://www.cbc.ca/stories/2003/12/02/nippard_031202.
3. Vancouver Rape Relief Society vs Kimberly Nixon and British Columbia Human Rights Tribunal, www.rapereliefshelter.bc.ca.
4. See: www.casac.ca/text/CASAC.convention.2005.htm.
5. 2005 Carrier, Micheline. "$270,00 granted Stella for a four day event on sex work." www.Sisphe.org.
6. In Gatineau for instance a federal grant of $43,000 was awarded to help the city develop a plan for a downtown red light district.
7. See: www.Sisyphe.ca.
8. Many can be found at www.rapereliefshelter.bc.ca and at www.casac.ca.
9. See: http://owjn.org/issues/assault/audit.htm.
10. The materials we used to prepare, the policies we debated, and the outcomes are being made available at www.casac.ca.