

Vancouver Rape Relief Womens Shelter

Report to the Committee on the Elimination of Discrimination against Women on the Occasion of the Committee's Periodic Review of Canada

September 2024

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Vancouver Rape Relief and Women's Shelter (About Us)

Vancouver Rape Relief and Women's Shelter is the longest standing Canadian front-line service for women victims of male violence. Since 1973, our group has responded to 51,673 women survivors of male violence including rape, battering, sexual harassment and prostitution. This year alone, of the women who called our 24-hour crisis line:

508 were victims of violence from their current or ex-male partner.

31 were sexually assaulted by their male supervisor or co-worker.

10 were raped by their male roommate.

32 were sexually assaulted by men who delivered them a service (a taxi driver, chiropractor, plumber, etc).

111 were raped by men they knew superficially through social circumstances like a party, mutual friends or someone they had a first or second date with.

89 were abused by their pimp or a sex-buyer (john).

106 were sexually abused as girls by their own fathers or other adult male family members.

67 were assaulted by men who were strangers to them.

469 called us this year seeking a safe shelter for themselves and their children.

Operating a rape crisis centre and transition house are forms of direct action, developed for women by women in the 1970s as a part of the second wave of the North American women's movement. We offer women immediate safety, support and advocacy and a women-only space to group and strategize fighting back against male violence.

Our collective membership comprises women of varying age, class and race including Indigenous women and half of our present members are 1st or 2nd generation immigrants. As women who were born and lived in this world as females, most (if not all) of our current and former members have experienced male violence in our childhood and/or adulthood.

Domestic Femicide

205 women and girls were victims of homicide in Canada in 2023.

Of the solved homicides, almost three quarters (72%) were killed by a male intimate partner or a male family member.

In some domestic femicides, in particular when the accused killed himself after murdering his victim and no charges were laid, police will not share any information on the case including names of the female victims or male suspects nor on the nature of their relationship. Sometimes police describe the case as an "isolated incident" stating that "there is no risk to the public" or that the man that was arrested was known to the victim, yet won't explicitly state that the accused was the woman's partner.

By monitoring cases of domestic femicide committed in our province, British Columbia, by men whose names were released by police, we were able to trace court records showing that many of these men were arrested and charged in the past for committing violence against their female partners but were released until their trial with conditions that didn't prevent them from murdering their women victims. Based on frequent media reports, this is the case across Canada. Routinely, men that are deemed dangerous by Crown prosecutors and judges, as evident by the granting of protection orders for their victims and no-contact as a bail condition, are released without proper supervision and fatally harm women.

Recommendations

We urge the committee to call on Canada to:

Inform the public in a timely manner of any case where a man kills his female partner using an explicit statement made by local police or provincial coroners (excluding victims' names when their family asks for protection of the privacy of the victim or her children).

Advise provincial coroners to publish comprehensive annual reports with the findings of each domestic femicide inquiry, including gaps and failures in systems and services that could have intervened to reduce the risk and protect the victim.

Create effective mechanisms to monitor and supervise the whereabouts of men charged with uttering threats against or assaulting their female partner. Advise Crown prosecutors and judges that if measures as such are not in place, men who pose risk to women are to be held in custody until the completion of justice proceedings.

Sexual Assault and the Criminal Justice System

"Rape, effectively, is legal in Canada." (A caller to Vancouver Rape Relief who reported being raped to police yet the man who raped her was never brought to trial).

The global waves of women's solidarity and sisterhood under the slogans #WeBelieveWomen and #MeToo have emboldened women victims of sexual assault to demand justice for themselves and accountability for their attackers and more women in Canada report being raped to police. According to Statistics Canada, in 2023, the number of police recorded sexual assaults was 36,625, an increase of almost 30% from the number of sexual assaults recorded by police 5 years earlier, in 2018. One would expect that such a significant increase of sexual assault reports that

police deemed as founded would be matched with a growing number of perpetrators being held accountable, yet this is not the case.

On the contrary, the data show that in 2016/2017 1,303 sexual assault trials in Canada resulted with a conviction of the accused while 5 years later, in 2021/2022 only 934 accused have convicted for sexual assault. It is worth noting that number of sexual assault charges increases consistently along with the increase of sexual assault reports but that increase on charges is rendered meaningless because a significant portion of them are stayed or withdrawn and never brought to trial. All in all, fewer sexual violence perpetrators are being held accountable by the Criminal Justice System and as such, Canada fails to “Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women.”

To transform the criminal justice system's response to sexual assault, we must have transparency and accountability at all levels: police, crown prosecutors and judges.

Recommendations

We urge the committee to call on Canada to:

Create mechanisms of civilian oversight of police investigations of sexual assault cases with an open and on-going review that will result in thorough investigations and appropriate charges.

Make Crown decisions and reasoning not to prosecute sexual assault cases (by not approving charges to begin with or staying/withdrawing charges after they were laid) publicly available.

Make judgements and reasons for judgements in sexual assault trials, especially those resulting in an acquittal, publicly available.

Impact of Supreme Court of Canada's “Jordan Decision” on Sexual Assault Cases

In July 2016, the Supreme Court of Canada (R. v. Jordan) set a timeline for completing criminal trials from when charges have been laid (18 months for cases tried in provincial court and 30 months for cases tried in provincial supreme courts). If the proceedings take longer than that, with rare exceptions, they are to be “stayed.”

While the reasons for this ruling are worthy as they are meant to protect both the rights of the accused and the interest of the victims by pressing the criminal justice system for efficiency, its impact in reality, based on our front line work and media reports (as no official national data is publicly available), is that many sexual assault cases have the charges “stayed” due to delay and the accused simply goes free.

Recommendations

We urge the committee to call on Canada to:

Make sexual assault cases a priority when setting court proceeding and trial dates and when assigning judges and courtrooms.

Appoint more judges and provide more courtrooms to reduce court backlog and delay.

Prostitution

We provide support to women who have been assaulted by pimps, men who buy sexual acts (aka in Canada “johns”), or men pressuring them into prostitution. We assist women who are currently being prostituted, women who are trying to escape prostitution, and women who are no longer in prostitution but still struggle with its long-lasting emotional and physical impacts.

“Prostitution is no longer legal in Canada. Since 2014, it has been a criminal offence to purchase sexual services. Women (and others) are immunized from associated criminal punishment for selling their own sexual services. This statutory framework reflects an understanding of prostitution as a practice of sex/gender inequality that is contrary to human rights and that exploits racism, poverty, disability, youth and the effects of the colonization of Indigenous women and girls.”

We encourage the committee to commend Canada for taking a legislative approach, which recognizes prostitution itself as harmful to the women engaged in it, and to society as a whole, and is consistent with both the Canadian Charter of Rights and Freedoms and Canada's international commitments.

What we know about pornography and prostitution from the women who call us and the members of our own collective who have exited prostitution, is consistent with the findings made in the recent report of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem, "Prostitution and violence against women and girls."

We fully endorse the Special Rapporteur's report and its conclusions and recommendations.

Recommendations

We urge the committee to call on Canada to adopt the report in its entirety and to promptly enact the following recommendations:

"Recognize prostitution with its connected variations, such as pornography, as a system of exploitation and violence, in part by considering the full spectrum of international human rights standards that apply in the context of prostitution (e.g., prostitution as a crime of rape, a crime against humanity, torture, slavery or femicide);"

"Mandate by law the provision of comprehensive tailored services to victims of prostitution; increase such services, including single-sex spaces to prostituted women and girls, irrespective of their migration status, as well as on housing, psychosocial support, rehabilitation, trauma healing, child support, support to exit prostitution, education, vocational training, access to a documented status and income generation; give due consideration to victims' agency, and avoid conditioning aid and support for victims on their official condemnation of prostitution; and increase outreach to victims, including through translation services;"

"Address the root causes of the prostitution system, including sexism, racism and class-based domination, gender-discriminatory laws that trap women and children into poverty and make them vulnerable to prostitution;"

"Recognize the prevalence of young girls entering prostitution, particularly from marginalized backgrounds, and implement initiatives that offer alternatives, promoting education and economic empowerment;"

"Adopt regulations that comprehensively target pornographic content and explicitly criminalize the possession, production or hosting of material as they violate the right to life and dignity, and constitute torture or inhumane or degrading treatment."

Poverty

It has been well established that poverty increases women's vulnerability to male violence by preventing women from leaving abusive relationships, forcing women to stay in poorly paid jobs where they are objectified, exploited and harassed and is a key coercive factor for women resorting to prostitution. The high cost of living and the lack of affordable housing pressure women to share housing with men and we receive increasing number of calls from women who were raped by their roommates. The intersection between violence against women and poverty is well documented and evident in Indigenous women's lives and their suffering from multiple forms of discrimination is noted by the committee in its previous periodic review of Canada.

Recommendation

We urge the committee to call on Canada to

Establish the provision of a Universal Guaranteed Livable Income that meets adequate standards of living, promotes women's choice and independence and enhances women's full participation in political, social, and cultural life of Canada.

Drug Addiction

In the last 5 years, 2,296 women died of accidental apparent opioid toxicity in our province, British Columbia. From our frontline work, we know that women often turn to drugs to cope with the violation of their bodily autonomy and that being dependent on drugs significantly increases women's vulnerability to male violence.

Recommendation

We urge the committee to call on Canada to

Provide women-only detox and long-term recovery on demand. Services for women struggling with substance use need to address and support women's trauma from male violence and sexual exploitation.

Police Sexual Misconduct

Sexual violence of male officers against women colleagues in the police force and against vulnerable women whom they access while on duty have been frequently reported by the media but no significant efforts have been made to uproot this misogynist behaviour.

Recommendations

We urge the committee to call on Canada to:

Ensure that police recruits undergo a thorough screening and reject their application if they display misogynistic attitudes.

Create a clear accessible supportive mechanism for women in the force and the public to complain about police sexual misconduct and publish annual reports on the results of these complaints.

Women-Only Space

“Violence against women is a manifestation of historically unequal power relations between men and women... violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.” (UN Declaration on the Elimination of Violence against Women)

Our shelter, peer counseling and support group are available to women who were born female and raised as girls into their womanhood, since the crux of our shared life experience with the women who call us is that our collective members were born females, raised as girls and lived our adult lives as women, not by choice or as an internal feeling but as a social construct manifested in our material reality.

Being born female still means being trained, socialized and forced to submit to male domination. A political practice we use when we group with women is consciousness-raising, telling our stories and hearing other women's personal narratives and understanding and contextualizing this history as a collective experience and a manifestation of women's oppression.

Our legal right to have our membership and services exclusively open to female-born women and to exclude anyone who doesn't share the life experience and oppression of the class of people who were born female and raised as girls into womanhood was confirmed by the British Columbia Supreme Court and affirmed by the British Columbia Court of Appeal.

In June 2017, Bill C-16, An Act to amend the Canadian Human Rights Act and the Criminal Code became law in Canada. The Act added “gender identity” and “gender expression” to the list of prohibited grounds of discrimination in the Canadian Human Rights Act.

At the consideration of the bill in the Senate, Jody Wilson-Raybould, who was Canada's Minister of Justice at the time and the sponsor of the bill, was asked to respond to some women's groups' critique that the proposed amendment “will infringe on the rights of women.”

Minister Wilson-Raybould assured the Senate (and the Canadian public) that the amendment “does not take away from protections for women.”

When we appeared before the Senate, we urged it to “expand the study of the bill to allow full discussion, serious and complicated thinking and careful, nuanced articulation that will result in legislation that reflects the noble promise of protection and advancement of equality for all.”

We warned that this “well-intentioned legislation will be used to undermine the rights of women and the crucial work of women's groups to serve and organize with female-born women.” As it turned out, we were right to be worried.

Backlash to our Women-Only Position

In March 2019, Vancouver's city council terminated the annual grant we had been receiving from our municipality until we make "changes to become aligned with the grant criteria and City policies," even though the grant was designated to our public education work and events that are free and open to all people and therefore consistent with the city's inclusion policy.

This decision was made while acknowledging "VRRS' services have been and are very important and they are right to be proud of their work supporting women who were born as women" and despite many Vancouverites calling on the Mayor and Councillors to continue funding for the public education Vancouver Rape Relief does.

Later that month (March 2019), a federal grant from Women and Gender Equality Canada that we were approved for was withdrawn, citing our policy to serve only female-born women as the reason.

A few months later, in July 2019, a dead rat was nailed to the door of our space and in the following month (August 2019), that same space was vandalized with violent graffiti, "Kill TERFS." These incidents were reported on local and national media, yet not one federal Parliament Member, British Columbia Legislative Assembly member nor Vancouver City Council member made a public statement to denounce these acts.

Consequences of the Backlash against our Group

The backlash against our group and the vilification of a position that is grounded in long-standing feminist analysis including CEDAW impacted not only our own group but also has created a chilling effect among women's organizations across the country, who will house only female born women in practice but will not declare it publicly to avoid facing backlash, including loss of funding.

In recent years, countless Canadian women have reached out to us in confidence to express their support for our position and work and admitted to their inability to speak up fearing social sanctioning and loss of employment. The silencing, smearing and intimidation against women "for expressing their opinions and beliefs regarding their needs and rights based on their sex" are accurately noted in the concerned statement of the UN Special Rapporteur on violence against women and girls and in her article "Repression of women is blocking the SDGs."

Recommendations

We urge the committee to:

Express its alarm and concern about the mistreatment of a Canadian women's organization that offers space and services exclusively to female survivors of male violence.

Express its appreciation for the enshrinement of "sex" as a protected ground in the Canadian Human Rights Act and provincial human rights codes.

Call on Canada to support via funding and other means the work of women's organizations that offer female born women single-sex space in accordance with Article 4 of the UN Declaration on the Elimination of Violence Against Women.

Call on Canada to foster respectful discussions and debates on the definition and meaning of "sex," "gender" and "gender identity" and welcome women and women's groups expressing their opinions on women's needs and rights based on their sex.

Call on Canada to denounce and condemn any attempt to intimidate, threat, attack, silence and boycott women's groups and individual women for speaking up on the unique experience and needs of female born women and girls and remind Canada that the "Attempts to silence women based on the views they hold regarding the scope of gender identity and sex in law and in practice and the rights associated with these, severely affects their participation in society in dignity and in safety, as well as their country's prosperity and development."

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