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**Standing Committee on
Justice Policy**

Intimate partner violence

1st Session
43rd Parliament

Thursday 1 August 2024

**Comité permanent
de la justice**

Violence entre
partenaires intimes

1^{re} session
43^e législature

Jeudi 1^{er} août 2024

Chair: Lorne Coe
Clerk: Thushitha Kobikrishna

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON JUSTICE POLICY

Thursday 1 August 2024

COMITÉ PERMANENT DE LA JUSTICE

Jeudi 1^{er} août 2024

The committee met at 1030 in committee room 1.

The Clerk of the Committee (Ms. Thushitha Kobikrishna): Good morning, honourable members. In the absence of the Chair and Vice-Chair, it is my duty to call upon you to elect an Acting Chair. Are there any nominations? MPP Dixon.

Ms. Jess Dixon: I nominate MPP Bouma.

The Clerk of the Committee (Ms. Thushitha Kobikrishna): Does the member accept the nomination?

Mr. Will Bouma: Yes.

The Clerk of the Committee (Ms. Thushitha Kobikrishna): Are there any further nominations? There being no further nominations, I declare the nominations closed and MPP Bouma elected Acting Chair of the committee.

Congratulations.

INTIMATE PARTNER VIOLENCE

The Acting Chair (Mr. Will Bouma): Good morning, members. I call this meeting of the Standing Committee on Justice Policy to order. We are meeting today to resume public hearings on the committee's study on intimate partner violence. Are there any questions before we begin?

Seeing none, as a reminder, the committee has invited expert witnesses to provide their oral submissions. Each witness will have 10 minutes for their presentation, followed by 20 minutes for questions from members of the committee. The time for questions will be broken down into one round of seven and a half minutes for the government members, one round of seven and a half minutes for the official opposition, and one round of five minutes for the independent member.

Thank you for joining us.

DALHOUSIE UNIVERSITY

The Acting Chair (Mr. Will Bouma): I will now call on Suzie Dunn, assistant professor at Dalhousie University's Schulich School of Law.

Ms. Dunn, thank you very much for joining us today. As much as I dislike Zoom meetings, I am so thankful that we have these opportunities—instead of making you come all this way.

Again, you will have 10 minutes for your presentation. Please state your name for Hansard, and then you may begin.

Ms. Suzie Dunn: Thank you so much for inviting me. My name is Suzie Dunn. I'm an assistant professor at Dalhousie's Schulich School of Law. My specialization of research is on what we call technology-facilitated violence. When it comes to intimate partner violence, the research that I do looks at the different ways that technology can be used to engage in harassment, violence and abuse.

Technology is evolving at such an incredible pace that we're seeing really novel forms of technology-facilitated violence. Some things that are coming up that are very new are things like the use of generative AI to create non-consensual sexual images of people without their consent, both used to harass individuals but also to use them as a form of extortion to keep them in relationships.

Often, when we're thinking about technology, people are thinking of these really complex technologies like stalkerware, which is a type of malware that can be installed on someone's computer in order to track everything that they're typing or taking photos of or any information that they're exchanging with people, or they're thinking of deepfake technology, where you use AI to swap out faces onto someone to make it look as though they're saying and doing something else.

But in the research that I've done, most commonly what we find is that people are actually using quite simple technologies in order to engage in intimate partner abuse. We're seeing things like forcing your partner to give you all of your email passwords or all your social media passwords so that you can track all of their communication. You can track their location, where they're going, requiring people to have information on Find My iPhone, which then allows a person to always see where you are. So you see these classic forms of intimate partner abuse such as stalking, such as harassment, such as coercive control, but it's just using very basic technologies in order to be able to control a partner in an intimate relationship. Often, it is these old forms of harassment and abuse that we're just seeing new forms of technologies being used for. So you can do something like buy an Apple AirTag, which is \$25. Many of you probably have them in your suitcases to track them when you're travelling. People can use those to pop on someone's car or to put in someone's purse.

In relationships that have split up and there is a child split between two people, often what we'll see is someone will put a tracking device or they'll put a camera in a gift that the child is given, and it's something that goes between

the two homes. One of the parents will be using it to spy on and track the activities of another individual.

We've seen the use of Internet of Things technology, so things like your smart fridge, your Siri device or any sort of technology that's Internet-connected. Often, what will happen is, when people are together in a relationship, one person will generally set up all that technology and have all the passwords for it, and then even if you separate, if you're still in an abusive relationship, that person can use that technology to track and control another person.

Often, with these types of abuse, we can apply various existing laws—we can apply laws like harassment; we don't necessarily need to create new laws—but with some new forms of digital technologies, we have had to see new laws be created. The most common example that's given is the non-consensual distribution of intimate images, which we saw created as a criminal offence in, I think, 2015, and then over time we started to see the introduction of civil statutes across Canada to help people who have had their intimate images shared without consent.

Depending on the province you're in, your rights are quite different. In provinces like Nova Scotia and Manitoba, they not only have civil laws that protect people against this type of intimate image sharing, but they also have government bodies that help support people. Here in Nova Scotia, we have a body called CyberScan that helps people who've had their intimate image shared. If they've been cyberbullied in Manitoba, they have the centre for child protection, which actually helps adults, as well, against intimate image sharing.

In modern relationships, people are engaging in sexual communication digitally, and that's something that we don't want to say is a bad thing; we know that's a normal and healthy aspect of relationships when it's done in a trusting way. But because people often have nude images of their partner, when things go wrong or when a relationship becomes abusive, those images could be used as quite a coercive tool. What we've seen in relationships is that these images have been shared with friends, family, workplaces in order to humiliate a person or punish them for leaving a relationship. A trend that we're seeing more and more of is sexual extortion—and we're seeing this across the board, amongst adults and with children—where when someone has an intimate image of a person, they'll use it to control them and demand particular behaviours. What we're seeing is, with girls and women, people are using those nude images and saying, "I have a copy of these images of you. You now need to send either more images or more explicit images, or you need to stay in a sexual relationship or a romantic relationship with me, and if you don't, then I'm going to send out more of these photos."

I was recently in conversation with the centre for child protection in Manitoba. Particularly with young girls who initially start off these relationships with people online, who they often think are boys their own age but turn out to be adult men who are exploiting them—they'll require them to send more and more graphic and more and more explicit images, and some of the content that they're creating is quite distressing.

What we see happening with boys and men is that they're often contacted by people who they think are women around their age, and they develop a quick, intimate relationship with them. Usually, the person will share images of who they say they are—a nude image of a woman or a girl—and then ask the man or the boy to share images in return, and then, once they've shared those images, they use it for financial extortion. I'm sure many of you have heard some of the tragic stories of young men in these situations; some as young as 11 have committed suicide, in places like Prince George.

So it's a really important issue, and the challenge that we find with these harms that occur through digital technologies is that there are not a lot of supports out there for people. People don't know where to go. People aren't being educated very well on how to handle these types of situations.

I'm on a project called DIY: Digital Safety, where we're working with young people and asking them what solutions they want. Often, they don't want to go to the police. They often don't want to use law as a solution; they want to find some sort of informal or non-legal way to solve their problems. And there are very few people with expertise. We have very little education in our schools teaching people what healthy digital relationships look like, how to share intimate images in a healthy way. We have very few anti-violence organizations that have the expertise to manage these types of digital harms that are occurring.

Even if a person is able to report what's occurring to them to law enforcement and what's happening to them is actually a crime, what we're seeing is that some jurisdictions don't necessarily have the expertise to be able to investigate who it is who is causing these types of harms and how to collect the evidence that's needed, because the challenge that comes with technology-facilitated violence is that there are ways that people are able to be anonymous. An ex-partner can harass another person using a fake account. People are able to harass and harm each other across jurisdictions, so there are challenging jurisdictional issues, and sometimes uncovering the layers that people have done to hide who they are can be a real challenge. So there's a lot of technical knowledge that's missing in the areas where people are needing support.

Some of the things people are doing to each other are quite malicious. A trend that we've seen recently is that in abusive relationships that have ended, the abusing partner will create fake websites in a person's name. So they'll say, "suziedunn.com," and they'll accuse their ex-partner of being a white supremacist, of being an abusive parent, and they'll be able to create fake content about them and also produce a lot of private and intimate content.

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What we know in today's era is that when someone googles your name, if they find that type of content about you, it can impact your ability to get a job; it can impact your ability to find new relationships.

There was one case in British Columbia a few years ago, *R. v. Fox*, where he thought what he was doing was legal and he said—

The Acting Chair (Mr. Will Bouma): Excuse me for just a second—one minute left, and so if you could just wrap up, and then I'm sure we'll hear more during questions.

Ms. Suzie Dunn: Okay, great.

He said was going to do whatever he could to drive this woman to poverty or suicide.

You can really do a lot of work, too, to harm someone's reputation online.

The last point I'll make, now that we've only got a minute left, is that I think there are other jurisdictions that we can look to that are providing extraordinary support.

In Australia, we see the example of the eSafety Commissioner, which is a government-funded body. If you're experiencing harassment, if you're experiencing tech-facilitated abuse, you can get a hold of that government body and they can provide supports, they can get content taken down from social media companies. They're also doing evidence-based research to figure out what the problems are, what the harms look like and what remedies need to happen.

I think that's something that's a gap here in Canada, where we don't actually have a lot of Canadian-based evidence—outside of what we're seeing from things like Statistics Canada that's collecting data on the increasing levels of technology-facilitated violence.

I'll leave it there. Thank you for the time.

The Acting Chair (Mr. Will Bouma): Thank you very much.

We will now turn to the opposition, with seven and a half minutes of questions. Member Wong-Tam.

MPP Kristyn Wong-Tam: Professor Dunn, thank you very much for your verbal submission today. Obviously, you are a subject matter expert as it relates to digital and technology-facilitated violence. I've followed your work for some time. There really aren't too many experts who are doing the research that you're doing and taking the time to speak to government bodies to inform us that there are significant legal loopholes that need to be closed, legislation that needs to be created, and even some that need to be updated. So I relish this opportunity.

I want to begin by asking you about the distribution of images—obviously, this is going to change from province to province; every province has a different legal framework. I'm very interested, because you mentioned a few provinces off the top, about those that might be leading the way; they've done a lot more work than perhaps we have, or other provinces. I'm just curious in terms of who is leading the way when it comes to creating the type of legal framework to address non-consensual distribution of images. And what does Ontario need to do to close that gap?

Ms. Suzie Dunn: I think there are three provinces that are doing extraordinarily good work. I think here in Nova Scotia, our intimate image bill is actually quite broad. It covers intimate images as well as cyberbullying. Often, what we see with the distribution of intimate images is that it will often include doxing, where someone's personal information is shared—their name, their address, their

social media—so I think having legislation that's more inclusive than just the intimate image is important.

Recently, we saw a change in Manitoba's intimate image laws, where they have expanded their definition of intimate images to include not just deepfakes but also generative AI. I think the language they're using is very important there. I just wrote a paper on that that will be published in the McGill Law Journal.

I think Nova Scotia and Manitoba are doing very well by having these government-funded, supported organizations that do research, education and direct support.

Finally, the province that I really think is leading the way in many ways—because often what victims want is support in getting content taken down, and often what they need is a legal order to get that content taken down off of porn sites, off of other sites. In British Columbia, their civil remedies tribunal has a fast-track option. So if you don't want to go for the full civil remedies, you just want a quick—get an order for a takedown, it's a max \$5,000 in damages. It's basically an online system that a person can do without a lawyer—they can do it on their own, and they can get supports and get an order for getting that content taken down.

MPP Kristyn Wong-Tam: I do recognize that British Columbia has done some very innovative work, largely driven because of the advocacy that has happened in those communities.

It's a pervasive problem, but it's not a very well-known problem. Oftentimes, the victims are further revictimized when their story is told, so there's quite a bit of shaming, because it's sensitive material in distribution.

I'm curious to know the type of supports that government can put in place in order to protect the privacy of that individual who needs to put up their hand and report it—but at the same time provide ongoing support, and it doesn't always have to be in the conventional ways, to make sure that that individual, who may be a young person or someone living with vulnerabilities—how do they recover from such a scarring and traumatic event?

Ms. Suzie Dunn: I think, first, allowing anonymity and having anonymity be the default with any civil or criminal trials that address these issues is important. But also, you need to check in with the victim, because sometimes they do want the person named; they want themselves and the perpetrator named. So that should be a victim choice. But defaulting on anonymity is important.

One of the challenges that we're seeing with young people is that a lot of young people are misinformed that if they take a nude photo of themselves, they're creating child pornography, which is not true in Canada. *R. v. Sharpe* at the Supreme Court of Canada has said that that is not a form of child pornography; we have the personal-use exception. So informing young people that they're not going to get in trouble if they report those images—only the person who shared without consent is going to cause harms.

Rhiannon Wong, who works at the BC Society of Transition Houses and with Women's Shelters Canada, has been an extraordinary advocate in creating websites like

techsafety.ca, which is a website that describes laws, shows people how to collect digital evidence, and provides both legal and non-legal solutions. They're releasing another website today called Compass, where people who have had their intimate images released can find information on both legal and non-legal solutions.

So part of the government response, I actually think, is funding non-profit organizations that already provide victim-focused support, so that people can go there and get the emotional support they need—because often, the most important thing for people to hear is, “It’s not your fault that someone shared your intimate image without consent. It’s normal to take a nude photo of yourself, and you should never get in trouble for that.” And sometimes you need that from an anti-violence organization.

MPP Kristyn Wong-Tam: Professor, I don’t have much time left, but I want to ask you one final question.

When it comes to the responsibility of schools—because all these children and youth are in schools. I know that many school boards are struggling to keep staffing levels to retention—the overcrowding of classrooms. So there doesn’t seem to be a lot of time and energy to focus on curriculum that’s essential to keeping children and youth safe.

I’m curious to know: What is the responsibility of this government when it comes to ensuring that educators and school boards have the resources necessary to keep their student and faculty population safe?

The Acting Chair (Mr. Will Bouma): Just over a minute left.

Ms. Suzie Dunn: With the DIY digital rights project, we’ve been looking into improving sexual education in schools and digital literacy in schools. We need to include, explicitly, issues on technology-facilitated sexual violence and provide the training so educators both feel comfortable and knowledgeable to be able to talk about these issues within classrooms. It should be required, at the very least, within our sexual health education for young people—age-appropriate, starting with things like consent for non-sexual images being posted, all the way up to talking about what you do when your images have been shared without consent.

MPP Kristyn Wong-Tam: Professor, thank you very much for coming to the committee today. I recognize that you’re bringing a very specialized set of skills and expertise—which we haven’t heard from, so far. So thank you for that.

The Acting Chair (Mr. Will Bouma): I will now turn to member Clancy. You have five minutes.

Ms. Aislinn Clancy: Thank you so much, Professor Dunn, for coming today. I’m super interested in what you’re talking about, as a former school social worker. This is subject matter that has exploded in recent years. I think our school systems and even our mental health supports in communities are not prepared to address this. That’s just my lived experience, as someone who has tried to support young people through this.

I do have major concerns about accountability to social media platforms. I feel like the horse is out of the barn.

Not only are young women being negatively impacted by feeling bad about their bodies and so on, but young men are being disinformed, misinformed and indoctrinated somewhat by hyper-misogynist content creators on many platforms that are ongoing. Can you speak a little bit about that?

1050

Ms. Suzie Dunn: I think some social media companies have made great efforts to have good content moderation, but it clearly hasn’t been enough. Over and over, we hear social media companies saying they’re doing the best they can, but what we’ve seen—for example, through The Facebook Files with the Wall Street Journal—showed that they knew that Instagram was causing harms to young girls about their body image. They created some program to say, “This will be helpful to change girls,” and they did some research and realized the program wasn’t effective, but they still released it, just to make it look like they were doing something. The greatest challenge we have, as people who do research in this area, is that we have no data and we have no information on what they’re actually doing. I think we’re now at the stage—and we’re seeing this across the board; we’re seeing this in Europe; we’re seeing this in the UK—where social media companies need to be required to share that type of information with people, so that they can do research to show whether they’re effectively protecting young people, protecting vulnerable groups.

Then, what we’re seeing with things like the federal online harms bill, requiring social media companies to report on and mitigate the harms that are being caused on their apps—because to date, there’s just no profitability system that makes sense for social media companies to do that on their own. We know that extremist content, we know that violent content, we know that very sexualized content is extremely profitable for social media companies, and unless they’re regulated to better address these harmful issues, they’re not going to do it on their own.

Ms. Aislinn Clancy: So I understand that maybe we need to coordinate with the federal government to ensure that these things are mandated and that we move forward in a way that’s going to clamp down—is that what I’m hearing?

Ms. Suzie Dunn: Yes. I think so, too. I think, provincially, we can fund research that’s Canadian-focused on what the harms are that people are experiencing online. The research we’re doing with youth right now—often, we rely on data out of Australia, data out of the United States, but in Canada we have some really unique issues, particularly for rural and northern youth. Some of the interviews we did up in the territories—we talked to some kids who are one of the only trans kids in their community, and they didn’t have any other friends up in the north. They didn’t have the types of supports that you would get if you’re living in Toronto or if you’re living in Ontario—so Canada has very unique issues to the types of harms they’re experiencing. Racism is experienced differently in Canada. Sexism is experienced differently in Canada. So we need to know, what is it that Canadians actually need? I

think having governments engage in that type of research, so that we can have evidence-based research on what social media companies should be doing—and when we have data from them, that will be much more helpful.

The Acting Chair (Mr. Will Bouma): One minute.

Ms. Aislinn Clancy: Thank you so much.

I'm curious a little bit about pornography. I feel like it's being accessed at a much younger age. Again, I feel like there's nothing in the community; we've defunded programs, four in Ontario that I know of—three that were federally funded, one that was provincially funded—for perpetrators of sexual violence. So not only are we not growing and expanding this; we're actually cutting programs that have reduced recidivism. Can you just say one comment on what we need to do to help with this issue?

Ms. Suzie Dunn: Pornography, I think, is an educational issue. It's something people are very uncomfortable talking about. Right now, what we're hearing from youth is that their primary sexual education is coming from pornography. What we know is that pornography is fantasy; pornography is often male-focused; pornography often involves fantasized violence—and young people don't necessarily know the difference between what healthy sexuality looks like and comparing that to pornography. It's a difficult conversation to have, but it's something that needs to happen in schools. I think that there are challenging conversations on what we need to do to discourage young people from accessing pornography at younger ages. Age verification is extremely complex—it has massive privacy issues coming for it. But I think the primary place where we need to be addressing young people looking at pornography is within schools.

The Acting Chair (Mr. Will Bouma): I'm going to turn to the government members now, and I'll start with member Dixon.

Ms. Jess Dixon: I'm going to turn most of my time over to MPP Smith, but Professor Dunn, I wondered if you could comment briefly on—and I know this would only be a tiny fragment of any type of response. It's not my area of competence in law, but I understand in I think it was the Merrifield decision that essentially Ontario—we didn't find a common-law tort of harassment. I know Alberta has been working on that. Do you think the idea of a tort of harassment has benefits in this area? I don't know if it's deterrence or even addressing some of the harms, and I know that would just be a tiny part of it—but if you can comment briefly on that.

Ms. Suzie Dunn: Ontario does have an online harassment tort, but that tort is actually quite a high threshold. It's really meant for people who are almost obsessively stalking people. I think a tort of harassment could be helpful, but the challenge with civil law remedies is that they're quite inaccessible; they're quite expensive for people to access, so although I think that harassment could be useful for some people, I think that there are some other torts that could be useful—intentional infliction of emotional distress.

I'm doing a lot of research on privacy. A lot of the privacy torts that we have around false light, which is also

introduced in Ontario, would cover a lot of these forms of harassment—appropriation of personality, in some circumstances.

So I think harassment could be an additional tort that could help some people in particular situations, but again, civil law can be very difficult to access for people who don't have the financial means.

Ms. Jess Dixon: I'll turn the rest of my time over.

The Acting Chair (Mr. Will Bouma): Member Smith, you have just under six minutes.

Ms. Laura Smith: Thank you, Professor, for being here.

We've brought up a lot of great points, especially about the initiatives that have happened out west. It's interesting, because I was noticing BC actually has a sign clearly in the airport that deals with human trafficking, which is slightly related to what we're talking about—basically, “Human Trafficking Ends Now”—a big sign, an easy app so that people who are travelling can see that. Sadly, human trafficking tends to deal with individuals moving one place to another, so this was a very good spot for it to be. I flipped up my phone, I took the app out, and I got a lot of great information, including identifying—which, by the way, is something that our school programs have been working with. Initiatives have come through the Ministry of Community and Social Services and the Ministry of Education to assist in identifying vulnerable students. We've put funding to that.

Getting back to social media and what we can do, what type of social media initiatives we can recommend to raise awareness for this and its impacts, I'd greatly appreciate any kind of lead you can provide us in that.

Ms. Suzie Dunn: What we know is that young people are on social media; that's where they're spending the majority of their time. So I think having youth-focused campaigns that are pushed through social media in ways where they will get access to them could be helpful.

When we think about things like human trafficking, often what starts is what people think is a legitimate romantic relationship. It's often targeting people who are vulnerable, who might come from families where they don't feel a lot of love, they don't feel a lot of connection, and they're coerced into these relationships. So I think there needs to be information available for young people, for young girls.

Also, on the flip side, when we look at people like Andrew Tate, who is quite popular with young people, one of the ways that he earned money was through finding loyal women to work in various forms of sex work for him so he could take their money.

These are some of the thought leaders we're seeing. I think with some of these more extreme people like Andrew Tate, who are advocating for sexual violence against women, who are advocating for extreme misogyny—there also needs to be some work with social media companies to limit or ban some of these more extreme accounts so that young boys and young men are not getting these ideas on how to traffic young girls. There is a lot of information about young girls and how to protect them, how to show

them the signs that they need to look after themselves, but we're missing a lot of education for boys and young men who are normalizing this type of behaviour and even glorifying it.

Ms. Laura Smith: If we can go back to our role—what can we do in our sitting position right now to fix or amend policies to better enable your position?

Ms. Suzie Dunn: For the policy, I think I circle back to having government-funded bodies where people can go directly to for help, that have extremely well-trained, well-educated people who understand technology, who understand how social media relationships work, who understand how people get lured from, groomed through technology—and also to make sure that we can speak to people, to not blame them for getting in these situations. Again, with trafficking, a lot of these young people think they're in loving relationships in the beginning of them. So making sure, once they realize that they're being exploited, that they're not being blamed for being tricked in those types of ways—and so, having authentic, easy-to-access spaces.

1100

One of the challenges we see with young people is, sometimes the spaces that they need to access—and this is true with CyberScan in Nova Scotia—they need parental or adult consent to talk to a person. So when we're creating government initiatives that allow people to get these types of supports, we need to make sure that young people can access them confidentially and anonymously.

Ms. Laura Smith: You talked about the data or the lack of data per se. I'm interested, actually, in law enforcement and their agencies and how they respond to this and—what changes would you recommend apply so that we can better equip them with their role within this?

The Acting Chair (Mr. Will Bouma): A minute and 20 left.

Ms. Suzie Dunn: What we see is that most people who are highly skilled in tech issues in policing are often relegated to dealing with child pornography, which is one of the most severe and horrible problems that we see, dealing with technology. Their resources are used primarily there, and there are not a lot of resources left. So I think, as governments, making sure that most police departments have multiple individuals with expertise on things like how to collect digital evidence; how to properly, with legal authority, identify individuals who might be anonymized; how to do legal searches of phones—these really basic types of technologies, and again, the social skills that they need in order to be able to address victims without making them feel like they're being blamed or getting in trouble.

We hear a lot of anecdotal evidence of people going to the police with these social media problems, with these intimate image sharing problems, and in some cases being told, "There's nothing we can do about it. We can't identify this person. Just turn your social media off." We know in today's day and age that that's not an appropriate response—so making sure that police have the skills to properly address victims using a trauma-informed approach and also having the technical skills that they need, through

proper legal means, to access the evidence they need to be effective in their job.

The Acting Chair (Mr. Will Bouma): Professor, thank you very much for your testimony today. On behalf of the committee and indeed the government of Ontario, we really appreciate you taking the time today to join us and to give your testimony. I really appreciated hearing that. Thank you again—and as we work towards direction on this, I appreciate that.

MR. TOD AUGUSTA SCOTT

The Acting Chair (Mr. Will Bouma): We will now call on Tod Augusta Scott.

You will have 10 minutes for your presentation. Please state your name for Hansard, then you may begin. I'll just let you know that I'll try to give you a one-minute warning, but I'd like to try to let you finish your comments. Even if you go a little bit over, that's okay—but around 10 minutes, please.

Mr. Tod Augusta Scott: Great. I'm glad to be here. I'm Tod Augusta Scott. I'm located in Nova Scotia. I've been doing this work, with men who have used abuse against their partners, since the early 1990s, and I currently am the trainer and supervisor for all the men's programs across Nova Scotia. The work that we're doing is being researched by Dalhousie University—a four-year project. We're unfolding pilots across Atlantic Canada. So that's the grounding of the 10 minutes that I'm going to be sharing with you.

In the context of Nova Scotia, the work with men has really developed within the women's shelters movement. Specifically, the work that I've done has also happened within the context of a very large Indigenous community that's next to us. Also, we've worked with numerous people of the gay and lesbian community and others along the way.

When we started this work in the early 1990s, we were in a similar place, I think, as where PAR is now. Really, we had a one-size-fits-all approach to the issue, which was, we put men in groups, and we gave women safety plans; we did partner checks. Part of the idea behind treating everybody the same—there are numerous reasons for that, one of which is, we thought all the men were the same, so we really couldn't tell the difference between high-risk guys, low-risk guys or different contexts. And with the women, the same—we just thought they were all high-risk and wanted to leave these relationships, which characterizes some of the women, but a lot of them don't fit that description. Over the years, we've been able to become more responsive to individual women and men in this situation and really make the work more accountable to the people who have been harmed by moving away from this one-size-fits-all approach.

I want to share with you this safety and repair approach that we've adopted, and I've presented nationally and internationally on this approach. It was initially funded through the Department of Justice in New Brunswick and since then has spread to numerous other places. The safety

and repair approach to this work is both honouring, really, the women's shelter movement around establishing safety—and then, with that, just over the years, really in the beginnings of this work we thought we'd be lucky if we could even establish safety. We were kind of cynical that the abuse would even stop. We've moved way past that now, to not only can the abuse stop, but for a lot of people, we can actually engage the guys in repairing the harm that they did. So it's not just about stopping the abuse; it's actually about being able to repair the harm. For that, we've really drawn on the shelter movement in terms of the safety issues, and then also in terms of the repair issues, where it's possible, we work with a restorative justice sensibility, a restorative approaches and practice sensibility, as well as a family therapy sensibility.

What I want to be clear about: In terms of the safety-and-repair piece, one of the principles that we hold on to is, "How do you repair harm without creating more harm?" So we're mindful of that. We're looking at safety throughout the process. I also want to be clear that the process of repair in the context of intimate partner violence—although we use it with gender-based violence, I just want to specifically speak to intimate partner violence. We're not talking about necessarily repairing intimate relationships, but we're talking about repairing harm.

There's lots of harm that can be repaired in a relationship even if the intimate relationship doesn't continue. For example, if the configuration is that he is abusive towards her, repairing harm might look like him respecting the distance that she wants. That might be part of the process of repairing harm, or repairing harm with the children in terms of renouncing the violence in front of the children. That might be part of repairing harm. Again, they may not get together, but often a lot of these people—I think in the early days we just pretended they were going to go their separate ways and never talk to each other again, and that's how safety was going to be set up. The reality is, most of these people remain connected through children or they live in the same small community. So part of this is us helping people. If they do stay together, we can work with that, but if they are also separated, we can also work, in the case where it's a guy, to take responsibility, to work at repairing the harm—and that being responsive specifically to the people who have been harmed.

Around this—I just want to share my screen if that's possible here. This is a three-phased approach that we have, and this is the illustration that we use to communicate the approach. There are three phases to this approach. The first phase, at the bottom, is establishing safety. You can see there are two inverted triangles here: One is for the person who has primarily used the abuse; the other person is for the person who has been harmed. They have two counsellors, and they go through the system. In the first phase, you can see how they're separated, so we would work with both people separately to establish safety.

Then we would move on to preparing them, and again you can see the triangles are still separate in phase 2. We prepare them to actually know how to repair harm in

relationships. But what does it mean to actually stop the abuse and repair the harm? We do that ground level of preparation.

And then—for whom it's appropriate and for whom it's safe, of course—we can offer the possibility of opening up communication between the two parties in phase 3. That opening, that communication, if it's appropriate, may just be happening with the two counsellors. There are two domestic violence experts or GBV experts leading both people through that process. The two counsellors are in contact at all times in terms of monitoring issues of safety. Also, in terms of if communication is going to be open, communication may be just communication between the two counsellors about what's going to be helpful from here, what repair would actually look like, and hearing from both parties and working that through; the guy is not guessing what's going to be helpful. I'm actually in contact with the person working with the woman, so the guy's not going to move ahead and make all kinds of hollow promises and apologies, because that's not going to land very well. We're going to make sure that whatever he does by way of repair is not going to create more harm in the relationship.

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I just want to slow down a little bit. In terms of the safety piece, that is a coordinated community response. There are two counsellors within our organizations that are working with both people, but they're working at safety not only in terms of their own work; they're working in coordination with the shelters or with other referrals to education, employment and so forth to help stabilize families, to help create safety and address issues of housing and so forth. That's phase 1. Phase 2, the preparing, is really about attending to, of course, stopping the abuse, but also, further than that, what it means to repair harm, looking at how issues of gender and trauma can interfere with people's ability to repair harm in a relationship. And then we open up communication, in phase 3, only when it's helpful.

I just want to be clear: Part of this process here around pacing is that we're responsive to individuals when they come in, both individual women—so there's somebody working with the woman or whoever the partner is who's harmed—and working with the men. The pacing in terms of which people go through this is different. Before, we used to think, when men all were the same—if the goal is to go from A to Z, we thought all the men were coming in today and they needed to go through a group and they needed to go through six months or 12 months or whatever it was before they could ever think about opening up the conversation with their partners. Well, that is true for some guys who are high-risk. They may need to be in the program for a long time, and they may never get out of phase 1. Of course, we're not going to set up a conversation or open communication between a guy who is dangerous at phase 1 and a woman who is in phase 3 and wants to open up that conversation—or doesn't want to open up that conversation. Of course, we're not going to create more harm through the process of trying to repair harm.

The Acting Chair (Mr. Will Bouma): Just one minute left.

Mr. Tod Augusta Scott: Okay.

Part of this is about recognizing that some guys do need to go from A to Z, but some guys are coming in at M, some guys are coming in at W. Now we can tell the difference between the high-risk guys, the moderate-risk guys and the lower-risk guys so we can be more responsive to what each needs. Part of it is also that it doesn't clog up the resources with low-risk guys when they don't need as much intensive treatment as the high-risk guys. Making those distinctions can be helpful.

I've got all kinds of ideas, actually, in terms of implementation that I'd certainly welcome the discussion on as people are interested.

The Acting Chair (Mr. Will Bouma): We're going to turn now to the official opposition, and we'll start with member Sattler.

Ms. Peggy Sattler: I found that presentation was absolutely fascinating. I was really struck by your comment that you started this work in the 1990s and that is where PAR is in Ontario now, which suggests that we have a lot of work to do to be able to stop abusers from abusive behaviour.

I really was also struck by your comment, because I hear this all the time, that there's lots of judgment about women—"Why don't you just leave?" The issue is, in many cases, women don't want the relationships to end; they want the abuse to stop, which is why it's so important to focus on, effectively, in evidence-based ways, the abuser and getting the behaviours to change.

I'm curious to know: This approach you said—is it in place across the province of Nova Scotia, or is it only used in certain areas? Can you tell us more about where this is available? How many people have gone through this safety and repair approach? Also important for this committee to understand: What kinds of resources are required to make this happen, and what kind of evidence do you have about the effectiveness of this approach?

That's a lot. Sorry.

Mr. Tod Augusta Scott: No, those are excellent questions, of course.

What I would say is that when we changed our practice and became more responsive to individual families and just, frankly, became better listeners and got introduced to some work coming out of Australia and made it our own over time—it's often very hard to assess this work if you're only working with the men. Because we were working with women and men, that was just serendipitous in terms of how they get set up, because we were in the context of the women's movement.

When we shifted approaches from an oppositional, group-only approach to a more responsive approach which would allow for individual conversations from the get-go, from the individual conversations we could be responsive to, "What's going to be helpful here in terms of group work or family work or conjoint work?" But the grounding of it was individual work, and then we could take it from there. There was just no comparison to the responses that

we got back from women in terms of the effectiveness and the traction that we were actually getting, and also making the work accountable to her.

It's kind of like we had an abstract idea that we work with men over here and rehabilitate them, but we never had a vision that would ever get back to her necessarily. Again, we pretended they were never going to see each other again. But this work is actually grounded in, "What does she want? What is going to be helpful for him to do to repair the harm?" So we have a counsellor devoted to that conversation, and I'm in dialogue with that counsellor. Then, there may be letters back and forth or video or whatever is going to be safe and not create more harm—it could be, again, just the counsellors. The response we got back from that was significant.

The work is in different pockets around Nova Scotia, but again, I'm the trainer for the whole province—so there are just different levels of it within that. Also, we have sites across the four Atlantic provinces that are being studied through Dalhousie University's four-year research project, so it's being done in those sites. I've trained in every province and territory in Canada, and internationally. So there are lots of different non-profits that have adopted and taken on this work.

What I would say in terms of resources is that of course we need more money and so forth, but what I would also argue is that there is a lot of money in the system and it's not being used efficiently or effectively. I think we could change how we actually do the work, even with the existing envelope. I'm not recommending the existing envelope. We always need more, of course. And I think it's important for that to happen.

At the same time, part of what happened in Nova Scotia—and I'd be happy to give the government people we've been working with to this committee so you can contact some of the government players we've worked with over the years. Once we made our programs more efficient and effective and responsive to individual families, that was the basis from which they could ask for more money. So we've had a significant increase of more money in the past five years, because they know that we're getting traction with these individual families and individual men.

Those are some of the responses to those questions.

Ms. Peggy Sattler: In Ontario, the PAR Program is court-mandated. Your program sounds like it's voluntary. Obviously, it has to be—

Mr. Tod Augusta Scott: No, it's both.

Ms. Peggy Sattler: Oh, it is both?

Mr. Tod Augusta Scott: Yes. Part of our funding came through community services—so that's, again, out of the shelter movement. We didn't have the split that most provinces have—funding for men who abuse is out of justice, and funding for women who are abused is out of community services. It all came out of community services in Nova Scotia. So we've always had both federally mandated men and provincially mandated men and, of course, child-protection-mandated men. We've always had a pocket of men who have come in because their wives are

going to leave them if they don't get help. But part of that has also been that we've been in the community so long, we just now have uncles referring their nephews and their sons into the program, so there has been a large contingent of guys who are there on their own.

The Acting Chair (Mr. Will Bouma): Just over a minute left.

Ms. Peggy Sattler: I want to quickly ask about the Mass Casualty Commission report and the recommendations that were included there on working with men. Can you talk to us about the recommendations from that report and the work that you're doing?

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Mr. Tod Augusta Scott: Specifically, what came out of that report—there was a significant increase in funding for the Bridges centre that I work with. Most of that funding went around, which we're happy to do, working with youth, boys and in schools—at elementary, junior high, high school and university. So that's where we put the funding around that. I suspect there's still more coming in terms of funding for adult men, but that is not in place yet.

The Acting Chair (Mr. Will Bouma): We'll now turn to member Clancy. You have five minutes.

Ms. Aislinn Clancy: Thank you so much. It brings back memories—I worked in the PAR Program a little bit in my social work training, and it was a mandated program, unless you paid. I wonder if you could speak a little bit about that. We're finding, at least, the not-for-profits in my community have had stagnant funding for over a decade, often, and are struggling to keep experts, seasoned professionals, people with expertise—and a big exodus, especially in recent years, to the private sector. So those who can afford the help get it, and those who can't only have this mandated option or a lack of capacity or long wait-lists.

What has Nova Scotia done to ensure that it's not only the haves who can have access to quality therapy?

Mr. Tod Augusta Scott: It's a fantastic question.

It was set up differently in Nova Scotia from the beginning, because part of what happened in the PAR programs—the groups were run on the sides of people's desks. So you might get attached to a family services, and one piece of your job was to run a PAR group. In Nova Scotia, what happened was, we actually had programs set up just to do this work, so you would get domestic violence experts—this is what they're doing all day long; this is it. So you're absolutely right; what happens in the field is that because that expertise doesn't get drilled down into them, because people are doing it on the side of their desk as one of a menu of things that are in their job description, it just didn't allow the work to develop in the same way that it did in the context where we had these devoted experts.

What I would say around the mandated stuff: Again, we work with lots of mandated men, but part of what happened when we only had group work to offer is that you would take men into group who should not have been in group. We took men into group who were destroying—they didn't want to be there. They were abusive, they were

belligerent, and we couldn't sober them up around that stuff, and they would be ruining the group for other men. If your goal is to create safety and respect and trust so people could actually share what are very vulnerable conversations—all that we had to offer was, "You must go into group." Often, it wasn't helpful for those men who were recipients of that, but it also wasn't helpful for the guy who was at high risk and was abusive. If he was scared to talk about his abuse in front of me, he was really scared to talk about his abuse in front of another group of guys who have all been identified as violent in the community. So just, again, the fact that we weren't able to parse through that—who should be in group, why they should be in group, and individual or whatever. That was important.

I do think, though, that if I was to re-conceptualize—and it's starting to happen in Nova Scotia. Actually, family services associations—I know that those exist across Ontario—are great places to land this work, because I think they've already got capacity to be able to do a lot of the phase 1, phase 2, phase 3. We could hire and train, within that context, domestic violence experts. I'm talking with two people, tracking one couple, but there could be multiple people and players in this coordinated community response. So the traditional men's groups like—you would have the Caring Dads who will work in Ontario; that would be preparing people how to repair harm, helping dads figure out how to repair harm. And then the practising would be the emotionally focused couples work; that would be something that might happen at phase 3, but that could all be coordinated through a family services association in conjunction with women's shelters and so forth. I'm not trying to sideline the other issues; just in terms of—

The Acting Chair (Mr. Will Bouma): Just over a minute.

Ms. Aislinn Clancy: Thank you so much.

I really appreciate that not only have you expanded into youth; you've funded experts in this work so that people can do this properly in a not-for-profit setting, so everyone can access it.

I feel like this high-risk, low-risk tool needs to be widely shared amongst social workers, officers, different systems. How are you getting that tool of high-risk, low-risk widely spread across the province?

Mr. Tod Augusta Scott: Yes, it's extremely important. There is a manual for the safety and repair approach with the three phases lined out. There are 10 conversations that we're inviting people through.

Of course, some guys don't make it out of phase 1. They remain dangerous. That's part of the work—and/or guys can make it to phase 2, but it's just not appropriate to open up communication for phase 3. But we're trying to create capacity where this could actually happen.

In the manual, we just have a criteria of what we're looking for for a guy to move from phase 1 to phase 2. It's based on the work that we've been doing for 30 years. What are we actually looking for? So much of the domestic violence field is only focused on high risk and "What's

the criteria for high risk?” We hyper-focus in on that issue, which is extremely important, but implicit in “Some people are high-risk” is “Some people are low-risk, and some people are moderate-risk.” We often don’t spend time talking about that, and we need to, so, again, we can be more responsive. That whole criteria that we’re looking for for someone to move from phase 1 to phase 2 and then into phase 3 is all outlined in that manual, so that’s part of what’s in circulation, and it’s resonant with a lot of research that’s out there.

The Acting Chair (Mr. Will Bouma): We’ll now turn to the government side. Member Saunderson, go ahead.

Mr. Brian Saunderson: Thank you, Tod, for joining us today. This is our sixth day of hearings, and I’m very interested in what you’re telling us.

You’ve been in this sector for 25 years. You talked about the one-size-fits-all model and how you’ve developed a more nuanced approach now. I’m just wondering if you can give us some thoughts. This has been a very severe problem in our society for a long time, but it only seems to be increasing. Do you have thoughts on why that is? We’ve heard from different sectors, from victim services to men’s programs to children’s programs—parenting, education. We seem to be getting more data and different risk assessment tools, but the problem seems to be continuing. I don’t know if you have any thoughts on why you think that is.

Mr. Tod Augusta Scott: I think that we are a lot more precise about what we’re actually studying now, so I do think that’s part of it; we’re just getting more of a handle on what it means.

Our expectations for being in intimate relationships have increased dramatically, in terms of just, “Oh, you mean yelling and screaming at each other is not okay?” I’m dealing with that in my office all of the time, so I think that’s part of what we’re seeing.

When COVID hit and all of our numbers skyrocketed, it was obvious that people couldn’t get out of their homes, so women’s options were severely limited and curtailed about what was actually possible for them to do. I suspect we’re still in the aftermath of that, in terms of our numbers and the demand that has happened.

Those would be the things I would point to immediately. I think we’re better at actually naming the issue now, and also I do think that there was an increase because COVID ended up insulating abuse in homes in ways that normally wouldn’t be the case.

Mr. Brian Saunderson: I’m very impressed by the program you’re running. Correct me if I’m wrong: It’s victim-driven, but it’s looking at a restorative process to try to keep the family together, where the victim feels that that would be appropriate or that’s what she would like. Is that a fair way to characterize it?

Mr. Tod Augusta Scott: It is victim-driven, yes. It’s not necessarily, again, about keeping families together. That might not be the case. The focus is around repairing harm. Again, an intimate relationship could be over, but they’re often still connected through children or through living in the same small community, and we can help

families with that. She may want him to repair the harm that he did with the children, and that may be part of her repair, or she may want him not to go to different social functions because she just doesn’t want to see him. We help them navigate post-relationship in a way that actually repairs the harm that was done for her—and for her to know that stalking is not happening, or that she knows where he is. A big part of women’s experience after abuse is, they don’t know where he is and what’s going to happen and when he’s going to come around the next corner. Part of it is that the counsellors can navigate all that stuff.

Again, in many cases the family is not over, and in many cases they do move forward together. I’m just saying that that per se is not our goal. Our goal is around safety and repair. A lot of families do stay together as a result of that intervention, but that’s not how we per se measure success; it’s around what she wants. Again, you’re right; there is a victim-centred piece to this, because him guessing what she wants to repair the harm is likely going to be very unhelpful. Us actually having her be able to speak into the system through the counsellor and then maybe even for herself drives the work.

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Mr. Brian Saunderson: So success could take a number of different paths is what I’m understanding from your comments there.

Mr. Tod Augusta Scott: That’s correct. Success is stopping the violence and repairing the harm. Safety and repair—that’s it.

Mr. Brian Saunderson: You talked about how you use a risk assessment tool to classify the threat for future safety. What tools do you use? We’ve heard of a number of different tools in Ontario. The OPP use the ODARA tool. There are wraparound services that use the Danger tool. There are different tools they use for youth and the family to see how to help them, moving forward—what risks they pose. What tools do you use?

Mr. Tod Augusta Scott: Those are the different tools that we use in Nova Scotia. Those are located primarily in the probation office, so we would have probation officers running those kinds of tools.

Our starting point is that this could be a dangerous situation, and we govern ourselves accordingly from there. We kind of start high and then go low. We start off with the expectation that this is the domestic violence program; they’re coming in, and then we have markers—and when the probation office does all those tests, we would include that stuff. But a part of what we want to be able to measure is—so many risk assessment tools are only problem-focused. They’re only looking at the danger from the past and so forth. Not enough emphasis is put on a guy’s ability to take responsibility and to repair harm. I could be working with a guy who has done bad things and has a high capacity to take responsibility. If he can take a lot of responsibility and knows what that means and we can help him with that, he is a lot less risk, even though his violence is higher than somebody who is moderate violence but extremely irresponsible and blaming other people and doing all that kind of stuff.

So again, measuring the capacity and the values and what the guy prefers for his kids and family and so forth—that's all the groundwork of the assessment that we're also doing in terms of capacity and what his values actually are. That's part of the tools that we would be using. Again, that's all written down, and I've written and published widely on this. I can send more documents to the committee on this, as well—

Mr. Brian Saunderson: That would be very helpful.

The Acting Chair (Mr. Will Bouma): Just a minute left.

Mr. Brian Saunderson: I want to follow up on that. If we could get that data, that would be marvellous.

I'm wondering, the data that you do maintain—where does that go? What kind of data are you monitoring? How do you measure success, and how do you use that data moving forward?

Mr. Tod Augusta Scott: Those are great questions.

The data we've collected to date is more local, so we're asking, in this case, women and men specifically in terms of what their experiences are—in terms of number-crunching data and that influence in the conversations, that's really what we're engaged in with Dalhousie University over this four-year project.

There was another formal evaluation done on a program that was operating out of Yellowknife—in the Northwest Territories, of course—and so I could forward that on too. That was an evaluation that happened about five years ago, I'd say, on the program. So they did some of the specific data in terms of the numbers in that context. I can forward that on, as well.

Mr. Brian Saunderson: That would be great. Thank you.

The Acting Chair (Mr. Will Bouma): That concludes the time available.

Mr. Augusta Scott, thank you very much for the work that you do. Thank you for taking the time out of what I'm sure is a busy day for you, also, to join us today. We really, really appreciate your testimony. Personally, on my behalf, as a volunteer firefighter, having witnessed a little bit of trauma, I appreciate everything that you've taken on during your career. Thank you so much for the work that do you, and I hope you have all the structures in place to stay healthy mentally also. I think I can say that on behalf of committee too. Thank you for joining us today.

Mr. Tod Augusta Scott: I'm glad to be asked, and we'll stay in touch.

The Acting Chair (Mr. Will Bouma): Thank you.

Committee members, thank you very much for being here today, for making the commute in—some a little closer, some a little farther. I really appreciate the collegial nature of the meeting this morning.

We will recess now until 1:30 p.m.

The committee recessed from 1135 to 1330.

The Chair (Mr. Lorne Coe): Good afternoon, members. I call this meeting of the Standing Committee on Justice Policy to order.

JELLINEK ELLIS GLUCKSTEIN LAWYERS

The Chair (Mr. Lorne Coe): I will now call on Jellinek Ellis Gluckstein Lawyers.

You will have 10 minutes for your presentation. Please state your names and affiliation for Hansard, which is the official recording service of the Legislative Assembly of Ontario, and then you can start your presentation. I'll let you both know when you've got a minute left in the 10-minute presentation. Please begin.

Ms. Erin Ellis: Good afternoon, committee members. My name is Erin Ellis. I am joined today by my colleague Vanshika Dhawan. We are lawyers at Jellinek Ellis Gluckstein. Our firm almost exclusively represents survivors of assault and historical child abuse in civil lawsuits. Collectively, our lawyers have decades of experience helping survivors of abuse bring civil actions against their perpetrators, many of whom are victims of family violence and intimate partner violence, IPV.

Thank you for the opportunity to present to the committee's study on IPV. As you have no doubt encountered from other experts, IPV touches on and intersects with a number of societal and systemic issues. Today, we will be discussing one main issue: victims' compensation in Ontario; specifically, how a robust victims' compensation framework can support survivors in the short term and work towards breaking the cycle of abuse to eradicate IPV in the long term.

Victims' compensation allows for earlier intervention. Though recovery is not linear and is highly individualized, early intervention, especially in the form of psychotherapy, can mitigate the harm and help survivors get back on track faster. This is a downstream effect that, in the long run, costs the government less and, in fact, can generate government revenue.

We work with survivors day in and day out. As such, through this aggregate, anecdotal data, we are well positioned to assert that providing greater financial support to survivors and making it easier to access this support has an immeasurable positive impact on a survivor's recovery.

As lawyers, in order to build our clients' cases, we comb through school records, medical records, employment records etc. in order to get a more thorough understanding about how abuse has impacted our clients' lives. We've noticed that, often, an absence of access to therapy will lead to our clients requiring more time off work, which impacts their career trajectories. Those in stressful jobs are often unable to even return to their field of work. In those who were abused younger, the abuse can impact grades and participation in school, barring otherwise bright students from attending university, completing their degrees, applying to professional graduate school etc. This also derails their career tracks and leads to lower-income careers than they otherwise would have had.

Currently, victims of crime in Ontario are supported by the Victim Quick Response Program+, VQRP+. It is difficult to find much information about this program online. There does not appear to be a clearly set out, dedicated government website to explain the requirements. The

information that can be searched, mostly through other community organizations, is inconsistent and opaque. From what we've been able to understand, to be eligible for support funds, a victim must quickly report the abuse to the police—or maybe to a community victim support agency, depending on the crime—and they must have no financial resources of their own. Victims must apply for financial assistance within 45 days for most costs and within six months for short-term counselling. The financial assistance is limited to a maximum of \$1,000 for short-term counselling. This is inadequate.

Providing a more robust victims' compensation, helping survivors get back on track faster, would make it far less likely that they would use social services such as employment insurance or ODSP benefits. Helping survivors return to the workforce sooner also means greater tax revenue for the Ontario government.

We have four proposals to improve victims' compensation in Ontario through the VQR+ program: first, the reporting requirement—we suggest that the need for a report to the police or to another specific entity should be eliminated; second, eliminating the timeline for applying for crimes related to sexual and gender-based violence; third, eliminating the needs-based eligibility requirements and increasing the caps; and fourth, providing compensation for pain and suffering.

My first point is that requiring a police report, which is anecdotally what we've seen is required in our cases, is a prohibitive barrier for survivors of sexual and intimate partner violence. This is a population that is often distrustful of police. Further, reporting to the police is particularly risky for IPV victims, who often rely on their intimate partners for housing, financial support and child care. It may be, although it's hard for me to figure out a clear answer online, that it is sufficient to have reported the abuse to a defined VQR+ service provider and not a police report. However, if we're having trouble figuring out whether a police report is a requirement or not, that speaks to how opaque and inconsistent the information is online and how difficult it would be for a survivor to navigate this system in order to receive necessary funds.

This leads to my next point. Even if a survivor is only required to report to a community service provider and not the police, there is still the extremely limiting factor of a very short time requirement to do so. It is unconscionable to put a time frame on when a survivor must report in order to access supports and to put a timeline on these supports. Studies show that it often takes years, even decades, for survivors to understand that what they experienced was violence and to get to a place where they are willing to seek help. This public policy principle underlies section 16 of the Limitations Act, which eliminated limitation periods in civil cases for these types of offences; the same should be true for victims' compensation in Ontario.

My third point is to do with the amount of funding. The \$1,000 that the Victim Quick Response Program+ provides for short-term counselling is insufficient. This would cover only five to seven sessions, which would be less than two months if a survivor were to attend weekly therapy.

Moreover, as it stands, anyone with an insurance plan, even for a small amount of coverage, wouldn't be eligible for anything through the Victim Quick Response Program+. We submit that victims of sexual and gender-based violence and IPV should have at least 30 sessions of therapy covered. If they have private insurance, they may be required to exhaust that insurance first, but that should not be a bar for them to access further health, merely because they have access to a meagre amount of coverage already. In the appendix of our written submission, we have provided a brief summary of victims' compensation programs in other provinces. Ontario currently has the lowest caps out of all the provinces that offer victims' compensation.

My last point is a request that the government consider offering compensation for pain and suffering as well. Many other provinces offer these awards, with the right to subrogate these awards from a successful civil claim. Ontario previously offered this award through the no-longer-existing Criminal Injuries Compensation Board. I have seen through my experience that these awards for pain and suffering serve as an acknowledgement of the harm, which is something many survivors never get from their perpetrators, especially in the most common circumstance where they cannot sue a perpetrator because the perpetrator has no money to compensate them. This acknowledgement of harm also goes a long way towards healing and helping empower survivors to move forward in their lives, giving them back their dignity. We urge the Ontario government to explore offering awards on a basis similar to the Alberta regulation, which provides compensation based on a matrix of factors used to assess the severity of abuse.

We hope our insight as to why improving victims' compensation in Ontario will both help survivors and cost the government less in the long run has been helpful to your study on intimate partner violence.

On a final note, we would like to add that intervention helps break the cycle of abuse, which has immeasurable impacts on future generations.

Thank you again for the opportunity to provide input on how to better support survivors of intimate partner violence. We look forward to answering any questions you may have.

The Chair (Mr. Lorne Coe): Thank you very much for your presentation.

We'll now move to questions from the official opposition. MPP Wong-Tam.

MPP Kristyn Wong-Tam: Thank you to both solicitors from Jellinek Ellis Gluckstein. I want to just say thank you for once again appearing before the justice committee. I recognize that the content of your presentation is not new to the members who have heard your presentation and received your written submissions in the past. This is an issue that you've brought up to our committee on, I believe, at least two prior occasions. This is now the third time that you're bringing the same matter back to us.

1340

The last time you appeared before this committee was regarding Bill 157, I believe—Enhancing Access to

Justice was the title. You specifically asked us for the same things in terms of refinements and, I think, substantial improvements that are needed for the Victim Quick Response Program+.

For the purpose of education, let's go back a little bit. In 2019, there was a different program in place that would have provided some support and compensation to victims. Can you outline for us what the Criminal Injuries Compensation Board would have provided in terms of a quantum to persons who were injured at that time? What was the maximum amount?

Ms. Erin Ellis: It depended on the crime, of course. The maximum, for pain and suffering, was \$25,000, but then there were additional amounts that could be awarded for therapy—I don't remember whether there was a maximum there. It had to be supported, obviously, by the treating providers and their request and their assessments of how much therapy would be needed. There was also a loss-of-income component that honestly didn't usually come in for my clients, because the requirements to get the loss-of-income component didn't fit as much—the majority of mine were historical abuse cases. But there were these things, and it would be very common—not necessarily in the earlier years of my practice, but nearing the end—where, because the impacts of sexual abuse, primarily, were more and more understood, those pain and suffering awards were higher. It would be very common for my clients to get an award of between \$17,000 and \$25,000 from this board.

MPP Kristyn Wong-Tam: If the ceiling is \$25,000—I believe it's \$30,000, but let's just say the ceiling is between \$25,000 and \$30,000—that is a significantly larger number than what a victim and a survivor would qualify for today under the retooled and rebranded and scaled-down Victim Quick Response Program+, because that secondary program introduced by the government in 2019 has a ceiling cap of \$1,000, correct?

Ms. Erin Ellis: Correct. And that \$1,000 cap is for therapy only. There's no pain and suffering award now. So, yes, it significantly reduced it.

MPP Kristyn Wong-Tam: And so your suggestion around the right number of sessions for therapy—\$1,000 would be pretty much burned through fairly quickly.

Ms. Erin Ellis: Yes.

MPP Kristyn Wong-Tam: I want to unpack that further. If survivors do not receive the support that one would anticipate one would need—just because there's the trauma, there's the support through the court system, there's the courage it takes to report—if they recognize that there is no adequate support if they are able to speak up, would it not discourage them from actually coming forward at all?

Ms. Erin Ellis: I believe it does, and I also believe that limit of \$1,000—our estimate was, that is five to seven sessions. From what I've seen—and I'm a lawyer; I'm not a medical provider or a therapist—it takes much longer than that. So what you would be doing would be starting that and then cutting it off, whether that leaves them in a worse place—I would argue it does. And then you add on

the timelines—most people who contact our office now, this isn't even an option for; they've missed it.

It went from having the Criminal Injuries Compensation Board, and we could tell them, "You can do this. You can't sue this person. They have no money. There's not really a civil claim here. But you can get some compensation, some acknowledgement through the Criminal Injuries Compensation Board"—we now don't have anywhere to tell them to go.

MPP Kristyn Wong-Tam: So the revamped, newly branded VQRP+ has a very short turnaround for application—if you miss the application, you're out of luck. At the same time, it's a service of last resort—everything else, you don't have access to.

So is it correct that the victim must apply within 45 days from the date of the crime for emergency expenses, and then they have six months for short-term counselling and potentially one year—in very rare, limited cases, it's the one-year mark? Is it that victims and survivors must respond within 45 days and six months in order for them to access this \$1,000 that ends up proving not being adequate enough to cover the adequate services they need to move forward—is that what we're looking at?

Ms. Erin Ellis: That's what we're looking at, and that's why we're suggesting the changes. The fact that it exists at least gives us a laneway to try to have changes that help supplement what's already there. But yes, I would say what's there is not helping anyone, really.

MPP Kristyn Wong-Tam: This committee is studying intimate partner violence and the ways to address it, including prevention and then a response and pathways to recovery.

How important is it that this committee puts into its report with recommendations to the government that they improve the VQRP+ program or bring back the criminal injuries compensation program, which seems to have at least been substantially more adequate than what we have today?

Ms. Vanshika Dhawan: I think this gives us an opportunity to enhance the Victim Quick Response Program+ as it exists to a better model than what we even had before. So we would recommend that, yes, some of our recommendations—ensuring that the police report is not necessarily required and other methods are available; extending this limitation period or providing an exception for domestic violence, sexual violence and human trafficking, which exists in many other provinces where there is a time limit—

The Chair (Mr. Lorne Coe): Excuse me. I'm going to have to interrupt you, unfortunately, because the time for the official opposition has concluded.

We'll now move to our independent member of the committee. MPP Clancy, you have five minutes.

Ms. Aislinn Clancy: I'd like you to finish your thought, if you don't mind.

Ms. Vanshika Dhawan: Sure—and ensuring that therapy access is available for folks who already have insurance and are still able to access more funds. I'll add that some of the other provinces—BC specifically offers,

I think, 48 sessions, up to \$205 per session based on the qualifications of the treating provider. That adds up to about \$10,000 overall—of course, up to the discretion of the director who runs that program. So we would recommend something like that, where it's a number of sessions and an amount per session that's provided to survivors.

And to the point of assisting with IPV, many of the cases that we, unfortunately, aren't able to assist with are intimate partner violence, because the other individual in that intimate relationship doesn't have funds and therefore it doesn't make sense to bring a civil lawsuit in that case. So this program would very much support people who don't have other avenues.

Ms. Aislinn Clancy: Thank you. I appreciate all this input.

I do have a concern because, to me, everyone should have access to good therapy, and it would be nice if it was just included in OHIP and we had adequate services in the community.

Could you speak to what a world would be like if we had specialists and not-for-profits that people could access without having to worry about changing amounts people pay for therapy?

Ms. Vanshika Dhawan: Of course, putting in therapy access and psychotherapy support under OHIP would resolve the issue of needing to provide funds for therapy following crimes anyway. It would also solve the issue of providing therapy for victims who are proceeding through the legal process and acting as witnesses for the crown, because I know a significant amount of funding goes through a different program to provide therapy in that setting as well. So we would agree. It's not something that we've explicitly asked for in our submissions, but of course, including widespread access to psychological services under OHIP would address this issue.

Ms. Aislinn Clancy: Yes. My worry is, I've seen a doubling of therapy costs in the last year, so I hope that we can modify it to include the increases that will happen over time, so you don't have to keep coming back every time therapy goes up—because it seems like it goes up every six months.

I just wonder if you could talk about the impact of this process on your clients. I imagine, from what I've read, that whether it's criminal—and, I imagine, civil—that the process in and of itself needs some looking at. You've mentioned a few things, but can you elaborate on other ways we could make the process more humane and accessible, so more people will seek out justice?

1350

Ms. Vanshika Dhawan: As Erin mentioned in her initial submissions, the process seems to be very opaque, and the communication around it seems to be quite inconsistent. We couldn't find a government resource that laid out exactly what is available to victims and the process by which they can apply for it. It seems that these programs are run through victim services, and each victim services agency across Ontario has their own resources that were last updated at whatever date they were last updated at, so there's also a lot of contradicting information out there,

including resources that refer to the old Victim Quick Response Program prior to 2019. So the process has been very difficult. The few clients we do have who we know have used this were clients who reported to the police and were referred to the Victim Quick Response Program through the police. I'm unclear whether it was a police force employee who coordinated the Victim Quick Response Program who did that—because some police forces have those—or whether it was a victim services agency that it was referred to.

Further, there's opaqueness around what services they're even getting. I know that the Ministry of the Attorney General administers victim services as support through that criminal process that I mentioned earlier, but it's actually, to our understanding, the Ministry of Children, Community and Social Services that administers Victim Quick Response Program+. If it sounds confusing now, it's even more confusing for anyone who is traumatized and trying to navigate this process.

I can't emphasize enough how difficult it is for a survivor to be met with wait-lists and closed doors whenever they are trying to get help, and it only further serves to traumatize them when they're trying to get the support that they need and they're met with more barriers rather than actual supports.

The Chair (Mr. Lorne Coe): We'll now move to the government and MPP Dixon.

Ms. Jess Dixon: Thank you both so much for returning.

I just want to try to figure out a few things, as I agree with you; it's very confusing.

The criminal injuries board was an adjudicative process—almost like a tribunal.

Ms. Erin Ellis: Yes.

Ms. Jess Dixon: So you'd have to go to court, essentially—

Ms. Erin Ellis: Not always. There was a good website for this one. It was there, and we could tell people they had this option; we wouldn't even have to help them through it, a lot of them—for some, we would, and so I have experience attending at the Criminal Injuries Compensation Board. But for others, we'd just say, "Google it. Go to the website. The forms are there. Fill them out. Get your doctors or therapists to also provide whatever they ask for." A lot of the decisions were in writing, so it was just that they had the stuff in front of them and then they could do the awards; but some were oral hearings, as well—it was both.

Ms. Jess Dixon: So, starting at a very general level, even without getting to the rest of it, one thing would be the idea of an easily accessible digital portal to be able to apply, so that you could apply yourself, but there would also be—if you're really challenged or whatever, you'd be able to get assistance from a person. But it would be a navigable process.

Ms. Erin Ellis: Exactly.

Ms. Jess Dixon: So, theoretically—because my understanding is that part of the attempt was to remove the allegation. I don't know if this was happening or not, but the allegation was that victims were having to go through

this long, sort of adversarial process to get a reward, and so the idea was, “We’ll come up with some way of cancelling that adversarial process.” That was the idea at one point.

Ms. Erin Ellis: I would say it wasn’t adversarial for the most part, because it’s also civil—so it’s balance of probabilities. There wasn’t a lot of time, especially if there was a criminal conviction—but even if there wasn’t. But it could be long—sorry; much faster than civil litigation, but long in that if you needed immediate funding for counselling, it might be slower. There were ways to advance that, to get that kind of funding maybe more quickly, and I think that was the goal, but what has come is a convoluted thing that nobody can find online—maybe you stumble into the right service centre that says, “We know about this, and we can help you apply. You’ve done it in time.” I think it was promoted as a quick response and therefore had all these deadlines for quickness too, but it just doesn’t make sense in IPV situations or sexual abuse situations and abuse situations, because people take time. To report it and go get this care from the date of the crime—maybe you’ve stayed with this abusive partner for a number of years since, so then you wouldn’t be able to.

So for the focus of this committee, this program just doesn’t offer anything—but it has potential to. That’s our hope.

Ms. Vanshika Dhawan: I’d like to add that with the criminal injuries before—it was a form that was available online that people could go to victim services or a lawyer or someone else to assist them to fill out.

As far as I can understand, every other province also has these applications available centrally, online, with referrals to victim services to assist in filling them out if they need them.

As it stands right now in Ontario, these forms are not available online. Survivors need to find a victim services agency that has the ability to fill out these forms, even make the assessment—it’s unclear. Although this may have seemed like a good idea at the time, what it actually serves to do, likely, is force survivors to disclose to more people, because before, if they didn’t want to, they could have done it themselves or had a trusted friend or their existing lawyer assist them—people they had already disclosed to—whereas now, they have to state that they’re a victim until they happen to land on the right person who can help them.

Ms. Jess Dixon: How did you demonstrate it before? Was it police-report-based before?

Ms. Erin Ellis: Some of it was just the same as in our civil cases—are they believed or not? That might be the oral hearing—they talk, and then the tribunal would decide whether they believe it or not. How we usually do it in our civil cases—because we don’t always have a criminal conviction or even a police report, but sometimes they’ve disclosed it to therapists, too. There are other disclosures aside from when they’re just seeking compensation—but even if that’s sometimes, then, the first person they’ve disclosed to, and now we’re starting a lawsuit, it’s an assessment of credibility, usually.

Ms. Jess Dixon: Yes. With the idea of a police report—without committing to the idea that it would be just a police report, but theoretically if it was, would we potentially be looking at the idea of—instead of from the date of crime, from the date of reporting, so that you could report a historical matter, like something you’re only dealing with?

Ms. Erin Ellis: That would be better. Again, I know you said maybe it wouldn’t be a police report, but I would really push against that, because it’s hard for IPV survivors to necessarily want to go the police route or for sexual abuse survivors to want to go the criminal route—so I do think it should be more in line with the civil system of balance of probabilities and, “Are you credible or not?” and other ways. Obviously, there needs to be some check in place, but I don’t think it should be a requirement of a police report.

Ms. Jess Dixon: With the board, previously, when there was some idea that someone was reviewing this application and making an assessment as to whether or not you could be awarded those funds, we could theoretically go back and look at that and ask, “What were they looking at to see that?”

Ms. Erin Ellis: Yes.

Ms. Jess Dixon: With the fund as it currently is—so when I’m looking back at the 2019 view, the government press about it, one of the big things they were touting, and I want to know what happened with that, is this idea that it was going to be really fast; that you would get an immediate response, and that within five days you would have—what’s happening with that, as far as you know?

Ms. Erin Ellis: To be honest, I don’t know, because so many of my clients don’t qualify for it and it’s so convoluted. I don’t even know what the forms look like. So I can’t speak to that.

Ms. Vanshika Dhawan: Where it’s operating well and efficiently, maybe it’s serving those people. But we haven’t been exposed to it.

Ms. Erin Ellis: And there might be other crimes.

Ms. Jess Dixon: I’ve only got 30 seconds left, so just to recap: The reason that your clients aren’t qualifying is because there isn’t a police report, or the time has expired, or they have sufficient financial resources so that they wouldn’t qualify.

Ms. Erin Ellis: Exactly.

Ms. Vanshika Dhawan: I would like to clarify that sufficient financial resources under the current model seem to be \$500 annually for therapy. If they have that, which covers two sessions, they’re ineligible.

Ms. Erin Ellis: If you have any coverage whatsoever.

1400

The Chair (Mr. Lorne Coe): That concludes your time of your presentation. Thank you so much for being with us this afternoon.

LUKE’S PLACE

The Chair (Mr. Lorne Coe): I will now call on Luke’s Place to join us through Zoom, please.

Welcome to the Standing Committee on Justice Policy. Could you please give your names and your affiliations so that we could record them in Hansard, the official recording service of the Legislative Assembly of Ontario?

Ms. Emily Murray: Emily Murray, legal director of Luke's Place.

Ms. Carol Barkwell: Carol Barkwell, executive director of Luke's Place.

The Chair (Mr. Lorne Coe): Thank you. You will have 10 minutes for your presentation. I will let you know when you have one minute left in that presentation. That will be followed by questions from the official opposition and our independent member of the committee, as well as the government members.

Please begin your presentation.

Ms. Emily Murray: My name is Emily Murray. I'm the legal director at Luke's Place. I am joined today by Carol Barkwell, the founding executive director, who has been with the organization for more than 20 years.

For those of you who are not familiar with Luke's Place, it's a non-profit organization that provides family law support, summary legal advice, and transitional housing and support services to women who have been subjected to intimate partner violence. We are named after Luke Schillings, a three-and-a-half-year-old boy who was murdered by his father on his first unsupervised-access visit after his mother had sought but was unsuccessful in obtaining an order for supervised access. We are physically based in Durham region, but we provide resources and services to women, community workers, lawyers and other stakeholders throughout the province. We provide direct services to nearly 1,000 women each year. We provide training, create resources, and engage in research and systemic advocacy.

I want to start our presentation today by encouraging the immediate passage of Bill 173 declaring intimate partner violence an epidemic. This declaration is a necessary and important step towards meaningfully addressing intimate partner violence in Ontario and treating it with the kind of urgency and severity it deserves.

I'm now going to spend a few minutes highlighting some of the issues with the Family Court process for survivors of intimate partner violence. I will then pass it over to Carol to talk with you about the Family Court Support Worker Program and a few general recommendations for addressing intimate partner violence in Ontario.

The family law system isn't always an understanding and safe place for survivors. The women we support at Luke's Place are often met with a legal system that does not understand their experiences or hear their concerns. For many survivors, they may enter the Family Court process at a time when the violence is continuing and, in many cases, escalating. They are likely managing the impacts of trauma. They may not feel safe disclosing the violence to anyone, including their own lawyer, if they're lucky enough to have one. Even if they do disclose the violence, they may not be believed, particularly when the violence has mostly been non-physical and there may not be any corroborating evidence. They may not qualify for

legal aid, but may have no money to pay for a privately retained lawyer. They may be encouraged to facilitate parenting time with the abuser so they do not appear unreasonable, even when they have serious concerns about their safety and the safety of their children. They may be strongly encouraged to settle out of court, with the abuser trying to pressure them into accepting an unfair or unsafe settlement. They may be dealing with an ex-partner who refuses to comply with court orders and uses the court process itself as a tool for further abuse. They may also be without safe and affordable housing, have limited access to supports and services, or be managing other legal systems at the same time, like criminal court. The list goes on.

There has been a lot of research talking about these issues, including research from Luke's Place as well as a number of other organizations that support survivors through the family law process.

A few years ago, there were some important changes to family law legislation that included a comprehensive definition of family violence and made family violence a mandatory consideration when making parenting orders. But changes to legislation are only part of the solution when it comes to protecting women and children in situations of intimate partner violence.

I'm now going to pass it over to Carol to speak with you about the Family Court Support Worker Program.

Ms. Carol Barkwell: Thank you, Emily.

Survivors of intimate partner violence need access to multidisciplinary, survivor-centred supports and services to more effectively engage in a complex family law system. Key to this multidisciplinary approach is Ontario's Family Court Support Worker Program. This program has been operating since 2011 and was established in part through the hard work of violence-against-women advocates to address the extensive barriers experienced by survivors when navigating Family Court.

Family Court support workers, or FCSWs for short, bring a perspective and an approach to working with survivors that complements the expertise of other legal system professionals. It is premised on the notion that a survivor is best served by having a lawyer for legal advice and representation and an FCSW to help provide critical emotional, safety and legal informational support through a trauma-informed intersectional approach.

Some key elements of the FCSW program include:

- ongoing safety planning, including court safety planning;
- needs assessments and ongoing emotional support;
- providing plain-language legal and court process information;
- helping to connect to other programs and services, especially legal aid;
- helping survivors document the history of abuse and gather evidence; and
- providing accompaniment to legal appointments and court, debriefing outcomes, and assistance with preparing for the next steps in the case.

Since the program's inception, survivors have reported feeling safer, better informed and better able to present their case effectively because of working with an FCSW. Lawyers, judges and other legal system professionals have also shared positive feedback about the FCSW's role in supporting client engagement and making the case operate more smoothly.

As the organization that leads the training and community of practice for FCSWs across the province, as well as delivers the program in Durham region, Luke's Place is in a unique position to learn about the many challenges the program faces.

Even though FCSWs provide a critical service to survivors, funding for the program has yet to be annualized and has largely stayed the same since 2011. It is our understanding that of the 41 organizations contracted to deliver the program, 24 are only funded to provide FCSW services part-time; 11 of those are provided as little as a 0.25 position, meaning that the individual in this role spends about one day a week delivering Family Court support services. The funding level no longer covers basic salaries, and organizations are left to fundraise to cover the difference and all other associated program delivery costs. Not surprisingly, staff turnover has exponentially increased, especially over the past four years. The job itself is prone to burnout and vicarious trauma, which is exacerbated by the lack of resources and support for the program.

The FCSW role is highly specialized. Often, the FCSW is the only person within the organization who works on family law issues. In rural and northern communities, the FCSW may be the only person providing this support for hundreds of kilometres. Many organizations are so under-resourced that there is little time for knowledge-sharing for new recruits when an experienced advocate leaves their position. This makes it impossible to meet the growing demand for services across the province.

Not only have rates of intimate partner violence gone up, but the majority of the women who turn to the program do not have a lawyer. This places a larger burden on FCSWs, who may be the women's only consistent source of legal information and support.

We recommend that the government prioritize support for core intimate partner violence responses like the Family Court Support Worker Program through increased and stabilized funding. CKW inquest recommendations 18 to 22, as well as recommendations from past inquests, provide clear guidance to the provincial government on steps it could take to ensure organizations are properly funded.

Funding distribution should also take into consideration that solutions to intimate partner violence are local, diverse and collaborative. Funding models should prioritize support for organizations that have local expertise and knowledge of the particular needs of their communities. For the FCSW Program, this involves consultation with organizations currently delivering the program and others who are doing so without the support of this funding to understand the unique needs regionally and province-wide.

1410

More generally, we need a space for the government and the sector to work together to share knowledge and make meaningful changes across systems. To that end, we urge the government to reinstate the provincial Roundtable on Violence Against Women—or a similar round table be re-created to help facilitate the implementation of the wealth of existing recommendations on addressing intimate partner violence. Membership on the round table should come from across the sector—

The Chair (Mr. Lorne Coe): Excuse me. That concludes the time for your presentation.

We'll now move to questions from the official opposition, please. MPP Sattler.

Ms. Peggy Sattler: Thank you so much to our presenters for coming to this committee today and for the leadership that you have provided for so many years in this province on issues of intimate partner violence.

I'll give you a little bit more time to finish your recommendations.

Ms. Carol Barkwell: Thank you. I believe that I covered most of them. I would just add that we hope the round table's mandate should include reporting publicly on implementation progress.

Ms. Peggy Sattler: The majority of your presentation was spent on the fundamental importance of the Family Court Support Worker Program to support survivors of intimate partner violence. I have an agency, Anova, in my community of London, and I know how phenomenal these workers are. The kind of impact and difference that they make for survivors is extraordinary, especially when some of them are working in, as you say, a 0.25 staffing capacity.

Have you advocated to the government previously about this program to ensure that there is that stable and increased funding? If you're still getting the same funding as you were in 2011, that's a significant cut in funding, given the inflation over the years. Do you have any sense as to what the resistance would be to providing that stable core increased funding that this program needs?

Ms. Carol Barkwell: Thank you for your question.

Yes, we certainly have advocated for increased and stabilized funding for the program, almost since the first years since inception. Not only ourselves but the many organizations that deliver that program have conducted that funding advocacy. To date, we have not been successful, other than, most recently, some small, incremental increases through the Ontario-STANDS program.

Ms. Peggy Sattler: We have heard from other deputations about the importance and the value of that program for women who have experienced intimate partner violence, so we appreciate the focus that you included in your presentation.

Your written submission includes a number of other recommendations, particularly around the family law system. I wondered if you wanted to elaborate a little bit about some of your recommendations dealing with family law.

Ms. Carol Barkwell: I think, first and foremost, what we would like to see happen in this system is that there is prioritization for every litigant to have full legal representation. It's critical that survivors not engage in this system when experiencing the level of trauma they do after leaving violence and often being exposed to increased levels of abuse, and survivors should have a lawyer who can represent them. We wouldn't have someone take out their own tonsils. Lawyers are experts in the family law, and we believe that all litigants should have legal representation.

Ms. Peggy Sattler: One of your recommendations that I think is particularly important for this committee to consider is the recommendation to invest in prevention.

I know, going back to my community and Anova, staff from Anova engage with Western University and the school boards and many other community organizations to help with training and other activities, and it's hard for an agency that is so underfunded to be able to engage in those proactive prevention activities.

Can you talk a little bit more about the role that agencies can play in helping with prevention efforts in our communities?

Ms. Carol Barkwell: Organizations that deliver the services are also the experts and see the causes that lead to the challenges that survivors face, and so we're best poised, with appropriate support, to provide that public education.

Luke's Place specializes in public legal education and helping all of those who surround women leaving abuse to understand what she has experienced and what she faces as she enters the family law system. We also provide specialized training and resources to lawyers and other advocates that support women that they may encounter along the process, and it's critical. But also, prevention is much broader than that. It's about ensuring that all of the safety nets are in place so that women aren't victimized, children aren't victimized, and that when this does happen, they can leave a situation safely, get into safe housing and have economic security.

Additionally, with the Family Court process, the outcomes that happen there can also intervene with prevention. We know that children who are continually exposed to violence could then, later down the road, either perpetrate or experience violence. We have increased vulnerabilities there, so we have to get better outcomes.

Ms. Peggy Sattler: The final comment I wanted to make is to thank you for beginning your presentation with a call to declare intimate partner violence an epidemic in Ontario. I wondered if you wanted to speak a little bit more about why that is so important and why you started your presentation with that call.

Ms. Carol Barkwell: I think a declaration of intimate partner violence as an epidemic would—

The Chair (Mr. Lorne Coe): Excuse me. We're going to now move to the independent member of our standing committee.

MPP Clancy, you might want to put that question again to our presenters, if you wish.

Ms. Aislinn Clancy: Yes, I'll let you finish your statement, Carol.

Ms. Carol Barkwell: I think it would make a huge impact and cost nothing. It would bring the violence out of the shadows and make it clear that intimate partner violence in Ontario is a public health crisis and a public policy issue.

This declaration would also serve as a validation for survivors and those still living with intimate partner violence that this violence is both real and wrong.

Ms. Aislinn Clancy: In my community, Waterloo Region Community Legal Services is our outlet for legal aid, and they're starving, I think, to say the least—trying to be in many places at once.

What would it mean to have adequate funding for legal aid so that these professionals could support low-income families? And of course, that income level—how do we make that more flexible, knowing how much life costs right now?

Ms. Carol Barkwell: It would be critical. It would be game-changing for women fleeing abuse. There is such a gap between the income level to qualify and what it actually takes to afford to retain a lawyer through these cases. They're complex. They're long. Factors like legal bullying—when the abuser uses the legal system to perpetuate the abuse—make it virtually impossible for women to afford a lawyer. Many of the women we work with retain a lawyer to begin with but quickly run out of funds to keep that going. So having adequately funded legal aid with expanded eligibility criteria would make a big difference.

1420

Ms. Emily Murray: This issue is province-wide. There was an open call for submissions about a year ago, because legal aid was considering some tariff reforms to increase tariff rates for empanelled lawyers. We surveyed Family Court support workers and some other front-line workers from across the province, just to gauge if they were experiencing the same thing that we're seeing in Durham region, which is where—even when a woman does qualify financially for legal aid and is able to meet those ridiculously low thresholds and has a certificate, still there's a problem where there aren't enough lawyers who are accepting certificates. In some communities, there may only be one lawyer who is accepting certificates, and then when their caseload is full, there's no one who can accept those certificates. That's incredibly problematic.

Ms. Aislinn Clancy: I imagine especially for vulnerable women, who we hear are disproportionately represented—like folks who are racialized or don't have English as a first language or might identify as 2SLGBTQIA+ or have other disabilities. I can imagine that that lawyer means a lot, especially for those in those vulnerable groups.

Can you tell me what you'd like to see in terms of training the legal system partners? I saw that as a recommendation, that we want to lift all boats. How do we do that?

Ms. Carol Barkwell: Luke's Place has done that for a number of years. We have an online lawyers' course that's accessible and available. It's self-directed learning. It qualifies for CPD credits, and I think that's important as well.

We've also—through a multi-year project with Legal Aid Ontario—trained almost 2,000 legal aid staff and duty counsel and lawyers who accept certificates in two days' worth of training on the intersections of intimate partner violence and family law. That was very effective, and it ran out of funding. So we need to keep that.

We can't have these training programs vulnerable as well. They're often project-funding based, and they're critical.

Ms. Aislinn Clancy: Yes. I think with the human resources crisis that we're in, this is crippling for a lot of not-for-profits.

Ms. Emily Murray: I think in the comments I made in our oral submissions around—you can change the law, but what's fundamental for those changes to the law to be meaningful is changing the understanding and assumptions being made by those who are tasked with actually applying the law. We need that education piece to make sure that those changes in the law are actually meaningful for the people who are appearing in court.

Ms. Aislinn Clancy: Especially with the shifting landscape. We heard today about technology and the wrench that throws into things.

I did want to comment, especially with MPP Dixon here, that we did get some added funding to Child Witness Centre, but I know that's something they're looking for—consistent, ongoing funding.

The Chair (Mr. Lorne Coe): We'll now move to the government. MPP McGregor.

Mr. Graham McGregor: Thank you, Ms. Murray and Ms. Barkwell, for being here.

Ms. Murray, just looking at your bio, I see you spent some time working at Peel Children's Aid Society. I represent Brampton North, and we're working with Peel children's aid. They're leading our work on a youth wellness hub in our community of Brampton, so I appreciate the organization and appreciate your time there, as a local.

I wanted to talk about the child witness supports. I'll pick up on MPP Clancy—it's my understanding that right now that doesn't get included when it comes to Family Court and family law. Is that something that the government should be stepping up supports for—child witness support programs? Would that help us access justice and help support people more when it comes to family law?

Ms. Emily Murray: I would say yes, generally, for the justice system. I think looking at other ways that children engage with Family Court processes and procedures may look a little bit different than a child taking the stand and testifying, necessarily, in that context—but speaking more to organizations like Justice for Children and Youth and the Office of the Children's Lawyer, who are there to provide that voice and support to children who are engaged in the process.

Mr. Graham McGregor: You talked a little bit about the Family Court Support Worker Program being overburdened, and I want to dive a little bit more into that. Do you have a sense of how overburdened—in your opinion, how much need is out there that's being unmet by current funding—and whether that's something that you see or believe on a regional level? Are there some regions that are even more overburdened than others? Is there a regional disparity there as well?

Ms. Carol Barkwell: Yes, definitely there is.

I'll start by saying that for Luke's Place, we've been allocated 1.5 FCSWs to serve the Durham region. That hasn't changed since 2011, and the region, I believe, is the second-fastest-growing in the province. In order to serve the 1,000 women who come to us every year requiring Family Court Support Worker services, we actually fundraise, project-fund and seek other sources of funding to employ six Family Court legal support workers to meet that need. And we're in a well-serviced area, generally speaking. When we look at rural communities, when we look at northern communities, that's exponentially a greater burden. Most of those communities are the ones that have 0.25 workers. So if that worker is going across their community to meet with a woman and perhaps support her in court, that could be all of her hours for that week for one client service.

Mr. Graham McGregor: I appreciate the insights there.

I guess keeping in the trend of looking for specific examples, that 1.5-to-6 is super helpful in the Durham context. I'm almost curious, in a region like mine, in Peel region, which is the fastest-growing region, where that's at.

In terms of training to better support IPV survivors, training that you roll out to members of the legal profession, could you give us, for the benefit of the committee and for the Hansard—what does that look like? What's an example of an effective intervention where a law professional who's had IPV-specific training and a legal professional who doesn't have it—what does that look like when we're talking about victims and family members?

Ms. Emily Murray: I can talk a little bit about our lawyers' course. I think one of the things that it does provide really well is information on what intimate partner violence can look like, to understand the impacts of trauma and how you can be more trauma-informed in the work that you do.

I think one of the things we covered in our written submissions was around the issue of screening and how to ask really important questions and have those conversations with every single client who walks in the door; not to make assumptions—"If somebody experienced intimate partner violence, then they're just going to tell me. I don't need to ask those questions"—because we know that doesn't happen. Anecdotally, we know a lot of lawyers don't know how to have those conversations, don't know how to ask and feel potentially unprepared or uncomfortable doing so.

So the course that we have as well as a lot of other resources that are out there—the Department of Justice

created the HELP Toolkit. It's a free resource for family law practitioners online, and it's sort of scripted questions that you can ask with a lot more information. It's about making people feel more comfortable having those conversations and creating an atmosphere and an environment that is not going to re-traumatize the clients they're working for.

Until you can understand what intimate partner violence looks like, you can't properly give advice to your client about what legal options they should be pursuing. You're not going to be attuned to some of the safety concerns that are going to be going on. You're not going to be making sure that you're putting forth all of the relevant evidence. So it's absolutely critical that all legal system professionals have that understanding.

1430

Mr. Graham McGregor: Time check, Chair?

The Chair (Mr. Lorne Coe): One minute and 21 seconds, sir.

Mr. Graham McGregor: Perfect.

The idea about training is something that we've heard from various sectors that intersect here. Training and asking the right questions can help to identify victims and make sure they're getting the support that they need. We've heard time and again that as a society, we can't rely on self-reporting; we need to find other ways to make sure that we're flagging victims and seeing where the problems are.

Aside from training, are there any other things that the legal system should be doing to proactively identify victims of intimate partner violence?

Ms. Emily Murray: One of the things that we covered in our written submissions, and something we advocated for at the time that the Children's Law Reform Act was reformed a few years ago, is actually making that screening process mandatory. It is mandatory for arbitrators in family law, but it isn't mandatory for family law lawyers to be screening each and every client who comes before them. So that is one of the recommendations that we put forward.

Because I'm running out of time, I just want to again plug ongoing consultation and collaboration. The reason why we need a round table is to bring organizations—we don't have all the answers. We don't presume to have all the answers—but bringing together other experts from across a wide range of communities who can come together and talk through what other reforms are needed.

The Chair (Mr. Lorne Coe): Thank you very much for that response.

That concludes the time we have for your presentation this afternoon. Thank you both for taking the time to be with us and for your excellent presentation that all the members have. Have a good weekend.

YORK UNIVERSITY

The Chair (Mr. Lorne Coe): I call on York University, please, to attend the table.

Welcome.

Ms. Janet Mosher: Thank you.

The Chair (Mr. Lorne Coe): You will have 10 minutes for your presentation, and I will give you a one-minute warning to sum up. If you could please state your name for Hansard, the official recording service for the Legislative Assembly—once you've done that and your affiliation, if you could start your presentation.

Ms. Janet Mosher: My name is Janet Mosher. I am an associate professor at Osgoode Hall Law School at York University.

Thank you for the opportunity to speak with you today regarding the vitally important work that the committee is engaged in in trying to more fully understand intimate partner violence and to come up with what might be the solutions.

I regret not having my written submissions to you earlier. I submitted them yesterday. I don't anticipate that you had time to read them overnight, but you will find a much fuller explanation of my remarks contained in the submissions.

I also want to specifically note that in those submissions, I referred to some work that I've done with colleagues. That work included doing a mapping of all legislation—statutes, regulations, policy directives—in the entire country that touch on intimate partner violence and then, as background work for the national action plan, to do a comparison of those across jurisdictions to try to come up with what might be some promising practices. In my submission, I'll touch on a few of those, but I also want to refer you to that work because I do think, just having listened to a couple of the earlier presentations, for example, related to victims' compensation, that there are some interesting models, and you'll see that they're enormously varied in the benefits that are provided—from \$0 to \$100,000; sometimes special benefits for children to deal with the effects of witnessing or being exposed to intimate partner violence, and an adult to accompany them to therapy. So I think there are lots of terrific ideas that we can find by drawing from other jurisdictions.

Nova Scotia's Mass Casualty Commission chose to use "epidemic" very intentionally to underscore the fact that gender-based, intimate partner and family violence continue to be excessively present in Nova Scotia and throughout Canada, and also to capture "its toxic and unhealthy character." The passage of Bill 173 would similarly—and I quote the bill—"recognize that intimate partner violence is an epidemic in Ontario." This recognition would constitute a first and important step of the many that are needed to mobilize the cross-systems change necessary to prevent intimate partner violence and to respond effectively in the aftermath of such violence.

I underscore the importance of both prevention and effective responses to intimate partner violence.

With respect to prevention, a wide range of measures are necessary; among them:

- education within schools, within communities;
- interventions with children who are exposed to intimate partner violence;
- interventions with perpetrators; and

—addressing risk factors, and those are widely recognized in the academic literature to include poverty and unemployment.

With respect to effective responses, I want to highlight something again identified by the Nova Scotia Mass Casualty Commission, and that's the central importance of creating safe spaces for disclosures and access to the supports necessary to ensure safety. This also has a preventive effect: Early disclosures provide the opportunity for interventions that can help prevent escalation. These need to be community-based, culturally appropriate and responsive.

In all of our responses or interventions, we need to be constantly attentive to the reality that survivors are not a homogeneous group, nor are perpetrators, nor does intimate partner violence take a single form. We need to be self-reflexively asking who is included and excluded, whose experiences are reflected and whose are obscured.

In my written submissions, I've followed the recommended format of problem statements and some potential solutions. I couldn't hope to cover all of the problems nor all of the solutions in that written submission nor today, so I'm going to highlight a few of them.

A problem statement that I would articulate is the overreliance we in Ontario, across the country, have placed on the criminal law system. A few things to point out here—you'll know this already: Most victims do not report. The vast majority do not report, and that's especially true for women who experience social marginalization: Indigenous women, Black and other racialized women, LGBTQ+ people, women with disabilities, young women, women with precarious immigration status. They're also the women who—the limited research that we have shows—experience higher rates of intimate partner violence.

This may come as a surprise—maybe it doesn't—but there's no academic literature that shows criminal justice intervention helps to reduce intimate partner violence. The most recent systemic review of mandatory charging policies shows they're ineffective and, in fact, lead in many instances to the escalation of violence. We've got a lot of evidence that the criminal justice system is not working.

Here, I want to flag the PAR Program. Again, I'll assume you're familiar with the Partner Assault Response Program. There's a very heavy reliance, as you'll know, on the criminal law system in that program. I think what's less commonly known is how heavily the family law system relies on it. If a father has been charged and completes the PAR Program, routinely in family law cases, he's seen to be good to parent. That's really troubling, in my view, because we have very, very limited evidence that PAR and other perpetrator-intervention programs are effective in reducing intimate partner violence. The best evidence that we have—again, a one-size model doesn't fit all. The newest research shows we need to be very attentive to the particular perpetrator, their risk characteristics and profile, their social and cultural context, and we need to be developing very specific kinds of interventions.

The last thing I want to say about the criminal justice system is that I think we often like to assume, because it makes us feel comfortable, that it will make us safe, but it doesn't make survivors safe in many instances. Once the criminal justice system is activated, sometimes that signals to a perpetrator that he's losing control, and so he takes additional measures to try to reassert control. The violence often escalates, and survivors report really being left on their own to try to find and navigate safety. This is true, and it comes out in recent research in Scotland, with its new domestic violence act, which is assumed to be the gold standard of legislation.

Moreover, criminalization has harmful effects. I'm guessing you've already heard that, often, with mandatory charging policies, survivors end up being charged dually or solely. Again, these are more likely to be marginalized women who are charged.

There are many solutions here. I won't review them right now. Those are in the paper. I'm happy to talk about them.

I want to take a few minutes to address two other problems very quickly.

1440

A lack of a coordinated and comprehensive approach—there are a vast number of statutes in Ontario that address intimate partner violence, again, often using different terms, often with conflicting definitions or not consistent definitions and sometimes without a definition at all. That means that a woman's access to—particular kinds of statutory entitlements or benefits that are designed intentionally for survivors are often inaccessible, and they're applied inconsistently depending on who might be the individual worker a survivor encounters. They have a vast array of different kinds of verification requirements. What do you need to do to verify that you are a survivor? They range from a simple self-declaration to things like a police report, which, again, most women aren't going to have, or something from a defined list of professionals, again, to whom many women will not have access. There is scope here, I think, legislatively and working with community-based groups, to come up with common terminology, common definitions, common verification procedures that would enhance women's access to a range of statutory benefits that already exist but are inconsistently available.

I'll say a little bit about inaccessible justice, and you heard quite a bit about that in the last presentation. Again, in recent research that we did—

The Chair (Mr. Lorne Coe): Professor, you have one minute left, please.

Ms. Janet Mosher: —with a range of service providers and lawyers is the unavailability and inadequacy of legal aid funding. That's not only with respect to the income thresholds that one needs satisfied—they're very low—but also the number of hours that are available under a legal aid certificate as being absolutely inadequate to provide good representation.

The Supreme Court of Canada has recognized that it's very difficult to prove intimate partner violence. It means it takes a lot of time and a lot of skill to be able to effect-

ively establish it in the context of a family law or other proceeding, and again, the rates, the hours—also the rates of pay—are inadequate.

I will stop there and invite your questions.

The Chair (Mr. Lorne Coe): That's perfect timing, Professor.

We're now going to turn to the official opposition to begin their questions. MPP Wong-Tam.

MPP Kristyn Wong-Tam: Thank you, Professor Mosher. I have been anticipating your presentation just because I've also been following your work.

I'm very interested in the report that you have completed on behalf of the national action plan on violence against women and gender-based violence; specifically, the report identifying the comparisons against the different justice systems. I am going through the 75 pages, and I recognize that you—and even then, at 75 pages, it's a very high-level review.

I'm curious to know, with respect to what Ontario is doing well, where we're leading the nation, perhaps in doing something that other provinces or territories are not doing—can you identify what we are doing that's best of class?

Ms. Janet Mosher: Okay. That's—

MPP Kristyn Wong-Tam: Oh, and if there is none, where do we need to improve?

Ms. Janet Mosher: A few things come to mind as examples, but this won't be comprehensive.

Under the Residential Tenancies Act, for example, Ontario and I think now most other provinces have a provision for a survivor to be able to exit or terminate a lease early. So what do you need to do in order to be able to terminate that lease early? Ontario has—well, the statutory language is, you could have a peace bond or you could have a civil protection order and you could show that. Again, most women aren't going to have that. But you can also complete a very simple declaration. It's a form, you get it online and you check off what is the form of intimate partner violence or sexual violence you've experienced or your child has experienced. It's very accessible. It's very easy to complete. It's not grounded, as many verification procedures are, on assumptions that women lie in order to access benefits. So I think that is an example of a very, very good model that Ontario has in its residential tenancies legislation, and that could be incorporated elsewhere.

MPP Kristyn Wong-Tam: That's very important for us to recognize. I suspect it's also against the backdrop of the housing crisis where, as soon as a tenant vacates a unit, there's no vacancy decontrol.

I want to just jump into the national action plan itself. The Ontario government and the Canadian government have signed a contract, an agreement. Ontario will receive \$162 million of federal dollars to implement a provincial version of the national action plan. The funding and allocations have not been made entirely public yet, as far as I know, despite the fact that we have a STANDS program that's sitting on a website.

I'm curious to know—because there have to be some provincial matching dollars, so I suspect out of this committee will be, at some point in time, some recommendations on where we need to go to spend the federal dollars that we're receiving. Based on your knowledge of the national action plan, what would you recommend being a top priority for us? I know there are top priorities identified by the federal government and agreed to by the province, but do you agree with those top priorities, which include prevention measures, response and addressing vulnerable communities? Is there another priority that we should be looking at?

Ms. Janet Mosher: I think for me personally, a priority would be adequate, stable funding for a range of local, community-based service providers who can do—again, remembering that not all survivors are the same. Lots of survivors report they do not have safe places to disclose or where they will not be judged through stereotypes and bias. Many of those exist—but it's providing them with stable funding to continue doing and to expand the really good work that they do around prevention, around community education and around helping survivors access support and navigating access to those supports.

A critical support that's missing—there are many, but again, a really important one—is safe housing. That was identified as a critical priority by a coroner's inquest in Ontario—now it's three decades ago—the May-Iles inquest. Access to safe housing is absolutely foundational. It's the reason—again, it has come up in other research I've done—why lots of women, even if they leave an abusive relationship, end up returning. They cannot access safe, affordable housing.

So I think for me, those would be among the priorities.

MPP Kristyn Wong-Tam: And because the Ontario and federal agreement on the national action plan is up for expiration in 2027, we're literally halfway through that plan.

Just jumping off of what you've talked about in terms of community responses and making sure these community services are going to be adequately funded, although there is—quick math—\$60 million already put forward over the past two years, organizations that have come forward, including non-profits and the GBV sector, have all come forward identifying that they haven't received any baseline increase in funding and that they are literally patching together their budget and operating dollars every year through a network of grants as well as one-time funding opportunities. So is it surprising to you that we haven't rolled out the money as quickly as we need to implement priority number 4, which you've just identified?

Ms. Janet Mosher: Maybe I would describe it as a lost opportunity. In that lost opportunity, I think harms will result. When organizations don't have stable funding that they can predict into the future, it makes it very, very hard to plan and to deliver service, and to take what might be really, really promising pilot models and scale them up, because you don't know what your future holds across the front-line-service delivery sector.

I also do want to flag here child protective services. Their caseloads are astronomical, and their resources are really insufficient to meet the demand. Again, that means that we're going to have longer-term harms for not just this generation, but the next generation. So one wants to be thoughtful about how funds are rolled out but at the same time be concerned about the viability and sustainability of organizations on the ground that are doing really good work.

MPP Kristyn Wong-Tam: I'm going to be out of time in five seconds, but I just want to say thank you for coming forward to this committee and for your written submission.

The Chair (Mr. Lorne Coe): We'll move now to our independent member, MPP Clancy, for your questions. You have five minutes, please.

1450

Ms. Aislinn Clancy: I really appreciate you being here. I think we all say, "Measure twice, cut once," so I think your data-informed approach is really helpful.

I did want to ask a little bit about substances. We have an opioid crisis and a toxic drug crisis, and then we're in the midst of liberalizing alcohol. I know that alcohol isn't just one thing, but I've read about increased violence when there's increased use of alcohol. Can you speak a little bit to that, if you don't mind?

Ms. Janet Mosher: It's not a specific area of my research, but, clearly, there has been a correlation between intimate partner violence—again, which is not all the same, and it's not perpetrated always for all of the same reasons; I'm happy to get into that if you want—with drug and alcohol use.

Drug and alcohol use is identified as a risk factor, so if we're focused on prevention and thinking about prevention, being attentive to, what are those various risk factors and what are some of the measures that we can take to address the risk factors—drug and alcohol use is a risk factor. Where and how do we best address that? Certainly, education is a piece of that, but there's a whole lot more that's probably outside of my expertise around what other kinds of interventions are really important.

It goes, as well, back to this question about PAR programs or other better intervention programs. If the reason the violence is happening is at least in some way connected to drug and alcohol use and your intervention isn't addressing that, it's not going to be an effective intervention.

Ms. Aislinn Clancy: Some of what you talked about is probably hard to hear, because I think we do lean a lot on the criminal justice system to address this and hold perpetrators accountable, but what you're speaking to is actually investing money in other things.

How would you talk to somebody who really is looking for a tough-on-crime approach—but you're saying prevention is actually better bang for the buck?

Ms. Janet Mosher: I want to be clear that there's a role for the criminal law system to play. I think every time a police officer is called is an opportunity to do a risk assessment and to take risk-mitigation steps. If we rethink what is the goal of the criminal law system—from getting

a conviction to facilitating safety—I think that kind of mind shift would be really important and helpful.

If we think that part of a police officer's job—and I think some do see their job this way—is to do a really meaningful risk assessment, that requires good risk assessment tools. It also requires quite a lot of time which, again, often police officers do not have. There has been a lot of focus on coercive control lately. Understanding the complicated dynamics in a coercive control relationship takes a lot of time, often; it requires some trust. A woman is not going to just cough up everything about her whole history of the relationship in five minutes, while a police officer attends a call. So resourcing police officers to be able to spend the time that's necessary to really understand the relationship—that would help also mitigate against survivors being charged—do the full risk assessment and understand what are the steps to actually mitigate risk. In some instances, it might be pursuing the charge.

We know no-contact orders are routinely put in place and they are routinely violated, sometimes at the instance of both parties. Most women actually do not want no-contact orders because often what they need to do is figure out housing and child care and daily living that requires some communication. It may be that, again, because of housing and income insecurity, that relationship is vital to them for their economic survival—so, again, just rethinking police intervention, to focus on safety and not on getting a conviction.

Ms. Aislinn Clancy: Is there an example that you've seen in your research of that kind of world view shifting and being successful?

Ms. Janet Mosher: I can't think of a jurisdiction where that has been demonstrated to be really effective.

You will know there have been recent legislative changes that I mentioned before, in Scotland, also earlier in England and Wales, around coercive control. Again, the kind of problems that I just alluded to, they're finding with the new legislation—

The Chair (Mr. Lorne Coe): Professor, thank you so much for that answer.

We're now going to move to the government members. MPP Anand, please.

Mr. Deepak Anand: Professor, first of all, welcome, and thank you for taking time and sharing your thoughts on this.

By the way, I am also from Schulich, from York University.

I was looking at your introduction—very, very impressive that you've been working in the field of poverty, gender-based violence, welfare, homelessness, legal aid—so many areas.

I'm not a lawyer like you, but I have a small engineering background, so I sometimes think—as I was listening earlier—about prevention; for example, rather than looking at "Quit smoking," thinking about "Don't start smoking." If we don't start it, we don't have to worry about quitting.

Similarly, about intimate partner violence, is there anything as a community, as a government, or as parents—I am a parent of two children—we can do so that we don't

even get to that position and the point that this intimate partner violence happens; any suggestion on that?

Ms. Janet Mosher: That's a very difficult question. There are absolutely things that can be done. I don't think there's any one solution, nor is there a perfect solution. There are a lot of things that we need to be doing.

If we think about prevention, there's a lot that can begin to happen in elementary school, for example, around positive relationships. We have to be mindful. What is it kids are observing at home? We know that exposure to intimate partner violence—it's varied depending on a whole lot of contextual factors, but for some children it means they grow up to be perpetrators and victims. So what's happening in the home is very important.

There's a lot of intimate partner violence that some would say really focuses on particular regulation of highly gendered performances—in the academic literature. I'll explain. It's this idea that, if you're a woman, you have all of these particular duties and responsibilities; if you're a man, you have these other ones. So very clear, gendered roles, and that those need to be enforced—and you see that in coercive, controlling relationships. We could be doing educative work around gender and gendered roles that could be very, very helpful. We can be doing that in schools. We can be doing that in communities.

There's also clearly the case that, in some intimate partner violence situations, the perpetrators have some kind of mental health issues or disorders and require particular kinds of interventions and treatment—again, back to my point earlier that we need very specific forms of intervention.

To your point: Yes, there are a lot of things we could be doing early on the preventive side.

Mr. Deepak Anand: Absolutely. I hear it loud and clear. Education, raising the children, family as a whole—those are some of the things which can play a big role.

Quickly, before I pass on to MPP Dixon, can you expand on the impact of mandatory charging and what research, if any, exists about its efficiency?

Ms. Janet Mosher: I briefly mentioned, with respect to mandatory charging, there has been a huge amount of research. The most recent systemic review that goes back and looks at lots of literature over time finds that it does not reduce intimate partner violence and it very often results in an escalation.

Mandatory charging policies came about as a result of early research done by researchers Sherman and Berk. They purported to find that mandatory charging resulted in a reduction in domestic violence. The government in the US commissioned six replication studies. None of them came to the same findings. Some of them showed, as more recent research has, an escalation.

It's not to say that, in some circumstances, mandatory charging hasn't helped some women, and maybe it has helped raise a public profile, but in terms of having a positive effect on reducing intimate partner violence, research suggests, no, that it hasn't. And it has resulted in a lot of women, especially marginalized women, being charged.

So we need to be thinking about different ways of intervening. Again, there has been a lot of recent work on restorative and transformative justice models. Is that something we should be thinking about more fully? Back to my earlier response as well—what would it look like if we prioritized safety as opposed to a conviction?

1500

Mr. Deepak Anand: Thank you so much again, Professor, for coming and giving your valuable input.

Chair, over to my colleague.

The Chair (Mr. Lorne Coe): I would like to move, please, to MPP Dixon.

Ms. Jess Dixon: We've got about two and a half minutes.

I know your concerns about the criminalization of coercive control. I remember having similar thoughts when I first heard about it arising in England—of how are you going to prove that, and, of course, the risks now that we would have mandatory charging of potential coercive control.

We've been hearing a lot about risk assessments, and I know that one of the things that you mentioned with coercive control is that incidents of coercive control can actually be a better predictor of more significant violence than a previous violent act.

Do you know if any of our myriad risk assessments that we are currently using flag coercive control or screen for coercive control, and if not, should they be?

Ms. Janet Mosher: Yes, some do, and yes, they all should. I think an important piece here is there's a huge expanding literature on coercive control and not always agreement about just what it is. I think a very good description I found is “governing through fear,” making an analogy to terrorism, which is governing through fear. So that's the basics, but the tactics look very, very different depending on the relationship. So if you're in a same-sex relationship, the tactics might look very, very different than if you're in a heterosexual relationship—the kinds of things that can be coercive and controlling. So, yes, this should be reflected in risk assessment tools.

The Schlifer clinic has done work, again, trying to gather evidence from front-line service providers, from survivors, to identify the range of different ways in which coercive control can manifest in different kinds of relationships.

Ms. Jess Dixon: I suppose I should mention that what I said in the question—and if you could sort of repeat if you agree that coercive control can be a better flag for severe incidents. That's the case, correct?

Ms. Janet Mosher: Yes. Looking at the pattern over time—and various death review committees, including Ontario's, have identified what some of those risk factors are. Usually, there's a presence of a number of them in relationships that might lead to lethality—so particular kinds of assessments to try to help us predict lethality, where many of the characteristics of coercive control are among those characteristics—

The Chair (Mr. Lorne Coe): Thank you very much, Professor, for your presentation today. That concludes the

time that we have this afternoon. I now need to move on to our next presenters.

ONTARIO COALITION OF
RAPE CRISIS CENTRES

The Chair (Mr. Lorne Coe): I will now call forward, please, to the table the Ontario Coalition of Rape Crisis Centres.

Good afternoon, ladies. You will have 10 minutes for your presentation. I will give you a one-minute warning so that you can wrap up. Could you please state your names for Hansard, which is the official recording service for the Ontario Legislature, then begin your presentation?

Your microphones will be operated by our technician, so you don't need to press any buttons; I would ask, though, that you bring them a little bit closer to you. You don't need to speak really loud, because we'll pick up what you have to say.

So your names, please, affiliation—and then you can start your presentation.

Ms. Joanna Brant: My name is Joanna Brant. I am the co-chair of the Ontario Coalition of Rape Crisis Centres, and I work in a local sexual assault centre in Brantford.

Ms. Nicole Pietsch: My name is Nicole Pietsch. I am the writer and advocate with Ontario Coalition of Rape Crisis Centres.

Ms. Elise Hineman: My name is Elise Hineman. I am the co-chair of the Ontario Coalition of Rape Crisis Centres. I'm also the executive director of the Sexual Assault Centre for Quinte and District in Belleville.

The Chair (Mr. Lorne Coe): Welcome to the Standing Committee on Justice Policy. Please start your presentation.

Ms. Nicole Pietsch: Thank you for having us. My name is Nicole, and I'm going to begin our presentation on behalf of the Ontario Coalition of Rape Crisis Centres, and I'm beginning by sharing a personal story about how my work began in this area, to contextualize some of the issues in our submission to you.

When I was about 16 years old, a friend of mine was involved with a local person who lied about his age and turned out to be in his mid-twenties. By the time this came to light, my friend was in a serious relationship with him. We had few adults in our midst who could counsel us on healthy relationships, other than to tell us we shouldn't be spending time with guys like that or admonishments about virginity.

In the midst of this, we were aware that my friend's relationship with this boy was abusive. He told her how to dress, cut her off from friends and family, and took up all her time and personal, day-to-day business. He appeared every day to enforce that she spent time with him and sometimes threatened her physically.

As you can imagine in the context of this relationship, the sexual component of this relationship was also abusive. My friend didn't have a say whether or not she would engage in sexual relations and in what ways.

A teacher at school finally expressed concern and gave us instruction on what to do, so we called him, and my friend broke up with him. Then, we locked the doors, and he called the house, first with tears, anger and threats, and then finally he went away.

However, many years later, this same person spotted my friend walking in our neighbourhood when she was home for summer break from school, and he began to send creepy letters and appear at the household and ask her to reconcile. My friend hadn't wanted it to come to this, but at this point she decided to call the police. We had an officer on the line, a woman with great intentions. She had a good rapport with my friend and asked a number of questions around whether or not she had agreed to have sex. What my friend said was that she said no and no again and no about a hundred times, but what it finally boiled down to is, in the context of their abusive relationship, her "no" had no meaning, and so eventually she complied because she was afraid. This police officer had every good intention and may have simply known the fact that even though my friend's guy could have been charged with sexual assault—and he could have—simply to say in court that she had consented was all that it would probably take to make this case not go the distance. Really, who would ever know the truth, because social power is invisible to most discerning eyes? Finally, this police officer probably knew that despite her ongoing rapport with this person for beyond five years, with probably countless sexual assaults, it probably just would never progress through the criminal justice system to make a conviction. So that officer said, "I believe what you're saying, but I've spent many years telling people that 'no' means no, and I don't think we can lay a charge, saying that 'maybe' or 'I'm not sure' means no." So my friend put down the phone and yelled, "We're going into politics."

And that's what I'm doing here today—actually, not really. Obviously, neither my friend nor I went into politics, but I'm spending many years doing something else, and that is advocating on behalf of survivors of sexual violence and communicating that this is a dynamic and this is how sexual assault is actually happening in Ontario. You have leadership in Ontario, and in that you have an important role to play, and that is to create environments that are working for survivors.

I share that anecdote just so that we will begin by stopping asking the question, "What will encourage survivors of sexual violence to report more?" I actually think that's the wrong question. What we need to be asking more is, "What will better support sexual violence survivors? What do they need most? And what will help to prevent it in the first place?"

To begin, about us: OCRCC represents 30-plus English-language sexual assault centres that are community-based. Thank you for inviting us to provide our input to today's committee. Our member sexual assault centres offer free-of-charge, 24-hour crisis lines; individual counselling; hospital, police and court accompaniment; prevention education on sexual violence; outreach and awareness; information on the legal system and much more.

We also think that sexual violence can't be separated from our larger social context in which the offender, the threat of a violation and the survivor are part of a larger system of social inequities and norms.

Consider how, in my friend's story, she was far younger than her abuser. We didn't know our rights around sexual consent. She faced the scrutiny from people who shamed her about being sexualized or about complying in an untenable sexual situation. We also didn't understand what happened when you reported to the police. What my friend gleaned from her experience is that the law just couldn't understand her situation.

So imagine these same realities in the lives of other people; for example, teenagers, children, racialized or Indigenous women, newcomers to Canada facing sexual violence at work. I'm just saying the complexities always multiply.

A sexual assault centre could have prepared my friend for what to expect when she called the police, explained why the officer said what they did, and advocated for more action if that is what this person had wished for. Indeed, my friend finally found support in her 20s, when she attended a Take Back the Night march, which is a community event that takes place in communities across Ontario.

1510

You've probably noticed in our problem statement, we had a lengthy literature review—a lot of data in that, and so I'm just going to give some highlights of that.

In an ideal world, there wouldn't be sexual violence in our communities; however, there is, and there is that great cost to the criminal justice system, the medical system, victims and others. We don't see all of these harms as inevitable. As we've conveyed in our submission, survivors have an incredible capacity to survive, cope, grow and heal.

In the world that we are living in, we would suggest that—here is the way things should work. When you're young, you should have access to sexual violence prevention education in your community. The second part is that, should you face sexual violence, you should have access to immediate and effective support. Studies also show that, in fact, survivors are more likely to disclose to a peer, family member or someone they have a prior trusting relationship with; that is, not necessarily to law enforcement, social workers or other professionals. This is the ideal response that we decided, as a coalition—however, it's elusive for many sexual violence survivors, and a number of things continue to get in the way of adequate prevention and response. We've listed them under three things, the first one being existing yet limited resources.

Most Ontario sexual assault centres have been operating since the 1990s, but since then, we've seen more and more intake and demand for crisis and counselling services. While that's a good thing, in some regions it has been more than four times what it used to be, and that funding has just not kept pace with that. Every time a high-profile sexual assault case is in the news—Ghomeshi, Cosby, #MeToo, the impacts to Indigenous communities

when the media is talking about residential school systems, Weinstein, Nygard, Skibicki—all of these cases mean that our crisis lines and counselling see a new wave of service users and requests for education on these matters.

The second thing is the limits of the criminal justice system. Sexual assault has the lowest rate of reporting to police amongst all violent crimes; it's about 6%. The result for survivors, which means the current number of stays and delays in courts—the small proportion of survivors who see the outcomes and justice they're hoping for just doesn't align with the resources being allocated to the system. So there is a disconnect between what survivors are seeking in terms of support and what's actually being invested in. While some will access the criminal justice system, the bottom line is that resources that are invested in the criminal justice system are only ever going to help a minority of sexual violence survivors.

The third thing is supporting people and organizations that don't have expertise in sexual violence. Negative experiences with formal supports can prevent survivors from accessing supports in the future. Research shows that survivors felt it was important that support services had particular expertise about sexual violence, about reporting options—

The Chair (Mr. Lorne Coe): Excuse me. You have one minute left, please.

Ms. Nicole Pietsch: Thank you—and places where they can access support. Community-based sexual assault centres provide all of that and house many decades of this expertise. All this is important because so many people are affected by sexual violence.

Our proposed solutions are identified in our submission. We believe that the impacts of sexual violence can really be reduced with effective support, and we see this in our community-based work. When survivors receive a supportive response, the benefits of talking about sexual violence are the opposite—they're, in fact, associated with improved psychological health, comfort, validation, and positive outcomes such as penalizing the perpetrator and protecting others in the future.

The Chair (Mr. Lorne Coe): Thank you very much for your presentation.

We'll now move to the official opposition for questions, please. MPP Wong-Tam.

MPP Kristyn Wong-Tam: To the coalition partners, thank you for your participation in today's committee hearing and also for coming in to speak to us. I recognize that you've all travelled.

I wanted to really dive into the sector stability, the ability to retain staff. We have heard from other speakers—which you wouldn't have had the privy of following. But I can tell you that some of the folks were talking about the need to establish core funding, especially with respect to emergency responses, shelter and support services, as well as immediate crisis intervention.

We also heard from some witnesses who came before us who talked about the need to measure outcomes. There was even one group of speakers who suggested that some

services may not be funded, because they're not meeting the outcomes. It's a bit vague. I'll leave it there.

I wanted to understand today: What are you experiencing in the sector—all 30 of your members—with respect to funding? We're hearing stories about the lack of stable funding, core funding and, more importantly, just a high demand for service, and then the difficulty to retain staff because the work is so difficult. Can you describe the situation that the sector is in right now?

Ms. Joanna Brant: I'm from the Sexual Assault Centre of Brant. During the pandemic, we experienced a 600% increase in the number of calls to our crisis line, and we were completely unequipped to respond to something of that magnitude. We burned out every worker we had, in a volunteer capacity and in a paid capacity. Our agency is still trying to recover from that.

In addition, during the pandemic our funding sources became more deeply complexified, and we had more reporting deadlines, more goals to meet, more objectives to demonstrate that put an additional burden on an organization that is very small. I was taking the crisis line until noon today, hoping it wouldn't go while I was on the train. We are a small organization, and we do not have a research team or an administrative team or a management team; we have dedicated workers who really care about survivors and have a lot of expertise in that area. So it's actually very burdensome for small agencies like our own to compete at that level and to elevate the voices of the survivors we're working with under whatever rubric is being presented to us to evaluate the validity of our work.

One of the things that I'm really excited about the opportunity to address directly today is the idea that the Ontario government has been investing in rape crisis centres for 40 years. That constitutes a huge investment—a huge investment of money and a huge investment of resources—and that 40 years has allowed us to develop incredible expertise. We are your subject matter experts, and we want to be able to be utilized fully.

MPP Kristyn Wong-Tam: Just because I'm going to run out of time—but I want to make sure I get some of these questions in here. May I ask whether or not the funding has kept up with the rate of inflation or, perhaps, the new cost of service delivery? Has the funding been flatlined? Are you meeting the needs with the funding? Also, what does the wait-list look like? I think we all know shelters are full across the province, but what does it look like on the ground?

So, do you have enough funding? Is it indexed to inflation? Has it been flatlined? And what's the wait-list?

Ms. Joanna Brant: Our funding is not indexed to inflation. In real terms, we're in a deficit position relative to our funding history, and we rely on project fundings that are often pilots, where we need to demonstrate outcomes. We get those good results, and then we have trouble getting sustained funding.

One of the things that we're really advocating for is increased core funding. I'm sure you're hearing that from a lot of the community partners who are stepping to the

plate today. That would allow us to do the work that we know how to do really well.

Ms. Elise Hineman: Can I chime in?

MPP Kristyn Wong-Tam: Please do.

Ms. Elise Hineman: Another piece is to be competitive in terms of having our crew. A lot of our crew are retiring out. We have a counsellor who has been with us for over 33 years. She's looking at retiring at the end of the year, and she takes with her a vast amount of the herstory of our agency. In terms of our agency and, I think, agencies across the province, we can't offer the big salaries that the hospitals or anywhere else would offer. So there's that.

The wait-list: We're just starting to see—we're at about the five-month mark right now, but during the pandemic, in Belleville we also realized the big influx of asks for service and requests for service, and we were over a year. I'm telling you—how do you say that to a person?

1520

MPP Kristyn Wong-Tam: Can you just confirm—five-month wait-lists for what, and over-the-year wait-lists for what service?

Ms. Elise Hineman: That would be for individual counselling, as well as our Paths of Courage program, which was put on—because it's a group thing, we had to be mindful of that. We couldn't bring people from all over Ontario for that, so we had to actually suspend our services for a small amount of time.

MPP Kristyn Wong-Tam: Different non-profit associations came before the finance committee when we were putting together the 2024 pre-budget deliberations. They were identifying a crisis in their sector. They were not necessarily GBV-related or IPV-related; I suspect some of their membership was, but it was not the core of their membership. They were ringing the alarm bell that they have borrowed as much money as they could borrow, they have sold off whatever assets that they have sold off, and they are just having a difficult time retaining highly qualified staff with the institutional knowledge, but also that at the executive director level, they are not able to replace people as quickly as they are departing—and sometimes this is two years out of planning. Are you seeing the same problem in your sector?

Ms. Joanna Brant: Those things resonate with us, but we don't have any assets or borrowing capacity, so we are living hand to mouth, which has a detrimental effect on long-term planning, and, yes, that then affects our services.

MPP Kristyn Wong-Tam: Would you say that the rape crisis centres coalition, that you've reached a crisis level—

The Chair (Mr. Lorne Coe): MPP Wong-Tam, that concludes your time for questions and response.

To our independent member, MPP Clancy, please: Five minutes.

Ms. Aislinn Clancy: Thank you all so much. I really do appreciate your expertise and that you've travelled so far. It shows that it's more than a job; it's a calling and a passion. That's clear, and that means a lot to us.

I want to ask about housing. In my community, the only women's shelter was recently closed and we're seeing, like MPP Wong-Tam is stating, that shelter beds are full. I've heard from our front-line workers that when a woman says they're losing their housing, they're given a tent.

Can you speak to the impact of housing shortages and shelter bed shortages on the work that you do?

Ms. Joanna Brant: This is a lovely opportunity for us to sort of complexify the conversation about intimate partner violence and the specific implications for people who are survivors of sexual violence. Often, we can draw a direct link between somebody's living environment and the physical violence they experience, but because there are so many complexities for survivors of sexual violence, that connection isn't always as clear in the public imagination.

However, if you're in an environment where your sexual autonomy isn't being protected, that can also be a life-ending event. I don't think everybody understands that. It's not only people who are subject to intimate partner violence in a physical sense who may have very bad or lethal outcomes if they do not have a safe place to live—lethal at the hands of somebody who might hurt them, or ultimately lethal at their own hands because they've been so severely adversely impacted by their experience. I just really want to emphasize that this is a life-and-death situation for a lot of the people we're working with, and we're often in the unenviable position of accompanying somebody through the journey of navigating their day-to-day safety needs in an environment where their sexual integrity is compromised, or where their children are experiencing sexual violence, or where they are triggered and dysregulated and are unable to participate at the level that they deserve in their workplace, in their education, in their kids' lives because of those impacts and being unable to get to a place of safety.

I hope that helps illustrate your—

Ms. Aislinn Clancy: Yes. What I'm hearing is, even just under-housing—that families are living in a shared congregate setting, which leads to more vulnerabilities for their children or for themselves. I think it goes in many directions—this shortage of affordable housing, and the precarity, I guess, of how they're treated as tenants can impact so many layers of their life.

Can you speak a little bit about youth? From the stats I have seen, it's really young women who are the highest in terms of experiencing sexual violence, and also young men who are most likely to perpetrate it. How do you ensure that young people—I'd love to talk about prevention all day long, but also that they know how to get the help that your friend probably needed earlier in life. How do we make sure that's accessible? How do you do that—or how would you, if you had adequate funding to make sure young men and young women and young gender-non-binary folks get the help they need at that young age?

Ms. Nicole Pietsch: Thanks for this important question.

We see prevention education as a really key part about working in sexual assault support services—so preventing

it before it can even happen. Our member centres serve folks of all genders—so that's in support services, but also in prevention education. There was a time when we would have looked at that differently, but it's really important that we all have a role to play in prevention.

Sexual violence prevention education means working with folks in school systems. Most of our member centres have a relationship with their respective school boards to be able to provide that prevention education from middle school and up, and sometimes even younger. It makes a really key part.

I noticed with the last person who was presenting—they had a fantastic presentation—they talked a bit about prevention, too. The pieces about knowing your rights are really key, especially for younger folks, but also knowing what resources are available in the community and helping folks to mentor them to understand and be able to label what's healthy and unhealthy, because I think often we don't have that bar set for us or know where to ask important questions about what our rights are. Prevention education would create an ongoing forum for all of that. Our member centres are providing that, but as you'll notice in our submission, we also included information on how those resources are limited. Most prevention education programs at our respective member sexual assault centres have to decline requests for those presentations in community just as much as they are able to fulfill them.

The Chair (Mr. Lorne Coe): We're now going to move to the government members. MPP Smith, please.

Ms. Laura Smith: Through you, Chair: Thank you, ladies, for coming such a distance to be with us here today.

The last question actually brought up an interesting point that I wanted to discuss with you—specifically, partnerships. You talked about your resources, you talked about 30-plus locations and police and outreach, but you also highlighted the fact that you have a partnership with schools, which is pretty relevant because we are talking about a younger group of audience.

Can you talk a little bit more about that partnership that you have and utilizing post-secondary institutions, as well, to better utilize the efforts to combat sexual violence?

Ms. Nicole Pietsch: I'm going to just start by saying that prevention education—there's a large focus on youth, but that prevention education is also available to adults. We do those with other groups. So let's say community groups that take part in the community, that are already pre-established—we can provide that prevention education with adults, too.

The piece about youth, too—I think I'll leave it to one of my colleagues, if they want to share a bit about their own prevention education programs and what that looks like, including connections with schools and non-school-based partners.

Ms. Joanna Brant: Actually, one of the programs I like to brag about—and there are a million examples across Ontario in my sister agencies—is our Taylor the Turtle program, which starts with kids as young as three, where we talk about body rights and emotional literacy. It's not a good-touch, bad-touch, safe-touch prevention

program, but it just establishes the groundwork for being able to have a rights-based conversation about personal integrity and how to bring in support if you need it—who would you talk to? Who do you talk to if you're happy? Who do you talk to if you're sad?

Then, we try to follow those kids we've seen in pre-school or kindergarten, all through their different stages of their development, with different, specifically developmentally appropriate programming. So our different agencies have different programming that has grown up in response to the specific needs of their community, which is part of what we love about having a networked organization, because we can borrow on each other's best practices and build upon that.

If you're from a hockey town like Brantford, you might have developed a lot of expertise in the area of toxic masculinity in sports. In Kitchener, that's also a really dominant theme that my colleagues are working with there.

There are a plethora of opportunities to interact with our youth in a way that is both empowering and reminding them of their accountability—so rights and responsibilities link.

1530

Ms. Laura Smith: What are your views on—first of all, Coaching Boys Into Men. That's a program that exists. I'm wondering if you have a familiarity with it.

Ms. Joanna Brant: We did just find out that we got that funding, actually. We were delighted to have the opportunity to apply to that, and we're really grateful for the opportunity to enhance the services that we provide locally.

Ms. Laura Smith: How do you perceive the separation of teen dating violence and sexual violence from the categorization of, let's say, bullying in school?

Ms. Joanna Brant: I would say that there's a continuum of experience and that being grounded in that rights-and-responsibilities language really assists us in being able to have meaningful conversations, interventions, and to prepare for creating safer environments in common.

Having specific expertise in being able to discuss consent in a way that is accessible to the youth is a very important skill set. I am not the person who goes into high schools. I am the mom figure; probably the grandma figure now. I am not cool enough for that conversation. Being able to bring other vibrant young people who are reflective of the diverse populations they're working with, whose experiences are not greatly removed from the people they're working with, and being able to also celebrate good relationships and enthusiastic consent is a central underpinning of the work that we're doing.

Rape crisis centres have a bit of a rap for being kind of anti-sex, anti-men. This is not the case. What we want to be able to create in Ontario is joyful relationships with one another where everybody is safe and happy. So when you find somebody who's in opposition to that idea, it's often that they haven't really understood the work and how diminished they are by the fact that that opportunity isn't available to them.

Ms. Laura Smith: One of the things that's interesting—in my riding, I hear from individuals who are concerned that there's a duplication of services, which can sometimes cause the mind to be curious. Do you have any points of view on how we can avoid duplication in providing these kinds of services? Obviously, it only takes one hammer to get a nail in the wood, and the problem is, when you add all of these different hammers, it can be very difficult, and then the house never gets mixed; you just get a whole bunch of starters. I'm wondering if you have any opinion on that.

Ms. Joanna Brant: My experience is not that there is a duplication of service as it relates to getting good education and good support into the hands of survivors of sexual violence. My experience has actually been that it's really hard to resource people adequately. We are very good at working collaboratively. Most of us are involved in protocols where we understand one another's work—how to make a referral when something is outside of our mandate, and how to conference together to ensure that a seamless continuum of services is provided. I have not experienced a duplication of service in this area.

Ms. Laura Smith: So in your specific area, you do not see anything that's similar to the services that are provided by your organization?

Ms. Joanna Brant: I would say that we're unique in the services that we provide in our community, but we complement other existing services for Indigenous service providers, shelter service providers, and folks who are working with other marginalized groups.

Ms. Laura Smith: You mentioned that you have a comprehensive relationship with the police and outreach and legal as well.

Just walk me through this: In the court system, which is sometimes where these can end up, do you have a link with that entity?

The Chair (Mr. Lorne Coe): Excuse me; we've reached the end of the government members' time for questions and answers.

I want to take an opportunity to thank you so much for your presentation this afternoon and wish you a great weekend.

ONTARIO COUNCIL OF AGENCIES SERVING IMMIGRANTS

The Chair (Mr. Lorne Coe): Members, I will now call on the Ontario Council of Agencies Serving Immigrants to come to the table, please.

You will have 10 minutes for your presentation. Please state your name for Hansard, which is the official recording service for the Legislative Assembly of Ontario. Once you've done that, you can start your presentation. I'll let you know when you have one minute left to conclude your presentation.

Your name, please, and affiliation.

Ms. Berivan Kutlay Sarikaya: My name is Berivan Kutlay Sarikaya. Good afternoon. I think I am the last one. Thank you for all your patience. I'm the educational

campaign coordinator of Immigrant and Refugee Communities-Neighbours, Friends and Families—the shortened is IRCNFF—at the Ontario Council of Agencies Serving Immigrants, OCASI.

Let me also introduce myself as a Kurdish woman, survivor of gender-based state violence in Türkiye, and later a refugee in Canada. I have, also, scholarly and activist work with state violence survivors, refugees, immigrants and racialized communities and political prisoners in Kurdistan, Türkiye, Europe and Canada. I also teach, at University of Toronto and Brock University, intimate partner violence and domestic violence and women, war and learning courses. It's all related to my professional work, my activism and also my scholarly work.

I'm honoured to speak with you today about this critical issue which affects many lives—intimate partner violence. As a researcher and project coordinator focusing on gender-based violence, I aim to share the insights and perspectives of OCASI today with you that we gained through years of dedicated advocacy work for ending gender-based violence.

OCASI formed in 1978. I would like to introduce a little bit about the organization where I am working. We have over 240 member agencies, including women's shelters and organizations addressing IPV and domestic violence. For over four decades, OCASI has advocated for equity and rights of non-status, refugee and immigrant women, calling for action to end gender-based violence and substantial investment in access to justice and community-based supports.

OCASI coordinates IRCNFF, as I mentioned before—the campaign—since 2016, and we have some promising programs still continuing. It's raising awareness and supporting women facing IPV and domestic violence in different communities. We have critically examined the impact of legislation and policy on survivors and collaborated on establishing practices to mitigate systemic barriers.

Before diving into our content today, which is IPV, I would like to also address why our advocacy work focuses on immigrant and refugee communities. It's really important to understand that this focus doesn't stem from a belief that these communities experience more intimate partner violence and domestic violence and also that inherently they are problematic. Intimate partner violence affects women from all walks of life, but Indigenous women; Black and racialized women; refugee and immigrant women; and women with precarious immigration status such as women without status, non-status women, refugee claimants and migrant workers, migrant students, international students—they have all different and very unique experiences.

I will also give you more information about how immigration status intersects with the intimate partner violence, later on. They also face different disadvantages and systemic barriers that can leave them at a heightened risk of IPV. They also typically have little or no support and little or no access to legal or other remedies. These barriers—what they can be, for example: lower income

status; insecure immigration status; language barriers, which is really important; and, for racialized women, racism and discrimination, which also significantly impact their vulnerability to IPV and their experiences with the system's response.

1540

As we are all aware, IPV is already a crisis in Ontario, and it requires urgent action from all orders of government and all of society.

According to Statistics Canada, there were 117,093 victims of police-reported IPV in only 2022—let alone thinking now, in 2024. However, this data does not capture our focus, the full extent of the crisis, as many incidents go unreported, especially among immigrant and refugee women who may fear deportation or mistrust authorities.

The available data is not sufficient to understand the demographic characteristics of IPV victims and survivors. While police-reported data provides only gender breakdown, there is no information on immigration status or other social identity factors that are necessary to better understand the scope and scale of the IPV crisis in Ontario, and widely in Canada. Therefore, we need to emphasize the issue of fear of deportation because we constantly face it in our advocacy work.

While IPV is pervasive in communities across Canada, NSRI women—non-status, refugee, immigrant women—are less likely to report abuse or seek assistance due to the fear of deportation, service barriers and stigma in their communities and within the broader society. Some NSRI women have an immigration status that ties them to the abusive partner or employer. Others may be threatened by family members, supervisors and/or landlords who exert power and control by withholding immigration documents, threatening women with deportation or separation from children or family members.

Whenever I go in communities and train people, this is the first question that comes from the communities: “If I report any abuse, will the government take my kids or not? Am I going to be deported or not?” These are the only questions I constantly receive.

Fear of deportation does not need to be well-founded in order to prevent NSRI survivors from accessing supports. Indeed, perpetrators of intimate partner violence may use misinformation about the law as a tool of power and control to abuse women's fears of deportation.

They were also experiencing compounded isolation—in the communities, in the family, in their home—and had no escape options, were in constant fear, anxiety, depression and danger.

Many disclosed that shelters were not an option for them since, as I think you also heard through all the representatives of other organizations, they are full. There is no space for those people. It's also leaving survivors with few options, such as hotels and motels. It has posed additional safety and emotional challenges.

We also heard many incidences coming from people having to escape and having to live in motels and hotels, especially in rural areas. They seek transitional housing support when fleeing abusive relationships, to help secure

affordable and safe housing. Unfortunately, again, they encounter significant challenges when seeking these supports.

In addition to this, there is a lack of service stability, and funding gaps as well as gaps in access to justice and remedies, particularly for women with precarious immigration status.

The voices of IPV survivors and service providers are often missing in consultations and conversations to develop policy program remedies—particularly women with precarious immigration status and service providers with expertise in working with NSRI women, Black and racialized women.

Declaring IPV to be an epidemic will strengthen the awareness of this crisis—we agree—as a societal concern, rather than remaining hidden as a private matter, which is really important for us to mention again, and provide the foundation to develop and appropriately resource a public response.

Women we're also working with don't have official-language capacity in English or French. They will typically need more interpretation services, support for verbal interactions, as well as translation of relevant information and other materials. Interpretation is provided only in specific and limited instances of service support related to IPV or gender-based violence. Why some IPV and GBV-related information and—

The Chair (Mr. Lorne Coe): You have one minute left for your presentation.

Ms. Berivan Kutlay Sarikaya: Thank you so much.

These materials are also sometimes available in non-official languages, but the gap still remains.

I would like to go for the proposal that we also recommend, to:

- develop and implement new approaches to public education campaigns, to promote awareness about IPV, which is what we're doing;

- complete yearly reviews of public attitudes and revise educational materials based on feedback from communities and experts;

- use and build on existing age-appropriate education programs for schools and universities, as I do—and there's still a big gap; and

- address the cost-of-living and housing affordability crisis, including better and more comprehensive rent control, preventing renoviction, and increasing protection for renters from predatory and negligent—

The Chair (Mr. Lorne Coe): Excuse me. The time for your verbal presentation is complete. We're going to move now to the official opposition for questions. You will have the opportunity, in crafting your responses to the questions, to cover the bounds of your presentation, I believe.

Ms. Berivan Kutlay Sarikaya: Thank you.

The Chair (Mr. Lorne Coe): Let's turn to MPP Sattler, please, from the official opposition.

Ms. Peggy Sattler: Thank you so much to OCASI for coming today to share your perspective on this very important issue.

We have heard from many of the presenters who have appeared before this committee about the importance of having solutions, approaches that are local, diverse and collaborative. I think that you have really reinforced that today through your presentation.

I'm interested in better understanding access to services to support survivors of intimate partner violence who come from immigrant and refugee communities. You mentioned that shelters are full in communities across the province, so even calling a shelter is not going to provide that support, because there are no beds available. But are there specific kind of shelter services in Ontario that respond to specific immigrant and refugee communities? For example, I come from London, and we have the Muslim Resource Centre for Social Support and Integration, which is not a shelter, but it offers very targeted and culturally responsive supports for survivors.

Ms. Berivan Kutlay Sarikaya: First of all, OCASI is not a client-facing organization. We do advocacy work, and it means that we don't work with clients directly. But as a coordinator for NFF—and also, I'm working with the Muslim women resource centre, and they're also part of the educational campaign. Of course, we get a lot of inquiries. Sometimes we just get phone calls.

About two months ago, I got a call from a woman who fled from her abusive partner, from Ottawa, and came to Toronto with five kids, and it was a very cold day and on a weekend, and she was promised that maybe there is some opportunity to find a shelter, and she didn't find anything. What do we do at this point? Of course, we are calling all our contacts, and also referring them to some organizations, but also, most of the time, we are going back to the community and seeking help from the community—at least, the immediate needs of their help for a couple of days maybe, then referring to other shelters. For example, I am coming from the Durham area, and there's also a shelter specifically only for Muslim women, and I'm calling them.

Our connections and our networks—personally, sometimes at an organizational level, we are always trying to use all of them and to do our best, but it doesn't mean that most of the time we are successful to find safety for them, to find a place for them, unfortunately. For small areas, for small regions—for example, London, Windsor—it works better than the GTA, actually.

Ms. Peggy Sattler: One of the things that I have learned in London, speaking to one of our local imams, is that a lot of people from the Muslim community disclose to the imam about an experience or concerns about what's happening at home, and then the imam does a referral to the Muslim resource centre. I think that the Neighbours, Friends and Families approach is kind of similar to that. You use organizations or people who are connected to the community and raise awareness there about the warning signs, what to watch for, what to screen for, when to refer, where to refer.

Can you talk a little bit more about the program that you coordinate on the Neighbours, Friends and Families—for Immigrant and Refugee Communities?

1550

Ms. Berivan Kutlay Sarikaya: Of course. We have promising practices. We have the peer champion program under the NFF campaign. This is very unique. We are working with peer champions. We are recruiting, every year, 20 people from different communities—that may be language or religious communities—because we believe that, as an expert, as a coordinator, we cannot give training to the communities, sitting here, without knowing any dynamics in these communities; not alone only just not knowing the language, but the dynamics of the community is totally different. That's why we are recruiting, and I am the coordinator of this campaign. We also translated all our materials, and we are also promoting some training in terms of healthy relationships. To peer champions, five sessions—I've already finished my training with them, and then they are going back to communities and organizing every year two events, and in terms of how the IPV or domestic violence or family violence is happening in these communities, and also without just evaluating the culturalization of violence. This is very important for us.

We know that Islamophobia is still a huge issue in this country—but we have to work with, also, the religious clerics, and how we approach them. For example, we are not using some terms—“IPV” or “domestic violence”—not to just make them scared or stigmatize these communities, which is really important.

Translating all these resources into, right now, in total, 13 languages—that's why I mentioned that these resources, we have, but they're not enough. If we provide all the resources—for example, if they have some issues like how legal aid works in this country or how they can find a shelter or how they can find all these resources—we are translating all of them.

Also, through our peer champions—they have a huge and very valuable job they are doing. It's a volunteer job, but they work with us for a year, for all the year, and are going back to communities.

These events also sometimes just turn out to be creating different needs. For example, if you are working with mothers, and then the mother comes back to us—do you know what? The teens also need extra training on gender-based violence, intimate partner violence, because online sexual harassment is another issue for those communities that—most of the time, the mothers just hide everything from the fathers or the other family members, the male family members, to protect those teens, the girls and also boys. That's why we are always changing our perspectives—not only providing training to women-identified people in these communities, and also working with male members and teens, and also mothers especially.

Ms. Peggy Sattler: And you—

The Chair (Mr. Lorne Coe): Thank you, MPP Sattler. You only have about two seconds.

Thank you very much for that response. We're now going to move to our independent member.

MPP Clancy, you have five minutes for questions.

Ms. Aislinn Clancy: Thank you so much for coming.

I really appreciated OCASI's work over the years, especially when it comes to interpretation. The videos and online resources have been essential for settlement workers across the province. I was a former settlement worker, so I appreciate the cultural differences of how women experience this and how they can access support.

I was at our YMCA of Three Rivers cross-cultural and community services facility the other day, and they said to me that they'll do a language assessment now, and because of increased wages and no increase in funding—federal issues, as well—they aren't able to refer to English classes in my community. And in Cambridge, in MPP Dixon's riding, there are no ESL services.

Can you talk about what it means to have a lack of language instruction in your community and how that impacts women in vulnerable situations?

Ms. Berivan Kutlay Sarikaya: Of course, because of the huge refugee influx—and also after COVID—most of the women are also complaining about the long waiting list, and they want to also reach out to any LINC classes or ESL classes.

And here is another issue: child care, because most of them don't provide child care. One issue is that there is no spot for them right now. Another issue: If they find a spot, there is no child care. If they cannot find any child care—because, again, another issue is that there is a long waiting list for the child care, if they apply for subsidy. These all go together, unfortunately.

This is a huge issue, and I know many refugee women and refugee claimants—their hearings are just postponed, postponed, postponed. It means they can only go to the ESL, not the LINC classes, because—going back to the immigration status—as a refugee claimant, you cannot go to the LINC classes. You can only get any services provided from ESL. Of course, because they don't have any resources to learn a new language, it means that they're stuck at home, isolated, and there is not any possibility to learn what's happening outside of this home.

We use also LINC classes for our trainings; that's why—because LINC classes are the only places where women can go outside and without interaction with their partners, husbands. Even in the COVID period, it was another issue, because all the schools were online—it means that women have to stay in the home if they want to get language classes, whatever. The partners were also home, and that's the heightening of the IP—and domestic violence was huge at that period, unfortunately.

Ms. Aislinn Clancy: Can I ask if you can finish your list of recommendations? I know you got cut off a little bit, and I think the financial security pieces, housing pieces, cultural pieces, language pieces are important.

Ms. Berivan Kutlay Sarikaya: I think one of the issues is Ontario Works and also ODSP. We really need to remove the financial barriers for survivors seeking to leave IPV situations and to increase the minimum wage to a living wage—that they need.

Even yesterday, I got another call from one of the women. She was seeking safety, and she said, “I am only getting \$790 from social assistance. How can I get a room,

and how can I just leave, and how can I provide anything? How can I afford my life?" They also connected me with the social worker she's working with, and the social worker just started to talk about some housing possibilities. I said, "I know you are doing your job, but we know that it doesn't work. There's a long waiting list, and you're giving meaningless hope to those survivors." It means she has to go back to her abusive partner, because the Ontario Works amount is still very low, and also ODSP.

They cannot find any job without the language, and they can't learn the language. They can't go out. What can they do? Of course, they're stuck with the abusers. It's happening over and over and over again.

I can also talk more about better funding for community organizations that are tailored to only working with GBV survivors. That needs to be done. This is really important, because these fundings are always distributed with big organizations—and I will say it doesn't work like that, because there are a lot of very good community-based organizations.

The Chair (Mr. Lorne Coe): We're now going to move to the government members. MPP Saunderson.

Mr. Brian Saunderson: Thank you very much for attending today and providing your insights and sharing your personal experiences.

This is our sixth day of hearings, and we have heard from a number of groups that represent racialized minorities and different cultural minorities, like Muslim women.

You've gone through a number of barriers that you identify—language barriers, culture barriers, racial barriers—but the one I'd like to get your thoughts on is the immigration status. I can certainly see why that would make somebody vulnerable.

Do you have any suggestions for changes that we could make to the immigration system that would help address this instability, as you called it?

1600

Ms. Berivan Kutlay Sarikaya: I think one of the important things is, all these organizations have a quota, only working with women who have immigration status, and they don't accept any women as a refugee claimant, or non-status women. It needs to be definitely regularized. This is one thing. This is really important.

Another point is—I mention, again, the fear of deportation causes an extra, extra layer of barriers for those women. Deportation means that—again, going back to the immigration policies, going back to their immigration status: It needs to be regularized. All these services have to open—refugee claimants, women with non-status, or even women with status, they have also many issues, barriers. Their partners, for example, take the custody and don't let them work, or isolate them in the home. Also, most of the refugee claimants don't know they can separate their cases in hearings if they are facing IPV, for example. That's why I think one of the important things is, all these services have to open to everyone without giving any restrictions in terms of their immigration status. And the other one is just regularization for all in Canada—and migrant workers.

We know, also, many international students become human-trafficking or sex-trafficking survivors, because they're losing their status because they cannot pay their fee, and—going back to immigration status—they are just becoming non-status women, non-status young people. They are becoming another kind of survivor, for human trafficking.

Mr. Brian Saunderson: I know you talked about getting many calls at the training sessions, the questions you get at training sessions, with people talking about, "Will I be deported?" So there is that education aspect to it too. How do you address that proactively so that these women understand their rights and can take advantage of the supports that are available to them without fear of being deported?

Ms. Berivan Kutlay Sarikaya: We provide these trainings for women, but women—most of them—said, "I don't need to understand more and more what does it mean, the whys. Is it financial? Is it physical? Emotional?" Our aim is more to provide more resources to them in different languages.

I mentioned that I also teach in academia, and I am teaching, in a criminology department, women and gender studies students, criminology students, and youth and child students. They are going to the field, and they don't know how to work with these women. They have no idea how to work with these women. That's why what we have in theory or on paper, we have to definitely reflect in practice. It means that, also, when we are talking about these trainings, not only mention the women—because they also get that. They say, "Just train the male and train all service providers and train also even the bus drivers and all of that so that if I need any help, they can just understand what I have been through and what will be also next."

That's why I think these trainings and providing all these resources in different languages—this is the best part that we are doing, and we will continue to work with communities, but the women need more, especially financial stability and safety. Without just providing any safety and financial stability, teaching them and raising awareness about gender-based violence doesn't make any point for them. They said, "Okay. You are giving all this information"—it happens to me in all my trainings. I see and I feel sometimes—especially children, for example. They say, "They will come and take the kids, and I cannot find a job. What am I going to do then?" They have to go back to their abusive partners and navigate all these relationships. Unfortunately, most of the time, they ended up with more violence—or death, unfortunately. This is the situation. I know it's a very systemic barrier. I know it's a systemic issue that we are talking about—financial stability. But housing affordability—if we cannot just provide them anything, what's the point of only providing these trainings? I feel always desperate as a campaign coordinator—hopeless, unfortunately. At the end of the day, I'm just thinking, "If you can change one woman's life, Berivan, this is really important. But how about the rest? What are we going to do with all these women?"

Mr. Brian Saunderson: I know you're in the academic world as well.

Data has been a large topic for us over the last six days.

I would imagine, with immigration increasing, the demands on your support systems are growing as well.

Do you have data about the numbers of people you're serving or the support programs you provide—the education, the translation?

Ms. Berivan Kutlay Sarikaya: For example, through the NFF campaign, I would say, last year—I already finished my report; that's why it's all in fresh numbers—we reached out to almost 1,400 community members. It means 20 peer champions. They organize two events—each of them—and the whole year, we reached out to 1,400 people, with in-person or virtual trainings. These trainings sometimes include wellness activities or cooking classes or LINC classes we use, but at least sometimes, we are just trying to take time from these classes, at least just 20 minutes, to talk about healthy relationships or warning signs of abuse or just providing some resources to them. Giving them this opportunity and listening to those people's lived experiences—they feel that they're valuable, their voice is heard, and they can also be part of these policies, that they can make a change.

That's why we also support, as OCASI, survivor-led projects and survivor-centred projects, because all this

data academics and researchers are collecting—unfortunately, it doesn't cover the number of these people related to their immigration status and also their social identity. And maybe because of racism, we shouldn't just stigmatize them, label them; we shouldn't just emphasize their identity. On the other hand, they have unique experiences they face—

The Chair (Mr. Lorne Coe): Thank you very much for that response.

The time for your presentation has ended. Thank you so much for being with us this afternoon. Please have a nice weekend.

Ms. Berivan Kutlay Sarikaya: Thank you so much for your patience.

The Chair (Mr. Lorne Coe): Members, I want to take a moment to thank each of you for your level of participation over the last six meetings. But we can't do it without the staff who's with us up here: legislative research; Hansard; and our outstanding Clerk, who guides me through the day and helps us arrive at the point where we need to be without getting in trouble. So my thanks to our Clerk and all the other staff up here.

This committee will now adjourn until Wednesday, August 14, at 10 a.m. in committee room 1 in the Legislative Assembly of Ontario.

The committee adjourned at 1608.

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