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Measuring Violence Against Women

Statistical Trends 2006



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Statistics Canada

Measuring Violence Against Women

Statistical Trends 2006

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Tables of contents

	Page
Measuring Violence Against Women: Statistical Trends 2006	7
Foreword	12
Executive summary	13
Findings	16
Prevalence and severity of violence against women	16
Impact of violence against women	32
Risk factors associated with violence against women	36
Institutional and community-based responses	44
Victims' use of services	55
Violence against Aboriginal women	64
Violence against women in the territories	70
Tables	
1 Estimated number and rate of spousal violence incidents against women and men 15 years of age and over, past five years, 2004	19
2 Number of spousal homicides in Canada, the provinces and territories by sex of victim, 1975 to 2004	25
3 Economic costs of violence against women	35
4 Number of victim services in Canada, the provinces and territories, by type, 2002/2003	46
5 Number and proportion of male and female spousal violence cases, by offence type	49
6 Percentage of female victims of current spousal violence who reported to police in the previous year, by victim characteristics, 2004	56
7 Percentage of spousal violence victims who reported to police, by incident characteristics, 2004	57
8 Annual number of women and children using shelters in the provinces and territories, by fiscal year	61
9 Use of victim services in the provinces, October 22, 2003	63
10 Aboriginal and non-Aboriginal victims of homicide in Canada, by sex and accused-victim relationship, 1997 to 2004	68
11 Victims of homicide in the territories and provinces, by accused-victim relationship, 1975 to 2004	73
Figures	
1 Five-year rates of spousal assault, 1993, 1999 and 2004	17
2 One-year rates of spousal assault, 1993, 1999 and 2004	17
3 Five-year rates of spousal assault against women by province, 1999 and 2004	18
4 Types of spousal violence experienced by women and men, 2004	19
5 Women experience more serious violence than men, 2004	20
6 Changes in the severity of spousal assaults against women over time, 1993, 1999 and 2004	21
7 Number of intimate partner assaults reported to police by offender relationship to victim, 1998 to 2004	22
8 Rates of spousal homicide by sex of victim, 1975 to 2004	22
9 Percent distribution of persons accused of spousal homicide by gender and most serious violation, 1975 to 2004	23
10 Percentage of spousal homicides with a history of domestic violence between victim and offender, by offender relationship to victim, 1991 to 2004	24
11 Average spousal homicide rates by province and territory, 1975 to 2004	25
12 Total sexual assaults and level I sexual assaults reported to police, Canada, 1983 to 2004	26

Tables of contents – continued

	Page
Figures – continued	
13 Level II and level III sexual assaults reported to the police, Canada, 1983 to 2004	27
14 Number of criminal harassment incidents reported to police, by offender relationship to victim, 1998 to 2004	28
15 Women more likely than men to experience stalking, past five years, 2004	29
16 Percentage of women and men aged 15 years and over who reported some form of stalking, by relationship of stalker to victim, past five years, 2004	29
17 Percentage of women and men aged 15 years and over who reported some form of stalking, by type of stalking, past five years, 2004	30
18 Female victims stalked by an ex-spouse are more likely to experience violence or threats, 2004	31
19 Psychological consequences of spousal violence victims, 2004	32
20 Impact of spousal violence for victims	33
21 Societal impacts of spousal violence	34
22 One-year rates of sexual assault and criminal harassment against women, by woman's age, 2004	36
23 Rates of spousal homicide by age group and sex of victim, 1975 to 2004	37
24 Sexual offences recorded by police, by sex and age group of victims, 2004	37
25 Spousal homicide accused-victim relationships compared to the percentage distribution of marital status in the general population, 1991 to 2004	38
26 Percentage of women assaulted by partners when psychological abuse was present (current partner), 2004	39
27 Percentage of women assaulted by partners when psychological abuse was present (previous partner), 2004	40
28 Five-year rates of spousal violence by visible minority status and sex of victim, 1999 and 2004	41
29 Five-year rates of spousal violence for immigrant women, 1999 and 2004	42
30 Five-year rates of psychological abuse against women by spousal partners, by type of abuse and visible minority status, 2004	42
31 Five-year rates of psychological abuse against spousal partners, by type of abuse and immigrant status, 2004	43
32 Change in the number of shelters	45
33 Number of treatment programs for violent men	46
34 Convictions for crimes of violence, by offence type and offender-victim relationship, 1997/1998 to 2001/2002	49
35 Sentences in spousal violence cases compared to other cases, 1997/1998 to 2001/2002	50
36 Sentences in spousal violence cases, by sex of convicted person, 1997/1998 to 2001/2002	51
37 Mean prison and probation sentence length for violent crime cases, 1997/1998 to 2001/2002	51
38 Length of prison and probation sentences for spousal violence cases, by sex of convicted person, 1997/1998 to 2001/2002	52
39 Conviction rates in adult court for sexual assault and other violent crimes, 2003/2004	53
40 Percentage of cases with convictions in adult court resulting in a prison term, 2003/2004	54
41 Percentage of spousal violence victims who reported to police, by sex of victim, 1993, 1999 and 2004	55
42 Types of social services used by spousal violence victims	59
43 Annual number of women and children using shelters, Canada	60
44 Rates of women admitted to shelters for reasons of abuse, April 14, 2004, Canada, the provinces and territories	60
45 Use of victim services, October 22, 2003, Canada	62
46 Rates of spousal violence, by Aboriginal origin, 1999 and 2004	64
47 Seriousness of spousal assaults on women, by Aboriginal status, 1999 and 2004	65
48 Consequences of spousal violence for women, by Aboriginal status, 2004	66
49 Rates of psychological abuse by spousal partners, by type of abuse and Aboriginal status, 2004	66
50 Rates of spousal homicide, by sex of victim and Aboriginal status, 1997 to 2000	67
51 Percentage of Aboriginal women who used social services and reported spousal violence to the police, 2004	69
52 Rates of spousal assault in the territories, 2004	70
53 Rates of sexual offences per 100,000 population in Canada, the provinces and territories, 2004	71

Tables of contents – concluded

	Page
Figures – concluded	
54 Rates of sexual offences in the territories, 1983 to 2004	71
55 Homicide rates in the territories, by sex of victim, all ages, 1975 to 2004	72
56 Spousal homicide rates in the territories, by age group and sex of victim, 1975 to 2004	73
57 Use of victim services, October 22, 2003, Yukon Territory	74
58 Use of victim services, October 22, 2003, Northwest Territories	75
Conclusion	76
Methodology	77
Endnotes	81
Bibliography	82
Appendices	
1 Economic equality indicators	85
Table A1.1 Income and earnings trends	86
Table A1.2 Women in justice-related occupations	86
2 <i>Criminal Code</i> Offences	87
3 Provincial/Territorial domestic violence legislation	95

Measuring Violence Against Women: Statistical Trends 2006

By Holly Johnson, Statistics Canada

Violence against women is a persistent and ongoing problem in Canada and around the world. It affects women's social and economic equality, physical and mental health, well-being and economic security.

Decision-makers require a clear understanding of the nature and severity of social problems in order to develop effective responses. In 2002, the Federal/Provincial/Territorial Status of Women Ministers released *Assessing Violence Against Women: A Statistical Profile*. The Profile introduced a number of violence indicators that are intended to monitor changes over time, serve as benchmarks, and highlight emerging problems. This updated edition revisits these indicators, expands upon them, and assesses the current situation.

According to the *Beijing Platform for Action* adopted at the Fourth United Nations World Conference on Women in 1995:

Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. The long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed. (paragraph 112)

The *Beijing Platform for Action* also emphasized the importance of reliable statistical data in understanding violence against women and recommended that work be done to:

promote research, collect data and compile statistics, especially concerning domestic violence relating to the prevalence of different forms of violence against women, and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women. (paragraph 129a)

Canadian governments have made important advancements in the availability of statistical data to describe the dimensions and nature of violence against women, the impacts and consequences, societal responses and supports for victims, and women's use of criminal justice and other services. This document summarizes these data within a framework of indicators on violence against women.

Why focus on violence against women?

Until recently, researchers and statistical agencies often gathered statistics generically, compiling data on violence regardless of the gender of victims or offenders. This approach contributed to the development of general programs that addressed violence in society as a whole.

Social program and policy developers have identified instances where programs for Canadians as a whole often fail to consider the effect of gender. As an example, federal employment assistance programs are often only accessible to Canadians who work full-time or who can take full-time training. Analysis of data by gender reveals that while one-third of Canadian women voluntarily working part-time reported doing so in order to care for their children, only 4% of men gave this as a reason (Marshall 2001). Women's traditional role in society as caregivers often limits their ability to access programs intended for all Canadians.

Generic programs meant to address violence against all Canadians risk failing to adequately address women's experiences of violence. Gender-specific data can pinpoint those areas where the need for support services is different for women and men. It is also important to further disaggregate data (for example, by race, ethnicity, age, sexual orientation, socioeconomic status or ability) in order to fully understand the situation of different groups of women.

Data that are made available by gender demonstrate the specific risk areas for men and women and highlight the need for targeted programs to address violence for each gender. Men's and boys' experiences of violence are different than women's and girls' in important ways. While men are more likely to be injured by strangers in a public or social venue, women are in greater danger of experiencing violence from intimate partners in their own homes. Women are also at greater risk of sexual violence. The fear of violence is more pervasive for women and can prevent them from taking part as full citizens in their communities.

In addition to the negative effects for women themselves, the violence women experience at the hands of their intimate partners can have profound effects on their children. Children who are exposed to violence in the home suffer from emotional trauma, have poor educational outcomes, and are at increased risk of using violence to solve problems (Berman et al. 2004). Women experiencing violence from intimate partners are sometimes forced to flee their homes with their children, which can result in unstable living situations and additional negative impacts on children.

Worldwide, violence against women is an impediment to women's equality. According to the United Nations Population Fund (2005):

Gender-based violence is perhaps the most wide-spread and socially tolerated of human rights violations. It both reflects and reinforces inequities between men and women and compromises the health, dignity, security and autonomy of its victims.

The 1995 Federal Action Plan for Gender Equality emphasized the interconnections between equality and not only gender, but other personal characteristics:

Barriers to equality are rooted in long-standing attitudes and traditions not only about women, but also about race, age, sexual orientation, disability, colour, etc. In particular, the life situations of women outside the dominant culture—women with disabilities, Aboriginal women, women from visible minorities, elderly women, lesbians, lone mothers, women in poverty—are quite different from the mainstream. For them, the path to equality has been, and continues to be, even more difficult. Equality for all women will come about only as these attitudes, imbedded in the workplace, educational institutions and the family, are challenged and begin to change. To achieve true equality, actions must be taken that adjust for the differences in experiences and situations between women and men, and among women, and that correct the systemic nature of inequality.

The Action Plan further defines the concept of “substantive” equality, which acknowledges the systemic and structural nature of inequality. It recognizes that both freedom from discrimination and positive actions are required to arrive at equal outcomes. To achieve gender equality, the social structures that govern the relationship between men and women will need to give equal value to the different roles they play, as parents, as workers, as elected officials and others; to foster equal partnership in the decision-making process; and to build a just and equitable society.

Definitions of violence against women

Definitions of violence against women vary broadly depending on the objectives of a particular research study or policy, and on the source of the data being used. The United Nation's 1993 *Declaration on the Elimination of Violence against Women*, which was signed by Canada, provides a very broad definition that has been accepted by the international community:

any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Violence against women shall be understood to encompass, but not be limited to physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere; trafficking in women and forced prostitution; and physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

The Canadian *Criminal Code* has no specific offence of violence against women or spousal assault. *Code* provisions that most commonly apply to cases of violence against women include the offences of assault, sexual assault, criminal harassment, threats of violence, forcible confinement and homicide. For the most part, the statistical data presented in this publication were derived from *Criminal Code* definitions. Types of abuse addressed in this report include the following:

- 1) Physical violence, including threats of violence, hitting with fists or weapons, with or without physical injury, is the most commonly understood form of abuse. All forms of physical violence are crimes under the *Criminal Code*.
- 2) Sexual violence is any form of non-consensual or forced sexual activity or touching, including rape. All forms of sexual violence are crimes under the *Criminal Code*. The term “sexual assault” encompasses a wide range of criminal acts ranging from unwanted sexual touching to sexual violence involving weapons, and is categorized according to three levels of severity. The term “sexual offence” refers to the three levels of sexual assault as well as other sexual offences which are designed primarily to protect children.
- 3) Psychological or emotional abuse includes insults, humiliation, put-downs and yelling, and extreme (often unfounded) jealousy. These are not crimes under the *Criminal Code*, but are often effectively used to control and intimidate intimate partners. It also includes harming pets and damaging property, which are crimes under the *Criminal Code*.
- 4) Financial abuse (also referred to as economic abuse or material exploitation) includes restricting access to family resources, inheritance or employment opportunities, or to seize pay cheques. Unless theft, fraud or some form of coercion is used, financial abuse is not a crime under the *Criminal Code*.
- 5) Spousal abuse refers to physical or sexual violence or psychological or financial abuse within current or former marital or common-law relationships, including same-sex spousal relationships. The broader category of intimate partner abuse encompasses spousal violence and violence committed by current or former dating partners.
- 6) Spousal assault is measured according to the *Criminal Code* and includes physical or sexual assault and threats of violence.
- 7) Spousal homicide refers to the killing of a marital or common-law partner and includes first and second degree murder and manslaughter.
- 8) Criminal harassment/stalking is obsessive behaviour directed toward another person. It can involve persistent, malicious and unwanted surveillance, and invasion of privacy that is a constant threat to the victim’s personal security. Criminal harassment is an offence under the *Criminal Code*.

Trafficking in persons is a crime under the *Criminal Code*. It is not addressed in this publication because of the absence of data in this area. Trafficking is the use of deception, coercion or force to recruit, move or hold a person in order to use or exploit that person against their will for the sex trade or forced labour. The US State Department, in their *Trafficking in Persons Report 2005*, estimates that 600,000 to 800,000 persons are trafficked across international borders each year and approximately 80 percent are women and girls. The majority of transnational victims are trafficked into commercial sexual exploitation. These estimates exclude millions of persons who are trafficked within their own national borders (US State Department 2005).

Other definitions

- 1) Spouses and ex-spouses includes legally married, separated and divorced persons as well as common-law spouses and ex-spouses. Also includes same-sex spouses.
- 2) Intimate partners and ex-partners includes spouse and ex-spouse, and current or former dating partners.

The organization of this report

The indicators of violence against women are organized into five themes in this report:

- prevalence and severity of violence against women;
 - impact of violence against women;
 - risk factors associated with violence against women;
 - institutional and community-based responses;
 - victims' use of services.
- 1) Prevalence and severity of violence against women
These indicators can help governments take stock and assess whether efforts to reduce violence against women have made a difference. Although they cannot detect whether specific programs and services have directly affected the level of violence, indicators describing the prevalence and severity of violence against women can show changes that happened at the same time as prevention and intervention efforts were underway. These indicators also help plan the delivery of services and modifications to policy and programs.
 - 2) Impact of violence against women
These indicators monitor the impacts and consequences of victimization, including physical consequences such as injury, medical attention, hospitalization, emotional impacts, and broader societal-level impacts such as the economic costs of violence.
 - 3) Risk factors associated with violence against women
Identifying factors that increase the risk of victimization is important for both intervention and prevention efforts. To target resources, stakeholders need to know who is at risk of what types of violence and in what situations, and who is vulnerable to multiple, chronic and ongoing victimization. Knowledge about risk factors can also help to focus prevention efforts and social service supports on sub-groups of the population that have the greatest need.
 - 4) Institutional and community-based responses
Tracking how governments and community organizations have responded to violence against women will help address questions about the types of services available and how the availability of services has changed over time.
 - 5) Use of services by victims
These indicators help identify how victims use services and what the barriers to obtaining help might be.

The 2002 publication, *Assessing Violence Against Women: A Statistical Profile*, included a sixth type of indicator: public attitudes and perceptions. While tracking societal attitudes on violence against women remains an important task, few jurisdictions have updated these surveys since 2002. This report therefore focuses on the five indicators for which current data are available.

In addition, the Federal/Provincial/Territorial (F/P/T) Status of Women Ministers felt that the situation of violence against Aboriginal women and women living in the territories warranted specific sections in this document. Recent statistics confirm what other small scale studies have found: Aboriginal women in Canada are at significantly higher risk of spousal violence than other segments of society. For the first time, residents of the three territories (Yukon, Northwest Territories and Nunavut) were interviewed for the 2004 General Social Survey (GSS) as part of a pilot test and results show that women who live in the territories also experience higher levels of violence. However, due to undercoverage of Aboriginal people, residents of rural or remote areas and those whose mother tongue is not English or French, estimates of violence in the territories must be used with caution.

On the international stage, Canada has been taken to task for the persistent disadvantage faced by Aboriginal women in education, employment and physical safety (Committee on the Elimination of All Forms of Discrimination Against Women 2003). The lack of detailed statistical data on violence against Aboriginal women has been identified as an impediment to addressing the causes of violence and ensuring access for Aboriginal women to the justice system (International Covenant on Civil and Political Rights 2005). The focus on Aboriginal and Northern women's experiences of violence in this publication makes a contribution toward the goal of providing improved data for policy making.

Benefits and limitations of indicators

Violence indicators have many potential benefits. They can:

- increase understanding of the severity and prevalence of acts of violence against women;
- enhance awareness of community and government responses to violence;
- serve as a “red flag” for governments and non-governmental organizations by highlighting emerging issues;
- assist in policy-making, planning and resource allocation;
- help identify possible points of intervention by examining factors associated with a heightened risk of violence;
- together with other tools and information, contribute to an evaluation of efforts to reduce violence;
- act as a catalyst for further scientific inquiry and research.

Despite these advantages, readers need to be aware of the limitations of statistical indicators, including the undercounting of victims due to the very personal nature of these experiences. In addition, while indicators may highlight problems, they cannot prescribe solutions. Nor do they necessarily show cause and effect without also taking into account other social and demographic factors.

Due to jurisdictional differences in the way policies and services to victims are organized, caution must be used when making comparisons across provinces and territories. For example, police charging policies vary among jurisdictions – some jurisdictions have pre-charge screening by prosecutors while others do not. The way victim services are organized by jurisdictions also varies due in part to resource availability.

Readers are referred to the Methodology section for important caveats regarding the methodologies of the data sources used, as these may place limits on drawing definitive conclusions.

Recent improvements to data collection on violence against women

Following the 2002 publication, *Assessing Violence Against Women: A Statistical Profile*, a number of enhancements were made to data collection at Statistics Canada. This report adds important new information on criminal harassment (stalking) from the 2004 GSS, sentencing of spousal violence perpetrators from a special study of court responses, availability and use of victim services by abused women from a new Victims Services Survey, and detailed information on Aboriginal and territorial women, also from the 2004 GSS.

While these enhancements represent an important step forward, work remains to be done. Statistical data are not available to describe the experiences of violent victimization for some groups of women in the population. This report summarizes what is currently known about the prevalence and severity of violence against women in Canada, the impact of violence, risk factors, institutional and community responses, victims' use of services, and highlights areas where further data development is needed.

Foreword

We have come a long way in the past decade in acknowledging the severity of different kinds of domestic violence and abuse, yet the problem stubbornly persists. If you don't look for it, you won't see it. It happens in every town and city, in every neighbourhood, in every country in the world. No extended family, no ethnic or religious group, is immune. If you have children, they are playing with abused or bullied children at school. If you have colleagues at work, some will be quietly struggling with the impact of abusive relationships as they try to earn their living. The consequences—the hurt, anger, fear, violence, injuries, and exhaustion—affect all of us, over generations. We need to stand beside the strangers in our community—not only our family members, friends, and neighbours—as they search for a peaceful way of life. Strangers need allies, too (Reimer 2005, 223).

All women have the right to live in safe communities, free of violence and the threat of violence. This is part of the vision of the Federal/Provincial/Territorial (F/P/T) Status of Women Ministers, who share the ideal that violence against anyone is unacceptable whether it is directed against children, women, men, seniors, people with disabilities, visible minorities or anyone else.

In December 2002, the F/P/T Status of Women Ministers released *Assessing Violence Against Women: A Statistical Profile*. The F/P/T ministers had commissioned Statistics Canada to design indicators, based on statistical data, that showed the severity and extent of violence against women in Canada. *Assessing Violence Against Women* provided those indicators. Where possible, the report showed trends over time, and gave statistics at the national, provincial and territorial levels.

This report, *Measuring Violence Against Women: Statistical Trends 2006*, takes a substantial step forward. A joint release by the F/P/T Status of Women Ministers and Statistics Canada, it adds a third time point to the indicators, and new data in the areas of criminal harassment (also known as stalking), sentencing of spousal violence perpetrators, victims' use of services, Aboriginal women and residents of the territories. As with the 2002 report, it gives trends over time. The indicators are shown at the national, provincial and territorial levels whenever possible.

More data are still needed. This was one of the strongest conclusions of *Assessing Violence Against Women* and it is repeated here. Significant data gaps still exist and there is much we don't know. For example, the experiences of Aboriginal women, older women, immigrant and visible minority women, and women in same-sex relationships regarding intimate partner violence and sexual assault are often hidden.

How violence affects victims also depends on other aspects of their lives, such as their age, ethnicity, background, level of ability and sexual orientation, to name only a few. These multiple dimensions are weaved into all life experiences. For an individual woman, the impact of violence can depend on many physical, social, and economic factors. For example, can she afford safe housing if she flees a violent situation? And will she have to leave behind her cultural community to escape the abuse?

Good research and analysis can reveal the hidden patterns in violence. Filling in the gaps, and examining the fabric of women's experiences—how violence impacts and interacts with other aspects of their lives—will reveal a more complete portrait. This can allow decision-makers and service providers to plan for the future, and hopefully to adjust current policies and services as needed.

We hope a wide audience will find this report useful. As with the first report, *Measuring Violence Against Women: Statistical Trends 2006* is intended for governments, non-governmental organizations, academics, researchers and decision-makers. Beyond that scope, we hope it is interesting and useful to anyone whose aim is to address, prevent and respond to violence – to help themselves, their friends, their sisters, their neighbours, and the stranger down the street.

Federal/Provincial/Territorial Senior Officials
responsible for the status of women

Executive Summary

Violence against anyone is unacceptable. However, research has shown that gender plays an important role in the context and outcomes of violence for women and men.

Federal/Provincial/Territorial (F/P/T) Status of Women Ministers have joined with Statistics Canada to compile this collection of statistical indicators on five major aspects of women's experiences of violence: prevalence and severity, impact, risk factors, institutional and community-based responses, and victims' use of services. Wherever possible, comparisons are made with the violence experienced by men. This report updates the information contained in the 2002 publication *Assessing Violence Against Women: A Statistical Profile* and includes important new information in a number of areas. New data examining the situation for Aboriginal women and residents of the territories is highlighted in separate sections of the report.

Indicators in this document focus on acts of violence against women that have been quantified using statistical survey techniques. The report focuses on behaviours that could trigger a criminal justice response—acts of violence that qualify as offences under the *Criminal Code*. The primary data sources that Statistics Canada uses to measure violence against women are victimization surveys, and data collected by police agencies, adult courts, emergency shelters for women and their children, and other service agencies providing assistance to crime victims.

These indicators provide the following portrait of violence against women in Canada.

Prevalence and severity

- Women are more likely than men to be the victims of the most severe forms of spousal assault, as well as spousal homicide, sexual assault and criminal harassment (stalking).
- The rate of spousal homicide has declined in recent years for both women and men, and survey data suggest that the severity of non-lethal assaults against women has also declined somewhat.
- Over the past 30 years, the percentage of persons charged with first degree murder in spousal homicide cases has risen; however, men are twice as likely as women to receive this charge.
- Trends in various types of violence against women, as recorded in police statistics, are mixed:
 - rates of reported sexual assault have declined since 1993;
 - the number of spousal violence incidents against women has declined since 2000 while the rate of violence perpetrated by boyfriends has increased;
 - the number of male partners reported to police for criminal harassment has increased.

Impact

- Spousal violence has psychological, physical, social and economic impacts for victims, their families and society.
- Female victims of spousal violence are more likely than males to report being injured, suffer lost productivity, experience multiple assaults, fear for their lives, and experience negative emotional consequences.
- Almost 40% of women assaulted by spouses said their children witnessed the violence against them (either directly or indirectly) and in many cases the violence was severe. In half of cases of spousal violence against women that were witnessed by children, the woman feared for her life.
- Studies of the economic costs of violence against women to victims and society estimate that costs to health, criminal justice, social services and lost productivity range in the billions of dollars.

Risk factors

- Young women experience the highest rates of violence.
- Women experience higher rates than men of sexual assault, stalking, serious spousal assaults and spousal homicide.
- Partners' use of psychological or emotional abuse, and frequent heavy drinking by partners, raise the risk of violence against women in spousal relationships.
- Women in common-law relationships and those who are separated report rates of spousal violence and homicide that are disproportionate to their representation in the population.
- Stalking by ex-partners raises the risk of ex-partner violence.

Institutional and community-based responses

- The number of shelters for abused women and their children has increased from 18 in 1975 to 543 in 2004. The largest rise was between 1979 and 1992.
- In addition to shelters, over 600 services for victims of crime, including 105 sexual assault centres are operational across Canada.
- Specialized domestic violence courts have been implemented in several jurisdictions, including Winnipeg, Ontario, Alberta and the Yukon.
- Spousal violence makes up the single largest category of convictions involving violent offences in non-specialized adult courts in Canada over the five-year period 1997/98 to 2001/02. Over 90% of offenders were male.
- Spousal violence offenders were more likely than those convicted of other violent offences to receive a term of probation and less likely to receive a prison term. Male offenders and ex-partners were more likely than females and those in intact relationships to receive a prison sentence.
- Average probation and prison sentences were longer in spousal violence cases than non-spousal violence cases.
- Conditional sentences, which are prison terms that a judge orders to be served in the community provided that certain conditions are observed, were used in sexual assault cases more often than in cases of other violent crimes.

Victims' use of services

- Thirty-six percent of female victims of spousal violence and less than 10% of victims of sexual assault reported these crimes to the police in 2004.
- Reasons for not reporting to police are varied and include fear of reprisals by the offender, shame and embarrassment, and a reluctance to become involved with the police and courts.
- The primary reasons women report spousal violence to the police are to stop the violence and receive protection. Fewer reported because they wanted to have their partner arrested and punished.
- Reporting to police was higher for younger women, those living in lower-income households, and those with lower education. Reporting was also higher in more serious incidents of violence, in cases witnessed by children, and in cases where offenders were under the influence of alcohol.
- About half of female spousal violence victims used the support of social services.
- Reporting to the police raised the likelihood that women would use social services, and contact with social services increased the likelihood that the police would also be involved.
- In the year ending March 31, 2004, 52,127 women and 36,840 children were admitted to shelters for abused women across Canada.
- Among other types of services for crime victims (excluding shelters), women make up the majority of clients, and most are seeking help for the effects of sexual assault, partner violence or stalking.

Violence against Aboriginal women

- Rates of spousal violence and spousal homicide are higher for Aboriginal women than for non-Aboriginal women or Aboriginal men.
- The severity and impacts of spousal violence are also greater for Aboriginal women.
- Part of the explanation for these higher rates is that the presence of risk factors is high among the Aboriginal population. The Aboriginal population is younger than the general population, has lower average incomes, has higher levels of alcohol abuse and are more likely to live in common-law relationships. Other factors that have been linked to violence in Aboriginal communities include the breakdown of family life resulting from residential school experience, and the impact of colonization on traditional values and culture.
- Aboriginal people also experience higher rates of non-spousal violence.
- Aboriginal women were more likely than non-Aboriginal women to contact police regarding spousal violence and more likely to use social services. This is in keeping with the more serious nature of the violence perpetrated against them.

Violence against women in the territories

- Rates of spousal violence are higher in the territories than in the provinces: 12% compared with 7%.
- Police consistently record higher rates of violent crimes, including sexual assault and spousal homicide, in the territories compared with the provinces.
- Victims of spousal violence in the territories report to the police at a higher rate than victims in the provinces.
- Spousal violence victims in the territories were less likely than victims in the provinces to use social services. However, per capita rates of shelter usage were highest in the territories.

Looking to the future

Data collection in the area of violence against women is challenging due to the sensitive nature of these experiences. Statistics Canada and other agencies continue to refine and improve the tools and methodologies needed to study this important social issue. This report adds important new information that was not available for the 2002 report, including data on criminal harassment, sentencing of spousal violence perpetrators, availability and use of victim services, and detailed information for Aboriginal women and women in the territories. The report concludes by highlighting gaps that remain in the data required to paint a more complete picture of the nature, extent and impacts of violence against women. For example, more detailed data are needed for:

- visible minority, immigrant, Aboriginal and Northern women;
- sexual assault victimization;
- perpetrators of violence;
- attitudes and perceptions of violence among Canadians;
- the economic costs of violence;
- other forms of violence, such as trafficking in persons.

Continued improvements to the quality and depth of statistical data on violence against women will help contribute important information for monitoring the prevalence, risk factors, impacts and responses to violence. The indicators in this report are designed as a useful tool for governments and non-governmental organizations for tracking change over time, highlighting new and emerging issues, and developing legislation, policies and programs to help prevent violence and assist victims.

Findings

Prevalence and severity of violence against women

Estimating the prevalence of violence against women—the number of women in the population who are affected by violence—is challenging due to the very private nature of these experiences. A subset of police services across Canada is able to track the gender of victims and offenders for crimes that are reported to them, but this undercounts incidents of violence against women as just over one-third of spousal assaults and less than 10% of sexual assaults are reported to police. A survey of shelters for abused women and their children has been in operation since 1992. However, women who use shelters tend to be fleeing very serious violence and may not be representative of all abused women.

Victimization surveys, as opposed to police collected data, have become the standard for estimating the nature and extent of violence against women in the general population. In 1993, Statistics Canada conducted the first dedicated survey on violence against women. This survey was important because of the breadth and depth of the questions asked and because it established a baseline for understanding and monitoring physical and sexual violence against women in Canadian society.

The Violence Against Women Survey (VAWS) was a special one-time survey funded by the (then) federal department of Health and Welfare. In order to track changes over time, Statistics Canada's General Social Survey (GSS) on Victimization was adapted to include a module on spousal violence which was modeled on the VAWS. The GSS on Victimization is conducted every five years and reference is made in the survey to experiences of spousal violence in the preceding 12-month and 5-year periods. Sexual assault is covered as one of the eight crime types addressed routinely on the survey. Experiences of sexual assault are measured over the previous 12 months only.

Spousal assault severity and prevalence can be compared over three time periods: the five years prior to the 1993 VAWS and the five years prior to the 1999 and 2004 GSS. Although there were attempts to make these surveys as

similar as possible, comparisons should be made cautiously (see the Methodology section). The VAWS contained a single focus on acts of male violence against women, while the GSS is a general crime victim survey with a special module of questions designed to measure the prevalence and consequences of spousal assault against both women and men.

Spousal assault

Spousal assault was first identified as an important social issue in the early 1970s due to the efforts of the women's movement. Since that time, awareness of the issue and the development of tools to estimate the prevalence of spousal violence have grown.

In this document, the terms “spouse” and “spousal” refer to both marital and common-law unions, unless otherwise specified. The data from the 2004 General Social Survey (GSS) on Victimization related to spousal violence include a small number of same-sex spousal relationships; however, the numbers were too small to make statistically reliable estimates separately for women and men.

Note on statistical significance: Telephone surveys such as the Violence Against Women Survey (VAWS) and the GSS randomly select a sample of the population to be interviewed (age 18 and over for the VAWS; 15 and over for the GSS). The responses of each person interviewed are weighted to produce estimates for the overall population. An estimate of the total population, expressed as a percentage, is expected to be within about 1% of the true percentage 19 times out of 20. Estimates of smaller subpopulations (such as smaller provinces) will fall within a wider range. As a result, estimates from two points in time, or between two subgroups in the population, may have a wide and overlapping range and therefore will not show a statistically significant difference. Estimates based on small samples are not reliable and are suppressed.

See the Methodology section for detailed description of these surveys.

Prevalence of spousal assault

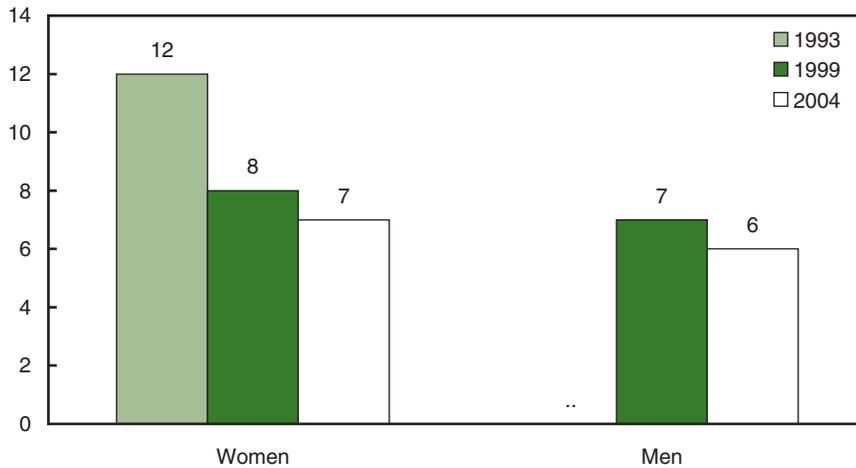
According to victimization data, there has been a decline in spousal assaults since 1993. Seven percent of women who were living in a common-law or marital relationship

reported to the 2004 GSS that they had been physically or sexually assaulted by a spousal partner at least once during the previous five years. This is a small but statistically significant drop from 8% in 1999. These figures represent approximately 653,000 women in 2004 and 690,000 in 1999. In 1993, 12% of women had been assaulted by a spousal partner in the preceding five years. The figures for men were 7% in 1999 and 6% in 2004 (Figure 1).

In the 12 months preceding the survey interview in 2004, 2% of women had been physically or sexually assaulted by a spousal partner, representing approximately 196,000 women. The figures for 1993 and 1999 were 201,000 and 220,000 women, respectively (Figure 2).

Figure 1
Five-year rates of spousal assault, 1993, 1999 and 2004

Percent over 5 years



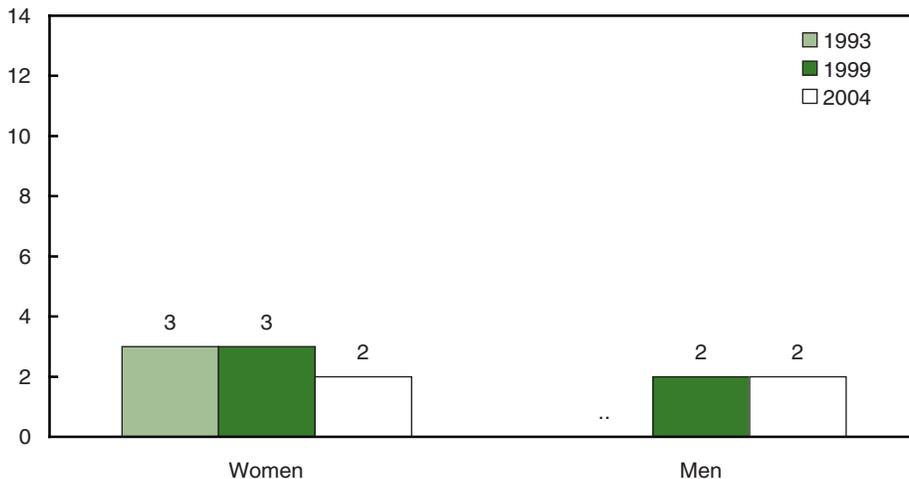
.. not available for any reference period

Note: Both the decline in rates of spousal violence against women and the difference between women and men are statistically significant.

Sources: Statistics Canada, Violence Against Women Survey, 1993; General Social Survey, 1999, 2004.

Figure 2
One-year rates of spousal assault, 1993, 1999 and 2004

Percent over 1 year



.. not available for any reference period

Note: Both the decline in rates of spousal violence against women and the difference between women and men are statistically significant.

Sources: Statistics Canada, Violence Against Women Survey, 1993; General Social Survey, 1999, 2004.

The most significant change in spousal violence rates between 1999 and 2004 were within relationships that had ended at the time of the interview. Women reported higher rates of violence by previous spouses compared to current spouses, even though the percentage of women who experienced violence in the previous five years by ex-partners declined from 28% in 1999 to 21% in 2004.

Although it is difficult to determine with certainty the reasons for a decline in the prevalence of spousal assault, some factors could have played a role. These include:

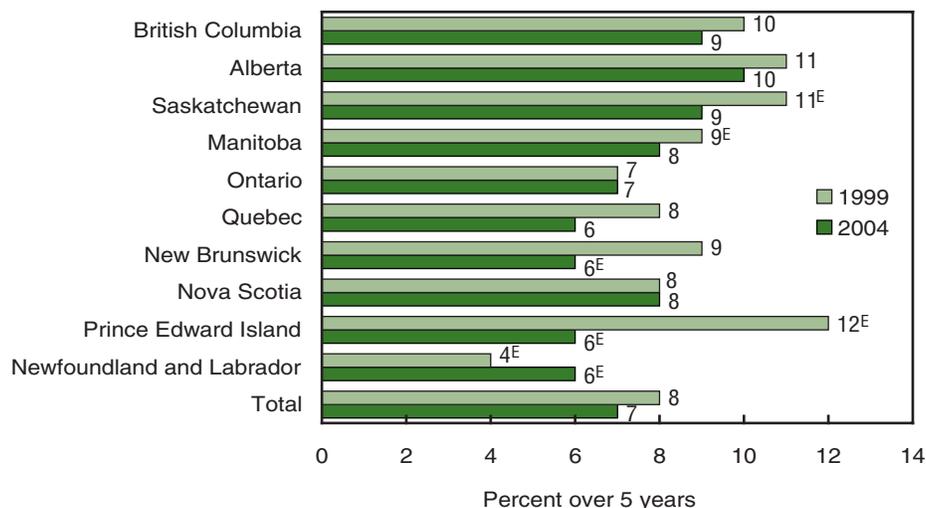
- increased use of services by abused women;
- increased public awareness;
- improved training for police officers and Crown attorneys;
- co-ordinated inter-agency referrals in many jurisdictions;
- growth of provincial/territorial domestic violence legislation;
- increased number of treatment programs for violent men;

- positive changes in women’s social and economic status that may enable them to leave abusive relationships at earlier stages (Pottie Bunge 2002; Dawson 2001; Dugan et al. 1999; Rosenfeld 1997);
- pro-charging and pro-prosecution policies in many jurisdictions.

Figure 3 shows the five-year prevalence rates of spousal assault for each of the provinces as measured by the 1999 and 2004 GSS. Rates of spousal violence against women have remained relatively unchanged in all provinces. The largest change was recorded in Prince Edward Island where rates have dropped by half. For Canada, Newfoundland and Labrador, Prince Edward Island and Quebec, the change in prevalence rates is statistically significant. This means that the difference between 1999 and 2004 rates are likely real and not the result of sampling. Newfoundland and Labrador was the only jurisdiction to show a rise in spousal violence over this five-year period.

The estimated numbers and rates of spousal assault against women and men by province in 2004 are set out in Table 1.

Figure 3
Five-year rates of spousal¹ assault against women by province, 1999 and 2004



^E use with caution (coefficient of variation is high, 16.6% to 33.3%)

1. Includes common-law partners.

Note: Differences for Newfoundland and Labrador, Prince Edward Island, Quebec and the Total are statistically significant.

Source: Statistics Canada, General Social Survey, 1999, 2004.

Table 1

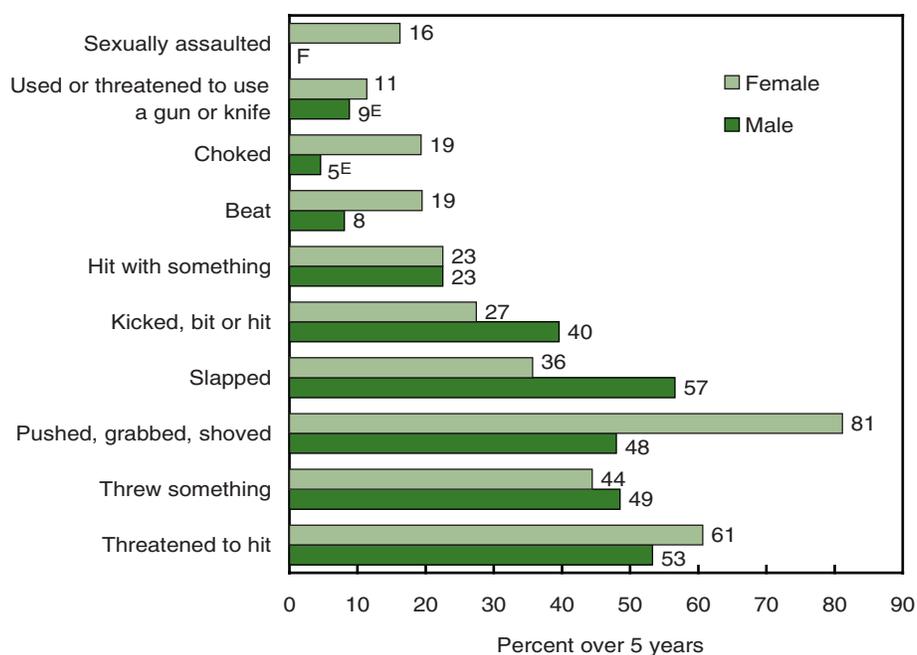
Estimated number and rate of spousal violence incidents against women and men 15 years of age and over, past five years, 2004

	Total		Female		Male	
	in thousands	percent	in thousands	percent	in thousands	percent
Newfoundland and Labrador	16	5	9 ^E	6 ^E	6 ^E	4 ^E
Prince Edward Island	4	5	2 ^E	6 ^E	F	F
Nova Scotia	41	8	21	8	20 ^E	7 ^E
New Brunswick	29	6	14 ^E	6 ^E	15 ^E	7 ^E
Quebec	238	5	134	6	104	5
Ontario	442	6	227	7	215	6
Manitoba	46	7	25	8	21 ^E	7 ^E
Saskatchewan	46	8	25	9	21 ^E	8 ^E
Alberta	156	9	90	10	66	7
British Columbia	183	8	106	9	77	6
Total	1,200	7	654	7	546	6

^E use with caution (coefficient of variation is high, 16.6% to 33.3%)

Source: Statistics Canada, General Social Survey, 2004.

Figure 4

Types of spousal violence experienced by women and men, 2004

^E use with caution (coefficient of variation is high, 16.6% to 33.3%)

Note: Figures do not add to 100% due to multiple responses.

Source: Statistics Canada, General Social Survey, 2004.

Severity of spousal assault

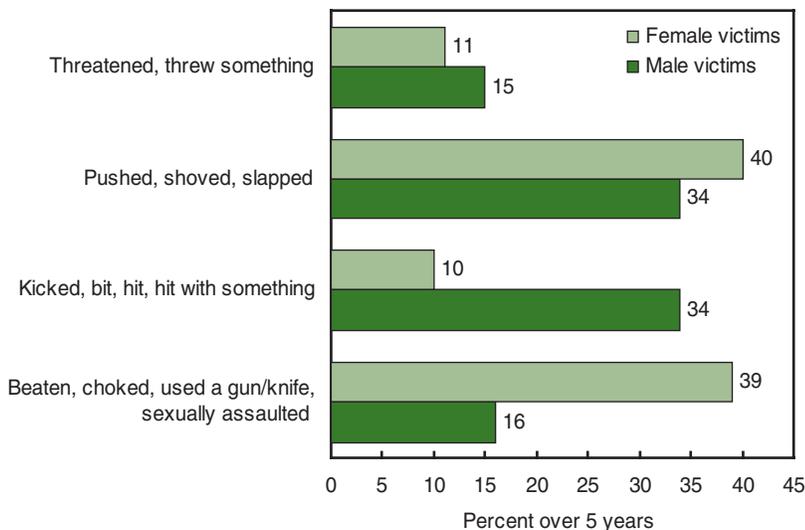
In general, women are more frequently subjected to severe forms of violence from men than men are from women. For example, in 2004, twice as many women than men were beaten by their partners, and four times as many were

choked (Figure 4). Moreover, 16% of women who were victimized by a spouse were sexually assaulted, and twice as many female as male victims of spousal assault reported chronic, ongoing assaults (10 or more) (see Figure 20). This finding suggests that despite similar prevalence rates

reported by women and men in the 2004 GSS, assaults on women are more serious. One shortcoming of the data is that they do not indicate the degree of force used in each of these acts. However, the impact of spousal assault, in terms of injury and other consequences, is more severe for women (see Figure 20).

Overall, women were two-and-a-half times as likely as men to report the most serious forms of violence, such as being beaten, choked, threatened with a gun or knife, and sexually assaulted (Figure 5). The estimated number of women and men who experienced these types of assaults over the five-year period was 254,000 and 89,000, respectively.

Figure 5
Women experience more serious violence than men, 2004



Notes: Figures may not add to 100% due to rounding. Differences between women and men are statistically significant.
Source: Statistics Canada, General Social Survey, 2004.

A comparison of data from these three time points presents some evidence that the severity of the assaults has diminished slightly. These surveys indicate a reduction across these three time points in the percentage of female victims of spousal violence subjected to the most severe types of assault (being beaten, choked, threatened with a gun or knife, or sexually assaulted), from 50% of all victims in 1993 to 39% in 2004 (Figure 6). There were also declines in the percentage of victims experiencing chronic, ongoing assaults (10 or more) and in the percentage who feared for their lives from a violent spouse. However, the percentage of victims who suffered physical injury increased slightly. These changes are small but statistically significant.¹

These shifts may be a result of improved societal interventions that help to reduce the escalation of violence in spousal relationships and are consistent with the decline in spousal homicides. However, the apparent declines in the prevalence and severity of spousal assaults have not

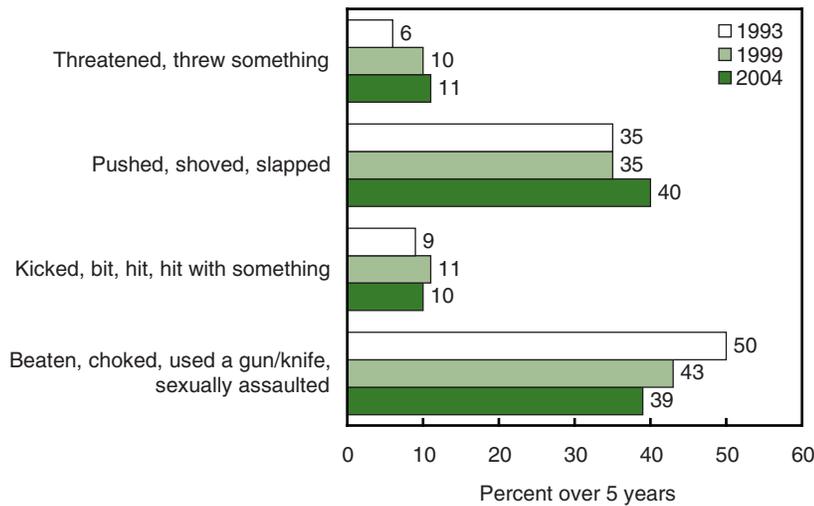
resulted in a decrease in the use of shelters for abused women (see Figure 43 and Table 8). The demand for shelters continues to exceed availability as reflected in the fact that some 200 women are turned away from shelters on an average day (see the section Victims' use of services).

Police-reported data on spousal assault

Police data on spousal assault incidents come from the Incident-based Uniform Crime Reporting Survey (UCR2) and do not contain data from all provinces. Other than in Ontario and Quebec, the data are primarily from urban police services. Although all police agencies across the country provide Statistics Canada with an annual statistical accounting of all known crimes, not all can provide details of assaults involving spouses or other intimate partners. Data for the period 1998 to 2004 are based on 68 police forces that have consistently participated in the UCR2 Survey

See notes at the end of the text.

Figure 6
Changes in the severity of spousal assaults against women over time, 1993, 1999 and 2004



Sources: Statistics Canada, Violence Against Women Survey, 1993; General Social Survey, 1999, 2004.

since 1998. The data presented here are not nationally representative but provide an indication of trends for these 68 police forces, which represent 37% of the national volume of crime. By 2007, over 90% of criminal incidents will be reported in this detailed format.

These data indicate that women represented 87% of victims of partner assault from 1998 to 2004 in the jurisdictions of the participating police agencies. In 2004, 14,597 cases of partner violence involving female victims and 2,413 cases involving male victims were reported to these 68 police departments. This is a consistent finding over time and suggests that incidents involving female victims are more likely to approach the level of severity requiring police intervention.

These data undercount the actual number of spousal assaults as only 36% of female victims and 17% of male victims in 2004 had reported spousal violence to the police, according to the 2004 GSS (see Figure 21).

As shown in Figure 7, current and former husbands make up the largest number of intimate partner assault offenders recorded by the police and the number in this group has declined since 2001. The number of current and former boyfriends reported to police for intimate partner violence has increased since 1998 to become the second highest

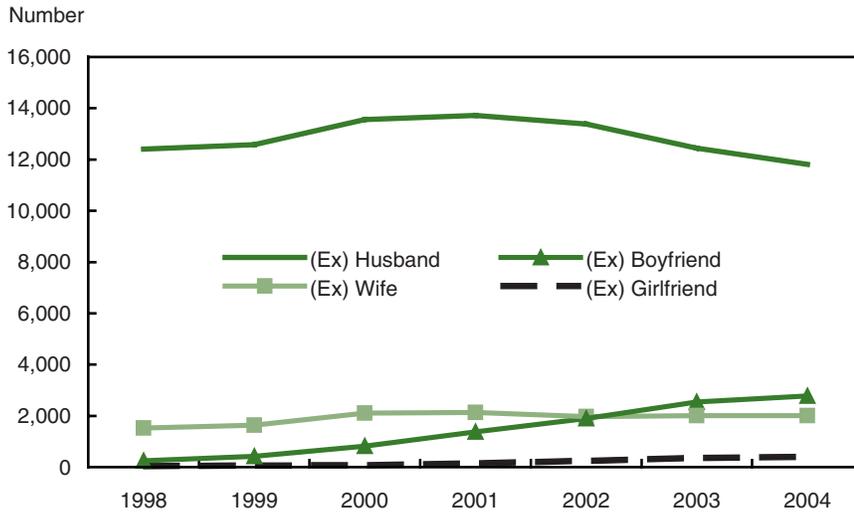
category, surpassing the number of assaults perpetrated by wives. A limitation of this analysis is that rates per population cannot be calculated because population data for marital status cannot be matched to these geographic regions. These trends therefore do not take account of possible increases in the population.

Pro-charging policies have led to the unexpected result that, in some cases, both victim and perpetrator are charged. Some jurisdictions in the United States have adopted “primary aggressor” models, which require police to identify the primary aggressor based on the history of violence between the parties and evidence that one person may have been acting in self-defence (Federal/Provincial/Territorial Working Group 2003).

Spousal homicide

One in five homicides in Canada involves the killing of an intimate partner. Rates of spousal homicide against both female and male victims have fluctuated over the past 30 years but show a general overall decline (Figure 8). The rate for women decreased by 39% between 1991 and 2004, from 1.16 to 0.71 per 100,000 couples. The rate for men decreased 59%, from 0.34 to 0.14 per 100,000 couples during this same time period.

Figure 7
Number of intimate partner assaults^{1,2} reported to police by offender relationship to victim, 1998 to 2004



1. Includes current/former wife or husband (including common-law partners) and current/former boyfriend/girlfriend. Excludes same-sex intimate partners.
 2. Includes attempted murder, conspiracy to commit murder, sexual assaults (levels 1 to 3), assault (levels 1 to 3), unlawfully causing bodily harm, discharge firearm with intent, criminal negligence causing bodily harm, assault against peace/public officer, other assaults and other sexual violations.

Notes: Data are not nationally representative. Based on data from 68 police departments (excluding Toronto Police Service) active as of December 31, 2004 (excluding partial year respondents) representing 36.6% of the national volume of crime in 2004. Includes only those incidents involving one accused and one victim between the ages of 15 and 89.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Trend Database.

Figure 8
Rates of spousal¹ homicide by sex of victim, 1975 to 2004



1. Spousal homicides reported by police include a small number of victims who were separated from a common-law spouse. As population estimates are unavailable for this sub-population, the overall rates of spousal homicide may be slightly overestimated. Six same-sex spouses were excluded from the analysis, due to the unavailability of population estimates.

2. Rates are calculated per 100,000 spouses (legally married, separated, divorced and common-law men and women 15 years of age and over). Population estimates provided at July 1st by Statistics Canada, Census and Demographic Statistics, Demography Division.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Police statistics suggest that a substantial percentage of persons accused of spousal homicide were acting in self-defence. In 41% of spousal killings of men in which police had the requisite information, the police determined that the male victim was “the first to use or threaten to use physical force or violence in the incident.” In contrast, police indicated that the victim initiated the violence in only 5% of spousal killings of women (Johnson and Hotton 2003).

Statistics Canada’s Homicide Survey reports only the original charges—there is no follow-up to determine if the charge was reduced or the accused was found guilty. With respect to initial charges laid, women accused of homicide against intimate partners were more likely than men to be charged with second degree murder and manslaughter while men were more likely to be charged with first degree murder. The percentage of men who were charged with first degree murder in spousal killings has risen over the past 30 years from 24% in the period 1975 to 1984 to 49% in the most recent decade. The percentage of women who were charged with first degree murder also rose from 16% to 25% (Figure 9).

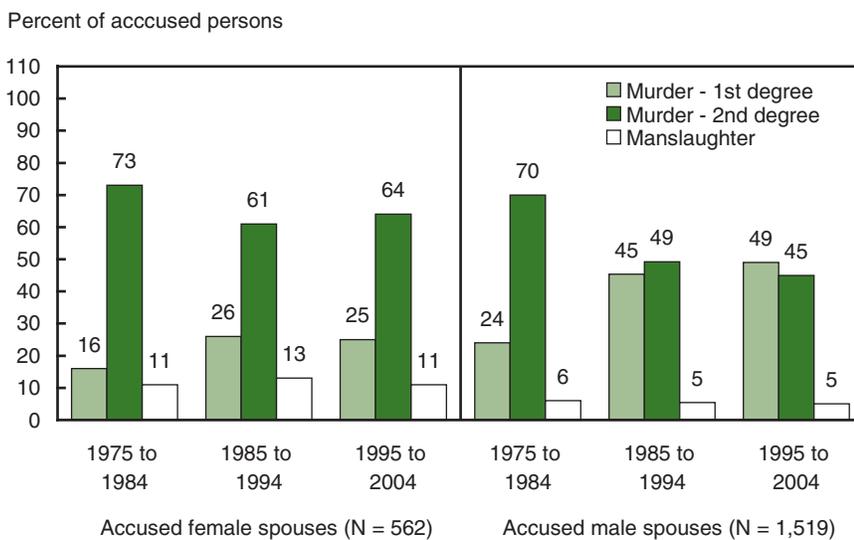
In a majority of spousal homicides, there is a history of violence between the victim and the accused person (Figure 10). Between 1991 and 2004, there was a history of domestic violence in 59% of homicides against women by their male partners and 70% of homicides against men

by their female partners. A history of violence was less common for legally married women and men and higher for those in common-law, separated and divorced relationships. The Homicide Survey indicates just that there was a known history of domestic violence in the relationship but does not indicate who was the perpetrator and who was the victim of the violence that preceded the homicide.

The decrease in the spousal homicide rate in recent years may be due to, among other factors, increased community-based support, mandatory charging policies and improved training of police officers. Researchers in Canada and the United States have investigated the correlations between these various factors and changes in spousal homicide rates over time (Pottie Bunge 2002; Dawson 2001; Dugan et al. 1999; Rosenfeld 1997). They have demonstrated statistically that the decline in spousal homicide rates is linked to a combination of increased availability of resources and improvements in women’s socio-economic status, including:

- delayed marriage, which means exposure to violence in the highest-risk age group of women and men is reduced;
- delayed marriage may also reflect increased selectivity in the choice of a partner;
- delayed childbirth gives women greater opportunity for educational and labour force advancement and economic independence;

Figure 9
Percent distribution of persons accused of spousal homicide¹ by gender and most serious violation,² 1975 to 2004



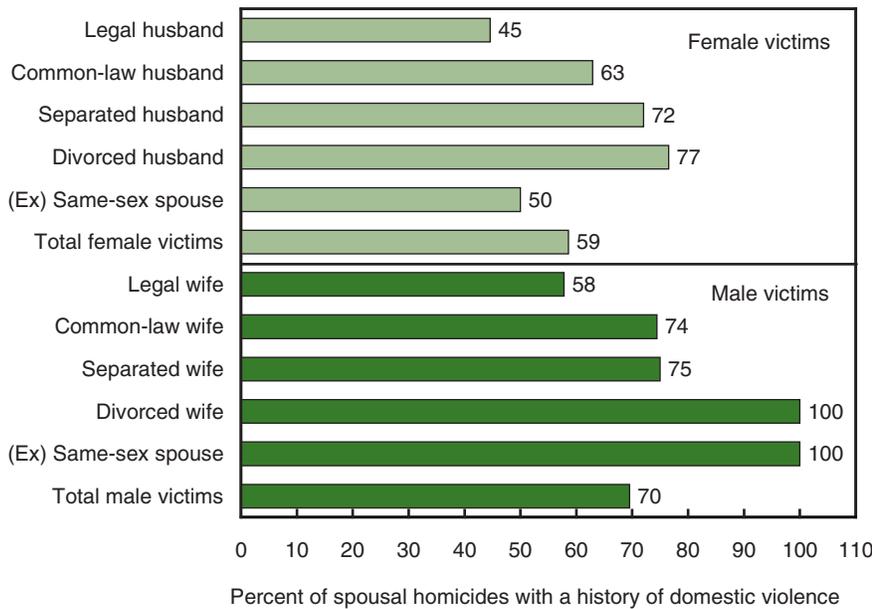
1. Spouses include legally married, common-law, separated, divorced and (ex) same-sex spouses. Includes homicides in which only one person was accused of the homicide.

2. Represents charges laid or recommended by police at the time of the initial investigation and does not include revisions following court appearances or convictions.

Note: Figures may not total to 100% due to rounding.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Figure 10
Percentage of spousal homicides with a history of domestic violence between victim and offender, by offender relationship to victim, 1991 to 2004



Notes: Includes spousal homicides involving one accused and one victim, representing 91% of all spousal homicides between 1991 and 2004. Excludes 44 spousal homicides in which the existence of a history of domestic violence was unknown.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

- rising income levels and labour force participation rates for women provide women with options in the event of violence;
- increasing availability of domestic violence services, including shelters, may help avert a violent situation from becoming lethal.

Due to the small number of spousal homicides in some provinces, data have been combined for the 30-year period, from 1975 to 2004. Over this time period, rates of spousal homicide against women were lowest in Newfoundland and Labrador and Prince Edward Island, while rates of spousal homicide against men were relatively low in New Brunswick and Quebec. The highest rates for both men and women are shown in the Western provinces and the territories. In almost all provinces and territories, homicides of women outnumbered homicides of men by a ratio of at least 2 to 1² (Figure 11).

These provincial variations mirror overall rates of homicide and violence in the general population, which tend to be higher in the territories and the Western provinces.

Table 2 gives a clearer indication of the magnitude of the problem of spousal homicide in each of the provinces and territories, showing both the total and the average number

of women and men killed annually by spouses over the 30-year period.

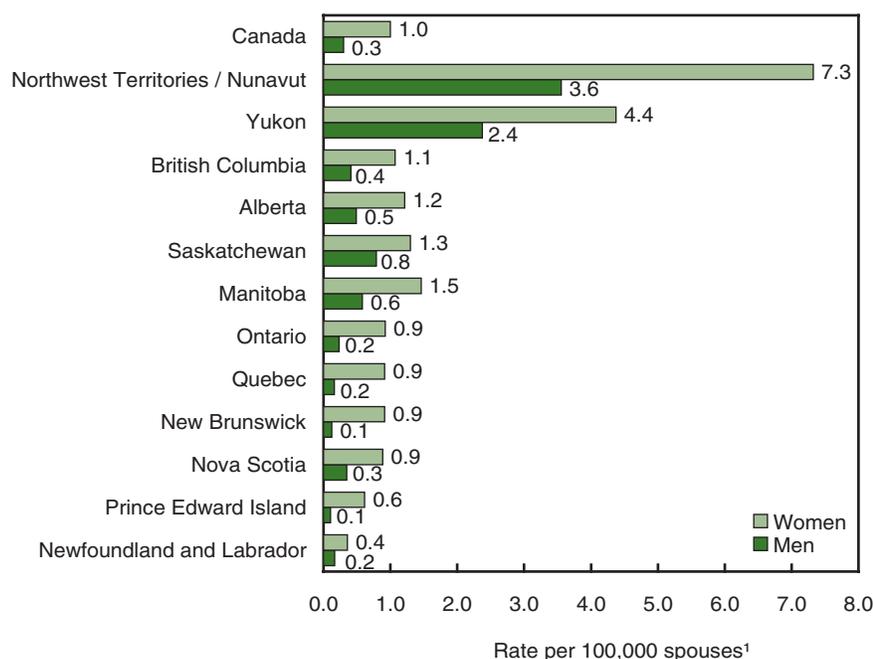
Sexual assault

The most detailed information on sexual assault is available from the 1993 national VAWS. At that time, 39% of Canadian adult women reported having had at least one experience of sexual assault since the age of 16. The definition of sexual assault in this survey included violent sexual attacks and unwanted sexual touching, both of which are consistent with *Criminal Code* definitions of sexual assault.

The GSS does not contain the same kind of expanded data related to sexual assault outside a spousal relationship (legal marriages and common-law unions); as a result, trend data are quite limited. The survey questions used to define sexual assault in the 1993 VAWS were more detailed than the questions used in the GSS. Therefore, comparisons should be made only between the two GSS surveys. The percentage of women who reported being sexually assaulted in the previous 12-month period was 3% in both 1999 and 2004.

See notes at the end of the text.

Figure 11
Average spousal homicide rates by province and territory, 1975 to 2004



1. Rates are calculated per 100,000 spouses (legally married, separated, divorced and common-law men and women 15 years of age and over). Population estimates provided at July 1st by Statistics Canada, Census and Demographic Statistics, Demography Division. Demographic and homicide statistics for Nunavut specifically are only available from 1999 on. Since this analysis looks at trends over a 30-year period, Nunavut and the Northwest Territories have been aggregated.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Table 2
Number of spousal homicides¹ in Canada, the provinces and territories by sex of victim, 1975 to 2004

	Total number of victims		Average number of victims per year (1975 to 2004)	
	Female	Male	Female	Male
Newfoundland and Labrador	15	7	0.5	0.2
Prince Edward Island	6	1	0.2	0.0
Nova Scotia	62	24	2.1	0.8
New Brunswick	52	7	1.7	0.2
Quebec	497	87	16.6	2.9
Ontario	753	186	25.1	6.2
Manitoba	123	48	4.1	1.6
Saskatchewan	98	59	3.3	2.0
Alberta	244	97	8.1	3.2
British Columbia	293	104	9.7	3.5
Yukon	9	5	0.3	0.2
Northwest Territories ²	22	11	0.7	0.4
Nunavut ³	4	2	...	...
Canada	2,178	638	72.6	21.3

... not applicable

1. Includes married, common-law, separated, divorced and (ex) same-sex spouses.

2. Data prior to 1999 include the territory now known as Nunavut.

3. Reflects the number of spousal victims reported by police since 1999.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Trend data do exist for police-reported cases of sexual assault. However, since victimization surveys suggest that less than 10% of sexual assaults are reported to the police, police data significantly underestimate the incidence of sexual assault.

The *Criminal Code* definition of sexual assault encompasses conduct ranging from unwanted sexual touching to sexual violence resulting in serious physical injury to the victim. Correspondingly, an offence is assigned to one of three levels according to the seriousness of the offence or the degree of physical injury sustained by the victim:

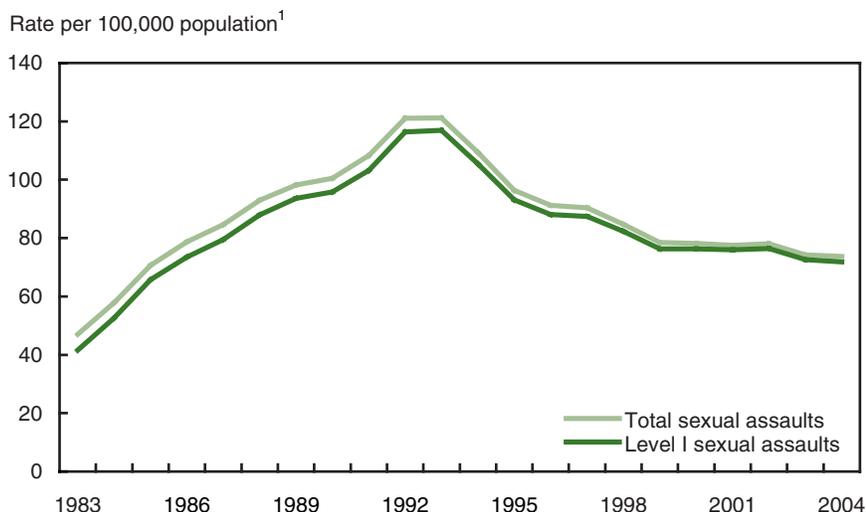
- a level I sexual assault involves minor physical injuries or no injuries to the victim;
- a level II sexual assault involves the use of a weapon or threats, or results in bodily harm;
- a level III sexual assault (aggravated sexual assault) results in wounding, maiming, disfiguring or endangering the life of the victim (see Appendix 2 for *Criminal Code* definitions of offences).

The statistics for reported sexual assaults show a steady increase starting in 1983 and a decline beginning in 1993. Overall sexual assault rates are driven by level I sexual assaults since they account for over 90% of all incidents reported to the police (Figure 12).

The more serious levels II and III sexual assault are charted on a separate graph due to the much lower prevalence reported to police (Figure 13). These assaults show quite a different pattern: police-reported rates of levels II and III sexual offences have declined significantly since the legal reform in 1983 that abolished the crime of rape (see Appendix 2).

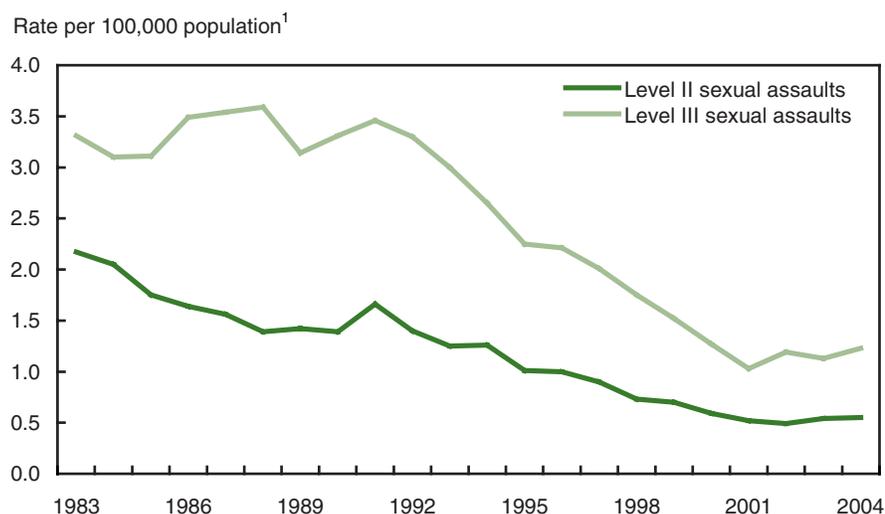
It is unknown to what extent these data reflect actual trends in changing levels of sexual violence in Canadian society, or changes in the willingness of sexual assault victims to bring these to the attention of the police. According to the 2004 GSS, just 8% of sexual assault victims reported the crime to the police.

Figure 12
Total sexual assaults and level I sexual assaults reported to police, Canada, 1983 to 2004



1. Rates are calculated per 100,000 population. Population estimates provided at July 1st by Statistics Canada, Census and Demography Statistics, Demography Division.
Note: It is not possible to identify male and female victims separately.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

Figure 13
Level II and level III sexual assaults reported to the police, Canada, 1983 to 2004



1. Rates are calculated per 100,000 population. Population estimates provided at July 1st by Statistics Canada, Census and Demography Statistics, Demography Division.

Note: It is not possible to identify male and female victims separately.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

Criminal harassment

In 1993, the offence of criminal harassment, also known as “stalking,” was introduced in the *Criminal Code*. Although criminal harassment is not gender-specific, the legislation was mainly introduced as a response to violence against women, and in particular, spousal assaults against women (Department of Justice Canada 2004). Several highly publicized cases of women being stalked and killed by their estranged partners in the early 1990s provided the impetus for this legislation, in the hope that early intervention in response to criminally harassing behaviour might prevent the escalation of violence.

Criminal harassment is obsessive behaviour directed towards another person. Section 264 of the *Criminal Code* defines criminal harassment as repeatedly following a person from place to place or repeatedly attempting to contact that person over a period of time. The legislation also encompasses such behaviours as watching or keeping watch over someone’s home or workplace, and making threats against another person known to the victim. As a result of such behaviour, the victims have reasonable cause to fear for their safety or that of someone close to them.

The law related to criminal harassment has undergone amendments on three occasions:

- In 1997 an amendment was made to make murder committed in the course of stalking a first-degree murder offence, whether or not it was planned or deliberate.
- Also in 1997, the law was amended to make the commission of an offence of criminal harassment while under a protective court order an aggravating factor for sentencing.
- In 2002, the maximum penalty for criminal harassment was doubled to 10 years’ imprisonment.
- In 2006, the law was amended to limit the instances in which an accused can personally cross-examine a victim of criminal harassment, thus preventing any continuation of the harassment that might occur otherwise.

In 2004, three-quarters of incidents of criminal harassment reported to the police were directed at female victims. In half of these incidents, women were stalked by a person with whom they had an intimate relationship. The most common situations involved male ex-spouses (including former common-law partners) and ex-boyfriends.

In 2004, 2,030 male partners and 207 female partners were reported for stalking to the 68 police departments

included in the database. The number of male spouses and boyfriends known to police for stalking has risen in recent years (this includes ex-partners) (Figure 14). This may reflect a real rise in stalking behaviour or an increase in the number of incidents reported to the police. It may also reflect a change in the way police have applied the law, as similar types of behaviours can be charged under other offences, such as uttering threats. Once again, these figures do not take account of possible increases in the population.

Figure 14 illustrates only stalking events that were reported to police. The 2004 GSS included a special module on stalking in order to more fully explore stalking events that were and were not reported to police.

Overall, 9% of persons 15 years of age and older reported having experienced at least one stalking incident in the five-year period prior to the survey. Rates were higher for women than for men: 11% compared with 7%. (See the Methodology section for question wording used on the GSS to measure stalking.)

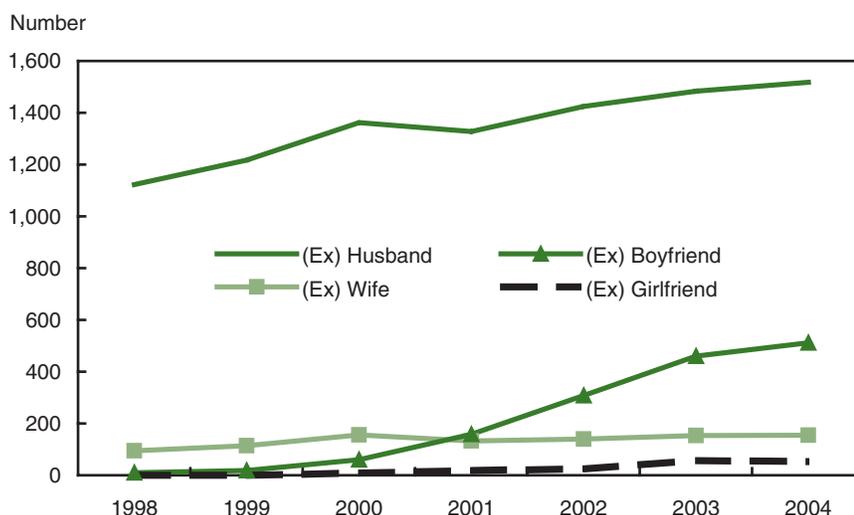
Rates of criminal harassment victimization varied by province, from a low of 9% to a high of 13% for women and between 4% and 9% for men (Figure 15).

The majority of stalking victims were stalked by a male (80%). Stalkers were male in 80% of cases involving female victims and 73% of those involving male victims. Only 5% of all cases involved a female stalking a male.

Similar to other forms of violence, the relationship of stalkers to victims was somewhat different for women and men. Overall, 21% of female victims were stalked by current or former intimate partners (spouse or boyfriend/girlfriend) compared with 10% of male victims. Men were more likely to be stalked by other people known to them, such as neighbours, friends, co-workers and people known by sight only (Figure 16).

Not only do women report higher rates of stalking, they also report experiencing most of the specific stalking behaviours at a higher frequency. For example, they were more likely to be harassed with repeated telephone calls, repeated requests for a date, unwanted messages and gifts or letters, and were more likely to receive other forms of unwanted communication. Women were also more likely to be followed and spied on, and to have stalkers waiting outside their homes, workplace or other locations. Men reported higher prevalence of two behaviours: intimidation or threats to a third party, and damage to pets or property. Question wording on the GSS stipulates that for all types

Figure 14
Number of criminal harassment incidents reported to police, by offender relationship to victim, 1998 to 2004¹



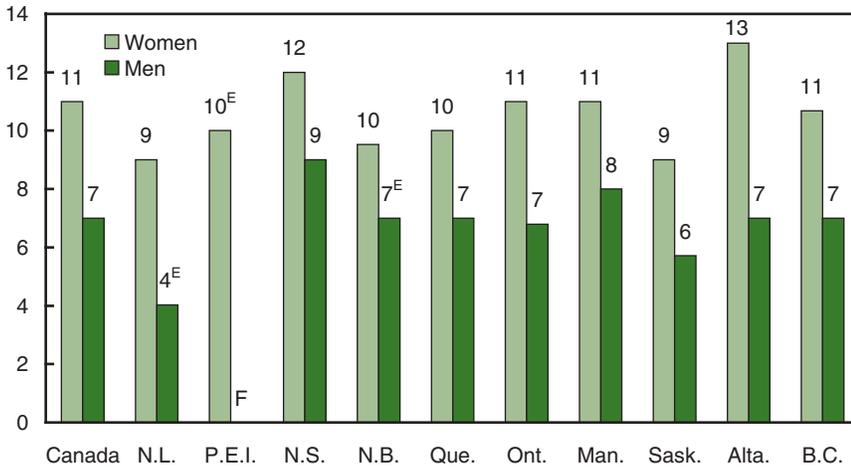
1. (Ex) husbands and wives include current and former common-law partners. Excludes same-sex intimate partners. Includes only those incidents involving one accused and one victim between the ages of 15 and 89.

Note: Data are not nationally representative. Based on data from 68 police departments (excluding Toronto Police Service) active as of December 31, 2004 (excluding partial year respondents) representing 36.6% of the national volume of crime in 2004.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Trend Database.

Figure 15
Women more likely than men to experience stalking, past five years, 2004

Percent over 5 years



^E use with caution (coefficient of variation is high, 16.6% to 33.3%)

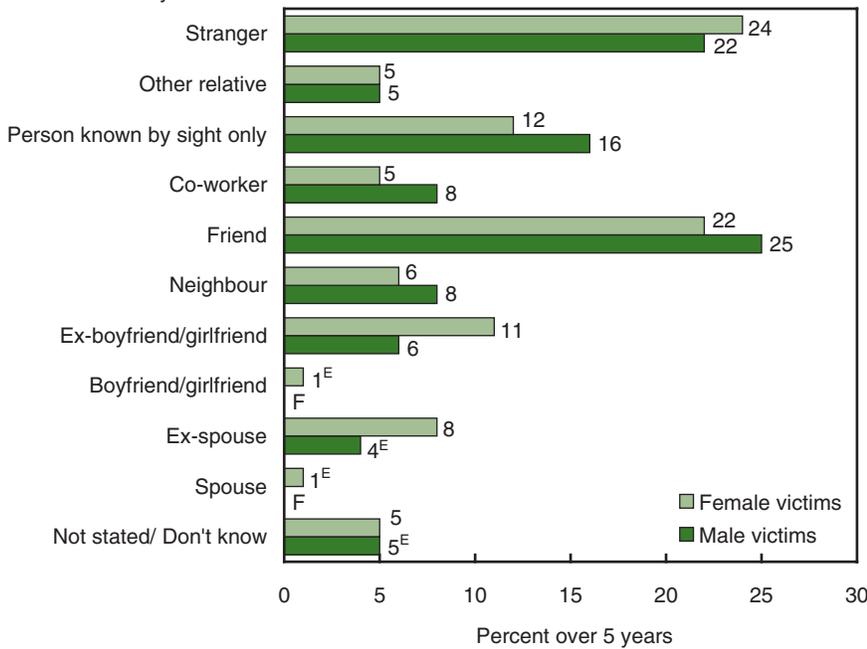
F too unreliable to be published

Note: Differences between rates of stalking for women and men are not statistically significant in any of the provinces.

Source: Statistics Canada, General Social Survey, 2004.

Figure 16
Percentage of women and men aged 15 years and over who reported some form of stalking, by relationship of stalker to victim, past five years, 2004

Victim stalked by...



^E use with caution (coefficient of variation is high, 16.6% to 33.3%)

F too unreliable to be published

Note: Percentages do not add up to 100% due to rounding.

Source: Statistics Canada, General Social Survey, 2004.

of stalking behaviour, the act must have caused them to fear for their safety or the safety of someone known to them (Figure 17).

This is a relatively new area of study, but those who have examined stalking within the context of intimate partner relationships have found strong associations between physical and sexual violence by intimate partners and stalking (Tjaden and Thoennes 1998; Logan et al. 2000). The link between partner violence and stalking is confirmed by the GSS. Three-quarters of women who were stalked by an ex-partner within the previous five years also had been physically or sexually assaulted by an ex-partner.

Some research suggests that intimate partner stalkers may be the most dangerous of all (Palarea et al. 1999). In other words, stalkers are most likely to be violent toward those individuals with whom they have had an intimate relationship. Stalking has been identified as one of the primary risk factors for attempted and actual murder of female partners (McFarlane et al. 2002).

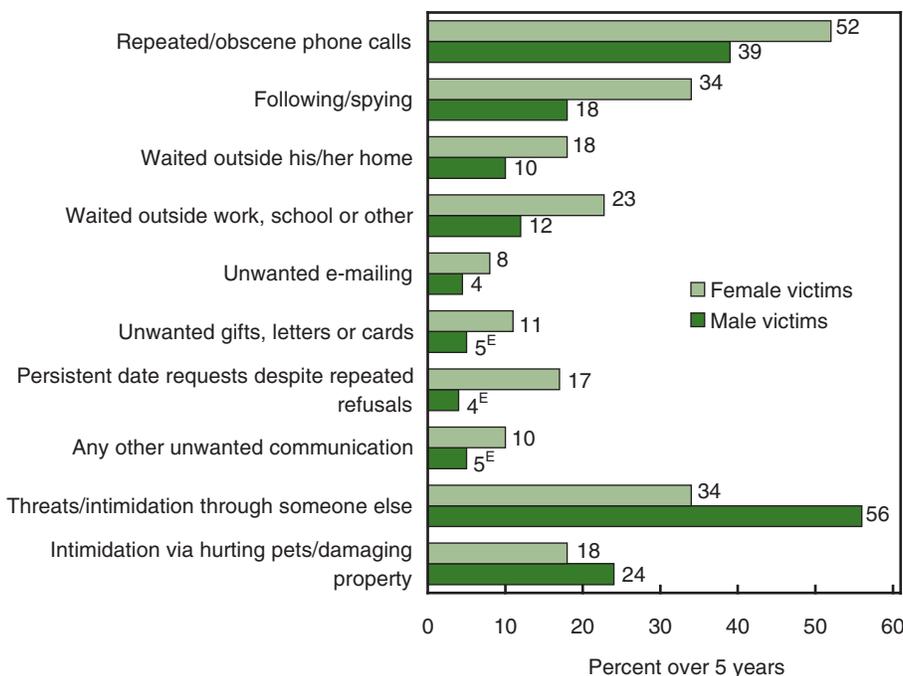
As shown in Figure 18, results of the GSS indicate that ex-partners are more likely than other stalkers to intimidate or threaten their victims and more likely to grab or attack them. Although substantial percentages of stalking victims in all relationship categories feared their lives were in danger, this climbs to 60% for women who were stalked by former spouses.

Summary of prevalence and severity of violence against women

These indicators of the prevalence and severity of spousal assault, spousal homicide, sexual assault, and criminal harassment were developed using victimization data and police-reported data.

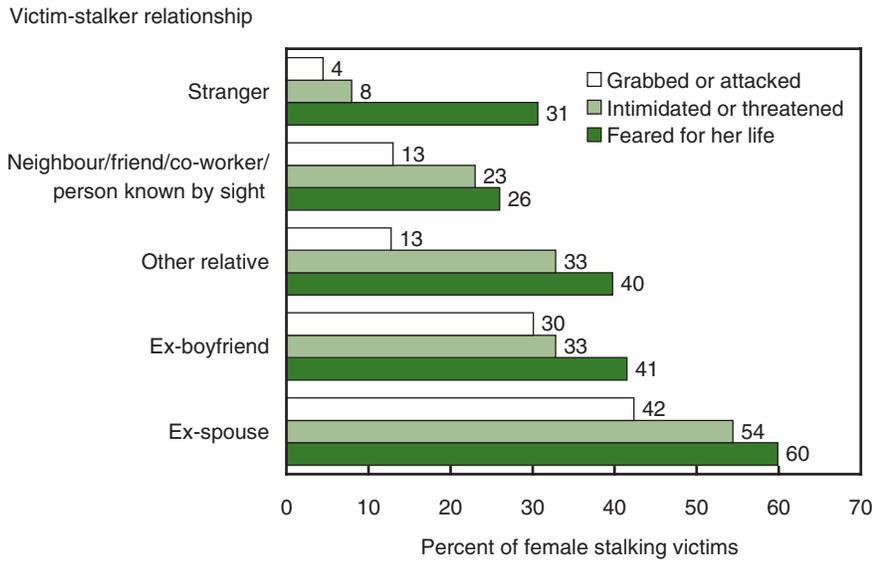
According to two consecutive cycles of the GSS, women are more likely than men to be victims of the most severe and frequent forms of spousal assault. However, the prevalence and severity of this violence are showing signs of a decline. Although the actual number of women who

Figure 17
Percentage of women and men aged 15 years and over who reported some form of stalking, by type of stalking, past five years, 2004



^E use with caution (coefficient of variation is high, 16.6% to 33.3%)
Notes: Percentages do not add to 100% due to multiple responses. Differences between women and men are statistically significant.
Source: Statistics Canada, General Social Survey, 2004.

Figure 18
Female victims stalked by an ex-spouse are more likely to experience violence or threats, 2004



Source: Statistics Canada, General Social Survey, 2004.

reported experiencing spousal assault in the previous year remains constant, there has been a decline in five-year prevalence rates.

For spousal homicide, rates have decreased in recent years. However, it is still the case that more men than women kill their intimate partners every year.

Rates of sexual assault remained constant between 1999 and 2004, but the number recorded by police has declined since 1993. The most serious types of sexual assault, levels II and III have declined more dramatically. Women experience higher rates of criminal harassment than do

men, and are twice as likely to be stalked by former intimate partners. Three-quarters of incidents of criminal harassment reported to police were directed at female victims.

The decline in the prevalence and severity of spousal assault suggested by victimization surveys, together with the decrease in spousal homicide, may be a result of improved social interventions and the increased use of services by abused women. However, additional data are needed to draw definitive conclusions on the question of how societal efforts have intervened to reduce or prevent violence.

Impact of violence against women

One of the challenges of measuring the impact of violence against women is the difficulty in adequately reflecting the broad range of impacts on individual women in psychological and physical terms, as well as the broader societal-level costs of supplying services to victims. A single incident of physical or sexual assault can be a life-shattering experience and can have negative impacts on a victim's physical and emotional well-being. The impacts on children living in a violent home can stay with them over the longer term and can result in a continuation of violence through generations. This section examines four dimensions of the impact of violence on women: psychological, physical, societal and economic.

Psychological impacts of violence

Whether or not they have personally experienced violence, women report higher levels of fear for their personal safety. The 2004 General Social Survey (GSS) indicates that among public transit users, 58% of women were worried about their safety after dark while waiting for or using public

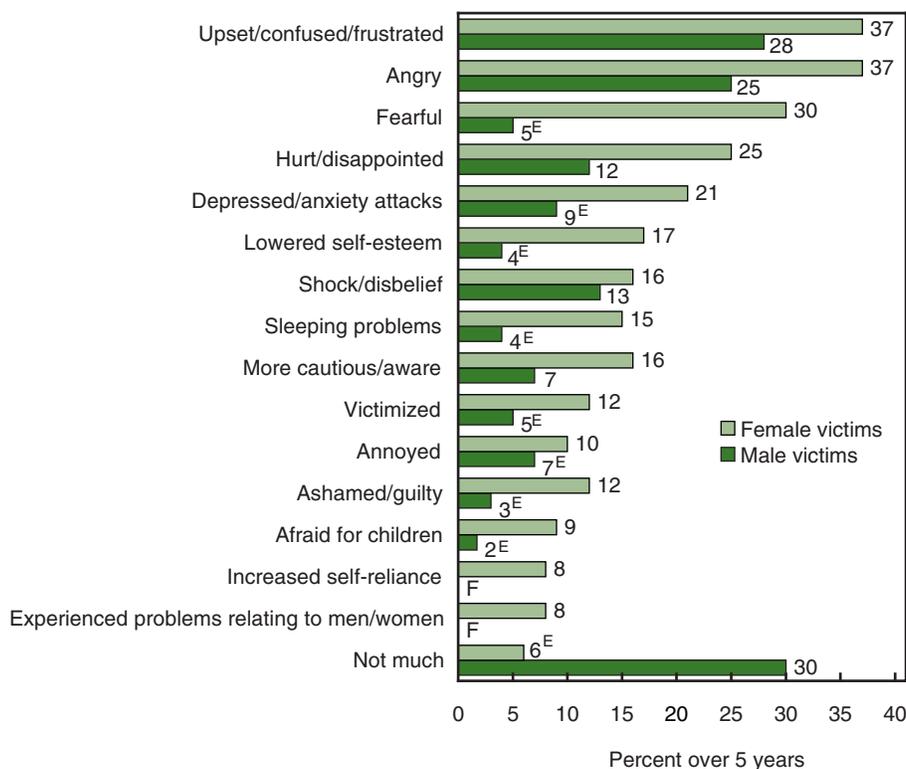
transport, compared with 29% of men. Another 16% of women felt unsafe walking alone after dark compared with 6% of men. Even in their homes, 27% of women were worried about their safety alone at night as opposed to 12% of men.

As illustrated in Figure 19, female victims of spousal assault responding to the 2004 GSS often described the psychological consequences of the assaults in negative terms, including:

- being upset and confused;
- suffering lowered self-esteem;
- suffering depression and anxiety attacks;
- suffering shame and guilt;
- suffering sleeping problems;
- fearing for themselves and their children.

While substantial percentages of male victims of spousal assault also reported negative psychological consequences, they were much more likely than women to say the experience had little or no effect on them (30% of male victims compared with 6% of females) (Figure 19).

Figure 19
Psychological consequences of spousal violence victims, 2004¹



^E use with caution (coefficient of variation is high, 16.6% to 33.3%)
^F too unreliable to be published

1. Includes women and men who experienced violence by a current or previous partner in the past five-year period.

Note: Figures may not add up to 100% due to multiple responses.

Source: Statistics Canada, General Social Survey, 2004.

Physical consequences

Acts of spousal assault against women are more likely to result in physical consequences for victims than assaults against men (Figure 20). Women are:

- more than twice as likely as male victims to be physically injured by partners;
- six times more likely to receive medical attention;
- five times more likely to be hospitalized due to injuries;
- three times more likely to have to take time off paid or unpaid work to deal with the consequences of the violence;
- twice as likely to report chronic, ongoing assaults (10 or more).

Perhaps the most salient indicator of seriousness is the woman's fear that her life is in danger from a violent spouse. Again, women were more than three times as likely as men to say they feared for their lives from a violent spouse. This represents approximately 224,000 women. This is consistent with the data that indicate that women suffer from more severe acts of spousal assault and are more likely to be killed by a spouse.

There are indications that the impact of spousal violence for women is lessening in some respects. The percentage of

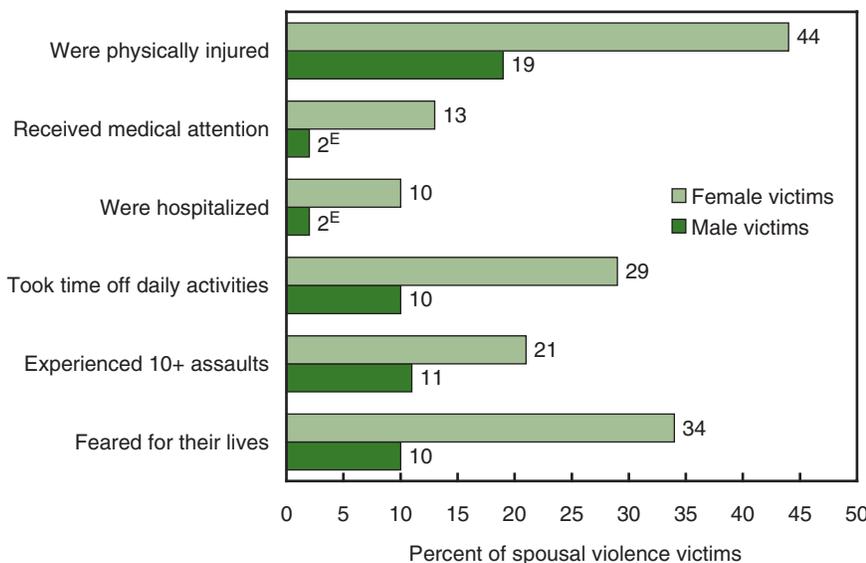
victims who experienced 10 or more incidents of violence and those who feared for their lives declined between 1999 and 2004. However, at the same time, the percentage of women who were physically injured by a violent spouse increased from 40% to 44% of all female victims.

Societal-level costs

The societal costs of spousal violence in terms of supplying and maintaining medical services, counselling and shelter services, and criminal justice services are also greater for female victims. Women are more likely to suffer serious spousal assaults, and as a result they are more likely to require and to use the services of social services agencies, such as counsellors, crisis lines, family centres and shelters. They are also twice as likely to look to the police for protection from a violent spouse (Figure 21). (The section Victims' use of services explores in greater detail factors associated with reporting spousal violence to the police).

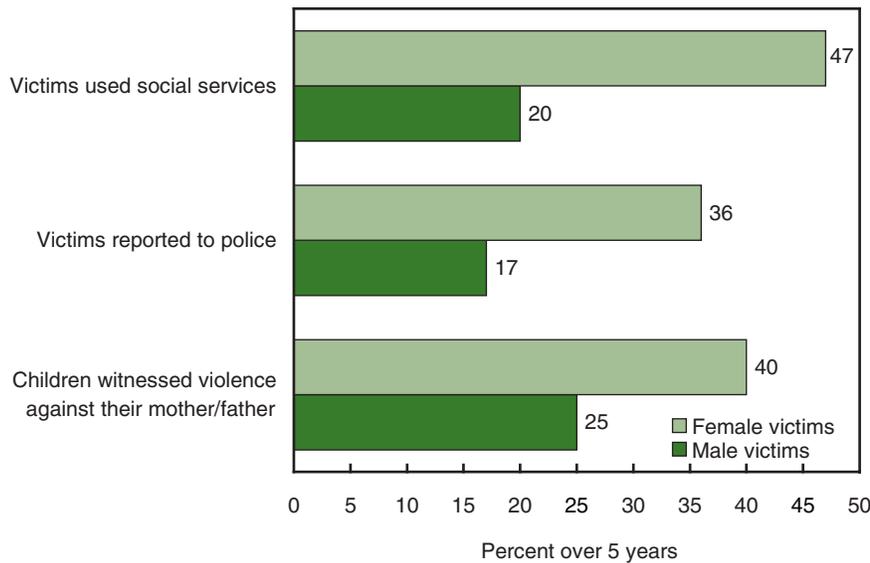
The costs to families and to society that result from children being exposed to violence against a parent can be severe and can include psychological, social, cognitive and behavioural maladjustment problems (Fantuzzo et al. 1991; Graham-Bermann and Levendosky 1998; Moore and Pepler 1998; Berman et al. 2004).

Figure 20
Impact of spousal violence for victims



^E use with caution (coefficient of variation is high, 16.6% to 33.3%)
Note: Figures may not add up to 100% due to multiple responses.
Source: Statistics Canada, General Social Survey, 2004.

Figure 21
Societal impacts of spousal violence



Note: Figures may not add up to 100% due to multiple responses.
Source: Statistics Canada, General Social Survey, 2004.

As Figure 21 shows, children witnessed spousal assaults in a substantial number of cases reported to the 2004 GSS. “Witnessing” violence on this survey includes seeing or hearing incidents of violence. As well, children were more often present in assaults against women than in assaults against men. It is estimated that over a five-year period at least 258,000 children were aware of spousal violence against their mothers (reported by 40% of female victims of spousal violence) and 136,000 knew of assaults on their fathers (reported by 25% of male victims). Some children witness particularly severe assaults on their mothers: in half of incidents witnessed by children, the woman was injured and in half she feared her life was in danger.

These may be conservative estimates, as research suggests that parents may minimize or discount the extent to which their children are aware of the spousal violence committed against them (Jaffe et al. 1990; O’Brien et al. 1994). There is evidence from the Violence Against Women Survey (VAWS) that violence can contribute in the long run to the formation of single-parent families: 68% of all single mothers reported experiencing violence in previous marriages and common-law unions. This places them at risk of economic hardship (see Appendix 1 for an overview of economic equality indicators).

Economic costs

Economic or financial costs of violence to victims and society are another measure of its impact, but they are difficult to gauge. There are no studies that have examined the total economic cost of all types of violence against women. Four Canadian studies have estimated partial economic costs (Table 3). They cannot be directly compared due to differing methodologies and assumptions inherent in the research, and none is completely comprehensive. They provide indications that the economic impact of violence on victims and Canadian society in a single year, including costs related to health, criminal justice, social services and lost productivity, can range in the billions of dollars.

The only study that examined the economic cost of child abuse to victims and adult survivors estimates the cost to be \$15 billion with \$11 billion associated with lost earnings alone (Bowlus et al. 2003).

Table 3
Economic costs of violence against women

Author	Focus of cost estimate	Cost estimate	Geographic area
Day 1995	Medical, dental, lost productivity, drug and alcohol abuse, shelters and other services	\$1.5 billion	Canada, 1993
Greaves et al. 1995	Criminal justice, compensation, medical, shelters and other services, lost productivity	\$4.2 billion	Canada, 1993
Kerr and McLean 1996	Criminal justice, compensation, services for victims and offenders, shelters, lost productivity	\$385 million	British Columbia, 1994/1995
Bowlus et al. 2003	Costs of child abuse to child victims and adult: survivors criminal justice, compensation, health, education, social services, lost earnings	\$15 billion, with over \$11 billion due to lost wages alone	Canada, 1998

Summary of impact of violence against women

The impact of violence on women and on society as a whole can be a complex matter to quantify. In this section, the impact of this problem was assessed on various levels, including psychological, physical and societal impacts and economic costs for individual women and society as a whole.

Female victims, in comparison with male victims, are more likely to report negative emotional and psychological consequences of spousal violence, and less likely to report that the assault had little or no effect on them. Female

victims were also more than twice as likely as male victims to be physically injured and six times more likely to receive medical attention. Children were witnesses in greater numbers to the violence inflicted on their mothers, and they witnessed more serious types of violence against their mothers.

Four Canadian studies documented that the economic costs associated with violence against women related to health care, criminal justice, social services and lost income are substantial. These indicators show that violence has a range of negative impacts that extend beyond victims and their families to society as a whole.

Risk factors associated with violence against women

Certain socio-demographic characteristics of victims and offenders are associated with higher rates of violence. These risk factors cannot be said to be causes of violence; instead they are factors that help identify the context in which violence occurs. Information on risk factors is helpful to the development of prevention strategies and interventions designed to help reduce violence. Due to the nature of victimization surveys, the majority of risk factors examined in the study of violence against women relate to the female victims as opposed to offenders.

Risk factors in this section are identified for spousal assault, sexual assault, criminal harassment and spousal homicide.³

Age

Rates of violence continue to be highest among the youngest women. Young women under 25 show the highest rates of sexual assault and criminal harassment, and these rates decline with increasing age (Figure 22). Sample counts were too low in the case of spousal violence to produce statistically reliable estimates of rates by age group.

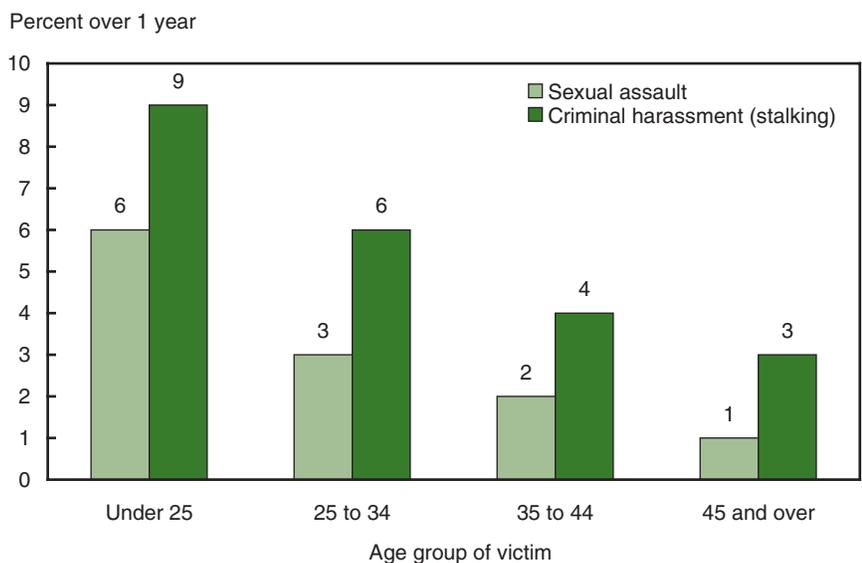
Age is also a risk factor for spousal homicide. Homicide rates are highest for young couples and decline among older age groups (Figure 23). While this is the case for both male and female victims, rates are higher for women in all age groups. This corresponds with indicators showing that women are subject to more frequent and more severe forms of spousal assaults.

Being young and female are risk factors for sexual assault. Eighty-six percent of victims of sexual offences reported to the police in 2004 were female. However, the percentage of sexual offences involving male victims is higher for younger victims. In incidents involving the most vulnerable age group, children under 12 years of age, 30% of victims were male. Fewer teenage and adult victims were male (Figure 24).⁴ The vulnerability of youth to sexual violence is emphasized by the fact that, overall, youth under 18 represented 22% of the Canadian population in 2004 but made up 58% of victims of sexual offences.

These data suggest that preventative educational programs aimed at young boys and girls are warranted to reduce violence. Attention is also needed in the formative relationship-building years of adolescence to teach development of healthy relationships, awareness of personal safety, and the availability of supports and services.

See notes at the end of the text.

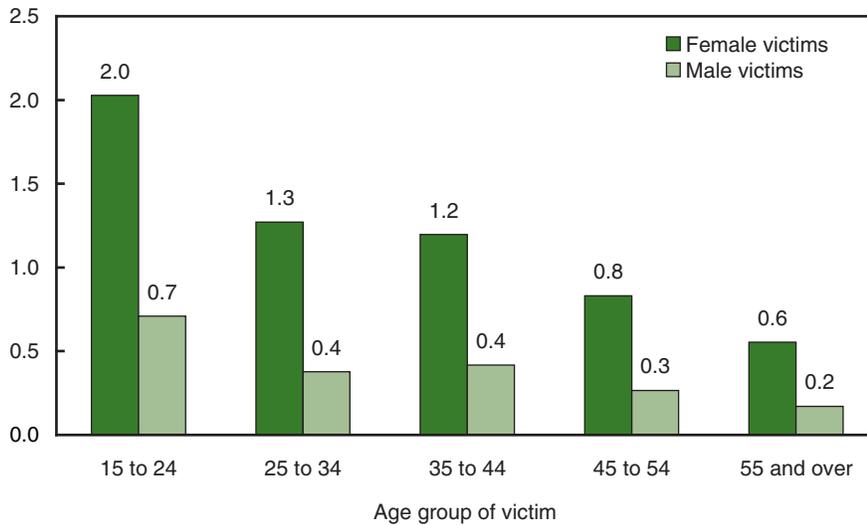
Figure 22
One-year rates of sexual assault and criminal harassment against women, by woman's age, 2004



Source: Statistics Canada, General Social Survey, 2004.

Figure 23
Rates of spousal homicide by age group and sex of victim, 1975 to 2004

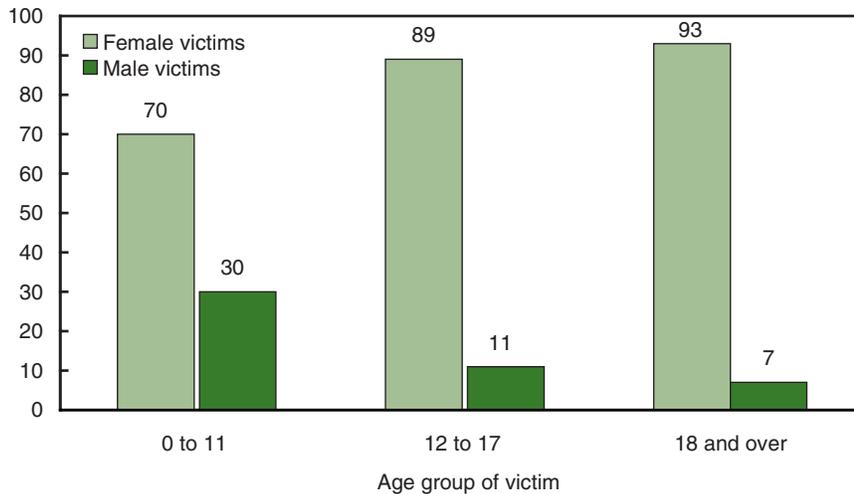
Rate per 100,000 spouses¹



1. Rates are calculated per 100,000 spouses (legally married, separated, divorced and common-law men and women 15 years of age and over). Population estimates provided at July 1st by Statistics Canada, Census and Demographic Statistics, Demography Division.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Figure 24
Sexual offences¹ recorded by police, by sex and age group of victims, 2004

Percent of victims



1. Sexual offences include sexual assault (levels 1, 2 and 3) as well as other sexual violations.
Note: Data are provided from a non-representative subset of 120 police departments accounting for approximately 58% of the national volume of crime.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey.

Relationship type

Rates of spousal violence are higher for women living in common-law unions than for those in marriages. This may be related to the fact that common-law couples tend to be younger than couples in legal marriages and the men in common-law relationships have higher rates of unemployment (see discussion to follow on socio-economic factors).

The number of spousal homicides occurring in common-law relationships is disproportionate to their number in the general population (Figure 25).⁵ Between 1991 and 2004, homicides involving common-law partners represented 34% of all spousal homicides against women and 58% of spousal homicides against men. According to the Census, just 12% of women and 13% of men were living in common-law relationships over the same time period.

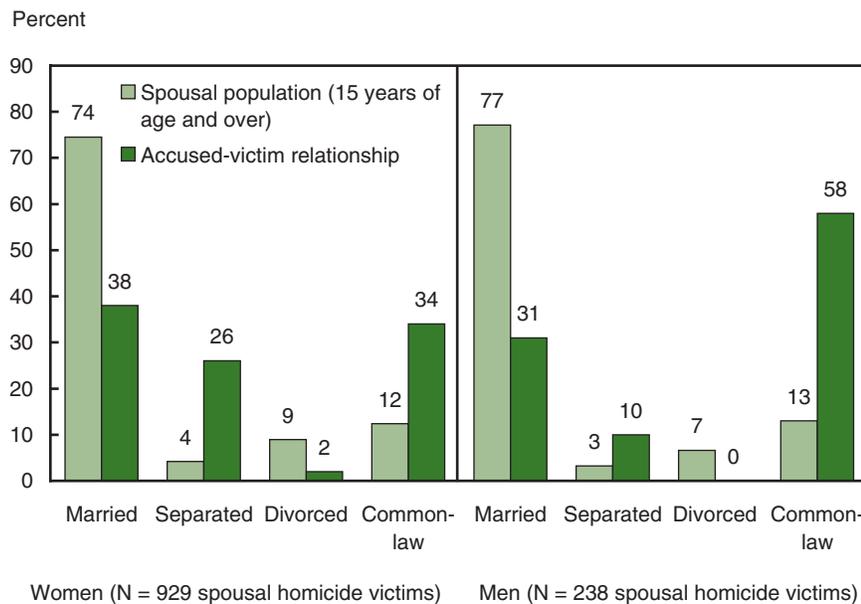
Although legally married women represent over one-third of spousal homicide victims, they represent about three-quarters of women in current or former spousal relationships, which suggests that their risk of spousal homicide is lower than for those living in common-law relationships.

Women killed by spouses during marital separation also outnumber women in similar situations in the general population: 26% of female spousal homicide victims were separated compared with just 4% of women in the population. Male spousal homicide victims are also disproportionately separated, but the percentage of men killed by separated spouses is lower than for women (10%).

In 2004, half of the women who reported experiencing spousal assault by a past partner indicated that the violence occurred after the couple separated, and in one-third of post-separation assaults the violence became more severe or actually began after the separation. Spousal homicides against separating women have been attributed to extreme possessiveness or jealousy on the part of male perpetrators, and to an attempt to maintain control over female partners through the use of violence (Wilson et al. 1995). In half of all ex-partner homicides against women between 1991 and 1999, the woman was killed within two months of leaving the relationship (Hotton 2001).

See notes at the end of the text.

Figure 25
Spousal homicide accused-victim relationships compared to the percentage distribution of marital status in the general population,^{1,2} 1991 to 2004



1. Spousal population estimates provided at July 1st by Statistics Canada, Census and Demographic Statistics, Demography Division.
 2. Excludes (ex) same-sex spouses.
Note: Figures may not total to 100% due to rounding.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Women are particularly vulnerable when they are pregnant. With regard to pregnancy, the Violence Against Women Survey (VAWS) found that 21% of abused women were assaulted during pregnancy, and in 40% of these cases, this episode was the beginning of the abuse.

The extreme vulnerability to violence by women in the sex trade often goes unnoticed. According to police reports submitted to Statistics Canada, between 1991 and 2004, 171 female prostitutes were killed and 45% of these homicides remain unsolved (i.e., police have not been able to identify a perpetrator).

Violence perpetrated in same-sex couples is an important area of study but very little data exist to describe the extent or nature of the problem. The 2004 General Social Survey (GSS) inquired about sexual orientation and results showed that spousal violence was twice as common among homosexual couples compared with heterosexual couples: 15% and 7% respectively. It was not possible to calculate rates of spousal violence for male and female couples separately due to low sample sizes. Among the spousal violence cases that were dealt with by a subset of police

agencies over a 10-year period, 2.5% involved same-sex couples. About one-quarter (28%) were female couples and 72% were male couples (Ogrodnik 2006).

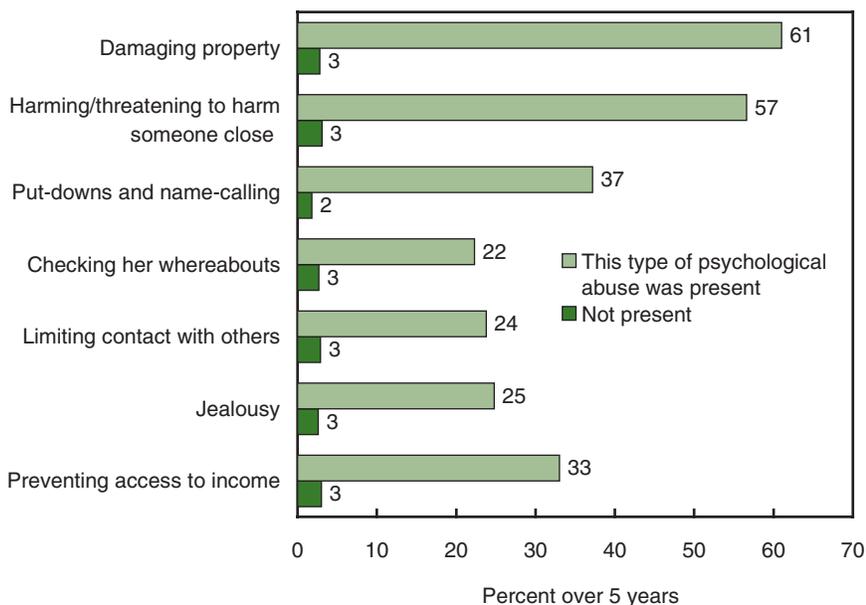
Emotional and psychological abuse

Emotional and psychological abuse has been determined to be one of the most important predictors of physical and sexual violence in spousal relationships. Figure 26 shows the higher rates of spousal assaults against women by a partner who uses various psychologically abusive tactics. While the use of psychologically abusive tactics is a form of abuse in itself, it also appears to be a risk factor and an indicator of escalating severity of physical and sexual assaults. As indicated in the figure, the use of psychologically abusive tactics is associated with the commission of assaults in a substantial percentage of cases.

For example, where women experienced psychological abuse in the form of intentional damage to their personal property, 61% were also assaulted by their spouses, compared with 3% of women whose property was not damaged by a current partner. These data indicate that male spouses who demonstrate any of the following behaviours

Figure 26

Percentage of women assaulted by partners when psychological abuse was present (current partner), 2004



Source: Statistics Canada, General Social Survey, 2004.

have much higher rates of physically or sexually assaulting their female spouse than those who do not:

- harming or threatening to harm someone close to her;
- putting her down or calling her names to make her feel bad;
- demanding to know who she is with and where she is at all times;
- limiting her contacts with family or friends;
- being jealous and not wanting her to talk to other men;
- preventing her from knowing about or having access to the family income, even if she asks.

Knowing that the risk of perpetrating spousal violence is elevated among those who demonstrate certain attitudes and behaviours towards their female partners may prove useful in the development of interventions for abusers and prevention programs aimed at the wider society.

Figure 26 illustrates that rates of spousal assault (physical or sexual violence in a conjugal context) are up to 20 times higher for women whose male partners demonstrate these behaviours. This describes relationships that were current

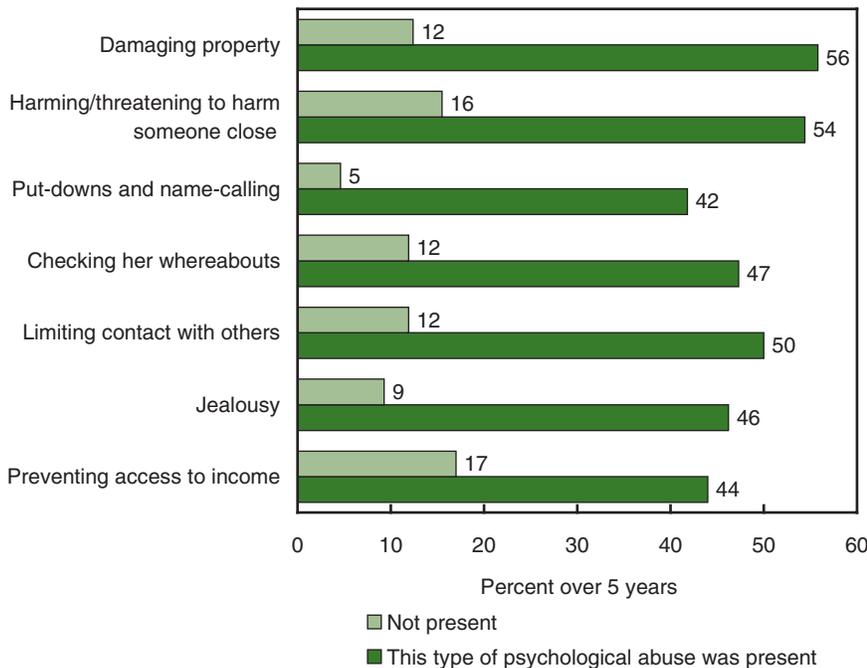
at the time of the interview. Figure 27 illustrates a similar pattern for women describing physical or sexual violence by previous spousal partners.

Socio-economic factors

Factors such as low income have been linked to higher rates of spousal assault against women. For example, in 2004, rates of spousal assault were twice as high for women with a household income of less than \$60,000 compared with those with higher incomes.

It is unclear whether low income is a risk factor, a consequence of violence or a combination of both. The stresses associated with living in low-income situations may lead to frustration and tension in the family and to the use of violence as a response. Alternatively, violence may lead to separation which results in a reduction of income for both victim and offender in subsequent relationships. Steady employment also may be affected by injury, contacts with the criminal justice system, or other negative consequences of spousal violence. Lack of resources may also be a factor in preventing women from leaving violent relationships.

Figure 27
Percentage of women assaulted by partners when psychological abuse was present (previous partner), 2004



Source: Statistics Canada, General Social Survey, 2004.

Alcohol abuse

Many research studies have established a strong link between alcohol abuse and spousal assault of women (Barnett and Fagan 1993; Fagan et al. 1988; Leonard 1999; Johnson 2001). According to the 1993 VAWS, women whose spouses drank heavily (five or more drinks at least once per month) reported experiencing one-year rates of violence that were five times as high as those whose spouses drank moderately or not at all. Patterns were similar in the 1999 and 2004 GSS.

In 2004, female victims of spousal assault were more likely than male victims to state that their spouse had been drinking at the time of the violent incident (44% compared to 24%). Alcohol abuse at the time of the incident tends to result in more frequent assaults and a higher level of injury.

It is clear that alcohol use is highly correlated with spousal violence but alcohol abuse cannot be said to be a direct cause of violence. Alcohol abusers tend to have other risk factors for violence, such as low occupational status and attitudes approving of violence against women (Kantor and Straus, 1990). When income and alcohol are considered together with the presence of controlling and psychologically abusive behaviours, the latter predominates over alcohol as the most important risk factor for spousal assault (Johnson 2001).

Visible minority and immigrant women

According to the GSS, visible minority status does not raise the risk for spousal violence. Visible minority women report lower five-year rates of spousal violence than other women: 4% compared with 8% (Figure 28). Rates of spousal violence also declined for visible minority women between 1999 and 2004, whereas they remained stable for other women.⁶ Since the GSS is conducted only in English and French, these figures may under-represent the actual rates of spousal violence against visible minority and immigrant women, as some may not have been able to participate in the survey. This survey therefore cannot tell us if not being fluent in either official language is associated with higher rates of spousal violence victimization. According to the 2001 Census, 2.6 million women in Canada were not fluent in either English or French.

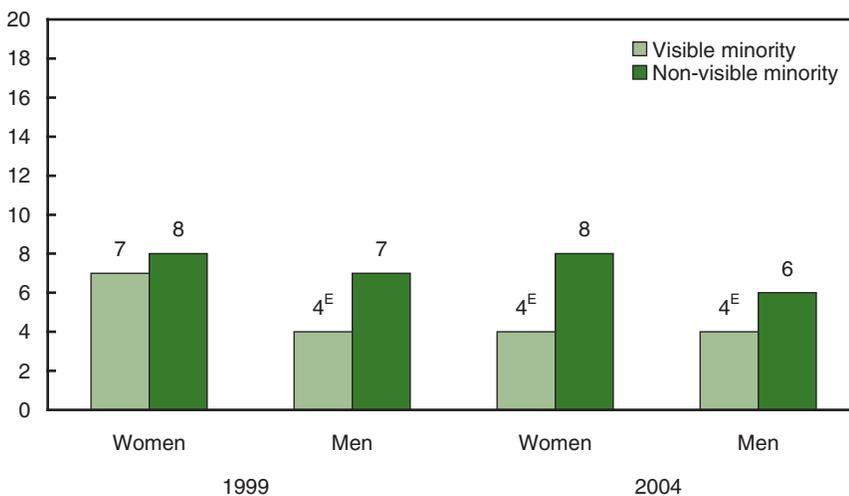
Rates of spousal violence are also lower for immigrant women and declined slightly since 1999 (Figure 29). There is no difference in the estimated rate of spousal violence for recent immigrants who arrived in Canada since 1990 and longer-term immigrants (5% for both groups of women).

The lower rates of spousal violence for visible minority women may be partially explained by the fact that some of the risk

See notes at the end of the text.

Figure 28
Five-year rates of spousal violence by visible minority status and sex of victim, 1999 and 2004

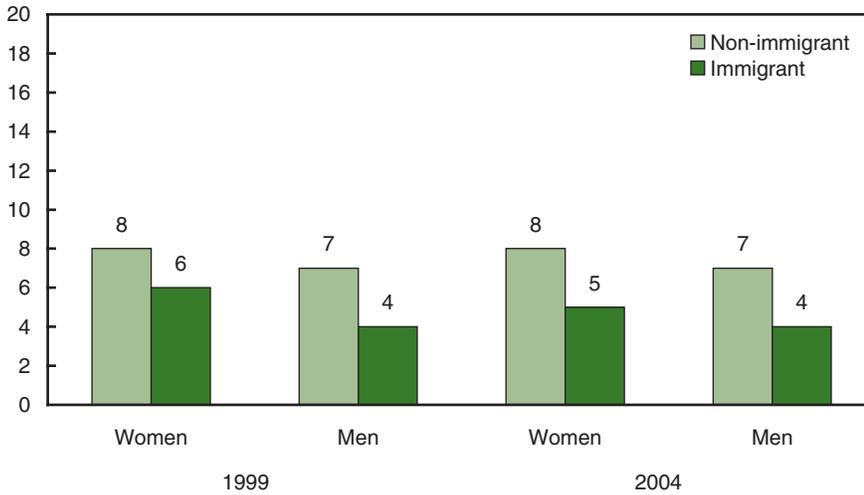
Percent over 5 years



^E use with caution (coefficient of variation is high, 16.6% to 33.3%)
Note: The difference between 1999 and 2004 for visible minority women is statistically significant.
Source: Statistics Canada, General Social Survey, 1999, 2004.

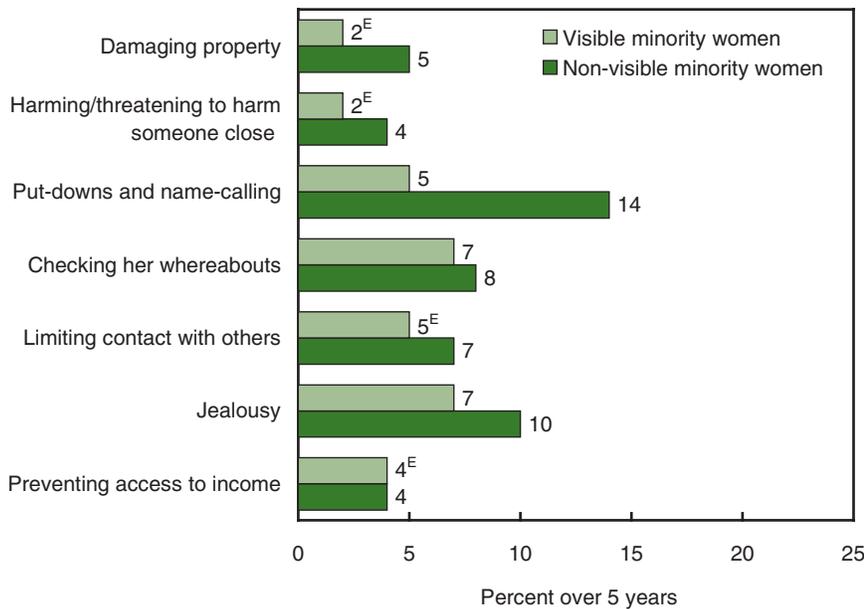
Figure 29
Five-year rates of spousal violence for immigrant women, 1999 and 2004

Percent over 5 years



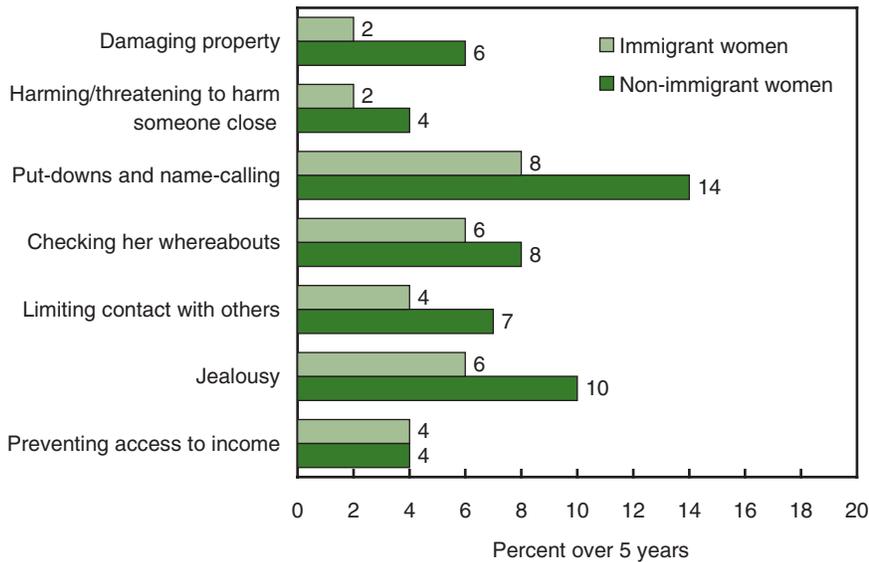
Source: Statistics Canada, General Social Survey, 1999, 2004.

Figure 30
Five-year rates of psychological abuse against women by spousal partners, by type of abuse and visible minority status, 2004



^E use with caution (coefficient of variation is high, 16.6% to 33.3%)

Source: Statistics Canada, General Social Survey, 2004.

Figure 31**Five-year rates of psychological abuse against spousal partners, by type of abuse and immigrant status, 2004**

Source: Statistics Canada, General Social Survey, 2004.

factors for violence are less likely to be present for this group of women. For example, visible minority and immigrant women reported lower rates of emotional and psychological abuse compared with other women (Figure 30 and Figure 31), lower rates of heavy drinking among spousal partners, and lower prevalence of common-law unions.

Summary of risk factors

A combination of victimization survey data and police statistics help identify factors that raise the risk of violent victimization. Rates of sexual assault, stalking and homicide are higher for younger women. Being female increases the risk of sexual assault, stalking by intimate partners, serious spousal assaults and spousal homicide. For males, being under 12 years old heightens their vulnerability to sexual offences.

Partners' use of psychological and emotional abuse, and partners' alcohol abuse elevate the risk of violence against women in intimate relationships. Separation from a violent

partner can also increase the risk of spousal violence and homicide. Stalking by male ex-partners is associated with a heightened risk of violence and homicide.

Although visible minority women do not report higher levels of spousal violence to the GSS, they may have special needs related to the provision of interventions and services that are culturally and linguistically appropriate. Current survey techniques may undercount the rate of spousal violence among visible minority women, particularly those who are not fluent in English or French.

Reliable information about sub-groups in the population at greatest risk of spousal assault, spousal homicide, criminal harassment and sexual assault is essential for the development of prevention and intervention efforts. This information can help focus resources in order to have the biggest impact on prevention, and can aid in the development of services where the needs are greatest.

Institutional and community-based responses

Thirty years ago, violence against women in the home was regarded by many as a private “family matter.” In the early 1980s, charging and prosecution policies for spousal assault were introduced in Canada starting with the Royal Canadian Mounted Police (RCMP) federal guidelines. Some form of spousal assault policy (known as “zero-tolerance” or “no-drop” policies) was in place in most Canadian jurisdictions by 1985 (Federal/Provincial/Territorial Working Group 2003). These spousal assault policies were introduced as a response to concerns that victims of spousal violence were not receiving adequate protection from the criminal justice system. Transferring the onus of laying charges to the police and Crown prosecutors removed the pressure from the victims, sending a clear message that spousal assault is not a private matter, but a serious and unacceptable social problem and a clear violation of the law.

Innovative court responses to spousal assault cases have been implemented in Winnipeg, various cities in Alberta, cities throughout Ontario, Watson Lake and Whitehorse in the Yukon Territory, as well as the Battlefords and Saskatoon in Saskatchewan.

Since 2002, when the original *Assessing Violence Against Women* document was published, almost every province and territory in Canada has passed civil domestic violence legislation and/or government action plans against domestic violence.

Given the data illustrating the higher risk for Aboriginal women, and those in northern and remote communities, the passage of the Northwest Territories’ *Protection Against Family Violence Act* in 2004 was a significant achievement. The Yukon government has had domestic violence legislation in effect since 1999 and additions were introduced in 2005 (see Appendix 3). The Nunavut Department of Justice is actively working on policy directions that may include domestic violence legislation in the near future and, as such, is currently engaged in a public consultative process.

The government of Newfoundland and Labrador recently passed domestic violence legislation which came into force in 2006. Other jurisdictions have reviewed their legislation to more clearly define issues related to imminent danger and danger to children witnessing abuse and to provide access to protection orders for women in remote communities. Manitoba’s domestic violence legislation was amended in 2005 to include those in abusive dating relationships, whether the couple had previously lived together or not.

This amendment increases the act’s applicability to victims of stalking and abuse. In 2005, the province of Québec amended its *Code Civil du Québec* to allow tenants to cancel their lease if their security or that of a child living with them is threatened because of acts of violence by a spouse or ex-spouse or because of a sexual assault.

For the purpose of this report, institutional responses are presented for which national-level data are available: community-based shelters, treatment programs for violent men, and other types of services for victims. These indicators also include data related to the response of the criminal justice system, such as the conviction rates and sentences for spousal violence and sexual offences.

Shelters for abused women

Shelters for abused women in Canada, like rape crisis centres, were initiated by volunteers and community organizations. While the majority of shelters now receive government funding, many rely on additional funding through private donations. When asked to identify the top three issues and challenges they will be facing in the coming year, shelters in 2003/04 identified funding, staffing and affordable housing for women upon departure as the most important (Taylor-Butts 2005).

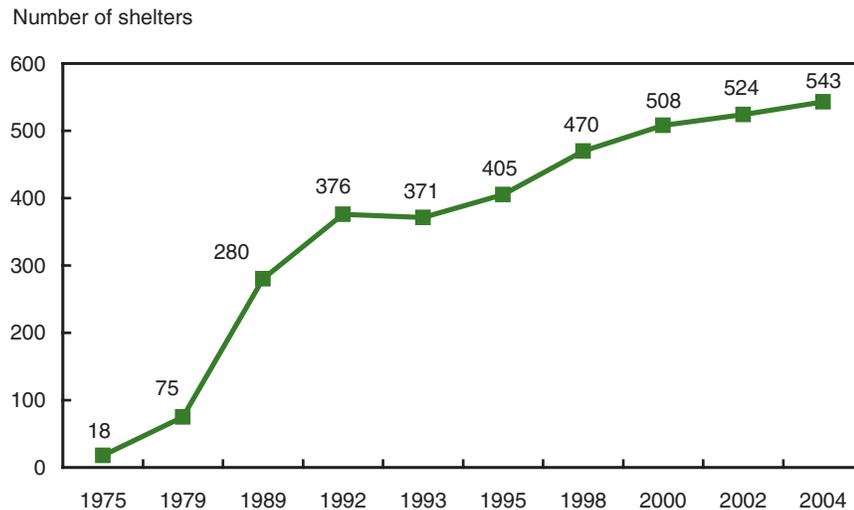
Official records have been kept on women’s shelters since 1975, when only 18 shelters existed in Canada. Between 1975 and 2004, there was a relatively steady increase in the number of new agencies being established, particularly between 1979 and 1992 when over 200 new shelters were opened. By 2004, 543 shelters were in operation throughout Canada (Figure 32).⁷

Investments by community groups, Canada Mortgage and Housing Corporation (CMHC), and provincial and territorial governments have contributed to this development of a substantial system of shelters for abused women in Canada. Currently, every province and territory provides residential services for abused women. These facilities offer not only a secure and safe environment, but also a broad range of services for women and children living in shelters and in the larger community.

The number of shelters for abused women is not necessarily an indicator of the severity or prevalence of violence against women since the existence of shelters depends largely on factors such as the availability of government or non-government funds and qualified staff, particularly in smaller

⁷ See notes at the end of the text.

Figure 32
Change in the number of shelters



Source: Statistics Canada, Canadian Centre for Justice Statistics, Transition Home Survey.

and remote communities. Furthermore, shelters are a short-term escape from a serious problem and cannot solely address the larger problem of spousal violence.

Treatment programs for abusive men

Some records have been maintained on treatment programs for violent men since 1984, when only 28 programs operated in Canada. The number of programs has risen but has remained fairly steady since 1998. In 2004, 205 treatment programs for violent men were counted in Health Canada's inventory.

This matches the overall upward trend in services directed at female victims of spousal violence. This trend coincided with other factors, including:

- a recent growth in specialized domestic violence courts, which are more likely to impose treatment as a component of sentencing;
- a general increased tendency to hold abusers accountable for their violent behaviour, which in many cases results in treatment orders in areas where these services exist.

All programs included in Figure 33 are listed in *Canada's Treatment Programs for Men Who Abuse Their Partners* (Health Canada 1994, 1997, 1999, 2002 and 2004). They are not restricted to government or court-ordered programs and include many community-based programs. However, these figures are not likely comprehensive for all

jurisdictions as they exclude many federal and provincial correctional-based services.

Other victim services

A range of other services have been established to assist victims of crime, including rape crisis and sexual assault centres, police-based victim assistance programs, court-based programs, community-based agencies, and criminal injuries compensation programs.

The Victim Services Survey documented 606 services for victims of crime across Canada in 2003, including 105 sexual assault centres (Table 4).⁸ However, the profiles of programs available in the provinces and territories vary considerably, due to differences in the structure and organization of programs. For example, the Atlantic provinces and Manitoba have system-based services and Quebec has community-based services that assist victims throughout their contact with the criminal justice system from the police right through to the corrections stage. Other jurisdictions such as Saskatchewan, Alberta and British Columbia have larger numbers of police-based services.

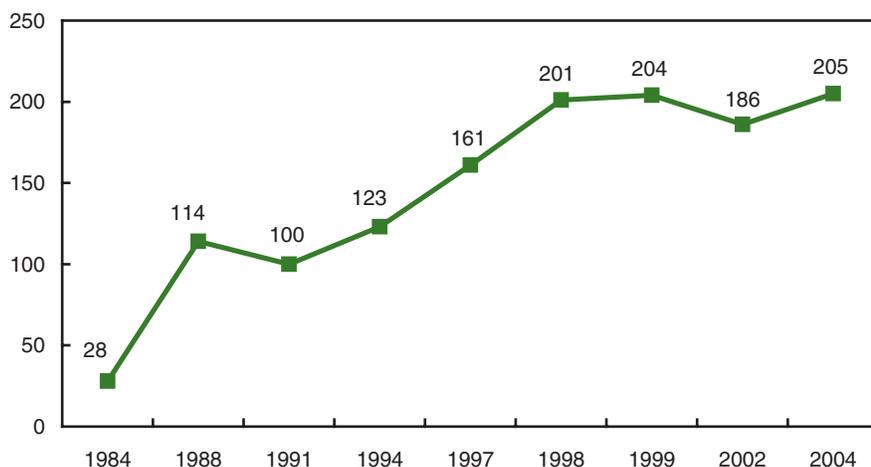
Specialized domestic violence courts

Specialized domestic violence courts were established in recognition that violence involving family members differs in important respects to violence between strangers or

See notes at the end of the text.

Figure 33
Number of treatment programs for violent men

Number of programs



Source: Health Canada, *Canada's Treatment Programs for Men Who Abuse Their Partners*, 1994, 1997, 1999, 2002, 2004.

Table 4
Number of victim services in Canada, the provinces and territories, by type of service, 2002/2003

	Type of service							Total services
	Police-based	Court based	System-based ¹	Other community-based ²	Sexual assault centres	Criminal injuries compensation	Other ³	
Canada	246	62	46	117	105	9	21	606
Newfoundland and Labrador	...	...	10	1	1	...	...	12
Prince Edward Island	...	...	2	...	1	1	...	4
Nova Scotia	24	...	5	...	1	1	...	31
New Brunswick	2	...	14	1	1	1	...	19
Québec	...	...	...	20	23	1	...	44
Ontario	9	39	...	44	59	1	10	162
Manitoba	5	2	13	1	...	1	...	22
Saskatchewan	19	3	...	6	3	1	2	34
Alberta	98	6	...	3	5	1	3	116
British Columbia	87	9	...	38	11	1	6	152
Yukon Territory	...	1	2	...	...	...	...	3
Northwest Territories	...	2	...	4	...	...	...	6
Nunavut	...	1	...	1	...	...	...	2

... not applicable

1. Services under this model assist victims throughout their contact with the criminal justice system from the police right through to the corrections stage. This model can be characterized as "one-stop" service delivery.

2. Includes Ontario Victim Crisis Assistance and Referral agencies, which are community-based but work directly with the police.

3. Includes 9 sexual assault/partner or domestic violence treatment centres, 11 agencies that offered combined types of services and 1 other type of agency.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Victim Services Survey, 2002/03.

acquaintances. Among other challenges, family violence cases tend to have a higher percentage of reluctant victims and witnesses, and there was concern that traditional criminal justice sanctions, such as fines and prison sentences, may do little to prevent the continuation of violence (Federal/Provincial/Territorial Working Group 2003).

In Canada, several jurisdictions have established special courts or court processes to respond to cases of spousal violence. Although some of the details of the processes differ among jurisdictions, the primary objectives are the same: to provide mechanisms that focus on the special

nature of family violence through court officials who have an understanding of the dynamics of these cases (Federal/Provincial/Territorial Working Group 2003). The aim of the courts is to facilitate the early intervention and prosecution of family violence cases, provide support to victims and increase offender accountability.

Winnipeg Family Violence Court

Winnipeg established the first Family Violence Court in 1990. The response in Winnipeg is composed of five components:

- a pro-arrest or zero-tolerance policy;
- a women's advocacy and child victim witness program;
- a specialized prosecutorial unit;
- specially designated courtrooms and dockets for intake, screening and trials;
- a special unit in the probation office to deliver court-mandated treatment programs.

Conviction and sentencing sends a strong message that spousal assault is a crime, and is reinforced with an equally strong commitment to treatment programs for violent men (Ursel 2000).

Ontario

Every Domestic Violence Court site must have the following core components:

- an advisory committee of justice and community representatives to support the work of the Domestic Violence Court Program;
- interpreters (to assist victims who do not speak English to communicate with police, Crowns and victim support staff);
- enhanced investigative procedures by police (including use of a risk indicator tool);
- designated Victim/Witness Assistance Program staff specially trained to give support, information and referrals to victims;
- designated Crowns specially trained in the prosecution of domestic violence cases, in order to produce consistency and continuity;
- specialized intervention programs for abusive partners with an outreach component to victims;
- specialized case management policies for Probation and Parole staff;
- service in French of comparable quality to service in English in all aspects of Domestic Violence Court initiatives in the 23 designated regions of the province;
- a hospital-based Sexual Assault/Domestic Violence Treatment Centre (where they exist) to collect forensic evidence; and,

- specialized processing to expedite cases and ensure coordination of services.

Since 1996, the Ontario government has introduced the Domestic Violence Court program to 49 court sites and plans to expand this program to all 54 court jurisdictions in the province. An evaluation of the Domestic Violence Court Program will be completed in 2006 and will incorporate research on the effectiveness of the Partner Assault Response Program in changing offender attitudes towards partner violence and research on recidivism rates in the Domestic Violence Court program.

Saskatchewan

Saskatchewan has implemented domestic violence courts in North Battleford and Saskatoon and is in the process of developing a court in Regina. Generally the goals of the specialized courts are to:

- increase safety for victims of domestic violence and decrease violent behaviour by their partners;
- provide support for victims and programming for children who witness domestic violence;
- increase compliance with treatment and rehabilitation programs;
- increase alternatives to incarceration, particularly for Aboriginal people;
- develop partnerships with treatment, social service and community agencies to address the underlying causes of criminal behaviour; and,
- reduce recidivism.

The Battlefords Domestic Violence Treatment Option Court, established in April 2003, is a sentencing court. It provides intensive support and services for victims and their families, and supports offenders participation in violence prevention programming. Auxiliary to the Court are community-based programs for children who witness domestic violence and support programs for female victims of violence. A Steering Committee made up of representatives from government departments and community-based organizations meets regularly to provide advice and discuss issues.

The Saskatoon Domestic Violence Court is a trial court that held its first sitting in September 2005. It deals with domestic matters set for sentencing as well as those set for trial or preliminary hearing. Community components that support the Court include a victim case worker who provides services to all victims of offences that are before this court and offender treatment programs. A Steering Committee meets three times a year in an oversight role.

Alberta

The Calgary Domestic Violence Court project, or HomeFront Calgary as it is now called, started with a first appearance court in 2000, and expanded to a domestic violence trial court in March 2005. Results of an evaluation completed in 2004 indicate that offenders who went through the HomeFront program were much less likely to commit new offences: 12% compared to a baseline sample of 34% (Hoffart and Clarke 2004).

Domestic violence courts in Alberta have expanded to six other locations including:

- The Edmonton Domestic Violence Trial Court began in September, 2001. In 2003, this project was expanded to include a family violence docket court, where all first appearances for family protection (domestic violence and child protection) matters are heard.
- The Lethbridge Domestic Violence Docket Courtroom began operations in 2004. A Domestic Violence Trial Court was opened in 2005.
- In 2005, Medicine Hat Provincial Court began to address first appearance and domestic violence trials.
- In 2005, Red Deer Provincial Court began hearing domestic violence first appearance cases.
- In 2006, Fort McMurray Provincial Court began hearing first appearance and resolution of domestic violence cases.
- In June 2006, the Airdrie Domestic Violence Court opened as the first circuit court in Alberta to implement special processes to hear domestic violence matters. The Airdrie circuit court only sits one day per week, so the goal of the court is early resolution of family violence docket matters. First appearance dates for these cases are shortened to within two weeks of the offence date.

Yukon

Yukon introduced the Domestic Violence Treatment Option (DVTO) in 2000. This special sitting of the Territorial Court is devoted to domestic violence cases with a goal of encouraging abusers to undertake treatment. DVTO was originally introduced in Whitehorse and has now expanded to the community of Watson Lake.

Essential components of Yukon DVTO include interagency collaboration, enhanced police investigations, victim support, designated prosecution and defence counsel, treatment programs, and data collection and evaluation to allow for more effective case management.

A four-year evaluation of Yukon DVTO was released in 2005 (Hornick et al. 2005). The evaluation revealed the following:

- 70% of cases involved First Nations clients;
- 20% of the total cases involved female clients;

- average time from first appearance to sentencing was 300 days;
- 60% of DVTO clients had been convicted of at least one assault previously;
- there was a 15% increase in cases where the accused accepted responsibility for his actions;
- there was a 43% increase in early guilty pleas;
- the dropout rate (Crown stays or not calling evidence) was reduced by 29%.

New Brunswick

At the time of publication, New Brunswick was working on the development of its first domestic violence court designed to enhance the justice system response to domestic violence cases. The goals of the court are:

- timeliness of court processing;
- a dedicated team approach with specialization in domestic violence for all professionals involved;
- court-monitored accountability and treatment for offenders and support for women and their children;
- use of risk/need assessment tools by police, probation and victim services to assist with case management and treatment;
- enhanced communication between court jurisdictions (criminal and family court);
- evaluations of the court's success.

Sentencing of spousal violence cases in adult court

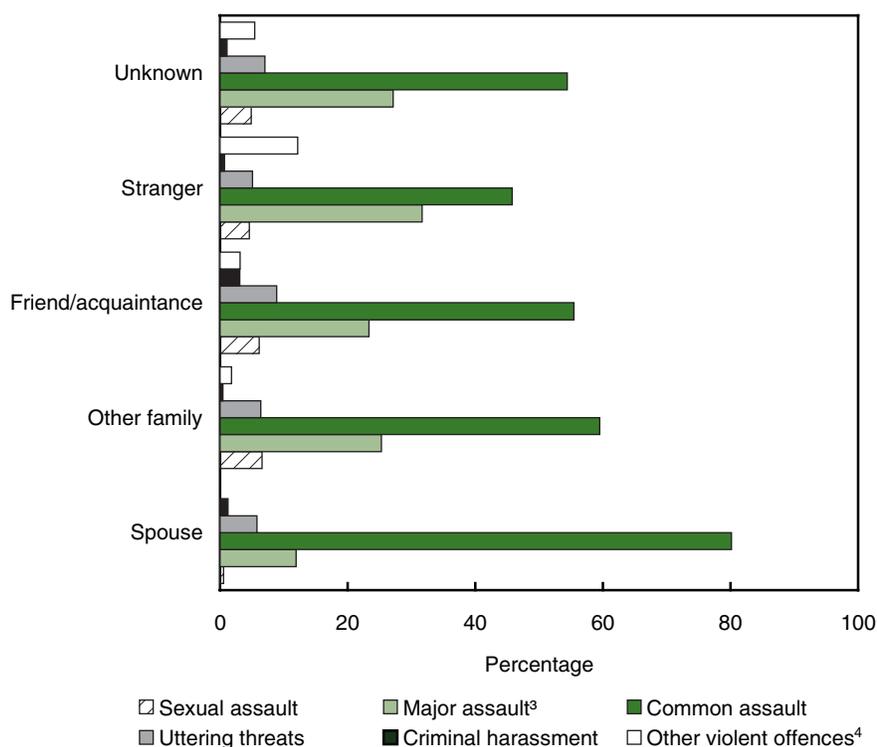
Conviction and sentencing information from non-specialized courts is difficult to obtain because these courts do not typically keep records on the sex and relationship of victims and offenders. However, through a pilot study linking the records from the courts and the police (which do indicate sex and relationship), Statistics Canada was able to make some comparisons between the court processing of spousal and non-spousal cases between 1997/98 and 2001/02.⁹

This study found that spousal violence made up the largest single category of convictions involving violent offences, 40% of the total over the five-year period. Over 92% of convicted spousal violence offenders were male.

Eighty percent of convictions for spousal violence were for common assault (level I), a higher percentage than any other relationship category (Figure 34). Although women made up a smaller number of spousal violence offenders, among those who were convicted, women were more likely than men to be convicted of major assault: 31% of women and 10% of men (Table 5). This is attributable to the fact that higher percentages of women used weapons in the commission of the offence

See notes at the end of the text.

Figure 34

Convictions for crimes of violence, by offence type and offender-victim relationship, 1997/98 to 2001/2002^{1,2}


1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.
2. Excludes cases where the sex or age of the victim, or the sentence of the offender was unknown.
3. Major assault includes aggravated assault and assault with a weapon causing bodily harm.
4. Other violent offences include homicide, attempted murder, robbery, mischief and other crimes against the person.

Note: Percentages may not add to 100% due to rounding.

Sources: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey and Adult Criminal Court Survey (linked database).

Table 5

Number and proportion of male and female spousal violence cases, by offence type^{1,2}

	Male offenders		Female offenders		Total
	number	percent	number	percent	number
Sexual assault	71	1	0	0	71
Major assault	1,243	10	298	31	1,541
Common assault	9,712	81	629	64	10,341
Uttering threats	712	6	37	4	749
Criminal harassment	154	1	4	0	158
Other violent offences ³	33	0	8	1	41
Total	11,925	100	976	100	12,901

1. Excludes cases with multiple accused.
2. Excludes cases where the sex or age of the victim, or the sex or sentence of the offender was unknown.
3. Other violent offences include homicide, attempted homicide, robbery, and other crimes against the person.

Note: Percentages may not add up to 100% due to rounding.

Sources: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey and Adult Criminal Court Survey (linked database).

(Gannon and Brzozowski 2004). Male victims are also less likely to report spousal violence to police unless the assault involves injury or a weapon.

In sentencing convicted offenders, the court must take into account a number of aggravating factors, in addition to the severity of the act, which could affect the type and length of sentence imposed. These include, but are not restricted to, the vulnerability of the victim, such as a spouse or child, previous criminal record, whether the act is planned or deliberate and whether the acts occur over a period of time, the use of weapons, and the presence of children.

Convicted spousal violence offenders were more likely than other family members, friends/acquaintances or strangers to be sentenced to a term of probation (72%) and were less likely than friends and acquaintances or strangers to receive a prison term (Figure 35). This may be due to the growing use of court-ordered treatment for abusers as a condition of a probation order (information about court-ordered treatment is unavailable from this study).

Women convicted of spousal violence were more likely than men to be sentenced to probation while men were more likely to receive prison sentences (Figure 36). Ex-spouses

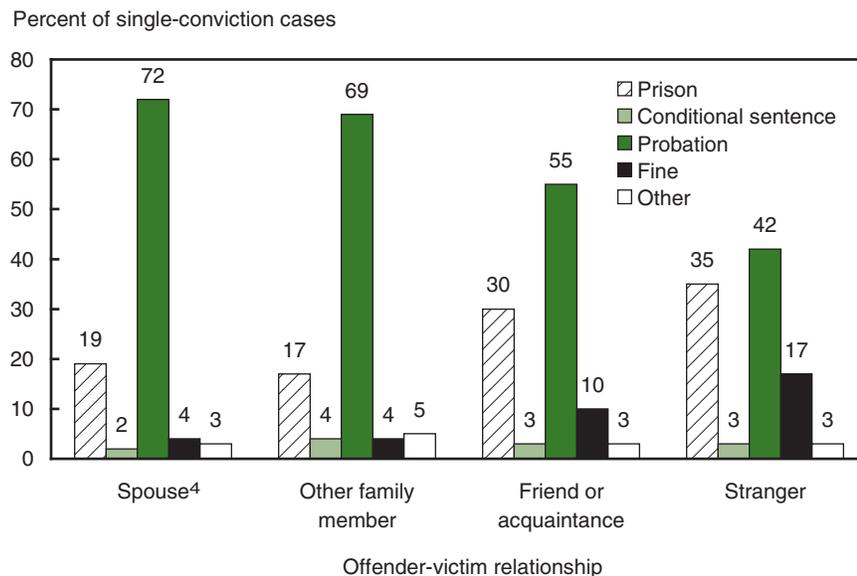
were also more likely than current spouses to receive prison sentences (26% compared with 18%). This was true regardless of the specific violent offence (i.e., common or major assault, uttering threats, criminal harassment).

In terms of the length of prison sentences, more than one-half of prison terms ordered in spousal violence convictions were one month or less in duration for all offences, with the exception of major assault. In these cases, one-third of prison terms were one month or less. Women were more likely than men to receive prison sentences of one month or less.

Compared with non-spousal violence cases, spousal violence cases resulted in average prison sentence lengths that were longer for convictions of common assault, uttering threats and criminal harassment. Spouses received shorter average prison sentences for major assault than did other perpetrators (Figure 37).

Average probation terms were longer in spousal violence cases for all violent crime types. The longest probation orders were given for spousal violence offenders convicted of criminal harassment, half of whom received a probation order for a period of two years or more.

Figure 35
Sentences¹ in spousal violence cases compared to other cases, 1997/1998 to 2001/2002^{2,3}

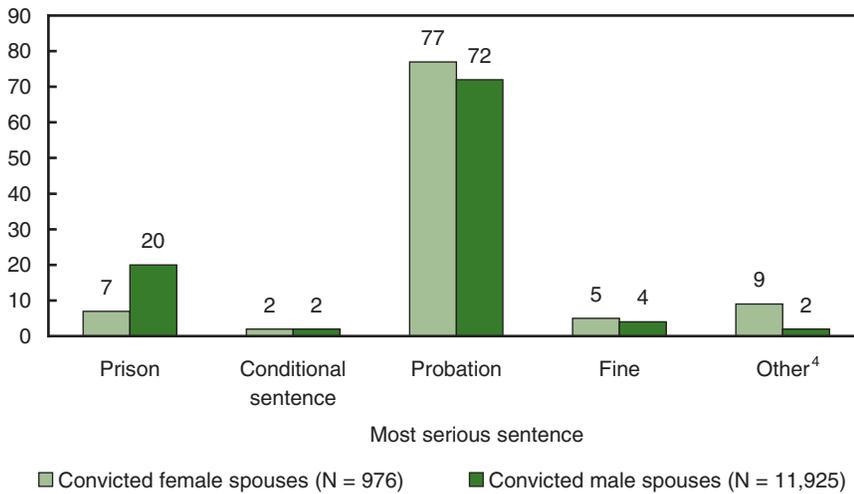


1. Refers to the most serious sentence imposed.
 2. Excludes cases where the sentence was unknown, cases where sex or age of the victim was unknown, and cases involving multiple victims.
 3. Includes only single-conviction cases.
 4. Includes legally married, common-law, separated and divorced partners aged 15 to 89.

Note: Percentages may not add up to 100% due to rounding.
Sources: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey and Adult Criminal Court Survey (linked database).

Figure 36
Sentences¹ in spousal violence cases,² by sex of convicted person, 1997/1998 to 2001/2002³

Percent of single-conviction cases



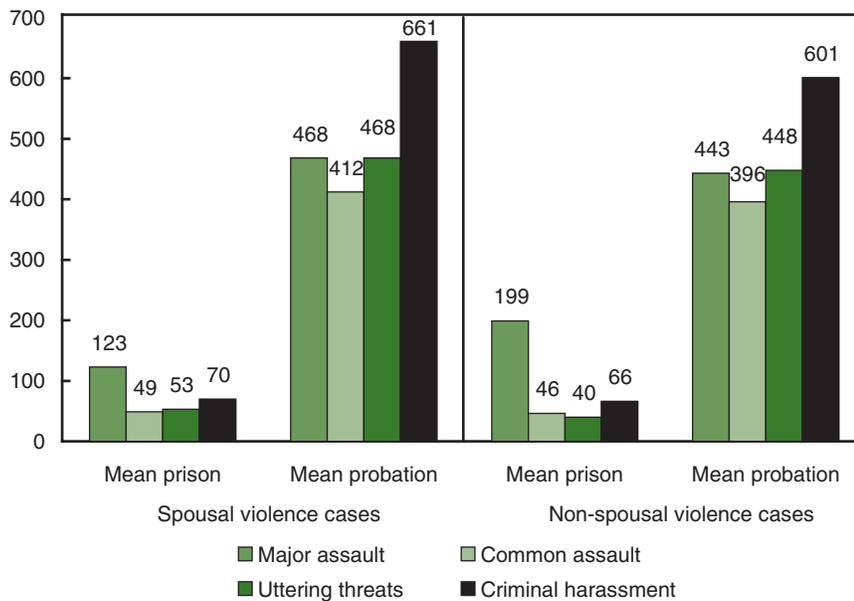
1. Refers to the most serious sentence imposed.
2. Includes legally married, common-law, separated and divorced partners aged 15 to 89 years old.
3. Includes only single-conviction cases and excludes cases with multiple victims.
4. Other sentences include restitution, compensation, conditional or absolute discharge or a suspended sentence.

Note: Percentages may not add up to 100% due to rounding.

Sources: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey and Adult Criminal Court Survey (linked database).

Figure 37
Mean prison and probation sentence¹ length for violent crime cases, 1997/1998 to 2001/2002

Number of days



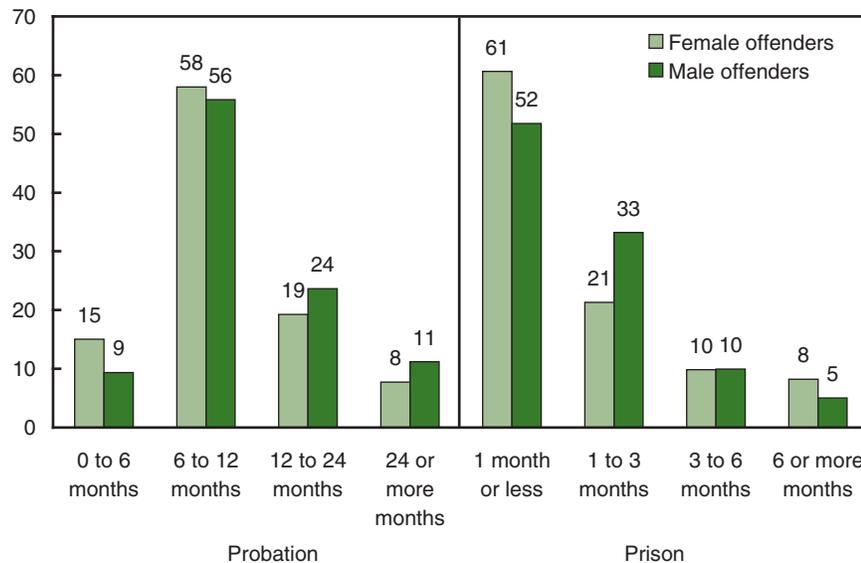
1. Refers to the most serious sentence imposed.

Sources: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey and Adult Criminal Court Survey (linked database).

Figure 38

Length of prison and probation sentences¹ for spousal² violence cases, by sex of convicted person, 1997/1998 to 2001/2002³

Percent of spousal violence cases



1. Refers to the most serious sentence imposed.
 2. Includes legally married, common-law, separated and divorced partners aged 15 to 89 years old.
 3. Excludes cases where the sex or age of the victim was unknown, cases where the sentence type or length were unknown, and cases involving multiple victims.
Note: Percentages may not add to 100% due to rounding.
Sources: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting Survey and Adult Criminal Court Survey (linked database).

When probation was used in sentencing, women convicted of spousal violence were more likely than men to receive probation terms of less than one year (Figure 38). Women were also more likely than men to be given prison sentences of one month or less.

Although detailed data are not available nationally on court outcomes for spousal homicide, an in-depth study of homicide in Toronto over almost 30 years shows that the treatment of intimate partner homicide by the courts has changed since 1974. Compared to three decades ago, persons accused of intimate partner homicide are more likely to be convicted, more likely to be convicted of murder (as opposed to manslaughter), and more likely to be sentenced to custody for two years or more (federal prison sentence) (Dawson 2004). The study examines three time periods: 1974 to 1983, 1984 to 1996 and 1997 to 2002. In the most recent time period, 90% of intimate partner homicide cases result in conviction compared with just 68% of cases in 1974 to 1983. The percentage of offenders convicted of murder rose from 21% to 68%, and the percentage of convictions that resulted in a federal prison sentence increased from 70% to 94%. By the latter part of this period, spousal homicide offenders had higher

rankings than other homicide offenders on all of these measures (conviction rates, murder convictions, federal prison sentences).

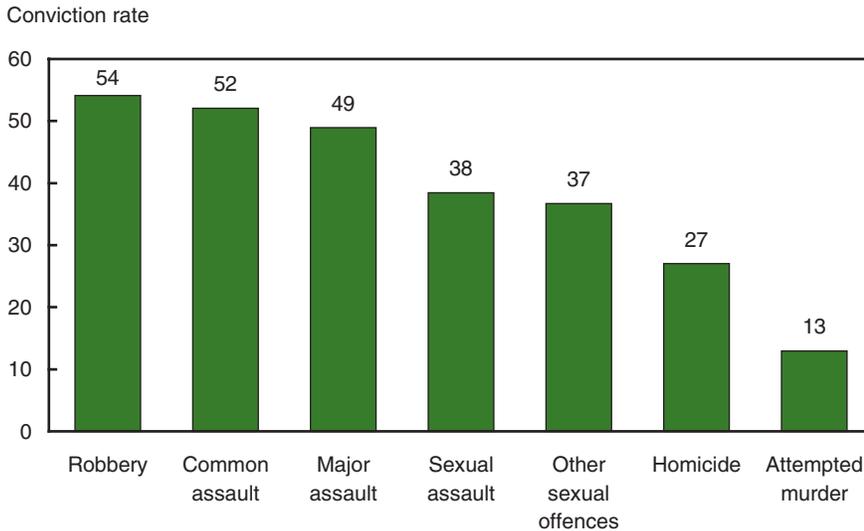
Conviction and sentencing of sexual assault cases in adult court

Data are available from adult courts in 10 jurisdictions to examine how courts respond to cases of sexual offences brought before them. These data cannot be disaggregated by gender or age and so represent all cases involving sexual offences regardless of whether the victims are adults or children, male or female. However, as shown in the section Risk factors associated with violence against women, 86% of the victims of sexual offences recorded by the police in 2004 were female.

Just under 4 in 10 cases of sexual assault and sexual offences that came before adult courts in 2003/04 resulted in a conviction (see Appendix 2 for sexual assault and other sexual offence provisions).¹⁰ Attempted murder and homicide are the only violent offences in adult court with a

See notes at the end of the text

Figure 39
Conviction rates in adult court for sexual assault and other violent crimes, 2003/2004



Note: Conviction rates are in terms of cases, not charges. A case comprises one or more charges against an accused person where the charges are disposed of on the same date.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey, 2003/2004.

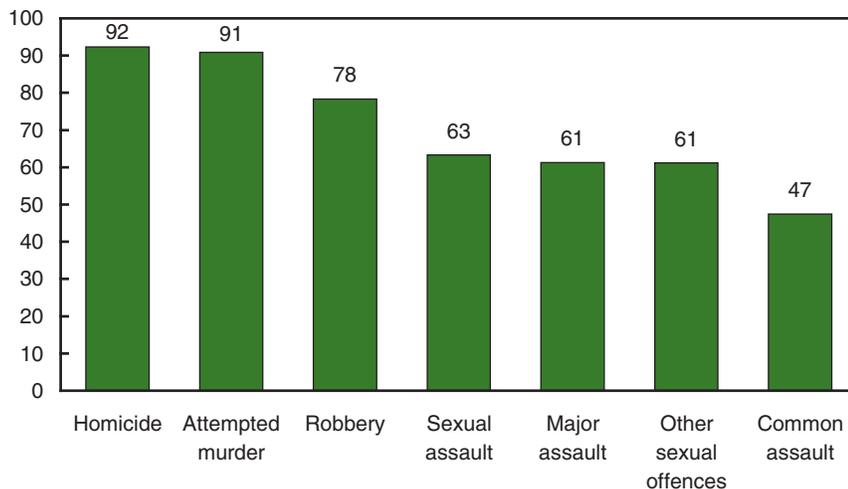
lower conviction rate than these sexual offences (Figure 39). Conviction rates include both guilty pleas and convictions after trial.

About 6 in 10 of those convicted of sexual assault or other sexual offences in adult court were sentenced to a period of incarceration (Figure 40). This is similar to the percentage receiving prison terms for major assault but lower than that for homicide, attempted murder and robbery.

Conditional sentences, which are suspended prison terms served in the community, were used in sexual assault cases more often than in any other violent crime cases. These sentences were used in 24% of sexual assaults perpetrated by spouses and 15% of sexual assaults in other contexts (Gannon and Brzozowski 2004).

Figure 40
Percentage of cases with convictions in adult court resulting in a prison term, 2003/2004

Percent of cases



Note: In 2003/04, adult criminal courts in nine provinces and one territory reported to the ACCS. Reporting jurisdictions include: Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Quebec, Ontario, Saskatchewan, Alberta, British Columbia and the Yukon. In addition, in 2003/04 Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia and the Yukon reported superior court data to the ACCS. These jurisdictions represent approximately 90% of the national adult criminal court caseload.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Adult Criminal Court Survey, 2003/2004.

Summary of institutional and community-based responses

Since the 1980s, the response to spousal violence has shifted, as evidenced by the introduction of specialized criminal justice responses, toward an overall upward trend in services for victims and perpetrators, and increased use of first degree murder charges.

Based on national data, the number of community-based shelters for victims of domestic violence has increased since 1975, with the largest rise occurring between 1979 and 1992. In addition, treatment programs for violent men have generally increased since 1984, but have levelled off in recent years.

Spousal violence made up the largest single category of violent crime cases in non-specialized courts. Over 90% of convicted spousal violence offenders were male. Average prison sentences were higher for spousal violence compared with other types of cases in all but the most serious cases of assault. Probation lengths were also longer for spousal violence cases, possibly to accommodate conditions relating to rehabilitation and treatment of offenders. In terms of sexual assault, the conviction rate was less than 40% in 2003/04. Six in 10 sexual offence convictions resulted in a prison term.

Data from specialized domestic violence courts will help assess this aspect of the criminal justice system response to spousal violence.

Victims' use of services

Knowledge about victims' use of services can help answer questions about where victims turn for help, what types of violent events are reported to the police or other services, and perhaps more important, what types are not reported. Victimization surveys have found that women are more likely to disclose spousal violence and sexual assault to informal supports such as friends and family than to police or other social service agencies. Only a small percentage of women report crimes of violence to the police, and although reporting rates are higher in cases involving more serious violence, even some of the most serious cases are not reported.

Reporting to police

Spousal violence

Victimization surveys suggest that the percentage of spousal assaults against women that were reported to the police increased between 1993 and 1999, but did not change between 1999 and 2004. In the five-year period prior to 1993, 29% of female victims reported spousal assaults to the police, a figure that increased to 37% in 1999 and was 36% in 2004 (Figure 41).

Male victims were much less likely to report to the police (17% in 2004), and the percentage was not much higher than in 1999.

Among the provinces where reliable data were available, there had been a substantial increase in the percentage of female spousal assault victims who contacted the police between 1993 and 1999. However, reporting rates remained stable in all provinces in 2004.

Women's use of criminal justice and social services may depend on a number of factors, including:

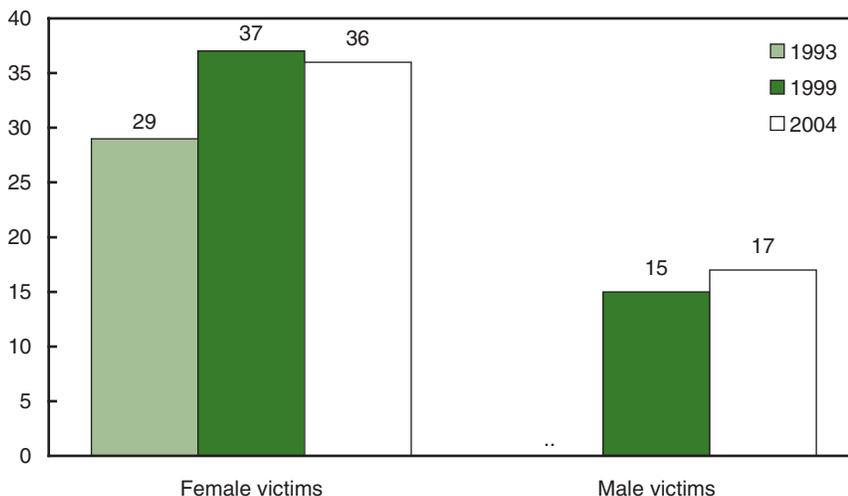
- awareness and availability of services;
- fear of reprisals by the offender and family and community members;
- reluctance due to shame or embarrassment;
- fear of negative public reaction;
- accessibility due to linguistic, cultural or physical barriers;
- accessibility due to financial barriers (including the woman's access to a telephone);
- potential impact of accessing services on the woman's custody over her children;
- fear of reliving the experience of violence by testifying before the courts (Gauthier and Laberge 2000; Kelly et al. 2005; Fugate et al. 2005).

As of 2003, every province and territory currently had in place pro-charging and pro-prosecution policies to ensure that spousal violence is treated as a criminal matter by the justice system (Federal/Provincial/Territorial Working Group 2003).

Figure 41

Percentage of spousal violence victims who reported to police, by sex of victim, 1993, 1999 and 2004

Percent of spousal violence victims



.. not available for a specific reference period

Sources: Statistics Canada, General Social Survey, 1999, 2004; Violence Against Women Survey, 1993.

The 2002 report *Assessing Violence Against Women: A Statistical Profile* suggested that the earlier upward trend in women's use of criminal justice and social services corresponded with the timing of a number of social changes and government and community-based interventions, such as:

- decreased stigma associated with being a victim of spousal violence;
- increased willingness of witnesses and bystanders to intervene in family violence incidents by telephoning the police or other services;
- increased public awareness and reduced tolerance for spousal assault;
- pro-charging and pro-prosecution policies among police and prosecutors in many jurisdictions that remove from victims the responsibility for laying charges;
- improved training of police and other criminal justice personnel, increasing public confidence in the ability of the criminal justice system to deal effectively with spousal assault cases;
- increased availability of police- and court-related victim support services to aid women whose spouses are charged with assault situations;
- gradual improvements to the economic status of women, giving some women increased independence from violent spouses and consequently, alternatives to remaining in abusive situations.

According to the 2004 GSS, the primary reasons female victims of spousal violence report to the police were to stop the violence and receive protection (88%). Fewer reported because they wanted to have their partner arrested and punished (43%).

As shown in Table 6, reporting spousal violence to the police varies according to characteristics of victims. For accuracy in this analysis, it is necessary to examine just those cases that occurred with current partners in the previous year, as some of these characteristics can change over time. Reporting rates were higher in the previous one-year period compared with the total over the five-year period. In current relationships with violence, 41% of women and 20% of men reported to the police in the preceding 12 months compared with 22% and 9%, respectively, over five years. Reporting was higher for younger women, those living in lower-income households, and those with less than high school education. Involvement of police was also more common in relatively new relationships (three years or less), a factor which is correlated with the age of victims. Sample counts for men in the GSS were too small to allow for statistically reliable estimates.

There is also a great deal of variation in the rate of reporting to police according to incident characteristics, particularly

Table 6
Percentage of female victims of current spousal violence who reported to police in the previous year, by victim characteristics, 2004

	Female victims
	percent reporting
Total reported	41
Age of victim	
15 to 24	50
25 to 34	43
35 and older	36
Household income	
\$30,000 or less	54
\$30,000 to \$60,000	29
\$60,000 and over	29
Education	
Less than high school	55
High school	37
At least some university	39
Length of relationship	
3 years or less	35
4 to 9 years	29
10 years or more	19

Source: Statistics Canada, General Social Survey, 2004.

indicators of seriousness of the assaults. Reporting was higher for more serious types of violence, for victims who had been physically injured (especially those who received medical attention), who feared for their lives, or who were victimized on multiple occasions. Cases involving child witnesses were also more likely to be brought to police attention, perhaps due to the more serious nature of these incidents. The presence of alcohol at the time of the assault, which is associated with physical injury, was also correlated with police reporting. These patterns were similar for male and female victims, but reporting rates were higher for women in all situations (Table 7).

Visible minority women were more likely than other women to report spousal violence to the police: 45% compared with 35%. For immigrant women, reporting rates were very similar to non-immigrant women (39% compared with 37%).

Criminal harassment

Overall, women reported criminal harassment to police at a similar rate as shown for spousal assault, and at a rate comparable to men: 38% of female victims and 35% of male victims on the 2004 GSS reported criminal harassment to police. Half of all women stalked by ex-partners reported to police.

Sexual assault

The 2004 GSS suggests that only 8% of sexual assault incidents that year were reported to police. Interviews with sexual assault survivors have identified some of the reasons behind women's decisions not to disclose sexual assaults to police, such as:

- believing that the police could not do anything to help them;
- wanting to keep the incident private;
- feeling ashamed or embarrassed;

Table 7
Percentage of spousal violence victims who reported to police, by incident characteristics, 2004

	Female victims	Male victims
	percent reporting	
Total reported	37	17
Most serious assault		
Threats, threw something	F	F
Pushed, shoved, slapped	23	F
Kicked, bit, hit	44	18
Beat, choked, used gun or knife, sexually assaulted	54	56
Frequency of violence		
One incident	27	8
2 to 5 incidents	34	17
6 to 10 incidents	37	F
More than 10 incidents	57	47
Injured		
Injured and received medical attention	74	F
Injured and no medical attention	40	37
Not injured	26	12
Feared for their lives		
Yes	62	49
No	23	14
Children witnessed the violence		
Yes	51	34
No	30	F
No children present	25	22
Alcohol involved		
Yes	44	33
No	30	12

F too unreliable to be published

Source: Statistics Canada, General Social Survey, 2004.

- being reluctant to become involved with the police and courts;
- fearing that she would not be believed;
- not being sure the incident was a crime;
- not having sufficient proof;
- fearing the perpetrator;
- not wanting the perpetrator arrested or jailed (Kong et al. 2003; Lievore 2003).

Protection orders and restraining orders

All provinces and territories have laws which permit people to apply for restraining orders against violent spouses, family members, or other individuals who intend harm against another. Family violence protection orders are also available in some jurisdictions. Restraining/protection orders are issued by a judge or justice of the peace, either through a criminal or civil court. Anyone who violates a restraining/protection order can face penalties such as a fine or imprisonment.

Restraining orders¹¹ are intended to protect victims who fear for their safety or the safety of someone known to them. For example, if there is a significant risk of harassment following a spousal separation, a restraining order can be obtained by the estranged husband/wife, which may require the stalker/abuser to maintain a safe distance from the place of work or residence of the applicant and restrict any form of communication with him/her. These orders provide several benefits for victims of stalking/domestic violence which include but are not limited to: sending an immediate message that the abuser's/stalker's behaviour is not acceptable; providing immediate protection for the victim; permitting victims and their children to remain in the home and as a result, causing less disruption on the family.

Family violence protection orders, which are available in certain jurisdictions, can be granted by a justice of the peace on an emergency basis in instances where the respondent is not given notice. They are generally available to cohabitants, family members or individuals who are living together in a family, spousal or intimate relationship and to persons who are parents of children, regardless of marital status (in Manitoba such orders are also available to persons subjected to stalking). Protection orders may include several different remedies, such as granting of exclusive occupation of the home to the victim; removing the respondent from the home; issuing a no contact/no communication order; ordering that the respondent cannot attend at a specified place; making any other provisions necessary to protect the victims.

Female victims of violence by former spouses in the 2004 GSS sought restraining or protection orders in 8% of cases. Protective orders do not always protect against a recurrence of violence. One-quarter of women with protective orders said the order had been violated.

Protective orders were also sought by 12% of female victims of stalking and 9% of male victims. This percentage is higher when only ex-partner stalkers are considered: 30% of women obtained a protective order. One-half of all protective orders against male ex-partner stalkers were breached.

Reporting to social services

With respect to use of social services, about half (47%) of female victims contacted a service for help in 2004. These figures were 48% in 1999 and 37% in 1993. Men's use of social services remains at less than half the figure for women. Women are at least twice as likely as men to use all types of services (Figure 42). Among women, the most commonly used services are counsellors (37%), crisis lines or crisis centres (15%) and community or family centres (14%).

With respect to visible minority women and immigrant women, they are as likely to use social services in response to spousal violence as are other women in the population.

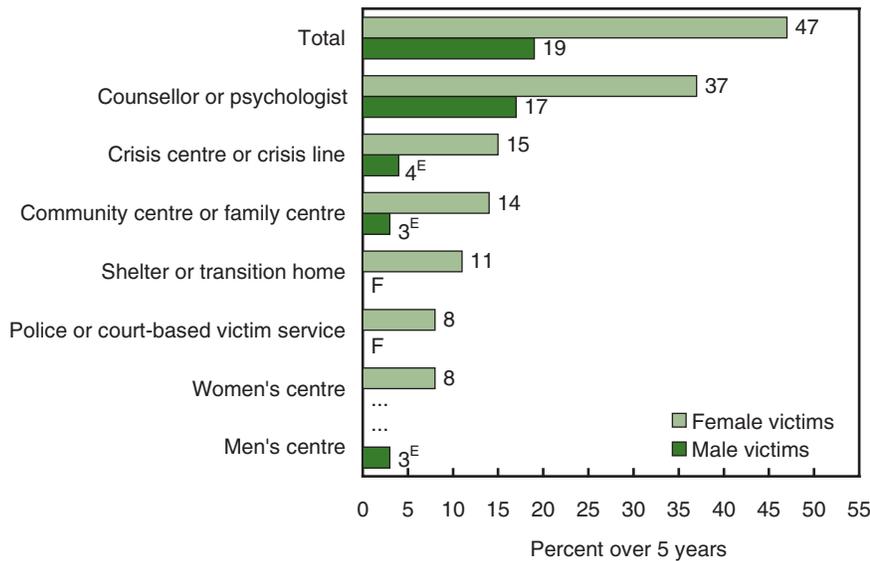
Women who used social services were more likely to have reported to the police (51% compared with 24% who did not use social services). The reverse was also true: those who reported to police were more likely to have contacted social services (65% compared with 34% who did not report to police). This may be due to inter-agency referrals that exist in many jurisdictions, where disclosure to one agency triggers a referral to others in a coordinated community response.

Disclosure of violence to medical professionals and informal supports such as family, friends and colleagues also raises the likelihood of reporting to police. Similar mechanisms may be at play where disclosure to one source of support leads to encouragement to report to others who may be able to offer specific services and information that friends and family may not be able to provide.

Trends in rates of reporting to police and using social services suggest that some early gains were made in the provision of services for victims of spousal violence and in encouraging women to report to police and use these supports. However, further efforts may help ensure supports are available and relevant to victims' needs.¹²

See notes at the end of the text.

Figure 42
Types of social services used by spousal violence victims



... not applicable

^E use with caution, (coefficient of variation is high, 16.6% to 33.3%)

^F too unreliable to be published

Notes: Figures do not add to 100% due to multiple responses. Differences between women and men are statistically significant.

Source: Statistics Canada, General Social Survey, 2004.

Women's use of shelters

The number of women using shelters in Canada increased during the 1990s but has levelled off in recent years (Figure 43).¹³ The vast majority of women (76%) were admitted to shelters in 2003/04 for reasons of abuse. However, the number admitted for other reasons, such as housing problems, addictions and mental health problems, has increased.

According to the 2003/04 Transition Home Survey, 2,496 women and 2,501 children were residing in shelters on a single day (April 14, 2004). However, use of shelters may more accurately reflect the availability of shelters than the actual need for emergency housing among abused women and their children. On the same day, 221 women and 112 children were turned away, most of them because the shelters were full (62%) and the remainder because of drug or alcohol problems, mental illness or other problems.¹⁴

Shelters provide services that can enable women to establish new lives for themselves away from assaultive spouses, and to escape dangerous, potentially life-threatening violence. The availability of emergency shelters, along with other services for spousal violence victims, may thus have contributed to declines in the rate of spousal

homicide against women, although this one factor must not be identified as the sole cause without consideration of other factors (Pottie Bunge 2002).

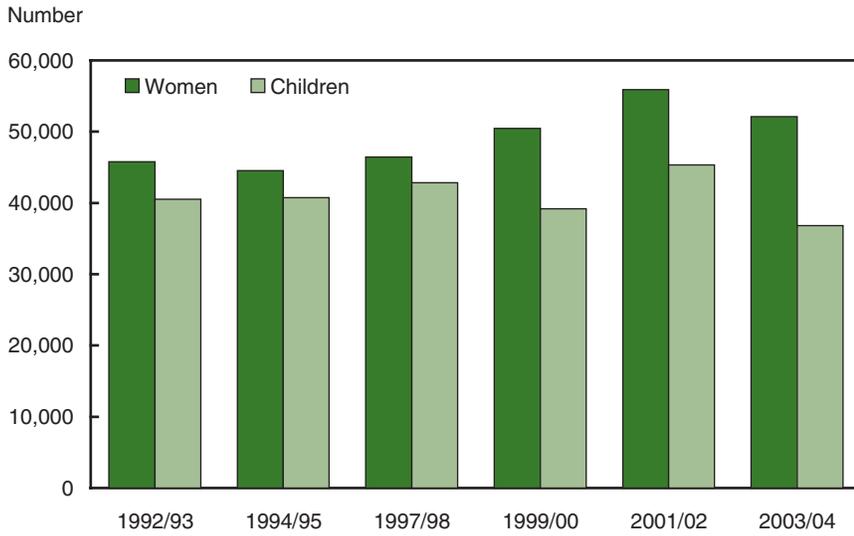
Important factors could affect the data on the number of women and children reported using shelters, including changing availability over time and the changing number of shelters that respond to the Transition Home Survey. For example, 91% of shelters responded to the survey in 1998, 92% in 2000 and 87% in 2004. The actual response figures vary by province and territory. Consequently, these figures underestimate the number of women and children admitted to shelters each year.

A conclusion that can be drawn is that between April 1, 2003 and March 31, 2004, at least 52,127 women and 36,840 children were admitted to shelters for abused women across Canada.

Despite the national pattern of greater shelter use by women than children, Prince Edward Island, Manitoba, Saskatchewan, Alberta, the Northwest Territories and Nunavut have reported a higher number of children admitted to shelters in some years (Figure 44 and Table 8).

See notes at the end of the text.

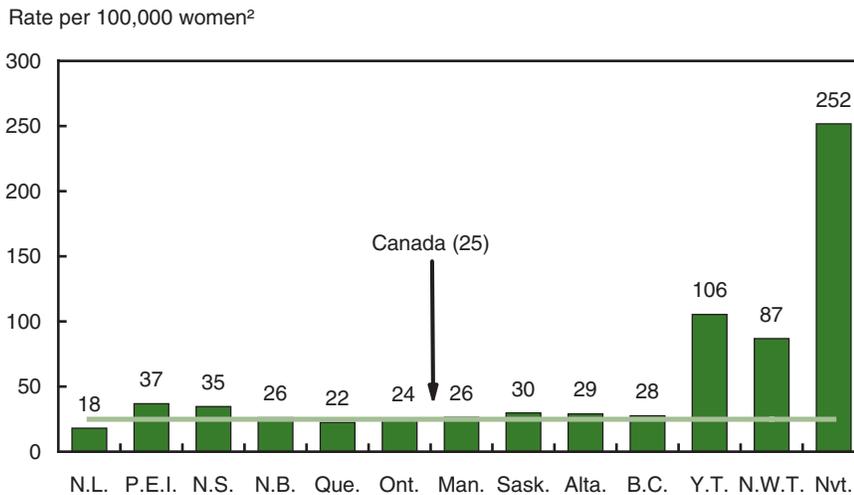
Figure 43
Annual number of women and children using shelters, Canada



Note: Precise reporting period may vary. Shelters were asked to provide information for the 12-month period ending March 31, 2004 or their own 12-month fiscal period. Because the number and type of shelters participating in each cycle of the Transition Home Survey may vary, comparisons of admissions from 2003/2004 to results from previous survey cycles are not advisable.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Transition Home Survey.

Figure 44
Rates of women admitted to shelters for reasons of abuse, April 14, 2004,¹ Canada, the provinces and territories



1. On April 14, 2004, 76% of abused women in shelters were there to escape an abusive spousal relationship, including either a current or previous spouse or common-law partner.

2. Rates are calculated per 100,000 women. Population estimates are provided by Statistics Canada, Demography Division. Populations as of July 1: preliminary postcensal estimates for 2004.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Transition Home Survey, 2003/2004.

Table 8
Annual number of women and children using shelters in the provinces and territories, by fiscal year

	1992/1993	1994/1995	1997/1998	1999/2000	2001/2002	2003/2004 ¹
Newfoundland and Labrador						
Women	660	349	669	745	693	650
Children	577	271	426	501	469	434
Prince Edward Island						
Women	130	165	93	107	113	98
Children	171	188	127	144	119	76
Nova Scotia						
Women	1,082	1,503	1,509	912	1,117	1,058
Children	1,286	1,241	1,169	805	780	745
New Brunswick						
Women	1,117	737	1,292	1,038	1,224	1,012
Children	1,118	681	1,208	840	907	744
Quebec ²						
Women	13,554	8,245	9,232	10,012	14,379	9,207
Children	5,887	6,057	7,262	6,830	6,769	5,773
Ontario						
Women	14,255	16,127	15,257	17,125	18,066	17,226
Children	14,128	13,790	13,455	12,685	16,522	11,565
Manitoba						
Women	2,444	2,594	2,336	1,916	2,911	2,441
Children	2,884	2,648	3,324	2,451	3,654	2,511
Saskatchewan						
Women	1,444	1,116	1,662	1,448	2,088	1,926
Children	1,824	1,661	2,430	2,016	2,484	2,060
Alberta						
Women	4,484	5,250	4,128	7,562	5,086	7,729
Children	6,189	6,232	4,645	5,680	5,556	5,978
British Columbia						
Women	5,486	7,653	9,158	8,230	9,168	9,666
Children	4,998	7,002	7,546	5,933	6,741	5,833
Yukon Territory						
Women	258	320	330	425	417	388
Children	249	312	272	370	337	219
Northwest Territories ³						
Women	863	457	796	506	397	354
Children	1,216	660	966	448	633	368
Nunavut ⁴						
Women	...	...	...	437	242	372
Children	...	...	...	474	376	534

... not applicable

1. Precise reporting period may vary. Shelters were asked to provide information for the 12-month period ending March 31, 2004 or their own 12-month fiscal period. Because the number and type of shelters participating in each cycle of the Transition Home Survey may vary, comparisons of admissions from 2003/04 with results from previous survey cycles are not advisable.

2. Admissions for shelters in Quebec for 2003/2004 are not comparable with admission figures from previous cycles of the survey due to changes in the administrative counting practices of certain shelters in that province.

3. The Northwest Territories included the territory now known as Nunavut until 1999. Data for 1999/00, 2001/2002 and 2003/2004 do not include Nunavut.

4. Prior to 1999/00, the territory now known as Nunavut was part of the Northwest Territories.

Note: As a small number of shelters do not respond to the Transition Home Survey each survey year, these figures represent an underestimate of the number of admissions.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Transition Home Survey.

In order to compare admissions to shelters among provinces and territories, rates were calculated based on the number of women admitted to shelters for reasons of abuse on a single day (April 14, 2004) per 100,000 women in the population. Rates in the provinces are similar, when compared alongside the much higher rates in the three territories.

Women's use of other victim services

The Victim Services Survey indicates that 373 victim service agencies provided services to 4,358 victims of crime on October 22, 2003. Three-quarters (3,379^r) were female and one-quarter (979^r) were male.

^r revised

A total of two-thirds were female victims of sexual assault, or spousal assault (including stalking) (Figure 45). This underestimates the number of female victims seeking help as only 58% of sexual assault centres in Canada responded to the survey. Nevertheless, this further illustrates the impact of violence on women and the costs to society.

Women sought help from victim services in higher numbers and for different offences than did men. Higher percentages of women sought services for sexual assault and spousal assault. These patterns were similar for the provinces and territories¹⁵ (Table 9).

Summary of victims' use of services

Victims' decisions to report the violence to criminal justice and social services depend on a variety of factors, some of which include fear of the offender, shame and embarrassment, and regional availability of services. The majority of victims of spousal assault and over 90% of sexual assault victims did not seek support from the criminal

justice system.

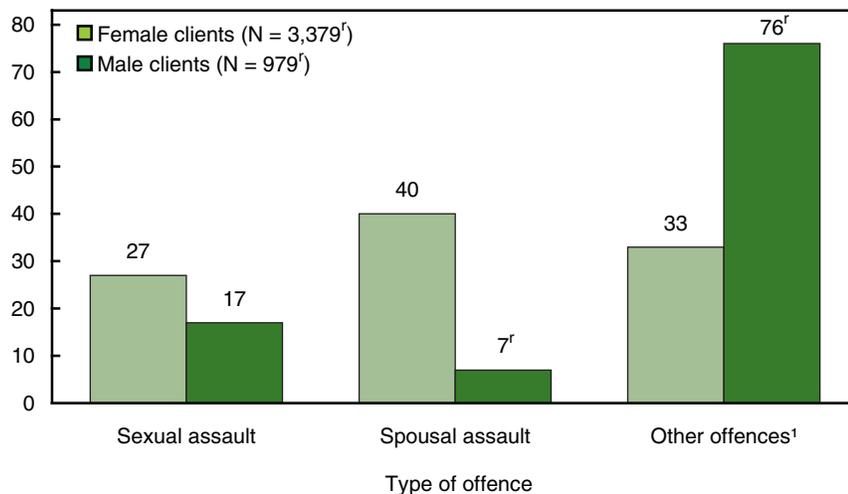
The number of female victims of spousal assault who contacted police or social services remained steady between 1999 and 2004. The number of women accessing shelter services has also been stable in recent years. This does not fully represent the need for shelter services as on a single day over 200 women were turned away from shelters.

In addition to shelters for abused women, new data from the Victim Services Survey indicates that among other types of services for victims, women make up the majority of clients seeking support. Most women are seeking help in the aftermath of sexual assault, partner violence or stalking. This is an added dimension of the impact of violence on

See notes at the end of the text.

Figure 45
Use of victim services, October 22, 2003, Canada

Percent of clients



^r revised

¹ Other offences include homicide, criminal harassment and other offences such as arson, traffic offences and some non-criminal incidents.

Note: The response rate for Canada was 81% and the response rate for this question was 77%.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Victim Services Survey, 2002/2003.

Table 9
Use of victim services in the provinces, October 22, 2003

	number	Type of offence			Response rate	
		Sexual assault	Spousal assault	Other ¹	Province	Question
		percent				
Newfoundland and Labrador						
Female	117	7	50	44	92	100
Male	39	3	10	87		
Prince Edward Island						
Female	28 ^r	21 ^r	50 ^r	29	100	66
Male	7 ^r	0	14 ^r	86 ^r		
Nova Scotia ²						
Female	154	11	55	34	100	37
Male	70	7	14	79		
New Brunswick						
Female	124	35	16	48	81	94
Male	55	16	0	84		
Quebec						
Female	340	66	23	11	59	72
Male	51	39	8	53		
Ontario						
Female	1,020	27	40	33	77	80
Male	198	17	8	75		
Manitoba						
Female	214	8	80	12	95	75
Male	26	15	8	77		
Saskatchewan						
Female	295	22	30	48	88	83
Male	123	16	1	83		
Alberta						
Female	272	21	21	59	76	72
Male	151	11	1	87		
British Columbia						
Female	751	20	37	43	85	81
Male	253	18	6	76		

^r revised

1. Other offences include homicide, criminal harassment and other offences such as arson, traffic violations and some non-criminal incidents.

2. A large proportion of agencies in Nova Scotia were unable to provide counts of clients served on snapshot day. As a result, these figures undercount the number of clients served by victim services in Nova Scotia that day.

Note: Percentages may not add to 100% due to rounding.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Victim Services Survey, 2002/2003.

Violence against Aboriginal women

Family violence has been identified as one of the most important issues facing Aboriginal people in Canada (Lane et al. 2003; LaRocque 1994). In the *Report of the Royal Commission on Aboriginal peoples* (RCAP 1996), a number of factors that are linked to violence in Aboriginal communities were identified. These factors include systemic discrimination against Aboriginal peoples, economic and social deprivation, alcohol and substance abuse, and the intergenerational cycle of violence. According to RCAP hearings, other factors contributing to the high levels of violence in Aboriginal communities include the breakdown of healthy family life resulting from residential school upbringing, racism against Aboriginal peoples, the impact of colonialism on traditional values and culture, and overcrowded, substandard housing.

Aboriginal people in Canada have lower socio-economic standing than non-Aboriginal people. According to the 2001 Census, the average income for Aboriginal women was \$16,600, compared with \$22,100 for Aboriginal men, \$23,100 for non-Aboriginal women, and \$37,300 for non-Aboriginal men. Aboriginal people also have lower educational attainment, higher unemployment rates, and are more likely to live in crowded housing conditions.

Aboriginal children are more likely to live in lone-parent families headed by women.

Prevalence and severity of violence against Aboriginal Women

Statistical methods developed by Statistics Canada for measuring violence against women were not designed specifically to take account of cultural differences among minority groups, including Aboriginal women. For example, the General Social Survey (GSS) was conducted by telephone and only in English and French; Aboriginal women who live in remote communities without telephones or who do not speak English or French fluently will not be able to participate. Aboriginal women may also face additional barriers to disclosing violence to an interviewer that relate to cultural differences. The GSS is therefore likely to underestimate the true incidence of violence against Aboriginal women.

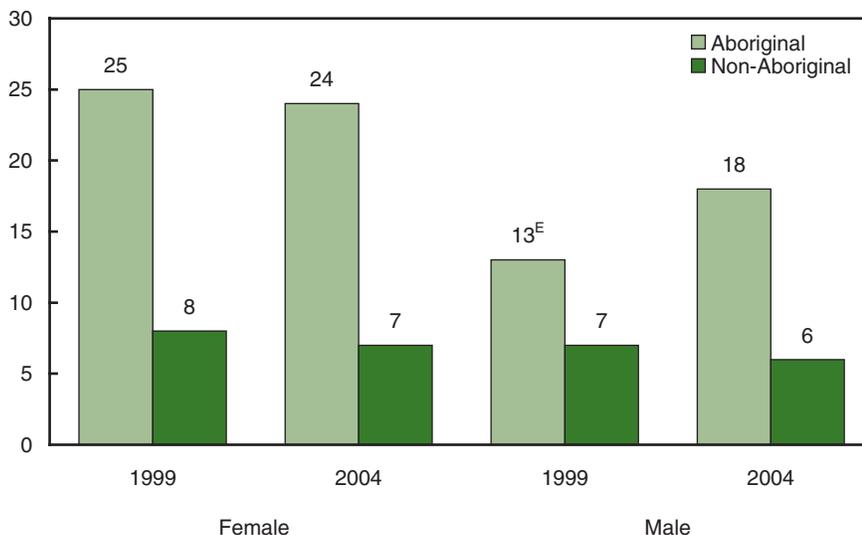
Spousal violence

In the 1999 GSS, Aboriginal women reported spousal assault at a rate that was twice as high as Aboriginal men and three times higher than non-Aboriginal women and men.¹⁶ In 2004, the gap between Aboriginal women and men narrowed somewhat, but the rates for Aboriginal

See notes at the end of the text.

Figure 46
Rates of spousal violence, by Aboriginal origin, 1999 and 2004

Percent over 5 years



^E use with caution, (coefficient of variation is high, 16.6% to 33.3%)

Note: Includes common-law partners.

Source: Statistics Canada, General Social Survey, 1999, 2004.

women remain more than three times higher than for non-Aboriginal women or men (Figure 46). Overall, 21% of Aboriginal people reported being victims of spousal violence in 2004, three times higher than for non-Aboriginal people (7%).

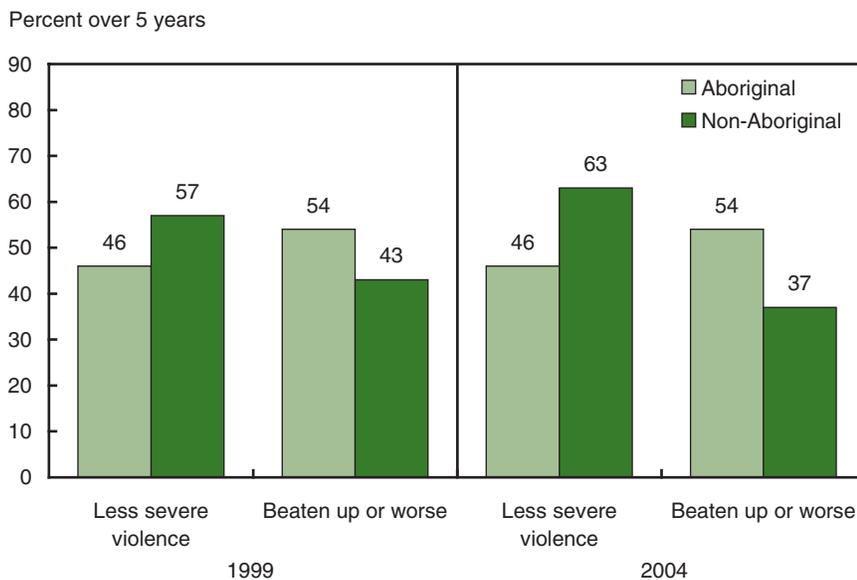
Not only did Aboriginal women report higher rates of spousal violence in 2004, they were also significantly more likely than non-Aboriginal women to report the most severe and potentially life-threatening forms of violence, including being beaten or choked, having had a gun or knife used against them, or being sexually assaulted (54% of Aboriginal women compared with 37% of non-Aboriginal women) (Figure 47). These percentages for Aboriginal women remained unchanged since 1999; however, for non-Aboriginal women, the percentage who experienced the most serious forms of violence declined from 43% in 1999 to 37% in 2004.

As a result of the more serious types of violence suffered by Aboriginal women, the consequences of spousal

violence are also more severe. Aboriginal women were more likely than their non-Aboriginal counterparts to have suffered physical injury, received medical attention, taken time off daily activities as a consequence of the assaults, experienced 10 or more separate episodes of violence from the same perpetrator, and were more likely to fear their lives were in danger (Figure 48).

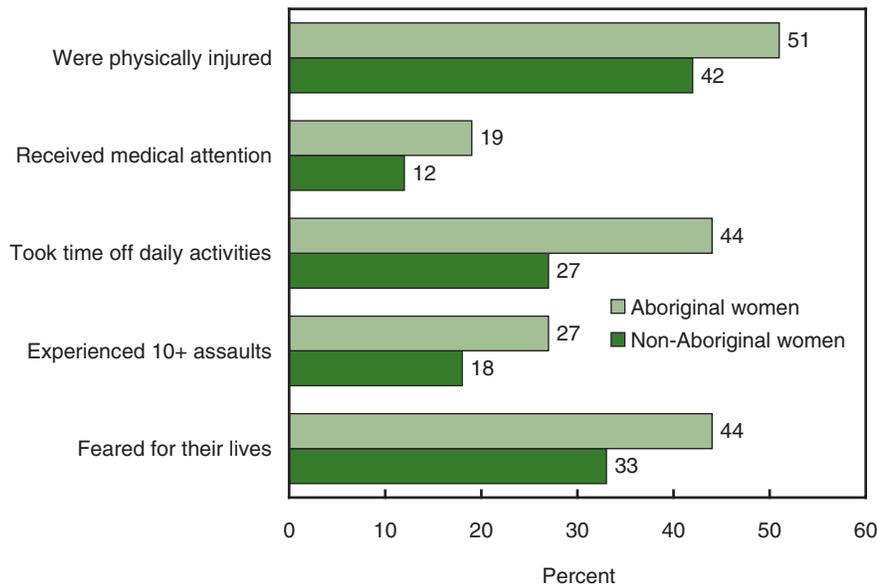
Research using the 1999 GSS has shown that part of the explanation for higher rates of spousal violence against Aboriginal women may be the higher occurrence of risk factors for violence among the Aboriginal population (Brownridge 2003). These include lower socio-economic status, and the fact that the Aboriginal population is younger than the general population, more likely to live in common-law relationships, and have higher levels of alcohol abuse. However, when controlling for these risk factors, they account for some but not all of the difference in rates between Aboriginal and non-Aboriginal women.

Figure 47
Seriousness of spousal assaults on women, by Aboriginal status, 1999 and 2004



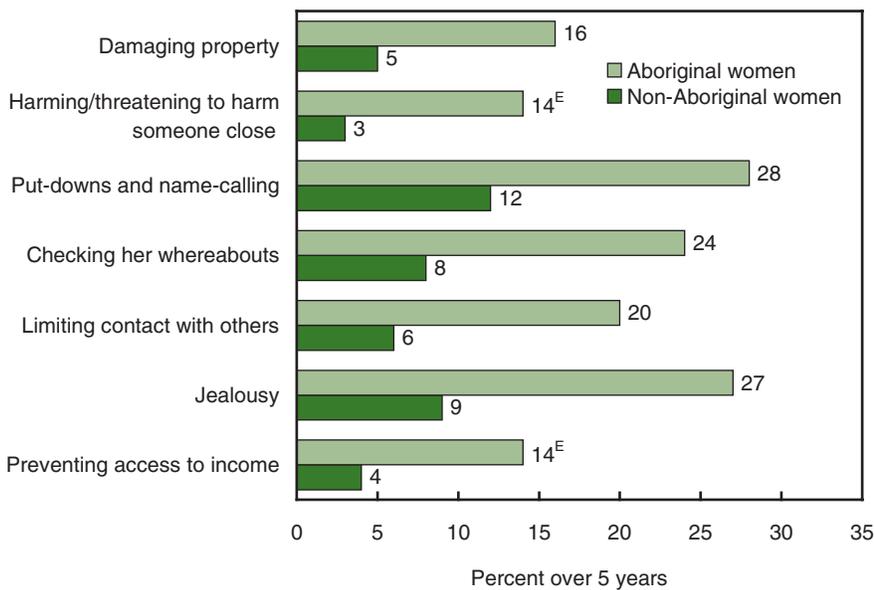
Note: The percentage change for non-Aboriginal is statistically significant.
Source: Statistics Canada, General Social Survey, 1999, 2004.

Figure 48
Consequences of spousal violence for women, by Aboriginal status, 2004



Note: Differences between Aboriginal and non-Aboriginal women are statistically significant.
Source: Statistics Canada, General Social Survey, 2004.

Figure 49
Rates of psychological abuse by spousal partners, by type of abuse and Aboriginal status, 2004



^E use with caution (coefficient of variation is high, 16.6% to 33.3%)
Note: Differences between Aboriginal and non-Aboriginal women are statistically significant.
Source: Statistics Canada, General Social Survey, 2004.

Figure 49 illustrates that one of the most important predictors of spousal violence—emotional abuse—is more commonly reported by Aboriginal women, which may also help explain the higher rates among Aboriginal women.

It has been suggested that other factors that are more difficult to measure, such as experiences of colonization, feelings of devaluation among Aboriginal people, destruction of traditional ways of life, and a history of abuse in residential schools, may contribute to male Aboriginals' use of violence against their partners (Brownridge 2003). The experience of physical, sexual and emotional abuse in residential schools meant that large numbers of Aboriginal people suffered long-lasting effects of abuse and were denied the opportunity to be exposed to examples of positive parenting (RCAP 1996). This may contribute to higher rates of violence in Aboriginal communities across generations.

Criminal harassment

Aboriginal people reported rates of stalking that were twice the level for non-Aboriginal people (17% compared with 9%). Rates were highest for Aboriginal women, almost twice as high as for non-Aboriginal women (21% compared with 11%).

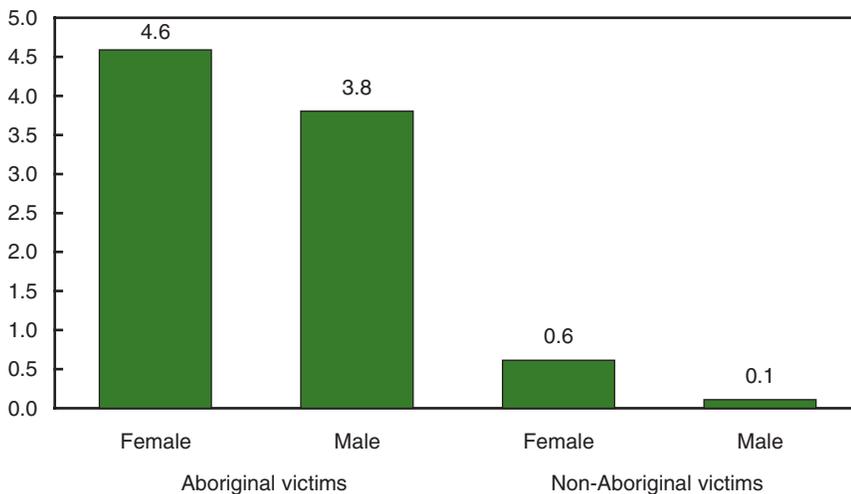
Spousal homicide

Overall homicide rates are higher among Aboriginal people (Figure 50). With respect to spousal homicide, the rate for Aboriginal women was eight times the rate for non-Aboriginal women. For Aboriginal men, the spousal homicide rate was 38 times higher than the rate for non-Aboriginal men. These figures undercount the number of Aboriginal people who were victims of homicide as in some cases, this information was not known to police at the time the data were reported. In addition, in accordance with internal policy, some police services do not report the Aboriginal status of victims and accused persons to the Homicide Survey.

Homicide occurs in a somewhat different context for Aboriginal women and men compared with non-Aboriginal people. As a percentage of all homicide victims, spouses, parents and other family members make up a smaller percentage of those accused of killing female Aboriginal victims compared with their non-Aboriginal counterparts (Table 10). Family members made up 45% of those accused of homicide against Aboriginal women and 68% of those accused of homicide against non-Aboriginal women.

Figure 50
Rates of spousal homicide, by sex of victim and Aboriginal status,¹ 1997 to 2000

Rate per 100,000 spouses²



1. These data exclude those victims where police-reported Aboriginal status was unknown or not collected. In accordance with internal guidelines, some police services (e.g. RCMP and Toronto Police Service) do not report the Aboriginal status of victims and accused persons to the Homicide Survey. This analysis excludes 32 victims whose Aboriginal/non-Aboriginal status was unknown, undisclosed or not collected between 1997 and 2000. For data prior to 1997, it is not possible to separate 'non-Aboriginal' status from 'not collected'.

2. Rates are calculated per 100,000 spouses (legally married, separated, divorced and common-law men and women 15 years of age and over) of self-identified Aboriginal origin (North American Indian, Métis or Inuit). Population estimates were derived from 2001 post-censal estimates and 1996 Census counts, provided at July 1st by Statistics Canada, Census and Demographic Statistics, Demography Division.

Sources: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey; 1996 and 2001 Census.

Table 10
Aboriginal and non-Aboriginal victims of homicide in Canada, by sex and accused-victim relationship, 1997 to 2004

Relationship of accused to victim	Total Aboriginal victims ¹						Total non-Aboriginal victims ²					
	Female		Male		Total		Female		Male		Total	
	number	percent	number	percent	number	percent	number	percent	number	percent	number	percent
Spouse ³	38	27	33	10	71	15	324	43	50	4	374	19
Parent ⁴	12	9	14	4	26	6	98	13	109	9	207	10
Other family ⁵	12	9	61	19	73	16	88	12	91	7	179	9
Other intimate relationship ⁶	15	11	4	1	19	4	61	8	20	2	81	4
Acquaintance ⁷	49	35	174	53	223	47	135	18	690	55	825	41
Stranger	15	11	43	13	58	12	48	6	284	23	332	17
Total	141	100	329	100	470	100	754	100	1,244	100	1,998	100

1. Includes North American Indian, Métis or Inuit/Eskimo.

2. Excludes 9 solved homicides where the relationship between the accused and victim was unknown.

3. Includes married, common-law, separated, divorced and (ex) same-sex spouses.

4. Includes biological or legally adoptive parents, step-parents, and foster parents.

5. Includes children, siblings and all other family members related through blood, marriage, adoption or foster care.

6. Includes current or former boyfriends/girlfriends and extra-marital lovers.

7. Includes friends, neighbours, business relationships, casual acquaintances, etc.

Notes: Percentages may not add up to 100% due to rounding. These data exclude those victims where police-reported Aboriginal status was unknown or not collected. In accordance with internal guidelines, some police services (e.g. RCMP and Toronto Police Service) do not report the Aboriginal status of victims and accused persons to the Homicide Survey. Between 1997 and 2004, Aboriginal origin was reported by police for 69% of victims (Aboriginal status was not collected or was unknown for 1,425 of the total 4,534 victims). For data prior to 1997, it is not possible to separate "non-Aboriginal" status from "not collected".

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Non-spousal violence

The 2004 GSS shows that Aboriginal people have higher rates of non-spousal violence and are threatened with violence in and around their homes to a greater extent than non-Aboriginal people. With respect to violence involving offenders other than spouses, Aboriginal people are twice as likely to report that the violence occurred in and around the victim's home. This is partly due to the fact that Aboriginal people are more likely to be living in rural areas, where there are fewer other high-risk locations, such as commercial establishments (Brzozowski et al. 2006).

Sample counts on the GSS are too low to produce statistically reliable estimates of sexual assault against Aboriginal women. However, police statistics comparing crime on and off reserves show that sexual assault and other violent crimes are more likely to occur on reserves. Rates of violent crime were 7,108 per 100,000 population on reserves and 953 off reserves; rates of sexual assault and other sexual offences were 564 and 83, respectively (Brzozowski et al. 2006).

Specialized services for Aboriginal people

Among the 473 shelters for abused women that responded to the Transition Home Survey in 2004, 31% (148) served populations living on reserves and 7% (31) were located on reserves. In addition, two-thirds of shelters across Canada

reported that they offer some form of culturally sensitive services to Aboriginal women. These include support services that recognize traditional healing methods, the use of spiritual elders and access to resource materials in Aboriginal languages.

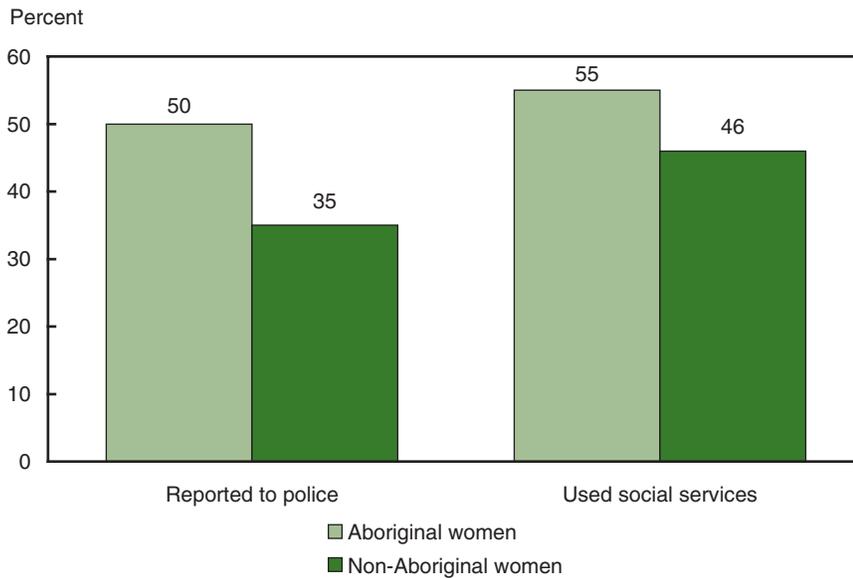
Among the 484 victim service agencies that responded to the Victim Services Survey, one-quarter (121) provided specific programs for Aboriginal people and one-quarter were able to provide services in an Aboriginal language. Thirty percent of all agencies operated programs designed to address the specific forms of abuse suffered by Aboriginal people in residential schools.

Use of services by Aboriginal women

Between April 1, 2003 and March 31, 2004, a total of 1,847 women and 1,672 children were admitted to shelters located on reserves (Taylor-Butts 2005). Among almost 5,000 women and children residing in shelters on April 14, 2004, 173 were in shelters on reserves.

According to the 2004 GSS, Aboriginal women who were victims of spousal violence were more likely than non-Aboriginal women to report to the police and more likely to use social services (Figure 51). This is in keeping with the more serious nature of the violence perpetrated against them.

Figure 51
Percentage of Aboriginal women who used social services and reported spousal violence to the police, 2004



Source: Statistics Canada, General Social Survey, 2004.

Summary of violence against Aboriginal women

Rates of spousal violence are higher among Aboriginal women than Aboriginal men or non-Aboriginal people. Many risk factors associated with violence for Aboriginal people have been cited, including lower educational achievement, higher unemployment rates, alcohol abuse, experiences of colonization, feelings of devaluation among Aboriginal people, and a history of abuse in residential schools. Although data on sexual assault are limited, police statistics show that rates of sexual assault and other

types of violence are many times higher on reserves than in non-reserve areas. Spousal violence experienced by Aboriginal women is more severe, including a higher risk of homicide.

More detailed data captured through a refinement of research tools are needed to more fully explore and understand the nature, prevalence, risk factors and impacts of violence against Aboriginal women.

Violence against women in the territories

In 2004, the General Social Survey (GSS) was conducted in the Yukon, Northwest Territories and Nunavut as part of a pilot test. For the first time, Aboriginal and non-Aboriginal women and men in the northern territories were interviewed about their experiences of spousal violence, in addition to other crimes. Compared to other areas in Canada, interviewing in the territories poses unique challenges due to incomplete telephone service for a substantial percentage of residents and a diversity of languages spoken by residents. The 2004 victimization data produce estimates with biases due to under-representation of Aboriginal people in the sample, as well as residents of rural or remote areas, and residents whose mother tongue is not English or French. It is unknown the extent to which those who were sampled differ on important characteristics (such as victimization rates) from those who were not sampled. Hence, the results presented here should be used with caution.

Prevalence and severity of violence against women in the territories

Spousal violence

Overall, 12% of adult residents of the northern territories who had ever been married or lived in a common-law relationship had experienced violence by a spousal partner in the five years prior to the 2004 GSS. Although rates

were higher in the territories (12% compared with 7% in the provinces), patterns were similar to those shown for residents of the provinces: rates of spousal violence were comparable for women and men, but higher for Aboriginal people (Figure 52).

Sexual assault

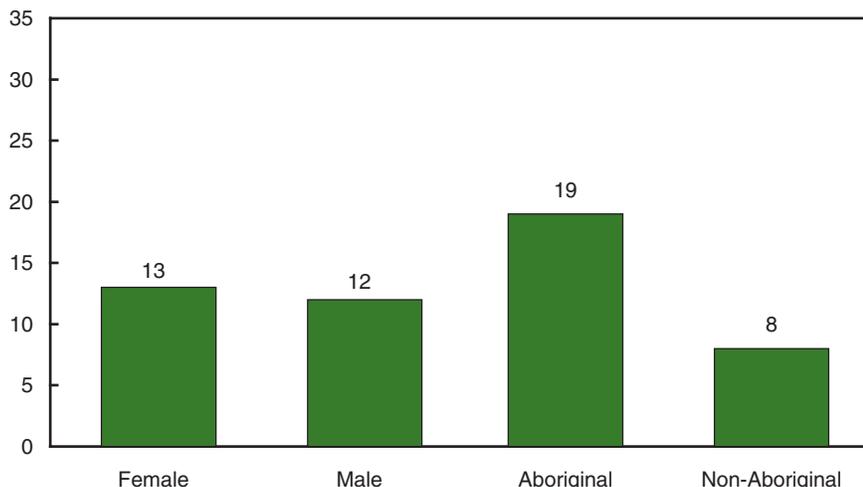
The sample used in the GSS is not sufficiently large to produce statistically reliable estimates of sexual assault. However, police data are available and these consistently show much higher rates of violent crime in the northern territories than in the provinces. As shown in Figure 53, rates of sexual offences recorded by the police in 2004 were 2 to 3 times higher in the Yukon than in any of the provinces, 3 to 6 times higher in the Northwest Territories, and between 7 and 14 times higher in Nunavut. Figure 54 illustrates that rates of sexual offences fluctuate annually but appear to have declined in recent years in all three territories.

Homicide and spousal homicide

Homicide rates in the territories are also the highest in the country. Over the 30-year period between 1975 and 2004, homicide rates in the Yukon were 5.0 per 100,000 women and 12.1 per 100,000 men. The comparable figures for the Northwest Territories and Nunavut were 7.4 for women and 13.6 for men (Figure 55). As shown earlier (Figure 11), spousal homicide rates in the territories were also much higher than the Canadian average (1.0 for women and

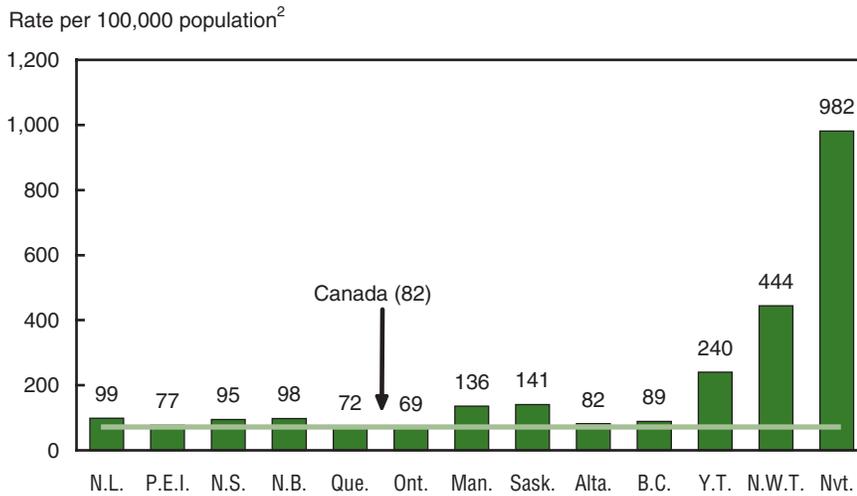
Figure 52
Rates of spousal assault in the territories, 2004

Percent over 5 years



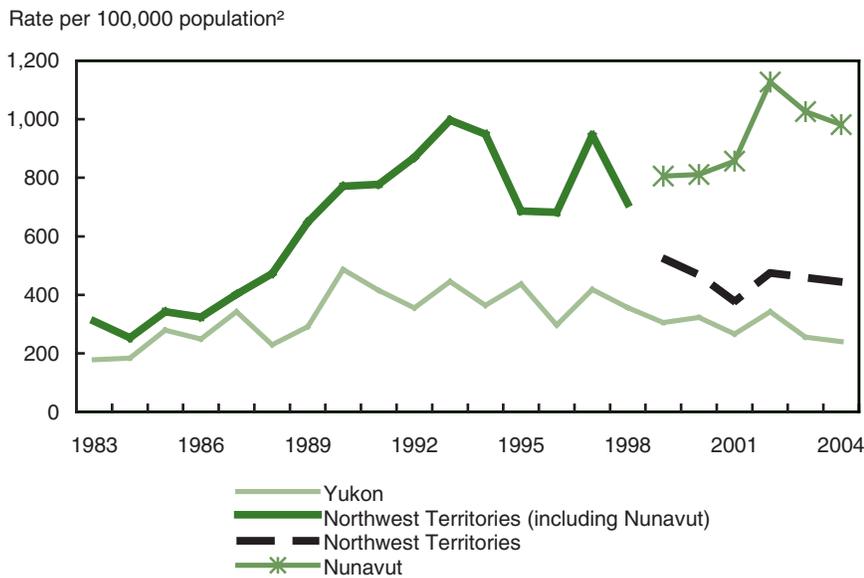
Source: Statistics Canada, General Social Survey, 2004.

Figure 53
Rates of sexual offences¹ per 100,000 population in Canada, the provinces and territories, 2004



1. Sexual offences include sexual assault (levels 1, 2 and 3) as well as other sexual violations.
 2. Rates are calculated per 100,000 population. Population estimates provided at July 1st by Statistics Canada, Census and Demography Statistics, Demography Division. Demographic and crime statistics for Nunavut specifically are only available from 1999 on. Prior to 1999, Nunavut was included within the Northwest Territories.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

Figure 54
Rates of sexual offences¹ in the territories, 1983 to 2004



1. Sexual offences include sexual assault (levels 1, 2 and 3) as well as other sexual violations.
 2. Rates are calculated per 100,000 population. Population estimates provided at July 1st by Statistics Canada, Census and Demography Statistics, Demography Division. Demographic and crime statistics for Nunavut specifically are only available from 1999 on. Prior to 1999, Nunavut was included within the Northwest Territories.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.

0.3 for men). Similar to the rates in other jurisdictions, spousal homicide rates were higher for women than for men. When calculated as a rate per 100,000 couples, rates in the Yukon were 4.4 for women and 2.4 for men and rates in the Northwest Territories and Nunavut were 7.3 for women and 3.6 for men.

It should be noted that although homicide rates in the territories are high relative to the provinces, the average number of homicide victims in the territories used to calculate overall rates is small. For instance, between 1975 and 2004, there was an average of less than one homicide each year in the combined territories (see Table 2).

Comparing the territories and provinces on the victim-offender relationship in homicides, Table 11 shows that lethal violence occurs in similar contexts. That is, males outnumber females among homicide victims and are more likely to be killed by acquaintances and strangers. Women are more likely to be killed by spouses and other intimates.

Spousal homicides in the territories also show an age-related pattern similar to spousal homicides in the provinces with higher rates among younger people (Figure 56). The youngest women have the highest rates of spousal homicide; however, for this age group, rates are more similar

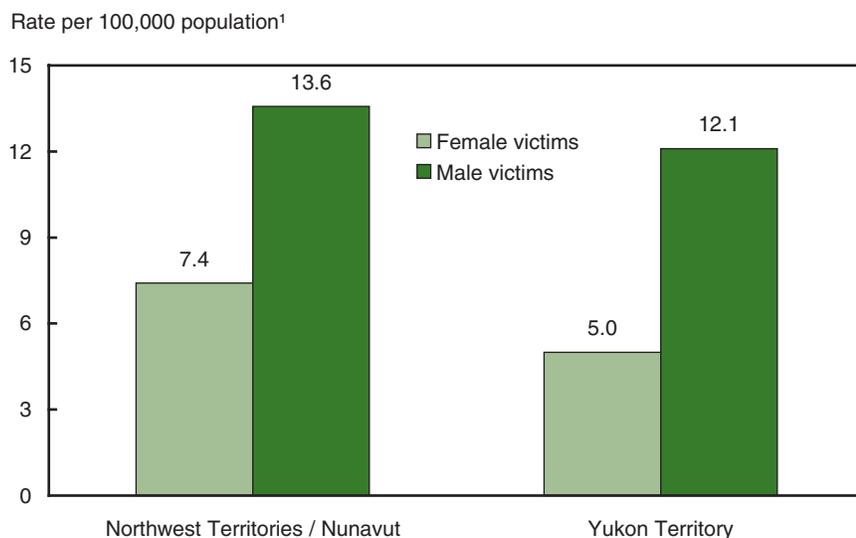
for women and men in the northern territories than they are in Canada as a whole (see Figure 23).

Research has not explored in detail the possible factors behind the higher rates of violence reported in the territories. However, the differing demographic profiles of territorial dwellers compared to their provincial counterparts may offer a partial explanation. For instance, according to the 2001 Census, residents of the territories are younger on average and slightly more likely to be male. Higher percentages are Aboriginal, single and have less than a high school education. According to the 2004 GSS, rates of heavy drinking by marital partners are somewhat higher in the territories. These are all identified risk factors for crime and victimization. Levels of emotional abuse, which are risk factors for spousal violence, are similar for residents of the territories and the provinces.

Reporting to the police

The northern territories have the highest concentration of police per capita in Canada. This is due to the requirement to police very large sparsely populated areas. The number of police officers per 100,000 population is approximately 400 in the three territories and 200 or less in each of the provinces (Sauvé and Reitano 2005). Perhaps in part as a consequence of the police presence, or in the absence of other options such as shelters and other victim services,

Figure 55
Homicide rates in the territories, by sex of victim, all ages, 1975 to 2004



1. Rates are calculated per 100,000 population. Population estimates provided at July 1st by Statistics Canada, Census and Demographic Statistics, Demography Division. Demographic and homicide statistics for Nunavut specifically are only available from 1999 on. Since this analysis looks at trends over a 30-year period, Nunavut and the Northwest Territories have been aggregated.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Table 11
Victims of homicide in the territories and provinces, by accused-victim relationship, 1975 to 2004¹

Relationship of accused to victim	Territories						Provinces					
	Female		Male		Total		Female		Male		Total	
	number	percent	number	percent	number	percent	number	percent	number	percent	number	percent
Spouse ²	35	45	18	11	53	22	2,143	39	620	6	2,763	18
Parent ³	7	9	4	2	11	5	577	11	683	7	1,260	8
Other family ⁴	9	12	36	22	45	19	536	10	1,084	11	1,620	11
Other intimate relationship ⁵	6	8	1	1	7	3	336	6	203	2	539	4
Acquaintance ⁶	17	22	85	52	102	43	1,330	24	5,328	55	6,658	44
Stranger	4	5	18	11	22	9	533	10	1,855	19	2,388	16
Total	78	100	162	100	240	100	5,455	100	9,773	100	15,228	100

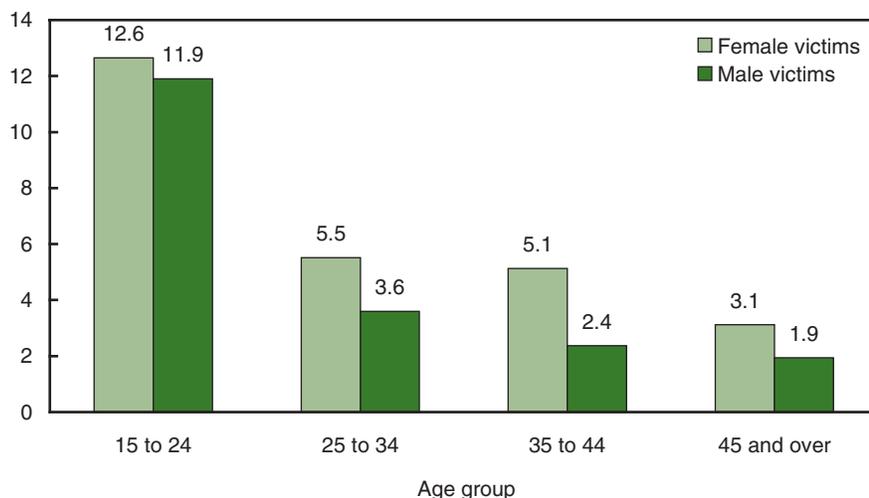
1. Excludes solved homicides in which the accused-victim relationship and/or victim's gender was unknown.
2. Includes married, common-law, separated, divorced and (ex) same-sex spouses.
3. Includes biological or legally adoptive parents, step-parents, and foster parents.
4. Includes children, siblings and all other family members related through blood, marriage, adoption or foster care.
5. Includes current or former boyfriends/girlfriends and extra-marital lovers.
6. Includes friends, neighbours, business relationships, casual acquaintances, etc.

Note: Percentages may not add up to 100% due to rounding.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Figure 56
Spousal homicide rates in the territories,¹ by age group and sex of victim, 1975 to 2004

Rate per 100,000 spouses²



1. Includes the Yukon, Northwest Territories and Nunavut.

2. Rates are calculated per 100,000 spouses (legally married, separated, divorced and common-law men and women 15 years of age and over). Population estimates provided at July 1st by Statistics Canada, Census and Demographic Statistics, Demography Division.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

spousal violence victims in the territories reported to the police at a higher rate than victims in the provinces: 37% compared with 28%. Sample counts in the territories were too small to make statistically reliable estimates of reporting rates for female victims or for Aboriginal people separately.

The greater likelihood of victims reporting crimes to the police in the territories help to explain the higher rates of crime recorded by police in these jurisdictions compared with the provinces. But it cannot explain the higher rates of homicide, almost all of which are reported to police in all jurisdictions. Other factors, yet to be explored, are contributing to the elevated rates of spousal violence, sexual assault and other crime in the northern territories.

Victim services in the territories

Providing services to victims of violence is also a challenge in very large, sparsely populated jurisdictions like the Canadian North. According to the Victim Services Survey, there were three services for victims of crime in the Yukon, six in the Northwest Territories and two in Nunavut to assist the widespread populations of these jurisdictions.

Women’s use of services in the territories

Victims’ use of services depends in large measure on awareness and availability of services in the local area, the cultural and linguistic appropriateness of these services, distance to travel, and the availability of transportation. According to the GSS, smaller percentages of spousal violence victims used social services in the territories compared with the provinces: 21% of residents of territories and 34% in the provinces. Sample counts used in the territories are too low to permit detailed analysis of disclosures of violence by sex of victims or Aboriginal status.

In 2003/04, relatively large numbers of women in the territories were admitted to shelters for abused women. At least:

- 388 women and 219 children used shelters for abused women in the Yukon;
- 354 women and 368 children were admitted to shelters in the Northwest Territories;

- 372 women and 534 children were admitted to shelters in Nunavut.

When calculated as a rate per 100,000 population, shelter use on a single day (April 14, 2004) was more than three times higher in the Northwest Territories compared with the national average, four times higher in the Yukon and ten times higher in Nunavut (see Figure 44).

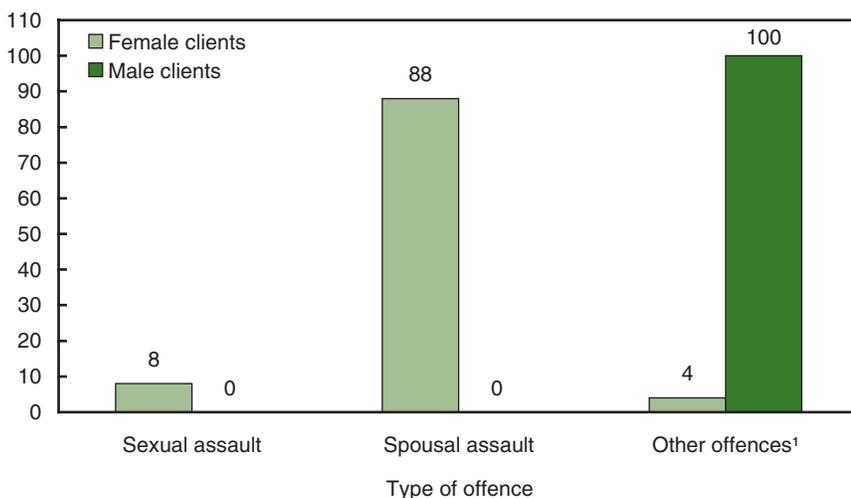
Women using other types of victim services in the territories were primarily seeking services related to sexual assault, spousal violence and homicide while men were seeking services exclusively for other types of crimes (Figure 57 and Figure 58).

Summary of violence against women in the territories

Women in the territories report similar patterns of spousal violence but higher rates than do women in the provinces. Police statistics indicate that women in the territories also experience higher levels of sexual assault and homicide. They are more likely to report spousal violence to the police, but less likely to use social services in response to a violent act. Yet shelter use in the territories is the highest in the country. Governments face important challenges in providing criminal justice and social services to the large, sparsely populated geographic areas that make up the Canadian North.

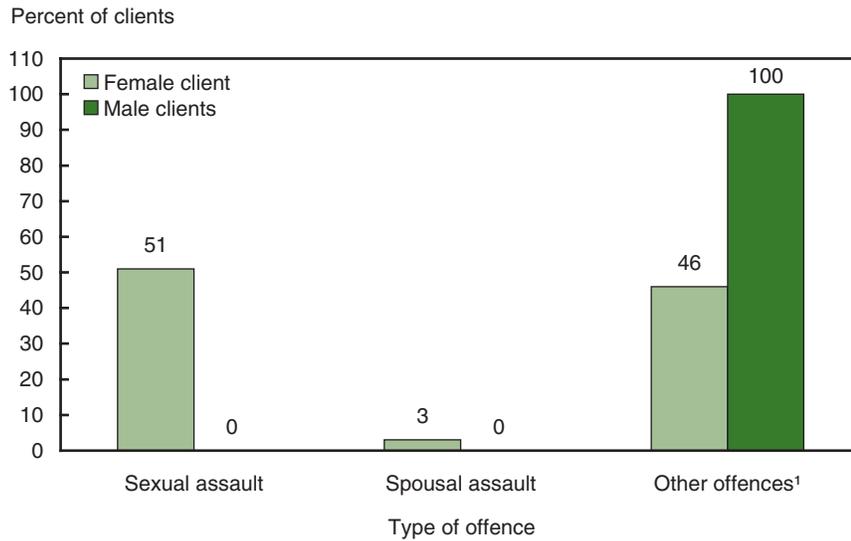
Figure 57
Use of victim services, October 22, 2003, Yukon Territory

Percent of clients



1. Other offences include homicide, criminal harassment and others such as arson, traffic offences and some non-criminal incidents.
Note: The response rate for Yukon Territory was 100% and the response rate for this question was 100% (N = 28).
Source: Statistics Canada, Canadian Centre for Justice Statistics, Victim Services Survey, 2002/2003.

Figure 58
Use of victim services, October 22, 2003, Northwest Territories



1. Other offences include homicide, criminal harassment and other offences such as arson, traffic offences and some non-criminal incidents.
Note: The response rate for the Northwest Territories was 83% and the response rate for this question was 100% (N = 40).
Source: Statistics Canada, Canadian Centre for Justice Statistics, Victim Services Survey, 2002/2003.

There are also special challenges to statistical data gathering in the territories due to widespread populations, incomplete telephone service and linguistic and cultural diversity. An expansion of research methodologies targeted specifically

to the situation of women in the territories is needed to provide the data necessary for a fuller understanding of all aspects of violence against women in the North.

Conclusion

Violence against women affects all of Canadian society. It occurs in public, family and intimate contexts and can be experienced by women at any stage of their lives. Violence against women is a complex matter that is linked to women's equality in society. Ethnicity, culture, age, relationship type and economic status can all affect the rate and impact of violence against women.

The statistical indicators in this document provide a partial portrait of women's experiences of violence. Since the release of the 2002 indicators report, important advancements have been made in the availability of data on Aboriginal women and women in the northern territories, criminal harassment, sentencing outcomes, the availability of victim services, and victims' use of these services. However, gaps remain in the data required to paint a complete picture of the nature, extent and impacts of violence against women. More detailed data are needed for:

- diverse groups of women in the population, such as visible minority, immigrant, Aboriginal, Northern and homeless women;
- sexual assault victimization;
- perpetrators of violence;
- attitudes and perceptions of violence among Canadians;
- the economic costs of violence;
- other forms of violence, such as trafficking of persons.

This set of statistical indicators addresses the major areas of concern on violence against women, including severity and prevalence, impact, risk factors, institutional and community-based responses, and victims' use of services.

In terms of severity and prevalence, these data indicate that women are more likely than men to be victims of the most severe forms of spousal assault, as well as spousal homicide, sexual assault and criminal harassment. Following evidence of a decline in the incidence of spousal assault against women in the 1990s, the most recent surveys suggest no change since 1999. The past decade has witnessed a general decline in the number of spousal homicides. This downward shift may be partly attributed to institutional and community-based responses, a diminished tolerance for violence against women, and improvements in women's socio-economic status.

Additional data are needed to answer the questions of whether violence against women has decreased for all sub-groups of the population, and whether intervention efforts have made a difference.

Governments and communities have responded to violence by providing shelters, treatment programs for abusers, specialized domestic violence courts and other victim services. Victimization surveys suggest that there has been a rise in the percentage of spousal assaults reported to the police since 1993, although this stabilized between 1999 and 2004. A similar pattern was shown for seeking help from other services. Data from victim services indicate that two-thirds of clients they serve are female victims of sexual assault, partner violence or stalking. These are an indication not only of the impact of violence on individuals, but of the direct and indirect costs to society.

The risk factors identify young women as particularly vulnerable to criminal harassment, sexual assault and spousal homicide. One of the most important risk factors of physical or sexual violence against women in relationships is the presence of emotional abuse. This type of abuse, including jealous and controlling behaviour, the use of verbal bullying, and financial abuse, provides a significantly stronger predictor of violent behaviour towards women in relationships than does alcohol use, income or education. Women living in common-law unions are at higher risk of assault and homicide by their partners than married women. Separation can also increase the risk of violence and potentially trigger homicide for women in violent relationships.

Ultimately, the impact of violence against women is felt by everyone, either directly or indirectly. Ongoing collection and analysis of reliable statistical data is important for monitoring the prevalence, risk factors, and intergenerational impacts of violence. Data such as these indicators are intended as a useful tool for all levels of government as well as non-governmental groups for tracking change over time, highlighting new and emerging issues, and developing legislative, policy and program responses to help prevent violence and assist victims.

Methodology

Analysis in this document focuses on acts of violence against women that have been quantified using statistical survey techniques. This provides indicators on many aspects of violence against women, services provided to victims, and women's use of services. The analysis focuses on behaviours that could trigger a criminal justice response and addresses acts of violence against women that qualify as offences under the *Criminal Code* almost exclusively. The primary statistical data sources used to measure violence against women by Statistics Canada are victimization surveys, and data collected by police agencies, adult courts, emergency shelters for women and their children, and other service agencies providing assistance to crime victims.

1 Victimization surveys

In 1993, Health Canada commissioned Statistics Canada to conduct a large-scale survey dedicated to women's experiences of violence perpetrated against them by male aggressors. The Violence Against Women Survey (VAWS) involved telephone interviews with a random sample of 12,300 women about their adult experiences of sexual and physical assault by men, including male partners, friends, acquaintances or strangers. The survey also included questions related to non-criminal forms of sexual harassment and to women's fears of violence in public places.

Although the VAWS has not been repeated, some of the same or similar questions concerning spousal violence were included on the victimization cycle of the General Social Survey (GSS). A total of 14,269 women and 11,607 men were interviewed in the 1999 GSS. The GSS victimization survey was designed to be repeated every five years, thereby providing a reliable standard to measure experiences of violence over time. A third time point is provided by the 2004 GSS, in which 13,162 women and 10,604 men were interviewed. In 2004, respondents in the territories were also interviewed.

The GSS interviewed random samples of individuals 15 years of age and older about their experiences with crime in the previous year and their opinions concerning the

justice system. Households were selected using random-digit dialling techniques. Once a household was chosen, an individual 15 years of age or older was randomly selected to respond to the survey. Households were excluded from the survey when they had no telephone or when the chosen respondent could not speak English or French. Also excluded were individuals living in institutions.

The methodologies of the 1993 VAWS and the 1999 GSS differ in important ways. As the VAWS was a dedicated survey, it focused exclusively on matters relating to violence against women and employed only female interviewers. The 1999 and 2004 GSS, on the other hand, are general victimization surveys with a special module of questions related to spousal violence that is based on the VAWS. The GSS employs both male and female interviewers, although respondents are offered the opportunity to switch to an interviewer of the other sex if they are uncomfortable responding to sensitive questions during the interview. As a result of these methodological differences, comparisons between the two surveys must be made with caution.

Although improvements have been made in the methodology for interviewing women about violence, victimization surveys still have limitations. The fact that surveys are conducted only in Canada's two official languages presents a significant barrier for the full inclusion of Aboriginal and immigrant women in Canadian statistics. According to the 2001 Census, 2.6 million women in Canada were not fluent in either English or French. In many northern communities in Canada, especially those in the territories, older Aboriginal women have maintained their culture and language and many would not be able to participate in a telephone survey. Because interviewers did not use Aboriginal and Inuit languages, many Northern women were excluded.

The methodology of victimization surveys also does not allow for the inclusion of households without telephones or households with cellular telephones only. While telephone surveys are significantly better at generating responses than a standard mail or e-mail survey, this method automatically excludes households without telephones. These represent a small percentage of all households—about 4%—but

Number of women and men interviewed for the 1993 Violence Against Women Survey (VAWS) and the 1999 and 2004 General Social Survey (GSS) on Victimization

	1993 VAWS		1999 GSS		2004 GSS	
	Women	Women	Men	Women	Men	
Newfoundland and Labrador	705	1,045	784	642	469	
Prince Edward Island	322	274	185	317	240	
Nova Scotia	1,012	666	537	777	566	
New Brunswick	826	650	537	783	552	
Quebec	1,912	2,601	2,030	2,504	2,142	
Ontario	2,502	4,245	3,472	3,757	3,053	
Manitoba	900	664	537	1,139	864	
Saskatchewan	869	649	542	738	630	
Alberta	1,503	1,478	1,298	1,185	1,001	
British Columbia	1,749	1,997	1,685	1,320	1,087	
Total	12,300	14,269	11,607	13,162	10,604	
Territories	...	...	...	677	613

... not applicable

excluding those without telephone access may under-represent certain groups in the population, such as lower income groups, northern people living in traditional communities, rural people, or women living in shelters or on the street as a direct result of violent victimization. Excluding those with only cell phones may underestimate young, single adults and transient populations.

In addition, although the sample sizes used in these surveys are relatively large, analysis of smaller groups is not always possible. Without disaggregated information the indicators cannot show in detail the unique experiences of Aboriginal women, immigrant and refugee women, visible minority women, women with disabilities, teenaged and younger girls, older women, women living in low income situations, women in rural and remote communities, and lesbian and bisexual women.

How violence is measured using victimization surveys

Violence by a spouse or common-law partner is measured in the General Social Survey on Victimization (GSS) and the Violence Against Women Survey (VAWS) by a module of 10 questions. This approach consists of asking respondents about specific actions instead of simply asking about "violence" or "assaults", in order to minimize differing interpretations of what constitutes violent behaviour. The module of questions with introductory statement follows:

It is important to hear from people themselves if we are to understand the serious problem of violence in the home. I'm going to ask you 10 short questions and I'd like you to tell me whether, in the past five years, your spouse/partner

has done any of the following to you. Your responses are important whether or not you have had any of these experiences. Remember that all information provided is strictly confidential.

During the past five years, has your partner:

1. threatened you with his/her fist or anything else that could have hurt you?
2. thrown anything at you that could have hurt you?
3. pushed, grabbed or shoved you in a way that could have hurt you?
4. slapped you?
5. kicked, bitten, or hit you with his/her fist?
6. hit you with something that could have hurt you?
7. beaten you?
8. choked you?
9. used or threatened to use a gun or knife on you?
10. forced you into any unwanted sexual activity by threatening you, holding you down, or hurting you in some way?

In the VAWS, these 10 questions were asked in order. In the GSS, the first two questions were given in sequence to all respondents and the remaining eight questions were asked in random order.

How criminal harassment is measured

The series of questions designed to measure the prevalence of criminal harassment or stalking conforms to the *Criminal Code* definition and includes:

In the past five years, have you been the subject of repeated and unwanted attention that caused you to fear for your safety or the safety of someone known to you? By that I mean has anyone:

1. phoned you repeatedly or made silent or obscene phone calls?
2. followed you or spied on you?
3. waited outside your home?
4. waited outside your place of work or school or other places you were, when they had no business being there?
5. sent you unwanted e-mail messages?
6. sent you unwanted gifts, letters or cards?
7. persistently asked you for a date and refused to take no for an answer?
8. tried to communicate with you against your will in any other way?

If the respondent stated that they had experienced at least one of these acts they were then asked, "Did you fear for your safety or the safety of someone known to you?" If the respondent stated "yes", they then were considered to be a stalking victim.

In addition to these questions, respondents were asked two additional questions that did not require them to state that they felt fear because threats were explicit in the questions. Respondents who responded yes to either of these questions were also considered to be victims of stalking.

9. In the past five years, has anyone attempted to intimidate or threaten you by threatening or intimidating someone else?
10. In the past five years, has anyone attempted to intimidate or threaten you by hurting your pet(s) or damaging your property?

2 Police statistics

Uniform Crime Reporting Survey

The Canadian Centre for Justice Statistics, a division of Statistics Canada, developed the Uniform Crime Reporting Survey (UCR) with the co-operation and assistance of the Canadian Association of Chiefs of Police. The aggregate UCR Survey, which became operational in 1962, collects crime and traffic statistics reported by all police agencies in Canada. UCR survey data reflect reported crimes that have been substantiated (or founded) through police investigation.

More detailed incident-based crime statistics are collected through the Incident-based Uniform Crime Reporting Survey (UCR2 Survey). This survey allows detailed examination of accused and victim characteristics, as well as characteristics of the incident itself. Collection began in 1988. By 2004, 166 police agencies in nine provinces, representing 53% of the national volume of reported crime, were responding to the UCR2 Survey. The sample of police forces is not nationally

representative. The largest percentage of cases originates in Ontario and Quebec.

The UCR2 Trend Database contains historical data, which permits the analysis of trends in the characteristics of incidents, accused and victims, such as weapon use and victim/accused relationship. This database currently includes 68 police services that have reported to the UCR2 Survey consistently since 1998. These accounted for 37% of the national volume of crime in 2004.

Homicide Survey

The Homicide Survey has provided detailed police-reported data on homicide incidents since 1974. When police become aware of a homicide, a survey questionnaire is completed. The count for a particular year represents all homicides reported in that year, regardless of when the death actually occurred. The survey remained unchanged until 1991, at which time more detailed information was collected. A question regarding the history of domestic violence between the accused and victim, and more detailed victim-offender relationship categories were added to the survey in 1991.

3 Adult Criminal Court Survey

The Adult Criminal Court Survey (ACCS) provides a database of statistical information on the processing of cases through the adult criminal court system. The survey consists of a census of *Criminal Code* and other federal statute charges dealt with in adult criminal courts. The ACCS represents approximately 90% of the national adult criminal court caseload. Manitoba is not included in the survey for any year. Data from Nunavut were included as part of the Northwest Territories prior to April 1, 1999; however, Nunavut has not reported to the ACCS since the creation of the territory. Data from the Northwest Territories are not available for 1996/97, 2000/01, 2001/02, 2002/03, or 2003/04. New Brunswick and British Columbia began reporting to the ACCS in 2001/02. Also, information from Quebec's municipal courts (which account for approximately one-quarter of *Criminal Code* charges in that province) is not yet collected. With the exception of Prince Edward Island, Nova Scotia, New Brunswick, Alberta, British Columbia and Yukon, no data are provided from superior courts.

The absence of data from all but six superior court jurisdictions may result in a slight underestimation of the severity of sentences imposed across Canada. The reason for this is that some of the most serious cases, which are likely to result in the most severe sanctions, are processed in superior courts.

4 UCR2-ACCS linked database

A pilot study linked data from the UCR2 Survey for the years 1997 through 2001 to cases with convictions for violent crimes from the ACCS for the years 1997/98 through 2001/02. The UCR2 variables that were linked to the court files include: relationship of victim to accused; sex of victim; age of victim; level of injury; and presence and type of weapon. The objective of this study was to examine court outcomes of spousal violence cases. As these variables are in the UCR2 but not the ACCS, analysis was made possible through this linkage process.

Coverage for the UCR2 and ACCS databases includes 18 urban areas in four provinces for the study period 1997/98 to 2001/02 (Newfoundland and Labrador, Ontario, Saskatchewan and Alberta). The 18 urban areas that are included in the pilot project are:

St. John's	Windsor	Waterloo	Kingston
Stratford	London	Thunder Bay	Brantford
Ottawa	Toronto	Guelph	Niagara
Edmonton	Calgary	Regina	Saskatoon
Prince Albert	Lethbridge		

Because the study focuses on selected urban areas, it is not a representative sample, but rather a location-specific analysis of sentencing patterns. Data from these urban areas are rolled up to produce a total for all areas.

5 Transition Home Survey

The Transition Home Survey was developed under the federal government's Family Violence Initiative in consultation with provincial and territorial governments and transition home associations. The objectives of the survey are to collect information on residential services for abused women and their children during the previous 12 months of operation, and to provide a one-day snapshot of the clients being served on a specific day. In 1991/92,

Statistics Canada began to collect basic information on transition home services and clientele. The survey was repeated with some changes in 1992/93, 1994/95, 1997/98, 1999/00, 2001/02 and 2003/04.

The Transition Home Survey is a mail-out/mail-back census survey of all residential facilities providing services to abused women and their children. In 2003/04, of the 543 residential facilities providing services to abused women and their children, 473 returned their questionnaires for a response rate of 87%. Separate questionnaires were completed for facilities that had two or more residences under the same name or address.

6 Victim Services Survey

The Victim Services Survey was funded by Justice Canada's Policy Centre for Victim Issues. The objectives are to provide a profile of victim service agencies, information on the types of services offered, and some insight into the clients who use them through a snapshot of clients serviced on October 22, 2003.

Victim services are defined as agencies that provide direct services to primary or secondary victims of crime and are funded in whole or in part by a ministry responsible for justice matters. The survey covers system-based, police-based, court-based and community-based agencies, sexual assault centres, criminal injuries compensation programs and other financial benefit programs. Corrections-based victim services are not included.

The Victim Services Survey is a mail-out/mail-back questionnaire and is intended to be a census of all victim service agencies that fall within its scope. Of the 606 agencies eligible to respond, 492 responses were received representing 81% of agencies. This survey will be repeated in 2005/06.

Endnotes

1. Provincial variations in the changing severity of spousal assault against women cannot be assessed as sample sizes in some provinces were too small to produce reliable estimates.
2. In order to make comparisons among geographic regions with different population sizes, it is necessary to standardize rates to a common unit. Rates of spousal homicide are presented as the number per 100,000 couples because of the small number of homicides in most jurisdictions.
3. A one-year snapshot is used to assess risk factors for violence, since many of these factors can change over time.
4. In Figure 24 “sexual offences” include sexual assaults and other types of sexual offences related to child victims.
5. In Figure 25, separated women in the Homicide Survey include separations from married or common-law partners. Rates cannot be calculated as these data are not available from the Census.
6. Visible minority status was defined as persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour. The visible minority population includes those reporting themselves as Chinese, South Asian, Black, Arab/West Asian, Filipino, Southeast Asian, Latin American, Japanese, Korean and Pacific Islander.
7. Shelter facilities are funded by a variety of sources, including federal and provincial governments. Provincial data on numbers of shelters are not presented since definitions used by Statistics Canada are broader than those typically used by provincial governments. The definition used by Statistics Canada includes shelters on reserves, those funded by federal and municipal governments, and those privately operated.
8. The Victim Services Survey is intended to be a census of system-based, police-based and court-based victim services, sexual assault centres and financial compensation programs for victims of crime. As the range of community-based services is very broad, the survey includes only those that receive funding from provincial and territorial ministries responsible for justice matters.
9. This sentencing study used data from 18 urban areas and is therefore not representative of all jurisdictions. See the Methodology section for details about the methodology used in this study.
10. Manitoba, the Northwest Territories and Nunavut do not participate in the Adult Criminal Court Survey (see the Methodology section).
11. *Final Report of the Ad Hoc Federal/Provincial/Territorial Working Group Reviewing Spousal Abuse Policies and Legislation.*
12. Victims’ use of services will be affected in part by the availability of appropriate services for victims of violence, which in turn is affected by funding made available through governments and communities. Isolation in remote communities will also affect the extent to which victims of violence are able to access services.
13. Women who are admitted to a shelter more than once during the year will be counted more than once. Nearly one-third of women in shelters on April 14, 2004 had resided at that same shelter sometime in the past, almost half more than once in the previous year.
14. Some women and children may be turned away from more than one shelter on a single day, or may be counted as turned away at one shelter while being admitted to another on the same day.
15. Response rates varied among provinces and territories, from 100% of victim service agencies responding in Prince Edward Island and the Yukon to just 59% in Quebec.
16. This report uses the Aboriginal identity concept as the definition for the Aboriginal population. A total of 976,305 people identified with one or more Aboriginal groups (North American Indian, Métis or Inuit) in the 2001 Census. Assumptions about the Aboriginal identity of perpetrators of spousal violence should not be made based on the identity of victims.

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Appendix 1

Economic equality indicators

The ability of women to leave violent relationships or situations where they are exposed to violence is related in part to their economic autonomy. For example, a woman in a violent relationship who is unable to afford housing on her income alone may be more inclined to remain with an abusive partner. While there are no recent national data on women's homelessness, in Toronto between 1988 and 1996 the percentage of single-parent families (most headed by women) using the emergency hostel system increased from 24% to 37%. They entered the hostel system at twice the rate of two-parent families (Golden et al. 1999). The number of shelters that provided this type of service increased during this same time period.

Indeed, economic inequality, which is higher for some groups of women, presents a barrier to ending violence against women. In 2003, the average earned income for Canadian women was about \$24,800, compared with \$39,100 for men. Overall that year, the average income for employed women was about 64% that for men. Just as vulnerability to violence may be a result of a woman's economic situation, for many, exposure to violence in previous relationships places them in situations of economic hardship. Studies indicate that 68% of all single mothers reported experiencing violence in previous marriages or common-law unions (Violence Against Women Survey 1993). Moreover, lone-parent families headed by women have by far the lowest incomes of all family types. In 2003, 38% of all families headed by lone-parent mothers had incomes that fell below the low income cut-off (LICO). In comparison, just 7% of non-elderly two-parent families with children, and 13% of male lone-parent families had low incomes that year (Statistics Canada 2006).

A large percentage of Aboriginal women have low incomes. In 2000, for example, 36% of Aboriginal women aged 15 and over had incomes below the LICO, compared with 32% of Aboriginal men and 17% of non-Aboriginal women. Moreover, in that same year, 73% of Aboriginal women who were lone parents lived below the LICO (Statistics Canada 2006).

Immigrant women, particularly recent immigrants, tend to have low incomes despite their usually higher levels of education than Canadian-born women. In 2000, the average income of immigrant women aged 15 and over was just 64% of that of their male counterparts. Close to one in five women living in Canada described themselves as an immigrant in 2001, some 2.6 million or 18% of the total female population.

A similar pattern exists for visible minority women, who have higher rates of completed university education than other women. However, in 2000, the average total incomes for visible minority women aged 15 years and over was \$20,000, more than \$3,000 less than the figure for non-visible minority women in Canada (\$23,300). In 2001, about one in ten women in Canada identified themselves as members of a visible minority community, some 1.6 million or 11% of the total female population (Statistics Canada 2006).

The following table (Table A1.1) provides an indication of the average income of men and women in Canada from 1991 to 2003. Table A1.2 also indicates the percentage of women in justice-related occupations from 1991 to 2001.

Table A1.1
Income and earnings trends

	1991	1993	1995	1997	1999	2001	2003
Average total income (2003 dollars)							
Economic families ¹	64,800	63,300	64,300	66,000	69,900	73,600	72,700
Non-elderly families ²	67,500	66,000	66,900	69,100	73,300	77,500	76,400
Couples without children	64,000	64,200	63,500	69,300	69,600	74,900	70,900
Two-parent families with children	72,400	71,100	72,200	74,700	80,100	84,300	85,600
Female-headed lone-parent families ³	27,300	27,300	29,000	27,500	31,000	34,900	32,500
Male-headed lone-parent families ³	46,700	41,400	42,200	45,900	49,700	51,000	54,700
Elderly families ⁴	49,300	48,300	50,400	46,600	49,100	49,600	50,200
Unattached individuals	26,700	26,900	27,100	26,400	28,800	29,600	30,900
Non-elderly women	25,600	26,700	26,100	23,700	28,100	27,200	30,100
Non-elderly men	30,600	30,900	30,500	29,300	32,000	33,700	34,400
Elderly women	21,500	20,100	21,900	23,400	23,000	24,500	24,800
Elderly men	24,400	24,500	27,100	28,300	28,100	28,600	29,600
Women's earnings as a percentage of men's							
Full-year full-time workers	68.7	71.3	72.4	68.3	68.4	69.9	70.5
Percentage of families with low income⁵							
Economic families	13.7	15.7	15.4	15.9	13.2	11.6	12.0
Non-elderly families	14.6	16.6	16.7	16.7	14.2	12.4	12.9
Couples without children	10.5	11.2	12.1	10.6	10.6	8.8	9.2
Two-parent families with children	11.4	13.2	13.8	13.5	11.2	10.4	9.8
Female-headed lone-parent families	60.9	60.2	59.2	58.9	51.4	45.0	48.9
Male-headed lone-parent families	24.9	32.6	33.2	26.0	22.2	21.0	20.0
Elderly families	8.4	10.2	8.2	11.4	7.4	6.6	6.7
Unattached individuals	44.1	45.3	43.6	46.7	42.9	39.1	38.0
Non-elderly women	45.1	45.9	45.7	52.7	48.3	46.5	42.8
Non-elderly men	37.4	39.2	40.5	42.9	39.2	34.0	34.4
Elderly women	56.0	57.8	51.3	50.1	46.0	41.2	40.9
Elderly men	43.5	41.3	29.8	33.7	33.7	31.6	31.6

1. Individuals (two or more people) sharing a common dwelling unit who are related by blood, marriage (including common-law relationships) or adoption.

2. Families in which the major income earner is under 65 years of age.

3. With children under 18 years of age.

4. Families in which the major income earner is 65 years of age and over.

5. Based on Statistics Canada's low income cut-offs before taxes (1992 base).

Note: Average total income refers to income from all sources including government transfers and before deduction of federal and provincial income taxes. It may also be called income before tax (but after transfers).

Source: Statistics Canada, CANSIM, table 202-0403 and Catalogue no. 75-202-XIE.

Table A1.2
Women¹ in justice-related occupations

	1991	1996	2001
	percent		
Percentage of women in justice-related occupations²			
Police officers	7	10	14
Lawyers and notaries	27	31	35
Judges	15	21	21
Paralegal and related occupations	76	79	81
Probation and parole officers	50	47	54
Correctional service officers	21	24	29

1. Refers to women aged 15 and older.

2. Based on the 1991 Standard Occupational Classification.

Sources: Statistics Canada, Catalogue no. 89-503, 85-225 and Censuses of Population and Housing, 1991, 1996 and 2001.

Appendix 2

Criminal Code Offences

Homicide

222. (1) A person commits homicide when, directly or indirectly, by any means, he causes the death of a human being.
- (2) Homicide is culpable or not culpable.
- (3) Homicide that is not culpable is not an offence.
- (4) Culpable homicide is murder or manslaughter or infanticide.
- (5) A person commits culpable homicide when he causes the death of a human being,
- (a) by means of an unlawful act;
- (b) by criminal negligence;
- (c) by causing that human being, by threats or fear of violence or by deception, to do anything that causes his death; or
- (d) by wilfully frightening that human being, in the case of a child or sick person.
- (6) Notwithstanding anything in this section, a person does not commit homicide within the meaning of this Act by reason only that he causes the death of a human being by procuring, by false evidence, the conviction and death of that human being by sentence of the law.

Murder in commission of offences

230. Culpable homicide is murder where a person causes the death of a human being while committing or attempting to commit ... section 271 (sexual assault), 272 (sexual assault with a weapon, threats to a third party or causing bodily harm), 273 (aggravated sexual assault), 279 (kidnapping and forcible confinement), ... whether or not the person means to cause death to any human being and whether or not he knows that death is likely to be caused to any human being, if
- (a) The means to cause bodily harm for the purpose of
- (i) facilitating the commission of the offence, or
- (ii) facilitating his flight after committing or attempting to commit the offence, and the death ensues from the bodily harm;

- (b) The administers a stupefying or overpowering thing for a purpose mentioned in paragraph (a), and the death ensues therefrom; or
- (c) he wilfully stops, by any means, the breath of a human being for a purpose mentioned in paragraph (a), and the death ensues therefrom.

Classification of murder

231. (1) Murder is first-degree murder or second-degree murder.
- (2) Murder is first-degree murder when it is planned and deliberate.
- (3) Without limiting the generality of subsection (2), murder is planned and deliberate when it is committed pursuant to an arrangement under which money or anything of value passes or is intended to pass from one person to another, or is promised by one person to another, as consideration for that other's causing or assisting in causing the death of anyone or counselling another person to do any act causing or assisting in causing that death ...
- (5) Irrespective of whether a murder is planned and deliberate on the part of any person, murder is first-degree murder in respect of a person when the death is caused by that person while committing or attempting to commit an offence under one of the following sections: ...
- (b) section 271 (sexual assault);
- (c) section 272 (sexual assault with a weapon, threats to a third party or causing bodily harm);
- (d) section 273 (aggravated sexual assault);
- (e) section 279 (kidnapping and forcible confinement); or
- (f) section 279.1 (hostage taking).
- (6) Irrespective of whether a murder is planned and deliberate on the part of any person, murder is first-degree murder when the death is caused by that person while committing or attempting to commit an offence under section 264 (*criminal harassment*) and the person committing that offence intended to cause the person murdered

to fear for the safety of the person murdered or the safety of anyone known to the person murdered.

- (7) All murder that is not first-degree murder is second-degree murder.

235. (1) Every one who commits first-degree murder or second-degree murder is guilty of an indictable offence and shall be sentenced to imprisonment for life.
- (2) For the purposes of Part XXIII, the sentence of imprisonment for life prescribed by this section is a minimum punishment.

Manslaughter

236. Every person who commits manslaughter is guilty of an indictable offence and liable
- (a) where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
- (b) in any other case, to imprisonment for life.

Attempted Murder

239. Every person who attempts by any means to commit murder is guilty of an indictable offence and liable
- (a) where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
- (b) in any other case, to imprisonment for life.

Criminal Harassment

264. (1) No person shall, without lawful authority and knowing that another person is [harassed or recklessly as to whether] the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.
- (2) The conduct mentioned in subsection (1) consists of
- (a) repeatedly following from place to place the other person or anyone known to them;
- (b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
- (c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or

(d) engaging in threatening conduct directed at the other person or any member of their family.

- (3) Every person who contravenes this section is guilty of
- (a) an indictable offence and is liable to imprisonment for a term not exceeding five years; or
- (b) an offence punishable on summary conviction.
- (4) Where a person is convicted of an offence under this section, the court imposing the sentence on the person shall consider as an aggravating factor that, at the time the offence was committed, the person contravened
- (a) the terms or conditions of an order made pursuant to section 161 or a recognizance entered into pursuant to section 810, 810.1 or 810.2; or
- (b) the terms or conditions of any other order or recognizance made or entered into under the common law or a provision of this or any other Act of Parliament or of a province that is similar in effect to an order or recognizance referred to in paragraph (a).
- (5) Where the court is satisfied of the existence of an aggravating factor referred to in subsection (4), but decides not to give effect to it for sentencing purposes, the court shall give reasons for its decision.

Assaults

- 264.1 (1) Every one commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat
- (a) to cause death or bodily harm to any person;
- (b) to burn, destroy or damage real or personal property; or
- (c) to kill, poison or injure an animal or bird that is the property of any person.
- (2) Every one who commits an offence under paragraph (1)(a) is guilty of
- (a) an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.
- (3) Every one who commits an offence under paragraph (1)(b) or (c)

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
 - (b) is guilty of an offence punishable on summary conviction.
265. (1) A person commits an assault when
- (a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
 - (b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
 - (c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.
- (2) This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.
- (3) For the purposes of this section, no consent is obtained where the complainant submits or does not resist by reason of
- (a) the application of force to the complainant or to a person other than the complainant;
 - (b) threats or fear of the application of force to the complainant or to a person other than the complainant;
 - (c) fraud; or
 - (d) the exercise of authority.
- (4) Where an accused alleges that he believed that the complainant consented to the conduct that is the subject matter of the charge, a judge, if satisfied that there is sufficient evidence and that, if believed by the jury, the evidence would constitute a defence, shall instruct the jury, when reviewing all the evidence relating to the determination of the honesty of the accused's belief, to consider the presence or absence of reasonable grounds for that belief.
266. Every one who commits an assault is guilty of
- (a) an indictable offence and is liable to imprisonment for a term not exceeding five years; or
 - (b) an offence punishable on summary conviction.

Assault with a weapon or causing bodily harm

267. Every one who, in committing an assault,
- (a) carries, uses or threatens to use a weapon or an imitation thereof, or
 - (b) causes bodily harm to the complainant, is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

Aggravated assault

268. (1) Every one commits an aggravated assault who wounds, maims, disfigures or endangers the life of the complainant.
- (2) Every one who commits an aggravated assault is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.
- (3) For greater certainty, in this section, "wounds" or "maims" includes to excise, infibulate or mutilate, in whole or in part, the labia majora, labia minora or clitoris of a person, except where
- (a) a surgical procedure is performed, by a person duly qualified by provincial law to practice medicine, for the benefit of the physical health of the person or for the purpose of that person having normal reproductive functions or normal sexual appearance or function; or
 - (b) the person is at least eighteen years of age and there is no resulting bodily harm.
- (4) For the purposes of this section and section 265, no consent to the excision, infibulation or mutilation, in whole or in part, of the labia majora, labia minora or clitoris of a person is valid, except in the cases described in paragraphs (3) (a) and (b).

Sexual assault

271. (1) Every one who commits a sexual assault is guilty of
- (a) an indictable offence and is liable to imprisonment for a term not exceeding ten years; or
 - (b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

Sexual assault with a weapon, threats to a third party or causing bodily harm

272. (1) Every person commits an offence who, in committing a sexual assault,
- (a) carries, uses or threatens to use a weapon or an imitation of a weapon;
 - (b) threatens to cause bodily harm to a person other than the complainant;
 - (c) causes bodily harm to the complainant; or
 - (d) is a party to the offence with any other person.
- (2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable
- (a) where a firearm is used in the commission of the offence, to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of four years; and
 - (b) in any other case, to imprisonment for a term not exceeding fourteen years.

Aggravated sexual assault

273. (1) Every one commits an aggravated sexual assault who, in committing a sexual assault, wounds, maims, disfigures or endangers the life of the complainant.
- (2) Every person who commits an aggravated sexual assault is guilty of an indictable offence and liable
- (a) where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
 - (b) in any other case, to imprisonment for life.

Meaning of “consent”

- 273.1 (1) Subject to subsection (2) and subsection 265(3), “consent” means, for the purposes of sections 271, 272 and 273, the voluntary agreement of the complainant to engage in the sexual activity in question.
- (2) No consent is obtained, for the purposes of sections 271, 272 and 273, where
- (a) the agreement is expressed by the words or conduct of a person other than the complainant;
 - (b) the complainant is incapable of consenting to the activity;
 - (c) the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;

- (d) the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or
 - (e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.
- (3) Nothing in subsection (2) shall be construed as limiting the circumstances in which no consent is obtained.

Where belief in consent not a defence

- 273.2 It is not a defence to a charge under section 271, 272 or 273 that the accused believed that the complainant consented to the activity that forms the subject matter of the charge, where
- (a) the accused’s belief arose from the accused’s
 - (i) self-induced intoxication, or
 - (ii) recklessness or wilful blindness; or
 - (b) the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting.

Spouse may be charged with sexual assault

278. A husband or wife may be charged with an offence under section 271, 272 or 273 in respect of his or her spouse, whether or not the spouses were living together at the time the activity that forms the subject matter of the charge occurred.

Sexual offences**Consent no defence**

- 150.1 (1) Where an accused is charged with an offence under section 151 or 152 or subsection 153(1), 160(3) or 173(2) or is charged with an offence under section 271, 272 or 273 in respect of a complainant under the age of fourteen years, it is not a defence that the complainant consented to the activity that forms the subject matter of the charge.
- (2) Notwithstanding subsection (1), where an accused is charged with an offence under section 151 or 152, 173(2) or section 271 in respect of a complainant who is twelve years of age or more but under the age of fourteen years, it is not a defence that the complainant consented to the activity that forms the subject-matter of the charge unless the accused
- (a) is twelve years of age or more but under the age of sixteen years;

- (b) is less than two years older than the complainant; and
 - (c) is neither in a position of trust or authority towards the complainant nor is a person with whom the complainant is in a relationship of dependency.
- (3) No person aged twelve or thirteen years shall be tried for an offence under section 151 or 152 or subsection 173(2) unless the person is in a position of trust or authority towards the complainant or is a person with whom the complainant is in a relationship of dependency.
- (4) It is not a defence to a charge under section 151 or 152, subsection 160(3) or 173(2), or section 271, 272 or 273 that the accused believed that the complainant was fourteen years of age or more at the time the offence is alleged to have been committed unless the accused took all reasonable steps to ascertain the age of the complainant.
- (5) It is not a defence to a charge under section 153, 159, 170, 171 or 172 or subsection 212(2) or (4) that the accused believed that the complainant was eighteen years of age or more at the time the offence is alleged to have been committed unless the accused took all reasonable steps to ascertain the age of the complainant.

Sexual interference

151. Every person who, for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of fourteen years is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction.

Invitation to sexual touching

152. Every person who, for a sexual purpose, invites, counsels or incites a person under the age of fourteen years to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the person under the age of fourteen years, is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years or is guilty of an offence punishable on summary conviction.

Sexual exploitation

153. (1) Every person who is in a position of trust or authority towards a young person or is a person with whom the young person is in a relationship of dependency and who
- (a) for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person, or
 - (b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years or is guilty of an offence punishable on summary conviction.
- (2) In this section, “young person” means a person fourteen years of age or more but under the age of eighteen years.

Sexual exploitation of person with disability

- 153.1 (1) Every person who is in a position of trust or authority towards a person with a mental or physical disability or who is a person with whom a person with a mental or physical disability is in a relationship of dependency and who, for a sexual purpose, counsels or incites that person to touch, without that person’s consent, his or her own body, the body of the person who so counsels or incites, or the body of any other person, directly or indirectly, with a part of the body or with an object, is guilty of
- (a) an indictable offence and liable to imprisonment for a term not exceeding five years; or
 - (b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.
- (2) Subject to subsection (3), “consent” means, for the purposes of this section, the voluntary agreement of the complainant to engage in the sexual activity in question.
- (3) No consent is obtained, for the purposes of this section, if
- (a) the agreement is expressed by the words or conduct of a person other than the complainant;

- (b) the complainant is incapable of consenting to the activity;
 - (c) the accused counsels or incites the complainant to engage in the activity by abusing a position of trust, power or authority;
 - (d) the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or
 - (e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.
- (4) Nothing in subsection (3) shall be construed as limiting the circumstances in which no consent is obtained.
- (5) It is not a defence to a charge under this section that the accused believed that the complainant consented to the activity that forms the subject matter of the charge if
- (a) the accused's belief arose from the accused's
 - (i) self-induced intoxication, or
 - (ii) recklessness or wilful blindness; or
 - (b) the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting.
- (6) If an accused alleges that he or she believed that the complainant consented to the conduct that is the subject matter of the charge, a judge, if satisfied that there is sufficient evidence and that, if believed by the jury, the evidence would constitute a defence, shall instruct the jury, when reviewing all the evidence relating to the determination of the honesty of the accused's belief, to consider the presence or absence of reasonable grounds for that belief.

Protecting the personal records of sexual offence victims (Sections 278.1 - 278.9)

Sections 278.1 to 278.9 of the *Criminal Code* govern the production of personal records about victims and witnesses in sexual offence proceedings. The provisions place the onus on the accused to establish that the records sought are likely relevant to an issue at trial and require the trial judge to carefully scrutinize applications and determine production in accordance with a two-part process involving a consideration of both the accused's rights to full answer and defence and the victim's rights to privacy and equality. The procedure to be followed is also set out in the *Code* and includes safeguards for the victim's privacy including an *in camera* (closed) hearing, non-compellability of the

victim at the hearing, a publication ban on the proceedings and the contents of the application, editing of the records (where ordered to be produced) to delete irrelevant personal information and the imposition of other appropriate conditions on production.

Provisions intended to facilitate the participation of victims and witnesses

In criminal proceedings, while the general rule is that all proceedings against an accused shall be held in open court, the *Criminal Code* sets out exceptions, including those which are intended to protect the privacy of victims, for example:

- subsection 486(2) which provides that, for sexual assault offences, an application may be made for an order excluding the public;
- subsections 486(3) and 486(4) which provide for an order prohibiting publication of the identity of sexual offence victims and certain witnesses;
- subsections 276.2 and 276.3 which provide for the exclusion of the public and which restrict publication of proceedings to determine the admissibility of evidence regarding a sexual assault complainant's sexual history;
- subsection 486(1.2) which permits that in sexual offence proceedings a support person may be present in court with a witness under the age of 14 years.

Other provisions that are designed to encourage the reporting of sexual offences include:

- subsection 486(2.1) which permits a sexual offence complainant who is under the age of 18 years or who has difficulty communicating, to provide their testimony from behind a screen or by closed-circuit TV, where the judge is of the opinion that this is necessary to obtain a full and candid account. This provision has recently been expanded to cover prostitution and assault offences;
- subsection 486(2.3) which provides that, in sexual offence proceedings, generally, a self-represented accused shall not personally cross-examine a witness under 14 years of age.

The court may appoint counsel for the accused to conduct the cross-examination;

- subsection 715.1 which permits, in proceedings relating to sexual offences, that where the victim or witness was under the age of 18 at the time of the offence, a videotape made within a reasonable time after the offence, describing the acts complained of, is admissible in evidence, if the victim or witness, while testifying, adopts the contents of the videotape;
- subsection 715.2 which permits, in proceedings relating to sexual offences, that where the victim or witness has difficulty communicating due to a disability, a videotape made within a reasonable time after the offence,

describing the acts complained of, is admissible in evidence, if the victim or witness, while testifying, adopts the contents of the videotape;

- subsection 161 permits the court to make an order prohibiting an offender convicted of a sexual offence involving a young person (under 14) from attending at or near certain public places where children may be present or seeking, obtaining or continuing employment that involves being in a position of trust or authority towards a young person;

Threats

- 264.1 (1) Every one commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat
- (a) to cause death or bodily harm to any person;
 - (b) to burn, destroy or damage real or personal property; or
 - (c) to kill, poison or injure an animal or bird that is the property of any person.
- (2) Every one who commits an offence under paragraph (1)(a) is guilty of
- (a) an indictable offence and liable to imprisonment for a term not exceeding five years; or
 - (b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.
- (3) Every one who commits an offence under paragraph (1)(b) or (c)
- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
 - (b) is guilty of an offence punishable on summary conviction.

Kidnapping and forcible confinement

279. (1) Every person commits an offence who kidnaps a person with intent
- (a) to cause the person to be confined or imprisoned against the person's will;
 - (b) to cause the person to be unlawfully sent or transported out of Canada against the person's will; or
 - (c) to hold the person for ransom or to service against the person's will.
- (1.1) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable

- (a) where a firearm is used in the commission of the offence, to imprisonment for life and to a minimum punishment of imprisonment for a term of four years; and
 - (b) in any other case, to imprisonment for life.
- (2) Every one who, without lawful authority, confines, imprisons or forcibly seizes another person is guilty of
- (a) an indictable offence and liable to imprisonment for a term not exceeding ten years; or
 - (b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.
- (3) In proceedings under this section, the fact that the person in relation to whom the offence is alleged to have been committed did not resist is not a defence unless the accused proves that the failure to resist was not caused by threats, duress, force or exhibition of force.

Recognizances (Sections 810-811)

Sections 810 to 810.2 authorize a provincial court judge or justice of the peace to require an individual to enter into a recognizance (also known as a "peace bond") where there are grounds to believe that the individual will [cause injury to, or damage to the property of] another person, will injure the spouse or child of the other person, will commit a sexual offence against a child or will commit a serious personal injury offence. The recognizance can be for a period of up to 12 months and may contain various conditions such as non-communication orders or prohibitions on possession of firearms. Section 811 provides that a breach of a recognizance results in an indictable offence punishable by a maximum of five years imprisonment or an offence punishable on summary conviction.

Sentencing

- 718.2 A court that imposes a sentence shall also take into consideration the following
- (a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,
 - (i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor,

- (ii) evidence that the offender, in committing the offence, abused the offender's spouse or common-law partner or child,
 - (iii) evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim, or
 - (iv) evidence that the offence was committed for the benefit of, at the direction of or in association with a criminal organization shall be deemed to be aggravating circumstances;
- (b) a sentence should be similar to sentences imposed on similar offenders for similar offences committed in similar circumstances;
- (c) where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;
- (d) an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances; and
- (e) all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.

Appendix 3

Provincial/Territorial domestic violence legislation

Province / Territory	Family violence legislation	Definition of family violence in the legislation	Components of the legislation	Stage in the legislative process
Saskatchewan	<i>Victims of Domestic Violence Act</i>	Domestic violence is described as (i) any intentional or reckless act or omission that causes bodily harm or damage to property; (ii) any act or threatened act that causes a reasonable fear of bodily harm or damage to property; (iii) forced confinement; or (iv) sexual abuse.	The purpose was to improve the immediate and long-term criminal justice response to the victims of domestic violence. There are three components to the Act: emergency intervention orders, victim assistance orders, and warrants of entry.	Proclaimed February 1995
Prince Edward Island	<i>Victims of Family Violence Act</i>	Family violence includes violence against that person by any other person with whom that person is, or has been, in a family relationship; violence is (a) any assault of the victim; (b) any reckless act or omission that causes injury to the victim or damage to property; (c) any act or threat that causes a reasonable fear of injury to the victim or damage to property; (d) forced confinement of the victim; (e) actions or threats of sexual abuse, physical abuse, or emotional abuse of the victim (Victims of Family Violence Act)	The purpose of the Act is to protect the victims of family violence by improving the criminal justice response to family violence. There are two main components of the Act: emergency protection orders and victim assistance orders. ¹	Proclaimed December 1996
Manitoba	<i>The Domestic Violence and Stalking Act</i>	Domestic violence occurs when a person is subjected by a cohabitant of the person to (a) an intentional, reckless or threatened act or omission that causes bodily harm or damage to property; (b) an intentional, reckless or threatened act or omission that causes a reasonable fear of bodily harm or damage to property; (c) conduct that reasonable, in all circumstances, constitutes psychological or emotional abuse; (d) forced confinement; or (e) sexual abuse.	The objective of the Act is to provide quick and simple protection to victims as well as to prevent further occurrences of domestic violence and stalking. The Act has two main components: protection orders by designated justices of the peace, prevention orders by the court of the Queen's bench. The Act also contains the tort of stalking which allows the victim to sue the stalker for compensation.	Proclaimed September 1999 Amended 2005
Alberta	<i>Protection Against Family Violence Act</i>	Family violence includes (i) any intentional or reckless act or omission that causes injury or property damage and that intimidates or harms a family member, (ii) any act or threatened act that intimidates a family member by creating a reasonable fear of property damage or injury to a family member, (iii) forced confinement, (iv) sexual abuse and stalking.	The purpose of the Act is to provide protection to victims of family violence and to improve the justice system's response to family violence. There are three main components to the Act: emergency protection orders, Queen's Bench protection orders and other provisions, including warrant permitting entry.	Proclaimed June 1999. Amended 2006. Received Royal Assent March 2006 and comes into force November 2006.

Provincial/Territorial domestic violence legislation – continued

Province / Territory	Family violence legislation	Definition of family violence in the legislation	Components of the legislation	Stage in the legislative process
Yukon Territory	<i>Family Violence Prevention Act</i>	Family violence includes persons who have been cohabitants. Family violence is identified as (a) any intentional or reckless act or omission that causes bodily harm or damage to property; (b) any act or threatened act that causes a reasonable fear of bodily harm or of damage to property; (c) forced confinement; (d) sexual abuse; or (e) depriving a person of food, clothing, medical attention, shelter, transportation, or other necessities of life.	<p>The purpose of this Act is to recognize that family violence is a serious problem, to improve legal responses to assist the victims of family violence, to recognize the difficulty that victims encounter when they must leave their home to escape abuse and to prevent family violence. There are three main components: emergency intervention orders, victim's assistance order, and warrant to authorize entering premises.</p> <p>Recent additions to the Act but still before the legislature as of November 2005 were increases to the penalties for second and subsequent charges for family violence. Other changes included an amendment to the definition of Family Violence which would include psychological and emotional abuse.</p> <p>Recent additions to the Act but still before the legislature as of November 2005 were increases to the penalties for second and subsequent charges for family violence. Other changes included an amendment to the definition of Family Violence which would include psychological and emotional abuse.</p> <p>The purpose of the legislation is to improve the immediate and long-term judicial response to victims of domestic violence.</p> <p>There are three components to the Act:</p> <ul style="list-style-type: none"> • emergency protection orders, • protection orders, • warrants of entry. 	<p>Proclaimed November 1999</p> <p>Tabled in the Yukon legislature October 2005</p> <p>Proclaimed April, 2005</p>
Northwest Territories	<i>Protection Against Family Violence Act</i>	<p>Domestic violence is described as (a) any intentional or reckless act or omission that causes bodily harm or damage to property;</p> <p>(b) an intentional, reckless or threatened act or omission that: (i) causes the applicant to fear for his or her safety; (ii) causes the applicant to fear for the safety of any child of the applicant or any child who is in the care of the applicant, or (iii) causes any child of the applicant or any child who is in the care of the applicant to fear for his or her safety;</p> <p>(c) sexual abuse</p>		

Provincial/Territorial domestic violence legislation – concluded

Province / Territory	Family violence legislation	Definition of family violence in the legislation	Components of the legislation	Stage in the legislative process
Northwest Territories – concluded		<p>d) forcible confinement; or</p> <p>(e) psychological, emotional or financial abuse that causes harm or the fear of harm to the applicant, any child of the applicant or any child who is in the care of the applicant.</p>		
Newfoundland and Labrador	<i>Family Violence Protection Act</i>			
Nova Scotia	<i>Domestic Violence Intervention Act</i>	<p>Domestic violence is (i) an assault that consists of the intentional application of force that causes the victim to fear for his or her safety, but does not include any act committed in self-defence; (ii) an act or omission or threatened act or omission that causes a reasonable fear of bodily harm or damage to property; (iii) forced physical confinement; (iv) sexual assault, sexual exploitation or sexual molestation, or the threat of sexual assault, sexual exploitation or sexual molestation or; (v) a series of acts that collectively causes the victim to fear for his or her safety, including following, contacting, communicating with, observing or recording any person.</p>		Received royal assent December 2005; came into force July 2006