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March 30, 2015

Ms. Sherri Lee
Senior Policy and Legislation Analyst
Ministry of Justice
PO Box 9290 Prov Govt
Victoria, BC V8W 9J7

Dear Ms. Lee:

Re: Feedback on Draft Justice Framework to Address Violence Against Aboriginal Women and Girls

We write in response to the February 5, 2015 letter from Lori Wanamaker, FCA, Deputy Attorney General, inviting feedback on the November 2013 Draft Justice Framework to Address Violence Against Aboriginal Women and Girls (“Draft Framework”).

West Coast LEAF remains deeply concerned about violence against Indigenous women in BC and throughout Canada. In our view, the Federal/ Provincial/ Territorial governments have a duty to take urgent and diligent steps to address this ongoing crisis.

Introduction

West Coast LEAF formed in 1985, the year the equality guarantees of the *Canadian Charter of Rights and Freedoms* came into force. Our mission is to achieve equality by changing historic patterns of discrimination against women through BC-based equality rights litigation, law reform and public legal education.

West Coast LEAF is a member of a coalition of Indigenous, women’s and community groups and family members of missing and murdered women, which formed in response to being denied funding and essentially shut out of the Missing Women Commission of Inquiry. We are also a member of the Legal Strategies Coalition on Violence Against Indigenous Women (the “LSC”). In partnership with the Pivot Legal Society and the BC Civil Liberties Association,

we produced the 2012 report, "[Blueprint for an Inquiry: Learning from the Failures of the Missing Women Commission of Inquiry.](#)"

We urge the Federal/ Provincial/ Territorial justice departments to implement the following recommendations concerning the Draft Framework.

Recommendation #1: Any Draft Framework should reflect the significant work already done on the issue of violence against Aboriginal women and girls, including recommendations for a national inquiry.

In recent years, there has been a significant amount of work done on the issue of how to address violence against Aboriginal women and girls, as is summarized in the February 2015 report of the LSC entitled "[Review of Reports and Recommendations on Violence Against Indigenous Women in Canada.](#)" That report provides a thorough summary of work already undertaken on this issue. Notably, much of the work summarized has been done by Aboriginal or women's organizations. The report illustrates that there is **considerable agreement in the literature with respect to the recommendations for future action to prevent and end violence against Indigenous women in Canada. What remains to be done is to understand and remove any obstacles to implementing these recommendations, so that real change can begin.**

In particular, multiple reports have recommended a national commission of inquiry to investigate the persistence of violence against Indigenous women and girls, and there has been a clear call for such an inquiry from Aboriginal and women's organizations. Any draft framework for addressing systemic violence against Aboriginal women and girls should reflect this significant work already undertaken and the clear recommendations that have resulted from that work, including the call for a national commission of inquiry.

In addition, if any national commission of inquiry is to take place, it should adhere to the recommendations related to collaboration and consultation, terms of reference, participation, quality and rules of evidence, and independence set out in "Blueprint for an Inquiry: Learning from the Failures of the Missing Women Commission of Inquiry."

Recommendation #2: Acknowledgment of the impacts of colonialization and residential schools on Aboriginal people should be a foundational guiding principle.

The Draft Framework acknowledges the importance of healing in the context of the cross-generational impacts of colonialization and residential schools on Aboriginal individuals, families and communities. However, these impacts are not acknowledged in the draft principles designed to guide how governments,

Aboriginal groups and other partners will work together in the future to address violence against Aboriginal women and girls.

The common principles that will guide collaboration must expressly acknowledge the impact of colonialism and residential schools on Aboriginal people and communities.

Recommendation #3: The Draft Framework should reflect the importance of support for victims of violence at all stages of the justice system.

The Draft Framework references assisting victims and addressing the safety and healing of individuals, including victims. However, ongoing assistance and services to support victims are only identified within some stages of the justice system. In particular, the table setting out opportunities to respond to violence against Aboriginal women and girls makes no reference to supporting victims during the "follow-up" phase of the justice system. During that phase, the identified opportunities are limited to supports and services for offenders and families of missing and murdered Aboriginal women and girls.

The Draft Framework should expressly prioritize supporting victims of violence throughout every stage of the justice system, including the "follow-up" stage.

Recommendation #4: The Draft Framework should reflect the importance of providing adequate legal aid to victims of violence.

The Draft Framework prioritizes "improving responses to violence within intimate relationships and families" and "identifying what can be done within the existing justice system to protect and assist Aboriginal women who are victims of violence". In the table setting out "example justice system, responses", there are several specific and important supports and policy changes identified, however there is no mention of the importance of adequate legal aid for victims of violence.

Meaningful access to justice is a fundamental part of supporting women who experience family violence. Adequate legal aid is necessary to ensure women can protect themselves and their children, and access fair support arrangements and equitable division of family property. The lack of legal support available undermines a woman's ability to leave an abusive situation.

The Draft Framework should expressly identify the provision of accessible, affordable legal assistance, including legal representation, as an important justice system priority in order to meaningfully respond to violence against Aboriginal women and girls.

Conclusion

While we were pleased to see the Draft Framework as the groundwork to support future efforts to address violence against Aboriginal women and girls, we urge the Federal/ Provincial/ Territorial justice departments to consider the above recommendations. Thank you for the opportunity to provide feedback.

Yours truly,

A handwritten signature in black ink, appearing to read 'K. Milne', with a long horizontal flourish extending to the right.

Kendra Milne
Director of Law Reform
West Coast LEAF