



Submission to the House of Commons Standing Committee on Justice and Human Rights on the Study of the Impacts of COVID-19 on the Justice System in Canada

“A pandemic doesn't make [violence] stop. A pandemic just makes that silent.”ⁱ

- Wanda McGinnis, CEO of the Wheatland Crisis Society in rural Alberta

Submitted by: Ms. Heidi Illingworth, Ombudsman
Office of the Federal Ombudsman for Victims of Crime
May 2021

ABOUT THE OFFICE OF THE FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME

The Office of the Federal Ombudsman for Victims of Crime helps victims to address their needs, promotes their interests and makes recommendations to the federal government on issues that affect victims. For more information visit: www.victimsfirst.gc.ca

CONTEXT

As Federal Ombudsman for Victims of Crime, my mandate is to help ensure that the rights of victims and survivors of crime are respected and upheld, and that the federal government meets its obligations to victims. In addition to assisting individual victims, I also have a responsibility to identify and bring forward emerging and systemic issues that negatively affect victims of crime at the federal level.

One such issue is the effect of the COVID-19 pandemic on victims and survivors of crime. There is no doubt that the pandemic has had profound effects on Canada's criminal justice system (CJS). Unfortunately, the measures that have been deemed necessary in order to contain the spread of the virus and keep people safe and healthy (i.e., 'stay at home orders'), have had the unintended consequence of jeopardizing the safety (i.e., physical, emotional, psychological, financial) of many Canadians. It is important to recognize that the pandemic has exacerbated challenges faced by victims of crime in Canada and has had disproportionate effects on vulnerable populations who are already at greater risk of experiencing violence and victimization (i.e., women, members of the 2SLGBTQ+ community, Indigenous peoples and racialized individuals).

In March 2020, I wrote a [letter](#) to Minister Maryam Monsef and Minister David Lametti expressing my concern for the victimization of vulnerable persons during the COVID-19 pandemic, in particular: women and children experiencing intimate partner violence (IPV) and family violence (FV). In May 2020, I wrote to Dr. Theresa Tam regarding the need for [a violence-prevention strategy as part of Canada's pandemic recovery plan](#), given that family and gender-based violence is a serious public health issue. I remain concerned about our most vulnerable citizens, and have since written to Minister Deb Schulte [regarding the rising rates of elder abuse](#); to Minister Lametti regarding the [need to repeal s. 43 of the Criminal Code](#) to reduce physical punishment of children; and have provided a [Submission to the United Nations Special Rapporteur on Violence Against Women](#) on the increase of domestic violence during COVID-19. I invite you to review these documents linked herein.

I am pleased to provide a submission on this matter. This submission will focus on two important areas in which the pandemic has affected the CJS. First, the submission will discuss the heightened risks faced by victims of IPV and FV in the context of the COVID-19 pandemic. For many in Canada, home is not a safe place. Experts agree that intimate partner violence and violence against children is increasing significantly in Canada as a result of pandemic emergency measures - this has been referred to as the 'shadow pandemic'. There are many intersecting issues currently intensifying tensions and stress in the home and within families that can lead to an increased risk of violence. For example, many are experiencing increased stress due to lack of childcare options, as well as increased job loss and unemployment, which disproportionately affect women of colour and immigrant communities.ⁱⁱ Where workplaces, schools, community agencies and social supports used to serve as opportunities for connection and solace for many victims of domestic violence, these individuals are now isolated with limited or no access to usual services and supports. If individuals are able to reach out for help: they may not be able to access services or support, as many essential services, such as domestic violence shelters and crisis/helplines, are over-capacity.ⁱⁱⁱ Along with the shadow pandemic, we have seen a rise in hate crimes with anti-Asian violence and ongoing anti-black racism.

Second, the submission will discuss how COVID-19 has affected the ability of the CJS to perform essential and necessary functions, as well as access to justice, for many victims and

survivors of crime. Prior to the COVID-19 pandemic, victims and vulnerable populations reported experiencing many barriers to navigating the CJS and feeling like an afterthought. As a result of the pandemic, the CJS has become even more limited in its ability to perform its necessary and essential functions. Many victims and survivors of crime have been unable to get the help they need, or access to justice in the aftermath of crime, which has been evidenced through major court delays, added barriers to victim participation and reduced service provision.

POSITION

In the context of the COVID-19 pandemic, inequities related to social determinants of health have been magnified.^{iv} While the pandemic has affected everyone in significant ways, we know its effects have been unequal. We often use the word “safety” in relation to keeping Canadians healthy in the context of COVID-19. However, we know that safety is a privilege, and is not the reality for many Canadians based on many intersecting factors. Moreover, safety must be considered from a holistic standpoint- as not simply the absence of illness or exposure to the virus,- but rather, the emotional, social, financial, physical and psychological well-being and the absence of violence and abuse. Victims and vulnerable persons must be considered at the heart of this discussion as decisions continue to be made around keeping Canadians “safe”.

This is especially true in the context of the shadow pandemic, where the experience of safety and feeling safe in one’s own home, is simply not the reality for individuals experiencing IPV and FV. It is imperative that the safety of vulnerable persons in all senses is at the forefront of policy and decision-making. To do so, we must ensure that we are not worsening the shadow pandemic with lockdowns and other measures, and are considering the importance of access to justice. Now more than ever, victims of crime need protection, support and access to swift justice. We cannot put the CJS on pause because of the pandemic. We must respond accordingly to rising violence and victimization and find ways to keep the CJS functioning optimally. It is important for victims and the general public to know that justice is being carried out. To do so, we must continue to modernize the CJS and finding innovative ways of administering justice that are efficient, effective and victim-centered including leveraging video and audio/teleconferencing technologies in all regions of Canada.

CONSIDERATIONS

Heightened risks due to IPV among vulnerable groups: With many Canadians isolated at home, IPV and FV is becoming increasingly isolated and hidden from sight- posing increased safety risks for victims. The OFOVC has heard from victim service agencies across the country that they fear for women and children, who are isolated at home with their abusers. Many victims may be unable or afraid to make the call for help with abusers ever-present.

In Canada overall, the violence rate has risen by 20 to 30 percent. In the province of Ontario, police departments reported a 22% increase in domestic incidents and sexual assault reports since the beginning of the pandemic.^v Calls to domestic violence shelters have tripled in some areas of the country^{vi}. Conversely, in other areas, concerns about social distancing and fears about the virus spreading have resulted in fewer calls to women’s shelters, and fewer survivors in shelters. In some cities, there has been a significant drop in calls or fewer requests for help at shelters, sexual assault centres or crisis lines, especially in rural communities. Yet none of this means that domestic violence is not occurring. Weapons are

becoming a more common feature of domestic violence cases in the COVID-19 era; Victim Services Toronto now has to arrange three times as many crime scene clean-ups.^{vii}

Further, perpetrators of domestic violence may use the Covid-19 pandemic as another means to exert coercive control. They may reduce their partner's access to psychological support, help, and services; they may restrict access to necessities such as soap and hand sanitizer; and they may exert control by intently spreading misinformation about the disease and stigmatize victims.^{viii}

Canadian victim service programs have also been significantly impacted by COVID-19. According to a 2020 Statistics Canada Report that surveyed numerous victim service organizations, the top three factors that impacted their ability to provide services to clients have been: Accessing Resources for clients; Shift to work from home; and Availability of volunteers.^{ix} As a result of public health measure and restrictions, many of the essential in-person services (i.e., court preparation and accompaniment) have been suspended, with many staff working from home. Many victim service agencies are largely staffed by volunteers. The suspension of many volunteer programs deemed 'non-essential' during this time has been a significant barrier in their ability to provide services to the best of their ability. While many agencies adapted their services to the best of their ability, providing adequate support and access to victims has been gravely impacted as a result of the pandemic. This is especially concerning in the context of rising IPV and FV during the pandemic.

While I applaud federal initiatives, such as the Feminist Response and Recovery Fund, for the additional support they will provide to women who are victims of IPV, I believe there must be greater emphasis on, and funding for, addressing the root causes of IPV and FV in order to prevent violence before it occurs.

Vulnerable Populations: It is important to recognize that the pandemic has had a disproportionate impact on vulnerable populations. Evidence indicates that the risk and number of violent incidents against women and children are increasing, especially among Indigenous, racialized, disabled and newcomer women and children and individuals who identify as 2SLGBTQ+. Preliminary data support the idea that the pandemic is hitting marginalized communities harder than others.^x Moreover, these marginalized groups must cope with considerable structural oppression. For instance, individuals who identify as 2SLGBTQ+ have voiced that receiving help from victim service providers is often a barrier itself, as victim service organizations may overlook the importance of considering and addressing multiple intersectional identities.^{xi} These various barriers significantly affect the safety of marginalized women as well as the inequalities they face, which can contribute to violence.^{xii}

Femicide: Femicide has increased in Canada in the past year. According to the 2020 Report "#CallitFemicide" by the Canadian Femicide Observatory for Justice and Accountability, in the year of 2020, a total of 160 women and girls were killed by violence in Canada. Of these 160 deaths, 128 of these women, or 80%, were killed by men. Moreover, despite comprising less than 5% of the Canadian population, Indigenous women and girls are overrepresented as victims, comprising 1 in 5 of the women and girls killed. The "#CallitFemicide report calls for the need to 'make visible the invisible victims' and my office stands by this call to action.

Violence against children: Child welfare agencies have also logged fewer reports of child abuse. This is likely due to fewer witness accounts: school staff make 90 percent of all reports of child abuse—but children have been out of school due to the pandemic. A recent study by Sistovar et al. (2020) notes that children in care are at greater risk of harm, not only from the

pandemic, but from physical and emotional maltreatment, gender-based violence, mental health and psychosocial distress, exploitative labour, separation from caregivers and social exclusion.^{xiii} Research shows that system resources and capacity are under considerable pressure as agencies and child protection workers struggle to provide services and supports to clients.

Due to the increase in FV during the pandemic, and the decreased visibility of children given stay at home measures, my office remains concerned about the increased vulnerability of children, - especially those who are already at risk of experiencing violence. It is well established in the scientific literature that early childhood trauma can have lifelong consequences for victims such as poor mental health, physical illness, neuropsychological changes, and behavioural concerns (e.g., impulsivity).^{xiv} Far too many Canadians, particularly many Indigenous peoples, are living with the consequences of intergenerational trauma. As previously addressed in my August 2020 letter to Minister Lametti, I recommended repealing s. 43 of the *Criminal Code*: “Correction of a Child by Force”.

Elder Abuse: Seniors represent a vulnerable population as they often rely on others to care for them and fulfill their basic needs as they age. This dependence exposes seniors to various forms of harm, neglect and exploitation. Service providers have reported a worrisome increase in elder abuse during the COVID-19 pandemic, which has been exacerbated due to isolation and increased stresses – including for unpaid family caregivers. This has made seniors particularly vulnerable to abuse, while further shrouding the issue in silence. Like most abuse that occurs in the private sphere of the home at the hands of those that victims trust, elder abuse is insidious in nature, and largely hidden from view. This is especially concerning for elderly persons living in private homes where violence is already a present issue. We know that people who have been victims in the past are more likely to be re-victimized. COVID-19 has made the issues of elder abuse particularly salient: we must put more tools in place to support the detection of elder abuse and protect the well-being of seniors across Canada, especially during COVID-19.

Indigenous Peoples: Indigenous women in Canada faced higher levels of violence and abuse before the pandemic, as highlighted by the National Inquiry into Missing and Murdered Indigenous Women and Girls. In fact, Indigenous women are three times more likely than their non-Indigenous counterparts to suffer violent victimization^{xv}. The National Inquiry’s final report revealed that persistent and deliberate human and Indigenous rights violations and abuses are behind Canada’s staggering rates of violence against Indigenous women, girls and 2SLGBTQ+ people.^{xvi} Despite comprising less than five percent of the Canadian female population, they represent at least 25 percent of female murder victims.^{xvii} In a recent survey of more than 250 Indigenous women, one in five reported having been a victim of physical or psychological violence over the past three months.^{xviii} Moreover, many shelters and sexual assault centres in Canada are not run for or by Indigenous peoples; thus, many Indigenous women encounter additional barriers to access. Even in Canada’s largest city, Toronto, there is not yet a shelter exclusively for Indigenous women.

Overall, it appears that Indigenous women and families have been among the hardest hit with respect to increased domestic violence arising from the forced measures to remain at home. If they leave their homes, they are at the mercy of shelters and agencies whose resources have been strained and reduced.

Newcomers: Newcomer women in Canada hold intersecting identities that can cause them to experience discrimination such as socioeconomic marginalization, financial insecurity,

isolation, and power imbalances in relationships. These factors can make women who are new to Canada more vulnerable to gender-based violence. A recent public health analysis of COVID-19 cases in the city of Toronto showed that neighborhoods in the city with the lowest incomes, highest rates of unemployment and highest concentrations of newcomers consistently had twice the number of cases and more than twice the rate of hospital admissions.^{xix}

Overall, in Canada, the COVID-19 pandemic has increased economic marginalization and unemployment. This can be a difficult experience for newcomer families, especially if male members' identities are tied to their ability to provide for the household. Unemployment has been linked to the use of punitive measures against children, increased alcoholism and violence.^{xx} As the pandemic leaves more people unemployed and financially stressed, we are likely to see an increase in gender-based violence as men assert their masculinity. Compounding this reality is the fact that newcomer women and families without citizenship status face barriers to accessing information, counselling, community services, medical services and emergency services to keep them safe.

Black Canadians: Race-based data out of the Hospital for Sick Children in Toronto shows that Black Canadians are far more likely to get sick and be hospitalized from COVID-19 than any other Canadians.^{xxi} Researchers suspect risk factors at play include crowded living situations (i.e., multigenerational homes); pre-existing medical conditions often associated with low socioeconomic status; and factors relating to employment that increase risk of exposure (i.e., frontline work, and holding multiple jobs). Understanding and addressing the implications of systemic racism for Black Canadians is essential in contextualizing this information.

According to a 2018 Human Rights Commission study, Black people are vastly overrepresented in cases in which police used force against civilians. In the face of COVID-19 and police violence, black health leaders, researchers and advocates are calling for systemic anti-black racism in Canada to be considered a public health crisis.^{xxii}

As announced in the Fall Economic Statement of 2020, entitled: "Supporting Canadians and Fighting COVID-19"^{xxiii}, I am aware of the Federal Government's adoption and funding of the "Impact of Race and Culture Assessments" (ICRAs). This is an important step towards working to combating systemic racism in the CJS and I would like to express my support of this initiative.

Anti-Asian Violence: Since the COVID-19 pandemic began, there has been an increase in racism and violence against Asian people and people of Asian descent worldwide. These individuals have been the targets of harmful rhetoric, derogatory language, as well as hateful and racist acts both online and in-person in Canada and around the world.^{xxiv} Data from Statistics Canada shows that Canadians with Asian backgrounds were more likely to report noticing increased racial or ethnic harassment during the pandemic.^{xxv}

Delays and limited access to justice, as CJS unable to perform essential and necessary functions

Limited scope of operations for criminal courts

Since the beginning of the COVID-19 pandemic in Canada, criminal, family and civil court operations have been significantly reduced due to physical distancing measures and other public health and safety requirements.^{xxvi} To protect the health and safety of court users and contain the spread of COVID-19, most courts suspended regular operations or adjourned matters. Courts have largely been hearing urgent matters only during this period.

While many businesses and governments have adapted their operational environments with various software and technology, many courthouses across Canada have old infrastructure, and implementing videoconferencing has been a challenge. For some in remote areas, bandwidth and internet access remains an issue. Some courthouses are adapting with audioconferencing for sentencing hearings and urgent matters, which is positive. However, generally, we are not sure how many domestic violence cases are moving forward in the courts right now.

There is a need to continue to prosecute those accused of intimate partner violence and hold them accountable. Addressing measures surrounding the interim release of individuals accused of domestic violence is also very important and cannot be overlooked during the pandemic.

Availability and accessibility of protection orders in the context of the COVID-19 pandemic

We do not know the full extent to which victims' access to safety and protective measures in the aftermath of violence has been inhibited by various government actions aimed at containing the spread of the virus.

At the beginning of the pandemic, in the province of Alberta, Queen's Bench justices were hearing only family law cases where there was a risk of violence or immediate harm to one of the parties or a child, or a risk the child would be removed from the province. Certain child welfare cases met that threshold, along with reviews of emergency protection orders (EPOs), a type of restraining order that courts can issue in cases of domestic violence. Despite the current court limitations, more EPOs were issued in the first four months of 2020 than during same period in 2019, according to the Alberta justice ministry. Between January and April 2020, Albertans sought 1,110 EPOs, 802 of which were granted. Both numbers were up roughly five per cent year over year.^{xxvii}

Courts not imposing custodial sentence/Early release of offenders from custody

We are hearing that due to the risk of the virus, many peace officers are releasing those accused of domestic violence on bail instead of holding them in remand, pending court proceedings. This presents a high risk to the victim's safety.

Similarly, my office has heard from concerned victims regarding media coverage suggesting the potential release of offenders from correctional institutions at both the federal and provincial/territorial levels as a direct result of COVID-19. Ensuring victims feel safe and protected in their communities must be a top priority at all times. Relaying factual information to victims and survivors in a timely manner plays a critical role in doing so.

Delays in the justice system

My office remains concerned about the growing gap in access to justice. We know, from the victims and families, who engage with us, that there are long delays in their cases proceeding through our criminal courts. COVID-related delays are worsening the pre-existing backlog of criminal cases; meaning that victims are forced to wait even longer to receive justice. This demonstrates a seriously imbalance, given that accused persons have the right to be tried within a reasonable time guaranteed by the Charter. The administration of justice must be timely in Canada, as the public, including victims of crime, deserve timely access to justice and will continue to lose confidence in the justice system if cases languish in remand, or are thrown out as a result of delays. Victims and survivors report to my Office feeling re-victimized and re-traumatized each time a court hearing is delayed; are affected financially, emotionally, and

psychologically, and suffer from stress, anxiety, re-victimization, and fear for their personal safety while an accused person may be out on bail. The longer the delay before trial, the greater risk of forgetting important details about the crime. Victims often report being stuck psychologically, unable to move forward with their healing as they await a justice outcome.

Court-delays amidst the pandemic are further compounded by rising self-representation in the CJS. This is especially true for individuals who are unable to afford legal counsel and do not qualify for legal aid^{xxviii}. The rising inaccessibility of legal counsel leaves victims vulnerable to barriers in accessing sound legal advice and representation. Access to swift and fair justice is a basic human right for all Canadians and it should be treated as such.

Victims may also be affected financially when cases are delayed. Victims and survivors have shared concerns with my Office around the financial impact they have suffered, including the loss of income as a result of COVID-19. One family approached the OFOVC to inquire about supports and services available to them. When their son was murdered in August 2020, the family had to use their Canada Emergency Response Benefit (CERB) to pay for his funeral.

Victims require extra time away from work when trials are delayed, which can jeopardize their employment. Additional concerns include childcare arrangements beyond their normal requirements.

Finally, there is a risk of cases being dismissed if pushed past the ceilings that the Supreme Court of Canada (SCC) imposed in July 2016. In its decision in *R. v. Jordan*, the SCC established presumptive ceilings – 18 months for cases tried in provincial courts and 30 months for cases tried in superior courts (or cases tried in provincial courts after a preliminary inquiry).

To deal with the growing backlog, there have been calls for a mass purging of cases. This would be unacceptable to most victims and survivors, especially given the rise in IPV and FV that have been reported during the pandemic. There is a need to hold abusers accountable. We must also be very careful about the release of individuals accused of domestic violence, which cannot be overlooked during the pandemic. The *Canadian Victims Bill of Rights* requires that the rights of victims of crime be considered in the interest of the proper administration of justice.

We must consider alternate ways to deliver justice to victims and survivors of crime and hold offenders accountable, such as through restorative or transformative justice. Transformative Justice (TJ) is a political framework and approach for responding to violence, harm and abuse¹. At its most basic, it seeks to respond to violence without creating more violence and/or engaging in harm reduction to lessen the violence.

I note the Minister of Justice's introduction of Bill C-23 in February 2021, which proposes changes to the *Criminal Code* to enhance the efficiency and effectiveness of Canada's criminal justice system. It is my hope that these measures will help to relieve the pressure on the courts

¹ Transformative Justice (TJ) can be thought of as a way of “making things right,” getting in “right relation,” or creating justice together. TJ responses and interventions:

- a) do not rely on the state (e.g. police, prisons, the criminal legal system, foster care system) though some TJ responses do rely on or incorporate social services like counselling;
- b) do not reinforce or perpetuate violence such as oppressive norms or vigilantism; and most importantly,
- c) actively cultivate the things we know prevent violence such as healing, accountability, resilience, and safety for all involved.

by leveraging video and teleconferencing technologies to help speed up filings and hold hearings in an inclusive and efficient way.

Failure of CJS officials to respect victims' rights

At the federal level – victims' rights to access and participate during the conditional release process were initially limited as a result of COVID-19. Early in the pandemic and ensuing lockdown, we learned that the Parole Board of Canada (PBC) cancelled all observers from attending hearings until further notice in an effort to comply with national measures aimed at stopping the spread of COVID-19. Immediately, my Office began receiving complaints from victims and stakeholders about hearings continuing without victims present.

While we agreed that measures were needed to slow the transmission of COVID-19, our view was that the PBC should try to use technology to accommodate victims, given their right to participate and convey their views as set out in the law. Worse, we then learned that the same limitations were not being imposed on offenders' assistants, for whom accommodations were being made on a case-by-case basis.

Given that considering the rights of victims of crime is in the interest of the proper administration of justice, the OFOVC worked to address this unfair treatment. I am pleased to be able to say officials responded, and victims were subsequently allowed to participate in PBC hearings via telephone or videoconference. We must ensure that victims' rights are respected and not overlooked during COVID-19 and beyond.

RECOMMENDATIONS

1. Recognize victim services as essential and provide emergency (during COVID-19) and long-term sustainable funding to these organizations.

Frontline agencies, advocates, resources and programs are essential in helping victims navigate the criminal justice system, access justice, prevent revictimization and work toward healing. Access to services and supports for victims is a basic need and human right.^{xxix} Many front-line victim-serving organizations (such as Victim Services), are highly volunteer-based. Given the suspension of many volunteer programs during COVID-19, coupled with increasing rates of violence and victimization, many agencies are unable to respond to the increasing demand given their limited resources. Long-term sustainable funding will allow these agencies to respond more effectively during the COVID-19 pandemic and beyond.

2. Create new legislation to criminalize coercive control in intimate partner violence.

Police in Canada are limited in the response they can provide when they arrive on scene, and there is no evidence of physical violence against a victim. Many survivors experience coercive and controlling behaviours, which perpetrators use to instill fear in their partners-these are emotional, psychological and financial abuses for which perpetrators are not often charged. This behaviour causes victims to fear for their safety and may include acts such as destroying the victim's personal property, and efforts to isolate or intimidate the victim by closely monitoring their behaviours and interactions with other people. Coercive control is a gap in our legislative framework that must be addressed. By making necessary *Criminal Code* amendments, we can improve women and children's safety. We can also address current police limitations in recognizing coercive and controlling behaviours when responding to situations of intimate partner violence. The response to intimate partner violence must reflect the pattern of violence and abuse, beyond the single-incident offence. I commend the Standing Committee on Justice and Human Rights for calling for legislative action to criminalize coercive and controlling

behaviours in their recent report, “The Shadow Pandemic: Stopping Coercive and Controlling Behaviour in Intimate Relationships”.

3. Create new legislation specific to elder abuse and neglect, and take a public health approach to elder abuse

There is a need for legislation to criminalize elder abuse as a distinct, pervasive form of violence, which recognizes the exploitative dynamics employed by abusers, and applies appropriate penalties for these offenses. Creating specific offences may lead to easier identification and reporting by family members, social work and health care officials and could also enable law enforcement to intervene more promptly and effectively in cases of elder abuse. In addition to enacting legislation making elder abuse a *Criminal Code* offence, a public health approach is needed to respond to elder abuse in Canada including increased public education and funding of prevention measures.

4. Establish national intimate-partner violence hotline offering live chat and text messaging supports. Develop an awareness campaign sharing information about the national intimate-partner and family violence hotline and other applicable resources.

We have heard that many women do not know where to turn or what help is available in their community. When safety is compromised, access to information is critical. Access to timely, culturally appropriate information in formats that are accessible and understood by all is essential to empowering people, especially the most vulnerable, in a global health crisis. Such a campaign would not only raise awareness among Canadians about the gendered impacts of the pandemic by shedding light on the realities of domestic violence, but could direct those in need to safety and resources, such as women’s shelters, sexual assault centres and victim services agencies. This would be similar to the Wellness Together Canada Initiative set up by the Public Health Agency of Canada to address increasing mental health concerns. The service can be modelled after similar services offered by Kids Help Phone, which received 7.5 million dollars in funding from the Federal Government, as announced in March of 2020. ^{xxx}

5. Proactively address domestic violence by delivering prevention information, education and services virtually through online platforms and/or apps to reach vulnerable persons as well as men and boys who may be at risk of instigating violence, abuse and coercive control.

There are proven approaches to support behavioural changes to prevent violence and lessen the pressure on our response systems (e.g., women’s shelters, police and health care services). If we share principles, approaches and programs to inform Canadians now, we can prevent tensions from escalating and stop violence before it occurs in families at lower risk for domestic violence.

In 2015, Canada along with the other Members States of the United Nations agreed to achieve 17 Sustainable Development Goals (SDGs) by 2030². Among an array of goals, the SDGs include targets for significant reductions in violence, including homicides and violence against

² Adopted by all United Nations Member States in 2015, the SDGs are a call for action by all countries to promote prosperity while protecting the environment. They recognize that ending poverty must go hand-in-hand with strategies that build economic growth and address a range of social needs including education, health, equality and job opportunities, while tackling climate change and working to preserve our ocean and forests (United Nations, 2015).

women and girls (SDG 5), providing a framework to make all communities safer. They also aim to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable, and inclusive institutions at all levels (SDG 16).

6. Address inequitable access to justice and necessary support services for victims and vulnerable persons through ensuring access to broadband internet services across Canada.

Access to internet is critical, especially in the context of COVID-19. Unfortunately, not all Canadians have equal access to the internet. IPV and FV are crimes fuelled by power, control and isolation. Ensuring equal access to internet would help connect individuals to necessary telehealth appointments, access to critical resources and programs (i.e., counselling, safety-planning, crisis intervention services) and contribute to maintaining necessary social supports^{xxxii}. This is especially critical for individuals living in Northern and remote communities where escaping violence and accessing services is even more challenging. Special consideration needs to be given to Indigenous persons who may live in these areas and face additional barriers to accessing justice.

Moreover, ensuring access to internet service across Canada would address concerns regarding access to justice for victims of crime during COVID-19, by ensuring that victims have a means to participate in the process should they so choose (i.e., reading victim impact statements virtually or attending virtual Parole Board Hearings). The current proposed Bill C-23, providing flexibility to courts, includes changes to allow remote appearances for accused persons and the use of technology for jury selection. It says nothing about victims. We must ensure victims are included in these changes as well.

7. Collect more data on the impacts of Covid-19 on racialized and marginalized communities. Develop a specific plan and approach to respond to and combat rising Anti-Asian Racism and Violence.

Given the disproportionate effects of COVID-19 on marginalized and racialized communities, there is a need for more data collection on victimization during COVID-19, with particular consideration to marginalized and racialized communities (i.e., Indigenous persons; Women; Black Canadians; Newcomers and more). In addition, there is a need to address rising Anti-Asian racism and violence. This may include public messaging and educational programming denouncing racism and promoting tolerance and inclusion, as suggested by Human Rights Watch^{xxxiii}

CONCLUSION

While victims of crime in Canada have long faced significant issues accessing justice, COVID-19 has exacerbated many of these concerns. Moreover, we know that COVID-19 has disproportionately affected vulnerable populations. Amidst this, violence and victimization rates are rising, especially intimate partner and family violence. Now more than ever, victims and survivors need to be at the forefront of decision-making and response measures in the context of the COVID-19 pandemic. No longer can victims be an afterthought in the CJS. Victims and survivors deserve access to justice as well as support and protection from further victimization.

ENDNOTES:

ⁱ Rasia Patel, "Minister says COVID-19 is empowering domestic violence abusers as rates rise in parts of Canada," CBC News, April 27, 2020, <https://www.cbc.ca/news/politics/domestic-violence-rates-rising-due-to-covid19-1.5545851>.

ⁱⁱ Megan Evans et al., "A Pandemic within a Pandemic - Intimate Partner Violence during Covid-19" New England Journal of Medicine, 2021, <https://www.nejm.org/doi/full/10.1056/NEJMp2024046>

ⁱⁱⁱ Megan Evans et al., "A Pandemic within a Pandemic - Intimate Partner Violence during Covid-19" New England Journal of Medicine, 2021, <https://www.nejm.org/doi/full/10.1056/NEJMp2024046>

^{iv} Megan Evans et al., "A Pandemic within a Pandemic - Intimate Partner Violence during Covid-19" New England Journal of Medicine, 2021, <https://www.nejm.org/doi/full/10.1056/NEJMp2024046>

^v Bradley et al., "Health care practitioners' responsibility to address intimate partner violence related to the COVID-19 pandemic", May 1st, 2020, <https://www.cmaj.ca/content/cmaj/early/2020/05/01/cmaj.200634.full.pdf>

^{vi} Rasia Patel, "Minister says COVID-19 is empowering domestic violence abusers as rates rise in parts of Canada," CBC News, April 27, 2020, <https://www.cbc.ca/news/politics/domestic-violence-rates-rising-due-to-covid19-1.5545851>.

^{vii} Morgan Sharp, "A spike in domestic violence happening in Toronto due to COVID-19 experts say," Canada's National Observer, April 28, 2020, <https://www.nationalobserver.com/2020/04/28/news/spike-domestic-violence-happening-toronto-due-covid-19-experts-say>.

^{viii} World Health Organization. (2020, April 7). COVID-19 and violence against women. Retrieved from <https://apps.who.int/iris/bitstream/handle/10665/331699/WHO-SRH-20.04-eng.pdf>

^{ix} Mary Allen and Brianna Jaffray, "The COVID-19 pandemic and its impacts on Canadian victim services", Statistics Canada, July 30, 2020, <https://www150.statcan.gc.ca/n1/pub/45-28-0001/2020001/article/00065-eng.htm>

^x Dakshana Bascaramurty "New data show that immigrants and low-income earners are more susceptible to COVID-19", The Globe and Mail, May 23rd, 2021, <https://www.theglobeandmail.com/canada/article-how-covid-19-is-exposing-canadas-socioeconomic-inequalities/>

^{xi} Crime Prevention Ottawa. (n.d.). Needs assessment of Ottawa's 2SLGBTQ+ youth and young adults with regard to violence prevention. Retrieved from <https://ccgsd-ccdgs.org/wp->

^{xii} Todd Minerson, H. Carolo, T. Dinner, and C. Jones, "Issue Brief: Engaging Men and Boys to Reduce and Prevent Gender-Based Violence," Status of Women Canada, 2011.

-
- ^{xiii} Marina Sistovaris et al., *Child Welfare and Pandemics Literature Scan* (Toronto: Policy Bench, Fraser Mustard Institute of Human Development, University of Toronto, 2020), https://cwrp.ca/sites/default/files/publications/Child%20Welfare%20and%20Pandemics%20Literature%20Scan_2020%20ENGLISH.pdf.
- ^{xiv} Zarse, E.M., Neff, M.R., Yoder, R., Hulvershorn, L., Chambers, J.E., & Chambers, R.A. (2019). The adverse childhood experiences questionnaire: Two decades of research on childhood trauma as a primary cause of adult mental illness, addiction, and medical diseases. *Cogent Medicine*, 6, 1-24.
- ^{xv} Jillian Boyce, "Victimization of Aboriginal people in Canada, 2014," Statistics Canada, 2014, <https://www150.statcan.gc.ca/n1/pub/85-002-x/2016001/article/14631-eng.htm>.
- ^{xvi} "Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls," National Inquiry into MMIWG, <https://www.mmiwg-ffada.ca/final-report/>.
- ^{xvii} Jillian Boyce, "Victimization of Aboriginal people in Canada, 2014," Statistics Canada, 2014, <https://www150.statcan.gc.ca/n1/pub/85-002-x/2016001/article/14631-eng.htm>.
- ^{xviii} Teresa Wright, "Violence against Indigenous women during COVID-19 sparks calls for MMIWG plan," CBC, May 10, 2020, <https://www.cbc.ca/news/canada/manitoba/violence-against-indigenous-women-action-plan-covid-19-mmiwg-1.5563528>.
- ^{xix} Dakshana Bascaramurty "New data show that immigrants and low-income earners are more susceptible to COVID-19", The Globe and Mail, May 23rd, 2021, <https://www.theglobeandmail.com/canada/article-how-covid-19-is-exposing-canadas-socioeconomic-inequalities/>
- ^{xx} Dakshana Bascaramurty "New data show that immigrants and low-income earners are more susceptible to COVID-19", The Globe and Mail, May 23, 2021, <https://www.theglobeandmail.com/canada/article-how-covid-19-is-exposing-canadas-socioeconomic-inequalities/>
- ^{xxi} Emily Chung, "Black Canadians get sick more from COVID-19. Scientists aim to find out why" CBC News, September 25th, 2020, <https://www.cbc.ca/news/health/black-covid-antibody-study-1.5737452>
- ^{xxii} Kate Allen, "Police violence and COVID-19 fuel a push to declare anti-Black racism a public health crisis", Toronto Star, June 7th, 2020, <https://www.thestar.com/news/canada/2020/06/07/covid-19-and-police-violence-fuel-a-push-to-declare-anti-black-racism-a-public-health-crisis.html>
- ^{xxiii} Government of Canada, "Supporting Canadians and Fighting Covid-19: Fall Economic Statement 2020", *Department of Finance*, 2020, <https://www.budget.gc.ca/fes-eea/2020/report-rapport/FES-EEA-eng.pdf>
- ^{xxiv} Human Rights Watch "Covid-19 Fueling Anti-Asian Racism and Xenophobia Worldwide", May 12th, 2020, <https://www.hrw.org/news/2020/05/12/covid-19-fueling-anti-asian-racism-and-xenophobia-worldwide>

^{xxv} The Canadian Press “Chinese-Canadians worry about racism, job losses one year into pandemic”, CBC News, February 8th, 2021, <https://www.cbc.ca/news/canada/chinese-canadians-concerns-racism-job-losses-pandemic-1.5905974>

^{xxvi} Gérard Lévesque, “La justice doit être rendue, même en temps de crise,” l’express.ca, May 13, 2020, <https://l-express.ca/la-justice-doit-etre-rendue-meme-en-temps-de-crise/>.

^{xxvii} Jonny Wakefield, “COVID-19’s toll on Alberta’s fraught family court system,” Edmonton Journal, May 17, 2020, <https://edmontonjournal.com/news/local-news/covid-19s-toll-on-albertas-fraught-family-court-system/>.

^{xxviii} Olivia Stefanovich, “‘We’re in trouble’: Advocates urge Ottawa to help close the access-to-justice gap”, April 18, 2021, <https://www.cbc.ca/news/politics/access-to-justice-federal-budget-2021-requests-1.5989872>

^{xxix} Victims’ rights to medical, psychological, legal and social assistance are addressed in Articles 14 to 17 of the United Nations Universal Declaration of Human Rights

^{xxx} Government of Canada, “Prime Minister announces support for vulnerable Canadians affected by COVID-19”, March 29th, 2020, <https://pm.gc.ca/en/news/news-releases/2020/03/29/prime-minister-announces-support-vulnerable-canadians-affected-covid>

^{xxxi} Megan Evans et al., “A Pandemic within a Pandemic - Intimate Partner Violence during Covid-19” New England Journal of Medicine, 2021, <https://www.nejm.org/doi/full/10.1056/NEJMp2024046>

^{xxxii} Human Rights Watch “Covid-19 Fueling Anti-Asian Racism and Xenophobia Worldwide”, May 12th, 2020, <https://www.hrw.org/news/2020/05/12/covid-19-fueling-anti-asian-racism-and-xenophobia-worldwide>