

Response of Canada:
Best practices and other relevant information related to the investigation and prosecution
of gender-related killing of women and girls
February 2014

Request

The United Nations Office on Drugs and Crime has requested information related to best practices and other relevant information related to the investigation and prosecution of gender-related killing of women and girls, in accordance with national legislation. The request stems from Article 13 of United Nations General Assembly resolution 68/191 of 18 December 2013 titled "Taking action against gender-related killing of women and girls", which reads:

13. *Invites* Member States to provide the United Nations Office on Drugs and Crime with information related to best practices and other relevant information related to the investigation and prosecution of these crimes, in accordance with national legislation, and in that regard encourages civil society organizations and academia to share relevant information with the Office.

According to the United Nations Office of the High Commissioner for Human Rights, "gender-related killings" of women and girls are those killings that have as main motive or cause gender-based discrimination. The most obvious examples of gender-related killings include, *inter alia*, rape-murder, intimate-partners violence escalating into murder, dowry-deaths, so-called "honour killings" and deaths arising from harmful practices or neglect.¹

Response

Canada is committed to addressing and reducing the occurrence of all forms of violence against women and girls in all communities across the country. Canada takes the issue of violence against women and girls, including gender-related killing of women and girls, very seriously and has a number of mechanisms to ensure that the criminal justice system is able to respond to such violence. In the October 2013 Speech from the Throne, the Government of Canada indicated it will renew its efforts to address the issue of missing and murdered Aboriginal women. The Government of Canada is deeply concerned about the higher levels of violence faced by Aboriginal women and girls, and by the disturbing number of missing and murdered Aboriginal women and girls.

Canada has implemented a wide range of measures to address gender-related killing of women and girls, to assist those affected by it and to hold the perpetrators accountable. Generally, these measures respond to the killing of women and girls in the context of intimate partner or family relationships and to killings in the context of stranger or other relationships.

1. Federal division of powers in relation to the investigation and prosecution of gender-related killing of women and girls

Canada is a federation with a constitutional division of powers that is relevant to the investigation and prosecution of gender-related killing of women and girls. The federal and

¹ United Nations Office of the High Commissioner for Human Rights, Gender-Related Killings of Women and Girls (August 2013), online: http://www2.ohchr.org/english/issues/women/docs/Gender_motivated_killings.pdf.

provincial governments share constitutional power with respect to the criminal law. Under subsection 91(27) of the *Constitution Act, 1867*,² the Parliament of Canada has jurisdiction over “the criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure of criminal matters” and has therefore enacted the *Criminal Code*.³ The provincial legislatures have jurisdiction over the administration of civil and criminal justice in the province.⁴

The provinces have jurisdiction to investigate *Criminal Code* offences as well as offences under provincial legislation and municipal by-laws. With the exception of Ontario and Quebec who have established their own provincial police forces, the other provinces have entered into agreements with the Royal Canadian Mounted Police (RCMP) to contract their policing services. The RCMP is the police force in the territories. Policing in larger municipalities is provided either by the provincial police or by separate municipal forces.

The provinces and territories are also primarily responsible for prosecuting *Criminal Code* offences and providing services and assistance to victims of crime. The Public Prosecution Service of Canada is a federal government organization that conducts all criminal prosecutions, including prosecutions of *Criminal Code* offences, in Canada's three northern territories.

2. *Criminal Code* and other offences

Canada's *Criminal Code* is federal legislation that applies across Canada. The *Criminal Code* contains a wide-range of criminal offences that are relevant to gender-related killing of women and girls and address such serious crimes. The following is a brief summary of the most pertinent offences:

- **Murder (sections 229-231, 235):** Murder is culpable homicide and categorized as being either first or second degree murder. First degree murder is an intentional killing that is planned and deliberate. Where a person's death was caused while committing or attempting to commit certain offences - such as the offences of sexual assault, criminal harassment, or kidnapping and forcible confinement - it is also first degree murder regardless of whether the killing was planned and deliberate. Second degree murder does not involve circumstances of planning and deliberation but requires proof of intent to kill someone or proof of an intent to cause grievous bodily harm accompanied by recklessness as to whether death ensues. Both first and second degree murder have a minimum sentence of life imprisonment. However, a person convicted of first degree murder is ineligible for parole for 25 years whereas a person convicted of second degree murder is ineligible for parole for a term between 10 and 25 years (section 745).⁵

² *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, reprinted in RSC 1985, App II, No 5; Federal law allows territories to elect councils with powers similar to those of the provincial legislatures.

³ *Criminal Code*, RSC 1985, c C-46.

⁴ *Constitution Act*, *supra* note 1, subsection 92(14).

⁵ When a young person who is at least 12 but less than 18 years of age is alleged to have committed an offence under federal law, the *Youth Criminal Justice Act* (YCJA) applies. Section 50 of the YCJA provides that unless a youth is sentenced as an adult, Part XXIII (sentencing) of the *Criminal Code* does not apply except for certain sections, including s 718.2(e) (sentencing principle for aboriginal offenders) and sections 722 and 722.1 (victim impact statements). Section 42(2) of the YCJA applies with respect to sentencing for youth and provides that a youth convicted of first degree murder is susceptible to a maximum custodial sentence of 6 years (10 years including

- **Manslaughter (sections 232, 234, 236):** Manslaughter is culpable homicide and can apply in situations where someone was killed through a wrongful act, even if the killing was not intentional. The maximum sentence for manslaughter is life imprisonment. There is no mandatory minimum for manslaughter unless a firearm was used in the commission of the offence, in which case a minimum sentence of four years imprisonment must be imposed.
- **Killing unborn child in act of birth (section 238):** It is an offence to kill an unborn child in the act of birth. This offence applies in circumstances where the death was caused in such a way that the crime would have been murder if the child had become a human being. The maximum sentence for the killing of an unborn child in the act of birth is life imprisonment.
- **Attempt to commit murder (section 239):** Attempting to commit murder is an offence which requires proof that an accused specifically intended to kill someone and took steps in this regard. The maximum sentence for attempt to commit murder is life imprisonment. There is no mandatory minimum for this offence unless a firearm was used in the commission of the offence. A minimum sentence of four years imprisonment must be imposed where a non-restricted firearm is used and a minimum sentence of five years on first offence and seven years on second or subsequent offence where a restricted or prohibited firearm is used.
- **Conspiracy (subsection 465(1)(a)):** An agreement between two or more persons to commit murder is an offence. The maximum sentence for conspiracy to commit murder is life imprisonment.

Other *Criminal Code* offences which are relevant to gender-related killing of women and girls include causing death by criminal negligence (section 220), infanticide (section 233) and counselling or aiding suicide (section 241). There is also a scheme of liability and punishment in the *Criminal Code* with respect to parties to offences and attempting to commit, or being an accessory after the fact, to the commission of offences.

As well, Canada's *Crimes Against Humanity and War Crimes Act*,⁶ which implements the Rome Statute of the International Criminal Court into domestic law, establishes genocide, war crimes, crimes against humanity as indictable offences, when committed inside or outside of Canada. The definition of "crimes against humanity" under the Act specifically references murder and sexual violence while gender-related killings may, depending on the circumstances, also constitute genocide or war crimes.

2.1. Sentencing of offenders

In sentencing offenders, the unique facts and circumstances of a case are relevant. A court that imposes a sentence must take into consideration aggravating or mitigating circumstances relating to the offence or the offender. Typically, aggravating factors increase the severity of the sentence and mitigating factors decrease it. Paragraph 718.2(a) of the *Criminal Code* includes the following, *inter alia*, as aggravating factors:

conditional supervision) and a youth convicted of second degree murder is liable to a maximum custodial sentence of 4 years (7 years including conditional supervision).

⁶ *Crimes Against Humanity and War Crimes Act*, S.C. 2000, c.24.

- 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;
- Evidence that the offender, in committing the offence abused the offender's spouse or common law partner;
- Evidence that the offender, in committing the offence, abused a person under the age of eighteen years; and
- Evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim.

As noted above, the *Criminal Code* provides that it is an aggravating factor where an offence was motivated by bias, prejudice or hate based on sex (paragraph 718.2 (a)(i)). Gender-based crimes are therefore captured in the *Criminal Code* and may be addressed in sentencing.

Furthermore, under the *Criminal Code* a court can designate someone as a dangerous offender, which creates a presumption that an indeterminate sentence of detention will be imposed (section 753) or as a long term offender, which requires the court to impose a sentence of imprisonment of a minimum of two years, in addition to a long term supervision order not to exceed ten years (section 753.1).

The *Criminal Code* also requires the court to consider a victim impact statement, if there is one, at the time of sentencing the offender (section 722). A person who has suffered harm or physical or emotional loss as a result of the offence can prepare a victim impact statement, as can survivors of a deceased victim. In addition, even if there is no victim impact statement, the court can consider any other evidence concerning any victim or the offence for the purpose of determining the sentence or whether the offender should be discharged.

2.2. Hate crimes

Canada's *Criminal Code* addresses hate crimes through the above-noted aggravating factors at sentencing. Hate propaganda is also prohibited under the *Criminal Code* and includes offences such as advocating genocide and wilful promotion of hatred. These offences are as follows:

- **Advocating genocide (subsection 318(1)), public incitement of hatred likely to lead to a breach of the peace (subsection 319(1)), and wilful promotion of hatred (subsection 319(2)):** It is an offence to advocate or promote genocide against an "identifiable group", that is, any section of the public distinguished by colour, race, religion, ethnic origin, or sexual orientation. It is also an offence to incite hatred against an "identifiable group" by communicating in a public place statements which are likely to lead to a breach of the peace. Finally, it is an offence, by communicating statements other than in private conversation, to wilfully promote hatred against an "identifiable group". There is a maximum term of imprisonment of five years for advocating genocide, and of two years for the offences of public incitement of hatred likely to lead to a breach of the peace and wilfully promoting hatred.

Bill C-13, *An Act to amend the Criminal Code, the Canada Evidence Act, the Competition Act and the Mutual Legal Assistance in Criminal Matters Act (the Protecting Canadians from Online Crime Act)*, proposes to amend the definition of "identifiable group" in subsection 318(4) of the

Criminal Code so that hate propaganda based on “national origin”, “age”, “sex”, or “mental or physical disability” will be captured by the offences in sections 318 and 319. On November 20, 2013, Bill C-13 was introduced in Parliament and it is currently in first reading in the House of Commons.

3. Best practices in investigations and prosecutions of gender-related killing of women and girls

This section highlights some of Canada's best or promising practices with respect to the investigation and prosecution of gender-related killing of women and girls. The listing of examples is non exhaustive and merely serves as a partial illustration of the vast array of initiatives across Canada to address this important issue. It is beyond the scope of this document to address the broader issue of prevention of gender-related killing of women and girls. Section five of this document provides references to some of the more detailed sources of information on promising practices with respect to the investigation and prosecution of gender-related killing of women and girls.

3.1. General information on investigations and prosecutions of gender-related killing of women and girls

The primary responsibility for investigating and prosecuting crimes related to violence against women rests with the police and Crown prosecutors.

The police in Canada are responsible for preventing and responding to all crime. This includes assisting and questioning victims and witnesses, making arrests, conducting investigations, recommending charges, and providing witness testimony in court. The responsibility to lay charges rests with the police in every province except for British Columbia and Quebec, where the responsibility to lay charges rests with the Crown. In New Brunswick, the police lay charges after receiving advice from the Crown.

Law enforcement officials in Canada act with due diligence and independence in response to all reports of violence against women. Their policies and training on responding to such reports are constantly being updated to take account of the latest social science research and legal developments in this area.

Several Canadian police services have established hate crime units for the reporting and investigation of hate crimes. Many of these hate crime units work directly with the Canadian Centre for Justice Statistics which provides police training to improve the identification and documentation of hate crimes.

The Royal Canadian Mounted Police (RCMP) is one of over 200 police agencies in Canada. The RCMP provides contract policing services to eight provinces (excluding Ontario and Quebec), three territories, over 150 municipalities and over 600 Aboriginal communities. Policing agreements cover 75% of the geography of Canada, including much of rural Canada, all of the Canadian North, and many towns and large urban areas in contract provinces. Most large municipalities have independent municipal police forces established under provincial statutes. Other municipalities contract policing services from the RCMP. In Ontario and Quebec, many municipalities contract policing services from their provincial police force. In 2011, there were 69,438 active police officers in Canada; approximately 19,000 of these were RCMP.

RCMP policy directs units to participate in multi-agency community-based initiatives or programs to reduce the incidence of violence in relationships, improve public awareness, and develop protocols for responding to violence in relationships. Protocols for responding to violence against women must be sensitive, respectful and responsive to the cultural needs and traditions of communities, in particular as they relate to Aboriginal and ethnic communities.

The RCMP has a Bias-Free Policing Policy that provides explicit guidance to all RCMP employees for the conduct of all policing activities and services, and training to ensure that RCMP first responders and investigators are sensitive to cultural differences as well as gender biases. The training is delivered from the very outset of an officer's career: of the 26-week RCMP Cadet Training Program, 6.5 hours are devoted specifically to Bias-Free Policing, and a total of 18.5 hours covers such concepts as diversity, prejudice, discrimination, ethics, Canadian human rights history, and relevant legislation. Cadets also have opportunities to explore and address their own personal biases.

The primary responsibility for prosecuting crimes related to violence against women rests with Crown prosecutors. Crown prosecutors in Canada are independent from both the police and courts. They represent society as a whole. It is ultimately the Crown prosecutor who decides what charges will be prosecuted in court and who subsequently conducts the prosecution. All decisions to prosecute a crime in Canada are guided by a two-stage test: (1) whether there is a reasonable prospect of a conviction in proceedings to be instituted and or continued; and, (2) if so, does the public interest require a prosecution to be pursued. In considering whether there is a reasonable prospect of a conviction, the prosecutor will examine the evidence from the police and determine whether it will be admissible and whether it is strong enough to get a conviction. In addition, the prosecutor will consider many factors in deciding whether it is in the public interest to prosecute. For example, the prosecutor may consider the seriousness of the offence, mitigating or aggravating circumstances, and public confidence in the administration of justice. This two-part test is applicable to cases involving gender-related killing of women and girls.

The Public Prosecution Service of Canada has significantly increased the prosecutorial resources aimed at ensuring that victims are treated with as much care, respect, compassion and humanity as possible during the criminal justice process. This has been accomplished by creating the positions of Crown Witness Coordinators in all three northern territories with a mandate to assist victims and witnesses of crime in navigating the complexities of the criminal justice system.

Canada has also conducted two prosecutions under the *Crimes Against Humanity and War Crimes Act* in relation to gender-related killings during the Rwandan genocide. The first case (*R. v Munyaneza - 2009*)⁷ resulted in a conviction on seven counts of genocide, crimes against humanity, and war crimes and a life sentence of imprisonment without parole for 25 years. An appeal was heard by the Quebec Court of Appeal in April 2013 and the decision is pending. A second Rwandan case (*R. v Mungwarere*)⁸ on one count of genocide and one count of crimes against humanity resulted in an acquittal in June 2013. Based on admissions during the trial, the Canada Border Services Agency is taking action to vacate Mr. Mungwarere's refugee status.

⁷ *R. c. Munyaneza*, 2009 QCCS 4865 (CanLII),

⁸ *R. c. Jacques Mungwarere*, 2013 ONCS 4594 (CanLII).

3.2. Investigation and prosecution of intimate partner and family homicide

In response to concerns that intimate partner violence/spousal assaults were being treated as “private” matters and not processed with the same rigor as stranger assaults by some police and prosecutors, specific spousal abuse policies were introduced in all jurisdictions in Canada by the mid 1980's. The intent of the policies⁹ is to ensure that the same criminal standard is applied to spousal offences as would be applied to any other criminal occurrence against the person.¹⁰ They were not intended to fetter police discretion but to ensure that the applicable *Criminal Code* tests for charging be applied. Pro-prosecution policies for spousal abuse generally require that spousal abuse cases should be prosecuted where, based upon all of the evidence, there is a reasonable prospect of conviction and it is in the public interest to prosecute.¹¹ The intent behind the policies was generally to ensure that spousal assaults were not treated any less seriously than stranger assault, to shield victims from pressure from their intimate partners to “drop” the charges and to protect victims from retaliatory violence for having personally laid charges. The overall goal of the policies was to encourage reporting of spousal offences, to send a strong message that spousal assault is a crime, to offer protection and assistance to victims and ultimately to reduce the incidence of spousal violence.

The RCMP has a national policy on violence in relationships, which requires swift police intervention to protect victims. All complaints of violence in relationships must be investigated and documented. The onus is on the police to lay or recommend charges where there are reasonable and probable grounds to believe that an offence has been committed, removing responsibility from victims who may feel threatened or intimidated by their aggressor. Supervisors are directed in policy to ensure all investigative files are reviewed after the initial 24 hours and then again after seven days and every 14 days thereafter.

RCMP members are provided training through the *Domestic Violence Investigations* course. The e-learning course is a risk-focused evidence-based course that encourages officers to take a proactive and collaborative approach to promoting and managing victim safety. The course provides recommended best practices and current information from police and other experts in the field, and also alerts police officers to the potential risk factors that may be present in domestic violence cases.

In June 2009, in collaboration with the RCMP, Justice Canada invited two expert police officers from the United Kingdom (UK) to give a presentation to a group of Canadian police officers on police intervention in forced marriage and so-called honour based violence cases. In March 2011, Justice Canada offered a workshop for Canadian police officers and Crown prosecutors on forced marriage and so-called honour based violence. There were video conference presentations from UK experts in the field and presentations by Canadian Crown prosecutors and police

⁹ These are often referred to as “pro-charge policies” or “mandatory charge policies”. Alberta refers to “total enforcement” as opposed to “pro-charge” because the policy promotes total enforcement due to a history of inappropriate use of discretion in intimate partner violence cases.

¹⁰ Justice Canada, *Spousal Abuse Policies and Legislation: Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation*, (Ottawa: Family, Children and Youth Section, 2003) at 11, online: <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/pol/spo_e-con_a.pdf>: Pre-charge approval or screening by the Crown prosecutor is required in British Columbia, New Brunswick and Quebec. In some jurisdictions, these policies provide police and Crown prosecutors with somewhat less discretion in cases of domestic violence than in other cases.

¹¹ In the case of Quebec, the criteria for laying a charge or an indictment involve consideration of the sufficiency of evidence and the feasibility of prosecution.

officers who have dealt with these types of cases. Then in October 2011, Justice Canada invited Canadian Crown prosecutors and police officers who have dealt with these cases to attend a workshop to discuss training needs. These workshops resulted in the RCMP developing a Course Training Standard on Domestic Violence that includes both components on forced marriage and honour based violence. This on-line course will be made available to all RCMP front line officers and employees in early 2014.

These federal initiatives are in addition to measures taken by the provinces and territories. Some of the activities underway include the following as examples:

- In **Quebec**, work to incorporate the tool *Prévenir l'homicide de la conjointe – Aide-mémoire* [TRANSLATION: Preventing domestic homicide of women – checklist] into the *Guide de pratiques policières* [TRANSLATION: Guide to police practices] is ongoing. This guide is made available to all police organizations in Quebec. Moreover, this tool enables police to more accurately describe the risks of homicide in cases of domestic violence.
- In **Saskatchewan**, complaints of violence against any person are received and investigated by the police agency of jurisdiction. Offences of violence against women are prioritized and both government and non-government agencies operate to support women who are the victims of violence.
- In **Nova Scotia**, complaints of violence against any person are received and investigated by the police agency of jurisdiction. The Framework for Action against Family Violence represents the Nova Scotia Government's commitment to improve the response of the justice system to intimate partner relationship violence. Under this Framework, the safety of victims is the paramount concern, and a pro-arrest, pro-charge, pro-prosecution policy exists. This policy directs police to conduct full and comprehensive investigations in all cases of reported intimate partner violence and to lay a charge where reasonable and probable grounds exist to believe an offence has been committed. The police decision to lay a charge will depend upon the evidence available and cannot be withdrawn by the victim/complainant.

3.3. Missing persons, suspicious deaths and homicides

When a report of a missing person is made to police or other authorities, there are a number of steps typically taken, including: receiving the report; an initial assessment of the report; entering the report onto the Canadian Police Information Centre (CPIC)¹²; gathering related information on the person missing; prioritizing the report; and, investigating the case. Policies, procedures and structural responsibilities for missing persons vary widely among police agencies. Some police agencies have well-articulated policies, protocols and forms for receiving reports of missing persons, analyzing and responding to them. In addition, a number of jurisdictions have identified a specific responsibility centre within the police force that specializes in receiving and responding to missing person reports, and which, in turn, may have protocols with other sections for referral of cases. Many police services are assigning specialized positions within police agencies to manage and investigate missing persons cases.

¹² CPIC is a national information-sharing system that provides law enforcement agencies with information on crimes and criminals. CPIC is responsible for the storage, retrieval and communication of shared operational police information to all accredited criminal justice and other agencies involved with the detection, investigation and prevention of crime.

Investigations are a cooperative effort between the RCMP, the medical examiner, the coroner, the pathologist, other law enforcement services and other federal, provincial, territorial or municipal agencies. Suspicious deaths and homicides are investigated using the principles of major case management (MCM). MCM is a methodology for managing major cases that provides accountability, clear goals and objectives, planning, allocation of resources and control over the speed, flow, and direction of the investigation. All RCMP homicide investigations remain active until a resolution has been determined based on evidence.

In fall 2011, the National Centre for Missing Persons and Unidentified Human Remains (NCMPUR) was established as a division of the RCMP's Canadian Police Centre for Missing and Exploited Children (CPCMEC). The NCMPUR has developed and manages a national public website, www.canadasmissing.ca / www.disparus-canada.ca, which contains profiles of missing children, missing persons and unidentified remains. The website provides the public with an avenue through which to submit tips on cases with a view to advancing these investigations. The website was launched in January 2013.

The NCMPUR is currently developing the national Missing Children/Persons and Unidentified Remains (MC/PUR) Database, the first national police database specifically for missing persons and unidentified remains. Specially trained investigative centers will be designated to access MC/PUR in order to provide Canadian police, medical examiners and chief coroners with more comprehensive information on these cases across jurisdictions.

The NCMPUR is currently developing training for police investigators. This training will include online as well as in-class training. The first online components of the training have been made available in both official languages as of January 2013 through the Canadian Police Knowledge Network (CPKN) as follows: (1) MPUR: Child Abduction – Amber Alert; and (2) MPUR: Child Abduction – Applicable Legislation & Charging Guidelines. Three additional courses, designed for Level 1 Investigators in the areas of missing children, missing adults and unidentified remains are being created.

In consultation with investigators from Missing Persons and Unidentified Remains units in Canada, the NCMPUR has created a Best Practices document to facilitate a consistent approach to missing persons investigations across Canada. Published in the fall of 2013, this document is available to Canadian police services as well as to coroners and medical examiners in Canada.

The RCMP is working with other Canadian police services, provincial and territorial governments, Aboriginal organizations, and the public to investigate and resolve cases of missing or murdered women. A number of dedicated task forces have been established in areas of the country where these disappearances and crimes are clustered. For example, in 2001, the RCMP established Project EVENHANDED with the Vancouver Police Department in order to advance investigations of 68 missing and murdered women from the Downtown Eastside of Vancouver and surrounding areas. Thirty-three have been connected to Robert Pickton, who was convicted of the murder of six of those women. Project EVENHANDED continues its commitment to the investigation of the case of the remaining missing and murdered women and will continue until all avenues of investigation have been exhausted.

In 2003, the RCMP established Project KARE with the Edmonton Police Service to examine the deaths of several "high risk missing persons" found in the surrounding rural areas of the City of Edmonton.

In 2005, Project E-PANA was created as a result of RCMP British Columbia Division's Criminal Operations ordering the review of a series of unsolved murders linked to Highway 16, sometimes referred to as the "Highway of Tears". Investigators have done an extensive review of each and every case to ensure that nothing has been missed, to identify investigative avenues and determine whether evidence previously tested could be forensically re-tested using new technology. Even though each and every case is active, investigators are focusing on those cases where the potential for losing evidence and threats to the public exists. The numbers do fluctuate, but for the time being, a dedicated team of 70 people are working on these cases. This number includes current and retired police officers and civilian employees.

The RCMP and the Winnipeg Police Service have established Project Devote, a two-pronged approach to address unsolved historical homicides and missing person cases, where foul play is suspected, involving exploited and at risk persons. As a result of the RCMP's work, several cases have been resolved or advanced. For example, in mid-October 2011, a 21-year-old man from Prince George, British Columbia was charged with four counts of murder of women, three of whom were Aboriginal.

The RCMP is also working with the Government of Yukon and the Yukon Aboriginal Women's Council (YAWC) on the Yukon Sisters in Spirit Project, which has collected the names of 27 missing or murdered Aboriginal women in the Yukon.

In addition to actively investigating reported cases of missing women, these projects are developing "best practices" relating to information sharing, file management, file coordination and disclosure that can be shared with other investigative units or implemented in similar initiatives across the country.

The Violent Crime Linkage Analysis System (ViCLAS) is a national computer program capturing information on homicides, sexual assaults, abductions and other violent crimes. Through the examination of victimology, offender characteristics and offence behaviour, ViCLAS Analysts are able to link violent, predatory serial crimes which were likely committed by the same offender. The behaviour examined can be physical, verbal, or sexual. This information is provided to investigators in the field to aid in their investigations. ViCLAS links violent crime investigations through the collation and comparison of data to identify serial crimes. All law enforcement agencies in Canada can contribute data to ViCLAS.

Many other initiatives are underway within the provinces to address the investigation of gender-related killing of women and girls. For example:

- In **Alberta**, the Integrated Threat and Risk Assessment Centre (I-TRAC) is one of many integrated units found under the Alberta Law Enforcement Response Teams (ALERT), and was established by the Alberta Government in 2007 to address threats posed in violent, high-risk relationships and stalking situations – including homicide and suicide. Domestic violence, criminal harassment and stalking remain I-TRAC's primary focus; however, I-TRAC has expanded its mandate by responding to various threats and acts of targeted violence, including workplace violence, school violence, and sexual violence.
- In **British Columbia**:
 - Priority is being given to the development of provincial policing standards consistent with those recommended in the Missing Women Commission of Inquiry Report,

including missing persons' investigations, major case management, and inter-agency cooperation.

- British Columbia is working with key stakeholders to review police structure and models of police service delivery, ranging from further integration to the regional delivery of services while retaining local community-focused policing. A committee of external experts will also be engaged to assist in this work.
- The British Columbia Government is considering the development of missing persons' legislation, which would assist police in their investigations of missing persons.
- Practices and policies of police agencies related to ensuring bias-free policing and the equitable treatment of all people are being examined.
- Training for police officers is being reviewed to determine gaps. British Columbia is building on the established learning strategy for police and reviewing present training and best practices.
- The British Columbia Government is supporting the implementation of a regional Real Time Intelligence Centre scalable to the province. The Real Time Intelligence Centre will ensure that information can be shared more readily and will enhance the ability of police to investigate all crimes, including those of missing persons.
- Police board structure, function, selection practices and training are being reviewed and enhancements will be made where necessary.

4. Statistics

A brief summary of statistics available in Canada on relevant matters pertaining to the investigation and prosecution of gender-related killing of women and girls are provided in this section.

4.1. Homicide

While women in Canada have a lower risk of being the victim of homicide or attempted murder than men, the nature of violence against women is distinctively different from violence directed at men.¹³ For example, while the majority of homicide victims know their offender, the type of relationship shared between the victim and accused differs greatly for males and females. Data collected in Canada indicates that the proportion of female victims killed by a family member in 2012 was triple that of male victims (63% versus 21%).¹⁴ While men are more likely to be killed by a stranger or acquaintance, women are more likely to be victims of intimate partner homicide. For example, in 2012, there were 82 intimate partner homicides in Canada with 83% of victims being female.¹⁵ This accounted for approximately one-quarter of all violent crimes that came to the attention of the police. Age also plays an important role in intimate partner violence, with the

¹³ Statistics Canada, *Measuring violence against women: Statistical trends*, Juristat, February 2013, catalogue no. 85-002-X, at 11, online: <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11766-eng.pdf>.

¹⁴ Statistics Canada, *Homicide in Canada, 2012*, Juristat, December 19, 2013, catalogue no. 85-002-X, at 18, online: <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11882-eng.pdf>.

¹⁵ Statistics Canada, *Homicide in Canada, 2012*, Juristat, December 19, 2013, catalogue no. 85-002-X, at 18, online: <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11882-eng.pdf>.

likelihood of female victims of intimate partner violence age 15 to 24 years old being eight times higher than males of the same age.

In general, rates of intimate partner homicide have, however, decreased in recent years. The rate of intimate partner homicides against women in 2011 was 51% lower than twenty years earlier and 15% lower than ten years ago. This overall decline in intimate partner homicides committed against women was driven by both spousal and dating homicides. Between 1991 and 2011, the rate of homicides against female spouses dropped 46%, while the rate of dating homicides against women fell by 65%. Decreases have also been recorded for attempted murder and physical assault of female intimate partners, according to police-reported trend data for the years 2009 to 2011.

In 2011, approximately 8,200 girls under the age of 12 were victims of violent crime, representing half of all child victims of violent crime. As with most crimes, males were most often identified as the perpetrator of violence against girls. In 2011, the rate of violence against female youth (between the ages of 12 and 17) was 8% higher than the rate for male youth, which can be partly attributed to girls' higher risk of sexual violence. Rates of homicide have been found to decrease as age increases for women.¹⁶ Based on data over the last decade, females aged 15 to 24 were found to be most at risk, and this was particularly evident for spousal homicides for this age group. In addition, homicide was most commonly committed against infant girls when compared to older aged girls and women. Between 2001 and 2011, there were 26 female infants killed per million population.¹⁷

Available data indicates that Aboriginal women have been disproportionately represented as homicide victims.¹⁸ Between 2001 and 2011 at least 8% of all murdered women aged 15 years and older were Aboriginal, double their representation in the Canadian population which is 4%.¹⁹ Aboriginal females were found to have a homicide rate of almost seven times higher than non-Aboriginal victims (5,4 per 100,000 compared to 0.8 per 100,000).²⁰ Aboriginal women accounted for at least 11% of dating homicide victims and at least 10% of non-intimate partner homicide victims.²¹ The proportion of Aboriginal women killed by a spouse was similar to their representation in the total population. In addition, it is important to note that homicide statistics for Aboriginal women are also underreported, as in 2009 the Aboriginal identity was reported as unknown in relation to well over half of homicide victims.²²

¹⁶ Statistics Canada, *Measuring violence against women: Statistical trends*, Juristat, February 2013, Catalogue no. 85-002-X, at 54, online: <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11766-eng.pdf>.

¹⁷ Statistics Canada, *Measuring violence against women: Statistical trends*, Juristat, February 2013, Catalogue no. 85-002-X, at 15, online: <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11766-eng.pdf>.

¹⁸ According to Statistics Canada, official statistics from the Homicide Survey only record homicides that have been confirmed and recorded by police and do not include unconfirmed reports, such as in the case of missing women. Statistics Canada, *Measuring violence against women: Statistical trends*, Juristat, February 2013, Catalogue no. 85-002-X, at 12, 19, online: <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11766-eng.pdf>.

¹⁹ Statistics Canada, *Measuring violence against women: Statistical trends*, Juristat, February 2013, Catalogue no. 85-002-X, at 19, online: <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11766-eng.pdf>.

²⁰ Statistics Canada, *Women in Canada: A Gender-based Statistical Report*. July 2011, Catalogue no. 89-503-X, at 243, online: <http://www.statcan.gc.ca/pub/89-503-x/89-503-x2010001-eng.pdf>.

²¹ Statistics Canada, *Measuring violence against women: Statistical trends*, Juristat, February 2013, Catalogue no. 85-002-X, at 57, online: <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11766-eng.pdf>.

²² Statistics Canada, *Women in Canada: A Gender-based Statistical Report*. July 2011, Catalogue no. 89-503-X, at 242, online: <http://www.statcan.gc.ca/pub/89-503-x/89-503-x2010001-eng.pdf>.

4.2. Hate crimes

In 2010, there were seven crimes where police determined that hatred of the person's sex was the primary motive for the offence. Of these, three were violent, three were non-violent and one was unknown.²³ The most notable example of such a hate crime occurring in Canada is the 1989 killing of 14 female students in Montreal, which was motivated by the male perpetrator's general hatred of women. This act led to the creation of the "National Day of Remembrance and Action on Violence Against Women", honouring these victims and all victims of violence against women.

5. Relevant government, domestic violence death review and coroners' reports

Federal, provincial and territorial governments continually collaborate to enhance criminal justice system responses to violent crime in Canada. The following are examples of relevant federal-provincial-territorial working group reports as well as coroner's inquests and domestic violence death review committee reports that have examined issues related to the investigation and prosecution of gender-related killing of women and girls in Canada. In addition, the Government of Canada has responded to international requests related to the issue of missing and murdered Aboriginal women.

5.1. Missing Women Working Group

In 2006, Federal, Provincial and Territorial Deputy Ministers Responsible for Justice (Deputies) approved the establishment of the Missing Women Working Group (MWWG) to review issues related to the high number of murdered and missing women in Canada. The MWWG considered a wide range of issues associated with the effective identification, investigation and prosecution of cases involving missing women, some of whom had been victims of serial killers. The MWWG reviewed the vulnerability of women working alone or in other high risk situations, including in the sex trade. The MWWG focused on the best ways to address historical homicides, the early detection of potential serial murderers, the approach to treatment of such offenders, strategies to protect persons who have a high likelihood of being victimized by these predators and actions needed to support an effective response to cases of missing women.

The MWWG had representation from British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia and Canada and included police, prosecutor, criminal law policy and social science perspectives. The MWWG's summary report containing 52 recommendations was publicly released by Federal, Provincial and Territorial Ministers Responsible for Justice (Ministers) at their October 2010 meeting. At their January 2012 meeting, Ministers approved the public release of the MWWG's more comprehensive report, containing the same 52 recommendations.

The MWWG was then directed to develop an implementation plan for its 52 recommendations. Federal Provincial Territorial Ministers Responsible for Justice approved the release of a report on the implementation of the MWWG's recommendations on November 14, 2013. This report provides a summary of the work undertaken to implement the 52 recommendations included in the MWWG's September 2010 summary report and January 2012 comprehensive report.

²³ Statistics Canada, *Measuring violence against women: Statistical trends*, Juristat, February 2013, Catalogue no. 85-002-X, at 13, online: <http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11766-eng.pdf>.

- Missing Women Working Group – Implementation Plan Summary Report, online: <http://www.scics.gc.ca/english/conferences.asp?a=viewdocument&id=2118> .
- Coordinating Committee of Senior Officials (Criminal), Missing Women Working Group, Report and Recommendations on Issues Related to the High Number of Murdered and Missing Women in Canada (January 2012), online: <http://www.scics.gc.ca/CMFiles/831-016005-we11HOP-1262012-7454.pdf> .
- Coordinating Committee of Senior Officials, Missing Women Working Group, Issues Related to the High Number of Murdered and Missing Women in Canada (September 2010), online: http://www.scics.gc.ca/CMFiles/830992005_e1MAJ-2112011-6827.pdf .

5.2. Missing and murdered Aboriginal women and girls

Federal, provincial and territorial Ministers responsible for Justice and Public Safety have declared taking action to address violence against Aboriginal women and girls as a priority. At their meeting in November 2013, Ministers approved the release of a draft justice framework intended to help federal, provincial and territorial justice officials, Aboriginal organizations, and other partners work together across the country, as well as within their respective jurisdictions to find local solutions to address the serious issue of violence against Aboriginal women and girls, including missing and murdered Aboriginal women. This draft justice framework reflects issues that have been identified in work by Aboriginal and other groups in numerous reports and consultations. Because engagement with Aboriginal groups, communities and other partners is crucial, jurisdictions will engage with Aboriginal and other groups over the next year to develop the final collaborative justice framework to be submitted to Ministers in fall 2014. Each government will be able to consider adapting the measures in the framework to address the unique needs and circumstances of Aboriginal women, families and communities. The draft framework can be found at:

<http://www.scics.gc.ca/english/Conferences.asp?a=viewdocument&id=2119>.

The issue of missing and murdered Aboriginal women has generated considerable discussion in Canada and, more recently, in international fora. The United Nations Committee on the Elimination of Discrimination against Women (“the Committee”) focussed on the issue during its review of Canada’s periodic report in 2008. In late 2012, the Committee informed Canada that it had decided to establish an Inquiry into alleged grave and systematic violations of Canada’s obligations under the Convention on the Elimination of All Forms of Discrimination against Women regarding the issue of missing and murdered Aboriginal women. The Committee requested that Canada submit observations regarding the high number of disappearances and murders of Aboriginal women as well as the alleged lack of sufficient action taken by Canada to address these issues. The Committee recently completed a visit to Canada on this issue and will issue a report on the visit in 2014.

Similarly, the Inter-American Commission on Human Rights (IACHR), one of two key human rights bodies within the Organization of American States (OAS), held two general hearings on the issue of missing and murdered Aboriginal Women in Canada on March 28, 2012 and March 12, 2013. The IACHR holds these informational hearings regularly. The IACHR has also recently completed a visit to Canada on this issue.

The Special Rapporteur on the rights of indigenous peoples also raised the issue of missing and murdered Aboriginal women during his visit in the fall of 2013, and will issue a report on the visit in 2014.

5.3. Domestic violence death reviews, inquiries and coroner's reports

Numerous domestic violence death reviews, inquiries and coroners' reports in Canada have examined the circumstances surrounding killings of women and girls in the family context and made recommendations regarding enhancements to the investigation and prosecution of these crimes.²⁴ Domestic violence death review committees have been established or are in the process of development in Alberta, British Columbia,²⁵ Manitoba, New Brunswick,²⁶ and Ontario. The death review process was developed in response to recommendations made at public inquests on cases of homicides, where a victim had been killed by an intimate (or former intimate) partner. For example, the Ontario Domestic Violence Death Review Committee was established in 2003 by the Office of the Chief Coroner of Ontario in response to recommendations from two major inquests into the domestic homicides of Arlene May and Gillian Hadley. One of the purposes of the domestic violence death review committee is to identify risk factors to help predict potential lethality and to create recommendations aimed at preventing deaths in similar circumstances. These annual reviews have highlighted the need for more consistent approaches to domestic violence risk assessment and management skills in the justice and community support systems.²⁷

5.4. Ad Hoc FPT Working Group Reviewing Spousal Abuse Policies and Legislation

In September 2000 the Federal, Provincial and Territorial (FPT) Ministers responsible for Justice directed the establishment of an ad hoc FPT working group to review the implementation and status of the mandatory or pro-charging and prosecutorial policies related to spousal abuse as well as several proposed legislative reforms. The Final Report of the Ad Hoc FPT Working

²⁴ The following are examples of some of these reports. It should be noted that many of the recommendations contained in these reports have been responded to: *Report to the Minister of Justice and Attorney General, Public Fatality Inquiry: Blagica and Alex Fekete* (Alberta: Provincial Court, May 2005); *Honoring Christian Lee – No Private Matter: Protecting Children Living with Domestic Violence* (British Columbia: Representative for Children and Youth, September 2009); *Honouring Kaitlynn, Max and Cordon: Make Their Voices Heard Now* (British Columbia: Representative for Children and Youth, March 2012); *Commission of Inquiry into the deaths of Rhonda Lavoie and Roy Lavoie: A Study of Domestic Violence and the Justice System in Manitoba* (Manitoba: Provincial Court, 1997); *Report Respecting the deaths of Doreen Leclair and Corrine McKeown* (Manitoba: Provincial Court, 2002); *2011 Annual Report Domestic Violence Death Review Committee* (Ontario: Office of the Chief Coroner, September 2011); *Jury Inquests into the deaths of Jared and Andrew Osidacz* (Ontario: Office of the Chief Coroner, April 2009); *Hadley Inquest Jury Recommendations* (Ontario: Office of the Chief Coroner, February 2002); *Arlene May and Randy Iles Inquest* (Ontario: Office of the Chief Coroner, July 1998); *Coroner's Inquiry into the causes and circumstances of the deaths of Françoise Lirette, Loren Gaumont-Lirette and René Gaumont* (Quebec: Bureau du Coroner, 1997).

²⁵ British Columbia Ministry of Public Safety and Solicitor General, *Report to the Chief Coroner of British Columbia: Findings and Recommendations of the Domestic Violence Death Review Panel* (Victoria: May 2010), online: <http://www.pssg.gov.bc.ca/coroners/publications/docs/death-review-panel-domestic-violence.pdf>.

²⁶ New Brunswick Government, Office of the Chief Coroner, *Domestic Homicide in New Brunswick 1999-2008* (Fredericton: October 2012), online: <http://www2.gnb.ca/content/dam/gnb/Departments/ps-sp/pdf/Publications/1999-2008DomesticHomicideInNB.pdf>.

²⁷ Ontario Ministry of Community Safety and Correctional Services, *Ontario Domestic Violence Death Review Committee*, online: http://www.mcscs.jus.gov.on.ca/english/DeathInvestigations/office_coroner/PublicationsandReports/DVDR/DVDR.html.

Group Reviewing Spousal Abuse Policies and Legislation, published in 2003, identified three key objectives of any criminal justice system response to spousal abuse: criminalizing spousal abuse; promoting safety and security of the victim; and maintaining confidence in the administration of justice. The Working Group found that the pro-charging and pro-prosecution policies should be maintained but that their success depended on the existence of a variety of other measures to respond to domestic violence including specific legislative, court-based and service-based responses. The report provides a convenient summary of the measures in place to address domestic violence in Canada by jurisdiction.

- *Spousal Abuse Policies and Legislation: Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation* (2003) online: <http://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/pol/spo_e-con_a.pdf>:

5.5. Ad Hoc FPT Working Group on Family Violence

In January 2011, FPT Deputy Ministers responsible for Justice and Public Safety approved the terms of reference for an FPT Ad Hoc Working Group on Family Violence. This Working Group examined the issues faced by the intersection of the family justice system (including child protection) and the criminal justice system responses to family violence and it identified promising model risk assessment tools, guidelines and information-sharing protocols to respond to these challenges. The final report of the Working Group was approved by FPT Ministers Responsible for Justice and Public Safety in November 2013 and will be made public in early 2014.