

What It Takes: Establishing a Gender-Based Violence Accountability Mechanism in Canada

Written by Dr. Amanda Dale



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LEAF is a national charitable organization that works towards ensuring the law guarantees substantive equality for all women, girls, trans, and non-binary people.

This report was created as part of LEAF's **Accountability Project**. We embarked on this project to guide public policy fulfillment of the Mass Casualty Commission's recommendation to create an accountability mechanism to monitor the implementation of a national action plan on gender-based violence.

Dr. Amanda Dale acted as Project Researcher and is the author of this report. LEAF Project Director Kat Owens provided project support, with research and other assistance from Shanzay Amjad, Cass Spade and Xue Xu. Jen Gammad designed the report.

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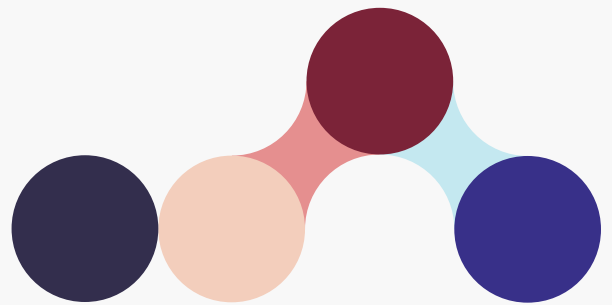
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“ Canada, along with the majority of other Western countries, has acknowledged the prevalence of gender-based violence and its horrendous costs for decades, and we know that it has been operating within and across most societies and cultures for much longer than that. This history does not make gender-based violence normal or unavoidable, but it does point to the extent of the challenge and the need for collective action. During our lifetimes, we have witnessed substantial progress toward eradicating widespread social problems through society-wide public health interventions supported, where needed, by justice system reform. **We can succeed again.**¹

“ Deaths and disappearances of Indigenous women, girls, and 2SLGBTQQIA people are **marked by indifference**. Specifically, prejudice, stereotypes, and inaccurate beliefs and attitudes about Indigenous women, girls, and 2SLGBTQQIA persons negatively influence police investigations, and therefore death and disappearances are investigated and treated differently from other cases.²

A note on terminology: LEAF uses the terms violence against women (VAW) and gender-based violence (GBV) as inclusive of cis women, trans women, and people of all marginalized genders, including Two-Spirit, trans, and non-binary people. However, when quoting statistics, we will use the terminology that is accurate to the measurements of the particular study. Additionally, where the terminology of international human rights law or domestic law protections differs from this preferred expansive definition, we will use the source’s precise terminology to avoid confusion about the nature of the protections.



Glossary

Accountability

The term “accountability” in this report refers to a range of mechanisms in democratic contexts that ensure the state is accountable to the public. These mechanisms include “ombuds,” human rights commissions, and auditors general, which should function according to international standards outlined in the Venice Principles.³ Additionally, we use the term specifically to highlight the specific state obligations to grassroots communities that experience high levels of gender-based violence (GBV) and a lack of adequate solutions in the Canadian context.

Femicide

Femicide is a term used to categorize those killings in which women and girls were killed because of their sex or gender. It is legally recognized in 10 or more countries. There are calls for it to be recognized as a distinct crime in Canada.⁴

GBV

Gender-based violence (GBV) is “violence based on gender norms and unequal power dynamics, perpetrated against someone based on their gender, gender expression, gender identity, or perceived gender.”⁵ The

term acknowledges the high levels of violence committed by men against women, while simultaneously recognizing that 2SLGBTQIA+ people also face disproportionate violence because of their gender, or perceived gender identity. Canada’s National Action Plan on Gender-Based Violence (NAPGBV) uses this terminology.

GBVAW

Gender-based violence against women (GBVAW) is a term used by the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) in its updated guidance on State obligations regarding violence against women, General Recommendation 35, “as a more precise term that makes explicit the gendered causes and impacts of the violence. The term further strengthens the understanding of this violence as a social - rather than an individual - problem, requiring comprehensive responses, beyond specific events, individual perpetrators and victims/survivors”.⁶ GBVAW is construed to be gender discrimination in violation of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW),⁷ a binding treaty obligation for Canada.

Intersectionality

Intersectionality is a framework for conceptualizing a person, group of people, or social problem as affected by a number of mutually constituted discriminations and structural disadvantages. Based in Black feminist theory, it takes into account people's overlapping identities and experiences in order to understand the complex and unique prejudices they face. Crucially, in Kimberlé Crenshaw's original formulation, it requires substantive and structural change to address intersectional discrimination.⁸ Most often, we use the term to articulate and address the fullness of oppression, including oppression based on gender, Indigeneity, race, disability status, sexual orientation, immigration status, and class, and how these intersections change according to context and situational power. Intersectionality is now an accepted approach to discrimination in international human rights law and CEDAW has integrated intersectionality through its doctrine and expressly through General Recommendation 28 and the subsequent General Recommendation 35.⁹

IPV

Intimate partner violence (IPV), also referred to as spousal violence and domestic violence, is a form of GBV that is defined by actual or threatened physical, sexual, psychological, or economic violence occurring between current or former legally married or common-law spouses or dating partners.¹⁰

National Action Plans

National Action Plans (NAPs) on violence against women or GBV are comprehensive and multisectoral blueprints for ending GBV and violence against women with built-in independent accountability. Ideally, NAPs provide a framework for strengthening the systems that prevent and respond to GBVAW. They establish national standards and call for collaboration between all levels of government, civil society, survivors, and service responders.¹¹

Ombuds

Following Linda C. Reif's work,¹² throughout this paper, except where the title of a specific role or person is otherwise, we use the gender-neutral term "ombuds" to refer to the role and institution often known as "ombudsman."

Substantive Equality

Substantive equality is a legal principle that refers to the achievement of true equality in outcomes. It is achieved through equal access, equal opportunity and, most importantly, differential provision of services and benefits according to standards that meet any unique needs and circumstances, such as cultural, social, economic, and historical disadvantage, and lead to equality of outcomes. Substantive equality is both a process and an end goal relating to outcomes that seek to acknowledge and overcome the barriers that have led to inequality in the first place. When substantive equality in outcomes does not exist, inequality remains. Achieving substantive equality for members of a specific group requires the implementation of measures that consider and are tailored to respond to the unique causes of their historical disadvantage as well as their historical, geographical and cultural needs and circumstances.¹³

VAW

In 1993, the United Nations General Assembly adopted the *Declaration on the Elimination of Violence against Women*. The Declaration defines violence against women (VAW) as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."¹⁴ VAW is a term often used in statistical measurement and has been largely replaced by the above terminologies (GBV, GBVAW). We use the term where it is accurate to law or statistics.



Executive Summary

“ The need to build up a robust national accountability framework is a stark one given the devastating lack of progress on ending gender-based violence in Canada. The findings of our environmental scan were sobering: reading reports and recommendations from 1995 that apply with equal force today makes a compelling case for extraordinary measures. Attaining our collective goal of ending the epidemic of gender-based violence requires a monumental, coordinated, and comprehensive public health approach underpinned by a similarly ambitious accountability plan.¹⁵

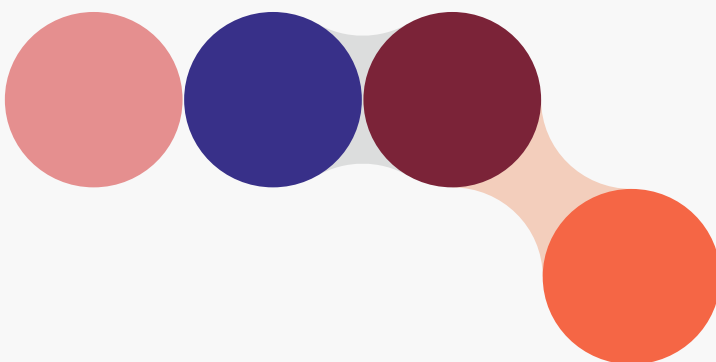
Introduction

“ **[W]e have sought to come back to the shared goal to make our communities safer. This simple but powerful goal must be a rallying point for the work ahead, bridging the divides among different agencies, institutions, groups, and individuals.**¹⁶

On March 30, 2023, the Mass Casualty Commission (MCC) delivered its final report to the Governors in Council of Nova Scotia and of Canada.¹⁷ In this report, the MCC examined events that gave rise to the deaths of 22 people, one of whom was expecting a child, in Nova Scotia in 2020. The MCC found that at the heart of this public violence lay a link hiding in plain sight: gender-based violence (GBV).¹⁸

In its Recommendation V.17, the MCC called for the creation of a gender-based violence commissioner to monitor Canada’s progress on stemming GBV, linked to the outcomes of Canada’s National Action Plan on Gender-Based Violence (NAPGBV)¹⁹ and beyond. This particular accountability mechanism was only one of the permanent mechanisms envisioned by the MCC for fostering collaboration and ensuring accountability, with their vision also including federal and provincial community safety and well-being councils and enhanced accountability mechanisms for the Royal Canadian Mounted Police (RCMP).

This report builds on Recommendation V.17 with the goal of guiding public policy fulfillment of the recommendation. Throughout it, we scrutinize and develop the MCC implementation points and consider their context and purpose, guided by our research and consultations and enriched by international comparison.



How the Report Was Made

Between October 2023 and August 2024, the Women’s Legal Education and Action Fund (LEAF) and Project Researcher Dr. Amanda Dale carried out the research and engagement strategy that resulted in this report.

In addition to being guided by an Advisory Committee of 18 GBV experts, we conducted a literature review, survey, focus groups, and key informant interviews between October 2023 and July 2024. We ultimately engaged 46 experts from a variety of backgrounds.

Grounded in this methodology, the report initiates the consultations and collaborations that the MCC suggests are critical to fulfilling Recommendation V.17. The executive summary shows the high-level results of that research and deliberation while the report provides a fuller rationale and analysis.

Key Informants

Format	Number	Participants
Surveys	1	5
Key Informant Interviews	12	13
Focus Groups	2	15

Advisory Committee

Format	Number	Participants
Meetings	3	18

Total Participants: 46*

*5 Advisory Committee members also acted as key informants

MCC’s Recommendation V.17

National Accountability Framework

The Commission recommends that

- The federal government establish by statute an independent and impartial gender-based violence commissioner with adequate, stable funding, and effective powers, including the responsibility to make an annual report to Parliament.
- The federal government develop the mandate for the gender-based violence commissioner in consultation with provincial and territorial governments, women survivors including women from marginalized and precarious communities, and the gender-based violence advocacy and support sector.

Implementation Points

The commissioner’s mandate could include:

- Working with governments and community organizations to promote coordinated, transparent, and consistent monitoring and evaluation frameworks.
- Providing a national approach to victim-survivor engagement, to ensure their diverse experiences inform policies and solutions (similar to the Australian Domestic, Family and Sexual Violence Commission).
- Developing indicators for all four levels of activity (individual, relational, community, societal) and reporting to the public at least once a year.
- Establishing and working with an advisory committee that consists of women survivors, particularly marginalized women survivors, and representatives of the gender-based violence advocacy and support sector.
- Contributing to a national discussion on gender-based violence, including by holding biannual virtual women’s safety symposiums.
- Assisting to coordinate a national research agenda and promoting knowledge sharing.²⁰

Why Accountability?

“ It is important to pause and pay attention. About one out of three adults has experienced [intimate partner violence]. These statistics are not just numbers. They represent the lived experiences of real people – of everyday life for far too many women and girls.”²¹

Canada has an epidemic of gender-based violence. At the same time, we have decades of reports, recommendations, studies, and the 2022 NAPGBV (explored below) on which we can draw to change this unacceptable reality. We need accountability to ensure that governments at all levels take the steps necessary to implement the changes that could end GBV in Canada.

The call for public accountability to solve GBV did not begin at the MCC. It can be traced throughout decades of GBV service sector advocacy, explicitly linked to the call for a NAPGBV in 1993,²² again in 2001,²³ picked up and repeated throughout inquests,²⁴ and, critically, repeatedly highlighted concerning the specific crisis of missing and murdered Indigenous women and girls.²⁵ It has also been the subject of recommendations linked to Canada’s international treaty obligations.²⁶

Why Now?

The call for accountability in relation to GBV is not new. But because the recommendation comes from a joint federal and provincial commission, it demonstrates the potential to find solutions to the frequently paralyzing jurisdictional obstacles to human rights and related public policy implementation within Canada’s federal system of government—in this case, a coordinated and effective response to GBV.²⁷ It also comes as the federal government has signed historic agreements with the provinces and territories to co-invest in solutions²⁸ through Canada’s first NAPGBV.²⁹ The signed agreements with all provinces and territories at the heart of the NAPGBV demonstrate that the commitment to ending GBV cuts across party, geographic and jurisdictional lines. Additionally, the MCC Progress Monitoring Committee, charged with monitoring and periodically reporting on the initiatives of the Governments of Canada and Nova Scotia in response to the MCC Final Report, has released its Six Month Update,³⁰ paving the way for a galvanized national response to both GBV generally and the MCC recommendations more specifically.

However, these elements of success remain disparate. Rather than a coordinated and sustainable infrastructure of response and prevention, Canada’s NAPGBV is floating on individual agreements, lacking overall accountability.³¹ Indeed, the whole project of focusing resources in this area remains an uphill battle in many ways.³²

Acknowledging that this report comes at a time of restraint in public spending, as well as cutbacks³³ and widespread mistrust of public institutions,³⁴ we contend that investing in GBV accountability aligns with these constraints and addresses them directly. There is ample evidence that investment in robust GBV prevention, response, and attitude change yields social and economic benefits that will serve the state in the short and long term. This evidence is gathered in the NAPGBV itself,³⁵ and was similarly marshalled by the MCC to underscore the public policy argument for an accountability mechanism.³⁶ Additionally, creating a mechanism focuses and builds on the public discussion of the need to stem the pervasiveness and impact of GBV.³⁷ The role of a GBV Commissioner provides leadership, energy, commitment, and expertise to tackle this persistent and expensive (in both human and economic terms) social harm.



The Way Forward: What LEAF Recommends

“ In undertaking our research, we learned there are several options and minute details to consider around different accountability mechanisms. It can be easy to get distracted by these.³⁸

1. Establishment

LEAF supports the MCC’s recommendation to create an independent GBV Commissioner, established by statute, reporting to Parliament, formally accountable to the Canadian public, and with a full range of legislated powers. This will allow for an innovative approach to what we characterize as a human rights ombuds-type role covering a thematic topic (GBV), freeing it from the risk of overlap or competition with existing ombuds mechanisms.

Recommendation

1.1 Prioritize the urgent establishment of the GBV Commissioner

2. Roles and Powers

Broadly speaking, the Commissioner’s powers will be typical of ombuds, providing flexibility to issue a range of recommendations, with a specific persuasive role in guiding public and private actors to their implementation. Crucially, to be effective, the GBV Commissioner must be independent and separate from existing federal ministries.

Most of our key informants recommended that the GBV Commissioner should be set out by statute, with a full range of powers proper to its federal role. The enabling act should include:

- full powers of review on their own initiative or upon receipt of a request to review those matters within federal jurisdiction
- the power to compel documents and witnesses in relation to those matters under their review
- the ability to intervene in court cases related to their mandate

For optimal independence, the Commissioner should be appointed through an open process, selected by a parliamentary committee, and appointed by Parliament so that the Commissioner reports to Parliament. They can, therefore, also only be removed by Parliament for listed and limited reasons.

Recommendations

- 2.1 Vest the GBV Commissioner with a full range of powers proper to its federal role
- 2.2 Ensure that the Commissioner is independent

3. Mandate

Following the advice and reflections of our key informants, we enhance the MCC’s recommendation for the overall mission of the GBV Commissioner in the following manner:

The Office of the Gender-Based Violence Commissioner monitors the implementation and renewal of Canada’s National Action Plan on GBV, based on the values of achieving substantive equality, structurally embedded community engagement, violence prevention, and good practice promotion. It is guided by the mandate to coordinate, monitor, and evaluate the implementation of the many recommendations already in circulation and to probe and motivate identifying and filling gaps in data collection, service provision, and rights fulfillment.

The GBV Commissioner’s mandate must be informed by an intersectional understanding of GBV and Canada’s international law obligations.

The mandate must also enable the GBV Commissioner to have a leadership role while respecting Canada's federal system.

Recommendations

- 3.1 Use an internationally recognized, intersectional definition of GBV in the Commissioner's mandate, such as that used by the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)
- 3.2 Employ an expansive and innovative approach to accountability in the mandate that imagines affected communities as the aggregate source of expertise, nuanced data collection, best practices, and the ultimate beneficiaries of an accountable response to GBV
- 3.3 Ensure clear constitutional parameters guide the Commissioner's mandate, such as operating only within legal issues related to criminal, Indigenous, immigration, and refugee matters

4. Selection

To fulfill its mandate, the role of GBV Commissioner should be occupied by someone with content expertise and deep networks. Their credibility and community connections are critical, as are the skills and knowledge to be able to engage across government departments without being part of them.

Their appointment term should extend beyond any one government mandate but be limited in renewals.

Recommendations

- 4.1 Select the Commissioner through an open call with specific criteria
- 4.2 Appoint the Commissioner for a minimum five-year term, renewable only once

5. Structure

The Office of the GBV Commissioner should be appropriately staffed to advance:

- A robust linkage to the Indigenous Human Rights Ombudpersons Offices' murdered and missing Indigenous women, girls, and 2SLGBTQIA+ people (MMIWG2S) focal points
- A structurally integrated and meaningful Intersectional Survivor, Advocacy, and Support Sector Advisory
- Advanced research capabilities that account for gaps in current data collection
- Advanced evaluation capabilities that account for new approaches to measuring change
- Sufficient formal and productive relationships with related federal entities to accomplish related, specific, or overlapping areas of mandate. For example:
 - The Office of the Federal Ombudsperson for Victims of Crime
 - The Office of the Auditor General of Canada
 - The Tri-Agencies (Capstone Agency) funding Canada's research agenda
 - The Indigenous Human Rights Ombuds Offices
 - The Canadian Association of Statutory Human Rights Agencies
 - The Forum of Canadian Ombudsman
 - Statistics Canada

Recommendations

- 5.1 Ensure the GBV Commissioner is structurally accountable to the Canadian public and to affected communities
- 5.2 Appropriately staff the office of the commissioner to advance necessary collaboration, research, and evaluation capabilities
- 5.3 Structure the office to favour implementation and engagement, with a robust consultation budget and back-office integration

6. An Urgency to Act: Immediate Priorities

A GBV Commissioner should have maximum independence and maximum powers. However, we are also cognizant of the complexity of setting up such offices in Canada's federal system. The potential for delays in the appointment process jeopardizes the critical and ongoing role the office of the GBV Commissioner could already be playing to galvanize a coordinated and measurable response to GBV in Canada.

Respecting the need for a manageable and practical mandate on an urgent timeline, we understand a hybrid approach that falls short of these maximums while still ensuring the GBV Commissioner's independence and ability to fulfill its mandate may be more practicable.

We recommend granting the GBV Commissioner full powers of review on their own initiative or upon receipt of a request to review those matters within federal jurisdiction³⁹ for future use but beginning with what the MCC called a "rapid and nimble build-up period",⁴⁰ prioritizing getting the office in place.

The office should refrain from beginning with or focusing its setup on the inevitability of the review function. Much is already known about GBV in Canada, and many recommendations that have not been implemented could form the basis of their work. The office should therefore initially focus on engagement, monitoring, collaboration, and NAPGBV familiarization, while remaining alert to well-documented data gaps leaving out vulnerable populations. These gaps may require reviews of systems and/or processes within the GBV Commissioner's federal mandate.

Recommendations

- 6.1 Prioritize the urgent establishment of the GBV Commissioner, even if this means falling short of maximum powers and maximum independence
- 6.2 Enable the quick set-up and launch of the GBV Commissioner through an initial focus on engagement, monitoring, collaboration, and NAPGBV familiarization as opposed to investigation



What follows in the full report gives context and depth to LEAF's recommendations. We urge you to read it to round out the snapshot we have provided above. Principally, it demands acceptance of common cause across government, political parties, the GBV advocacy and support sector, survivors and their families, mainstream and Indigenous partners, and people of all genders and identities to listen and be listened to; to do and to be better. It requires us to heed the wisdom of the multitude of people who advised the MCC, survivors who have been speaking up for decades, and those who generously supported this project, and collectively to hold ourselves accountable for the scandalous epidemic of gender-based violence in Canada today in order to create a safer tomorrow.

Introduction

- “ At the end of the day, the most important thing that I want to leave here with is we need to listen to the people who experience this day to day. They are the experts, the survivors themselves, the stories.⁴¹
- “ Accountability was also a social issue according to the women I spoke with. If we wish for offenders to change their behaviour, it follows that society itself has a responsibility to aid in this endeavour. [...]. For the survivors I interviewed, accountability was about being responsible for protecting one another and working together to create a safer, better world.⁴²

Project Background

This project originates in a broad consensus that gender-based violence (GBV) in Canada is a crisis of epidemic proportions⁴³ and that it is within our reach to address and turn it around. That goal, however, can only be met with robust accountability that provides focus, is well-resourced, and can marshal expertise to lead to meaningful change.

The Mass Casualty Commission (MCC) captured this reality in its seven-volume report, finding that at the heart of the 2020 public violence in Nova Scotia that gave rise to the deaths of 22 people, one of whom was expecting a child, lay a link hiding in plain sight: GBV. Among its recommendations was the creation of a robust accountability mechanism. Laid out in **Recommendation V.17**, the MCC called for the creation of a GBV commissioner to monitor Canada's progress in stemming GBV, which they linked to the outcomes of Canada's National Action Plan to End Gender-Based Violence (NAPGBV).⁴⁴

The Women's Legal Education and Action Fund (LEAF), in coalition with the Avalon Sexual Assault Centre and Wellness Within, participated in the MCC. Building from this interest in its findings, and in our previous participation in the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), we initiated the Accountability Project, to guide and give shape to the recommendation for GBV accountability in Canada.

The call for public accountability to meaningfully address GBV did not begin at the MCC. It can be traced throughout decades of GBV service sector advocacy, explicitly linked to the call for a NAPGBV in 1993⁴⁵ and again in 2001,⁴⁶ picked up and repeated throughout inquests,⁴⁷ and, critically, repeatedly highlighted concerning the specific crisis of missing and murdered Indigenous women and girls.⁴⁸ It has also come to Canada as part of a set of recommendations from the Committee that oversees state parties' implementation of the United Nations Convention to End all forms of Discrimination Against Women (CEDAW), in relation to which Canada is also a duty-holder.⁴⁹

While not a new imperative, it is unusual that the recommendation for a robust accountability mechanism comes from a joint federal and provincial commission. This invites us to consider that there is a broad willingness to solve the frequently paralyzing jurisdictional obstacles thrown up by Canada's federal system of government to build a coordinated and effective response to GBV.⁵⁰

Recommendation V.17 also comes as the federal government has signed historic agreements with the provinces and territories to co-invest in solutions through Canada's first NAPGBV.⁵¹ The signed agreements with all provinces and territories at the heart of the NAPGBV demonstrate that the commitment to ending GBV cuts across party, geographic, and jurisdictional lines. It is common ground from which to build.

Additionally, the MCC Progress Monitoring Committee, charged with monitoring and periodically reporting on the initiatives of the Governments of Canada and Nova Scotia in response to the MCC Final Report, has released its Six Month Update,⁵² paving the way for a galvanized national response to both GBV generally and the MCC recommendations more specifically.

The case for the MCC's Recommendation V.17 is made in Volume 3⁵³ and appears again in Volume 6 on implementation.⁵⁴

Recalling that the MCC Report was developed out of a staggering volume of research—witness appearances, expert round table discussions, testimony of parties with standing, and decades of previous recommendations—maintaining the interconnected nature of the findings spread across all seven volumes has shaped our approach.

Taken as part of this context, it is clear that an accountability mechanism is not an end in itself but a means to ensuring that, over time, communities become safer; fewer women, children, trans and non-binary people experience violence; and femicide is no longer commonplace.

Shared responsibility, prevention, and community accountability all lie at the centre of the mechanism we are building. This means that while the commissioner would provide accountability for implementing the NAPGBV, the mandate would not be limited to any one NAPGBV, current or future.

It also means that materially, the accountability imagined by the MCC only partially rests with one mechanism. The GBV commissioner was but one of the permanent mechanisms envisioned by the MCC to foster collaboration and ensure accountability. Their vision included federal and provincial community safety and well-being councils, enhanced accountability mechanisms for the Royal Canadian Mounted Police (RCMP), and the GBV Commissioner. To be successful, the GBV Commissioner cannot be saddled with an outsized mandate in the face of confounding obstacles. We both name and mitigate those obstacles in what we propose.

Canada's NAPGBV has been announced and partially funded.⁵⁵ There have been commitments from all other levels of government, according to existing platforms,⁵⁶ mandates,⁵⁷ and prior agreements,⁵⁸ as well as current and new pledges.⁵⁹ However, rather than the promised sustainable infrastructure of response and prevention, the agreements reflect short-term project funding. In contrast to the robust accountability framework called for by GBV advocates, service providers,⁶⁰ and the MCC, Provincial Agreements with federal funding attached are connected to an Expected Results Framework with a roll-up of provincial and territorial self-reporting.⁶¹ Accountability to real social and institutional change requires more.

Based on focused research, expert engagement, and international comparison, we conclude that accountability to the end goal of halting the GBV epidemic can only be accomplished with

- The direct involvement of affected communities, community-based advocates, and experts in GBV who can recommend changed approaches,
- Independence from political favour or changes in government mandates,
- An independent budget,
- A time-horizon commensurate to solving the complex nature of the problem, and
- An accessible, independent, collaborative, responsive, data-driven, and innovative approach.

Project Methodology

Project History

LEAF and Project Researcher Dr. Amanda Dale carried out the research and engagement strategy that resulted in this report between October 2023 and August 2024.

Literature Review

Throughout this report, we refer to current and formative literature that informs our report, building out the depth and breadth of research that undergird the MCC's recommendation in the first place. The literature we consulted is both peer-reviewed and so-called grey literature based on expertise outside the academy. Where appropriate, we have also consulted media sources.

We were motivated by the following research questions, which also formed the basis of our discussions with key informants:

- What form should the accountability mechanism take?
- Under what category should it be created (e.g., Officer of Parliament, Agent of Parliament)?
- What roles and powers should it have?
- What is required to ensure that the accountability mechanism is independent and has the necessary buy-in from communities, members of the GBV advocacy and support sector, and other key stakeholders?
- What would be the relationship between it and existing human rights mechanisms in Canada?
- How should it address matters within federal, provincial, territorial, or overlapping areas of jurisdiction?

Expert Engagement

At the outset of the project, LEAF engaged a broad range of experts in matters central to considering a national accountability mechanism. They were experts at various intersections of GBV and its structural causalities, based across Canada, in multiple fields, and had known and prior expertise and engagement with the issues under consideration. These are summarized below.

Advisory Committee

LEAF established an [Advisory Committee](#) made up of 18 leaders in the GBV advocacy and support sector with longstanding engagement with the NAPGBV. The committee's mandate was to provide advice to the Proj-

ect Researcher. Its contributions are reflected throughout this report. The Advisory Committee met three times throughout the duration of the project and provided feedback on a draft version of this report.

Surveys

LEAF invited Advisory Committee members and other experts to complete [an online survey](#) that recorded their advice, views, and knowledge relevant to the project's goals.

Key Informant Interviews

The project also engaged a wide range of [key informants](#) through semi-structured interviews and focus groups to guide its findings. Key informants brought specialist expertise in law, accountability mechanisms, affected populations, and more.

Indigenous Women's Leadership

Recognizing the primacy of the MMIWG crisis, our project was keen to ensure connection to and amplification of those accountability concerns that were most pressing for Indigenous women. To fulfill this aim, we reached out to the Ontario Native Women's Association's (ONWA) existing Indigenous Women's Accountability Table, and the project researcher was invited to hear the questions and concerns of that national table. Additionally, that table's facilitator, Joan Riggs, played the role of guide and consultant to the Project Researcher.

Key Informants

Format	Number	Participants
Surveys	1	5
Key Informant Interviews	12	13
Focus Groups	2	15

Advisory Committee

Format	Number	Participants
Meetings	3	18

Total Participants: 46*

*5 Advisory Committee members also acted as key informants

The Rationale for a GBV Accountability Mechanism

GBV: The Neglected Epidemic



I would say that for many decades of frontline work and feminists' work and systemic change work in trying to address issues within policing, one of the first barriers that you hit is a denial that it's occurring at all, and so that ... the starting point of anybody who wants to do active work is you are placed in a position of having to prove that the problem exists.⁶²



We agree that recognizing gender-based, intimate partner, and family violence as an epidemic is a valuable first step in mobilizing the collective action toward the substantive steps needed to prevent and eradicate these forms of violence. The word 'epidemic' signifies the scope of the problem as prevailing and sweeping, and also speaks to its toxic and unhealthy character. It may resonate strongly now, given our recent shared experience of acting together in the public interest to bring COVID-19 under control.⁶³



Gender-based violence is perhaps the most wide-spread and socially tolerated of human rights violations. It both reflects and reinforces inequities between men and women and compromises the health, dignity, security, and autonomy of its victims.⁶⁴



The Data We Have and the Data We Don't Have

The MCC exhaustively established the grim statistical reality of GBV in a global and national context in its report. We repeat only aspects of that context here to clarify the accountability issues to be addressed by the mechanism for GBV.

According to the United Nations World Health Organization (WHO), violence against women (VAW) is both a human rights and a public health crisis of pandemic proportions, established as such long before the COVID-19 pandemic gripped the world.⁶⁵ Intimate partner violence (IPV) is the most common form of violence against women reported to police in Canada, for instance, with eight in 10 victims being women and girls.⁶⁶

Femicide is a term used to recognize those killings in which women and girls were killed because of their sex or gender. It is a legal criminal category in many parts of the world, and there have been calls to recognize it as a distinct crime in Canada.⁶⁷ Where information is known, “men are the majority of those accused.”⁶⁸

Between 2011 and 2021, police reported 1,125 gender-related homicides of women and girls in Canada. Of these homicides, “two-thirds (66%) were perpetrated by an intimate partner, 28% by a family member, 5% by a friend or acquaintance and the remaining 1% by a stranger”.⁶⁹ According to the Canadian Femicide Observatory for Accountability and Justice (CFOJA), the killing of women and girls involving male accused in Canada increased by 27 percent in 2022 compared to the pre-COVID year 2019.⁷⁰ “At least one woman or girl is killed by violence every two days” — the “at least” signalling the telling dearth of reporting and statistical accuracy in tracking.⁷¹

The dearth of statistical information specific to GBV and femicide referenced by many⁷² is deadly in and of itself, leaving causal and therefore preventative contexts off the table in our current solutions. Low-quality GBV data leads to partial or harmful policy decisions, misrepresentation of reality, inadequate responses, resource misallocation, and lack of trust in interventions and decisions. These problems are especially present in rural, remote, northern, and Indigenous communities.⁷³

Perversely, survivors of intimate partner violence are at greater risk of further violence when they leave an abusive relationship.⁷⁴ This well-known and oft-repeated fact begs for accountable prevention strategies.

Sexual violence is an important consideration in a full-some approach to GBV:

- Almost six in 10 (56%) Indigenous women have experienced physical assault, while almost half (46%) of Indigenous women have experienced sexual assault. In comparison, about a third of non-Indigenous women have experienced physical assault (34%) or sexual assault (33%) in their lifetime.⁷⁵
- 60% of sexual abuse/assault victims are under the age of 17.⁷⁶
- Women with a disability were nearly twice as likely as women without a disability to have been sexually assaulted in the past 12 months.⁷⁷
- About one-quarter of women with a cognitive disability (24%) or a mental health-related disability (26%) were sexually abused by an adult before they were 15 years of age.⁷⁸
- Immigrant women may be more vulnerable and less likely to report sexual violence due to economic dependence, language barriers, lack of knowledge of community resources and fear of further victimization or deportation.⁷⁹

The Canadian experience of GBV is shaped and exacerbated by other forms of human rights violations, discrimination, and marginalization, with which gender discrimination intersects, with particular risks for Indigenous women.⁸⁰ As the Women's Shelters Canada Expert Engagement report to guide the federal government's NAPGBV put it:

[T]he populations most affected by violence are those that are consequently most affected by our failure to reduce rates of violence through our interventions to date, including people living in rural and remote areas, Indigenous people, Black people, people with disabilities, racialized people, non-binary and trans people, LGBTQI2S+ people, and migrant people. Without adequate consideration of the ways in which violence is experienced differently, and to a greater extent by some people and populations, the recommendations in circulation may simply redistribute harms across social systems and populations.⁸¹

The mechanism for accountability, therefore, needs to be alert to these realities and actively engaged in solving these matters.

Experiences of Indigenous Women

“ One canoe is so dominant that we’re having trouble in our own canoe.

— Key Informant Cora Lee McGuire-Cyrette, CEO, ONWA

It is impossible to speak of GBV in Canada without confronting the enduring crisis of MMIWG, a crisis now sadly, but appropriately, broadened to include 2SLGBTQIA+ Indigenous people (MMIWG2S), and acknowledged to be an aspect of genocide.⁸² The history, advocacy pathways, policy frameworks, and dynamics of this particular form of violence have primarily operated in separate trajectories from more “mainstream” efforts to address gendered harms.

For the most part, Indigenous women’s experiences of violence have, after decades of denial, invisibility, and ignorance, become more clearly revealed through Indigenous women’s advocacy via international legal mechanisms, norms, and concepts under the rubric of MMIWG2S.⁸³ Canada’s National Inquiry into MMIWG2S represented the fulfillment of one of the recommendations that came out of the Inquiry conducted of Canada by the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) into this “grave women’s human rights violation.”⁸⁴

Yet, in the effort to reveal this oppression, “single-story”⁸⁵ habits have reduced whole humans to an acronym –MMIWG2S– that has nearly erased “their key role as leaders, knowledge-bearers and transmitters of culture among their peoples, communities, and families, as well as society as a whole.”⁸⁶ Thus, visibility of harm becomes synonymous with identity and rebounds to create the invisibility of their full humanity that led to the harm in the first place.

The nature of the complex, unique, and compounding prejudices Indigenous women in Canada face is shaped and conditioned by ongoing settler-colonialism, which promotes “a legal culture that institutionalizes the devaluing of Indigenous women.”⁸⁷ This is not the same as saying there was no GBV prior to contact,⁸⁸ but that, coupled with the destruction of Indigenous legal systems and their responses to and prevention of violence,⁸⁹ colonialism does account for the extreme, intense, and structural nature of it.⁹⁰

The impact of the genocidal social system destruction of First Nations, Inuit, and Métis peoples in Canada⁹¹ has led to rates of violence against women, girls, and 2SLGBTQIA+ communities that have drawn the condemnation of the international community as well as domestic human rights mechanisms. The findings have implicated law enforcement, justice systems and carceral practices, healthcare, religious institutions, and education systems. Yet implementation of the 231 Calls for Justice from the National Inquiry remains unfulfilled mainly, with less than half begun as of June 2023.⁹² Ignoring the agency and expertise of Indigenous women, girls, and 2SLGBTQIA+ people undergirds impunity for their abuse, assaults, murders, and social conditions, revealing and expressing their experiences of structural violence.⁹³



GBV has both common and disparate manifestations across communities. It therefore requires multiple and interconnected modes of response and the implementation of existing plans and accountability mechanisms. The National Inquiry's Call for Justice 1.7, to create a National Indigenous and Human Rights Ombudsperson, and their embedded responsibility for MMIWG2S, should be a critical game-changer.⁹⁴

Ministerial Special Representative on Call for Justice 1.7 Jennifer Moore Rattray has recommended how this is to be structured,⁹⁵ and from her work we know that innovative models of accountability can be imagined that include specific content expertise on GBVAW and community-based accountability and knowledge, including survivor and family experience. An assessment of what has been implemented and what is being contemplated also needs to inform the assessment of any NAPGBV.⁹⁶ Linking the work to be done on MMIWG2S and mainstream GBV accountability in Canada is a case of what Key Informant Cora Lee McGuire-Cyrette characterized as "two canoes paddling in the same direction."⁹⁷

Throughout our consultations, there was a consensus that there ought to be a productive relationship and not silos between NAPGBV oversight mechanisms, including between the proposed GBV Commissioner and the National and Regional Indigenous and Human Rights Ombudspersons. This critical work will need to be conducted by experts.

Intersectional Approaches

“ We need to be believed as Black and Indigenous women.”⁹⁸

Addressing how GBV intersects with other harms, structural disadvantages, and identities is critical to solving the enduring crisis it represents. Absent this, interventions merely redistribute harm across social, legal, and policy areas.

Intersectionality is a term that has travelled from activism to the academy and into the anti-discrimination human rights frameworks in many places, including the United Nations.⁹⁹ While intersectionality is a term used widely in activist circles, it has also begun appearing in government and social policy lexicons. The practice and meaning of intersectionality have long and contested antecedents in Black feminist struggle,¹⁰⁰ but the term intersectionality itself was coined by Kimberlé Crenshaw, an American critical race feminist activist and legal scholar.¹⁰¹

Intersectionality is a framework for conceptualizing a person, group of people, or social problem as affected by a number of discriminations and structural disadvantages. Based in Black feminist theory, it takes into account people's overlapping identities and experiences in order to understand the complex and unique prejudices they face. Crucially, in Crenshaw's original formulation, substantive and structural change is required to address intersectional discrimination. Most often, we use the term to articulate and address the fullness of mutually constitutive oppressions, including gender, Indigeneity, race, disability status, sexual orientation, immigration status, and class, and how these intersections change according to context and situational power.

Intersectionality is, ultimately and overall, the approach needed in developing responses to GBV and needs to be the express approach of the accountability mechanism. It is also best guaranteed by collaborative approaches between and among ombuds-like mandates that oversee mechanisms and laws that affect populations vulnerable to human rights violations.



State Accountability for GBV: An International Human Rights Obligation

“ There is minimal implementation of our obligations under CEDAW: it would be great if CEDAW were expressly referred to in the mandate of the accountability mechanism. CEDAW has very detailed recommendations.

— Key Informant Linda C. Reif, Professor, Faculty of Law, University of Alberta

Canada's Obligation to Act on GBV

As observed by the MCC, acting on GBV is part of Canada's international human rights obligations.¹⁰² This framing is critical because rather than seeing the matter as a “stereotypical women's issue,” it recasts efforts to address violence as a harm of discrimination and articulates “why they are legal wrongs that violate human rights”¹⁰³ that compel state-sponsored law, policy, and social change efforts.

There are many sources of Canada's international legal obligations¹⁰⁴ to prevent and protect against GBVAW.¹⁰⁵ Several mechanisms that offer protections against GBVAW have been instituted internationally, globally, within regions, and in many cases, applied outside them.¹⁰⁶ Many of these advances in law have resulted from excellent advocacy by those fighting for the recognition of the unique and intersecting harms inflicted on women.¹⁰⁷

CEDAW treaty, doctrine, and jurisprudence fully detail the state's obligations. According to both the CEDAW Committee and the United Nations Special Rapporteur on violence against women and girls, its causes and consequences (SRVAW), protection of women against the violence against them is now a matter of international customary law.¹⁰⁸ This means that the standard of due diligence to fulfill this obligation is binding on all states, regardless of formal agreements. In this sense, Canada has as much duty to fulfill this obligation as it does to refrain from torture, slavery, genocide, and racial discrimination. The obligation applies equally to state and non-state actors: violence committed by individual

perpetrators is the state's responsibility as part of its due diligence.

In addition, GBVAW may amount to torture or cruel, inhuman, or degrading treatment in certain circumstances, including in cases of rape, domestic violence, or harmful practices, amongst others. In some cases, some forms of GBVAW may also constitute international crimes.¹⁰⁹

At the time of this report, it seems likely that Canada will shortly be making good on its promise¹¹⁰ to accede to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (known as the Convention of Belém do Pará), a key part of the Inter-American Human Rights system.¹¹¹ A Women and Gender Equality (WAGE)-generated consultation document aimed at the GBV advocacy and support sector states that: “[a]ccession [to Belém do Pará] would support domestic efforts to eliminate violence against women, including the federal Strategy to Prevent and Address GBV, the implementation of the Missing and Murdered Indigenous Women and Girls National Action Plan, as well as the National Action Plan to End GBV.”¹¹²

Establishing the Canadian GBV accountability mechanism offers an opportunity to strengthen the monitoring of adherence to Canada's international obligations concerning GBVAW. While some ombuds also monitor the conduct of private actors, a core function of ombuds-like institutions internationally is “monitoring the public authorities to ensure that they implement their international and domestic obligations and victim assistance activities”.¹¹³

The Role of National Action Plans

Various United Nations agencies¹¹⁴ and treaty bodies, as well as implementing governments globally,¹¹⁵ recognize that national action plans (NAPs) on VAW can play a valuable coordinating role in concerted, sustained efforts to address this pervasive social harm. It is an international best practice of national action plans on violence against women to create a coordinated, holistic, effective response to violence against women within a framework that ensures, to the greatest degree possible, consistency in all measures to prevent, respond to and address GBVAW.

In short, the international standard is for states to advance comprehensive and multisectoral blueprints for ending violence against women with built-in independent accountability. Ideally, NAPs provide a framework for strengthening the systems that prevent and respond to GBVAW. They establish national standards and call for collaboration between all levels of government, civil society, survivors, and service providers.¹¹⁶

Canada's NAPGBV: Lacking Accountability

“Currently, the momentum appears to have stalled on making the NAPGBV anything beyond a return to business as usual—projects, and uncoordinated one-off funding calls, albeit more of them and more generous—instead of a true National. Action. Plan., grounded in all three of these elements.”¹¹⁷

In recent decades, successive federal and provincial governments in Canada have enacted numerous policies and pieces of legislation (including turns of policy detrimental to those seeking protection from GBV¹¹⁸) in response to calls for action on pandemic levels of violence from advocates. No Canadian government, however, implemented this international best practice and pursued a comprehensive NAPGBV until 2019. In the 2016 election, the current government pledged a federal action plan, which limited their leadership and responsibility only to those domains constitutionally linked to their purview, falling far short of the global best practice of a comprehensive approach that considered the equality rights of survivors of GBV in all “postal codes” or nationally.¹¹⁹ While a national action plan currently is in the books, as we explore below, it faces challenges in reaching a national standard.

Accountability in Canada's NAPGBV

“This is everyone's problem. It's not the local shelter that needs to do a better job at its fundraising; this is a global problem that needs a pandemic-level investment.”¹²⁰

“Why do we repeatedly commit to addressing gender-based violence but fail to live up to this commitment? What causes this disconnect?”¹²¹

Currently, the Canadian NAPGBV does not have a separate or independent accountability mechanism, as envisioned by the MCC. Below, we explore the elements of the current Canadian NAPGBV and those aspects that touch on accountability within its terms.

Federal Strategy

The Canadian NAPGBV only covers activities in the provinces and territories. Work at the federal level is under the umbrella of the Federal Strategy,¹²² (originally known as It's Time: Canada's Strategy to Prevent and Address Gender-based Violence) and was announced in June 2017. The last available annual report documenting the actions taken under the Federal Strategy is for 2021-2022. Without annual reports for 2022-2023 or 2023-2024, it is unclear what actions have been taken in recent years.¹²³

The Federal Strategy primarily supports WAGE's GBV Branch through which WAGE shares GBV expertise with other government departments and partners. We understand that WAGE will resume work on the Federal Strategy through the Branch now that the agreements with the provinces and territories have been signed. This resumption of activity is focused on “reach[ing] out to validate previous input provided on areas within federal jurisdiction that need to be considered and determine if there are any new gaps.”¹²⁴



Accountability in Federal Provincial Territorial National Action Plan Agreements

The current provincial and territorial agreements rely on self-reporting and participation in a federal NAPGBV evaluation framework called the Expected Results Framework.¹²⁵ A joint analysis by Women's Shelters Canada and Ending Violence Association of Canada (EVA Canada) indicates that provincial and territorial exceptionalism and autonomy make the current NAPGBV difficult to monitor.¹²⁶

All provinces and territories except Alberta and Quebec used the following language to describe their evaluation obligations: "Canada's programs are routinely subject to evaluation. The Parties agree to participate in the NAP to End GBV evaluation."¹²⁷

By contrast, Alberta's agreement states the following about their evaluation:

Alberta is responsible for the evaluation of its activities undertaken under the Agreement and agrees to share with Canada the public results of any evaluations related to the activities under the Agreement.¹²⁸

Quebec also has distinct reporting responsibilities:

Québec will provide Canada with public reports consistent with Québec accounting practices. These annual reports shall include how federal funds were spent to support the Integrated Violence Strategy. The reports shall include the results of implementation of each of the actions of the Integrated Violence Strategy.¹²⁹

Highlighting the specific challenges this poses to accountability without an independent institution responsible, the Women's Shelters Canada/EVA Canada joint analysis stated that the current NAPGBV federal funding to the provinces and territories is particularly opaque to trace and monitor. Their analysis shows that:

There is no indication of the amount of funding being allocated to each of the projects listed under the pillars. This makes it difficult to identify whether funding is being expanded for existing initiatives, or simply maintained from previous years. Some provinces

and territories have committed to more than a 50-50 cost sharing, but again it is unclear if this is funding that would have been allocated to the GBV initiative regardless.¹³⁰

They also highlighted that the arrangements missed some critical opportunities for a coordinated and national reach and, therefore, missed the mark on fulfilling the promise of a true NAPGBV with measurement, evaluation, accountability, and learning (MEAL):

There are a number of great projects that have been put forward, but unfortunately there is a missed opportunity as these could be national initiatives. Examples of these projects include provincial and territorial awareness-raising campaigns, and a GBV terminology guide for the Northwest Territories in all regional Indigenous languages. These would be valuable to have as national projects, rather than only contained to one region. If these types of initiatives were national in scope they would not only show the potential of a national plan, but also could reduce national duplication and inefficiencies. Such projects could be collaboratively designed at the national level, but tailored for regions.¹³¹

Additionally, there is concern from the evaluation to date that a fulsome definition of GBV is not directing either engagement or investment. An analysis by EVA Canada shows that "[w]ithin the agreements, there is little mention of sexual violence when it comes to concrete actions and funding allocations."¹³²

An independent office could review, test, and elaborate on precisely these matters so that, over time, examples of good practices exhibited across the country could guide future investments.

A Brief Consideration of Accountability Mechanisms

“ What are the real accountability problems we want to address?”¹³³

Various accountability mechanisms exist in democratic nations. Despite having similar purposes and functions, similar mechanisms sometimes have different names. This brief section of the report aims to provide high-level definitions of common accountability mechanisms, grouped according to purpose and function, along with examples.

Accountability Mechanisms Overall

Independent accountability institutions “control the actions of other state bodies through actions ranging from soft monitoring to hard coercive sanctions.”¹³⁴

According to Naomi Metallic et al, accountability institutions include, but are not limited to, ombuds. Their functions include “litigation, intervention, providing advice, research, and education”¹³⁵. Generally, these institutions monitor and supervise governments’ actions and activities to ensure they do their work fairly, justly, and transparently.

Accountability mechanisms are designed to provide citizens with an accessible, impartial, and informal avenue to address problems with the actions of government. Key roles of accountability institutions include improving human rights protection and promotion when judicial intervention is not available or realistic, improving domestic human rights circumstances, changing the culture and mindset of bureaucracy, drawing attention to law reform needs, requesting binding decisions through the courts, reducing poor bureaucratic behaviour through monitoring, improving rule of law, and strengthening good governance.

Compared to judicial institutions, accountability mechanisms have broad and flexible assessment criteria for determining violations. This gives them the ability to address a broader range of violations using a variety of remedies.

Examples of independent accountability institutions include:

- Auditors general
- Anti-corruption bodies
- Electoral commissions
- Policing oversight institutions
- Human rights commissions
- Ombudspersons¹³⁶

There is some confusion around using different terminology for Ombuds-like mechanisms such as Ombudspersons, Advocates, or Commissioners.

At a high level, advocates take the side of their client in contrast to ombuds, who, when investigating, remain impartial as to the facts and law until they conclude whether there has been illegality or improper conduct. Commissions, including human rights commissions, and ombuds institutions developed separately with different mandates. However, in the last few decades there has been some hybridization of the institutions, particularly giving human rights mandates to ombuds institutions. Although human rights commissions and ombuds engage in education and advisory work akin to advocating for victims, this should not be confused with them becoming advocates in their investigatory work.¹³⁷

Linda C. Reif summarizes ombuds as accountability institutions:

The core mission of all public sector ombuds institutions is supervision of the administrative authorities through impartial investigations, reports and recommendations, with the objective of promoting legality, justice and fairness. From their inception, ombuds institutions were linked to the legislative branch of government to give them independence from the executive and administrative authorities.¹³⁸

In their classic form, ombuds do not have human rights functions. The advent of human rights ombuds has taken root in several countries in recent decades. These institutions have express human rights protection and promotion mandates, including investigations, intervening in court actions, research, public education, public awareness raising, etc.¹³⁹ We read the MCC's decision to use the title of "commissioner" as reflecting the nuance that the GBV Commissioner would be a form of human rights ombuds covering a thematic topic (GBV). We support that implication in our recommended GBV commissioner.

Accountability Mechanisms for Gender-Based Violence

An immense variety of mechanisms wholly or partially account for GBV state oversight in various social, political, and legal contexts. Many states elect to tackle the scourge of GBVAW in the context of a peace and security agenda, particularly in transitional or post-conflict contexts.¹⁴⁰ These mechanisms, while a potential source of exciting innovations, are not directly analogous to the situation of an advanced democracy in peacetime.

Reif's work constitutes one of the few comprehensive studies of the weaknesses of human rights ombuds (as national human rights institutions) and classic ombuds in prioritizing women's rights/gender equality issues, providing observations of how this can be changed and improved.¹⁴¹ We have interpreted her work as grounds to recommend a stand-alone GBV thematic institution, so that GBV, a consistently unresolved and often fatal harm, will attain the public investment and prioritization required to reverse the trend.

Reif also shows that some countries have thematic human rights institutions as well as their national human rights commissions or human rights ombuds (e.g. children's ombuds/commissioners, different types of equality bodies).¹⁴² We review some GBV-specific bodies in comparable democracies to Canada later in this report. In accepting the MCC's recommendation, Canada would not be alone in ensuring an express focus and purpose in a Commissioner role.

On the flip side of this, Reif notes that to ensure tangible results that benefit women's rights, a stand-alone office is needed. It must, however, be one that is embedded in an accountability system nationally where multiple mandate holders are seized with integrating gender equality rights into their portfolios.¹⁴³ This underscores the importance of the call for a new mechanism with a particular GBV focus in Canada's ombuds ecosystem to both carry out particular functions and provide leadership across mandates.

Ultimately, we concur with the MCC that accountability must be premised on the understanding that substantive gender equality is a prerequisite for the eradication of the GBV epidemic that the MCC found exists in Canada.¹⁴⁴ Experiencing violence prevents women from attaining equality in public or private life and gives rise to gender inequality.

Gender-based violence is deeply rooted in the historically unequal power relations between women and men, which result in discriminatory attitudes that perpetuate harmful behaviours and practices against women. That is why achieving substantive equality between men and women is essential in addressing the root causes of violence against women and creating a society where all individuals are treated with dignity and respect.¹⁴⁵

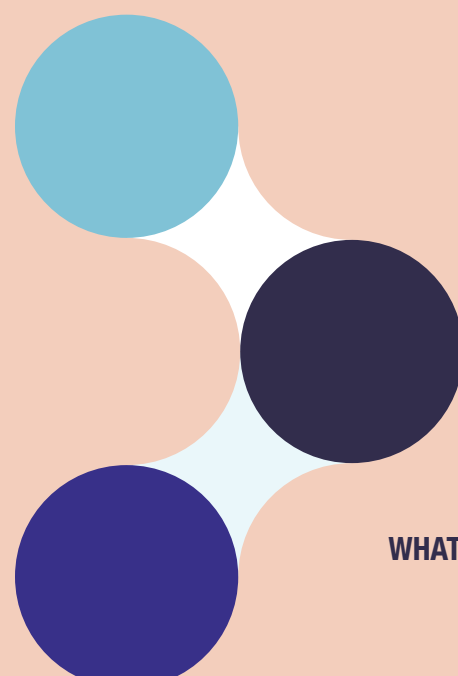
But we cannot wait for the achievement of gender equality as the only means to eradicating GBV. With the goal of substantive equality in mind, however, some short-term responses to GBV, such as particular legal recourses, could be off the table since they may ultimately impede that goal by leading to further racism or perverse incarceration of those seeking protection from harm.¹⁴⁶ Overall, the goal of substantive equality will determine how we approach and measure the outcomes of our efforts. Without this framing, "[s]ome of the best things within and about feminism get left out."¹⁴⁷ As we explore now, such an explicit approach has been adopted by other countries with NAPGBVs.¹⁴⁸

Related International Examples

Recent examples of analogous GBV accountability mechanisms, some of which have only recently been established, provide worthwhile considerations for establishing Canada’s mechanism.

Finnish National Rapporteur on Violence Against Women

Establishment	Mandate	Level of Independence	Structure
<p>Created within a civil law system whose human rights functions are permanent statutory features of its legal framework</p> <p>Appointed in January 2022 and housed in the Office of the Non-Discrimination Ombuds</p> <p>Arises in part from Finland’s commitment to the Istanbul Convention,¹⁴⁹ which requires domestic implementation</p>	<p>Expressly considers international obligations set within a framework of intersectional non-discrimination and equality</p>	<p>Although embedded in the Office of the Non-Discrimination Ombuds, office’s location makes it independent from the sitting government of the day; neither its budget nor its mandate can be altered</p>	<p>Established with a solid link to advocacy from the GBV advocacy and support sector in that country, and the links remain firm in its initial phases of work</p> <p>Work supported by related institutions, including a gender equality ombuds that monitors the country’s anti-gender discrimination act¹⁵⁰</p> <p>Staffing includes research and evaluation capabilities and robust and ongoing consultation and communication with the GBV advocacy and support sector</p>
	<p>Consideration of international obligations makes it a model of particular interest to Canada, building out from the explicit goal of the Women Shelter’s Canada Expert Engagement Report¹⁵¹ and the commentary from the MCC to frame national NAPGBV work within international treaty obligations¹⁵²</p>		
	<p>The mandate would also address the long-standing and contentious gap in Canada’s international human rights monitoring machinery¹⁵³</p>		



Domestic Abuse Commissioner for England and Wales

Establishment	Mandate	Level of Independence	Structure
Created by the <i>Domestic Abuse Act 2021</i> ¹⁵⁴ to oversee and enhance the national response to domestic abuse in England and Wales	<p>Mandate objectives:</p> <ul style="list-style-type: none"> • Promote best practices in preventing domestic abuse and identifying victims and perpetrators • Assess, monitor, and publish information about service provision • Provide recommendations to public authorities about the exercise of its functions • Research and raise awareness about domestic abuse • Provide information, education, or training <p>Current priorities include: domestic abuse service provision and funding; children and young people; migrant survivors; policing and criminal justice; family courts; domestic homicide and suicide¹⁵⁵</p>	<p>The Commissioner is a statutory office holder and three-year public appointee, with limited formal independence, accountable to the Ministers who form government</p> <p>The office has public policy independence that cannot be curtailed by government</p> <p>Aside from the Commissioner, all other staff of the office are civil servants and all operational functions are carried out through other governmental departments</p>	Currently pursuing various engagement strategies for survivor input and has formally linked its first report to a GBV advocacy and support sector election platform, calling for all party commitments to specific investments; indicates a close working relationship between the sector and the office ¹⁵⁶

The Commissioner has recommended innovative responses including:

- Introducing a statutory duty to fund community-based domestic abuse services
- Guaranteeing future funding for accommodation-based services
- Issuing a regular national statement on need, informed by local joint needs assessments, to enable decision-making at the national level
- Securing a sustainable funding model for perpetrator behaviour change services that draws from the data at a local level
- Creating a Domestic Abuse Data Tool for criminal justice agencies which enables the tracking of domestic abuse cases from report to court
- Better connecting police and court systems on protection orders, and ensuring sufficient resourcing of proactive elements of Domestic Abuse Protection Orders upon national roll-out
- Adopting a “whole of schools” approach to tackling domestic abuse, including the development of a curriculum to comprehensively provide young people with the knowledge to recognize signs of abuse, develop skills to seek support when necessary, and ultimately, to prevent domestic abuse
- Introducing a firewall between public services and immigration enforcement, accompanied by safe reporting mechanisms and funded referral pathways to support

Australian Domestic Violence and Sexual Violence Commission

Establishment	Mandate	Level of Independence	Structure
Established as an Executive Agency on 1 July 2022 under the <i>Public Service Act 1999</i> ¹⁵⁷ tied to monitoring Australia’s second ten-year NAPGBV (2022-2032) ¹⁵⁸	<p>“[F]ocused on practical and meaningful ways to measure progress towards the objectives outlined in the National Plan, informed by what is important to people with lived and living experience, and what the research and data, and frontline workforce tells us”¹⁵⁹</p> <p>Four pillars of action:</p> <ul style="list-style-type: none"> • Promoting the National Plan objectives to end GBV and monitoring impact • Amplifying the voices of people with lived and living experience, for meaningful engagement in shaping policy design and service delivery • Fostering collaboration and coordination across government and community to enhance connection and reduce fragmentation to improve outcomes • Providing strategic advice to inform strengthened policy and practice and improved outcomes 	<p>Report that they function as independent, although their status as an executive agency indicates diminished independence</p> <p>Trace their accountability as a transparent agency through annual reporting that maintains a national focus on ending GBV</p>	<p>Work fortified by state-level accountability mechanisms and a national research entity, Australia’s National Research Organisation for Women’s Safety Limited (ANROWS)¹⁶⁰</p> <p>ANROWS is an independent, not-for-profit research organization established to produce evidence to support the reduction of violence against women and children, creating the evidence base for VAW-related public policy recommendations</p> <p>Although in the early days of formation, has some promising features such as the appointee’s embedded background in GBV advocacy and support, the multiple indications of engagement for survivors, and a robust network of collaborating agencies and mechanisms</p>

Australia’s Commission was used as the **model for the MCC’s recommendation**, and is, in many ways, the most relevant and transferable; Australia’s legal system and division of powers are similar to Canada’s; it has a history and continuation of colonization concerning an Indigenous population that, parallel to Canada, experiences the effects of this in its rates of GBV.¹⁶¹

Creating a Commissioner: further lessons from the Australian context

Prior to the establishment of the office of the Commissioner, our conversations with those engaged in the Australian NAP emphasized the following:

- The symbolic leadership of their Prime Minister was important to their success at engaging all parties in the plan
- The agreement and collaboration of their state governments were critical to having actionable and practical plans that were responsive to local conditions
- The leadership of the GBV advocacy and support sector throughout the years of the plan was critical to riding out changes in government and shuffles of cabinet
- Solid data and evidence, addressing gaps therein, to demonstrate the critical need for the recommendations
- They feel there was a weakness in their overall planning with respect to monitoring, evaluation, accountability, and learning. They recommend creating a targeted method for this function that can drill down to specific public policy responses, service delivery models, and decisions and evaluate what is making a difference in the lives of women in the country

They emphasized that throughout their NAP, reported incidents of VAW and GBV did not actually go down. It is important to consider in advance that better awareness might increase the reporting rate. It is hoped that with increased knowledge, more women and gender-diverse people will understand what is happening to them as part of the rubric of the harms we are trying to prevent. It is important not to feel discouraged that progress will take longer than our current horizon to fully reveal and diminish GBV.



The Federal Gender-Based Violence Commissioner

- “ Federal, provincial, and territorial governments and communities in Canada should continue their commitment to fostering and maintaining relationships based on respect, partnership, and recognition of rights with Indigenous-led organizations, including gender-based violence organizations, and with Indigenous peoples. Working with survivors and their families, Indigenous governments and partners, non-governmental organizations, provinces, and territories as well as working horizontally across federal institutions will help ensure a coordinated approach that supports sustainable progress towards ending gender-based violence against Indigenous women, girls, and 2SLGBTQQIA+ people, no matter where they live.¹⁶²
- “ If we’re putting new money onto a new institution like this I’d rather get more creative and get better success and attract people, instead of just fighting the whole time. It needs to have a strong advisory relationship with the support and services sector. In current structures, this is often interpreted in the thinnest possible sense.

— Consultee



Most of our key informants agreed that there was no question about the need for an accountability mechanism similar to or exactly as set out by the MCC. In function, and by statute, the Commissioner would have all the independence of an Officer of Parliament.

Key informants agreed that the GBV Commissioner would need to be structured to cultivate the relationships necessary to make real change. Still, they expressed concern that this could be in irresolvable tension with the need for the Commissioner to be empowered, publicly accountable, independent and transparent in the work. They suggested that to engage system players non-defensively and ensure they see the mutual benefit in creating change, the Commissioner would need a different institutional form based on relationships built outside the realms of traditional state structures of accountability. This would require an innovative approach with and for affected communities.

The Need for a New Office

“ We play a huge part in breaking down silos across government; it’s quite an efficient way to keep up momentum on achieving our collective goals.

— Key Informant Nicole Jacobs, Domestic Abuse Commissioner for England and Wales

In exploring all the options for a potential accountability mechanism, we began by asking if a separate commissioner’s office was even necessary. However, according to all our consultations, existing mechanisms do not have the critical resources, focus and depth in this area for such a complex and specific role, which includes a vital function to provide education and research, as well as to promote rights. There is ample evidence of systems retraumatizing survivors of GBV in their putative responses to the harm.¹⁶³

While there are some jurisdictional challenges regarding federal agencies, the issue’s national nature offers a federal entity the opportunity to gain a broad view, collaborate provincially and territorially, and lead only on those matters within its purview.

Therefore, we returned to the original recommendation of Commissioner, with a renewed commitment to finding its strengths and mitigating its weaknesses.

Jurisdictional Issues

“ Preventing and addressing GBV in Canada requires a coordinated national approach, with federal, provincial, and territorial governments working in close partnership with survivors, Indigenous partners, direct service providers, experts, advocates, municipalities, the private sector, and researchers.¹⁶⁴

“ In some ways, the government interested [in creating an accountability mechanism for GBV], the federal government, is the one with the least jurisdiction.

— Key Informant Kate Kehoe, Lawyer and Consultant; Senior Policy Analyst for the MCC

Our consultations and research underscored the complexity of working in the federal system, where the division of powers means that many of the implementation aspects¹⁶⁵ of an accountability mechanism would fall outside the purview of a federal agency. Solving this challenge is both a public policy and constitutional question. In the current climate, with the provinces and territories demanding increased autonomy, the federal government is challenged to act with clarity and authority on most matters.¹⁶⁶ It is therefore critical that clear constitutional parameters guide the GBV Commissioner’s mandate, such as operating only within legal issues related to criminal, Indigenous, immigration, and refugee matters, and prioritizing its function to provide education and research and promote rights. It may also be necessary to exclude or restrict court interventions to accomplish this.

While acknowledging the reality of jurisdictional challenges, it is critical to remember that the call for a GBV Commissioner was born of a federal/provincial joint commission, creating a historically unprecedented opportunity for a genuinely joint endeavour. The effort and success of building the common ground represented by the NAPGBV at this point in history should not be underestimated and could guide the collaboration that will be required to establish a GBV Commissioner.

It is also true that despite the overall accountability gap, there is a current agreement with the federal government, negotiated through the Federal Provincial Territorial (FPT) Status of Women-related ministries in each province and territory, to carry out the main goals of the NAPGBV. This indicates a foundational common agenda, which could be built from and advanced by the future GBV Commissioner.

This matter of jurisdictional powers to act was a pre-occupation throughout our consultations and research. But we also heard it can become a shield to action, and that, indeed, the current federal ombuds offices have flexibility and ability to act in a national manner concerning national issues, and this can be best explained as “speaking to federal issues while provincial and territorial partners are speaking to provincial, territorial issues”.¹⁶⁷ That is, through a federal mandate that does not overstep, the office can provide leadership, momentum, and collaborative engagement on issues of mutual concern. This is consistent with the role of ombuds as “norm entrepreneurs”¹⁶⁸ who can increase their likelihood of success and endurance through changing government mandates and commitments when they have “developed collaborative relationships with international actors, other human rights institutions, [non-governmental organizations] and other civil society actors.”¹⁶⁹

The United Nations SRVAW has explained the GBV leadership role the federal government can play while respecting Canada’s federal system:

Canada is a federal system with a division of responsibilities between the federal, provincial and territorial (FPT) governments, including in the area of violence against women. While the federal government has jurisdiction over criminal law, the administration of justice is a provincial and territorial responsibility. However, federalism should not constitute a barrier to human rights implementation. In this regard, the Rapporteur recalls that, in compliance to CEDAW general recommendation No. 28 (2010), States parties have core obligations under article 2 of the Convention to fulfil its obligations to all women within its jurisdiction. Through its 2016 concluding observations, the CEDAW Committee also reiterated that “the federal Government is responsible for ensuring the implementation of the Convention and providing leadership to the provincial and territorial governments”.¹⁷⁰

The CEDAW Committee report the SRVAW refers to here is itself a framework for implementation well within the federal government’s purview, and it could be included in the development of the Commissioner’s work plan.¹⁷¹

Overcoming long-standing jurisdictional matters will not be simple for the new Commissioner to manage, and the existence of the office should not hinge on solving matters that have bedevilled every such office before it. However, a recommendation from the Office of the Chief Coroner for Ontario¹⁷² could set in motion a pilot of structured and focused federal-provincial collaboration on GBV. The recommendation calls for the province to:

Establish an independent Intimate Partner Violence Commission dedicated to eradicating intimate partner violence (IPV) and acting as a voice that speaks on behalf of survivors and victims’ families, raising public awareness, and ensuring the transparency and accountability of government and other organizations in addressing IPV in all its forms. The Commissioner should have sufficient authority to ensure meaningful access to any person, document or information required to accomplish the Commission’s mandate. The Commission should be provided with adequate and stable funding to ensure effectiveness.¹⁷³

An approach mirroring the Australian model, with separate GBV Commissioner offices in each province and territory, is a remote possibility Canada-wide. Through implementing this recommendation, however, Ontario, the country’s largest province, could lead the way with such an innovative structure. Other strategies that may be helpful in overcoming jurisdictional roadblocks include the following:

- Anticipating active engagement and collaboration through the **Forum of Canadian Ombudsman**¹⁷⁴ so as to build the capacity of these ombuds offices to integrate GBV issues within the scope of their mandates.
- Considering establishing a productive working relationship with **human rights agencies across Canada** willing to focus on GBV to stay abreast of provincial/territorial opportunities for sharing best practices and current challenges. A network might be created through the Canadian Association of Statutory Human Rights Agencies,¹⁷⁵ thus ensuring continuity of independence, institutional capacity-building, and a truly national reach. This could be augmented and solidified by Memoranda of Understanding (“MOUs”) as relationships are established and cemented.

- Ensuring a **direct relationship between the Office of the GBV Commissioner and the relevant FPT Ministers' meetings** for cyclical updates, reporting, days of discussion and relationship building (Ministers responsible for Women's Issues, Justice, Housing, Health, etc.). This could be solidified through a Statement of Intent laid with related objectives around consultation with the FPT for greater certainty.
- **Tracking and sharing best practices** from a variety of jurisdictions, including international, federal, provincial, territorial, First Nations, Inuit, Métis and municipal, and making this part of its annual reporting to Parliament.
- **Tracking the end use of federal funds dedicated to the NAPGBV** augmented by a collaborative relationship for this purpose with the Office of the Auditor General of Canada. This could be specified in the terms governing the GBV Commissioner.

We learned much about this collaborative approach from the proposed Indigenous Human Rights Ombudpersons offices.¹⁷⁶ At this developmental stage, the Ministerial Special Representative on Call for Justice 1.7 is recommending a structure that appoints the Ombudpersons through a parliamentary committee and vests accountability in the Indigenous elders/families and communities whose rights the office will address.¹⁷⁷ This innovation structurally accounts for the rights and experiences of those whose voices are typically not represented in such institutions or are only brought in through onerous consultation procedures that are not grounded in the community. For those who have lost trust in institutions, have never had such trust, and whose experiences are not typically visible in the data-gathering and report-writing systems we currently employ, new and meaningful forms of engagement like this need to be on the agenda.

We have taken heart in this Indigenous approach, and what follows reflects what we have learned from it in our paradoxical attempt to create a decolonizing approach to state engagement and public accountability. Critically, as our background research shows, the new offices —the Indigenous Human Rights Ombudpersons and the GBV Commissioner— must collaborate closely with communication and information-sharing structures where mandates overlap. Ideally, this should be specified in the legislation.

As we discuss further below, the Indigenous Human Rights Ombuds offices will lead on all matters related to MMIWG2S while ensuring that the GBV Commissioner's office proposed here shares responsibility for improved results through joint prevention, service improvement and stabilization, and accountability across the GBV and MMIWG2S NAPs. The Call for Justice 1.7 Final Report further informs the creative and collaborative possibilities for the GBV Commissioner's work.¹⁷⁸

Additional Potential Hurdles

Across our research and consultation, concerns emerged about the potential for any GBV accountability mechanism to be another institution that fails to meet the needs of survivors, their families, and communities, causing a further sense of institutional betrayal. More specifically, concerns surfaced that the mechanism would be:

- Tied up in bureaucratic in-fighting,
- Hamstrung by jurisdictional limitations,
- Remote from grassroots and marginalized communities where solutions are crafted and felt,
- Resisted by stakeholders who may see an additional regulatory burden or threat to autonomy,
- Part of a Canadian pattern of Balkanized mechanisms with overlapping mandates,
- In competition for funding and influence with the follow-up mechanisms for MMIWG2S through the Indigenous Human Rights Ombudpersons Offices and the implementation of the National Action Plan on MMIWG2S,
- At risk of political interference,
- Hampered by limited powers,
- Resource intensive, and
- Prone to overemphasis on criminal justice rather than community-based and preventative measures.

Specialist advisory and promotional bodies, like the GBV accountability mechanisms in Finland, England and Wales, and Australia, are less prone to these weaknesses due to their close connection to the community, their deep subject matter expertise, and years of trauma-informed knowledge, which they can bring to bear to the mandate.

Effective Responses

“ **The language of state and law and policy is not how people outside that world describe what happens in their lives; in an ideal world, concepts of accountability would be paralleled with explained citizenship ...so that people who are distanced from government, state and policy find a way to make it meaningful. We need multiple approaches to things we create: there is also an imperative to rebuild Indigenous orders of government and law.**

— Key Informant Val Napoleon, Professor, University of Victoria, Faculty of Law

“ **[A]ccessibility of all types of ombuds institutions can be enhanced through operating practices that include diverse and complainant-supportive staff, accessible forms of communication and publications, public education on the institution and on women’s rights, geographic accessibility and collaboration with social intermediaries who work with women.**¹⁷⁹

To be effective, the GBV Commissioner must be independent and separate from existing ministries. Public service entities, such as the Gender-based Violence Branch at WAGE, provide a necessary reinforcement of the ministerial infrastructure tasked with carrying out a leadership role within government. This branch is not, however, an independent office—it reports directly to the Minister of Women and Gender Equality, and so cannot accomplish the accountability mandate recommended by the MCC. Instead, there is a pressing need for broader information sharing, data diversification, coordination, cooperation, and oversight of the implementation of standing recommendations across and outside ministries and government mandates.

The Privacy Commissioner model offers features that could be incorporated into the GBV Commissioner:

- **Powers:** the Privacy Commissioner has broad powers, including to compel witnesses to provide evidence or documents.¹⁸⁰
- **Appointment process:** while all ombuds are officially appointed by the Governor in Council (GIC) through merit-based criteria, they are approved by the Cabinet and processed through the Privy Council and the Office of the Prime Minister. In contrast, the GIC appoints the Privacy Commissioner after consulting with the leader of every recognized party in the Senate and the House of Commons.¹⁸¹ The Senate and House of Commons must approve of the appointment by resolution. This process maximizes independence and ensures durability across mandates, but could be time-consuming and stall an urgently needed appointment.
- **Structured collaboration across jurisdictions formed by parallel offices in each province and territory:** the legislation governing the federal offices allows the Commissioner to consult with anyone “who, under provincial legislation, has functions and duties similar to those of the Commissioner.”¹⁸² In the absence of provincial and territorial GBV offices, the federal GBV Commissioner could consult with provincial ombuds.
- **Cabinet privilege:** affording this protection to the GBV Commissioner would allow them to consider and propose amendments to draft laws affecting survivors, thus bringing much-needed expertise to government policy.
- **Appointment term:** the Privacy Commissioner holds office for seven years at a time, but the GIC can remove it for cause at any time by putting the matter to the House of Commons and the Senate.¹⁸³ A term between five and seven years follows international best practice,¹⁸⁴ spanning a longer term than that of the appointing party. It would be sufficient to establish the office.

Our consultations showed an independent office of a Gender Based Violence Commissioner has the potential to activate real momentum on achieving GBV-related outcomes through:



IMPROVED INSTITUTIONAL COLLABORATION

Policy leadership level engagement, awareness and collaboration with existing mechanisms



BETTER RESOURCE ALLOCATION

Ensuring more efficient and effective allocation of resources by identifying priority populations, outcome measurement, gaps, and redundancies in service provision



HUMAN RIGHTS COMPLIANCE

Leadership level familiarity and technical proficiency in Canada's domestic and international human rights obligations with respect to GBV



STRUCTURALLY EMBEDDED ADVISORY FUNCTIONS

Driven by Black, Indigenous, racialized, disabled, rural/remote survivors, the GBV advocacy and support sector, and GBV expertise outside government



EMPOWERMENT OF AFFECTED COMMUNITIES

Engagement with and leadership of affected communities, especially those with intersectional experiences of exclusion, ensuring that their voices and needs are central to policy-making



INCREASED TRANSPARENCY & TRUST

Through enhanced and innovative engagement strategies, monitoring, and reporting on the actions of relevant stakeholders increases transparency, thereby building public trust in "the system"



IMPROVED RECOMMENDATION IMPLEMENTATION

Through tracking, research, data, and engagement, recommendations for new policies or modifications to existing ones based on gathered data and evaluation outcomes help ensure that policies and recommendations are not only developed but also effectively implemented and adhered to



DATA COLLECTION & RESEARCH

In collaboration with the national statistical agency and through Tri-Agency/Capstone¹⁸⁵ research agenda-setting collaboration and individual and institutional academic engagement, facilitating the collection of valuable data and research where gaps exist, which can inform policy and practice



AWARENESS RAISING & PREVENTION

With a view to affected communities' ownership of initiatives, engage the life cycle of violence perpetuated in families and communities, ensure a clear focus on prevention and changing attitudes, norms and behaviours through public awareness about the rights and needs of GBV survivors



ENHANCED MONITORING & OVERSIGHT

Providing ongoing oversight can lead to continuous improvement in strategies and interventions, particularly the use of federal funds intended to be dedicated to GBV initiatives in the provinces and territories, as evaluated in collaboration with affected communities

Both the MCC and the recent Ontario Coroner's Inquest Report¹⁸⁶ emphasized, based on their facts, the importance of intervention and prevention of intergenerational violence perpetrated by men and passed down to and perpetuated by boys

The Way Forward: What LEAF Recommends

“ We live in a country that is very comfortable with overlap! They can work together! So, I want to see an entity that has a focus on MMIWG; another office could focus more broadly on GBV and bring in MMIWG, teaming up, comparing notes and talking. It’s a both/and, not an either-or. It’s not like they’ll have nothing to do!

— Key Informant Naomi Metallic, Associate Professor, Schulich School of Law, Dalhousie University

1. Establishment

LEAF supports the MCC’s recommendation to create an independent GBV Commissioner, established by statute, reporting to Parliament, formally accountable to the Canadian public and with a full range of legislated powers. This will allow for an innovative approach to what we characterize as a human rights ombuds-type role covering a thematic topic (GBV), freeing it from the risk of overlap or competition with existing ombuds mechanisms.

Recommendation

- 1.1 Prioritize the urgent establishment of the GBV Commissioner



2. Roles and Powers

“**The ombuds are quite collaborative: in general, we’re on the same page about being trauma-informed and working for a decolonized engagement.**

— Key Informant Benjamin Roebuck, Federal Ombuds-person for Victims of Crime

“**The Commissioner’s role should be to promote the implementation of recommendations and therefore reduce the incidents of [GBV].**

— Key Informant Kate Kehoe, Lawyer and Consultant; Senior Policy Analyst for the MCC

The core mission of all public sector ombuds institutions is supervision of the administrative authorities through impartial investigations, reports and recommendations, with the objective of promoting legality, justice and fairness. From their inception, ombuds institutions were linked to the legislative branch of government to give them independence from the executive and administrative authorities.¹⁸⁷

Broadly speaking, the Commissioner’s powers will be typical of ombuds, providing flexibility to issue a range of recommendations, with a specific persuasive role in guiding public and private actors to their implementation. Of particular importance to the role of the GBV Commissioner is the promise that, as Reif puts it, “[i]f an ombuds institution is successful, individual and systemic changes in public administration and private conduct can ensue.”¹⁸⁸ She additionally points out that with respect to GBV in particular, the ombuds institution can monitor the public authorities to “ensure that they implement their international and domestic obligations and victim assistance activities”.¹⁸⁹

The MCC did not specify an investigatory role for the GBV Commissioner, although it referred to “strong powers” without defining the term. At a very high level, the potential powers attributed to the office range from advisory to investigatory and limited legal intervention powers (see [Figure 1](#)).

Most of our key informants recommended that the GBV Commissioner should be set out by statute, with a full range of powers proper to its federal role. The enabling act should include:

- full powers of review on their own initiative or upon receipt of a request to review those matters within federal jurisdiction,
- the power to compel documents and witnesses in relation to those matters under their review, and
- the ability to intervene in court cases related to their mandate.

Crucially, to be effective, the GBV Commissioner must be independent and separate from existing federal ministries. The MCC used the word “independent” to characterize the office. There is a range of independence related to the appointment process (see [Figure 2](#)).

Recommendations

- 2.1 Vest the GBV Commissioner with a full range of powers proper to its federal role
- 2.2 Ensure that the Commissioner is independent

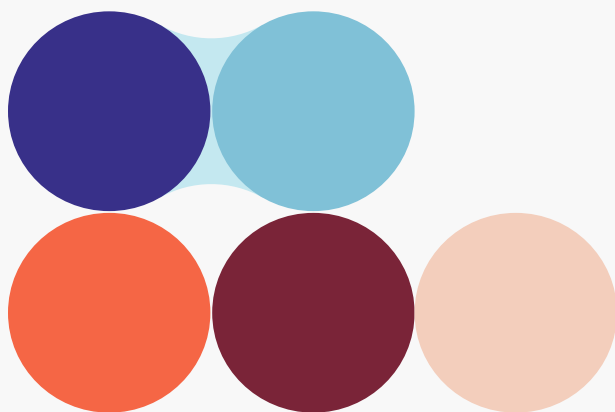


Figure 1: Comparative Powers

Advisory Only	Hybrid Advisory with Review Powers	Strong Powers
<p>Carries out research</p> <p>Consults</p> <p>Promotes awareness</p>	<p>Carries out research</p> <p>Consults</p> <p>Promotes awareness</p> <p>Has the power to run reviews (like investigations but with no powers to compel)</p>	<p>Carries out research</p> <p>Consults</p> <p>Advocates</p> <p>Has the power to run reviews and to compel documents and witnesses related only to its review processes in constitutionally circumscribed areas of mandate (immigration, refugee, criminal, Indigenous)</p> <p>Can intervene in court cases that raise GBV issues and only related to its constitutionally-circumscribed mandate (e.g., constitutional matters at the Supreme Court of Canada)</p> <p>Has Cabinet privilege allowing them to consider draft legislation affecting survivors of GBV</p>

Figure 2: Comparative Independence

Curtailed Independence	Some Independence	Optimal Independence*
<ul style="list-style-type: none"> • Merit-based selection • Appointed by the sitting government • Approved through Cabinet/Office of the Prime Minister (PMO) • Constituted as a special advisor to a Minister • Removed by Executive Branch/ Cabinet 	<ul style="list-style-type: none"> • Merit-based selection • Recruited through open call • Appointment by parliamentary committee • Approved by House of Commons • Removed by Parliament for listed and limited reasons 	<ul style="list-style-type: none"> • Merit-based selection • Recruited through open call • Appointment by parliamentary committee • Approved by both houses of Parliament • Removed by Parliament for listed and limited reasons

*This follows aspects of the Privacy Commissioner and provincial ombuds offices.

3. Mandate

Following the advice and reflections of our key informants, we enhance the MCC's recommendation for the overall mission of the GBV Commissioner in the following manner:

The Office of the Gender-Based Violence Commissioner monitors the implementation and renewal of Canada's National Action Plan on GBV, based on the values of achieving substantive equality, structurally embedded community engagement, violence prevention, and good practice promotion. It is guided by the mandate to coordinate, monitor, and evaluate the implementation of the many recommendations already in circulation and to probe and motivate identifying and filling gaps in data collection, service provision, and rights fulfillment.

An intersectional understanding of GBV and Canada's international law obligations must inform the Commissioner's mandate.

The current NAPGBV's five pillars of action have received provincial and territorial consent and adherence, and could form the basis of the office's areas of focus:

- Pillar 1: Support for Victims, Survivors, and their Families
- Pillar 2: Prevention
- Pillar 3: Responsive Justice System
- Pillar 4: Implementing Indigenous-Led Approaches
- Pillar 5: Social Infrastructure and Enabling Environment¹⁹⁰

Finally, the Commissioner must play a leadership role while respecting Canada's federal system. The monitoring function of the GBV Commissioner, however, should not be linked to monitoring one specific federal law,¹⁹¹ as Canada currently does not have something like a 'gender-based violence prevention, protection and response act,' as exists in some other jurisdictions with accountability mechanisms.¹⁹²

Recommendations

- 3.1 Use an internationally recognized, intersectional definition of GBV in the Commissioner's mandate, such as that used by CEDAW and any other treaties related to GBV ratified by Canada and adopted by the current NAPGBV
- 3.2 Employ an expansive and innovative approach to accountability in the mandate that imagines affected communities as the aggregate source of expertise, nuanced data collection, best practices, and the ultimate beneficiaries of an accountable response to GBV
- 3.3 Ensure clear constitutional parameters guide the Commissioner's mandate, such as operating only within legal issues related to criminal, Indigenous, immigration, and refugee matters

4. Selection

The GBV Commissioner should be selected through a parliamentary committee and appointed through a process that guarantees maximum independence.

To fulfill its mandate, the role of GBV Commissioner should be occupied by someone with content expertise and deep networks. Their credibility and community connections are critical, as are the skills and knowledge to be able to engage across government departments without being part of them.

With respect to term length, the Commissioner must be provided with sufficient time to establish the office and pursue the office's mandate. This should be balanced with the need to promote fresh ideas and perspectives in the office. As a result, their appointment term should extend beyond any one government mandate but be limited in renewals.

Recommendations

- 4.1 Select the Commissioner through an open call with specific criteria
- 4.2 Appoint the Commissioner for a minimum five-year term, renewable only once



5. Structure

“ We would need to develop mechanisms or a process whereby decision-making power is located at the grassroots level, making its way upwards to smaller structures, whose role is primarily operational in nature. Less of an emphasis on academic, governmental and institutional knowledge, rather a more authentic process which elevates grassroots, lived and living experience and front-line knowledge (beyond consultations) to identify, set, assess and decide upon the accountability mechanisms that will have a tangible impact on women and gender diverse peoples’ day to day lives.

— Key Informant Doris Rajan, Managing Director, IRIS-Institute for Research and Development on Inclusion and Society

“ It has to be connected to the people; that’s what makes it real and responsive; one of the points I make is the ability to do joint investigations where it makes sense and is relevant: any group of accountability entities can collectively to do a piece of work. People talked about their frustration: the amount of frustration and lack of listening to recommendations.

— Key Informant Jennifer Moore Rattray, Ministerial Special Representative on Call for Justice 1.7

The Office of the GBV Commissioner should be appropriately staffed to advance:

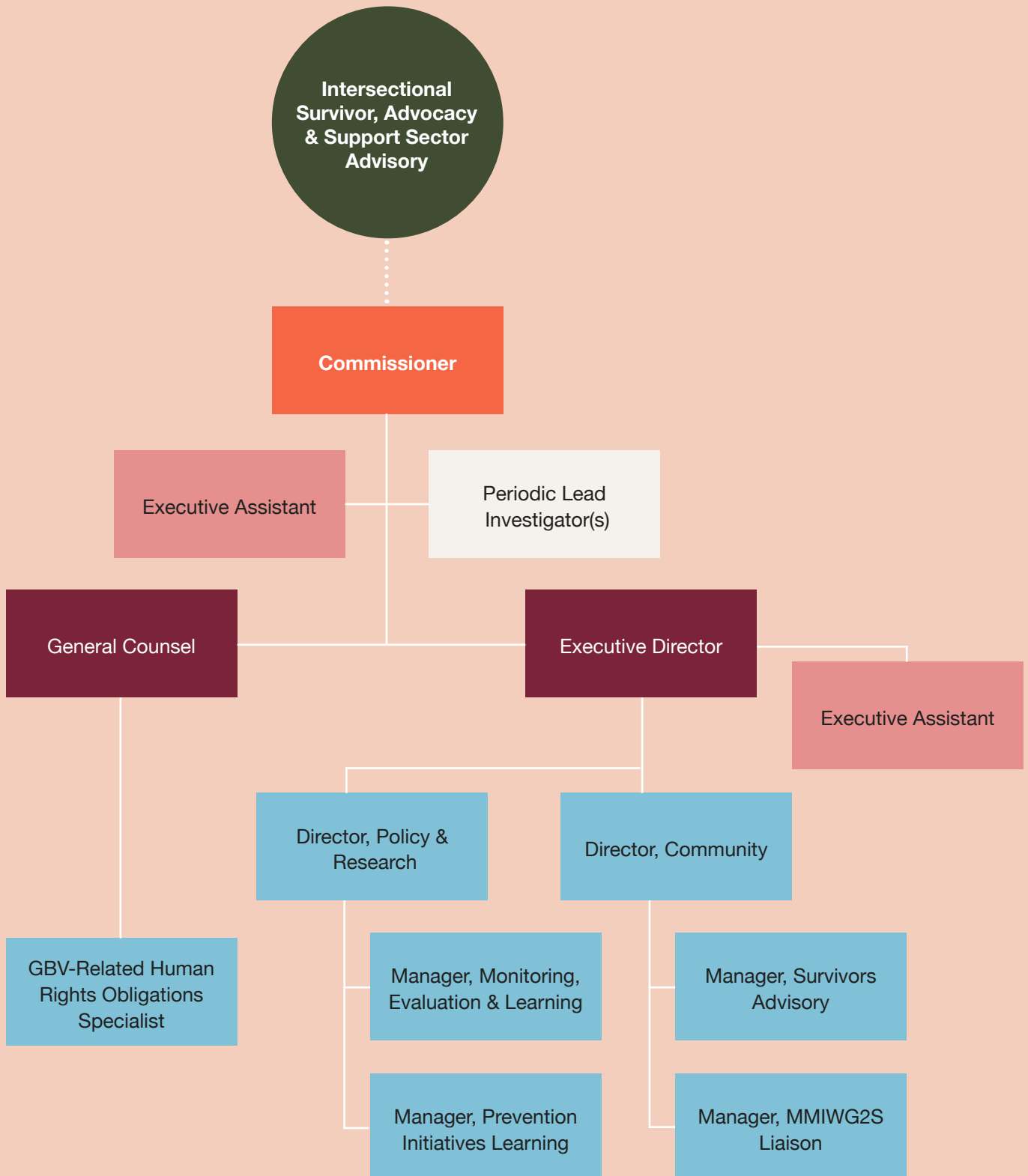
- A robust linkage to the Indigenous Human Rights Ombudpersons Offices’ MMIWG2S focal points
- A structurally integrated and meaningful Intersectional Survivor, Advocacy, and Support Sector Advisory
- Advanced research capabilities that account for gaps in current data collection
- Advanced evaluation capabilities that account for new approaches to measuring change
- Sufficient formal and productive relationships with related federal entities to accomplish related, specific or overlapping areas of mandate. For example:
 - › The Office of the Federal Ombudsperson for Victims of Crime
 - › The Office of the Auditor General of Canada
 - › The Tri-Agencies (Capstone Agency) funding Canada’s research agenda
 - › The Indigenous Human Rights Ombuds Offices
 - › The Canadian Association of Statutory Human Rights Agencies
 - › The Forum of Canadian Ombudsman
 - › Statistics Canada

We recommend an office structure favouring implementation and engagement. Review-conducting resources come from a robust consultation budget, from which lead investigators and some content experts can be engaged ad hoc. Additionally, the principle of back-office integration can support the sharing of staff resources from other ombuds’ review and investigation functions. Shared resources could include infrastructure, co-location, case management system, and MOUs for joint investigation teams, as well as the possibility of a shared legal team and, in some instances, a shared survivor engagement strategy.

Recommendations

- 5.1 Ensure the GBV Commissioner is structurally accountable to the Canadian public and to affected communities
- 5.2 Appropriately staff the office of the commissioner to advance necessary collaboration, research, and evaluation capabilities
- 5.3 Structure the office to favour implementation and engagement, with a robust consultation budget and back-office integration

Figure 3: Example Structure of the Office of the GBV Commissioner



Roles

Intersectional Survivor, Advocacy, and Support Sector Advisory

In direct relationship to the Commissioner, this body provides a structured accountability to the intersectionally-harmed communities affected by GBV through a mix of local to national organizations and individual expertise, including grassroots, population-specific, and mainstream GBV organizations and experts.

GBV Commissioner

This is a strong, relational, and empowered role that is free from day-to-day operations to carry out strategic relationships and create accountability in a complex legal, political, and social environment.

Executive Assistant

Provides critical, strategic, and skilled support to the Commissioner.

Periodic Lead Investigator(s)

This role is based on need and is funded from a robust consultancy budget that allows the Commissioner to determine if/when and how and investigation might further the knowledge and recommendations of the office. Shared staffing with other ombuds-type offices could provide additional investigatory support reporting to the consulting Lead Investigator.

General Counsel

Reporting directly to the Commissioner, this role ensures strong, specialized legal counsel to the office in the execution of its duties within a federal system of government.

GBV-Related Human Rights Obligations Specialist (domestic and international)

Reporting to the General Counsel, this role tracks and monitors existing and emerging human rights obligations within the office's mandate and purview to create the accountability context for ending GBV.

Executive Director

Reporting to the Commissioner, this role oversees staff in the office's human resources functions and frees the Commissioner from the administrative details that would hamper their primary role as strategic head of the Office.

Executive Assistant

Provides critical, strategic, and skilled support to the Executive Director.

Director, Policy and Research

This role is a senior one with oversight of the relationship between policy and its grounding in research.

Monitoring, Evaluation & Learning Manager

This is a specialist technical role in monitoring, evaluation, and learning (MEL), reporting to the Director, Policy and Research, able to track outcomes through systematic applications of evaluation frameworks that include community-based, feminist, and Indigenous ways of knowing. International best practices on coordinated response, such as NAPs, clearly reflect that MEL is crucial to successful implementation.¹⁹³

Prevention Initiatives Learning Manager

This is a specialized role that drives a critical function of the office: gathering, sharing, germinating, and propagating prevention strategies that could be scalable and have national significance.

Director, Community Engagement

This role oversees and maintains the strength and strategy of the main pillar of accountability for the Commission.

MMIWG2S Liaison Manager

This role reports to the Director, Community Engagement, and has specialized knowledge and relations that make them the Commission's point person in monitoring and liaising with the Offices of the Ombuds for Indigenous Human Rights.

Survivors Advisory Manager

This role reports to the Director, Community Engagement, and has specialized knowledge and experience that make them the right point person for maintaining and extending engagement strategies that involve survivors and their families in productive ways. This role supports the Intersectional Survivor, Advocacy, and Support Sector Advisory.

6. An Urgency to Act: Immediate Priorities

“ Sometimes, just having the powers is sufficient to motivate change. Likewise, you can have all the powers in the world and be completely ineffective: Ombuds work at its core is relational.

— Key Informant Benjamin Roebuck, Federal Ombudsperson for Victims of Crime

A GBV Commissioner should have maximum independence and maximum powers. However, we are also cognizant of the complexity of setting up such offices in Canada’s federal system. The potential for delays in the appointment process jeopardizes the critical and ongoing role the office of the GBV Commissioner could already be playing to galvanize a coordinated and measurable response to GBV in Canada.

Respecting the need for a manageable and practical mandate on an urgent timeline, we understand a hybrid approach that falls short of these maximums while still ensuring the GBV Commissioner’s independence and ability to fulfill its mandate may be more practicable.

We recommend granting the GBV Commissioner full powers of review on their own initiative or upon receipt of a request to review those matters within federal jurisdiction¹⁹⁴ for future use but beginning with what the MCC called a “rapid and nimble build-up period”,¹⁹⁵ prioritizing getting the office in place. This initial period should be focused on engagement, monitoring, collaboration, and NAPGBV familiarization. This focus should determine the shape of the GBV Commissioner’s human and other resources. This recommendation aligns with the MCC recommendation for the set-up of an immediate and smaller office, “starting on a smaller scale to facilitate a rapid and nimble build-up period.”¹⁹⁶

We make this recommendation based on three key considerations:

- **Need for prioritization:** we have concerns that if the focus of the GBV Commissioner’s Office is complaint-based and investigation-heavy, it will be bogged down and under-resourced for the critical work of community engagement, reporting to Parliament on the NAPGBV, and thought-leadership within and across governments, as well as with the public more broadly.
- **Key informant perspectives:** our key informants predominantly wanted the Commissioner to possess full powers to compel and investigate, but to also have a softer approach that attracts rather than compels institutional and social change.
- **Existing knowledge base:** there is currently a voluminous quantity of what’s already known about what doesn’t work in the current responses and prevention strategies for GBV survivors. This provides ample grounding for a substantive start. All key informants spoke of the multitude of recommendations stemming from inquests, death reviews, public inquiries, as well as academic and GBV community reports (Women’s Shelters Canada alone began its project to help frame the NAPGBV with 646 of them¹⁹⁷).

Working only from existing recommendations has one important proviso. Well-documented data gaps leave out vulnerable populations whose experiences need to shape future policy; the office will need to be alert to and drive solutions for these gaps, and that may well require reviews of systems and/or processes within its federal mandate.

Recommendations

- 6.1 Prioritize the urgent establishment of the GBV Commissioner, even if this means falling short of maximum powers and maximum independence
- 6.2 Enable the quick set-up and launch of the GBV Commissioner through an initial focus on engagement, monitoring, collaboration, and NAPGBV familiarization as opposed to investigation

Conclusions and Next Steps

“ I see all the pressure to name GBV as an epidemic but what does it do for us unless there is concrete action and accountability; on its own it is meaningless. Where are the actions and where and how do we see them? If this body can play some role in keeping feet to the fire in constructive ways, it will be worthwhile. We have such an accumulated body of recommendations that have just never ever happened! We need some mechanism to make sure that some of these things happen.

— Key Informant Janet Mosher, Associate Professor, Osgoode Hall Law School, York University

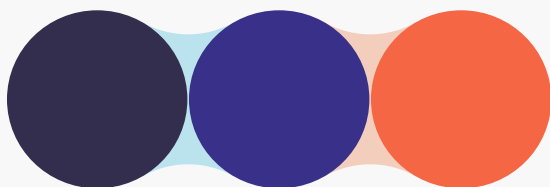
Accountability to the end goal of halting the epidemic of GBV can only be accomplished with strong and empowered leadership, able to invite as well as require, engage as well as be guided by the direct involvement of affected communities, community-based advocates, and experts in GBV who can recommend changed approaches. The mechanism must be independent from political favour or changes in government mandates. Meeting these criteria requires a transparent appointment process, a budget commensurate with Canada’s capacity as a wealthy nation and leader in responses to the global pandemic of GBV, and a time horizon proportionate to solving the complex nature of the problem. Accountability to this goal can only be meaningful if it is grounded in an accessible, independent, collaborative, data-driven, and innovative approach.

The MCC found that the establishment of substantive gender equality is a prerequisite for the eradication of Canada’s GBV epidemic.¹⁹⁸ We concur with established international law and research that GBV both underpins and gives rise to gender inequality. But as we have indicated in this report, we cannot wait for the achievement of equality to act.

The goal of substantive equality will guide the interventions the GBV Commissioner makes. As we explored, such an explicit approach has been adopted by other countries with NAPGBVs. A “whole of society response” is how the MCC located accountability. We end with their words, which began this project:

The journey to violence prevention – including ending gender-based, intimate partner, and family violence – is a longer, more complex road but ultimately the most constructive in terms of overall community safety and well-being in the future. It may be tempting to select from among the most easily achieved recommendations and be satisfied with quick successes. But our environmental scan of past reviews and inquiries underscores the importance of resisting this temptation.¹⁹⁹

We have brought many voices to this report. In unison, we say that the time is now to tangibly show an empowered, engaged, and effective collective accountability commitment, ensuring Canada’s goal of gender-based violence eradication. We remain committed to that realization.



Appendices

Appendix A: Project Advisory Committee Membership

Name	Title	Organization
Pam Cross	Feminist Lawyer	Consultant
Anuradha Dugal	Vice-President, Community Initiatives (until August 2024)	Canadian Women's Foundation (until August 2024)
	Executive Director	Women's Shelters Canada
Robyn Hoogendam	Research and Policy Manager	Women's Shelters Canada
Kristina Fifield	Trauma Therapist	Private Practise, GBV Consultant
Nuzhat Jafri	Executive Director	Canadian Council of Muslim Women
Beth Jordan	Co-CEO	There Management Ltd.
Dawn Lavell-Harvard	Director of First Peoples House of Learning	Trent University
Angela Marie MacDougall	Executive Director	Battered Women's Support Services
Raji Mangat	Executive Director	West Coast LEAF
Lise Martin (until April 2024)	Executive Director	Women's Shelters Canada
Aja Mason	Executive Director	Yukon Status of Women Council
Deepa Mattoo	Executive Director	Barbra Schliker Commemorative Clinic
Aline Nizigama	CEO	YWCA Canada
Debbie Owusu-Akyeeah (until June 2024)	Executive Director	The Canadian Centre for Gender & Sexual Diversity (CCGSD)
Maud Pontel	Coordonnatrice générale	Alliance des maisons d'hébergement de deuxième étape pour femmes et enfants victimes de violence conjugale
Doris Rajan	Managing Director	IRIS-Institute for Research and Development on Inclusion and Society
Paulette Senior (until December 2023)	President and CEO	Canadian Women's Foundation
Erin Whitmore (until August 2024)	Executive Director	Ending Violence Association of Canada (EVA Canada)

Appendix B: Key Informants

Individuals

*Also members of the Accountability Project Advisory Committee

Name	Title	Organization
Abi Ajibolade	Executive Director	The Redwood
Pam Cross*	Feminist Lawyer	Consultant
Emma Cunliffe	Professor	Allard School of Law, University of British Columbia
Emily Fei	Chief of Staff	Domestic Abuse Commissioner for England and Wales
Kristina Fifield*	Trauma Therapist	Private Practise, GBV Consultant
Nicole Jacobs	Domestic Abuse Commissioner	Domestic Abuse Commissioner for England and Wales
Kate Kehoe	Lawyer and consultant; Senior Policy Analyst for the Mass Casualty Commission	N/A
Aja Mason*	Executive Director	Yukon Status of Women Council
Naiomi Metallic	Associate Professor	Schulich School of Law, Dalhousie University
Janet Mosher	Associate Professor	Osgoode Hall Law School, York University
Heather Nancarrow	Research and Policy Analysis Consultant	N/A
Val Napoleon	Professor	University of Victoria, Faculty of Law
Maud Pontel*	Coordonnatrice générale	Alliance des maisons d'hébergement de deuxième étape pour femmes et enfants victimes de violence conjugale
Doris Rajan*	Managing Director	IRIS-Institute for Research and Development on Inclusion and Society
Marjo Rantala	Senior Specialist for the National Rapporteur on Violence against Women	Office of the Non-Discrimination Ombudsman, Finland
Jennifer Moore Rattray	Ministerial Special Representative on Call for Justice 1.7	N/A
Linda C. Reif	Professor	Faculty of Law, University of Alberta
Michelle Williams	Associate Professor	Schulich School of Law, Dalhousie University

Focus Groups

Focus Group	Individual Participants
Indigenous Women's Accountability Table	Cora Lee McGuire-Cyrette, CEO, Ontario Native Women's Association (ONWA) Members of the Indigenous Women's Accountability Table
Office of the Federal Ombudsman for Victims of Crime	Hoori Hamboyan, Lead Investigator Sunny Marriner, Chair, Expert Advisory Circle Benjamin Roebuck, Federal Ombudsperson for Victims of Crime

Appendix C: Sample Survey

LEAF Accountability Project

LEAF is asking for your participation in its Accountability Project. Through this project, supported by the Canadian Bar Association's Law for the Future Fund, LEAF will carry out research and deliver a report on a gender-based violence accountability mechanism, between October 2023 and August 31, 2024.

Lead researcher [Dr. Amanda Dale](#) has developed a consultation strategy for the project in collaboration with LEAF's Project Director, Kat Owens, and your name has topped our list. We are asking for you to agree to a 45-minute discussion with Amanda on the following questions.

Your expertise and perspective will ensure that the final report is reflective of your accumulated knowledge and expertise, and that the route we advocate for accountability on GBV in Canada is actionable and strategic.

Background

Canada has an epidemic of gender-based violence.

We know who it affects: disproportionately women and girls. We know who experiences higher rates of violence: women and trans people who are Indigenous, Black, racialized, low-income, criminalized, disabled and/or gay, lesbian, or bisexual.

We also know a lot about what we need to do to end gender-based violence. We have decades of reports, recommendations, and studies to draw on.

Effectively preventing and responding to gender-based violence requires moving beyond these types of reports and recommendations to ensuring monitoring, accountability, and evaluation.

With that in mind, the recently completed Mass Casualty Commission has called on the federal government to create a "National Accountability Framework" aimed at holding state and non-state actors accountable for taking the necessary steps to address gender-based violence in Canada. The Commission provides initial thoughts as to what such a "gender-based violence commissioner" could look like but encourages further consultation to develop the body's mandate.

Importantly, we also have a new [National Action Plan to End Gender-Based Violence](#) that lays out how to achieve a Canada without gender-based violence, and one that supports all survivors and their families. Now we need a way to hold governments accountable for making this plan a reality, one that integrates existing calls for coordination and accountability.

Through this project, LEAF seeks to build on its previous participation in the Mass Casualty Commission's work and contribute to the establishment of a gender-based violence accountability mechanism in Canada.

IN YOUR VIEW:

* Indicates required question

1. What might be the pros and cons of developing an accountability mechanism?
 2. What form could/should an accountability mechanism take?
 3. Under what category should the accountability mechanism/responsibility/special procedure be created?*
- Mark only one:
- Officer of Parliament?
 - Agent of Parliament?
 - Ombudsperson?
 - Other: _____
4. What roles and powers should the mechanism have?*
 5. What is required to ensure that the accountability mechanism is independent and has the necessary buy-in from communities, members of the gender-based violence advocacy and support sector, and other key stakeholders?*
 6. What would be the relationship between the accountability mechanism and existing human rights mechanisms in Canada?*
 7. How can and should such a mechanism relate to the accountability processes for the MMIWG National Action Plan?*
 8. How should the accountability mechanism address matters within federal, provincial, territorial, or overlapping areas of jurisdiction?*
 9. What are the key considerations LEAF needs to account for in developing a report of this nature?*
 10. What other advice do you have for us?

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176 Ministerial Special Representative Jennifer Moore Rattray, *Call for Justice 1.7 Final Report* (last modified 13 June 2024), online: *Government of Canada* <<https://www.rcaanc-cirnac.gc.ca/eng/1717103903695/1717103981609>>.

177 *Ibid*.

178 *Ibid*.

179 Linda C Reif, “Ombuds institutions: strengthening gender equality, women’s access to justice and protection and promotion of women’s rights” in Marc Hertogh & Richard Kirkham, eds, *Research Handbook on the Ombudsman* (Edward Elgar Publishing, 2018) 236 at 252.

180 See *Privacy Act*, RSC 1985, c P-21, s 34.

181 *Ibid*, s 53(1).

182 *Personal Information Protection and Electronic Documents Act*, SC 2000, c 5, s 23(1).

183 See *Privacy Act*, RSC 1985, c P-21, s 53(2).

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- 184** Council of Europe, European Commission for Democracy Through Law (Venice Commission), (2019) at para 10, online (pdf): *Council of Europe* <[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)005-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)005-e)>.
- 185** The Canadian Institutes of Health Research (CIHR), Natural Sciences and Engineering Research Council (NSERC), and Social Sciences and Humanities Research Council (SSHRC) are referred to collectively as the Tri-Agencies.
- 186** “Inquest into the death of: Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam: Jury Recommendations” (28 June 2022) at recommendations 32-39, online: *Government of Ontario* <<https://www.ontario.ca/page/2022-coroners-inquests-verdicts-and-recommendations#23section-4>>.
- 187** Linda C Reif, *Ombuds Institutions, Good Governance and the International Human Rights System*, 2nd ed (Brill Nijhoff, 2020) at 2.
- 188** Linda C Reif, “Ombuds institutions: strengthening gender equality, women’s access to justice and protection and promotion of women’s rights” in Marc Hertogh & Richard Kirkham, eds, *Research Handbook on the Ombudsman* (Edward Elgar Publishing, 2018) 236 at 253.
- 189** *Ibid.*
- 190** Women and Gender Equality Canada, “Bilateral agreements to end gender-based violence (last modified 13 October 2023), online: *Government of Canada* <<https://www.canada.ca/en/women-gender-equality/gender-based-violence/intergovernmental-collaboration/bilateral-agreements.html>>.
- 191** There is a Senate bill currently “at consideration” in the Senate, Bill S-249, which proposes to legislate the requirement for the government of the day to develop “a national strategy for the prevention of intimate partner violence”. In its current iteration, it refers only to IPV, and, therefore, does not use a fulsome definition of gender-based violence, such as we recommend. Additionally, it does not contemplate a Commissioner. Instead, it rests the responsibility for reporting to parliament with the “Minister for Women and Gender Equality (WAGE).” Should the Bill be amended successfully, it could be a governing act for the monitoring work of the Gender-Based Violence Commissioner. See S-249, *National Strategy for the Prevention of Intimate Partner Violence Act*, 1st sess, 44th Parl, 2021-2022, online: *Parliament of Canada* <<https://www.parl.ca/DocumentViewer/en/44-1/bill/S-249/first-reading>>.
- 192** See e.g., Australian Government, “Family Violence Act” (last visited 29 July 2024), online: *Australian Government* <<https://www.ag.gov.au/families-and-marriage/families/family-violence/family-violence-act>>.
- 193** Amanda Dale, Krys Maki & Rotbah Nitia, “A Report to Guide the Implementation of a National Action Plan on Violence Against Women and Gender-Based Violence” (2021) at 203 (Appendix D), online (pdf): *National Action Plan* <<https://nationalactionplan.ca/wp-content/uploads/2021/06/NAP-Final-Report.pdf>>.
- 194** See e.g., Office of the Federal Ombudsman for Victims of Crime, “Order in Council” (last visited 2 October 2024) at section 6, online: *Government of Canada* <<https://www.canada.ca/en/office-federal-ombudsperson-victims-crime/about-us-a-propos-denous/oic-decret.html>>.
- 195** Mass Casualty Commission, *Turning the Tide Together: Final Report of the Mass Casualty Commission, Volume 3: Violence* (2023) at 460, online (pdf): *Mass Casualty Commission* <<https://masscasualtycommission.ca/files/documents/Turning-the-Tide-Together-Volume-3-Violence.pdf>>.
- 196** *Ibid.*
- 197** Amanda Dale, Krys Maki & Rotbah Nitia, “A Report to Guide the Implementation of a National Action Plan on Violence Against Women and Gender-Based Violence” (2021) at 9, online (pdf): *National Action Plan* <<https://nationalactionplan.ca/wp-content/uploads/2021/06/NAP-Final-Report.pdf>>.
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- 199** Mass Casualty Commission, *Turning the Tide Together: Final Report of the Mass Casualty Commission, Volume 6: Implementation: A Shared Responsibility to Act* (2023) at 11, online (pdf): *Mass Casualty Commission* <<https://masscasualtycommission.ca/files/documents/Turning-the-Tide-Together-Volume-6-Implementation.pdf>>.



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