

EXECUTIVE SUMMARY AND RECOMMENDATIONS

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

Written by Dr. Amanda Dale



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Published by
Women's Legal Education and Action Fund (LEAF)
180 Dundas Street West, Suite 1420
Toronto, Ontario, Canada M5G 1Z8
www.leaf.ca

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.

Acknowledgements

LEAF would like to thank all the members of the Accountability Project Advisory Committee who helped shape the report methodology, analysis, and recommendations. The Advisory Committee included: Pam Cross, Anuradha Dugal, Robyn Hoogendam, Kristina Fifield, Nuzhat Jafri, Beth Jordan, Dawn Lavell-Harvard, Angela Marie MacDougall, Raji Mangat, Lise Martin, Aja Mason, Deepa Mattoo, Aline Nizigama, Debbie Owusu-Akyeeah, Maud Pontel, Doris Rajan, Paulette Senior, and Erin Whitmore.

Special thanks to Joan Riggs for acting as a guide and consultant to the Project Researcher, and to Naiomi Metallic and Linda C. Reif for reviewing the report. Thank you as well to the individuals outlined in Appendix B for contributing your expertise to this project through consultations, surveys, or focus groups.

Critically, LEAF wishes to thank all the survivors, gender-based violence advocacy and support sector leaders and front-line workers who have contributed their wisdom to this report, whether expressly or through example. Without you, the momentum would have stalled. Together, we continue to work toward effective, sustainable, and accountable prevention and responses to gender-based violence.

The Accountability Project was generously funded by the Canadian Bar Association Law for the Future Fund and the R. Howard Webster Foundation.

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.¹

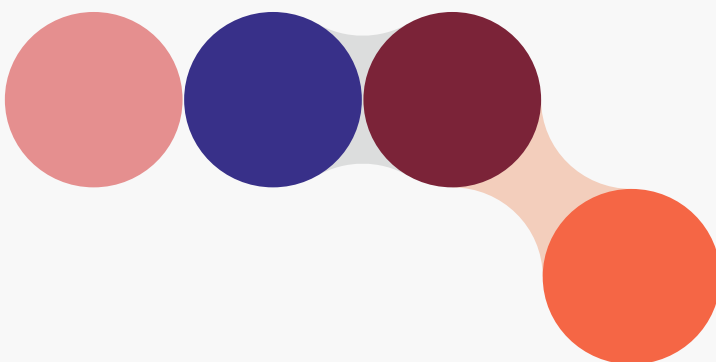
Introduction

“ **[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.²**

On March 30, 2023, the Mass Casualty Commission (MCC) delivered its final report to the Governors in Council of Nova Scotia and of Canada.³ 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).⁴

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)⁵ 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.⁶

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.”⁷

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 1993,⁸ again in 2001,⁹ picked up and repeated throughout inquests,¹⁰ and, critically, repeatedly highlighted concerning the specific crisis of missing and murdered Indigenous women and girls.¹¹ It has also been the subject of recommendations linked to Canada’s international treaty obligations.¹²

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.¹³ It also comes as the federal government has signed historic agreements with the provinces and territories to co-invest in solutions¹⁴ through Canada’s first NAPGBV.¹⁵ 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,¹⁶ 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.¹⁷ Indeed, the whole project of focusing resources in this area remains an uphill battle in many ways.¹⁸

Acknowledging that this report comes at a time of restraint in public spending, as well as cutbacks¹⁹ and widespread mistrust of public institutions,²⁰ 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,²¹ and was similarly marshalled by the MCC to underscore the public policy argument for an accountability mechanism.²² Additionally, creating a mechanism focuses and builds on the public discussion of the need to stem the pervasiveness and impact of GBV.²³ 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.²⁴

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 jurisdiction²⁵ for future use but beginning with what the MCC called a "rapid and nimble build-up period",²⁶ 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.

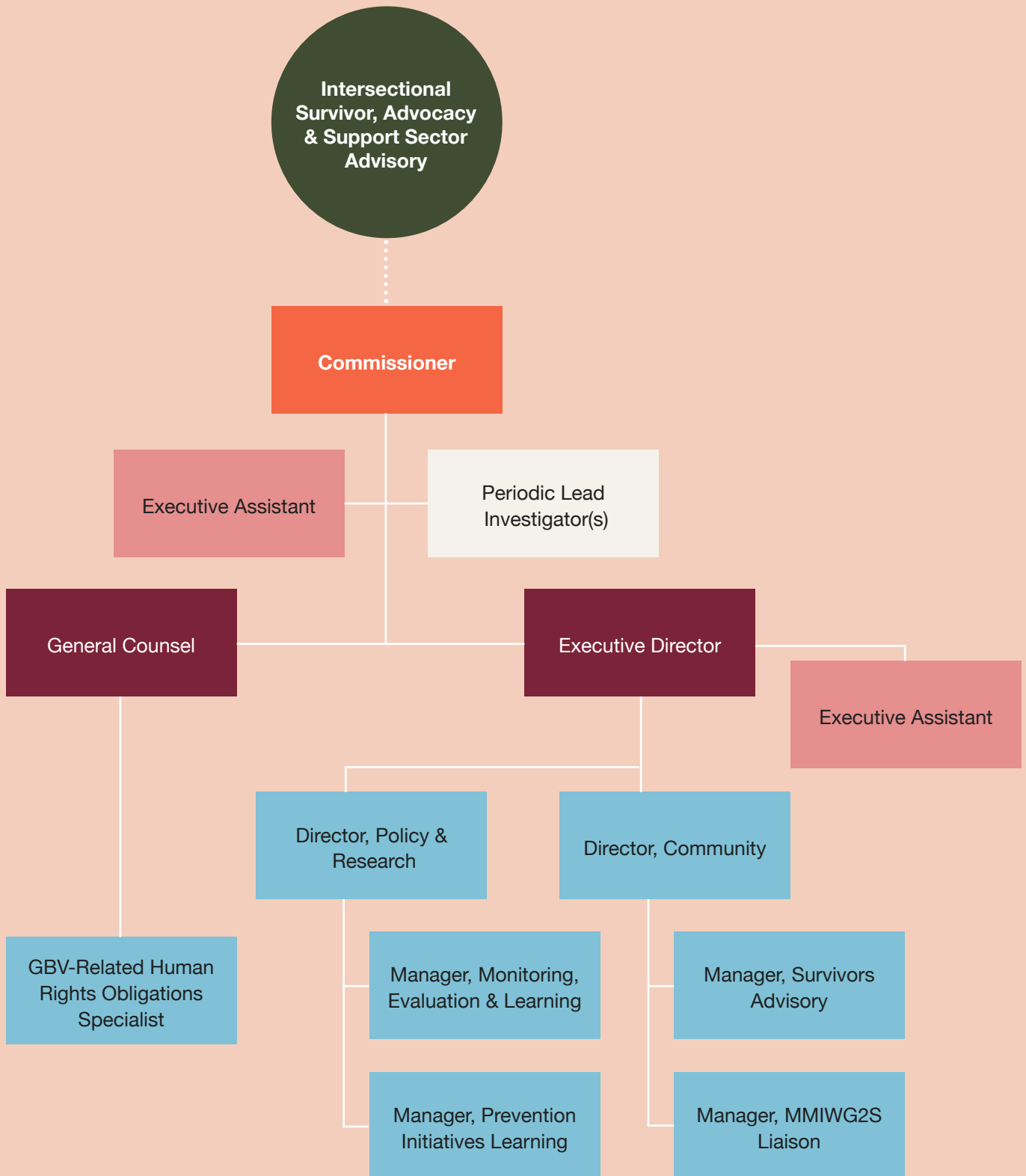
Recommendations

- 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.

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.²⁷

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.

Endnotes

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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>>.

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