

**"No one knows better than us what it will mean if the recommendations become law".**

## The Report

**We can imagine what it will be like if the recommendations of the Special Joint Committee on Custody and Access become entrenched within the Divorce Act. No one knows better than us what it will mean to battered women if the recommendation which states that "the unilateral removal of a child from the family home without suitable arrangements for contact between the child and the other parent be recognized as contrary to the best interests of the child, except in an emergency, becomes law. We worry that women who feel the tension building and leave before the actual assault**

# Alliance News

Volume 1, Issue 3

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**Newsletter of the Alliance of Feminist Transition Houses**

## Fighting to Save the Divorce Act

Women have been fighting to save the Divorce Act from destruction since the Joint Senate and House of Commons Committee on Child Custody and Access launched its nationwide hearings in March of 1998.

Women from across the country participated in these Custody and Access hearings held in major Canadian centres and were shocked by the treatment they received. Men were given warm welcomes by committee members and offered additional time in which to make their statements. Committee members solicited additional material to be transcribed into the transcripts. In contrast, women's representatives were treated with contempt and disbelief. Father's rights supporter, Senator Anne Cools repeatedly cited statistics portraying mother's as prevalent child abusers.

Father's rights activists and disgruntled grandparents tyrannized the witness list. During two days of hearings held in Montreal, Quebec their were no fewer than 36 such representatives while only 3 spokespeople represented women's concerns. When queried as to why more women did not come forward, Quebec women said they were unaware of the hearings while father's rights representatives

had been previously informed of the hearings by Senator Anne Cools.

Co-chair of the Committee, Roger Galloway and Committee member Senator Anne Cools took advantage of right-wing media controlled by pirates such as Conrad Black to expound their view that father's are hard-done by under current Custody and Access legislation. Organizations, affiliated with father's rights advocates, such as the National Shared Parenting Association were only too eager to jump on the band-wagon promoting the concept of 'shared parenting', along with the belief that equality has shifted in favour of women, leaving men powerless and exploited. This influx of biased reporting has successfully manipulated the public into believing this misinformation to be truth.

Given the political zoo within which women's groups were lobbying, they were concerned about the contents of the report, released December 9th, with Justice Minister Anne McLellan expected to resopected

pected to respond within 180 days. The report, entitled, "For the Sake of the Children" is reflective of views held by Cools and Galloway and is unsupportive of women and children and their advocates. Three minority reports were simultaneously tabled by the Reform Party of Canada, the Bloc Quebecois and the new Democratic Party.

"For the Sake of the Children" is philosophically situated within the family-focused belief that 'shared parenting' and maximum contact between children, their parents and extended family members after divorce is advantageous. Violence within families is largely ignored. Instead, mandatory parental participation in programs designed to educate parents about the impact of divorce on their children is recommended. The Report also "recommends that the unilateral removal of a child from the family home without suitable arrangements for contact between the child

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and the other parent be recognized as contrary to the best interests of the child, except in an emergency". The Report goes on to suggest that a parent who has thus removed a child from the family home cannot use this "resulting period of sole care and control of the child, of whatever duration, as the basis for a sole parenting order". Such recommendations, if passed, may effectively prevent women and their children from fleeing to transition houses when in need of safety. The Report operates under the premise that equality has shifted resulting in women wielding inordinate power through the current Divorce Act, and men covering under the weight of such inequality. In its attempts to right "inequalities" men experience, the Committee requests that the Minister of Justice undertake a "comprehensive review of the [Child Support] Guidelines to reflect gender equality and the child's entitlement to support from both parents...". Furthermore, the Report focuses considerable energy on the 'pervasive problems' of child abduction and false allegations.

Throughout this political dance regarding the fate of Custody and Access legislation, a group of British Columbia-women's advocates have been meeting regularly in Vancouver to explore strategies on how to ensure the

inclusion of women's perspectives in revamped Custody and Access legislation. This 'Ad Hoc Coalition on Custody and Access' was instrumental in creating a national coalition of women's organizations which produced the Women's Justice Network website in October 1998. The intent of the website was to mobilise women and their supporters to rally against the Joint Committee's flawed hearing's process and on-going right-wing media coverage. The creation of the WJN website was facilitated through an ongoing national activist listserv of women and their allies. The WJN organised a national fax/letter campaign in which targeted members of parliament, senators and ministers each received 243 letters during the week of November 16th to 20th. The intent of the campaign was to 'discredit and nullify any recommendations' that arose out of the Joint Committee on Custody and Access.

The Ad Hoc Coalition is aware of two organizations currently involved in Custody and Access considerations. The Federal/Provincial/Territorial Family Law Committee also referred to as the Federal Standing Committee on Family Law stems from the Federal Justice Department and has been mandated to explore issues relating to Custody and Access. According to Randy Liberet, vice-president of the National Shared Parenting Association, Regina, Saskatchewan, he has word from Betty Anne Potruff of the Federal Standing Committee that they will devote the next five months to an examination of the report "For The Sake of the Children". The

NSPA

has also demanded that the Federal Standing Committee meet with them to discuss Custody and Access concerns.

Provincially, the Province Subcommittee on Family Law Issues also intends to deliberate over Custody and Access legislation and make recommendations to the Federal Justice Minister. Mr. Robin Bassett, Senior Solicitor of the B.C. Legal Services Branch of the Ministry of the Attorney General sits on both these committees and appears to be a contact for concerned British Columbians. The Ad Hoc Coalition has sent letters to the Federal Standing Committee requesting that if they meet with the NSPA then they must also meet with women's groups. Furthermore, the Coalition has written to members of the Province Subcommittee detailing their concerns about the Joint Committee's disfigured process and their subsequent disapproval of the Committee's Report. The Coalition is also lobbying members of the opposition requesting that they articulate women's concerns when the Report makes an appearance in the House of Commons.

The B.C. Alliance of Feminist Transition Houses and the Ad Hoc Coalition on Custody and Access would like to appeal to feminists and transition house workers across the province to make your voices heard around Custody and Access issues!

- Sheryl Burns-

### **The Report**

**emergency. And who, we ask, will define what an emergency is, or how violent abuse has to be before it is considered an emergency?**

**We are all too aware of how the therapeutic and punitive elements for failure to respect parenting orders in recommendation #19 will hurt women and children. We recoil in horror when we see recommendation #43, which we know will silence women and endanger children if the Criminal Code is adjusted to deal with "false statements in family law matters" to deal with what is perceived to be the problem of "intentional accusations of abuse or neglect". Already women are not believed and are unable to protect their children from having to go to court mandated access visits. We worry that we will be even more helpless in our efforts to help women protect their children since women who speak out will risk being perceived as making false accusations of abuse.**

**And of course we know what it will mean to women and children if the numerous shared parenting recommendations that form the basis of the report become the foundation of the Divorce Act. We shake our heads in wonder at recommendation #29 which sug-**

**"We need for MWE to live up to the expectations that were set".**

### The Report

programs run by community groups for couples wanting to avoid separation and divorce or seeking to strengthen their marital relationship.

We know that if these recommendations are adopted women and children will suffer for many years before we can hope for any changes. We have to speak out now if we are to stop the enormous push towards these awful changes. We must let both the provincial and federal government know what impact these recommendations will have.

-Nancy Drewitt-

## Surviving An Abusive Relationship

I thought my contribution to this newsletter would be to write about what a 'battering relationship' is. A battering relationship is not just a couple of fights. It is a long-term imprisonment in a relationship that works on gaining control of the woman by both physical assaults and/or threats, and brainwashing. It is important to understand that women don't have to be hit to be abused. The goal of the batterer is to be in control in whatever way he can. This control is what he is after when he is going for custody or when

he uses access visits to disrupt the home again. He has not thought about the best interests of the child; he only desperately wants to be in control again.

There are quite a few themes that battered women tell of in their marriage that are harped upon by men. Many of these themes are in areas that women have traditionally received recognition, so they are particularly hard on one's feelings of self-worth.

**Mothering:** There are accusations of bad parenting. The child is crying and you are told to keep her quiet or that you don't know how to discipline your child. At the same time he undermines you in front of the

children: "Your mother is really stupid" and "You don't have to listen to her".

**Housekeeping:** I have known women who have had under the beds inspected or the trim on the top of the doors inspected for dirt. The inevitable finding of dirt can be a trigger for anything from a long sigh to a beating.

**Fat of Thin:** One woman told me how when she was young and thin her husband told she needed more "meat", and when she got older and fatter he said he wanted her to be thin. All of this was used as an excuse for him to fool around with someone else.

**Sexuality:** women are accused of being frigid if

## Speaking To The Premier



The creation of the women's equality ministry was an important and groundbreaking move by the NDP. women's groups, academics, lawyers, feminist and non-feminist, across the country took notice, and continue to look to BC for leadership because of this important experiment about women's equality. women in Quebec have engaged us about the differences, good and bad in the approaches of our two gov-

ernments, both committed to the social contract. Feminist activists, lawyers and academics looked for the ministry to set the standard for progressive government response to the concerns of half the population.

But we are a serious crossroads with the experiment now. We need for this ministry to live up to the expectations that were set.

The funding of transition houses and women's centres through the ministry was a

good opening move. But there have been a number of serious erosions of the ministry. The loss of 81% of its budget when the ministry of children and families was created, the streamlining of administrative staff with that of aboriginal affairs and the recent award of a transition house contract to a church are events that proclaim that the ministry is in trouble. There is a lack of development in crucial areas of the ministry's man-

**"All of the characteristics of an abusive relationship are continued during access visits".**

## Surviving An Abusive Relationship(con't)

they are not interested in sex after being told they are ugly and useless, or having being hit. His solution may that she seek counselling for her sexual dysfunction or forcing her to have sex. he gets really jealous if she talks to anyone else. such jealousy means the woman cannot come home from work 15 minutes late because they will be questioned about who were they meeting on the way home. this is one of the factors that often leads to a woman's isolation. many men are so grumpy and scary when friends come over to visit that they stop coming.

**Economic Control:** is when the husband controls all of the money, including

his wife's paycheque. Women are reminded that if they leave they will be poor.

Then there are the treats: "If you leave I will kill myself", "I will go to court to get the kids because you are such a bad parent", "I will call the social worker", "I'll find you and kill you", ect.

What happens when women leave these controlling men? They are in a rage because she is out of their grasp. What is the most effective way that is legal and sanctioned by the courts to continue the control? Access visits are considered by the courts be "in the best interests of the child". Using the term "in the best interests of the child" obscures the details of

abusive treatment and the way these men use children to continue this abuse. All of the characteristics of an abusive relationship are continued during access visits. Rules that mothers have made are deliberately broken, their mothers housekeeping skills are made fun of, the children's clothes go missing, he questions the children as to who their mother is sleeping with, and will even sexually abuse the children. these men do not make support payments.

Children who are abused and neglected and brainwashed on access visits may be told "not to tell anyone what happens" or not to talk to counsellors or

### CONCERNS?

IF YOU HAVE ANY QUESTIONS OR CONCERNS OR WOULD LIKE MORE INFORMATION ABOUT THIS NEWSLETTER, PLEASE CONTACT VANCOUVER RAPE RELIEF AND WOMEN'S SHELTER AT:  
604-872-8212.

## Speaking To The Premier(con't)

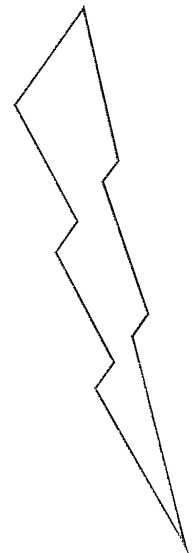
1. The current contract reform agenda across government puts the ministry in the position of regulating the behavior and interfering with the daily operation of women's groups. Standardization is problematic because women's organizations already have standards that are much higher than the ones currently in draft form for the transition houses. You are essentially lowering our expectations for our organizations and

for the Ministry of Women's Equality.

The imposition of standards is the opposite of creating a link between women's interests and concerns and government decision makers. Instead, the Ministry is put in the awkward position of keeping women's concerns and transition houses in line. We are not opposed to accountability, but the methods proposed so far take precious resources away from our

front line work and put it to paper work. The other problem is that in this structure, power is exercised from the top down only. Our access and influence from the bottom up to elected officials is curtailed. We say exempt transition houses and women's centres from this aspect of contract reform.

2. the ministry must be able to adequately fund services to support women who have experienced violence and to



**"We want your commitment to the long-term core funding of women's equality seeking groups".**

## **Surviving Abuse**

again and he will die... go to jail....hurt mommy...get really angry". These children are left in the position of having to take this abuse to protect their mothers.

Unfortunately, the courts and social workers have invented a term for when a mother tries to protect her children from abuse. The "parental alienation syndrome" is a convenient label that lets them think this is two parents fighting over a child rather than a mother trying to protect her children from an abusive man. Any chance the mother and her children have of a life free from threats and abuse is made impossible by these continued visits. The courts need to recognize that these visits are not "in the best interest of the child".

-Ajax Quimby-

## **Speaking To The Premier (con't)**

happens. You have made the connection between male violence and the equal status of women, you fund transition houses through the ministry. However, the ministry can be much more active in its support of feminist anti-violence initiatives and should have more influence in the initiatives of other ministries dealing with male violence. If these initiatives are required to put the question of male violence against women into the context of women's status, then programs will likely be more effective and progressive rather than pandering to public outrage about crime.

3. I think it's clear that we want the ministry to ensure that issues relating to women's equality are reflected in policy, legislation, services and programs throughout government. You need to make it a reality that the ministry has the authority and power to influence policy and legislation of other ministries so there will be a net benefit towards women's equality.

We do think that there are people within the ministry who are willing and see the responsibility to respond and do this. However, women's rights activists, legal aid lawyers, and anti-poverty workers have expe-

rienced great resistance to our pleas for this agenda to be carried out. Those of us who are cynical about your agenda worry that it is because you have instructed the ministry to take a "hands-off" approach to all other ministries, and others worry that there is a lack of understanding about the responsibility of the ministry on this point-we don't know. What we do know however, is that only 2% of the ministry's budget is put to policy and legislation review and that a number of really important pieces of legislation were put in place without intervention from the ministry of women's equality.

Cuts to legal aid, the replacement of GAIN with BC Benefits, regressive changes to BC Benefits, the diversion of family law cases from court to family justice centres continue without effective interference from the ministry when the impact on women's access to food, shelter, and legal counsel (our human rights), are drastically effected.

We really need you to ensure that this ministry has the power and support from you to be an effective advocate for women's rights in cooperation with progressive women's organizations. If not, then the ministry is only

a cynical attempt at window dressing and we will be forced to reject it.

4. If indeed our ministry was shut out of decision-making about BC Benefits then it effectively prevented the analysis of women's rights in relation to welfare. It also left our ministry in the ridiculous position of promoting RSP's as women's means to financial stability. With so many women and children on inadequate government assistance, urging us to buy RSP's as a method to equalize women's economic status is humiliating and confusing. The economic well-being of women in this province must be taken more seriously than this.

5. We also want your commitment to the long term core funding of women's equality seeking organizations. As taxpayers we expect that our money will go to serve our needs. It is unacceptable for you to off-load this responsibility to the commercial private sector which has very little interest in the promotion of women's rights.

6. The defence and protection of women-only space and methods of organizing also needs your attention. It is not in our interest to be required to include men in

**"The NDP benefits from the work and alliance of the independent women's movement because we ... establish a culture that re-**

## Speaking To The Premier(con't)

in our organizations, either as board members or as service providers. Decision-making and control of our organizations must stay in the hands of those who make use of the services and those who have a personal investment in the social change agenda of the women's movement.

We absolutely want this ministry to be strong, effective, responsive, free-standing and dedicated to the achievement of women's equality rights. Lawyers associated with the Legal Education Action Fund, domestic workers groups, aboriginal women's groups, university and college academics as well as those of us who provide

services in transition houses and women's centers are committed to the independent women's movement. It is we who have pressed for better working conditions for employees, pressed for redress to aboriginal people wronged by past and current institutions, pressured for adequate health care, fought against the right wing agenda and looked for the progressive interpretation of constitutional rights for everyone.

The NDP benefits from the work and alliance of the independent women's movement because we fight to establish a culture that requires social responsibility and democratic practice. We require the NDP meet its

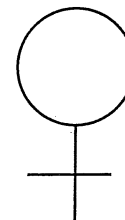
obligation to us.

We expect that you will at least double your budget for money to be delivered to front-line groups including women's centers and transition houses. And make the commitment of tax dollars to long-term core funding of women's equality seeking organizations not just to provide services, but to assure that a strong independent women's movement can continue to press for crucial social reform- this work and these voices cannot be replaced by a government program or ministry.

We also expect that you ensure each piece of legislation as well as programs and services is open to the scrutiny and direction of the

Ministry of Women's Equality so that adequate protection and representation of the needs and concerns of women can be made.

-Suzanne Jay-



### *IF YOU WANT TO HELP;*

- 1) Write or fax Mr. Robin Basset, Senior Solicitor Legal Services Branch, Ministry of Attorney General, Sussex Building 1001 Douglas Street, Victoria, BC, V8V 1X4. Tel:250-356-8416 Fax: 250-356-8992. E-mail: >robin.basset@ag.gov.bc.ca< Let him know what you think about the Custody and Access Report, the Custody and Access hearings, and ask that he meet with women's groups in B.C. If you live outside of B.C., you can find out who your reps are on the Federal Standing Committee by contacting Marielle at the Family, Children and Youth Section at 613-957-4696.
- 2)Write Justice Minister Anne McLellan and let her know what your concerns are.
- 3)Write members of the opposition expressing your views and asking that they put forward your concerns in the House of Commons.
- 4)Visit the WJN website at ><http://www.web.net/wjn><. Come and get more info!