

Independent Systemic Review of the British Columbia Legal System's Treatment of Sexual Violence and Intimate Partner Violence

Honourable Niki Sharma, KC
Attorney General of British Columbia
PO Box 9044 Stn Prov Govt
Victoria, BC V8W 9E2

Via email

September 18, 2024

Dear Minister Sharma,

Re: **September Update**

On May 30, 2024, you appointed me to conduct an independent, systemic review of the treatment of sexual violence and intimate partner violence in the province's legal system and to propose recommendations to effectively address this longstanding challenge. I am pleased to provide you with an overview of my work to date, and to advise you as to the next steps of the review.

The feedback I have received at every turn so far is that this review is welcomed in the quest to urgently address these forms of violence. It is notable that jurisdictions across Canada are identifying gender-based violence as an epidemic due to its terrible scope and scale and the need to have a coordinated operational and public policy response to address it.

Work to Date

I began this review from the premise that a wealth of information about the need for change in the areas covered by my mandate already exists. Many past reports and recommendations were informed by consultations with survivors, stakeholders, advocates and researchers, among others. I will build upon this past work in order to recommend what is needed to move us forward.

June 2024

To understand the breadth and depth of the work of previous reviews, inquests, inquiries and other processes, and to gain an appreciation of the current policy environment, I began with an environmental scan of past reports, recommendations and consultations as well as a survey of recent initiatives (including British Columbia's Gender-based Violence Action [Plan](#) and the National Action [Plan](#) to End Gender-based Violence).

I met with the Governmental Reference Group established to provide support to my work, with representatives of the Ministry of Attorney General, the Ministry of Public Safety and Solicitor General and the Gender Equity Office. The secretariat assigned to me consists of a project manager and two policy analysts from the Justice Services Branch. I regularly meet with the project manager and the senior policy analyst to direct their work in a manner which preserves my independence. The initial tasks assigned to the policy analysts included:

- Compiling a list of past recommendations made on areas relevant to the mandate;
- Documenting and examining implementation efforts already undertaken by government, legal system and community partners.

I am grateful to the Government Reference Group and to their secretariat colleagues for the helpful support that they continue to provide.

In the first month of the mandate, leading up to its June 26 public announcement, I also designed the process for this review, developed and refined the budget, conducted initial outreach, consulted with advisors, and hired a small, part time support staff (to provide administrative assistance and independent legal policy advice for my reports). At my request and with my input, the secretariat created a government [webpage](#) describing the review, in time for the public announcement.

July and August 2024

Throughout the summer, I have worked to analyze existing reports and recommendations, examine priorities for implementation, and identify any gaps in past recommendations. I have paid particular attention to places where actionable solutions have been presented but remain unimplemented, to understand the reasons for delay and to reflect on how those hurdles can be overcome.

In addition to the administrative and logistical work associated with the launch of the mandate, I embarked upon a set of initial conversations with key stakeholders to discuss my mandate and hear their views and priorities. I met with the Federal Ombudsperson for Victims of Crime to learn about his Office's systemic [investigation](#) into the treatment of survivors of sexual assault within the Canadian criminal justice system and to discuss the synergies of that work with this review. I also began charting a schedule for meetings in the fall.

Many areas of government are involved in work that relates to the mandate. Very early in my term, it became clear that few, if any, actors in this system have a sense of the full scope of the government's current work to address and eliminate intimate partner violence and sexual violence. As a result, I determined that it would be helpful to create an overall picture of the various units, branches, departments and programs with responsibility for areas relevant to my mandate. I have requested the secretariat's assistance with this significant task and the mapping work is underway. I anticipate that this tool will be invaluable in assisting me with my analysis of the governmental role in systems engaged in addressing these forms of violence.

September 2024

This month, I have initiated dialogue with several important stakeholders, including members of the judiciary, Indigenous communities, Crown counsel, police and victim services workers, and the private law bar (including outreach to lawyers who practice family, civil and criminal law). I am investigating what court data is available to inform my work, within the scope of what feasible for me to review and analyse.

I am employing an intersectional lens to investigate the interplay of legal structures, including criminal, family and Indigenous law, in order to identify obstacles to implementing past recommendations. We know that gender-based violence affects all British Columbians, but has distinct and heightened impacts on some, due to factors including gender, gender identity, sexual orientation, rurality, disability and being Indigenous, racialized, migrant, poor, young or elderly. However, I am also mindful of not asking survivors who have already been consulted many times to retell their stories. Accordingly, I have decided to make a survey available (described further below) that will enable those survivors who wish to provide information to the review to do so in their own voice, in their own time, with anonymity and safety.

I have also created a basic website for the review: <<https://ipvsvreview.ca/>>.

Next Steps

Issues Paper: The mandate requires a consultation report or discussion paper in November, 2024. To that end, I am drafting an issues paper that sets out priority areas for addressing sexual violence and intimate partner violence in the province, based on my work to date. The paper will provide a series of questions related to each priority area directed at stakeholders engaged with those areas. The issues paper will be released publicly, posted on the independent systemic review's [website](#), and circulated to stakeholders in order to seek their feedback and garner their consideration of the priority areas and questions it will contain.

Focus Groups: Following circulation of the issues paper, I intend to convene focus groups to gather input from organizations and individuals who bring important perspectives on the BC legal system as it intersects with aspects of my mandate. The

goal of this exercise is to explore in depth some of the topics covered in the issues paper.

Survey: Dr. Emma Cunliffe, a professor at UBC's Allard School of Law with expertise in gender-based violence, will develop a survey with input from community and research partners. The survey will be designed to provide opportunities for survivors of intimate partner violence and sexual violence to make their voices heard directly in this process, should they wish to share their experience and expertise with the review. My goal is to make the survey available in conjunction with the issues paper in November 2024. The survey will be posted on the independent systemic review's [website](#) and circulated through appropriate channels to ensure it reaches all those who wish to participate.

These instruments will assist me in gathering the knowledge and perspectives necessary to provide you with pragmatic and actionable recommendations in my final report, due in May 2025.

I trust that this update provides you with a sense of my work to date and my plan for the review going forward. I have been heartened to encounter genuine engagement and goodwill from government and from the various actors I have engaged in aspects of this mandate – people who are keen to see improvement in addressing sexual violence and intimate partner violence in British Columbia. We are all hopeful that this review can contribute to that worthy goal.

I will continue in my efforts to be creative, constructive and conscientious in my approach, charting a path toward accountability and systemic change for survivors, families and communities. Thank you for entrusting me with this monumental and critically important task.

Yours truly,

Kim Stanton

Kim Stanton, BA (Hons), LLB, LLM, SJD

cc. Honourable Mike Farnworth, Solicitor General,
Assistant Deputy Minister Taryn Walsh
Assistant Deputy Minister Paul Craven