

# FEATURE

Violence against women:

## Another Vernon waiting to explode

On April 4th, the Coalition of South Asian Women Against Violence called a press conference to remember Rajwar Ghakal and eight members of her family who were all murdered in Vernon, BC by her estranged husband Mark Chahal (on April 5, 1996). The Coalition called the press conference to raise awareness about violence against women, making clear that the Vernon massacre was not an isolated incident and that there could be many other Vernons simmering and ready to explode. The Coalition also called the press conference to release the results of a pilot study done by FREDa, the Feminist Research, Education, Development and Action Centre, assessing the Attorney General's Violence Against Women in Intimate Relationships policy (AG's VAWIR policy) and its mandatory arrest requirement. The Coalition also held a candlelight vigil later that evening [see page 4].

The press conference was endorsed by a number of women's organizations, many of whom were represented there that day. Prem Gill spoke on behalf of the South Asian Women's Centre, Zara Suleman on behalf of the Coalition, Bonnie Agnew on behalf of Vancouver's Rape Relief and Women's Shelter, Fay Blaney on behalf of the National Action Committee on the Status of Women's Anti-violence Committee and the Aboriginal Women's Action Network, Agnes Huang on behalf of the Vancouver Status of Women, and Yasmin Jiwani on behalf of FREDa. Below are excerpts of comments made by four of the speakers at the press conference.

### What's happened since Vernon

Bonnie Agnew

Bonnie Agnew gave examples to highlight how the police have failed to implement the AG's VAWIR policy (and have failed women) since the Vernon massacre.

I wanted to talk today about was some examples that have come to the attention of our organization concerning the police since the Vernon massacre, since heightened awareness about violence against women, since the provincial election in BC, and since the Attorney General's changes, in his opinion, toughening the VAWIR policy.

We were among a coalition of groups who put together the Women's Election Agenda before the last provincial election. We asked all the parties if they would guarantee that women in BC would receive a swift response to their calls to 911. All of them, except the Reform party, said they would do so. That was in May. None of them has called for police accountability.

Here are some examples of things we know about in relation to the police since that time:

The Vancouver police and the City of Vancouver are being sued civilly by a woman, Arlena Carla Jones, who did not receive adequate and proper police re-

sponse, in her opinion, to her plea for help when she was being beaten by her ex-boyfriend. [The day after, she was again physically assaulted by the man, who slashed her with a broken bottle.] The response in September 1996 of the police and the City of Vancouver to this lawsuit was to say that they were not negligent. If there was any negligence, and this is in their official response, it was on the part of the woman herself because, they say, she did not report to the police in the manner in which they deemed appropriate. It's also her fault because she stayed in the turbulent relationship and because she "provoked" a fight with this particular man. That is the official response of the Vancouver police.

Coquitlam RCMP, November 1996—a very similar situation to Vernon. A man was arrested—nine rifles were taken from him—but he was released on bail with a no-contact order. What he did was call his wife's daughter (his step daughter) and threaten her life and the life of her family. Where had we heard this before, months earlier. The police, upon getting a complaint from the daughter, phoned the man and told him not to do it again. Under the AG's policy, this is a crime in progress. The man has broken the no-contact order, threatened the daughter's life and the life of her family, and the police phoned him. They phoned him. And you know what he did? He took it as a tip-off just like Mark Chahal did, as a tip-off that the police are not going to do anything but phone him. And if he's not near a phone, then they're not going to do anything. They did not do anything. It took our organization getting in touch with the Attorney General to make the RCMP find the man, arrest him and hold him until his entitlement to full trial and hearing. The woman is safe, the daughter and her family are safe because of us, because of women's organizations, and because the Attorney General's office moved when we said "Vernon tragedy."

Richmond RCMP in May and July 1996 and March 1997—They failed to investigate or enforce a peace bond, and instead threatened to charge the woman with mischief when she reported three times that the man had contacted her. When we finally attended with her, the police in Richmond were very antagonistic to us and her saying they did not need to be babysat by us. This, after the Vernon murders.

The New Westminster Police are no different. In March 1997, they refused to believe a woman who said her ex-husband was threatening her life. Instead they believed him when he called in to complain that she was harassing him. The thing that's significant about the New West Police is that the officer in the situation did not ask whether or not he had weapons. We asked, and he did—a hand gun. The officer made a report to the Crown recommending no charges, and did not say anything to the Crown about death threats or weapons. And when we intervened, the officer said:

"Look, I've had the sensitivity training but in this case this is the exception; she's lying, she's crazy, she was harassing him." They are all exceptions.

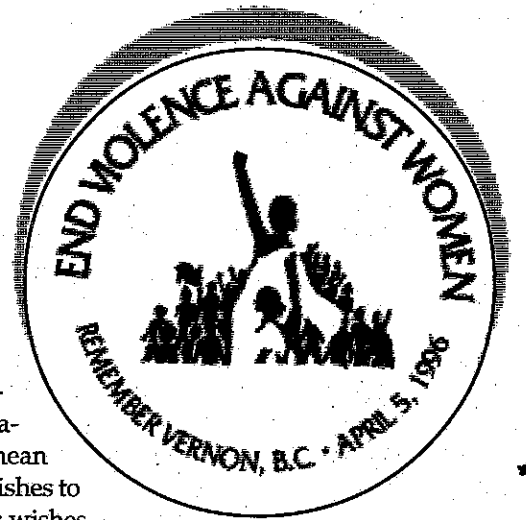
I have several other examples, but I want to conclude with a couple of points. One is about mandatory arrest. For us it has come to mean whether or not the police officer wishes to arrest; it is not about the woman's wishes anymore; it is about the police officer's. We have come to think of mandatory arrest much more in that light.

I'd also like to say that when I joined Rape Relief in 1979, at the very first meeting I attended we discussed whether or not to continue training the police at the police academy which Rape Relief had done for five years. There was debate and discussion among some women, but it was clear that this training that we'd been doing for five years was not working. I heard the Attorney General this morning on the radio suggest that what was needed was police training. Let me say that was what should have happened 20 years ago. We don't need mandatory training; there is no mandatory learning going on. There is nothing to be trained about, in my opinion, except believe the woman, believe us and do your jobs, investigate. What is needed is the authority of the Attorney General, the Solicitor General, parliament and the legislature to tell the police that they must do their jobs.

### Regaining control over our lives

by Fay Blaney

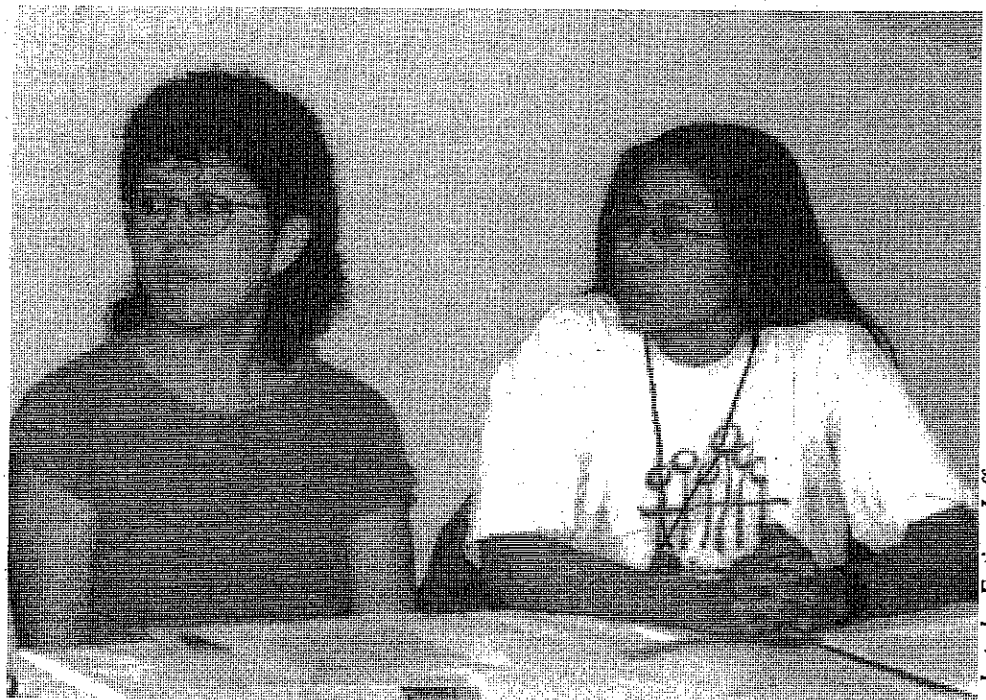
Fay Blaney spoke about how the police are not responsive to (and often discriminate against) Aboriginal women being abused or assaulted.



For the Aboriginal Women's Action Network, the ill effects of mandatory arrest is not news to us—we have known all along that the mandatory charging is not effective in the Aboriginal community. For Aboriginal women, the delivery of police services has always been either inconsistent or non-existent whether we live on- or off-reserve. On some reserves—and I stress some—they have access to either the tribal police or circle sentencing or other programs. But for those of us living off-reserve—the huge majority of Aboriginal peoples in BC—we are subjected to either the municipal police or the RCMP. Regardless of which police force we're dealing with, we still have to deal with a male-dominated system which does not have the interests of Aboriginal women as a primary concern. In fact their interest is usually to be against Aboriginal women.

Violent men whether they're Aboriginal or non-Aboriginal can be expected not to be accountable for assaulting Aboriginal women. This is evident in the Arlena Jones case. She was brutally attacked and beaten by her ex-boyfriend. She had previously called the police to help her on several occasions, and when he came to attack her she was already separated from him. He found her apartment, broke down her door and brutally beat her. Arlena called the

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Fay Blaney and Agnes Huang

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## Violence against women:

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police, and the police officer who came verbally abused her and said some very derogatory things to her. The police did not arrest her ex-boyfriend; they drove him five blocks away and then they dropped him off. The next day, this man found Arlena and beat her again. This time, she had to go to the hospital for stitches.

There are many, many Aboriginal women killed each year in the Downtown Eastside and in various other parts of the province in rural areas. There are never any investigations conducted into their deaths and this is a clear indication that the justice system does not work for us. NAC and AWAN would like to know who is benefitting from the mandatory charging policy because it certainly wasn't the family killed in Vernon and it's not the Aboriginal women who are still being killed. If the police force and the court systems cannot protect our interests, then I suggest the government turn these resources over to us, turn the decision making over to us so that we can protect our own interests. I challenge our allies—the service providers, the police department, Coalition partners—to support us in this bid to regain control over this critical area of our lives.

## No more patriarchy

Agnes Huang

Agnes Huang spoke about the connectedness of all incidents of violence against women in relationships and about the need, not for bandaid responses like the AG's VAWIR, but for an end to the root cause of violence against women: patriarchy.

What I wanted to do today was to make very clear that what happened in Vernon a year ago—the murder of Rajwar Ghakal and her family by her estranged husband—was not an anomaly. It was not an isolated case.

I was just thinking (off the top of my head) of the cases I have come across where men have killed their wives or ex-wives. I think of Linda William who was killed by her husband. He got five years and as he came up for parole, he applied for custody of their children. He's now out. I think of Nora Seymour who was killed by her husband, John. He was convicted of manslaughter rather than murder because he claimed, and the court bought it, that he was too drunk to know what he was doing. I think of Susan Klassen in the Yukon who was strangled by her husband from whom she had recently separated. He got manslaughter, not murder. He claimed she provoked him [because she had asked for a separation after 13 years of marriage and abuse]. I think of the case in Florida—a custody case—where a woman lost custody of her daughter to the child's father because she was a lesbian and lived with a woman, and because her oldest daughter was also a lesbian and lived with a woman. He was awarded custody, despite the fact that he had been convicted of murdering his first wife over a custody dispute.

Through every society, through every culture, violence against women is endemic and epidemic. Last month, on the day *Kinesis* went to press, a woman called me not knowing what to do or say; she just wanted some action to be taken. Why? Because she had just heard on the radio that a man in Kelowna who had stabbed his wife 46 times, killed her, put her body in a garbage bag, dumped it in the trunk of his car, took

it to an isolated spot and dumped her body, received a four year sentence for manslaughter. (He was able to convince the court that he was provoked into killing her.) She had just heard that that four year sentence had been upheld by the BC Court of Appeal as adequate.

This woman did not know what to do; she was so frustrated and angry. And this was a woman who wasn't in a situation where she was directly experiencing violence; she wasn't an activist working [in her day to day life] to end violence against women. But this was a woman who knew that violence against any woman affects her life and affects all our lives as women in this society.

And she asked what can we do about it? I told her to come to the vigil tonight. And I would ask her, and all of us, to make the link between the murders of women by their male partners and ex-partners to that of the response of the police, the court system and society.

What we need to do is confront the root cause of male violence against women, and that is patriarchy. Patriarchy gives men the right to exonerate themselves of any responsibility for beating and killing their wives or girlfriends. Patriarchy gives police the right to disregard women's complaints about their abusive male partners or ex-partners.

Patriarchy gives judges, juries, Crown prosecutors and defense lawyers the right to accept men's excuses for killing their wives and girlfriends—like they were too drunk to know what they were doing or they were provoked—and to convict these men on lesser charges of manslaughter and not murder. (Manslaughter usually gives them four to five years in jail only, and they're often out in two-thirds of that time.)

Patriarchy also gives society the right to believe that the cases of male violence against women are rare and isolated, rather than endemic and epidemic and supported by the system and structures of the society.

Whatever policies are put into place, like the AG's policy against violence against women in intimate relationships, are just bandaid solutions. No policy will ever be enough to end violence against women. We've even seen the AG's policy being used against women, just as the criminal harassment legislation—the stalking law—is being used against women.

What needs to happen is a fundamental shift in the attitude of society, of men, of the courts, of the police. We're not here to educate them. We want them to educate themselves and to change, because until there is an end to patriarchy, there will be no end to violence against women.

## The survey says...

Yasmin Jiwani

Yasmin Jiwani released the results of a pilot study conducted by FREDa on the AG's VAWIR policy and the mandatory arrest requirement.

I'd like to present a larger context—namely, that we live in the province with the highest level of violence against women in relationships. Research shows that 59 percent of women in BC have been subjected to violence by their male partners. We also live in a country that sees more than 110 women a year being murdered by their partners and ex-partners. What we witnessed in Vernon last year is certainly not



Yasmin Jiwani and Bonnie Agnew

an aberration—it's an aberration only in that it actually came to light.

The pilot survey we conducted included a survey of 45 organizations around the province. Of those organizations, 74 percent were located in areas under the jurisdiction of the RCMP; 18 percent in areas under the jurisdiction of the Vancouver police department; and eight percent in areas governed by other municipal forces. Sixty percent of those surveyed were located in urban areas and 40 percent in rural settings, so it was a wide variety and represents a good cross section of organizations around the province. All of these organizations provide services to women who are in or leaving or recovering from abusive relationships. By conservative estimates, there were about 65,000 women served by these organization in the last year.

Of these organizations, 53 percent indicated that police are implementing the mandatory arrest scheme as defined by the VAWIR policy, and another 37 percent said police are not implementing it. (The remaining 10 percent did not respond to the question.) However, 82 percent of the participants indicated they had real concerns about the way in which the police were implementing the mandatory arrest policy.

In terms of the effectiveness of the VAWIR policy, only 49 percent—less than half the organizations surveyed—thought the situation was changing for the better. Another 42 percent indicated the policy has not been effective—in other words, it doesn't work—and 84 percent indicated they had real concerns about the way in which the policy was being implemented.

Among the general findings that came out of the study, there are several that really stand out. One is the indication that police are exercising an enormous amount of discretion as to whether or not to arrest the offender. They are reluctant to arrest the man if they have only the woman's story as verification; in other words, they want witnesses or some other form of corroboration. Interestingly, some organizations reported that even if there were physical signs of a woman being abused, the police will still not arrest the abuser. And in some areas, the police were simply not arresting, even when the man threatened violence or threatened to kill the woman. In many cases around the province, it's interesting to note that the police are in fact interpreting the mandatory arrest policy in a gender neutral way; in other words, they're also arresting the women who are being abused, which shows a clear lack of understanding about the cycle of violence.

In terms of general findings, it seems as if some parties have thought the policy was not being implemented across the board in an even fashion—simply put, many respondents said that yes, there is this

policy; and yes, if it's implemented it does work successfully. But in most cases, it isn't being implemented. It also depends very much on the luck of the draw, on which particular police officer a woman happens to get. It's like playing Russian roulette with women's lives.

Participants expressed concerns that police are not enforcing the policy, and that they feel the police often believe the policy is unenforceable. Some felt the police are sabotaging the policy and some also noted that positive experiences with the policy depended too much on certain police officers who are implementing the policy.

There is an understanding that police are only one side of the system that's failing women: the Crown and the courts were also indicated by participants as impediments to the effectiveness of the policy. The coordinated effort of the entire criminal justice system is necessary to implement the policy if it is meant to be successful.

One of the other findings that came across very strongly is that not only does it depend on which particular police officer you happen to get, but on who you are as a woman. There are groups of women whose calls are not being responded to appropriately by the police. These include women with addictions, sex trade workers and Aboriginal women.

Some of the recommendations that came out of the survey were: the real need to implement this policy in a consistent manner—there has to be clarity about the goals and objectives of the policy; and an increased training of members of the criminal justice system and a protocol developed to provide direction. Another recommendation was the consistent application of the mandatory arrest policy and the assurance of flexibility, choice and options for women after the man is arrested. Further recommendations were the enforcement of protection (restraining) orders and ensuring a women's cases weren't dragged through a long process.

Survey participants also said there needed to be an increase in support and resources for shelters and transition houses, as well as more second stage support and access to counselling for women. Finally, there was a very strong recommendation, from organizations both in the rural and urban centres, that somebody has to track these cases, somebody has to monitor whether or not the police are doing what they're supposed to be doing.

FREDa plans to complete the second phase of its study on the AG's VAWIR policy by the end of the year. For more information about the study, contact: Yasmin Jiwani at FREDa, SFU Harbour Centre, 515 W. Hastings St, Vancouver, BC, V6B 5K3; tel: (604) 291-5197; fax: (604) 291-5189.