

May 3, 2022

INQUIRY INTO HATE INCIDENTS DURING THE COVID-19 PANDEMIC

BC's Office of the Human Rights Commissioner

INVITATION TO PROVIDE INPUT

Rise Women's Legal Centre has been invited to provide input to the Human Rights Commission's Inquiry into hate incidents during the COVID-19 pandemic.

In preparing these submissions, we consulted with four of our community partners through the Virtual Legal Clinic program, as these organizations are located in smaller communities and lack the capacity to prepare written submissions of their own. We keep the names of our community partners anonymous for safety reasons, but the participating organizations were located in the following regions: Vancouver Island, Okanagan, and Kootenays. All organizations shared observations that they felt were true for their region generally.

Our answers to the questions below include information relating to the experience of these community partners as well as the experiences of Rise staff.

We welcome the opportunity to provide feedback. While gender-based violence is often viewed through the lens of criminal or family law, we believe it is critical to understand the experience of violence based on gender is also an equality issue and one that is relevant to the work of the Human Rights Commission. At a basic level, hate incidents are criminal or detrimental actions coupled with a biased or discriminatory motivation. It is widely recognized that women and gender diverse individuals experience violence at much higher rates than men. The basis for this negative treatment is their gender identity and/or sex. Despite this, and perhaps because violence against women and gender diverse people is so ubiquitous in Canadian society, violence is often normalized and not viewed as hatred or evidence of systemic discrimination.

Who does your organization represent, serve, or work with?

Rise Women's Legal Centre is a pro bono legal clinic and teaching facility that provides unbundled legal services to self-identified women and gender-diverse individuals who lack access to legal services. We are based in Vancouver but serve clients across British Columbia, primarily in family law.

Rise works with clients from a wide variety of backgrounds and lived experiences. Approximately 80% of our clients have experienced family violence. Our clients are typically earning less than the living wage and are unable to afford private counsel.

Rise programs include a Virtual Legal Clinic, which partners with other community organizations to help clients in small and underserved communities access legal services. We have more than 50 community partners, located in every region of BC. Our community partners include a variety of organizations from legal advocacy programs to transition houses to Indigenous friendship societies.

Has your organization seen a rise in hate during the pandemic? If so, are you able to share any data you've collected about the frequency, nature and targeted demographic groups as well as the impact on your communities?

The four community partner organizations that we consulted were from small communities across BC. One organization that offers family supports, identified an increase in family violence incidents resulting from the requirement of needing to stay home. This placed clients in close proximity with the perpetrator of violence. One legal advocacy program said they did not see a direct rise in clients but noticed an increase at front-line programs in their town.

All four organizations noticed an increase in housing challenges because new people were moving into their smaller communities, as remote work became more acceptable. This housing squeeze had a greater impact on those struggling with family violence because there were fewer options for women to find new housing when leaving abusive relationships. Some women chose not to leave their violent partner or spouse because there were no housing options available. Some couples opted to separate but continued to reside in the same home, which increased the opportunity for further violence. Sometimes the violence took the form of physical assaults, but non-physical acts of violence were also common, such as controlling behaviour around finances and living arrangements. Two community partners were unsure if the housing squeeze was a direct result of the pandemic restrictions but still observed the resulting increase in family violence just the same.

According to our community partners, the pandemic and COVID-19 restrictions disproportionately impacted older women. People in retirement who were looking to separate could not afford to leave the marital home and older women in particular were continuing to experience psychological abuse. One service provider described that they made numerous attempts to refer older women to services but were not successful, as the programs were only available to women with dependent children. This points to a significant gap in services for older women who don't have dependent children and are unable to create alternative income streams through paid work.

At Rise, we have seen an increase in the number of women experiencing difficulty in protecting themselves, as opposed to a specific increase in the number of women in relationships with violent partners. In "normal" times, victims of violence use a variety of strategies to keep themselves safe within situations that include ongoing violence. Many safety measures that were available prior to the pandemic, such as going to a friend or family member's home for respite, were no longer available at the start of the pandemic.

The pandemic restrictions also created more opportunities for perpetrators of violence to control their partners, especially in the forms of restricting autonomy and financial control. This has been largely due to stay-at-home requirements which have placed women and children into extended close proximity with violent or abusive partners.

While we are unable to quantify actual incidents of physical violence, we believe that there is a strong possibility that these have increased during the COVID-19 pandemic.

However, it is important to understand that in many cases violent or abusive behaviour may have predated the pandemic. The stress of COVID-19 may have contributed to a change in the types of family violence, for example, a change from psychological violence to physical violence due to proximity. In these cases, increased reports of intimate-partner violence may be linked to the fact that police and other governmental and legal services tend to be more responsive to physical acts of violence over other forms of violence, such as psychological or financial abuse, which are often not well understood and ignored by police.

What role do you think the pandemic has played in the increase of hate your organization has seen? What could have been done differently by government and other duty-bearers to reduce this impact?

One observation from a smaller BC community was that some services became more accessible during the pandemic. Whereas before the pandemic, some services were only available in-person, services are now accessible by phone or text and more widely used. Due to the new and different ways to access services, it is difficult to determine whether the increase is due to the impacts of pandemic.

One community partner suggested that duty-bearers could have increased support for mental health impacts as they were seeing many clients who were experiencing mental health impacts from the pandemic.

Many services had to close or reduce their operations due to pandemic restrictions. For example, transition houses reduced the number of beds that were available due to social distancing and spacing requirements. Further restrictions and limitations on services were needed when people became sick. Increased and stable funding for transition houses is needed as communal living is not safe, especially during a pandemic. (Transition houses typically provide communal living spaces due to necessity not because this is the best model for service delivery.) Women fleeing abuse should have access to apartment complexes to avoid the transmission of the virus.

Many free and community-based activities that women were using to keep themselves and their children safe were eliminated with COVID restrictions, for example taking children to the park or staying with a friend for the weekend to avoid immediate or physical acts of violence. While these activities can never be viewed as long-term solutions to violence, they do allow women and children to manage their safety on a day-to-day basis without the pressure and risk involved in completely leaving an abusive relationship.

In the last two years, large sums of money have been given to the anti-violence sector and organizations from the federal government. This sector has been underinvested for many years and continues to need ongoing long-term funding and support from the government. Due to pandemic-relief initiatives, many organizations suddenly received a significant increase in funding and critically, the funding was often relatively flexible in terms of what it could be spent on. This funding was greatly appreciated and was important in helping organizations to adapt. At the same time funds often had to be spent on very short timelines and will not continue in the future. This type of short-term funding, while helpful for immediate relief, creates additional gaps in services when the funding stops. Hiring and onboarding take a significant amount of time and energy from existing staff, and short-term funding creates employment instability within the sector and furthers the fragmentation of services. In addition, the anti-violence sector, like many other sectors during the pandemic, faced challenges to hire new staff during the pandemic, which posed barriers for utilizing the available funding.

Responding to emergencies is difficult in the best of circumstances and is even harder for organizations that are already struggling to meet day-to-day needs. The anti-violence sector would benefit significantly from long-term funding to support a stable and qualified workforce that has the capacity to respond to emergencies and changes in circumstances.

Has your organization responded to this increase in hate (such as increased direct support, creating a reporting line, assisting people to report to the police, assisting people to file complaints with the B.C. Human Rights Tribunal, political advocacy, public campaigns, etc.) or do you have plans to do so in the future? What have been the strengths and challenges of those approaches?

All the organizations we spoke with indicated they moved to online and phone-based support services as quickly as possible once the COVID-19 restrictions went into place. They will all be continuing contactless option for services as there has been a good uptake by clients who might otherwise not access services.

With respect to legal services, two organizations have increased their advocacy services for clients to receive legal aid representation or assistance during the pandemic.

During the pandemic, the request for Rise's virtual legal services tripled. Prior to the pandemic, we required clients using our virtual legal services to work with a community partner when accessing legal advice at Rise. However, during the pandemic we became concerned that the need to access community partners, who were under stress and sometimes not open was itself becoming a barrier to service. As a result, we added a legal advocate to our team and started allowing clients to call us directly even when their support workers were not providing in-person services. Our Virtual Legal Clinic also expanded to allow for more intakes per day.

Rise has received additional funding in order to meet increased demands from clients and to continue to build are community partner network. All of these funds have been from the federal government, rather than the provincial government.

What services or mechanisms exist in your community to report hate incidents or to support people who have experienced hate incidents, and what are the strengths and challenges of those?

No responses from our community partners were directly related to this question.

Rise will refer clients to make reports to police and refer clients to CLAS BC for help with human rights complaints. During the pandemic, Rise ran a one-year pilot project which included providing assistance to individuals making human rights complaints. However, funding for this project has ended and at this time we are referring clients to CLAS BC.

Is there anything else you'd like to add to inform recommendations to address, eliminate or prevent hate incidents during times of crisis and beyond?

No responses from our community partners that were directly related to this question.

The recommendations that Rise can provide are no different than the recommendations that the anti-violence sector have shared prior to the pandemic. Incidents of gender-based violence are not isolated to COVID-19 or other crisis events – they exist at high levels even when there is no pandemic. However, the visibility of intensity of gender-based violence have been exacerbated by the pandemic.

Our recommendations include:

- Increased education and training about gender-based violence and family violence for the police and enforcement sector. If it is not realistic or practical to ensure high levels of training across the sector there should be an increase in on-ramps and special units across the province to respond to intimate-partner violence. Training and education should be provided by individuals and groups who have direct experience in working with women and gender diverse people experiencing violence and should consider how to pro-actively prevent violent incidents as opposed to always responding.
- Increased education and training about gender-based violence for lawyers, judges and other members of the legal system.
- Increased education and training about gender-based violence for the Ministry of Children and Family Development.
- Culturally appropriate outreach in communities that are disproportionately impacted by gender-based violence and hate crimes.
- Investing in infrastructure that will allow organizations and clients in rural parts of BC to have access to the full range of supports and services available to clients in larger centres. This will include investments in internet and cellular services as well as road safety and public or other means of transportation.
- Long-term and stable funding for the anti-violence sector, including counselling services, transition homes, housing workers, and legal services.
- Promoting collaboration and relationship building across sectors who may work with victims including social workers, nurses, housing workers, support workers, and transition house workers who have received training in gender-based violence.

Thank you for taking the time to review our submissions. We would be happy to discuss them further if you have any questions.

Sincerely,



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