

WOMEN'S GROUPS WELCOME REVIEW ANNOUNCEMENT

OTTAWA, Wednesday, October 4, 1995 -- The Canadian Association of Elizabeth Fry Societies (CAEFS) was pleased to learn of today's announcement by the Minister of Justice and the Solicitor General of Canada. "We are extremely pleased that Ministers Gray and Rock have appointed Her Honour Judge Lynn Ratushny to review the cases of women imprisoned for defending themselves against abusive partners," announced Susan Hendricks, President of the Association. "We have been working toward this goal for almost four years, so it is a most welcome development, and we believe that the Ministers made an excellent decision in choosing Judge Ratushny to conduct the review."

"We are also very hopeful that in addition to providing relief for women currently serving sentences, this review will result in recommendations for longer term law reform. The range and relative disparity of criminal justice system responses to women who have defended themselves against violent men challenge fundamental notions of justice and fairness. Women who kill violent partners, generally do so in self defence, to protect themselves, their children or other loved ones," stated Kim Pate, Executive Director of CAEFS. "Over the past few years, CAEFS has heard too many accounts of such acts of desperation; stories of women, who, after years of abuse at the hands of their partners, faced a criminal justice system that was ill-equipped to understand their circumstances, much less the reasons for their actions," continued Pate.

Despite the recognition of the "battered woman syndrome" by the Supreme Court of Canada in the Lavallee decision, the law has not advanced significantly. The manner in which the legal test in Lavallee has been interpreted has severely limited the availability of self-defence for abused women. Consequently, women continue to be charged, convicted and incarcerated as a result of their efforts to defend themselves or their children. Furthermore, of the cases CAEFS has identified, conviction and sentence appeals are virtually inaccessible. For some, this is because evidence of abuse was never raised and/or it was deemed irrelevant; thus, an argument that it is new evidence could be problematic. Many women, when faced with the prospect of a trial, agree to enter guilty pleas rather than force themselves or their children to revisit the painful past. Others agree to plead guilty to lesser charges, such as second degree murder or manslaughter, in the hopes of receiving more lenient prison sentences.

"CAEFS is pleased that the [government of Canada](#) is agreeing to undertake an examination of all of these cases. By looking at all of these cases and examining them together, we are confident that the systemic nature of abuse and the inter-personal dynamic that it generates will be revealed. Many women's and other justice-seeking groups will applaud this decision. Minister Gray and Minister Rock are to be commended for announcing and resourcing this review. We look forward to supporting the work to be undertaken by Judge Ratushny and we hope that this will result in recommendations that will increase the confidence of Canadian women that their needs are not being absolutely ignored by all of our government representatives." continued Pate.

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