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Domestic Violence and Access to Justice: A Mapping of Relevant Laws, Policies and Justice System Components Across Canada

By: Jennifer Koshan, Janet Mosher and Wanda Wiegers

Matter Commented On: eBook on Domestic Violence Law across Canada, [2020 CanLIIDocs 3160](#)

November 25 to December 10 marks the 16 Days of Activism Against Gender-based Violence [provincially](#), [federally](#) and [internationally](#). This is therefore an apt time for the publication of our new eBook on domestic violence law across Canada on Can LII (available at [2020 CanLIIDocs 3160](#)). This eBook is the first resource to systematically document all of the laws and government policies that pertain to domestic violence across the country as a first step in providing access to justice. Several of the laws and policies we discuss in the eBook have been previously addressed in ABlawg posts (see e.g. [Clare’s Law: Unintended Consequences for Domestic Violence Victims?](#); [Mandatory Dispute Resolution Coming Back to Alberta, But What About Domestic Violence Cases?](#); [Alberta’s Family Violence Laws: Intersections, Inconsistencies and Access to Justice](#)). This post reproduces the Introduction and User Guide for this new eBook, which is aimed at people working with and supporting survivors of domestic violence, as well as researchers and government actors.

Introduction and User Guide

Across Canadian jurisdictions, multiple laws, government policies, and justice system components may apply in domestic violence cases. Within this context, some legal issues fall within federal jurisdiction and others fall within provincial or territorial jurisdiction. Indigenous nations and communities may also have laws related to these issues, which may overlap with federal and provincial / territorial laws in ways that are even more complicated jurisdictionally. As a result, diverse laws, policies, and dispute resolution models exist in different provinces and territories and may apply in different ways to different groups of people who experience or are affected by domestic violence.

In this eBook, we provide a survey of legislation, key government policies, and justice system components that apply to domestic violence across Canada. This mapping is an effort to comprehensively document the diversity of government responses to this social problem and to provide access to legal information. This document is not intended to provide legal advice.

We include all statutes, regulations, and government policies that expressly include or consider domestic violence, as well as those that implicitly apply to domestic violence cases – for example, those providing particular procedures or remedies in cases involving harm to persons. Our focus on “domestic violence” is on abuse in adult intimate partner relationships. We do not

include a comprehensive list of laws that apply to other forms of interpersonal violence such as child abuse or elder abuse.

This eBook provides a summary form of mapping in that it includes only legislation, regulations, and policies, and does not include case law or commentary that considers or interprets these written laws and policies. We include detailed descriptive summaries for the federal jurisdiction and each province and territory. We also capture these laws, policies and justice system components in an accessible chart format for each jurisdiction, which is available following each federal, provincial, or territorial summary. Readers may find these charts useful as a high-level overview of the laws in each jurisdiction, and can follow links to the more detailed summaries. While we identify some intersections between statutory laws and policies within jurisdictions here, we have written about those intersections and the resulting access to justice issues they create elsewhere in more detail (see Jennifer Koshan, Janet Mosher and Wanda Wiegiers, “The Costs of Justice in Domestic Violence Cases: Mapping Canadian Law and Policy” in Trevor Farrow and Les Jacobs, eds, *The Justice Crisis: The Cost and Value of Accessing Law* (Vancouver: UBC Press, 2020), available on SSRN [here](#); Jennifer Koshan, “Mapping Domestic Violence Law and Policy in Alberta: Intersections and Access to Justice”, forthcoming, *Alberta Law Review*, available on SSRN [here](#); see also Jennifer Koshan, Janet Mosher and Wanda Wiegiers, “COVID-19, the Shadow Pandemic, and Access to Justice for Survivors of Domestic Violence”, forthcoming, *Osgoode Hall Law Journal*, available on SSRN [here](#)).

It is important to note that in some instances, although there is no statutory provision dealing with domestic violence, the case law may nonetheless reflect consideration of domestic violence. For an excellent resource on case law dealing with domestic violence in the areas of family law, civil protection order law, and child protection law, we refer readers to Linda Neilson’s CanLII eBook, *Responding to Domestic Violence in Family Law, Civil Protection & Child Protection Cases*, [2017 CanLIIDocs 2](#).

We have organized our mapping research by jurisdiction, beginning with laws and policies of the federal government, followed by the provinces and territories (west to east). Links are provided to the relevant legislation and policy documents where possible, and there are hyperlinks within the document to other sections. To provide an overall picture of the mapping of laws and policies, we provide a chart comparing jurisdictions in Table 1, below.

We also provide a Glossary of terms at the end of the document. Terms included in the glossary are hyperlinked to the definitions in the Glossary throughout the document.

We hope that this eBook is useful to people working with, and supporting, survivors of domestic violence. We also hope it will be useful to researchers and governments interested in gaining a comparative picture of domestic violence law and policy across the country so as to improve access to justice for survivors.

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partners the [Centre for Legal Education Alberta \(CPLEA\)](#) and the [Schlifer Clinic](#), and the many people who provided feedback on earlier drafts of the eBook.

Table 1: Comparison of provincial / territorial / federal laws pertaining to domestic violence (Square brackets indicate that the relevant provisions are not yet in force; footnotes omitted)

	Civil Protection Orders	Family: Parenting Orders	Family: Child Welfare	ADR	Residential Tenancies	Social Benefits and/or Social Housing	Employment	Limitations
FED	X	[X]	X		N/A	N/A	X	N/A
BC	X	X	X	X	X	X	X	X
AB	X	X	X		X	X	X	X
SK	X	[X]	X	X	X	X	X	X
MB	X	X		[X]	X	X	X	X
ON		X		X	X	X	X	X
QB			X	X	X	X	X	X
NB	X		X		X	X	X	X
NS	X	X	X		X	X	X	X
PEI	X		X				X	
NL	X	X	X	X	X	X	X	X
YK	X		X					X
NWT	X	X	X		X		X	X
NU	X	X	X					X

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