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## **The Family Violence Death Review Committee’s Latest Annual Report: Time for a Family Violence Action Plan in Alberta**

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**Report Commented On:** Family Violence Death Review Committee, [2019/2020 Annual Report](#)

The 2019/2020 Annual Report of Alberta’s [Family Violence Death Review Committee](#) (FVDRC) appeared with little fanfare on the government’s website in mid-January 2021. There was no [news release](#), perhaps because the UCP government has been called out for failing to respond to the recommendations in two of the FVDRC’s previous reports from 2019 (see a discussion of those reports [here](#) and MLA Janis Irwin’s questions in the Legislative Assembly in December 2020 [here](#) (at 3804)). This post will review the major findings from the latest FVDRC Annual Report and situate the work of the FVDRC in developments around a provincial action plan on family violence. Given the evidence that [family violence has increased and intensified](#) during the COVID-19 pandemic, including [in Alberta](#), action on the part of the government is critical. Moreover, given that family violence is gendered and disproportionately impacts members of marginalized communities – [including during COVID-19](#) – failure to act has human rights implications for survivors (and non-survivors) of family violence.

### **The 2019/2020 FVDRC Annual Report**

As noted in previous posts (see [here](#) and [here](#)), the FVDRC was created in 2013 under the *Protection Against Family Violence Act*, [RSA 2000, c P-27 \(PAFVA\)](#). Its mandate is to review family violence related deaths in Alberta, and it issues an annual report as well as in depth case review reports for selected incidents. Although the most recent Annual Report is identified as “2019/2020”, it covers family violence related deaths in the province in 2019 and makes no mention of the impact of COVID-19 on family violence in 2020. As is the case with past annual reports, the FVDRC’s discussion of family violence deaths occurs at a high level, providing overall statistics rather than specific details about individual cases or the provincial context during the year in question (for example regarding economic or other conditions).

The 2019/2020 Annual Report notes that in 2019 there were 13 family violence incidents resulting in 15 deaths (14 victims and 1 perpetrator died). This number is down from 23 family violence deaths [reported for 2018, which remains the highest annual number since the FVDRC began reporting](#). Of the 15 deaths in 2019, 86% were single homicides, 7% were homicide/suicide, and 7% were multiple homicides. As in previous years, in 2019 “[t]he majority of victims of family violence deaths were women aged 20-39 who were in a relationship with the perpetrator at the time of their death” (at 13). Men were the perpetrators in all of the family violence related homicides and murder-suicides that occurred in 2019, and the majority of deaths involved a weapon (with 4 deaths caused by firearms and 6 caused by stabbings). The FVDRC also reports that 18 perpetrators were involved in the 15 deaths, meaning that some deaths

involved multiple perpetrators. According to the FVDRC, this imbalance in perpetrator/victim numbers has “not been seen by the FVDRC since its inception” (at 16). Whether all of the perpetrators were family members of the victims in cases involving more than one assailant is not revealed.

It is also notable that there were no individual case review reports issued in 2020. It may be that the FVDRC’s ability to carry out its work was hampered by the pandemic, but there is no discussion of forthcoming case review reports in the 2019/2020 Annual Report – just the usual section on how case reviews are chosen and conducted (at 9-10). This is a significant issue. The FVDRC only makes recommendations in its case reviews and not in its annual reports, so the Minister of Community and Social Services is only required to respond to the case reports (though as noted above, she has still not provided responses for the case reports released in 2019).

### **Alberta’s Family Violence Strategy**

Alberta currently has a [Framework to End Family Violence](#) that dates back to 2013, the same year the FVDRC was created. The Framework includes the goals of providing a legislative and policy framework to support ending family violence and a strong justice response to family violence; facilitating collaboration amongst various actors, including the courts; and supporting the provision of coordinated and integrated supports and services at the community level (at 10, 24). The FVDRC’s 2019/2020 Annual Report indicates that since 2013, “we have ... witnessed the growth and evolution of policies and practices in our province that protect victims and address family violence” (at 4).

This is also true of legal developments, as I discuss in a [recent paper](#). Alberta laws pertaining to family violence now include a breadth of areas such as employment and residential tenancies in addition to longer-standing laws in areas such as family law and civil protection orders. One of these developments – the amendment of the *Occupational Health and Safety Act*, [SA 2017, c O-2.1](#) to recognize family violence as a workplace hazard – was spurred by a recommendation of the FVDRC (see [Case Review Report No 1](#) (dated November 2015 and released May 2017) and the [government’s response](#) (May 2017)). However, other recommendations of the FVDRC related to law and policy have not been implemented. For example, in [Case Review Report No 3](#), the FVDRC recommended “the widespread implementation of integrated family violence courts in Alberta, in consultation with the Family Court Intersection Committee regarding the implementation of the integrated courts” (at 5). Integrated Domestic Violence Courts hear criminal and family matters in a one judge-one family model with specialized personnel, and the only such court in Canada is in Toronto at present. The Alberta government was moving towards a Unified Family Court, which would have at least brought together all family law matters into a single specialized court, but that plan was [suspended in February 2020](#).

In a [CBC news story](#) on the FVDRC released in March 2020, Jan Reimer, Executive Director of the Alberta Council of Women’s Shelters, critiqued the overall lack of government response to the FVDRC’s recommendations. Outgoing FVDRC Chair Allan Benson – for whom the 2019/2020 Report was his last – was quoted in this article as saying that “...if the Family Violence Death Review Committee reported directly to the legislature and was independent of

government under new legislation ... it would be more effective.” This type of reform would certainly be a step in the right direction in holding the government accountable in relation to the FVDRC’s recommendations. More robust funding of the FVDRC would also allow it to undertake case reviews more systematically, as I note in the CBC article.

In addition to the reforms called for in the past recommendations made by the FVDRC, which I discuss [here](#) and [here](#), there is further room for improvement in Alberta’s family violence laws. Terminology and definitions differ across different areas of law and may create confusion, conflicting orders, and gaps in legal remedies. There are also interjurisdictional issues such as the inability to enforce protection orders made in another province or territory in Alberta and the difference in approach to domestic violence in family cases depending on whether the parties are seeking a divorce or not. Some of the reforms I call for in my paper are:

- Aligning the definition of family violence in provincial statutes and ensuring all of these statutes include coercive controlling violence.
- Reviewing *PAFVA* to evaluate its application in practice (which has not been done since 2005) and amending *PAFVA* to include interprovincial enforcement of protection orders.
- Designating Alberta judges to grant emergency protection orders for survivors living on First Nations reserves under the *Family Homes on Reserves and Matrimonial Interests or Rights Act*, [SC 2013, c 20](#).
- Removing barriers to some domestic violence remedies and extending other remedies, including removal of the requirement for verification of violence under the *Residential Tenancies Act*, [SA 2004, c R-17.1 and expansion of domestic violence leave under the Employment Standards Act, RSA 2000, c E-9, to include paid leave](#).
- Exempting domestic violence cases from mandatory alternative dispute resolution under the *Alberta Rules of Court*, [Alta Reg 124/2010](#) (see a post on that issue [here](#))
- Developing information sharing protocols for domestic violence cases that enhance safety and avoid unintended consequences.
- Requiring and providing resources for training for justice system professionals on domestic violence laws, policies, and their impacts, and requiring screening by these actors (see [here](#) for a new screening tool developed by [Sagesse](#), a Calgary-based organization that provides domestic violence services and coordinates collective action on domestic violence across the province).
- Providing better access to legal representation for litigants in family violence cases.

The Alberta government is currently working on a new family violence strategy and – for the first time – a provincial action plan on family violence. The initiative is being led by the Ministry of Community and Social Services in collaboration with [Sagesse](#) and [Shift: The Project to End Domestic Violence](#) (a University of Calgary initiative led by Lana Wells). The new strategy and action plan will focus on primary prevention of family violence, and [as I argue in my paper](#), law has an important role to play in prevention efforts. Legal definitions of family violence can have educative and normative influences on the public, and laws can materially contribute to prevention by providing remedies that enable survivors to protect themselves and their children and by addressing the systemic issues that contribute to survivors’ inability to leave violent relationships (including pay equity, subsidized housing and child care, income assistance benefits, etc.).

The new strategy and action plan should also address the recommendations made in the eight FVDRC case reports issued from 2015 to 2019. Currently, there is no central place where one can find these recommendations and any progress the government has made on implementing them. The very essence of an action plan is that recommendations lead to action items with target dates for completion, and if the work of the FVDRC is to have its intended impact, the new family violence action plan should include the FVDRC's past recommendations and consider how the FVDRC can work most effectively going forward.

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