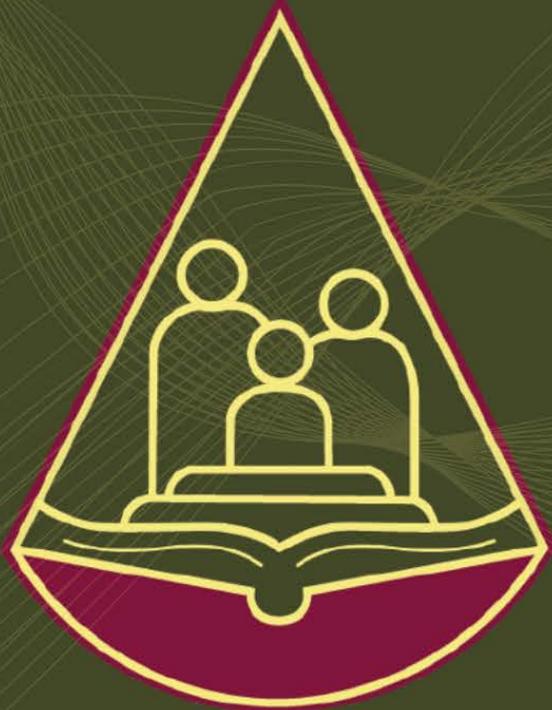


FROM AWARENESS TO ACTION



ALLIANCE OF CANADIAN
RESEARCH CENTRES
ON GENDER-BASED VIOLENCE



*THE LEGAL FRAMEWORK,
EFFECTIVENESS, AND*

FUTURE DIRECTIONS OF PROTECTION ORDERS IN MANITOBA

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Introduction

Intimate partner violence (IPV), also known as domestic violence,¹ remains one of the most persistent and pressing challenges within the Canadian legal and social landscape.² IPV is a prevalent form of gender-based violence. It can include multiple forms of harm caused by a current or former intimate partner or spouse, including physical abuse, emotional or psychological abuse, sexual violence, criminal harassment (stalking), financial or economic abuse, spiritual abuse, coercive control, and intimate partner homicide.³ Notably, and essential for our purposes, IPV affects all ethnic, cultural, and religious groups, and is present at every income level, age group, and geographic region in Canada.⁴

Although IPV is often perceived as a rare or isolated occurrence, police-reported data in Canada suggest otherwise.⁵ In 2023 alone, there were 139,020 victims of family violence⁶ and 123,319 victims aged 12 years and older of IPV brought to the attention of law enforcement.⁷ In 2023, 26,777 children and youth aged 17 years and younger were victims of police-reported family violence.⁸ However, these figures likely represent only a portion of the true prevalence of IPV, as many cases go unreported for a variety of reasons, including privacy concerns, fear of reprisal, fear of the perpetrator, desire to protect the perpetrator, and beliefs about poor police responses.⁹

Legal recourse remains a central facet of policy

responses to the issue of how best to prevent and respond to IPV. This reflects a shift away from viewing IPV as a private matter confined to the home. Notably, the federal *Divorce Act*¹⁰ was amended in 2021 to include coercive control. This amendment broadens the definition of family violence in family law and includes it under the section entitled “Best Interests of the Child” and section 16(4)(b).¹¹ Also, the continued recognition of criminal law’s limitations in capturing the full spectrum of IPV led to the 2023 introduction by NDP Member of Parliament Laurel Collins of a new *Criminal Code*¹² offence targeting coercive control. However, it is not yet in force.¹³ The goal of the bill is not only to provide justice for survivors but to prevent further harm by addressing the issue at its core.¹⁴

However, while these legislative reforms address IPV retrospectively, they offer limited immediate protection to victims and their families from ongoing violence in the immediate aftermath of a report to law enforcement, during ongoing legal proceedings, or in cases where no formal report is made. As a result, in the criminal justice context, no-contact orders and peace bonds serve as legal mechanisms to enhance victim safety and facilitate access to justice by prohibiting contact between the perpetrator and the victim.¹⁵ Alternatively, to ensure that all Manitobans have timely access to justice, one of the most widely used legal strategies for a simple, immediate response to IPV is the civil protection order, which

¹ IPV has also been called family violence, domestic violence, or spouse abuse. However, these terms are less specific, and some include violence against children in the categories of family or domestic violence. Intimate partner violence can be defined in numerous ways, and the definition can evolve over time to include emerging forms of IPV. See: Michaela M. Rogers et al., “Technology-Facilitated Abuse in Intimate Relationships: A Scoping Review” (2022) 24:4 NIH 2210.

² Shana Conroy et al., *Family violence in Canada: A statistical profile, 2018*, Catalogue No. 85-002-X (Ottawa, Statistics Canada: 2019), online: <<https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2019001/article/00018-eng.pdf?st=T9FvBsPr>>

³ Statistics Canada, *Trends in police-reported family violence and intimate partner violence in Canada, 2023*, Catalogue No. 11-001-X (Ottawa: 2023), online: <https://www150.statcan.gc.ca/n1/en/daily-quotidien/241024/dq241024b-eng.pdf?st=7RTUbKFP> [Statistics Canada]

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Divorce Act*, RSC, 1985, c.3, s.2 [*Divorce Act*].

⁷ Statistics Canada, *supra* note 3.

⁸ *Ibid.*

⁹ James W. Davis et al., “Victims of Domestic Violence on the Trauma Service: Unrecognized and Underreported” (2003) 54:2 J Trauma 352 at 352; Ruth E. Fleury et al., ““Why Don’t They Just Call the Cops?”: Reasons for Differential Police Contact Among Women with Abusive Partners” (1998) 13:4 Violence Vict 333 at 343.

¹⁰ *Divorce Act*, *supra* note 6.

¹¹ *Ibid* at s.16(4)(b).

¹² *Criminal Code*, RSC 1985, c C-46 [*Criminal Code*].

¹³ Bill C-332 proposes, amongst other provisions, amending section 264 of the *Criminal Code* to add proposed section 264.01(1), which states that a person commits an offence if they engage in a pattern of conduct with the intent to make their intimate partner believe their safety is in danger or without regard to whether their actions may cause their intimate partner to believe their safety is in danger. See: “Bill C-332, An Act to Amend the *Criminal Code* (coercive control of intimate partner),” 2nd reading, Senate Debates, 153-246 (05 December 2024) at 7842-7844 (Hon Raymonde Gagne).

¹⁴ *Ibid* at 7843.

¹⁵ Jennifer Koshan, “Preventive Justice? Domestic Violence Protection Orders and their Intersections with Family and Other Laws and Legal Systems,” (2023) 35:1 CJFL 241 at 241.

includes protection and prevention orders. For this literature review, the term ‘PAPO’ will be used, where appropriate, to refer to protection and prevention orders collectively. PAPOs were created in part to provide legal protections from IPV for those who do not want police or other criminal justice interventions.¹⁶

The purpose of this literature review is to critically examine the implementation and experiences of PAPO, no-contact orders, and peace bonds across Manitoba, with particular attention to individuals from diverse backgrounds and communities. Our literature review will demonstrate that PAPO, no-contact orders, and peace bonds alone are insufficient for ensuring protection and must be supported by additional measures. These include initiating family law proceedings; increasing resources for the enforcement of PAPO, no-contact orders, and peace bonds; and improving IPV awareness among legal professionals. Given the complexities of IPV, judges, lawyers, and others require specialized training to effectively respond to its impact on victims, children, and the community. Recognizing IPV as a systemic issue requires more than legislative reform – it demands coordinated action across legal, governmental, and community sectors to close protection gaps.

Part 1 presents an overview of IPV, including key Canadian statistics and trends.

Part 2 provides an overview of the criminal justice

system’s approach to protecting survivors of IPV with a focus on no-contact orders, peace bonds, and the *Firearms Act*.¹⁷ In addition, we examine Manitoba’s specific response to IPV through the *Domestic Violence and Stalking Act*,¹⁸ with particular emphasis on the application process for PAPO, the standard conditions it imposes, the legal consequences of breaches, and the available mechanisms to contest them. We then examine current Manitoba case law on PAPO, focusing on the insights these decisions provide regarding the protection of children, women, and men.

In **Part 3**, we critically evaluate Manitoba’s response to IPV, focusing on its availability and effectiveness across the province’s diverse populations and regions. We begin by examining the experiences of women, Indigenous women, and newcomers, drawing on literature that highlights their access to, and challenges with, PAPO. We then assess PAPO awareness and accessibility in Manitoba’s rural, remote, and northern communities, identifying region-specific barriers, including limited IPV services and inconsistent police enforcement of protection and justice. The literature reveals systemic inequities in the availability, awareness, and enforcement of PAPO and IPV services throughout Manitoba. Our literature review shows the need for targeted strategies, such as enhanced funding for police, judges, and legal practitioners to continue their education on IPV and coercive control, to ensure judicial independence and equitable access to safety and justice for all individuals.

Part 1: Understanding Intimate Partner Violence in Canada

Introduction

In this section, we will first define IPV. We will then examine how recent legal reforms, including the 2020 amendments to the *Divorce Act*¹⁹ and provincial

legislation such as Manitoba’s *The Domestic Violence*

and Stalking Act,²⁰ have expanded the legal recognition of IPV to include non-physical abuse or coercive control and stalking as severe and actionable forms of violence.

Lastly, the literature reveals that, despite these critical developments, IPV continues to disproportionately impact women, particularly Indigenous women, women

¹⁶ Lisa Martin, “The Importance of Civil Pathways to Protection Orders” (2024) 113:1 GLJ 121 at 121 [Martin].

¹⁷ *Firearms Act*, SC 1995 c39 [Firearms Act].

¹⁸ *The Domestic Violence and Stalking Act*, CCSM cD93 [DVSA].

¹⁹ *Divorce Act*, *supra* note 6.

²⁰ DVSA, *supra* note 18.

with disabilities, and young women. These forms of violence often have devastating consequences, including domestic homicide, which is frequently preceded by

patterns of coercive control, stalking, or the presence of firearms.

IPV Definition

In Canada, addressing IPV is a shared responsibility between federal and provincial/territorial governments. The recently amended *Divorce Act*²¹ is the only federal legislation in Canada that provides a comprehensive definition of family violence, including violence within intimate partner relationships.²² Recent amendments, which came into effect on March 1, 2021, introduced a formal definition of family violence, which was previously absent from the Act. While the Act is specific to family law matters, it outlines behaviours that may constitute a broader pattern of IPV or family violence, encompassing criminal offences and actions that fall outside the scope of criminal law.²³ This broader understanding is recognized under Section 2 of the *Divorce Act*,²⁴ which delineates the specific behaviours that may be identified as family violence or IPV under its provisions:

family violence means any conduct, whether or not the conduct constitutes a criminal offence, by a family member towards another family member, that is violent or threatening or that constitutes a pattern of coercive and controlling behaviour or that causes that other family member to fear for their own safety or for that of another person — and in the case of a child, the direct or indirect exposure to such conduct — and includes;

- a. physical abuse, including forced confinement but excluding the use of reasonable force to protect themselves or another person;
- b. sexual abuse;
- c. threats to kill or cause bodily harm to any person;
- d. harassment, including stalking;
- e. the failure to provide the necessaries of life;
- f. psychological abuse;
- g. financial abuse;
- h. threats to kill or harm an animal or damage property; and
- i. the killing or harming of an animal or the damaging of property.

In *J.M.M.*,²⁵ Justice Deborah L. Chappell underscores the breadth of the Act's definition of family violence, highlighting its inclusive approach to physical and non-physical forms of abuse. Justice Chappell explains that

the list of examples of conduct is non-exhaustive due to many insidious forms domestic violence can take.²⁶ Notably, this expanded definition reflects the evolving research on IPV, particularly on women and children²⁷

²¹ *Divorce Act*, *supra* note 6.

²² The definition of domestic violence/IPV in the *Divorce Act* is similar to other Manitoba legislation, including the definition of IPV in the *Disclosure to Protect Against Intimate Partner Violence Act* in Manitoba. This Act has the purpose of giving "a person a process to make enquiries about an intimate partner's history, when the person is concerned that the partner may pose a risk to the safety of the person or the person's child." See: *The Disclosure to Protect Against Intimate Partner Violence Act*, SM 2022, c 44.

²³ *Divorce Act*, *supra* note 6.

²⁴ *Ibid.*

²⁵ *J.M.M. v. C.R.M.*, 2025 ONSC 3067 [*J.M.M.*].

²⁶ *Ibid* at paras 282-283.

²⁷ Wendy Chan et al., "Domestic Violence and Access to Justice within the Family Law and Intersecting Legal Systems" (2023) 35:1 Can J Fam L 1 at 12.

and the many ways in which children may be victimized by such violence. It is important to understand that there are various forms that child victimization may take, especially in carrying out the best interests assessment.²⁸

Canadian provinces also have specific civil legislation addressing IPV.²⁹ In Manitoba, the *Domestic Violence and Stalking Act*,³⁰ in effect since September 30, 1999, provides a legal framework for civil orders of protection for victims of domestic violence (IPV) or stalking.³¹ It was enacted to offer victims a streamlined and accessible process for obtaining protective relief through civil law.³² Under the Act, the definition of IPV and stalking is defined as follows:

2(1.1) The following acts and omissions constitute domestic violence:

- a. an intentional, reckless or threatened act or omission that causes bodily harm or property damage;
- b. an intentional, reckless or threatened act or omission that causes a reasonable fear of bodily harm or property damage;
- c. conduct that reasonably, in all the circumstances, constitutes psychological or emotional abuse;
- d. forced confinement;
- e. sexual abuse.

Meaning of "stalking"

2(2) Stalking occurs when a person, without lawful excuse or authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, repeatedly engages in conduct that causes the other person reasonably, in all the circumstances, to fear for their own safety.

²⁸ *J.M.M.*, *supra* note 25 at paras 282-283.

²⁹ Seven provinces and all three territories have specific civil legislation addressing FV or IPV. Alberta: *Protection Against Family Violence Act*, RSA 2000, c P-27; *DVSA*, *supra* note 18; New Brunswick: *Intimate Partner Violence Intervention Act*, SNB 2017, c 5; Newfoundland and Labrador: *Family Violence Protection Act*, SNL 2005, c F-3.1; Northwest Territories: *Protection Against Family Violence Act*, SNWT 2003, c 24; Nova Scotia: *Domestic Violence Intervention Act*, SNS 2001, c 29; Nunavut: *Family Abuse Intervention Act*, SNU 2006, c 18; *Prince Edward Island: Victims of Family Violence Act*, RSPEI 1988, c V-3.2; Saskatchewan: *Victims of Interpersonal Violence Act*, SS 1994, c V-6.02; Yukon: *Family Violence Prevention Act*, RSY 2002, c 84.

³⁰ *DVSA*, *supra* note 18.

³¹ *Ibid.*

Notably, section 2(1.1), imports no hierarchy of seriousness in identifying acts of IPV in their different forms. Psychological or emotional abuse stands on equal footing to acts of bodily harm, threats of physical harm, forced confinement, and sexual abuse.³³

The attention to coercive control in the *Divorce Act*³⁴ and the *Domestic Violence and Stalking Act*³⁵ marks a significant advancement. Before this, the legal system lacked the tools and frameworks necessary to identify and address coercive control adequately. Historically, the focus was primarily on overt physical violence, often disregarding the cumulative and debilitating impact of psychological and emotional abuse.

A stark example of this narrow focus is seen in the 2017 case *Cotton v Berry*.³⁶ In this case, significant evidence of coercive control and, therefore, the risk of violence, was presented to the Court but was inadequately considered.³⁷ Despite these clear signs of abuse, the judge failed to recognize, in part due to the legislation at the time, the harmful dynamics of coercive control affecting the mother and children when awarding parenting rights to the father.³⁸ The underlying assumption was that controlling behaviour against women is insignificant to custody as long as children have not themselves been subjected to violence, and that contact with fathers is always in the best interests of children.³⁹ Tragically, in December 2017, the father killed both children.⁴⁰ This case underscores that court decisions must reflect that coercive, controlling, and angry behaviour is not isolated, private, or simply between parents.⁴¹ Men who control and/or abuse their wives cannot be good parents and present a serious risk to their children.⁴²

³² *Ibid.*

³³ *Maquimot v. Maquimot*, 2021 MBQB 41 at para 26 [Maquimot].

³⁴ *Divorce Act*, *supra* note 6.

³⁵ *DVSA*, *supra* note 18.

³⁶ *Cotton v Berry* (2017 BCSC 907) [Cotton].

³⁷ Lori Chambers et al., "Paternal Filicide and Coercive Control: Reviewing the Evidence in *Cotton v Berry*" (2018) 51:3 UBC L Rev 671 at 673.

³⁸ *Ibid.*

³⁹ *Ibid* at para 674.

⁴⁰ *Ibid.*

⁴¹ *Ibid* at para 677.

⁴² *Ibid.*

The *Divorce Act* and *The Domestic Violence and Stalking Act* do not specifically define coercive and controlling behaviours since “[c]oercive control in familial relations has many faces, and it is chameleon-like in how it can evolve, transform and ebb and flow over time.”⁴³ It is therefore difficult to define coercive and controlling behaviour in a way that remains flexible and adaptable to the varied and evolving forms it may take within families. Canadian jurisprudence, however, has added to our understanding of coercive control. In one case,⁴⁴ the Court affirmed that it includes conduct that is threatening, intimidating, or that exerts inappropriate pressure on the person.⁴⁵ Moreover, behaviour is “controlling” if its “intent or effect is to inappropriately manage, direct, restrict or interfere with, undermine or manipulate any important aspect of the other person's life, including their important relationships and their physical, emotional, intellectual, spiritual, social and financial autonomy or wellbeing.”⁴⁶

IPV in Canada: Victim Statistics and Trends

As early as 1990, the Supreme Court of Canada emphasized in *R. v. Lavallée*⁴⁷ that “the gravity and the tragic nature of IPV against women, violence that for far too long, had been tolerated by society and only rarely punished.”⁴⁸ Since then, the Court has repeatedly acknowledged the seriousness and prevalence of IPV. As Justice Galiatsatos observed in *R c Kalinics*: “[d]omestic violence [continues to be a] profound social problem. It is a scourge that disproportionately targets women and

is rooted in antiquated notions of control and inequality that have no place in a civilized society.”⁴⁹ Similarly, in *Michel v Graydon*,⁵⁰ the Court recognized that women are more likely than men to be victims of IPV.⁵¹

National data reinforced these judicial observations, painting the troubling picture of the prevalence and persistence of IPV across Canada. From 2018 to 2023, overall rates of family violence (+17%) and IPV (+13%) rose.⁵² Increases were noted regardless of gender, although they were larger for men and boys (+19% for family violence and +20% for IPV) than for women and girls (+15% for family violence and +12% for IPV).⁵³

The burden of family violence and IPV, however, continues to fall disproportionately on women.⁵⁴

In 2023, women and girls accounted for two-thirds (68%) of victims of family violence and nearly four in five victims of IPV (78%).⁵⁵ The highest rate of police-reported IPV in 2023 was among women and girls aged 12 to 24 years (752 per 100,000 population), a rate nearly seven times higher than that for men and boys of that age group (111).⁵⁶

Another group facing heightened vulnerability to IPV are people with disabilities. With respect to spousal abuse, 39% of women with disabilities have experienced spousal violence, 46% have been physically injured because of this violence, and 38% have feared for their lives.⁵⁷ Women with cognitive disabilities are more likely to be the victim of violence from a common-law partner, or current or former spouse.⁵⁸ Also, IPV itself is a cause of disability among women.⁵⁹

⁴³ *J.M.M.*, *supra* note 25 at para 287.

⁴⁴ *Ibid.*

⁴⁵ *Ibid* at paras 282-283.

⁴⁶ *Ibid* at para 287.

⁴⁷ *R. v. Lavallée* (1990) CanLII 95 (SCC), [1990] 1 S.C.R. 852.

⁴⁸ *R. c. Chénier* (2004), CanLII 76648 (QC CA), 191 C.C.C. (3d) 512 (Que.C.A.) at para 34, citing *R. v. Lavallée*, 1990 CanLII 95 (SCC), [1990] 1 S.C.R. 852.

⁴⁹ *R c Kalinics*, 2022 QCCQ 720 at para 59.

⁵⁰ *Michel v Graydon*, 2020 SCC 24.

⁵¹ *Ibid* at para 95.

⁵² Statistics Canada, *supra* note 3.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ Parliamentary Brief, Standing Committee on the Status of Women for their Study on Intimate Partner and Domestic Violence in Canada “Women with Disabilities and Interpersonal Violence” (May 2022) at 3.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

The vulnerability of Indigenous women and girls to violence and IPV is evident from statistics and more so from the history, stories, and evidence detailed in *The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, released in 2019.⁶⁰ Compared with non-Aboriginal women, Aboriginal women are almost three times more likely to report being the victim of spousal violence and have experienced spousal violence on more than one occasion.⁶¹ The reasons for this are complex but are anchored, for the victim and for the offender, in Canada's historical treatment of Indigenous populations and subsequent impacts.⁶²

Between 2014 and 2023, 675 women were killed by their intimate partners, which amounts to approximately one woman being killed by her intimate partner every 5 days.⁶⁶ Those killed by their intimate partner were predominantly women and were disproportionately Indigenous women.⁶⁷ In fact, Indigenous women only account for approximately 5% of women in Canada, but 20% of women killed by an intimate partner.⁶⁸

Another tragic element of IPV is that it can lead to domestic homicide. Domestic homicide encompasses intimate partner homicide, cases in which individuals are killed by current or former intimate partners, as well as other forms of fatal violence occurring within familial contexts. This includes the killing of children by parents or stepparents, women by other family members, and others, such as coworkers, who are killed during an attack targeting an intimate partner or other family members.⁶³ Domestic homicide is not always preceded by physical violence, and in cases like *Cotton v Berry*,⁶⁴ the serious physical violence was the killing of two children. However, research has shown that in the context of IPV, stalking and threatening behaviour often precedes violent assaults and homicides.⁶⁵ As such, stalking is a serious crime, as well as a warning that more serious violence may occur.

Children are also frequently among the victims in cases of domestic homicide. From 2010 to 2019, there were 74 child victims of domestic homicide, representing 9% of all victims.⁶⁹ Child victims ranged in age from less than one year to 15 years; the average age was six.⁷⁰ Both female (53%) and male (47%) children are killed in the context of IPV, and the majority of accused perpetrators (82%) were male.⁷¹

One of the most alarming risk factors for intimate partner homicide, particularly in stalking and coercively controlling situations, is the presence of a firearm, since they can be used to threaten, intimidate, and injure victims.

The *Criminal Code*⁷² defines firearms as "a barrelled weapon from which any shot, bullet or other projectiles can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm."⁷³

⁶⁰ National Inquiry into Missing and Murdered Indigenous Women and Girls, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* (2019), online: <https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_1a-1.pdf>

⁶¹ Jillian Boyce, *Victimization of Aboriginal people in Canada, 2014*, Catalogue No. 85-002-X (Ottawa, Statistics Canada: 2016), online: <<https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2016001/article/14631-eng.pdf?st=uDZEj4SI>> at 13.

⁶² *R v Wood* MBCA 2022 at para 22 [Wood].

⁶³ Crystal Giesbrecht et al., "Addressing Data Gaps: Implications for Preventing Domestic Homicide." (2023) 38:6 JFV 1255 at 1255 [Giesbrecht].

⁶⁴ *Cotton*, *supra* note 36.

⁶⁵ Judith McFarlane et al., "Intimate Partner Stalking and Femicide: Urgent Implications for Women's Safety." (2002) 20:1 BSL 51 at 52.

⁶⁶ Statistics Canada, *Number and rate of victims of solved homicides, by gender, Indigenous identity and type of accused-victim relationship* (25 July 2024), online: <<https://doi.org/10.25318/3510011901-eng>>

⁶⁷ Myrna Dawson & Peter Jaffe, *One is Too Many: 10 Years of Domestic Homicides in Canada* (2019), online: Canadian Domestic Homicide Prevention Initiative with Vulnerable Populations <https://www.cdhipi.ca/sites/cdhipi.ca/files/cdhipi-report-final_0.pdf>

⁶⁸ Bill S-249, National Strategy for the Prevention of Intimate Partner Violence Bill. 2nd Reading, *Debates of the Senate*, 44-1, No 129 (1 June 2023) At 3871 (Hon Kim Pate).

⁶⁹ Giesbrecht, *supra* note 63 at 1259.

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² *Criminal Code*, *supra* note 12.

⁷³ *Ibid* at s.2.

In 2023, a firearm was present for 1.2% (1,038) victims of IPV, and 84% of these victims were women and girls.⁷⁴ The former percentage was higher than in 2018, when a firearm was present for 1.0% (762) of victims of IPV, 87% of whom were women and girls.⁷⁵

There are also notable regional variations in the occurrence of IPV across Canada, depending on where one resides. In 2023, Saskatchewan (741 victims of family violence and 710 victims of IPV per 100,000 population) and Manitoba (588 victims of family violence and 628 victims of IPV per 100,000 population) had the highest provincial rates of IPV.⁷⁶ For IPV, the highest rate was in the North (1,073), followed by the rural South (393) and the urban South (299).⁷⁷ Women in rural areas of Canada experience a rate of IPV nearly two and a half times the national average.⁷⁸ The rate of violence against young women and girls in Northern Canada is four times higher than the national average.⁷⁹

IPV carries substantial health and economic consequences. It represents a significant health problem of epidemic proportions and a fundamental violation of

human rights.⁸⁰ The COVID-19 pandemic and related policy measures, including stay-at-home orders, significantly exacerbated the prevalence and severity of IPV.⁸¹ In Canada, the annual costs associated with IPV experienced by women aged 19 to 65 who have left their partners are estimated at \$7.2 billion annually.⁸²

Conclusion

Part 1 has shown that while the *Divorce Act* and the *Domestic Violence and Stalking Act* have expanded the definition of IPV, they do not specifically define one form of IPV, namely, coercive and controlling behaviours, given the wide range of actions this category encompasses. It has also been shown that IPV is a global public health crisis, and Canada is no exception. We illustrated that across Canada, IPV affects all ethnic, cultural, and religious groups, and is present at every income level, age group, and geographic region.⁸³ IPV also occurs across a wide range of relationship types and can lead to lasting, often devastating effects, including, in some cases, fatal outcomes.⁸⁴

⁷⁴ Statistics Canada, *supra* note 3.

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ *Ibid.* The North includes the northern regions of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Newfoundland and Labrador, and the territories.

⁷⁸ Shana Conroy, *Family violence in Canada: A statistical profile, 2019*, Catalogue No 85-002-X (Ottawa, Statistics Canada: 2021), online: <<https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2021001/article/00001-eng.pdf?st=8HDhM2Jx>>

⁷⁹ Cristine Rotenberg, *Police-reported violent crimes against young women and girls in Canada's provincial north and territories, 2017*, Catalogue No 85-002-X (Ottawa, Statistics Canada: 2019), online: <<https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2019001/article/00012-eng.pdf?st=lcPt5S7l>>

⁸⁰ World Health Organization, "Violence Against Women" (2021), online: <<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>>

⁸¹ D.C. Slakoff et al., "The role of service providers, technology, and mass media when home isn't safe for intimate partner violence victims: best practices and recommendations in the era of COVID-19 and beyond." (2020) 49:8 Archives of SB 2779 at 2779; N. van Gelder et al., "COVID-19: Reducing the risk of infection might increase the risk of intimate partner violence," (2020) 21 Lancet Publishing Group 1 at 1.

⁸² This cost represents violence between spouses and would be significantly higher if it included IPV between non-married partners. <<https://www.cpa-apc.org/wp-content/uploads/Brief-SOCI-26-Apr-2024-EN.pdf>> at p.2.

⁸³ Statistics Canada, *supra* note 3.

⁸⁴ Cotton, *supra* note 36.

Part 2: National and Provincial Legislative and Enforcement Responses to IPV

Introduction

In this section, we begin by outlining Canada’s legal framework for addressing IPV, which is shaped by a division of powers, with the federal government responsible for criminal law and the provinces and territories overseeing its administration. We examine how the absence of explicit recognition of coercive control within the *Criminal Code*⁸⁵ and Manitoba’s mandatory prosecution policies has contributed to underreporting, leaving many victims without access to a critical form of meaningful protection.

We then outline two national legal mechanisms available to IPV victims seeking protection: no-contact orders and peace bonds. In addition, we examine Manitoba’s civil framework for providing immediate protection following IPV incidents through PAPO under *The Domestic Violence and Stalking Act*.⁸⁶ We show that, within Manitoba protection order cases, specifically those in which the respondent has applied to set aside a without-notice protection order under section 11(1) of the Act, women and children are most often the applicants, while men typically appear as respondents. Notably, children are seldom included in protection orders unless there is clear evidence of serious direct harm directed toward them. Furthermore, this section demonstrates that children can also be victims of IPV and highlights the diverse range of individuals affected by IPV, including men.

National Approaches to IPV

IPV has features that differentiate it from most other types of crime, such as the likelihood of repetitive behaviour, complex ties between victims and their abusers, and the possibility that the victim and abuser may have children together who witness the violence.⁸⁷ Intimate partner is defined in s. 2 for the entire *Criminal Code*, as including a person’s “current or former spouse, common law partner, and dating partner.”⁸⁸ However, the *Criminal Code* does not provide a specific definition of IPV or have a dedicated offence. Instead, IPV is prosecuted under the general criminal provisions that apply to anyone regardless of the interpersonal relationship between the victim and the offender, including assault with a weapon,⁸⁹ sexual assault,⁹⁰ and aggravated assault.⁹¹

Victims of IPV face significant challenges in reporting incidents in Manitoba, primarily for two key reasons. First, within the criminal legal system, it is challenging to recognize coercive control since it does not necessarily involve physical violence or a single incident, but a repeated or continuous pattern of behaviour that occurs over a period of time.⁹² Officers, then, must interpret IPV incidents within guidelines that do not fully encompass the nuanced, non-physical dimensions of IPV, necessitating professional judgment in these complex cases.⁹³ Physical violence is the primary factor guiding the officer’s decision to pursue a criminal route.⁹⁴ In contrast, incidents deemed less severe, such as verbal abuse, including harassment, are classified as non-criminal IPV. In these cases, officers describe providing advice, information, or a protection order but not

⁸⁵ *Criminal Code*, *supra* note 12.

⁸⁶ DVSA, *supra* note 18.

⁸⁷ Suzanne Kendall, “N.2 Domestic Violence Courts” (Paper prepared for the 47th National Criminal Law Program, Victoria, July 2022).

⁸⁸ *Criminal Code*, *supra* note 12 at s.2.

⁸⁹ *Ibid* at s.267.

⁹⁰ *Ibid* at s.271.

⁹¹ *Ibid* at s.268.

⁹² Canada, Office of the Federal Ombudsperson for Victims of Crime, *Understanding Coercive Control in the Context of Intimate Partner Violence in Canada: How to address the issue through the criminal justice system?*, (Ottawa, OFOVC, 2020) at para 2 online: <canada.ca/en/office-federal-ombudsperson-victims-crime/publications/research-recherche/ucc-ccc.html>.

⁹³ Okemamaka O Ukasoanya, *What is Going on Here? Police Framing, Misframing and Reframing of Criminal Responsibility in Intimate Partner Violence Cases* (Master of Arts, University of Winnipeg, 2025).

⁹⁴ *Ibid* at 121.

pursuing arrests.⁹⁵ As a result, this may influence the likelihood of victims reporting IPV, as those experiencing non-physical forms of abuse may be less inclined to come forward, thereby contributing to the continued underreporting of such cases within the justice system.

Excluding significant forms of IPV, such as emotional abuse, economic control, and coercive control, from formal recognition and prosecution limits access to criminal justice protective mechanisms such as no-contact orders and peace bonds, more severe police intervention in IPV-affected homes, and the ability to assess and manage perpetrator risk effectively. As a result, some victims' experiences of IPV are falling outside of the current charging scope, leaving them subjected to harm without appropriate legislation available for charges.⁹⁶ Notably, the criminal and social landscape of IPV may change with the royal assent of Bill C-332,⁹⁷ which amends the *Criminal Code* to make coercive control an intimate partner an offence.

Second, another factor contributing to IPV victims' reluctance to report incidents to the police is Manitoba's mandatory charging and no-drop prosecution policies, which require officers to lay charges in all IPV cases where there are reasonable grounds to believe a criminal offence has occurred.⁹⁸ This approach also mandates Crown Attorneys to prosecute regardless of the victim's wishes.⁹⁹ Once charges are laid, only the Crown can decide to withdraw them.¹⁰⁰

No - Contact Orders

No-contact orders are court or police-issued conditions that restrict or prohibit an accused individual from

contacting the victim, the victim's spouse, children, or other specified persons.¹⁰¹ No-contact orders can be imposed at various stages of the criminal justice process, from the initial laying of charges through to the completion of the offender's sentence. Such conditions are typically applied in cases where the accused is charged with assault or uttering threats, where the victim is expected to testify as a witness, or where the victim expresses concerns about unwanted contact from the accused.¹⁰² The conditions on these orders typically limit or prevent the accused person from contacting the victim, the victim's children, or other identified people who are relevant to the victim or case file.¹⁰³

No-contact orders have a higher burden of proof than PAPO and are attached to a specific criminal event.¹⁰⁴ Also, unlike PAPO, children may be included in no-contact orders for their safety and protection without the need for separate legal proceedings or extraordinary and profound circumstances. It is also unlikely that courts in Manitoba will add a protection order or a prevention order to a no-contact order, as "[a] further protection order from this court [would] not strengthen the protections already in place."¹⁰⁵

Peace Bonds

A peace bond is another form of a protection order found in the *Criminal Code*.¹⁰⁶ A Provincial Court judge issues peace bonds, which are typically valid for up to one year.¹⁰⁷ Typically, the defendant pledges a monetary amount when entering into the order, which the Crown can seek as compensation if the defendant fails to comply with the order's conditions.¹⁰⁸ However, if the complainant can demonstrate that the defendant continues to pose a risk beyond this period, the peace

⁹⁵ *Ibid.*

⁹⁶ *Supra* note 92.

⁹⁷ C-332, *An Act to amend the Criminal Code* (coercive control of intimate partner, 1st Sess, 44th Parl, 2025 (second reading, 05 December 2024) [*Bill C-233*]).

⁹⁸ Manitoba Department of Justice Prosecutions, Domestic Violence, Guideline No: 2:DOM:1, 2015 [*DOJ Guideline*].

⁹⁹ *Ibid.*

¹⁰⁰ Community Legal Education Association, "Family Violence", online: <<https://www.communitylegal.mb.ca/faqs/family-violence/>>; For such consideration, the victim must first contact the Victim Services Domestic Violence Unit in Manitoba. They will listen to the victim's concerns and opinions regarding the charge and prosecution, and they will then provide the

Crown Attorney with a report. In the end, the Crown Attorney will decide whether to prosecute or to drop the charges.

¹⁰¹ Department of Justice Canada, "Victims' Rights in Canada" (2015) online: <<https://www.iustice.gc.ca/eng/cj-ipc/victims-victimes/factsheets-fiches/orders-ordonnances.html>>

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ *AA v RR*, 2025 MBCA 75 at para 11.

¹⁰⁶ *Criminal Code*, *supra* note 12.

¹⁰⁷ *Ibid.*

¹⁰⁸ Western Law, "Peace Bond Information package," (3 August 2023), online: <law.uwo.ca>

bond may be renewed.¹⁰⁹ The issuance of a peace bond requires the physical presence of both the complainant and the defendant in court, and securing a hearing date can take several weeks, introducing procedural delays that may delay timely protection for the applicant.¹¹⁰ Defendants are required to enter into the peace bond willingly; however, if they choose not to do so, then the judge can order that the defendant be sent to prison instead.¹¹¹ Common conditions imposed under a peace bond include prohibitions against contacting the complainant directly or indirectly, and restrictions requiring the defendant to stay a specified distance—often 100 metres—from the complainant’s home, workplace, school, place of worship, or other identified locations relevant to their safety.¹¹²

Despite these delays, peace bonds can serve as an essential pre-emptive legal remedy, particularly in cases involving emerging or potential threats. For example, individuals who have shared intimate images and fear that these images may be distributed without their consent may apply for a peace bond to prevent such non-consensual distribution.¹¹³

It is important to clarify that the issuance of a peace bond does not, in itself, constitute a criminal conviction.¹¹⁴ However, a breach of any of the conditions set out in the bond constitutes a criminal offence, carrying serious consequences, including a possible prison sentence of up to four years, monetary fines, and a criminal record.¹¹⁵

One significant advantage of pursuing a peace bond is the relative accessibility of the process. There are no

substantial financial barriers, as Crown prosecutors are responsible for managing the application on behalf of the complainant, and this service is provided at no direct cost to the applicant.¹¹⁶ Additionally, complainants are not required to invest as much time in the process as they typically would during a civil protection hearing. Moreover, though the order is granted through the criminal justice system, police involvement is not required to initiate the application.¹¹⁷ Instead, individuals can commence the process by contacting their local courthouse, where court staff guide them through the necessary steps that could lead them to a hearing before a judge.¹¹⁸

Another key feature of peace bonds is their enforceability across provincial and territorial boundaries, because they are issued under federal legislation—the *Criminal Code*—they are valid and enforceable throughout Canada. This nationwide applicability provides a broader and more consistent level of protection compared to civil protection orders, which may be limited by provincial jurisdiction.

The Firearms Act

The *Firearms Act* and Part III of the *Criminal Code* regulate firearms in Canada.¹¹⁹ The Canadian Firearms Program (CFP) manages firearms licenses and registration, upholds national firearm safety training standards, supports law enforcement agencies, and works to improve public safety.¹²⁰ The only firearms license available to new applicants is called the Possession and Acquisition License. It is renewable every five years, and applicants must have passed the Canadian Firearms Safety Course to obtain this license.¹²¹ This course can be taken by anyone 12 years or older. After in-

¹⁰⁹ Manitoba Justice, “Peace Bonds,” (last visited 30 May 2025), online: <gov.mb.ca/justice/vs/po>

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ Manitoba Justice, “Non-Consensual Distribution of Intimate Images,” (last visited 26 April 2025), online < gov.mb.ca/justice/vs>.

¹¹⁴ *Supra* note 109.

¹¹⁵ *Ibid.*

¹¹⁶ Manitoba Courts, “Legal Options for Protection from Domestic Violence and Stalking Protection Orders, Prevention Orders and Peace Bonds,” (last visited 30 June 2025), online < manitobacourts.mb.ca/site/assets/files>

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

¹¹⁹ Royal Canadian Mounted Police, “Firearms” (26 June 2025), online: <rcmp.ca/en/firearms>.

¹²⁰ Royal Canadian Mounted Police, “Licensing Information” (07 March 2024), online: <rcmp.ca/en/firearms/licensing/licensing-information>.

¹²¹ Royal Canadian Mounted Police, “License Renewal for Individuals” (25 October 2024), online: <rcmp.ca/en/firearms/licensing/licence-renewal-individuals>.

class instruction, there is a written and practical test.¹²² To renew your license, you do not need to resend training information; you re-complete the online application and pay the applicable fee.¹²³ However, before the renewal application can be submitted, current or previous spousal information from the last 2 years is required to complete the application.¹²⁴

Non-Canadian residents can use a firearm in Canada or bring one or more into the country if they fill out a declaration before arriving at their border entry point.¹²⁵ They must also pay a \$25 fee for the declaration. However, renewal of this license is free and must be done by contacting the Chief Firearms Officer of the relevant province or territory.¹²⁶ This declaration acts as a temporary license and is valid for 60 days. This license also allows you to buy ammunition for the firearm in Canada.¹²⁷

Under the *Firearms Act*, the following sections describe the consequences of engaging in IPV to an individual's license and registered firearm:¹²⁸

PROTECTION ORDERS

6.1 Subject to section 70.3 and the regulations, an individual is not eligible to hold a licence if they are subject to a protection order or have been convicted of an offence in the commission of which violence was used, threatened or attempted against their intimate partner or any member of their family.

REVOCATION — DOMESTIC VIOLENCE

70.1 (1) If a chief firearms officer has reasonable grounds to suspect that an individual who holds a licence may have engaged in an act of domestic violence or stalking, the chief firearms officer must revoke the licence within 24 hours.

DEFINITION OF DOMESTIC VIOLENCE

(2) For the purpose of subsection (1), domestic violence means conduct, whether or not it constitutes a criminal offence, by a family member towards another family member, including conduct by or towards an intimate partner, that is violent or threatening or that is part of a pattern of coercive and controlling behaviour or that causes that other family member or intimate partner to fear for their safety or the safety of another person, and includes

- a.** physical abuse, including forced confinement, but excluding the use of reasonable force to protect themselves or another person;
- b.** sexual abuse;
- c.** psychological abuse;
- d.** financial abuse;
- e.** threats to kill or cause bodily harm to any person;
- f.** threats to kill or harm an animal or damage property;
- g.** harassment, including stalking;
- h.** the failure to provide the necessities of life; and
- i.** the killing or harming of an animal or the damaging of property.

REVOCATION — PROTECTION ORDER

70.2 (1) If an individual becomes subject to a protection order, their licence is automatically revoked and they must deliver to a peace officer any firearm that they possess within 24 hours or, if that is not possible, within any extended period established by the chief firearms officer. Sections 91, 92 and 94 of the *Criminal Code* do not apply to the individual in relation to such a firearm during that period.

NOTICE

(2) A chief firearms officer must give notice, in the prescribed manner, of a revocation referred to in subsection (1) to the individual and must specify in

¹²² *Ibid.*

¹²³ *Ibid.*

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*

¹²⁸ *Firearms Act*, *supra* note 17.

the notice the period referred to in that subsection.

CONDITIONAL LICENCE

70.3 Subject to section 5, a chief firearms officer may, in the prescribed circumstances, issue a licence that is subject to the conditions that the chief firearms officer considers appropriate to an individual referred to in section 6.1, 70.1 or 70.2 if the individual establishes to the satisfaction of the chief firearms officer that they need a firearm to hunt or trap in order to sustain themselves or their family.

Notably, section 70.3 allows an abuser to obtain a conditional license for hunting or trapping. However, since enforcement against individuals with protection orders is lacking, it's unclear how this would be monitored. No other sections under the *Firearms Act* regulate or restrict storage or permit monitoring of those with such conditional licenses. Consequently, an abuser still has access to a firearm that they could use against the survivor.

Provincial Approaches to IPV: Manitoba

Under the *Domestic Violence and Stalking Act*,¹²⁹ two types of civil protection orders are available to survivors of IPV: protection orders, which are issued by a justice of the peace in the Provincial Court of Manitoba,¹³⁰ and prevention orders, which the Court of King's Bench grants.¹³¹ In addition to providing a quick remedy for survivors of stalking or IPV, the Act also provides for the new tort of stalking and the ability of the court to award damages for that intentional wrong.¹³² Importantly, under the *Enforcement of Canadian Judgments Act*,¹³³ Manitoba recognizes PAPO made in other Canadian provinces and territories.¹³⁴ Police in Manitoba will enforce such orders as if they were made in Manitoba,

¹²⁹ DVSA, *supra* note 18.

¹³⁰ *Ibid* at s.3(1)-13(3).

¹³¹ *Ibid* at s.14(1)-25(2).

¹³² *Ibid* at s.26(1)-(2).

¹³³ *The Enforcement of Canadian Judgments Act*, C.C.S.M. c. E116.

¹³⁴ *Ibid*.

¹³⁵ *Ibid*.

without the need to register the order with the court.¹³⁵

Protection Orders

The civil process may involve the issuance of protection orders aimed at safeguarding the victim without necessarily requiring a criminal charge or resulting in a criminal conviction.¹³⁶ Protection orders are among the most powerful and flexible legal remedies available to IPV survivors. They are designed to offer the accessibility of civil proceedings with the power of criminal justice enforcement.¹³⁷ When violated, PAPO can constitute a criminal offence, and the offender may face serious consequences, such as imprisonment.¹³⁸ Further, administered through civil court, protection orders require a lower burden of proof than criminal charges and are available *ex parte* (without the perpetrator). As such, they can be less intimidating than criminal court proceedings.

In Manitoba, the content and scope of a protection order are set out under sections 7(1) and 7(1.1) of The *Domestic Violence and Stalking Act*.¹³⁹ These sections read as follows:

7(1) A protection order granted under subsection 6(1) may include any of the following provisions that the designated justice of the peace considers necessary or advisable:

- a. a provision prohibiting the respondent from following the subject or a specified person from place to place;
- b. a provision prohibiting the respondent from communicating with or contacting the subject or a specified person;
- c. a provision prohibiting the respondent from attending at or near, or entering, any place that the subject or a specified person happens to be or attends

¹³⁶ DVSA, *supra* note 18 at s.6(1).

¹³⁷ Catherine Kothari et al., "Protection Orders Protect Against Assault and Injury: A Longitudinal Study of Police-Involved Women Victims of Intimate Partner Violence" (2014) 27:14 NIH 2845 at 2845.

¹³⁸ *Criminal Code*, *supra* note 12 at s.127.

¹³⁹ DVSA, *supra* note 18.

regularly, which may include a place where the subject or person resides, works or carries on business;

- d. a provision directing a peace officer to remove, immediately or within a specified time, the respondent from the residence;
- e. a provision granting the subject or respondent temporary possession of necessary personal effects;
- f. a provision directing a peace officer to accompany, within a specified time, a specified person to the residence to supervise the removal of necessary personal effects in a safe and orderly manner;
- g. a provision directing the respondent to deliver up to a peace officer — until a further order or disposition is made under the *Criminal Code* (Canada), the *Firearms Act* (Canada) or this Act — one or both of the following:
 - i) any firearm and ammunition that the respondent possesses,
 - ii) any specified weapon that the respondent possesses;
- h. when an order includes a provision under clause (g), a provision that, if the respondent does not deliver up the items referred to in the order, a peace officer may for the purpose of seizing the items enter and search any place where the officer has reason to believe the items are located, with such assistance and force as are reasonable in the circumstances.

ADDITIONAL PROVISIONS RESTRICTING RESPONDENT

7(1.1) An order under clause (1)(c.1) must include a provision requiring the respondent to do the following while attending a proceeding

or activity referred to in that clause:

- a. remain at least two metres away from the subject at all times;
- b. refrain from communicating with the subject, except in the presence and with the approval of
 - i. the judge, associate judge or other officer of the court in a court proceeding,
 - ii. a mediator, assessor, investigator, evaluator or arbitrator, or
 - iii. a staff member of a prescribed agency, organization or service provider under subclause (1)(c.1)(v), (vi) or (vii);
- c. not remain in any location where the respondent would be alone with the subject

SURRENDER OF FIREARMS

7.1(1) If a protection order is granted and the designated justice of the peace determines that the respondent is in possession of a firearm, the order must include

- a. a provision directing the respondent to deliver up to a peace officer any firearm and ammunition that the respondent possesses, until a further order or disposition is made under the *Criminal Code* (Canada), the *Firearms Act* (Canada) or this Act; and
- b. a provision that, if the respondent does not deliver up the items referred to in the order, a peace officer may, for the purpose of seizing the items, enter and search any place where the officer has reason to believe the items are located, with such assistance and force as are reasonable in the circumstances.

Applications for a protection order can be made in person and via telephone.¹⁴⁰ To ensure 24-hour assistance, community organizations that have received special training and have been designated by the

¹⁴⁰ *Ibid* at s.4(2).

Ministry of Justice can process applications. In 2022-2023, JJPs in Manitoba heard 1,403 protection order applications.¹⁴¹ When approved, the protection order can remain in effect for up to three years.¹⁴² There is no charge to apply. Protection orders are in effect as soon as they are granted but cannot be enforced until the respondent has been given a copy of the order.

A respondent against whom a protection order is made may apply to the court within 20 days after being served with the order, or such further time as the court may allow, to have the order set aside or to make an order in relation to an item that has been delivered up or seized pursuant to the order.¹⁴³ The onus is on the respondent to “demonstrate, on a balance of probabilities, that the protection order should be set aside.”¹⁴⁴ If the Winnipeg Police Service warns the respondent about breaching the protection order and does not charge the respondent, this breach will weigh against the respondent’s request to set aside the protection order.¹⁴⁵

Recent Manitoba Court Decisions: Protection Orders

Broader data on the setting of PAPO proceedings is otherwise stored in Saskatchewan and is not readily available online. As a result, data on Manitoba protection order proceedings are generally limited to cases in which the respondent has applied to set aside a without-notice protection order under section 11(1) of the Act.¹⁴⁶ The publicly accessible case law consistently reflects a gendered pattern, with women and/or children as applicants and men as respondents.¹⁴⁷ However, there are cases with men as recipients of a prevention order.¹⁴⁸ In some cases, children were co-applicants alongside an adult, typically a parent or guardian, or represented by

an adult.¹⁴⁹ Despite its limitations, the available case law under section 11(1) of the Act provides insight into how Manitoba courts assess and respond to protection order applications involving women and children. As seen in this caselaw, children are typically not included in protection orders.

Manitoba case law illustrates the expectations placed on victims during protection order proceedings. In a 2025 case,¹⁵⁰ the magistrate emphasized to the victim that it was important for her to tell the truth and to tell the magistrate everything.¹⁵¹ It was also explained to the victim that failing to make full disclosure could be grounds for the judge to later cancel the protection order.¹⁵² After the victim disclosed two incidents of sexual IPV, the magistrate granted the protection order against the accused, prohibiting him from contacting the victim. However, the magistrate refused the victim’s request to extend the order to prohibit the accused from contacting the couple’s children.¹⁵³

Manitoba case law also shows the importance of the complainant to meet the evidentiary threshold in protection order proceedings. In a 2024 case,¹⁵⁴ the complainants were both 14 years of age, which qualifies them as old enough to give evidence under oath or affirmation in a legal proceeding.¹⁵⁵ The court noted that the complainants, could provide sworn evidence, yet only hearsay, someone else speaking for the victims, was presented. For the court, this did not meet the balance-of-probabilities standard required to grant a protection order without notice.¹⁵⁶ While the court acknowledged that exceptions may apply in rare cases involving very young or incapacitated complainants, this case did not

¹⁴¹ The Provincial Court of Manitoba, “Annual Report 2022-2023” online: <https://www.manitobacourts.mb.ca/site/assets/files/1541/mb_prov_court_2022-23_annual_report_-_web.pdf> at 26.

¹⁴² *DVSA*, *supra* note 18 at s.8.1(1)-8.1(2).

¹⁴³ *Ibid* at s.11(1).

¹⁴⁴ *Ibid* at s.12(1).

¹⁴⁵ *Maquimot*, *supra* note 33 at para 32.

¹⁴⁶ *Malko v. Beck*, 2021 MBQB 68.

¹⁴⁷ *Ibid* at paras 2-3; *Breakey v. Harding*, 2018 MBQB 194 at para 2 [*Breakey*]; *E.T.S. v. S.J.B.*, 2023 MBKB 164 at para 1 [*E.T.S.*]; *Tomsic v. Bilyk*, 2021 MBQB 18 at para 1 [*Tomsic*]; *JNF v GGF*, 2020 MBCA 67 at para 1 [*JNF*]; *S.C.H.S. v. K.S.*,

2000 CanLII 20874 at para 1 [*S.C.H.S.*]; *T.J.H. v. T.C.N.*, 2005 MBQB 25 at para 4 [*T.J.H.*]; *J.D.R. v. A.N.R.*, 2023 MBKB 81 at para 1 [*J.D.R.*].

¹⁴⁸ *T.G. v. J.D.*, 2025 MBKB 102 at para 21 [*T.G.*].

¹⁴⁹ *Tomsic*, *supra* note 147; *N.L.W. v. B.N.*, 2024 MBKB 123 at para 2 [*N.L.W.*];

Sayco v. Simard, 2020 MBQB 113 at para 3 [*Sayco*].

¹⁵⁰ *R v OCFG* (No 1), 2025 MBCA 27.

¹⁵¹ *Ibid* at para 59.

¹⁵² *Ibid*.

¹⁵³ *Ibid* at para 63.

¹⁵⁴ *N.L.W.*, *supra* note 149.

¹⁵⁵ *Ibid* at para 9.

¹⁵⁶ *Ibid* at para 10.

meet that threshold.¹⁵⁷ Courts, then, may be reluctant to grant protection orders based solely on hearsay, especially when the complainant is considered able to testify.

Two additional Manitoba cases illustrate the court's procedures concerning protection orders and how children are generally not included as protected parties. In a 2020 case,¹⁵⁸ the judge found that the applicant's evidence did not suggest that the respondent specifically directed his violence towards the child.¹⁵⁹ The judge set aside the protection order as it pertained to the child since "[w]hile unquestionably domestic violence witnessed by a child may visit upon that child emotional or psychological harm, the parties' separation, and the continuation of the protection order relating to their contact with each other, sufficiently contains that discrete risk to the child."¹⁶⁰ This case reflects a legal distinction between general household violence and targeted harm to the child. It also demonstrates that when a protection order includes a child, it will more than likely be later narrowed to exclude them.

In a 2023 case,¹⁶¹ E.T.S. applied for a protection order against S.J.B. in early 2020 for herself and the child.¹⁶² In her application, E.T.S. provided "evidence of incidents of verbal, mental, emotional, physical, sexual and financial abuse she had experienced at the hands of S.J.B. during their seven-year relationship."¹⁶³ She sought the protection order after S.J.B. came to her home without notice, entered the home without invitation, and took their daughter without her consent. The child was returned after two days.¹⁶⁴ Further, she complained that S.J.B.'s many texts and phone calls badgered her about changing the parenting schedule. She said she felt under siege by S.J.B.'s unrelenting efforts to control her.¹⁶⁵

JJP Pillipow found that S.J.B. had committed domestic violence and stalking against E.T.S.¹⁶⁶ and that it was of a serious nature and would likely continue.¹⁶⁷ In particular, the JJP found that S.J.B. had subjected E.T.S. to a pattern of coercive and controlling behaviour.¹⁶⁸ As a result, JJP Pillipow granted a protection order for E.T.S.'s protection that prohibited S.J.B. from communicating with her either directly or indirectly, with exceptions for attendances at court, mediation or assessment. S.J.B. was also prohibited from attending within 200 meters of E.T.S.'s residence. The order, however, did not include the child.¹⁶⁹

In her October 2022 protection order application, E.T.S. stated that S.J.B. was threatening to come to her home to pick up the child in violation of the April 2021 Order.¹⁷⁰ She also complained that S.J.B. began using OFW¹⁷¹ to send her messages to renegotiate the Final Order. In addition, E.T.S. alleged that S.J.B. unlawfully attended her parents' home without justification and followed her into the school office, both actions constituting violations of the April 2021 Order.¹⁷² Furthermore, E.T.S. claimed that S.J.B. regularly drove past her residence and frequented a nearby restaurant despite not residing in the neighbourhood.

The JJP found that S.J.B. had abused E.T.S. both psychologically and emotionally, and thus, domestic violence had occurred.¹⁷³ The JJP also found as a fact that S.J.B.'s actions in following E.T.S. and communicating with her in unwanted ways amounted to stalking.¹⁷⁴ Further, the JJP found that S.J.B.'s actions were escalating and that E.T.S. was fearful of further incidents, thus a protection order was justified.¹⁷⁵

¹⁵⁷ *Ibid* at para 11.

¹⁵⁸ *Sayco*, *supra* note 149 at para 54.

¹⁵⁹ *Ibid*.

¹⁶⁰ *Ibid*.

¹⁶¹ *E.T.S.*, *supra* note 147.

¹⁶² *Ibid* at para 4.

¹⁶³ *Ibid*.

¹⁶⁴ *Ibid*.

¹⁶⁵ *Ibid*.

¹⁶⁶ *Ibid* at para 5.

¹⁶⁷ *Ibid*.

¹⁶⁸ *Ibid*.

¹⁶⁹ *Ibid* at para 6.

¹⁷⁰ *Ibid* at para 17.

¹⁷¹ Our Family Wizard app is used in Manitoba for co-parenting purposes.

¹⁷² *E.T.S.*, *supra* note 147 at para 18.

¹⁷³ *Ibid* at para 22.

¹⁷⁴ *Ibid*.

¹⁷⁵ *Ibid*.

The Honourable Madam Justice Mirwaldt of the Court of King’s Bench of Manitoba confirmed the protection order. The Justice found that S.J.B. used the OFW platform to send messages that caused E.T.S. to have a “reasonable fear of bodily harm” and thus he had committed domestic violence as defined under s. 2(1.1)(b) of the Act.¹⁷⁶ Further, the Justice found that S.J.B.’s OFW messages, his threats to attend E.T.S.’s home in person, and his placing a call to E.T.S., all in violation of the April 2021 Order, are “conduct that reasonably, in all the circumstances, constitutes psychological or emotional abuse.”¹⁷⁷ S.J.B. was thus found to have committed domestic violence within the meaning of s. 2(1.1)(c) of the Act.¹⁷⁸

Finally, another Manitoba case highlights the rare instance of children being included in a protection order, as well as other legal measures available to victims of IPV and family violence. In one 2022 case,¹⁷⁹ the Court of Queen’s Bench of Manitoba found that the pattern of family violence had established that J.P.B. (the father) posed a significant risk to A.J.K. (the mother), the parties’ children, and the community.¹⁸⁰ The mother was granted a protection order for herself.¹⁸¹ The mother then obtained a protection order on behalf of her children based on evidence that the father exhibited increasingly agitated and threatening behaviour, including attending her workplace and the children’s daycare and school in a disturbed state, ignoring requests to leave, alarming staff, and prompting concerns about his mental health.¹⁸² This was alongside her ongoing fear for herself and the children, a direct threat to one of the children, stating he would kill them if the mom did not stop, the existence of a prior protection order against him by a third party, and a family history of mental illness in his family, amongst other evidence.¹⁸³

This case also demonstrates that protection orders, while valuable, are not a comprehensive solution for ensuring safety. Believing that existing protection orders and their

enforcement by the courts could not shield her from the father’s escalating behaviour, the mother saw going into hiding with the children at an undisclosed location as her only remaining option.¹⁸⁴ The mother sought an order that she not be required to provide notice to the father of a change of residence or relocation of the two children.¹⁸⁵ She also sought an order that she not be required to provide the father with any contact information, including her address, phone number, or e-mail address. She asked that her motion be heard without notice to the father and that any requirement to serve him with documents or to obtain a resulting order be dispensed with.¹⁸⁶

The *Divorce Act* recognizes that a parent may need to move with their children without notice to the other parent with parenting time in situations involving family violence. This is the mother’s motivation for relocating and should not be construed as an attempt to alienate the father from the children.¹⁸⁷ The mother’s motion was ultimately allowed. She could “change residence or relocate without notice to the father of either her intention to change her residence or relocate and without providing him with her new contact information.”¹⁸⁸

Prevention Orders

Obtaining a prevention order is considerably more challenging than obtaining a protection order because of the serious and potentially indefinite conditions it can impose. These applications must be heard by a judge of the Court of King’s Bench and typically involve court and filing fees. As case law affirms, “the test for granting a protection order is somewhat more onerous than the test for the granting of a prevention order.”¹⁸⁹ In the case of protection orders, the onus is on the respondent to demonstrate on a balance of probabilities that the

¹⁷⁶ *Ibid* at para 80.

¹⁷⁷ *Ibid*.

¹⁷⁸ *DVSA*, *supra* note 18 at s.2(1.1)(c).

¹⁷⁹ *A.J.K. v. J.P.B.*, 2022 MBQB 43 [A.J.K].

¹⁸⁰ *Ibid* at para 2.

¹⁸¹ *Ibid* at paras 5-6.

¹⁸² *Ibid* at para 11.

¹⁸³ *Ibid*

¹⁸⁴ *Ibid* at para 20.

¹⁸⁵ *Ibid* at para 16.

¹⁸⁶ *Ibid* at para 16.

¹⁸⁷ *Ibid* at para 65.

¹⁸⁸ *Ibid* at para 70.

¹⁸⁹ *Lafreniere v. Bulloch*, 2015 MBQB 10 at para 15.

protection order should be set aside.¹⁹⁰ Conversely, for prevention orders, the onus is on the applicant to demonstrate on a balance of probabilities that the prevention order should be granted.¹⁹¹

The Manitoba Court of Appeal has also made clear that, unlike a protection order granted under the *Act*, a prevention order admits of no specified application period and remains in place indefinitely, pending a further court order. Moreover, “[o]nce the order has been made, served on the responding party, and filed in court, the order remains in effect until a judge is satisfied on application “that it is fit and just” (at section 19(1)) to vary or revoke the order.”¹⁹² This condition adds that sense of stability and sense of security that people need when they are survivors of IPV, sexual exploitation, or human trafficking.¹⁹³ Further, orders without expiry dates are in effect even when the parties reconcile.

In Manitoba, the *Domestic Violence and Stalking Act* provides content of prevention orders, ranging from prohibiting the respondent from attending at the applicant’s residence or place of employment¹⁹⁴ to peace officer assistance in removing the respondent from premises.¹⁹⁵ Further, if the court deems it necessary, they can authorize police to seize items used in acts of domestic violence or stalking, such as weapons.¹⁹⁶ If the respondent continues to use a vehicle to further the domestic violence or stalking, the court can have the respondent’s driver’s license suspended.¹⁹⁷

Recent Manitoba Court Cases: Prevention Orders

In *T.G. v. J.D.*,¹⁹⁸ the Mother had applied for a protection order under the *Domestic Violence and Stalking Act* for herself and her children. The JJP granted a three-year order protecting the Mother, but not the children.¹⁹⁹ Justice Leven for the Court of King’s Bench of Manitoba found “the Father to be much more credible than the Mother, and [awarded] him majority parenting time and final decision-making authority.”²⁰⁰ Mutual prevention orders also replaced the protection order.²⁰¹ One term would be that the parties not attend each other’s residences or enter each other’s work buildings.²⁰²

The prevention order was the source of at least two disagreements. On one occasion, the Father and Mother were present in different vehicles in the same parking lot at the same time.²⁰³ The Mother contacted a police service; the police spoke with the Father and no charges were laid.²⁰⁴ On the second occasion, the Father contacted the police when the Mother ignored a court order on parenting time.²⁰⁵ This was due to the children participating in hockey during his parenting time without his agreement.²⁰⁶ The decision does not mention the result of this encounter with the police.

However, since the trial was going to continue in a short time, Justice Leven explained that “[b]oth parents should also be aware of the fact that police services are very busy and have limited resources. People in general should not use police resources to address their problems when other means are available and reasonable.”²⁰⁷ A new prevention order may have been issued, expiring in 2028, but it will also not include the children.²⁰⁸ This case reflects the broader context in which children are generally not subject to PAPO and

¹⁹⁰ *Baril v. Obelnicki*, 2007 MBCA 40.

¹⁹¹ *Ibid* at para 93.

¹⁹² *R. v. Dilk*, 2016 MBCA 98 at para.14; *Shore-Kalo v. Kalo*, 2019 MBQB 39.

¹⁹³ Bill 16, *The Domestic Violence and Stalking Act*. 2nd Reading, Legislative Assembly of Manitoba Debates, 42-5, (11 April 2023) at 1399 (Hon Kevin Goertzen).

¹⁹⁴ *DVSA*, *supra* note 18, s.14(1)(c).

¹⁹⁵ *Ibid* at s.14(1)(e).

¹⁹⁶ *Ibid* at s.14(1)(h).

¹⁹⁷ *Ibid* at s.15 (1).

¹⁹⁸ *T.G.*, *supra* note 148.

¹⁹⁹ *Ibid* at para 11.

²⁰⁰ *Ibid* at paras 6 and 203-217.

²⁰¹ *Ibid* at para 218.

²⁰² *Ibid* at para 21.

²⁰³ *Ibid* at para 218.

²⁰⁴ *Ibid*.

²⁰⁵ *Ibid* at para 219.

²⁰⁶ *Ibid*.

²⁰⁷ *Ibid* at para 221.

²⁰⁸ *Ibid* at para 275.

demonstrates that men can also be eligible for these orders.

Manitoba and PAPO

Across Canada, family law courts struggle to understand coercive control and continue to approach allegations on an incident-focused basis.²⁰⁹ Criminal and family courts also characterize IPV as mutual in many cases, minimizing the harm of the violence to women and children.²¹⁰ Further, when there is a custody dispute, judges are less likely to grant protective orders and child protective services are less likely to investigate reports of abuse.²¹¹

Several key takeaways emerge from the review of Manitoba case law. First, the case law demonstrates emerging forms of IPV and stalking facilitated through technology, including the misuse of platforms such as OFW. Second, while children can be included in PAPO, they are not typically named as protected parties. In instances where children are initially included, they are often subsequently removed unless family violence and stalking are severe.²¹² This is largely due to the separation between PAPO proceedings and family/criminal law matters. The courts generally refrain from intervening in parenting arrangements through PAPO, as matters such as parenting time, custody, and access fall under the jurisdiction of family proceedings. As a result, PAPO applications do not usually address parenting schedules or conditions related to the return of children to the non-offending parent. When children are included in, for instance, a protection order, the complainant is typically identified as the "Protected Party," and the children are referred to as "minor children." A child may be named in a protection order only where there is a clear need for protection from a

non-parent.

Further, a JJP should not grant a protection order except in rare circumstances in the midst of ongoing domestic family law litigation:²¹³

While I am not prepared to say that it would never be appropriate, it will surely be a rare circumstance where in the midst of ongoing domestic family law litigation one party could properly seek a without notice protection order from a justice of the peace pursuant to s. 6 of the Act. The more appropriate way to proceed is before this Court under s. 14 for a prevention order on notice or in appropriate circumstances seeking leave to proceed on short notice or without notice.

Moreover, protection orders are to protect the victims of domestic violence and stalking. They are not intended to deal with parenting. When the JJP is making a finding about parenting, that should be a clear signal that this is not an appropriate case for a protection order.²¹⁴

Lastly, Manitoba case law highlights the multifaceted nature of IPV. The case law demonstrates that men can be victims of IPV, including post-separation abuse that often persists long after the relationship has ended.²¹⁵ However, while the case law often reflects a gendered pattern in the roles of applicants and respondents, it may also illustrate that there are underlying barriers at play that prevent men from reporting or seeking help for IPV. The prevalence of such experiences is reflected in provincial data: **in 2018 alone, 1,145 male victims in Manitoba reported experiencing IPV.**²¹⁶

Barriers that inhibit men from seeking support include the social construction of masculinity, disbelief/denial of

²⁰⁹ Bill C-332, An Act to amend the *Criminal Code* (coercive control of intimate partner), Standing Committee on Justice and Human Rights, Evidence, 44-1, No 096 (26 February 2024) at 4 (Dr. Jennifer Koshan).

²¹⁰ *Ibid.*

²¹¹ Tara Black et al., "The intersection of child welfare, intimate partner violence and child custody disputes: Secondary data analysis of the Ontario incidence study of reported child abuse and neglect" (2021) 15:4 JPCW 473.

²¹² A.J.K., *supra* note 179.

²¹³ S.C.H.S., *supra* note 147 at para 36; Tomsic, *supra* note 147 at para 18.

²¹⁴ Tomsic, *ibid* at para 23.

²¹⁵ T.G., *supra* note 148 at para 239.

²¹⁶ Cheryl Fraehlich et al., *The Multi-Faces of IPV across the Prairie Provinces: Men as Victims* (2020), online: RESOLVE Network <https://nursing.ucalgary.ca/sites/default/files/teams/13/IPV_Final_Report_February_2021.pdf> at 9.

victimization, shame/stigma, fear of not being believed or blamed, financial barriers, not being able to find help, and fear of losing contact with their children.²¹⁷ Also, men and service providers reported a significant lack of services for male victims of IPV,²¹⁸ as well as insufficient training among those tasked with supporting them.²¹⁹ Therefore, what remains to be addressed is the biased perception that only women can be victims of IPV through education, believing and validating male victims, improving training for service providers, and expanding and enhancing existing services and resources.²²⁰

Conclusion

The literature shows that while Canada has a federal framework to address IPV, significant gaps in legislation allow some perpetrators to evade detection and accountability. To fully address and prevent all forms of IPV, coercive control must be explicitly recognized as a criminal offence in the *Criminal Code*. However, the use of no-contact orders and peace bonds is still useful and,

in some contexts, can protect survivors from coercive control because of the limitations it places on the perpetrator in terms of contact with the survivor.

Although the statistics clearly indicate that firearms-related IPV is five times more likely to be lethal than types of IPV not involving a firearm,²²¹ it is clear from the *Firearms Act* that once someone has their license, it's easy to continue to hold it and renew it, without the need for a comprehensive background check. Civil remedies—such as protection or prevention orders—do offer important tools to address this kind of abuse. Still, without strict enforcement, these orders are not as effective as they could be. Most PAPOs do not include children, even when the children are exposed to the violence that resulted in an order being granted for one of the parents who faced the abuse.²²² This limitation prevents a survivor and their children from feeling entirely safe, specifically if there is shared custody and the survivor must navigate raising children with the perpetrator who abused them.²²³

Part 3: Protection Orders and Diverse Populations and Regions in Manitoba

Introduction

Manitoba is Canada's fifth most populous province with a significant First Nations population (121,415).²²⁴ As of July 1, 2025, Manitoba has 1,509,702 persons.²²⁵ In 2023, Manitoba had the second-highest rate of family violence and IPV at 588 victims of family violence and 628 victims of IPV per 100,000 population.²²⁶ To

compare, in April 2019, there were 1,943 police-reported incidents of IPV across all police forces in Manitoba, of which nearly one in five (18%) had children present.²²⁷ In Manitoba, a child is exposed to a police-reported incident of IPV every two hours.²²⁸

However, the prevalence, expression, and impacts of IPV vary considerably among different populations and regions. In Manitoba, diverse groups such as women,

²¹⁷ *Ibid* at 7.

²¹⁸ *Ibid* at 27.

²¹⁹ *Ibid* at 29.

²²⁰ *Ibid* at 30-31.

²²¹ Statistics Canada, *supra* note 3.

²²² *T.G.*, *supra* note 148.

²²³ *A.J.K.*, *supra* note 179.

²²⁴ Eva Goulet & Wilder Robles, "Intimate Partner Violence (IPV) in Indigenous Canadian Communities: A Case Study of The Pimicikamak Cree Nation in Cross Lake, Northern Manitoba." (2025) 42:1 *Can J Native Studies* 1 at 1 [Goulet].

²²⁵ Manitoba Bureau of Statistics, "Population Estimate" (2025), online: <https://www.gov.mb.ca/mbs/moreinfo.html?id=16>

²²⁶ Statistics Canada, *supra* note 3.

²²⁷ Manitoba Advocate for Children and Youth, *Every Two Hours: A Special Report on Children and Youth Exposed to Intimate Partner Violence in Manitoba* (2022), online: <<https://manitobaadvocate.ca/wp-content/uploads/MACY-Special-Report-Every-Two-Hours.pdf>> at 6 [Manitoba Advocate].

²²⁸ *Ibid* at 6.

Indigenous peoples, newcomers, and those living in rural, remote, and northern communities experience distinct vulnerabilities and face unique barriers to safety and justice from IPV, including access to PAPO. Understanding IPV through an intersectional and regional lens is essential to developing effective legal, social, and community-based responses in Manitoba.

The following sections examine the experiences of these diverse populations in Manitoba. They highlight the structural inequities that shape their exposure to violence and their access to protection, support, and justice. Ultimately, our literature review will show that IPV services are in dire need across Manitoba²²⁹, and comprehensive training for legal professionals is crucial not only to improve their understanding of IPV dynamics but also to enhance their ability to navigate complex family law cases and advocate effectively for the protection and well-being of survivors and children.

IPV and Diverse Populations and Regions

I. Women

A. BACKGROUND

The United Nations characterizes violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."²³⁰ The World Health Organization estimates that approximately 1 in 3 women worldwide has experienced physical and/or sexual violence from intimate partners or non-partners at some point in their lives. In Canada, the territories were ranked the

highest in police-reported family violence and intimate partner violence.²³¹ Among the provinces, the Prairie Provinces rank among the highest in intimate partner violence and family violence from 2018 to 2023.²³² In 2023, Saskatchewan had the highest rates of violence at 710 per 100,000, Manitoba followed closely behind with 628, and Alberta had 385.²³³

These statistics are abhorrent and reflective of the deeply rooted gender inequalities within our systems and societies across the globe. The federal government estimates that every year, the federal, provincial and territorial governments in Canada spend billions on healthcare, justice and social system responses to gender-based violence. This type of violence "can have long-lasting negative health, social, and economic consequences, often leading to intergenerational cycles of violence and abuse."¹⁵⁷

B. PROTECTION ORDERS AND WOMEN IN MANITOBA

As survivors of IPV, women who seek protection orders do not always receive the protection they expect. There are numerous cases in Manitoba of women being killed by ex-partners who were subject to protection orders either at that time or previously. Some of these cases have been discussed in this review; however, below are the two cases that changed Manitoba's domestic violence and stalking legislation.

The *Domestic Violence and Stalking Act* was amended in 2015 by Bill C-11, also known as the *Domestic Violence and Stalking Amendment Act*.²³⁴ This amendment was triggered by the murder of two young Manitoban women, Selena Keeper and Camille Runke.²³⁵

²²⁹ Colin Bonnycastle et al., "Re-establishing their Lives: Issues Relating to Affordable Housing for Women Escaping Violent Intimate Partner Relationships in Northern Manitoba" (2021) 51 *The Northern Review* 5.

²³⁰ World Health Organization, "Violence Against Women" (2025), online: <www.who.int/health-topics/violence-against-women#tab=tab_1>.

²³¹ Statistics Canada, *Victims of police-reported intimate partner violence, by year and province or territory, 2018 to 2023* (24 October 2024), online: <150.statcan.gc.ca/n1/daily-quotidien/241024/t002b-eng.htm>.

²³² *Ibid.*

²³³ *Ibid.* These rates are calculated on the basis of a population of 100,000 people. The estimates for these populations are based on July 1 estimates from Statistics Canada, Centre for Demography. These rates include victims between the ages of 12 to 110 years.

²³⁴ Erika Day, "Reflections on Bill 11: The Domestic Violence and Stalking Amendment Act" (2017) 40:2 *Man LJ* 55.

²³⁵ *Ibid.*

Selena Keeper was beaten to death by her ex-boyfriend a few months after being denied a protection order.²³⁶ During her hearing, she told the Justice that she was regularly beaten during the couple's two-year relationship, even while she was pregnant with their child.²³⁷ After the couple broke up, they reconnected, and her ex-partner assaulted her, which resulted in her ending up in the hospital.²³⁸ The police were involved.²³⁹ Selena decided to pursue a protection order after an encounter with her ex in which he slapped her across the face.²⁴⁰ The Justice denied the protection order because it was requested five weeks after the last incident of violence, stating, "I am not satisfied that you require protection on an immediate basis."²⁴¹ Only a few months later, her ex-partner murdered her.²⁴²

Camille Runke was shot dead by her estranged husband, who shot himself immediately after murdering her.²⁴³ Camille obtained a protection order against her husband and engaged the police twenty-two times to deal with him breaching that order.²⁴⁴ This case underscored that protection orders were not being enforced adequately – and if they were, it raised the question of whether this enforcement provided sufficient protection for applicants.

As a result of these two preventable and fatal acts of violence, the Minister of Justice introduced an amendment to the *Domestic Violence and Stalking Act*.²⁴⁵ The amendment included regulations on firearm possession for respondents subject to a protection order.²⁴⁶ The idea was that including this in the Act would provide applicants with the necessary protection. Though confiscating a perpetrator's weapons might prevent immediate violent reactions, those intent on causing harm will likely find alternative weapons. As

Kelvin Goertzen, a member of the Conservative Party of Canada, suggested during the Bill's debate, ongoing monitoring of respondents would be essential to prevent them from acquiring new weapons after the initial seizure of weapons.²⁴⁷ Currently, there is no legislated requirement of continuous firearm possession monitoring for respondents subject to a protection order.

When Bill C-11 was introduced and immediately afterward, the amendment's effectiveness was questioned. Concerns existed about the system's capacity to handle the surge in orders resulting from the Act's amendment. An increase in protection orders would boost police enforcement efforts, exacerbate existing court backlogs, and lead to overcrowding in jails.²⁴⁸ Ten years after the amendment's implementation, the same issues still hinder Manitoba's effective use of protection orders.

Nonetheless, in 2021, Canada launched a five-year plan in collaboration with all provinces and territories to address gender-based violence (GBV) through a five-step action plan.²⁴⁹ Some long-term goals of the plan include improving the social and economic determinants of GBV, better supporting those affected or at risk of GBV and their families, and reducing GBV across the country.²⁵⁰

The literature indicates that women are primarily victims of IPV and require legal protection from their male intimate partners.²⁵¹ The following sections address the marginalization experienced by survivors with intersecting identities.

²³⁶ CBC News, "Man gets 12 years behind bars after 'brutal beating death of Selena Keeper,'" (13 March 2017), online: <[.cbc.ca/news/canada/manitoba/selena-keeper-man-charged-1.4023214](https://www.cbc.ca/news/canada/manitoba/selena-keeper-man-charged-1.4023214)>.

²³⁷ *Ibid.*

²³⁸ *Ibid.*

²³⁹ *Ibid.*

²⁴⁰ *Ibid.*

²⁴¹ *Ibid.*

²⁴² *Ibid.*

²⁴³ *Supra* note 234 at 82.

²⁴⁴ *Ibid.*

²⁴⁵ *Ibid* at 85.

²⁴⁶ *Ibid* at 67.

²⁴⁷ *Ibid* at 71.

²⁴⁸ *Ibid* at 79.

²⁴⁹ Government of Canada, "In Brief: National Action Plan to End Gender-Based Violence" (9 September 2022), online <canada.ca/en/women-gender-equality/gender-based-violence/intergovernmental-collaboration/>.

²⁵⁰ *Ibid.*

²⁵¹ Isabel Grant, "Intimate Partner Criminal Harassment Through a Lens of Responsibilization" (2015) 52:2 Osgoode Hall LJ 552.

II. Indigenous Peoples

A. BACKGROUND

Between 2019-2022 in Canada, at least 850 women and girls were killed because of violence. No accused has been identified for 71 of the victims.²⁵² Where an accused has been identified, 83% were male, and 17% were female. The highest rates of women and girls killed by male accused are in Nunavut, Saskatchewan, and Manitoba.²⁵³ There were 187 women and girls violently killed in Canada in 2024.²⁵⁴

While information on race and ethnicity is not available in many cases, at minimum, about one in five women and girls killed by male accused were Indigenous.²⁵⁵ In fact, Indigenous women are killed at a rate six times higher than the rate of non-Indigenous women.²⁵⁶

In Manitoba, Indigenous women are murdered at a much higher rate than their non-Indigenous counterparts. In 2022, of twenty-one female homicide victims, seventeen were of Indigenous identity, three were of non-Indigenous identity, and one was of an unidentified Indigenous identity.²⁵⁷ Similarly, in 2023, of the twenty female homicides, seventeen women were of Indigenous identity, and three were non-Indigenous identity.²⁵⁸ Finally, in 2024 of the twenty-six female homicide victims, twenty-four were of Indigenous identity, two were of non-Indigenous identity, one was a woman of an unidentified Indigenous identity.²⁵⁹ There is a clear trend in the victimization and overrepresentation of Indigenous women's subjugation to violence. Numerous factors contribute to these discrepancies, some of which will be discussed in the following section. It is important to

provide this context to understand the severity of the domestic violence these women face and the lack of protection these women have access to.

As we begin this discussion, it is also important to define our terminology. The use of the word Indigenous is inclusive of First Nations, Métis, and Inuit peoples. Each group is not culturally homogenous, and each group of people have their own experiences and traumas. Our discussion centres on the general effect of traumas imposed historically on these groups. Although this discussion is an oversimplification and generalization, it is crucial that lawyers, judges, and other service providers in the field understand the specific individual and cultural community involved in every case they deal with.²⁶⁰

B. HISTORICAL CONTEXT

Unlike other communities, Indigenous peoples have encountered disproportionate challenges dating back to the founding of Canada.²⁶¹ Before contact, they possessed unique spiritual beliefs, cultural customs, and governance systems.²⁶² Over time, these challenges have evolved alongside societal changes, yet they still hinder these communities from achieving their full potential.²⁶³ Today, Indigenous peoples often face marginalization,²⁶⁴ poverty,²⁶⁵ and limited education,²⁶⁶ – factors directly linked to high rates of IPV and restricted access to legal protections for self-defence.²⁶⁷

The disproportionate overrepresentation of Indigenous peoples in cases of IPV stems from discrimination, undermining of cultural traditions, the residential school system, removal of children from families within cultural

²⁵²Myrna Dawson et al., *#CallItFemicide: Understanding Sex/Gender-Related Killings of Women and Girls in Canada, 2018-2022* (last visited 14 August 2025), online: Canadian Femicide Observatory for Justice and Accountability <femicideincanada.ca/cfoja-research/cfoja-reports>.

²⁵³ *Ibid.*

²⁵⁴ *Ibid.*

²⁵⁵ *Ibid.*

²⁵⁶ Cross, P. (2018). Domestic violence goes to work. Canadian Women's Foundation Blog. <https://www.canadianwomen.org/blog/domestic-violence-goes-to-work/?gclid=Cj0KCQi0KCQjwverpBRD>

²⁵⁷ Statistics Canada, "Number, percentage and rate of homicide victims, by gender and Indigenous identity" (22 July 2025), online <150.statcan.gc.ca/t1/>.

²⁵⁸ *Ibid.*

²⁵⁹ *Ibid.*

²⁶⁰ Linda Neilson, Responding to Domestic Violence in Family Law, Civil Protection & Child Protection Cases (Ottawa: Canadian Legal Information Institute, CanLII) at chapter 20.

²⁶¹ Nicole Jeffrey et al. (November 2018), *Canadian Domestic Homicide Prevention Initiative with Vulnerable Populations (CDHP/IVP) Literature Review on Risk Assessment, Risk Management and Safety Planning*, (London, Ontario: Canadian Domestic Homicide Prevention Initiative).

²⁶² *Ibid.*

²⁶³ *Ibid.*

²⁶⁴ *Ibid.*

²⁶⁵ *Ibid.*

²⁶⁶ *Ibid.*

²⁶⁷ *Ibid.*

communities, and a loss of cultural self-determination.²⁶⁸ Canada has failed to address these issues and has been reprimanded in the past by the United Nations.²⁶⁹ A report released in March 2015 highlighted the U.N.'s concerns with Canada failing to address concerns relating to Indigenous women and the violence they face.²⁷⁰ Canada acknowledged the higher level of violence against Indigenous women but indicated they were taking significant steps to address these issues and that Canada had:

Acted with the requisite due diligence to prevent violence against aboriginal²⁷¹ women, investigate reports of the disappearances and murders of aboriginal women, and bring perpetrators to justice, and that, in the light of the measures being taken to address that serious problem, there was no evidence that any actions or omissions by Canada constituted grave or systematic violations of rights set forth in the commission.

The U.N. then sent delegates to visit the country and collect data on the issue.²⁷² The Committee was given the data and came to conclusions regarding Canada's response to the violence these women face, which is as follows:

- 1) Lack of implementation of recommendations of studies and symposiums on missing and murdered Aboriginal women
- 2) Prevention of violence
 - i) Addressing the socioeconomic conditions of Aboriginal women
 - ii) Addressing vulnerability to prostitution and trafficking
- 3) The root cause of discrimination
- 4) Issues regarding law enforcement
 - i) Police response
 - ii) Distrust of police by Aboriginal women

²⁶⁸ *Ibid.*

²⁶⁹ United Nations, Convention on the Elimination of All Forms of Discrimination against Women: Report of the inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Canada: United Nations, 2015).

²⁷⁰ *Ibid.*

²⁷¹ At the time this report was published, the term "Aboriginal" was commonly used. Direct quotations from the report remain unchanged and therefore use

- iii) Fragmented inter-jurisdictional communication
- iv) Absence of an independent police complaints mechanism
- v) Deficiencies in data collection
- 5) Restricted access to justice
- 6) Overrepresentation of aboriginal women in the prison population
- 7) Inadequacy of victim services
- 8) Efforts at compensation and reparation

Since this report's release, Canada has diplomatically supported calls for change, focusing on developing policies and laws to promote reconciliation.²⁷³ In 2019, Canada published the report from the National Inquiry into Missing and Murdered Indigenous Women and Girls, which is widely seen as a call for legal and social transformation to address a crisis affecting communities nationwide. In 2021, the federal government enacted the *United Nations Declaration on the Rights of Indigenous Peoples Act*.²⁷⁴ Although most UN member states adopted UNDRIP in 2007, it took Canada 14 years to pass legislation to support the declaration. The *UNDRIP Act* aims to align Canadian laws with the Declaration, create an action plan to meet its goals, and publish annual progress reports. However, no specific laws have yet been enacted to protect the most frequent victims of IPV, Indigenous women. In fact, in the report's recommendations, the committee notes that despite having a decentralized system, as a signed member of the Vienna Convention on the Law of Treaties, Canada has a responsibility to ensure compliance with the standards of conventions released by the U.N. Under articles 2 (c) and (e) of the Convention on the Elimination of All Forms of Discrimination against Women, state parties are obligated to take measures to overcome all forms of sex and gender-based discrimination which fosters violence against women.²⁷⁵

this term. However, we recognize that "Indigenous" is now the appropriate and preferred terminology.

²⁷² *Supra* note 269.

²⁷³ *Ibid.*

²⁷⁴ *United Nations Declaration on the Rights of Indigenous Peoples Act SC 2021, c14.*

²⁷⁵ *Ibid.*

C. PROTECTION ORDERS AND INDIGENOUS PEOPLES

Indigenous communities are not homogeneous; as such, the rates of IPV are not the exact same in every community across Canada. So, one community may prefer a different response to IPV than another. The IPV that Indigenous women face is often only reported when the violence becomes severe.²⁷⁶ Albeit for a variety of factors, this is due primarily to the normalization of violence in most Indigenous family homes.²⁷⁷ According to self-reported data from the 2019 General Social Survey on Canadians' Safety (Victimization), four in ten Indigenous people experienced sexual or physical violence by an adult before the age of 15.²⁷⁸ Due to the normalization of violence in homes, reporting such victimization or proactively taking steps to apply for protection or prevention orders is less likely.²⁷⁹

If victims decide to report IPV, they face challenges in applying for protection or prevention orders that could otherwise safeguard them from their abusers. As outlined in the first part of this review, depending on the type of order the victim seeks, police and/or the judiciary must become involved. The process for obtaining an order impedes its accessibility, as Indigenous people are twice as likely as non-Indigenous people to have little or no confidence in their local police service.²⁸⁰ This sense of distrust extends from the police to lawyers and even judges.²⁸¹

As discussed earlier, many community members live in poverty and lack economic opportunities, which can hinder their ability to apply for or obtain a protection order. These legal orders may involve upfront costs such as hiring a lawyer, paying application fees, printing documents, and service and

disbursement fees. There are also indirect costs, including missing work or paying for childcare to attend court hearings, moving expenses to escape an abusive partner, transportation to and from court, and emotional and psychological stress. Although a protection order has no direct costs, if you need to vary any information on the order, such as your home address, Manitoba charges a \$150.00 fee for Civil Protection Orders and a \$50.00 fee for Family Protection Orders.²⁸²

If a victim does choose to seek a legal order, many Indigenous individuals tend to withhold crucial evidence needed for such legal relief.²⁸³ It's important to recognize that in most family law cases, evidence is often lacking because much IPV is not documented, given the circumstances of the violence. Particularly when children are involved, parents are more inclined to protect their children by removing them from harm rather than recording or documenting the abuse.²⁸⁴ However, for Indigenous people, withholding information often stems from the distrust, discomfort and intergenerational trauma inherent in most communities.²⁸⁵

When victims have the capacity to testify in court in front of their abusers, they often seem reluctant, providing brief and emotionless explanations of the abusive events.²⁸⁶ To a judge, this may appear less genuine or convincing than a victim who is visibly distressed and struggling to testify. However, this behavior often stems from cultural norms that consider face-to-face testimony with the accused or respondent to be inappropriate.²⁸⁷ Due to the nature of the proceedings, it is crucial that the judge believes the victim to grant the order.

Another obstacle is the concern that disclosing abuse could trigger child protection actions or the child's

²⁷⁶ *Supra* note 260.

²⁷⁷ *Ibid.*

²⁷⁸ *Ibid.*

²⁷⁹ *Ibid.*

²⁸⁰ *Ibid.*

²⁸¹ J. Proulx & S. Perrault, *No Place for Violence: Canadian Aboriginal Alternatives* (Halifax: Resolve and Fernwood); P. Monture-Angus, *Thunder in my Soul: A Mowhawk Woman Speaks* (Halifax: Fernwood, 1995); P. Memmott et al., "Issues Paper 11: Good Practice in Indigenous Family Violence Prevention — Designing and Evaluating Successful Programs" (Australian Domestic and Family Violence Clearinghouse, 2006); O. Peters et al.,

"Domestic Violence Risk Assessment Risk Management and Safety Planning with Indigenous Populations" (London: Canadian Domestic Violence Homicide Prevention Initiative, 2018).

²⁸² Manitoba Justice, "Court Services Fees by Type of Court Service" (1 February 2022), online: <gov.mb.ca/justice/courts/fees.html>.

²⁸³ *Supra* note 260.

²⁸⁴ *Ibid.*

²⁸⁵ *Ibid.*

²⁸⁶ *Ibid.*

²⁸⁷ *Ibid.*

removal from their community.²⁸⁸ This concern is often a scare tactic directed at the primary caregiver, typically the mother, suggesting that reporting abuse to authorities would result in losing custody of their child. For Indigenous communities, this is especially traumatic because it echoes a long history of separation enforced by the state, breaking the bond between children and parents.²⁸⁹ This is especially scary for Indigenous peoples living on reserve, as courts do not, and cannot, offer the full range of protections that are available to Indigenous and non-Indigenous peoples living off reserve.²⁹⁰

Assessing the existing literature on Indigenous peoples and protection orders reveals a significant gap in direct, comprehensive research on this issue. The limited research that does exist underscores the importance of adopting an individualized approach when working with victims. Such an approach requires consideration of the unique circumstances of each victim and the specific dynamics within their community. This perspective challenges the notion that Indigenous communities are culturally homogenous or that their experiences of trauma and systemic barriers are uniform. Instead, it recognizes the diversity among Indigenous peoples and emphasizes the need for culturally responsive and context-specific interventions.

III. Newcomer Populations

A. BACKGROUND

Newcomer populations face heightened vulnerability to IPV because of significant life changes involved in migrating or seeking refuge in Canada.²⁹¹ They deal with deep-rooted cultural, religious, gender, and

socioeconomic differences that can increase their risk, making them more prone to IPV than non-newcomers.²⁹² While these groups are often considered together, their experiences are complex and personal; each culture has diverse practices that may conflict with Canadian norms, creating unique challenges for each individual.²⁹³

Due to the diverse nature of newcomers, it isn't easy to form a complete list of culture-related reasons for IPV; however, gender-based violence is a prevalent form of violence.²⁹⁴ This can include honour killings, dowry-related crimes, forced marriages and overall collectivist cultural ideals requiring the control of women.²⁹⁵ With this context, we will analyze the newcomer population in relation to IPV and protection orders.

B. NEWCOMER WOMEN

Newcomer women are more susceptible to IPV because of factors like geographic and social isolation, language barriers, cultural norms that discourage discussing domestic violence, traditional gender roles, economic dependence, the normalization of violence, lack of awareness about legal rights and support services, and discrimination.²⁹⁶ Women who arrive in Canada illegally face additional risks, such as their abusers controlling finances, confiscating documents, and using scare tactics like threats of deportation to maintain dominance.²⁹⁷ Further, cultural norms may prevent women from seeking any help. The stigma in both Tamil and Somali communities is that those who seek assistance in relation to violence and mental health concerns are weak.²⁹⁸ Women from Latin American countries may stay in relationships with IPV for longer because of cultural values, “such as ‘familismo’ (i.e. critical role or importance of immediate and extended family ties).”²⁹⁹

²⁸⁸ *Ibid.*

²⁸⁹ *Ibid.*

²⁹⁰ See more under the Rural, Remote and Northern Populations Section.

²⁹¹ *Supra* note 261.

²⁹² Gender-Based Violence Learning Network, *Intimate Partner Violence Against Immigrant and Refugee Women* (September 2018), online: Centre for Research & Education on Violence Against Women & Children <gbvlearningnetwork.ca/our-work>.

²⁹³ Hannah Fonteyne et al., “Immigrant Women’s Experiences of Domestic Violence in Canada: A Qualitative File Audit” (2024) 10:1 *J Fam Violence* 613.

²⁹⁴ *Supra* note 261.

²⁹⁵ *Ibid.*

²⁹⁶ K.R. Rossiter et al., *Domestic Homicide in Immigrant and Refugee Populations: Culturally-Informed Risk and Safety Strategies* (2018), online: Canadian Domestic Homicide Prevention Initiative <http://cdhpi.ca/sites/cdhpi.ca/files/Brief_4-Online-Feb2018-linked-references.pdf>.

²⁹⁷ *Supra* note 261.

²⁹⁸ *Ibid.*

²⁹⁹ *Ibid.*

C. CASE STUDY

In *M.I.M. v. B.S.D.*,³⁰⁰ the mother, a Canadian citizen and the father, a newcomer from Nigeria, met in 2016 and moved in together. In July 2017, they had a son, MJ, but the couple separated soon after. They reunited in 2018 and had another son, J., in May 2019, before separating for good in July 2019.³⁰¹ In August 2019, they reached a mediated separation agreement covering property and parenting time, giving the father weekends with the children.³⁰² In October 2019, the father sought shared parenting through the court.³⁰³ The mother opposed, seeking primary care of all children, with various conditions on the father's access (including no alcohol), child support, and other relief.³⁰⁴ In June 2020, they agreed on an interim arrangement: the mother had majority care, and the father had parenting time on midweek and alternate weekends, with agreed-upon conditions. He was to pay child support for MJ and J.³⁰⁵ However, in late 2020, the mother moved the children to a town an hour from Winnipeg without the father's consent.³⁰⁶ In 2021, the children disclosed their mother's new partner, S., was caring for them. In March 2022, MJ reported that S. had spanked him with a wooden spoon. The father reported this to child services and withheld the children based on guidance he said came from a social worker.³⁰⁷ This launched proceedings over both children's care and control.

During her evidence, the mother admitted that she had threatened the father with arrest and deportation during one of their fights.³⁰⁸ In this case, the court agreed that both parties were abusive towards each other, and both committed acts of IPV. However, as the literature suggests, newcomers are particularly susceptible to IPV through such threats. This stems from the inherent power imbalance that newcomers face when their

partner is a permanent resident or Canadian citizen. This case highlights the barriers that newcomers can face when seeking legal recourse for IPV.

IV. Rural, Remote, and Northern Populations

Canada is a vast country with most of its population concentrated in large urban cities along or close to its southern border.³⁰⁹ While there is a lack of consensus on how to define "rural, remote, and Northern" (RRN), we adopt the following definition:³¹⁰

Rural: A community or geographic location with a population less than 10,000

Remote: A community or geographic location that is not accessible by road year-round.

Northern: A community or geographic location that is designated by the provincial government as being the northern part of the province. All the Canadian territories are considered northern.

Rural communities are diverse and include farms, small towns, and First Nations reserves. Manitoba is home to a large rural population, accounting for 25% of its residents,³¹¹ and includes 63 First Nations communities totalling 121,415 individuals.³¹² Many of these First Nations communities are also in remote areas of Northern Manitoba.³¹³ For instance, Theresa Point First Nation is located in northeastern Manitoba, about 600 km northeast of Winnipeg. It is an isolated First Nation with a population of about 4,000 people, accessible only

³⁰⁰ *M.I.M. v. B.S.D.* 2024 M.J. No. 147.

³⁰¹ *Ibid.*

³⁰² *Ibid.*

³⁰³ *Ibid.*

³⁰⁴ *Ibid.*

³⁰⁵ *Ibid.*

³⁰⁶ *Ibid.*

³⁰⁷ *Ibid.*

³⁰⁸ *Ibid.* at para 68.

³⁰⁹ Pertice Moffitt et al., "Intimate Partner Violence and COVID-19 in Rural, Remote, and Northern Canada: Relationship, Vulnerability and Risk." (2020) 37:5 J Fam Violence 775 at 776.

³¹⁰ *Ibid.*

³¹¹ Masha Kardashevskaya et al., *Responding to Women who Experience Intimate Partner Violence in Rural Municipalities Across the Prairies* (2022), online: RESOLVE Network <<https://umanitoba.ca/sites/resolve/files/2022-09/Rural%20IPV%20Final%20Report.pdf>> at 5.

³¹² Government of Canada, *Indigenous Peoples in Manitoba* (2025) online: <<https://www.sac-isc.gc.ca/eng/1626886719453/1626886859809>>

³¹³ *Ibid.*

by air, boat or winter ice-road.³¹⁴

IPV and coercive control are prevalent across Manitoba.³¹⁵ However, the complexity of IPV and coercive control are exacerbated by regionality. Women who live in RRN regions are disproportionately affected by IPV.³¹⁶ The rate of domestic homicide in RRN regions is often significantly higher than in urban areas.³¹⁷ Rural Manitoba has the highest rate of IPV in Canada, where the domestic-related homicide rate is 10 times higher than in urban areas.³¹⁸

A. CHALLENGES FACING IPV VICTIMS IN RRN COMMUNITIES

Several factors prevent IPV victims in RRN regions from receiving the help and support they need. Amongst these factors are precarious employment, unemployment, and/or the role of firearms. In many RRN communities, hunting is an integral part of daily life and cultural practice. Consequently, firearms are commonly kept in households, which can increase the risk of their use in incidents of IPV or domestic homicide.³¹⁹

Concerns about privacy and confidentiality, housing situations, limited transportation options, inadequate social and financial resources, and childcare and farm responsibilities further compound barriers.³²⁰ In RRN regions, IPV victims either live in crowded households or in uncrowded households, such as farms or small towns, within tight knit and small communities. In Manitoba, 35.6 % of First Nations people living on-reserve were likely to live in crowded households.³²¹ The housing scarcity on-reserves, and other RRN regions, exacerbates privacy and confidentiality challenges, as limited accommodations and the close-knit nature of many RRN

communities make it difficult for IPV victims to seek help or relocate discreetly.

The normalization of IPV within First Nations' communities is another compounding factor.³²² When IPV victims have nowhere else to go and remain in overcrowded homes where such violence is normalized, the cycle of abuse and coercive control are more likely to continue. Also, in terms of privacy and confidentiality, some IPV victims living in uncrowded homes, such as on farms or within closeknit communities, may be particularly reluctant to disclose their situation due to concerns about this information spreading widely within the community or shame to their families. IPV victims may also not seek help from police since it may expose them to social stigma or retaliation, as family, friends, and neighbors are likely to become aware of their situation.³²³

The limited availability of transportation is also problematic. Due to the geographic isolation of RRN regions and lack of transportation, RRN residents are typically unable to gain access to safety and formal supports, such as shelters or health care services, as they are typically further away. In some RRN communities, the only form of transportation may be a medical van, which may be an option for getting to a shelter in another region.³²⁴

Support services for IPV are particularly important in RRN regions since they are associated with higher and severe rates of IPV, more negative outcomes for victims, less help and bystander interventions, and poorer community

³¹⁴ Wood, *supra* note 62 at para 6.

³¹⁵ Manitoba Advocate, *supra* note 227.

³¹⁶ *Ibid.*

³¹⁷ Anna-Lee Straatman et al., *Survivors Voices: Navigating risk and moving to safety in domestic violence relationships in Canada* (2022), online: Canadian Domestic Homicide Prevention Initiative with Vulnerable Populations <<https://www.cdhipi.ca/sites/cdhipi.ca/files/Phase%203%20Final%20Report.pdf>> at 4.

³¹⁸ RESOLVE Network, "The RESOLVE Network's Call to Prairie Provinces to Declare Intimate Partner Violence an Epidemic" (2024), online: <<https://umanitoba.ca/resolve/sites/resolve/files/2024-05/call-to-prairie-provinces-declaring-ipv-an-epidemic.pdf>> at 1.

³¹⁹ *Ibid.*

³²⁰ *Ibid.* Also see: Wood, *supra* note 62.

³²¹ Waapik Research, "The Challenges of On-Reserve Housing in Manitoba" (2023) online: <<https://waapik.com/2023/03/31/the-challenges-of-on-reserve-housing-in-manitoba/>>.

³²² Cindy Olgen & Leslie Tutty, "My Parents, My Grandparents Went Through Residential School, and All this Abuse has Come From it: Examining Intimate Partner Violence Against Canadian Indigenous Women in the Context of Colonialism" (2023) 38:23 J Interpers Violence 12185.

³²³ Lisa R. Pruitt, "Place Matters: Domestic Violence and Rural Difference," (2008) 23 Gender & Society 83 at 83.

³²⁴ Nicole Letourneau et al., "Service Providers' Perspectives: Reducing Intimate Partner Violence in Rural and Northern Regions of Canada" (2022) 55:2 NIH 165 at 169.

responses.³²⁵ However, underfunding and understaffing of service providers in Manitoba remain barriers to effective service delivery.³²⁶ For instance, in Manitoba, short-term and long-term housing may be one of the top barriers to help-seeking. There are fewer rural shelters and beds than urban counterparts.³²⁷ Also, many rural women are unaware of available services or unable to access them due to geographic isolation.³²⁸ Furthermore, in some RRN settings, such as on farms, informal support networks, such as neighbours, are often located farther away, making them less accessible in an emergency.

Finally, these limitations are exploited by perpetrators. IPV abusers manipulate systems to prevent formal help-seeking behaviours, exert power, force contact, and financially burden survivors.³²⁹ This can include litigation strategies used in response to help-seeking behaviours, such as filing for custody in response to a survivor seeking a protection order or reporting violence to police.³³⁰ Also, as a 2022 case from Manitoba highlights,³³¹ “the cunning nature of domestic abuse where, despite the abuse and the ongoing risk of abuse, a victim often is compelled or lured by emotional, psychological, family, shelter or financial reasons to remain in a dangerous relationship. Additionally, [the wife’s] Indigenous status, and living in a community so under-serviced and isolated as St. Theresa Point First Nation, heightened her vulnerability to spousal violence.”³³²

A study examining IPV in the Pimicikamak Cree Nation of Cross Lake, which is 520 kilometres north of Winnipeg and has 8,380 inhabitants, further illustrates these barriers.³³³ This study confirmed that women experience more serious and repeated IPV than men.³³⁴ Despite community efforts to address IPV, the lack of effective

prevention programs has further compounded the problem.³³⁵ Of the fourteen IPV survivors interviewed, only one reported her case to the local police.³³⁶ The remaining participants cited a range of reasons for avoiding police involvement, including personal embarrassment, fear of retaliation, economic dependency on the abuser, ineffective police intervention, wanting to maintain the privacy of the family, victim-blaming attitudes, and lack of understanding from support services.³³⁷ The study also emphasized that the absence of even a single safe house or temporary accommodation for women and children fleeing violence remains a common reality in many RRN regions in Manitoba.³³⁸

B. PAPO, NO-CONTRACT ORDERS, AND RRN REGIONS IN MANITOBA

Even after overcoming the challenges to seek help outlined in the previous section, victims of IPV may continue to face additional barriers when seeking a protection or preventative order. These barriers can vary depending on whether the individual applies directly to the courts or remains in their residence within the RRN region and seeks assistance through the police. First, when victims of IPV go to the court building to complete the PAPO form on their own, a process applicable to all IPV victims, they may encounter a range of challenges. For instance, in 2022, an IPV victim who had fled from Northern Manitoba was initially denied a protection order when she applied for it on her own at the Court.³³⁹ However, when she later received assistance from the YMCA to complete the application, the protection order was granted.³⁴⁰ She spent the entire day working with the YMCA staff member who helped her complete the protection order form and prevent another

³²⁵ Katie Edwards, “Intimate Partner Violence and the Rural-Urban-Suburban Divide: Myth or Reality?” (2015) 16:3 *NIH* 359 at 360.

³²⁶ Megan Wrathall & Rachel Herron, “Coping with and Responding to Challenges: A Comparative Case Study between Service Providers Supporting Those Experiencing IPV” (2018) 29:1 *Guelph J* 1 at 1.

³²⁷ Government of Canada, *Shelter Capacity Report 2024* online: <<https://housing-infrastructure.canada.ca/homelessness-sans-abri/reports-rapports/shelter-cap-hebergement-2024-eng.html>>

³²⁸ Tara Mantler et al., “Resilience is more than Nature: An Exploration of the Conditions that Nurture Resilience Among Rural Women who have Experienced IPV” (2022) 7:1 *J Fam V* 1 at 2.

³²⁹ Susan Miller & Nicole Smolter, ““Paper abuse”: When all else fails, batterers use procedural stalking.” (2011) 17:5 *Violence Against Women* 637 at 637.

³³⁰ *Ibid.*

³³¹ *Wood, supra* note 62.

³³² *Ibid* at para 48.

³³³ Goulet, *supra* note 224 at 1.

³³⁴ *Ibid.*

³³⁵ *Ibid.*

³³⁶ *Ibid* at 12.

³³⁷ *Ibid.*

³³⁸ *Ibid* at 14.

³³⁹ House of Commons, Standing Committee on Justice, 43:1 (10 October 2024) at 20:10 (Amy Danielson).

³⁴⁰ *Ibid.*

technicality.³⁴¹

One significant hurdle for IPV victims who go to the Court alone to seek a protection order is the lack of assistance or emotional support during the process. Also, it is “*really difficult because you don’t know how to articulate the level of fear that you have [in the protection order]*.”³⁴² IPV victims are often left isolated – completing the form and recounting their experiences entirely on their own.³⁴³

Second, other IPV victims in RRN communities learn about and pursue PAPO only through contact with law enforcement. However, initiating this process carries heightened risk, as IPV victims will more than likely trigger a criminal justice intervention to obtain a civil remedy.³⁴⁴ This is due to Manitoba’s mandatory charging and no-drop prosecution policies towards IPV.³⁴⁵ While involving law enforcement can offer benefits, such as a greater likelihood of effective response when a protection order is in place,³⁴⁶ this pathway can exclude survivors who either cannot or do not wish to involve police, effectively limiting their access to protection.

In some cases, then, living in RRN communities undermines the very purpose of a PAPO. These orders have a civil character: they enable people to seek the protections they want when they want them, without having to rely on law enforcement.³⁴⁷ This civil character is essential to their value. They are not supposed to require the petitioner to accept the risks and hardships of the criminal justice system.

However, also complicating matters is that IPV victims living in RRN communities may not always benefit from PAPO. Rural women report more violations of protection orders than urban women.³⁴⁸ Also, an order for exclusive possession of the family home can assist an IPV victim struggling with housing issues. Still, this remedy may not

adequately address their safety needs and may not be realistic as a long-term solution if the survivor cannot afford the monthly rent or mortgage payment. Women in RRN regions frequently rely financially on their partners, and RRN regions have a lack of jobs.³⁴⁹ The perpetrator can also easily find the victim. In these situations, the woman should consider obtaining safe, secure housing before making any court applications.

The Role of the Judicial System and Enforcement

The judicial system plays a critical role in responding to IPV principally through the criminal justice system, family law, and/or child welfare jurisdictions. In response to IPV, federal and provincial governments, including Manitoba, have introduced specialized domestic violence courts.³⁵⁰ These courts represent an innovation in access to justice programs for IPV cases, relying on trained judicial officers and providing safety and support services.³⁵¹ Specialized courts enhance the possibility of consolidating all matters and proceeding on the full range of offences rather than fragmenting cases throughout the system.³⁵²

Despite these reforms, and as highlighted in the preceding discussions of Manitoba’s RRN communities, immigrant women, Indigenous women, and their children, some survivors of IPV continue to report negative experiences when interacting with the legal system. These difficulties also can extend beyond obtaining a PAPO and reflect broader systemic shortcomings in how the justice system assesses risk, understands IPV dynamics, and prioritizes survivor and child safety.

These deficiencies are illustrated in the highly publicized case of Keira Kagan. In February 2020, four-year-old Keira was the victim of a murder-suicide in Milton, Ontario,

³⁴¹ *Ibid.*

³⁴² *Ibid* at 21:30 (Stacey Soldier).

³⁴³ *Ibid.*

³⁴⁴ Martin, *supra* note 16.

³⁴⁵ DOJ Guideline, *supra* note 98.

³⁴⁶ Martin, *supra* note 16.

³⁴⁷ *Ibid.*

³⁴⁸ T.K. Logan et al., “Rural and urban women’s perceptions of barriers to health, mental health, and criminal justice services: Implications for victim services” (2004) 19:1 *Violence and Victims* 37 at 38.

³⁴⁹ *Ibid.*

³⁵⁰ DOJ Guideline, *supra* note 98.

³⁵¹ Leslie Tutty et al., “The Justice Response to Domestic Violence: A Literature Review” (2008) *RESOLVE* 1 at 24.

³⁵² *Ibid.*

while in the unsupervised custody of her father, Robin Brown.³⁵³ In the years leading up to her death, Keira's mother, Dr. Jennifer Kagan, experienced multiple types of IPV, including physical violence and coercive control by her ex-husband, Mr. Brown.³⁵⁴ However, when Dr. Kagan went to the stand to talk about the abuse she had experienced, she was cut off by the judge and told that abuse is not relevant to parenting and that he was going to ignore it.³⁵⁵ In 2018, despite the court having found that IPV occurred in the past, the judge found that the history of abuse towards Keira's mother was not relevant to the custody of Keira and the parenting abilities of Mr. Brown. The judge stated, "*I am of the view that there is no risk to Keira. She has been with her father for 8 hours per day, 3 days per week, for almost 2 years, and has had overnight visits. She has no fear of her father. There is no evidence of any abuse.*"³⁵⁶ Tragically, an emergency motion suspending the custody arrangement had been sought and subsequently adjourned to the Monday following her death.

Children's safety is at risk when a parent is abusive towards the other parent and has joint custody or unsupervised rights to the couple's children.³⁵⁷ Such inefficient treatment of IPV victims, including children, in court proceedings is especially concerning in Manitoba, a province which is among the highest rates of IPV in Canada and the highest rate of firearm-related homicides nationwide.³⁵⁸ Notably, where a Justice of the Peace determines that there is a risk of harm to the victim or their children, a protection order may include a requirement that the respondent surrender to a peace officer any firearms and ammunition in their

possession.³⁵⁹

Nationally, Keira's Law came into effect on May 27, 2023, having received unanimous support from the House and Senate.³⁶⁰ The focus of the Bill is education for federally appointed judges on domestic violence and coercive control.³⁶¹ This includes judges of the Supreme Court of Canada, the Court of Appeal, and the Court of King's Bench, which in Manitoba is responsible for civil actions, small claims, family court, and the most serious indictable criminal offences.

Manitoba's Bill 209³⁶² is targeted at all provincially appointed judges, magistrates, and justices of the peace (JPs), who, collectively, are responsible for most criminal cases, bail hearings, and protection order applications. This legislation would expand education topics and requirements for judges and JPs in the areas of IPV and coercive control.

While judicial education is important, there are a few issues with this Bill. Judges of the Provincial Court of Manitoba are already provided education on IPV and coercive control.³⁶³ Education is provided to judges of the court through the court's education committee and individual judges' education plans.³⁶⁴ Education is also offered through the National Judicial Institute and the Canadian Association of Provincial Court Judges.³⁶⁵ Any legislative influence over judicial education is problematic because it risks harming public perception of judicial impartiality and neutrality.³⁶⁶ It may be seen as the legislature trying to influence judicial decision-making, which is an intrusion into judicial

³⁵³ Keira's death was reviewed by Ontario's Domestic Violence Death Review Committee (DVDRC). That report was released on February 8, 2023, three years after her death. The Committee concluded that the death was both predictable and preventable. Twenty-two risk factors were identified. Only seven risk factors are required to trigger a conclusion that there is a high risk of death. See: Pamela Cross, "A Damning Report- Part 1" (February 2023), online: <<https://pamelacross.ca/a-damning-report-part-one/>>.

³⁵⁴ House of Commons, Standing Committee on the Status of Women, Evidence, 44-1, No 018, (06 May 2022) at 1305 (Dr. Jennifer Kagan). Also see: Farrah Merali, "Keira Kagan's legacy lives on in bill to expand education for judges on domestic violence", (12 February 2022), online: CBC News <<https://www.cbc.ca/news/canada/toronto/keiras-law-introduced-in-house-of-commons-1.6348729>>.

³⁵⁵ *Ibid.*

³⁵⁶ *Brown v. Kagan*, 2018 ONSC 564 at para 184.

³⁵⁷ *Divorce Act*, *supra* note 6 at s.2, s.7.8, s.16 (3)(j)(i), and 16(4). Also see: Barendregt v. Grebliunas, 2022 SCC 22 at paras 141-146 and 150.

³⁵⁸ Statistics Canada, "Homicide Trends in Canada, 2022", (2023) online: <https://www150.statcan.gc.ca/n1/daily-quotidien/231129/dq231129b-eng.htm>.

³⁵⁹ *DVSA*, *supra* note 18 at s. 7(1)(g)(i).

³⁶⁰ Bill C-233, *supra* note 97. The bill was the result of the sustained and powerful advocacy of Keira's mother, Jennifer Kagan and Keira's stepfather, Philip Viater.

³⁶¹ *Supra* note 354.

³⁶² Bill 209, *The Provincial Court Amendment Act* (Expanded Training for Judges and Judicial Justices of the Peace, 1st Sess, 43rd Parl, 2024).

³⁶³ *Supra* note 339 at 19:40 (Susan Dawes).

³⁶⁴ *Ibid.*

³⁶⁵ *Ibid.*

³⁶⁶ *Ibid.*

independence.³⁶⁷ The principles of judicial independence require that control of judicial education rest with the judicial branch of government, specifically the chief judge, in consultation with the judiciary as a whole.³⁶⁸

Education should also be provided based on proven models of risk assessment, prevention, early intervention, investigation, and evidence collection for all members of law enforcement, the judiciary, children’s aid workers, and custody assessors. Moreover, not all judges need the same level of education, and that should be the role of the judiciary to decide who needs what level of education and which aspects of IPV and coercive control education.

Further, the Manitoba government should be looking into adequate funding for judicial education, which is currently inadequate.³⁶⁹ Also, judicial education takes judges out of the courtroom. As a result, the Manitoba government must ensure adequate numbers of judges so that education does not impact the court’s ability to provide timely administration of justice.³⁷⁰ For at least some of these reasons, Bill 209 and, subsequently, Bill 41 were introduced but were recently defeated.³⁷¹

The justice system through PAPOs, no-contact orders, and peace bonds form only part of the potential response to IPV and do not constitute a comprehensive solution for victims. As this review demonstrates, these legal mechanisms frequently fail to provide meaningful protection not only because of gaps in judicial understanding of IPV and coercive control, but also due to inconsistent monitoring, enforcement, and follow-through once orders are issued. While judicial education has been proposed as an important measure to improve the appropriate and timely use of protective orders, education alone is insufficient. Effective protection equally depends on robust enforcement by law enforcement and justice system actors, including prompt service of orders, monitoring of compliance, and swift

consequences for breaches. Without coordinated enforcement, even well-informed judicial decisions risk becoming symbolic rather than protective, leaving IPV survivors and their children exposed to ongoing harm.

Conclusion

The literature demonstrates that for Indigenous people, intergenerational trauma, loss of their identity, and a lack of economic opportunities have led to substantial rates of violence against them, and specifically against Indigenous women. Before contact, Indigenous women were seen as leaders and held in high regard; now, they face rates of violence and murder that are much higher than their non-Indigenous counterparts. For immigrant women, the obstacles are similar but come from their intersecting identities; the layers of their identity contribute to their vulnerability to experiencing IPV. As well, they are significantly susceptible to structural violence and cultural shaming. For individuals living in rural communities, barriers include geographic isolation, limited services, undertrained justice systems, and complex intersectional vulnerabilities—particularly for Indigenous and 2SLGBTQIA+ women. Although protection orders are meant to provide a civil legal remedy without requiring police involvement, in many RRN communities, access remains dependent mainly on law enforcement, creating further risks and excluding many survivors from this protection.

The groups listed above are not all oppressed or affected in the same way or to the same degree. However, oppression and abuse in any form have the potential to be prevented, especially when resources and individuals are available to help bridge the gap and address these disparities within our system. To effectively bridge such a gap, the legal professionals who support or advocate for such groups must obtain the appropriate training. Without the correct education, these professionals risk exacerbating the problem or missing clear signs of FV. Protection orders have been underutilized or unjustly

³⁶⁷ *Ibid.*

³⁶⁸ *Ibid.*

³⁶⁹ *Ibid.*

³⁷⁰ *Ibid.*

³⁷¹ Cindy Lamoureux, “The Winding Journey of ‘Keira’s Law’” Winnipeg Free Press (5 March 2025), online: <<https://www.winnipegfreepress.com/our-communities/correspondents/2025/03/05/the-winding-journey-of-keiras-law>>.

denied across these groups. Enhancing education and awareness among vulnerable and marginalized groups can help close that gap.

Conclusion

This literature review explores protection and prevention orders and peace bonds and details the application process for each order. It also examines the intersection of protection orders with firearms and discusses issues related to their enforcement or the absence of such enforcement.

In Part 1, we introduced IPV and how it operates in Canada. Increasingly, IPV has been recognized as a broad societal issue rather than a private household problem; research and policies recognize that addressing IPV requires understanding the various levels of prevention.³⁷² In fact, the Centre for Disease Control and Prevention, in a study released in 2017, suggests that there is a combination of individual, relational, community and societal factors that contribute to being at risk of IPV as both a perpetrator and a victim.³⁷³

In Part 2, we presented national and provincial approaches to IPV. The literature indicates that the criminal justice system can hold offenders accountable through serious consequences like imprisonment. Additionally, it considers how men and children, often overlooked demographics in such a review, engage with these legal protections. However, due to jurisdictional differences, there remain inconsistencies in how IPV is addressed across the country.³⁷⁴

In Part 3, we analyzed Manitoba's response to IPV, focusing on its effect across the province's diverse populations. The literature examines how women, Indigenous women, and newcomers in Manitoba

experience barriers to accessing PAPOs. It also assesses awareness and availability of PAPOs in rural, remote, and Northern regions, identifying location-specific obstacles. To comprehensively address diversity within the province, we attempted to review literature on 2SLGBTQIA+ communities. However, our search uncovered a significant gap – there is no existing literature on protection orders for 2SLGBTQIA+ individuals in Manitoba. Despite this, a research study by Resolve and the Rainbow Resource Centre on IPV in 2SLGBTQIA+ communities across the Prairie provinces helped to bridge this gap.³⁷⁵ Across Manitoba, Alberta, and Saskatchewan, participants consistently reiterated that they faced various forms of abuse, including physical, emotional, psychological, sexual, financial, and spiritual abuse, as well as coercive control and life-threatening violence. Specifically, participants disclosed that they faced abuse related to their gender identity and sexual orientation, such as perpetrators threatening to “out” survivors' identities to control them.³⁷⁶

As noted in the literature, individuals who require protection orders frequently belong to the most underserved and structurally disadvantaged populations. Jurisdictional initiatives, such as those undertaken in Ontario to improve access to justice and facilitate navigation of legal processes to obtain such orders, present a replicable model that could be effectively adapted for implementation in Manitoba. Ontario's initiative simplifies the court process for obtaining protection orders through a system called “Family Law Guided Pathways.”³⁷⁷ This is an online service that asks

³⁷² *Supra* note 261.

³⁷³ *Ibid.*

³⁷⁴ Jennifer Koshan et al., “Domestic Violence and Access to Justice: A Mapping of Relevant Laws, Policies and Justice System Components Across Canada” (2020) CanLII at 2.

³⁷⁵ Ashley Haller et al., *Examining the Nature & Context of Intimate Partner Violence in 2SLGBTQ+ Communities* (2022), online: RESOLVE Network <umanitoba.ca/sites/resolve/files/2022-10/2SLGBTQ+>.

³⁷⁶ *Ibid.*

³⁷⁷ This link <<https://www.ontario.ca/page/getting-restraining-order>> takes you to a direct guide on how to file for a protection order in Ontario (listed as a restraining order). It includes links to more information, legal services, support

you a series of questions, which directly inputs your answers into the required court forms.³⁷⁸ These pathways are free to use and simplify otherwise complicated and confusing court forms, thereby removing a barrier to accessing PAPOs.

Further, the Supreme Court of Canada is currently considering *Ahluwalia v. Ahluwalia*³⁷⁹ and is tasked with determining whether tort law should recognize a new tort³⁸⁰ of family violence. In this case, Mr. Ahluwalia abused Mrs. Ahluwalia throughout their sixteen years of marriage; he was emotionally and physically abusive and maintained complete financial control over the household.³⁸¹ During the divorce proceedings, Mrs. Ahluwalia asked for spousal support, child support, property equalization and damages for the abuse she faced during the marriage. The trial judge awarded compensatory and aggravated damages by creating a tort for family violence. The judge's reasons for creating this tort are as follows:

[46] The *Divorce Act* does not provide a victim/survivor ("survivor") with a direct avenue to obtain reparations for harms that flow directly from family violence and that go well-beyond the economic fallout of the marriage: see *Leitch v. Novac*, 2020 ONCA 257, 150 O.R. (3d) 5. In unusual cases like this one, where there is a long-term pattern of violence, coercion, and control, only an award in tort can properly compensate for the true harms and financial barriers associated with family violence. The no-fault nature of family law must give way where there are serious allegations of family violence that create

workers, and to the Family Guided Pathways site. This initiative was created in partnership with CLEO, which is Ontario's community legal education centre. Most provinces have a similar centre, Manitoba's is called CLEA (Community Legal Education Association).

³⁷⁸ *Ibid.*

³⁷⁹ *Ahluwalia v. Ahluwalia* 2023 ONCA 476.

³⁸⁰ A tort is a civil wrong where one person causes some sort of harm or loss to another person, they are known as the tortfeasor. The person who suffers the harm, known as the plaintiff/victim/injured party, can then pursue a legal remedy against the tortfeasor through a civil lawsuit.

³⁸¹ *Supra* note 379.

³⁸² The interveners include: Attorney General of Canada, Attorney General of British Columbia, Raoul Wallenberg Centre for Human Rights, South Asian

independent, and actionable harms that cannot be compensated through an award of spousal support: "Intimate relationships and spousal status are not a shield from tort liability. It would be wrong to suggest that the law should allow intimate partners to commit actionable wrongs with impunity," *G. (M.H.) v. B. (R.J.)*, 2021 ONSC 4308 at paras. 36-42.

[47] Allowing a family law litigant to pursue damages for family violence is a matter of access to justice. It is unrealistic to expect a survivor to file both family and civil claims to receive different forms of financial relief after the end of a violent relationship. That said, I agree with McLeod J. in *G. (M.H.)* that it is incumbent on case management judges faced with tort claims in a family law context to ensure that the claim is genuine at the pleadings stage, and to find efficiencies, reduce duplication, and make a presumptive order for trial together. Here, all those steps were taken by Price J. in March 2021 at the joint settlement/trial management conference.

At the time that this review is being written, the SCC has heard submissions on the matter but has not yet rendered a decision. Interestingly, besides the applicant and respondent, numerous other parties have applied as interveners in the matter to support the acceptance of such a tort.³⁸² The recognition and support for this tort highlight the critical gap in the availability of reparations

Legal Clinic of ON, South Asian Legal Clinic of BC and South Asian Bar Association of Toronto, DisAbled Women's Network of Canada (DAWN Canada), Provincial Association of Transition Houses and Services of Saskatchewan ("PATHS"), Women's Legal Education and Action Fund Inc., Barbra Schlifer Commemorative Clinic, Registered Nurses Association of Ontario, Justice for Children and Youth, Luke's Place Support and Resource Centre for Women and Children, Action ontarienne contre la violence faite aux femmes, Sandgate Women's Shelter of York Region, National Association of Women and the Law, West Coast Legal Education and Action Fund Association and Rise Women's Legal Centre, Battered Women's Support Services Association, and Tort Law and Social Equality Project.

for survivors of IPV³⁸³ across Canada. Despite growing awareness of the pervasive impacts of such violence, many survivors continue to face significant barriers in seeking justice and obtaining meaningful redress through the existing legal framework.³⁸⁴ The development of this tort underscores the inadequacies within current legal responses. It reflects a broader need for civil remedies that acknowledge the harm suffered and provide avenues for accountability and compensation.³⁸⁵ As such, this evolving area of tort law represents an important step toward addressing the longstanding deficiencies in the legal system's response to the complex and lasting effects of IPV.

³⁸³ Though the tort is called the family violence tort, it would include IPV regardless of if children are involved.

³⁸⁴ Battered Women's Support Services, "Supreme Court Case Ahluwalia v. Ahluwalia Could Transform Legal Protections for Survivors of Intimate Partner Violence- BWSS Granted Leave to Intervene" (10 February 2025), online:

<bwss.org/supreme-court-case-ahluwalia-v-ahluwalia/>; West Coast Leaf, "Ahluwalia v. Ahluwalia" (2024), online: <westcoastleaf.org/work/ahluwalia-v-ahluwalia-2024>.

³⁸⁵ *Ibid.*