



## Research Trends and Implications for Practice: The State of Alberta's Children



**ACWS**  
Alberta Council of  
Women's Shelters



# Alberta Council of Women's Shelters

## ACWS BELIEVES

- in empowerment for women and the equal worth of all persons
- in the strength of numbers working together for a common mission
- that the issues of violence and abuse are the responsibilities of the legal, community, social and political structures

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# **Research Trends and Implications for Practice:**

October 2007



# I. Introduction

The true measure of a nation's standing is how well it attends to its children.

UNICEF, *Innocenti Research Centre*, 2006

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

*UN Convention on the Rights of the Child*, Article 3(1).

Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms...

*Beijing Platform for Action* adopted at the Fourth UN World Conference on Women, 1995 (paragraph 112).<sup>1</sup>

## Background

In today's Canada the United Nation's *Convention on the Rights of the Child (CRC)* receives uneven implementation and it is still not incorporated into domestic law. In today's Canada child poverty, violence against children and the discrimination of Aboriginal children are key issues in need of resolution. These realities are linked; Canada's children are not benefiting from the rights and freedoms guaranteed to them under the *CRC*. It is time for Canada and the provinces to frame policies that will bring all levels of government into compliance with this document and to establish a body with authority to oversee the process.



The Alberta Council of Women's Shelter's (ACWS) investigation into the state of Alberta's children, framed within the larger context of the Canadian environment, has confirmed our belief that international instruments are an important foundation upon which to evaluate Canada's care for children.

The UN's *CRC* gives Alberta's children a globally accepted understanding of the essential issues. Article 19 guarantees a child's right to freedom from abuse and neglect by any party; Article 18 outlines the state's responsibility to ensure that children have the right to benefit from childcare services and facilities: these statements are foundational for our work.

Our effort on behalf of children is contained within the mandate of ACWS to serve as the collective voice of the 41 women's shelters in Alberta. Nearly 50% of all residents in these shelters are children; similarly, some 50% of those turned away are children, too.<sup>2</sup>

<sup>1</sup> ACWS believes that one of the best ways to keep children thriving and healthy is to help their mothers achieve the same. Therefore, in this report, citations to the *CRC* will be followed by international agreements concerning women's rights.

<sup>2</sup> ACWS data, based on the 2006 – 2007 fiscal year shelter reports. More explanation is provided as to how ACWS collects shelter data, later in this report.



ACWS works hard to assist shelters in acquiring adequate resources; to produce action based research that impacts policy and systems development; to increase public awareness about the complexities of family violence; and to provide professional development for the women's emergency, second stage and seniors' shelters in Alberta. The vision that drives this work is one of social justice: to assist those fleeing violence to places of safe haven.



ACWS believes that how we, as a society, treat the weakest and most vulnerable among us is a very good indicator of over-all social health. To provide well for our children, in the spirit of *the best interests of the child*, is a microcosm of care for larger social issues that impact us all. We become active in creating social well-being as we attend to those among us at greatest risk. Viewed this way, it becomes an obligation to respond to the rights of children; it is not an act of charity. The aim of our work at ACWS is to help all decision-makers and stakeholders involved to frame and implement strategies for the protection of children's rights and the prevention of violence against children. We locate our part in this effort in the work we do with Alberta's shelters.

**In Canadian society, we have normalized the risk to Aboriginal children. We no longer question the fact that 30 per cent of the kids in child welfare care are Aboriginal, or that 50 percent of the young people who are being sexually exploited are Aboriginal. . . . We have normalized it, which has taken away from the tragedy that it is. Each one of these young people should be given a full opportunity to make a difference.**

Cindy Blackstock, cited in  
*Children: the silenced citizens*, p.172.



## II. The protection of children against discrimination and all forms of neglect and exploitation



State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

*UN CRC, Article 19(1).*

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted [her] by the constitution or by law.

*Universal Declaration of Human Rights, Article 8.*

Develop, in a comprehensive way, preventive approaches and all those measures of a legal, political, administrative and cultural nature that promote the protection of women against any form of violence, and ensure that the re-victimization of women does not occur because of laws insensitive to gender considerations, enforcement practices or other interventions;

*Declaration of the Elimination of Violence Against Women, Article 4(f).*

### Something to consider: child labor in Alberta

Canada has yet to ratify one of the fundamental conventions on child labor (*ILO Convention No. 138 Concerning Minimum Age for Admission to Employment*). Alberta has recently passed legislation to permit children as young as 12 to be employed. Between 2000 and 2004, 12 workers between the ages of 12 and 19 were killed on the job in Alberta. Note that only British Columbia shares a similar starting age for labor.

### Minimum ages according to ILO Convention No. 138

| Category of Work     | In General  | Where the Economy and Educational Facilities are Insufficiently Developed |
|----------------------|---|---|
| General minimum wage | Not less than the age of completion of compulsory schooling, and in any case not less than 15 years | Not less than 14 years for an initial period                              |
| Light work           | 13 years  | 12 years  |
| Hazardous work       | 18 years<br>(16 under certain strict conditions)  | 18 years<br>(16 under certain strict conditions)                          |

ILO/IPEC (2004). *Global Child Labor Trends 2000 – 2004*. Geneva, International Program on the Elimination of Child Labor, ILO.



## The Issue:

In its final report *Children: the Silenced Citizens*, the Standing Senate Committee on Human Rights identifies the following shortfalls in Canada's approach to children's rights and particularly the implementation of the *CRC*:<sup>3</sup>

- Jurisdictional complexities
- Absence of effective institutions
- Uncertain approach to human rights law
- Lack of transparency and political involvement

Given this assessment, it is not surprising that Canadian compliance with the *CRC* falls short, especially for the most vulnerable among us, Aboriginal children.



In fact, Aboriginal children living in homes with violence in remote and often under-serviced reserves could well be the most pressing and needful group at risk of crime and victimization. It is also not surprising that there is a need in Canada for increasing public awareness of this instrument and building capacity for rights-based approaches to policy development and program implementation for children.



Ratification of the *CRC* was simply Canada's first step towards ensuring thriving lives for the children living in this country. If this dream is to become a reality, mechanisms must be put in place that will guarantee the democratic realization of *CRC* values in the day-to-day lives of children, wherever they live and whatever their cultural background. And Canadian government systems must be held accountable for achieving these results. As the information provided below discloses, the prevalence of domestic violence in Alberta and Canada indicates a serious social issue in need of intervention.

<sup>3</sup>Raynell Andreychuk and Joan Fraser, chairs. *Children: The Silenced Citizens: Effective implementation of Canada's international obligations with respect to the rights of children, Final Report of the Standing Senate Committee on Human Rights*, April 2007, p.xiii.





## The Current Situation:

In Alberta, domestic violence crime indicators are provincially among the highest in Canada. Alberta leads in domestic assault, homicide-suicide, stalking and is second in domestic homicide.<sup>4</sup> ACWS research indicates that in Alberta, from 2000 – 2006, over 170 homicides were identified as domestic related. This is a conservative estimate, yet represents about one third of all homicides in the province. When these crime statistics are placed alongside other provincial demographics the situation is truly alarming. Consider, for instance, such factors as Alberta's current economic boom; the lack of housing and affordable housing; a population growth of five times the national average; the highest rate of young men under the age of 30 or employees with less than one year of service seeking help for addictions at twice the national average.<sup>5</sup> The impact of these realities on Alberta's families is enormous and the infrastructure is simply not in place to the extent that it is needed, to provide immediate and effective interventions.

The situation across Canada is additionally sobering. One in four Canadian women is a victim of domestic violence; 51% have experienced either physical or sexual assault since the age of 16; they are 7 times more likely to be killed by an intimate partner than by a stranger; and finally, 21% of abused women were assaulted during pregnancy.<sup>6</sup>

The condition for Canada's Aboriginal women, especially when compared with non-Aboriginal, is unacceptable: they are 3 times more likely to be victims of family violence and they have 9 times higher spousal homicide rates. The rate of violent crime on reserve is substantially higher than the rest of Canada: 8 times higher assaults, 7 times higher sexual assaults and 6 times higher homicides. Finally, 75% of survivors of sexual assaults in Aboriginal communities are young women 18 years of age or younger. Of these, 50% were under 14 years of age and 25% were under 7 years of age when they were assaulted. 90% of federally sentenced Aboriginal women were physically or sexually abused at one time, as compared with 82% non-Aboriginal women inmates.<sup>7</sup>

Moreover, from a human rights perspective, Aboriginal women are at higher risk in Canada, because they do not share the same legal protection as non-Aboriginal women. Their rights are not secured under the Canadian Charter. The UN *Convention to Eliminate Discrimination Against Women* (CEDAW) Committee recommended the federal government accelerate efforts:<sup>8</sup>

- to eliminate discrimination against Aboriginal women
- to remove remaining discriminatory legal provisions
- to provide equal enjoyment of their human rights to education, employment and physical and psychological well-being

Yet, we have seen little change in government policy or provision to Aboriginal women in the four years since this assessment was made.

<sup>4</sup> See Statistics Canada, *Family Violence in Canada: A Statistical Profile 2005*, Catalogue no. 85-224-XIE, July 2005.

<sup>5</sup> Sarah O'Donnell, "Alberta Workers lead nation in seeking help," *Edmonton Journal*, B10, 2 June 2007.

<sup>6</sup> All national data is from Statistics Canada, *Family Violence in Canada: A Statistical Profile*, 2005 or 2006.

<sup>7</sup> This data is taken from the Native Women's Association of Canada, *Violence Against Aboriginal Women and Girls: an issue paper*, June 2007, p.5.

<sup>8</sup> CEDAW, 28<sup>th</sup> Session, 13-21 January 2003, paragraph 362. It should be noted that Canada ratified CEDAW in 1981.



It becomes clear from these demographic descriptions of Alberta and Canada that violence against women is a serious social reality. What, then, is the impact on Canada's children? What is the life trajectory for children who have been exposed to violence perpetrated against their mothers?

Across Canada, children and youth *are more at risk* of physical and sexual assault than are adults. Every 15 minutes, a child in Canada is assaulted by a family member. Family violence victim reports identify that 57% of Aboriginal children are exposed to family violence. Abuse and neglect are two core reasons why Canadian youth leave their homes to live on the streets. Nearly 70% of homeless youth have experienced some form of sexual, physical or emotional abuse.<sup>9</sup> Conservative estimates suggest that one million children will witness violence against their mother each year.

A profile of prevalent child abuse, by age range, looks like this:

| <b>A Girl in Canada</b>                         | <b>A Boy in Canada</b>                            |
|---|---|
| Under 18 years: greatest risk of sexual assault | Under 18 years: greatest risk of physical assault |
| 0 – 9: physical assault                         | 0 – 3: physical assault                           |
| 9 – 13: sexual assault by parent/family         | 4 – 8: sexual assault by parent/family            |
| 12 – 15: emotional abuse                        | 8 – 11: physical assault by family                |
| 16 and older: sexual assault by spouse          | 15 and older: assault by family and others        |

Data compiled from Statistic Canada, *Family Violence in Canada*, 2006, p.30ff.

In schools, up to 30% of children who have witnessed violence in their homes bring this pain with them into their classrooms. In fact, 63% of adolescent sex offenders witnessed family violence during childhood. The highest rate of sexual offending is perpetrated by males, 13 – 17 years of age.



For the abused child in Canada, the trajectory is an unhappy one. Sexual assaults against children and youth by a family member overwhelmingly involved a male relative (97%), whereas 73% of physical assaults were perpetrated by a male relative.<sup>10</sup> In terms of the risk factors contributing to delinquency, parental violence and child abuse are key relationship dynamics that may facilitate a pattern of criminal behavior. In terms of social-based risk factors, norms supportive of violence may do the same.<sup>11</sup>

<sup>9</sup> See the Youthworks Initiative for this data: [www.raisingtheroof.org](http://www.raisingtheroof.org), July 2007.

<sup>10</sup> See Statistics Canada, *Family Violence 2006*, p.32.

<sup>11</sup> See Holly Johnson, "A picture of crime in Canada," Human Resources and Social Development Canada, 2006.



**Risk factors contributing to delinquency:**

|                         | <b>Individual</b>   | <b>Relationship</b>  | <b>Community</b>  | <b>Society</b>   |
|-------------------------|---|--|---|--|
| Prenatal                | Substance abuse by mother<br><br>Poverty and teen pregnancy   | <b>Partner violence</b>  | Low community support for high risk mothers   | Policies supportive of economic inequality   |
| Childhood / Adolescence | Poor readiness to learn<br><br>Poor social skills, impulsive, hyperactive<br><br>Alcohol and drug abuse | Low family income<br><br>Poor parenting<br><br><b>Parental violence</b><br><br><b>Child abuse</b><br><br>Low school attachment<br><br>Delinquent peers | Low community resources for children and families<br><br>Quality / safety of neighborhood<br><br>High mobility<br><br>Low social cohesion | Social exclusion<br><br>Policies regarding school expulsion<br><br><b>Norms supportive of violence</b> |

Holly Johnson. "A picture of crime in Canada.", HRDSC, 2006.

Clearly, Canadian research indicates that children who have been exposed to family violence (CEFV) are more vulnerable than others to delinquency. This fact is supported by the global research and experience accumulated by Save the Children. In their recent report, *The Right Not to Lose Hope*, they identify that "more often than not," children at risk of becoming involved with the law have endured poverty, marginalization, a pattern of violence or neglect in the family or community, a failure in the child's care and protection support mechanisms and other issues.<sup>12</sup> These factors work against healthy integration into social systems and may weaken a child's resiliency.



<sup>12</sup> Save the Children, *The Right Not to Lose Hope: Children in conflict with the law – a policy analysis and*



Family violence has a ripple affect that cannot be ignored. In a recent RCMP environment scan, *Youth and Gangs*<sup>13</sup>, early identification of youth-at-risk is considered a critical preventative factor to keep children safe from gang influence. This report suggests:

- Typical age range for gang members is 11 to 15 years
- Firearms usage is increasing among gangs:
  - Toronto doubled its number of gun-related homicides in one year
  - 2400 Toronto high school students carried a gun at least once (2004)
- Inter-generational transfer of violence is a risk factor
- Number of gang-related homicides in Alberta doubled from the previous year (2004)

In today's world there is a new frontier of abuse that is changing the nature of how children are placed at risk which includes gang behavior and influence. The Internet and new technologies (cell phones and web cameras) are the new sites of bullying, stalking, sexual abuse and pornography. A recent survey of Canadian youth disclosed that: 46% had experienced unwanted sexual advances and sexually inappropriate discussions in chat rooms; 43% were e-approached for personal information; and 25% received hateful emails.<sup>14</sup> As well, the RCMP study indicates that the internet has a well-established gang presence and is the place where "netbanging" occurs. This refers to communicating gang activity, recruitment, and provoking hostility between rival gangs.<sup>15</sup>

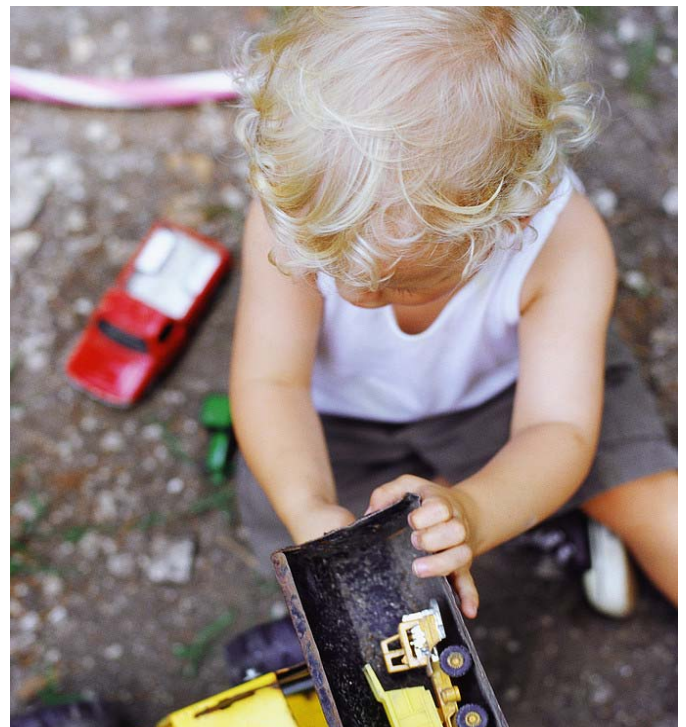
<sup>13</sup> RCMP Environment Scan, *Youth and Gangs*, 2006.

<sup>14</sup> Senate report, *Children: the Silenced Citizens*, p.72.

<sup>15</sup> RCMP, *Feature Focus: Youth, Gangs and Guns*, 2006, p.8.

Canada is proving to be ill-equipped to respond to this new frontier of abuse and terror and therefore failing to provide children with adequate protection. According to the World Health Organization (WHO), Canada ranks as 26<sup>th</sup> and 27<sup>th</sup> of 35 countries in terms of measures in place to deal with bullying and victimization.

In every way, family violence is expensive. The emotional cost to the lives affected and the impact for children exposed to family violence are incalculable. As the table below outlines, the financial costs can be assessed; estimates of violence against women are placed at \$4.2 billion. This includes expenses associated with medical and criminal justice services, lost productivity, shelters and other services. The economic cost of child abuse to victims and adult survivors is estimated to be at \$15 billion, with \$11 billion associated with lost earning alone. Nearly 50% of all violent crimes before the courts are family violence related.





| <b>Economic costs of violence against women</b> |  |   |                             |
|---|--|---|-----------------------------|
| <b>Author</b>                                   | <b>Focus of cost estimate</b>  | <b>Cost estimate<br/>(single year)</b>  | <b>Geographic area</b>      |
| Day 1995  | Medical, dental, lost productivity, drug and alcohol abuse, shelters and other services  | <b>1.5 billion dollars</b>  | Canada, 1993                |
| Greaves et al. 1995                             | Criminal justice, compensation, medical, shelters and other services, lost productivity  | <b>4.2 billion dollars</b>  | Canada, 1993                |
| Kerr and McLean 1996                            | Criminal justice, compensation, services for victims and offenders, shelters, lost productivity  | <b>385 million dollars</b>  | British Columbia, 1994/1995 |
| Bowlus et al. 2003                              | Costs of child abuse to child victims and adult survivors: criminal justice, compensation, health, education, social services, lost earnings | <b>15 billion dollars, with over 11 billion dollars due to lost wages alone</b> | Canada, 1998                |

Table 3, *Measuring Violence Against Women: Statistical Trends*, 2006.

The WHO identifies intimate partner violence as a pandemic. Certainly the Canadian profile indicates the pervasiveness of the crime. What do women do? Where do they go for help? How do they protect their dependants? National data indicates that victims are more likely to turn to informal support (family members and friends). Formal support (health care, clergy, lawyer, etc) attracts only about a quarter of all requests for help. Breaking the silence on domestic violence is an act of courage.

| <b>Women talk with:</b>        | <b>Effectiveness</b>   | <b>Tell women about shelters:</b> |
|--------------------------------|------------------------|-----------------------------------|
| 73% with someone close to them | 53% not helpful        | 32% friend or family member       |
| 30% with a doctor or nurse     | 44% not helpful        | 4% doctor or nurse                |
| 22% with lawyers               | 40% not helpful        | 18% police, RCMP                  |
| 12% with the clergy            | 48% clergy not helpful | 19% counselor                     |

Statistics Canada, 2005, p. 24ff and YWCA, *Effective Practices*, p.46ff.

This data is revealing. While it shows, in descending order, those with whom women will speak, these numbers are usefully compared to the YWCA national survey that asked the respondents about the effectiveness of the advice received.<sup>16</sup> Here we see that, upon reflection, the women did not find, for instance, family/friends all that helpful. It is also instructive to see which group of advice givers is directing women to shelters, where they will receive professional, specialist help.

<sup>16</sup> Leslie Tutty, *Effective Practices in Sheltering Women: Leaving Violence in Intimate Relationships*, YWCA Canada, 2006.



Research also discloses that the act of speaking up is a solid indicator of finding support and options.<sup>17</sup> It further indicates that “the presence of children in the home and children witnessing the violence increases the likelihood that female victims of spousal violence will contact the authorities.”<sup>18</sup> Abused women are concerned about their children.



### **ACWS Experience:**

For the past five years member shelters have been collecting data using the Canadian Outcome Research Institute’s HOMES database.<sup>19</sup> The shelters in Alberta are very busy places as they respond to the domestic violence realities of this province. Located throughout Alberta, the ACWS’s 41 member shelters are comprised of the following facilities: 5 on-reserve shelters (there are 44 reservations in the province); 2 seniors’ shelters (the only ones in Canada); and 34 women’s emergency and second stage shelters.

<sup>17</sup> “The GSS shows a positive relationship between contacting services for help and notifying the police about the violence.” *Family Violence in Canada*, 2006, p.24.

<sup>18</sup> Statistics Canada, *Family Violence in Canada*, 2006, p.22.

<sup>19</sup> For more information, see [www.HMRP.net/CanadianOutcomesInstitute](http://www.HMRP.net/CanadianOutcomesInstitute)

In 2006 ACWS reported the following aggregate information, for all 41 shelters:

- Over 13,000 women and children were resident in shelter
- Over 25,000 women and children were turned away
- Crisis calls to shelters have more than doubled over the past two years
- 53% of women admitted into Alberta emergency shelters self-identify as Aboriginal
- 75% of women resident in shelter are at high or serious risk of assault or homicide<sup>20</sup>
- By exit survey, over 95% are more able to keep themselves and their children safe, as a result of their stay in shelter
- The number of women forced to return to abusive situations, due to lack of affordable housing in Alberta, has *increased by over 300%*

Additionally, in 2006, Alberta children were:

- 47% of residents in emergency shelters
- 65% of residents in on-reserve shelters
- 62% of residents in second stage shelters
- Over 11,000 children were unable to be accommodated in shelters

<sup>20</sup> ACWS shelters use Dr. Jacquelyn Campbell’s *Danger Assessment Tool*, 2001. This is a measure of the risk of lethality and is used widely across North America.



*The protection of children against discrimination  
and all forms of neglect and exploitation*

What do all these numbers mean? We see immediately that women and children resident in shelter have fled from serious incidents of family violence, based on the Danger Assessment scores. Further, Aboriginal children represent over half of the children in all Alberta shelters and are an important demographic in need of specialist interventions. Based on exit survey data, it is clear that shelters are providing effective interventions and women are learning and willing to learn how to keep themselves and their dependants safe. Additionally, far too many women and children do not receive access to resident programs in Alberta's shelters, because there is simply not enough space. And while 57% of Aboriginal women access emergency shelters, only 34% enter second stage housing and are able to benefit from those longer and more preventative based programs. Finally, of those women able to access shelters, about 20% had to try more than once to get in, due to shelters being full.<sup>21</sup>

This matter of domestic violence is a human rights issue. The UN CRC speaks directly to the rights of children who are exposed to family violence. They are legitimately entitled to full protection and service provision, under the law. According to Article 19, Canada has a legal obligation to protect children from abuse, by taking appropriate measures to intervene and provide. ACWS considers inadequate Canada's current attempts to reduce family violence and protect children who have been exposed to family violence. On the other hand, shelters across Canada are taking heroic measures to keep our children, who are fleeing family violence, safe.



**Something to consider: a global profile of the girl-child**

**[One] study found that female victims were twice as likely as male victims to have been killed by family members. Although girls' risk of murder by immediate family members appears to decline after the age of 10, the data suggest that they face increased risk of murder by intimate partners (boyfriends or spouses) or by the families of the intimate partner. Moreover, in regions where early marriage and so-called 'honor killings' against women are common, it is probable that the proportion of murders of girls by family members may remain stable or actually increase in the 10 to 14 and 15 to 19 age groups.**

Paulo Sergio Pinheiro, *World Report on Violence Against Children*, UN, 2006, p.52.



<sup>21</sup>YWCA, *Effective Practices in Sheltering Women*, p.51.



### III. The provision of assistance for children's basic needs

[Shelters] remain an essential service within a much broader range of supports available not only to abused women, but to their children and male partners as well. They have been at the forefront in training professionals and developing prevention programs, and now, having raised our awareness of the need for such supports, work in partnership with many health, justice, social services and mental health agencies.

YWCA, *Effective Practices in Sheltering Women*, 2006, p.xxi.

#### The Issue:

It has been noted that “shelters are the first and most effective defense against the harm and potential lethality of woman abuse.”<sup>22</sup> And, because typically half of the residents are children, shelters provide services and programming to mitigate the trauma to which these children have been subject. Additionally, shelters offer ever-growing and developing outreach programs for women and children who have been either resident in shelter or not, but who still want access to specialist domestic violence support. And all of this is offered with limited resources and often, without any government funding at all for the resident and non-resident programs provided.

Shelters are the front line experts at providing protective interventions for family violence victims. Yet it is a matter of common knowledge that shelters receive inadequate funding from their provincial or territorial governments. Funds provided do not cover the total costs. Research indicates that they are typically reimbursed for only 65 – 80% of their costs.<sup>23</sup> For instance, in Alberta, 21% of emergency shelter bed capacity and 81% of second stage and 77% of senior's shelters apartment capacity, *remains unfunded by the provincial government*

<sup>22</sup> YWCA, *Effective Practices in Sheltering Women*, p.viii.

<sup>23</sup> IBID, p.19.

The result? Only 4 of the 28 provincially funded emergency shelters in Alberta are funded to provide 24 hour emergency services staffing for all their beds.

Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and as appropriate, for judicial involvement.

UN CRC, Article 19(2).

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for [her] dignity and the free development of [her] personality.

Universal Declaration of Human Rights, Article 22.

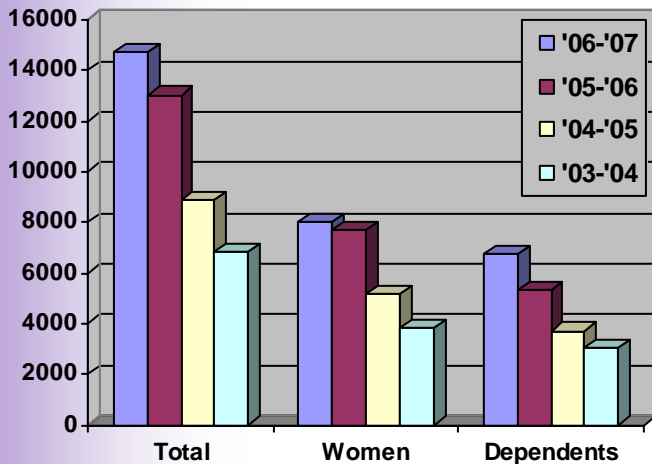
When this fact is contextualized against the number of women and children turned away in Alberta, because the shelter is *full* (no beds available, would exceed either funded, or would exceed licensed capacity), lack of sufficient funding becomes a matter of human rights.







The following data shows the four-year turn away trend in Alberta for emergency shelters only, full only:



This data dictates that one of the core tasks for executive directors is fundraising and their need is compelling. It is their staff that are managing the over 100,000 crisis calls and having to respond to all the women and their dependants that cannot be accommodated. It is these underpaid and under-resourced staff who are facing the consequences, on a daily basis, of the lack of social provisions in a country returning budget surpluses at both the federal, and in Alberta's case, provincial level.



Additional context is needed here; rights-based approaches to social realities are proactive and preventative. It has been pointed out elsewhere, concerning human rights and children's health issues:

If 100 children need to be immunized, the needs- or problem-based approach would say that after 70 children are immunized, we have a great success rate of 70%. The rights-based approach recognizes that there are still 30 children that need immunization. The rights-based approach reaches out to even the most marginalized children and makes a difference in all children's lives.<sup>24</sup>

In this framework, although ACWS observes that member shelters were able to help over 5000 Alberta children to find safety in women's emergency shelters in the latest fiscal year (2006 – 2007), we state with regret that 54% of the total children seeking shelter *were not able to be accommodated*. This is entirely unacceptable. It must be noted that all mothers do not bring their children into shelter, for a variety of reasons. Thus, the numbers are conservative representations of the actual children needing support. Many more of the children *could have been accommodated*, if current shelter capacity was funded.

It is important to note that Canada, having ratified the *CRC*, is obligated to fulfill it. The *Vienna Convention on the Law of Treaties* states: "Every treaty in force is binding upon the parties to it and must be performed by them in good faith" (Article 26). *Good faith* implies intention, congruence and integrity. These are compelling values in Canadian society and provide a solid foundation to insist adequate resources fund *protective measures* and *appropriate and effective procedures* to provide safe haven for women and children fleeing domestic violence (*CRC*, Article 19(2)).

<sup>24</sup> Senate report, *Children: the Silenced Citizens*, p.26.



## **The Current Situation:**

There is growing awareness in Alberta and across Canada that children resident in shelter are not simply add-ons to the woman fleeing domestic violence. With their mothers, the majority of these children have fled to shelter to escape serious family violence. These children are at high risk and need immediate, specialist and diverse services.

Children who have been exposed to domestic violence are facing their own set of special needs and have a legitimate right for direct intervention. Shelters are providing effective service through crisis workers and women are learning and willing to learn how to keep themselves and their dependants safe. Yet the impact on the lives of children who have been exposed to or have experienced family violence results in victim behavior with short and long term impacts. Unfortunately, not every shelter in Alberta has the capacity to offer continuous service by specialist child or family support workers, because of funding constraints.

Best practice research supports that for a child, observing, hearing or being directly affected by family violence threatens their sense of stability and security. Exposure to family violence may result in:

- Increased emotional and behavioral difficulty
- Traumatic stress reaction
- Physical injury
- Sexual abuse
- Triangulation (claiming the child's behavior resulted in the assault on the parent)
- Ambivalence toward the perpetrator
- Imitating violent behaviors
- Desensitization to aggressive behavior

### **Something to consider: witnessed or exposed?**

**Children are not "witnesses" to events in their homes:**

**In the research literature, children are often called "witnesses" to domestic violence. This term implies a passive role – but children living with conflict and abuse will actively interpret, predict, assess their roles in causing a "fight," worry about the consequences, engage in problem solving, and/or take measures to protect themselves or siblings, both physically and emotionally.**

Baker & Cunningham, *Little Eyes, Little Ears: how violence against a mother shapes children as they grow*, 2007, p.6.

Responding to the needs of children in shelter with direct programming is an effective and much needed service. It is also labor intensive because children exposed to family violence interventions must be age, gender and culturally appropriate.

CEV programs must also address the needs of older children. Joint research by ACWS and the Alberta Association of Sexual Assault Centers showed that in a study of 1600 adolescent sex offenders, 63% had witnessed family violence during childhood. Further, in Canada, the rates of sexual offending are highest amongst males age 13 to 17, with the highest rate for 13 to 17 year olds.<sup>25</sup> What are the implications here for young men? Clearly, there is a need for specialist interventions to intervene in the lives of the male child who has been exposed to family violence.

<sup>25</sup> Presentation, "Identifying Potential for Collaboration." ACWS and AASAC, May 2006.



Children in shelter are children at risk and in need of preventative intervention. Stability and security are key indicators of childhood health. In the midst of all the changes a move to shelter entails, children need a response that both helps them recover from victimization and restores some normality to their daily experiences.

Providing continuous, targeted services is one touchstone with potential to reassure the child their needs are being met and their lives are valued. Children do not leave the affects of family violence in the home. It travels with them into the shelter.

When children fleeing domestic violence are resident in shelter, their needs are many. The outcome of trauma upon a child's development is enormous; resiliency comes to the aid of many, whereas others are less able to recover without direct help. For these, CEFV present with a number of wounds, from simple physical complaints such as stomachaches and tiredness, to post-traumatic stress disorder, suicidal thoughts and substance abuse. Whether or not the child becomes a passive success, quietly doing well in school so their sadness goes unnoticed, or active in disorderly behavior—they are a child in need of help and comfort.



Additionally, national research has discovered that a high proportion of women resident in shelter had themselves suffered in childhood.<sup>26</sup> The majority were once children exposed to family violence and many of them had experienced more than one of the five forms of abuse listed in the following table.

| Type of Abuse                      | Respondents |
|------------------------------------|-------------|
| Emotionally abused                 | 52%         |
| Sexually abused                    | 43%         |
| Witnessed violence between parents | 43%         |
| Physically abused                  | 42%         |
| Neglected as a child               | 32%         |

### **ACWS experience:**

Alberta shelter staff work hard to provide effective interventions. These front-line experts know that for the child to be safe, their mom must be safe. 24 hours a day and 7 days a week, shelter staff has in their care children from all age ranges. They know that the children they serve need specialized help and that the interventions they provide must be age, gender and culturally appropriate.

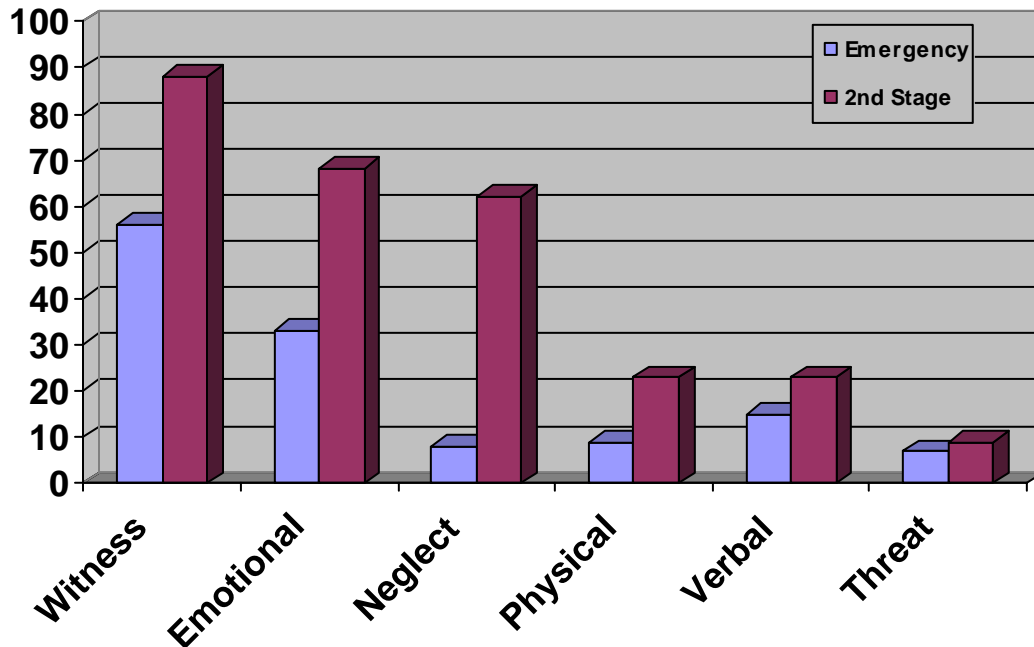
While the majority of children in shelter are typically 0 – 5 years of age (56%), the 6 – 11 range represents 29% of residents. The remaining are 12 – 17 years of age (15%) and shelter staff express specific concerns about their capacity to meet the needs of these older children, due to funding constraints.<sup>27</sup> The resources, service provisions, transportation needs, legal aid, etc for older children is an additional expense to shelters.

<sup>26</sup> YWCA, *Effective Practices in Sheltering Women*, p.35.

<sup>27</sup> Based on ACWS 2005 – 2006 data.



Further, children in shelter present with wide-spread abuse histories. The following data indicates, by percentages, the types of abuse children in Alberta's emergency and second stage shelters had experienced. It provides a clear indication of the specialist services CEFV requires. Further, differences between emergency and second stage percentages can be accounted for by length of stay and access to supportive services. Alberta government length of stay guidelines for an emergency shelter is 21 days, whereas second stage residency is from 6 months to a year.



Recovering from such trauma requires effective support and early intervention. It also requires staff time, resources and capacity.<sup>28</sup>

As well, shelter interventions must be culturally appropriate. In response to this need, shelters have been consistently providing residents with culturally sensitive and appropriate services.

In spite of shortage of rooms, for instance, shelters routinely sequester space for residents to engage in reflective and spiritual practices. They partner with elders and other spiritual leaders in order to provide residents who wish it the kind of spiritual care they desire. Such service provision is consistent with guarantees in the *CRC*, such as Article 20: “. . . When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background” (3). However, it is costly to provide such service, especially when residents are foreign language speakers and require translation services.

Finally, children in shelter often arrive with presenting health issues—sometimes these are injuries from the violence or abuse—or have other special needs.

<sup>28</sup> 2006 ACWS data.



*The provision of assistance for children's basic needs*

These are additional factors in the care they require from shelter staff. Clearly, providing services to children resident in shelter is a complex issue.

In spite of the complexities, trained staff and the children's mothers know what is needed. Women resident in shelter know what they want help with, in terms of their children. At

| Help with children                       | Very helpful | Some-what helpful |
|--|--------------|-------------------|
| Child care/day care and/or relief        | 63%          | 28%               |
| How abuse affects children               | 71%          | 25%               |
| Dealing with my child's schooling/school | 72%          | 21%               |
| Counseling/groups for children           | 54%          | 32%               |
| Dealing with a difficult child           | 49%          | 40%               |
| Learning about healthy child development | 65%          | 28%               |
| Safety plans for my children             | 77%          | 18%               |

YWCA, *Effective Practices in Sheltering Women*, 2006, p.57

| Help with children                           | Wanted at entry |
|--|-----------------|
| How abuse affects children                   | 55%             |
| Child-care / day care and /or relief         | 43%             |
| Counseling / groups for children             | 40%             |
| Learning about healthy child development     | 30%             |
| Dealing with a difficult child               | 25%             |
| Dealing with my child's schooling / school   | 23%             |
| Safety plans for my children                 | 39%             |
| Support/Advocacy                             | Wanted at entry |
| Staff talking to community agencies with you | 51%             |
| Staff going to appointments with you         | 34%             |

intake, women clearly identified their needs. YWCA, *Effective Practices in Sheltering Women*, 2006, p.53.

Women resident in shelter feel like these identified needs are met. In reflection upon their shelter stay, survey respondents were very positive about the service provision with respect to their children. Women valued the support and assistance they gained during their residency. There is clearly a close fit between stated needs at intake and increased awareness, as tracked through the exit survey. This fits with conventional awareness among shelter crisis workers and childcare workers, that women resident in shelter are doing their best at parenting and are eager and willing learners, if given the chance. This is consistently observed and is very hopeful.





*The provision of assistance for children's basic needs*

Trained staff and mothers are working together to assist children resident in shelters, but what about the children themselves? What are they saying? Whether you are an adult or a child, it is very hard to say you are abused. A recent study in the United Kingdom states: "Although 9 out of 10 children considered themselves to have come from a warm and loving family background, detailed questions revealed that 16% had experienced serious maltreatment. Many [youth] deny abuse even though the harm they suffered may have been severe."<sup>29</sup>

In Alberta, child support workers at a large shelter in Calgary found that children in follow-up treatment groups significantly decreased their anxiety, improved their attitudes and response to anger, and decreased their sense of responsibility for both their parents and the violence.<sup>30</sup> This finding is hopeful and points to the need to provide shelters with trained child support staff to facilitate the healing of children in shelter, by providing follow-up group support. Children need a safe place to be able to talk through their experience, gain awareness and make healthy choices.

Alberta shelter directors are telling us that more is needed. They and their staff have identified the programs, facilities and staffing that must be available if they are to provide solid services to the children they serve. ACWS has completed shelter standards documents that include staffing models and capacity projections.<sup>31</sup> Shelter staff simply need access to sustainable funding in order to make available these interventions.

| Needed programs   | Needed facilities and staffing  |
|---|---|
| <ul style="list-style-type: none"> <li>• CEFV intervention group</li> <li>• Child support</li> <li>• Court support and child witness programs</li> <li>• Parenting support</li> <li>• Education provision</li> <li>• Supervised playtime</li> <li>• Play therapy</li> <li>• Babysitting</li> <li>• Counseling</li> <li>• Group work</li> <li>• Outreach/follow-up</li> <li>• Special needs interventions</li> </ul> | <ul style="list-style-type: none"> <li>• Outdoor play space</li> <li>• Play resources</li> <li>• CEFV intervention resources</li> <li>• Educational resources</li> <li>• Age specific beds</li> <li>• Quiet space</li> <li>• Specialist staff</li> <li>• Tutors or education specialists</li> </ul> |

*Women's Emergency Shelter Program Review: Final Report, Sierra Systems, 2006, p.26.*

<sup>29</sup> Clare McVeigh, et al, *Violent Britain: People, Prevention and Public Health*, Centre for Public Health, Liverpool John Moores University, 2005, p.46.

<sup>30</sup> See p.11 of the YWCA study, *Turning Points: An analysis of YWCA violence against women shelters and family violence programs*, 2005.

<sup>31</sup> See our website for all position statements and other documents: [www.acws.ca](http://www.acws.ca).





There is a clear correlation between overcoming the affects of family violence by keeping the woman safe, supporting them as parents and providing their children with specialist care. Helping the mother is still one of the most important ways that staff enables her children. Clearly, the kinds of help required and the resources needed to provide the help are time and training intensive. Helping a child recover from trauma and gain the skills to manage the intense emotions the violence evokes is a key part of providing for their basic needs.

**Something to consider: what it takes to recover**

**Techniques used with children include individual child-centered therapy, child-parent psychotherapy, trauma-focused cognitive behavioral therapy, play therapy, healing of the mother/child bond, and many different psycho-educational group programs. Because most children living with woman abuse experience other types of abuse, techniques validated for child abuse may also help.**

Baker & Cunningham, *Little Eyes, Little Ears: how violence against a mother shapes children as they grow*, 2007, p.30.





## IV. The prevention of harm to children

### Protective factors for children:

- Secure attachment of the child to adult family member
- High levels of paternal care during childhood
- Lack of associating with delinquent or substance-abusing peers
- A warming and supportive relationship with a non-offending parent *and*
- A lack of abuse-related stress

WHO, *Preventing Child Maltreatment*, 2005, p.16.

### The issue:

Canada, showing leadership at an international level by ratifying the *CRC*, has committed itself to ensuring *to the maximum extent possible* the survival and development of children in this country. For a country that has, for the past several years, posted budget surpluses, it should be a matter of course to implement this provision. Alberta, for instance, has just posted a provincial surplus of 8.5 billion dollars (June 2007); this is twice the amount originally forecast by the government. And yet child poverty remains an unresolved social issue in this nation. Further, providing adequate services for children on-reserve, or funding solutions for family violence all seem to be issues too easily ignored by the Canada's political leaders.

States Parties recognize that every child has the inherent right to life. States Parties shall ensure to the maximum extent possible the survival and development of the child.

*UN CRC*, Article 6(1&2).

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

*International Covenant on Economic, Social and Cultural Rights*, Article 12.

We need to see, by means of concrete and observable steps, that all levels of our governments will implement policies that *put children first*. ACWS encourages the development of coherent policy with effective mechanisms to ensure children in Canada live the *CRC*'s benefits. One way to this kind of policy action is to consistently apply the 'best interests of the child' principle. To quote the WHO: "There is sufficient evidence, including in the scientific literature, to state with full confidence that child maltreatment can be prevented."<sup>32</sup> What is needed to achieve this result is political will and participatory democracy.



<sup>32</sup> WHO, *Preventing Child Maltreatment: a guide to taking action and generating evidence*, 2006, p.32.





### The current situation:

We know, by intuition, practice and research, what kind of environment grows healthy children. When a child comes in to the shelter, the child and family support workers have clear awareness of what the issues may be and possess the skill to assess, safety plan and intervene. Shelter staff provide targeted interventions that protect and enable the recovery and healthy development of children. When viewed along side the five protective factors identified by the WHO, the work at Alberta's shelters comes into clear focus.

| A Canada Fit for Children                               | Alberta shelter service provision                                 |
|---|---|
| Adequate income for families with children              | Seeks improvements in social assistance provisions                |
| Effective parenting within strong and cohesive families | Provide parenting support   |
| Supportive and inclusive communities                    | Leaders in community collaboration and building safer communities |

| WHO identified factors  | Alberta shelter service provision  |
|---|--|
| Secure attachment of the child to adult family member             | Work with mother and child to build their relationship                             |
| High levels of paternal care during childhood                     | Some offer outreach programming to the child's father                              |
| Lack of associating with delinquent or substance-abusing peers    | Create protective and secure environments for the family                           |
| A warming and supportive relationship with a non-offending parent | Support parenting skills for the mother  |
| A lack of abuse-related stress                                    | Create sequestered space for the family to experience relief from immediate trauma |

However, what shelters provide is intervention once a child is already at risk. Working in collaboration with a variety of service providers, such as child welfare, police, health authorities, schools, etc., shelters are at the forefront of the prevention of *future* harm to children.

As a result of their training and experience, shelter staff have very clear-headed ideas about what more is needed at the shelter level and what are the priority service gaps in Alberta. According to the *CRC*, children in shelter have a right to benefit from the same kinds of services they have access to in the community, such as, for instance, access to schooling. In fact, Canada is obligated to provide this, *to the maximum extent possible* (Art. 6 (2)). Additionally, children who have been exposed to violence directly benefit from early identification as this will lead to more effective support and intervention. Yet to be able to act on this knowledge, shelters need funding that supports the programs, facilities and staffing required for delivery of these services.<sup>34</sup>

Additionally, it is instructive to explore what Canada has identified (and outlined in *A Canada Fit for Children*) as the keys to healthy child development and compare it to the service provision made by Alberta's shelters.<sup>33</sup>

<sup>33</sup> *A Canada Fit for Children*. Canada's plan of action in response to the May 2002 UN Special Session on Children, April 2004, No. SD13-4/2004E.

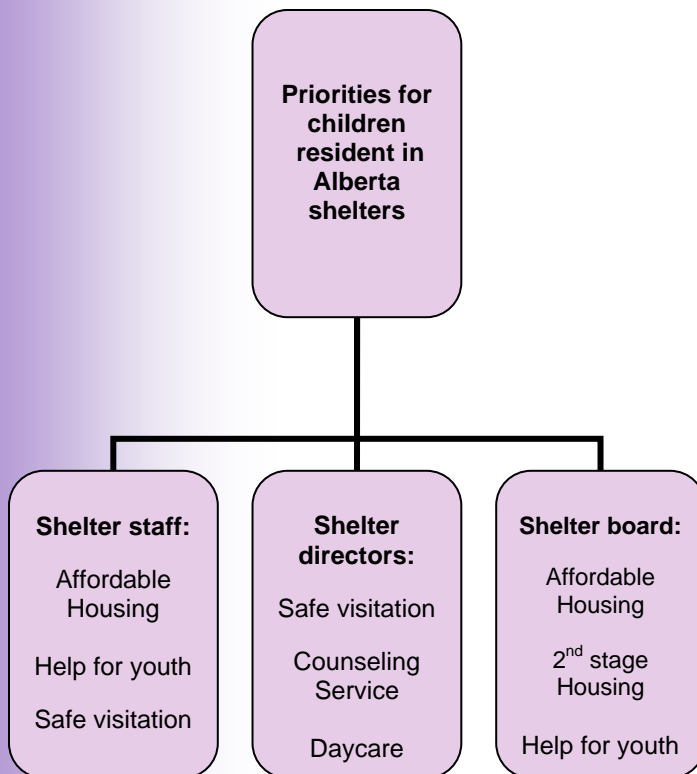
<sup>34</sup> Please see *Women's Emergency Shelter Program Review: Final Report*, Sierra Systems 2006, p.26ff.



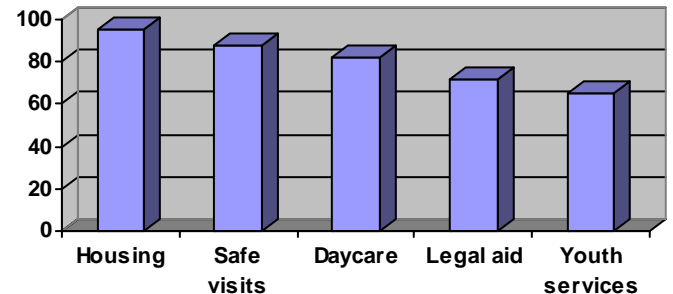
**Needed shelter services**

- Recreational opportunities and programming.
- Counseling, support groups and access to psychologist.
- In-house psychologist to help children.
- Daycare provision
- Parenting programs
- Safe visitation programs

In terms of community service gaps, the following outlines the priorities identified, by shelter role:



Additionally, it is important to point out that when asked, community service providers in Alberta (childcare workers, police, health officials, etc.) identified the following service gaps that must be resolved:



If equipped with the required resources at the local level, Alberta's 41 shelters will deliver the skilled interventions needed to assist the many children resident in shelter and participating in outreach programs. The difference in these children's lives will be direct and the outcome predictable: they will be enabled to begin recovery from the trauma they have faced and empowered to choose different options for themselves. Moreover, if, through strategic planning and responsive policy implementation, Alberta moves to provide needed affordable housing, increases social assistance rates (among the lowest in the country), provides adequate day care spaces and attends to the other factors identified by community workers then substantial steps will be taken to resolve the situation. Right now, shelter staff in Alberta is at their wits end trying to find community resources to help women transition from shelter to independent living that is safe, secure and affordable.



**ACWS experience:**

Children in shelter are children at risk; they need preventative interventions that create environments of stability during a period of upheaval and crisis. To bring balance to the many changes it is important to provide touchstones of normal life processes, such as going to school. In terms of the prevention of future harm to children, Alberta’s shelters, skilled and compassionate as they are, face an up-hill climb. The problems they face in terms of providing child care are multiple.

For instance, the children in shelter, many of whom have been exposed to violence, often face additional health issues.<sup>35</sup> Research shows that children resident in shelter typically score significantly lower in physical health status than other children in the same age range, region and social strata. As well, these children have more diagnosable health problems than provincial norms. Thus, the child presents with more complications and issues and each of these increases the complexity and comprehensiveness of the interventions needed to create that safe and secure environment they need in shelter.

Children resident in shelter have needs for education provision. Whereas this is routinely provided to children in hospitals, youth detention centers and other residency programs in Alberta there is no uniform policy for similar access in shelter. Yet, providing continuous access to education is one touchstone with potential to reassure the child her/his needs are being met and their life is valued.

Recent ACWS research into education service provision in shelter disclosed a wide variety of response across the province’s shelters.<sup>36</sup>

| Education service provision                                    | Provision at shelters |
|--|-----------------------|
| Children attend their own school                               | 54%                   |
| Other  | 41%                   |
| Local school with usual classroom/teacher                      | 33%                   |
| In-house teacher   | 8%                    |
| Specialized school/location used as school outside the shelter | 8%                    |
| Local school with sequestered classroom/teacher                | 5%                    |

Concerning access to government funding to provide education to child-residents, there is a wide range of experience. In some cases the local school will send a substitute teacher for a day to meet with the mother and child. In other cases, the shelter’s in-house teacher is completely funded by the local school district. Only two school boards provide shelters with sequestered “one-room school house” kind of classrooms in the local school for children grades 1 – 6. In other instances, the only funding shelters receive are free bus passes to assist the children with transportation needs. This, of course, does not take into account any special security that may well be required.

The matter intensifies for on-reserve shelters in Alberta. Funded by Indian and Northern Affairs Canada (INAC), on reserve shelters face unique issues. In remote, small communities security and confidentiality are pressing matters.

<sup>35</sup> Judee Onyskiw, “Health and Use of Health Services of CEFV in Their Families”, *Canadian Journal of Public Health*, (93, 6), 2002, p.416.

<sup>36</sup> Kate Woodman, “Priority for action: continuous access to education for children in shelter,” 2005. PrairieAction Foundation funded ACWS research. Please note that some shelters provide more than one response.



If the child uses the local school bus, everyone knows when a stop is made at the shelter. Walking long distances to the school is not just about the time it takes; providing security for the child along the way is another issue. These shelters simply do not have the funding or staffing to drive the children to school. The federal government does not provide a budget line for education services in shelter and the result is that all too often child are denied their basic right to education, while resident in shelter.

And yet we know what the key issues are for children, in terms of providing them with the education they need. We also know that completing school is a primary indicator of future success in life. Shelter staff understands that a child exposed to family violence, like any other child, has the best chance to develop life skills and the prevention of inter-generational violence if they stay connected to their education. Also, shelter staff works hard to support the moms and assist their connection to the school system. Shelters provide transportation to help children maintain their learning. They facilitate the flow of communication between schools and the transfer of documents when children change location. Finally, shelters are in continuous collaboration with local schools, especially concerning safety planning, to ensure everyone's risk is mitigated or reduced.

In short, shelter staff is taking on enormous responsibility for the children resident and their need for education. It is time for the government to meet them with equal energy and normalize service provision.

Finally, shelter location becomes a factor in the prevention of harm to children and providing them with the services to which they have a right.<sup>37</sup> How is this the case? NIMBY, the not in my back yard mechanism so often a factor in zoning rights, has worked against the care of children.



Clearly, women's shelters need to be placed in child-friendly areas, with proximity to parks, schools and daycares. As well, the shelter itself needs to provide a bright environment that creates the kinds of positive and cheerful ambiance that aids child development. Yet due to funding constraints and bylaws, far too many of Alberta's shelters are located on low cost land away from needed services.

<sup>37</sup> Megan Kammerer, "Gendering the Land Use Planning Process: A Critical Analysis of the SNRF Designation and Women's Shelters in Vancouver", unpublished paper, 2006.



Women's shelters in Alberta, responding to multiple issues with few resources, are providing safe haven for women and children. More must be done to ensure children's rights to their basic needs are met. In Alberta and across Canada, in shelters located in urban, remote, provincial and on-reserve locations, there is agreement that the best solution is for adequate government funding. Properly resourced, it would be possible for shelters to provide direct and effective interventions that are cost-effective and life sustaining. While Article 6 of *CRC* sets out a standard for Canada to achieve (maximum possible level of provision), other articles are particularly relevant as well:

- Article 24 on the right to health and access to health services
- Articles 28 and 29 on the right to education and the aims of education
- Article 27 on the right to an adequate standards of living
- Article 20 that children deprived of a family environment are entitled to special State assistance and protection

Children resident in Alberta's shelters are not exempt from these provisions.





## V. The participation of children in decisions which affect their own destiny

Our failure to listen to children has resulted in a failure to respond to their needs. It is hard to understand why and how adults can continue to argue that children should have less protection from violence than adults do: in law, in policy and in practice. . . . Children are tired of being told they are the future. They want to see us fulfill our promises in the present, and enjoy their right to be protected from violence today.

Paulo Sergio Pinheiro, *World Report on Violence Against Children*, 2006, p.xix.

### The issue:

Articles 12 and 13 are provisions that speak directly to the protection of children from violence. The *CRC* includes the civil rights of children to freedom of expression, information, conscience and religion, association, peaceful assembly, privacy and access to information (Articles 12 – 16). This is congruent with the primary consideration of the *best interests* of the child; all actions concerning a child, by any sector (public or private), are required to assess the impact of their decisions on a child and ensure that his/her best interests are enabled. One critical way to determine if this criterion is being met is to include the child in the process. Article 12 ensures the right for the child to express her/his views freely on all matters affecting them and to have those views included with due weight. The UN Committee on the Rights of the Child has stated:

...in conceptualizing violence, the critical starting point and frame of reference must be the experience of children themselves. Therefore children and young people must be meaningfully involved in promoting and strategizing action on violence against children.<sup>38</sup>

<sup>38</sup> Committee on the Rights of the Child (2000). Report on the 28<sup>th</sup> session, September/October 2001, CRC/C/111.

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

*UN CRC*, Article 12(1).

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds . . .

*UN CRC*, Article 13(1).

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

*CEDAW*, Article 3.

An additional benefit that accrues when children are consulted about their own needs is that it shifts the conversation from charity to obligation. This transition, as pointed out above, is central to the human rights agenda. Under the *CRC*, children possess legal rights to violence-free lives and social provision for intervention and recovery. The child is therefore a legitimate stakeholder in their own process and Canada has a legal responsibility to address their needs.



**The current situation:**

Children have often been cast in the role of passive recipients of adult care; today, children have substantive rights to participate and be heard. In short, they have the responsibility to be proactive about their own lives and well-being, in balance with their maturity and capacity. Additionally, we have seen that children who have been exposed to family violence *are actively engaged* in problem-solving process: they pay attention to what is going on in the home; they try to predict what will happen next; they anticipate outcomes; they devise intervention strategies; they run for help; they call the police, and so on. These children must be consulted about their own process; their voices must be heard. Research has indicated that when children are participants and contribute to making necessary changes, they are less prone to depression, hopelessness and suicide.<sup>39</sup>

Alberta’s shelter staff is listening to the experts and listening to the children they serve. The WHO has defined several criteria to guide “best interests of the child” policy and interventions; these criteria are finding concrete realization in the work of shelters with the children resident and in outreach programming.



| WHO criteria   | What Alberta’s shelters are doing  |
|--|--|
| Respect the ethnic, religious, cultural and linguistic background of the family.               | <ul style="list-style-type: none"> <li>• Elders work with children</li> <li>• Healing Circles</li> <li>• Affirmative hiring policies</li> <li>• Liaise with community groups</li> </ul>  |
| Consideration of the physical and developmental level of the child and the child’s caregivers. | <ul style="list-style-type: none"> <li>• Play therapy</li> <li>• Parenting/children’s groups</li> <li>• Specialized interventions</li> <li>• Domestic Violence treatment programs for perpetrators</li> <li>• Clinical treatment programs</li> <li>• Substance abuse supports</li> </ul> |

<sup>39</sup> See the Senate Report, *Children: the Silenced Citizens*, 2007, p.59.



*The participation of children in decisions which affect their own destiny*

| WHO criteria   | What Alberta's shelters are doing   |
|--|---|
| Consideration of the mental health status of the child and caregivers.   | Liaise with Alberta Mental Health<br>Joint programs with community groups   |
| Support for the integrity, stability and autonomy of families by dealing with them on a basis of mutual consent.   | Standard practice of informed consent<br>Legal supports   |
| Respect for the importance to the child of continuity of care, upbringing and stability and of nurturing family relationships.   | Parenting groups<br>Support work with moms and children<br>Specialist supports for teens<br>Follow-up post-residence, where possible<br>Safe Visitation                                     |
| A plan to reduce the future risk of maltreatment.  | Danger Assessment<br>Safety planning<br>24 hour crisis line<br>Pre/post natal nutrition programs for high risk-moms<br>Protocol with Alberta Child Welfare<br>Protocol with RCMP K Division |
| The removal of obstacles to fulfilling the child's needs.  | Specialist CEFV programs<br>Referrals to community helps<br>Provision of lawyer<br>Play therapy<br>Education support<br>Transportation support<br>Clothing banks                            |
| Consideration of the child's wishes and concerns, including those that relate to temporary care arrangements, physical and mental health care, education and religious and cultural issues – given the child's level of understanding. The child's expressed wishes, though, should be considered taking into account the child's developmental stage and emotional health, as well as the nature of bonds between the child and other family members. | Shelter child and family support staff talk with the children resident in their programs<br><br>Shelter programs and services are responsive to children's needs                            |

WHO, *Preventing Child Maltreatment*, 2006, p.64.





## ACWS experience:

ACWS shelters have years of accumulated experience in supporting the children who have been resident in their programs, transitioned to outreach programming or who were in non-residential services. They have years of experience in engaging children, listening to them, learning from them and responding. As well, these shelters have an active commitment to learning from the experts and implementing this best practice into their policies and programming.

One of the key training programs that ACWS has facilitated for shelter staff was in providing Children Exposed to Family Violence training across Alberta (2004). Curriculum was developed by the Centre for Children and Families in the Justice System and was delivered by Drs. Linda Baker and Peter Jaffe.<sup>40</sup> This Canadian Centre is a global leader on CEFV; as a result Alberta shelter staff and other stakeholders (police, child welfare, etc.) had access to current best practice in identification and early intervention. This training is on-going, through local trainers, and continues to have a positive impact on the child support system in Alberta.

<sup>40</sup> See [www.lfcc.on.ca](http://www.lfcc.on.ca).



In terms of integrating the child's voice in planning and policy, ACWS supports the on-reserve shelter members in their efforts to secure funding for children resident in their shelters. At this moment, on-reserve shelters in Alberta and across Canada are federally funded by INAC. This funding does not include a budget line for child support staff, in spite of the fact that over half of the residents in these shelters are children. On-reserve shelter staff works sacrificially to ensure that the children in their care receive the best service provision they are able to provide. *Sacrificially* in this context includes: bringing food from home to provide the residents with meals; shelter directors giving up percentages of their salaries to meet budgets; regular trips to food banks and other similar activities. It should be noted that ACWS engaged INAC in an advocacy campaign to achieve parity funding for on-reserve shelters, seeking a balance with provincially funded shelters in Alberta.

We are happy to report that on 22 June 2007 Minister Beverly Oda announced near parity funding for all of the 35 on-reserve shelters in Canada (5 are in Alberta). This event was reported in the media across Canada. These new dollars include provision of child support services. While we are heartened that this step has finally been taken, at time of writing this report (6 July 2007), the monies promised have still not been released, nor have the shelters received official notice of budget changes. And so, on-reserve shelters continue to have to "make do" with woefully inadequate resources. ACWS will follow up on this situation.



Along with our INAC interventions, ACWS and the on-reserve shelters have identified a pressing research need and are seeking funding to support its resolution. Together with the Centre for Children and Family in the Justice System, we have submitted a proposal to develop specialist CEFV tools and interventions for Aboriginal children. In keeping with best practice and including the embedded understanding of the need for culturally appropriate service provision found in the CRC, ACWS is aware that Aboriginal children would directly benefit from the development of such tools. Unfortunately, as yet we have been unsuccessful in our application for the necessary long-term funding to design, test and train to this approach. Once funded, however, we are also aware that what is developed in Alberta will assist shelters across Canada.

| <b>NCPC submission to develop specialist intervention for Aboriginal children exposed to family violence</b>  |
|---|
| <ul style="list-style-type: none"> <li>• Identifying and facilitating traditional Aboriginal parenting strategies;</li> <li>• Creating culturally relevant services for Aboriginal CEFV;</li> <li>• Fostering traditional healing and cultural activities among women who want to live without violence in their relationships;</li> <li>• Assisting children with safety planning and recovery from witnessing violence;</li> <li>• Increasing partnerships and collaboration between child and family serving agencies involved through shelters</li> </ul> |

ACWS proposal, 2006.

Finally, a large, urban shelter in Canada has developed a direct intervention for children that foregrounds their voice in family violence. The initiative is called *Speaking for Themselves* (SFT). It has been operational for over two years now.

Since the beginning, the program has been evaluated to ensure outcomes and learnings are documented to help improve the project. Key outcomes include the following:

1. High-risk children are being helped

The children in the SFT project begin treatment with significantly more severe levels of psychological trauma than are usually shown by children in other clinical programs at the shelter. In a significant number of cases, pre-treatment assessments of these children have shown signs of severe disturbances including suicidal ideation and self-harming behaviours. Post-treatment interviews with the children show positive results that appear to be associated with both the legal and the clinical interventions provided by the program.

2. Children have a safe place to develop an authentic voice

The following are comments from two of the children who went through the program:

*The lawyers changed the custody around. . . when my dad heard I had a lawyer he just gave up custody; they made me feel safer, that if I wanted something I could talk to one of them and they'd try and change that.*

*[The counselor] helped me get things that I wanted and that were good for me, not what other people think would be better for me; if I did not feel comfortable to do something, then I did not have to do it.*





3. The project helps the legal system resolve difficult cases

According to at least one Justice, SFT makes useful evidence available that would otherwise not be presented, or would not be presented in a trustworthy manner. In the words of this judge: The justice system is "...doing the same thing over and over, expecting a different result" and is causing harm to families by arriving at arbitrary rulings *in the absence of critical evidence about the child's needs*. Bilateral home assessments only add to this problem." SFT is seen as "...a move in the right direction. They are trying to save these children."

The SFT program is achieving the kinds of outcomes that bring the values of the *CRC* to life. This program currently operates in one shelter in Alberta. Imagine the result if this could be rolled out across the province; imagine the numbers of children who would benefit if provision was made for their voices in the processes that most directly impact them. Justices in Calgary freely admit there is an immediate need for the SFT. The only thing that stands in the way of reproducing this good intervention is lack of funding. This kind of work is resource-intensive and shelters would require more staffing to accommodate the increased demand on counseling and providing children with lawyers to represent them. However, we need to note that research indicates, concerning women, that:

Legal services provide real, tangible, long-run economic help: an attorney, a chance to maintain custody of the children, potential child support and alimony. It is the only public service that reduces domestic abuse in the long term . . .<sup>41</sup>

The indicators from both the SFT program and the Farmer research indicate that providing legal aid to women and children is a good way to ensure their rights are upheld and they receive tangible help.

Children should not be withheld from participation in the process of recovery from family violence. Including their voice will reinforce for them that their lives are valuable and worthy of consideration. It will lead to the formulation of effective policy and implementation systems. Vulnerable and marginalized, children have reduced chances of engaging a healing process. Empowered and included, their future is much brighter.



<sup>41</sup> See Amy Farmer, *Access to Legal Aid Lowers Domestic Abuse*, <http://www.pslegal.org/Articles/AccessLowersAbuse.htm>.



## VI. Conclusion and Recommendations

Each of us can make a difference in the life of a child. So let us all commit to working together to build a Canada and a world fit for children – a world in which children are loved and respected, and where every boy and girl is able to enjoy childhood and grow up healthy, in dignity and peace.

*A Canada Fit For Children: Canada's plan of action in response to the May 2002 UN special session on children, p.6.*

### Conclusion:

ACWS would like to see every child in Alberta safe, loved and living to her/his full potential. We understand that many children in the community have access to abundant services to facilitate their growth and development: medical care, education, sports facilities, community programs, and so on. We would like to see children who are resident in shelter or participating in non-resident shelter programs, *who through circumstances over which they have no control are endangered by family violence*, receive the best environment that Canada can provide. It has been routinely proven in numerous studies that early intervention into the life of a child at risk produces excellent results. To neglect providing comprehensive and wrap-around services at the outset results in expensive and reactive interventions in the future. ACWS is convinced that the spirit of the *CRC* is to promote the protection and well-being of vulnerable children and to assist them in recovering for themselves thriving lives.<sup>42</sup>

<sup>42</sup> For greater development and information on the ACWS initiatives outlined in this section of the report, please consult our website: [www.acws.ca](http://www.acws.ca).

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

*UN CRC, Article 39.*

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity. . . [The States Parties] have agreed on the following:

*CEDAW, Preamble, paragraph 7.*





To that end, ACWS undertakes the following:

**Networking:** shelters consistently share best practice during quarterly, province wide meetings facilitated by ACWS. They discuss such matters as: outreach follow-up for children; Elder care for Aboriginal children; children's legal needs and lawyer provision; safe visitation; education and in-shelter tutoring; child and family support workers. Because of the sustained communication among the shelter directors, the cumulative impact of service provision is one of continual improvement.

**Resources:** ACWS has the capacity to produce research and resources that are action based and shelter driven. To that end, we have developed the parity report for on-reserve shelters; salary reviews; shelter aspirational standards; shelter emergency fund; processes for the roll out of the Federal Early Learning and Childcare Initiative; fund raising support strategies.

**Policy and research capacity:** ACWS foregrounds domestic violence by engaging all levels of government, the corporate sector and community stakeholders. We have created Memorandums of Understanding; parity reports; violence in the workplace inception documents; homicide tracking; gender analysis.

**Data collection:** ACWS member shelters collect data on HOMES database that includes aggregates of general demographics and specialist fields, such as:

- Police response: on assault charges laid; arrests; no response; follow-up, etc.
- My abusive partner lied to authorities, as ranked: police; child welfare; judge; my employer; medical
- Danger Assessment: risk of assault or homicide; perpetrator threatens with weapon; perpetrator owns a gun; believe perpetrator is capable of killing them
- Exit surveys: changes as a result of shelter stay

**Public awareness:** ACWS works consistently at developing our relationship with the media. They are a key partner in raising awareness of the issues with both the public and government stakeholders. We have undertaken media campaigns on both CEFV and on the Silent Witness project. As well, our strategy for public awareness includes:

- November Family Violence Prevention Month
- Breakfast with the Guys
- *Standing Together* (a book on the journey of recovery from domestic violence, told by the Alberta woman who have walked this path)

**Professional development:** ACWS facilitates the on-going training needs of member shelters and community partners, by hosting province wide events. These have included specialist training on CEFV; Danger Assessment; Crisis Intervention Worker Certificate Program: On-line training with Portage College; Bursary program for shelter managers; International Order of the Daughters of the Empire training fund.





In 2008 ACWS will celebrate its 25<sup>th</sup> anniversary. What have we learned along the way? We see clearly that the role of women's emergency, second stage and seniors' shelters in protecting women and children from family violence cannot be overstated. Because of their interventions, many children have found safe haven.

We also see, to our deep regret, that Canada's governments remain reluctant to meet us with like energy. Their provision to those among us fleeing family violence is weak at best and betrays our international commitments. We hold the governments in this country accountable for fulfilling what we think are Canadian values and what we see habitually published in government documents.

The rhetoric is there: we all want a Canada fit for children. Our reputation at home, in the eyes of our children, and abroad, in the eyes of the world's children, depends on choices we make today. We all earnestly hope that Canada *will take leadership at home and on the world stage.*

### Recommendations:

At the outset of this report we cited the two key Articles of the *CRC* central to our work: Article 19, which guarantees a child's right to freedom from abuse and neglect by any party and Article 18, which outlines the state's responsibility to ensure that children have the right to benefit from childcare services and facilities.

Clearly, the need is compelling for increased support of shelters in Alberta and across Canada. The work they do is necessary and the success of their interventions has been well documented. ACWS makes the following core recommendations.

Concerning Article 19, ACWS calls upon all levels of government to honor the commitments made under the *CRC*:

- Fund adequate capacity in Alberta's shelters to resolve the issue of women and children turnaways and the serious lack of second stage housing in the province;
- Increase social assistance to take into account Alberta's current demographics (rent, food, etc.) and make it sustainable; *and*
- Provide sufficient affordable housing to ensure women and children fleeing family violence have a safe place to live.

Concerning Article 18, ACWS calls upon all levels of government to honor the commitments made under the *CRC*:

- Fund adequate staffing levels for child and family support workers in shelter;
- Fund access to children's lawyers to facilitate their voice in the court process; *and*
- Fund adequate resources to provide CEFV interventions across gender, age and cultural demographics of children resident in shelter or participating in non-resident shelter programs.

#### Something to consider:

**A child who lives with violence is forever changed, but not forever "damaged." There's a lot we can do to make tomorrow better.**

Baker & Cunningham, *Little Eyes, Little Ears*, 2006, p.1.

