



Sent by Email

April 16, 2020

Honourable David Eby, Q.C.
Attorney General
Legislative Assembly of British Columbia

Chief Judge Melissa Gillespie
Office of the Chief Judge
British Columbia Provincial Court

Dear Attorney General Eby and Chief Judge Gillespie,

RE: Protection orders during COVID 19 Pandemic

The BC Civil Liberties Association, Union of BC Indian Chiefs, WAVAW Rape Crisis Center, Atira Women's Resource Society and the Downtown East Side Women's Center are writing to urge the courts to address the serious issue of protection orders.

Current COVID-19 prevention measures, including the need for self-isolation and quarantine, have created a dangerous situation for individuals experiencing family violence while simultaneously reducing the availability of resources. Therefore, urgent attention must be given to the impacts of court closures on women, gender diverse individuals and youth experiencing family or intimate partner violence.

Evidence from various countries impacted by COVID-19 has demonstrated a stark rise in intimate partner violence against women. On March 29th, 2020 the French Secretary of State for Gender Equality, Marlène Schiappa, revealed that in one week of lockdown domestic violence cases across France increased by 32%, with an increase of as much as 36% in Paris. In British Columbia, the Battered Women's Support Services Crisis line reported on March 31st a 300% increase in calls.

As a consequence of the pandemic, the resources that women and gender diverse people look to for protection like transition homes, direct service agencies and police are under greater strain and even less equipped to respond. Women, gender diverse individuals and their children may have no choice but to remain in unsafe homes where transition houses are operating at reduced capacity. We are highly concerned about the closure of courts across the province and what that means for access to justice and the expiry and accessibility of protection orders. We stress that urgent attention be given to implementing an easy, accessible and safe process for people to apply for and extend Protection Orders without having to attend a courthouse.

We note that the Court recently adjourned hearings/appearances that were originally scheduled between March 18 and May 15. We are aware of cases where women's protection orders were set to expire on specific dates during this time period, unless extended by a court order. The expiry date was set based on the expectation that there would be a court hearing during this time frame. Many women and gender diverse individuals do not have lawyers and represent themselves. They were likely unaware of the directive to reschedule their hearing by March 27, 2020. Without an easy means of extending these orders, women and gender diverse individuals may lose their protection orders at a time when they most need them. Further, we urge the court to consider the accessibility of their new processes, as self-represented individuals, and lawyers working remotely from home are not likely to have access to office equipment, including no access to fax machines.

We urge the Court to extend all protection orders that are expiring during the period of March 18 – May 15, 2020. The Respondent would still be able to apply on a without prejudice basis to set aside, vary or dismiss the order on 5 days' notice to the Applicant, as per s. 186 of the *Family Law Act* ("FLA"). By extending these orders, individuals who have already provided an evidentiary basis for receiving a protection order will be able to continue to be protected until new court dates can be arranged.

Furthermore, given the uncertainty of the coming months, **we urge the Court to consider that any new protection orders also be made "until further order of the court" or until the one-year default set out in the FLA.** This would not impede the ability of the opposing party to set the order aside in appropriate circumstances, and could prevent adding to the post court closure

backlog by removing the need for multiple court appearances that are often necessary to continually extend orders for short periods of time.

We appreciate the frequency of the Courts' plain language updates on the BCPC twitter feed and other social media tools. However, we urge the provincial court to provide easily accessible information on your website about what emergency matters are continuing to be heard by the court and contact information for the operating courts registries. It is crucial that the courts remain accessible to self-represented litigants, including women and gender diverse individuals seeking protection orders at this time.

We urge the court to address the safety needs of women, gender diverse folks and youth at this highly precarious and uncertain time.

Sincerely,

Carly Teillet
Community Lawyer
BC Civil Liberties Association

Amber Prince,
Staff Lawyer, Legal Advocacy Program
Atira Women's Resource Society

Grand Chief Stewart Phillip
President
Union of BC Indian Chiefs

Dalya Israel
WAVAW Rape Crisis Centre
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Chief Don Tom
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